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PART I

FEDERAL REGISTER

VOLUME 11 NUMBER 177

Washington, Wednesday, September 11, 1946

Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 12—REMOVALS AND REDUCTIONS

RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTION IN FORCE

The final sentence in § 12.302 (c) (11 F. R. 8205, 9003) is amended to read as follows: "This paragraph shall be effective with respect to notices in reductions in force issued on and after September 15, 1946, or, with respect to individual agencies, at any date prior thereto at the option of the agency: *Provided*, That, with respect to ungraded positions under the Navy Department this paragraph shall be effective on October 15, 1946."

By the United States Civil Service Commission.

[SEAL] H. B. MITCHELL, *President.*

[F. R. Doc. 46-16290; Filed, Sept. 9, 1946; 11:58 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service

Subchapter B—Immigration Regulations

Subchapter D—Nationality Regulations

ADMISSION TO UNITED STATES AND NATURALIZATION OF FILIPINOS AND OF PERSONS RACIALLY INDIGENOUS TO INDIA

AUGUST 26, 1946.

The following changes in Title 8, Chapter I, Code of Federal Regulations are hereby prescribed:

PART 105—HEAD TAX

Section 105.3 (j) is amended to read as follows:

§ 105.3 *Aliens not subject to head tax.* * * *

NOTICE

Part II of this issue contains organizational and procedural material submitted pursuant to section 3 (a) (1) and (2) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238). This material is presented by Departments in the order of their establishment, followed by independent agencies in alphabetical order. Placement within the Code of Federal Regulations is indicated by bold face brackets at the head of each unit and by appropriate part and section designations within the unit.

Due to the volume of material presented in Part II it has been necessary to bind the part in several sections and to place the table of contents at the end of the last section.

(j) *Citizens or residents of possessions.* Citizens and alien residents of any possession of the United States.

PART 110—PRIMARY INSPECTION AND DETENTION

1. Section 110.35 is amended to read as follows:

§ 110.35 *Entry of aliens who were born in the barred zone but who are not barred by section 13 (c) of the Immigration Act of 1924, as amended.* The rights of any alien not barred from admission to the United States by the provisions of section 13 (c) of the Immigration Act of 1924, as amended (43 Stat. 162; 46 Stat. 581; 8 U. S. C. 213 (c)) shall not be regarded as impaired by these provisions of section 3 of the Immigration Act of February 5, 1917 (39 Stat. 875; 8 U. S. C. 136 (n)) relating to the exclusion of natives of the geographical zone described in said section 3.

2. The last sentence of § 110.36 (a) is amended to read as follows: "A person

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FEDERAL REGISTER

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who is ineligible to citizenship or is a person of a race indigenous to India as defined in section 5 (a) of the act of July 2, 1946 (Public Law 483, 79th Congress) or is a Chinese person as defined in section 5 (b) of the same act, shall not be regarded as having a nonquota status solely because he bears one of the relationships to a citizen of the United States described in this paragraph: *Provided,* That nothing in this section shall be construed to deprive a Chinese alien wife of a United States citizen of nonquota status which she may derive because of marriage to a United States citizen."

3. Section 110.39 (c) is amended to read as follows:

§ 110.39 *Nonquota status; by country of birth or by relationship to certain nonquota immigrants.* * * *

(c) An alien who is ineligible to citizenship or is a person of a race indigenous to India as defined in section 5 (a) of the act of July 2, 1946 (Public Law 483, 79th Congress) or is a Chinese person as defined in section 5 (b) of the same act, shall not be regarded as having the nonquota status described in paragraph (a) or (b) of this section. (Secs. 4 (c), 12 (a), 23, 43 Stat. 155, 160, 165; 8 U. S. C. 204 (c), 212 (a) 221.

PART 120—ALIEN SEAMEN

1. Section 120.3 is amended to read as follows:

§ 120.3 *Arriving from any foreign port or place defined.* "Arriving in the United States from any foreign port or place" means arriving in "the United States, and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone", from any port or place in a foreign country or in the Canal Zone (secs. 1, 19, 31, and 33 to 36 of the Immigration Act of February 5, 1917 (39 Stat. 874 ff.); 8 U. S. C. 173, 155, 165, 168, 166, 169, 171).

Ports of the Isthmian Canal Zone shall be deemed foreign ports, and any vessel entering and clearing from any such ports shall be subject to all the immigration laws and regulations applicable to vessels arriving in the United States from any foreign port or place.

2. Section 120.4 is amended to read as follows:

§ 120.4 *Foreign defined.* In the expression "reship foreign" and similar expressions used in this part, the word "foreign" includes the Canal Zone in all cases. (Sec. 1, 39 Stat. 874; 8 U. S. C. 173)

PART 126—ADMISSION OF ALIEN SPOUSES AND ALIEN MINOR CHILDREN OF CITIZEN MEMBERS OF THE UNITED STATES ARMED FORCES

Section 126.2 (c) is amended to read as follows:

§ 126.2 *Exemptions.* * * *

(c) All provisions relating to quota and nonquota restrictions prescribed in the Immigration Act of 1924; in section 2 of the act of December 17, 1943 (57 Stat. 601; 8 U. S. C. 212a); and in section 4 of the act of July 2, 1946 (Public Law 483, 79th Congress); and in Presidential proclamations pursuant to those acts.

PART 165—FORMAL PETITIONS AND APPLICATIONS

Section 165.1 (b) is amended by deleting the phrase "§ 110.35 of this chapter" from the first, the fourth, and the last sentences and by substituting in each sentence the phrase "section 5 (b) of the act of July 2, 1946 (Public Law 483, 79th Congress)"; by deleting from the fifth sentence the words "said act" and substituting the phrase "Act of December 17, 1943; and by substituting a colon for the period after the word "citizenship" at the end of the last sentence and adding the clause *"Provided,* That nothing in this section shall be construed to deprive a Chinese alien wife of a United States citizen of nonquota status which she may derive because of marriage to a United States citizen nor to prevent any citizen of the United States from proceeding in accordance with paragraph (a) of this section in behalf of a Chinese alien wife."

PART 301—DEFINITIONS OF WORDS AND PHRASES USED IN THE NATIONALITY ACT OF 1940

The last sentence in § 301.2 is amended by striking out the language ", except that a citizen of the Philippine Islands who is not a citizen of the United States shall be considered as if an alien under the laws of the United States relating to the immigration, exclusion, and expulsion of aliens".

The citation at the end of § 301.2 is amended to read: "(Const. U. S. sec. 1, Art. 14; sec. 101 (b), 54 Stat. 1137; 8 U. S. C. 501 (b))".

The following part is added to Title 8, Chapter I, Code of Federal Regulations:

PART 346—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: FILIPINOS WHOSE RESIDENCE IN THE UNITED STATES COMMENCED BEFORE MAY 1, 1934

Sec.

346.1 Qualifications; exemptions.
346.2 Procedure.
346.3 Proof of requirements.

AUTHORITY: §§ 346.1 to 346.3, inclusive, issued under sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR, 1943 Supp., 90.1. §§ 346.1 to 346.3, inclusive, interpret and apply sec. 2 of Act of July 2, 1946 (Public Law 483, 79th Congress).

§ 346.1 *Qualifications; exemptions.* An alien who was a citizen of the Commonwealth of the Philippines on July 2, 1946, who is of a race indigenous to the Philippine Islands but not as much as one-half of a race ineligible to citizenship, who entered the United States prior to May 1, 1934, and who has since continuously resided in the United States, may be naturalized upon compliance with all the requirements of the naturalization laws, except that no certificate of arrival and no declaration of intention shall be required.

§ 346.2 *Procedure.* An alien desiring to file a petition for naturalization under § 346.1 shall make application on Form N–400 and shall submit it to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter. The petition shall be filed on Form N–405 in accordance with the requirements of Part 370 of this chapter. Form N–405 shall be altered by the clerk of court as provided in § 361.7 (a) and (b) of this chapter.

§ 346.3 *Proof of requirements.* Verification of the petition for naturalization and proof of residence and the other requirements prescribed by § 346.1 shall be made in the manner provided by Parts 370 and 373 of this chapter. In addition, the petitioner shall prove, by any evidence satisfactory to the naturalization court, that he entered the United States prior to May 1, 1934, and has since continuously resided in the United States and that he is of a race indigenous to the Philippine Islands but not as much as one-half of a race ineligible to citizenship. In presenting proof of entry or residence, the petitioner shall be entitled to the benefit of any records concerning him which are in the custody of the Service.

PART 350—RACIAL LIMITATIONS UPON NATURALIZATION

Section 350.1 is amended to read as follows:

§ 350.1 *Designation of race in naturalization matters.* Whenever race is required to be designated in connection with any naturalization matter, such designation shall be made by the use of one or more of the following terms, except that, where appropriate, other terms may be used in cases within § 350.4 or 350.5: White, African or African descent, American Indian, Eskimo, Aleutian, Filipino or Filipino descent, Chinese or Chinese descent, and East Indian. (Sec. 303, 54 Stat. 1140, 57 Stat. 601; 8 U. S. C. 703; Public Law 483, 79th Congress)"

Sections 350.2 and 350.3 are revoked.

This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 327, 54 Stat. 1150; 8 U. S. C. 102, 222, 458, 727; sec. 1, Reorg. Plan No. V (3 CFR, Cum. Supp., Ch. IV); 8 CFR, 1943 Supp., 90.1)

UGO CARUSI,
Commissioner of Immigration and Naturalization.

Approved: September 9, 1946.

DOUGLAS W. MCGREGOR,
Acting Attorney General.

[F. R. Doc. 46–16389; Filed, Sept. 10, 1946; 10:09 a. m.]

PART 107—MANIFESTS

PART 160—IMPOSITION AND COLLECTION OF FINES

DEPARTING PASSENGERS' MANIFEST

AUGUST 8, 1946.

The following amendments to Title 8, Chapter I, Code of Federal Regulations, are hereby prescribed:

1. Section 107.11 is amended to read as follows:

§ 107.11 *Forms required; specifications as to departing passengers; time for filing.* (a) The list required by section 12 of the Immigration Act of 1917 (39 Stat. 882; 8 U. S. C. 148) containing information regarding alien passengers and citizens of the United States and its insular possessions departing from the United States and its insular possessions, either permanently or temporarily, shall be typewritten or printed in the English language on commercial ledger paper in sheets 21 by 16 inches (substance 32), color white, according in every respect to Form I–428 now in use and approved by the Commissioner of Immigration and Naturalization, or on such form or forms as hereafter may be prescribed. Such lists shall be deposited with the immigration officials before the departure of the vessel, except that in the case of vessels making regular trips to ports of the United States such lists may be delivered so as to reach the immigration officials at the port of departure within 30 days after departure of the vessel. Notwithstanding the exception contained in the preceding sentence, the immigration officer in charge at the port shall not grant clearance papers to the vessel until such lists are delivered if he knows or has reason to believe that the vessel will not return to a port of the United States within 30 days or that such lists will not be delivered so as to reach him within that time.

(b) The term "vessels making regular trips to ports of the United States", as used in the first proviso to section 12 of the Immigration Act of 1917 and in paragraph (a) of this section, and for the purposes of § 160.6 of this chapter, means

vessels which arrive at a port or ports in the United States at intervals of 30 days or less according to a published schedule of which there is sufficient notice to all concerned."

2. Section 160.6 is amended to read as follows:

§ 160.6 *Liability for failure to supply manifest.* Where the master or commanding officer of a vessel bringing aliens into or carrying aliens out of the United States refuses or fails, in violation of section 14 of the Immigration Act of 1917 (39 Stat. 884; 8 U. S. C. 150), to deliver the accurate and full manifests or statements or information, required by section 12 of the Immigration Act of 1917 (39 Stat. 882; 8 U. S. C. 148), regarding aliens brought into or carried out of the United States, such masters or commanding officers shall pay to the collector of customs (under notice of intention to fine) $10 for each alien concerning whom proper manifest or statement or information is not furnished at the time of arrival with respect to incoming aliens and before the time of the departure of the vessel with respect to outgoing aliens, except that with respect to outgoing aliens such fine shall not be imposed in cases where such manifest or statement or information is delivered after the departure of the vessel and within the time and under the conditions prescribed in § 107.11 of this chapter. The notice of intention to fine required by this section shall be served on the master or commanding officer or person authorized by the master or commanding officer to receive such notice.

This order shall become effective on the date of its publication in the Federal Register.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 102, 222, 458; sec. 1, Reorg. Plan No. V (3 CFR, Cum. Supp., Ch. IV); 8 CFR, 1943 Supp., 90.1)

T. B. SHOEMAKER,
Acting Commissioner of Immigration and Naturalization.

Approved: September 9, 1946.

DOUGLAS W. MCGREGOR,
Acting Attorney General.

[F. R. Doc. 46-16388; Filed, Sept. 10, 1946; 10:09 a. m.]

Subchapter B—Immigration Regulations

RECORDING OF ARRIVALS, DEPARTURES, AND REGISTRATIONS; DOCUMENTARY REQUIREMENTS FOR ALIENS ENTERING UNITED STATES

AUGUST 28, 1946.

The following changes in Title 8, Chapter I, Code of Federal Regulations are hereby prescribed:

PART 107—MANIFESTS

Section 107.17 is amended to read as follows:

§ 107.17 *Manifests of aliens from foreign contiguous territory.* (a) Upon the inspection of aliens seeking to enter continental United States directly from Canada or Mexico, the examining immigrant inspector shall prepare a manifest on Form I-448 in cases where the preparation of such a manifest is required by the provisions of this chapter, particularly Parts 108 and 114. The Form I-448 shall be filled out from information furnished by the alien in response to questions asked by the examining immigrant inspector. Data such as the following shall be included in the Form I-448: Port, date, full name, age and sex; whether married or single; calling or occupation; personal description (including height, color of hair and eyes); nationality; race; place of birth; country of last permanent residence; name and address of nearest relative in the country from which the alien came; final destination; whether going to join a relative or friend and, if so, name and address of such relative or friend; whether ever before in the United States and, if so, when; purpose in coming to United States and length of time intending to remain. Immigration officials shall state whether the alien is an immigrant or a nonimmigrant, the character of head-tax assessment, and, if exempt from head tax, the reason therefor, and also the action taken as a result of such inspection. The immigration official making the inspection shall sign such manifest when completed.

(b) The term "continental United States" as used in paragraph (a) of this section means the territory of the forty-eight States, the District of Columbia, and Alaska. (Sec. 12, 39 Stat. 882; sec. 3, 43 Stat. 154, 47 Stat. 607, sec. 1, 54 Stat. 711, sec. 7 (c), 59 Stat. 669; sec. 328 (a), 54 Stat. 1151; 8 U. S. C. 148, 203, 728 (a).)

The following part is added:

PART 108—RECORDING OF ARRIVALS, DEPARTURES, AND REGISTRATIONS

Sec.
108.1 Coexistent provisions.
108.2 Prescribed forms.
108.3 Nonimmigrants; Forms 257a, 257b, and 257d; action at time of entry.
108.4 Nonimmigrants; Forms 257a, 257b, and 257d; action at time of departure.
108.5 Nonimmigrants; Forms I-94 and I-448.
108.6 Immigrants; Forms 256a and I-151.
108.7 Immigrants; land border ports; Form I-448.
108.8 Immigrants; surrender of cards at time of departure.

AUTHORITY: §§ 108.1 to 108.8, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 327, 54 Stat. 1150; 8 U. S. C. 102, 222, 458, 727; sec. 1, Reorg. Plan No. V (3 CFR, Cum, Supp., Ch. IV); 8 CFR, 1943 Supp., 90.1; §§ 108.1 to 108.8, inclusive, interpret and apply sec. 2 (e), 43 Stat. 153, sec. 30, 54 Stat. 673, sec. 34, 54 Stat. 674, sec. 328 (a), 54 Stat. 1151; 8 U. S. C. 202 (e), 451, 455, 728 (a).

§ 108.1 *Coexistent provisions.* The provisions of this part are in addition to (a) the provisions of section 12 of the Immigration Act of February 5, 1917 (39 Stat. 882; 8 U. S. C. 148) and Part 107 of this chapter relative to the manifesting by transportation companies of aliens and citizens arriving or departing by vessel, and (b) the provisions of sections 7, 9, and 11 of the Air Commerce Act of 1926 (44 Stat. 572–575, 48 Stat. 1115–1116, 52 Stat. 1028–1029; 49 U. S. C. 177, 179, 181) and Part 116 of this chapter relative to the manifesting by transportation companies of aliens and citizens arriving or departing by aircraft.

§ 108.2 *Prescribed forms.* For the purpose of recording the arrival, departure, and registration of aliens, the following forms issued to aliens by American consular officers or immigration officers shall in the manner provided by this part be processed by officers and employees of the Immigration and Naturalization Service:

(a) As to nonimmigrant aliens:

(1) Foreign Service Form No. 257a, which is the alien's evidence of registration and status.

(2) Foreign Service Form No. 257b, "Application for Nonimmigrant Visa and Alien Registration".

(3) Foreign Service Form No. 257d, "Manifest Record of Alien Admitted for Temporary Stay".

(4) Form I-94, "Record of Alien Admitted as Visitor".

(5) Form I-448, "Manifest".

(b) As to immigrant aliens:

(1) Foreign Service Form No. 256a, "Immigration Visa and Alien Registration".

(2) Form I-448, "Manifest".

(3) Form I-151, "Alien Registration Receipt Card".

CROSS REFERENCES: For American consular procedure with respect to Foreign Service forms listed in the foregoing section and related Foreign Service forms, see 22 CFR Part 61, particularly §§ 61.112, 61.128, 61.148, 61.157, 61.166, 61.317–61.357, and 61.385–61.399.

For registration and fingerprinting of aliens by immigration officers, see 8 CFR Part 170.

§ 108.3 *Nonimmigrants; Forms 257a, 257b, and 257d; action at time of entry.* (a) At the time an alien presenting Forms 257a, 257b, and 257d applies for admission to the United States for temporary stay, the alien shall surrender such forms to an immigrant inspector and, if the alien is admitted, the admitting inspector shall add on all three such forms in the spaces indicated the data as to the period and other facts of the admission. The inspector shall deliver Form 257a at once to the alien. The Form 257b, without transmittal letter, shall be forwarded at once to the Central Office for statistical and permanent record purposes. The Form 257d shall be retained at the port of entry and in the cases of aliens admitted directly to the continental United States from Canada or Mexico shall be filed as the record of entry in lieu of Form I-448. When an alien admitted on presentation of Forms 257a, 257b, and 257d is in possession of a passport as that term is defined in § 176.101 (e) of this chapter, the admitting immigrant inspector shall place an endorsement in such passport showing the date and place of admission, status and section of law under which admitted, date to which admitted, visa application number, and bond if exacted. In classes of cases where fixing a period of time of admission is prohibited by regulations, the term "duration of existing status" shall be used.

(b) If an alien presenting Forms 257a, 257b, and 257d is excluded from the United States, the Form 257a shall not be given to the alien. Data as to the exclusion shall be placed on the Forms 257b and 257d by the chairman of the board of special inquiry. The Form 257d shall be retained at the port as a record

of the exclusion. The Forms 257a and 257b shall be sent together to the Central Office and shall accompany any record of the hearing before the board of special inquiry submitted to the Central Office in appellate or similar proceedings. Where the Forms 257a and 257b are submitted with such a record, they shall be returned to the port with the notification of the decision. Data as to the facts of the resulting final action at the port shall be placed on the Forms 257a, 257b, and 257d, and the Forms 257b and 257d shall be disposed of as prescribed in paragraph (a) of this section; the Form 257a shall also be disposed of as prescribed in paragraph (a) of this section in those cases where the alien is admitted under the decision but the Form 257a shall be sent with the Form 257b to the Central Office in cases where the alien is not admitted.

(c) The term "continental United States" as used in this section and part means the territory of the forty-eight States, the District of Columbia, and Alaska.

§ 108.4 *Nonimmigrants; Forms 257a, 257b, and 257d; action at time of departure.* (a) At the time of the departure from the United States of an alien who was admitted on presentation of Forms 257a, 257b, and 257d, the alien shall, with the exceptions provided in paragraph (b) of this section, surrender the Form 257a to an immigration officer or other designated person, who shall endorse it to show the facts of departure, after which the Form 257a shall be sent to the port where the entry occurred, if different from the port of departure. Regardless of whether the port of entry and the port of departure are the same or different, the facts of departure shall be posted to the Form 257d from the Form 257a, after which the latter shall be forwarded to the Central Office for statistical and permanent record purposes.

(b) An alien admitted to the United States on presentation of Forms 257a, 257b, and 257d shall not be required to surrender the Form 257a at the time of his departure from the United States in the following classes of cases:

(1) The Form 257a bears a nonimmigrant visa valid for more than one journey to the United States and the alien states his intention to enter the United States again within the period of the validity of such visa. The alien shall nevertheless report his departure to an immigrant inspector in accordance with the instructions on Form 257a. If departure occurs at the same port as that at which the entry occurred, the facts of departure shall be posted to the Form 257d and reported to the Central Office by form letter; if the entry occurred at another port, the departure shall be verified by form letter to such port and the facts of departure posted to the Form 257d there, after which the letter shall be forwarded to the Central Office.

(2) An alien child or alien children, accompanying on entry, are named on the Form 257a and all aliens covered by the form do not depart simultaneously. In such cases, Form 257a shall be surrendered by the alien last departing and endorsed only as to his departure, unless retention is permitted by this section. The earlier departures of the other aliens named on the form shall be posted to the Form 257d and reported to the Central Office, in the same way as is prescribed in subparagraph (1) of this paragraph.

(3) Any alien (including a resident of Canada or Mexico) who during his temporary stay in the United States proceeds to Canada or Mexico for a visit of not more than 30 days, after which he intends to reenter the United States for the remainder of the period of his original temporary admission.

(4) Other exceptional cases where the Commissioner of Immigration and Naturalization has instructed immigration officers to waive or defer the surrender of Form 257a at the time of the holder's departure from the United States.

§ 108.5 *Nonimmigrants; Forms I–94 and I–448.* (a) Form I–94 shall be used at all ports in the following cases of temporary admission:

(1) Where the alien is required to present a passport and a nonimmigrant visa and meets such requirement by presenting a passport containing the required nonimmigrant visa but does not present Forms 257a, 257b, and 257d because he surrendered those three forms in connection with a previous temporary stay or because such forms were not in use when his nonimmigrant visa was issued.

(2) Where the alien is required to present a nonimmigrant visa and meets such requirement by presenting Form 257a bearing the nonimmigrant visa but does not present Forms 257b and 257d because he surrendered those two forms on a previous entry.

(3) When the alien is coming from some country other than Canada or Mexico, does not present a nonimmigrant visa and Forms 257a, 257b, and 257d, and is admitted temporarily under a waiver of the nonimmigrant visa requirement.

(b) At ports where aliens coming directly to the continental United States from Canada or Mexico are admitted, Form I–94 shall be used not only in cases listed in paragraph (a) of this section but also in cases of temporary admission where Forms 257a, 257b, and 257d are not presented and where—

(1) The alien is admitted for more than 29 days; or

(2) Head tax is collected; or

(3) Bond is exacted; or

(4) Verification of departure is desired; or

(5) The case comes within some other specific class in which immigrant inspectors are instructed to execute Form I–94; or

(6) The facts of the particular case are such that a record on Form I–94 is deemed desirable.

(c) The original Form I–94 shall be delivered to the alien at the time of admission. If the alien has previously complied with the Alien Registration Act, that fact should be noted on the Form I–94. In the cases of aliens admitted directly to the continental United States from Canada or Mexico, the duplicate Form I–94 shall be filed as a record of entry in lieu of Form I–448. The original Form I–94 shall be surrendered by the alien at the time of his departure in accordance with the directions on the form except that where the circumstances described in § 108.4 (b) (2) or (3) exist, the alien may retain the form, in which event the procedure prescribed in those two subparagraphs shall be followed. Surrendered Forms I–94 shall be returned to the port of entry, if different from the port of departure. If a departing alien also has a form 257a because he is within paragraph (a) (2) of this section, he shall surrender it simultaneously unless retention is permitted by this part. Where a departing alien surrenders both a Form I–94 and a Form 257a, the latter form shall be attached to the Form I–94. A triplicate copy of Form I–94 shall be made on plain or printed paper and forwarded to the Central Office in the following classes of cases:

(1) Where the form is issued to an alien whose journey to the United States originates in countries other than Canada or Mexico; and

(2) Where the form is issued to an alien admitted to the United States for more than 29 days.

Such furnishing to the Central Office of a triplicate copy of Form I–94 shall be noted by the issuing officer on the duplicate copy, and when satisfactory evidence of departure—normally the original Form I–94—is received at the port of entry, the facts of departure shall be posted to the duplicate copy of Form I–94 and such evidence of departure forwarded to the Central Office.

(d) At ports where aliens coming directly to the continental United States from Canada or Mexico are admitted, Form I–448 shall be prepared in the case of every alien who is an applicant for temporary admission, who does not present Form 257a, and who is held for hearing before a board of special inquiry. Such Form I–448 shall be filed at the port regardless of the disposition of the case.

§ 108.6 *Immigrants; Forms 256a and I–151.* (a) At the time an alien presenting Form 256a applies for admission to the United States for permanent residence, the alien shall surrender such form to an immigrant inspector and, if the alien is admitted, the admitting immigrant inspector shall add on such form in the space indicated the data as to the admission. If the admission occurs at a port where aliens are admitted directly to the continental United States from Canada or Mexico, a record shall be made at once on Form I–448. In all cases the Form 256a, without transmittal letter, shall be forwarded at once to the Central Office, where it shall be kept as a permanent record of the entry. On receipt in the Central Office of the Form 256a, it shall be assigned an alien number and there shall be prepared in the Central Office on Form I–151 an alien registra-

tion receipt card bearing the alien's photograph and a statement of such facts of admisison, registration, and personal description as are provided for on the Form I–151. The photograph in the sealed envelope attached to and accompanying the Form 256a shall be used on the Form I–151. Thereafter, the Form I–151 shall be mailed directly from the Central Office to the alien.

(b) If an alien presenting Form 256a is excluded from the United States, data as to the exclusion shall be placed on that form by the chairman of the board of special inquiry and forwarded to the Central Office. The form shall accompany any record of the hearing before a board of special inquiry submitted to the Central Office in appellate or similar proceedings. Where the Form 256a is submitted with such a record, it shall be returned to the port with the notification of the decision, and data as to the facts of the resulting final action at the port shall be placed on the Form 256a, after which it shall be returned to the Central Office.

CROSS REFERENCE: For handling of immigration visas not surrendered at time of entry, see 8 CFR 110.18 and 110.53.

§ 108.7 *Immigrants; land border ports; Form I–448.* At ports where aliens coming directly to the continental United States from Canada or Mexico are admitted, in cases where Form 256a is not presented, a record shall be made on Form I–448 where:

(a) The alien is held for hearing before a board of special inquiry; or

(b) Bond is exacted; or

(c) Head tax is collected; or

(d) There is no existing record of admission for permanent residence; or

(e) The alien is admitted on surrender of a permit to reenter the United States; or

(f) The case comes within some other specific class in which immigrant inspectors are instructed to execute Form I–448; or

(g) The facts of the particular case are such that a record on Form I–448 is deemed desirable.

§ 108.8 *Immigrants; surrender of cards at time of departure.* When an alien in possession of Form I–151 or any other form of alien registration receipt card, or in possession of an immigrant identification card, certificate of registry, or certificate of lawful entry—issued to him—departs permanently from the United States, he shall surrender such cards and certificates to an immigration officer at the time of departure and the cards and certificates shall be forwarded to the Central Office with Form I–407, processed in accordance with instructions issued by the Commissioner of Immigration and Naturalization. When the holder of a resident alien's border crossing identification card—issued to him—departs permanently from the United States, he shall at the time of departure surrender such card to an immigration officer for cancellation and return to the office of issuance in accordance with the provisions of § 166.6 of this chapter.

PART 110—PRIMARY INSPECTION AND DETENTION

Sections 110.14, 110.15, and 110.16 are revoked.

PART 114—INSPECTION OF CITIZENS AND ALIENS ENTERING FROM OR THROUGH CONTIGUOUS TERRITORY

1. Section 114.2 is amended by adding the following sentence: "Notwithstanding the other provisions of this section, Form I–448 shall not be executed when its use is obviated by the presentation by the alien of Forms 257a, 257b, and 257d or by the preparation of Form I–94."

2. Sections 114.3, 114.4, and 114.5 are amended to read as follows:

§ 114.3 *Preexamination; procedure when admissibility determined.* If and when admissibility is determined, Form I–121, I–448, 257d, or I–94 shall be so endorsed by the appropriate immigration officer, attached to other pertinent immigration documents, and given to the applicant for presentation and surrender at the actual port of entry into the United States. If applicants of any class so preexamined depart for the United States by water from a place other than that at which the preexamination was conducted, the endorsed form shall be countersigned by the appropriate United States immigration officer at the Canadian port of embarkation. Upon the surrender at ports of entry of properly endorsed forms within 30 days from endorsement, the period of the validity of the endorsement, the rightful holders will be promptly admitted if their status has undergone no change since preexamination: *Provided, however,* That holders of visas must apply for admission at ports of entry within the period of validity of their visas, or it is established that such holders began a continuous journey to such ports of entry prior to the expiration of the visas. The actual port of entry into the United States shall be the "record" port of entry for all purposes, including head-tax transactions. Forms I–121 and I–448 shall be completed at such actual port of entry, as will be all other immigration documents. (Sec. 17, 43 Stat. 163; 8 U. S. C. 217)

§ 114.4 *Procedure where preexamination board is nonexistent.* Any alien not provided with a validly endorsed Form I–121, I–448, 257d, or I–94 who shall apply for admission at a point on the Canadian border where no board of special inquiry is located, if held for examination before such a board, shall be conveyed by the transportation company concerned to the nearest port of entry where a board of special inquiry is located; and, in the discretion of the appropriate United States immigration official, any alien not having been preexamined and not holding any of said forms, who shall apply for admission at a border point within one year after arriving at a Canadian seaport, shall be returned by the transportation company responsible, to the seaport of arrival for examination by United States immigration officials and (where proper) assessment of head tax in the manner required in the cases of aliens arriving at Canadian seaports and giving destinations in the United States, unless it shall appear that such alien was originally destined in good faith to Canada and has been actually residing in said country, or unless, upon examination, Canadian officials shall declare such alien eligible for residence in Canada and the transportation company involved shall arrange for his removal a reasonable distance from the boundary: *Provided,* That where the mental, physical, financial, or moral status of the alien is such that in the opinion of the proper official such person should be returned to the initial point of departure in Canada, the transportation company or other interest concerned shall, upon request, return such alien to such initial point of departure. (Sec. 17, 43 Stat. 163; 8 U. S. C. 217)

§ 114.5 *Further examination at border port.* All aliens seeking entry into the United States from Canada at the border ports without first having been preexamined and provided with endorsed Form I–121, I–448, 257d, or I–94, who may not appear to the examining immigrant inspector clearly and beyond a doubt entitled to enter the United States; and those aliens holding any of said forms whose further examination is deemed necessary or advisable; and aliens brought to the border who have arrived in Canada by steamship lines or vessels which have not conformed to the requirements of section 17 of the Immigration Act of 1924 (43 Stat. 163; 8 U. S. C. 217), and who have not had two years' residence in Canada, shall, at the discretion of the examining immigrant inspector, be removed from the railroad train or other vehicle of travel by the owner, agent, or person in charge of the transportation line concerned, and delivered to the immigration office or such other place of detention as may be designated by the said examining immigrant inspector, for further examination.

The following part is added:

PART 176—DOCUMENTARY REQUIREMENTS FOR ALIENS, EXCEPT SEAMEN AND AIRMEN, ENTERING THE UNITED STATES

Sec.

176.101 Definitions.
176.106 Documentary requirements for nonimmigrants.
176.107 Nonimmigrants not required to present passports or visas.
176.108 Nonimmigrants required to present passports but not visas.
176.109 Nonimmigrants required to present visas or nonresident alien's border-crossing identification cards but not passports.
176.201 Documentary requirements for immigrants.
176.202 Immigrants not required to present passports or visas.
176.203 Immigrants required to present passports or visas.
176.500 Required period of validity of passports.

AUTHORITY: §§ 176.101, 176.106–176.109, and 176.201–176.203 are identical with sections having the same decimal numbers in 22 CFR

Part 61 (11 F. R. 8904), entitled "Visas: documentary requirements for aliens entering the United States," which part was recommended by the Attorney General insofar as the provisions of the Immigration Act of 1924 and the Alien Registration Act, 1940, are concerned, and was issued by the Secretary of State under the authority contained in Reorganization Plan No. V (5 F. R. 2223), E. O. 4049, July 14, 1924; E. O. 6166, June 10, 1933; E. O. 8766, June 3, 1941; E. O. 9352, June 15, 1943; Procs. 2283, April 28, 1938; 2523, November 14, 1941; 2603, February 8, 1944; 39 Stat. 874–879, 892–897; 40 Stat. 559, 1012–1013; 41 Stat. 981, 1008–9, 1217; 43 Stat. 153–169, 976; 44 Stat. 657, 812; 45 Stat. 401, 1009, 1551; 46 Stat. 41, 854; 47 Stat. 67, 166, 336, 607–8, 656; 48 Stat. 456, 462–3, 926; 50 Stat. 164; 53 Stat. 561, 1230, 1243; 54 Stat. 306, 673–6, 711, 1137, 1147, 1151–2, 1172–1173; 55 Stat. 252; 57 Stat. 600; 58 Stat. 746; 5 U. S. C. 133; 8 U. S. C 101–02, 136–173, 177, 180, 201–226a, 231, 451, 452, 458, 459, 501, 717, 718, 728; 18 U. S. C. 469; 22 U. S. C. 223–226, 226.

CROSS REFERENCES: For "Visas, diplomatic: regulations", see 22 CFR Part 60.

For "Visas: documents required of alien seamen and airmen entering the United States", see 22 CFR Part 65.

For "Control of persons entering and leaving the United States pursuant to the act of May 22, 1918, as amended", see 8 CFR Part 175, the provisions of which are in addition to the provisions of 8 CFR Part 176 during such emergency period as the provisions of 8 CFR Part 175 shall remain in effect.

§ 176.101 *Definitions.* As used in the regulations in §§ 176.101 to 176.500, inclusive, the term:

(a) "The act" means the Immigration Act approved May 26, 1924, as amended.

(b) "Alien" means an individual who is not a citizen of the United States by birth or naturalization, but this definition shall not be held to include nationals of the United States or citizens of the islands under the jurisdiction of the United States, except citizens of the Philippine Islands, who, in accordance with the provisions of the act of March 24, 1934, are to be considered as if they were aliens for the purposes of the laws relating to the immigration, exclusion, and expulsion of aliens, unless they are citizens of the United States.

(c) "Immigrant" means an alien who is not classifiable within any of the nonimmigrant categories mentioned in section 3 of the act.

(d) "Nonimmigrant" means an alien who is classifiable within one or more of the categories mentioned in section 3 of the act.

(e) "Passport" means a document of identity and nationality issued by the appropriate authorities of a recognized foreign government to which the bearer owes allegiance, identifying the bearer and stating his nationality or, in the case of an alien unable to obtain such a document, a travel document in the nature of a passport issued by a duly authorized official and showing the bearer's identity and nationality.

(f) "Passport visa" means a stamp which includes the word "Seen", placed by a consular officer on an alien's passport or other appropriate document, showing that the bearer is entitled to proceed to a port of entry in the United States to apply for admission in a status specified in the passport visa. The term "nonimmigrant visa" is also used synonymously with the term "passport visa".

(g) "Immigration visa" includes the original copy of the application for such visa and the visa, properly prepared, approved, signed, and lawfully issued in accordance with the regulations in 22 CFR 61.101 to 61.408, inclusive, by a duly authorized consular officer.

(h) "Consular officer" means an officer of the Foreign Service of the United States acting in a consular capacity (except a consular agent), the Executive Secretary of the Panama Canal, and the Governors of Guam and American Samoa, designated under the authority contained in the act and the regulations in 22 CFR 61.101 to 61.408, inclusive, to issue immigration visas or to grant passport visas or other documents to nonimmigrants.

(i) "Transit certificate" means a stamp placed upon an alien's passport or other appropriate document showing that the bearer has been found to be entitled to proceed to the United States to apply for admission as a nonimmigrant in transit to a foreign destination.

(j) "Limited-entry certificate" means a stamp placed upon an alien's passport or other appropriate document showing that the bearer has been found to be entitled to proceed to the United States to apply for a limited entry.

(k) "Nonresident alien's border-crossing identification card" means a card issued to aliens in certain categories residing in Canada or Mexico showing that the bearer has been found to be entitled to apply for admission into the United States as a nonimmigrant.

(l) "Port of entry" means a port or place designated by the Attorney General or the Commissioner of Immigration and Naturalization at which aliens may apply for admission into the United States.

(m) "United States" means the States, the District of Columbia, Hawaii, Alaska, Puerto Rico, and the Virgin Islands.

(n) "Lawful permanent resident of the United States" means an alien who has been lawfully admitted into the continental United States, the Virgin Islands, Puerto Rico, or Hawaii for permanent residence therein, and who has since such admission maintained his domicile in the United States: *Provided,* That this term shall not include Philippine citizens residing in Hawaii who are not citizens of the United States, who entered Hawaii without an immigration visa, unless such Philippine citizens are declared to be nonquota immigrants under section 4 of the act (other than subdivisions (c) and (e) thereof).

(o) "Chinese person" means a person having as much as one-half Chinese blood and not as much as one-half blood of a race or races ineligible to naturalization.

(p) "Attempts to enter" means the action taken by an alien to obtain the documents, including a visa, necessary to apply for admission into the United States. It includes an application for admission.

(q) "Application for admission" means an application for admission at a port of entry.

(r) "Wife" and "husband" do not include a wife or husband by a proxy or picture marriage when used with reference to the documentary requirements and classification of immigrants.

(s) "Child", "father", and "mother" do not, when used in reference to the documentary requirements and classification of immigrants under the act, include a child or parent by adoption on or after January 1, 1924, or a stepchild, or a step-parent.

(t) "Unmarried" means not married at the time the visa is issued or granted to the alien concerned, regardless of whether the alien was previously married.

(u) "Immigration laws" means the act and all laws, conventions, and treaties of the United States relating to the immigration, exclusion, or expulsion of aliens.

(v) "Diplomatic visa" means a visa granted under the regulations contained in 22 CFR 60.1 et seq.

(w) "American citizen" and "citizen of the United States" are regarded as synonymous.

(x) "Removed", when used with reference to an alien means an alien who has been removed from the United States at the expense of the Federal Government, as provided in section 23 of the Immigration Act of February 5, 1917, as amended.

(y) "Western Hemisphere" means North, Central, and South America, and the islands immediately adjacent thereto, including Bermuda, the Bahamas, the West Indies, and the Leeward and Windward Islands.

NOTE: The terms defined in the foregoing section appear in 22 CFR 61.101 et seq. and to a lesser extent in this Part 176.

§ 176.106 *Documentary requirements for nonimmigrants.* With the exceptions hereinafter provided, a nonimmigrant must present an unexpired passport, and a nonimmigrant seeking to enter the United States under section 3 (1), 3 (2), 3 (3), or 3 (6) of the act must also present a passport visa, unless he is a nonimmigrant who may be issued, and who presents, a limited-entry certificate, a transit certificate or visa, or a nonresident alien's border-crossing identification card.

§ 176.107 *Nonimmigrants not required to present passports or visas.* The passport, passport visa, limited-entry certificate, transit certificate or visa, and nonresident alien's border-crossing identification card requirements are waived for nonimmigrants of the following emergency classes:

(a) A national of a contiguous country who passes from the country of which he is a national in continuous transit through the United States back to the country of which he is a national, by means of a transportation line which runs through the territory or waters of both countries.

(b) A nonimmigrant alien child born subsequent to the issuance of the passport visa of an accompanying parent, the visa not having expired.

(c) A Canadian railway-mail clerk entering from Canada in connection with his official duties, provided he carries a document identifying him as such.

(d) An alien who resides in an isolated or remote section of Canada, who is entering the United States temporarily from Canada as a visitor or as a transient, and who is unable without undue inconvenience to obtain a passport and a visa.

(e) A member of the staff of the International Fisheries Commission or of the International Pacific Salmon Fisheries Commission, who is entering the United States temporarily from Canada in connection with the performance of his official duties, provided he carries a document bearing his photograph and identifying him as a member of the staff of the Commission.

(f) An officer or employee of the International Boundary Commission, who is a citizen of Canada or Mexico and who is entering the United States temporarily from Canada or Mexico in connection with his official duties.

(g) An immigration or customs officer of the Canadian or Mexican Government who is entering the United States temporarily from Canada or Mexico in the performance of his official duties.

(h) An employee of the Mexican Postal Service assigned to border areas, who is entering the United States temporarily from Mexico in the performance of his official duties and who has credentials establishing his identity and his official duties in the region of the border.

(i) A member of a fire-fighting group entering the United States temporarily from foreign contiguous territory for fire-fighting activities.

(j) A member of the Plant Protection Division of the Canadian Department of Agriculture, who is entering the United States temporarily from Canada in connection with his official duties.

(k) A Canadian law-enforcement officer who is entering the United States temporarily from Canada in connection with his official duties.

(l) An official or an operational or maintenance-of-way employee of a railroad or bus line operating across the Canadian or Mexican border, who enters the United States temporarily from Canada or Mexico in pursuance of his duties.

(m) An alien lawfully admitted into the United States as a nonimmigrant, who is proceeding from the mainland to an insular possession or territory, or from an insular possession or territory to the mainland, or from one insular possession or territory to another, or from one mainland port to another, without stop-over, although touching at a foreign port.

(n) A resident of remote Pacific islands, who, after arrival at a port of entry in Hawaii or on the mainland, is found to be a bona-fide temporary visitor under section 3 (2) of the act, or a bona-fide transient under section 3 (3) of the act.

(o) A person presenting a certificate of identity issued by an American consular officer under the provisions of section 503 of the Nationality Act of 1940 and the regulations issued thereunder. (See 22 CFR 19.18–19.29.)

(p) A British subject domiciled in the British Virgin Islands or in the British islands of Anguilla, St. Kitts, or Nevis; a French citizen domiciled in the French island of St. Bartholomew or in the French portion of the island of St. Martin; or a Netherlands subject domiciled in the Netherlands islands of St. Eustatius or Saba, or in the Netherlands portion of the island of St. Martin; who is seeking admission into the Virgin Islands for business or pleasure for a period of less than 30 days on any one visit.

(q) A Canadian citizen or British subject domiciled, permanently residing, or stationed in Canada, who is entering the United States temporarily across the Canadian border on a visit of less than 30 days for business or pleasure, and who has assurance of admission into Canada or some other country.

(r) An alien who arrives at a port in Canada and who is passing in direct transit by continuous journey through the United States to a destination in Canada by means of a transportation line which runs through the territory or waters of both countries.

(s) An alien proceeding in continuous travel from Paterson, British Columbia, to Cascade, British Columbia.

(t) An alien who is a resident of foreign contiguous territory and who is entering the United States from such territory for less than 30 days in a case of emergency, such as one involving serious illness or death, the alien having no opportunity to obtain consular documentation but having assurance of readmission into foreign contiguous territory.

(u) An airman or a passenger on an aircraft proceeding from one place to another in foreign contiguous territory and landing temporarily in the United States under emergency conditions.

(v) A person who claims to be a citizen of the United States and who is applying for admission under the conditions stated in 22 CFR 61.103 (c).

§ 176.108 *Nonimmigrants required to present passports but not visas.* The passport-visa requirements are waived for nonimmigrants of the following emergency classes, but they must present passports:

(a) A Mexican military or civilian official, and a member of his family, or of his suite, who is entering the United States temporarily from Mexico for personal business or pleasure.

(b) A citizen of Newfoundland, domiciled therein or in Canada, who is proceeding to the United States for a period of less than 30 days for personal business or pleasure.

(c) An alien who has been lawfully admitted into the United States as a nonimmigrant and who goes in continuous transit from one part of the United States to another through foreign contiguous territory.

§ 176.109 *Nonimmigrants required to present visas or nonresident alien's border-crossing identification cards but not passports.* The passport requirements are waived for nonimmigrants in the following classes, but such aliens must present valid passport visas or valid nonresident alien's border-crossing identification cards:

(a) A citizen of a country contiguous to the United States in whose case a visa or other nonimmigrant documentation is required may present, in lieu of a valid passport, any document of identity or nationality previously used or usable for entry into the United States, provided such document is valid for the bearer's return to the country of his nationality. In such a case the nonimmigrant visa should be stamped upon Form 257a, which has a space provided for that purpose, and the words "provided passport continues to be valid" should be deleted from the visa. A notation regarding the granting of the visa may, if found to be feasible, be placed on the document used in lieu of a valid passport to identify the bearer.

(b) An alien who is a member of the crew of a vessel of United States, British, or Canadian registry engaged solely in traffic on the Great Lakes and connecting waterways, who is entering the United States temporarily as a seaman: *Provided,* That the permit to enter presented by such alien consists of a valid nonresident alien's border-crossing identification card.

§ 176.201 *Documentary requirements for immigrants.* Except as hereinafter provided, an immigrant entering the United States must present a valid, unexpired passport and a valid individual immigration visa, quota or nonquota, issued in accordance with the requirements of the act and in accordance with the regulations in 22 CFR 61.101 to 61.408, inclusive.

§ 176.202 *Immigrants not required to present passports or visas.* Immigrants in the following emergency cases are not required to present passports or visas, inasmuch as the requirement thereof is hereby waived:

(a) An alien immigrant child born subsequent to the issuance of an immigration visa to an accompanying parent, the visa not having expired.

(b) An alien immigrant child born during the temporary visit abroad of an alien mother who is a lawful permanent resident of the United States: *Provided,* That the child is accompanying a parent who is admissible into the United States and who is entering the United States for permanent residence upon the first return of the parent to the United States after the child's birth: *And provided further,* That application is made for admission into the United States within a period of two years of the child's birth.

(c) An alien immigrant child born during the temporary visit abroad of a mother who is an American citizen or national: *Provided,* That the child is accompanying a parent who is admissible into the United States and who is entering the United States for permanent residence upon the first return of the parent to the United States after the child's birth: *And provided further,* That application is made for admission into the United States within a period of two years of the child's birth.

(d) An alien who is a lawful permanent resident of the United States, who is returning after a temporary absence in Canada or Mexico only, and who presents a valid resident alien's border-crossing identification card, including such an alien who is employed as a mem-

ber of the crew of a vessel of United States, British, or Canadian registry engaged solely in traffic on the Great Lakes and connecting waterways.

(e) An alien who is a lawful permanent resident of the United States, who is returning from a temporary visit abroad, and who presents an unexpired permit to reenter issued pursuant to section 10 of the act.

(f) An alien who is a lawful permanent resident of the United States who goes in transit through foreign contiguous territory from one part of the continental United States to another by means of a transportation line which runs through the territory or waters of both the United States and Canada or Mexico.

(g) An alien who is a lawful permanent resident of the United States, and who is proceeding from the continental United States to an outlying possession, or from an outlying possession to the mainland, or from one outlying possession to another or from one port in the continental United States to another, without stop-over, although touching at a foreign port.

(h) An alien who is a lawful permanent resident of the United States, and who reenters from a journey beginning in a port of the United States in the Western Hemisphere without transhipment from the original vessel to another vessel, such vessel not having proceeded outside of the Western Hemisphere.

(i) An alien who is a lawful permanent resident of the United States, who is returning from a visit not exceeding 30 days to foreign contiguous territory only, and who, because of an emergency such as one involving serious illness or death, had no opportunity to obtain a reentry permit or a resident alien's border-crossing identification card prior to departure from the United States.

(j) An alien member of the armed forces of the United States who is a lawful permanent resident of the United States, provided he is in uniform or bears documentation identifying him as a member of the armed forces.

(k) An alien member of the armed forces of a country at war with Japan, who is a lawful permanent resident of the United States, and who is returning under orders or on furlough during the period of the war.

(l) An alien who is a citizen or subject of a foreign country at war with Japan, who is a lawful permanent resident of the United States, who departed from the United States for foreign contiguous territory for the purpose of joining the armed forces of the country of which he is a citizen or subject, and who is returning to the United States within a period of six months of his departure and within 30 days of rejection for service in such armed forces.

(m) An alien who is a citizen or subject of a foreign country at war with Japan, who is a lawful permanent resident of the United States, who has been honorably discharged from the armed forces of the country of which he is a citizen or subject, and who is returning to the United States within 90 days of his discharge or of his release from military hospitalization.

(n) An alien who is employed as a civilian pilot or as a member of other flight personnel, who is a lawful permanent resident of the United States, and who is returning to the United States while engaged in airplane-ferrying operations or ferrying personnel or material between the United States and territory abroad in behalf of the armed forces of the United States or of a foreign country at war with Japan, or within 90 days after the termination of such employment.

(o) An alien who is a lawful permanent resident of the Virgin Islands returning after a temporary visit to the British Virgin Islands or the French island of St. Bartholomew.

(p) An alien who is a lawful permanent resident of the United States, who resides in a remote section of Alaska, and who is returning after a temporary visit to Canada.

(q) An American Indian born in Canada and recognized as such under Canadian law, except one whose membership in Indian tribes or families is created by adoption.

§ 176.203 *Immigrants required to present passports but not visas.* Aliens who are lawful permanent residents of the United States and who fall within the following emergency cases must present passports or identifying travel documents in the nature thereof but are not required to present visas, inasmuch as the requirement thereof is hereby waived:

(a) An alien seaman or airman whose name appears on the crew list of the vessel or aircraft on which he arrives: *Provided,* That this paragraph shall not apply to Great Lakes seamen, for whom waivers are otherwise provided.

(b) An alien, occupationally a seaman, who is returning in accordance with the terms of the articles of outward voyage, or the terms of his discharge before a consular officer of the United States.

(c) A shipwrecked or castaway alien, occupationally a seaman or airman (in this case a passport will not be required for the first entry if the alien has lost his passport).

(d) An alien who previously has been admitted lawfully into the United States as a student on the basis of a nonquota immigration visa issued under section 4 (e) of the Immigration Act of 1924, who has proceeded only to Canada or Mexico, who is returning to the United States within a period of 4 months, and who is reentering under section 4 (e) for the purpose of continuing his or her studies at an approved institution of learning (in such a case the alien is exempt from the requirement of presenting a new section 4 (e) visa). Such an alien must present a letter from the institution stating that he or she is a student in good standing at the institution. If the alien presents a passport it should bear a notation made by the immigrant inspector, or in the absence of a passport the alien should be in possession of other evidence to the effect that he or she was previously admitted lawfully into the United States as a nonquota immigrant student.

AUTHORITY: § 176.500 issued by the Commissioner of Immigration and Naturalization, with the approval of the Attorney General, under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 327, 54 Stat. 1150; 8 U. S. C. 102, 222, 458, 727; sec. 1, Reorg. Plan No. V (3 CFR, Cum. Supp., Ch. IV); 8 CFR, 1943 Supp., 90.1; E.O. 8766, June 3, 1941, as amended by Pres. Proc. 2523, November 14, 1941; E. O. 9352, June 15, 1943 (6 F. R. 2741, 5821, 8 F. R. 8209). Cf. 22 CFR 61.379.

§ 176.500 *Required period of validity of passports*—(a) *Passports valid beyond period of admission.* Where under the provisions of this part or chapter an alien entering the United States is required to present an unexpired passport as that term is defined in § 176.101 (e) and such requirement has not been waived, the alien, if in any of the following classes, shall not be admitted for a period of time extending beyond a date 60 days prior to the end of the period during which his passport is valid for his return abroad or for his entry into some foreign country:

(1) An attendant, servant, or employee admitted under section 3 (1) of the act.

(2) A visitor admitted under section 3 (2) of the act.

(3) An alien admitted in transit under section 3 (3) of the act.

(4) An attendant, servant, or employee of a representative to, or of an officer or of an employee of, an international organization, admitted under section 3 (7) of the act.

(5) A student admitted under section 4 (e) of the act.

(b) *Passports valid at time of admission only.* Where under the provisions of this part or chapter an alien entering the United States is required to present an unexpired passport as that term is defined in § 176.101 (e) and such requirement has not been waived and the alien is not in any of the classes listed in paragraph (a) of this section, the passport need be valid and unexpired only through the date of the bearer's application for admission to the United States at a port of entry.

This order shall become effective on September 10, 1946, except that unexpired visas executed on old-style forms shall upon presentation on or after September 10, 1946, be handled in accordance with the applicable procedure existing prior to September 10, 1946.

(Authority for changes in Parts 107, 110 and 114: Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 327, 54 Stat. 1150; 8 U. S. C. 102, 222, 453, 727; sec. 1, Reorg. Plan No. V (3 CFR, Cum. Supp., Ch. IV); 8 CFR, 1943 Supp., 90.1)

UGO CARUSI,
Commissioner of Immigration and Naturalization.

Approved: September 6, 1946.

JAMES P. MCGRANERY,
Acting Attorney General.

[F. R. Doc. 46-16390; Filed, Sept. 10, 1946; 10:09 a. m.]

Chapter II—Office of Alien Property Custodian

TABLE OF CHANGES IN MATERIAL HERETOFORE PUBLISHED IN FEDERAL REGISTER

1. Part head to Part 501, 8 CFR, Cum. Supp., 501, is amended to read: Part 501—Rules of Procedure.

2. Part head to Part 503, 8 CFR, Cum. Supp., 503, is amended to read: Part 503—Substantive Rules.

3. The material formerly appearing in Part 510, 8 CFR, 1945 Supp., 510, now appears in § 503.60.

4. The material formerly appearing in Parts 504, 505, and 508 has been re-assigned as indicated in the table in paragraph 5 below. Parts 504, 505, 507, 508, 509 and 510 are now vacant and may be used for rules and regulations which may be issued in the future.

5. The section numbers and headnotes of the rules listed below are hereby revised as indicated:

NOTE: Parts 500, 501, and 506 appear under office of Alien Property Custodian in Part II of this issue. Part 503 follows the table of changes, below.

Original sec. No.	Citation		New sec. No.	Revised headnote
	Federal Register	Title 8, Code of Federal Regulations (by sec. No.)		
503.2	7-4634	Cum. Supp., 503.2	503.21	*Reports concerning patents and patent applications in which there is an enemy or foreign national interest.*
503.3	7-4635	Cum. Supp., 503.3	503.22	*Reports of persons having an interest in patents or patent applications concerning changes in status as foreign national.*
503.4	7-5539	Cum. Supp., 503.4	501.4	*Promulgation of Form APC 1.*
503.5	7-6199	Cum. Supp., 503.5	503.20	*Report of persons under judicial supervision.*
503.5a	8-12735	1943 Supp., 503.5a	503.20H	*Report of property or interest within Territory of Hawaii of an enemy country or a designated national.*
503.5-1	11-3579		503.20-1	*Non-applicability of §503.20 to certain property or interests of nationals of Bulgaria, Hungary, Italy, or Rumania.*
503.5H-1	11-3581		503.20H-1	*Non-applicability of §503.20H to certain property or interests of nationals of Bulgaria, Hungary, Italy, or Rumania.*
503.6	7-6199	Cum. Supp., 503.6	501.6	*Service of process on persons within enemy territory.*
503.6a	8-12735	1943 Supp., 503.6a	501.6H	*Extension of application of §501.6 to Territory of Hawaii.*
603.6-1	11-3581		501.6-1	*Non-applicability of §501.6 to service of process on persons within Bulgaria, Hungary, Italy or Rumania.*
503.6H-1	11-3581		501.6H-1	*Non-applicability of §501.6H to service of process on persons within Bulgaria, Hungary, Italy, or Rumania.*
503.7	8-12964	1943 Supp., 503.7	500.32	*Delegation of authority to certify documents.*
503.8	7-8377	Cum. Supp., 503.8	503.50	*Prohibition of transactions by personnel of the Office of Alien Property Custodian.*
503.11	7-9475	Cum. Supp., 503.11	503.11	*Prohibition of certain transactions respecting patents and trademarks.*
504.1	7-9477	Cum. Supp., 503.11-1	503.11-1	*Exemption of certain persons from prohibitions of §503.11.*
504.2	8-291	Cum. Supp., 503.11-2	503.11-2	*Licensing transactions involving patents and trademarks.*
	9-13282	1944 Supp., 503.11-2.		
504.3	9-10349	1944 Supp., 503.11-3	503.11-3	*Non-applicability of §503.11 to transactions by or with the Custodian.*
504.4	8-12257	1943 Supp., 503.11-4	503.11-4	*Prohibition of transfers of any right, title or interest in special accounts.*
504.5	9-11462	1944 Supp., 503.11-5	503.11-5	*Further exemption from prohibitions of § 503.11.*
503.11-6	9-13282	1944 Supp., 503.11-6	503.11-6	*Applications for patents; non-exclusive licenses.*
503.11-7	10-12186	1945 Supp., 503.11-7	503.11-7	*Licensing certain transactions involving patents and trademarks.*
503.11-8	11-5439		503.11-8	*Licensing certain other transactions involving patents and trademarks.*
503.12	7-9476	Cum. Supp., 503.12	503.23	*Report of unfiled patent applications and disclosures of enemy nationals.*
503.12-1	11-5440		503.23-1	*Exemption of patent applications of certain consignors or inventors from requirements of § 503.23.*
503.13	7-9476	Cum. Supp., 503.13	503.13	*Prohibition of certain transactions respecting interests in works subject to copyright.*
505.1	8-1872	Cum. Supp., 503.13-1	503.13-1	*Exemption of certain persons from prohibitions of § 503.13.*
505.2	7-9478	Cum. Supp., 503.13-2	503.13-2	*Exemption of certain transactions from prohibitions of § 503.13.*
505.3	8-1	Cum. Supp., 503.13-3	503.13-3	*Licensing transactions involving copyrights.*
505.4	9-10349	1944 Supp., 503.13-4	503.13-4	*Non-applicability of § 503.13 to transactions by or with the Custodian.*
505.5	8-12257	1943 Supp., 503.13-5	503.13-5	*Prohibition of transfers of any right, title, or interest in a special account.*
503.13-6	11-9183		503.13-6	*Licensing certain transactions involving works subject to copyright.*
503.14	7-10546	Cum. Supp., 503.14	503.35	*Report of interest of designated foreign nationals in copyrights.*
503.15	8-223	Cum. Supp., 503.15	503.25	*Claims by inventors or assignees to vested patents.*
503.16	8-15727	1943 Supp., 503.16	503.30	*Report regarding interests of foreign nationals in trademarks and commercial prints and labels.*
503.17	7-10906	Cum. Supp., 503.17	506.17	*Records generally confidential; application for disclosure.*
503.18	8-1707	Cum. Supp., 2822	503.24	*Report of royalties due and payable to the Alien Property Custodian under vested patent rights.*
503.20	8-1780	Cum. Supp., 503.20	503.7	*Payment, transfer or distribution of property in the process of administration by any person acting under judicial supervision, or in court or administrative actions or proceedings.*
50320-1	11-3581		503.7-1	*Consent to certain transfers.*
503.21	11-9184		501.5	*Extension of time for filing notices of claim.*
503.22	8-7095	Cum. Supp., 503.22	503.36	*Report of copyrights or interests therein.*
503.23	8-9178	1943 Supp., 503.23	503.37	*Report of royalties due and payable under vested interests in works subject to copyright.*
503.26	8-7628	Cum. Supp., 503.26	501.16	*Regulations governing sales of property by the Alien Property Custodian.*
503.27	9-2875	1944 Supp., 503.27	503.39	*Report of property owned by persons to be repatriated.*
503.28	8-15729	1943 Supp., 503.28	503.31	*Report of royalties due and payable under vested interests in trademarks and commercial prints and labels.*
503.30	9-2771	1944 Supp., 503.30	503.2	*Valuation of rates of exchange of monetary units of enemy countries.*
503.31	9-7739	1944 Supp., 503.31	503.5	*Prohibition of transactions and appointment of agents and delegates.*
503.32	9-12197	1944 Supp., 503.32	503.51	*Limitations on representative activities by former employees of Alien Property Custodian.*
503.33	10-1363	1945 Supp., 503.33	503.1	*Time of effectiveness of vesting orders.*
503.34	10-15409	1945 Supp., 503.34	503.40	*Report of property of Germany and Japan and any national thereof.*
503.34-1	11-1931		503.40-1	*Extension of time for filing reports required by § 503.40.*
508.1	9-3479	1944 Supp., 508.1	500.40	*Ratification of delegations and appointments made by Alien Property Custodian's predecessor.*
508.2	9-8975	1944 Supp., 508.2	500.22	*Delegation to Assistant to the Alien Property Custodian.*

(40 Stat. 411, 50 U. S. C. App. 1; 55 Stat. 839, 50 U. S. C. App. (Sup.) 616; 60 Stat. 50; Pub. Law 671, Aug. 8, 1946; E. O. 9142, 3 CFR, Cum. Supp.; E. O. 9193, 3 CFR, Cum. Supp.; E. O. 9325, 3 CFR, Cum. Supp.; E. O. 9567, 3 CFR, 1945 Supp.; E. O. 9725, 11 F. R. 5381; E. O. 9747, 11 F. R. 7518; E. O. 9760, 11 F. R. 7999.)

Executed at Washington, D. C., on August 21, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-15339; Filed, Aug. 28, 1946; 3:55 p. m.]

PART 503—SUBSTANTIVE RULES

Sec.
503.1 Time of effectiveness of vesting orders.
503.2 Valuation of rates of exchange of monetary units of enemy countries.
503.5 Prohibition of transactions and appointment of agents and delegates.
503.7 Payment, transfer or distribution of property in the process of administration by any person acting under judicial supervision, or in court or administrative actions or proceedings.
503.7-1 Consent to certain transfers.
503.11 Prohibition of certain transactions respecting patents and trademarks.
503.11-1 Exemption of certain persons from prohibitions of § 503.11.
503.11-2 Licensing transactions involving patents and trademarks.
503.11-3 Non-applicability of § 503.11 to transactions by or with the Custodian.
503.11-4 Prohibition of transfers of any right, title or interest in special accounts.
503.11-5 Further exemption from prohibitions of § 503.11.
503.11-6 Applications for patents; non-exclusive licenses.

Sec.
503.11–7 Licensing certain transactions involving patents and trademarks.
503.11–8 Licensing certain other transactions involving patents and trademarks.
503.13 Prohibition of certain transactions respecting interests in works subject to copyright.
503.13–1 Exemption of certain persons from prohibitions of § 503.13.
503.13–2 Exemption of certain transactions from prohibition of § 503.13.
503.13–3 Licensing transactions involving copyrights.
503.13–4 Non-applicability of § 503.13 to transactions by or with the Custodian.
503.13–5 Prohibition of transfers of any right, title, or interest in special accounts.
503.13–6 Licensing certain transactions involving works subject to copyright.
503.20 Report of persons under judicial supervision.
503.20–1 Non-applicability of § 503.20 to certain property or interests of nationals of Bulgaria, Hungary, Italy, or Rumania.
503.20H Report of property or interest within Territory of Hawaii of an enemy country or a designated national.
503.20H–1 Non-applicability of § 503.20H to certain property or interests of nationals of Bulgaria, Hungary, Italy or Rumania.
503.21 Reports concerning patents and patent applications in which there is an enemy or foreign national interest.
503.22 Reports of persons having an interest in patents or patent applications concerning changes in status as foreign national.
503.23 Report of unfiled patent applications and disclosures of enemy nationals.
503.23–1 Exemption of patent applications of certain consignors or inventors from requirements of § 503.23.
503.24 Report of royalties due and payable to the Alien Property Custodian under vested patent rights.
503.25 Claims by inventors or assignees to vested patents.
503.30 Report regarding interests of foreign nationals in trademarks and commercial prints and labels.
503.31 Report of royalties due and payable under vested interests in trademarks and commercial prints and labels.
503.35 Report of interest of designated foreign nationals in copyrights.
503.36 Report of copyrights or interests therein.
503.37 Report of royalties due and payable under vested interests in works subject to copyright.
503.39 Report of property owned by persons to be repatriated.
503.40 Report of property of Germany and Japan and any national thereof.
503.40–1 Extension of time for filing reports required by § 503.40.
503.50 Prohibition of transactions by personnel of the Office of Alien Property Custodian.
Sec.
503.51 Limitations on representative activities by former employees of Alien Property Custodian.
503.60 Authorization to United States Government to use vested patents.
503.70 Service of process on persons within enemy territory.
503.80 Records generally confidential; applications for disclosure.

§ 503.1 *Time of effectiveness of vesting orders.* (General Order No. 33. For text, see 8 CFR, 1945 Supp., 503.33)

§ 503.2 *Valuation of rates of exchange of monetary units of enemy countries.* (General Order No. 30. For text, see 8 CFR, 1944 Supp., 503.30)

§ 503.5 *Prohibition of transactions and appointment of agents and delegates.* General Order No. 31, 8 CFR, 1944 and 1945 Supps., 503.31, 11 F. R. 1586, 2313, is amended to read as follows:

(a) The following transactions are prohibited unless authorized by the Alien Property Custodian, or by an agent and delegate appointed by the Alien Property Custodian, or by a supervisor designated by the Alien Property Custodian or by one of his said agents and delegates as hereinafter provided:

(1) All transactions involving any property, control of which has been released by the Secretary of the Treasury pursuant to Executive Order 9095, as amended, subject to the power and authority conferred upon the Alien Property Custodian; and

(2) All transactions by, or with, or on behalf of, or pursuant to the direction of, any business enterprise of which the Alien Property Custodian has undertaken the supervision, or which he has vested, or assets of or interests in which he has vested, or involving any property in which such business enterprise has any interest, control of such property or business enterprise having been released by the Secretary of the Treasury pursuant to Executive Order No. 9095, as amended.

(b) The Chief of the Division of Business Management and Control, the Chief of the Property Division, the Chief of the Division of Investigation, the Chief of the Division of Patent Administration, the Chief of the Division of Real Estate and Liquidation, the Manager of the Territorial and Insular Offices of the Office of Alien Property Custodian, the Manager of the New York Office of the Office of the Alien Property Custodian, and the Secretary of the Office of the Alien Property Custodian, are hereby appointed and delegated, severally, as agents and delegates of the Alien Property Custodian to make and to revoke, on behalf of the Alien Property Custodian, authorizations of transactions with respect to any property or business enterprise subject to the authority and power conferred upon the Alien Property Custodian; and with respect to any such specific property or business enterprise subject to such authority and power, to appoint and designate supervisors for such specific property or business enterprise who shall have authority to make and to revoke on behalf of the Alien Property Custodian authorizations of transactions.

(c) This regulation supersedes the Certificate of Appointment executed by the Alien Property Custodian October 30, 1942, in favor of S. James Crowley and Edward C. Tefft (7 F. R. 8910), May 8, 1943, in favor of Francis J. McNamara, Homer Jones and Howland H. Sargeant (8 F. R. 6694), September 11, 1943, in favor of Roger E. Brooks (8 F. R. 12839), and April 18, 1944, in favor of Frank J. Garvey (9 F. R. 4485). Nothing contained herein shall affect the validity of anything heretofore done under authority of the aforementioned Certificates of Appointment, nor of anything hereafter done under purported authority of the same which would be valid under authority of this regulation.

§ 503.7 *Payment, transfer or distribution of property in the process of administration by any person acting under judicial supervision, or in court or administrative actions or proceedings.* General Order No. 20. For text, see 8 CFR, Cum. Supp., 503.20. See § 503.20.

§ 503.7–1 *Consent to certain transfers.* For text, see 11 F. R. 3581, § 503.20–1.

§ 503.11 *Prohibition of certain transactions respecting patents and trademarks.* General Order No. 11. For text, see 8 CFR, Cum. Supp., 503.11. See § 503.21.

§ 503.11–1 *Exemption of certain persons from prohibitions of § 503.11.* For text, see 8 CFR, Cum. Supp., 503.11–1.

§ 503.11–2 *Licensing transactions involving patents and trademarks.* For text, see 8 CFR, Cum. Supp., 503.11–2, and 8 CFR, 1944 Supp., 503.11–2. See § 503.11–8, which largely supersedes this section. See § 501.60, Forms APC–13P, 13T, 14P, 14T, 15.

§ 503.11–3 *Non-applicability of § 503.11 to transactions by or with the Custodian.* For text, see 8 CFR, 1944 Supp., 503.11–3.

§ 503.11–4 *Prohibition of transfers of any right, title or interest in special accounts.* For text, see 8 CFR, 1943 Supp., 503.11–4.

§ 503.11–5 *Further exemption from prohibitions of § 503.11.* (For text, see 8 CFR, 1944 Supp., 503.11–5)

§ 503.11–6 *Applications for patents; non-exclusive licenses.* (For text, see 8 CFR, 1944 Supp., 503.11–6)

§ 503.11–7 *Licensing certain transactions involving patents and trademarks.* (For text, see 8 CFR, 1945 Supp., 503.11–7) See § 501.60, Forms APC–13P, 13T, 14P, 14T, 15.

§ 503.11–8 *Licensing certain other transactions involving patents and trademarks.* (For text, see 11 F. R. 5439) See § 501.60, Forms APC–13P, 13T, 14P, 14T, 15.

§ 503.13 *Prohibition of certain transactions respecting interests in works subject to copyright.* (General Order No. 13. For text, see 8 CFR, Cum. Supp., 503.13) See § 503.24.

§ 503.13–1 *Exemption of certain persons from prohibitions of § 503.13.* (For text, see 8 CFR, Cum. Supp., 503.13–1)

§ 503.13–2 *Exemption of certain transactions from prohibitions of § 503.13.* (For text, see 8 CFR, Cum. Supp., 503.13–2)

§ 503.13–3 *Licensing transactions involving copyrights.* (For text, see 8 CFR, Cum. Supp., 503.13–3 and 8 CFR, 1945 Supp. 503.13–3) See § 501.60, Forms APC–21, 22, 23.

§ 503.13–4 *Non-applicability of § 503.13 to transactions by or with the Custodian.* (For text, see 8 CFR, 1944 Supp., 503.13–4)

§ 503.13–5 *Prohibition of transfers of any right, title, or interest in special accounts.* (For text, see 8 CFR, 1943 Supp., 503.13–5)

§ 503.13–6 *Licensing certain transactions involving works subject to copyright.* (For text, see 11 F. R. 9183) See § 501.60, Forms APC–21, 22.

§ 503.20 *Report of persons under judicial supervision.* (General Order No. 5. For text, see 8 CFR, Cum. Supp., 503.5) See § 503.7. See § 501.60, Form APC–3.

§ 503.20–1 *Non-applicability of § 503.20 to certain property or interests of nationals of Bulgaria, Hungary, Italy, or Rumania.* (For text, see 11 F. R. 3579, § 503.5–1.)

§ 503.20H *Report of property or interest within Territory of Hawaii of an enemy country or a designated national.* (General Order No. 5H. For text, see 8 CFR, 1943 Supp., 503.5a) See § 503.7. See § 501.60, Form APC–3.

§ 503.20H–1 *Non-applicability of § 503.20H to certain property or interests of nationals of Bulgaria, Hungary, Italy, or Rumania.* (For text, see 11 F. R. 3581, § 503.5H–1)

§ 503.21 *Reports concerning patents and patent applications in which there is an enemy or foreign national interest.* (General Order No. 2. For text, see 8 CFR, Cum. Supp., 503.2) See § 503.11. See § 501.60, Form APC–2.

§ 503.22 *Reports of persons having an interest in patents or patent applications concerning changes in status as foreign national.* (General Order No. 3. For text, see 8 CFR, Cum. Supp., 503.3)

§ 503.23 *Report of unfiled patent applications and disclosures of enemy nationals.* (General Order No. 12. For text, see 8 CFR, Cum. Supp., 503.12) See § 501.60, Forms APC–14P, 14T.

§ 503.23–1 *Exemption of patent applications of certain consignors or inventors from requirements of § 503.23.* (For text, see 11 F. R. 5440, § 503.12–1)

§ 503.24 *Report of royalties due and payable to the Alien Property Custodian under vested patent rights.* (General Order No. 18. For text, see 8 CFR, Cum. Supp., 503.18) See § 501.60, Forms APC–19, 20.

§ 503.25 *Claims by inventors or assignees to vested patents.* (General Order No. 15) See § 501.3.

§ 503.30 *Report regarding interests of foreign nationals in trademarks and commercial prints and labels.* (General Order No. 16. For text, see 8 CFR, 1943 Supp., 503.16) See § 501.60, Form APC–31.

§ 503.31 *Report of royalties due and payable under vested interest in trademarks and commercial prints and labels.* (General Order No. 28. For text, see 8 CFR, 1943 Supp., 503.28) See § 501.60, Forms APC–50, 51.

§ 503.35 *Report of interest of designated foreign nationals in copyrights.* (General Order No. 14. For text, see 8 CFR, Cum. Supp., 503.14) See § 501.60, Form APC–18.

§ 503.36 *Report of copyrights or interests therein.* (General Order No. 22. For text, see 8 CFR, Cum. Supp., 503.22)

§ 503.37 *Report of royalties due and payable under vested interests in works subject to copyright.* (General Order No. 23. For text, see 8 CFR, 1943 Supp., 503.23) See § 501.60, Forms APC–1, 45, 46.

§ 503.39 *Report of property owned by persons to be repatriated.* (General Order No. 27. For text, see 8 CFR, 1944 Supp., 503.27) See § 501.60, Form APC–48.

§ 503.40 *Report of property of Germany and Japan and any national thereof.* (General Order No. 34. For text, see 8 CFR, 1945 Supp., 503.34) See § 501.60, Form APC–56.

§ 503.40–1 *Extension of time for filing reports required by § 503.40.* (For text, see 11 F. R. 1931, § 503.34–1) See § 501.60, Form APC–56.

§ 503.50 *Prohibition of transactions by personnel of the Office of Alien Property Custodian.* (General Order No. 8. For text, see 8 CFR, Cum. Supp., 503.8)

§ 503.51 *Limitations on representative activities by former employees of Alien Property Custodian.* (General Order No. 32. For text, see 8 CFR, 1944 Supp., 503.32)

§ 503.60 *Authorization to United States Government to use vested patents.* (Release and Authorization. For text, see 8 CFR, 1945 Supp., 510)

§ 503.70 *Service of process on persons within enemy territory.* (General Order No. 6) See §§ 501.6, 501.6–1, 501.6H, 501,6H–1.

§ 503.80 *Records generally confidential; applications for disclosure.* (General Order No. 17) See § 506.17.

(40 Stat. 411, 50 U. S. C. App. 1; 55 Stat. 839, 50 U. S. C. App. (Sup.) 616; 60 Stat 50; Pub. Law 671, Aug. 8, 1946; E. O. 9142, 3 CFR, Cum. Supp.; E. O. 9193, 3 CFR, Cum. Supp.; E. O. 9325, 3 CFR, Cum. Supp.; E. O. 9567, 3 CFR, 1945 Supp., E. O. 9725, 11 F. R. 5381; E. O. 9747, 11 F. R. 7518; E. O. 9760, 11 F. R. 7999).

Executed at Washington, D. C., on August 21, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–15340; Filed, Aug. 28, 1946; 3:56 p. m.]

[G. O. 35]

PART 503—SUBSTANTIVE RULES

RESTRICTION OF RETRANSFER OF SHARES OF STOCK VESTED AND SOLD BY ALIEN PROPERTY CUSTODIAN

Under the authority of the Trading With the Enemy Act, as amended, and Executive orders issued thereunder, and pursuant to law, the undersigned, determining:

That the Alien Property Custodian has vested 535,000 shares of American Bosch Corporation by Vesting Order No. 9, and has assumed supervision, jurisdiction and control of said corporation pursuant thereto and by virtue of General Order No. 31;

That American Bosch Corporation is engaged in the manufacture, among other things, of aviation magnetos and fuel injection equipment;

That American Bosch Corporation is a corporation of importance in a field closely related to the defense economy of this country; and

That the public interest requires the prevention of renewed ownership or control by other than American Nationals of those shares of stock of such corporation which were vested by the Alien Property Custodian during the present war;

hereby issues the following regulation:

§ 503.9–1 *Order No. 1 Under § 503.9.* American Bosch Corporation, a New York corporation, is hereby designated as a key corporation within the meaning of § 503.9 (*General Order No. 35*).

(40 Stat. 411, 50 U. S. C. App. 1; 55 Stat. 839, 50 U. S. C. App. (Sup.) 616; E. O. 9142, 7 F. R. 2985, E. O. 9193, 7 F. R. 5205)

Executed at Washington, D. C., this 9th day of September 1946.

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–16294; Filed, Sept. 9, 1946; 12:24 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4747]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

A. P. W. PAPER CO., INC.

§ 3.6 (j 10) *Advertising falsely or misleadingly—History of product or offering:* § 3.6 (l) *Advertising falsely or misleadingly—Indorsements, approval and testimonials:* § 3.6 (dd 10) *Advertising falsely or misleadingly—Success, use or standing:* § 3.66 (b 10) *Misbranding or mislabeling—History:* § 3.66 (c) *Misbranding or mislabeling—Indorsements, approvals or awards:* § 3.66 (k 1) *Misbranding or mislabeling—Success, use or standing:* § 3.96 (a) *Using misleading name—Goods—History:* § 3.96 (a) *Using misleading name—Goods—Indorsements, approvals and testimonials:* § 3.96 (a) *Using misleading name—Goods—Success, use or standing.* In connection with the offering for sale, sale and distribution of respondent's toilet tissue and paper towels in commerce, using, subject to the permissible limits prescribed by the act of January 5, 1905, as amended by section 4 of the act of 1910, the words "Red Cross" or any abbreviation or simulation thereof, either alone or in connection with any other word or words, to designate, describe, or refer to respondent's products, or using or displaying on respondent's products or in any advertisement thereof, the mark of a Greek red cross, or any other mark, emblem, sign or insignia simulating or resembling such cross, without clearly and conspicuously stating in every instance, in immediate conjunction with any such designation or description of, reference to, or display upon respondent's products, or in any advertisement of such products, written or oral, the following: "This product is not sponsored or approved by or in any manner associated or connected with the American National Red Cross."; prohibited (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Sec. 45). [Modified cease and desist order, A. P. W. Paper Company, Inc., Docket 4747, August 12, 1946]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of August, A. D. 1946.

This matter coming on for further proceedings before the Federal Trade Commission, and it appearing that on January 7, 1944, the Commission made its findings as to the facts herein and concluded therefrom that the respondent A. P. W. Paper Company, Inc., had violated the provisions of the Federal Trade Commission Act, the Commission on January 7, 1944, issued, and thereafter served its order to cease and desist upon said respondent A. P. W. Paper Company, Inc.

Thereafter on February 16, 1944, respondent company filed in the United States Circuit Court of Appeals for the Second Circuit its petition to review and set aside the Commission's said order to cease and desist. On May 17, 1945, said court entered its decree reversing the Commission's said order and remanding the cause to the Commission for further proceedings in conformity with the said court's opinion.

Thereafter on October 8, 1945, the Supreme Court of the United States granted certiorari in the matter and on May 6, 1946, said court rendered its decision affirming the decision of the United States Circuit Court of Appeals as rendered on May 17, 1945.

Thereafter, on June 19, 1946, the Supreme Court of the United States issued its mandate affirming the judgment of the United States Circuit Court of Appeals for the Second Circuit and on June 21, 1946, said Court of Appeals entered an order to the effect that the judgment of the said Supreme Court of the United States be made the judgment of the United States Circuit Court of Appeals for the Second Circuit and that the decision of the said Circuit Court be affirmed.

In conformity therefore with the final decree of the United States Circuit Court of Appeals for the Second Circuit, dated June 21, 1946, and pursuant to the provisions of the Federal Trade Commission Act, the Commission hereby issues this its modified order to cease and desist.

It is ordered, That the respondent, A. P. W. Paper Company, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate device, in connection with the offering for sale, sale and distribution of respondent's toilet tissues and paper towels in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Using, subject to the permissible limits prescribed by the Act of January 5, 1905, as amended by section 4 of the Act of 1910, the words "Red Cross" or any abbreviation or simulation thereof, either alone or in combination or connection with any other word or words, to designate, describe, or refer to respondent's products, or using or displaying on respondent's products or in any advertisement thereof, the mark of a Greek red cross, or any other mark, emblem, sign or insignia simulating or resembling such cross, without clearly and conspicuously stating in every instance, in immediate conjunction with any such designation or description of, reference to, or display upon respondent's products, or in any advertisement of such products, written or oral, the following:

This product is not sponsored or approved by or in any manner associated or connected with the American National Red Cross.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 46-16289; Filed, Sept. 9, 1946; 11:50 a. m.]

[Docket No. 5339]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

SNOW'S HATCHERIES

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Government connections:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Organization and operation:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Stock:* § 3.6 (j) *Advertising falsely or misleadingly—Government approval, connection or standards—Government indorsement:* § 3.6 (j 10) *Advertising falsely or misleadingly—History of product or offering:* § 3.6 (l) *Advertising falsely or misleadingly—Indorsements, approval and testimonials:* § 3.18 *Claiming indorsements or testimonials falsely or misleadingly.* In connection with the offering for sale, sale, and distribution of baby chicks or other poultry in commerce, (1) representing, directly or by implication that respondents are R. O. P. poultry breeders or that they operate a poultry plant under the supervision of an official state agency supervising United States Record of Performance work; (2) representing directly or by implication that respondents' baby chicks are produced from or sired by, United States Record of Performance males unless the chicks so offered for sale have been actually sired by males which have been officially banded with U. S. R. O. P. sealed and numbered official leg bands and duly registered as such; (3) representing directly or by implication that respondents' baby chicks are produced from flocks headed by United States Record of Performance males when the flocks concerning which such representations are made are not segregated and headed by males which have been officially banded with U. S. R. O. P. sealed and numbered official leg bands and duly registered as such; or, (4) representing directly or by implication that chicks produced from eggs purchased from other suppliers are in fact produced by respondents' flocks; prohibited. (Sec. 5, 38 Stat. 719 as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Snow's Hatcheries, Docket 5339, August 12, 1946]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of August A. D. 1946.

In the Matter of Earl H. Snow and Pershing R. Snow, Individually and Trading as Snow's Hatcheries

This proceeding having been heard by the Federal Trade Commission upon complaint of the Commission, the answer of the respondents, and a stipulation as to the facts, in which stipulation the respondents waived all intervening procedure and further hearing as to said facts; and the Commission having made its findings as to the facts and conclusion that respondents Earl H. Snow and

Pershing R. Snow, individually and trading as Snow's Hatcheries, have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Earl H. Snow and Pershing R. Snow, individually and trading as Snow's Hatcheries, or trading under any other trade name, and their respective representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of baby chicks or other poultry in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication that respondents are R. O. P. poultry breeders or that they operate a poultry plant under the supervision of an official state agency supervising United States Record of Performance work.

2. Representing directly or by implication that respondents' baby chicks are produced from or sired by, United States Record of Performance males unless the chicks so offered for sale have been actually sired by males which have been officially banded with U. S. R. O. P. sealed and numbered official leg bands and duly registered as such.

3. Representing directly or by implication that respondents' baby chicks are produced from flocks headed by United States Record of Performance males when the flocks concerning which such representations are made are not segregated and headed by males which have been officially banded with U. S. R. O. P. sealed and numbered official leg bands and duly registered as such.

4. Representing directly or by implication that chicks produced from eggs purchased from other suppliers are in fact produced by respondents' flocks.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 46-16393; Filed, Sept. 10, 1946; 10:56 a. m.]

[Docket No. 4389] [1]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

STANDARD OIL CO.

§ 3.45 (c) *Discriminating in price—Direct discrimination—Charges and prices:* § 3.45 (d) *Discriminating in price—Functional Classification.* Discriminating, directly or indirectly, in connection with the sale of gasoline in commerce, in the price of such gasoline of like grade and quality as among purchasers, (1) by selling such gasoline to competing purchasers at different prices in the manner and under the circumstances stated in the findings as to the facts herein; (2) by continuing or resuming the discriminations in price of such gasoline referred to and described in the Commission's findings as to the facts herein; (3) by otherwise discriminating in price between purchasers of such gasoline in a manner and degree substantially similar to the manner and degree of the discriminations referred to and described in the Commission's findings as to the facts herein; (4) by selling such gasoline to some retailers thereof at prices lower than the prices charged other retailers who in fact compete with them in the sale and distribution of such gasoline; (5) by allowing a price to any dealer, jobber, or wholesaler on such gasoline sold by such dealer, jobber or wholesaler at retail lower than the price which respondent charges its retailer-customers who in fact compete in the sale and distribution of such gasoline with such dealers, jobbers or wholesalers in their retailing capacity; or, (6) by selling such gasoline to any jobber or wholesaler at a price lower than the price which respondent charges its retailer-customers who in fact compete in the sale and distribution of such gasoline with the retailer-customers of such jobbers or wholesalers, where such jobber or wholesaler resells such gasoline to any of its said retailer-customers at less than respondent's posted tank-wagon price or directly or indirectly grants to any such retailer-customer any discounts, rebates, allowances, services or facilities having the net effect of a reduction in price to the retailer; it being provided that for the purpose of comparison the term "price" as used in the order includes discounts, rebates, allowances and other terms and conditions of sale, and also that the above specified requirements of the order are subject to the following provisos, namely, (a) that none of the prohibitions of the order shall be taken as inhibiting any price differentials by respondent that were not found under the facts herein to have a tendency to injure, destroy or prevent competition with respondent's customers receiving the benefit of such differentials or with their customers; (b) that none of the prohibitions of the order shall be taken as preventing any price differentials by respondent which make only due allowance for differences in respondent's cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such gasoline is to such purchasers sold or delivered; (c) that none of the prohibitions of the order shall be taken as inhibiting a lower price to jobbers than to retailers where respondent thereby makes only due allowance for its differences in cost of manufacture, sale or delivery resulting from the differing methods or quantities in which such gasoline is to such purchasers sold or delivered; and, (d) that none of the provisions of the order shall be taken as inhibiting any price differentials by respondent that reflect differences in the grades and qualities of such gasoline. (Sec. 2 (a), 49 Stat. 1526; 15 U. S. C. sec. 13 (a)). [Modified cease and desist order, Standard Oil Company, Docket 4389, August 9, 1946]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of August A. D. 1946.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission as amended, answer of the respondent, testimony and other evidence in support of the allegations of said complaint as amended and in opposition thereto taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and exceptions filed thereto, briefs in support of the complaint and in opposition thereto, and oral argument of counsel; and the Commission having made and entered its findings as to the facts and its conclusion that respondent has violated the provisions of subsection (a) of section 2 of an act of Congress entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (Clayton Act), as amended by act approved June 19, 1936, (Robinson-Patman Act) issued its order to cease and desist on October 9, 1945. Thereafter, this matter came on for hearing before the Commission upon motion and supplemental motion by counsel for the Commission to modify said order to cease and desist issued on October 9, 1945, answers and briefs of respondent in opposition thereto, motion of respondent for rehearing and reconsideration of said order and motion of National Council of Independent Petroleum Associations for leave to intervene and to set aside said order to cease and desist and reopen the proceedings for further hearings and the taking of further testimony, and the Commission having considered said motions, answers, briefs, and oral argument of counsel and the record herein, and being of the opinion that a modified order to cease and desist should be issued to this cause, and having entered its order modifying said order to cease and desist to the extent set out in said supplemental motion of counsel for the Commission, issued this its modified order to cease and desist:

It is ordered, That the respondent, Standard Oil Company (Indiana), a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the sale of gasoline in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from discriminating, directly or indirectly, in the price of such gasoline of like grade and quality as among purchasers:

(1) By selling such gasoline to competing purchasers at different prices in the manner and under the circumstances stated in the findings as to the facts herein.

(2) By continuing or resuming the discriminations in price of such gasoline referred to and described in the Commission's findings as to the facts herein.

(3) By otherwise discriminating in price between purchasers of such gasoline in a manner and degree substantially similar to the manner and degree of the discriminations referred to and described in the Commission's findings as to the facts herein.

[1] 10 F. R. 14394.

(4) By selling such gasoline to some retailers thereof at prices lower than the prices charged other retailers who in fact compete with them in the sale and distribution of such gasoline.

(5) By allowing a price to any dealer, jobber, or wholesaler on such gasoline sold by such dealer, jobber or wholesaler at retail lower than the price which respondent charges its retailer-customers who in fact compete in the sale and distribution of such gasoline with such dealers, jobbers or wholesalers in their retailing capacity.

(6) By selling such gasoline to any jobber or wholesaler at a price lower than the price which respondent charges its retailer-customers who in fact compete in the sale and distribution of such gasoline with the retailer-customers of such jobbers or wholesalers, where such jobber or wholesaler resells such gasoline to any of its said retailer-customers at less than respondent's posted tank-wagon price or directly or indirectly grants to any such retailer-customer any discounts, rebates, allowances, services or facilities having the net effect of a reduction in price to the retailer.

For the purpose of comparison the term "price" as used in this order includes discounts, rebates, allowances and other terms and conditions of sale.

The above specified requirements of this order are subject, however, to the following provisos:

(a) That none of the prohibitions of the order shall be taken as inhibiting any price differentials by respondent that were not found under the facts herein to have a tendency to injure, destroy or prevent competition with respondent's customers receiving the benefit of such differentials or with their customers.

(b) That none of the prohibitions of the order shall be taken as preventing any price differentials by respondent which make only due allowance for differences in respondent's cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such gasoline is to such purchasers sold or delivered.

(c) That none of the prohibitions of the order shall be taken as inhibiting a lower price to jobbers than to retailers where respondent thereby makes only due allowance for its differences in cost of manufacture, sale or delivery resulting from the differing methods or quantities in which such gasoline is to such purchasers sold or delivered.

(d) That none of the provisions of the order shall be taken as inhibiting any price differentials by respondent that reflect differences in the grades and qualities of such gasoline.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 46-16394; Filed, Sept. 10, 1946; 10:56 a. m.]

TITLE 24—HOUSING CREDIT

Chapter I—Federal Home Loan Bank Administration

[Bulletin 76]

PART 8—MISCELLANEOUS

INCORPORATING CERTAIN MATERIAL INTO FEDERAL HOME LOAN BANK SYSTEM

The rules and regulations for the Federal Home Loan Bank System are hereby amended by the addition of a new § 8.5 to provide as follows:

§ 8.5 *Material incorporated into rules and regulations.* Material now or hereafter filed by the Federal Home Loan Bank Administration, Federal Savings and Loan Insurance Corporation, and Home Owners' Loan Corporation for publication in the FEDERAL REGISTER as required by the Federal Register Act (49 Stat. 500, 44 U. S. C. Sup. Ch. 8A) or by sections 3 and 4 of the Administrative Procedure Act, approved June 11, 1946, (Pub. Law 404, 79th Cong.; 68 Stat. 237), is hereby made a part of the regulations in this part insofar as the same is applicable to the Federal Home Loan Bank System, and to the same extent as though published in the regulations in this part.

(Sec. 17 of F. H. L. B. A., 47 Stat. 736, sec. 8 (a) as added by sec. 4, 49 Stat. 294, 12 U. S. C. 1437 and Sup. 1428 (a); E. O. 9070, 7 F. R. 1529; Administrative Procedure Act, Pub. L. 404, approved June 11, 1946)

Dated this 9th day of September 1946.

[SEAL] HAROLD LEE,
Deputy Federal Home Loan Bank Commissioner.

[F. R. Doc. 46-16403; Filed, Sept. 10, 1946; 11:21 a. m.]

Chapter II—Federal Savings and Loan System

[Bulletin 77]

PART 201—PROMULGATION AMENDMENT AND REPEAL OF RULES AND REGULATIONS

INCORPORATING CERTAIN MATERIAL INTO FEDERAL SAVINGS AND LOAN SYSTEM

The rules and regulations for the Federal Savings and Loan System are hereby amended by the addition of a new § 201.5 to provide as follows:

§ 201.5 *Material incorporated into rules and regulations.* Material now or hereafter filed by the Federal Home Loan Bank Administration, Federal Savings and Loan Insurance Corporation, and Home Owners' Loan Corporation for publication in the FEDERAL REGISTER as required by the Federal Register Act (49 Stat. 500, 44 U. S. C. Sup. Ch. 8A) or by sections 3 and 4 of the Administrative Procedure Act, approved June 11, 1946, (Pub. Law 404, 79th Cong.; 60 Stat. 237), is hereby made a part of the regulations in this part insofar as the same is applicable to the Federal Savings and Loan System, and to the same extent as though published in the regulations in this part.

(Sec. 5 (a) of H. O. L. A. of 1933, 48 Stat. 132, sec. 8 (a) of F. H. L. B. A. as added by sec. 4, 49 Stat. 294; 12 U. S. C. 1464 (a) and Sup. 1428 (a); E. O. 9070 7 F. R. 1529; Administrative Procedure Act, approved June 11, 1946)

Dated this 9th day of September 1946.

[SEAL] HAROLD LEE,
Deputy Federal Home Loan Bank Commissioner.

[F. R. Doc. 46-16404; Filed, Sept. 10, 1946; 11:21 a. m.]

Chapter III—Federal Savings and Loan Insurance Corporation

[Bulletin 33]

PART 301—INSURANCE OF ACCOUNTS

INCORPORATING CERTAIN MATERIAL INTO FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

The rules and regulations for the Insurance of Accounts are hereby amended by the addition of a new § 301.26 to provide as follows:

§ 301.26 *Material incorporated into rules and regulations.* Material now or hereafter filed by the Federal Home Loan Bank Administration, Federal Savings and Loan Insurance Corporation, and Home Owners' Loan Corporation for publication in the FEDERAL REGISTER as required by the Federal Register Act (49 Stat. 500, 44 U. S. C. Sup. Ch. 8A) or by sections 3 and 4 of the Administrative Procedure Act, approved June 11, 1946 (Pub. Law 404, 79th Cong.; 60 Stat. 237), is hereby made a part of the regulations in this part insofar as the same is applicable to the Federal Savings and Loan Insurance Corporation, and to the same extent as though published in the regulations in this part.

(Sec. 402 (a) of N. H. A., 48 Stat. 1246, sec. 8 (a) of F. H. L. B. A. as added by sec. 4, 49 Stat. 294; 12 U. S. C. 1725 (a) and Sup. 1428 (a); E. O. 9070, 7 F. R. 1529; Administrative Procedure Act, Pub. L. 404, approved June 11, 1946)

Dated this 9th day of September 1946.

[SEAL] HAROLD LEE,
Deputy Federal Home Loan Bank Commissioner.

[F. R. Doc. 46-16402; Filed, Sept. 10, 1946; 11:21 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5535]

PART 171—MISCELLANEOUS REGULATIONS RELATED TO LIQUOR

SUBPART M—REMISSION OR MITIGATION OF FORFEITURES

Section 3726, Internal Revenue Code (U. S. C., title 26, section 3726), authorizes the administrative remission or mitigation of forfeitures incurred under the internal-revenue laws, and adopts, for this purpose, the procedure established by Congress for the customs service by the Tariff Act of 1930. Section 3726 is as follows:

The provisions of law applicable to the remission or mitigation by the Secretary of forfeitures under the customs law shall apply to forfeitures incurred or alleged to have been incurred under the internal revenue laws.

The applicable provisions of the Tariff Act of 1930 are as follows:

SEC. 613 *Disposition of proceeds.* Any person claiming any vessel, vehicle, merchandise, or baggage, or any interest therein, which has been forfeited and sold under the provisions of this Act, may at any time within three months after the date of sale apply to the Secretary of the Treasury if the forfeiture and sale was under the customs laws, * * * for a remission of the forfeiture and restoration of the proceeds of such sale, or such part thereof as may be claimed by him. Upon the production of satisfactory proof that the applicant did not know of the seizure prior to the declaration or condemnation of forfeiture, and was in such circumstances as prevented him from knowing of the same, and that such forfeiture was incurred without any willful negligence or intention to defraud on the part of the applicant, the Secretary of the Treasury * * * may order the proceeds of the sale, or any part thereof, restored to the applicant, after deducting the cost of seizure and of sale, the duties, if any, accruing on the merchandise or baggage, and any sum due on a lien for freight, charges, or contributions in general average that may have been filed. If no application for such remission or restoration is made within three months after such sale, or if the application be denied by the Secretary of the Treasury * * *, the proceeds of sale shall be disposed of as follows:

(1) For the payment of all proper expenses of the proceedings of forfeiture and sale, including expenses of seizure, maintaining the custody of the property, advertising, and sale, and if condemned by a decree of a district court and a bond for such costs was not given, the costs as taxed by the court;

(2) For the satisfaction of liens for freight, charges, and contributions in general average, notice of which has been filed with the collector according to law;

(3) For the payment of the duties accruing on such merchandise or baggage, if the same is subject to duty; and

(4) The residue shall be deposited with the Treasurer of the United States as a customs * * * fine.

SEC. 618. *Remission or mitigation of penalties.* Whenever any person interested in any vessel, vehicle, merchandise, or baggage seized under the provisions of this Act, or who has incurred, or is alleged to have incurred, any fine or penalty thereunder, files with the Secretary of the Treasury if under the customs laws, * * * before the sale of such vessel, vehicle, merchandise, or baggage a petition for the remission or mitigation of such fine, penalty, or forfeiture, the Secretary of the Treasury, * * * if he finds that such fine, penalty, or forfeiture was incurred without willful negligence or without any intention on the part of the petitioner to defraud the revenue or to violate the law, or finds the existence of such mitigating circumstances as to justify the remission or mitigation of such fine, penalty, or forfeiture, may remit or mitigate the same upon such terms and conditions as he deems reasonable and just, or order discontinuance of any prosecution relating thereto. In order to enable him to ascertain the facts, the Secretary of the Treasury may issue a commission to any customs agent, collector, judge of the United States Customs Court, or United States commissioner, to take testimony upon such petition: * * *.

The purpose to be served by the provisions of section 3726 is, obviously, that of protecting the interests of innocent persons whose property or any interest therein is jeopardized by a seizure and proposed forfeiture under the internal-revenue laws. It applies to all internal-revenue statutes which provide for such forfeitures, but particularly to section 3321, Internal Revenue Code (U. S. C., title 26, section 3321).

The authority so granted is not, however, in all regards coextensive with the power conferred upon the Secretary of the Treasury by sections 613 and 618 of the tariff act. The requirements of subdivisions (1), (2), (3), and (4) of section 613 relate to the disposition of the proceeds of the sale of forfeited property and not to an application for the remission or mitigation of the forfeiture. Proceeds of the sale of property forfeited under the internal revenue laws should, therefore, be covered into the Treasury as provided by section 3971, Internal Revenue Code. Also by section 618 of the tariff act fines and penalties may be remitted or mitigated, while section 3726, Internal Revenue Code, applies only to forfeitures. Otherwise, the provisions of sections 613 and 618 are invoked for internal revenue violations.

Pursuant to the above sections of law, the following regulations are prescribed for the filing and adjudication of petitions under section 3726, Internal Revenue Code:

Sec.
171.130 Form of the petition.
171.131 Contents of the petition.
171.132 Time of filing petition.
171.133 Officers with whom filed.
171.134 Discontinuance of administrative proceedings.
171.135 Return of nonacceptable petition to petitioner for correction.
171.136 Investigation of acceptable petition, and report thereon.
171.137 Transmission of petition with reports and recommendation to Deputy Commissioner, Alcohol Tax Unit, Bureau of Internal Revenue.
171.138 Deputy Commissioner, Alcohol Tax Unit, to submit petition and record to Secretary of Treasury, with recommendations.
171.139 Types of final action on the petition by the Secretary of the Treasury.
171.140 Procedure when petition cognizable by Attorney General.
171.141 Procedure when petition cognizable by the Federal Court exclusively.

§ 171.130 *Form of the petition.* There is no set or standardized form provided or required by the Department for use in filing a petition for remission or mitigation under section 3726, Internal Revenue Code. However, it is preferable that the petition be typewritten on legal size paper; and it is necessary that the petition be executed under oath, prepared in triplicate and addressed to the Secretary of the Treasury, and that all copies of original documents submitted as exhibits in support of allegations of the petition be certified as true and accurate copies of originals. Each copy of the petition must contain a complete set of exhibits. The jurat to a petition must *not* be executed by an attorney enrolled to practice before the Treasury Department who appears as the attorney for the petitioner; and a petition signed and sworn to by an attorney enrolled to practice before the Treasury Department who appears as the attorney for the petitioner is not acceptable.

§ 171.131 *Contents of the petition—* (a) *Description of property.* The petition should give such a description of the property and such facts of the seizure as will enable the officers of the Alcohol Tax Unit readily to identify the property.

(b) *Statement regarding administrative forfeiture or sale.* If an executive proceeding for summary forfeiture is pending, the petition should state such fact; and if the property has been sold, the petition should also state the date and place of sale.

(c) *Statement regarding knowledge of seizure.* In the event the petition is filed for the restoration of the proceeds derived from sale of the property pursuant to summary forfeiture, it should also contain, or be supported by, satisfactory proof that the petitioner did not know of the seizure prior to the declaration or condemnation of forfeiture, and that he was in such circumstances as prevented him from knowing of the same.

(d) *Statement regarding judicial forfeiture or sale.* If a forfeiture proceeding is pending in court, or has resulted in a sale of the property pursuant to court order, the petition should state the style of the case, the court in which pending or in which the property was sold, the docket number, and the fact that the property has not yet been sold, or, if sold, the date and place of sale.

(e) *Interest of petitioner.* The petition should state in clear and concise terms the nature of the present, recognizable interest of the petitioner in the property to be forfeited, or which has been forfeited and sold, and the facts relied upon to show that the forfeiture was incurred without willful negligence or without any intention upon the part of the petitioner to defraud the revenue or to violate the law, or such other mitigating circumstances as, in the opinion of the petitioner, would justify the remission or mitigation of the forfeiture.

(f) *Petitioner innocent party.* If the petitioner is not the one who in person committed the act which caused the seizure, the petition should state how the property came into the possession of such other person, and the investigation, if any, made of such other person, through principal Federal, State, or local law enforcement officers, prior to parting with the property, to determine whether such other person had either a record or a reputation, or both, as a violator of the laws of the United States or of any State relating to intoxicating liquors, and the information obtained from said investigation.

(g) *Documents supporting claim.* The petition should also be accompanied by copies, certified by the petitioner under oath as correct, of contracts, bills of sale, chattel mortgages, reports of investigators, affidavits, liens for freight, charges, or contribution in general average, and any other papers or documents that

would tend to support the claims made in the petition.

(h) *Costs and expenses.* The petitioner should undertake in the petition to pay all the costs and expenses incurred in seizing and storing the property, as well as the costs borne or to be borne by the United States, the taxes, if any, payable by the petitioner or imposed in respect of the property to which the petition relates, and any sum due on a lien for freight, charges, or contribution in general average that may have been filed, and, if the property has been sold, or is in the course of being sold, the expenses so incurred.

§ 171.132 *Time of filing petition.* A petition may be filed at any time prior to the sale or other disposition of the property involved pursuant to administrative forfeiture, in which event action on the petition will be had in the light of the requirements of section 618 of the Tariff Act of 1930, invoked by section 3726, Internal Revenue Code; but a petition in regard to property which has already been sold or otherwise disposed of pursuant to administrative forfeiture must be filed within three months from the date of sale and the claimant must otherwise meet the requirements of section 613 of the Tariff Act of 1930, invoked by section 3726, Internal Revenue Code. As to "sale," section 306, Title III, Liquor Law Repeal and Enforcement Act (U. S. C., Title 40, section 304 (k)), provides that acquisition for official use is equivalent to sale so far as remission or mitigation is concerned.

§ 171.133 *Officers with whom filed.* The petition should be filed, originally and in triplicate, with the district supervisor of the Alcohol Tax Unit, Bureau of Internal Revenue, for the district wherein the property was seized; or if petitioner prefers he may file the petition with the investigator in charge of the Alcohol Tax Unit for the State wherein seizure of the property involved was made. The officer with whom the petition is filed originally will immediately stamp the date of receipt on the margin or other appropriate blank space of the petition and of each exhibit thereto. The official date stamp will be used for that purpose. *It is vital that the stamp impressions be legible.*

§ 171.134 *Discontinuance of administrative proceedings.* If the petition covers property pending administrative disposition and is filed prior to the administrative sale of the property under section 3724, Internal Revenue Code, or prior to retention of the property for official use pursuant to Title III of the Liquor Law Repeal and Enforcement Act (U. S. C., title 40, section 304 (f) et seq.), any proceedings for forfeiture, sale, or other administrative disposition will be discontinued.

§ 171.135 *Return of nonacceptable petition to petitioner for correction.* If the petition is defective in some correctible respect, the district supervisor will return all copies of it by letter to the petitioner for proper corrections, amendments, et cetera, or for the submission of a new petition supplying the deficiencies of the one returned, within a reasonable time in either event.

§ 171.136 *Investigation of acceptable petition, and report thereon.* If the petition as originally filed is acceptable, or has been made so by correction et cetera, an investigation of the merits of the petition will be made and a report prepared thereon.

§ 171.137 *Transmission of petition with reports and recommendation to Deputy Commissioner, Alcohol Tax Unit, Bureau of Internal Revenue.* On conclusion of the investigation of the merits of the petition, the district supervisor will forward to the Deputy Commissioner, Alcohol Tax Unit, Bureau of Internal Revenue, the original copy of the petition, the original copy and one carbon copy of the report of investigation, a legible copy of the case report of the seizure, and a copy of Form 226–A, "Appraisement List." The transmittal letter will give a brief statement as to the seizure of the property, its present forfeiture status, its appraised value, and a summary of the facts and circumstances bearing upon the merits of the petition. The district supervisor will also state his conclusions and recommendations as to the action to be taken on the petition.

§ 171.138 *Deputy Commissioner, Alcohol Tax Unit, to submit petition and record to Secretary of Treasury, with recommendation.* The Deputy Commissioner, Alcohol Tax Unit, shall by transmittal memorandum of the law and facts, approved by the Chief Counsel of the Bureau of Internal Revenue, submit to the Secretary of the Treasury the petition and record, with recommendation.

§ 171.139 *Types of final action on the petition by the Secretary of the Treasury.* Final action on any petition filed pursuant to these regulations shall result either in denial or allowance of the petition by the Secretary of the Treasury. Petitions allowed by the Secretary fall generally into the following five classes on the basis of the terms and conditions of allowance:

(a) The property itself is returnable to the petitioner upon payment by him of all costs and storage; or

(b) The property is returnable to the petitioner provided he pays the difference between the recognized lien and the appraised value, plus all costs, and storage; otherwise the property is sold or acquired for official use by a governmental agency pursuant to forfeiture and the petitioner files claim with the Comptroller General of the United States for payment of his recognized lien in full, or pro tanto, out of the proceeds of sale if the property was sold, or in full out of the proper appropriation of the receiving agency if the property was acquired for official use, less all costs and storage in either event; or

(c) The property, if an automobile or truck, is returnable to the petitioner provided he pays the difference between the amount of his recognized lien and the present appraised value, plus all costs and storage, subject, however, to the right of the Alcohol Tax Unit to pay the petitioner the amount of his recognized lien, less all costs and storage, and to acquire the vehicle for official use; or

(d) The property itself is returnable to the petitioner upon payment by him of a specified sum in mitigation, proposed by him, accepted by the Department, and made a condition of allowance, or by the Department on its own initiative made a condition of allowance, in either event the petitioner to pay all costs and storage (plus the difference between the recognized lien and the appraised value when that condition is imposed); or

(e) The petitioner's lien is recognized in the amount as established, to be paid, less all cost and storage charges, in full, or pro tanto, out of the proceeds of sale if the property was sold, or in full out of the proper appropriation of the receiving agency if the property was acquired for official use, payment in either event to be through claim filed by the petitioner direct with the Comptroller General of the United States.

§ 171.140 *Procedure when petition cognizable by Attorney General.* If a petition is filed with the Treasury Department in respect of property (a) concerning which proper and timely claim and cost bond under section 3724, Internal Revenue Code, have already been filed and accepted, thus necessitating reference of the seizure to the United States Attorney for institution of judicial forfeiture proceedings or other disposition, or (b) which has been libelled but in respect of which decree of forfeiture has not as yet been entered by the court, or (c) which has otherwise been referred to the Department of Justice or the United States Attorney or is otherwise under their jurisdiction, the petition will be referred to the Attorney General or the proper United States Attorney, depending on whether the petition is received in Washington or in the offices of the district supervisor or investigator in charge of the Alcohol Tax Unit, as being a matter in which the function of decision is to be exercised by the Department of Justice under the provisions of the second paragraph of section 5 of Executive Order No. 6166 (see U. S. C., title 5, notes under section 124). In any one of these situations the Treasury Department (through the district supervisor) will undertake investigation of the merits of the petition when requested to do so by the Department of Justice or the United States Attorney.

§ 171.141 *Procedure when petition cognizable by the Federal Court exclusively.* If a petition is filed with the Treasury Department in respect of property which has already been forfeited judicially, the petition will be returned to the petitioner with explanation that under section 204 (a), Title II, Liquor Law Repeal and Enforcement Act (U. S. C., title 18, section 646) the Federal court has the exclusive jurisdiction to remit or mitigate the forfeiture. If such petition is thereafter filed with the court and the Department of Justice or the United States Attorney so requests, the Treasury Department will undertake (through the district supervisor) to investigate the merits of the petition.

These regulations shall take effect on September 10, 1946.

[SEAL] WM. T. SHERWOOD,
Acting Commissioner of Internal Revenue.

Approved: September 9, 1946.

JOSEPH J. O'CONNELL, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 46-16440; Filed, Sept. 10, 1946; 11:46 a. m.]

TITLE 29—LABOR

Chapter IX—Agriculture Department (Agricultural Labor)

[Supp. 96]

PART 1118—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF MISSISSIPPI

WORKERS ENGAGED IN PICKING COTTON IN THE DELTA AREA, STATE OF MISSISSIPPI

§ 1118.2 *Workers engaged in picking cotton in the Delta area, State of Mississippi.* Pursuant to § 4001.7 of the regulations of the Economic Stabilization Director relating to salaries and wages issued August 28, 1943, as amended (8 F. R. 11960, 12139, 16702; 9 F. R. 6035, 14547; 10 F. R. 9478, 9628; 11 F. R. 2517) and to the regulations of the Secretary of Agriculture issued March 23, 1945 (10 F. R. 3177) entitled "Specific Wage Ceiling Regulations" and based upon a certification of the Mississippi USDA Wage Board that a majority of the producers of cotton in the area affected participating in a referendum conducted for such purpose has requested the intervention of the Secretary of Agriculture, and based upon relevant facts submitted by the Mississippi USDA Wage Board and obtained from other sources, it is hereby determined that:

(a) *Areas, crops and classes of workers.* Persons engaged in picking cotton in the Delta area, State of Mississippi, are agricultural labor as defined in § 4001.1 (1) of the regulations of the Economic Stabilization Director issued on August 28, 1943, as amended (8 F. R. 11960, 12139, 16702; 9 F. R. 6035, 14547; 10 F. R. 9478, 9628; 11 F. R. 2517).

(b) *Definitions.* When used in this section the term "Delta area" means the counties of Bolivar, Coahoma, Humphreys, Issaquena, Leflore, Quitman, Sharkey, Sunflower, Tunica, and Washington, State of Mississippi, and the counties of Carroll, De Soto, Grenada, Holmes, Panola, Tallahatchie, Tate, Warren, and Yazoo, State of Mississippi, except that wherever streams enter from the hills of the counties last above named, the "Delta area" shall terminate at a line drawn from the base of the first such hill (counting from the Mississippi River) on the south to the base of the same hill on the north of each such stream.

(c) *Maximum wage rates for picking seed cotton.* Maximum wage rate for picking cotton—$2.60 per hundred pounds of seed cotton.

(d) *Administration.* The Mississippi USDA Wage Board will have charge of the administration of this supplement in accordance with the provisions of the specific wage ceiling regulations issued by the Secretary of Agriculture on March 23, 1945 (10 F. R. 3177).

Requests for adjustments or appeals for relief from hardships as provided in the specific wage ceiling regulations shall be submitted on Form LR 1701-2 to the Mississippi USDA Wage Board or its designated representatives. Blank Forms LR 1701-2 may be secured from the Mississippi USDA Wage Board, Masonic Building, Jackson 45, Mississippi.

(e) *Applicability of specific wage ceiling regulations.* This section shall be deemed to be part of the specific wage ceiling regulations issued by the Secretary of Agriculture on March 23, 1945 (10 F. R. 3177) and the provisions of such regulations shall be applicable to this section and any violation of this section shall constitute a violation of such specific wage ceiling regulations.

(f) *Termination date.* This section shall expire at 11:59 p. m. Central standard time, April 30, 1947: *Provided, however,* That the provisions of this section, after that time, shall continue to remain in full force and effect for the purpose of allowing or sustaining any suit, action, prosecution, or administrative or other proceeding theretofore or thereafter commenced with respect to any violation committed or right or liability accruing under or pursuant to the terms of the provisions of this section.

Effective date. This section shall become effective at 12:01 a. m. Central standard time, September 5, 1946.

(56 Stat. 765 (1942); 50 U. S. C. 961 et seq. (Supp. IV); 57 Stat. 63 (1943); 50 U. S. C. 964 (Supp. IV); 58 Stat. 632 (1944); Pub. Law 108, 79th Cong.; E. O. 9250, 7 F. R. 7871; E. O. 9328, 8 F. R. 4681; E. O. 9577, 10 F. R. 8087; E. O. 9620, 10 F. R. 12023; E. O. 9651, 10 F. R. 13487; E. O. 9697, 11 F. R. 1691; regulations of the Economic Stabilization Director, 8 F. R. 11960, 12139, 16702; 9 F. R. 6035, 14547; 10 F. R. 9478, 9628; 11 F. R. 2517; regulations of the Secretary of Agriculture, 9 F. R. 655, 12117, 12611; 10 F. R. 7609, 9581; 9 F. R. 831, 12807, 14206; 10 F. R. 3177; 11 F. R. 5903)

Issued this 6th day of September 1946.

[SEAL] K. A. BUTLER,
Acting Director, Labor Branch, Production and Marketing Administration.

[F. R. Doc. 46-16400; Filed, Sept. 10, 1946; 11:11 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 92—PROCEDURES

BUREAU OF THE MINT

SEPTEMBER 5, 1946.

In § 92.2 (b) a new undesignated third paragraph is added preceding the present undesignated third paragraph, as follows:

§ 92.2 *Issuance of gold licenses*—(b) *Licenses for the export of gold.* * * *

Applications on Form TG-15 for the export of bar gold or substantial quantities of gold in partially processed form must be accompanied by a statement in English from the consignee, sworn to before the nearest United States consular official, setting forth detailed information concerning the business of the consignee, the use to be made of the gold and the disposition of previous holdings of gold. Details as to the information required in this statement may be obtained from the nearest mint or assay office.

[SEAL] JOSEPH J. O'CONNELL, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 46-16094; Filed, Sept. 6, 1946; 10:17 a. m.]

APPENDIX B—PUBLIC CIRCULARS UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

WITHDRAWALS FROM BLOCKED GERMAN AND JAPANESE ACCOUNTS

SEPTEMBER 10, 1946.

Public Circular No. 32 under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Notwithstanding General Ruling No. 11A, property returned by the Alien Property Custodian under section 32 of the Trading with the Enemy Act, as amended, shall not be regarded as subject to the restrictions of the order solely by reason of the interest of any blocked country or national thereof resulting from the return.

(Sec. 3 (a), 40 Stat. 412; sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; 55 Stat. 838; sec. 3, Pub. No. 485, 79th Cong.; E. O. 8389, April 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941; E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; E. O. 9747, July 3, 1946; Regulations, April 10, 1940, as amended June 14, 1941, July 26, 1941, and February 19, 1946)

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 46-16371; Filed, Sept. 9, 1946; 4:57 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 244]

PART 802—GENERAL LICENSES

GIFT PARCELS

Section 802.29 *General license for gift parcels* is hereby amended to read as follows:

§ 802.29 *General license for gift parcels*—(a) *General license.* There is

hereby granted a general license authorizing the exportation of gift parcels, as defined in paragraph (b) of this section, to all destinations to which parcel post service is available: *Provided,* That such exportation is in accordance with the following provisions of this section.

(b) *Definition.* For the purpose of this general license a gift parcel is defined as a parcel containing commodities having a total value not in excess of $25.00 donated to an individual in a foreign country free of cost to such individual, mailed by parcel post to such individual and conforming to post office department regulations as to size and weight, *Provided,* That in no event shall the weight exceed 11 pounds.

(c) *General license designation.* The legend "Gift Parcel" shall be plainly written on the address side of the parcel and on any Customs declaration required by the Bureau of Customs. The inscription of the legend "Gift Parcel" on the parcel shall constitute a certification by the donor that the shipment complies with the provisions of this general license.

(d) *Destinations*—(1) *Shipments to destinations other than Germany and Japan.* Gift parcels may be sent to individuals in all destinations to which parcel post service is available except Germany and Japan, in accordance with the following provisions:

(i) No gift parcel shall contain commodities other than those of a personal nature, such as: clothing; piece goods; toilet preparations, including soaps and shaving creams; writing materials; medicinals, including vitamins; and nonperishable foodstuffs; sent free of cost to an individual in a foreign country.

(ii) Not more than one gift parcel may be sent by the same donor to the same donee in any one calendar week.

(2) *Shipments to Germany and Japan.* No gift parcels may be sent to Germany except to persons located in the United States occupied zone of Germany, except Berlin, or the British occupied zone of Germany, except Berlin; and no gift parcels may be sent to Japan except to persons located in the islands of Honshu, Kyushu, Shikoku, or Hokkaido; and then only in accordance with the following provisions:

(i) A gift parcel shall contain no commodity other than clothing, non-perishable foodstuffs, medicinals and vitamins, soaps and shaving creams.

(ii) Not more than one gift parcel may be sent from the same donor to the same donee in any one calendar week.

This amendment shall become effective September 10, 1946.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; Pub. Law 389, 79th Congress; E. O. 8900, 6 F. R. 4795; E. O. 9361, 8 F. R. 9861; Order No. 1, 8 F. R. 9938; E. O. 9380, 8 F. R. 13081; E. O. 9630, 10 F. R. 12245; Order No. 390, 10 F. R. 13130).

FRANCIS MCINTYRE,
Acting Director,
Requirements and Supply Branch.

Dated: SEPTEMBER 6, 1946.

[F. R. Doc. 46-16288; Filed, Sept. 9, 1946; 11:47 a. m.]

Chapter IX—Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827 and Pub. Law 270, 79th Cong., and Pub. Laws 270 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; CPA Reg. 1, Nov. 5, 1945, 10 F. R. 13714.

PART 3293—CHEMICALS

[Limitation Order L-355, as Amended Sept. 10, 1946]

ETHYL FLUID

The fulfilment of requirements for the defense of the United States has created a shortage in the supply of lead and tetraethyl lead, both imported and domestic, for defense, for private account and for export; and the following order is deemed necessary and appropriate to the public interest and to promote the national defense:

§ 3293.662 *Limitation Order L-355*—(a) *Definitions.* For the purposes of this order:

(1) "Ethyl fluid" is a mixture of tetraethyl lead and other ingredients designed to raise the octane number of gasoline. It includes: (i) "Motor ethyl fluid" which is ethyl fluid containing organic chlorides and bromides designed for use in motor gasoline for land- and sea-going engines; and (ii) "Aviation ethyl fluid" which is ethyl fluid without organic chlorides designed for use in aviation gasoline.

(2) "Use" means to blend ethyl fluid with gasoline or any component of gasoline or to blend ethyl fluid or gasoline containing ethyl fluid with any other material that can be blended with gasoline.

(3) "Base period" means the three months of November, December, 1945 and January, 1946 or such other period heretofore or hereafter established for a particular user by the Civilian Production Administration on appeal.

(b) *Restrictions on delivery.* (1) No producer of ethyl fluid shall deliver to any person in any calendar month more than 24% of the aggregate quantity of motor ethyl fluid delivered to such person in the base period except that when a person certifies to a producer that he used more ethyl fluid than the quantity he received in the base period, the producer may deliver to such person in any month a quantity not in excess of the aggregate of 27% of the quantity certified to have been used in the base period in production of house brand gasoline and 22% of the quantity certified to have been used in the base period in production of premium gasoline.

(2) No producer of ethyl fluid may export outside the United States, its territories or possessions, in any calendar month, more motor ethyl fluid than 24% of the aggregate quantity exported in the base period except on special authorization by the Civilian Production Administration.

(3) No person shall accept delivery of motor ethyl fluid at any one blending point if his inventory of motor ethyl fluid at that point is or will by virtue of such delivery become more than he needs in the succeeding 30 days on the basis of his current or scheduled rate of operations. Persons normally receiving deliveries of motor ethyl fluid by tank car or tank truck shall not maintain any inventory except in scale tanks for blending motor ethyl fluid with gasoline.

(4) Nothing in this paragraph shall prevent the delivery and receipt of a minimum tank car, tank wagon or drum carload by any person whose inventory of motor ethyl fluid is less than 30-days' supply.

(c) *Restrictions on use.* (1) No person shall in any month beginning with June, 1946 use a greater quantity of motor ethyl fluid than the aggregate of 27% of the quantity used in the base period in production of house brand gasoline and 22% of the quantity used in the base period in production of premium gasoline. A person's consumption quota may be used in either house brand or premium gasoline without regard to percentage of use in the base period so long as gasoline of higher than 78½ octane is not produced.

(2) No person shall use aviation ethyl fluid in the production of motor gasoline or any component thereof, or use any gasoline component containing aviation ethyl fluid in the production of motor gasoline.

(3) No person shall use ethyl fluid or gasoline containing ethyl fluid to produce motor gasoline having higher octane than 78½ octane (not to reach 79 octane ASTM-D-357-45) at blending point for use in motor-propelled vehicles, trucks, tractors or boats except to fill military contracts on special authorization from the Civilian Production Administration or to produce aviation gasoline of 100 octane (A & N grade 100-130) or higher, except on special authorization from the Civilian Production Administration.

(d) *Exceptions.* Nothing in this order shall prevent the delivery, receipt and use for laboratory purposes of ethyl fluid in containers of one litre or less.

(e) *Newcomer's quota.* Any person who was not a user of ethyl fluid in November or December, 1945 or January, 1946 and who wishes to have a quota established for him to receive or use ethyl fluid in any calendar month, may apply by letter to the Civilian Production Administration, Chemicals Division, Washington 25, D. C., Ref.: L-355.

(f) *Carry-over.* If a person uses less ethyl fluid than he is permitted to use in any calendar month, he may add this quantity to his consumption quota but not to his delivery quota, in the succeeding month.

(g) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable regulations of the Civilian Production Administration, as amended from time to time.

(2) *Appeals.* Any appeals from the provisions of this order shall be made by filing with the Civilian Production Administration, Chemical Division, Washington 25, D. C., Ref.: L-355, a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

(3) *Violations.* A person who wilfully violates any provision of this order or

who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment.

(4) *Communications to Civilian Production Administration.* Communications concerning this order, shall, unless otherwise directed, be addressed to: Civilian Production Administration, Chemicals Division, Washington 25, D. C., Ref.: L–355.

(5) [Deleted on Sept. 10, 1946.]

Issued this 10th day of September 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46–16405; Filed, Sept. 10, 1946; 11:22 a.m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 13, as Amended, Sept. 10, 1946]

SPECIAL SALES

Explanation and Scope

Par.
(a) What this regulation does.
(b) Definitions.
(c) Sales not covered by this regulation.
General Rules for All Special Sales
(d) Most special sales may be made freely; general rules.
(e) Use of material acquired with priorities assistance.
(f) Sales through an agent.
Restricted Special Sales
(g) Materials or products on List A.
(h) Materials or products on List B (export)
(i) Sales as scrap of materials or products other than plant-generated scrap.
Provisions Relating to Buyers
(j) Provisions relating to buyers.
Miscellaneous Provisions
(k) Records.
(l) Revisions of Lists A and B.
(m) Letters and questions.
LIST A—RESTRICTIONS ON SPECIAL SALES (DOMESTIC)
A. General rules.
B. Classes of buyers.
C. Exceptions from the restrictions on the list.
D. Buyers' obligations.
LIST B—RESTRICTIONS ON SPECIAL SALES FOR EXPORT

Explanation and Scope

§ 944.34 *Priorities Regulation 13*—(a) *What this regulation does.* This regulation covers special sales, which, in general, are sales of materials or products by persons who acquired or made them for use and not for sale or resale. This is more fully explained in paragraph (b) (1). Special sales may be made freely, except for certain sales of surplus under CPA directions, materials or products on List A (Domestic) or List B (Export), and certain sales as scrap. This is the only CPA regulation on special sales, and a seller who wants to make a special sale need not look at any other CPA regulation or order unless this regulation says he must. However, all buyers must comply with applicable CPA orders on use, inventory, resale, etc., as explained in paragraph (j).

(b) *Definitions.* As used in this regulation:

(1) "Special sale" means a sale of a material or product by any person (including a Government agency) who acquired or made it for use and not for sale or resale. All sales by trustees in bankruptcy, receivers and other kinds of liquidators (in the course of liquidation as distinct from continued operation of a business) are special sales even though neither they nor their beneficiaries bought for use. All sales at public auction by general auctioneers are special sales regardless of the purpose for which the material or product was acquired. All sales of surplus materials or products by Government agencies are special sales. Transfers of materials acquired or made for use, from one plant or operating unit to another which is owned by the same person but which normally buys separately, are special sales.

(2) "Material or product" means any commodity, equipment, accessory, part, assembly or product of any kind in finished, semi-finished or raw material form.

(3) A "used" material or product is one which has been put into actual use.

(4) "Persons buying for use" include, among others, a contractor who buys with intent to incorporate the material in a building or product for a third person.

(c) *Sales not covered by this regulation.* The following types of sales are not considered special sales and are not governed by this regulation, even though they may involve materials or products acquired or made for use:

(1) A sale of a material or product by a person regularly engaged in the business of selling it. He is governed, however, by all CPA orders and regulations which apply to his business and to the material or product he is selling.

(2) Sales of plant-generated scrap, meaning scrap which is generated in the course of manufacture or is the waste of industrial fabrication. Sales of other kinds of scrap are covered by paragraph (i).

(3) Sales of rationed products which are controlled by another Government Agency.

(4) Sales of foods for humans or animals, medicines, tobacco, oils and fats, petroleum and petroleum products including natural and liquefied petroleum gases.

(5) [Deleted Oct. 1, 1945.]

(6) A sale of an entire business which is transferred as a going concern to a new owner who continues to operate it in the same or substantially the same form.

(7) [Deleted Oct. 1, 1945.]

General Rules for All Special Sales

(d) *Most special sales may be made freely; general rules.* A seller may make a special sale of most materials or products freely to anyone without CPA authorization and without requiring the buyer to apply or extend a preference rating. The only exceptions are certain sales of surplus under CPA directions, special sales of materials or products on List A (domestic sales) and on List B (export), and certain sales as scrap, as explained in paragraphs (d) (4), (g), (h) and (i). In addition, all sellers are subject to the following general rules and conditions:

(1) If the seller knows that a person who wants to buy the material or product will use it for a prohibited purpose or would have more of it than he is permitted to have, the sale may not be made. The buyers' obligations are stated in paragraph (j).

(2) At special sales, preference ratings have no effect either by way of obliging a holder to sell or by way of determining as among several buyers who shall get the material or product. However, this does not excuse a seller from complying with the restrictions on List A or B applying to the items listed.

(3) Even if the buyer gives the seller a preference rating at a special sale, the seller cannot use this rating to replace the material or product he has sold. The effect of this rating stops when the seller receives it.

(4) If the sale relates to surplus Government-owned or Government-involved materials or products (including contractor inventories and sales by owning or disposal agencies), the seller may be subject to regulations of the War Assets Administration. The seller must also comply with any directions on specific materials or products which may be issued by the CPA as part of this regulation or otherwise.

(e) *Use of material acquired with priorities assistance.* This regulation does not change the general rule of § 944.11 of Priorities Regulation 1 that material acquired with priorities assistance must, if possible, be used for the purpose for which the assistance was given. Where such material cannot be used for this purpose, then this regulation applies if a special sale is made.

(f) *Sales through an agent.* Where a person sells through an agent, except at public auction sales, the sale is a special sale only if it would be a special sale if made directly by the principal. If it is a special sale, the restrictions of this regulation apply to the principal and also to his agent if the latter knows or has reason to know the facts. In cases of special sales made at public auctions, the restrictions of this regulation are applicable both to the auctioneer and to his principal.

Restricted Special Sales

(g) *Materials or products on List A.* A special sale of a material or product on List A attached to this regulation, other than a sale for export, may be made only under the conditions described in the list.

(h) *Materials or products on List B (export).* A special sale of a material or product on List B to a foreign purchaser or to a domestic purchaser who is buying for export or for resale to a foreign purchaser may be made only under the conditions described in the list. Used materials or used products, however, may be sold freely for export unless a notation on List B indicates a restriction on the sale in their used condition. Also, if an exporter, is unable to export material purchased for export, he may make a special sale of it in the domestic market under the rules of this regulation. Nothing in this regulation relieves any exporter from complying with all applicable regulations of the Office of International Trade, Department of Commerce, or other Government

agencies who may have jurisdiction over exports.

(i) *Sales as scrap of materials or products other than plant-generated scrap.* (1) Any material or product (other than those listed below and plant-generated scrap) may be sold as scrap in a special sale if it is obsolete, unusable or not-readily-salable and will be used or consumed principally as scrap although some part of it may possibly be salvaged by the scrap buyer. A person may make such a special sale as scrap without stripping, disassembling or breaking up the material or product before sale. The sale may be made either to any consumer of scrap to be used only as scrap, or to any person regularly engaged in the collection, disassembling, sorting, and disposal of that kind of scrap material, primarily for remelt or other scrap use. Subsequent sales of any salvaged materials or products by such a scrap dealer are not covered by this regulation, but are subject to any CPA orders or regulations which apply to the distribution of the particular material or product. The above does not apply to the following:

Used tin cans sold as scrap are governed by Order M-325.

(2) If the buyer by contract, warranty or otherwise has stated that the particular material or product being sold as scrap will be used or disposed of as scrap, this regulation does not relieve the buyer from compliance with that condition.

(3) The sale at low prices, even as low as scrap prices, of prime or off-grade materials or products for use or resale "as is" does not constitute a sale as scrap and such sales may not be made under this paragraph. Instead such a sale is subject to all the other rules of this regulation which apply to special sales of the particular materials or products.

(4) This paragraph permits special sales as scrap only for use or resale within the United States, its territories or possessions.

Provisions Relating to Buyers

(j) *Provisions relating to buyers*—(1) *Use and quantity restrictions still apply.* The buyer at a special sale may not violate any CPA order or regulation controlling the amount of any material or product he may make or the use or disposition that he may make of it. He must also comply with any applicable order which limits the amount of any material or product he may buy (in terms of a specified quantity or quota as distinguished from a provision requiring CPA permission for all purchases. The latter type of provision does not apply when a special sale is made unless required by this regulation). All the prohibitions in CPA orders or regulations against the use of materials or products for particular purposes remain in effect, and even though a special sale may not be restricted by this regulation, the buyer may have to get permission to use under the applicable order.

(2) *Inventories.* (i) Persons buying for use may accept delivery of any item of a material or product bought on a special sale under this regulation if his total inventory of that item is or will by virtue of accepting such delivery be not in excess of his succeeding 90 days requirements. Directions issued pursuant to this regulation may impose more restrictive limitations on particular products. This permits a person to exceed other applicable inventory limits only if he acquires the excess under this regulation. However, if as a result of deliveries of materials or products accepted under this paragraph, his working inventory exceeds a practicable minimum or other applicable limits, he must promptly adjust his outstanding orders with his suppliers, and, if necessary, postpone or cancel them as described in paragraph (e) of Priorities Regulation 32. Paragraph (h) of Priorities Regulation 32 explains what receipts are permitted from suppliers after adjustment of orders. This paragraph does not permit a person to stockpile in anticipation of starting or resuming civilian production, except as permitted by Priorities Regulation 32. However, if any applicable CPA order or regulation permits a larger inventory than 90 days, this paragraph does not restrict receipts below the larger amount.

(ii) Persons buying for resale are subject to all applicable inventory restrictions. However, any material obtained under this regulation by such persons must be offered for sale promptly in accordance with applicable CPA orders and regulations.

(3) *Persons buying for resale.* If a person at a special sale buys a material or product for resale, he may not resell in violation of any CPA regulation or order which applies to persons engaged in the business of selling the particular material or product. Even if the buyer for resale has not previously sold the material or product as part of his regular business, he is subject to the same restrictions in reselling as a regular wholesaler, retailer or other distributor of it under all applicable CPA regulations and orders, unless the particular regulation or order specifically states otherwise. For example, if an order requires specific CPA permission before a regular distributor of a product can sell it, any person who buys it at a special sale for resale must do what the order says.

(4) *Reports.* If any order or regulation provides that a buyer of a material or product must make any report or furnish any information either to the Civilian Production Administration or to the seller, this regulation does not excuse him from these requirements.

[(5) *Obligations of persons giving certificates.* Any person giving any of the certificates required by this regulation may obtain and use or dispose of the materials or products which he gets with his certificate only in accordance with its terms.

Miscellaneous Provisions

(k) *Records.* Any person making a sale under this regulation must keep sufficient records so that he can show that the sale was permitted under this regulation.

(l) *Revisions of Lists A and B.* Lists A and B attached to this regulation will be revised from time to time. A person wishing to sell a material or product under this regulation should be sure that he has the lists which are in effect at the time of the sale.

(m) *Letters and questions.* Any letters or questions about this regulation should be sent to the Civilian Production Administration in Washington 25, D. C., marked "Ref: P.R. 13".

Issued this 10th day of September 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A—RESTRICTIONS ON SPECIAL SALES (DOMESTIC)

A. *General rules.* Special sales in the domestic market of materials or products in Column 1 of List A below are restricted to certain classes of buyers as indicated below in section B, and in accordance with any special rules for a particular material or product as shown on the list. The listings show in some instances the class or group of materials and do not always list all the trade names and related materials. Exceptions to the restrictions are indicated below in section C. Special sales of materials or products not listed may be made freely, but all special sales are subject to the general rules in paragraphs (d), (e) and (f) of the regulation.

B. *Classes of buyers.* Special sales of materials or products on this List A may be made to the following classes of buyers:

(1) To a producer of the same kind of material or product.

(2) To a reprocessor, unless a note in Column 4 of the list indicates to the contrary with respect to a particular material or product. A reprocessor means any person who remakes, repairs or reworks new, rejected or second-grade materials or products of the kind being sold.

(3) To a regular dealer, unless Column 3 or a note in Column 4 of the list indicates to the contrary with respect to a particular material or product. A dealer means any wholesaler or retailer regularly dealing in the materials or products of the kind being sold, and reselling them from stock or inventory to industrial users or to other persons. It also includes persons who recondition or rebuild equipment and machinery of the kind being sold for resale to industrial users. Such persons are not, however, relieved from compliance with any CPA orders or regulations which control the distribution of the material by them.

If this List A shows no restrictions on the special sale of a material or product to a regular dealer, the seller may sell it to any person for resale who gives him the following certification, provided the seller has no reason to believe that it is false.

The undersigned buyer certifies under Priorities Regulation 13 to the seller and to the CPA that he will in good faith offer for sale the material or product covered by this order in substantially the same time and manner as would a person regularly dealing in it, that he will render substantially the same type of service as would such a person, and that he will comply with all CPA regulations and orders applicable to such a person.

(Signature)

Any person giving such a certification must comply with all applicable CPA regulations and orders as he has certified he will. The standard certification provided in Priorities Regulation 7 may not be used in place of this certification.

(4) To persons buying for use subject to the restrictions indicated in Columns 2 and 4 of the list.

C. *Exceptions from the restrictions on the list.* Even if this List A shows a restriction on the special sale of a particular material or product, the sale may still be made if one or more of the following conditions apply:

(1) *Special permission.* If the list requires special authorization from the CPA in order for a sale of a particular material or product to be made, or if other conditions imposed by the list cannot be met, the seller may apply on Form CPA–1161 for special permission to sell unless the list states that some other form must be used. If Form CPA–1161 is applicable, and permission is given, it may be restricted to a specific buyer or class of buyers, or may permit the sale to any buyer for resale who gives the certification described in section B (3) above relating to dealers.

(2) *Used materials or products.* If the material or product is used, it may be sold freely to anyone unless a notation on List A indicates a restriction on its sale.

(3) *Small quantity exemption.* A special sale may be made freely if all the material or product of the same kind or type that the seller has at any one plant, operating unit or location did not cost him more than $100. In the case of any materials or products involved in a Government contract termination, this exemption applies if there is no more than $100 worth of the material or product in the termination inventory at any one location. Similarly, $100 worth (at cost) of any material or product may be sold at any single public auction, regardless of the amount of the material or product the seller has. Also, for the purpose of determining whether a particular lot of material or product is suitable for the prospective customer's use, a person may make a special sale of a sample lot, provided the amount involved (at cost to the seller) of any such sample does not exceed $20.

(4) *Special orders.* If the Civilian Production Administration by an order or in any other way has ruled that all persons engaged in a particular business may sell or exchange the materials or products between themselves, they may do so.

(5) *Disposal of contract termination inventories.* For the purpose of making a settlement of a Government contract, surplus materials or products on List A may be transferred freely from any subcontractor or prime contractor to a procuring agency or disposal agency of the Government, providing the procuring agency has so directed. However, if any material or product is later withdrawn from the contract settlement, its disposition is controlled by this List A.

(6) *Sales to Government stockpiling agencies.* A person may sell surplus materials or products on List A freely to one of the following Government Corporations or to anyone buying as agent for one of them: Commodity Credit Corporation or Reconstruction Finance Corporation (Office of Defense Supplies, Office of Metals Reserve, or Office of Rubber Reserve).

(7) *Transfers of surplus Government-owned materials or products.* Transfers by Government agencies of surplus materials or products, or of idle or excess materials or products not acquired for sale or resale, may be made freely to a Government Disposal Agency acting as such and may be made freely between and within the War Department, Navy Department, Maritime Commission, War Shipping Administration, Veterans' Administration, and the Reconstruction Finance Corporation, Office of Defense Plant, and from the Government Disposal Agencies to any of the above.

D. *Buyers obligations.* No matter who the buyer is or how the sale is made or authorized, the buyer is always subject to the conditions and other provisions stated in paragraph (j) of the regulation.

EXPLANATION OF TERMS USED

"CPA–1161" (or other designated Civilian Production Administration form number) means that the seller may not sell to the class of buyer listed at the head of the column without special Civilian Production Administration permission pursuant to application on the form specified. A note in the Remarks Column may show limited exceptions to this requirement. Section C (1) in the introduction to this list tells how to get permission.

"WOP" means that the seller can sell to the class of buyer listed at the head of the column without any preference rating, allocation, or other special permission being necessary.

Provisions in the Remarks Column applicable to the particular material or product must be complied with.

NOTE: Table amended Sept. 10, 1946.

Materials or products (new, unless "used" is specified) (1)	Persons buying for use (2)	Wholesalers or retailers regularly dealing in the materials or products in the form held by the holder (3)	Remarks (4)
PART I—METALS AND METALLIC ORES			
Antimony*	CPA-1161	CPA-1161	*No authorization required providing the buyer certifies to the seller that his aggregate purchases from all sources in any month, including the purchase in question, do not exceed 224 pounds (contained antimony).
Tin: Pig tin	CPA-1161	CPA-1161	
Uranium	CPA-1161	CPA-1161	
PART II—CHEMICALS			
All chemicals are unlisted in List A but the uses of certain chemicals are restricted by applicable M orders. See paragraph (j).			
PART III—TEXTILE FIBERS, FABRICS, CLOTHING, LEATHER AND RELATED PRODUCTS			
These restrictions do not apply, if the material was acquired without a priority rating or authorization from the Civilian Production Administration.			
Cordage (see Rope).			
Fibers:			
Cordage fibers (Manila and Agave only)	CPA-1161	CPA-1161	
Materials obtained under Conservation Order M–328B or its several schedules.	CPA-1161	CPA-1161	
Rope (Manila only)	(*)	(*)	*Special sales may only be made to persons who give the following certificate in writing with their purchase order: "The undersigned certifies to the seller and the CPA, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that all the material covered by this purchase order will be used or disposed of only in accordance with the provisions of Order M–84."
PART IV—MISCELLANEOUS MATERIALS AND PRODUCTS			
Building materials or equipment acquired with priorities assistance under PR 33 or its directions. (The restrictions of List A do not apply to sales of building materials or equipment by WAA.)	(*)	(**)	*Special sales may only be made to persons who give the following certificate in writing with their purchase order: "The undersigned certifies to the seller and the CPA, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that all the materials and equipment covered by this purchase are required for and will be used in construction of housing accommodations, or in production, for which priorities assistance has been assigned under the VEHP, or in construction for which priorities assistance has been assigned under the Veterans' Administration Construction Program. **Special sales may only be made to wholesalers or retailers regularly dealing in the materials or products in the form held by the holders who give the following certificate in writing with their purchase order: "The undersigned certifies to the seller and the CPA, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that the materials and equipment covered by this purchase order will be publicly offered for sale without delay, and will be disposed of only to persons who give a certificate in writing with their purchase orders in substantially the form of the certificate required for sales to persons buying for use under List A of PR 13."
Rubber:			
Natural rubber	CPA-1161	CPA-1161	
Natural rubber latex	CPA-1161	CPA-1161	
Chlorinated rubber (natural)	CPA-1161	CPA-1161	

LIST B—RESTRICTIONS ON SPECIAL SALES FOR EXPORT

Special sales for export of materials and products on this List B are restricted as shown in the list in accordance with paragraph (h) of the regulation. For explanation of terms used, see List A.

Materials or products (new, unless "used" is specified) (1)	Persons buying for export or foreign purchasers (2)	Remarks (3)
PART I—METALS AND METALLIC ORES		
Antimony*	CPA-1161	*No authorization required providing the buyer certifies to the seller that his aggregate purchases from all sources in any month, including the purchase in question, do not exceed 224 pounds (contained antimony).
Babbitt and tin bearing alloys:		
Containing 12 percent or less tin by weight	CPA-1161*	*No authorization required if the special sale does not exceed 1,000 pounds for one shipment.
Containing more than 12 percent tin by weight.	CPA-1161	
Solder:		
Containing 30 percent or less tin content by weight.	CPA-1161*	*No authorization required if the special sale does not exceed 1,000 pounds for one shipment.
Containing more than 30 percent tin by weight.	CPA-1161	
Tin	CPA-1161	
Uranium	CPA-1161	
PART II—DELETED AUG. 22, 1945		
PART III—TEXTILE FIBERS, FABRICS, CLOTHING, LEATHER AND RELATED PRODUCTS		
These restrictions do not apply if the material was acquired without a priority rating or authorization from the Civilian Production Administration.		
Cordage (see Rope).		
Fabrics (Woven, felted, knitted and braided):		
Burlap	CPA-1161	
Fibers:		
Cordage fiber: Manila, agave, jute and coir.	CPA-1161	
Hemp, Benares Sunn	CPA-1161	
Materials obtained under Conservation Order M-328B or its several schedules.	CPA-1161	
Rope (Manila and agave only)	CPA-1161	
PART IV—MISCELLANEOUS MATERIALS AND PRODUCTS		
Building materials or equipment acquired with priorities assistance assigned under PR 33.	CPA-1161	
Rubber:		
Natural rubber	CPA-1161	
Natural rubber latex	CPA-1161	
Reclaimed	CPA-1161	
Synthetic—all types	CPA-1161	
NOTE: Part V deleted Oct. 1, 1945.		

[F. R. Doc. 46-16406; Filed, Sept. 10, 1946; 11:22 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 34]

SALES OF CERTAIN CRITICAL MATERIAL BY RECONSTRUCTION FINANCE CORPORATION

§ 944.55 *Priorities Regulation 34*—(a) *What this regulation does.* There is a shortage in the supply of certain materials held by the Reconstruction Finance Corporation and various government agencies, for defense, for private account and for export. This regulation states the rules under which the Reconstruction Finance Corporation may sell these critical materials, either from its own stock, or for and on behalf of the owning agencies. Where a special authorization to buy the materials is required from CPA, the regulation explains who may apply and how to do so. The regulation applies only to the materials listed in the attached Table A. This table includes, but is not limited to, certain strategic materials covered by War Assets Administration Regulation 17, as to which CPA has determined that there is a deficiency in the supply for the current requirements of industry.

(b) *Restrictions on sales by RFC*—(1) *Materials requiring special authorization by CPA.* In some cases Table A requires special authorization from the CPA in order for a sale of a particular material to be made by RFC. Column 3 of Table A shows the Civilian Production Administration division or branch responsible for the material, and a note in column 4 opposite these items explains how persons wishing to buy them from RFC may apply to the appropriate CPA division or branch, Washington 25, D. C., for authorization to do so. Applicants should indicate the purpose for which the material is required, their present inventory of the material requested, the number of days supply represented by their present inventory plus the amount requested based on their current or scheduled rate of operation, the efforts made to obtain the material from regular sources of supply, the efforts made to obtain and use a suitable substitute, and any other information pertinent to the application. In general authorizations will be granted only if the material is not available from regular sources of supply and no suitable substitute material is available.

(2) *Materials for which no special authorization is required by CPA.* If Table A indicates that no special authorization is required for a sale of a particular material, the RFC may sell it without further instructions from CPA. However, if a note in Column 4 opposite the item requires that the purchaser give a certificate with his purchase order, RFC may sell only to persons who give it in writing the certificate specified. The standard certification in Priorities Regulation 7 may not be used instead of these certificate.

(c) *Restrictions on buyers*—(1) *Use and inventory restrictions.* A person buying critical materials from RFC may not violate any CPA order or regulation controlling the amount of any material he may receive or the use or disposition he may make of it. Persons buying for resale are subject to all applicable inventory restrictions, and any material obtained under this regulation by such persons must be offered for sale promptly in accordance with applicable CPA orders and regulations.

(2) *Obligation of person giving certificates.* Any person giving one of the certificates required in Table A may obtain and use or dispose of the materials he gets with the certificate only in accordance with its terms.

(d) *Special directives.* In cases of extreme urgency CPA may issue directives to RFC directing the delivery of specified quantities of materials to a named buyer or class of buyers.

NOTE: The application and reporting provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 10th day of September 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

TABLE A

Material (1)	CPA authorization required (2)	CPA division or branch responsible for material (3)	Remarks (4)
METALS AND MINERALS			
Aluminum: primary pig or ingot	Yes	Aluminum and Magnesium Branch	Ingot producers may apply by letter.
Antimony: metal, ore and concentrates; liquated (needle) antimony.	Yes	Tin, Lead and Zinc Branch	Applications may be filed in accordance with General Preference Order M-112.
Asbestos: Rhodesian Chrysotile fiber (Grade C and G3), African Amosite fiber (Grade M1), and Cape Blue.	Yes	Cork, Asbestos and Fibrous Glass branch.	Manufacturers of building materials may apply by letter.
Beryl: Ores or concentrates	Yes	Miscellaneous Minerals and Mining Branch.	Processors may apply by letter.
Bismuth:			
Metal	Yes	Tin, Lead and Zinc Branch	Processors and users may apply by letter. However in view of the extremely limited supply, sales will be authorized only for the urgent needs of the Armed Forces or where Bismuth metal is required for emergency use for public health and safety and it cannot be supplanted by drugs ordinarily furnished to hospitals and similar institutions.
Alloys, or scrap, containing 50 percent or more by weight of metallic Bismuth.	No	do	May be sold only to smelters and reprocessors who give the seller, in writing, a certificate in substantially the form shown in note 1 to this table.
Cadmium:			
Metal	Yes	do	Users may apply by letter. However in view of the extremely limited supply sales will be authorized only in cases of emergency.
Finished alloys containing metallic cadmium (including but not limited to low melting point alloys).	No	do	May be sold only to smelters, reprocessors or users who give the seller, in writing, a certificate in substantially the following form: "The undersigned certifies to the seller and CPA, subject to the penalties of section 35A of the United States Criminal Code that (i) he is a smelter, reprocessor or user of finished alloys containing metallic cadmium; (ii) he is unable to get the material obtained with this certificate from regular sources of supply; (iii) his inventory of the type of material covered by this purchase order (including this lot) will not be in excess of his succeeding 30 days' requirements; (iv) material obtained under this purchase order will be used or disposed of only in accordance with applicable CPA orders and regulations.
Scrap containing metallic cadmium but not containing 50 percent or more by weight of any other one metal.	No	do	May be sold only to smelters and reprocessors who give the seller, in writing, a certificate in substantially the form shown in Note 1 to this Table.
Chromite:			
Metallurgical and chemical ores and concentrates	Yes	Steel Branch	Processors and users may apply by letter.
Copper:			
Electrolytic or fire refined copper: Cathodes, wire, bars, cakes, slabs, ingots, ingot bars, billets, or bars.	Yes	Copper Branch	Brass mills, wire mills and ingot makers may apply by letter, and in addition to the information required by paragraph (b) (1) must supply such additional information as CPA may require each month.
Cartridge brass ingots, slabs, discs, bars, partly or completely manufactured ammunition cases, fired cases, or remelt ingot; leaded brass mill forms or remelt ingot; gilding metal mill forms or remelt ingot; and copper or copper base alloy scrap.	Yes	do	Smelters and reprocessors may apply by letter.
Corundum: Crystal or boulder ores or concentrates; primary grains and black cleavable.	Yes	Miscellaneous Minerals and Mining Branch.	Processors may apply by letter.
Cryolite: Ore, natural	Yes	Aluminum and Magnesium Branch	Processors or refiners may apply by letter.
Graphite: Madagascar Flake and Fines and Ceylon Lump.	Yes	Miscellaneous Minerals and Mining Branch.	Processors may apply by letter.
Kyanite: Ore	Yes	do	Do.
Lead:			
Pig	Yes	Tin, Lead and Zinc Branch	Applications may be filed in accordance with General Preference Order M-38.
Alloys, or scrap, containing 50 percent or more by weight of metallic lead; residues.	No	do	May be sold only to smelters and reprocessors who give the seller, in writing, a certificate in substantially the form shown in note 1 to this table.
Manganese: Metallurgical ores	Yes	Steel Branch	Processors and users may apply by letter.
Mica: Muscovite block, film and splittings; Phlogopite block and splittings.	Yes	Miscellaneous Minerals and Mining Branch.	Fabricators may apply by letter.
Nickel oxide	No	Steel Branch	
Platinum, refined	Yes	Miscellaneous Minerals and Mining Branch.	Refiners may apply by letter.
Quartz Crystals: Raw quartz, radio grade, and scrap.	Yes	do	Processors may apply by letter.
Tin:			
Pig	Yes	Tin, Lead and Zinc Branch	Applications may be filed in accordance with Conservation Order M-43.
Alloys, or scrap, containing 50 percent or more by weight of metallic tin; residues.	No	do	May be sold only to smelters and reprocessors who give the seller, in writing, a certificate in substantially the form shown in note 1 to this table.
Zinc:			
Oxide, slab, ores and concentrates, and die cast alloys.	Yes	do	Processors and users may apply by letter. However in view of the extremely limited supply sales will be authorized only in cases of emergency.
Other alloys, or scrap, containing 50 percent or more by weight of metallic zinc, residues.	No	do	May be sold only to smelters and reprocessors who give the seller, in writing, a certificate in substantially the form shown in Note 1 to this Table.
OTHER MATERIALS			
Ethyl alcohol	Yes	Chemicals Division	Applications may be filed in accordance with Direction 5 to Conservation Order M-300.
Manila fiber	Yes	Textile Division	Applications may be filed in accordance with Conservation Order M-84.
Molasses	Yes	Chemicals Division	Applications may be filed in accordance with Conservation Order M-54.
Quinine and related alkaloids	Yes	do	Applications may be filed in accordance with Conservation Order M-131.
Rubber: Natural rubber, natural rubber latex, butyl, GR-S synthetic.	Yes	Rubber Division	Applications may be filed in accordance with Rubber Order R-1.
Sisal fiber	Yes	Textile Division	Applications may be filed in accordance with Conservation Order M-84.

NOTE.—Where required by a note in Column 4, a certificate in substantially the following form should be used by smelters and reprocessors:
The undersigned certifies to the seller and CPA, subject to the penalties of section 35 (A) of the United States Criminal Code that (i) he is a smelter or reprocessor and will use the material obtained with this certificate in his smelting or reprocessing operations; (ii) he is unable to get these materials from regular sources of supply; (iii) his inventory of the type of material covered by this purchase order (including this lot) will not be in excess of his succeeding 30 days' requirements; and (iv) the material obtained under this purchase order will be used or disposed of only in accordance with applicable CPA orders and regulations.

[F. R. Doc. 46-16407; Filed, Sept. 10, 1946; 11:22 a. m.]

Chapter XI—Office of Price Administration

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Control Order 2, Amdt. 5 to Supp. 1 [1]]

LIVESTOCK SLAUGHTER

Supplement 1 to Control Order 2 is amended in the following respects:

1. Paragraph (d) of Table I is deleted.

2. Table II is added to read as follows:

TABLE II—QUOTA PERCENTAGES FOR ALL CLASS 1 AND CLASS 2 SLAUGHTERERS (UNDER SECTION 7 OF CONTROL ORDER 2)

(a) For quota periods beginning on or after September 1, 1946.

	Percent
Cattle	90
Calves	90
Hogs	70

This amendment shall become effective September 1, 1946.

Issued this 9th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16319; Filed, Sept. 9, 1946; 4:02 p. m.]

PART 1305—ADMINISTRATION

[SO 129, Amdt. 53]

EXEMPTION AND SUSPENSION FROM PRICE CONTROL OF MACHINES, PARTS, INDUSTRIAL MATERIALS AND SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Order 129 is amended in the following respects:

1. Section 11 (a) is amended by adding the following to the list of commodities thereunder: "Incense cedar pencil slats."

2. Section 14 (b) (1) is amended by adding the following to the list of commodities thereunder: "Parts usable exclusively in motorcycles."

3. Section 14 (d) is amended by deleting the figure "40,000" wherever it appears under the item "Trucks as follows only" and substituting therefor the figure "30,000".

4. Section 14 (d) is amended by deleting the phrase "Trucks as follows only" from the list of commodities thereunder, and substituting the following:

Trucks which are licensable for operation on highways, limited to the following:

5. Section 14 (d) is amended by adding the following to the list of commodities thereunder:

Motorcycles.
Motor toboggans.

6. Section 15 (a) is amended by adding the following to the list of commodities thereunder:

Cellulose wadding used in the manufacture of surgical dressings.
Chopholders.
Confetti, garlands, streamers, bells and other paper decorative novelties used in room and window decoration, including paper displays not used as containers.
Cosmetic protection specialties used in dress shops, beauty parlors, etc.
Dish cloths.
Drip sheets for automobiles—single use, specially designed sheets used in shipping automobiles.
Garment hangers—paperboard.
Gift tying tape.
Hoods used in covering young plants, seedlings, etc.
Litmus paper (treated).
Open mesh bags woven from paper twine.
Papers used in the manufacture of abrasive products not including papers coated with abrasive materials.
Pellet paper used in the manufacture of explosives.
Sheets used for lining bakery pans, bowls and other cooking utensils, including liners, pads and strips in connection with baking processes.
Specially treated paper bags used in the preparation for shipment of carbon black.
Toilet seat covers.

6. Section 15 (c) is amended by deleting the item "Disk milk bottle caps."

7. Section 15 (c) is amended by adding the following to the list of commodities thereunder:

Flower pots and boxes made of paperboard.
Milk bottle caps, closures and hoods (all types).
Luggage made of paperboard.
Photomount stock used in the manufacture of photograph mounts and easels.
Set-up paperboard jewelry boxes, and set-up jewelry boxes made of paperboard in combination with other materials, used in packing jewelry sets and individual jewelry items, including fountain pens, watches and razors.

8. Section 16 (a) is amended by adding the following to the list of commodities thereunder: "Casein plastic materials in the form of sheets, rods, tubes, and preforms before fabrication or printing."

9. Section 16 (b) is amended by adding the following to the list of commodities thereunder. "Racing car tires and tubes (including midget racing car tires and tubes)."

This amendment shall become effective September 10, 1946.

Issued this 10th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16422; Filed, Sept. 10, 1946 11:23 a. m.]

PART 1305—ADMINISTRATION

[SO 132,[1] Amdt. 56]

EXEMPTION AND SUSPENSION FROM PRICE CONTROL OF CERTAIN FOODS, GRAINS AND CEREALS, FEEDS, TOBACCO AND TOBACCO PRODUCTS, AGRICULTURAL CHEMICALS, INSECTICIDES AND BEVERAGES

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

Supplementary Order No. 132 is amended in the following respect:

1. In section 1 (d) the following commodity is added in alphabetical order:

Packaged domestic whiskey (as defined in Maximum Price Regulation 445) bottled prior to December 5, 1933.

This amendment shall become effective September 9, 1946.

Issued this 9th day of September 1946.

PAUL A. PORTER,
Administrator.

Approved: September 6, 1946.

CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 46-16323; Filed, Sept. 9, 1946; 4:02 p. m.]

PART 1412—SOLVENTS

[MPR 28, Amdt. 15]

ETHYL ALCOHOL (EXCLUDING WEST COAST ETHYL ALCOHOL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 1412:263 (j) is amended by adding at the end thereof the following: "Sales to Reconstruction Finance Corporation of ethyl alcohol made from potatoes are exempt from price control."

This amendment shall become effective September 16, 1946.

Issued this 10th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16410; Filed, Sept. 10, 1946; 11:23 a. m.]

PART 1412—SOLVENTS

[MPR 295, Amdt. 14]

WEST COAST ETHYL ALCOHOL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 1412.165 (h) is amended by adding at the end thereof the following: "Sales to Reconstruction Finance Corporation of ethyl alcohol made from potatoes are exempt from price control."

This amendment shall become effective September 16, 1946.

Issued this 10th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16412; Filed, Sept. 10, 1946; 11:23 a. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 2, Amdt. 17]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Restaurant Maximum Price Regulation No. 2 is amended in the following manner:

[1] 11 F. R. 4636.

[1] 10 F. R. 14954, 15170; 11 F. R. 296, 297, 881, 1102, 1467, 2378, 2640, 2989, 2927, 3247, 3396, 4021, 4090, 4861, 6066, 5353, 5598, 5599, 5650, 5740, 5868, 5781, 6232, 6606, 6863, 7185, 8446, 8534, 8647, 8643, 8827, 8864, 9032, 9031, 9139, 9349, 9447, 9525, 9526.

Section 1 (d) (5) is amended by adding a new paragraph to read:

The ceiling prices for all meat meals and items whose prices were re-calculated under this subparagraph, shall be the prices in effect for the week ending August 31, 1946. These prices shall be in effect until September 16, 1946.

This amendment shall become effective September 9, 1946.

Issued this 9th day of September 1946.

GEOFFREY BAKER,
Acting Administrator.

[F. R. Doc. 46-16324; Filed, Sept. 9, 1946; 4:02 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 355, Amdt. 40 (§ 1364.1154)]

RETAIL CEILING PRICES FOR BEEF, VEAL, LAMB AND MUTTON CUTS AND ALL VARIETY MEATS AND EDIBLE BY-PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 355 is amended in the following respects:

1. In section 22 (a)—Zone 1—in the table of prices, the prices in columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

[For stores in Groups 1 and 2 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	58	55
2. T-Bone	58	55
3. Club	58	55
4. Rib—10" cut	37	36
5. Rib—7" cut	41	39
6. Sirloin	49	47
7. Pin bone	49	47
8. Sirloin (boneless)	61	58
9. Round (bone-in—full cut)	49	46
10. Round (boneless—top and bottom)	51	48
11. Round tip	51	48
12. Chuck blade (bone-in)	34	32
13. Chuck arm (bone-in)	34	32
II. Roasts		
1. Rib standing (chine bone-in—10" cut)	37	36
2. Rib standing (chine bone-in—7" cut)	41	39
3. Round tip	51	48
4. Rump (bone-in)	32	30
5. Rump (boneless)	51	48
6. Chuck blade pot roast	34	32
7. Chuck arm pot roast	34	32
8. Chuck or shoulder (boneless)	45	42
9. English cut	34	32
III. Stews and other cuts		
9. Neck (boneless)	36	34
10. Heel of round (boneless)	37	35
V. Wholesale cuts		
1. Round beef (whole)	29	28
2. Sirloin beef (whole)	34	33
3. Short loin beef (whole)	40	38
5. Rib beef (whole)	30	29
6. Regular chuck (whole)	26	24

[For stores in Groups 1 and 2 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XI. Steaks and chops							
1. Loin chops	75	71	66	55	41	39	37
2. Rib chops	59	56	53	45	27	25	22
3. Leg or sirloin chops	59	56	53	45	27	25	22
4. Shoulder blade or arm chops	51	49	46	39	24	21	19
XII. Roasts							
1. Leg (whole, half or short cut)	52	49	46	38	29	27	26
2. Sirloin roast (bone-in)	59	56	53	45	27	25	22
3. Yoke, rattle or triangle (bone-in)	35	33	33	28	17	15	13
4. Yoke, rattle or triangle (boneless)	52	51	50	42	25	22	19
5. Chuck or shoulder (square cut) (bone-in)	45	44	44	37	22	19	17
6. Chuck or shoulder (cross cut) (bone-in)	36	35	35	30	18	16	14
7. Loin	75	71	66	55	41	39	37
8. Rib	59	56	53	45	27	25	22
9. Boneless lamb shoulder roll	----	----	----	42	----	----	----
XIII. Stews and other cuts							
1. Breast and flank	26	24	23	20	13	12	10
2. Neck (bone-in)	26	24	23	20	13	12	10
3. Neck (boneless)	40	40	40	40	26	26	26
4. Shank (bone-in)	26	24	23	20	13	12	10
5. Patties (ground meat)	40	40	40	40	26	26	26
XV. Wholesale cuts							
1. Leg	41	40	38	34	24	24	23
2. Loin	42	38	32	27	20	19	18
3. Hotel rack	45	42	36	29	22	19	18
4. Yoke	27	26	26	22	13	12	10

2. In section 22 (b)—Zone 1—in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

[For stores in groups 3 and 4 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	56	52
2. T-bone	56	52
3. Club	56	52
4. Rib—10" cut	34	33
5. Rib—7" cut	38	36
6. Sirloin	47	45
7. Pin-bone	47	45
8. Sirloin (boneless)	58	55
9. Round (bone-in—full cut)	46	43
10. Round (boneless-top and bottom)	48	46
11. Round tip	48	46
12. Chuck blade (bone-in)	32	30
13. Chuck arm (bone-in)	32	30
II. Roasts		
1. Rib standing (chine bone-in—10" cut)	34	33
2. Rib standing (chine bone-in—7" cut)	38	36
3. Round tip	48	46
4. Rump (bone-in)	30	29
5. Rump (boneless)	48	46
6. Chuck blade pot roast	32	30
7. Chuck arm pot roast	32	30
8. Chuck or shoulder (boneless)	42	40
9. English cut	32	30

[For stores in Groups 3 and 4 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
III. Stews and other cuts		
9. Neck (boneless)	34	32
10. Heel of round (boneless)	34	33
V. Wholesale cuts		
1. Round beef (whole)	28	27
2. Sirloin beef (whole)	34	32
3. Short loin beef (whole)	40	37
5. Rib beef (whole)	30	29
6. Regular chuck (whole)	25	24

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XI. Steaks and chops							
1. Loin chops	71	68	63	53	39	37	35
2. Rib chops	56	53	50	43	26	23	20
3. Leg or sirloin chops	56	53	50	43	26	23	20
4. Shoulder chops, blade or arm chops	48	46	44	37	22	20	18
XII. Roasts							
1. Leg (whole, half or short cut)	49	47	44	37	27	26	25
2. Sirloin roast (bone-in)	56	53	50	43	26	23	20
3. Yoke, rattle or triangle (bone-in)	32	32	31	26	16	14	12
4. Yoke, rattle or triangle (boneless)	49	48	47	40	23	20	17
5. Chuck or shoulder (square cut) (bone-in)	42	42	42	37	20	18	15
6. Chuck or shoulder (cross cut) (bone-in)	34	33	33	29	17	15	13
7. Loin	71	68	63	53	39	37	35
8. Rib	56	53	50	43	26	23	20
9. Boneless lamb shoulder roll	----	----	----	40	----	----	----
XIII. Stews and other cuts							
1. Breast and flank	24	23	22	19	12	11	10
2. Neck (bone-in)	24	23	22	19	12	11	10
3. Neck (boneless)	38	38	38	38	25	25	25
4. Shank (bone-in)	24	23	22	19	12	11	10
5. Patties (ground meat)	38	38	38	38	25	25	25
XV. Wholesale cuts							
1. Leg	41	39	38	34	24	23	22
2. Loin	41	38	32	26	20	19	17
3. Hotel rack	45	42	36	28	21	19	17
4. Yoke	26	26	25	21	13	11	10

3. In section 22 (b) (1)—Zone 1—in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

[For stores in Groups 3B and 4B as provided in Amendment 12 to Maximum Price Regulation No. 355, effective October 28, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	54	50
2. T-Bone	54	50
3. Club	54	50
4. Rib—10" cut	33	32
5. Rib—7" cut	36	35
6. Sirloin	45	43

[For stores in Groups 3B and 4B as provided in Amendment 12 to Maximum Price Regulation No. 355, effective October 28, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks—Continued		
7. Pinbone	45	43
8. Sirloin (boneless)	56	53
9. Round (bone-in—full cut)	44	41
10. Round (boneless—top and bottom)	46	44
11. Round tip	46	44
12. Chuck blade (bone-in)	31	29
13. Chuck arm (bone-in)	31	29
II. Roasts		
1. Rib standing (chine bone-in—10" cut)	33	32
2. Rib standing (chine bone-in—7" cut)	36	35
3. Round tip	46	44
4. Rump (bone-in)	29	28
5. Rump (boneless)	46	44
6. Chuck blade pot roast	31	29
7. Chuck arm pot roast	31	29
8. Chuck or shoulder (boneless)	40	38
9. English cut	31	29
III. Stews and other cuts		
9. Neck (boneless)	33	31
10. Heel of round (boneless)	33	32
V. Wholesale cuts		
1. Round beef (whole)	27	26
2. Sirloin beef (whole)	33	31
3. Short loin beef (whole)	38	36
5. Rib beef (whole)	29	28
6. Regular chuck (whole)	24	23

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XI. Steaks and chops							
1. Loin chops	68	65	60	51	37	36	34
2. Rib chops	54	51	48	41	25	22	19
3. Leg or sirloin chops	54	51	48	41	25	22	19
4. Shoulder chops, blade or arm chops	46	44	42	36	21	19	17
XII. Roasts							
1. Leg (whole, half or short cut)	47	45	42	36	26	25	24
2. Sirloin roast (bone-in)	54	51	48	41	25	22	19
3. Yoke, rattle or triangle (bone-in)	31	31	30	25	15	13	12
4. Yoke, rattle or triangle (boneless)	47	46	45	38	22	19	16
5. Chuck or shoulder (square cut) (bone-in)	40	40	40	36	19	17	14
6. Chuck or shoulder (cross cut) (bone-in)	33	32	32	28	16	14	12
7. Loin	68	65	60	51	37	36	34
8. Rib	54	51	48	41	25	22	19
9. Boneless lamb shoulder roll	---	---	---	38	---	---	---
XIII. Stews and other cuts							
1. Breast and flank	23	22	21	18	12	11	10
2. Neck (bone-in)	23	22	21	18	12	11	10
3. Neck (boneless)	36	36	36	36	24	24	24
4. Shank (bone-in)	23	22	21	18	12	11	10
5. Patties (ground meat)	36	36	36	36	24	24	24
XV. Wholesale cuts							
1. Leg	39	37	36	33	23	22	21
2. Loin	39	36	31	25	19	18	16
3. Hotel rack	43	40	35	27	20	18	16
4. Yoke	25	25	24	20	12	11	10

4. In Section 22 (c)—Zone 2—in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

[For stores in Groups 1 and 2 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	57	53
2. T-bone	57	53
3. Club	57	53
4. Rib—10" cut	36	35
5. Rib—7" cut	40	38
6. Sirloin	48	46
7. Pin bone	48	46
8. Sirloin (boneless)	59	57
9. Round (bone-in—full cut)	48	45
10. Round (boneless—top and bottom)	50	47
11. Round tip	50	47
12. Chuck blade (bone-in)	33	31
13. Chuck arm (bone-in)	33	31
II. Roasts		
1. Rib standing (chine bone-in—10" cut)	36	35
2. Rib standing (chine bone-in—7" cut)	40	38
3. Round tip	50	47
4. Rump (bone-in)	31	29
5. Rump (boneless)	50	47
6. Chuck blade pot roast	33	31
7. Chuck arm pot roast	33	31
8. Chuck or shoulder (boneless)	43	41
9. English cut	33	31
III. Stews and other cuts		
9. Neck (boneless)	35	33
10. Heel of round (boneless)	35	33
V. Wholesale cuts		
1. Round beef (whole)	28	27
2. Sirloin beef (whole)	33	32
3. Short loin beef (whole)	40	37
5. Rib beef (whole)	30	28
6. Regular chuck (whole)	25	23

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XI. Steaks and chops							
1. Loin chops	72	68	63	53	38	36	34
2. Rib chops	56	54	51	43	25	22	19
3. Leg or sirloin chops	56	54	51	43	25	22	19
4. Shoulder chops, blade or arm chops	49	46	44	37	22	19	17
XII. Roasts							
1. Leg (whole, half or short cut)	49	46	43	36	26	25	23
2. Sirloin roast (bone-in)	56	54	51	43	25	22	19
3. Yoke, rattle or triangle (bone-in)	32	31	30	26	15	13	11
4. Yoke, rattle or triangle (boneless)	50	48	47	40	22	19	16
5. Chuck or shoulder (square cut) (bone-in)	42	42	41	35	20	17	14
6. Chuck or shoulder (cross cut) (bone-in)	34	33	32	27	15	14	12
7. Loin	72	68	63	53	38	36	34
8. Rib	56	54	51	43	25	22	19
9. Boneless lamb shoulder roll	---	---	---	40	---	---	---
XIII. Stews and other cuts							
1. Breast and flank	23	22	21	18	10	09	08
2. Neck (bone-in)	23	22	21	18	10	09	08
3. Neck (boneless)	38	38	38	38	24	24	24
4. Shank (bone-in)	23	22	21	18	10	09	08
5. Patties (ground meat)	38	38	38	38	24	24	24
XV. Wholesale cuts							
1. Leg	39	38	36	32	23	22	21
2. Loin	40	36	31	25	18	17	16
3. Hotel rack	44	41	35	27	20	18	16
4. Yoke	25	24	24	20	11	10	09

5. In Section 22 (d)—Zone 2—in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

[For stores in Groups 3 and 4 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	55	51
2. T-Bone	55	51
3. Club	55	51
4. Rib—10" cut	33	32
5. Rib—7" cut	36	34
6. Sirloin	46	44
7. Pin bone	46	44
8. Sirloin (boneless)	57	54
9. Round (bone-in—full cut)	45	42
10. Round (boneless—top and bottom)	47	44
11. Round tip	47	44
12. Chuck blade (bone-in)	31	29
13. Chuck arm (bone-in)	31	29
II. Roasts		
1. Rib standing (chine bone-in—10" cut)	33	32
2. Rib standing (chine bone-in—7" cut)	36	34
3. Round tip	47	44
4. Rump (bone-in)	29	27
5. Rump (boneless)	47	44
6. Chuck blade pot roast	31	29
7. Chuck arm pot roast	31	29
8. Chuck or shoulder (boneless)	41	38
9. English cut	31	29
III. Stews and other cuts		
9. Neck (boneless)	33	31
10. Heel of round (boneless)	33	31
V. Wholesale cuts		
1. Round beef (whole)	27	26
2. Sirloin beef (whole)	33	31
3. Short loin beef (whole)	39	37
5. Rib beef (whole)	29	28
6. Regular chuck (whole)	24	23

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XI. Steaks and chops							
1. Loin chops	69	65	60	50	36	34	33
2. Rib chops	54	51	48	41	23	21	18
3. Leg or sirloin chops	54	51	48	41	23	21	18
4. Shoulder chops, blade or arm chops	46	44	42	35	20	18	15
II. Roasts							
1. Leg (whole, half or short cut)	47	44	41	34	25	23	22
2. Sirloin roast (bone-in)	54	51	48	41	23	21	18
3. Yoke, rattle or triangle (bone-in)	30	29	29	24	14	12	10
4. Yoke, rattle or triangle (boneless)	47	46	45	37	21	18	15
5. Chuck or shoulder (square cut) (bone-in)	40	40	39	35	18	16	13
6. Chuck or shoulder (cross cut) (bone-in)	32	31	31	27	14	12	11
7. Loin	69	65	60	50	36	34	33
8. Rib	54	51	48	41	23	21	18
9. Boneless lamb shoulder roll	---	---	---	38	---	---	---
XIII. Stews and other cuts							
1. Breast and flank	22	21	20	17	10	09	07
2. Neck (bone-in)	22	21	20	17	10	09	07
3. Neck (boneless)	36	36	36	36	23	23	23
4. Shank (bone-in)	22	21	20	17	10	09	07
5. Patties (ground meat)	36	36	36	36	23	23	23

[For stores in Groups 3 and 4 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Lamb and Mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XV. Wholesale cuts							
1. Leg	39	37	36	32	22	21	21
2. Loin	40	36	30	25	18	17	15
3. Hotel rack	43	40	34	27	19	17	15
4. Yoke	25	24	23	20	11	10	08

6. In Section 22 (d) (1)—Zone 2—in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

[For stores in Groups 3B and 4B as provided in Amendment 12 to Maximum Price Regulation No. 355, effective October 28, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	53	49
2. T-bone	53	49
3. Club	53	49
4. Rib—10" cut	32	31
5. Rib—7" cut	35	33
6. Sirloin	44	42
7. Pin bone	44	42
8. Sirloin (boneless)	55	52
9. Round (bone-in—full cut)	43	40
10. Round (boneless—top and bottom)	45	42
11. Round tip	45	42
12. Chuck blade (bone-in)	30	28
13. Chuck arm (bone-in)	30	28
II. Roasts		
1. Rib standing (chine bone-in, 10" cut)	32	31
2. Rib standing (chine bone-in, 7" cut)	35	33
3. Round tip	45	42
4. Rump (bone-in)	28	26
5. Rump (boneless)	45	42
6. Chuck blade pot roast	30	28
7. Chuck arm pot roast	30	28
8. Chuck or shoulder (boneless)	39	36
9. English cut	30	28
III. Stews and other cuts		
9. Neck (boneless)	32	30
10. Heel of round (boneless)	32	30
V. Wholesale cuts		
1. Round beef (whole)	26	25
2. Sirloin beef (whole)	32	30
3. Short loin beef (whole)	37	36
5. Rib beef (whole)	28	27
6. Regular chuck (whole)	23	22

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commerical	Grade R or utility and culls
XI. Steaks and chops							
1. Loin chops	66	62	58	48	35	33	32
2. Rib chops	52	49	46	39	22	20	17
3. Leg or sirloin chops	52	49	46	39	22	20	17
4. Shoulder chops, blade or arm chops	44	42	40	34	19	17	14

[For stores in Groups 3B and 4B as provided in Amendment 12 to Maximum Price Regulation No. 355, effective October 28, 1943. Cents per pound]

Lamb and Mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XII. Roasts							
1. Leg (whole, half or short cut)	45	42	39	33	24	22	21
2. Sirloin roasts (bone-in)	52	49	46	39	22	20	17
3. Yoke, rattle or triangle (bone-in)	29	28	28	23	13	12	10
4. Yoke, rattle or triangle (boneless)	45	44	43	36	20	17	14
5. Chuck or shoulder (square cut) (bone-in)	38	38	41	34	19	16	13
6. Chuck or shoulder (cross cut) (bone-in)	31	30	30	26	14	12	11
7. Loin	66	62	58	48	35	33	32
8. Rib	52	49	46	39	22	20	17
9. Boneless lamb shoulder roll	----	----	----	36	----	----	----
XIII. Stews and other cuts							
1. Breast and flank	21	20	19	16	10	09	07
2. Neck (bone-in)	21	20	19	16	10	09	07
3. Neck (boneless)	35	35	35	35	22	22	22
4. Shank (bone-in)	21	20	19	16	10	09	07
5. Patties (ground meat)	35	35	35	35	22	22	22
XV. Wholesale cuts							
1. Leg	37	36	35	31	21	20	20
2. Loin	38	35	29	24	17	16	14
3. Hotel rack	41	38	33	26	18	16	14
4. Yoke	24	23	22	19	11	10	08

7. In section 22 (e)—Zone 3—in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

[For stores in Groups 1 and 2 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	56	52
2. T-Bone	56	52
3. Club	56	52
4. Rib—10" cut	35	33
5. Rib—7" cut	39	37
6. Sirloin	47	44
7. Pin bone	47	44
8. Sirloin (boneless)	58	55
9. Round (bone-in-full cut)	46	44
10. Round (boneless—top and bottom)	48	45
11. Round tip	48	45
12. Chuck blade (bone-in)	32	30
13. Chuck arm (bone-in)	32	30
II. Roasts		
1. Rib standing (chine bone-in—10" cut)	35	33
2. Rib standing (chine bone-in—7" cut)	39	37
3. Round tip	48	45
4. Rump (bone-in)	29	28
5. Rump (boneless)	48	45
6. Chuck blade pot roast	32	30
7. Chuck arm not roast	32	30
8. Chuck or shoulder (boneless)	42	39
9. English cut	32	30
III. Stews and other cuts		
9. Neck (boneless)	34	32
10. Heel of round (boneless)	34	32

[For stores in Groups 1 and 2 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
V. Wholesale cuts		
1. Round beef (whole)	27	26
2. Sirloin beef (whole)	32	31
3. Short loin beef (whole)	39	36
5. Rib beef (whole)	29	27
6. Regular chuck (whole)	24	23

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XI. Steaks and chops							
1. Loin chops	72	68	63	53	38	36	34
2. Rib chops	56	54	51	43	25	22	19
3. Leg or sirloin chops	56	54	51	43	25	22	19
4. Shoulder chops, blade or arm chops	49	46	44	37	24	19	17
XII. Roasts							
1. Leg (whole, half or short cut)	49	46	43	36	26	25	23
2. Sirloin roast (bone-in)	56	54	51	43	25	22	19
3. Yoke, rattle or triangle (bone-in)	32	31	30	26	15	13	11
4. Yoke, rattle or triangle (boneless)	50	48	47	40	22	19	16
5. Chuck or shoulder (square cut) (bone-in)	42	42	41	35	20	17	14
6. Chuck or shoulder (cross cut) (bone-in)	34	33	32	27	15	14	12
7. Loin	72	68	63	53	38	36	34
8. Rib	56	54	51	43	25	22	19
9. Boneless lamb shoulder roll	----	----	----	40	----	----	----
XIII. Stews and other cuts							
1. Breast and flank	23	22	21	18	10	09	08
2. Neck (bone-in)	23	22	21	18	10	09	08
3. Neck (boneless)	38	38	38	38	24	24	24
4. Shank (bone-in)	23	22	21	18	10	09	08
5. Patties (ground meat)	38	38	38	38	24	24	24
XV. Wholesale cuts							
1. Leg	39	38	36	32	23	22	21
2. Loin	40	36	31	25	18	17	16
3. Hotel rack	44	41	35	27	20	18	16
4. Yoke	25	24	24	20	11	10	09

8. In section 22 (f)—Zone 3—in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

[For stores in Groups 3 and 4 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	53	50
2. T-bone	53	50
3. Club	53	50
4. Rib—10" cut	32	30
5. Rib—7" cut	35	33
6. Sirloin	44	42
7. Pin bone	44	42
8. Sirloin (boneless)	55	53

[For stores in Groups 3 and 4 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks—Continued		
9. Round (bone-in—full cut)	44	41
10. Round (boneless—top and bottom)	45	43
11. Round tip	45	43
12. Chuck blade (bone-in)	29	28
13. Chuck arm (bone-in)	29	28
II. Roasts		
1. Rib standing (chine bone-in—10" cut)	32	30
2. Rib standing (chine bone-in—7" cut)	35	33
3. Round tip	45	43
4. Rump (bone-in)	28	26
5. Rump (boneless)	45	43
6. Chuck blade pot roast	29	28
7. Chuck arm pot roast	29	28
8. Chuck or shoulder (boneless)	39	37
9. English cut	29	28
III. Stews and other cuts		
9. Neck (boneless)	31	30
10. Heel of round (boneless)	32	30
V. Wholesale cuts		
1. Round beef (whole)	27	25
2. Sirloin beef (whole)	32	31
3. Short loin beef (whole)	38	36
5. Rib beef (whole)	28	27
6. Regular chuck (whole)	24	22

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XI. Steaks and chops							
1. Loin chops	69	65	60	50	36	34	33
2. Rib chops	54	51	48	41	23	21	18
3. Leg or sirloin chops	54	51	48	41	23	21	18
4. Shoulder chops, blade or arm chops	46	44	42	35	20	18	15
XII. Roasts							
1. Leg (whole, half or short cut)	47	44	41	34	25	23	22
2. Sirloin roast (bone-in)	54	51	48	41	23	21	18
3. Yoke, rattle or triangle (bone-in)	30	29	29	24	14	12	10
4. Yoke, rattle or triangle (boneless)	47	46	45	37	21	18	15
5. Chuck or shoulder (square cut) bone-in)	40	40	39	35	18	16	13
6. Chuck or shoulder (cross cut) (bone-in)	32	31	31	27	14	12	11
7. Loin	69	65	60	50	36	34	33
8. Rib	54	51	48	41	23	21	18
9. Boneless lamb shoulder roll	----	----	----	38	----	----	----
XIII. Stews and other cuts							
1. Breast and flank	22	21	20	17	10	9	7
2. Neck (bone-in)	22	21	20	17	10	9	7
3. Neck (boneless)	36	36	36	36	23	23	23
4. Shank (bone-in)	22	21	20	17	10	9	7
5. Patties (ground meat)	36	36	36	36	23	23	23
XV. Wholesale cuts							
1. Leg	39	37	36	32	22	21	21
2. Loin	40	36	30	25	18	17	15
3. Hotel rack	43	40	34	27	19	17	15
4. Yoke	25	24	23	20	11	10	8

9. In section 22 (f) (1)—Zone 3—in the table of prices, the prices in Columns "AA or choice" and 'A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

[For stores in Groups 3B and 4B as provided in Amendment 12 to Maximum Price Regulation No. 355, effective October 28, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	51	48
2. T-Bone	51	48
3. Club	51	48
4. Rib—10" cut	31	29
5. Rib—7" cut	34	32
6. Sirloin	42	40
7. Pin bone	42	40
8. Sirloin (boneless)	53	51
9. Round (bone-in—full cut)	42	39
10. Round (boneless—top and bottom)	43	41
11. Round tip	43	41
12. Chuck blade (bone-in)	28	27
13. Chuck arm (bone-in)	28	27
II. Roasts		
1. Rib standing (chine bone-in—10" cut)	31	29
2. Rib standing (chine bone-in—7" cut)	34	32
3. Round tip	43	41
4. Rump (bone-in)	27	25
5. Rump (boneless)	43	41
6. Chuck blade pot roast	28	27
7. Chuck arm pot roast	28	27
8. Chuck or shoulder (boneless)	37	36
9. English cut	28	27
III. Stews and other cuts:		
9. Neck (boneless)	31	29
10. Heel of round (boneless)	31	29
V. Wholesale cuts:		
1. Round beef (whole)	26	24
2. Sirloin beef (whole)	31	30
3. Short loin beef (whole)	36	35
5. Rib beef (whole)	27	26
6. Regular chuck (whole)	23	21

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XI. Steaks and chops							
1. Loin chops	66	62	58	48	35	33	32
2. Rib chops	52	49	46	39	22	20	17
3. Leg or sirloin chops	52	49	46	39	22	20	17
4. Shoulder chops, blade or arm chops	44	42	40	34	19	17	14
XII. Roasts							
1. Leg (whole, half or short cut)	45	42	39	33	24	22	21
2. Sirloin roast (bone-in)	52	49	46	39	22	20	17
3. Yoke, rattle or triangle (bone-in)	29	28	28	23	13	12	10
4. Yoke, rattle or triangle (boneless)	45	44	43	36	20	17	14
5. Chuck or shoulder (square cut) (bone-in)	38	38	37	34	17	16	12
6. Chuck or shoulder (cross cut) (bone-in)	31	30	30	26	13	12	11
7. Loin	66	62	58	48	35	33	32
8. Rib	52	49	46	39	22	20	17
9. Boneless lamb shoulder roll	----	----	----	36	----	----	----
XIII. Stews and other cuts							
1. Breast and flank	21	20	19	16	10	9	7
2. Neck (bone-in)	21	20	19	16	10	9	7
3. Neck (boneless)	35	35	35	35	22	22	22
4. Shank (bone-in)	21	20	19	16	10	9	7
5. Patties (ground meat)	35	35	35	35	22	22	22
XV. Wholesale cuts							
1. Leg	37	36	35	31	21	20	20
2. Loin	38	35	29	24	17	16	14
3. Hotel rack	41	38	33	26	18	16	14
4. Yoke	24	23	22	19	11	10	8

10. In section 22 (g)—Zone 4—in the table of prices, the prices in Columns "AA or choice" and "A or good' 'for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

[For stores in Groups 1 and 2 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I Steaks		
1. Porterhouse	56	52
2. T-Bone	56	52
3. Club	56	52
4. Rib—10" cut	35	33
5. Rib—7" cut	39	37
6. Sirloin	47	44
7. Pin bone	47	44
8. Sirloin (boneless)	58	55
9. Round (bone-in—full cut)	46	44
10. Round (boneless—top and bottom)	48	45
11. Round (tip)	48	45
12. Chuck blade (bone-in)	32	30
13. Chuck arm (bone-in)	32	30
II Roasts		
1. Rib standing (chine bone-in—10" cut)	35	33
2. Rib standing (chine bone-in—7" cut)	39	37
3. Round tip	48	45
4. Rump (bone-in)	29	28
5. Rump (boneless)	48	45
6. Chuck blade pot roast	32	30
7. Chuck arm pot roast	32	30
8. Chuck or shoulder (boneless)	42	39
9. English cut	32	30
III Stews and other cuts		
9. Neck (boneless)	34	32
10. Heel of round (boneless)	34	32
V Wholesale cuts		
1. Round beef (whole)	27	26
2. Sirloin (whole)	32	31
3. Short loin (whole)	39	36
5. Rib (whole)	29	27
6. Regular chuck (whole)	24	23

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XI. Steaks and chops							
1. Loin chops	72	68	63	53	38	36	34
2. Rib chops	56	54	51	43	25	22	19
3. Leg or sirloin chops	56	54	51	43	25	22	19
4. Shoulder chops, blade or arm chops	49	46	44	37	22	19	17
XII. Roasts							
1. Leg (whole, half or short cut)	49	46	43	36	26	25	23
2. Sirloin roast (bone-in)	56	54	51	43	25	22	19
3. Yoke, rattle or triangle (bone-in)	32	31	30	26	15	13	11
4. Yoke, rattle or triangle (boneless)	50	48	47	40	22	19	16
5. Chuck or shoulder (square cut) (bone-in)	42	42	41	35	20	17	14
6. Chuck or shoulder (Cross cut) (bone-in)	34	33	32	27	15	14	12
7. Loin	72	68	63	53	38	36	34
8. Rib	56	54	51	43	25	22	19
9. Boneless lamb shoulder roll	----	----	----	40	----	----	----
XIII. Stews and other cuts							
1. Breast and flank	23	22	21	18	10	09	08
2. Neck (bone-in)	23	22	21	18	10	09	08
3. Neck (boneless)	38	38	38	38	24	24	24
4. Shank (bone-in)	23	22	21	18	10	09	08
5. Patties (ground meat)	38	38	38	38	24	24	24

[For stores in Groups 1 and 2 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Lamb and mutton	Lamb				Mutton		
	Grade A A or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XV. Wholesale cuts							
1. Leg	39	38	36	32	23	22	21
2. Loin	40	36	31	25	18	17	16
3. Hotel rack	44	41	35	27	20	18	16
4. Yoke	25	24	24	20	11	10	09

11. In section 22 (h)—Zone 4—in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

[For stores in Groups 3 and 4 as provided in Maximum Price Regulation No. 355, effective June 21, 1943]

Beef	Grades	
	AA or choice	A or good
I. Steaks	*Cents per lb.*	*Cents per lb.*
1. Porterhouse	53	50
2. T-bone	53	50
3. Club	53	50
4. Rib—10" cut	32	30
5. Rib—7" cut	35	33
6. Sirloin	44	42
7. Pin bone	44	42
8. Sirloin (boneless)	55	53
9. Round (bone-in—full cut)	44	41
10. Round (boneless—top and bottom)	45	43
11. Round tip	45	43
12. Chuck blade (bone-in)	29	28
13. Chuck arm (bone-in)	29	28
II. Roasts		
1. Rib standing (chine bone-in—10" cut)	32	32
2. Rib standing (chine bone-in—7" cut)	35	33
3. Round tip	45	43
4. Rump (bone-in)	28	26
5. Rump (boneless)	45	43
6. Chuck blade pot roast	29	28
7. Chuck arm pot roast	29	28
8. Chuck or shoulder (boneless)	39	37
9. English cut	29	28
III. Stews and other cuts		
9. Neck (boneless)	32	30
10. Heel of round (boneless)	32	30
V. Wholesale cuts		
1. Round beef (whole)	27	25
2. Sirloin beef (whole)	32	31
3. Short loin beef (whole)	38	36
5. Rib beef (whole)	28	27
6. Regular chuck (whole)	24	22

Lamb and mutton	Lamb			Mutton			
	Grade A A or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XI. Steaks and chops							
1. Loin chops	69	65	60	50	36	34	33
2. Rib chops	54	51	48	41	23	21	18
3. Leg or sirloin chops	54	51	48	41	23	21	18
4. Shoulder chops, blade or arm chops	46	44	42	35	20	18	15
XII. Roasts							
1. Leg (whole, half or short cut)	47	44	41	34	25	23	22
2. Sirloin roast (bone-in)	54	51	48	41	28	21	18

[For stores in Groups 3 and 4 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Lamb and mutton	Lamb			Mutton			
	Grade A A or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
3. Yoke, rattle or triangle (bone-in)	30	29	29	24	14	12	10
4. Yoke, rattle or triangle (boneless)	47	46	45	37	21	18	15
5. Chuck or shoulder (square cut) (bone-in)	40	40	39	35	18	16	13
6. Chuck or shoulder (cross cut) (bone-in)	32	31	31	27	14	12	11
7. Loin	69	65	60	50	36	34	33
8. Rib	54	51	48	41	23	21	18
9. Boneless lamb shoulder roll	----	----	----	38	----	----	----
XIII. Stews and other cuts							
1. Breast and flank	22	21	20	17	10	09	07
2. Neck (bone-in)	22	21	20	17	10	09	07
3. Neck (boneless)	36	36	36	36	23	23	23
4. Shank (bone-in)	22	21	20	17	10	09	07
5. Patties (ground meat)	36	36	36	36	23	23	23
XV. Wholesale cuts							
1. Leg	39	37	36	32	22	21	21
2. Loin	40	36	30	25	18	17	15
3. Hotel rack	43	40	34	27	19	17	15
4. Yoke	25	24	23	20	11	10	08

12. In section 22 (h) (1)—Zone 4—in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

[For stores in Groups 3B and 4B as provided in Amendment 12 to Maximum Price Regulation No. 355 effective October 28, 1943]

Beef	Grades	
	AA or choice	A or good
I. Steaks	*Cents per pound*	*Cents per pound*
1. Porterhouse	51	48
2. T-bone	51	48
3. Club	51	48
4. Rib—10" cut	31	29
5. Rib—7" cut	34	32
6. Sirloin	42	40
7. Pin bone	42	40
8. Sirloin (boneless)	53	51
9. Round (bone-in—full cut)	42	39
10. Round (boneless—top and bottom)	43	41
11. Round tip	43	41
12. Chuck blade (bone-in)	28	27
13. Chuck arm (bone-in)	28	27
II. Roasts		
1. Rib standing (chine bone-in—10" cut)	31	29
2. Rib standing (chine bone-in—7" cut)	34	32
3. Round tip	43	41
4. Rump (bone-in)	27	25
5. Rump (boneless)	43	41
6. Chuck blade pot roast	28	27
7. Chuck arm pot roast	28	27
8. Chuck or shoulder (boneless)	37	36
9. English cut	28	27
III. Stews and other cuts		
9. Neck (boneless)	31	29
10. Heel of round (boneless)	31	29
V. Wholesale cuts		
1. Round beef (whole)	26	24
2. Surloin beef (whole)	31	30
3. Short loin beef (whole)	36	35
5. Rib beef (whole)	27	26
6. Regular chuck (whole)	23	21

[For stores in Groups 3B and 4B as provided in Amendment 12 to Maximum Price Regulation No. 355, effective October 28, 1943. Cents per pound]

Lamb and mutton	Lamb			Mutton		
	Grade A A or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XI. Steaks and chops							
1. Loin chops	66	62	58	48	35	33	32
2. Rib chops	52	49	46	39	22	20	17
3. Leg or sirloin chops	52	49	46	39	22	20	17
4. Shoulder chops, blade or arm	44	42	40	34	19	17	14
XII. Roasts							
1. Leg (whole, half or short cut)	45	42	39	33	24	22	21
2. Sirloin roast (bone-in)	52	49	46	39	22	20	17
3. Yoke, rattle or triangle (bone-in)	29	28	28	23	13	12	10
4. Yoke, rattle or triangle (boneless)	45	44	43	36	20	17	14
5. Chuck or shoulder (square cut) (bone-in)	38	38	37	34	17	16	19
6. Chuck or shoulder (cross cut) (bone-in)	31	30	30	26	13	12	11
7. Loin	66	62	58	48	35	33	32
8. Rib	52	49	46	39	22	20	17
9. Boneless lamb shoulder roll	----	----	----	36	----	----	----
XIII. Stews and other cuts							
1. Breast and flank	21	20	19	16	10	9	7
2. Neck (bone-in)	21	20	19	16	10	9	7
3. Neck (boneless)	35	33	35	35	22	22	22
4. Shank (bone-in)	21	20	19	16	10	9	7
5. Patties (ground meat)	35	35	35	35	22	22	22
XV. Wholesale cuts							
1. Leg	37	36	35	31	21	20	20
2. Loin	38	35	29	24	17	16	14
3. Hotel rack	41	38	33	26	18	16	14
4. Yoke	24	23	23	19	11	10	9

13. In section 22 (i)—Zone 5—in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

[For stores in Groups 1 and 2 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	56	52
2. T-Bone	56	52
3. Club	56	52
4. Rib—10" cut	36	34
5. Rib—7" cut	39	37
6. Sirloin	47	45
7. Pin bone	47	45
8. Sirloin (boneless)	58	56
9. Round (bone-in—full cut)	47	44
10. Round (boneless—top and bottom)	49	46
11. Round tip	49	46
12. Chuck blade (bone-in)	32	30
13. Chuck arm (bone-in)	32	30
II. Roasts		
1. Rib standing (chine bone-in—10" cut)	36	34
2. Rib standing (chine bone-in—7" cut)	39	37
3. Round tip	49	46
4. Rump (bone-in)	30	28
5. Rump (boneless)	49	46
6. Chuck blade pot roast	32	30
7. Chuck arm pot roast	32	30
8. Chuck or shoulder (boneless)	42	40
9. English cut	32	30

[For stores in Groups 1 and 2 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
III. Stews and other cuts		
9. Neck (boneless)	34	32
10. Heel of round (boneless)	34	32
V. Wholesale cuts		
1. Round beef (whole)	27	26
2. Sirloin beef (whole)	33	31
3. Short loin beef (whole)	39	36
5. Rib beef (whole)	29	28
6. Regular chuck (whole)	24	23

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XI. Steaks and chops							
1. Loin chops	73	69	64	54	39	37	35
2. Rib chops	57	54	52	44	26	23	20
3. Leg or sirloin chops	57	54	52	44	26	23	20
4. Shoulder chops, blade or arm chops	49	47	45	38	22	20	18
XII. Roasts							
1. Leg (whole, half or short cut)	50	47	44	37	27	25	24
2. Sirloin roast (bone-in)	57	54	52	44	26	23	20
3. Yoke, rattle or triangle (bone-in)	32	32	31	26	15	14	12
4. Yoke, rattle or triangle (boneless)	50	49	48	40	23	20	17
5. Chuck or shoulder (square cut) (bone-in)	43	43	42	36	20	18	15
6. Chuck or shoulder (cross cut) (bone-in)	34	34	33	28	16	14	12
7. Loin	73	69	64	54	39	37	35
8. Rib	57	54	52	44	26	23	20
9. Boneless lamb shoulder roll	----	----	----	41	----	----	----
XIII. Stews and other cuts							
1. Breast and flank	24	23	22	18	11	10	9
2. Neck (bone-in)	24	23	22	18	11	10	9
3. Neck (boneless)	39	39	39	39	25	25	25
4. Shank (bone-in)	24	23	22	18	11	10	9
5. Patties (ground meat)	39	39	39	39	25	25	25
XV. Wholesale cuts							
1. Leg	40	38	37	33	23	22	22
2. Loin	41	37	31	26	19	18	16
3. Hotel rack	44	41	35	28	20	18	16
4. Yoke	26	25	24	21	12	11	9

14. In section 22 (j)—Zone 5—in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

[For stores in Groups 3 and 4 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	54	50
2. T-Bone	54	50
3. Club	54	50
4. Rib—10" cut	32	31
5. Rib—7" cut	36	34
6. Sirloin	45	43
7. Pin bone	45	43
8. Sirloin (boneless)	56	53

[For stores in Groups 3 and 4 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks—Continued		
9. Round (bone-in—full cut)	44	41
10. Round (boneless—top and bottom)	46	43
11. Round tip	46	43
12. Chuck blade (bone-in)	30	28
13. Chuck arm (bone-in)	30	28
II. Roasts		
1. Rib standing (chine bone-in—10" cut)	32	31
2. Rib standing (chine bone-in—7" cut)	36	34
3. Round tip	46	43
4. Rump (bone-in)	28	26
5. Rump (boneless)	46	43
6. Chuck blade pot roast	30	28
7. Chuck arm pot roast	30	28
8. Chuck or shoulder (boneless)	40	37
9. English cut	30	28
III. Stews and other cuts		
9. Neck (boneless)	32	30
10. Heel of round (boneless)	32	30
V. Wholesale cuts		
1. Round beef (whole)	27	25
2. Sirloin beef (whole)	32	31
3. Short loin beef (whole)	39	36
5. Rib beef (whole)	29	27
6. Regular chuck (whole)	24	22

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XI. Steaks and chops							
1. Loin chops	70	66	61	51	37	35	33
2. Rib chops	54	52	49	41	24	21	19
3. Leg or sirloin chops	54	52	49	41	24	21	19
4. Shoulder chops, blade or arm chops	47	45	42	36	21	19	16
XII. Roasts							
1. Leg (whole, half or short cut)	48	45	42	35	25	24	23
2. Sirloin roast (bone-in)	54	52	49	41	24	21	19
3. Yoke, rattle or triangle (bone-in)	31	30	29	25	14	13	11
4. Yoke, rattle or triangle (boneless)	48	47	45	38	21	19	16
5. Chuck or shoulder (square cut) (bone-in)	41	40	40	36	19	16	14
6. Chuck or shoulder (cross cut) (bone-in)	33	32	31	28	15	13	11
7. Loin	70	66	61	51	37	35	33
8. Rib	54	52	49	41	24	21	19
9. Boneless lamb shoulder roll	----	----	----	38	----	----	----
XIII. Stews and other cuts							
1. Breast and flank	23	22	21	18	10	9	8
2. Neck (bone-in)	23	22	21	18	10	9	8
3. Neck (boneless)	36	36	36	36	23	23	23
4. Shank (bone-in)	23	22	21	18	10	9	8
5. Patties (ground meat)	36	36	36	36	23	23	23
XV. Wholesale cuts							
1. Leg	40	38	37	33	23	22	21
2. Loin	40	37	31	25	19	17	16
3. Hotel rack	44	41	35	27	20	18	16
4. Yoke	25	25	24	20	12	10	9

15. In section 22 (j) (1)—Zone 5—in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

[For stores in Groups 3B and 4B as provided in Amendment 12 to Maximum Price Regulation No. 355, effective October 28, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	52	48
2. T-bone	52	48
3. Club	52	48
4. Rib—10" cut	31	30
5. Rib—7" cut	35	33
6. Sirloin	43	41
7. Pin bone	43	41
8. Sirloin (boneless)	54	51
9. Round (bone-in—full cut)	42	39
10. Round (boneless—top and bottom)	44	41
11. Round tip	44	41
12. Chuck blade (bone-in)	29	27
13. Chuck arm (bone-in)	29	27
II. Roasts		
1. Rib standing (chine bone-in—10" cut)	31	30
2. Rib standing (chine bone-in—7" cut)	35	33
3. Round tip	44	41
4. Rump (bone-in)	27	25
5. Rump (boneless)	44	41
6. Chuck blade pot roast	29	27
7. Chuck arm pot roast	29	27
8. Chuck or shoulder (boneless)	38	36
9. English cut	29	27
III. Stews and other cuts		
9. Neck (boneless)	31	29
10. Heel of round (boneless)	31	29
V. Wholesale cuts		
1. Round beef (whole)	26	24
2. Sirloin beef (whole)	31	30
3. Short loin beef (whole)	37	35
5. Rib beef (whole)	28	26
6. Regular chuck (whole)	23	21

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XI. Steaks and chops							
1. Loin chops	67	63	59	49	36	34	32
2. Rib chops	52	50	47	39	23	20	18
3. Leg or sirloin chops	52	50	47	39	23	20	18
4. Shoulder chops, blade or arm chops	45	43	40	35	20	18	15
XII. Roasts							
1. Leg (whole, half or short cut)	46	43	40	34	24	23	22
2. Sirloin roast (bone-in)	52	50	47	39	23	20	18
3. Yoke, rattle or triangle (bone-in)	30	29	28	24	13	12	11
4. Yoke, rattle or triangle (boneless)	46	45	43	36	20	18	15
5. Chuck or shoulder (square cut) (bone-in)	39	38	38	35	18	15	13
6. Chuck or shoulder (cross cut) (bone-in)	32	31	30	27	14	12	11
7. Loin	67	63	59	49	36	34	32
8. Rib	52	50	47	39	23	20	18
9. Boneless lamb shoulder roll	----	----	----	36	----	----	----
XIII. Stews and other cuts							
1. Breast and flank	22	21	20	17	10	9	8
2. Neck (bone-in)	22	21	20	17	10	9	8
3. Neck (boneless)	35	35	35	35	22	22	22
4. Shank (bone-in)	22	21	20	17	10	9	8
5. Patties (ground meat)	35	35	35	35	22	22	22
XV. Wholesale cuts							
1. Leg	38	36	36	32	22	21	20
2. Loin	38	36	30	24	18	16	15
3. Hotel rack	42	39	34	26	19	17	15
4. Yoke	24	24	23	19	12	10	9

16. In section 22 (k)—Zone 6—in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

[For stores in Groups 1 and 2 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	56	53
2. T-Bone	56	53
3. Club	56	53
4. Rib—10" cut	36	34
5. Rib—7" cut	40	37
6. Sirloin	47	45
7. Pin bone	47	45
8. Sirloin (boneless)	59	56
9. Round (bone-in-full cut)	46	44
10. Round (boneless-top and bottom)	49	46
11. Round tip	49	46
12. Chuck blade (bone-in)	33	31
13. Chuck arm (bone-in)	33	31
II. Roasts		
1. Rib standing (chine bone-in—10" cut)	36	34
2. Rib standing (chine bone-in—7" cut)	40	37
3. Round tip	49	46
4. Rump (bone-in)	31	28
5. Rump (boneless)	49	46
6. Chuck blade pot roast	33	31
7. Chuck arm pot roast	33	31
8. Chuck or shoulder (boneless)	43	40
9. English cut	33	31
III. Stews and other cuts		
9. Neck (boneless)	35	33
10. Heel of round (boneless)	35	33
V. Wholesale cuts		
1. Round beef (whole)	28	26
2. Sirlion beef (whole)	33	32
3. Short loin beef (whole)	39	37
5. Rib beef (whole)	29	28
6. Regular chuck (whole)	25	23

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XI. Steaks and chops							
1. Loin chops	73	70	65	54	40	37	36
2. Rib chops	58	55	52	44	26	23	21
3. Leg or sirloin chops	58	55	52	44	26	23	21
4. Shoulder chops, blade or arm chops	50	47	45	38	23	20	18
XII. Roasts							
1. Leg (whole, half or short cut)	50	48	45	37	27	26	25
2. Sirloin roast (bone-in)	58	55	52	44	26	23	21
3. Yoke, rattle or triangle (bone-in)	33	32	31	27	16	14	12
4. Yoke, rattle or triangle (boneless)	51	50	48	41	23	21	18
5. Chuck or shoulder (square cut) (bone-in)	43	43	43	36	21	18	15
6. Chuck or shoulder (cross cut) (bone-in)	35	34	33	28	17	15	13
7. Loin	73	70	65	54	40	37	26
8. Rib	58	55	52	44	26	23	21
9. Boneless lamb shoulder roll	----	----	----	41	----	----	----
XIII. Stews and other cuts							
1. Breast and flank	24	23	22	19	11	10	9
2. Neck (bone-in)	24	23	22	19	11	10	9
3. Neck (boneless)	39	39	39	39	25	25	25
4. Shank (bone-in)	24	23	22	19	11	10	9
5. Patties (ground meat)	39	39	39	39	25	25	25

[For stores in Groups 1 and 2 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XV. Wholesale cuts							
1. Leg	40	39	37	33	24	23	22
2. Loin	41	37	32	26	19	18	17
3. Hotel rack	45	41	36	28	21	18	17
4. Yoke	26	25	25	21	12	11	9

17. In section 22 (l)—Zone 6—in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

[For stores in Groups 3 and 4 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	54	51
2. T-Bone	54	51
3. Club	54	51
4. Rib—10" cut	33	31
5. Rib—7" cut	36	34
6. Sirloin	45	43
7. Pin bone	45	43
8. Sirloin (boneless)	56	53
9. Round (bone-in—full cut)	44	42
10. Round (boneless—top and bottom)	46	44
11. Round tip	46	44
12. Chuck blade (bone-in)	30	28
13 Chuck arm (bone-in)	30	28
II. Roasts		
1. Rib standing (chine bone-in—10" cut)	33	31
2. Rib standing (chine bone-in—7" cut)	36	34
3. Round tip	46	44
4. Rump (bone-in)	29	27
5. Rump (boneless)	46	44
6. Chuck blade pot roast	30	28
7. Chuck arm pot roast	30	28
8. Chuck or shoulder (boneless)	40	38
9. English cut	30	28
III. Stews and other cuts		
9. Neck (boneless)	32	30
10. Heel of round (boneless)	33	31
V. Wholesale cuts		
1. Round beef (whole)	27	26
2. Sirloin beef (whole)	33	31
3. Short loin beef (whole)	39	36
5. Rib beef (whole)	29	27
6. Regular chuck (whole)	24	23

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XI. Steaks and chops							
1. Loin chops	70	66	62	51	37	35	34
2. Rib chops	55	52	49	42	24	22	19
3. Leg or sirloin chops	55	52	49	42	24	22	19
4. Shoulder chops, blade or arm chops	47	45	43	36	21	19	17
XII. Roasts							
1. Leg (whole, half or short cut)	48	45	42	36	26	24	23
2. Sirloin roast (bone-in)	55	52	49	42	24	22	19

[For stores in Groups 3 and 4 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Lamb and mutton	Lamb				Mutton		
	Grade AA or prime	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XL. Steaks and chops—Continued							
3. Yoke, rattle or triangle (bone-in)	31	31	30	25	15	13	11
4. Yoke, rattle or triangle (boneless)	48	47	46	39	22	19	16
5. Chuck or shoulder (square cut) (bone-in)	41	41	40	36	19	17	14
6. Chuck or shoulder (cross cut) (bone-in)	33	32	32	28	15	14	12
7. Loin	70	66	62	51	37	35	34
8. Rib	55	52	49	42	24	22	19
9. Boneless lamb shoulder roll	----	----	----	39	----	----	----
XIII. Stews and other cuts							
1. Breast and flank	23	22	21	18	11	10	8
2. Neck (bone-in)	23	22	21	18	11	10	8
3. Neck (boneless)	37	37	37	37	24	24	24
4. Shank (bone-in)	23	22	21	18	11	10	8
5. Patties (ground meat)	37	37	37	37	24	24	24
XV. Wholesale cuts							
1. Leg	40	38	37	33	23	22	21
2. Loin	40	37	31	25	19	18	16
3. Hotel rack	44	41	35	27	20	18	16
4. Yoke	25	25	24	21	12	10	9

18. In section 22 (l) (1)—Zone 6—in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

[For stores in Groups 3B and 4B as provided in Amendment 12 to Maximum Price Regulation No. 355, effective October 28, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	52	49
2. T-bone	52	49
3. Club	52	49
4. Rib—10" cut	32	30
5. Rib—7" cut	35	33
6. Sirloin	43	41
7. Pin bone	43	41
8. Sirloin (boneless)	54	51
9. Round (bone-in—full cut)	42	40
10. Round (boneless—top and bottom)	44	42
11. Round tip	44	42
12. Chuck blade (bone-in)	29	27
13. Chuck arm (bone-in)	29	27
II. Roasts		
1. Rib standing (chine bone-in—10" cut)	32	30
2. Rib standing (chine bone-in)—7" cut)	35	33
3. Round tip	44	42
4. Rump (bone-in)	28	26
5. Rump (boneless)	44	42
6. Chuck blade pot roast	29	27
7. Chuck arm pot roast	29	27
8. Chuck or shoulder (boneless)	38	36
9. English cut	29	27
III. Stews and others cuts		
9. Neck (boneless)	32	29
10. Heel of round (boneless)	32	30
V. Wholesale cuts		
1. Round beef (whole)	26	25
2. Sirloin beef (whole)	32	30
3. Short loin beef (whole)	37	35
5. Rib beef (whole)	28	26
6. Regular chuck (whole)	28	22

[For stores in Groups 3B and 4B as provided in Amendment 12 to Maximum Price Regulation No. 355, effective October 28, 1943. Cents per pound]

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commerical	Grade R or utility and culls
XI. Steaks and chops							
1. Loin chops	67	63	60	49	36	34	33
2. Rib chops	53	50	47	40	23	21	18
3. Leg or sirloin chops	53	50	47	40	23	21	18
4. Shoulder chops blade or arm chops	45	43	41	35	20	18	16
XII. Roasts							
1. Leg (whole, half or short cut)	46	43	40	35	25	23	22
2. Sirloin roast (bone-in)	53	50	47	40	23	21	18
3. Yoke, rattle or triangle (bone-in)	30	30	29	24	14	12	11
4. Yoke, rattle or triangle (boneless)	46	45	44	37	21	18	15
5. Chuck or shoulder (squarecut) (bone-in)	39	39	38	35	18	16	13
6. Chuck or shoulder (cross cut) (bone-in)	32	31	31	27	14	13	12
7. Loin	67	63	60	49	36	34	33
8. Rib	53	50	47	40	23	21	18
9. Boneless lamb shoulder roll	----	----	----	37	----	----	----
XIII. Stews and other cuts							
1. Breast and flank	22	21	20	17	11	10	8
2. Neck (bone-in)	22	21	20	17	11	10	8
3. Neck (boneless)	36	36	36	36	23	23	23
4. Shank (bone-in)	22	21	20	17	11	10	8
5. Patties (ground meat)	36	36	36	36	23	23	23
XV. Wholesale cuts							
1. Leg	38	36	36	32	22	21	20
2. Loin	38	36	30	24	18	17	15
3. Hotel rack	42	39	34	26	19	17	15
4. Yoke	24	24	23	20	12	10	9

19. In section 22 (m)—Zone 7—in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

[For stores in Groups 1 and 2 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	57	53
2. T-bone	57	53
3. Club	57	53
4. Rib—10" cut	36	35
5. Rib—7" cut	40	38
6. Sirloin	48	46
7. Pin bone	48	46
8. Sirloin (boneless)	59	57
9. Round (bone-in—full cut)	48	45
10. Round (boneless—top and bottom)	50	47
11. Round tip	50	47
12. Chuck blade (bone-in)	33	31
13. Chuck arm (bone-in)	33	31
II. Roasts		
1. Rib standing (chine bone-in 10" cut)	36	35
2. Rib standing (chine bone-in 7" cut)	40	38
3. Round tip	50	47
4. Rump (bone-in)	31	29
5. Rump (boneless)	50	47
6. Chuck blade pot roast	33	31
7. Chuck arm pot roast	33	31
8. Chuck or shoulder (boneless)	43	41
9. English cut	33	31

[For stores in Groups 1 and 2 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
III. Stews and other cuts		
9. Neck (boneless)	35	33
10. Heel of round (boneless)	35	33
V. Wholesale cuts		
1. Round beef (whole)	28	27
2. Sirloin beef (whole)	33	32
3. Short loin beef (whole)	40	37
5. Rib beef (whole)	30	28
6. Regular chuck (whole)	25	23

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commerical	Grade R or utility and culls
XI. Steaks and chops							
1. Loin chops	74	70	65	54	40	38	36
2. Rib chops	58	55	52	45	27	24	21
3. Leg or sirloin chops	58	55	52	45	27	24	21
4. Shoulder chops, blade or arm chops	50	48	45	39	23	21	18
XII. Roasts							
1. Leg (whole, half or short cut)	51	48	45	38	28	26	25
2. Sirloin roast (bone-in)	58	55	52	45	27	24	21
3. Yoke, rattle or triangle (bone-in)	33	33	32	27	16	14	12
4. Yoke, rattle or triangle (boneless)	51	50	49	41	24	21	18
5. Chuck or shoulder (square cut) (bone-in)	44	43	43	36	21	19	16
6. Chuck or shoulder (cross cut) (bone-in)	35	34	34	29	17	15	13
7. Loin	74	70	65	54	40	38	36
8. Rib	58	55	52	45	27	24	21
9. Boneless lamb shoulder roll	----	----	----	41	----	----	----
XIII. Stews and other cuts							
1. Breast and flank	25	24	23	19	12	11	10
2. Neck (bone-in)	25	24	23	19	12	11	10
3. Neck (boneless)	39	39	39	39	25	25	25
4. Shank (bone-in)	25	24	23	19	12	11	10
5. Patties (ground meat)	39	39	39	39	25	25	25
XV. Wholesale cuts							
1. Leg	41	39	38	34	24	23	22
2. Loin	41	38	32	26	20	18	17
3. Hotel rack	45	42	36	28	21	19	17
4. Yoke	26	26	25	21	13	11	10

20. In section 22 (n)—Zone 7—in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

[For stores in Groups 3 and 4 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	55	51
2. T-bone	55	51
3. Club	55	51
4. Rib—10" cut	33	32
5. Rib—7" cut	36	34

[For stores in Groups 3 and 4 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks—Continued		
6. Sirloin	46	44
7. Pin bone	46	44
8. Sirloin (boneless)	57	54
9. Round (bone-in—full cut)	45	42
10. Round (boneless—top and bottom)	47	44
11. Round tip	47	44
12. Chuck blade (bone-in)	31	29
13. Chuck arm (bone-in)	31	29
II. Roasts		
1. Rib standing (chine bone-in—10" cut)	33	32
2. Rib standing (chine bone-in—7" cut)	36	34
3. Round tip	47	44
4. Rump (bone-in)	29	27
5. Rump (boneless)	47	44
6. Chuck blade pot roast	31	29
7. Chuck arm pot roast	31	29
8. Chuck or shoulder (boneless)	41	38
9. English cut	31	29
III. Stews and other cuts		
9. Neck (boneless)	33	31
10. Heel of round (boneless)	33	31
V. Wholesale cuts		
1. Round beef (whole)	27	26
2. Sirloin beef (whole)	33	31
3. Short loin beef (whole)	39	37
5. Rib beef (whole)	29	28
6. Regular chuck (whole)	24	23

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commerical	Grade R or utility and culls
XI. Steaks and chops							
1. Loin chops	70	67	62	52	38	36	34
2. Rib chops	55	52	50	42	25	22	19
3. Leg or sirloin chops	55	52	50	42	25	22	19
4. Shoulder chops, blade or arm chops	48	45	43	27	22	19	17
XII. Roasts							
1. Leg (whole, half or short cut)	48	46	43	36	26	25	24
2. Sirloin roast (bone-in)	55	52	50	42	25	22	19
3. Yoke, rattle or triangle (bone-in)	32	31	30	26	15	13	11
4. Yoke, rattle or triangle (boneless)	48	47	46	39	22	19	16
5. Chuck or shoulder (square cut) (bone-in	41	41	41	37	20	17	15
6. Chuck or shoulder (cross cut) (bone-in)	33	33	32	28	16	14	12
7. Loin	70	67	62	52	38	36	34
8. Rib	55	52	50	42	25	22	19
9. Boneless lamb shoulder roll	----	----	----	39	----	----	----
XIII. Stews and other cuts							
1. Breast and flank	24	22	21	18	11	10	09
2. Neck (bone-in)	24	22	21	18	11	10	09
3. Neck (boneless)	37	37	37	37	24	24	24
4. Shank (bone-in)	24	22	21	18	11	10	09
5. Patties (ground meat)	37	37	37	37	24	24	24
XV. Wholesale cuts							
1. Leg	40	39	37	33	23	23	22
2. Loin	41	37	31	26	19	18	16
3. Hotel rack	44	41	35	28	21	18	16
4. Yoke	26	25	25	21	12	11	09

21. In section 22 (n) (1)—Zone 7—in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices

for the following items of "Lamb and Mutton" are amended to read as follows:

[For stores in Groups 3B and 4B as provided in Amendment 12 to Maximum Price Regulation No. 355, effective October 28, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	53	49
2. T-bone	53	49
3. Club	53	49
4. Rib—10" cut	32	31
5. Rib—7" cut	35	33
6. Sirloin	44	42
7. Pin bone	44	42
8. Sirloin (boneless)	55	52
9. Round (bone-in—full cut)	43	40
10. Round (boneless—top and bottom)	45	42
11. Round tip	45	42
12. Chuck blade (bone-in)	30	28
13. Chuck arm (bone-in)	30	28
II. Roasts		
1. Rib standing (chine bone-in—10" cut)	32	31
2. Rib standing (chine bone-in—7" cut)	35	33
3. Round tip	45	42
4. Rump (bone-in)	28	26
5. Rump (boneless)	45	42
6. Chuck blade pot roast	30	28
7. Chuck arm pot roast	30	28
8. Chuck or shoulder (boneless)	39	36
9. English cut	30	28
III. Stews and other cuts		
9. Neck (boneless)	32	30
10. Heel of round (boneless)	32	30
V. Wholesale cuts		
1. Round beef (whole)	26	25
2. Sirloin beef (whole)	32	30
3. Short loin beef (whole)	37	36
5. Rib beef (whole)	28	27
6. Regular chuck (whole)	23	22

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XI. Steaks and chops							
1. Loin chops	67	64	60	50	36	35	33
2. Rib chops	53	50	48	40	24	21	18
3. Leg or sirloin chops	53	50	48	40	24	21	18
4. Shoulder chops, blade or arm chops	46	43	41	36	21	18	16
XII. Roasts							
1. Leg (whole, half or short cut)	46	44	41	35	25	24	23
2. Sirloin roasts (bone-in)	53	50	48	40	24	21	18
3. Yoke, rattle or triangle (bone-in)	31	30	29	25	14	12	11
4. Yoke, rattle or triangle (boneless)	46	45	44	37	21	18	15
5. Chuck or shoulder (square cut) (bone-in)	39	39	39	36	19	16	14
6. Chuck or shoulder (cross cut) (bone-in)	32	32	31	27	15	13	12
7. Loin	67	64	60	50	36	35	33
8. Rib	53	50	48	40	24	21	18
9. Boneless lamb shoulder roll	----	----	----	37	----	----	----
XIII. Stews and other cuts							
1. Breast and flank	23	21	20	17	11	10	09
2. Neck (bone-in)	23	21	20	17	11	10	09
3. Neck (boneless)	36	36	36	36	23	23	23
4. Shank (bone-in)	23	21	20	17	11	10	09
5. Patties (ground meat)	36	36	36	36	23	23	23

[For stores in Groups 3B and 4B as provided in Amendment 12 to Maximum Price Regulation No. 355, effective October 28, 1943. Cents per pound]

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XV. Wholesale cuts							
1. Leg	38	37	36	32	22	22	21
2. Loin	39	36	30	25	18	17	15
3. Hotel rack	42	39	34	27	20	17	15
4. Yoke	25	24	24	20	12	11	09

22. In section 22 (o)—Zone 8 North—in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

[For stores in Groups 1 and 2 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	57	54
2. T-bone	57	54
3. Club	57	54
4. Rib—10" cut	37	35
5. Rib—7" cut	40	38
6. Sirloin	48	46
7. Pin bone	48	46
8. Sirloin (boneless)	60	57
9. Round (bone-in full—cut)	48	45
10. Round (boneless—top and bottom)	50	47
11. Round tip	50	47
12. Chuck blade (bone-in)	33	32
13. Chuck arm (bone-in)	33	32
II. Roasts		
1. Rib standing (chine bone-in—10" cut)	37	35
2. Rib standing (chine bone-in—7" cut)	40	38
3. Round tip	50	47
4. Rump (bone-in)	30	30
5. Rump (boneless)	50	47
6. Chuck blade pot roast	33	32
7. Chuck arm pot roast	33	32
8. Chuck or shoulder (boneless)	44	41
9. English cut	33	32
III. Stews and other cuts		
9. Neck (boneless)	36	34
10. Heel of round (boneless)	36	34
V. Wholesale cuts		
1. Round beef (whole)	28	27
2. Sirloin beef (whole)	34	31
3. Short loin beef (whole)	40	38
5. Rib beef (whole)	30	29
6. Regular chuck (whole)	26	24

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XI. Steaks and chops							
1. Loin chops	75	71	66	55	41	39	37
2. Rib chops	59	56	53	45	27	25	22
3. Leg or sirloin chops	59	56	53	45	27	25	22
4. Shoulder chops, blade or arm chops	51	49	46	39	24	21	19

[For stores in Groups 1 and 2 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Lamb and mutton	Lamb				Mutton	
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XII. Roasts							
1. Leg (whole, half or short cut)	52	49	46	38	29	27	26
2. Sirloin roast (bone-in)	59	56	53	45	27	25	22
3. Yoke, rattle or triangle (bone-in)	34	33	33	28	17	15	13
4. Yoke, rattle or triangle (boneless)	52	51	50	42	25	22	19
5. Chuck or shoulder (square cut) (bone-in)	45	44	44	37	22	19	17
6. Chuck or shoulder (crosscut) (bone-in)	36	35	35	30	18	16	14
7. Loin	75	71	66	55	41	39	37
8. Rib	59	56	53	45	27	25	22
9. Boneless lamb shoulder roll	----	----	----	42	----	----	----
XIII. Stews and other cuts							
1. Breast and flank	26	24	23	20	13	12	10
2. Neck (bone-in)	26	24	23	20	13	12	10
3. Neck (boneless)	40	40	40	40	26	26	26
4. Shank (bone-in)	26	24	23	20	13	12	10
5. Patties (ground meat)	40	40	40	40	26	26	26
XV. Wholesale cuts							
1. Leg	41	40	38	34	24	24	23
2. Loin	42	38	32	27	20	19	18
3. Hotel rack	45	42	36	29	22	19	18
4. Yoke	27	26	26	22	13	12	10

23. In section 22 (p)—Zone 8 North—in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

[For stores in Groups 3 and 4 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	55	51
2. T-bone	55	51
3. Club	55	51
4. Rib—10" cut	34	32
5. Rib—7" cut	37	35
6. Sirloin	46	44
7. Pin bone	46	44
8. Sirloin (boneless)	57	54
9. Round (bone-in—full cut)	45	43
10. Round (boneless—top and bottom)	47	45
11. Round tip	47	45
12. Chuck blade (bone-in)	31	29
13. Chuck arm (bone-in)	31	29
II. Roasts		
1. Rib standing (chine bone-in—10" cut)	34	32
2. Rib standing chine bone-in—7" cut)	37	35
3. Round tip	47	45
4. Rump (bone-in)	29	28
5. Rump (boneless)	47	45
6. Chuck blade pot roast	31	29
7. Chuck arm pot roast	31	29
8. Chuck or shoulder (boneless)	41	39
9. English cut	31	29
III. Stews and other cuts		
9. Neck (boneless)	33	31
10. Heel of round (boneless)	33	32
V Wholesale cuts		
1. Round beef (whole)	28	26
2. Sirloin beef (whole)	33	32
3. Short loin beef (whole)	40	37
5. Rib beef (whole)	30	28
6. Regular chuck (whole)	25	24

[For stores in Groups 3 and 4 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XI. Steaks and chops							
1. Loin chops	71	68	63	53	39	37	35
2. Rib chops	56	53	50	43	26	23	20
3. Leg or sirloin chops	56	53	50	43	26	23	20
4. Shoulder chops, blade or arm-chops	48	46	44	37	22	20	18
XII. Roasts							
1. Leg (whole, half or short cut)	49	47	44	37	27	26	25
2. Sirloin roast (bone-in)	56	53	50	43	26	23	20
3. Yoke, rattle or triangle (bone-in)	32	32	31	26	16	14	12
4. Yoke, rattle or triangle (boneless)	49	48	47	40	23	20	17
5. Chuck or shoulder (square cut) (bone-in)	42	42	42	37	20	18	15
6. Chuck or shoulder (cross cut) (bone-in)	34	33	33	29	17	15	13
7. Loin	71	68	63	53	39	37	35
8. Rib	56	53	50	43	26	23	20
9. Boneless lamb shoulder roll	----	----	----	40	----	----	----
XIII. Stews and other cuts							
1. Breast and flank	24	23	22	19	12	11	10
2. Neck (bone-in)	24	23	22	19	12	11	10
3. Neck (boneless)	38	38	38	38	25	25	25
4. Shank (bone-in)	24	23	22	19	12	11	10
5. Patties (ground meat)	38	38	38	38	25	25	25
XV. Wholesale cuts:							
1. Leg	41	39	38	34	24	23	22
2. Loin	41	38	32	26	20	19	17
3. Hotel rack	45	42	36	28	21	19	17
4. Yoke	26	26	25	21	13	11	10

24. In section 22 (p) (1)—Zone 8 North—in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

[For stores in Groups 3B and 4B as provided in Amendment 12 to Maximum Price Regulation No. 355, effective October 28, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	53	49
2. T-bone	53	49
3. Club	53	49
4. Rib—10" cut	33	31
5. Rib—7" cut	36	34
6. Sirloin	44	42
7. Pin bone	44	42
8. Sirloin (boneless)	55	52
9. Round (bone-in—full cut)	43	41
10. Round (boneless—top and bottom)	45	43
11. Round tip	45	43
12. Chuck blade (bone-in)	30	28
13. Chuck arm (bone-in)	30	28
II. Roasts		
1. Rib standing (chine bone-in—10" cut)	33	31
2. Rib standing (chine bone-in—7" cut)	36	34
3. Round tip	45	43
4. Rump (bone-in)	28	27
5. Rump (boneless)	45	43
6. Chuck blade pot roast	30	28
7. Chuck arm pot roast	30	28
8. Chuck or shoulder (boneless)	39	37
9. English cut	30	28
III. Stews and other cuts		
9. Neck (boneless)	32	30
10. Heel of round (boneless)	32	31

[For stores in Groups 3B and 4B as provided in Amendment 12 to Maximum Price Regulation No. 355, effective October 28, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
V. Wholesale cuts		
1. Round beef (whole)	27	25
2. Sirloin beef (whole)	32	31
3. Short loin beef (whole)	38	36
5. Rib beef (whole)	29	27
6. Regular chuck (whole)	24	23

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XI. Steaks and chops							
1. Loin chops	68	65	60	51	37	36	34
2. Rib chops	54	51	48	41	25	22	19
3. Leg or sirloin chops	54	51	48	41	25	22	19
4. Shoulder chops, blade or arm chops	46	44	42	36	21	19	17
XII. Roasts							
1. Leg (whole, half or short cut)	47	45	42	36	26	25	24
2. Sirloin roast (bone-in)	54	51	48	41	25	22	19
3. Yoke, rattle or triangle (bone-in)	31	31	30	25	15	13	12
4. Yoke, rattle or triangle (boneless)	47	46	45	38	22	19	16
5. Chuck or shoulder (square cut) (bone-in)	40	40	40	36	19	17	14
6. Chuck or shoulder (cross cut) (bone-in)	33	32	32	28	16	14	12
7. Loin	68	65	60	51	37	36	34
8. Rib	54	51	48	41	25	22	19
9. Boneless lamb shoulder roll	----	----	----	38	----	----	----
XIII. Stews and other cuts							
1. Breast and flank	23	22	21	18	12	11	10
2. Neck (bone-in)	23	22	21	18	12	11	10
3. Neck (boneless)	36	36	36	36	24	24	24
4. Shank (bone-in)	23	22	21	18	12	11	10
5. Patties (ground meat)	36	36	36	36	24	24	24
XV. Wholesale cuts							
1. Leg	39	37	36	33	23	22	21
2. Loin	39	36	31	25	19	18	16
3. Hotel rack	43	40	35	27	20	18	16
4. Yoke	25	25	24	20	12	11	10

25. In section 22 (q)—Zone 8 South—in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

[For stores in Groups 1 and 2 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	57	54
2. T-Bone	57	54
3. Club	57	54
4. Rib—10" cut	37	35
5. Rib—7" cut	40	38
6. Sirloin	48	46
7. Pinbone	48	46
8. Sirloin (Boneless)	60	57
9. Round (bone-in—full cut)	48	45
10. Round (boneless—top and bottom)	50	47

[For stores in Groups 1 and 2 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks—Continued		
11. Round tip	50	47
12. Chuck blade (bone-in)	33	32
13. Chuck arm (bone-in)	33	32
II. Roasts		
1. Rib standing (chine bone-in—10" cut)	37	35
2. Rib standing (chine bone-in—7" cut)	40	38
3. Round tip	50	47
4. Rump (bone-in)	30	30
5. Rump (boneless)	50	47
6. Chuck blade pot roast	33	32
7. Chuck arm pot roast	33	32
8. Chuck or shoulder (boneless)	44	41
9. English cut	33	32
III. Stews and other cuts		
9. Neck (boneless)	36	34
10. Heel of round (boneless)	36	34
V. Wholesale cuts		
1. Round beef (whole)	28	27
2. Sirloin beef (whole)	34	31
3. Short loin beef (whole)	40	38
5. Rib beef (whole)	30	29
6. Regular chuck (whole)	26	24

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XI. Steaks and chops							
1. Loin chops	74	71	66	55	40	38	37
2. Rib chops	58	56	53	45	27	24	21
3. Leg or sirloin chops	58	56	53	45	27	24	21
4. Shoulder chops, blade or arm chops	51	48	46	39	23	21	19
XII. Roasts							
1. Leg (whole, half or short cut)	51	49	45	38	28	27	26
2. Sirloin roast (bone-in)	58	56	53	45	27	24	21
3. Yoke, rattle or triangle (bone-in)	34	33	32	27	17	15	13
4. Yoke, rattle or triangle (boneless)	51	50	49	42	24	21	18
5. Chuck or shoulder (square cut) (bone-in)	44	44	43	37	22	19	16
6. Chuck or shoulder (cross cut) (bone-in)	35	35	34	29	17	15	13
7. Loin	74	71	66	55	40	38	37
8. Rib	58	56	53	45	27	24	21
9. Boneless lamb shoulder roll	----	----	----	42	----	----	----
XIII. Stews and other cuts							
1. Breast and flank	25	24	23	20	12	11	10
2. Neck (bone-in)	25	24	23	20	12	11	10
3. Neck (boneless)	40	40	40	40	26	26	26
4. Shank (bone-in)	25	24	23	20	12	11	10
5. Patties (ground meat)	40	40	40	40	26	26	26
XV. Wholesale cuts							
1. Leg	41	39	38	34	24	23	22
2. Loin	41	38	32	26	20	19	17
3. Hotel rack	45	42	36	28	21	19	17
4. Yoke	26	26	25	22	13	11	10

26. In section 22 (r)—Zone 8 South—in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

[For stores in Groups 3 and 4 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	55	51
2. T-bone	55	51
3. Club	55	51
4. Rib—10″ cut	34	32
5. Rib—7″ cut	37	35
6. Sirloin	46	44
7. Pin bone	46	44
8. Sirloin (boneless)	57	54
9. Round (bone-in—full cut)	45	43
10. Round (boneless—top and bottom)	47	45
11. Round tip	47	45
12. Chuck blade (bone-in)	31	29
13. Chuck arm (bone-in)	31	29
II. Roasts		
1. Rib standing (chine bone-in—10″ cut)	34	32
2. Rib standing (chine bone-in—7″ cut)	37	35
3. Round tip	47	45
4. Rump (bone-in)	29	28
5. Rump (boneless)	47	45
6. Chuck blade pot roast	31	29
7. Chuck arm pot roast	31	29
8. Chuck or shoulder (boneless)	41	39
9. English cut	31	29
III. Stews and other cuts		
9. Neck (boneless)	33	31
10. Heel of round (boneless)	33	32
V. Wholesale cuts		
1. Round beef (whole)	28	26
2. Sirloin beef (whole)	33	32
3. Short loin beef (whole)	40	37
5. Rib beef (whole)	30	28
6. Regular chuck (whole)	25	24

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XI. Steaks and chops							
1. Loin chops	71	67	63	52	38	36	35
2. Rib chops	56	53	50	43	25	23	20
3. Leg or sirloin chops	56	53	50	43	25	23	20
4. Shoulder chops, blade or arm chops	48	46	43	37	22	20	17
XII. Roasts							
1. Leg (whole, half or short cut)	49	46	43	36	27	25	24
2. Sirloin roast (bone-in)	56	53	50	43	25	23	20
3. Yoke, rattle or triangle (bone-in)	32	31	31	26	15	14	12
4. Yoke, rattle or triangle (boneless)	49	48	47	39	22	20	17
5. Chuck or shoulder (Square cut) (bone-in)	42	42	41	37	20	17	15
6. Chuck or shoulder (cross cut) (bone-in)	34	33	32	29	16	14	12
7. Loin	71	67	63	52	38	36	35
8. Rib	56	53	50	43	25	23	20
9. Boneless lamb shoulder roll	----	----	----	40	----	----	----
XIII. Stews and other cuts							
1. Breast and flank	24	23	22	19	11	10	09
2. Neck (bone-in)	24	23	22	19	11	10	09
3. Neck (boneless)	37	37	37	37	24	24	24
4. Shank (bone-in)	24	23	22	19	11	10	09
5. Patties (ground meat)	37	37	37	37	24	24	24
XV. Wholesale cuts							
1. Leg	40	39	37	33	24	23	22
2. Loin	41	37	32	26	19	18	17
3. Hotel rack	45	42	36	28	21	19	17
4. Yoke	26	25	25	21	12	11	10

27. In section 22 (r) (1)—Zone 8 South—in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

[For stores in Groups 3B and 4B as provided in Amendment 12 to Maximum Price Regulation No. 355, effective October 28, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	53	49
2. T-Bone	53	49
3. Club	53	49
4. Rib—10″ cut	33	31
5. Rib—7″ cut	36	34
6. Sirloin	44	42
7. Pin bone	44	42
8. Sirloin (boneless)	55	52
9. Round (bone-in—full cut)	43	41
10. Round (boneless—top and bottom)	45	43
11. Round tip	45	43
12. Chuck blade (bone-in)	30	28
13. Chuck arm (bone-in)	30	28
II. Roasts		
1. Rib standing (chine bone-in—10″ cut)	33	31
2. Rib standing (chine bone-in—7″ cut)	36	34
3. Round tip	45	43
4. Rump (bone-in)	28	27
5. Rump (boneless)	45	43
6. Chuck blade pot roast	30	28
7. Chuck arm pot roast	30	28
8. Chuck or shoulder (boneless)	39	37
9. English cut	30	28
III. Stews and other cuts		
9. Neck (boneless)	32	30
10. Heel of round (boneless)	32	31
V. Wholesale cuts		
1. Round beef (whole)	27	25
2. Sirloin beef (whole)	32	31
3. Short loin beef (whole)	38	36
5. Rib beef (whole)	29	27
6. Regular chuck (whole)	24	23

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XI. Steaks and chops							
1. Loin chops	68	64	60	50	36	35	34
2. Rib chops	54	51	48	41	24	22	19
3. Leg or sirloin chops	54	51	48	41	24	22	19
4. Shoulder chops, blade or arm chops	46	44	41	36	21	19	16
XII. Roasts							
1. Leg (whole, half or short cut)	47	44	41	35	26	24	23
2. Sirloin roast (bone-in)	54	51	48	41	24	22	19
3. Yoke, rattle or triangle (bone-in)	31	30	30	25	14	13	12
4. Yoke, rattle or triangle (boneless)	47	46	45	37	21	19	16
5. Chuck or shoulder (square cut) (bone-in)	40	40	39	36	19	16	14
6. Chuck or shoulder (cross cut) (bone-in)	33	32	31	28	15	13	12
7. Loin	68	64	60	50	36	35	34
8. Rib	54	51	48	41	24	22	19
9. Boneless lamb shoulder roll	----	----	----	38	----	----	----
XIII. Stews and other cuts							
1. Breast and flank	23	22	21	18	11	10	9
2. Neck (bone-in)	23	22	21	18	11	10	9
3. Neck (boneless)	36	36	36	36	23	23	23
4. Shank (bone-in)	23	22	21	18	11	10	9
5. Patties (ground meat)	36	36	36	36	23	23	23

[For stores in Groups 3B and 4B as provided in Amendment 12 to Maximum Price Regulation No. 355, effective October 28, 1943. Cents per pound]

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XV. Wholesale cuts							
1. Leg	38	37	36	32	23	22	21
2. Loin	39	36	31	25	18	17	16
3. Hotel rack	43	40	35	27	20	18	16
4. Yoke	25	24	24	20	12	11	10

28. In section 22 (s)—Zone 9 North—in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

[For stores in Groups 1 and 2 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pouud]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	58	54
2. T-Bone	58	54
3. Club	58	54
4. Rib—10″ cut	37	35
5. Rib—7″ cut	41	39
6. Sirloin	49	47
7. Pin bone	49	47
8. Sirloin (boneless)	60	58
9. Round (bone-in—full cut)	48	45
10. Round (boneless—top and bottom)	51	48
11. Round tip	51	48
12. Chuck blade (bone-in)	34	32
13. Chuck arm (bone-in)	34	32
II. Roasts		
1. Rib standing (chine bone-in—10″ cut)	37	35
2. Rib standing (chine bone-in—7″ cut)	41	39
3. Round tip	51	48
4. Rump (bone-in)	32	30
5. Rump (boneless)	51	48
6. Chuck blade pot roast	34	32
7. Chuck arm pot roast	34	32
8. Chuck or shoulder (boneless)	44	42
9. English cut	34	32
III. Stews and other cuts		
9. Neck (boneless)	36	34
10. Heel of round (boneless)	36	34
V Wholesale cuts		
1. Round beef (whole)	28	27
2. Sirloin beef (whole)	34	32
3. Short loin beef (whole)	40	38
5. Rib beef (whole)	30	29
6. Regular chuck (whole)	26	24

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XI. Steaks and chops							
1. Loin chops	76	72	67	56	42	40	38
2. Rib chops	60	57	54	46	28	25	23
3. Leg or sirloin chops	60	57	54	46	28	25	23
4. Shoulder chops, blade or arm chops	52	49	47	40	25	22	20

[For stores in Groups 1 and 2 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XII. Roasts							
1. Leg (whole, half or short cut)	52	50	47	39	30	28	27
2. Sirloin roast (bone-in)	60	57	54	46	28	25	23
3. Yoke, rattle or triangle (bone-in)	35	34	33	29	18	16	14
4. Yoke, rattle or triangle (boneless)	53	51	50	43	25	22	20
5. Chuck or shoulder (square cut) (bone-in)	45	45	45	38	23	20	17
6. Chuck or shoulder (cross cut) (bone-in)	37	36	35	30	19	17	15
7. Loin	76	72	67	56	42	40	38
8. Rib	60	57	54	46	28	25	23
9. Boneless lamb shoulder (roll)	----	----	----	43	----	----	----
XIII. Stews and other cuts							
1. Breast and flank	26	25	24	21	13	12	11
2. Neck (bone-in)	26	25	24	21	13	12	11
3. Neck (boneless)	41	41	41	41	27	27	27
4. Shank (bone-in)	26	25	24	21	13	12	11
5. Patties (ground meat)	41	41	41	41	27	27	27
XV. Wholesale cuts							
1. Leg	42	40	39	35	25	24	23
2. Loin	42	39	33	27	21	20	18
3. Hotel rack	46	43	37	29	22	20	18
4. Yoke	27	27	26	22	14	12	11

29. In section 22 (t)—Zone 9 North—in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

[For stores in groups 3 and 4 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	56	52
2. T-bone	56	52
3. Club	56	52
4. Rib—10" cut	34	32
5. Rib—7" cut	37	35
6. Sirloin	46	44
7. Pin bone	46	44
8. Sirloin (boneless)	58	55
9. Round (bone-in—full cut)	46	43
10. Round (boneless—top and bottom)	48	45
11. Round tip	48	45
12. Chuck blade (bone-in)	31	30
13. Chuck arm (bone-in)	31	30
II. Roasts		
1. Rib standing (chine bone-in—10" cut)	34	32
2. Rib standing (chine bone-in—7" cut)	37	35
3. Round tip	48	45
4. Rump (bone-in)	30	28
5. Rump (boneless)	48	45
6. Chuck blade pot roast	31	30
7. Chuck arm pot roast	31	30
8. Chuck or shoulder (boneless)	42	39
9. English cut	31	30
III. Stews and other cuts		
9. Neck (boneless)	34	32
10. Heel of round (boneless)	34	32

[For stores in Groups 3 and 4 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
V. Wholesale cuts		
1. Round beef (whole)	28	26
2. Sirloin beef (whole)	33	32
3. Short loin beef (whole)	40	37
5. Rib beef (whole)	30	28
6. Regular chuck (whole)	25	24

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XI. Steaks and chops							
1. Loin chops	72	68	64	53	39	37	36
2. Rib chops	57	54	51	44	26	24	21
3. Leg or sirloin chops	57	54	51	44	26	24	21
4. Shoulder chops, blade or arm chops	49	47	45	38	23	21	18
XII. Roasts							
1. Leg (whole, half or short cut)	50	48	44	38	28	26	25
2. Sirloin roast (bone-in)	57	54	51	44	26	24	21
3. Yoke, rattle or triangle (bone-in)	33	32	32	27	16	15	13
4. Yoke, rattle or triangle (boneless)	50	49	48	40	24	21	18
5. Chuck or shoulder (square cut) (bone-in)	43	43	42	38	21	19	16
6. Chuck or shoulder (cross cut) (bone-in)	35	34	34	30	17	15	14
7. Loin	72	68	64	53	39	37	36
8. Rib	57	54	51	44	26	24	21
9. Boneless lamb shoulder roll	----	----	----	41	----	----	----
XIII. Stews and other cuts							
1. Breast and flank	25	24	23	20	13	11	10
2. Neck (bone-in)	25	24	23	20	13	11	10
3. Neck (boneless)	39	39	39	39	26	26	26
4. Shank (bone-in)	25	24	23	20	13	11	10
5. Patties (ground meat)	39	39	39	39	26	26	26
XV. Wholesale cuts							
1. Leg	41	40	38	34	25	24	23
2. Loin	42	38	33	27	20	19	18
3. Hotel rack	46	42	37	29	22	19	18
4. Yoke	27	26	26	22	13	12	10

30. In section 22 (t) (1)—Zone 9 North—in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

[For stores in groups 3B and 4B as provided in amendment 12 to Maximum Price Regulation No. 355 effective October 28, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	54	50
2. T-bone	54	50
3. Club	54	50
4. Rib—10" cut	33	31
5. Rib—7" cut	36	34
6. Sirloin	44	42
7. Pin bone	44	42
8. Sirloin (boneless)	56	53
9. Round (bone-in—full cut)	44	41
10. Round (boneless—top and bottom)	46	43

[For stores in Groups 3B and 4B as provided in Amendment 12 to Maximum Price Regulation No. 355, effective October 28, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks—Continued		
11. Round tip	46	43
12. Chuck blade (bone-in)	30	29
13. Chuck arm (bone-in)	30	29
II. Roasts		
1. Rib standing (chine bone-in—10" cut)	33	31
2. Rib standing (chine bone-in—7" cut)	36	34
3. Round tip	46	43
4. Rump (bone-in)	29	27
5. Rump (boneless)	46	43
6. Chuck blade pot roast	30	29
7. Chuck arm pot roast	30	29
8. Chuck or shoulder (boneless)	40	37
9. English cut	30	29
III. Stews and other cuts		
9. Neck (boneless)	33	31
10. Heel of round (boneless)	33	31
V. Wholesale cuts		
1. Round beef (whole)	27	25
2. Sirloin beef (whole)	32	31
3. Short loin beef (whole)	38	36
5. Rib beef (whole)	29	27
6. Regular chuck (whole)	24	23

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XI. Steaks and chops							
1. Loin chops	69	65	61	51	37	36	35
2. Rib chops	55	52	49	42	25	23	20
3. Leg or sirloin chops	55	52	49	42	25	23	20
4. Shoulder chops, blade or arm chops	47	45	43	36	22	20	17
XII. Roasts							
1. Leg (whole, half or short cut)	48	46	42	36	27	25	24
2. Sirloin roast (bone-in)	55	52	49	42	25	23	20
3. Yoke, rattle or triangle (bone-in)	32	31	31	26	15	14	12
4. Yoke, rattle or triangle (boneless)	48	47	44	38	23	20	17
5. Chuck or shoulder (square cut) (bone-in)	41	41	40	36	20	18	15
6. Chuck or shoulder (cross cut (bone-in)	34	33	33	29	16	14	13
7. Loin	69	65	61	51	37	36	35
8. Rib	55	52	49	42	25	23	20
9. Boneless lamb shoulder roll	----	----	----	39	----	----	----
XIII. Stews and other cuts							
1. Breast and flank	24	23	22	19	12	11	10
2. Neck (bone-in)	24	23	22	19	12	11	10
3. Neck (boneless)	37	37	37	37	24	24	24
4. Shank (bone-in)	24	23	22	19	12	11	10
5. Patties (ground meat)	37	37	37	37	24	24	24
XV. Wholesale cuts							
1. Leg	39	38	36	33	24	23	22
2. Loin	40	36	32	26	19	18	17
3. Hotel rack	44	40	36	28	21	18	17
4. Yoke	26	25	25	21	12	12	10

31. In section 22 (u)—Zone 9 South—in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

[For stores in Groups 1 and 2 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	58	54
2. T-bone	58	54
3. Club	58	54
4. Rib—10″ cut	37	35
5. Rib—7″ cut	41	39
6. Sirloin	49	47
7. Pin bone	49	47
8. Sirloin (boneless)	60	58
9. Round (bone-in—full cut)	48	45
10. Round (boneless—top and bottom)	51	48
11. Round tip	51	48
12. Chuck blade (bone-in)	34	32
13. Chuck arm (bone-in)	34	32
II. Roasts		
1. Rib standing (chine bone-in—10″ cut)	37	35
2. Rib standing (chine bone-in—7″ cut)	41	39
3. Round tip	51	48
4. Rump (bone-in)	32	30
5. Rump (boneless)	51	48
6. Chuck blade pot roast	34	32
7. Chuck arm pot roast	34	32
8. Chuck or shoulder (boneless)	44	42
9. English cut	34	32
III. Stews and other cuts		
9. Neck (boneless)	36	34
10. Heel of round (boneless)	36	34
V. Wholesale cuts		
1. Round beef (whole)	28	27
2. Sirloin beef (whole)	34	32
3. Short loin beef (whole)	40	38
5. Rib beef (whole)	30	29
6. Regular chuck (whole)	26	24

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XI. Steaks and chops							
1. Loin chops	75	71	66	55	41	39	37
2. Rib chops	59	56	53	45	27	25	22
3. Leg or sirloin chops	59	56	53	45	27	25	22
4. Shoulder chops, blade or arm chops	51	49	46	39	24	21	19
XII. Roasts							
1. Leg (whole, half or short cut)	52	49	46	38	29	27	26
2. Sirloin roast (bone-in)	59	56	53	45	27	25	22
3. Yoke, rattle or triangle (bone-in)	34	33	33	28	17	15	13
4. Yoke, rattle or triangle (boneless)	52	51	50	42	25	22	19
5. Chuck or shoulder (squarecut) (bone-in)	45	44	44	37	22	19	17
6. Chuck or shoulder (cross cut) (bone-in)	36	35	35	30	18	16	14
7. Loin	75	71	66	55	41	39	37
8. Rib	59	56	53	45	27	25	22
9. Boneless lamb shoulder roll	----	----	----	42	----	----	----
XIII. Stews and other cuts							
1. Breast and flank	26	24	23	20	13	12	10
2. Neck (bone-in)	26	24	23	20	13	12	10
3. Neck (boneless)	40	40	40	40	26	26	26
4. Shank (bone-in)	26	24	23	20	13	12	10
5. Patties (ground meat)	40	40	40	40	26	26	26
XV. Wholesale cuts							
1. Leg	41	40	38	34	24	24	23
2. Loin	42	38	32	27	20	19	18
3. Hotel rack	45	42	36	29	22	19	18
4. Yoke	27	26	26	22	13	12	10

32. In section 22 (v)—Zone 9 South—in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

[For stores in Groups 3 and 4 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound.]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	56	52
2. T-bone	56	52
3. Club	56	52
4. Rib—10″ cut	34	32
5. Rib—7″ cut	37	35
6. Sirloin	46	44
7. Pin bone	46	44
8. Sirloin (boneless)	58	55
9. Round (bone-in—full cut)	46	43
10. Round (boneless—top and bottom)	48	45
11. Round tip	48	45
12. Chuck blade (bone-in)	31	30
13. Chuck arm (bone-in)	31	30
II. Roasts		
1. Rib standing (chine bone-in—10″ cut)	34	32
2. Rib standing (chine bone-in—7″ cut)	37	35
3. Round tip	48	45
4. Rump (bone-in)	30	28
5. Rump (boneless)	48	45
6. Chuck blade pot roast	31	30
7. Chuck arm pot roast	31	30
8. Chuck or shoulder (boneless)	42	39
9. English cut	31	30
III. Stews and other cuts		
9. Neck (boneless)	34	32
10. Heel of round (boneless)	34	32
V. Wholesale cuts		
1. Round beef (whole)	28	26
2. Sirloin beef (whole)	33	32
3. Short loin beef (whole)	40	37
5. Rib beef (whole)	30	28
6. Regular chuck (whole)	25	24

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XI. Steaks and chops							
1. Loin chops	71	68	63	53	39	37	35
2. Rib chops	56	53	50	43	26	23	20
3. Leg or sirloin chops	56	53	50	43	26	23	20
4. Shoulder chops, blade or arm chops	48	46	44	37	22	20	18
XII. Roast							
1. Leg (whole, half or short cut)	49	47	44	37	27	26	25
2. Sirloin roast (bone-in)	56	53	50	43	26	23	20
3. Yoke, rattle or triangle (bone-in)	32	32	31	26	16	14	12
4. Yoke, rattle or triangle (boneless)	49	48	47	40	23	20	17
5. Chuck or shoulder (square cut) (bone-in)	42	42	42	37	20	18	15
6. Chuck or shoulder (cross cut) (bone-in)	34	33	33	29	17	15	13
7. Loin	71	68	63	53	39	37	35
8. Rib	56	53	50	43	26	23	20
9. Boneless lamb shoulder roll	----	----	----	40	----	----	----
XIII. Stews and other cuts							
1. Breast and flank	24	23	22	19	12	11	10
2. Neck (bone-in)	24	23	22	19	12	11	10
3. Neck (boneless)	38	38	38	38	25	25	25
4. Shank (bone-in)	24	23	22	19	12	11	10
5. Patties (ground meat)	38	38	38	38	25	25	25

[For stores in Groups 3 and 4 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XV. Wholesale cuts							
1. Leg	41	39	38	34	24	23	22
1. Loin	41	38	32	26	20	19	17
3. Hotel rack	45	42	36	28	21	19	17
4. Yoke	26	26	25	21	13	11	10

33. In section 22 (v) (1)—Zone 9 South—in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

[For stores in Groups 3B and 4B as provided in Amendment 12 to Maximum Price Regulation No. 355, effective October 28, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	54	50
2. T-bone	54	50
3. Club	54	50
4. Rib—10″ cut	33	31
5. Rib—7″ cut	36	34
6. Sirloin	44	42
7. Pin bone	44	42
8. Sirloin (boneless)	56	53
9. Round (bone-in—full cut)	44	41
10. Round (boneless—top and bottom)	46	43
11. Round tip	46	43
12. Chuck blade (bone-in)	30	29
13. Chuck arm (bone-in)	30	29
II. Roasts		
1. Rib standing (chine bone-in—10″ cut)	33	31
2. Rib standing (chine bone-in—7″ cut)	36	34
3. Round tip	46	43
4. Rump (bone-in)	29	27
5. Rump (boneless)	46	43
6. Chuck blade pot roast	30	29
7. Chuck arm pot roast	30	29
8. Chuck or shoulder (boneless)	40	37
9. English cut	30	29
III. Stews and other cuts		
9. Neck (boneless)	33	31
10. Heel of round (boneless)	33	31
V. Wholesale cuts		
1. Round beef (whole)	27	25
2. Sirloin beef (whole)	32	31
3. Short loin beef (whole)	38	36
5. Rib beef (whole)	29	27
6. Regular chuck (whole)	24	23

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XI. Steaks and chops							
1. Loin chops	68	65	60	51	37	36	34
2. Rib chops	54	51	48	41	25	22	19
3. Leg or sirloin chops	54	51	48	41	25	22	19
4. Shoulder chops, blade or arm chops	46	44	42	36	21	19	17

[For stores in Groups 3B and 4B as provided in Amendment 12 to Maximum Price Regulation No. 355, effective October 28, 1943. Cents per pound]

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XII. Roasts							
1. Leg (whole, half or short cut)	47	45	42	36	26	25	24
2. Sirloin roast (bone-in)	54	51	48	41	25	22	19
3. Yoke, rattle or triangle (bone-in)	31	31	30	25	15	13	12
4. Yoke, rattle or triangle (boneless)	47	46	45	38	22	19	16
5. Chuck or shoulder (square cut) (bone-in)	40	40	40	36	19	17	14
6. Chuck or shoulder (cross cut) (bone in)	33	32	32	28	16	14	12
7. Loin	68	65	60	51	37	36	34
8. Rib	54	51	48	41	25	22	19
9. Boneless lamb shoulder roll	----	----	----	38	----	----	----
XIII. Stews and other cuts							
1. Breast and flank	23	22	21	18	12	11	10
2. Neck (bone-in)	23	22	21	18	12	11	10
3. Neck (boneless)	36	36	36	36	24	24	24
4. Shank (bone-in)	23	22	21	18	12	11	10
5. Patties (ground meat)	36	36	36	36	24	24	24
XV. Wholesale cuts							
1. Leg	39	37	36	33	23	22	21
2. Loin	39	36	31	25	19	18	16
3. Hotel rack	43	40	35	27	20	18	16
4. Yoke	25	25	24	20	12	11	10

34. In section 22 (w)—Zone 10—in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

[For stores in Groups 1 and 2 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	58	55
2. T-bone	58	55
3. Club	58	55
4. Rib—10" cut	37	36
5. Rib—7" cut	41	39
6. Sirloin	49	47
7. Pin bone	49	47
8. Sirloin (boneless)	61	58
9. Round (bone-in—full cut)	49	46
10. Round (boneless—top and bottom)	51	48
11. Round tip	51	48
12. Chuck blade (bone-in)	34	32
13. Chuck arm (bone-in)	34	32
II. Roasts		
1. Rib standing (chine bone-in—10" cut)	37	36
2. Rib standing (chine bone-in—7" cut)	41	39
3. Round tip	51	48
4. Rump (bone-in)	32	30
5. Rump (boneless)	51	48
6. Chuck blade pot roast	34	32
7. Chuck arm pot roast	34	32
8. Chuck or shoulder (boneless)	45	42
9. English cut	34	32
III. Stews and other cuts		
9. Neck (boneless)	36	34
10. Heel of round (boneless)	37	35

[For stores in Groups 1 and 2 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
V. Wholesale cuts		
1. Round beef (whole)	29	28
2. Sirloin beef (whole)	34	33
3. Short loin beef (whole)	40	38
5. Rib beef (whole)	30	29
6. Regular chuck (whole)	26	24

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XI. Steaks and chops							
1. Loin chops	75	71	67	56	41	39	38
2. Rib chops	59	56	54	46	28	25	22
3. Leg or sirloin chops	59	56	54	46	28	25	22
4. Shoulder chops, blade or arm chops	51	49	46	40	24	22	19
XII. Roasts							
1. Leg (whole, half or short cut)	52	49	46	39	29	28	26
2. Sirloin roast (bone-in)	59	56	54	46	28	25	22
3. Yoke, rattle or triangle (bone-in)	34	34	33	28	17	15	14
4. Yoke, rattle or triangle (boneless)	52	51	50	42	25	22	19
5. Chuck or shoulder (square cut) (bone-in)	45	45	44	38	22	20	17
6. Chuck or shoulder (cross cut) (bone-in)	36	36	35	30	19	17	15
7. Loin	75	71	67	56	41	39	38
8. Rib	59	56	54	46	28	25	22
9. Boneless lamb shoulder roll	----	----	----	42	----	----	----
XIII. Stews and other cuts							
1. Breast and flank	26	25	24	20	13	12	11
2. Neck (bone-in)	26	25	24	20	13	12	11
3. Neck (boneless)	41	41	41	41	27	27	27
4. Shank (bone-in)	26	25	24	20	13	12	11
5. Patties (ground meat)	41	41	41	41	27	27	27
XV. Wholesale cuts							
1. Leg	41	40	38	34	25	24	23
2. Loin	42	38	33	27	20	19	18
3. Hotel rack	46	43	37	29	22	20	18
4. Yoke	27	26	26	22	13	12	11

35. In section 22 (x)—Zone 10—in the table of prices," the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

[For stores in Groups 3 and 4 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	56	52
2. T-bone	56	52
3. Club	56	52
4. Rib—10" cut	34	33
5. Rib—7" cut	38	36
6. Sirloin	47	45
7. Pin bone	47	45
8. Sirloin (boneless)	58	55
9. Round (bone-in—full cut)	46	43
10. Round (boneless—top and bottom)	48	46

[For stores in Groups 3 and 4 as provided in Maximum Price Regulation No. 355, effective June 21, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks—Continued		
11. Round tip	48	46
12. Chuck blade (bone-in)	32	30
13. Chuck arm (bone-in)	32	30
II. Roasts		
1. Rib standing (chine bone-in—10" cut)	34	33
2. Rib standing (chine bone-in—7" cut)	38	36
3. Round tip	48	46
4. Rump (bone-in)	30	29
5. Rump (boneless)	48	46
6. Chuck blade pot roast	32	30
7. Chuck arm pot roast	32	30
8. Chuck or shoulder (boneless)	42	40
9. English cut	32	30
III. Stews and other cuts		
9. Neck (boneless)	34	32
10. Heel of round (boneless)	34	33
V. Wholesale cuts		
1. Round beef (whole)	28	27
2. Sirloin beef (whole)	34	32
3. Short loin beef (whole)	40	37
5. Rib beef (whole)	30	29
6. Regular chuck (whole)	25	24

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or Commercial	Grade R or utility and culls
XI. Steaks and chops							
1. Loin chops	72	68	63	53	39	37	35
2. Rib chops	56	54	51	43	26	23	21
3. Leg or sirloin chops	56	54	51	43	26	23	21
4. Shoulder chops, blade or arm chops	49	46	44	38	22	20	18
XII. Roasts							
1. Leg (whole, half or short cut)	50	47	44	37	27	26	25
2. Sirloin roast (bone-in)	56	54	51	43	26	23	21
3. Yoke, rattle or triangle (bone-in)	33	32	31	27	16	14	13
4. Yoke, rattle or triangle (boneless)	50	48	47	40	23	20	18
5. Chuck or shoulder (square cut) (bone-in)	43	42	42	38	21	18	16
6. Chuck or shoulder (cross cut) (bone-in)	34	34	33	30	17	15	13
7. Loin	72	68	63	53	39	37	35
8. Rib	56	54	51	43	26	23	21
9. Boneless lamb shoulder roll	----	----	----	40	----	----	----
XIII. Stews and other cuts							
1. Breast and flank	25	24	22	19	12	11	10
2. Neck (bone-in)	25	24	22	19	12	11	10
3. Neck (boneless)	38	38	38	38	25	25	25
4. Shank (bone-in)	25	24	22	19	12	11	10
5. Patties (ground meat)	38	38	38	38	25	25	25
XV. Wholesale cuts							
1. Leg	41	40	38	34	24	23	23
2. Loin	42	38	32	27	20	19	17
3. Hotel rack	45	42	36	29	21	19	17
4. Yoke	27	26	25	22	13	12	10

36. In section 22 (x) (1)—Zone 10—in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

[For stores in Groups 3B and 4B as provided in Amendment 12 to Maximum Price Regulation No. 355, effective October 28, 1943. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	54	50
2. T-bone	54	50
3. Club	54	50
4. Rib—10″ cut	33	32
5. Rib—7″ cut	36	35
6. Sirloin	45	43
7. Pinbone	45	43
8. Sirloin (boneless)	56	53
9. Round (bone-in—full cut)	44	41
10. Round (boneless—top and bottom)	46	44
11. Round tip	46	44
12. Chuck blade (bone-in)	31	29
13. Chuck arm (bone-in)	31	29
II. Roasts		
1. Rib standing (chine bone-in—10″ cut)	33	32
2. Rib standing (chine bone-in—7″ cut)	36	35
3. Round tip	46	44
4. Rump (bone-in)	29	28
5. Rump (boneless)	46	44
6. Chuck blade pot roast	31	29
7. Chuck arm pot roast	31	29
8. Chuck or shoulder (boneless)	40	38
9. English cut	31	29
III. Stews and other cuts		
9. Neck (boneless)	33	31
10. Heel of round (boneless)	33	32
V. Wholesale cuts		
1. Round beef (whole)	27	26
2. Sirloin beef (whole)	33	31
3. Short loin beef (whole)	38	36
5. Rib beef (whole)	29	28
6. Regular chuck (whole)	24	23

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XI. Steaks and Chops							
1. Loin chops	69	65	60	51	37	36	34
2. Rib chops	54	52	49	41	25	22	20
3. Leg or sirloin chops	54	52	49	41	25	22	20
4. Shoulder chops, blade or arm chops	47	44	42	36	22	19	17
XII. Roasts							
1. Leg (whole, half or short cut)	48	45	42	36	26	25	24
2. Sirloin roast (bone-in)	54	52	49	41	25	22	20
3. Yoke, rattle or triangle (bone-in)	32	31	30	26	15	13	12
4. Yoke, rattle or triangle (boneless)	48	46	45	38	23	19	17
5. Chuck or shoulder (square cut) (bone-in)	41	40	40	36	20	17	15
6. Chuck or shoulder (cross cut) (bone-in)	33	33	32	29	16	14	12
7. Loin	69	65	60	51	37	36	34
8. Rib	54	52	49	41	25	22	20
9. Boneless lamb shoulder roll	----	----	----	38	----	----	----
XIII. Stews and other cuts							
1. Breast and flank	24	23	21	18	12	11	10
2. Neck (bone-in)	24	23	21	18	12	11	10
3. Neck (boneless)	36	36	36	36	24	24	24
4. Shank (bone-in)	24	23	21	18	12	11	10
5. Patties (ground meat)	36	36	36	36	24	24	24
XV. Wholesale cuts							
1. Leg	39	38	36	33	23	22	22
2. Loin	40	36	31	26	19	18	16
3. Hotel rack	43	40	35	28	20	18	16
4. Yoke	26	25	24	21	12	12	10

37. In section 30 (a), in the table of prices, the prices in Columns "A or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

(a) Retail ceiling prices on specially authorized sales to eating places or other retailers—Zone 1.

[For all stores permitted to make such sales. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	49	45
2. T-Bone	49	45
3. Club	49	45
4. Rib—10″ cut	32	30
5. Rib—7″ cut	34	32
6. Sirloin	41	39
7. Pin bone	41	39
8. Sirloin (boneless)	50	48
9. Round (bone-in—full cut)	40	38
10. Round (boneless—top and bottom)	42	39
11. Round tip	42	39
12. Chuck blade (bone-in)	29	28
13. Chuck arm (bone-in)	29	28
II. Roasts		
1. Rib standing (chine bone-in—10″ cut)	32	30
2. Rib standing (chine bone-in—7″ cut)	34	32
3. Round tip	42	39
4. Rump (bone-in)	27	25
5. Rump (boneless)	42	39
6. Chuck blade pot roast	29	28
7. Chuck arm pot roast	29	28
8. Chuck or shoulder (boneless)	38	36
9. English cut	29	28
III. Stews and other cuts		
8. Neck (boneless)	31	30
9. Heel of round (boneless)	30	29
V. Wholesale cuts		
1. Round beef (whole)	26	25
2. Sirloin beef (whole)	31	30
3. Short loin beef (whole)	37	35
5. Rib beef (whole)	28	27
6. Regular chuck (whole)	24	22

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
X. Steaks and chops							
1. Loin chops	60	57	53	45	33	31	30
2. Rib chops	48	45	43	37	22	20	18
3. Leg or sirloin chops	48	45	43	37	22	20	18
4. Shoulder chops, blade or arm chops	41	39	37	32	20	18	16
XI. Roasts							
1. Leg (whole, half or short cut)	42	40	37	32	23	22	21
2. Sirloin roast (bone-in)	48	45	43	37	22	20	18
3. Yoke, rattle or triangle (bone-in)	28	27	27	23	14	13	11
4. Yoke, rattle or triangle (boneless)	42	41	40	34	20	18	15
5. Chuck or shoulder (square cut) (bone-in)	36	36	36	30	18	16	14
6. Chuck or shoulder (cross cut) (bone-in)	29	29	28	24	15	13	12
7. Loin	60	57	53	45	33	31	30
8. Rib	48	45	43	37	22	20	18
9. Boneless lamb—shoulder roll	----	----	----	35	----	----	----

[For all stores permitted to make such sales. Cents per pound]

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XII. Stews and other cuts							
1. Breast and flank	21	20	19	16	11	10	9
2. Neck (bone-in)	21	20	19	16	11	10	9
3. Neck (boneless)	31	31	31	31	20	20	20
4. Shank (bone-in)	21	20	19	16	11	10	9
5. Patties (ground meat)	31	31	31	31	20	20	20
XIII. Wholesale cuts							
1. Leg	38	36	35	31	22	22	21
2. Loin	38	35	30	25	18	17	16
3. Hotel rack	42	39	33	26	20	18	16
4. Yoke	25	24	23	20	12	11	10

38. In section 30 (b), in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

(b) Retail ceiling prices on specially authorized sales to eating places or other retailers—Zone 2.

[For all stores permitted to make such sales. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	47	44
2. T-bone	47	44
3. Club	47	44
4. Rib—10″ cut	30	29
5. Rib—7″ cut	33	31
6. Sirloin	39	38
7. Pinbone	39	38
8. Sirloin (boneless)	48	46
9. Round (bone-in—full cut)	39	37
10. Round (boneless—top and bottom)	40	38
11. Round tip	40	38
12. Chuck blade (bone-in)	28	27
13. Chuck arm (bone-in)	28	27
II. Roasts		
1. Rib standing (chine bone-in—10″ cut)	30	29
2. Rib standing (chine bone-in—7″ cut)	33	31
3. Round tip	40	38
4. Rump (bone-in)	25	24
5. Rump (boneless)	40	38
6. Chuck blade pot roast	28	27
7. Chuck arm pot roast	28	27
8. Chuck or shoulder (boneless)	37	35
9. English cut	28	27
III. Stews and other cuts		
8. Neck (boneless)	30	28
9. Heel of round (boneless)	29	27
V. Wholesale cuts		
1. Round beef (whole)	25	24
2. Sirloin beef (whole)	30	29
3. Short loin beef (whole)	36	34
5. Rib beef (whole)	27	26
6. Regular chuck (whole)	23	22

[For all stores permitted to make such sales. Cents per pound]

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
X. Steaks and chops							
1. Loin chops	58	55	51	42	30	29	27
2. Rib chops	45	43	41	34	20	18	16
3. Leg or sirloin chops	45	43	41	34	20	18	16
4. Shoulder chops, blade or arm chops	39	37	35	30	17	15	13
XI. Roasts							
1. Leg (whole, half or short cut)	39	37	34	29	21	20	19
2. Sirloin roast (bone-in)	45	43	41	34	20	18	16
3. Yoke, rattle or triangle (bone-in)	25	25	24	20	12	10	9
4. Yoke, rattle or triangle (boneless)		39	38	32	18	15	13
5. Chuck or shoulder (square cut) (bone-in)	34	33	33	28	16	14	11
6. Chuck or shoulder (cross cut) (bone-in)	27	26	26	22	12	11	9
7. Loin	58	55	51	42	30	29	27
8. Rib	45	43	41	34	20	18	16
9. Boneless lamb shoulder roll	----	----	----	33	----	----	----
XII. Stews and other cuts							
1. Breast and flank	19	18	17	14	8	7	6
2. Neck (bone-in)	19	18	17	14	8	7	6
3. Neck (boneless)	29	29	29	29	18	18	18
4. Shank (bone-in)	19	18	17	14	8	7	6
5. Patties (ground meat)	29	29	29	29	18	18	18
XIII. Wholesale cuts							
1. Leg	36	35	33	30	21	20	19
2. Loin	36	33	28	23	17	16	14
3. Hotel rack	40	37	32	25	18	16	14
4. Yoke	23	22	22	18	10	9	8

39. In section 30 (c), in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

(c) Retail ceiling prices on specially authorized sales to eating places or other retailers—Zone 3.

[For all stores permitted to make such sales. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	46	43
2. T-bone	46	43
3. Club	46	43
4. Rib—10" cut	29	28
5. Rib—7" cut	32	30
6. Sirloin	38	36
7. Pin bone	38	36
8. Sirloin (boneless)	47	45
9. Round (bone-in—full cut)	38	35
10. Round (boneless—top and bottom)	39	36
11. Round tip	39	36
12. Chuck blade (bone-in)	27	25
13. Chuck arm (bone-in)	27	25
II. Roasts		
1. Rib standing (chine bone-in—10" cut)	29	28
2. Rib standing (chine bone-in—7" cut)	32	30
3. Round tip	39	36
4. Rump (bone-in)	24	23
5. Rump (boneless)	39	36
6. Chuck blade pot roast	27	25
7. Chuck arm pot roast	27	25
8. Chuck or shoulder (boneless)	35	33
9. English cut	27	25
III. Stews and other cuts		
8. Neck (boneless)	29	27
9. Heel of round (boneless)	27	26
V. Wholesale cuts		
1. Round beef (whole)	25	23
2. Sirloin beef (whole)	30	28
3. Short loin beef (whole)	35	34
5. Rib beef (whole)	26	25
6. Regular chuck (whole)	22	21

[For all stores permitted to make such sales. Cents per pound]

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
X. Steaks and chops							
1. Loin chops	58	55	51	42	30	29	27
2. Rib chops	45	43	41	34	20	18	16
3. Leg or sirloin chops	45	43	41	34	20	18	16
4. Shoulder chops, blade or arm chops	39	37	35	30	17	15	13
XI. Roasts							
1. Leg (whole, half or short cut)	39	37	34	29	21	20	19
2. Sirloin roast bone-in)	45	43	41	34	20	18	16
3. Yoke, rattle or triangle (bone-in)	25	25	24	20	12	10	9
4. Yoke, rattle or triangle (boneless)	40	39	38	32	18	15	13
5. Chuck or shoulder (square cut) (bone-in)	34	33	33	28	16	14	11
6. Chuck or shoulder (cross cut) (bone-in)	27	26	26	22	12	11	9
7. Loin	58	55	51	42	30	29	27
8. Rib	45	43	41	34	20	18	16
9. Boneless lamb shoulder roll	----	----	----	33	----	----	----
XII. Stews and other cuts							
1. Breast and flank	19	18	17	14	8	7	6
2. Neck (bone-in)	19	18	17	14	8	7	6
3. Neck (boneless)	29	29	29	29	18	18	18
4. Shank (bone-in)	19	18	17	14	8	7	6
5. Patties (ground meat)	29	29	29	29	18	18	18
XIII. Wholesale cuts							
1. Leg	36	35	33	30	21	20	19
2. Loin	36	33	28	23	17	16	14
3. Hotel rack	40	37	32	25	18	16	14
4. Yoke	23	22	22	18	10	9	8

40. In section 30 (d), in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

(d) Retail ceiling prices on specially authorized sales to eating places or other retailers—Zone 4.

For all stores permitted to make such sales. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	46	43
2. T-bone	46	43
3. Club	46	43
4. Rib—10" cut	29	28

[For all stores permitted to make such sales. Cents per pound]

Beef	Grades	
	AA or choice	A or good
1. Steaks—Continued		
5. Rib—7" cut	32	30
6. Sirloin	38	36
7. Pin bone	38	36
8. Sirloin (boneless)	47	45
9. Round (bone-in-full—cut)	38	35
10. Round (boneless—top and bottom)	39	36
11. Round tip	39	36
12. Chuck blade (bone-in)	27	25
13. Chuck arm (bone-in)	27	25
II. Roasts		
1. Rib standing (chine bone-in—10" cut)	29	28
2. Rib standing (chine bone-in—7" cut)	32	30
3. Round tip	39	36
4. Rump (bone-in)	24	23
5. Rump (boneless)	39	36
6. Chuck blade pot roast	27	25
7. Chuck arm pot roast	27	25
8. Chuck or shoulder (boneless)	35	33
9. English cut	27	25
III. Stews and other cuts		
8. Neck (boneless)	29	27
9. Heel of round (boneless)	27	26
V. Wholesale cuts		
1. Round beef (whole)	25	23
2. Sirloin beef (whole)	30	28
3. Short loin beef (whole)	35	34
5. Rib beef (whole)	26	25
6. Regular chuck (whole)	22	21

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
X. Steaks and chops							
1. Loin chops	58	55	51	42	30	29	27
2. Rib chops	45	43	41	34	20	18	16
3. Leg or sirloin chops	45	43	41	34	20	18	16
4. Shoulder chops, blade or arm chops	39	37	35	30	17	15	13
XI. Roasts							
1. Leg (whole, half or short cut)	39	37	34	29	21	20	19
2. Sirloin roast (bone-in)	45	43	41	34	20	18	16
3. Yoke, rattle or triangle (bone-in)	25	25	24	20	12	10	9
4. Yoke, rattle or triangle (boneless)	40	39	38	32	18	15	13
5. Chuck or shoulder (square cut) (bone-in)	34	33	33	28	16	14	11
6. Chuck or shoulder (cross cut) (bone-in)	27	26	26	22	12	11	9
7. Loin	58	55	51	42	30	29	27
8. Rib	45	43	41	34	20	18	16
9. Boneless lamb shoulder roll	----	----	----	33	----	----	----
XII. Stews and other cuts							
1. Breast and flank	19	18	17	14	8	7	6
2. Neck (bone-in)	19	18	17	14	8	7	6
3. Neck (boneless)	29	29	29	29	18	18	18
4. Shank (bone-in)	19	18	17	14	8	7	6
5. Patties (ground-meat)	29	29	29	29	18	18	18
XIII. Wholesale cuts							
1. Leg	36	35	33	30	21	20	19
2. Loin	36	33	28	23	17	16	14
3. Hotel rack	40	37	32	25	18	16	14
4. Yoke	23	22	22	18	10	9	8

41. In section 30 (e), in the table of prices, the prices in Columns "AA or choice" and "A or good" for the follow-

ing items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

(e) Retail ceiling prices on specially authorized sales to eating places or other retailers—Zone 5.

[For all stores permitted to make such sales. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	46	43
2. T-Bone	46	43
3. Club	46	43
4. Rib—10" cut	30	28
5. Rib—7" cut	32	30
6. Sirloin	38	37
7. Pin-bone	38	37
8. Sirloin (boneless)	47	45
9. Round (bone-in) (full cut)	38	36
10. Round (boneless—top and bottom)	39	37
11. Round (tip)	39	37
12. Chuck blade (bone-in)	27	26
13. Chuck arm (bone-in)	27	26
II. Roasts		
1. Rib standing (chine bone-in—10" cut)	30	28
2. Rib standing (chine bone-in—7" cut)	32	30
3. Round tip	39	37
4. Rump (bone-in)	24	23
5. Rump (boneless)	39	37
6. Chuck blade pot roast	27	26
7. Chuck arm pot roast	27	26
8. Chuck or shoulder (boneless)	36	34
9. English cut	27	26
III. Stews and other cuts		
8. Neck (boneless)	29	27
9. Heel of round (boneless)	28	26
IV. Ground Beef		
Wholesale cuts:		
1. Round (whole)	25	24
2. Sirloin (whole)	30	29
3. Short loin (whole)	36	34
5. Rib (whole)	26	25
6. Regular chuck (whole)	22	21

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
X. Steaks and chops							
1. Loin chops	58	55	52	43	31	30	28
2. Rib chops	46	44	41	35	21	19	16
3. Leg or sirloin chops	46	44	41	35	21	19	16
4. Shoulder chops, blade or arm chops	40	38	36	30	18	16	14
XI. Roasts							
1. Leg (whole, half or short cut)	40	38	35	29	22	20	20
2. Sirloin roasts (bone in)	46	44	41	35	21	19	16
3. Yoke, rattle or triangle (bone-in)	26	26	25	21	12	11	10
4. Yoke, rattle or triangle (boneless)	40	39	38	32	18	16	14
5. Chuck or shoulder (square cut—(bone-in)	35	34	34	29	16	14	12
6. Chuck or shoulder (cross cut—bone-in)	28	27	27	22	13	12	10
7. Loin	58	55	52	43	31	30	28
8. Rib	46	44	41	35	21	19	16
9. Boneless lamb shoulder roll	----	----	----	34	----	----	----
XII. Stews and other cuts							
1. Breast and flank	19	18	18	15	9	8	7
2. Neck (bone-in)	19	18	18	15	9	8	7
3. Neck (boneless)	30	30	30	30	19	19	19
4. Shank (bone-in)	19	18	18	15	9	8	7
5. Patties (ground meat)	30	30	30	30	19	19	19

[For all stores permitted to make such sales. Cents per pound]

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XIII. Wholesale cuts							
1. Leg	37	35	34	30	21	20	20
2. Loin	37	34	29	23	17	16	15
3. Hotel rack	40	38	32	25	19	17	15
4. Yoke	23	23	22	19	11	10	8

42. In section 30 (f), in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

(f) Retail ceiling prices on specially authorized sales to eating places or other retailers—Zone 6.

[For all stores permitted to make such sales. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	47	44
2. T-Bone	47	44
3. Club	47	44
4. Rib—10" cut	30	29
5. Rib—7" cut	32	30
6. Sirloin	39	37
7. Pinbone	39	37
8. Sirloin (boneless)	48	46
9. Round (bone-in—full cut)	38	36
10. Round (boneless—top and bottom)	40	37
11. Round tip	40	37
12. Chuck blade (bone-in)	28	26
13. Chuck arm (bone-in)	28	26
II. Roasts		
1. Rib standing (chine bone-in—10" cut)	30	29
2. Rib standing (chine bone-in—7" cut)	32	30
3. Round tip	40	37
4. Rump (bone-in)	25	23
5. Rump (boneless)	40	37
6. Chuck blade pot roast	28	26
7. Chuck arm pot roast	28	26
8. Chuck or shoulder (boneless)	36	34
9. English cut	28	26
III. Stews and other cuts		
8. Neck (boneless)	30	28
9. Heel of round (boneless)	28	27
V. Wholesale cuts		
1. Round beef (whole)	25	24
2. Sirloin beef (whole)	30	29
3. Short loin beef (whole)	36	34
5. Rib beef (whole)	27	25
6. Regular chuck (whole)	23	21

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commerica	Grade R or utility and culls
X. Steaks and chops							
1. Loin chops	59	56	52	43	32	30	29
2. Rib chops	46	44	42	35	21	19	17
3. Leg or sirloin chops	46	44	42	35	21	19	17
4. Shoulder chops, blade or arm chops	40	38	36	31	18	16	15

[For all stores permitted to make such sales. Cents per pound]

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XI. Roasts							
1. Leg (whole, half or short cut)	40	38	36	30	22	21	20
2. Sirloin roast (bone-in)	46	44	42	35	21	19	17
3. Yoke, rattle or triangle (bone-in)	27	26	25	22	13	11	10
4. Yoke, rattle or triangle (boneless)	41	40	39	33	19	16	14
5. Chuck or shoulder (square cut) (bone-in)	35	35	34	29	17	15	13
6. Chuck or shoulder (cross cut) (bone-in)	28	28	27	23	14	12	10
7. Loin	59	56	52	43	32	30	29
8. Rib	46	44	42	35	21	19	17
9. Boneless lamb shoulder roll	----	----	----	34	----	----	----
XII. Stews and other cuts							
1. Breast and flank	20	19	18	15	9	8	8
2. Neck (bone-in)	20	19	18	15	9	8	8
3. Neck (boneless)	30	30	30	30	19	19	19
4. Shank (bone-in)	20	19	18	15	9	8	8
5. Patties (ground meat)	30	30	30	30	19	19	19
XIII. Wholesale cuts							
1. Leg	37	35	34	30	22	21	20
2. Loin	37	34	29	24	18	17	15
3. Hotel rack	41	38	33	26	19	17	15
4. Yoke	24	23	23	19	11	10	9

43. In Section 30 (g), in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

(g) Retail ceiling prices on specially authorized sales to eating places or other retailers—Zone 7.

[For all stores permitted to make such sales. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	47	44
2. T-Bone	47	44
3. Club	47	44
4. Rib—10" cut	30	29
5. Rib—7" cut	33	31
6. Sirloin	39	38
7. Pin bone	39	38
8. Sirloin (boneless)	48	46
9. Round (bone-in—full cut)	39	37
10. Round (boneless—top and bottom)	40	38
11. Round tip	40	38
12. Chuck blade (bone-in)	28	27
13. Chuck arm (bone-in)	28	27
II. Roasts		
1. Rib standing (chine bone-in—10" cut)	30	29
2. Rib standing (chine bone-in—7" cut)	33	31
3. Round tip	40	38
4. Rump (bone-in)	25	24
5. Rump (boneless)	40	38
6. Chuck blade pot roast	28	27
7. Chuck arm pot roast	28	27
8. Chuck or shoulder (boneless)	37	35
9. English cut	28	27
III. Stews and other cuts		
8. Neck (boneless)	30	28
9. Heel of round (boneless)	29	27

[For all stores permitted to make such sales. Cents per pound]

Beef	Grades	
	AA or choice	A or good
V. Wholesale cuts		
1. Round beef (whole)	25	24
2. Sirloin beef (whole)	30	29
3. Short loin beef (whole)	36	34
5. Rib beef (whole)	27	26
6. Regular chuck (whole)	23	22

Lamb and mutton	Lamb			Mutton			
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
X. Steaks and chops							
1. Loin chops	59	56	52	44	32	31	29
2. Rib chops	47	45	42	36	22	19	17
3. Leg or sirloin chops	47	45	42	36	22	19	17
4. Shoulder chops, blade or arm chops	40	39	37	31	19	17	15
XI. Roasts							
1. Leg (whole, half or short cut)	41	39	36	30	22	21	20
2. Sirloin roast (bone-in)	47	45	42	36	22	19	17
3. Yoke, rattle or triangle (bone-in)	27	26	26	22	13	12	10
4. Yoke, rattle or triangle (boneless)	41	40	39	33	19	17	15
5. Chuck or shoulder (square cut) (bone-in)	35	35	34	29	17	15	13
6. Chuck or shoulder (cross cut) (bone-in)	28	28	27	23	14	12	11
7. Loin	59	56	52	44	32	31	29
8. Rib	47	45	42	36	22	19	17
9. Boneless lamb shoulder roll	----	----	----	34	----	----	----
XII. Stews and other cuts							
1. Breast and flank	20	19	18	16	10	9	8
2. Neck (bone-in)	20	19	18	16	10	9	8
3. Neck (boneless)	31	31	31	31	20	20	20
4. Shank (bone-in)	20	19	18	16	10	9	8
5. Patties (ground meat)	31	31	31	31	20	20	20
XIII. Wholesale cuts							
1. Leg	37	36	34	31	22	21	20
2. Loin	38	34	29	24	18	17	16
3. Hotel rack	41	38	33	26	19	17	16
4. Yoke	24	23	23	20	12	10	9

44. In section 30 (h), in the table of prices, the price in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

(h) Retail ceiling prices on specially authorized sales to eating places or other retailers—Zone 8 North.

[For all stores permitted to make such sales. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	48	45
2. T-Bone	48	45
3. Club	48	45
4. Rib—10" cut	31	29
5. Rib—7" cut	33	31
6. Sirloin	40	38
7. Pin Bone	40	38
8. Sirloin (boneless)	49	47
9. Round (bone-in—full cut)	39	37
10. Round (boneless—top and bottom)	41	38
11. Round tip	41	38
12. Chuck blade (bone-in)	29	27
13. Chuck arm (bone-in)	29	27
II. Roasts		
1. Rib standing (chine bone-in—10" cut)	31	29
2. Rib standing (chine bone-in—7" cut)	33	31
3. Round tip	41	38
4. Rump (bone-in)	26	25
5. Rump (boneless)	41	38
6. Chuck blade pot roast	29	27
7. Chuck arm pot roast	29	27
8. Chuck or shoulder (boneless)	37	35
9. English cut	29	27
III. Stews and other cuts		
8. Neck (boneless)	30	29
9. Heel of round (boneless)	29	28
V. Wholesale cuts		
1. Round beef (whole)	26	25
2. Sirloin beef (whole)	31	30
3. Short loin beef (whole)	37	35
5. Rib beef (whole)	28	26
6. Regular chuck (whole)	23	22

[For all stores permitted to make such sales. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks—Continued		
9. Round (bone-in—full cut)	39	37
10. Round (boneless—top and bottom)	41	38
11. Round tip	41	38
12. Chuck blade (bone-in)	29	27
13. Chuck arm (bone-in)	29	27
II. Roasts		
1. Rib standing (chine bone-in—10" cut)	31	29
2. Rib standing (chine bone-in—7" cut)	33	31
3. Round tip	41	38
4. Rump (bone-in)	26	25
5. Rump (boneless)	41	38
6. Chuck blade pot roast	29	27
7. Chuck arm pot roast	29	27
8. Chuck or shoulder (boneless)	37	35
9. English cut	29	27
III. Stews and other cuts		
8. Neck (boneless)	30	29
9. Heel of round (boneless)	29	28
V. Wholesale cuts		
1. Round beef (whole)	26	25
2. Sirloin beef (whole)	31	30
3. Short loin beef (whole)	37	35
5. Rib beef (whole)	28	26
6. Regular chuck (whole)	23	22

Lamb and mutton	Lamb			Mutton			
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
X. Steaks and chops							
1. Loin chops	60	57	53	45	33	31	30
2. Rib chops	48	45	43	37	22	20	18
3. Leg or sirloin chops	48	45	43	37	22	20	18
4. Shoulder chops, blade or arm chops	41	39	37	32	20	18	16
XI. Roasts							
1. Leg (whole, half or short cut)	42	40	37	31	23	22	21
2. Sirloin roasts (bone-in)	48	45	43	37	22	20	18
3. Yoke rattle or triangle (bone-in)	28	27	27	23	14	13	11
4. Yoke rattle or triangle (boneless)	42	41	40	34	20	18	15
5. Chuck or shoulder (square cut) (bone-in)	36	36	36	30	18	16	14
6. Chuck or shoulder (cross cut) (bone-in)	29	28	28	24	15	13	12
7. Loin	60	57	53	45	33	31	30
8. Rib	48	45	43	37	22	20	18
9. Boneless lamb shoulder roll	----	----	----	35	----	----	----
XII. Stews and other cuts							
1. Breast and flank	21	20	19	16	11	10	9
2. Neck (bone-in)	21	20	19	16	11	10	9
3. Neck (boneless)	31	31	31	31	20	20	20
4. Shank (bone-in)	21	20	19	16	11	10	9
5. Patties (ground meat)	31	31	31	31	20	20	20
XIII. Wholesale cuts							
1. Leg	38	36	35	31	22	22	21
2. Loin	38	35	30	25	18	17	16
3. Hotel rack	42	39	33	26	20	18	16
4. Yoke	25	24	23	20	12	11	10

45. In section 30 (i), in the table of prices, the price in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

(i) Retail ceiling prices on specially authorized sales to eating places or other retailers—Zone 8 South.

[For all stores permitted to make such sales. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	48	45
2. T-bone	48	45
3. Club	48	45
4. Rib—10" cut	31	29
5. Rib—7" cut	33	31
6. Sirloin	40	38
7. Pin bone	40	38
8. Sirloin (boneless)	49	47
9. Round (bone-in—full cut)	39	37
10. Round (boneless—top and bottom)	41	38
11. Round tip	41	38
12. Chuck blade (bone-in)	29	27
13. Chuck arm (bone-in)	29	27
II. Roasts		
1. Rib standing (chine bone-in—10" cut)	31	29
2. Rib standing (chine bone-in—7" cut)	33	31
3. Round tip	41	38
4. Rump (bone-in)	26	25
5. Rump (boneless)	41	38
6. Chuck blade pot roast	29	27
7. Chuck arm pot roast	29	27
8. Chuck or shoulder (boneless)	37	35
9. English cut	29	27
III. Stews and other cuts		
8. Neck (boneless)	30	29
9. Heel of round (boneless)	29	28
V. Wholesale cuts		
1. Round beef (whole)	26	25
2. Sirloin beef (whole)	31	30
3. Short loin beef (whole)	37	35
5. Rib beef (whole)	28	26
6. Regular chuck (whole)	23	22

Lamb and mutton	Lamb			Mutton			
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
X. Steaks and chops							
1. Loin chops	60	57	53	44	33	31	30
2. Rib chops	47	45	43	36	22	20	18
3. Leg or sirloin chops	47	45	43	36	22	20	18
4. Shoulder chops, blade or arm chops	41	39	37	32	19	17	15
XI. Roasts							
1. Leg (whole, half or short cut)	41	39	37	31	23	22	21
2. Sirloin roast (bone-in)	47	45	43	36	22	20	18
3. Yoke, rattle or triangle (bone-in)	27	27	26	22	14	12	11
4. Yoke, rattle or triangle (boneless)	41	41	40	33	20	17	15
5. Chuck or shoulder (square cut) (bone-in)	35	35	35	30	18	16	13
6. Chuck or shoulder (cross cut) (bone-in)	29	28	28	24	14	13	11
7. Loin	60	57	53	44	33	31	30
8. Rib	47	45	43	36	22	20	18
9. Boneless lamb shoulder roll	----	----	----	35	----	----	----
XII. Stews and other cuts							
1. Breast and flank	21	20	19	16	10	9	8
2. Neck (bone-in)	21	20	19	16	10	9	8
3. Neck (boneless)	31	31	31	31	20	20	20
4. Shank (bone-in)	21	20	19	16	10	9	8
5. Patties (ground meat)	31	31	31	31	20	20	20

[For all stores permitted to make such sales. Cents per pound]

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XIII. Wholesale cuts							
1. Leg	37	36	35	31	22	21	21
2. Loin	38	35	29	24	18	17	16
3. Hotel rack	41	38	33	26	20	17	16
4. Yoke	24	24	23	20	12	11	9

46. In Section 30 (j), in the table of prices, the prices in Columns "AA or choice" and "A or good"' for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

(j) Retail ceiling prices on specially authorized sales to eating places or other retailers—Zone 9 North.

[For all stores permitted to make such sales. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	48	45
2. T-bone	48	45
3. Club	48	45
4. Rib—10" cut	31	30
5. Rib—7" cut	33	32
6. Sirloin	40	38
7. Pin bone	40	38
8. Sirloin (boneless)	49	47
9. Round (bone-in, full cut)	40	38
10. Round (boneless-top and bottom)	41	39
11. Round tip	41	39
12. Chuck blade (bone-in)	29	27
13. Chuck arm (bone-in)	29	27
II. Roasts		
1. Rib standing (chine bone-in 10" cut)	31	30
2. Rib standing (chine bone-in 7" cut)	33	32
3. Round tip	41	39
4. Rump (bone-in)	26	25
5. Rump (boneless)	41	39
6. Chuck blade pot roast	29	27
7. Chuck arm pot roast	29	27
8. Chuck or shoulder (boneless)	38	36
9. English cut	29	27
III. Stews and other cuts		
9. Neck (boneless)	31	29
10. Heel of round (boneless)	30	28
V. Wholesale cuts		
1. Round beef (whole)	26	25
2. Sirloin beef (whole)	31	30
3. Short loin beef (whole)	37	35
5. Rib beef (whole)	28	26
6. Regular chuck (whole)	23	22

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
X. Steaks and chops							
1. Loin chops	61	58	54	46	34	32	31
2. Rib chops	48	46	44	37	23	21	19
3. Leg or sirloin chops	48	46	44	37	23	21	19
4. Shoulder chops, blade or arm chops	42	40	38	33	20	18	16

[For all stores permitted to make such sales. Cents per pound]

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
XI. Roasts							
1. Leg (whole, half or short cut)	43	41	38	32	24	23	22
2. Sirloin roast (bone-in)	48	46	44	37	23	21	19
3. Yoke, rattle or triangle (bone-in)	29	28	27	24	15	13	12
4. Yoke, rattle or triangle (boneless)	43	42	41	35	21	18	16
5. Chuck or shoulder (square cut) (bone-in)	37	37	36	31	19	17	15
6. Chuck or shoulder (cross cut) (bone-in)	30	29	29	25	16	14	12
7. Loin	61	58	54	46	34	32	31
8. Rib	48	46	44	37	23	21	19
9. Boneless lamb shoulder roll	----	----	----	36	----	----	----
XII. Stews and other cuts							
1. Breast and flank	22	21	20	17	11	10	10
2. Neck (bone-in)	22	21	20	17	11	10	10
3. Neck (boneless)	32	32	32	32	21	21	21
4. Shank (bone-in)	22	21	20	17	11	10	10
5. Patties (ground-meat)	32	32	32	32	21	21	21
XIII. Wholesale cuts							
1. Leg	38	37	36	32	23	22	21
2. Loin	39	36	30	25	19	18	17
3. Hotel rack	42	39	34	27	20	18	17
4. Yoke	25	25	24	21	13	11	10

47. In section 30 (k), in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

(k) Retail ceiling prices on specially authorized sales to eating places or other retailers—Zone 9 South.

[For all stores permitted to make such sales. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	48	45
2. T-Bone	48	45
3. Club	48	45
4. Rib—10" cut	31	30
5. Rib—7" cut	33	32
6. Sirloin	40	38
7. Pinbone	40	38
8. Sirloin (boneless)	49	47
9. Round (bone-in—full cut)	40	38
10. Round (boneless—top and bottom)	41	39
11. Round tip	41	39
12. Chuck blade (bone-in)	29	27
13. Chuck arm (bone-in)	29	27
II. Roasts		
1. Rib standing (chine bone-in—10" cut)	31	30
2. Rib standing (chine bone-in—7" cut)	33	32
3. Round tip	41	39
4. Rump (bone-in)	26	25
5. Rump (boneless)	41	39
6. Chuck blade pot roast	29	27
7. Chuck arm pot roast	29	27
8. Chuck or shoulder (boneless)	38	36
9. English cut	29	27
III. Stews and other cuts		
8. Neck (boneless)	31	29
9. Heel of round (boneless)	30	28

[For all stores permitted to make such sales. Cents per pound]

Beef	Grades	
	AA or choice	A or good
V. Wholesale cuts		
1. Round beef (whole)	26	25
2. Sirloin beef (whole)	31	30
3. Short loin beef (whole)	37	35
5. Rib beef (whole)	28	26
6. Regular chuck (whole)	23	22

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
X. Steaks and chops							
1. Loin chops	60	57	53	45	33	31	30
2. Rib chops	48	45	43	37	22	20	18
3. Leg or sirloin chops	48	45	43	37	22	20	18
4. Shoulder chops, blade or arm chops	41	39	37	32	20	18	16
XI. Roasts							
1. Leg (whole, half or short cut)	42	40	37	31	23	22	21
2. Sirloin roast (bone-in)	48	45	43	37	22	20	18
3. Yoke, rattle or triangle (bone-in)	28	27	27	23	14	13	11
4. Yoke, rattle or triangle (boneless)	42	41	40	34	20	18	15
5. Chuck or shoulder (square cut) (bone-in)	36	36	36	30	18	16	14
6. Chuck or shoulder (cross cut) (bone-in)	29	28	28	24	15	13	12
7. Loin	60	57	53	45	33	31	30
8. Rib	48	45	43	37	22	20	18
9. Boneless lamb shoulder roll	----	----	----	35	----	----	----
XII. Stews and other cuts							
1. Breast and flank	21	20	19	16	11	10	9
2. Neck (bone-in)	21	20	19	16	11	10	9
3. Neck (boneless)	31	31	31	31	20	20	20
4. Shank (bone-in)	21	20	19	16	11	10	9
5. Patties (ground meat)	31	31	31	31	20	20	20
XIII. Wholesale cuts							
1. Leg	38	36	35	31	22	22	21
2. Loin	38	35	30	25	18	17	16
3. Hotel rack	42	39	33	26	20	18	16
4. Yoke	25	24	23	20	12	11	10

48. In section 30 (l), in the table of prices, the prices in Columns "AA or choice" and "A or good" for the following items of "Beef" and the prices for the following items of "Lamb and Mutton" are amended to read as follows:

(l) Retail ceiling prices on specially authorized sales to eating places or other retailers—Zone 10.

[For all stores permitted to make such sales. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks		
1. Porterhouse	49	45
2. T-Bone	49	45
3. Club	49	45
4. Rib—10" cut	32	30
5. Rib—7" cut	34	32
6. Sirloin	41	39
7. Pin bone	41	39
8. Sirloin (boneless)	50	48

[For all stores permitted to make such sales. Cents per pound]

Beef	Grades	
	AA or choice	A or good
I. Steaks—Continued		
9. Round (bone-in—full cut)	40	38
10. Round (boneless—top and bottom)	42	39
11. Round tip	42	39
12. Chuck blade (bone-in)	29	28
13. Chuck arm (bone-in)	29	28
II. Roasts		
1. Rib standing (chine bone-in—10" cut)	32	30
2. Rib standing (chine bone-in—7" cut)	34	32
3. Round tip	42	39
4. Rump (bone-in)	27	25
5. Rump (boneless)	42	39
6. Chuck blade pot roast	29	28
7. Chuck arm pot roast	29	28
8. Chuck or shoulder (boneless)	38	36
9. English cut	29	28
III. Stews and other cuts		
8. Neck (boneless)	31	30
9. Heel of round (boneless)	30	29
V. Wholesale cuts		
1. Round beef (whole)	26	25
2. Sirloin beef (whole)	31	30
3. Short loin beef (whole)	37	35
5. Rib beef (whole)	28	27
6. Regular chuck (whole)	24	22

Lamb and mutton	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade B or prime, choice and good	Grade M or commercial	Grade R or utility and culls
X. Steaks and chops							
1. Loin chops	61	58	54	45	34	32	31
2. Rib chops	48	46	43	37	23	21	18
3. Leg or sirloin chops	48	46	43	37	23	21	18
4. Shoulder chops, blade or arm chops	42	40	38	32	20	18	16
XI. Roasts							
1. Leg (whole, half or short cut)	42	40	38	32	23	23	21
2. Sirloin roast (bone-in)	48	46	43	37	23	21	18
3. Yoke, rattle or triangle (bone-in)	28	28	27	23	14	13	11
4. Yoke, rattle or triangle (boneless)	42	41	40	34	20	18	16
5. Chuck or shoulder (square cut) (bone-in)	37	36	36	31	18	16	14
6. Chuck or shoulder (cross cut) (bone-in)	30	29	29	24	15	14	12
7. Loin	61	58	54	45	34	32	31
8. Rib	48	46	43	37	23	21	18
9. Boneless lamb shoulder roll	----	----	----	36	----	----	----
XII. Stews and other cuts							
1. Breast and flank	21	20	20	17	11	10	9
2. Neck (bone-in)	21	20	20	17	11	10	9
3. Neck (boneless)	32	32	32	32	21	21	21
4. Shank (bone-in)	21	20	20	17	11	10	9
5. Patties (ground meat)	32	32	32	32	21	21	21
XIII. Wholesale cuts							
1. Leg	38	37	35	32	23	22	21
2. Loin	38	36	30	25	19	18	16
3. Hotel rack	42	39	34	27	20	18	16
4. Yoke	25	24	24	20	12	11	10

49. Section 31 is added to read as follows:

SEC. 31. *Increases to be added to certain product prices.* The amounts specified in the price schedules set forth in sections 22 and 30 of this part for the products hereinafter listed may be increased in each zone by adding the amounts set forth below. The products for which ceiling prices thus may be increased, and the applicable increases by grade follow:

[Product name and number in Price Schedules. Cents per pound]

	Amount which may be added	
	AA or choice	A or good
BEEF		
Steaks		
1. Porterhouse	7	5
2. T-bone	7	5
3. Club	7	5
4. Rib—10" cut	5	5
5. Rib—7" cut	7	6
6. Sirloin	6	6
7. Pin bone	6	6
8. Sirloin (boneless)	8	6
9. Round (bone-in—full cut)	7	7
10. Round (boneless—top and bottom)	9	8
11. Round tip	9	8
12. Chuck blade (bone-in)	6	5
13. Chuck arm (bone-in)	6	5
Roasts		
1. Rib standing (chine bone-in—10" cut)	5	5
2. Rib standing (chine bone-in—7" cut)	7	6
3. Round tip	9	8
4. Rump (bone-in)	5	4
5. Rump (boneless)	9	8
6. Chuck blade pot roast	6	5
7. Chuck arm pot roast	6	5
8. Chuck or shoulder (boneless)	7	6
9. English cut	6	5
Stews and other cuts		
9. Neck (boneless)	6	5
10. Heel of round (boneless)	6	5
Wholesale cuts		
1. Round beef (whole)	4	4
2. Sirloin beef (whole)	4	3
3. Short loin beef (whole)	5	4
5. Rib beef (whole)	5	5
6. Regular chuck (whole)	5	5
LAMB AND MUTTON		
Steaks and chops		
1. Loin chops	4	5
2. Rib chops	4	4
3. Leg or sirloin chops	4	4
4. Shoulder chops, blade or arm chops	4	3
Roasts		
1. Leg (whole, half or short cut)	3	3
2. Sirloin roast (bone-in)	4	4
3. Yoke, rattle or triangle (bone-in)	2	2
4. Yoke, rattle or triangle (boneless)	3	3
5. Chuck or shoulder (square cut) (bone-in)	2	2
6. Chuck or shoulder (cross cut) (bone-in)	2	3
7. Loin	4	5
8. Rib	4	4
Stews and other cuts		
1. Breast and flank	2	2
2. Neck (bone-in)	2	2
4. Shank (bone-in)	2	2
Wholesale cuts		
1. Leg	3	3
2. Loin	2	3
3. Hotel rack	3	3
4. Yoke	1	1

This amendment shall become effective September 10, 1946.

Issued this 6th day of September, 1946.

GEOFFREY BAKER,
Acting Administrator.

[F. R. Doc. 46-16218; Filed, Sept. 6, 1946; 4:52 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[MPR 394,[1] Amdt. 24]

RETAIL CEILING PRICES FOR KOSHER BEEF, VEAL, LAMB AND MUTTON CUTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 394 is amended in the following respects:

1. In section 19 (a) the prices in columns "AA or Choice" and "A or Good" for the following items of Kosher Beef and the prices for the following items of Lamb and Mutton are amended to read as follows:

(a) *Retail ceiling prices for kosher beef, veal, lamb, and mutton, fresh and cured, Zone 1 for kosher retailers.*

[Cents per pound]

Cuts of meat	Grades	
	AA or choice	A or good
I. Kosher beef		
Rib:		
1. 10" steaks or roast	45	42
2. 7" steaks or roast	49	47
Chuck:		
4. Blade pot roast (also called shoulder potroast, bone-in; chuckroast, bone-in)	43	40
5. Blade steak (bone-in)	43	40
6. Boneless chuck	55	51
7. English cut	43	40
8. Arm or chuck pot roast (bone-in)	43	40
9. Arm or chuck steak (bone-in)	43	40
10. Boneless neck	43	40
Wholesale cuts:		
19. Rib (whole)	31	30
20. Chuck (whole)	27	25

Cuts of meat	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade B or prime, choice and good	Grade M or commercial	Grade R or utility and culls
III. Kosher lamb and mutton							
1. Rib chops and roast	66	63	60	52	32	29	26
2. Yoke, rattle or triangle (bone-in)	38	37	36	31	19	17	15
3. Breast and shank (bone-in)	28	27	26	22	14	13	12
4. Square cut chuck (bone-in)	51	48	45	37	25	22	20
5. Shoulder chops, blade or arm chops	57	55	52	45	28	25	22
6. Neck (bone-in)	33	31	30	26	16	15	13
7. Neck (boneless)	41	41	41	41	33	33	33
8. Patties (ground meat) including boneless breast and shank	41	41	41	41	33	33	33
9. Wholesale cuts:							
A. Forequarters	31	31	29	25	15	14	12
B. Bracelet (whole)	36	35	31	25	19	17	15
C. Chuck (whole)	30	28	27	24	14	13	12

2. In section 19 (b) the price in columns "AA or choice" and "A or good" for the following items of Kosher Beef and the prices for the following items of Lamb and Mutton are amended to read as follows:

(b) *Retail ceiling prices for kosher beef, veal, lamb and mutton, fresh and cured, Zone 2 for kosher retailers.*

[Cents per pound]

Cuts of meat	Grades	
	AA or choice	A or good
I. Kosher Beef		
Rib:		
1. 10″ steaks or roast	43	41
2. 7″ steaks or roast	48	46
Chuck:		
4. Blade pot-roast (also called shoulder roast, bone-in; chuck pot-roast, bone-in)	41	39
5. Blade steak (bone-in)	41	39
6. Boneless chuck	53	49
7. English cut	41	39
8. Arm or chuck pot-roast (bone-in)	41	39
9. Arm or chuck steak (bone-in)	41	39
10. Boneless neck	41	39
Wholesale cuts:		
19. Rib (whole)	31	29
20. Chuck (whole)	26	25

Cuts of meat	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
III. Kosher lamb and mutton							
1. Rib chops and roast	64	61	58	50	30	27	24
2. Yoke, rattle or triangle (bone-in)	36	35	35	29	17	15	13
3. Breast and shank (bone-in)	27	25	24	20	12	11	10
4. Square cut chuck (bone-in)	49	46	43	35	24	20	18
5. Shoulder chops, blade or arm chops	56	53	50	43	26	23	20
6. Neck (bone-in)	31	29	28	24	14	13	11
7. Neck (boneless)	39	39	39	39	31	31	31
8. Patties (ground meat) including boneless breast and shank	39	39	39	39	31	31	31
9. Wholesale cuts:							
A. Forequarters	30	29	27	23	14	12	11
B. Bracelet (whole)	35	33	30	23	18	16	14
C. Chuck (whole)	28	27	26	22	13	11	10

3. In section 19 (c) the prices in columns "AA or choice" and "A or good" for the following items of Kosher Beef and the prices for the following items of Lamb and Mutton are amended to read as follows:

(c) *Retail ceiling prices for kosher beef, veal, lamb and mutton, fresh and cured, Zone 3 for kosher retailers.*

[Cents per pound]

Cuts of meat	Grades	
	AA or choice	A or good
I. Kosher beef		
Rib:		
1. 10″ steaks or roast	42	40
2. 7″ steaks or roast	47	44
Chuck:		
4. Blade pot-roast (also called shoulder pot-roast, bone-in; chuck roast, bone-in)	40	38
5. Blade steak (bone-in)	40	38
6. Boneless chuck	52	48
7. English cut	40	38
8. Arm or chuck pot-roast (bone-in)	40	08
9. Arm or chuck steak (bone-in)	40	38
10. Boneless neck	40	38
Wholesale cuts:		
19. Rib (whole)	30	28
20. Chuck (whole)	25	24

Cuts of meat	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
III. Kosher lamb and mutton							
1. Rib chops and roast	64	61	58	50	30	27	24
2. Yoke, rattle or triangle (bone-in)	36	35	35	29	17	15	13
3. Breast and shank (bone-in)	27	25	24	20	12	11	10
4. Square cut chuck (bone-in)	49	46	43	35	24	20	18
5. Shoulder chops, blade or arm chops	55	53	50	43	26	23	20
6. Neck (bone-in)	31	29	28	24	14	13	11
7. Neck (boneless)	39	39	39	39	31	31	31
8. Patties (ground meat) including boneless breast and shank	39	39	39	39	31	31	31
9. Wholesale cuts:							
A. Forequarters	30	29	27	23	14	12	11
B. Bracelet (whole)	35	33	30	23	18	16	14
C. Chuck (whole)	28	27	26	22	13	11	10

4. In section 19 (d) the prices in columns "A or choice" and "A or good" for the following items of Kosher Beef and the prices for the following items of Lamb and Mutton are amended to read as follows:

(d) *Retail ceiling prices for kosher beef, veal, lamb and mutton, fresh and cured, Zone 4 for kosher retailers.*

[Cents per pound]

Cuts of meat	Grades	
	AA or choice	A or good
I. Kosher beef		
Rib:		
1. 10″ steaks or roast	42	40
2. 7″ steaks or roast	47	44
Chuck:		
4. Blade pot-roast (also called shoulder pot-roast, bone-in; chuck roast, bone-in)	40	38
5. Blade steak (bone-in)	40	38
6. Boneless chuck	52	48
7. English cut	40	38
8. Arm or chuck pot-roast (bone-in)	40	38
9. Arm or chuck steak (bone-in)	40	38
10. Boneless neck	40	38
Wholesale cuts:		
19. Rib (whole)	30	28
20. Chuck (whole)	25	24

Cuts of meat	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
III. Kosher Lamb and Mutton							
1. Rib chops and roast	64	61	58	50	30	27	24
2. Yoke, rattle or triangle (bone-in)	36	35	35	29	17	15	13
3. Breast and shank (bone-in)	27	25	24	20	12	11	10
4. Square cut chuck (bone-in)	49	46	43	35	24	20	18
5. Shoulder chops, blade or arm chops	55	55	50	43	26	23	20
6. Neck (bone-in)	31	29	28	24	14	13	11
7. Neck (boneless)	39	39	39	39	31	31	31
8. Patties (ground meat) including boneless breast and shank	39	39	39	39	31	31	31
9. Wholesale cuts:							
A. Forequarters	30	29	27	23	14	12	11
B. Bracelet (whole)	35	33	30	23	18	16	14
C. Chuck (whole)	28	27	26	22	13	11	10

5. In section 19 (e) the prices in columns "AA or choice" and "A or good" for the following items of Kosher Beef and the prices for the following items of Lamb and Mutton are amended to read as follows:

(e) *Retail ceiling prices for kosher beef, veal, lamb and mutton, fresh and cured, Zone 5 for kosher retailers.*

[Cents per pound]

Cuts of meat	Grades	
	AA or choice	A or good
I. Kosher beef		
Rib:		
1. 10″ steaks or roast	43	41
2. 7″ steaks or roast	48	46
Chuck:		
4. Blade pot-roast (also called shoulder pot-roast, bone-in; chuck roast, bone-in)	41	38
5. Blade steak (bone-in)	41	38
6. Boneless chuck	52	48
7. English cut	41	38
8. Arm or chuck pot-roast (bone-in)	41	38
9. Arm or chuck steak (bone-in)	41	38
10. Boneless neck	41	38
Wholesale cuts:		
19. Rib (whole)	30	29
20. Chuck (whole)	25	24

Cuts of meat	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
III. Kosher lamb and mutton							
1. Rib chops and roast	65	62	58	50	30	27	24
2. Yoke, rattle or triangle (bone-in)	37	36	35	30	18	16	14
3. Breast and shank (bone-in)	27	26	24	21	13	11	10
4. Square cut chuck (bone-in)	49	47	43	36	24	20	18
5. Shoulder chops, blade or arm chops	56	53	50	43	26	23	21
6. Neck (bone-in)	31	30	28	24	15	13	12
7. Neck (boneless)	40	40	40	40	31	31	31
8. Patties (ground meat) including boneless breast and shank	40	40	40	40	31	31	31
9. Wholesale cuts:							
A. Forequarters	30	29	28	23	14	13	11
B. Bracelet (whole)	35	33	30	24	18	16	14
C. Chuck (whole)	28	27	26	23	13	12	11

6. In section 19 (f) the prices in columns "AA or choice" and "A or good" for the following items of Kosher Beef and the prices for the following items of Lamb and Mutton are amended to read as follows:

(f) *Retail ceiling prices for kosher beef, veal, lamb and mutton, fresh and cured, Zone 6 for kosher retailers.*

[Cents per pound]

Cuts of meat	Grades	
	AA or choice	A or good
I. Kosher Beef		
Rib:		
1. 10″ steaks or roast	43	41
2. 7″ steaks or roast	48	45
Chuck:		
4. Blade pot-roast (also called shoulder pot-roast, bone-in; chuck roast, bone-in)	41	39
5. Blade steak (bone-in)	41	39
6. Boneless chuck	53	40
7. English cut	41	39
8. Arm or chuck pot-roast (bone-in)	41	39
9. Arm or chuck steak (bone-in)	41	39
10. Boneless neck	41	39
Wholesale cuts:		
19. Rib (whole)	30	29
20. Chuck (whole)	26	24

Cuts of meat	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
III. Kosher lamb and mutton							
1. Rib chops and roast	65	62	59	50	31	27	24
2. Yoke, rattle or triangle (bone-in)	37	36	35	30	18	16	14
3. Breast and shank (bone-in)	27	26	25	21	13	12	10
4. Square cut chuck (bone-in)	50	47	43	36	24	21	19
5. Shoulder chops, blade or arm chops	56	54	51	43	26	24	21
6. Neck (bone-in)	32	30	29	25	15	14	12
7. Neck (boneless)	40	40	40	40	31	31	31
8. Patties (ground meat) including boneless breast and shank	40	40	40	40	31	31	31
9. Wholesale cuts:							
A. Forequarters	31	29	28	24	14	13	12
B. Brisket (whole)	35	34	30	24	18	16	14
C. Chuck (whole)	29	27	26	23	13	12	11

7. In section 19 (g) the prices in columns "AA or choice" and "A or good" for the following items of Kosher beef and the prices for the following items of Lamb and Mutton are amended to read as follows:

(g) *Retail ceiling prices for kosher beef, veal, lamb and mutton, fresh and cured, Zone 7 for kosher retailers.*

[Cents per pound]

Cuts of meat	Grades	
	AA or choice	A or good
I. Kosher beef		
Rib:		
1. 10″ steaks or roast	43	41
2. 7″ steaks or roast	48	46
Chuck:		
4. Blade pot-roast (also called shoulder pot-roast, bone-in; chuck roast, bone-in)	41	39
5. Blade steak (bone-in)	41	39
6. Boneless chuck	53	49
7. English cut	41	39
8. Arm or chuck pot-roast (bone-in)	41	39
9. Arm or chuck steak (bone-in)	41	39
10. Boneless neck	41	39
Wholesale cuts:		
19. Rib (whole)	31	29
20. Chuck (whole)	26	25

Cuts of meat	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
III. Kosher lamb and mutton							
1. Rib chops and roast	66	63	59	51	31	28	25
2. Yoke, rattle or triangle (bone-in)	37	37	36	30	18	16	14
3. Breast and shank (bone-in)	28	26	25	22	13	12	11
4. Square cut chuck (bone-in)	50	47	44	36	25	21	19
5. Shoulder chops, blade or arm chops	57	54	51	44	27	24	22
6. Neck (bone-in)	32	31	29	25	15	14	12
7. Neck (boneless)	40	40	40	40	32	32	32
8. Patties (ground meat) including boneless breast and shank	40	40	40	40	32	32	32
9. Wholesale cuts:							
A. Forequarters	31	29	28	24	15	13	12
B. Bracelet (whole)	36	34	31	24	19	16	14
C. Chuck (whole)	29	28	26	23	14	12	11

8. In section 19 (h) the prices in columns "AA or choice" and "A or good" for the following items of Kosher Beef and the prices for the following items of Lamb and Mutton are amended to read as follows:

(h) *Retail ceiling prices for kosher beef, veal, lamb and mutton, fresh and cured, Zone 8 South for kosher retailers.*

[Cents per pound]

Cuts of meat	Grades	
	AA or choice	A or good
I. Kosher beef		
Rib:		
1. 10″ steaks or roasts	44	42
2. 7″ steaks or roasts	49	46
Chuck:		
4. Blade pot-roast (also called shoulder pot-roast, bone-in; chuck roast, bone-in)	42	40
5. Blade steak (bone-in)	42	40
6. Boneless chuck	54	50
7. English cut	42	40
8. Arm or chuck pot-roast (bone-in)	42	40
9. Arm or chuck steak (bone-in)	42	40
10. Boneless neck	42	40
Wholesale cuts:		
19. Rib (whole)	31	29
20. Chuck (whole)	26	25

Cuts of meat	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
III. Kosher lamb and mutton							
1. Rib chops and roast	66	63	60	51	31	28	25
2. Yoke, rattle or triangle (bone-in)	38	37	36	31	19	17	15
3. Breast and shank (bone-in)	28	27	25	22	14	13	11
4. Square cut chuck (bone-in)	52	48	44	37	25	22	19
5. Shoulder chops, blade or arm chops	57	54	51	44	27	25	22
6. Neck (bone-in)	32	31	29	25	16	14	13
7. Neck (boneless)	41	41	41	41	32	32	32
8. Patties (ground meat) including boneless breast and shank	41	41	41	41	32	32	32
9. Wholesale cuts:							
A. Forequarters	31	30	29	24	15	14	12
B. Bracelet (whole)	36	34	31	25	19	17	15
C. Chuck (whole)	29	28	27	24	14	12	12

9. In section 19 (i) the prices in columns "AA or choice" and "A or good" for the following items of Kosher Beef and the prices for the following items of Lamb and Mutton are amended to read as follows:

(i) *Retail ceiling prices for kosher beef, veal, lamb and mutton, fresh and cured, Zone 8 North for kosher retailers.*

[Cents per pound]

Cuts of meat	Grades	
	AA or choice	A or good
I. Kosher beef		
Rib:		
1. 10″ steaks or roast	44	42
2. 7″ steaks or roast	49	46
Chuck:		
4. Blade pot roast (also called shoulder pot-roast, bone in; chuck roast, bone-in)	42	40
5. Blade steak (bone-in)	42	40
6. Boneless chuck	54	50
7. English cut	42	40
8. Arm or chuck pot roast (bone-in)	42	40
9. Arm or chuck steak (bone-in)	42	40
10. Boneless neck	42	40
Wholesale cuts:		
19. Rib (whole)	31	29
20. Chuck (whole)	26	25

Cuts of meat	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
III. Kosher lamb and mutton							
1. Rib chops and roast	66	63	60	52	32	29	26
2. Yoke, rattle or triangle (bone-in)	38	37	36	31	19	17	15
3. Breast and shank (bone-in)	28	27	26	22	14	13	12
4. Square cut chuck (bone-in)	51	48	45	37	25	22	20
5. Shoulder chops, blade or arm chops	57	55	52	45	28	25	22
6. Neck (bone-in)	33	31	30	26	16	15	13
7. Neck (boneless)	41	41	41	41	33	33	33
8. Patties (ground meat including boneless breast and shank	41	41	41	41	33	33	33
9. Wholesale cuts:							
A. Forequarters	31	30	29	25	15	14	12
B. Bracelet (whole)	36	35	31	25	19	17	15
C. Chuck (whole)	30	28	27	24	14	13	12

10. In section 19 (j) the prices in columns "AA or choice" and "A or good" for for the following items of Kosher Beef and the prices for the following items of Lamb and Mutton are amended to read as follows:

(j) *Retail ceiling prices for kosher beef, veal, lamb and mutton, fresh and cured, Zone 9 South for kosher retailers.*

[Cents per pound]

Cuts of meat	Grades	
	AA or choice	A or good
I. Kosher beef		
Rib:		
1. 10" steaks or roasts	44	42
2. 7" steaks or roasts	49	46
Chuck:		
4. Blade pot-roast (also called shoulder pot-roast, bone-in; chuck roast, bone-in)	42	40
5. Blade steak (bone-in)	42	40
6. Boneless chuck	54	50
7. English cut	42	40
8. Arm or chuck pot roast (bone-in)	42	40
9. Arm or chuck steak (bone-in)	42	40
10. Boneless neck	42	40
Wholesale cuts:		
19. Rib (whole)	31	30
20. Chuck (whole)	27	25

Cuts of meat	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
III. Kosher lamb and mutton							
1. Rib chops and roast	66	63	60	52	32	29	26
2. Yoke, rattle or triangle (bone-in)	38	37	36	31	19	17	15
3. Breast and shank (bone-in)	28	27	26	22	14	13	12
4. Square cut chuck (bone-in)	51	48	45	37	25	22	20
5. Shoulder chops, blade or arm chops	57	55	52	45	28	25	22
6. Neck (bone-in)	33	31	30	26	16	15	13
7. Neck (boneless)	41	41	41	41	33	33	33
8. Patties (ground meat) including boneless breast and shank	41	41	41	41	33	33	33
9. Wholesale cuts:							
A. Forequarters	31	30	29	25	15	14	12
B. Bracelet (whole)	36	35	31	25	19	17	15
C. Chuck (whole)	30	28	27	24	14	13	12

11. In section 19 (k) the prices in columns "AA or choice" and "A or good" for the following items of Kosher Beef and the prices for the following items of Kosher Lamb and Mutton are amended to read as follows:

(k) *Retail ceiling prices for kosher beef, veal, lamb and mutton, fresh and cured, Zone 9 North for kosher retailers.*

[Cents per pound]

Cuts of meat	Grades	
	AA or choice	A or good
I. Kosher beef		
Rib:		
1. 10" steaks or roast	46	44
2. 7" steaks or roast	51	48
Chuck:		
4. Blade pot-roast (also called shoulder pot-roast, bone-in; chuck roast, bone-in)	44	42
5. Blade steak (bone-in)	44	42
6. Boneless chuck	57	53
7. English cut	44	42
8. Arm or chuck pot-roast (bone-in)	44	42
9. Arm or chuck steak (bone-in)	44	42
10. Boneless neck	44	42
Wholesale cuts:		
19. Rib (whole)	32	30
20. Chuck (whole)	27	26

Cuts of meat	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
III. Kosher Lamb and Mutton							
1. Rib chops and roast	67	64	61	52	33	29	26
2. Yoke, rattle or triangle (bone-in)	39	38	37	32	20	18	16
3. Breast and shank (bone-in)	29	28	27	23	15	14	12
4. Square cut chuck (bone-in)	52	49	45	38	26	23	21
5. Shoulder chops, blade or arm chops	58	56	53	45	28	26	23
6. Neck (bone-in)	34	32	30	26	17	16	14
7. Neck (boneless)	42	42	42	42	33	33	33
8. Patties (ground meat) including boneless breast and shank	42	42	42	42	33	33	33
9. Wholesale cuts:							
A. Forequarters	32	31	29	25	16	15	13
B. Bracelet (whole)	37	35	32	25	20	18	16
C. Chuck (whole)	30	29	28	24	15	13	12

12. In section 19 (l) the prices in columns "AA or choice" and "A or good" for the following items of Kosher Beef and the prices for the following items of Kosher Lamb and Mutton are amended to read as follows:

(l) *Retail ceiling prices for kosher beef, veal, lamb and mutton, fresh and cured, Zone 10 for kosher retailers.*

[Cents per pound]

Cuts of meat	Grades	
	AA or choice	A or good
I. Kosher beef		
Rib:		
1. 10" steaks or roast	45	42
2. 7" steaks or roast	49	47
Chuck:		
4. Blade pot-roast (also called shoulder pot-roast, bone-in; chuck roast, bone-in)	43	40
5. Blade steak (bone-in)	43	40
6. Boneless chuck	55	51
7. English cut	43	40
8. Arm or chuck pot-roast (bone-in)	43	40
9. Arm or chuck steak (bone-in)	43	40
10. Boneless neck	43	40
Wholesale cuts:		
19. Rib (whole)	31	30
20. Chuck (whole)	27	25

Cuts of meat	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
III. Kosher lamb and mutton							
1. Rib chops and roast	67	64	60	52	32	29	26
2. Yoke, rattle or triangle (bone-in)	38	38	37	32	20	18	16
3. Breast and shank (bone-in)	29	28	26	23	15	13	12
4. Square cut chuck (bone-in)	51	48	45	38	26	22	20
5. Shoulder chops, blade or arm chops	58	55	52	45	28	25	23
6. Neck (bone-in)	33	32	30	26	17	15	14
7. Neck (boneless)	42	42	42	42	33	33	33
8. Patties (ground meat) including boneless breast and shank	42	42	42	42	33	33	33
9. Wholesale cuts:							
A. Forequarters	32	30	29	25	16	14	13
B. Bracelet (whole)	37	35	32	25	20	17	15
C. Chuck (whole)	30	28	27	24	14	13	12

13. In section 24 (a) the prices in Columns "AA or choice" and "A or good" for the following items of Kosher Beef and the prices for the following items of Kosher Lamb and Mutton are amended to read as follows:

(a) *Retail ceiling prices on specially authorized sales to kosher eating places or other kosher retailers—Zone 1.*

[Cents per pound]

Cuts of meat	Grades	
	AA or choice	A or good
I. Kosher beef		
Rib:		
1. 10" steaks or roast	33	31
2. 7" steaks or roast	37	35
Chuck:		
4. Blade pot-roast (also called shoulder pot-roast, bone-in; chuckroast, bone-in)	32	30
5. Blade steak (bone-in)	32	30
6. Boneless chuck	41	38
7. English cut	32	30
8. Arm or chuck pot-roast (bone-in)	32	30
9. Arm or chuck steak (bone-in)	32	30
10. Boneless neck	32	30
Wholesale cuts. (NOTE.—May not be sold to other retailers):		
19. Rib (whole)	28	27
20. Chuck (whole)	24	23

Cuts of meat	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or Commercial	Grade R or utility and culls
III. Kosher lamb and mutton							
1. Rib chops and roast	49	46	44	38	24	21	19
2. Yoke, rattle or triangle (bone-in)	28	28	27	23	14	13	12
3. Breast and shank (bone-in)	21	20	19	17	11	10	9
4. Square cut chuck (bone-in)	36	34	32	27	18	16	14
5. Shoulder chops, blade or arm chops	42	40	38	33	21	17	17
6. Neck (bone-in)	24	23	22	19	12	11	10
7. Neck (boneless)	30	30	30	30	25	25	25
8. Patties (ground meat) including boneless breast and shank	30	30	30	30	25	25	25
9. Wholesale cuts (NOTE: May not be sold to other retailers):							
A. Forequarters	29	28	26	23	14	13	12
B. Bracelet (whole)	33	32	29	23	18	16	14
C. Chuck (whole)	27	26	25	22	13	12	11

14. In section 24 (b) the prices in Columns "AA or choice" and "A or good" for the following items of Kosher Beef and the prices for the following items of Kosher Lamb and Mutton are amended to read as follows:

(b) *Retail ceiling prices on specially authorized sales to kosher eating places or other kosher retailers—Zone II.*

[Cents per pound]

Cuts of meat	Grades	
	AA or choice	A or good
I. Kosher beef		
Rib:		
1. 10″ steaks or roast	32	30
2. 7″ steaks or roast	35	34
Chuck:		
4. Blade pot-roast (also called shoulder pot-roast, bone-in; chuck roast, bone-in)	30	29
5. Blade steak (bone-in)	30	29
6. Boneless chuck	39	36
7. English cut	30	29
8. Arm or chuck pot-roast (bone-in)	30	29
9. Arm or chuck steak (bone-in)	30	29
10. Boneless neck	30	29
Wholesale cuts (NOTE: May not be sold to other retailers):		
19. Rib (whole)	27	26
20. Chuck (whole)	23	22

Cuts of meat	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
III. Kosher lamb and mutton							
1. Rib chops and roast	47	45	42	36	22	19	17
2. Yoke, rattle or triangle (bone-in)	26	26	25	21	13	11	10
3. Breast and shank (bone-in)	19	18	17	15	9	8	7
4. Square cut chuck (bone-in)	34	32	30	25	17	14	12
5. Shoulder chops, blade or arm chops	40	38	36	31	19	17	15
6. Neck (bone-in)	22	21	20	17	10	9	8
7. Neck (boneless)	28	28	28	28	23	23	23
8. Patties (ground meat) including boneless breast and shank	28	28	28	28	23	23	23
9. Wholesale cuts (NOTE: May not be sold to other retailers):							
A. Forequarters	27	26	25	21	13	11	10
B. Bracelet (whole)	32	30	27	21	16	14	12
C. Chuck (whole)	26	24	23	20	12	10	9

15. In section 24 (c) the prices in Columns "AA or choice" and "A or good" for the following items of Kosher Beef and the prices for the following items of Kosher Lamb and Mutton are amended to read as follows:

(c) *Retail ceiling prices on specially authorized sales to kosher eating places or other kosher retailers—Zone III.*

[Cents per pound]

Cuts of meat	Grades	
	AA or choice	A or good
I. Kosher beef		
Rib:		
1. 10″ steaks or roast	31	29
2. 7″ steaks or roast	34	32
Chuck:		
4. Blade pot-roast (also called shoulder pot-roast, bone-in; chuck roast, bone-in)	29	27
5. Blade steak (bone-in)	29	27
6. Boneless chuck	38	35
7. English cut	29	27
8. Arm or chuck pot-roast (bone-in)	29	27
9. Arm or chuck steak (bone-in)	29	27
10. Boneless neck	29	27
Wholesale cuts (NOTE: May not be sold to other retailers):		
19. Rib (whole)	27	25
20. Chuck (whole)	22	21

Cuts of meat	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
III. Kosher lamb and mutton							
1. Rib chops and roast	47	45	42	36	22	19	17
2. Yoke, rattle or triangle (bone-in)	26	26	25	21	13	11	10
3. Breast and shank (bone-in)	19	18	17	15	9	8	7
4. Square cut chuck (bone-in)	34	32	30	25	17	14	12
5. Shoulder chops, blade or arm chops	40	38	36	31	19	17	15
6. Neck (bone-in)	22	21	20	17	10	9	8
7. Neck (boneless)	28	28	28	28	23	23	23
8. Patties (ground meat) including boneless breast and shank	28	28	28	28	23	23	23
9. Wholesale cuts (NOTE: May not be sold to other retailers):							
A. Forequarters	27	26	25	21	13	11	10
B. Bracelet (whole)	32	30	27	21	16	14	12
C. Chuck (whole)	26	24	23	20	12	10	9

16. In section 24 (d) the prices in Columns "AA or choice" and "A or good" for the following items of Kosher Beef and the prices for the following items of Kosher Lamb and Mutton are amended to read as follows:

(d) *Retail ceiling prices on specially authorized sales to kosher eating places or other kosher retailers—Zone IV.*

[Cents per pound]

Cuts of meat	Grades	
	AA or choice	A or good
I. Kosher beef		
Rib:		
1. 10″ steaks or roast	31	29
2. 7″ steaks or roast	34	32
Chuck:		
4. Blade pot-roast (also called shoulder pot-roast, bone-in; chuck roast, bone-in)	29	27
5. Blade steak (bone-in)	29	27
6. Boneless chuck	38	35
7. English cut	29	27
8. Arm or chuck pot-roast (bone-in)	29	27
9. Arm or chuck steak (bone-in)	29	27
10. Boneless neck	29	27
Wholesale cuts (NOTE: May not be sold to other retailers):		
19. Rib (whole)	27	25
20. Chuck (whole)	22	21

Cuts of meat	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
III. Kosher lamb and mutton							
1. Rib chops and roast	47	45	42	36	22	19	17
2. Yoke, rattle or triangle (bone-in)	26	26	25	21	13	11	10
3. Breast and shank (bone-in)	19	18	17	15	9	8	7
4. Square cut chuck (bone-in)	34	32	30	25	17	14	12
5. Shoulder chops, blade or arm chops	40	38	36	31	19	17	15
6. Neck (bone-in)	22	21	20	17	10	9	8
7. Neck (boneless)	28	28	28	28	23	23	23
8. Patties (ground meat) including boneless breast and shank	28	28	28	28	23	23	23
9. Wholesale cuts (NOTE: May not be sold to other retailers):							
A. Forequarters	27	26	25	21	13	11	10
B. Bracelet (whole)	32	30	27	21	16	14	12
C. Chuck (whole)	26	24	23	20	12	10	9

17. In section 24 (e) the prices in Columns "AA or choice" and "A or good" for the following items of Kosher Beef and the prices for the following items of Kosher Lamb and Mutton are amended to read as follows:

(e) *Retail ceiling prices on specially authorized sales to kosher eating places or other kosher retailers—Zone V.*

[Cents per pound]

Cuts of meat	Grades	
	AA or choice	A or good
I. Kosher beef		
Rib:		
1. 10″ steaks or roast	31	30
2. 7″ steaks or roast	35	33
Chuck:		
4. Blade pot-roast (also called shoulder pot-roast, bone-in; chuck roast, bone-in)	30	28
5. Blade steak (bone-in)	30	28
6. Boneless chuck	38	35
7. English cut	30	28
8. Arm or chuck pot-roast (bone-in)	30	28
9. Arm or chuck steak (bone-in)	30	28
10. Boneless neck	30	28
Wholesale cuts. (NOTE: May not be sold to other retailers):		
19. Rib (whole)	27	26
20. Chuck (whole)	23	21

Cuts of meat	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
III. Kosher lamb and mutton							
1. Rib chops and roast	47	45	42	36	22	20	18
2. Yoke, rattle or triangle (bone-in)	27	26	25	22	13	11	10
3. Breast and shank (bone-in)	20	19	18	15	9	8	7
4. Square cut chuck (bone-in)	35	33	30	26	17	14	13
5. Shoulder chops, blade or arm chops	41	39	37	31	19	17	15
6. Neck (bone-in)	23	22	21	18	11	10	9
7. Neck (boneless)	29	29	29	29	24	24	24
8. Patties (ground meat) including boneless breast and shank	29	29	29	29	24	24	24
9. Wholesale cuts (NOTE: May not be sold to other retailers):							
A. Forequarters	28	26	25	21	13	12	10
B. Bracelet (whole)	32	30	28	22	17	14	13
C. Chuck (whole)	26	25	24	21	12	11	10

18. In section 24 (f) the prices in Columns "AA or choice" and "A or good" for the following items of Kosher Beef and the prices for the following items of Kosher Lamb and Mutton are amended to read as follows:

(f) *Retail ceiling prices on specially authorized sales to kosher eating places or other kosher retailers—Zone VI.*

[Cents per pound]

Cuts of meat	Grades	
	AA or choice	A or good
I. Kosher beef		
Rib:		
1. 10" steaks or roast	31	30
2. 7" steaks or roast	35	33
Chuck:		
4. Blade pot-roast (also called shoulder pot-roast bone-in; chuck roast, bone-in)	30	28
5. Blade steak (bone-in)	30	28
6. Boneless chuck	39	36
7. English cut	30	28
8. Arm or chuck pot-roast (bone-in)	30	28
9. Arm or chuck steak (bone-in)	30	28
10. Boneless neck	30	28
Wholesale cuts (NOTE: May not be sold to other retailers):		
19. Rib (whole)	27	26
20. Chuck (whole)	23	22

Cuts of meat	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
III. Kosher lamb and mutton							
1. Rib chops and roast	48	45	43	37	22	20	18
2. Yoke, rattle or triangle (bone-in)	27	26	26	22	13	12	10
3. Breast and shank (bone-in)	20	19	18	16	10	9	8
4. Square cut chuck (bone-in)	35	33	30	26	17	15	13
5. Shoulder chops, blade or arm chops	41	39	37	32	19	17	15
6. Neck (bone-in)	23	22	21	18	11	10	9
7. Neck (boneless)	29	29	29	29	24	24	24
8. Patties (ground meat) including boneless breast and shank	29	29	29	29	24	24	24
9. Wholesale cuts (NOTE: May not be sold to other retailers):							
A. Forequarters	28	27	26	22	13	12	11
B. Bracelet (whole)	32	31	28	22	17	15	13
C. Chuck (whole)	26	25	24	21	12	11	10

19. In section 24 (g) the prices in Columns "AA or choice" and "A or good" for the following items of Kosher Beef and the prices for the following items of Kosher Beef and the prices for the following items of Kosher Lamb and Mutton are amended to read as follows:

(g) *Retail ceiling prices on specially authorized sales to kosher eating places or other kosher retailers—Zone VII.*

[Cents per pound]

Cuts of meat	Grades	
	AA or choice	A or good
I. Kosher beef		
Rib:		
1. 10" steaks or roast	32	30
2. 7" steaks or roast	35	34
Chuck:		
4. Blade pot-roast (also called shoulder pot-roast, bone-in; chuck roast, bone-in)	30	29
5. Blade steak (bone-in)	30	29
6. Boneless chuck	39	36
7. English cut	30	29
8. Arm or chuck pot-roast (bone-in)	30	29
9. Arm or chuck steak (bone-in)	30	29
Wholesale cuts (NOTE: May not be sold to other retailers):		
19. Rib (whole)	27	26
20. Chuck (whole)	23	22

Cuts of meat	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
III. Kosher lamb and mutton							
1. Rib: chops and roast	48	46	43	37	23	21	18
2. Yoke, rattle or triangle (bone-in)	27	27	26	22	14	12	11
3. Breast and shank (bone-in)	20	20	19	16	10	9	8
4. Square cut chuck (bone-in)	36	33	31	26	18	15	14
5. Shoulder chops, blade or arm chops	41	40	37	32	20	18	16
6. Neck (bone-in)	24	22	21	18	12	10	9
7. Neck (boneless)	30	30	30	30	25	25	25
8. Patties (ground meat) including boneless breast and shank	30	30	30	30	25	25	25
9. Wholesale cuts (NOTE: May not be sold to other retailers):							
A. Forequarters	28	27	26	22	14	12	11
B. Bracelet (whole)	33	31	28	22	17	15	13
C. Chuck (whole)	27	25	24	21	12	11	10

20. In section 24 (h) the prices in columns "AA or Choice" and "A or Good" for the following items of Kosher Beef and the prices for the following items of Kosher Lamb and Mutton are amended to read as follows:

(h) *Retail ceiling prices on specially authorized sales to kosher eating places or other kosher retailers—Zone VIII North.*

[Cents per pound]

Cuts of meat	Grades	
	AA or choice	A or good
I. Kosher beef		
Rib:		
1. 10" steaks or roast	32	31
2. 7" steaks or roast	36	34
Chuck:		
4. Blade pot-roast (also called shoulder pot-roast bone-in; chuck roast, bone-in)	31	29
5. Blade steak (bone-in)	31	29
6. Boneless chuck	40	37
7. English cut	31	29
8. Arm or chuck pot-roast (bone-in)	31	29
9. Arm or chuck steak (bone-in)	31	29
10. Boneless neck	31	29
Wholesale cuts (NOTE: May not be sold to other retailers):		
19. Rib (whole)	28	26
20. Chuck (whole)	24	22

Cuts of meat	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
III. Kosher lamb and mutton							
1. Rib chops and roast	49	46	44	38	24	21	19
2. Yoke, rattle or triangle (bone-in)	28	28	27	23	14	13	12
3. Breast and shank (bone-in)	21	20	19	17	11	10	9
4. Square cut chuck (bone-in)	36	34	32	27	18	16	14
5. Shoulder chops, blade or arm chops	42	40	38	33	21	19	17
6. Neck (bone-in)	24	23	22	19	12	11	10
7. Neck (boneless)	30	30	30	30	25	25	25
8. Patties (ground meat) including boneless breast and shank	30	30	30	30	25	25	25
9. Wholesale cuts (NOTE: May not be sold to other retailers):							
A. Forequarters	29	28	26	23	14	13	12
B. Bracelet (whole)	33	32	29	23	18	16	14
C. Chuck (whole)	27	26	25	22	13	12	11

21. In section 24 (i) the prices in Columns "AA or choice" and "A or good" for the following items of Kosher Beef and the prices for the following items of Kosher Lamb and Mutton are amended to read as follows:

(i) *Retail ceiling prices on specially authorized sales to kosher eating places or other kosher retailers—Zone VIII South.*

[Cents per pound]

Cuts of meat	Grades	
	AA or choice	A or good
I. Kosher beef		
Rib:		
1. 10" steaks or roast	32	31
2. 7" steaks or roast	36	34
Chuck:		
4. Blade pot-roast (also called shoulder pot-roast, bone-in; chuck roast, bone-in)	31	29
5. Blade steak (bone-in)	31	29
6. Boneless chuck	40	37
7. English cut	31	29
8. Arm or chuck pot-roast (bone-in)	31	29
9. Arm or chuck steak (bone-in)	31	29
10. Boneless neck	31	29
Wholesale cuts (NOTE: May not be sold to other retailers).		
19. Rib (whole)	28	26
20. Chuck (whole)	24	22

Cuts of meat	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice, and good	Grade M or commercial	Grade R or utility and culls
III. Kosher Lamb and Mutton							
1. Rib chops and roast	48	46	44	38	23	21	19
2. Yoke, rattle or triangle (bone-in)	28	27	27	23	14	13	11
3. Breast and shank (bone-in)	21	20	19	16	10	10	9
4. Square cut chuck (bone-in)	36	34	31	27	18	16	14
5. Shoulder chops, blade or arm chops	42	40	38	33	20	18	16
6. Neck (bone-in)	24	23	22	19	12	11	10
7. Neck (boneless)	30	30	30	30	25	25	25
8. Patties (ground meat) including boneless breast and shank	30	30	30	30	25	25	25
9. Wholesale cuts (Note: May not be sold to other retailers):							
A. Forequarters	29	27	26	22	14	13	11
B. Bracelet (whole)	33	31	28	23	17	15	14
C. Chuck (whole)	27	26	25	22	13	11	11

22. In section 24 (j) the prices in Columns "AA or choice" and "A or good" for the following items of Kosher Beef and the prices for the following items of Kosher Lamb and Mutton are amended to read as follows:

(j) *Retail ceiling prices on specially authorized sales to kosher eating places or other kosher retailers—Zone IX North.*

[Cents per pound]

Cuts of meat	Grades	
	AA or choice	A or good
I. Kosher beef		
Rib:		
1. 10" steaks or roast	34	33
2. 7" steaks or roast	38	36
Chuck:		
4. Blade pot-roast (also called shoulder pot-roast, bone-in; chuck roast, bone-in)	33	32
5. Blade steak (bone-in)	33	32
6. Boneless chuck	43	40
7. English cut	33	32
8. Arm or chuck pot-roast (bone-in)	33	32
9. Arm or chuck steak (bone-in)	33	32
10. Boneless neck	33	32
Wholesale cuts (NOTE: May not be sold to other retailers):		
19. Rib (whole)	29	27
20. Chuck (whole)	25	23

Cuts of meat	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
III. Kosher lamb and mutton							
1. Rib chops and roast	50	47	45	39	24	22	20
2. Yoke, rattle or triangle (bone-in)	29	28	28	24	15	14	12
3. Breast and shank (bone-in)	22	21	20	18	12	11	10
4. Square cut chuck (bone-in)	37	35	32	28	19	17	15
5. Shoulder chops, blade or arm chops	43	41	39	34	21	19	17
6. Neck (bone-in)	25	24	23	20	13	12	11
7. Neck (boneless)	31	31	31	31	26	26	26
8. Patties (ground meat) including boneless breast and shank	31	31	31	31	26	26	26
9. Wholesale cuts (NOTE: May not be sold to other retailers):							
A. Forequarters	29	28	27	23	15	13	12
B. Bracelet (whole)	34	32	29	23	18	16	14
C. Chuck (whole)	28	26	25	22	14	12	11

23. In section 24 (k) the prices in Columns "AA or choice" and "A or good" for the following items of Kosher Beef and the prices for the following items of Kosher Lamb and Mutton are amended to read as follows:

(h) *Retail ceiling prices on specially authorized sales to kosher eating places or other kosher retailers—Zone X South.*

[Cents per pound]

Cuts of meat	Grades	
	AA or choice	A or good
I. Kosher beef		
Rib:		
1. 10" steaks or roast	33	31
2. 7" steaks or roast	36	34
Chuck:		
4. Blade pot-roast (also called shoulder pot-roast, bone-in; chuck roast, bone-in)	31	30
5. Blade steak (bone-in)	31	30
6. Boneless chuck	40	37
7. English cut	31	30
8. Arm or chuck pot-roast (bone-in)	31	30
9. Arm or chuck steak (bone-in)	31	30
10. Boneless neck	31	30
Wholesale cuts (NOTE: May not be sold to other retailers):		
19. Rib (whole)	28	27
20. Chuck (whole)	24	23

Cuts of meat	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or commercial	Grade R or utility and culls
III. Kosher lamb and mutton							
1. Rib chops and roast	49	46	44	38	24	21	19
2. Yoke, rattle or triangle (bone-in)	28	28	27	23	14	13	12
3. Breast and shank (bone-in)	21	20	19	17	11	10	9
4. Square cut chuck (bone-in)	36	34	32	27	18	16	14
5. Shoulder chops, blade or arm chops	42	40	38	33	21	19	17
6. Neck (bone-in)	24	23	22	19	12	11	10
7. Neck (boneless)	30	30	30	30	25	25	25
8. Patties (ground meat including boneless breast and shank)	30	30	30	30	25	25	25
9. Wholesale cuts. (NOTE: May not be sold to other retailers):							
A. Forequarters	29	26	26	23	14	13	12
B. Bracelet (whole)	33	32	29	23	18	16	14
C. Chuck (whole)	27	26	25	22	13	12	11

24. In section 24 (l) the prices in Columns "AA or choice" and "A or good" for the following items of Kosher Beef and the prices for the following items of Kosher Lamb and Mutton are amended to read as follows:

(l) *Retail ceiling prices on specially authorized sales to kosher eating places or other kosher retailers—Zone X.*

[Cents per pound]

Cuts of meat	Grades	
	AA or choice	A or good
I. Kosher beef		
Rib:		
1. 10" steaks or roast	33	31
2. 7" steaks or roast	37	35
Chuck:		
4. Blade pot-roast (also called shoulder pot-roast, bone-in chuck; roast, bone-in)	32	30
5. Blade steak (bone-in)	32	30
6. Boneless chuck	41	38
7. English cut	32	30
8. Arm or chuck pot-roast (bone-in)	32	30
9. Arm or chuck steak (bone-in)	32	30
10. Boneless neck	32	30
Wholesale cuts (NOTE: May not be sold to other retailers):		
19. Rib (whole)	28	27
20. Chuck (whole)	24	23

Cuts of meat	Lamb				Mutton		
	Grade AA or choice	Grade A or good	Grade B or commercial	Grade C or utility	Grade S or prime, choice and good	Grade M or Commercial	Grade R or utility and culls
III. Kosher lamb and mutton							
1. Rib chops and roast	49	47	44	38	24	22	19
2. Yoke, rattle or triangle (bone-in)	29	28	27	24	15	13	12
3. Breast and shank (bone-in)	22	21	20	17	11	10	9
4. Square cut chuck (bone-in)	37	35	32	28	19	16	15
5. Shoulder chops, blade or arm chops	43	41	39	33	21	19	17
6. Neck (bone-in)	25	24	23	20	13	12	11
7. Neck (boneless)	31	31	31	31	26	26	26
8. Patties (ground meat) including boneless breast and shank	31	31	31	31	26	26	26
9. Wholesale cuts: (NOTE: May not be sold to other retailers.)							
A. Forequarters	29	28	27	23	14	13	12
B. Bracelet (whole)	34	32	29	23	18	16	14
C. Chuck (whole)	27	26	25	22	13	12	11

25. Section 25 is added to read as follows:

SEC. 25. *Increases to be added to certain product prices.* The amounts specified in the price schedules set forth in Sections 19 and 24 of this regulation for the products hereinafter listed may be increased in each zone by adding the amounts set forth below. The products for which ceiling prices thus may be increased, and the applicable increases by grade follows:

PRODUCT NAME AND NUMBER IN PRICE SCHEDULES

[Amount which may be added in cents per pound]

Cuts of meat	Grades	
	AA or choice	A or good
I. Kosher beef		
Rib:		
1. 10" steaks or roast	7	6
2. 7" steaks or roast	8	8
Chuck:		
4. Blade pot-roast (also called shoulder pot roast, bone-in; chuck roast, bone-in)	8	8
5. Blade steak (bone-in)	8	8
6. Boneless chuck	9	12
7. English cut	8	8
8. Arm or chuck pot-roast (bone-in)	8	8
9. Arm or chuck steak (bone-in)	8	8
10. Boneless neck	8	8
Wholesale cuts:		
19. Rib (whole)	4	4
20. Chuck (whole)	5	5
III. Kosher lamb and mutton		
1. Rib chop and roast	5	5
2. Yoke, rattle or triangle (bone-in)	2	2
3. Breast and shank (bone-in)	1	2
4. Square cut chuck (bone-in)	3	3
5. Shoulder chops, blade or arm chops	3	4
6. Neck (bone-in)	2	2
9. Wholesale cuts:		
Forequarters	2	2
Bracelet (whole)	2	2
Chuck (whole)	2	1

This amendment shall become effective this 10th day of September 1946.

Issued this 6th day of September 1946.

GEOFFREY BAKER,
Acting Administrator.

[F. R. Doc. 46-16217; Filed, Sept. 6, 1946; 4:52 p. m.]

PART 1305—ADMINISTRATION

[SO 94, Amdt. 10]

SALES BY GOVERNMENT AGENCIES AND RESALES BY CERTAIN BUYERS OF METALS AND MINERALS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Order 94 is amended in the following respect:

In Appendix A, Part II, under the paragraph entitled *"Metals and minerals"* subparagraph (1) is amended to read as follows:

Metals and minerals. (1) With the exception of prepared iron or prepared steel scrap, sales or deliveries of scrap metals to dealers in such materials purchasing for resale: *Provided,* (a) That the dealer certifies to the Government agency in his bid, quotation or otherwise that he is purchasing such materials for resale and that in reselling he will not exceed the applicable Office of Price Administration maximum prices, and

(b) That the selling officer has no reason to doubt the accuracy of the certificate.

This amendment shall become effective September 16, 1946.

Issued this 10th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16421; Filed, Sept. 10, 1946; 11:23 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[RMPR 471, Amdt. 13]

LEGUME AND GRASS SEEDS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 471 is amended in the following respects:

1. Paragraph (c) of section 6 is hereby deleted.

2. Paragraphs (d), (e), (f), and (g) of section 6 are redesignated (c), (d), (e), and (f) respectively.

3. The first paragraph of section 12 (b) (1) is amended to read as follows:

(1) If your customer is a person who is duly qualified under section 6 (e) to act as a commercial processor or is a person other than a retailer or planter, your maximum mark-up shall be:

[Cents per pound]

	Zone 1, group 1-2	Zone 2, group 1-2	Zones 3 and 4, group 1-2	Zone 4a, group 1-2	Zone 5, group 1-2	Zones 6 and 7, group 1-2	Zones 8 and 9 north, group 1-2	Zones 8 and 9 south, group 1-2	Zone 10, group 1-2
15A. Boneless loins (Canadian bacon) whole or piece:									
1. Smoked	$0.71	$0.71	$0.70	$0.68	$0.69	$0.69	$0.70	$0.70	$0.71
2. Ready to eat	.78	.77	.76	.75	.75	.75	.76	.76	.77
15B. Boneless loins (Canadian bacon) store sliced:									
1. Smoked	.80	.80	.78	.77	.77	.77	.78	.78	.79
2. Ready to eat	.87	.87	.85	.84	.84	.84	.85	.85	.86
17. Fat back (whole or piece):									
1. Fresh, cured or frozen	.25	.25	.23	.22	.22	.23	.25	.24	.25
2. Smoked	.28	.27	.26	.25	.25	.25	.26	.26	.27
18A. Pork loins (whole):									
1. Fresh or frozen	.40	.40	.39	.37	.38	.38	.40	.39	.40
2. Cured	.41	.41	.40	.38	.39	.39	.40	.40	.41
3. Smoked	.46	.46	.44	.43	.43	.44	.44	.45	.45
18B. Pork loins, rib half or end or chops:									
1. Fresh or frozen	.37	.37	.36	.34	.35	.35	.37	.36	.37
2. Cured	.38	.38	.36	.35	.36	.36	.36	.37	.37
3. Smoked	.42	.42	.41	.40	.40	.40	.41	.41	.42
18C. Pork loins, loin half or end chops:									
1. Fresh or frozen	.40	.40	.39	.37	.38	.38	.40	.39	.40
2. Cured	.41	.41	.40	.38	.39	.39	.40	.40	.41
3. Smoked	.46	.46	.44	.43	.43	.44	.44	.45	.45
18D. Pork loins, center cut (piece or chops):									
1. Fresh or frozen	.45	.45	.43	.42	.42	.43	.45	.44	.45
2. Cured	.46	.46	.44	.43	.43	.44	.44	.45	.46
3. Smoked	.52	.51	.50	.48	.49	.49	.50	.50	.51
19. Sliced bacon (derined, smoked):									
7. Sliced Canadian bacon (packaged)	.84	.84	.82	.81	.81	.82	.82	.83	.83
8. Sliced ready-to-eat Canadian bacon (packaged)	.90	.90	.88	.87	.87	.88	.88	.89	.89
20A. Spare ribs:									
1. Fresh or frozen	.30	.29	.28	.27	.27	.28	.29	.29	.30
2. Cured	.31	.31	.29	.28	.28	.29	.29	.30	.30
3. Smoked	.38	.38	.36	.35	.35	.36	.36	.37	.37
20B. Barbecue spare ribs (brisket boneless):									
1. Fresh or frozen	.33	.33	.31	.30	.30	.31	.33	.32	.33
2. Cured	.34	.34	.33	.31	.32	.32	.33	.33	.34
3. Smoked	.42	.42	.41	.39	.40	.40	.41	.41	.42
4. Barbecued	.49	.49	.48	.46	.47	.47	.48	.48	.49

This amendment shall become effective September 16, 1946.

Issued this 10th day of September 1946.

GEOFFREY BAKER,
Acting Administrator.

Approved: August 29, 1946.

CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 46-16414; Filed, Sept. 10, 1946; 11:23 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 336, Amdt. 36 (§ 1364.1001)]

RETAIL CEILING PRICES FOR PORK CUTS AND CERTAIN SAUSAGE PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 336 is amended in the following respects:

1. Items 15A, 15B, 17, 18A, 18B, 19C and 18D, subitems 7 and 8 of Item 19; Items 20A, 20B, 20K, 20L, 20M, 22 and 23; subitems 2, 3 and 7 of Items 27A and 27B; Items 28, 30 and 32 in the schedule of prices for group 1 and 2 stores set forth in Section 19 are amended respectively to read as follows:

[Cents per pound]

	Zone 1, group 1-2	Zone 2, group 1-2	Zones 3 and 4, group 1-2	Zone 4a, group 1-2	Zone 5, group 1-2	Zones 6 and 7, group 1-2	Zones 8 and 9 north, group 1-2	Zones 8 and 9 south, group 1-2	Zone 10, group 1-2
20K. Back bones:									
1. Fresh, frozen or cured	.10	.09	.08	.07	.07	.08	.09	.09	.10
20L. Pork tenderloins:									
1. Fresh, frozen or cured	.56	.56	.55	.53	.53	.54	.56	.55	.56
20M. Pork tenderloin tips:									
1. Fresh, frozen or cured	.56	.55	.54	.52	.53	.53	.55	.55	.56
22. Plates and jowls, fresh, frozen or cured:									
1. Clear plates	.20	.20	.19	.17	.18	.18	.20	.19	.20
2. Regular plates	.22	.22	.20	.19	.19	.20	.22	.21	.22
3. Jowl butts	.20	.20	.19	17	.18	.18	.20	.19	.20
4. Square jowl butts	.23	.23	.22	.20	.21	.21	.23	.22	.23
23. Plates and jowls smoked:									
1. Clear plates	.24	.23	.22	.21	.21	.21	.22	.22	.23
2. Regular plates	.25	.25	.23	.22	.22	.23	.23	.24	.24
3. Jowl butts	.24	.24	.22	.21	.21	.22	.22	.23	.23
4. Square jowl butts	.28	.28	.26	.25	.25	.26	.26	.27	.27
27A. Dried specialties (whole or piece):									
2. Aged, dry cured sides (packer cured)	.41	.41	.40	.38	.39	.39	.40	.40	.41
3. Aged, dry cured sides (country cured)	.37	.37	.35	.34	.34	.35	.35	.36	.36
7. Aged, dry cured bacon sides (spareribs in)	.38	.37	.36	.35	.35	.36	.36	.36	.37
27B. Dried specialties (store sliced):									
2. Aged, dry cured sides (packer cured)	.47	.46	.45	.43	.44	.44	.45	.45	.46
3. Aged, dry cured sides (country cured)	.42	.42	.40	.39	.39	.39	.40	.40	.41
7. Aged, dry cured bacon sides (spareribs)	.43	.42	.41	.39	.40	.40	.41	.41	.42
28. Loin ribs:									
1. Fresh or frozen	.31	.30	.29	.28	.28	.29	.30	.30	.31
2. Cured	.32	.32	.30	.29	.29	.30	.30	.31	.31
3. Smoked	.39	.39	.37	.36	.36	.37	.37	.38	.38
4. Barbecued	.44	.44	.43	.41	.42	.42	.43	.43	.44
30. Dressed hogs (whole or side):									
1. Packer style	23.75	23.50	22.50	21.50	21.75	22.25	23.00	23.00	23.75
2. Shipper style	22.75	22.50	21.50	20.50	20.75	21.25	22.00	22.00	22.75
32. Country back bone (fresh or frozen)	.29	.29	.28	.26	.27	.27	.29	.28	.29

2. Items 15A, 15B, 17, 18A, 18B, 18C and 18D; subitems 7 and 8 of item 19; items 20A, 20B, 20K, 20L, 20M, 22 and 23; subitems 2, 3, and 7 of items 27A and 27B; items 28, 30, and 32 in the schedule of prices for group 3 and 4 stores set forth in Section 19 are amended, respectively, to read as follows:

	Zone 1, group 3–4	Zone 2, group 3–4	Zones 3 & 4, group 3–4	Zone 4a, group 3–4	Zone 5, group 3–4	Zones 6 & 7, group 3–4	Zones 8 & 9, north, group 3–4	Zones 8 & 9, south, group 3–4	Zone 10, group 3–4
15A. Boneless loins (Canadian bacon) whole or piece:									
1. Smoked	$0.69	$0.69	$0.67	$0.66	$0.66	$0.67	$0.67	$0.68	$0.68
2. Ready-to-eat	.75	.75	.73	.72	.72	.73	.73	.74	.74
15B. Boneless loins (Canadian bacon) store sliced:									
1. Smoked	.77	.76	.75	.74	.74	.74	.75	.75	.76
2. Ready-to-eat	.84	.83	.82	.80	.81	.81	.82	.82	.83
17. Fat back (whole or piece):									
1. Fresh cured or frozen	.23	.23	.22	.20	.21	.21	.23	.22	.23
2. Smoked	.26	.26	.24	.23	.23	.24	.24	.25	.25
18A. Pork loins (whole):									
1. Fresh or frozen	.38	.38	.36	.35	.36	.36	.38	.37	.38
2. Cured	.39	.39	.37	.36	.36	.37	.37	.38	.38
3. Smoked	.44	.43	.42	.41	.41	.41	.42	.42	.43
18B. Pork loins, rib half or end or chops:									
1. Fresh or frozen	.35	.35	.34	.32	.33	.33	.35	.34	.35
2. Cured	.36	.36	.35	.33	.34	.34	.35	.35	.35
3. Smoked	.40	.40	.39	.37	.38	.38	.39	.39	.40
18C. Pork loins, loin half or end or chops:									
1. Fresh or frozen	.38	.37	.36	.35	.35	.36	.37	.37	.38
2. Cured	.39	.38	.37	.36	.36	.37	.37	.37	.38
3. Smoked	.43	.43	.42	.40	.41	.41	.42	.42	.43
18D. Pork loins, center cut (piece or chops):									
1. Fresh or frozen	.43	.43	.41	.40	.40	.41	.43	.42	.43
2. Cured	.44	.44	.42	.41	.41	.42	.42	.43	.43
3. Smoked	.49	.49	.47	.46	.46	.47	.47	.48	.49
19. Sliced bacon (rindless, smoked):									
7. Sliced Canadian bacon (packaged)	.82	.82	.80	.79	.79	.80	.80	.81	.81
8. Sliced ready-to-eat Canadian bacon (packaged)	.88	.87	.86	.84	.85	.85	.86	.86	.87
20A. Spareribs:									
1. Fresh or frozen	.28	.28	.26	.25	.25	.26	.28	.27	.28
2. Cured	.29	.29	.28	.26	.27	.27	.28	.28	.28
3. Smoked	.36	.36	.34	.33	.33	.34	.34	.35	.35
20B. Barbecue spareribs (brisket boneless):									
1. Fresh or frozen	.31	.31	.29	.38	.38	.29	.31	.30	.31
2. Cured	.32	.32	.31	.29	.30	.30	.31	.31	.32
3. Smoked	.40	.40	.38	.37	.37	.38	.38	.39	.39
4. Barbecued	.47	.46	.45	.44	.44	.44	.45	.45	.46
20K. Back bones: 1. Fresh, frozen or cured	.09	.08	.07	.06	.06	.07	.08	.08	.09
20L. Pork tenderloins: 1. Fresh, frozen or cured	.54	.54	.52	.51	.51	.52	.54	.53	.54
20M. Pork tenderloin tips: 1. Fresh, frozen or cured	.53	.53	.51	.50	.50	.51	.53	.52	.53
22. Plates and jowls, fresh, frozen or cured:									
1. Clear plates	.19	.19	.17	.16	.16	.17	.19	.18	.19
2. Regular plates	.20	.20	.19	.17	.18	.18	.20	.19	.20
3. Jowl butts	.19	.19	.17	.16	.16	.17	.19	.18	.19
4. Square jowl butts	.22	.21	.20	.19	.19	.20	.21	.21	.22
23. Plates and jowls, smoked:									
1. Clear plates	.22	.22	.20	.19	.19	.20	.20	.21	.21
2. Regular plates	.23	.23	.22	.20	.21	.21	.22	.22	.23
3. Jowl butts	.22	.22	.21	.19	.20	.20	.21	.21	.22
4. Square jowl butts	.26	.26	.25	.23	.24	.24	.25	.25	.26
27A. Dried specialties (whole or piece):									
2. Aged, dry cured sides (packer cured)	.40	.40	.38	.37	.37	.38	.38	.39	.39
3. Aged, dry cured sides (country cured)	.36	.35	.34	.33	.33	.33	.34	.34	.35
7. Aged, dry cured bacon sides (spareribs in)	.36	.36	.35	.33	.34	.34	.35	.35	.36
27B. Dried specialties (store sliced):									
2. Aged, dry cured sides (packer cured)	.45	.44	.43	.41	.42	.42	.43	.43	.44
3. Aged, dry cured sides (country cured)	.40	.40	.38	.37	.37	.37	.38	.38	.39
7. Aged, dry cured bacon sides (spareribs in)	.41	.40	.39	.37	.38	.38	.39	.39	.40
28. Loin ribs:									
1. Fresh or frozen	.29	.28	.27	.26	.26	.27	.28	.28	.29
2. Cured	.30	.30	.28	.27	.28	.28	.28	.29	.29
3. Smoked	.37	.36	.35	.34	.34	.35	.35	.36	.36
4. Barbecued	.42	.42	.40	.39	.39	.40	.40	.41	.41
30. Dressed hogs (whole or side):									
1. Packer style	23.75	23.50	22.50	21.50	21.75	22.25	23.50	23.00	23.75
2. Shipper style	22.75	22.50	21.50	20.50	20.75	21.25	22.50	22.00	22.75
32. Country back bone (fresh or frozen)	.28	.28	.27	.25	.26	.26	.28	.27	.28

3. Items 15A, 15B, 17, 18A, 18B, 18C and 18D; subitems 7 and 8 of Item 19; Items 20A, 20B, 20K, 20L, 20M, 22 and 23; subitems 2, 3 and 7 of Items 27A and 27B; Items 28, 30 and 31 in the schedule of prices in section 21 (a) are amended, respectively, to read as follows:

	Zone 1	Zone 2	Zones 3 and 4	Zone 4a	Zone 5	Zones 6 and 7	Zones 8 and 9, north	Zones 8 and 9, south	Zone 10
15A. Boneless loins (Canadian bacon) whole or piece:									
1. Smoked	$0.64	$0.64	$0.62	$0.61	$0.62	$0.62	$0.62	$0.63	$0.63
2. Ready-to-eat	.70	.69	.68	.67	.67	.67	.68	.68	.69
15B. Boneless loins (Canadian bacon) store sliced:									
1. Smoked	.70	.69	.68	.66	.67	.67	.68	.68	.69
2. Ready-to-eat	.76	.75	.74	.72	.73	.73	.74	.74	.75
17. Fat back (whole or piece):									
1. Fresh, cured or frozen	.22	.22	.21	.19	.20	.20	.22	.21	.22
2. Smoked	.25	.25	.23	.22	.22	.22	.23	.24	.24
18A. Pork loins (whole):									
1. Fresh or frozen	.36	.36	.35	.33	.34	.34	.36	.35	.36
2. Cured	.37	.37	.36	.34	.35	.35	.36	.36	.37
3. Smoked	.41	.41	.40	.39	.39	.39	.40	.40	.41
18B. Pork loins, rib half or end or chops:									
1. Fresh or frozen	.35	.34	.33	.32	.32	.33	.34	.34	.35
2. Cured	.35	.35	.34	.33	.33	.33	.34	.34	.35
3. Smoked	.39	.39	.38	.37	.37	.37	.38	.38	.39
18C. Pork loins, loin half or end or chops:									
1. Fresh or frozen	.36	.36	.35	.33	.34	.34	.36	.35	.36
2. Cured	.37	.37	.36	.34	.35	.35	.36	.36	.37
3. Smoked	.41	.41	.40	.39	.39	.39	.40	.40	.41
18D. Pork loins, center cut (piece or chops):									
1. Fresh or frozen	.40	.39	.38	.36	.37	.37	.39	.38	.40
2. Cured	.41	.40	.39	.37	.38	.38	.39	.39	.40
3. Smoked	.45	.45	.43	.42	.42	.43	.43	.44	.44
19. Sliced bacon (derined, smoked):									
7. Sliced Canadian bacon (packaged)	.76	.76	.74	.73	.73	.74	.74	.75	.75
8. Sliced ready-to-eat Canadian bacon (packaged)	.81	.81	.80	.78	.79	.79	.80	.80	.81
20A. Spareribs:									
1. Fresh or frozen	.27	.27	.25	.24	.24	.25	.27	.26	.27
2. Cured	.28	.28	.26	.25	.25	.26	.26	.27	.27
3. Smoked	.34	.34	.33	.31	.32	.32	.33	.33	.34
20B. Barbecue spareribs (brisket boneless):									
1. Fresh or frozen	.30	.30	.28	.27	.27	.28	.30	.29	.30
2. Cured	.31	.31	.29	.28	.28	.29	.29	.30	.30
3. Smoked	.38	.38	.37	.35	.36	.36	.37	.37	.38
4. Barbecued	.44	.44	.43	.42	.42	.42	.43	.43	.44
20K. Back bones:									
1. Fresh, frozen or cured	.09	.09	.07	.06	.06	.07	.09	.08	.09
20L. Pork tenderloins:									
1. Fresh, frozen or cured	.49	.49	.47	.46	.46	.47	.49	.48	.49
20M. Pork tenderloin tips:									
1. Fresh, frozen or cured	.49	.48	.47	.45	.46	.46	.48	.48	.49
22. Plates and jowls, fresh, frozen or cured:									
1. Clear plates	.18	.18	.17	.15	.16	.16	.18	.17	.18
2. Regular plates	.20	.19	.18	.17	.17	.18	.19	.19	.20
3. Jowl butts	.18	.18	.17	.15	.16	.16	.18	.17	.18
4. Square jowl butts	.21	.21	.19	.18	.18	.19	.21	.20	.21
23. Plates and jowls, smoked:									
1. Clear plates	.21	.21	.20	.18	.19	.19	.20	.20	.21
2. Regular plates	.22	.22	.21	.19	.20	.20	.21	.21	.22
3. Jowl butts	.22	.21	.20	.18	.19	.19	.20	.20	.21
4. Square jowl butts	.25	.25	.23	.22	.22	.23	.23	.24	.24
27A. Dried specialties (whole or piece):									
2. Aged, dry cured sides (packer cured)	.38	.37	.36	.35	.35	.35	.36	.36	.37
3. Aged, dry cured sides (country cured)	.34	.33	.32	.31	.31	.31	.32	.32	.33
7. Aged, dry cured bacon sides (spareribs in)	.34	.34	.33	.31	.32	.32	.33	.33	.34
27B. Dried specialties (store sliced):									
2. Aged, dry cured sides (packer cured)	.41	.41	.9	.38	.38	.38	.39	.39	.40
3. Aged, dry cured sides (country cured)	.37	.36	.5	.33	.34	.34	.35	.35	.36
7. Aged, dry cured bacon sides (spareribs in)	.37	.37	.6	.34	.34	.35	.36	.36	.37
28. Loin ribs:									
1. Fresh or frozen	.28	.27	.26	.25	.25	.26	.27	.27	.28
2. Cured	.29	.29	.27	.26	.26	.27	.27	.28	.28
3. Smoked	.35	.35	.34	.32	.33	.33	.34	.34	.33
4. Barbecued	.40	.40	.38	.37	.37	.38	.38	.39	.39
30. Dressed hogs (whole or side):									
1. Packer style	23.25	23.00	22.00	21.00	21.25	21.75	23.00	22.50	23.25
2. Shipper style	22.25	22.00	21.00	20.00	20.25	20.75	22.00	21.50	22.25
31. Country back bone (fresh or frozen)	.27	.26	.25	.24	.24	.25	.26	.26	.27

4. Item 17 in the schedule of prices for Group 1 and 2 stores set forth in section 20 is amended to read as follows:

GROUP 1 AND 2 STORES

[Cents per pound]

	Zone 1	Zone 2	Zone 3	Zone 4	Zone 4A	Zone 5
17. Special type chopped pork:						
S. C	67	64	61	57	57	56
Bulk	58	55	52	46	46	47

	Zone 6	Zone 7	Zone 8 (North and South)	Zone 9 (North and South)	Zone 10
17. Special type chopped pork:					
S. C	59	57	59	59	61
Bulk	49	48	50	50	52

5. Item 17 in the schedule of prices for group 3 and 4 stores set forth in section 20 is amended to read as follows:

GROUP 3 AND 4 STORES

[Cents per pound]

	Zone 1	Zone 2	Zone 3	Zone 4	Zone 4A	Zone 5
17. Special type chopped pork:						
S. C	64	61	58	54	54	53
Bulk	55	52	50	46	46	44

	Zone 6	Zone 7	Zone 8 (North and South)	Zone 9 (North and South)	Zone 10
17. Special type chopped pork:					
S. C	56	54	56	56	58
Bulk	47	46	48	48	50

6. Item 17 in the schedule of prices set forth in section 21 (b) is amended to read as follows:

[Cents per pound]

	Zone 1	Zone 2	Zone 3	Zone 4	Zone 4A	Zone 5
17. Special type chopped pork:						
1. S. C	59	56	54	50	50	49
2. Bulk	51	48	46	42	42	41

	Zone 6	Zone 7	Zone 8 (North and South)	Zone 9 (North and South)	Zone 10
17. Special type chopped pork:					
1. S. C	51	50	52	52	54
2. Bulk	43	42	44	44	46

7. Section 24 is added to read as follows:

SEC. 24. *Increases to be added to certain product prices.* The amounts specified in the price schedules set forth in sections 19 and 21 (a) of this regulation for the products hereinafter listed may be increased in each zone by adding the amounts set forth below. The products for which ceiling prices thus may be increased, and the applicable increases follow:

(NOTE: Where specific types of a product are named, the indicated increases apply only to the named types.)

Product name and number in price schedules	*Amount which may be added (cents)*
9A. Bellies or slab bacon, whole or piece:	
1. Fresh, frozen or cured with rind	5
2. Fresh, frozen or cured derined	5
3. Smoked with rind	3
4. Smoked derined	3
9B. Bellies or slab bacon, store sliced:	
1. Fresh, frozen or cured with rind	5
2. Fresh, frozen or cured derined	6
3. Smoked with rind	3
4. Smoked derined	3
15A. Boneless loins (Canadian bacon), whole or piece:	
1. Smoked	4
2. Ready-to-eat	5
15B. Boneless loins (Canadian bacon), store sliced:	
1. Smoked	4
2. Ready-to-eat	6
18A. Pork loins (whole):	
1. Fresh or frozen	3
2. Cured	3
3. Smoked	2
18B. Pork loins (rib half or end or chops):	
1. Fresh or frozen	3
2. Cured	3
3. Smoked	3
18C. Pork loins (loin half or end or chops):	
1. Fresh or frozen	2
2. Cured	2
3. Smoked	3
18D. Pork loins (center cut) (piece or chops):	
1. Fresh or frozen	3
2. Cured	3
3. Smoked	3
19. Sliced bacon (derined, smoked):	
1. Standard grade A	4
2. Standard grade B	3
3. Standard grade C	4
4. Sliced jowl butts	2
5. Sliced regular plates	2
7. Sliced Canadian bacon (packaged)	5
8. Sliced ready-to-eat Canadian bacon (packaged)	5
20L. Pork tenderloins:	
1. Fresh, frozen or cured	5
20M. Pork tenderloin tips:	
1. Fresh, frozen or cured	5
21. Dry salt bellies:	
1. Fresh, cured or frozen	4
2. Smoked	4
22. Plates and jowls, fresh frozen, or cured:	
1. Clear plates	1
2. Regular plates	2
3. Jowl butts	1
4. Square jowl butts	2
23. Plates and jowls, smoked:	
1. Clear plates	2
2. Regular plates	2
3. Jowl butts	2
4. Square jowl butts	3
27A. Dried specialties (whole or piece):	
1. Aged, dry cured bacon	2
2. Aged, dry cured sides (packer cured)	2
27A. Dried specialties (whole or piece)—Continued.	
3. Aged, dry cured sides (country cured)	4
6. Aged, dry cured bacon sides (boneless)	2
7. Aged, dry cured bacon sides (spareribs in)	2
27B. Dried specialties (store sliced):	
1. Aged, dry cured bacon	3
2. Aged, dry cured sides (packer cured)	3
3. Aged, dry cured sides (country cured)	4
6. Aged, dry cured bacon sides (boneless)	3
7. Aged, dry cured bacon sides (spareribs in)	2
28. Loin ribs:	
2. Cured	1
30. Dressed hogs (whole or side):	
Packer style	$0.50
Shipper style	.50

This amendment shall become effective September 10, 1946.

Issued this 6th day of September 1946.

GEOFFREY BAKER,
Acting Administrator.

[F. R. Doc. 46-16220; Filed, Sept. 6, 1946; 4:53 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[2d Rev. MPR 270,[1] Amdt. 16]

DRY EDIBLE BEANS AND CERTAIN OTHER DRY FOOD COMMODITIES

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

Second Revised Maximum Price Regulation 270 is amended in the following respects:

1. Section 1 is amended to read as follows:

SEC. 1. *Commodities and types of sales covered and geographical applicability—*(a) *Commodities and sales covered.* This regulation covers the kinds and varieties of dry edible beans and dry whole and split peas that are not specifically named herein. They will be referred to as "listed commodities." Those kinds and varieties that are not specifically named are not subject to this or any other Maximum Price Regulation. This regulation establishes maximum prices for all sales of the listed commodities except sales by wholesalers and retailers as those terms are defined in MPR's 421,[2] 422,[3] and 423,[4] respectively, export sales (see 2d Revised Maximum Export Price Regulation[5]), sales of dry peas by growers to processors and dealers, sales of seed peas and certain sales of seed beans.

(b) *Geographical applicability.* This regulation applies to the 48 States of the

[1] 9 F. R. 9260, 10878, 12129, 14106; 11 F. R. 620, 5696, 6589, 7531, 15171, 15171; 11 F. R. 6304, 8869.
[2] 11 F. R. 6081, 8968.
[3] 11 F. R. 6397, 6763, 8968.
[4] 11 F. R. 6420, 6764, 8968.
[5] 8 F. R. 4132.

United States and the District of Columbia.

2. Section 2a is deleted and a new section 2a is added, to read as follows:

SEC. 2a. *Sales of unprocessed dry edible beans*—(a) *Purposes of this section.* This section defines "unprocessed dry edible beans" and certain other terms used in connection with the provisions covering their sales. It sets forth the maximum prices for all sales of unprocessed dry edible beans and explains how those prices are to be determined and applied.

(b) *Definitions.* As used in this regulation, the term:

"Unprocessed dry edible beans" means dry edible beans that either (1) have not been "processed" as that term is defined in section 2, or (2) if processed, grade lower than U. S. No. 2 in the case of baby or standard lima beans or lower than U. S. No. 3 for all other varieties.

"Sound beans" means sound beans as that term is defined in "U. S. Standards for Beans," revised September 1, 1941, published by the U. S. Department of Agriculture.

"Official inspection" means inspection of the particular lot of beans by a person and in the manner authorized by the U. S. Department of Agriculture or by the state in which the beans were produced.

(c) *Applicability of maximum prices.* The maximum prices established by this section apply to the quantity of sound beans in the lot being priced. Except for beans produced in California and Idaho (See paragraph (e) below) and except for the sales described in the paragraph immediately following this paragraph, the quantity of sound beans in any particular lot of unprocessed dry edible beans must be determined by the buyer and seller in accordance with customary practices in the state where the beans were produced. In any case, the purchase price may not be paid or received until the quantity of sound beans in the lot has been determined in the appropriate manner specified in this section.

In all sales of unprocessed dry edible beans to canners, freezers, or other commercial processors (as distinguished from "processors" as defined in section 2) or to persons other than growers, processors or dealers, the quantity of sound beans in the lot must be determined by official inspection and a certificate thereof must be secured by the seller and furnished to the buyer.

(d) *Maximum prices.* Except for beans produced in California (See paragraph (e) below) the maximum prices for all sales of unprocessed dry edible beans are as follows:

Maximum prices f. o. b. processing plant or buyer's premises.

Variety	*Maximum price per cwt. of sound beans*
Pea and medium white beans (Navy)	$8.60
Marrow beans (not including red marrow)	9.85
Great Northern Beans	8.25
Large and small white beans (including flat small white)	8.60
White Kidney beans	10.95
Red Kidney beans	10.35
Cranberry Beans (other than Western)	8.60
Cranberry Beans (Western)	$8.60
Small Red Beans	8.60
Pink Beans	8.60
Bayo Beans	7.30
Blackeye Beans (Cow Peas of the Blackeye variety)	7.85
Pinto Beans	8.10
Lima Beans (standard)	10.10
Baby Lima Beans	8.35
Yellow eye beans	8.85

If the seller does not deliver the beans being priced to the elevator or buyer's premises, he must deduct, from the maximum price otherwise applicable, an amount equal to the cost of transporting the particular beans from the point of delivery to the nearest elevator or processing plant. If the seller delivers the beans to a point beyond the buyer's premises or processing plant, he may include in his maximum price the cost of transportation as that term is defined in Section 5.

(e) *Exceptions for unprocessed dry edible beans produced in Idaho & California.* (1) The quantity of sound beans in the lot being sold must be determined by official inspection and a certificate thereof must be secured by the seller and furnished to the buyer. On resale of any lot of dry edible beans, whether processed or unprocessed, that were purchased as unprocessed dry edible beans, an official certificate of inspection and grade must be secured by the seller and furnished to the buyer.

(2) For all sales of unprocessed beans produced in California the maximum price, in each case, is, 10¢ per hundredweight less than the price established in paragraph (d) of this section.

3. Section 3a is added to read as follows:

SEC. 3a. *Special provisions for sales of seed beans*—(a) *Purposes of this section.* This section applies only to "selected seed beans" and "certified seed beans" as those terms are defined in paragraph (b) below. It lists the conditions under which sales of seed beans are exempt from the pricing provisions of this regulation. It is not the purpose of this regulation to control the sale or distribution of seed. However, no sale of seed beans is exempt unless the applicable definition in paragraph (b) and the conditions in paragraph (c) are fully satisfied. In all other cases the maximum price is the seller's maximum price otherwise established by this regulation for sales of the particular kind, variety and grade of beans being sold.

(b) *Definitions:*

"Selected seed beans" means dry edible beans that (1) have been especially selected as suitable for planting purposes, (2) are U. S. No. 1 grade or better, (3) comply fully with the requirements of any applicable state seed law and the Federal Seed Act of 1939, and percentage of germination, and (4) are in original containers of a minimum net weight of 100 pounds (or 90 lbs. in the case of blackeye beans).

"Certified seed beans" means beans that (1) have been certified as seed beans by either (i) the state in which they were produced, (ii) a federal-state agency of that state, (iii) an agency authorized by that state to certify seed or (iv) an association that is a member of or affiliated with the International Crop Improvement Association and (2) are in original containers of a minimum net weight of 100 pounds (or 90 lbs. in the case of blackeye beans), sealed, stamped or otherwise officially marked by the certifying agency. If the beans were produced in California they must be officially identified as "Calapproved" or certified by the California Crop Improvement Association and officially identified as "California Certified."

(c) *Exempt Sales*—(1) *Certified seed beans.* All sales of certified seed beans for planting purposes or for resale for planting are exempt from the pricing provisions of this regulation.

(2) *Selected seed beans.* Sales of selected seed beans are exempt from the pricing provisions of this regulation if the goods are delivered to a point within the planting area specified below for the particular variety being sold, for planting within that area or for resale for planting within that area. In any case where delivery is made to an area other than the planting area specified for the particular variety, the sale is exempt only if made to a grower within the state where the particular beans were produced, for planting within that state.

In all cases, the seller must secure from the buyer and retain with his other records of seed stock sales, a statement signed by the buyer, setting forth the names and addresses of the parties, the kind, variety and quantity of seed stock sold and purchased, the date and place of delivery, and a statement that the goods have been purchased for planting purposes.

If a grower resells selected seed beans that he has purchased, the sale is not exempt and the maximum price is a processor's maximum price for non-seed beans of the particular variety and grade.

The planting areas for the various kinds or varieties of seed beans are as follows:

Variety[1]	*Planting Area*
Pea beans	Western New York.[2]
Great Northern beans	Western Nebraska.
Red kidney beans	Western New York.[2]
Cranberry beans	Michigan, western New York.[2]
Pinto beans	Colorado, western Nebraska, New Mexico.

[1] Sales of selected seed beans of the varieties covered by this regulation but not mentioned in this table are exempt only if sold and delivered to growers within the state where produced, for planting within that state.

[2] Western New York, means the counties of Jefferson, Oswego, Oneida, Madison, Chenango, Broome and all counties in New York State west thereof.

4. Section 3 is amended in the following respects:

a. In paragraph (a) the title of Table I is amended by adding thereto the words "1945 crop."

b. The undesignated paragraph following Table I is deleted.

c. Table III is deleted and a new table III is added, to read as follows:

TABLE III—PROCESSED DRY EDIBLE BEANS; 1946 CROP AND AFTER

Kind	*Maximum price per cwt.*
Pea and medium white beans (navy):	
U. S. Choice hand picked	$9.10
U. S. No. 1	9.00
U. S. No. 2	8.85
U. S. No. 3	8.60
Marrow beans (not including red marrow):	
U. S. Choice hand picked	10.35
U. S. No. 1	10.25
U. S. No. 2	10.10
U. S. No. 3	9.85
Great Northern beans:	
U. S. Choice hand picked	8.75
U. S. No. 1	8.65
U. S. No. 2	8.50
U. S. No. 3	8.25
Large and small white beans (including flat small white):	
U. S. Choice hand picked	9.10
U. S. No. 1	9.00
U. S. No. 2	8.85
U. S. No. 3	8.60
White kidney beans:	
U. S. Choice hand picked	11.45
U. S. No. 1	11.35
U. S. No. 2	11.20
U. S. No. 3	10.95
Red kidney beans:	
U. S. Choice hand picked	10.85
U. S. No. 1	10.75
U. S. No. 2	10.60
U. S. No. 3	10.35
Yellow eye beans:	
U. S. Choice hand picked	9.35
U. S. No. 1	9.25
U. S. No. 2	9.10
U. S. No. 3	8.85
Cranberry beans (other than western):	
U. S. Choice and hand picked	9.10
U. S. No. 1	9.00
U. S. No. 2	8.85
U. S. No. 3	8.60
Cranberry beans (western):	
U. S. Choice hand picked	9.10
U. S. No. 1	9.00
U. S. No. 2	8.85
U. S. No. 3	8.60
Small red beans:	
U. S. Choice hand picked	9.10
U. S. No. 1	9.00
U. S. No. 2	8.85
U. S. No. 3	8.60
Pink beans:	
U. S. Choice hand picked	9.10
U. S. No. 1	9.00
U. S. No. 2	8.85
U. S. No. 3	8.60
Bayo beans:	
U. S. Choice hand picked	7.80
U. S. No. 1	7.70
U. S. No. 2	7.55
U. S. No. 3	7.30
Blackeye beans (cow peas of the blackeye variety):	
U. S. Choice hand picked	8.35
U. S. No. 1	8.25
U. S. No. 2	8.10
U. S. No. 3	7.85
Pinto beans:	
U. S. No. 1	8.50
U. S. No. 2	8.35
U. S. No. 3	8.10
Lima bean (standard):	
U. S. extra No. 1	10.60
U. S. No. 1	10.50
U. S. No. 2	10.35
Baby lima beans:	
U. S. extra No. 1	8.85
U. S. No. 1	8.75
U. S. No. 2	8.60

5. Section 4 is amended in the following respects:

a. Paragraph (c) is amended to read as follows:

(c) *All other sales by dealers*—(1) *Dry edible beans.* The maximum price for all other sales of dry edible beans by dealers is, in each case, the base price plus 21¢ per cwt., and plus an additional 21¢ per cwt. for sales ex-warehouse in any quantity.

(2) *Dry peas.* The maximum price for sales of dry peas by dealers is, in each case, the base price only, plus 15¢ per cwt. for sales ex-warehouse in any quantity.

(3) *Certain sales of beans or peas through brokers.* For sales of dry edible beans or dry peas by a dealer to a wholesaler through a broker who has his principal place of business at the terminal market or marketing area where the particular lot of dry beans or peas was received in a carlot or trucklot shipment, the dealer may add to his maximum price figured under the applicable provision of this section, either the broker's actual charge (not to exceed his maximum charge under RMPR 165) or 10¢ per cwt., whichever is lower.

b. Paragraph (d) is amended to read as follows:

(d) *Sales by destination distributors.* A destination distributor's maximum price is his supplier's maximum price for the item (not to exceed a dealer's maximum price for sales other than sales of ex-warehouse) plus 35¢ per cwt., for sales ex-warehouse in any quantity, or plus 14¢ per cwt. for all other sales, including sales of carlots or trucklots and sales ex-car.

This amendment shall become effective September 9, 1946.

Issued this 9th day of September 1946.

PAUL A. PORTER,
Administrator.

Approved: September 6, 1946.

CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 46-16322; Filed, Sept. 9, 1946; 4:02 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 580,[1] Amdt. 16]

RETAIL CEILING PRICES FOR CERTAIN APPAREL AND HOUSE FURNISHINGS

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.

Maximum Price Regulation 580 is amended in the following respects:

1. Section 10 (e) is added to read as follows:

(e) *Applications by certain sellers who sell exclusively in sets (groups of articles) to which services have been added.* If you have been from March 1, 1942 until the present time engaged exclusively in the business of assembling, packaging, and selling sets (groups of articles) to which you have added services the cost of which is more than 10% of the total of the net costs of the constituent articles of the assembled sets, you may apply to the Distribution Price Branch, Office of Price Administration, Washington 25, D. C. for a pricing method for sale of your assembled sets. You must file two (2) copies of an application containing the following information and the Office of Price Administration may by order permit you to add to the total of your net costs the cost of the services you provide (packaging, monogramming, etc.) and a markup in line with the level of prices established by this regulation:

(1) Your name and address;

(2) Date when you entered business;

(3) Description of manner in which you conduct your business (indicating whether department store, leased department, specialty store or other; cash, installment or other terms; class of merchandise you handle);

(4) A list of all sets offered by you for sale on March 19, 1945, enumerating for each the articles included in each set, the cost of each article, the cost of services added by you on each set, and the selling price of each set on March 19, 1945.

(5) Substantiating evidence to show that you sold or offered the sets for sale (listed under (4)) in March 1945, such as advertisements, catalogs, or prospectuses.

2. Section 18 (d) is amended by adding the following sentence: "Sets or groupings of articles may also be sold at a unit price if the seller has qualified pursuant to section 10 (e)."

3. Section 24 (b) is amended by deleting the phrase "and if, before offering it for sale," and substituting therefor the phrase "and, except as provided in section 10 (e), if before offering it for sale," in the first sentence and by inserting the phrase "Except as provided in section 10 (e)," at the beginning of the second sentence.

4. In Appendix C the word "textile" is deleted from the title of paragraph (b).

5. In Appendix C the note immediately following the title of paragraph (b) is amended to read as follows:

NOTE: Categories 501–507 include certain household commodities which have a textile base or which are made in whole or in part of plastic materials; and Categories 601–607 include certain yard goods.

6. In Appendix C the word "textile" is also deleted from the title of subparagraph (b) (1).

7. In category 504 the prefatory text is amended to read as follows: "This is a general category. It includes the articles listed below, except those made of oilcloth."

This amendment shall become effective September 16, 1946.

NOTE: All the reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 10th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16416; Filed, Sept. 10, 1946; 11:24 a. m.]

[1] 10 F. R. 3015, 3468, 3642, 4236, 4494, 4611, 9962.

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[1] Amdt. 191]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

Appendix I in section 15 is amended in the following respects:

1. Footnote 6 in Tables 2, 3, 6 and 7, footnote 4 in Table 8, and footnote 5 in Table 10 are each amended by inserting, immediately after the words "the state of Florida," the phrase "lying East and South of the Suwanee River".

2. A new paragraph (k) is added to read as follows:

(k) *Special allowances for sales of citrus fruit produced in California and Arizona and delivered at certain wholesale receiving points in California.* This paragraph applies only to sales of oranges, grapefruit, lemons and tangerines produced in California and Arizona and delivered at certain wholesale receiving points in California. In such sales the seller may increase the appropriate price, that would otherwise apply, from Column 6 or Column 7, as the case may be of the appropriate Table in paragraph (c) by the amount set forth in the Table, below, depending on the style of pack and the zone in which the particular wholesale receiving point is located.

For the purposes of this paragraph, the State of California is divided into Zones as follows:

Zone I consists of the counties of Marin, Sonoma, Napa, Yolo, Sutter, Placer and all counties north thereof.

Zone II consists of all counties south of Zone I to and including the counties of San Luis Obispo, Fresno, and Mono.

Zone III consists of all counties south of Zone II.

Style of pack	Allowances		Zone III
	Zone I	Zone II	
Citrus fruit packed in Standard containers (1⅗ bu.)	40 cents per container	15 cents per container	None.
Loose in Standard containers (Does not apply to tangerines).	32 cents per container	12 cents per container	None.
In containers other than Standard containers (packed or loose).	½ cent per pound	3/10 cent per pound	None.
Bulk, loose (no containers) washed, graded and stamped.	½ cent per pound	3/10 cent per pound	None.

This amendment shall become effective September 16, 1946.

Issued this 10th day of September 1946.

GEOFFREY BAKER,
Acting Administrator.

Approved: August 29, 1946.

CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 46-16413; Filed, Sept. 10, 1946; 11:23 a. m.]

PART 1449—COMMODITIES AND SERVICES

[SR 14J, Amdt. 28]

CORRECTIVE EYEGLASSES AND SPECTACLES

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Regulation 14J is amended in the following respect:

1. Section 7.1 (a) (1) is amended to read as follows:

(1) All sales, including manufacturers' sales, of corrective eyeglasses and spectacles are subject to the General Maximum Price Regulation. Manufacturers' sales of ophthalmic lenses, unmounted, and manufacturers' sales of unmounted frames are not under General Maximum Price Regulation.

[1] 10 F. R. 8021, 7500, 7539, 7578, 7668, 7683, 7799, 8069, 8239, 8238, 8612, 8467, 8611, 8657, 8905, 8936, 9023, 9118, 9119, 9277, 9447, 9628, 9928, 10087, 10025, 10229, 10311, 10303, 11072, 12213, 12084, 12408, 12447, 12532, 12537, 12702, 12745, 12960, 13129, 13271, 13313, 13389, 13595, 13776, 14027, 15035, 15174.

This amendment may be revoked or amended by the Price Administrator at any time.

This amendment shall become effective on the 16th day of September 1946.

Issued this 10th day of September 1946.

PAUL A. PORTER,
Administrator

[F. R. Doc. 46-16409; Filed, Sept. 10, 1946; 11:22 a. m.]

Chapter XIV—War Contracts Price Adjustment Board

PART 1608—TEXT OF STATUTES, ORDERS, JOINT REGULATIONS AND DIRECTIVES

SUBPART B—DELEGATIONS OF AUTHORITY

Section 1608.822–3 is added as follows:

§ 1608.822–3 *Delegation of authority within the Treasury Department.*

TREASURY DEPARTMENT
WASHINGTON

MARCH 14, 1944.

Treasury Department Order

By virtue of the authority contained in paragraph 4 of the Delegation by the War Contracts Price Adjustment Board of powers, functions and duties under the Renegotiation Act, dated February 26, 1944, I hereby delegate to the Director of Procurement all the powers, functions and duties conferred upon me by the aforesaid Delegation. The Director of Procurement is hereby authorized to make further delegations of such powers, functions and duties.

The powers, functions and duties delegated hereby shall be effective immediately and shall be retroactive to the effective date of the Revenue Act of 1943.

H. MORGENTHAU, Jr.,
Secretary of the Treasury.

MAURICE HIRSCH,
Brigadier General, GSC,
Chairman.

[F. R. Doc. 46-16395; Filed, Sept. 10, 1946; 10:58 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 2]

PART 8302—DISPOSAL OF SURPLUS PERSONAL PROPERTY TO PRIORITY CLAIMANTS

War Assets Administration Regulation 2, May 3, 1946, as amended through June 4, 1946 (11 F.R. 5125, 6237, 6545) entitled "Disposal of Surplus Personal Property to Priority Claimants," is hereby revised and amended as herein set forth. New matter is indicated by underscoring. Order 2, June 7, 1946 (11 F.R. 6455), Order 3, December 15, 1945 (10 F.R. 15217), Order 4, January 10, 1946 (11 F.R. 637), Order 5, March 21, 1946 (11 F.R. 3301), Order 6, July 13, 1946, (11 F.R. 7774), and Order 7, August 14, 1946 (11 F.R. 9036), under this part shall continue in full force and effect. New matter is indicated by underscoring.

Sec.

8302.1 Definitions.
8302.2 Scope.
8302.3 Applicability of regulations and directives of War Production Board, Civilian Production Administration, Office of Price Administration, and Secretary of Agriculture, and disposals which may be exempted from this part.
8302.4 Set-asides for veterans.
8302.5 Order of priorities.
8302.6 Reservations for priority claimants.
8302.7 Information about available property.
8302.8 Issuance of certificates to veterans.
8302.9 Transfers and disposals to priority claimants.
8302.10 Transfers of surplus standard administrative and maintenance property to the Treasury Department, and acquisition of such property by Government agencies.
8302.11 Fair value.
8302.12 Acquisition by priority claimants without exercising priority.
8302.13 Records and reports.
8302.14 Regulations by disposal agencies to be reported to War Assets Administrator.
Exhibit A Property to be set aside for veterans.

AUTHORITY: §§ 8302.1 to 8302.14, inclusive, issued under Surplus Property Act of 1944 (58 Stat. 765, 50 U.S.C. App. Sup. 1611), Public Law 181, 79th Cong., 1st Sess. (59 Stat. 533), Executive Order 9689 (11 F.R. 1265), and Public Law 375, 79th Cong., 2d Sess.

§ 8302.1 *Definitions*—(a) *Terms defined in act.* Terms not defined in paragraph (b) of this section which are defined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in the Act.

(b) *Other terms.* (1) [Deleted Aug. 19, 1946.]

(2) "Standard administrative and maintenance property" means all property from time to time listed in stock catalogues issued by the Procurement Division of the Treasury Department. These catalogues normally include, among other items, office supplies, furniture and equipment, and maintenance operating supplies.

(3) "State and local governments" means any State, territory, or possession of the United States, the District of Columbia, and any political subdivision or instrumentality thereof.

(4) "Own" business or professional or agricultural enterprise of a veteran means one of which more than fifty (50) per cent of the invested capital thereof is beneficially, and not merely nominally or formally, owned by a veteran or veterans, or one of which more than fifty (50) per cent of the net income thereof beneficially, and not merely nominally or formally, accrues to a veteran or veterans. A veteran may be deemed to have his "own business or professional or agricultural enterprise" for the purpose of acquiring particular tools or equipment when he is engaged by others as an employee or agent and is required by his employment to have his own tools or equipment.

(5) "Small business" when used herein means a veteran's own small business and may include any commercial or industrial enterprise or group of enterprises under common ownership or control, which does not at the date of purchase of surplus property hereunder have more than five hundred (500) employees, or any such enterprise which by reason of its relative size and position in its industry is certified by War Assets Administration to be a small business.

(6) "Veteran" means any person in the active military or naval service of the United States during the present war, or any person who served in the active military or naval service of the United States on or after September 16, 1940, and prior to the termination of the present war, and who has been discharged or released therefrom under honorable conditions. Veterans "released" from military or naval service shall include persons on terminal leave or final furlough and those whose status has been changed from "active" to "inactive".

§ 8302.2 *Scope.* This part shall apply only to disposals made by disposal agencies within the continental United States, its territories or possessions; *Provided,* That § 8302.10 shall apply only within the continental United States. This part shall not apply to any disposals of real property; nor to personal property appurtenant to, or severed from, or assigned for disposal in connection with, real property, and disposed of pursuant to Parts 8305 [1], 8310 [2], 8316 [3], or 8320 [4].

§ 8302.3 *Applicability of regulations and directives of other agencies, and disposals which may be exempted from this part.* (a) Transfers pursuant to the provisions of section 502 (b) of the Lanham Act, as amended, may be made without regard for any provisions of this part.

(b) Except for disposals under paragraph (a) of this section, disposals made hereunder shall be subject to applicable regulations and directives issued under the authority of the Veterans' Emergency Housing Act of 1946, or under the authority of any law referred to in section 34 (b) of the Surplus Property Act of 1944 including those issued by the War Production Board, the Civilian Production Administration, the Office of Price Administration, and the Secretary of Agriculture, and shall be exempted from the provisions of this part to the extent necessary to comply with the provisions of such regulations and directives.

(c) Subject to the provisions of paragraphs (a) and (b) of this section, disposal agencies may dispose of surplus property without regard for any provisions of this part:

(1) Until peace is concluded to supply the needs of the armed forces;

(2) When, upon a finding by the Secretary of Agriculture that farm production is impaired or threatened to be impaired, the Administrator shall, pursuant to the provisions of Part 8303,[5] direct the disposal of trucks, machinery, or equipment (including farm supplies) to farmers or farmers' cooperatives;

(3) When the property is of such nature or in such situation that its immediate disposal is necessary to prevent its deterioration, spoilage, or serious loss or damage;

(4) When, upon application to the War Assets Administrator by a disposal agency, the Administrator shall find that it is impracticable or uneconomical for the disposal agency to be required to dispose of designated property according to the provisions of this part;

(5) When the nature or condition of any surplus property sold is such that it is not usable or safe for use by the consumer in its existing form without processing, reprocessing, reconditioning, or repackaging;

(6) When the cost (estimated if not known) of all substantially similar items of such property in the possession of the disposal agency at any one location at any one time does not exceed $300; or when the cost (estimated if not known) of any group of identical items, normally constituting a single entry on War Assets Administration Form 1001 and in the possession of the disposal agency at any one location at any one time, does not exceed $100.

§ 8302.4 *Set-asides for veterans.* (a) Except as to the amounts of any property necessary for the temporary use of any disposal agency to carry out its responsibilities in disposing of surplus property under the Surplus Property Act of 1944, each disposal agency to which there is assigned for disposal any property of the types set forth in Exhibit A shall set aside all of such property in its possession for exclusive disposal to veterans for their own personal use, or to enable them to establish or maintain their own small business, professional, or agricultural enterprises. Such property shall be held for disposal to veterans holding certificates issued pursuant to § 8302.8 for a period of not less than fifteen (15) days after public notice of its availability for such disposal, or for such longer period as the Administrator may direct, and any balance remaining undisposed of thereafter may be made available for disposal in accordance with the other provisions of this part.

(b) In disposing of property to veterans under this section disposal agencies may establish the maximum and minimum quantities which may be acquired by any one veteran at any one time during a given period of time. When the supply of any type of surplus property offered at any time will be insufficient to fill the orders of the eligible veterans, equitable distribution among such veterans may be accomplished (1) in accordance with the date of a certification or registration, or (2) on such other basis as shall be approved upon special application to the Administrator; *Provided,* That in any method adopted there shall be equitable distribution between veterans desiring to acquire property for their own personal use and veterans desiring to acquire it for business, professional, or agricultural use. In giving public notice of availability of any property disposal agencies shall specify the method by which distribution of such property will be made among veterans.

§ 8302.5 *Order of priorities.* Except as to property disposed of under § 8302.4, disposal agencies shall, subject to the provisions of § 8302.6, observe the following order of priorities:

(a) Transfers to Government agencies for their own use shall be given priority over disposals to all others.

(b) Disposals to veterans holding certificates to acquire property to enable them to establish and maintain their own small business, professional, or agricultural enterprises shall be given priority over disposals to all others except as provided in paragraph (a) of this section.

(c) Purchases by Reconstruction Finance Corporation, as successor to Smaller War Plants Corporation, for resale under section 18 (e) of the Surplus Property Act of 1944 shall be given priority over disposals to all others except as provided in paragraphs (a) and (b) of this section.

(d) Disposals to State and local governments for their own use shall be given priority over disposals to all others except as provided in paragraphs (a), (b), and (c) of this section.

§ 8302.6 *Reservations for priority claimants.* (a) In giving effect to the provisions of § 8302.5, disposal agencies shall observe the following requirements

[1] Reg. 5 (11 F.R. 7611, 7969).
[2] Reg. 10 (11 F.R. 7583).
[3] Reg. 16 (11 F.R. 7427, 8361).
[4] SPA Reg. 20 (11 F.R. 182, 561, 3302, 7431).
[5] SPB Reg. 3 (10 F.R. 5325, 12266).

with respect to the periods of time during which property will be offered to priority claimants:

(1) Government agencies shall in no case be given a period in excess of twenty days after the date of public notice of availability of the property.

(2) Property offered to veterans may not be disposed of to others for a minimum period of fifteen (15) days after the date of public notice to veterans.

(b) Each disposal agency, based upon experience and demonstrated demand, may estimate the quantity of each item of surplus property which it is necessary to hold in reserve in order to provide an adequate supply thereof to satisfy the probable needs of priority claimants for such item. Such quantities shall be reviewed and adjusted periodically by the disposal agency in the light of the changing requirements of priority claimants and the areas in which such requirements exist. There need be no earmarking of specific property, but the quantities of surplus property so estimated shall be reserved for exclusive disposal to priority claimants subject to the periods specified in paragraph (a). Any property in excess of such reserved quantities may, notwithstanding the provisions of paragraph (a), be disposed of promptly to others.

(c) In order to assist the disposal agencies to reserve quantities of surplus property, pursuant to the provisions of paragraph (b), adequate to satisfy the needs of priority claimants including Reconstruction Finance Corporation as successor to Smaller War Plants Corporation for resale under Section 18 (e) of the Surplus Property Act of 1944, Reconstruction Finance Corporation may advise the disposal agencies from time to time of the quantities and kinds of surplus property which it needs or may need for such purposes to the end that any reservations established under paragraph (b) of this section may be adequate to supply such anticipated needs.

§ 8302.7 *Information about available property*—(a) *Availability of records of surplus property; Government requirements officers.* Disposal agencies shall establish procedures to insure that designated representatives or procurement officers of Government agencies and State and local governments shall have access to the information on the property records of the disposal agencies, and shall upon request from time to time inform such representatives or procurement officers about surplus property for which declarations have been received or are anticipated. Each disposal agency shall appoint in its central office and in each regional office thereof a Government requirements officer or officers, whose duties shall include (1) transmitting to Government agencies and State and local governments information concerning surplus property which is or may become available for disposal; (2) assisting in programming sales or offerings in such a manner as to afford Government agencies and State and local governments an opportunity to purchase any and all kinds of property they desire; (3) ascertaining the probable needs for all kinds of property of Government agencies and State and local governments within the region served by each regional office to the end that any reservations established under § 8302.6 (b) may be adequate to supply the probable needs of Government agencies and State and local governments within the region served by the office; (4) cooperating with such advisory committees as the Administrator may appoint; and (5) taking all other necessary or desirable steps to see that all requirements of this part are complied with. It shall be the responsibility of Government agencies, in order to avoid making purchases through commercial channels, continuously to consult the records of the disposal agencies and to determine whether their requirements for all items of property can be satisfied out of surplus property in the hands of the disposal agencies.

(b) *Notice of offering.* Disposal agencies shall give public notice of all offerings to priority claimants and to the extent feasible shall adopt other procedures which will allow priority claimants to receive notice of what surplus property is available or offered for sale within the area in which the offering is made. Government agencies and State and local governments shall have the right upon request to be put on mailing lists for notices in all cases where such lists are used to offer property for disposal, including mailing lists otherwise reserved to special classes of buyers, unless the disposal agency shall find that the giving of such notices to Government agencies and State and local governments shall for any particular type of property become impracticable, unduly expensive to the Government, or unreasonably burdensome on the facilities of the disposal agency. When paid advertising is used as the method of offering, no other notice need be given to priority claimants.

§ 8302.8 *Issuance of certificates to veterans.* (a) A veteran desiring to acquire property set aside under § 8302.4 or to exercise his priority under § 8302.5 shall apply to any certifying office of War Assets Administration and shall furnish the Administration with complete information regarding the property desired. War Assets Administration will satisfy itself through reference to the applicant's discharge papers or to other satisfactory evidence that the applicant is a veteran and that the property applied for is for his own personal use or to enable him to establish or maintain his own small business, professional, or agricultural enterprise and shall require of the applicant a supporting statement or affidavit. War Assets Administration will issue an appropriate certificate to such veteran stating that he is a veteran entitled to purchase the types and quantities of the property described therein.

(b) Whenever a disposal agency within the continental United States other than War Assets Administration receives an application from a veteran desiring to acquire property hereunder but not accompanied by a certificate, the application shall be referred to War Assets Administration for certification, together with full information regarding the availability of the property and the price, terms, and conditions of sale.

(c) In the territories and possessions where no office of War Assets Administration is established for the certification of veterans, they may act hereunder by dealing directly with the appropriate disposal agency, and in such case such disposal agency shall to the extent feasible perform the functions which would be performed by the War Assets Administration in the continental United States under this section.

(d) Each veteran shall present the certificate when acquiring property from a disposal agency, which shall rely upon the certificate that the holder is a veteran entitled to acquire the property described therein in accordance with the terms of the certificate. Veterans shall be entitled to acquire the quantity of property for which they are certified, subject to such equitable distribution among veterans as may be adopted by the disposal agency pursuant to the provisions of § 8302.4(b) or §8302.9(c), before such property may be made available to lower priority or non-priority claimants. Special effort shall be made to insure that property available to veterans may be inspected by them. Surplus property may be offered for sale to veterans on credit on terms and conditions established by the disposal agencies.

§ 8302.9 *Transfers and disposals to priority claimants.* (a) Subject to the provisions of § 8302.10 in the case of Government agencies, disposal agencies shall transfer or dispose of surplus property to a priority claimant in quantities not smaller than the smallest lot consistent with commercial practice and at the fair value of such property as provided in § 8302.11. Disposal agencies shall make such transfers of surplus property to a Government agency without reimbursement or transfer of funds whenever a transfer on such terms by the owning agency by which such property was declared surplus would be authorized by any law approved subsequent to June 21, 1944 to be made to the agency desiring such property. The agency desiring such property without reimbursement or transfer of funds shall pay all transportation charges but not the cost of packing and shall furnish when necessary a Government bill of lading bearing identification of the appropriation against which such transportation charges are to be charged.

(b) Except in the case of transfers to Reconstruction Finance Corporation as successor to Smaller War Plants Corporation for resale under section 18 (e) of the Surplus Property Act of 1944, and disposals to veterans of property to be resold with or without processing or fabrication in the regular course of business, transfers or disposals to priority claimants shall be for their own use only and not for transfer or disposition by them to others, and disposal agencies may require priority claimants so to certify. Title to property being acquired by priority pursuant to the provisions of this part shall not be transferred or consigned by the disposal agency to any per-

son other than the acquiring priority claimant, except in the case of purchases by Reconstruction Finance Corporation under section 18 (e) of the Surplus Property Act. In acquiring property by priority under the provisions of this part, veterans may take title only in their own names or in the names of their own business or professional or agricultural enterprises as defined in § 8302.1 (b) (4), and payment shall be made by such veterans or such enterprises. The priorities granted pursuant to the provisions of this part may not be assigned or transferred to others. The provisions of this paragraph (b) shall not apply to the exercise of any authority under the Veterans Emergency Housing Act of 1946,[6] or under the Second War Powers Act of 1942[7] directing disposals to a specified class of purchasers or to specifically named purchasers.

(c) Disposal agencies shall adopt procedures designed to distribute surplus property equitably among claimants entitled to the same priority and shall fill orders in the sequence in which they were received, or on such other equitable basis as the disposal agency may determine in any case where it has reason to believe that the quantity of any type of property available at any time will be insufficient to supply the needs of all claimants in a given priority class. In such event disposal agencies may establish the maximum quantity which may be acquired by any one priority claimant within the same class at any one time.

(d) Priority claimants may place orders with a disposal agency at any time, and such orders shall be filled from any available surplus property, subject to the provisions of §§ 8302.4, 8302.5, and 8302.6. If no property is available or likely to become available, the disposal agency shall notify the claimant and upon the dispatching of such notification the order shall lapse. Unless the advertising otherwise states, property already advertised for public competitive bids or for sale at auction or for immediate purchase at a fixed time and property specifically selected by a prospective purchaser shall not be considered available. No property shall be offered for disposal to non-priority claimants unless it has first been offered to priority claimants or necessary provision has been made for reservations for priority claimants in accordance with § 8302.6.

§ 8302.10 *Transfers of surplus standard administrative and maintenance property to the Treasury Department and acquisition of such property by Government agencies.* (a) In order to facilitate the transfer of surplus property from one Government agency to other Government agencies for their own use and not for transfer or disposition to others outside the Government, the Treasury Department as the central procurement agency of the Government may acquire from the disposal agencies such quantities of surplus standard administrative and maintenance property as it needs to satisfy the requirements for such property of all Government agencies within the continental United States, other than the War Department, Navy Department, and Veterans Administration, and other than each disposal agency for the types of property for which it is designated as such under Part 8301.[8] Government agencies shall cooperate with the Treasury Department in compiling estimates and shall provide the Treasury Department with such information concerning their requirements as it may need in order to promote the fullest utilization of surplus property.

(b) Disposal agencies shall transfer surplus standard administrative and maintenance property to the Treasury Department in accordance with the provisions of § 8302.9 and at a fair value which reflects the estimated expenses to be incurred by the Treasury Department in making distribution to Government agencies, and the Treasury Department shall promptly upon such transfer take possession and assume responsibility for the care, handling, and disposition of such property.

(c) It shall be the responsibility of all such Government agencies, in order to avoid making purchases of such property through commercial channels when such property is available from surplus, continuously to consult the stock catalogues issued by the Procurement Division of the Treasury Department.

(d) Except in cases where transfers may be made without reimbursement or transfer of funds, no Government agency other than the War Department, Navy Department, and Veterans' Administration, and other than each disposal agency for the types of property for which it is designated as such under Part 8301, shall within the continental United States acquire by direct transfer from a disposal agency any type of surplus standard administrative or maintenance property which is offered for disposal by the Treasury Department and immediately available for acquisition by such Government agency; *Provided*, That if none of a desired type of property is immediately available for acquisition by a Government agency, such agency may purchase such desired property directly from the disposal agency; and *Provided, further*, That Reconstruction Finance Corporation, as successor to Smaller War Plants Corporation, shall be entitled to acquire any such property from a disposal agency for resale under section 18 (e) of the Surplus Property Act of 1944.

§ 8302.11 *Fair value.* Disposal agencies shall fix the fair value at which property shall be acquired by priority claimants. Such fair value shall not be greater than the lowest price which is offered to any trade level at the time of acquisition by the priority claimant.

§ 8302.12 *Acquisitions by priority claimants without exercising priority.* In addition to acquiring property under §§ 8302.5 and 8302.6, Government agencies, except as to standard administrative and maintenance property desired for their own use, and State and local governments shall be entitled to submit offers whenever surplus property is otherwise offered for sale, without regard for the location of the property, but shall not be entitled to priority. Government agencies may under this section acquire any surplus property (including standard administrative and maintenance property) for transfer or disposition to others, including transfers or dispositions to the United Nations Relief and Rehabilitation Administration. Nothing in this part shall prevent veterans from acquiring any property directly from a disposal agency without exercising priority if they are included within the class of buyers to whom the disposal agency is offering such property. Such purchases made by a priority claimant without priority shall be governed by the prices, terms, and conditions of the offering made by the disposal agency and not pursuant to any other provisions of this part.

§ 8302.13 *Records and reports.* Owning and disposal agencies shall prepare and maintain such records as will show full compliance with the provisions of this part and with the applicable provisions of the act. Reports shall be prepared and filed with the War Assets Administrator in such manner as may be specified by orders issued under this part subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 8302.14 *Regulations by disposal agencies to be reported to the War Assets Administrator.* Each disposal agency shall file with the War Assets Administrator copies of all regulations, orders, and instructions of general applicability which it may issue in furtherance of the provisions, or any of them, of this part.

This revision of this part shall become effective August 19, 1946.

ROBERT M. LITTLEJOHN,
Administrator.

AUGUST 19, 1946.

PROPERTY TO BE SET ASIDE FOR VETERANS

MOTOR VEHICLES

	Commodity Classification	
Trucks, amphibian, ¼ ton, 4 x 4	90	1001
Carrier, light cargo (the weasel)	90	1002
Trucks:		
"The Jeep", ¼ ton, 4 x 4	90	1003
Carry-all, ½ ton, 4 x 2	90	1004
Canopy express, ½ ton, 4 x 2	90	1005
Pickup, ½ ton, 4 x 2	90	1006
Panel delivery, ½ ton, 4 x 2	90	1007
Carry-all, ½ ton, 4 x 4	90	1008
Command reconnaissance, ½ ton, 4 x 4	90	1009
Emergency repair, ½ ton, 4 x 4	90	1010
Panel delivery, ½ ton, 4 x 4	90	1011
Pickup, ½ ton, 4 x 4	90	1012
Radio, ½ ton, 4 x 4	90	1013
Weapons carrier, ½ ton, 4 x 4	90	1014
Panel delivery, ¾ ton, 4 x 2	90	1015
Pickup, ¾ ton, 4 x 2	90	1016
Carry-all, ¾ ton, 4 x 4	90	1017
Command, ¾ ton, 4 x 4	90	1018
Emergency repair, ¾ ton, 4 x 4	90	1019

[6] 60 Stat. 207.
[7] 56 Stat. 176; 50 U. S. C. Sup. IV App. § 631-645a.
[8] Reg. 1 (10 F.R. 14064; 11 F.R. 2602, 3035.

MOTOR VEHICLES—continued

Trucks—Continued	Commodity Classification	Code
Light maintenance and installation, ¾ ton, 4 x 4	90	1020
Weapons carrier, ¾ ton, 4 x 4	90	1021
Canopy express, 1 ton, 4 x 2	90	1022
Pickup, 1 ton, 4 x 2	90	1023
Combination stake and platform, 1½ ton, 4 x 2	90	1024
Cargo, 1½ ton, 4 x 2	90	1025
Canopy express, 1½ ton, 4 x 2	90	1026
Dump, 1½ ton, 4 x 2	90	1027
Panel delivery, 1½ ton, 4 x 2	90	1028
Pickup, 1½ ton, 4 x 2	90	1029
Bomb service, 1½ ton, 4 x 4	90	1031
Cargo, 1½ ton, 4 x 4	90	1032
Combination stake and platform, 15 ft., 1½ ton, 4 x 4	90	1033
Combination stake and platform, c. o. e., 1½ ton, 4 x 4	90	1034
Dump, 1½ ton, 4 x 4	90	1035
Panel delivery, 1½ ton, 4 x 4	90	1036
Panel delivery, 1½ ton, 4 x 4 (K–51)	90	1037
Ordnance maintenance, 1½–3 ton, 4 x 4	90	1038
Cargo, 2½ ton, 4 x 2	90	1039
Combination stake & platform, 2½ ton, 4 x 2	90	1040
Dump, 2½ ton, 4 x 2	90	1041
Cargo,[1] 2½ ton, 6 x 4	90	1042
Searchlight, c. o. e.,[1] 2½ ton, 6 x 4	90	1043
Tractor, 1½ ton, 4 x 2	90	1044
Tractor, 1½ ton, 4 x 4	90	1045
Tractor, 2½ ton, 4 x 2	90	1046
Tractor, c. o. e., 2½ ton, 4 x 4	90	1047
Tractor,[1] 2½ ton, 6 x 4	90	1048
Ambulances:		
½ ton, 4 x 4	90	1049
¾ ton, 4 x 4[2]	90	1050
Metropolitan, all types, ¾ ton, 4 x 2	90	1051
Field, 1½ ton, 4 x 2	90	1052
Buses:		
Sedan, converted, 15-passenger, 4 x 2	90	1075
Passenger, 25-passenger	90	1076
Commercial type, 20–29 passenger, 1½ ton, 4 x 2	90	1077
Car:		
Passenger, light, all body types, 4 x 2	90	1079
Passenger, medium and heavy, all body types, 4 x 2	90	1080
Station Wagon, including auxiliary ambulance station wagon, 4 x 2	90	1081
Motorcycle, all types, 2 x 1 and 3 x 1	90	1085
Scooter, motor, w/o package carrier, all types	90	1086

TRAILERS

Cargo, amphibian, ¼ ton	90	1101
Airdrome utility, ½ ton	90	1103
Van, public address, ½ ton	90	1104
Cargo, 1 ton	90	1105
Mobile communication, 1 ton	90	1106
Cargo, K–52 and K–63, 1 ton	90	1107
Van, 2-horse, 1 ton	90	1108
Pigeon loft, 1 ton	90	1109
House, all types	90	1111
Tandem axle, searchlight, 2 ton	90	1113
Airdrome utility, 2½ ton	90	1115
Laboratory, photographic, type A–2	90	1118
Bomb[1]	90	1120
Semitrailer, van, 1½ ton	90	1124
Semi, map reproduction equipment van, 2½ ton	90	1125
Semi, van, 3 ton (6 ton gross)	90	1126
Semi, stake and platform, 3½ ton (6 ton gross)	90	1127
Semi, K–72, 7 ton gross	90	1123
Semi, combination animal and cargo, 6 ton (10 ton gross)	90	1131
Semi, van, 6 ton (10 ton gross)	90	1129

[1] Not less than 10% reserve for veterans set-aside.

[2] Not less than 25% reserve for veterans set-aside.

TRAILERS—continued

	Commodity Classification	Code
Semi, clothing repair,[1] 6 ton (10 ton gross)	90	1130
Semi, shoe repair,[1] 6 ton (10 ton gross)	90	1132
Semi, textile repair,[1] 6 ton (10 ton gross)	90	1133
Semi, cargo, 7 ton (10 ton gross)	90	1134
Semi, tank, water, 1,500 gal	90	1135
Semi, fuel servicing, 2,000 gal. Type F–2	90	1136
Semi, fuel servicing, 2,000 gal. Type F–2A	90	1137
Track-laying tractors, 29.49 DBHP or equivalent:		
Gas	90	2011
Diesel	90	2012
International, TD–6.		

TRACTORS

Track-laying tractors, 36 to 45 DBHP:		
Gas	90	2021
Diesel	90	2022
Caterpillar, D4 and R4.		
Cleveland tractor, BD and BG.		
International, T–9 and TD–9.		
Track-laying tractors, 46 to 60 DBHP:		
Gas	90	2031
Diesel	90	2032
Allis-Chalmers, HD–7 and K.		
Caterpillar, D–6.		
Cleveland tractor, DD and DG.		
International, TD–14.		
Track-laying tractors, 61 to 90 DBHP:		
Gas	90	2041
Diesel	90	2042
Allis-Chalmers, HD–10 and S.		
Caterpillar, D–7.		
International, TD–18.		
Track-laying tractors, 91 to 140 DBHP:		
Gas	90	2051
Diesel	90	2052
Allis-Chalmers, HD–14 and L.		
Caterpillar, D–8.		
Cleveland Tractor, FD and FG.		

CONSTRUCTION, MINING, EXCAVATING MACHINERY, AND GENERAL PURPOSE MACHINERY

Tractor-type scrapers, towed:		
3½ yd	90	3001
6 yd	90	3002
8 yd	90	3003
10 yd	90	3004
12 yd	90	3005
Air compressors: Portable air compressors, truck or skid mounted, up to and including 500 CFM.:		
Stationary type air compressors of 30 CFM and under:		
30 CFM and under, stationary	90	3011
105 CFM skid mounted	90	3012
105 CFM truck mounted	90	3013
210 CFM	90	3014
315 CFM	90	3015
500 CFM	90	3016
Batching plants, 105-ton capacity	90	3020
Rock crushers, crushing and screening plants: 25 ton or under, per hour	90	3030
Ditching machines:		
Crawler mounted, ladder	90	3041
Crawler mounted, wheel	90	3042
Cranes (shovel and draglines and other attachments):		
Truck mounted cranes	90	3051
Crawler cranes:		
⅜ cu. yd	90	3052
½ cu. yd	90	3053
¾ cu. yd	90	3054
1¼ to 1½ cu. yd	90	3055
1¾ to 2 cu. yd	90	3056
2½ cu. yd	90	3057
Mixers, concrete, plaster and mortar: (10 sacks and under)	90	3070

[3] Not less than 10% of inventory shall be made available to the veterans set-aside list.

CONSTRUCTION, MINING, EXCAVATING MACHINERY, AND GENERAL PURPOSE MACHINERY—Continued.

Lift trucks:	Commodity Classification	Code
Fork type lift:		
Gas	90	3101
Electric	90	3102
Platform lift:		
Gas	90	3103
Electric	30	3104
Bench grinder: (common to the small repair shop use, not to exceed ½ hp. rated drive)	90	3120
Fractional horsepower motors: All fractional hp., alternating and direct current motors except aircraft type	90	3130

AGRICULTURAL EQUIPMENT AND SUPPLIES

Land levelers	90	4010
Plows:		
Walking plows	90	4020
One horse	90	4021
Two horse or more	90	4022
Tractor plows, moldboard	90	4030
One bottom, drawn or mounted	90	4031
Two bottom, drawn or mounted	90	4032
Three bottom, drawn or mounted	90	4033
Four bottom, drawn	90	4034
Five bottom and over, drawn	90	4035
Disk plows, tractor drawn or mounted	90	4040
One furrow	90	4041
Two furrow	90	4042
Three furrow	90	4043
Four furrow	90	4044
Five furrow or larger	90	4045
One way disk:		
6 feet and under	90	4046
Over 6 feet	90	4047
Barbed wire (one spool equals 100# or approximately 85 rods long). Tremendous demand and a very limited inventory—certification shall be limited to 10 spools per veteran farmer	90	4101

MEDICAL, SURGICAL, DENTAL AND VETERINARY APPARATUS, EQUIPMENT AND INSTRUMENTS

Medical equipment:		
Sphygmomanometers:		
Aneroid	90	5101
Mercurial	90	5102
Electro-cardiographs	90	5103
Basal metabolar	90	5104
Cystoscope	90	5105
Cysto-urethroscope (panendoscope)	90	5106
Ophthalmoscope, electric	90	5107
Otoscope, electric	90	5108
Otoscope and ophthalmoscope, combined electric	90	5109
Resectoscope	90	5110
Supplemental eye injury set, complete	90	5111
Eye, ear, nose and throat, diagnostic cases, complete	90	5112
Electro-cauteries	90	5113
Slit lamps	90	5114
Ophthalmic, trial lenses sets	90	5115
X-ray medical equipment and accessories:		
X-ray, field unit, table unit	90	5201
X-ray, field mobile unit	90	5202
X-ray, generating equipment:		
200 MA generator, plus tilt table	90	5203
100 MA generator, plus tilt table	90	5204
30 MA mobile unit, office type and field type	90	5205
15 MA portable	90	5206
Verticle fluoroscope	90	5208
Cassette changer	90	5209
Large stereoscope	90	5210
1 position table for radiography, with Bucky diaphragm	90	5211
X-ray illuminator, 14 x 17	90	5212
X-ray cassettes with screens, 8 x 10, 10 x 12 and 14 x 17	90	5213

MEDICAL, SURGICAL, DENTAL AND VETERINARY APPARATUS, EQUIPMENT AND INSTRUMENTS—continued

	Commodity Classification	
X-ray medical equipment and accessories—Continued.		
X-ray intensifying screens, pairs, 8 x 10, 10 x 12 and 14 x 17	90	5214
X-ray developing unit	90	5215
X-ray cooling unit	90	5216
Film exposure holders, 8 x 10, 10 x 12 and 14 x 17	90	5217
X-ray developing hangers, 8 x 10, 10 x 12 and 14 x 17	90	5218
X-ray film dryer	90	5219
Physiotherapy equipment:		
Electric baker	90	5301
Whirlpool bath:		
Arm bath	90	5302
Leg bath	90	5303
Diathermy apparatus, 110-volt, 60-cycle:		
1 conventional circuit	90	5304
2 crystal control circuit	90	5305
Sinusoidal machines, portable for galvanic, faradic and sinusoidal currents, 110-volt, 60-cycle	90	5306
Infrared lamp: Carborundum heating elements, 1000 watts; 600 watts	90	5308
Quartz, mercury, ultra violet lamp, 100-volt, 60-cycle	90	5309
Fever therapy cabinet	90	5310
Laboratory equipment:		
Microscopes:		
Binocular	90	5401
Monocular	90	5402
Stereoscopic	90	5403
Microscope accessories:		
Darkfield illuminator	90	5405
Subtage lamps	90	5406
Mechanical stage	90	5407
Stereoscope	90	5408
Analytical balances	90	5409
Microtome	90	5410
Haemocytometer	90	5411
Colorimeter—Duboscq (only)	90	5412
Haemoglobinometer	90	5413
Electric-centrifuges, 110-volt, 60-cycle, clinical	90	5414
8 tube head.		
16 tube head.		
Incubators, bacteriological	90	5415
Miscellaneous hospital equipment:		
Operating table, physicians	90	5501
Examining table, physicians, straight, orthopedic and urological	90	5502
Operating lamp, physicians	90	5503
Instrument cabinet	90	5504
Stool, white enamel	90	5505
Eye, ear, nose and throat examining chair (specialist chair)	90	5506
Physician's office scales	90	5507
Oxygen therapy apparatus	90	5508
Anesthesia apparatus, portable	90	5509
Dental equipment and supplies:		
Box viewing for dental films	90	5601
Cabinet, dental	90	5602
Chairs, dental, operating	90	5603
Compressor unit, 110-volt, 60-cycle, 12-gal	90	5604
Compressor unit, 110-volt, 60-cycle, 40-gal		
Elevator winter #1 L	90	5605
Elevator winter #1 R	90	5606
Elevator winter #135	90	5607
Engine, electric bench mounted	90	5608
Engine, mobile	90	5609
Engine handpiece angle—hexagonal sleeve	90	5610
Engine handpiece angle (old type) round sleeve		
Engine handpiece straight—hexagonal nose sheath		
Engine handpiece straight (old type) with round nose sheath		

MEDICAL, SURGICAL, DENTAL AND VETERINARY APPARATUS, EQUIPMENT AND INSTRUMENTS—continued

	Commodity Classification	
Dental equipment and supplies—Continued.		
Forceps:		
Bone, Rongeur #5 S	90	5611
Bone, Rongeur #4 A	90	5612
Tooth Extracting #18 R	90	5613
Tooth Extracting #18 L	90	5614
Tooth Extracting #65	90	5615
Tooth Extracting #103	90	5616
Tooth Extracting #150 A	90	5617
Tooth Extracting #151 A	90	5618
Tooth Extracting #210	90	5619
Tooth Extracting #215	90	5620
Furnace electric, large	90	5632
Furnace electric, small	90	5633
Heater for compound	90	5634
Lamp operating, wall bracket type	90	5635
Lamp operating, unit attachment type		
Lathe, dental 110-volt, 60-cycle	90	5636
Lathe, dental, heavy duty, 110-volt, 60-cycle	90	5637
Machine casting, large	90	5638
Machine casting, small	90	5639
Machine, soldering dental	90	5640
Unit, aspirating, portable	90	5641
Unit, operating dental:		
110-volt, 25-cycle	90	5642
110-volt, 60-cycle		
110-volt, D. C		
110-volt, 50-cycle		
220-volt, 60-cycle		
Vibrator, electric	90	5643
Machine, X-ray, dental, shock proof 110- to 220-volt, 60-cycle	90	5644
Sterilizer, instrument, small, 110-volt, 60-cycle	90	5645
Dental anesthetic apparatus, nitrous oxide gas	90	5646
Veterinarian equipment:		
Case, dental, veterinary, complete	90	5701
Case, general operating, veterinary, complete	90	5702

OFFICE MACHINES, APPLIANCES, AND FURNITURE

Typewriters:		
Portable	90	6010
Standard	90	6020
Cash registers:		
Electric	90	6031
Nonelectric	90	6032
Dictating machines and collateral equipment:		
Dictating machines	90	6041
Transcribing machines	90	6042
Cylinder shaving machines	90	6043
Conference and telephone recording machines	90	6044
All other dictating machines and collateral equipment	90	6049
Duplicating machines:		
Spirit duplicating machines	90	6051
Stencil duplicating machines	90	6052
Ink ribbon duplicating machines	90	6053
Gelatin duplicating machines	90	6054
Offset duplicating machines	90	6055
Reproducing typewriters	90	6056
All others—duplicating machines	90	6059
Computing machines:		
Adding machines	90	6061
Calculating machines	90	6062
Comptometers	90	6063
Office furniture—50% of the inventory of the metal and wood office furniture listed below will be put on the Veterans Set-Aside List:		

OFFICE MACHINES, APPLIANCES, AND FURNITURE—continued

	Commodity Classification	
Office furniture—Continued.		
Desk—"Top" executive, 72" flat top, mahogany, oak, or walnut finish; lock, double pedestal, 4 or 6 legs, 6 or 7 drawers, metal or wood hardware, open or sealed back. (NOTE: The relatively few items are easily distinguished from the regular type desk by the superior hardware, finish and molding, generally has rounded corners and edges, and matched woods)	90	6501
Desk—"Top" executive, 66" flat top, mahogany, oak, or walnut finish; lock, double pedestal, 4 or 6 legs, 6 or 7 drawers, metal or wood hardware, open or sealed back. (NOTE: The relatively few items are easily distinguished from the regular type desk by the superior hardware, finish, and molding, generally has rounded corners and edges, and matched woods)	90	6502
Desk—Executive or regular, 60" flat top, mahogany, oak or walnut finish, double pedestal, w/o locks, metal or wood drawer handles, 6 or 7 drawers; veneered sides and top; w/o drawer guides; open or sealed back; double or single	90	6503
Desk—Executive or regular, under 60", flat top, mahogany, oak, or walnut finish; double or single pedestal, with or without locks; metal or wood drawer handles, 6 or 7 drawers; veneered sides and top; with or without drawer guides; open or sealed back; single	90	6504
Desk—Flat top; Victory; approximately 42 x 34", 2-drawer	90	6505
Desk—"Top" stenographic, left or right pedestal, 60" or over, mahogany, oak, or walnut finish, metal or wood hardware, open or sealed back. (NOTE: The relatively few items are easily distinguished from the regular type desk by the superior hardware, finish and molding, generally has rounded corners and edges and matched woods)	90	6506
Desk—Stenographers' or typewriter desk, 60", mahogany, oak, or walnut finish, typewriter drop center, right or left side; with or without locks; double or single pedestal	90	6507
Desk—Stenographers' or typewriter desk, under 60", mahogany, oak, or walnut finish, double pedestal, with or without lock; typewriter drop center, right or left side; double or single pedestal	90	6508
Desk—Stenographers', Victory: approximately 42" x 34", 1 drawer, well for typewriter	90	6509
Chairs—Office, non-swivel chairs with arms; all types of backs, arms and legs, including "Bank of England" type; any type of finish	90	6510
Chairs—Office, w/o arms, non-swivel; all types of backs and legs; any type of finish	90	6511
Chairs—Stenographers' posture; any type of stenographers' chairs with mechanism to adjust back for posture; any type of finish	90	6512

OFFICE MACHINES, APPLIANCES, AND FURNITURE—continued

	Commodity Classification	
Office furniture—Continued.		
Chairs—Stenographers' regular, all types of swivel chairs w/o arms, except posture; any type of finish (not including Victory)	90	6513
Chairs—Swivel, plain, with arms, full swivel (metal) tilting; back may be padded, including "Bank of England"; all types of finish	90	6514
Chairs—Swivel, no tilt, Victory type with wooden mechanism	90	6515
Chairs—"Top" executive, upholstered back, seat, non-swivel or full swivel (metal) tilting with upholstered arms	90	6516
Filing cabinets, metal or wood, recomended set-aside 100%, Cabinets, file, vertical, letter, legal, or cap size, with or without locks, suspension arms; any type of finish:		
5-drawer.		
4-drawer.		
3-drawer.		
2-drawer.		
Cabinets—file, metal, vertical, letter, legal or cap size, with or without locks, any type of finish	90	6521
Cap-size: Inside dimensions: 15½ x 10$^{13}/_{16}$ x 26½; with follower block; any type finish.		
Letter-size: Inside dimensions: 12¼ x 10$^{13}/_{16}$ x 26½; with follower block; any type finish.		
Cabinets—file, Victory, wooden, vertical, wood slides for drawers, in place of suspension arms; no locks; any type of finish	90	6522
Cabinets—steel (used), filing, insulated, record container; one hour fire resisting; with impact and explosion test	90	6523
Cap-size: Inside dimensions: 15½ x 10$^{13}/_{16}$ x 26½; with follower block; any type finish.		
Letter-size: Inside dimensions: 12¼ x 10$^{13}/_{16}$ x 26½; with follower block; any type finish.		
Tables—Conferences; 72" or over, with or without drawers; any type of finish	90	6531
Tables—Conference; 60"; with or without drawers; any type of finish	90	6532
Tables—36", with or without drawers; any type finish	90	6533
Tables— Telephone, top approximately 16" x 22"	90	6534
Tables—Typewriter, with or without rollers	90	6535

HARDWARE, ELECTRICAL EQUIPMENT, AND REFRIGERATION

Tool kits—complete with tools:		
Carpenters	90	7001
Machinists	90	7002
Food preparation electrical appliances. Two like items shall be the limit to any veteran who is presently engaged in the bakery or restaurant business or who intends to enter this type business. (110–220 A. C. or D. C. current):		
Slicers, meat, commercial	90	7011
Grinders, meat, commercial, not to exceed 1½ hp	90	7012

HARDWARE, ELECTRICAL EQUIPMENT, AND REFRIGERATION—continued

Food preparation electrical appliances—Continued.		
Cutters, bone or meat, commercial	90	7013
Choppers, food and meat, commercial not exceeding 23" diameter bowl	90	7014
Kettles, deep fat fry, not to exceed 20 lbs. capacity	90	7015
Dough mixers, commercial, not to exceed 2 barrel capacity	90	7016
Bread slicing machines, not to exceed ½ hp	90	7017
Toaster, commercial, not over 8-slice capacity	90	7018
Food mixers, commercial, vertical type not to exceed 80 quarts capacity	90	7019
Potato peelers, not to exceed 45 lbs. capacity	90	7020
Coffee urns, not to exceed 8 gal. capacity	90	7021
Coffee grinders, not to exceed ½ hp	90	7022
Juice extractors, commercial	90	7023
Ovens, baking, commercial, not to exceed 4 decks	90	7024
Ranges, commercial, not to exceed 8 burner (gas, electric or wood)	90	7025
Hot plates, commercial type (gas or electric)	90	7026
Dish washers, commercial, not to exceed 2 hp	90	7027
Refrigerators:		
Commercial, reach-in type	90	7051
Commercial, walk-in type	90	7052
Refrigerated display cases	90	7053

GENERAL PRODUCTS

Photographic equipment:		
Motion picture cameras:		
35 mm. silent	90	8001
35 mm. sound	90	8002
16 mm. silent, sound	90	8003
Still cameras, except aerial:		
Roll film type:		
Folding hand type	90	8011
Reflex hand type, except 35 mm	90	8012
Microfilm, 35 mm	90	8013
Roll film type cameras, not elsewhere classified	90	8019
Still cameras, except roll film type and aerial:		
Studio	90	8021
View	90	8022
Photo-engraving and process	90	8023
Press:		
Reflex type	90	8024
Press type, except reflex	90	8025
Projectors (all types, except bomb spotting):		
Motion picture projectors:		
35 mm	90	8031
16 mm. sound	90	8032
16 mm. silent	90	8033
Still projectors, except microfilm viewers:		
Transmission type:		
35 mm. silent	90	8034
35 mm. sound	90	8035
Lantern slide	90	8036
Reflection type	90	8037
Film and paper dryers, all types except aerial	90	8040
Printers—All types except 16 mm. and 35 mm. continuous motion picture printers	90	8050
Enlargers, all types except microfilm	90	8060
Binoculars—All types of binoculars and field glasses	90	8200
Jewelry items of the following: wrist watches, all types, new only	90	8301

GENERAL PRODUCTS—continued

Recreational items of the following:		
Sleeping bags:		
Arctic and shelter type	90	8401
Mountain types	90	8402
Life rafts:		
Pararafts—1-man size	90	8411
Pneumatic:		
1-man size	90	8412
2-man size	90	8413
3-man size	90	8414
4-man size	90	8415
5-man size	90	8416
6-man size	90	8417
7-man size	90	8418
10-man size	90	8419

SURVEYING EQUIPMENT

Transits, all types, with or without tripods	90	8510
Surveyors' levels, with or without tripods	90	8520
Alidades, telescopic	90	8530
Theodolites, except meteorological and self-recording	90	8540
Surveyors' tapes and chains, 100 ft., 150 ft., 200 ft., and 300 ft	90	8550
Level rods, all types	90	8560
Abney hand levels	90	8570
Drafting instruments, complete sets	90	8580

STRUCTURES

All prefabricated structures *except* hangars, quonset huts over 20 feet in width, warehouses and special purpose buildings such as ammunition magazines, hospitals, other than those described above are classified as follows:		
Wood structures	90	8610
Steel structures	90	8620

[F. R. Doc. 46–16392; Filed, Sept. 10, 1946; 10:48 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

PART 6—SECURITY OF PORTS AND THE CONTROL OF VESSELS IN THE NAVIGABLE WATERS OF THE UNITED STATES

SUBPART B—SPECIAL REGULATIONS FOR CERTAIN LOCALITIES

Part 6 is amended by adding a new *Subpart B—Special Regulations for Certain Localities* and §§ 6.003–1 to 6.003–7, inclusive, which read as follows:

Sec.

6.003–1 Captain of the Port, New York, N. Y.; obtaining special permission.

6.003–2 Anchorage and restricted areas; Gravesend Bay Anchorage, N. Y.

6.003–3 Anchorage and restricted areas; Lower Bay Anchorages, N. Y.

6.003–4 Anchorage and restricted areas; Newark Bay anchorages.

6.003–5 Anchorage and restricted areas, Upper Bay Anchorages, N. Y.

6.003–6 Movements of vessels within Port of New York restrictions.

6.003–7 Vessels carrying explosives within Port of New York.

AUTHORITY: §§ 6.003–1 to 6.003–7, inclusive, issued under section 1, 55 Stat. 763, 50 U. S. C. 191c, and 33 CFR 6.9, 6.28.

§ 6.003–1 *Captain of the Port, New York, N. Y.; obtaining special permission*—(a) *General.* The regulations promulgated by the Captain of the Port, New York, N. Y., requires special permission to be granted before certain things may be done. The Captain of the Port may be reached at United States Coast Guard, 42 Broadway, New York 4, N. Y., or by calling WHitehall 3–2300, extension 285 or 295.

(b) *Special anchorages.* If anchorages are desired at variance with the regulations in this part, special permission must be obtained from the Captain of the Port to permit such anchorages.

(c) *Pleasure craft.* Before pleasure craft navigate in certain areas restricted by regulations in this part, special permission must be obtained from the Captain of the Port.

(d) *Fishing.* Before fishing in prohibited areas established by regulations in this part, special permission must be obtained from the Captain of the Port.

(e) *Explosives.* Permits to load ammunition or move vessels carrying explosives must be obtained from the Captain of the Port.

§ 6.003–2 *Anchorage and restricted areas; Gravesend Bay Anchorage, N. Y.*—(a) *Anchorage No. 25.* Section 6.3–25 establishes Anchorage No. 25. By regulations of the Captain of the Port, New York, movement within Anchorage No. 25 is restricted as follows:

(1) The upper part of Gravesend Bay Anchorage shall be used only by vessels carrying explosives, both naval and commercial, and the lower part shall be used only by naval vessels. Vessels carrying explosives and naval vessels may anchor without first obtaining the assignment of a specific anchorage berth within areas assigned.

(2) Within these waters fishing and navigation by pleasure craft are prohibited at all times, unless special permission is granted by the Captain of the Port, New York, N. Y., or pleasure craft navigate the route permitted in subparagraph (3) of this paragraph.

(3) Pleasure craft may transit these waters by taking a route in either direction inshore of the Coney Island Channel Bell Buoy No. 12; then around Norton's Point, Coney Island, 500 yards offshore to Nun Buoy No. 2 in the Marine Basin Channel; then to the foot of Bay Parkway, Brooklyn, following as close to the Brooklyn shoreline as practicable, passing close aboard Nun Buoy No. 20; then close, but to the westward of Fort Lafayette.

§ 6.003–3 *Anchorage and restricted areas; Lower Bay Anchorages, N. Y.*—(a) *Anchorage No. 26A.* Section 6.3–30 establishes Anchorage No. 26A. By regulations of the Captain of the Port, New York, N. Y., movement within Anchorage No. 26A is restricted as follows:

(1) Within the area described in subparagraph (2) of this section fishing and navigation by pleasure craft are prohibited at all times, unless special permission is granted by the Captain of the Port, New York.

(2) The area within Sandy Hook Bay bounded by a line running from the east bank of Compton Creek, N. J., to Compton Creek Buoy C7; then to Chapel Hill Channel Buoy C3; then to Sandy Hook Channel Buoy N16; then to Shrewsbury Bell Buoy FLR No. 2; then to the easterly tip of Atlantic Highlands Breakwater is restricted.

§ 6.003–4 *Anchorage and restricted areas; Newark Bay anchorages*—(a) *Anchorage No. 37.* Section 6.3–40 (e) establishes Anchorage No. 37. By regulations of the Captain of the Port, New York, N. Y., movement within Anchorage No. 37 is restricted as follows:

(1) Within these waters fishing and navigation by pleasure craft are prohibited at all times, unless special permission is granted by the Captain of the Port, New York, N. Y.

(2) This area has been designated as an "Excess Naval Berthing Site."

§ 6.003–5 *Anchorage and restricted areas; Upper Bay Anchorages, N. Y.* Section 6.3–20 establishes Anchorages Nos. 20, 20A, 20B, 21, 21A, 21B, 21C, 22, 23, and 24. By regulations of the Captain of the Port, New York, vessels may use certain of these anchorages without the assignment of a specific anchorage berth from the Coast Guard under the following conditions:

(a) *Liberty anchorage.* The upper part of Anchorage No. 20A will be used only by deep loaded barges, and such barges must not anchor north of the East River Range. North of that range is a cable area. Anchorage No. 20A abreast of Liberty Light will be used only by colliers. The lower part of Anchorage No. 20A will be used only by deep loaded vessels. Anchorage No. 20B will be used only by naval vessels.

(b) *Red Hook Flats (Bay Ridge) anchorages.* Anchorage No. 21A will be used only by barges. Anchorage No. 21B will be used only by light draft ships. In emergencies, loaded vessels may anchor in the lower part of Anchorage No. 21B. Anchorage No. 21C will be used only by light draft vessels and barges.

(c) *Staten Island anchorages.* Anchorage No. 22 will be used only by naval vessels. Commercial vessels may anchor in Anchorage No. 22 for a short period of time providing the pilot remains aboard to shift the vessel on notice. Anchorage No. 23 will be used only by loaded tank vessels and other deep draft vessels.

(d) *Quarantine anchorage.* Anchorage No. 24 is the quarantine anchorage and is divided into two sections: Upper and lower Quarantine. Upper Quarantine extends from Pier 24, Staten Island, to Pier 18, Staten Island, and ships may remain in this area for not longer than 24 hours after receiving pratique. Ships using the lower Quarantine must vacate the anchorage immediately upon receipt of pratique.

§ 6.003–6 *Movement of vessel within Port of New York restrictions*—(a) *Arthur Kill.* All vessels navigating Arthur Kill shall reduce speed while passing Port Socony to that required for bare steerageway, using tugs if necessary in cases where steerageway may not be maintained at speeds low enough to insure against damage to vessels lading petroleum products.

(b) *New York Harbor.* When New York Harbor is congested, vessels bound seaward from Kill Van Kull arriving at St. George at ebb tide shall be accompanied by tugs until squared away in the main ship channel.

(c) *Stranding or sinking vessels.* Except in cases of grave emergency, no vessel shall be moved for the purpose of stranding or sinking the same at any point within the limits of the Port of New York without the prior written approval of the Captain of the Port, New York.

§ 6.003–7 *Vessels carrying explosives within Port of New York*—(a) *Special permit.* No vessel carrying explosives of any class shall move in the waters of the Port of New York without permit from the Captain of the Port, New York. No vessel shall load explosives or ammunition without a permit from the Captain of the Port, New York.

(b) *Authorization to load ammunition.* The application for the permit to load ammunition shall be submitted with a preliminary dangerous cargo stowage plan and detailed manifest of entire dangerous cargo proposed to be loaded on board the vessel to the Captain of the Port, New York. This preliminary dangerous cargo plan shall show places of stowage, the amount, and the descriptive names of all dangerous articles, but it is not necessary to indicate stowage of non-dangerous cargo. The permit to load explosives or ammunition will be granted after a satisfactory loading and stowage plan has been approved. Changes in the stowage plan may be authorized by the Captain of the Port, New York, but only if in accordance with the regulations in 46 CFR 146.

(c) *Finding unmanifested explosives.* (1) The handling of bombs, grenades, cartridges, projectiles, explosive devices, and other miscellaneous types of explosives (other than those manifested or listed as equipment or cargo), when found aboard merchant vessels in the Harbor of New York shall not be handled by anyone other than an authorized member of an Army or Navy Bomb or Mine Disposal Unit.

(2) Whenever such explosives or dangerous implements are discovered, this fact will be reported immediately to the Captain of the Port, New York, who will in turn notify the appropriate Disposal Unit.

(d) *East River or Hell Gate.* (1) All self-propelled vessels carrying military or commercial explosives shall, while navigating the East River north of Corlears Hook or Hell Gate, employ the services of tugs to assist in maneuvering, as follows: Vessels not over 3,000 gross tons, at least one tug; and vessels over 3,000 gross tons, at least two tugs. This requirement does not apply to self-propelled vessels carrying less than six tons of Class A explosives or less than 250 tons of Class B or Class C explosives, as defined in the regulations in 46 CFR 146, "Regulations Governing the Transportation, Storage, Stowage, or Use of Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels."

(2) Class A explosives as defined in 46 CFR 146 shall not be carried on non-

self-propelled vessels while navigating the East River or Hell Gate. Class B and Class C explosives in excess of 250 tons in any one tow shall not be carried on non-self-propelled vessels while navigating the East River or Hell Gate.

(3) No self-propelled or non-self-propelled vessel carrying explosives of any kind shall navigate the East River or Hell Gate from one-half hour after sunset to one-half hour before sunrise, except in emergency cases when prior authorization is specifically given by the Captain of the Port, New York, in addition to the permit mentioned in paragraph (a) of this section.

(e) *Identification of persons handling explosives.* All persons engaged in the handling, loading, unloading, or stowage of explosives on vessels in New York Harbor are required to identify themselves to the satisfaction of the Captain of the Port, New York.

Dated: September 6, 1946.

[SEAL] ED. H. SMITH,
Rear Admiral, USCG,
Captain of the Port, New York, N. Y.

[F. R. Doc. 46-16281; Filed, Sept. 9, 1946; 11:45 a. m.]

PART 6—SECURITY OF PORTS AND THE CONTROL OF VESSELS IN THE NAVIGABLE WATERS OF THE UNITED STATES

MISCELLANEOUS AMENDMENTS

Pursuant to the authority contained in section I, Title II, of the Espionage Act approved June 15, 1917, 40 Stat. 220 as amended by the act of November 15, 1941, 55 Stat. 763 (50 U. S. C. 191, 191c), and by virtue of Proclamation No. 2412 dated June 27, 1940 (3 CFR Cum. Supp.), the regulations for the Security of Ports and Control of Vessels in the Navigable Waters of the United States are amended as follows:

Subpart A—General Regulations

Section 6.9 is amended to read as follows:

§ 6.9 *Supervision of vessel's movement.* (a) The movement of any vessel between points within the area of a port shall be under the supervision and control of the Captain of the Port.

(b) Agents of all foreign flag vessels shall give accurate and timely information, to the Captain of the Port, as to the exact piers such vessels will be docked upon arrival, and such schedule strictly adhered to; i. e., that once an agent has indicated that a foreign flag vessel will dock at a certain pier, such vessel shall not proceed to any other pier, without prior approval of the Captain of the Port, except in great emergency, in which event the Captain of the Port shall be immediately notified of the facts and circumstances applicable to the case.

Subpart C—Anchorage and Restricted Areas

Sixth Naval District

A new § 6.6–115 is added reading as follows:

§ 6.6–115 *St. Johns River, Florida, Ribault Bay, prohibited area*—(a) *The Area.* All waters constituting the Turning Basin within the Mayport Coast Guard Reservation, Mayport, Florida, and inclosed by a line bearing approximately 180° from Ribault Channel Light #4, to the shoreline at a point connecting with the U. S. Coast Guard Training Station boundary line fence.

(b) *The regulations.* (1) All vessels and craft excepting those operated by the U. S. Navy or U. S. Coast Guard are prohibited from entering the above described area, except in cases of extreme emergency.

(2) This section shall be enforced by the Commander, 7th Coast Guard District, and by the Commanding Officer, U. S. Coast Guard Training Station, Mayport, Florida.

Tenth Naval District

Section 6.10–115 *St. Thomas, Virgin Islands,* restricted area (a) (3) is corrected to read as follows: The line reading "in latitude 18°20'10.6", longitude 64°54'13'2" is corrected to read "in latitude 18°20'10.6", longitude 64°55'13.2".

Twelfth Naval District

A new § 6.12–190 is added reading as follows:

§ 6.12–190 *San Francisco Bay, California, submarine operating area*—(a) *The area.* A submerged submarine operating area is established, bounded by the following lines:

Parallels through latitude 37°50'00" North, latitude 37°50'38" North.
Meridians through longitude 122°25'00" West, longitude 122°26'10" West.

(b) *The regulations.* (1) Prior notification of the dates and times of all operations will be made by local Notice to Mariners.

(2) A patrol boat will direct the movements of vessels passing in the vicinity of the operating area by means of signal light and loud hailer.

(3) Vessels traversing this area shall be alert and comply with the orders of the patrol boat.

(4) This section will be enforced by the Commandant, Twelfth Naval District, and the Commander, 12th Coast Guard District.

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

Approved: September 9, 1946.

HARRY S. TRUMAN,
The White House.

[F. R. Doc. 46-16391; Filed, Sept. 10, 1946; 10:21 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service

PART 201—NATIONAL FORESTS

TRANSFER OF LANDS

CROSS REFERENCE: For transfer of lands from Federal Farm Mortgage Corporation to Forest Service see Surplus Property Transfer Order No. 1 of Federal Farm Mortgage Corporation in notices section, *infra.*

TITLE 38—PENSIONS, BONUSES AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 5—ADJUDICATION: DEPENDENTS CLAIMS

BURIAL AND FUNERAL EXPENSES AND TRANSPORTATION OF BODIES OF VETERANS

§ 5.2700 *Filing of claim for unauthorized burial, funeral and transportation expenses.*

No change in (a) or (b).

(c) Canceled September 9, 1946.

Paragraph (d) relettered (c).

(R. S. 471, sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 2, 11, 11a, 426, 707)

[SEAL] OMAR N. BRADLEY,
Administrator.

SEPTEMBER 9, 1946.

[F. R. Doc. 46-16295; Filed, Sept. 9, 1946; 12:34 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 2—COPIES AND INSPECTION OF RECORDS, OPINIONS AND ORDERS

OPINIONS AND ORDERS

The heading of Part 2 is amended to read "Copies and Inspection of Records, Opinions and Orders", and § 2.20, reading as follows, is added to Part 2:

§ 2.20 *Opinions and orders.* (a) Each bureau of the Department shall maintain, in the headquarters office of the bureau or in the field office in which final action is taken, a file containing copies of all final opinions and orders issued by the bureau (including those approved by the Secretary) in the adjudication of cases, except opinions and orders which the head of the bureau or the Secretary may for good cause require to be held confidential and which are not cited as precedents.

(b) The Office of the Solicitor shall maintain a file containing copies of all final opinions and orders issued by the Secretary or the Solicitor in the adjudication of cases, except opinions and orders which the Secretary or the Solicitor may for good cause require to be held confidential and which are not cited as precedents.

(c) The files mentioned in this section may be inspected by the public at any time during regular business hours. (R. S. 161; 5 U. S. C. 22.)

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

SEPTEMBER 10, 1946.

[F. R. Doc. 46-16439; Filed, Sept. 10, 1946; 11:31 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Subchapter B—Regulations

Part

2. Supply contracts.
3. Postage stamps and other stamped paper.
4. Letter boxes, call and lock boxes.
5. Classification and rates of postage.
6. Provisions applicable to the several classes of mail matter.
7. Unmailable matter; excepted firearms.
8. Free matter in the mails.
9. The privacy and safeguarding of the mails.
10. Treatment of mail matter at mailing offices.
11. Short-paid and unmailable matter at mailing offices.
12. Treatment of mail matter at receiving offices.
13. Dead mail matter.
14. Delivery service.
15. Special delivery.
16. Registry system; insurance and collect-on-delivery services.
17. Money-order system.
18. Postal-savings system.
19. Transportation of mails.
20. Treatment of mail matter in the railway mail service.
21. International postal service.
22. Treatment of mail matter received from foreign countries involving the customs revenue.
23. Rules of practice in cases arising under the postal fraud lottery and fictitious statutes.[1]

PART 2—SUPPLY CONTRACTS

Sec.

2.1 Purchasing Agent; appointment and duties.
2.2 Purchase of supplies; inspection of bids and records.
2.3 Preparation of specifications.
2.4 Advertisement for proposals.
2.5 Purchase of contract items.
2.6 Open market purchases.
2.7 Invoices.
2.8 Receipt and inspection of supplies; waiver of inspection.
2.9 Accepted supplies; payment.
2.10 Rejected supplies.
2.11 Accounts.
2.12 Correspondence.
2.13 Control over appropriations for supplies.

NOTE: For the text of sections listed in the above table and not appearing in this publication see 39 CFR, Part 2.

AUTHORITY: §§ 2.1 to 2.13, inclusive, issued under sec. 3, 33 Stat. 440, sec. 2, 47 Stat. 1520; 5 U. S. C. 366, 41 U. S. C. 10a.

Amend § 2.4 *Advertisement for proposals* to read as follows:

§ 2.4 *Advertisement for proposals.* The Purchasing Agent shall prepare and issue all advertisements for proposals for all supplies. When deemed advisable by the Purchasing Agent proposals shall be opened and examined by a committee composed of the Executive Assistant to the Postmaster General, the Fourth Assistant Postmaster General, and the Purchasing Agent, to be known as the Committee of Awards, which committee shall make a report suggesting such awards as in their judgment are desirable and proper. The committee, through the Purchasing Agent, shall request the attendance of any officers or employees who may give them information and assistance or with whom they desire to advise. (33 Stat. 440, sec. 2, 47 Stat. 1520; 5 U. S. C. 366; 41 U. S. C. 10a)

Amend § 2.5 *Purchase of contract items* to read as follows:

§ 2.5 *Purchase of contract items.* Orders for items under contract shall be drawn by the Purchasing Agent upon requisitions made by the superintendent or chief of the division requiring the supplies, approved by the head of the bureau. The requisition shall state the appropriation to which the purchase is to be charged, the item number, quantity required, description of the article, unit price, cost, and, when practicable, the estimated time the supply on hand will last; also that these supplies are necessary for the public service and that the available balance of the appropriation is adequate for the purchase. If the Purchasing Agent, because of his knowledge of market conditions, or for other than administrative reasons, doubts the advisability of the purchase at the particular time of the requisition, he shall communicate immediately with the bureau officer, stating the reasons which lead him to believe that the purchase should not be made at that time, and in the event of a disagreement each shall submit a written statement of his position to the Postmaster General through the Committee of Awards. The order shall be sent to the contractor by the Purchasing Agent, the triplicate retained on file, and the duplicate attached to the contractor's invoice when prepared for payment.

Amend § 2.6 *Open market purchases* to read as follows:

§ 2.6 *Open market purchases.* Requisitions for articles not under contract shall be made on the Purchasing Agent by the superintendent or chief of the division requiring the supplies, approved by the head of the bureau. The Purchasing Agent, after ascertaining that there is no contract under which the purchase may be made, shall issue proposals and specifications and, when practicable, send them to three or more responsible dealers, so as to reach them at least three days prior to the date fixed for the opening of the bids. If samples are available, they shall accompany the specifications calling for proposals, or a statement shall be made as to where samples may be seen. Bids received by the Purchasing Agent and bidders' samples, if furnished, shall be submitted to the Committee of Awards, or to the officer making the requisition, who shall examine them, recommend an award, mark the accepted samples, and return bids and samples to the Purchasing Agent for his action. If a purchase is made, the order shall be drawn in the manner prescribed in § 2.5. The approved bid shall be held by the Purchasing Agent to be attached to the contractor's invoice, and the accepted sample, if any, shall be forwarded to the board of inspection.

Amend § 2.8 *Receipt and inspection of supplies; waiver of inspection,* to read as follows:

§ 2.8 *Receipt and inspection of supplies; waiver of inspection.* A board of inspection, appointed by and acting under the direction of the Postmaster General, shall, except as hereinafter provided, receive and inspect all supplies purchased which are delivered in Washington, reporting their findings in triplicate to the Purchasing Agent. Each copy of the report shall be signed by not less than two members of the board. The Purchasing Agent, after endorsing his action on the report, shall attach the original to the contractor's invoice, retain the duplicate on file, and return the triplicate to the board of inspection. The board shall retain custody of the articles until they are accepted or rejected by the Purchasing Agent. If accepted, the articles shall be turned over to the requisitioning officer, who shall give a receipt therefor. If rejected, they shall be disposed of under direction of the Purchasing Agent: *Provided,* That when inspections in the field are necessary the Purchasing Agent shall request the Postmaster General to designate one or more persons to perform this duty, and they shall report their findings in the same manner as prescribed for inspections made by the board of inspection in Washington. In emergent cases, when the requisitioning officer shows the necessity therefor, the Purchasing Agent may waive the inspection, and in such cases he shall state the reasons for the waiver on the invoice when it is prepared for payment. The Purchasing Agent shall have the right to make an independent inspection, and for this purpose may ask the Postmaster General for any necessary assistance.

PART 3—POSTAGE STAMPS AND OTHER STAMPED PAPER

SPECIAL-REQUEST ENVELOPES

Sec.

3.1 Requisitions.
3.2 Advance deposit.
3.3 Receipt.
3.4 Disposition of money.
3.5 Printing on envelopes restricted.
3.6 Rejected special-request envelopes; redemption; mispacked envelopes.

REDEMPTION OF STAMPED PAPER

3.7 Postage stamps, postal cards, stamped envelopes.

POSTAGE STAMPS

3.8 Valid for postage.
3.9 Invalid for postage.
3.10 Sales to public.
3.11 Special issues.
3.12 Postage due stamps.
3.13 Reproductions.

EMBOSSED STAMPED ENVELOPES

3.14 Plain.
3.15 Office-request.

POSTAL CARDS

3.16 Varieties.

INTERNATIONAL REPLY COUPONS

3.17 Purpose.
3.18 Domestic.
3.19 Foreign.

[1] Part 23 Rules of practice in cases arising under the postal fraud, lottery and fictitious statutes, 11 F. R. 1215, has been redesignated as §§ 51.1 to 51.27, respectively, of Part 51 Procedures before the Solicitor, of this chapter. See Part II of this issue.

AMERICO-SPANISH REPLY COUPONS

Sec.
3.20 Purpose.
3.21 Redemption.

INTERNAL REVENUE STAMPS

3.22 Availability.
3.23 Use.
3.24 Redemption.

MIGRATORY-BIRD HUNTING STAMPS

3.25 Availability.
3.26 Use.
3.27 Redemption.

NOTE: For the text of sections listed in the above table and not appearing in this publication see 39 CFR, Part 3.

AUTHORITY: §§ 3.1 to 3.27, inclusive (with the exceptions noted in the text), issued under R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369.

Amend § 3.3 *Receipt* to read as follows:

§ 3.3 *Receipt.* A receipt on Form 3202–A, 3202–E, or 3282 shall be given the purchaser for advance deposits on special-request envelopes. (Sec. 143, par. 3.)

POSTAGE STAMPS

§ 3.8 *Valid for postage.* All postage stamps issued by the Post Office Department since 1860 are valid for the prepayment of postage in the United States and in all of its possessions except the Canal Zone where a separate and distinct postal system is operated. (R. S. 3914, sec. 168, 17 Stat. 304; 39 U. S. C. 351.)

§ 3.9 *Invalid for postage.* Postage due, special delivery, and special handling stamps, mutilated or defaced stamps, internal revenue, migratory-bird hunting, motor vehicle tax, war savings, thrift, and stamps cut from embossed stamped envelopes, newspaper wrappers, and postal cards are not valid for postage.

§ 3.10 *Sales to public.* It is unlawful for a postmaster or employee of the Postal Service entrusted with the sale of postage stamps to sell them at more or less than face value or dispose of them except for cash. (Sec. 208, 35 Stat. 1128; 18 U. S. C. 331.)

§ 3.11 *Special issues.* Commemorative stamps are in the same category with ordinary stamps which are valid for all postage purposes, including payment of registration, special delivery, special handling, and for insurance and collect on delivery fees on fourth class mail. Special delivery stamps may be used only on matter sent as special delivery mail. Special handling stamps may be used only on matter sent as special handling mail. The use of air mail stamps on other than air mail is not permissible, but such stamps may be used not only for the postage on air mail but also to pay the charges for special delivery, registry, insurance, or c. o. d. services on matter which is sent by air mail.

§ 3.12 *Postage due stamps.* Postage due stamps are issued to postmasters solely for accounting purposes and their sale is prohibited by law. (Sec. 26, 20 Stat. 361, sec. 3, 45 Stat. 940; 39 U. S. C. 275)

§ 3.13 *Reproductions.* Postage stamps may be reproduced only for philatelic purposes and in black and white, provided such reproduction is more than 1½ times or less than ¾ the linear dimensions of the original. (Sec. 1, 52 Stat. 6; 39 U. S. C. 371)

EMBOSSED STAMPED ENVELOPES

§ 3.14 *Plain.* All varieties and denominations of Government stamped envelopes are listed on price schedule Form 3200, which is required to be posted conspicuously in post office lobbies where it can be seen by the public. Envelopes of the solid face type are provided in what is known as standard and extra quality papers. Extra quality envelopes are made from a superior grade of paper suited to fine stationery and are recommended also for heavy and bulky enclosures because of their higher tensile strength. All sales of ordinary stamped envelopes in quantities less than 250 are made from extra quality stock.

§ 3.15 *Office-request.* Stamped envelopes with the name of the post office and blank lines for the sender's name and local address are kept on sale at all post offices and are manufactured of extra quality paper and in solid face only. Forms of return cards printed are shown on the price schedule Form 3200.

POSTAL CARDS

§ 3.16 *Varieties.* The following varieties of postal cards are issued: No. 5 1-cent domestic single, 3 x 5″; No. 8 1-cent domestic single, 3¼ x 5½″; No. 6 1-cent domestic reply, 3¼ x 5½″ (each half); No. 7 2-cent foreign single, 3¼ x 5½″; No. F 2-cent foreign reply, 3½ x 5½″ (each half); No. 11 3-cent foreign single, 3¼ x 5½″; No. 12 3-cent foreign reply, 3½ x 5½″ (each half). When so desired for printing purposes, postal cards are furnished in sheets. The No. 5 1-cent single is available with 20 cards to the sheet, No. 6 1-cent double 20 cards to the sheet, and No. 8 1-cent single 40 cards to the sheet. (R. S. 3916, sec. 170, 17 Stat. 304; 39 U. S. C. 356)

INTERNATIONAL REPLY COUPONS

§ 3.17 *Purpose.* International Reply Coupons are furnished by the International Bureau at Berne, Switzerland, under the direction of the Universal Postal Union. They are designed to afford a means of sending reply postage to correspondents abroad. (Sec. 2226; sec. 1, Art. 176, Title VIII, Universal Postal Union Convention of Buenos Aires of May 23, 1939)

§ 3.18 *Domestic.* United States International Reply Coupons are sold by postmasters in this country at 9 cents each and are redeemable abroad for a postage stamp or stamps sufficient to pay the first unit of postage on a letter addressed to this country. Unused United States Coupons which have not been presented for redemption abroad are returnable to the post office for redemption in stamps or other stamped paper at the rate of 8 cents each.

§ 3.19 *Foreign.* International Reply Coupons issued by foreign governments and received by correspondents in this country are redeemable at post offices at the rate of 5 cents each in postage stamps regardless of the selling price of the individual coupon or country of issue.

AMERICO-SPANISH REPLY COUPONS

§ 3.20 *Purpose.* Americo-Spanish Reply Coupons are furnished by the International Office of the Postal Union of the Americas and Spain, with headquarters at Montevideo, Uruguay. These coupons offer a more economical means of transmitting reply postage between the member countries than does the International Reply Coupon as the selling price and redemption rate more nearly conforms with the first class postage rate prevailing between the member countries. (Art. 8, Convention of Postal Union of the Americas and Spain, Panama, December 22, 1936.)

§ 3.21 *Redemption.* The Post Office Department does not sell Americo-Spanish Reply Coupons, but does redeem them from the public at the rate of 3 cents each in postage stamps.

INTERNAL REVENUE STAMPS

§ 3.22 *Availability.* The Commissioner of Internal Revenue furnishes the Postmaster General without prepayment documentary internal revenue stamps, which are kept on sale at all post offices of the first and second class and such offices of third and fourth class as are located in county seats. (53 Stat. 201; 26 U. S. C. 1817)

§ 3.23 *Use.* Postmasters and postal employees are not permitted in their official capacity to attempt to advise or instruct taxpayers or purchasers of internal revenue stamps on matters connected with the administration of internal revenue laws. The activities are confined solely to the sale of these stamps at post offices designated by law to conduct such sales. (Sec. 156, par. 3)

§ 3.24 *Redemption.* Internal revenue stamps are not redeemable by postmasters and applications of this character should be submitted to the nearest Collector of Internal Revenue by persons having purchased stamps in excess of their requirements. (Sec. 156, par. 4)

MIGRATORY-BIRD HUNTING STAMPS

§ 3.25 *Availability.* Migratory-bird hunting stamps are sold at all first and second class offices and at such post offices of the third and fourth class as have a demand therefor by reason of being located in areas habited by waterfowl. (Sec. 2, 48 Stat. 451, sec. 2, 49 Stat. 379; 16 U. S. C. 718b)

§ 3.26 *Use.* (a) No person over 16 years of age shall take any migratory waterfowl unless at the time of such taking he carries on his person an unexpired Federal migratory-bird hunting stamp validated by his signature written by himself in ink across the face of the stamp prior to this taking such birds; except that no such stamp shall be required for the taking of migratory waterfowl by Federal or State institutions or official agencies, or for propagation, or by the resident owner, tenant, or share cropper of the property or officially designated agencies of the Department of Agriculture for the killing, under such restrictions as the Secretary of Agricul-

ture may by regulation prescribe, of such watefowl when found injuring crops or other property.

(b) Such stamps are valid only for the fiscal year in which issued and ownership as well as attending privileges are not transferable. The administration of the laws relating to migratory-bird hunting stamps is under the Director of Fish and Wildlife Service, Department of Interior, Chicago, Illinois. (16 U. S. C. 718a, 718e) (Sec. 157, Par. 1, 2, and 3)

§ 3.27 *Redemption.* Migratory-bird hunting stamps are not redeemable by postmasters after such stamps have been sold at a post office. (Sec. 157, Par. 2)

PART 4—LETTER BOXES, CALL AND LOCK BOXES

Sec.
4.1 Lock boxes may be provided in post offices by patrons.
4.2 Box-rent rates.
4.3 Rent of boxes.

NOTE: For the text of the regulations in this part, see 39 CFR, Part 4.

PART 5—CLASSIFICATION AND RATES OF POSTAGE

GENERAL PROVISIONS

Sec.
5.1 Classification of mail matter.
5.2 Domestic rates and conditions.
5.3 Prepayment of postage.
5.4 Deficiency in postage.
5.5 Modification of postage rates by President.

FIRST-CLASS MATTER; DESCRIPTION

5.6 First-class matter defined.
5.7 Postal cards.
5.8 Private mailing cards (post cards) authorized.
5.9 Provisions relating to private mailing cards (post cards).

RATES OF POSTAGE

5.10 Rate of postage on first-class matter.
5.11 Business reply cards and letters in business reply envelopes.
5.12 Mail carried by airplane.
5.13 Postal cards.
5.14 Insufficiently prepaid first-class matter.
5.15 Insufficiently prepaid drop letters.
5.16 Soldiers', sailors', and marines' letters.
5.17 Double postage on ship letters.
5.18 Weather Bureau reports.
5.19 Mutilated coin and paper currency.

SECOND-CLASS MATTER; DESCRIPTION

5.20 Second-class matter defined.
5.21 Conditions for admission as second-class matter.
5.22 Publications issued by benevolent or fraternal societies, institutions of learning.
5.23 Periodicals issued by State departments of agriculture.
5.24 Foreign publications.

GENERAL PROVISIONS AS TO ADMISSION OF PUBLICATIONS AS SECOND-CLASS MATTER

5.25 Regularity of issue.
5.25 Known office of publication.
5.27 Subscription price and legitimate lists required by law.
5.28 Advertising sheets.

APPLICATION FOR AND ADMISION TO ENTRY AS SECOND-CLASS MATTER

5.29 Fees for entry, re-entry, or additional entry of publications as second-class matter.
5.30 Applications for entry of domestic publications as second-class matter.
5.31 Conditional acceptance by postmasters of publications as second-class matter.
5.32 Admissibility of publications as second-class matter; final decision.
5.33 Procedure in case of change in title or frequency of publications.
5.34 Department record of second-class publications.
5.35 Post office records of second-class matter.
5.36 False evidence as to character of publications to secure entry as second-class.
5.37 Cancellation of certificate of entry.

PAID EDITORIAL AND READING MATTER

5.38 Sworn statements of names, etc. of editors, owners, stockholders, etc., to be filed annually.

POSTAGE ON SECOND-CLASS MATTER

5.39 Postage on second-class matter.
5.40 Single sheets or portions thereof sent in proof of insertion of advertisements.
5.41 Back numbers and reprints.
5.42 Collection of postage.
5.43 Matter transmitted by printer to publisher.
5.44 Free county matter and rates on second-class matter at letter carrier offices.
5.45 Free county matter; separation.
5.46 Rate on transient publications.
5.47 Rates on copies of publication entered, but not mailable as subscribers' or sample copies.

SAMPLE COPIES OF SECOND-CLASS PUBLICATIONS

5.48 Sample copies; admissibility, marking, mailing, extra numbers.

SUPPLEMENTS TO AND ILLEGAL INCLOSURES WITH SECOND-CLASS PUBLICATIONS

5.49 Supplements.
5.50 Characteristics of permissible supplements.
5.51 Characteristics of illegal supplements.
5.52 Advertisements.

ADDITIONS TO MATTER OF THE SECOND CLASS

5.53 Permissible writing, printing, coupons and order forms.
5.54 Bills, receipts, orders, etc., accompanying second-class matter.

MAILING OF SECOND-CLASS PUBLICATIONS BY NEWS AGENTS

5.55 News agent defined.
5.56 Application of news agents for registration.
5.57 Mailing of publications by news agents.

MISCELLANEOUS PROVISIONS

5.58 Examination at mailing office.
5.59 Violation of rules governing admission.
5.60 Detention of matter not entitled to second-class rate, and demand of proper postage.
5.61 Wrapping and folding of publications.

THIRD-CLASS MATTER; DESCRIPTION AND POSTAGE RATES

5.62 Third-class matter defined; rates; hotel and steamship room keys.
5.63 Pound rate for bulk mailings of third-class matter.
5.64 Circulars.
5.65 Printed matter.
5.66 Typewritten matter.
5.67 Letters for the blind.
5.68 Postage on transient copies of CONGRESSIONAL RECORD.
5.69 Permissible additions on third-class matter.

FOURTH-CLASS MATTER

5.70 Fourth-class mail matter defined.
5.71 Excess of size limit.
5.72 Rates of postage on fourth-class matter.
5.73 Rates of postage on books.
5.74 Rates and conditions applicable to Alaska, Hawaiian Islands, Canal Zone.
5.75 Permissible additions on fourth-class matter.
5.76 Rate of postage on certain periodicals weighing over eight ounces not entered as second-class mater.

NOTE: For the text of sections listed in the above table and not appearing in this publication see 39 CFR Part 5.

Authority §§ 5.1 to 5.76, inclusive (with the exceptions noted in the text), issued under R. S. 161, 396, sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369.

In § 5.2 *Domestic rates and conditions* make the following changes:

Amend paragraph (b) by deleting "the Philippine Islands." (Sec. 502, Par. 2 as amended by P. M. G. Order 32544, August 26, 1946)

Amend § 5.5 *Modification of postage rates by President,* by deleting "June 30, 1935" and substituting "June 30, 1947;" also by deleting "July 1, 1935" and substituting "July 1, 1947" (Public Law 105, Act of June 30, 1945).

FIRST-CLASS MATTER; DESCRIPTION

In § 5.9 *Provisions relating to private mailing cards (post cards)* make the following changes:

Amend paragraph (a) (1) to read as follows:

(a) (1) A "post card" shall be an unfolded piece of cardboard not exceeding approximately 3⅜6 by 5⅜6 inches nor less than 2¾ by 4 inches. (Sec. 508 as amended by P. M. G. Order 14528, Aug. 11, 1940).

Amend paragraph (c) by numbering it (c) (1) and adding the following as paragraph (2):

(2) If the initial half be not detached when the reply half is mailed for return, the card is subject to the letter rates of postage if wholly or partly in writing or bearing the words "Post Card," "Private Mailing Card," or similar words. Double cards must be so prepared that the address on the reply portion is on the inside when the double card is mailed. When both the original address of the double card and the address on the reply half are exposed it causes confusion in the mails and such folded cards are not mailable unless inclosed in envelopes or wrappers. The reply half may be prepared in the form of a business reply card. Double cards used primarily to send statements of account or similar matter are not acceptable at the 1-cent post-card rate, but are subject to postage at the letter rates. (R. S. 161, 396, sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22)

RATES OF POSTAGE

In § 5.10 make the following changes:

Amend paragraphs (a) and (b) to read as follows:

(a) Until July 1, 1947, the rate of postage on all mail matter of the first

class (except postal cards and private mailing or post cards, and except other first-class matter on which the rate of postage under existing law is 1 cent for each ounce or fraction thereof) shall be 1 cent for each ounce or fraction thereof in addition to the rate provided by existing law.

NOTE: The Act of February 25, 1944, made applicable, for the period between March 26, 1944, and the first day of the first month which begins at least 6 months after the termination of hostilities in the present war, to first-class matter mailed for local delivery or for delivery wholly within a county which is entirely within a corporate city and the population of which exceeds 1 million, the increase of 1 cent for each ounce or fraction thereof.

(b) Upon all matter of the first class postage shall be charged at the rate of (3) cents for each ounce or fraction thereof; and drop letters shall be mailed at the rate of (3) cents per ounce or fraction thereof where free delivery by carrier is not established.

Amend paragraphs (c) and (d) by deleting the figure (2) wherever is appears therein and substituting therefor (3). (Sec. 9, 20 Stat. 358, sec. 1, 23 Stat. 386, sec. 1100, 40 Stat. 327, sec. 1401, 40 Stat. 1150, sec. 1001, 47 Stat. 285, 48 Stat. 254, sec. 515, 48 Stat. 760, 49 Stat. 431, 50 Stat. 358, 53 Stat. 862, 55 Stat. 210, 57 Stat. 157; 39 U. S. C. 280 and Sup.) (Sec. 509, as amended by P. M. G. Orders 3722, June 19, 1933; 10576, July 1, 1937; 25378, July 17, 1944; 28836, Aug. 18, 1945)

In § 5.11 *Business reply cards and letters in business reply envelopes* make the following changes:

Amend paragraph (c) by deleting "Division of Classification" and substituting "Division of Letter and Miscellaneous Mail."

Add new paragraph (g) reading as follows:

(g) (1) Business reply cards and envelopes may be distributed in any quantity and in any manner desired except for the purpose of locating delinquent debtors.

(2) The cards may be prepared either as reply portions of double post cards or folded cards or may be enclosed with other matter, as also may the envelopes.

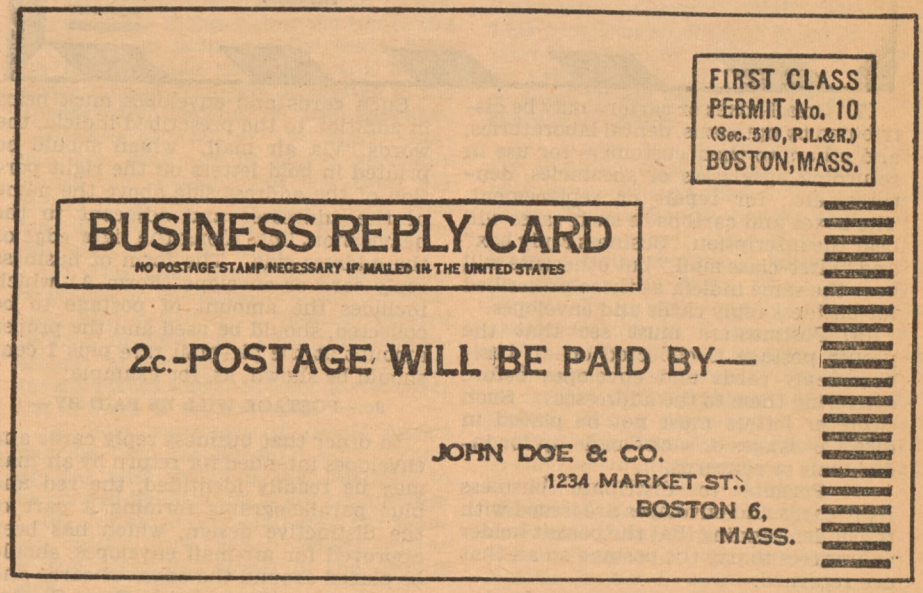
(3) Business reply cards and envelopes will be accepted for return mailing at all post offices in the United States and its possessions, except the Canal Zone and the Philippine Islands. They should not be sent to any foreign countries, including Canada, Cuba, Mexico, and the Republic of Panama, as they cannot be returned from any foreign country without prepayment of postage.

(4) Business reply cards must conform to the conditions prescribed for post cards or private mailing cards, and, therefore, may not be smaller than 2¾ inches by 4 inches (a size somewhat larger is preferable) nor larger than approximately 3⁹⁄₁₆ inches by 5⁹⁄₁₆ inches. They may be printed in two or more colors. The law authorizing the use of business reply cards and envelopes does not contemplate that they shall be attached to parcels of merchandise or other matter either for the purpose of carrying messages or merely as address tags or labels without prepayment of postage. They may be used to transmit communications only, as that term is commonly understood. Business reply cards or envelopes may not be used to return parcels of merchandise or other articles without prepayment of the required postage on both the cards (or envelopes) and the parcels.

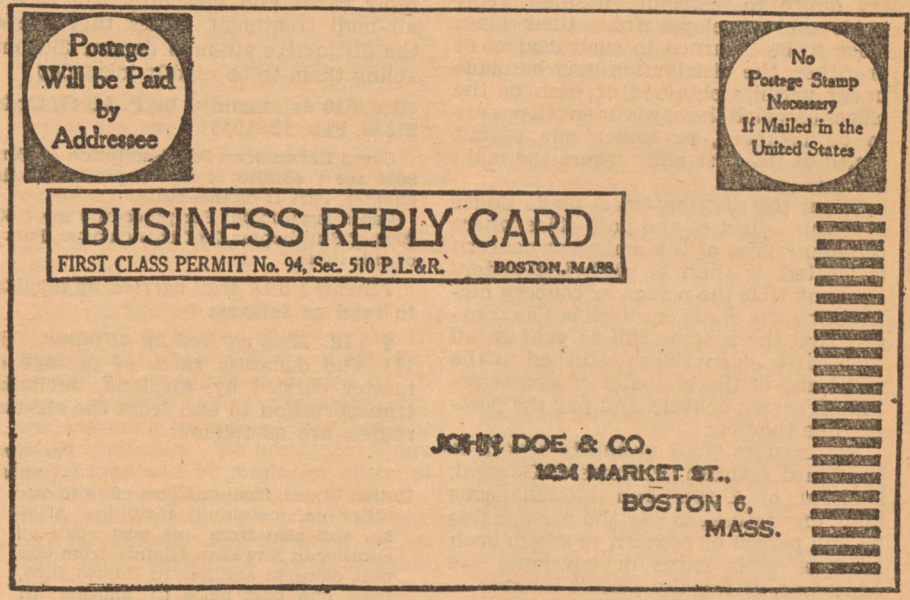
(5) Business reply labels may be printed in newspapers, etc., to be cut out and affixed to plain envelopes, or to cards conforming to the foregoing conditions. The prescribed business reply indicia may also be printed on gummed labels for use in the same manner.

(6) The address side of such cards, envelopes, and labels shall be printed in one of the forms shown on the reverse side of this circular and include the name and complete address of the person or concern to whom they are to be returned, the permit number, the name of the post office issuing the permit, and the other prescribed indicia. When Form B is used the name of the permit holder may be inserted if desired after the words "Postage will be paid by." A space of at least 1⅛ inches shall be left for postmarking at the top of the card or envelope. No extraneous matter may appear on the address side. However, when Form A is used, the word "From" together with blank lines for the insertion of the name and address of the sender, may be placed in the upper left corner of the address side, but such lines should not extend into the space within 3½ inches from the right end which must be reserved for the postmark and indicia.

FORM "A"

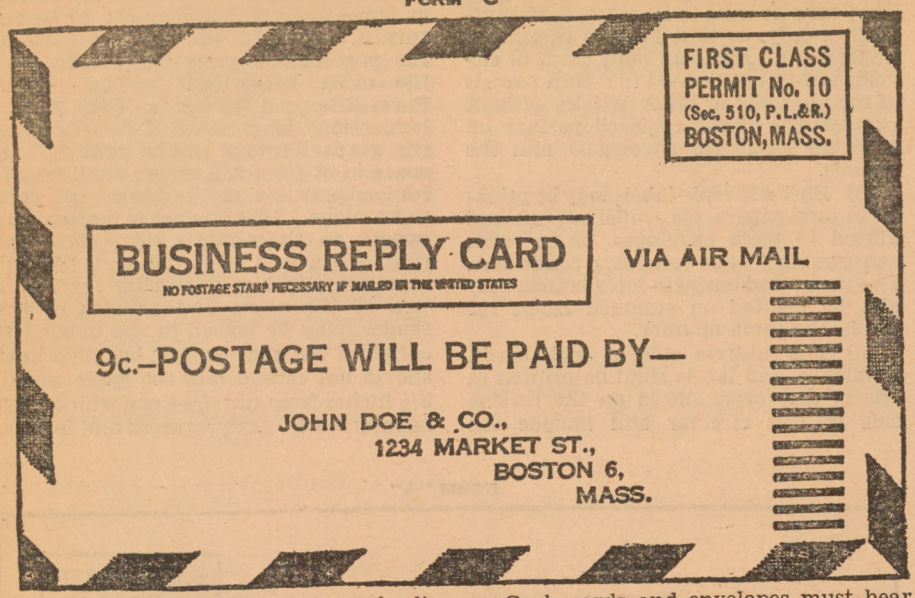


FORM "B"



NOTE: In the case of envelopes the word "Card" in the inscription "Business Reply Card" should be changed to "Envelope." When labels are used the word "Card" should be changed to "Label."

FORM "C"



(7) Small boxes or cartons may be distributed by opticians, dental laboratories, and others to their customers for use in returning eyeglasses or spectacles, dentures, etc., for repair or replacement. The boxes and cartons in such cases will bear the inscription, "Business reply box" and "First-class mail," but otherwise will bear the same indicia as those prescribed for business reply cards and envelopes.

(8) Postmasters must see that the proper postage is collected on all business reply cards and envelopes before delivering them to the addressees. Such cards or letters must not be placed in direct packages or sacks made up for individuals or concerns.

(9) Permits to distribute business reply cards and envelopes are issued with the understanding that the permit holder guarantees to pay the postage on all that are returned.

(10) When large concerns having branches or dealers throughout the country desire to distribute business reply cards and envelopes from their main office to be returned to such dealers or branches, the distribution may be made under permits obtained at each of the offices to which the cards or envelopes are to be returned, or under one permit issued at the post office where the main office is located.

When the distribution is made under a permit issued at the post office where the main office of the person or concern is located, it shall be with the understanding that the person or concern distributing the cards or envelopes guarantees that the postage will be paid on all such cards or envelopes returned in the event any of the branches or agents refuse to accept delivery and pay the postage due thereon.

Postmasters shall promptly report to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, any refusal to pay the postage due by any person or concern to whom such business reply cards or envelopes are addressed, giving the permit number.

(11) Business reply cards and envelopes may be prepared for return via air mail, the regular air-mail rate plus 1 cent additional to be collected upon delivery.

Such cards and envelopes must bear, in addition to the prescribed indicia, the words "Via air mail," which should be printed in bold letters on the right portion of the address side above the name of the addressee and adjacent to the heavy short lines along the right edge of the address side. The form of business reply card or envelope (Form A) which includes the amount of postage to be collected, should be used and the proper amount at the air-mail rate plus 1 cent should be shown, as, for example:

9c.—POSTAGE WILL BE PAID BY—

In order that business reply cards and envelopes intended for return by air mail may be readily identified, the red and blue parallelograms forming a part of the distinctive design, which has been approved for air-mail envelopes, should be placed around the edges of cards and envelopes, as illustrated in Form C. Assurance cannot be given that business reply cards and envelopes will receive air-mail treatment unless they are of the distinctive air-mail design, thus enabling them to be readily identified.

(Sec. 510 as amended by P. M. G. Order 27238, Feb. 12, 1945)

CROSS REFERENCE: For description of Form 3614 see § 55.2016 of Subchapter C of this chapter, Part II of this issue.

CROSS REFERENCE: For procedure see § 50.-2000 of Subchapter C of this chapter, Part II of this issue.

Amend § 5.12 *Mail carried by airplane* to read as follows:

§ 5.12 *Mail carried by airplane.* (a) (1) The domestic rates of postage on matter carried by airplane, including transportation to and from the air-mail routes, are as follows:

	Per ounce (cents)
United States, from one post office to another on mainland, including Alaska, and also from one post office to another in Hawaiian Islands, from one post office to another in Puerto Rico, from one post office to another in Virgin Islands of the United States, and between the latter islands and Puerto Rico (but not between mainland of United States and any of these islands)	8

	Per half ounce (cents)
United States (mainland) to or from—	
Canal Zone	10
Canton Island	25
Guam	35
Hawaii	15
Puerto Rico, Virgin Islands of the United States, Naval Operating Base, Guantanamo (Cuba)	8
Puerto Rico, Virgin Islands of the United States and the Naval Operating Base, Guantanamo (Cuba) to or from—	
Canal Zone	10
Canton Island	33
Guam	43
Hawaii	23
Naval Operating Base, Guantanamo (Cuba) to or from—	
Puerto Rico, Virgin Islands of the United States	8
Hawaii to or from—	
Canal Zone	25
Canton Island	10
Guam	20
Guam to or from—	
Canal Zone	45
Canton Island	30

(2) The foregoing air-mail rates include all transportation by air mail available in the United States; also in Hawaii. Official matter in penalty or franked envelopes may not be sent free by air mail, but is chargeable with postage at the air-mail rates, except in the case of urgent official communications of the Postal Service only, when their prompt dispatch is desirable.

(3) Air mail sent to, or by members of our armed forces outside the continental United States who receive their mail through an A. P. O. or Fleet Post Office in care of the postmaster of New York, N. Y., or San Francisco, Calif., or through an A. P. O. in care of the postmaster of Miami, Fla., New Orleans, La., or Seattle, Wash., and who are required to show such A. P. O. or Fleet Post Office address in their return card, is subject to postage at the rate of 6 cents a half ounce or fraction thereof. This rate also applies to air mail sent to or by civilian personnel authorized to receive mail through such Army and Navy Post Offices.

(b) (1) The postage on all air mail should be fully prepaid in order to expedite its handling, and postmasters shall make every effort to have patrons do so. Nevertheless, short-paid air mail shall, if it bears at least one full rate, according to destination as shown in the above table, be rated with the deficiency and dispatched as intended by the sender, the amount due to be collected upon delivery of the matter.

(2) Any mailable matter, except that liable to damage from freezing, may be sent by air mail at the above rates of postage, including sealed parcels not exceeding 70 pounds in weight and not exceeding 100 inches in length and girth combined. This includes harmless live animals, queen bees and cut flowers. Day-old chicks, day-old ducks, etc., and honey bees are prohibited. However, only letters in their usual and ordinary form weighing not in excess of 2 ounces (except official air mail) may be accepted for transmission by air mail to overseas A. P. O.'s and Navy post offices, except to an A. P. O. in care of the postmaster of New Orleans, La., or Seattle, Wash.

(3) Special air-mail stamps are issued for the payment of postage on air mail, but ordinary stamps may be used. Embossed stamped envelopes of various sizes for air-mail use are on sale at post offices. When 6-cent air-mail envelopes or stamps are used in cases where the air-mail rate of 8 cents is applicable, 2 cents additional should be affixed by means of postage stamps. The use of air-mail stamps on other than air mail is not permissible.

(4) Air mail should be conspicuously endorsed by the sender in the space immediately below the stamps, above the address "Via Air Mail." When it is desired that matter prepaid at the rate of 8 cents per ounce be carried by air mail only in the continental United States, or from one post office to another in the Hawaiian Islands, but transported across the Pacific Ocean by steamer, it should be endorsed "Via Air Mail except over the Pacific." All air-mail letters sent special delivery should be conspicuously endorsed "Special Delivery—Air Mail," the mere fact that the matter may bear air-mail and special-delivery stamps not being sufficient.

(c) (1) In order to obtain the fullest measure of service for the postage paid at the air-mail rate, air mail should be sent special delivery. Matter sent by airplane reaches the office of address sooner than if sent by train, but when it gets there after the last regular carrier trip of the day of its arrival, delivery is not made until the following business day, unless sent special delivery and the fee therefor paid in addition to the air-mail postage.

(2) The fees chargeable on air mail for special-delivery service are the same as those which apply when such mail is sent by other than air mail, as follows:

	First class (cents)	*Second, third, or fourth class (cents)*
Up to 2 pounds	13	17
Over 2 pounds up to 10 pounds	20	25
Over 10 pounds	25	35

(d) (1) It is desirable that envelopes (or cards) for air-mail use bear the distinctive designs described in the following paragraphs. Any person may have his envelopes (or cards) so prepared. Such envelopes must be white, except when it is necessary to use envelopes of extra strength, in which case envelopes of light tints of manila or kraft may be used.

(2) The outstanding feature of the preferred design is a border of alternating blue and red parallelograms with intervening white spaces, producing a distinguishing blue, white, and red border not exceeding $\frac{5}{32}$ of an inch in width extending around the edges of both the address side and the back of the envelope. The words "Via Air Mail" should appear boldly between the postage stamp and the address. The border of this envelope facilitates its identification as air mail even when in a package or distributing case with other mail, thus securing the prompt and special attention to which such letters are entitled.

(3) Another approved printed design consists of the blue, red, and white stripes. The stripes must not exceed approximately ¼ inch in width and should extend entirely across the length of the envelope. The blue stripe must be not less than 1⅛ inches below the top of the envelope, in order that clear space may be left for the necessary postage stamps and postmark. The white space between the blue and red stripes should be approximately ¼ inch in width, so that the three stripes will not cover more than approximately ¾ of an inch in all. In such case the words "Via Air Mail" should be printed in the upper right portion of the envelope, preferably in the white space between the blue and red stripes.

(4) When ordinary envelopes are used to enclose air mail, the mailer may identify the matter for transmission by airplane by placing horizontally across the envelopes two blue lines approximately ¼ inch apart, the upper line to be not less than 1⅛ inches below the top of the envelope. In such case the words "Via Air Mail" should be plainly and boldly written, hand-stamped, or printed in the upper right portion of the envelope, preferably between the two lines. Similar lines may also be placed vertically across the envelope not less than 3½ inches from the right end. Such lines may also be placed on the backs of envelopes used for air mail.

(5) The lines above mentioned may be placed on the envelopes with an ordinary blue pencil or, if desired, printed thereon in blue ink. Care must be exercised to see that the lines are uniformly placed and that they do not cover the address or return card.

(6) Such envelopes of special design may be used for air mail only. Their use for mail which is not intended to be carried by airplane is not permissible.

(e) All air mail should bear the sender's return card, which should appear in the upper left corner of the address side.

(f) (1) Mail for dispatch by airplane will be accepted for registration upon payment of the prescribed registry fee in addition to the air-mail postage. Insured and c. o. d. parcels, including sealed parcels, may also be sent via air mail when the prescribed fees for such service are paid in addition to the air-mail postage. In some cases air mail for armed forces overseas will not be registered or insured.

(2) Special air-mail stamps may be used to pay the fees on all matter sent special delivery, insured, or c. o. d. via airplane.

(g) (1) Matter sent by air mail may be forwarded to the addressee by the same means when delivery of the matter will be expedited if carried by airplane, provided the air-mail rate to the new address is no higher than that originally applicable. No additional charge for postage will be made for such forwarding, regardless of the number of the air-mail routes over which the mail may be carried. For instance, an air-mail letter prepaid 8 cents originally sent from New York to Chicago may be forwarded by air mail to San Francisco without additional charge; but it could not be forwarded to Hawaii by trans-Pacific air mail without additional charge.

(2) Undeliverable air mail will not be returned to the sender via airplane, but will be returned in the regular mails. (Act of Feb. 25, 1944, 58 Stat. 69; 39 U. S. C. 463) [sec. 511, as amended by P. M. G. Order 28574, July 17, 1945]

Amend § 5.16 *Soldiers', sailors' and marines' letters* by addition of following paragraphs:

(c) Any first-class letter mail matter admissible to the mails as ordinary mail matter which is sent by a member of the military or naval forces of the United States (including the United States Coast Guard), while on active duty or in the active military or naval service of the United States, to any person in the United States, including the Territories and possessions thereof, shall be transmitted in the mails free of postage, subject to such rules and regulations as the Postmaster General shall prescribe. This provision shall cease to be in effect after December 31, 1947. (Act of March 27, 1942, 56 Stat. 181, 50 A. U. S. C. 1940 ed Supp. III 639, Public Law 190 approved October 6, 1945).

(d) Under the provisions of section 212 of Public Law 410, approved July 1, 1944, commissioned officers of the United States Public Health Service while (1) in active service in time of war, (2) in active service performed while detailed for duty in the Army, Navy, or Coast Guard, (3) in active service outside the continental limits of the United States, or in Alaska, in time of war, or (4) in active service performed while the Service is part of the military forces of the United States pursuant to Executive order of the President, shall be entitled to the free-mailing privilege as provided by law in the case of commissioned officers of the Army. First-class letter mail sent free of postage by commissioned officers of the United States Public Health Service is subject to the conditions applicable to letters sent by members of the military or naval forces of the United States (including the U. S. Coast Guard), set forth in paragraphs (c) and (e) of this section. (Act of July 1, 1944, 58 Stat. 689.)

(e) (1) Letters sent by members of the military or naval forces of the United States, to be mailed free of postage under the conditions set forth in paragraph (c) of this section, shall bear in the upper right corner the word "FREE" and in the upper left corner the name of the sender together with his rank or rating and the designation of the service to which he belongs, as, for example, Private John Doe, U. S. Army, or John Doe, Seaman 2 Cl., U. S. Navy, or Private John Doe, U. S. Marine Corps, or John Doe, Seaman 2 Cl., U. S. Coast Guard. Such letters shall be so accepted when deposited in the mails in the United States or its possessions or at any place outside the continental United States where the United States mail service is in operation addressed to any other place where this service is in operation, including army and navy bases, naval vessels, etc. Messages on post cards may be accepted under this provision but it shall not apply to packages or parcels or any matter other than messages in the form of ordinary letters or cards. This free mailing

privilege does not apply to matter sent by air mail, nor to any matter sent to the members of the military or naval forces by persons who are not members thereof.

(2) Such free-mail privilege is applicable only to personal letter mail in its usual and generally accepted form, including messages on post cards, sent by the members of our armed forces. This provision is primarily for the purpose of making it easier for our men in the service to keep in touch with their families and friends. It does not apply to correspondence from their wives or other relatives, nor to any matter sent to members of the military or naval forces by persons who are not members of such forces.

It is required that the name of the sender, his rank or rating, the designation of the service to which he belongs, and the word "Free" be in the handwriting of the sender on the envelopes or cards in order to be accepted free of postage. This is necessary to prevent misuse and to confine the free mailing privilege to personal letters of members of the military or naval forces. The approved address of the member should, of course, be included in the return card.

(3) Among the items acceptable free of postage are the following:

Personal letters to relatives, friends, etc., including V-Mail.

Letters, including remittances, to associations, firms, or corporations.

Letters sent as special delivery, provided the fee for such service is prepaid.

Small photographic negatives and unmounted prints when accompaning letters.

Souvenir and pictorial cards, unless bearing matter of a promotional character.

Greeting cards such as Mother's Day, birthday, seasonable, etc., enclosed in envelopes.

Election ballots.

Letters mailed while the sender is on furlough.

Letters sent by the midshipmen of the United States Naval Academy, the cadets of the United States Military Academy, and the cadets of the United States Coast Guard Academy.

Letters sent by retired or Reserve naval and Army officers who have been recalled to active duty, including those bearing the designation "U. S. N. Ret." or "U. S. N. R." in connection with the name and rank or rating of such officer on active duty.

Letters sent by members of the armed forces while in hospitals.

Letters from members of the armed forces who may be assigned to some special active duty.

Letters from nurses and chaplains who are members of the armed forces.

(4) The free mail privilege does not apply to the following:

Air mail.

Registered, insured, or c. o. d. mail.

Parcels or packages, whether sealed or unsealed.

Newspapers, magazines, and books.

Circular letters.

Newspaper clippings, and printed or mimeographed matter, unless enclosed with letters and forming only an incidental feature.

Cards exceeding the post-card size consisting mainly of cartoons or other printed matter.

Pictorial folders.

Envelopes and cards containing extraneous printed matter, stickers, etc., on the face.

Matter sent for philatelic purposes.

Merchandise.

Wedding invitations or announcements.

Phonograph records.

Photographic films sent for development.

Large mounted photographs.

Letters of officers' clubs and other organizations.

Cards and envelopes bearing advertisements or other inscriptions giving the names of the donors.

Letters from persons in veterans hospitals who are not members of the armed forces.

Letters, bills, and circulars pertaining to the private business or profession carried on by a member of the armed forces.

Envelopes or cards endorsed by a member of the armed forces for use by others, such as members of his family, etc.

Should question arise as to the application of this free mailing privilege in any instance, the facts should be reported to the Third Assistant Postmaster General, Division of Letter & Miscellaneous Mail for instructions.

(f) (1) In order to afford an opportunity for persons to whom this title [Title II, Public Law 348, approved April 19, 1946] is applicable to vote for Federal, State, and local officials and to utilize State absentee balloting procedures to the greatest extent possible, the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, and the Administrator of the War Shipping Administration, as may be appropriate, shall cause to be printed an adequate number of post cards for use in accordance with the provisions of this title and shall, wherever practicable and compatible with military or merchant-marine operations, cause such post cards to be made available to each person absent from the place of his residence and serving in the armed forces of the United States or in the merchant marine of the United States, or who is a civilian outside the United States officially attached to and serving with the armed forces of the United States, for use for any general election at which electors for President and Vice President or Senators and Representatives in Congress are to be voted for, such cards to be made available outside of the United States not later than August 15 prior to the election, and within the United States not later than September 15 prior to the election. The post cards referred to shall also, wherever practicable and compatible with military or merchant-marine operations, be made available to such persons at appropriate times for use in general elections other than those referred to above and in primary and special elections. (Sec. 209 (a), Public Law 348, approved Apr. 19, 1946.)

(2) In lieu of and interchangeably with the post cards referred to, the Secretaries of War, Navy, and Treasury and the Administrator of the War Shipping Administration may continue to make available, and the persons to whom this title is applicable may continue to use, post cards provided under section 203 of this title [50 U. S. C. 1940 ed. Sup. IV 303] prior to its amendment until the existing supply thereof is exhausted. (Sec. 209 (d), Public Law 348, approved Apr. 19, 1946.)

(3) Official post cards, ballots, voting instructions, and envelopes referred to in this Act, whether transmitted individually or in bulk, shall be free of postage, including air-mail postage, in the United States mails: *Provided*, That in order to be entitled to free air-mail postage under this Act, a State balloting unit, composed of ballot, voting instructions, and envelope or envelopes, must not exceed in weight the total of one ounce. (Sec. 402, Public Law 348, approved Apr. 19, 1946.)

(4) * * * so that the envelope in which the ballot is sent to a person to whom this title is applicable, and the envelope supplied for the return of the ballot, may be identified by the Post Office Department and other authorities as carrying an election ballot, * * * there [shall] be printed across the face of each such envelope two parallel horizontal red bars, each one-quarter inch wide, extending from one side of the envelope to the other side, with an intervening space of one-quarter inch, the top bar to be one and one-quarter inches from the top of the envelope, and with the words "Official Election Balloting Material—Via Air Mail," or similar language as prescribed in State law, between the bars; * * * there [shall] be printed in the upper right corner of each such envelope, in a box, the words "Free of U. S. Postage, Including Air Mail"; and * * * all printing on the face of each such envelope [shall] be in red. * * * also * * * there [shall] be printed in red in the upper left corner of each State ballot envelope an appropriate inscription or blanks for return address of sender (State or local election officials, or voter, as the case may be). (Sec. 204 (a), Public Law 348, approved April 19, 1946.)

(5) Upon the * * * [address] side of the post card shall be printed in red the following:

Name and complete military, naval, or merchant marine address

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Free of U. S. postage including air mail

OFFICIAL ELECTION BALLOTING MATERIAL—
VIA AIR MAIL

Secretary of State of _____
(Home State)

_____
(Capital city of home State)

_____
(Home State)

(Sec. 209 (c), Public Law 348, approved April 19, 1946.)

(6) The Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, the Postmaster General, the Administrator of the War Shipping Administration and other appropriate authorities shall, so far as practicable and compatible with military or merchant-marine operations, take all reasonable measures to facilitate transmission, delivery, and return of post cards, ballots, envelopes, and instructions for voting procedure, mailed to and by persons to whom this title is applicable pursuant to the laws of the several States, whether transmitted by air or by regular mail. Ballots executed outside the United States shall be returned by air, whenever practicable and compatible with military or merchant-marine operations. (Sec. 210 (b), Public Law 348, approved April 19, 1946.) [Sec. 515 as amended by P. M. G. Orders 17352, March 28, 1942, 26622, Nov. 28, 1944, and 31857, June 13, 1946.]

In § 5.22 *Publications issued by benevolent or fraternal societies, institutions of learning make the following change:*

Add a new paragraph (c), reading as follows:

(c) Under this law a publication is not required to have subscribers, except in the case of publications of the societies, orders, or trades-unions, included therein, which carry advertisements in the interest of other persons or concerns than such societies, orders, or unions. The circulation through the mails at the pound rates of postage of publications of the societies, orders, or trades-unions referred to, whose members do not pay therefor, the publications being for free circulation, is restricted to the membership and to exchanges. Publications of such societies, orders, or trades-unions, not meeting the requirements of the proviso placing a limitation on circulation, and publications of institutions of learning, State boards of health, and State boards or departments of public charities and corrections, carrying advertisements, including the name of the printer, pertaining to other persons or concerns than such societies, orders, or trades-unions, institutions of learning, or State board, are not entitled to the privileges of the law. [Sec. 521]

In § 5.27 *Subscription price and legitimate lists required by law* make the following changes:

Amend paragraph (a), subparagraph (4), by adding the following sentence: "Persons to whom copies are sent free by the publishers may not be so included."

Amend paragraph (c), subparagraphs (1) and (2), by changing word "Classification" to "Newspaper and Periodical Mail." Delete after the word "where" in the third line, (2) the words "the subscriber pays less than the full amount of the advertised subscription price and"; also delete last sentence of subparagraph (2).

Amend paragraph (d), after the word "nevertheless," fourth line, by deleting the words "in order to give an opportunity to secure renewals" and substituting the words "when publishers make proper effort to obtain renewals within a reasonable period." Insert period after the word "year," eighth line, delete the word "but" and begin sentence "Copies."

In § 5.28 *Advertising sheets* make the following change:

Amend paragraph (e), subparagraph (2), by changing "Classification" to "Newspaper and Periodical Mail."

In § 5.29 *Fees for entry, reentry, or additional entry of publications as second class matter* make the following changes:

Add a new subparagraph (a) (1), reading as follows:

(a) (1) No newspaper or other periodical publication which has been accorded second-class mail privileges, and which has voluntarily suspended publication, or shall hereafter voluntarily suspend publication, for the duration of the war because of conditions attributable to the war effort, shall be required upon resumption of regular publication to pay any of the fees provided for by the Act entitled "An act to provide for fees for entry of a publication as second-class matter, and for other purposes," approved July 7, 1932, as amended, if such newspaper or periodical publication resumes regular publication prior to the end of the sixth month following the expiration of the unlimited national emergency proclaimed by the President on May 27, 1941: *Provided*, That before any such newspaper or periodical shall be entitled to reentry as second-class matter without payment of any application fee the publisher shall furnish to the Postmaster General satisfactory evidence that the suspension of his publication was because of conditions attributable to the war effort. (57 Stat. 390; 39 U. S. C. Sup. 226b) [Sec. 528, as amended by P. M. G. Order 22077, August 6, 1943]

Add a new subparagraph (a) (2), reading as follows:

(a) (2) The amount of the fee to be collected with each application for original second-class entry is determined by the total number of copies printed and circulated as shown by the application. The fee is not based merely on the number of copies circulated as to subscribers or on the number sent through the mails.

Amend paragraph (b), subparagraph (2) and (4), by changing "Classification," to "Newspaper and Periodical Mail."

In § 5.30 *Applications for entry of domestic publication as second-class matter* make the following change:

Amend paragraph (3), subparagraph (b), by changing "Classification," to "Newspaper and Periodical Mail."

In § 5.31 *Conditional acceptance by postmasters of publications as second-class matter* make the following change:

Amend paragraph (a) by inserting after the word "disposition," line 15, the following: "If postage is prepaid on copies by stamps affixed, or in money under the permit system, or copies mailed at the bulk third-class rate under the provisions of § 5.63 while the application is pending, no refund of any portion of the postage so prepaid shall be made when admission of the publication as second-class matter is authorized."

Amend last sentence to read:

The stamps so used shall be accounted for as sold. [Sec. 530 as amended by P. M. G. Order 32542 Aug. 26, 1946.]

Amend paragraph (b) and subparagraph (b) (1) to read as follows:

(b) The following indicia shall be conspicuously printed on one or more of the first five pages, preferably on the first page, of each copy of publications entered as second-class matter:

(1) Title of the publication, shall always be shown on the first page.

In § 5.33 *Procedure in case of change in title or frequency of publications*, make the following changes:

Amend paragraph (a), by changing "Classification," to "Newspaper and Periodical Mail."

Amend paragraph (b), by changing "Classification" to "Newspaper and Periodical Mail."

Amend paragraph (c), by changing "Classification" to "Newspaper and Periodical Mail."

In § 5.36 *False evidence as to character of publications to secure entry as second-class matter*, make the following change:

Amend paragraph (b), by changing "Classification" to "Newspaper and Periodical Mail."

In § 5.37 *Cancelation of certificate of entry*, make the following change:

Add a new paragraph (b) reading as follows:

(b) Before revocation, annulment, or suspension of any second-class entry, the Third Assistant Postmaster General shall fully advise the publisher of the facts which may warrant such action and he shall be accorded an opportunity to demonstrate or achieve compliance with all the lawful requirements within a reasonable time limit specified by the Third Assistant Postmaster General.

In § 5.38 *Sworn statements of names, etc., of editors, owners, stock-holders, etc., to be filed semiannually*, make the following changes:

Amend title by changing "semiannually" to "annually."

Amend the clause preceding the first proviso in the first sentence of paragraph (1) to read as follows:

"and also, in the case of daily and weekly, semiweekly, [and] triweekly newspapers, there shall be included in such statement the average number of copies of each issue of such publication sold or distributed to paid subscribers during the preceding twelve months." Add to the citations at the end of the section, "Public Law 482, approved July 2, 1946."

Amend paragraph (c), by changing "Classification" to "Newspaper and Periodical Mail."

Amend paragraph (f), line 5, by changing "Classification" to "Newspaper and Periodical Mail."

In § 5.39 *Postage on second-class matter*, make the following change:

Amend paragraph (3) (f), by changing "Classification" to "Newspaper and Periodical Mail."

In § 5.40 *Single sheets or portions thereof sent in proof of insertion of advertisements,* make the following changes:

Add a new paragraph (c), reading as follows:

(c) Single sheets or portions of sheets sent to advertisers to prove the insertion of advertisements presented for mailing at the second-class zone rates of postage shall be inclosed in unsealed envelopes or wrappers bearing in the upper left corner the name and address of the publication and the printed inscription "Advertiser's proof copy," and in the upper right corner a notice of entry as second-class matter, and shall be presented for mailing separately from complete copies.

In § 5.46 *Rate on transient publications,* make the following change:

Add a new subparagraph (a) (1), reading as follows:

(a) (1) The transient second-class rate above referred to is to be computed on each individually addressed copy, or package of unaddressed copies, and not on the bulk weight of separately addressed copies, including those intended for delivery by boxholders.

In § 5.51 *Character of illegal supplements,* make the following change:

Add a new paragraph (d), reading as follows:

(d) Publications may be prepared in parts or sections, and when so prepared, each part or section should show the same title and date of issue, and bear appropriate designations such as "Part I," "Section I," and "Part 2," "Section 2," etc., and a statement should be printed on the first page of the first part or section showing the number of parts or sections in which the issue is published. [Sec. 550]

In § 5.52 *Advertisements,* make the following change:

Amend paragraph (a) so as to read as follows:

(a) All advertisements in periodicals shall be permanently attached thereto. (Sec. 14, 20 Stat. 359, 48 Stat. 928; 39 U. S. C. 226) [Sec. 551]

Omit paragraph (b).

In § 5.54 *Bills, receipts, orders, etc., accompanying second-class matter,* make the following changes:

Amend paragraph (d) so as to add after the word "coin" the following: ", or when printed on envelopes. Envelopes, including business reply envelopes and business reply cards, are permissible inclosures in copies of publications mailed at the second-class pound rates only when they are prepared with a subscription order form printed thereon and do not convey information in excess of that authorized by law. Such subscription order forms may show only the title of the publication, place of publication, subscription price, and the amount of the subscription due thereon." [Sec. 553]

In § 5.56 *Application of news agents for registration,* make the following change:

Amend paragraph (a) by changing "Classification" to "Newspaper and Periodical Mail."

In § 5.59 *Violation of rules governing admission,* make the following change:

Amend paragraph (b) by changing "Classification" to "Newspaper and Periodical Mail."

In § 5.60 *Detention of matter not entitled to second-class rate and demand of proper postage,* make the following change:

Amend paragraph (b) by changing "Classification" to "Newspaper and Periodical Mail."

THIRD-CLASS MATTER; DESCRIPTION AND POSTAGE RATES

In § 5.62 *Third-class matter defined; rates; hotel and steamship room keys* make the following changes:

Amend paragraph (a) by deleting period at end of paragraph and adding the following: "as defined in section 240 of this title (39 U. S. C. 235), but bills or statements of account produced by any photographic or mechanical process shall not be accepted as mail matter of the third class unless presented in quantities of 20 or more identical copies. When such bills or statements are not identical or are presented in quantities of less than 20 identical copies, they shall be subject to postage at the first-class rate."

NOTE: Third-class matter does not include any matter exceeding 8 ounces in weight. (39 U. S. C. 235)

Amend paragraph (b) by renumbering it (b) (1) and adding the following as paragraph (b) (2):

(2) The postage rate on books consisting wholly of reading matter or reading matter with incidental blank spaces for students' notations and containing no advertising matter other than incidental announcemets of books, when mailed under such regulations as the Postmaster General may prescribe, shall be 3 cents per pound or fraction thereof, irrespective of the postal zone of destination thereof: Provided, That this act shall not affect the rates of postage on books mailed by or to libraries and organizations as prescribed by the act of February 28, 1925, as amended (39 U. S. C., 1934 ed., Sec. 293a). Act of June 30, 1942. (56 Stat. 462; 39 U. S. C. Sup. 293 a–1) [Sec. 561 as amended by P. M. G. Order 18100, June 30, 1942]

In § 5.63 *Pound rate for bulk mailings of third-class matter* make the following changes:

Amend paragraph (b) (1) by deleting "Division of Classification" and substituting "Division of Letter and Miscellaneous Mail."

CROSS REFERENCE: For procedure see § 50.2004 of this chapter. For description of forms see §§ 55.2006 to 55.2015, 55.2018, 55.2020 to 55.2022 of this chapter.

In § 5.70 *Fourth-class mail matter defined* amend paragraph (b) by deleting "excepting the Philippine Islands."

In § 5.72 *Rates of postage on fourth-class matter* make the following changes:

Amend first line of paragraph (b) to read as follows:

(b) The postage on matter of the fourth class shall be as below indicated plus, for the period between March 26, 1944, and the first day of the first month which begins at least 6 months after the termination of hostilities in the present war, the increase provided by the act of February 25, 1944, of 3 per centum, fractions of one-half cent or more being computed as 1 cent, but in no case shall the increase per parcel be less than 1 cent. (39 U. S. C. 293; P. M. G. Orders, July 14, 1931, April 7, 1932; act of February 29, 1944, Public Law 235). [Sec. 571, as amended by P. M. G. Order 25380, July 17, 1944.]

Amend paragraph (b) (9) to read as follows:

(9) For delivery within the eighth zone 15 cents for the first pound or fraction of a pound and 11 cents for each additional pound or fraction of a pound.

Amend paragraph (e) to read as follows:

(e) The rates of postage on individually addressed catalogs and similar printed advertising matter in bound form, consisting of 24 or more pages and not exceeding 10 pounds in weight, shall be as follows:

Pounds	Zones							
	Local	First and Second	Third	Fourth	Fifth	Sixth	Seventh	Eighth
	Cts.	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*
1	5	5	6	7	8	9	10	11
2	5½	6	8	10	12	14	16	18
3	6	7	10	13	16	19	22	25
4	6½	8	12	16	20	24	28	32
5	7	9	14	19	24	29	34	39
6	7½	10	16	22	28	34	40	46
7	8	11	18	25	32	39	46	54
8	8½	12	20	28	36	44	53	61
9	9	13	22	31	40	49	59	68
10	9½	14	24	34	44	55	65	75

(Act of February 25, 1944, 58 Stat. 69; 39 U. S. C., Sup. 293) [Sec. 571, as amended by P. M. G. Orders 25381, July 17, 1944 and 32546, August 26, 1946]

Amend paragraph (f) to read as follows:

(f) (1) To procure the most expeditious handling and transportation practicable of mail matter of the fourth class, special-handling stamps shall be affixed thereto, in addition to the regular postage, in accordance with the following schedule: Matter weighing not more than 2 pounds, 10 cents; matter weighing more than 2 but not more than 10 pounds, 15 cents; matter weighing more than 10 pounds, 20 cents: *Provided,* That, under such regulations as the Postmaster General may prescribe, ordinary postage stamps of equivalent value may be accepted in lieu of the special-handling stamps herein specified.

(2) Fourth-class mail matter with the required special-handling stamps affixed thereto, other than baby chicks, shall be dispatched and handled in transit in the same manner as special-delivery mail (see §§ 15.4 to 15.8 of this chapter), but the dispatch and handling of baby chicks shall, so far as may be practicable, be confined to the routes (rail, electric, or star) which will involve the least exposure to severe weather conditions in transit and in transfer at connecting points.

(3) All fourth-class mail on which the special-handling charge is prepaid, whether by means of special-handling postage stamps or ordinary postage stamps, shall be endorsed "Special Handling," preferably in the space immediately below the postage stamps and above the address. Postmasters shall request mailers to place the endorsement on the articles involved, but if any such articles not so endorsed are deposited in the mails, the required endorsement shall be placed thereon by the postmaster or other postal employee.

Add new paragraphs (g), (h), (i) and (k) reading as follows:

(g) The classification of articles mailable, as well as the weight limit, the rates of postage, zone or zones, and other conditions of mailability of fourth-class matter, if the Postmaster General shall find on experience that they or any of them are such as to prevent the shipment of articles desirable, or to permanently render the cost of the service greater than the receipts of the revenue therefrom, he is hereby directed, subject to the consent of the Interstate Commerce Commission after investigation, to re-form from time to time such classifications, weight limit, rates, zone or zones or conditions, or either, in order to promote the service to the public or to insure the receipt of revenue from such service adequate to pay the cost thereof.

(h) The eighth-zone rate of postage shall apply to fourth-class matter between any point in the United States or its possessions and any point in the Hawaiian Islands; between any point in the United States or its possessions and any point in Alaska and between any two points in Alaska. This rate shall apply also to parcels mailed between the United States or its possessions and the Canal Zone.

(i) The eighth-zone rate of postage shall apply to parcels of fourth-class mail, subject to the pound rates, exchanged between the United States, or any of its possessions, and United States naval vessels stationed in foreign waters. When such vessels are stationed in a port of the United States, or any of its possessions, the rates applicable to or from the post office at such port shall be charged.

(k) The rate of postage on gold coin, gold bullion, and gold dust offered for mailing between any two points in Alaska, or between any point in Alaska and any point in the United States or its possessions, shall be 2 cents an ounce or fraction thereof, regardless of distance. Such gold coin, gold bullion, or gold dust shall be inclosed in sealed packages not exceeding 50 pounds in weight and sent by registered mail.

See § 16.3 of this chapter for amount of registry fee.

(Sec. 8, 37 Stat. 557, § 207 (b), 43 Stat. 1067, sec. 7, 45 Stat. 942; 39 U. S. C. 293) [sec. 571, as amended by P. M. G. Orders 4407, October 21, 1933; 25380, July 17, 1944; 25381, July 17, 1944; 29578, November 6, 1945]

CROSS REFERENCE: For special delivery regulations, see Part 15 of this chapter.

In § 5.73 *Rates of postage on library books* make the following changes:

Amend heading to read as follows:

§ 5.73 *Rates of postage on books.*

Amend paragraph (a) by the addition of the following sentence:

The postage on books as provided in this paragraph shall be increased, effective March 26, 1944, by 3 per centum, fractions of one-half cent or more being computed as 1 cent, but in no case shall the increase per parcel be less than 1 cent. (Act of February 25, 1944, 58 Stat. 69; 39 U. S. C. 293a)

Amend paragraph (c) by deleting "Division of Classification" and substituting therefor "Division of Letter and Miscellaneous Mail."

Add the following as paragraphs (f) (1) to (6):

(f) (1) The postage rate on books consisting wholly of reading matter or reading matter with incidental blank spaces for students' notations and containing no advertising matter other than incidental announcements of books, when mailed under such regulations as the Postmaster General may prescribe, shall be 3 cents per pound or fraction thereof, irrespective of the postal zone of destination thereof: *Provided,* That this act shall not affect the rates of postage on books mailed by or to libraries and organizations as prescribed by the act of February 28, 1925, as amended. (Act of June 30, 1942, 56 Stat. 462; 39 U. S. C. 293a)

(2) A book, within the contemplation of the foregoing paragraph, shall be a volume permanently bound in cloth or paper having 24 or more pages, of which at least 22 are printed, and with the exception of text books containing incidental spaces for students' notations, shall not contain ruled or blank pages intended for records or memoranda purposes. [Sec. 572, as amended by P. M. G. Order 18100, June 30, 1942]

(3) The postage on books as provided in paragraph (f) (1) shall be increased, effective March 26, 1944, by 3 per centum, fractions of one-half cent or more being computed as 1 cent, but in no case shall the increase per parcel be less than 1 cent. (Act of February 25, 1944, 58 Stat. 69; 39 U. S. C. 293a)

(4) The provision for the acceptance at the rate of 3 cents a pound of books with incidental blank spaces applies only to textbooks which are intended for students and which do not have more than one-half, preferably less than half, of the total number of pages prepared with blank spaces or ruled lines for the insertion of students' notations. This rate does not apply after such notations are made in the books.

(5) The new rate does not apply to the following:

Annual reports of organizations and institutions; also reports or minutes of their conventions or other meetings published primarily for the benefit of members.

Books containing write-ups, boosts or other advertisements, even though incidental, of other things than books, as, for instance, playing cards, merchandise, services, etc.

Books of the loose-leaf binder type which are not complete or permanent when mailed but to which other pages are subsequently to be added.

Reports of corporations sent to stockholders.

House organs, including publications designed to promote the commercial interests of a firm or organization.

Trade directories in which the listings are paid for.

Telephone directories.

Publications entered as second-class matter.

Publications consisting of pictures to be cut out.

Publications other than textbooks, having blank spaces for written entries, records or other hand work, such as almanacs, diaries, memorandum books and similar publications.

Periodical publications.

Sheet music.

Bound volumes of publications entered as second-class matter.

Promotional publications of nonprofit organizations or institutions, such as schools, colleges, churches, fraternal societies, etc.

Books in any other than final or permanent form.

Publications furnished as a part of a service.

Publications relating to furniture, household articles, decorations, etc., in which reference is made by name to the concerns manufacturing or handling the article featured, or which otherwise promote the interests of such concerns.

Freight and passenger tariffs.

Directories or lists of members published in the interest of the organizations publishing the same.

(6) Among the publications to which the new book rate does apply are the following:

Textbooks with incidental blank spaces for students' notations.

Books permanently bound by stitching or stapling, or by means of spiral or plastic binding, when covered with paper, cloth, leather, or other substantial material, and having 24 or more pages, of which at least 22 are printed.

Books incidentally containing a few pages of announcements of other books, either in display or textual form.

Books inclosed in the usual paper jackets bearing advertisements of other books.

Music books in regular bound form.

Books consisting largely of pictures, illustrations, maps, such as a view book or atlas.

Bibles with customary incidental space for family record.

All parcels of books mailed at the new rate should be indorsed by the mailers "Book" or "Books."

No special permit is necessary to mail books at the new rate. Books mailed at this rate are subject to the same rate when forwarded to the addressee or returned to the sender.

The 3-cent-a-pound book rate applies to books for delivery in the United States and its possessions but does not apply to books mailed to foreign countries.

The following are permissible inclosures with books mailed at the new rate:

A reply envelope, post card, a single order form, and a single sheet not larger than approximately the size of a page, relating exclusively to the book with which inclosed. An invoice showing the price, etc., of the book may also be inclosed, as provided in § 5.75.

Since the law provides that books mailed at the rate of 3 cents a pound may contain incidental announcements of books, such announcements, whether appearing in the books themselves or in

the form of loose circular inclosures not weighing in excess of one and one-third ounces, will be permissible in addition to the inclosures described in the preceding paragraph, without affecting the postage chargeable at that rate, such postage, of course, to be computed on the full weight of each parcel. However, loose inclosures of this kind weighing in excess of one and one-third ounces and other circulars or printed matter such as folders, pamphlets, calendars, catalogs, etc., which would not otherwise be permissible, may be inclosed in parcels of books, provided a permit is obtained and postage on such inclosures is paid at the third-class rate of 1½ cents for each two ounces or fraction thereof in addition to the postage at 3 cents a pound on the books themselves. In authorizing these inclosures, it is contemplated that they shall be merely incidental, in no case exceeding eight ounces. The wrapper of the parcel in such case should bear a printed or hand stamped indorsement in the following form:

Additional Postage at the Third-Class Rate Paid for Inclosures. New York, N. Y., Permit No. 1.

Each patron desiring to mail such inclosures with books should obtain a permit from his postmaster for this privilege, the permits being numbered consecutively, for which no fee shall be charged, unless it is desired to mail the matter under a nonmetered permit under § 6.4 of this chapter, and the patron has no such permit, in which event the regular $10 application fee will be necessary.

The foregoing instructions modify those heretofore published with respect to the acceptance of books at the pound rate.

(R. S. 161, 396, §§ 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

In § 5.74 *Rates and conditions applicable to Alaska, Hawaiian Islands, Canal Zone, Philippine Islands* make the following changes:

Amend heading to read as follows:

§ 5.74 *Rates and conditions applicable to Alaska, Hawaiian Islands, Canal Zone.*

Amend paragraph (a) by deleting the words "and between the Philippine Islands and the United States or its possessions."

(See § 5.72 of Title 39, CFR.) [Sec. 571, as amended by P. M. G. Order 32546, August 26, 1946.]

In § 5.76 *Rate of postage on certain periodicals weighing over eight ounces not entered as second-class matter,* make the following changes:

Amend paragraph (a) to read as follows:

(a) Publications weighing in excess of 8 ounces issued at regular intervals of 12 or more times a year, 25 per centum or more of whose pages are devoted to text or reading matter and not more than 75 per centum to advertising matter, which are circulated free or mainly free, may, upon authorization by the Post Office Department, under such regulations as the Postmaster General may prescribe, be accepted for mailing at the postage rate of (9) cents a pound or fraction thereof, computed on the entire bulk mailed at one time, but not less than (6) cents per piece, provided the copies of such publications are presented for mailing made up according to States, cities, and routes as directed by the Postmaster General, (48 Stat. 880; 39 U. S. C. 293b; 58 Stat. 69; 39 U. S. C. Sup 293) [Sec. 573].

Amend paragraph (b) by changing "Classification" to "Newspaper and Periodical Mail."

Amend paragraph (g), line 3, by changing "Classification" to "Newspaper and Periodical Mail."

PART 6—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

Sec.

6.1 Receipts or certificates of mailing for ordinary, registered, insured and collect-on-delivery mail.
6.2 Limit of weight and size of mail matter.
6.3 Matter to which limit of weight is inapplicable.
6.4 Mailing matter without postage stamps affixed.
6.5 Precanceled Government stamped envelopes and postal cards.
6.6 Packages must admit of examination.
6.7 Inclosing higher class in lower-class matter.
6.8 Third or fourth class matter accompanied with communication.
6.9 Overcharges on mail matter.
6.10 Provisions relating to address.
6.11 Fourth-class matter; weight limitation on shipments.
Matter liable to damage the mails or injure the person; preparation and packing where admissible; plant quarantine.
6.12 Second Assistant Postmaster General to determine what matter shall be excluded as liable to injure mails.
6.13 Poisons, explosives, liquids, medicines, motion picture films.
6.14 Diseased tissues.
6.15 When articles liable to damage mail or injure employees may be accepted.
6.16 Perishable articles.
6.17 Cured meats and meat products.
6.18 Dead wild animals or birds or portions thereof.
6.19 Mailability of insects and various small animals.
6.20 Plant quarantine.
6.21 Terminal inspection of plants and plant products by the several States.

NOTE: For the text of sections listed in the above table and not appearing in this publication, see 39 CFR Part 6.

In § 6.2 *Limit of weight and size of mail matter* make the following changes:

Amend paragraph (a) to read as follows:

(a) The weight of mail matter is hereby declared to be not exceeding 4 pounds for each package thereof except in case of single books weighing in excess of that amount (fourth-class mail matter not exceeding 70 pounds in weight, nor greater in size than 100 inches in length and girth combined), and except for books and documents published or circulated by order of Congress when mailed by the Superintendent of Public Documents or under the franking privilege.

Amend paragraph (c) to read as follows:

(c) Parcels of books, pamphlets, and other reading matter for the blind, either in raised characters or in the form of sound-reproduction records, when mailed free of postage under the conditions prescribed in § 8.16, shall not exceed fifteen pounds in weight.

Amend paragraph (d) by deleting matter therein.

Amend paragraphs (e) and (f) by redesignating them (d) and (e).

(Sec. 3, 58 Stat. 394; 39 U. S. C., Sup. 321e) (Sec. 577, as amended by Postmaster General Orders 26506, Nov. 14, 1944, and 32556, Aug. 26, 1946)

In § 6.3 *Matter to which limit of weight is inapplicable* make the following changes:

Amend paragraph (b) to read as follows:

(b) Books and documents published or circulated by order of Congress when mailed by the Superintendent of Public Documents or under the franking privilege shall be accepted for mailing at any post office, without regard to their weight and whether wrapped separately or not. (Sec. 3, 58 Stat. 394, 39 U. S. C., Sup. 321e.)

Amend paragraph (c) to read as follows:

(c) Official matter weighing more than 4 pounds, but not exceeding the limit of weight prescribed by § 6.2, may be accepted for mailing only when postage is prepaid thereon.

NOTE: This provision does not apply to the War and Navy Departments, and their activities outside of Washington, D. C., for the duration of the present war and 6 months thereafter.

(Sec. 3, 58 Stat. 394; 39 U. S. C., Sup. 321e.) (Sec. 578, as amended by Postmaster General Order 26506, November 14, 1944.)

In § 6.4 *Mailing matter without stamps affixed* make the following changes:

Add new paragraphs (j) and (k) reading as follows:

(j) * * * the Social Security Board is hereby authorized to certify to the Secretary of the Treasury for payment to the Postmaster General for postage, out of the amount herein appropriated, such amounts as may be necessary and at such intervals as shall be determined by the Board, under a procedure to be prescribed and agreed upon by and between the Board and the Postmaster General, for the transmission of official mail matter heretofore transmitted free pursuant to the provisions of section 13 of the act entitled "An act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes," approved June 6, 1933 (29 U. S. C. 491), and for the transmission of official mail matter in connection with the unemployment compensation administration of States receiving grants out of the funds herein appropriated; the Postmaster General is hereby authorized and directed to extend to the States receiving such grants the privilege of transmission without prepayment of postage of official mail of the class upon which the Board is hereinabove authorized to certify amounts for

payment of postage (act of June 26, 1940, 54 Stat. 589).

(k) The envelope, wrapper, or label of matter mailed by State Employment Security offices cooperating with the Social Security Board shall, under the provisions of this section, bear in the upper left corner the name and address of the agency by which it is mailed over the words "Official Business—Return Postage Guaranteed" and in the upper right corner the words "Employment Security Mail—United States Postage Accounted for under act of Congress (par. 13, sec. 579, P. L. & R.)."

[Sec. 579 as amended by P. M. G. Order 14805, Nov. 14, 1940]

CROSS REFERENCE: For procedure see §§ 50.2306 and 50.2307 of this chapter.

CROSS REFERENCE: For description of forms see §§ 55.2006 to 55.2010, 55.2012 to 55.2015 of this chapter.

Amend § 6.5 *Precanceled Government stamped envelopes and postal cards* by deleting "Division of Classification" and substituting therefor "Division of Letter and Miscellaneous Mail" wherever those words appear.

In § 6.6 *Packages must admit of examination* make the following changes:

Amend paragraph (g) by changing "Classification" to "Letter and Miscellaneous Mail."

Amend paragraph (i) to read as follows:

(i) (1) So-called "window" envelopes, having an opening or a transparent panel in the front, through which the address upon the inclosure is disclosed, may be accepted for mailing under conditions prescribed by the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, if domestic ordinary mail is concerned, or by the Division of Registered Mails, if domestic registered mail is concerned. (See Official Postal Guide.)

(2) "Window" envelopes to be mailable, must be so prepared that the "window" or transparent panel in the front through which the address on the inclosure is disclosed will be parallel with the length of the envelope. The "window" shall not occupy any space within 1⅜ inches from the top, nor ⅜ of an inch from the bottom or ends of the envelope, and when covered shall be as transparent and free from glaze as possible.

(3) Such envelopes shall bear the return card of the sender, that is, the name and address of the sender, which shall be placed in the upper left corner of the address side, parallel with the length of the envelope. The return card of the sender, to be complete as to the address, must show not only his name and the name of the post office and State, but when the post office is one having letter-carrier service must also show a street address or number of post-office box rented by him. The mere name of a building will not suffice for a street address. Although it is preferred that the return card include the sender's name, the latter may be omitted from ordinary mail bearing the sender's post-office box number and post-office address, or, in case the sender is the sole occupant of a building, the street and number of such building, with postoffice and State, will suffice. Also where the sender is the sole occupant of a particular room, the designation of the room, with the street and number of the building, post office and State, may be used.

(4) No printing of advertising or of sentences or words of any kind within ⅜ of an inch of the "window" of window envelopes used for mailing purposes is permissible, nor on any part of such envelopes where it will interfere with a distinct postmark, rating indorsements, forwarding address, etc., but a plain, narrow border not exceeding approximately 5/32 of an inch in width around the window is permissible. When desired, such a border may also be placed around the outer edges of envelopes.

(5) The stationery used in "window" envelopes, or at least the portion upon which the exposed address appears, must be white, or, if colored, of a very light tint or shade. The use of dark-colored window envelopes or dark inclosures in such envelopes is not permissible. Nothing but the name and address of the addressee should appear on that part of the inclosure visible through the "window."

(6) The inclosures must be so prepared that they will not shift around in the envelopes, obscuring the address in whole or in part.

(7) The address must be written clearly and boldly, preferably in typewriting, or with ink of a dense black or other strongly contrasting color. Changes in address must not be made on the "window" but on the opaque portion of the envelopes.

(8) "Window" envelopes not conforming to the foregoing are unmailable.

In § 6.7 *Inclosing higher class in lower class matter* make the following change:

Amend paragraph (b) by changing "Classification" to "Letter and Miscellaneous Mail."

In § 6.9 *Overcharges on mail matter* make the following change:

Amend paragraph (b), to read as follows:

(b) All applications for refunds under the provisions of this section should be addressed to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, if they relate to refunds on domestic ordinary mail of the first, third, and fourth classes, and on transient second-class matter mailed by others than the publishers or news agents; or to the Third Assistant Postmaster General, Division of Newspaper and Periodical Mail, if they relate to refunds on second-class matter mailed by publishers or news agents; or to the Third Assistant Postmaster General, Division of Registered Mails, if they relate to refunds on domestic registered, insured, or c. o. d. mail; and to the Second Assistant Postmaster General, Division of International Postal Service, if they relate to refunds on international ordinary, registered, insured, or c. o. d. mail. Applications for refunds shall be accompanied with a full statement of the facts, and, when possible, the envelope or wrapper in which the matter was mailed. Postmasters shall not make refunds until instructed by the Department. [Sec. 584 as amended by P. M. G. Order 27238, February 12, 1945]

CROSS REFERENCE: For procedure see § 50.2010 of this chapter.

CROSS REFERENCE: For description of Form 8533, see § 55.2000 of this chapter.

In § 6.10 *Directions for transmission, etc., part of address* make the following change:

Amend paragraph (c) to read as follows:

(c) (1) Space shall be left on the address side of all mail sufficient for a legible address and for all directions permissible thereon, for postage stamps, for postmarking, rating, and any words necessary for forwarding or return. Watermarks which do not render the reading of the address difficult shall be permitted.

(2) Not less than 3½ inches of clear space should be left for such purposes at the right end of the address side of all envelopes, folders, or wrappers of mail matter, except in the case of large envelopes, etc., which have a clear rectangular space of not less than 5 inches by 3 inches for this purpose. Envelopes, window and ordinary, folders, cards, and wrappers should not be of such dark-colored stationery or bear on the address side so much printed matter in addition to the address as to contravene the foregoing provisions. It is preferable that all envelopes be made of white paper; when paper of any other color is used for envelopes, cards, folders, or wrappers, it should be of very light tints of yellow, pink, manila, or robin's-egg blue.

(3) Whenever practicable the use of envelopes, folders, cards, etc., which do not exceed approximately 4 inches by 9 inches in size or on which ample clear space (not less than 3½ inches) is left on the right portion of the address side for the address, postage stamps, etc., will serve to accomplish the desired object and result to the advantage of both the mailers and the Postal Service. In no case should cards or envelopes be smaller than 2¾ by 4 inches. A somewhat larger size is preferable.

Amend § 6.13 *Poisons, explosives, liquids, medicines, motion picture films* to read as follows:

§ 6.13 *Poisons, explosives, liquids, medicines, motion picture films.* (a) All kinds of poison, and all articles and compositions containing poison, and all poisonous animals, insects, and reptiles, and explosives of all kinds, and inflammable materials, and infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or explode, and all disease germs or scabs, and all other natural or artificial articles, compositions, or material, of whatever kind, which may kill or in any wise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, whether sealed as first-class matter or not, are hereby declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or station thereof, nor by any letter carrier; but the Postmaster General may permit the transmission in the mails, under such rules and regulations as he shall prescribe as

to preparation and packing, of any articles hereinbefore described which are not outwardly or of their own force dangerous or injurious to life, health, or property: *Provided,* That the transmission in the mails of poisonous drugs and medicines may be limited by the Postmaster General to shipments of such articles from the manufacturer thereof or dealer therein to licensed physicians, surgeons, dentists, pharmacists, druggists, cosmetologists, barbers, and veterinarians, under such rules and regulations as he shall prescribe: *Provided further,* That all spiritous, vinous, malted, fermented, or other intoxicating liquors of any kind are hereby declared to be nonmailable and shall not be deposited in or carried through the mails. Whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail, according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, unless in accordance with the rules and regulations hereby authorized to be prescribed by the Postmaster General, shall be fined not more than $1,000 or imprisoned not more than two years, or both; and whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail, according to the direction thereon or at any place to which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, whether transmitted in accordance with the rules and regulations authorized to be prescribed by the Postmaster General or not, with the design, intent, or purpose to kill or in any wise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, shall be fined not more than $10,000 or imprisoned not more than twenty years, or both.

(b) (1) Spiritous, vinous, malted, fermented, or other intoxicating liquors of any kind, poisons of every kind, and articles, preparations, compounds, and mixtures which are poison (except as prescribed in the fourth paragraph hereof), and poisonous animals, insects, and reptiles, corrosive materials, fireworks, matches, except as prescribed in subparagraph (9) of this paragraph, and explosives of every kind, and inflammable materials liable to cause fire by self-ignition through friction, through absorption of moisture, or through spontaneous chemical changes, and infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or explode, and disease germs or scabs (except as prescribed in § 6.14), and other natural or artificial articles, compositions, or materials of whatever kind which may kill or in any wise hurt, harm, or injure a person or damage, deface, or otherwise injure the mail or other property, live animals, insects, birds or fowls (except as prescribed in § 6.19), fresh hides or pelts, or any articles exhaling bad odor, whether sealed as first-class matter or not, shall not be admitted to the mails.

(2) Beverages containing not more than 3.2 percent of alcohol by weight, when addressed for delivery within any State, Territory, or District of the United States, the laws of which do not prohibit the manufacture or sale therein of beverages containing an alcoholic content of not more than 3.2 percent by weight, do not come within the term "intoxicating" as used in this section.

(3) Beer, lager beer, ale, porter, wine, or other liquors, regardless of alcoholic content, may not be mailed to Indian wards anywhere or into any present Indian reservation or to those parts of opened Indian reservations which are still reserved for Government or tribal use or which are held in trust for individual Indians prior to their request for fee patents for such lands.

(4) Inflammable liquids and substances having a flash point between 80° and 20° F., such as paints, varnishes, automobile tire-repair outfits containing rubber cement, etc., that are not liable to cause fire by self-ignition through friction, through absorption of moisture, or through spontaneous chemical changes, and are not poisonous or explosive or unmailable for reasons other than their inflammability, shall be accepted for transmission in the domestic mails except the Air Mail Service when in quantities of not more than 4 ounces and when contained in tightly closed metal boxes or cans and packed in strong papier-mâché tubes or in boxes made of good quality double-faced corrugated pasteboard. The word "inflammable" and the proper name of the article shall be plainly marked on the outside of the package. Articles having a flash point below 20° F. are held to be explosive and shall not be accepted for mailing.

(5) Substances mentioned in subparagraph (4) of this paragraph when in larger quantities shall be accepted for transmission in the domestic mails except the Air Mail Service, when in tight and strong metal containers inclosed in tight and strong outside wooden or fiber board boxes or cases: *Provided,* That the maximum quantity of any inflammable liquid packed in one outside container shall not exceed 5 gallons and the containers shall not be entirely filled—not less than 2 per cent of their capacity to be left vacant. The proper name of the inflammable substance contained therein shall be plainly marked on the outside of the package and caution labels (red for liquid and yellow for solids) shall be attached thereto by the shipper. These caution labels shall be diamond shaped, each side 4 inches long, with the wording printed in black letters inside of a black-lined border measuring 3½ inches on each side. The wording on the red labels shall be:

Notice to postal employees. Caution. Do not drop. Keep away from fires, stoves, radiators, lighted matches, lanterns, and direct sunlight. Any leaking package shall be removed to a safe place. This is to certify that the contents of this package are properly described by name and are packed and marked and are in proper condition for transportation according to the regulations prescribed by the Post Office Department.

Shipper's name

The wording on the yellow labels shall be:

Notice to postal employees. Caution. Do not drop. Keep fire and lights away. Sweep up and remove carefully contents of broken packages. This is to certify that the contents of this package are properly described by name and are packed and marked and are in proper condition for transportation according to the regulations prescribed by the Post Office Department.

Shipper's name

All such parcels shall be handled outside of mail bags.

(6) Inflammable or combustible liquids which give off inflammable vapors at or below a temperature of 150° Fahrenheit; inflammable solids which are liable, under conditions incident to transportation, to cause fires through friction, through absorption of moisture, or through spontaneous chemical changes; oxidizing materials such as chlorates, permanganates, peroxides, or nitrates, that yield oxygen readily to stimulate the combustion of organic matter; poisonous articles or substances; are prohibited in the mails when necessary to transport such materials, articles, or substances by vessels carrying passengers.

(7) Substances mentioned in subparagraphs (4) and (5) of this paragraph shall be accepted for transmission in the domestic mails except the Air Mail Service, when in quantities not exceeding 1 gallon in any one outside container in inside containers of glass or earthenware cushioned with cells of air at least three-fourths of an inch deep formed by extended tips of each compartment or partition, or with excelsior or other effective cushioning material, or in fiberboard cans at least 0.120 of an inch thick with metal top and bottom, the top being of the friction type which must be fastened on with six equally spaced single indentations at least 0.050 of an inch deep, or six double indentations equally spaced, the indentations being 0.034 of an inch deep on each of the opposite sides of the friction ring. The interior of the fiberboard container must be so lined or treated as to prevent penetration by the material with which the can is filled. The fiberboard can requires no cushioning.

The inside containers, whether of glass, earthenware or fiberboard must then be enclosed in a wooden, solid fiberboard or double-faced corrugated fiberboard box testing at least 200 pounds per square inch, all seams to be sealed with kraft 2½-inch gummed paper tape. When the quantity in any one parcel exceeds 4 ounces the parcel must bear the proper red caution label and shall be handled outside of mail bags.

(8) Nitrate of soda and nitrate of potassium in packages not exceeding 25 pounds shall be accepted for transmission in the domestic mail when prepared as provided in subparagraph (4) of this paragraph of this section or when packed in strong cotton bags lined with two thicknesses of kraft paper, cemented together with asphaltum and cemented to the outside cotton bags. Care shall be taken to avoid any of the product getting on the outside of the parcels, and the package shall be capable of withstanding a drop of 4 feet without any escaping

of contents. Each package shall bear the yellow caution label referred to in the preceding subparagraph.

(9) Safety matches (strike-only-on-box-or-book variety) shall be accepted for transmission in the domestic mails when packed in tightly closed metal containers, or in strong containers of other nonfragile material having a securely glued inside lining consisting of either aluminum foil 0.0004 inch thick, or long fiber asbestos paper 0.006 inch thick. The aluminum foil or asbestos lined containers must be completely filled with safety matches and the flaps reinforced with strong gummed paper tape.

Pull-and-light types of safety matches tested and approved by proper Government agency, shall be accepted for transmission in the domestic mails when packed in completely filled, tightly closed strong cardboard containers. A small number of cards of these matches may be accepted for mailing in a strong securely fastened mailing envelope.

No matches of any kind shall be accepted in the mails for transmission between continental United States and the overseas possessions and Territories of the United States, including Alaska, or for transmission between any such possession or Territory and any other such possession or Territory.

(10) Mercury in quantities not exceeding 15 pounds shall be accepted for transmission in the domestic mails when in a tightly closed container of glass or earthenware, securely cushioned in a double-faced corrugated fiberboard box. This box shall then be cushioned in a larger double-faced corrugated fiberboard box, tightly closed and securely fastened. Both fiberboard boxes must be of at least 175-pound test board. Mercury in small quantities such as contained in switches used to make and break an electric current may also be packed in approved mailing tubes when the glass tube of mercury is completely surrounded with at least one-half inch of soft cushioning material.

(c) Liquids not spirituous, vinous, malted, fermented, or otherwise intoxicating, and not liable to explosion or spontaneous combustion or ignition by shock or jar, and not inflammable, fruits or vegetable matter liable to decomposition, comb honey, soft soap, pastes or confections, ointments, salves, and articles of similar consistency, shall be admitted to the mails for transmission in the domestic mails when inclosed in packages in conformity with the conditions prescribed in §§ 6.15 and 6.16.

(d) (1) Medicines which are not outwardly or of their own force dangerous or injurious to life, health, or property, and not in themselves unmailable, shall be admitted to the mails for transmission in the domestic mails when inclosed in packages in conformity with the conditions prescribed in § 6.15: *Provided,* That the term "medicines" shall not be construed to mean poisons: *Provided further,* That the article mailed bears the label or superscription of the manufacturer thereof or dealer therein, or of the licensed physician, surgeon, dentist, pharmacist, druggist, or veterinarian preparing or prescribing the same.

(2) Insecticides, fungicides, and germicides not outwardly or of their own force dangerous or injurious to life, health, or property, and not in themselves unmailable (see secs. 569 and 598), shall be admitted to the mails for transmission in the domestic mails when securely packed for safe transmission: *Provided,* That the container of the article mailed is plainly labeled to show its contents, is also marked "Poisonous Composition", and bears the label or superscription of the manufacturer thereof.

Poisonous preparations, such as raticides, for the extermination of rodents and other destructive mammals are not included in the above classification and are not mailable.

(3) Poisonous drugs and medicines and anesthetic agents which are not outwardly or of their own force dangerous or injurious to life, health, or property, and not otherwise unmailable, when securely packed for safe transmission shall be admitted to the mails for transmission in the domestic mails when sent by the manufacturer thereof or dealer therein to licensed physicians, surgeons, dentists, pharmacists, druggists, cosmetologists, barbers, and veterinarians, when addressed as such: *Provided,* That the container of the article mailed is plainly labeled to show its contents, is marked "Poison," and bears the label or superscription of the manufacturer thereof.

(e) (1) Motion-picture films shall be packed in spark-proof metal boxes or cans, complying with specification No. 32 of the Interstate Commerce Commission regulations for the shipment of dangerous articles. Case and cover shall be lined throughout with hard fiberboard at least one-eighth inch thick. Each outside metal case shall be plainly and permanently marked in the metal by embossing the following symbol, consisting of a rectangle and the following mark:

I. C. C.—32 A.

The letters and figures in this symbol shall be at least one-half inch high, and the final letter may be either A, B, C, D, E, F, or G.

(2) Motion-picture films may also be packed in outside wooden boxes complying with Specification No. 15C of the Interstate Commerce Commission regulations for the transportation of dangerous articles, provided each reel is placed in a tightly closed inside metal container. Marking on boxes to indicate compliance with the specification is

I. C. C.—15C***

the stars being replaced by figures indicating the maximum gross weight for which the box is authorized. The letters and figures in this symbol shall be at least one-half inch high. Boxes marked I. C. C. —19 as previously authorized may be accepted if made prior to October 1, 1930.

(3) Short motion-picture films (not exceeding 25 feet in length) shall be accepted when placed in tightly closed metal cans and in outside containers of corrugated strawboard or other suitable material. Motion-picture films not exceeding 1,000 feet in length shall be accepted for mailing when placed in tightly closed metal cans lined with asbestos, in outside fiberboard or corrugated fiberboard containers, securely sealed, without the yellow caution label, to be dispatched inside of mail bags. Such films also shall be accepted for mailing when placed in tightly closed metal cans without lining, in outside fiberboard or corrugated fiberboard containers, securely sealed, with the yellow caution label, to be dispatched outside of mail bags.

(4) Motion-picture films referred to in subparagraphs (1), (2), and (3) of this paragraph may also be packed in one-piece fiberboard boxes complying with I. C. C. Specification 12B (paragraph 30 (b)) when each film is in a tightly closed metal film-reel can or strong cardboard or fiberboard box with cover held in place by adhesive tape or paper, containing not over 2,000 feet (approximately) of film; cans or boxes to be adequately braced in center of box by fiberboard, at least 175-pound test, extending full depth of box. Gross weight not over 65 pounds. Closing of box must be effected by coating entire contact surfaces of flaps with efficient adhesive; stitched closure not authorized. Boxes that have been filled, shipped, and opened, are not authorized for reuse.

(5) Noninflammable motion-picture films shall be accepted without other restriction when packed in sufficiently strong containers; each outside container shall be plainly marked "Motion-picture films—Not dangerous."

(6) Pyroxylin plastics (celluloid, fiberoid, pyralin, viscaloid, zylonite, etc.) in sheets, rolls, or tubes, shall be packed in strong spark-proof wooden boxes, or sheet pyroxylin may also be packed flat in double-faced corrugated strawboard packages, provided that the total thickness of sheet material in one package does not exceed one-half inch in thickness. The pyroxylin plastic shall be wrapped in paper and the box shall not be less than two thicknesses of double-faced corrugated strawboard at all points. When material is in rolls, it shall be placed in fiber or strawboard cylinders with walls not less than 0.045 inch thick, for a net weight of 6 pounds or less or 0.115 inch thick for a net weight of 15 pounds or less, and the cylinders shall be lined with single-faced corrugated strawboard two-tenths inch thick.

(7) All packages containing inflammable motion-picture films (except short lengths) or pyroxylin plastics (except manufactured articles) shall have attached thereto by the shipper a diamond-shaped yellow label, each side 4 inches long, with the wording printed in black letters inside of a black line border measuring 3½ inches on each side, reading as follows:

Caution. Keep away from fire, heat, and open-flame lights. Sweep up and remove carefully contents of broken packages. This is to certify that the contents of this package are properly described by name and are packed and marked and are in proper condition for transportation, according to the regulations prescribed by the Post Office Department.

Shipper's name.

All such parcels shall be handled outside of mail bags.

(8) Motion-picture films shall be loaded in cars occupied by a postal or railroad employee and in a place that will permit of their ready removal in case of fire. They shall not be loaded in cars nor stored in stations or offices in contact with steam pipes or other sources of heat.

(9) Postmasters shall exercise special care in accepting motion-picture films and pyroxylin plastics for shipment and see that containers are in good condition and have attached thereto the required caution label.

(10) The address labels shall be plain, with the name of the shipper shown in the upper left corner less conspicuously than the name and address of the addressee, which shall appear on the lower half of the label, and all old labels and postage stamps shall be removed.

(11) Packages of motion-picture films shall not exceed the size and weight limit for parcel-post mail. (Sec. 217, 35 Stat. 1131, 41 Stat. 620, 45 Stat. 1072, 48 Stat. 1063, Sec. 6, 48 Stat. 19, R. S. 2139, Sec. 1, 19 Stat. 244, 27 Stat. 260, Sec. 1, 29 Stat. 506, R. S. 2139, 29 Stat. 244, 27 Stat. 260, 29 Stat. 506, 25 U. S. C. 241; 18 U. S. C. 340, 27 U. S. C. 64j, 25 U. S. C. 241.)

CROSS REFERENCE: For Interstate Commerce Commission regulations relating to Shipping Container Specification 15C, see 49 CFR 72.15C–1 to 72.15C–6. For Shipping Container Specification No. 32, see 49 CFR 72.32–1 to 72.32–25. For regulations of the Office of Indian Affairs see 25 CFR Part 276.

Amend § 6.14 *Diseased tissues,* to read as follows:

§ 6.14 *Diseased tissues.* (a) (1) Specimens of diseased tissues, blood, serum, and cultures of pathogenic microorganisms may be admitted to the mail for transmission to United States, State, municipal, or other laboratories in possession of permits referred to in paragraph (b) of this section only when enclosed in mailing cases constructed in accordance with this regulation, provided that bacteriologic or unfixed pathologic specimens of plague and cholera shall not be admitted to the mails except when prepared as hereinafter specifically provided.

(2) Pathologic specimens of plague and cholera which have been immersed for at least 72 hours in four times their volume of 4 percent formaldehyde gas in water, or other fluid of equal or superior disinfecting power for a period sufficient to fix or harden the central portions of the specimen, may be admitted to the mails if packed in the same manner as herein prescribed for other unfixed pathologic tissues (paragraph (c) (1), (2) and (3) of this section).

(3) Cultures and infectious material of plague, cholera, anthrax, undulant fever and tularaemia may be admitted to the mails if enclosed in stout glass tubes sealed by fusion of the glass and packed in a larger stout glass container with a layer of absorbent cotton soaked in 4 percent formaldehyde surrounding the inner container. The outer glass container shall be closed with a rubber stopper or cork of good quality or by fusion of the glass. This double glass container shall then be packed in accordance with the provisions of paragraph (c) (2) and (3) of this section.

(b) No pacakage containing diseased tissue, blood, serum, or cultures of pathogenic microorganisms shall be delivered to any representative of any of the said laboratories until a permit shall have first been issued by the Postmaster General, certifying that said institution has been found to be entitled, in accordance with the requirements of this regulation, to receive such specimens.

(c) (1) Specimens of sputum, feces, pus, unfixed diseased tissue, or other infectious material fluid in nature or shipped with nondisinfecting fluid shall be placed in stout glass containers of suitable size (but not more than 3 inches in diameter) closed with a metal cover with a rubber, cork, or paraffined paper leakproof washer or with a cork or rubber stopper of good quality or by fusing the glass, provided that large fixed specimens of diseased tissue may be prepared for shipment outside of mail bags when packed in accordance with the provisions of subparagraph (2) of this paragraph.

(2) The aforesaid glass container shall then be placed in (i) a cylindrical sheet-metal box, with soldered joints, closed by a metal screw cover, or (ii) a paraffin impregnated heavy cardboard container with ends made of metal, or a suitable substitute for metal and/or cardboard. A sleeve type of closure may be employed provided that the overlap is at least one-third the length of the cylinder and in any case at least two inches. The closure shall be sealed with tape. Or, (iii) a one-piece bored wooden cylinder at least three-sixteenths of an inch thick in its thinnest part with a threaded screw top.

The screw top covers shall be provided with rubber or felt washers and shall be threaded with sufficient screw threads to require at least one and one-half full turns before they will come off.

The vial or test tube in the above containers shall be completely and evenly surrounded by absorbent cotton or other suitable absorbent in quantity sufficient to absorb the contents of the glass container, should it be broken.

(3) The sheet-metal box with its contents shall then be enclosed in a closely fitting wooden or papier-mâché box or tube, at least three-sixteenths of an inch thick in its thinnest part or in a sheet-metal box or tube of sufficient strength to resist rough handling and support the weight of the mails piled in bags. This tube shall be tightly closed with a screw-top cover with sufficient screw threads to require at least one and one-half full turns before it will come off.

(4) Cultures in solid media, blood, serum, spinal fluid, fixed and completely disinfected diseased tissue and infectious materials on swabs shall be transmitted in a stout glass container of suitable size (but not more than 3 inches in diameter) closed with a metal cover with a rubber, cork, or paraffined paper washer or with a stopper of rubber, paraffined cork, or cotton, the last sealed with paraffin or covered with a tightly fitting rubber cap. The tube shall then be packed in a single wooden or papier-mâché cylindrical box or tube, at least three-sixteenths of an inch thick in its thinnest part or in a sheet-metal box or tube, of sufficient strength to resist rough handling and support the weight of the mails piled in bags. The glass container in this box or tube shall be completely and evenly surrounded by absorbent cotton or other suitable absorbent packing material. Cultures in media that are fluid at the ordinary temperature (below 45° C. or 113° F.) may be mailed if packed in stout glass vials closed by fusing the glass and enclosed as in subparagraphs (2) and (3) of this paragraph.

(5) Specimens of blood dried on glass microscopic slides for the diagnosis of malaria or typhoid fever by the Widal test or of other conditions shall be sent in any strong mailing case which is not liable to breakage or loss of the specimen in transit.

(6) Large pathological specimens of fixed diseased tissue and shipments of large numbers of small specimens may be prepared for shipment outside of mail bags. Small specimens of sputum, blood, serum, spinal fluid, pus, feces, fixed or unfixed diseased tissue or other material fluid in nature or shipped with fluid, forming part of such a shipment shall be placed in stout glass containers as in subparagraph (1) of this paragraph and individually evenly wrapped in absorbent cotton or other suitable absorbent material in sufficient quantity to absorb all the fluid in case of breakage. Large specimens of fixed diseased tissue shall be placed in securely sealed glass containers or in securely closed (hermetically sealed or screw-top or approved patent-top) metal containers with the necessary preservative fluid. The container shall be surrounded by sawdust or other suitable absorbent material to protect against breakage or leakage. Small and large specimens so prepared shall be shipped in a strong securely closed box marked "Fragile—Liquid. This Side Up," or with similar inscription, and be transported outside of mail bags.

(d) Upon the outside of every package of diseased tissue, blood, serum, or cultures of pathogenic microorganisms admitted to the mails shall be written or printed the words "Specimen for bacteriological examination. This package shall be pouched with letter mail." Except that large specimens or shipments prepared under paragraph (c) (6) of this section shall be marked "Specimen for bacteriologic examination." (R. S. 161, 396, Secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369.)

CROSS REFERENCE: For procedure to obtain permit to receive diseased tissue see §§ 51.101 to 51.103, inclusive, of this chapter.

Amend § 6.15 *When articles liable to damage mail or injure employees may be accepted,* to read as follows:

§ 6.15 *When articles liable to damage mail or injure employees may be accepted.* Admissible articles which, from their form or nature, might damage other mail matter or equipment or injure the person of any postal employee shall be accepted when packed in accordance with the following conditions:

(a) In case of articles liable to break, the inner bag, box, envelope, or wrapping shall be surrounded by sawdust, excelsior, cotton, or other similar substance.

(b) Admissible liquids and oils (§ 6.13) in packages not exceeding the limit of weight of fourth-class matter shall be accepted for mailing when intended for delivery at the office of mailing or on a rural route starting therefrom when inclosed in strong and securely closed containers, provided it is not necessary to transport them over steam or electric railways.

(c) Admissible liquids and oils, pastes, salves, or other articles easily liquefiable shall be accepted for mailing, regardless of distance, when they conform to the following conditions:

(1) When in strong glass bottles holding 4 ounces or less, the total quantity sent in one parcel shall not exceed 24 ounces, liquid measure. Each bottle shall be wrapped in absorbent material and then all placed in a box made of cardboard or other suitable material and packed in a container made of double-faced corrugated fiberboard or solid fiberboard or wood. The corners of the container shall fit tightly and be reinforced with tape, so as to prevent the escape of any liquid if the inside container should be broken, and the whole parcel shall be securely wrapped with strong paper and tied with twine. Such parcels shall be indorsed "Fragile—Liquid," and be dispatched inside of mail bags. Single bottles of liquid holding 4 ounces or less may also be packed as prescribed in subparagraphs (2) and (3) of this paragraph.

(2) When in glass bottles holding more than 4 and not more than 16 ounces, the bottle shall be very strong and shall be inclosed in a block or tube of metal, wood, papier-mâché or similar material, and there shall be provided between the bottle and the block or tube a cushion of cotton, felt, or other absorbent. The block or tube, if of wood or papier-mâché, shall be of sufficient strength to afford proper protection to contents, and withstand handling in the mails, and shall be rendered watertight by an application on the inside of paraffin or other suitable substance, and shall be closed by a screw-top cover with sufficient screw threads to require at least one and one-half complete turns before it will come off. The cover of the block or tube shall be provided with a washer so that no liquid could escape if the bottle should be broken. Such bottles may also be packed in strong and tight receptacles of wood, metal, or solid fiberboard or waterproof double-faced corrugated fiberboard if surrounded with bran, sawdust, or other absorbent material in sufficient quantity to absorb all the liquid if the bottle should be broken. Parcels prepared in this manner shall be indorsed "Fragile—Liquid" and be dispatched inside of mail bags.

(3) Mailable liquids, in quantities of more than 16 ounces, when in securely sealed glass bottles, shall be accepted for mailing when packed in strong boxes and surrounded with sawdust or other suitable substance to protect the contents from breakage. All such packages shall be marked "Fragile—Liquid. This Side Up," or with similar inscription, and be transported outside of mail bags.

(4) Mailable liquids in securely closed (hermetically sealed or screw top or approved patented top) metal containers, when in quantities of less than 1 gallon and inclosed in double-faced corrugated fiberboard or solid fiberboard or wooden boxes for shipment inside of mail bags, shall be accepted for mailing, but when in friction-top cans the tops shall be securely soldered on or so fastened by effective indentations at not less than six places, or the cans be surrounded with sawdust, bran, or other suitable absorbent material in sufficient quantity to absorb all the liquid if the top of the can should come off. Such parcels shall be marked "Fragile—Liquid."

(5) Mailable liquids in tightly closed metal containers in quantities of 1 gallon or more shall be accepted for mailing when suitably boxed or crated to be dispatched outside of mail bags and labeled "Fragile—Liquid. This Side Up," but when in extra strong metal containers, such as heavy milk cans, the boxing or crating may be omitted.

(6) Insecticides, fungicides, and germicides, when accepted for mailing, must be in inside containers of metal, glass or fiber cans or boxes and in outside containers of metal, wood, or fiberboard, tightly closed and securely fastened. When in liquid form, the inside container must not only be surrounded with sufficient absorbent material to absorb all the liquid should the container be broken but packed in cushioning material. (Excelsior is not considered an absorbent.) When in solid or powdered form, the inside container must be surrounded with cushioning material.

(d) Pastes, salves, etc., not easily liquefiable shall be accepted for mailing when inclosed in watertight containers and cushioned in a double-faced corrugated fiberboard or solid fiberboard or wooden box.

(e) Manufacturers or dealers intending to transmit articles in considerable quantities should submit to the postmaster at the mailing office for approval a specimen parcel showing the manner of packing.

(f) Sharp-pointed or sharp-edged instruments or tools shall be capped or incased so that they cannot cut through their covering. Blades shall be bound so that they will remain firmly attached to each other or within their handles or sockets. Plowshares, stove castings, pieces of machinery, etc., shall have all points, edges, and corners thoroughly protected with excelsior or similar material and be wrapped in burlap, cloth, or tough paper, or be properly boxed to prevent damage to mail or equipment, when intended for other than local delivery.

(g) Ink powders, flour, pepper, snuff, or other similar powders not explosive, or any similar pulverized dry substance not poisonous, shall be accepted when inclosed in the manner prescribed herein for liquids, or when inclosed in cases made of metal, wood, papier-mâché, or similar material, in such manner as to render impossible the escape of any of the contents.

(h) Candles, confectionery, yeast cakes, soap in hard cakes, etc., shall be inclosed in boxes and so wrapped as to prevent damage to other mail matter.

(i) Mailable hides and pelts which are thoroughly dried or cured (§§ 6.13, 6.18) shall be so wrapped as to prevent grease soaking through the package and damaging other mail matter.

(j) Unloaded guns may be sent in the mails, but the postmaster at mailing office shall carefully examine such packages and shall receive them only when sure they are harmless. Cartridges or loaded shells shall not be accepted for mailing. (See section 607 as to mailability of pistols, etc.)

(k) Fragile articles, such as millinery, toys, musical instruments, etc., and articles consisting wholly or in part of glass, or contained in glass, shall be securely packed and cushioned in strong double-faced corrugated fiberboard or solid fiberboard or wooden boxes and the parcel stamped or labeled "Fragile." Parcels so labeled shall be handled with the greatest possible care. Parcels which do not contain fragile articles shall not be marked "Fragile." (R. S. 161, 396, Secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

CROSS REFERENCE: For regulations relating to mailability of pistols, etc., see § 7.2 of this chapter.

Amend § 6.16 *Perishable articles,* to read as follows:

§ 6.16 *Perishable articles.* (a) Postmasters and other employees shall endorse all parcels containing perishable articles with the word "Perishable" on the wrapper directly above the name of the addressee. Articles likely to spoil within the time reasonably required for transportation and delivery shall not be accepted for mailing.

(b) Butter, lard, and perishable articles, such as fish, fresh meats, dressed fowls, vegetables, fruits, berries, and articles of a similar nature, which decay quickly, shall be accepted for mailing to any office which in the ordinary course of mail they can reach without spoiling, when inclosed in crates, boxes, baskets, or other suitable containers, so constructed as properly to protect the contents and prevent the escape of anything therefrom. Such parcels shal be labeled "Perishable," and, if necessary for safe shipment, shall be transported outside of mail bags. Berries, fruits, and vegetables shall not be accepted for mailing unless they are in good dry shipping condition.

(c) Eggs shall be accepted for mailing when packed in crates, boxes, baskets, or other suitable containers, so constructed as properly to protect the contents. Such packages shal be transported outside of mail bags. All parcels containing eggs shall be plainly marked "Eggs." When necessary, they should be marked "This side up."

(d) Eggs for hatching shall be accepted for mailing, when each egg is wrapped separately and surrounded with excelsior, woodwool, or other suitable material and packed in a basket, preferably with a handle, or other suitable container, lined with paper, fiber board, or corrugated pasteboard. Such parcels

shall be labeled "Eggs for hatching," "Keep from heat and cold," "Please handle with care," or other suitable words, and shall be handled outside of mail sacks. (R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

In § 6.17 *Cured meat and meat products* make the following changes:

Amend paragraph (a) by inserting after the words "March 4, 1907" the words "and the amendment thereof of June 29, 1938."

Amend paragraph (b) (1) by adding the words "and the amendment thereof of June 29, 1938."

Amend paragraph (b) (4) (certificate of examination as to animals slaughtered on farm) by inserting in second line after the word "therefrom" the words "which has been marked by him with his name and address."

Amend paragraph (c) by changing the word "transmission" in the third line to "transportation." (34 Stat. 1265, 52 Stat. 1235; 21 U. S. C. 91) [Sec. 592 as amended by P. M. G. Order 14528, Aug. 1, 1940]

Amend § 6.18 *Dead wild animals or birds or portions thereof,* to read as follows:

§ 6.18 *Dead wild animals or birds or portions thereof.* (a) Postmasters shall not accept for mailing any parcel containing the dead bodies, or parts thereof, of any wild animals or birds, or the eggs of any such birds, which have been killed or taken or are offered for shipment contrary to any law of the United States or of any State, Territory, District of Columbia, or foreign country or State, Province, or other subdivision thereof: *Provided, however,* That the foregoing shall not be construed to prevent the acceptance for mailing of the dead bodies, or parts thereof, of any wild animals or birds, or the eggs of any wild birds, killed or taken during the season when the same may be lawfully killed or taken and the shipment of which is not prohibited by law in the State, Territory, District, or foreign country, in which the same are killed or taken or offered for shipment.

(b) Parcels containing the dead bodies of any wild animals, or birds, or parts thereof (except furs, hides, or skins of such animals, for which provision is hereinafter made), or the eggs of such birds, may be admitted to the mails only when plainly and clearly marked, labeled, or tagged on the outside thereof with the names and addresses of the shipper and consignee (addressee), and with an accurate statement showing by number and kind the contents thereof: *Provided, however,* That fresh game in any form may be accepted for transmission only to post offices to which, in the ordinary course of mail, it can be sent without spoiling. (See § 6.16.)

(c) Parcels containing furs, hides, or skins of wild animals may be accepted for mailing only when properly dried, and plainly and clearly marked, labeled, or tagged on the outside thereof with the names and addresses of the shipper and consignee (addressee), together with such other indorsement, if any, as may be required by the game laws of the State, Territory, or District in which mailed. (R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, secs. 242, 243, 49 Stat. 380, 381; 5 U. S. C. 22, 369; 18 U. S. C. 392, 393)

Amend § 6.19 *Mailability of Insects and Various Small Animals,* to read as follows:

§ 6.19 *Mailability of insects and various small animals*—(a) *Insects and dried reptiles.* (1) Queen bees and their attendant bees, when accompanied with a copy of a certificate of the current year from a State or Government apiary inspector to the effect that the apiary from which said queen bees are shipped is free from disease or by a copy of a statement by the beekeeper made before a notary public or other officer having a seal that the honey used in making the candy used in the queen mailing cage has been diluted and boiled in a closed vessel may be sent in the mails when so put up as to render it practically impossible that the package shall be broken in transit, or the persons handling the same be injured, or the mail bags or their contents soiled.

(2) Honey bees in quantities may be sent in the mails under the same conditions as are prescribed for queen bees and their attendant bees when delivery can be made to the addressee within a period of 5 days. If the cages are wooden, the material of which they are constructed shall not be less than three-eighths of an inch thick and the saw cuts therein or space between slats shall not be over one-eighth of an inch wide; if wire screen is used for the sides of the cages the screen may be of one thickness. Semiliquid food consisting of sugar sirup inclosed in a tin can with small holes in the bottom of the can to permit of a proper leakage of the food supply may be placed in the cages. The food can shall be securely suspended in the cage with the top of the can wedged against the top of the cage. Cleats approximately 1 inch high shall be securely fastened on the bottom of the cages to prevent the escape therefrom of any sirup that the bees may fail to consume. Each cage shall be provided with a suitable handle and be marked on the top with the words "This Side Up." Such parcels shall be transported outside of mail bags.

(3) Other live nonpoisonous or disease conveying insects when addressed to the Bureau of Entomology and Plant Quarantine, U. S. Department of Agriculture or to departments or divisions of Entomology in State agriculture colleges, or experiment stations, or to persons holding official entomology positions, or when accompanied by a permit issued by the Bureau of Entomology and Plant Quarantine, U. S. Department of Agriculture, authorizing their interstate movement; and dried insects and reptiles may be sent in the mails when so put up as to render it practically impossible that the package shall be broken in transit, or the persons handling the same be injured, or the mail bags or their contents soiled.

(b) Live day-old chicks, day-old ducks, day-old geese, day-old guinea fowl, and day-old turkeys shall be accepted for mailing when the package in which they are contained is properly prepared and can be delivered to the addressee within 72 hours from the time they are hatched. Shipments of day-old chicks and other live day-old poultry shall not be forwarded to the addressee from the office of original address nor returned to the sender if delivery cannot be made to either the addressee or sender within the 72-hour period from the time of hatching.

(c) Baby alligators not exceeding 20 inches in length, baby terrapin, baby turtles, bloodworms, chameleons, earthworms, frogs, goldfish packed in moss, hellgrammites, horned toads, hydras, leeches, lizards, meal worms, newts, planaria, salamanders, shellfish, snails, soft crabs, soft crawfish and tadpoles may be sent in the mails to points they may reasonably be expected to reach in good condition. They shall be properly prepared for safe transmission, and containers shall be labeled "Perishable" and the nature of the contents marked thereon.

(d) Live day-old chicks, day-old ducks, day-old geese, day-old guinea fowl, day-old turkeys, queen bees and their attendant bees, honey bees, and harmless live animals, mailed under the conditions set forth in the preceding paragraphs of this section, may be accepted for insurance or collection-on-delivery, and indemnity in connection therewith will be paid in accordance with the provisions of sections 1389 and 2234, Postal Laws and Regulations, 1940, as amended. (R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

CROSS REFERENCE: For the regulations of Department of Agriculture relating to importation of adult honey bees see 7 CFR Part 322. For regulations relating to importation of plant products by mail see 7 CFR, Part 351.

In § 6.21 *Terminal inspection of plants and plant products by the several States* make the following changes:

Amend paragraphs (b) (1) and (b) (2) by changing "Classification" to "Letter and Miscellaneous Mail."

PART 7—UNMAILABLE MATTERS; EXCEPTED FIREARMS

Sec.
7.1 Unmailable matter.
7.2 Mailing pistols, revolvers, and other firearms.

NOTE: For the text of the regulations in this part, see 39 CFR Part 7.

PART 8—FREE MATTER IN THE MAILS

MATTER TO BE FRANKED

Sec.
8.1 Congressional documents.
8.2 Congressional Record.
8.3 Official correspondence by Members of Congress.
8.4 Use of franking privilege.
8.5 Prohibition against loan of frank.
8.6 Pan American diplomatic representatives.

OFFICIAL MATTER

8.7 Official or penalty envelopes.
8.8 Public documents.
8.9 Census mail matter.
8.10 Penalty privilege.
8.11 Use of penalty envelopes and labels.
8.11a Mailings under penalty privilege.

REPORTS AND BULLETINS OF AGRICULTURAL COLLEGES AND EXPERIMENT STATIONS

Sec.
8.12 Agricultural colleges.
8.13 Agricultural extension work.
8.14 Agricultural experiment stations.

PUBLICATIONS FOR COPYRIGHT

8.15 Copyright of works of an author, photographic print.

READING MATTER FOR THE BLIND

8.16 Books, pamphlets.
8.17 Volumes of Holy Scriptures.
8.18 Magazines, periodicals, and sound-reproduction records.

NOTE: For the text of sections listed in the above table and not appearing in this publication see 39 CFR Part 8, and Cumulative Supplement.

AUTHORITY: §§ 8.1 to 8.18, inclusive (with the exceptions noted in the text), issued under R. S. 161, 396, sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369.

In § 8.13 *Agricultural extension work* make the following changes:

Amend paragraph (c) by changing "Classification" to "Letter and Miscellaneous Mail."

Amend paragraph (f) by changing "Classification" to "Letter and Miscellaneous Mail."

In § 8.14 *Agricultural experiment stations* make the following change:

Amend paragraph (b) by changing "Classification" to "Letter and Miscellaneous Mail."

In § 8.16 *Reading matter for the blind—books, pamphlets* make the following change:

Amend paragraph (g) by changing "Classification" to "Newspaper and Periodical Mail."

In § 8.17 *Volumes of Holy Scriptures* make the following change:

Amend paragraph (b) by changing "Classification" to "Letter and Miscellaneous Mail."

PART 9—THE PRIVACY AND SAFEGUARDING OF THE MAILS

Sec.
9.1 Privacy of matter under seal.
9.2 Information not to be given.
9.3 Access to mails forbidden.
9.4 Matter unsealed or in bad order.

NOTE: For the text of the regulations in this part, see 39 CFR Part 9.

PART 10—TREATMENT OF MAIL MATTER AT MAILING OFFICES

Sec.
10.1 Time for closing mails.
10.2 Cancelation of stamps at railway stations.
10.3 Postage to be rated upon weight of matter at time of mailing.
10.4 Receipt of ship and steamboat matter.
10.5 Second-class matter.
10.6 Third- and fourth-class matter; place for mailing.
10.7 Defaced stamps.
10.8 Letters under cover to postmasters.
10.9 Withdrawal by sender before dispatch.
10.10 Recall of matter after dispatch.

NOTE: For the text of sections listed in the above table and not appearing in this publication, see 39 CFR Part 10.

AUTHORITY: §§ 10.1 to 10.10, inclusive (with the exceptions noted in the text), issued under R. S. 3840, 161, 396, secs. 304, 309, 42 Stat. 24, 25; 39 U. S. C. 6, 22, 369.

In § 10.5 *Second-class matter,* make the following change:

Amend paragraph (g), subparagraph (2), by changing "Classification" to "Newspaper and Periodical Mail."

Change "[Sec. 714]" at end of section to "[Sec. 541]".

In § 10.7 *Defaced stamps* make the following change:

Amend paragraph (c) by deleting "Division of Classification" and substituting therefor "Division of Letter and Miscellaneous Mail." (Sec. 621 as amended by P. M. G. Order 27238, Feb. 12, 1945)

PART 11—SHORT-PAID AND UNMAILABLE MATTER AT MAILING OFFICES

Sec.
11.1 Unpaid letters.
11.2 Unpaid letters accompanied by money insufficient for one full rate.
11.3 Unpaid or insufficiently paid matter.
11.4 Misdirected matter at mailing office.
11.5 Unmailable matter.
11.6 Disposition of matter unmailable, misdirected, damaged, or held for postage.
11.7 Frequency of returns of unmailable matter to a dead letter branch.
11.8 Disposal of destructive unmailable matter.

NOTE: For the text of the regulations in this part, see 39 CFR, Part 11.

PART 12—TREATMENT OF MAIL MATTER AT RECEIVING OFFICES

MATTER INSUFFICIENTLY PAID AND COLLECTION OF POSTAGE DUE

Sec.
12.1 Postage not fully prepaid.
12.2 Collection of postage due.
12.3 Double postage.
12.4 Postage-due stamps.

FORWARDING OF MAIL MATTER

12.5 General provisions.
12.6 Forwarding requests, when disregarded.
12.7 Misdirected matter.
12.8 Mail from infected localities.

UNDELIVERABLE AND UNMAILABLE MATTER AT RECEIVING POST OFFICES

12.9 Unmailable matter.
12.10 Matter not to be delivered to fictitious addresses.

DELIVERY OF MAIL

12.11 Mail to be delivered from office to which addressed.
12.12 General directions for delivery of ordinary mail matter.
12.13 Packages of second-class matter.
12.14 Use of general delivery.
12.15 Detention of mail at request of addressee.
12.16 Use of boxes.
12.17 Delivery of mail at city delivery offices.
12.18 City directories.
12.19 Pension letters.
12.20 Mail addressed to minors.
12.21 Mail addressed to persons adjudicated of unsound mind.
12.22 Mail addressed to deceased persons.
12.23 Mail addressed to partnerships and corporations.
12.24 Contention as to delivery of mail for dissolved firm, company, or corporation.
12.25 Mail for person, firm or corporation in hands of receiver.
12.26 Mail relating to business which is sold.
12.27 Order of court to be obeyed.
12.28 Letters "opened through mistake."
12.29 Valuable letters received from a dead letter branch.
12.30 Delivery to senders of unclaimed letters returned.
12.31 Delivery of certain unmailable matter.

RETURN AND DISPOSAL OF UNCLAIMED MATTER

12.32 Undelivered letters.
12.33 Undelivered postal and post cards.
12.34 Printed matter.
12.35 Undeliverable perishable matter.
12.36 Prepayment of postage on returned undelivered second-, third-, and fourth-class matter.
12.37 Reason for non-delivery to be shown on matter.
12.38 Undeliverable second-class matter.

NOTE: For the text of sections listed in the above table and not appearing in this publication see 39 CFR Part 12.

AUTHORITY: §§ 12.1 to 12.38, inclusive (with the exceptions noted in the text), issued under R. S. 161, 396, sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369.

In § 12.1 *Postage not fully prepaid* make the following changes:

Amend paragraph (c) by changing "Classification" to "Letter and Miscellaneous Mail."

Amend paragraph (d) by changing "Classification" to "Newspaper and Periodical Mail."

In § 12.2 *Collection of postage due* make the following change:

Amend paragraph (d) by changing "Classification" to "Letter and Miscellaneous Mail."

In § 12.5 *General provisions* make the following change:

Amend paragraph (e) by changing "Classification" to "Letter and Miscellaneous Mail."

In § 12.36 *Prepayment of postage on returned undeliverable second-, third-, and fourth-class matter* make the following change:

Amend paragraph (a) (2) by changing "Classification" to "Letter and Miscellaneous Mail."

In § 12.38 *Undeliverable second-class matter* make the following changes:

Amend paragraph (2), subparagraph (b), by changing "Classification" to "Newspaper and Periodical Mail."

Change citation at end of this section from "[Sec. 812]" to "[Sec. 808]".

PART 13—DEAD MAIL MATTER

Sec.
13.1 Undeliverable and unmailable matter; where forwarded.
13.2 Unclaimed matter.
13.3 Unclaimed matter at post offices in Hawaii and Puerto Rico.
13.4 Valuable matter found loose in the mails and in post offices.
13.5 Returns of unmailable matter.
13.6 Return of undelivered letters to writers.
13.7 Unclaimed matter reaching a dead letter branch to be returned to sender.
13.8 Opening dead letters to effect delivery or return.
13.9 Dead letters containing valuable inclosures.
13.10 Dead matter containing valuable inclosures.
13.11 Third- and fourth-class matter containing articles of value and letters containing merchandise.
13.12 Letters without valuable inclosures.
13.13 Seized or detained matter.

NOTE: For the text of the regulations in this part, see 39 CRF Part 13.

PART 14—DELIVERY SERVICE

CITY DELIVERY

Sec.
14.1 Care in delivery of mail.
14.2 Delivery where vicious dogs are kept.
14.3 Collection of postage due.
14.4 Collection of mail matter from receiving boxes.
14.5 Carriers to receive matter for mailing.
14.6 Matter collected or received by carriers not to be returned to senders.
14.7 Street letter boxes.
14.8 Chutes attached to letter boxes.
14.9 Private boxes.
14.10 Arrests for tampering with street letter boxes.

VILLAGE DELIVERY

14.11 Establishment.
14.12 Sunday and holiday service.
14.13 Mail receptacles.
14.14 Delivery of mail.

RURAL DELIVERY

14.15 Conditions precedent to establishment.
14.16 Who may be served.
14.17 Carrier's duties.
14.18 Holidays.
14.19 Obstruction of travel to be reported to postmaster.
14.20 Deviations from routes forbidden; exceptions.
14.21 Carriers to report for duty regardless of weather conditions.
14.22 Constant service required.
14.23 Outside employment; restrictions.
14.24 Passage of carrier not to be obstructed.
14.25 Rural carriers accountable for mail matter; parcels too large for box.
14.26 Exhibition of mail to unauthorized persons forbidden.
14.27 Mail addressed to box and route number merely may be delivered.
14.28 Delivery to none but addressees or duly authorized persons.
14.29 Examination of boxes by carriers; when required.
14.30 Office delivery to rural patrons; when required.
14.31 Postage-due mail at rural-delivery offices.
14.32 Delivery of pension mail at residence; when required.
14.33 Acceptance of any mail; when required.
14.34 Determination of amount of postage.
14.35 Treatment of unstamped matter found in boxes; boxes to be used for mail only.
14.36 Return of mail by carriers forbidden.
14.37 Two rural routes on one road.
14.38 Service where contagious disease prevails.
14.39 Special delivery at residence within half mile of route.
14.40 Special-delivery matter; when to be deposited in patron's box.
14.41 Special-delivery matter collected and delivered en route.
14.42 Mail in transit.
14.43 Stamped paper supplies.
14.44 Establishment of rural stations.
14.45 Functions of rural stations.
14.46 Rural stations; when open.
14.47 Handling of mail matter at rural stations.
14.48 Patrons' boxes.
14.49 Inscriptions.
14.50 Approval of boxes.
14.51 Erection of boxes.
14.52 Several families may use same box.
14.53 Withdrawal of service.
14.54 Insecure or badly located boxes.
14.55 Manufacture or sale of boxes by employees forbidden.
14.56 Damage to or depredation upon collection boxes to be reported.
14.57 Locks to boxes.
14.58 Giving out of master keys.
14.59 Report required regarding new routes.
14.60 Assignment of numbers.
14.61 Notification of assignment of numbers to patrons.
14.62 Numbering of boxes subsequently erected.

NOTE: For the text of the regulations in this part, see 39 CFR Part 14.

PART 15—SPECIAL DELIVERY

Sec.
15.1 Special delivery offices; stamps, etc.
15.2 Rate on special-delivery matter.
15.3 Omission of postage on special-delivery matter.
15.4 Record of special-delivery matter.
15.5 Hours of special-delivery service.
15.6 All reasonable efforts to be made to effect delivery.
15.7 Treatment of mail when personal delivery cannot be effected.
15.8 Registry, insured, or C. O. D. special-delivery matter.
15.9 Forwarding of special-delivery matter.
15.10 Undelivered special-delivery matter.

NOTE: For the text of the regulations in this part, see 39 CFR Part 15.

PART 16—REGISTRY SYSTEM: INSURANCE AND COLLECT-ON-DELIVERY SERVICES

REGISTRATION OF DOMESTIC MAIL MATTER

Sec.
16.1 Establishment of system of registration.
16.2 Preparation of matter for registration.
16.3 Registration of unofficial matter; fees.
16.4 Registration of matter found in the ordinary mail.
16.5 Registry fee.
16.6 Stations and branches.
16.7 Receipt to be given at time matter is accepted.
16.8 When matter becomes registered.
16.9 Registration of official matter.
16.10 Official matter registered in a special manner.
16.11 Free registration of United States currency for redemption and new currency for currency redeemed.
16.12 Letters containing currency.

TREATMENT OF MATTER AT POST OFFICE OF MAILING AND IN TRANSIT

16.13 Registry mark.
16.14 Correction of address before dispatch.
16.15 Registry return receipt.
16.16 Inquiries for registered mail.
16.17 Recall of registered matter.
16.18 Misdirected or unaddressed matter.
16.19 Registered articles received in bad order.
16.20 Matter found loose in pouch, sack or jacket.
16.21 Letters found unsealed.
16.22 Matter found without cover in registered jacket envelope or rotary-lock sack or pouch.

TREATMENT OF MATTER AT POST OFFICE OF DELIVERY

16.23 Fraud orders.
16.24 Registered mail known to be undeliverable.
16.25 Short-paid registered matter.
16.26 Registry notices to be issued.
16.27 Delivery record and return receipt to be signed and show date of delivery.
16.28 Delivery of registered matter.
16.29 Disposition of matter when addressee is dead.
16.30 Delivery of mail to specially described persons.
16.31 Liability of Department ceases on delivery of registered mail.
16.32 Forwarding of matter.
16.33 Method of forwarding.
16.34 Registered matter found in the ordinary mail to be removed therefrom.
16.35 Undelivered and refused matter.
16.36 Undelivered articles at stations.
16.37 Articles sent to dead-letter offices.
16.38 Treatment of matter when returned to mailing office.

HANDLING OF REGISTERED MATTER BY CITY, VILLAGE, AND RURAL CARRIERS

16.39 Registration of mail by city and village carriers.
16.40 Mail registered en route to be delivered en route.
16.41 Authorization of registration.
16.42 Treatment of matter found in rural mail box.
16.43 Carriers not to address mail for or place contents in envelopes.
16.44 Unmailable matter.
16.45 Excess cash received with mail matter.
16.46 Delivery by city and village carriers.
16.47 Box holder's mail held for desk delivery.
16.48 Delivery of registered mail by carriers.
16.49 When delivery cannot be effected.
16.50 Registered special-delivery letters.
16.51 Delivery by rural carriers.
16.52 Telephone.
16.53 Delivery from rural stations.

MISCELLANEOUS PROVISIONS

16.54 Correspondence relative to the registry system.
16.55 Exceptional treatment of registered mail.
16.56 Registered matter to be kept separate and secure.
16.57 Responsibility for registered matter.
16.58 Mail matter not to be surrendered upon service of legal process.

INDEMNITY FOR LOSSES

16.59 Indemnity for domestic registered matter.
16.60 False claims for indemnity.
16.61 Limit of indemnity.
16.62 Domestic registered C. O. D. mail.

DOMESTIC INSURANCE AND COLLECT-ON-DELIVERY SERVICES, INDEMNITY

16.63 Insurance, collect-on-delivery service.
16.64 Matter which may be insured.
16.65 C. O. D. service.
16.66 Demurrage charges.
16.67 Payment of indemnity claims by postmasters.

NOTE: For the text of sections listed in the above table and not appearing in this publication see 39 CFR Part 16.

AUTHORITY: §§ 16.1 to 16.58, inclusive (with exceptions noted in the text), issued under R. S. 3926, 29 Stat. 559, sec. 1, 32 Stat. 1174, sec. 3, 45 Stat. 469, sec. 1, 47 Stat. 339; 39 U. S. C. 381.

CROSS REFERENCE: Registry, insurance, collect-on-delivery, and certain ordinary services governing international mail: See §§ 21.105–21.109 of this chapter.

REGISTRATION OF DOMESTIC MAIL MATTER

In § 16.1 *Establishment of system of registration,* make the following changes:

Amend the second footnote by deleting "1932" and substituting "1940."

In § 16.2 *Preparation of matter for registration,* make the following changes:

Amend the reference at the end of the section by deleting "[Sec. 1202, as amended by P. M. G. Order 7850, Oct. 8, 1935]" and substituting "[Sec. 1202]."

In § 16.3 *Registration of unofficial matter; fees,* make the following changes:

Amend paragraph (a) to read as follows:

(a) Mail matter shall be registered upon the application of the party posting the same. The registry fees, which are in addition to the regular postage, and the limits of indemnity therefor within the maximum indemnity provided by law shall be as follows:

For registry indemnity not exceeding $5, 20 cents.
For registry indemnity exceeding $5 but not exceeding $50, 25 cents.
For registry indemnity exceeding $50 but not exceeding $75, 35 cents.
For registry indemnity exceeding $75 but not exceeding $100, 40 cents.
For registry indemnity exceeding $100 but not exceeding $200, 55 cents.
For registry indemnity exceeding $200 but not exceeding $300, 65 cents.
For registry indemnity exceeding $300 but not exceeding $400, 80 cents.
For registry indemnity exceeding $400 but not exceeding $500, 95 cents.
For registry indemnity exceeding $500 but not exceeding $600, $1.05.
For registry indemnity exceeding $600 but not exceeding $700, $1.15.
For registry indemnity exceeding $700 but not exceeding $800, $1.20.
For registry indemnity exceeding $800 but not exceeding $900, $1.25.
For registry indemnity exceeding $900 but not exceeding $1,000, $1.35.

Provided, That for registered mail having a declared value in excess of the maximum indemnity covered by the registry fee paid, effective March 26, 1944, there shall be charged additional fees (surcharges) as follows: When the declared value exceeds the maximum indemnity covered by the registry fee paid by not more than $50, 2 cents; by more than $50 but not more than $100, 3 cents; by more than $100 but not more than $200, 4 cents; by more than $200 but not more than $400, 6 cents; by more than $400 but not more than $600, 7 cents; by more than $600 but not more than $800, 8 cents; by more than $800 but less than $1,000, 10 cents; and if the excess of the declared value over the maximum indemnity covered by the registry fee paid is $1,000 or more, the additional fees for each $1,000 or part of $1,000 on articles destined to points within the several zones applicable to fourth-class matter shall be as follows:

For local delivery or for delivery within the first zone, 11 cents.
For delivery within the second zone, 12 cents.
For delivery within the third zone, 14 cents.
For delivery within the fourth zone, 15 cents.
For delivery within the fifth or sixth zones, 16 cents.
For delivery within the seventh or eighth zones, 18 cents.

NOTE: No change is made in the additional fees (surcharges) for insured mail treated as registered mail.

Amend paragraph (b) by deleting "10 cents" shown in the second line and substituting "20 cents."

Amend paragraph (d) by deleting "15 cents" shown in the second line and substituting "20 cents."

Amend paragraph (j) by inserting the words "or metered impression," after the word "affixed," in the second line.

(R. S. 3926, 29 Stat. 559, sec. 1, 32 Stat. 1174, sec. 3, 45 Stat. 469, sec. 1, 47 Stat. 338; R. S. 3927, sec. 29, 20 Stat. 362, sec. 3, 23 Stat. 158, sec. 209, 43 Stat. 1068, sec. 1, 45 Stat. 469, sec. 2, 47 Stat. 339, 48 Stat. 992, sec. 407, 58 Stat. 70; 39 U. S. C. and Sup., 381, 384, 246d) [Secs. 1203 and 1204, as amended by P. M. G. Orders 25384, July 17, 1944, 25385, July 17, 1944].

In § 16.4 *Registration of matter found in the ordinary mail,* make the following changes:

Amend paragraph (a) to read as follows:

(a) When any domestic article marked to indicate that the sender desires it registered is found in the ordinary mail at the mailing office, it shall be removed therefrom and registered, whether or not any postage is affixed thereto or the name and address of the sender is shown.

Amend paragraph (b) to read as follows:

(b) The postal employee who removes the article from the ordinary mail shall indorse it to show when and by whom it was found in the ordinary mail and condition if other than good. If the article is in bad condition, it shall be repaired or reinclosed. The records of the mailing sections shall show the names and addresses of the sender and addressee, when and by whom it was removed from the ordinary mail, and condition if other than good.

Amend paragraph (d) to read as follows:

(d) The employee who actually registers the article shall receipt for it to the mailing section and mail a registration receipt to the sender with caution regarding placing in the ordinary mail matter intended for registration. The registration receipt and the office registration record shall show the particulars usually required, and, in addition, the amount of postage, fee, or other charge borne by the article, the amount of any deficiency in postage, fee, or other charges, and its condition if other than good. The office registration record shall show by whom the article was removed from the ordinary mail. The amount of any deficiency in postage or other charges shall be noted on the article. The records of the post office of delivery shall show, in adition to the usual particulars, by what office the article was removed from the ordinary mail.

Amend paragraph (e) to read as follows:

(e) If the article does not bear the name and address of the sender or is removed from the ordinary mail by a railway postal clerk, the postmaster delivering the article shall mail the registration receipt and cautioning notice to the sender, after obtaining the sender's name and address from the addressee. He shall also furnish the postmaster at the sender's address a description of the article in order that any required surcharge may be collected. Cautionary notice shall likewise be given by a postmaster receiving from a dead-letter office, for restoration to the sender, a registered article which has been removed from the ordinary mail.

Amend reference at the end of the section by deleting "[Sec. 1204, as amended by P. M. G. Order 11157, Dec. 14, 1937]" and substituting "[Sec. 1205]."

In § 16.5 *Registry fee,* make the following change:

Amend the reference at the end of the section by deleting "[Sec. 1205]" and substituting "[Sec. 1202]."

In § 16.6 *Stations and branches,* make the following change:

Amend the § by inserting the words "as well as at the main office," after the word "stations" in the second line.

In § 16.7 *Receipt to be given at time matter is accepted,* make the following changes:

Amend paragraph (a) to read as follows:

(a) Receipt shall be given the sender at the time each article is accepted for registration or as insured mail treated as registered mail. Unless otherwise authorized by the Third Assistant Postmaster General, the receipt and post office record shall bear notations showing the registration number, registry fee, class of postage, full value of contents or known or estimated cost of duplication of nonnegotiable securities and valuable papers, amount of surcharge, if any, names and complete addresses of sender and addressee, amount of return receipt or special delivery fee, if any, restriction in delivery, if any, and the fee paid therefor, and postmark showing date of registration. The receipt and office record covering air mail articles must be indorsed "Via air mail." If the article has no value or is not valued in excess of $5, the notations, respectively, "No value" or "Not over $5" shall be entered on the receipt and office records. When the declared value is not stated because the article is one which is entitled to free registration or for other authorized reason, the receipt and office record shall be marked briefly to show reason why no value was declared. At offices using the quick registration receipt, which will not show the names and addresses of the sender and addressee, the office record of the article shall be completed to show names and complete addresses of sender and addressee as well as the other particulars.

Amend paragraph (c) to read as follows:

(c) Mail for registration recorded by the sender on firm mailing sheets shall, at the time of its acceptance at the post office, be carefully checked as to registration numbers, amounts of postage and fees (and surcharges if any) paid, and the names and addresses of the addressees, etc. Exception to these requirements may be authorized by the Third Assistant Postmaster General. Any discrepancies shall be noted on the mailing list retained at the post office and on the receipt issued to the sender.

In § 16.8 *When matter becomes registered,* make the following change:

Amend the section by deleting "after" in the second line.

In § 16.9 *Registration of official matter,* make the following changes:

Amend paragraph (c) by deleting "or weight" in the first line.

Further amend paragraph (c) by inserting "to be prosecuted in any court of competent jurisdiction," after "$300." at the end of the paragraph.

Amend paragraph (d) to read as follows:

(1) All mail matter of whatever class, relating to naturalization, including duplicate papers required by law or regulation to be sent to the (Immigration and Naturalization) Service by clerks of (State or Federal) courts addressed to the Department of Justice or the (Immigration and Naturalization) Service, or any official thereof, and endorsed "Official Business," shall be transmitted free by registered mail if necessary, and so marked.

(2) If any person shall use the endorsement "Official Business" to avoid payment of registry fee on a private letter, package, or other matter in the mail, such person shall be guilty of a misdemeanor and subject to a fine of $300, to be prosecuted in any court of competent jurisdiction.

(Sec. 2, 45 Stat. 469, 45 Stat. 1177, sec. 14, 46 Stat. 25, R. S. 3927, sec. 29, 20 Stat. 362, sec. 3, 23 Stat. 158, sec. 209, 43 Stat. 1068, sec. 1, 45 Stat. 469, sec. 2, 47 Stat. 339, sec. 343, 54 Stat. 1163, sec. 346 (f), 54 Stat. 1167; 39 U. S. C. 321a, 336, 337, 384; 8 U. S. C. 746 (f), 743) [Sec. 1211, as amended by P. M. G. Orders 26294, Oct. 23, 1944, 26510, Nov. 14, 1944]

In § 16.10 *Official matter registered in a special manner,* make the following change:

Amend paragraph (a) to read as follows:

(a) Specially printed envelopes and labels may be used in the preparation and dispatch of official matter registered at the post office at Washington, D. C., or elsewhere, but official matter included in such envelopes or to which such labels are attached, mailed at post offices other than Washington, D. C., shall not be registered free except as provided in § 16.9. The rubber registration stamp need not be used on registered official mail under cover of such specially printed envelopes or labels, but such mail not under cover of these envelopes or labels shall be marked "Registered."

In § 16.13 *Registry mark,* make the following changes:

Amend paragraph (a) to read as follows:

(a) All registered matter shall be plainly marked in bold letters, on its face, "Registered," and the original registration number shall be placed immediately under such word. The regulation rubber stamp, reading "Registered No. ———" should be used for this purpose. This indorsement, if practicable, shall be placed in the left portion of the address side of the article near the address. Articles too small to contain the word "Registered" shall be similarly marked with the letter "R," to be followed by the original registration number.

Amend paragraph (b) by inserting "Unless otherwise specially authorized," at the beginning of the first sentence.

In § 16.15 *Registry return receipt,* make the following changes:

Amend paragraph (a) by deleting "3 cents" and substituting "4 cents" in the second line; by deleting "5 cents" and substituting "7 cents" in the third line, and by deleting "20 cents" and substituting "27 cents" in the eighth line.

Amend paragraph (c) by deleting "20 cents" and substituting "27 cents" in the first line; by deleting "3 cents" and substituting "4 cents" in the third line, and by deleting "23 cents" and substituting "31 cents" in the fifth line.

Amend paragraph (f) by inserting "and the return receipt" after "article" in the third line.

Amend paragraph (g) by deleting "5 cents" and substituting "7 cents" in the second line.

Amend paragraph (h) by deleting "article" and substituting "articles" in the second line.

(R. S. 3928, 36 Stat. 416, Sec. 210, 43 Stat. 1068, Sec. 1, 46 Stat. 1048, Sec. 211 (a), 43 Stat. 1069, Sec. 2, 46 Stat. 1049, Sec. 1, 47 Stat. 340, Sec. 1, 58 Stat. 732; 39 U. S. C. and Sup., 245, 386). [Sec. 1218, as amended by P. M. G. Orders 25386, July 17, 1944, and 26167, Oct. 9, 1944]

In § 16.16 *Inquiries for registered mail,* make the following change:

Amend paragraph (a) by inserting "received" after "was" in the sixth line.

In § 16.17 *Recall of registered matter,* make the following change:

Amend the second paragraph of paragraph (a) (1) to read as follows:

Application for refund of postage paid on registered mail withdrawn before dispatch should be made to the Third Assistant Postmaster General, Division of Registered Mails, in connection with domestic registered articles, and to the Second Assistant Postmaster General, Division of International Postal Service, in connection with foreign registered articles.

In § 16.18 *Misdirected or unaddressed matter,* make the following changes:

Amend paragraph (c) by deleting "branch of the Division of Dead Letters and Dead Parcel Post" and substituting "dead letter branch" in the third and fourth lines.

Amend the reference at the end of the section by deleting "[Sec. 1306, as amended by P. M. G. Order 4579, Nov. 27, 1933]" and substituting "[Sec. 1306, as amended by P. M. G. Order 25065, June 20, 1944]."

In § 16.22 *Matter found without cover in registered jacket envelope or rotary-lock sack or pouch,* make the following change:

Amend paragraph (d) by deleting the comma after "instructions" in the fifth line.

In § 16.23 *Fraud orders* make the following change:

Amend the section by deleting "1932" and substituting "1940" in the sixth line.

In § 16.24 *Registered mail known to be undeliverable* make the following change:

Amend paragraph (a) by inserting "as addressed," after "undeliverable" in the second line.

In § 16.25 *Short-paid registered matter* make the following changes:

Amend paragraph (a) to read as follows:

(a) When domestic registered mail is delivered to the addressee or to the sender, and the postage and registry fee have not been fully prepaid, the postmaster shall collect the deficiency upon delivery. The stamps affixed to the article shall be applied to the postage required and the remainder, if any, to the registry fee. If the amount of registry fee is not known, the article shall be considered as having been registered for the minimum registry fee of 20 cents.

Amend the reference at the end of the section by deleting "[Sec. 1320]" and substituting "[Sec. 1320, as amended by P. M. G. Order 25387, July 17, 1944]."

In § 16.27 *Delivery record and return receipt to be signed and show date of delivery* make the following changes:

Amend paragraph (a) by inserting "Unless otherwise authorized by the Third Assistant Postmaster General, when a registered article is received for delivery accompanied by a return receipt or marked to indicate that such a receipt was requested by the sender, the letter "R" shall be placed opposite the entry of the article on the proper delivery record." at the beginning of the paragraph.

Further amend paragraph (a) by inserting "and return receipts therefor," after "articles" in the twelfth line.

Amend paragraph (f) by deleting the fourth and fifth sentences and substituting "If the charge for the return receipt was not prepaid by the sender, delivery shall not be delayed, but the return receipt shall be obtained and sent under cover to the postmaster at the office named in the address of the sender and the charge collected upon delivery of the receipt to him."

In § 16.28 *Delivery of registered matter* make the following changes:

Amend paragraph (a) (4) to read as follows:

(4) To any responsible person (see subparagraphs (5) and (6) of this paragraph) to whom the addressee's ordinary mail is customarily delivered, including the authorized representative of a club, fraternity house, or similar institution of good standing. In the absence of a written order from the sender or addressee, mail addressed to a guest at a hotel, occupant of an apartment house, or the like shall not be delivered to the proprietor, manager, or clerk, unless addressed in his care or in care of the hotel or apartment house; except that if the duly authorized agent of a hotel or apartment house has signed and filed with the postmaster the prescribed agreement to assume responsibility for the proper care and disposition of registered matter for hotel guests or occupants of an apartment house and agrees to keep proper record of the same, registered matter, when

delivery has not been restricted, addressed to hotel guests or occupants of an apartment house may, without a written order from the sender or the addressee, be delivered to the authorized representative of the hotel or apartment house even though not addressed in care of the hotel or apartment house. The hotel or apartment house shall designate in writing the persons to whom the registered matter is to be delivered. (See paragraph (o) of this section.)

Amend paragraph (d) by deleting "10 cents" and substituting "20 cents" in the second line.

Amend paragraph (d) (2) by deleting "may" and substituting "shall" in the fifth line.

Amend paragraph (e) by inserting "Unless otherwise authorized by the Third Assistant Postmaster General, when delivery of a registered article is restricted by the addressee, notation to that effect must be placed on the records of the office of delivery." at the end of the paragraph.

Amend paragraph (f) by deleting "1932" and substituting "1940" in the sixth line.

Amend paragraph (i) to read as follows:

(i) Registered mail addressed to students who are not minors at colleges and similar institutions, the delivery of which has not been restricted by the sender or addressee, may be delivered to the authorized representative of the institution. If a student is a minor and has been placed in charge of the principal by his parent or guardian, and the rules of the institution provide that the principal shall have control of mail addressed to such students as are minors, registered mail, the delivery of which has not been restricted by the sender, shall be delivered in accordance with the order of the principal. If the principal has not authority from the parent or guardian to control mail of minor students placed under his care, such mail shall not be delivered to the principal or other representatives of the institution against the wishes of the student or his parent or guardian but may be delivered to the addressee in the absence of any objection from the parent or guardian. (See paragraph (h) of this section.) In case of doubt as to proper delivery the matter shall be submitted to the Third Assistant Postmaster General, Division of Registered Mails, with a full statement of facts. (See § 12.20 (e) of this chapter.)

Amend paragraph (o) by deleting "office of mailing" and substituting "sender's address" in the last line.

Amend the reference at the end of the section by deleting "[Sec. 1323, as amended by P. M. G. Order 5736, June 29, 1934]" and substituting "[Sec. 1323, as amended by P. M. G. Orders 18108, July 3, 1942, and 28837 Aug. 18, 1945]."

Amend the cross reference at the end of the section by deleting "Division of Dead Letters and Dead Parcel Post" and substituting "dead letter branches."

In] 16.29 *Disposition of matter when addressee is dead* make the following changes:

Amend the section by deleting "with reason indorsed thereon" and substituting "indorsed 'Unclaimed' " in the fourth line.

Amend the reference at the end of the section by deleting "[Sec. 1324]" and substituting "[Sec. 1324, as amended by P. M. G. Order 19937, Feb. 2, 1943]."

In § 16.32 *Forwarding of matter* make the following changes:

Amend paragraph (a) by inserting "below" after "(e)" in the second line.

Amend the reference at the end of the section by deleting "[Sec. 1327, as amended by P. M. G. Order 11534, Apr. 4, 1938]" and substituting "[Sec. 1327]."

In § 16.33 *Method of forwarding,* make the following changes:

Amend paragraph (a) by deleting the last sentence of the paragraph.

Amend the reference at the end of the section by deleting "[Sec. 1328, as amended by P. M. G. Order 11533, Apr. 4, 1938]" and substituting "[Sec. 1328]."

In § 16.34 *Registered matter found in the ordinary mail to be removed therefrom* make the following changes:

Amend paragraph (a) by inserting "See § 16.19)" after "condition" in the seventh line.

Amend paragraph (b) by deleting the second sentence and the reference immediately following.

Amend paragraph (c) by inserting "it shall be indorsed 'Reregistered after delivery' and" after "reregistered" in the first line.

Amend paragraph (d) to read as follows:

(d) (1) Any registry fee required when forwarding or returning a registered article found in the ordinary mail or presented for reregisteration by other than the addressee after proper delivery need not be prepaid. If the registry fee is not prepaid, the article shall be marked "Collect ——— cents on delivery," or where scales are not available, "Collect deficiency on delivery." The article shall be dispatched to its destination as registered mail provided any required postage is prepaid or if postage would not be required were the article ordinary mail.

(2) However, where the required registry fee has not been prepaid and the article is to be returned to the sender (and the period specified in the return request or, in its absence, the period prescribed by § 16.35 for the retention of the article, will permit of notice to the sender and receipt of reply within the prescribed period) the postmaster shall advise the sender that the article is held, stating the amount of the additional registry fee and postage (if any) required for returning it. If there is insufficient time to communicate with the sender, and prepayment of postage is not required or is required and has been prepaid, the article should be dispatched to destination indorsed to show that the deficiency in registry fee and any other charges applicable are to be collected upon delivery. If the article requires prepayment of additional postage before forwarding or return and the additional postage is not prepaid the article shall be marked "Remailed after delivery—Not registered," and disposed of as ordinary mail. (See §§ 12.5 and 12.36 of this chapter.) Such action shall be taken in these cases as will result in the collection of any additional surcharges required for registered articles remailed after proper delivery.

Amend paragraph (j) by inserting "When such articles are received from depot letter boxes or are deposited in railway post office cars, railway postal clerks will make the required indorsement thereon." at the end of the paragraph.

In § 16.35 *Undelivered and refused matter,* make the following changes:

Amend paragraph (a) (4) by deleting "90" and substituting "60" in the second line.

Amend paragraph (e) by deleting "three months" and substituting "60 days, provided a written order to that effect is obtained from the sender verified by the postmaster at the sender's address" in the last line.

In § 16.37 *Articles sent to dead-letter offices,* make the following changes:

Amend paragraph (a) by deleting "sections 809 and 818 to 824, Postal Laws and Regulations, 1932 (see §§ 12.36, 13.2–13.5 of this chapter), and substituting "sections 805 and 814 to 820, Postal Laws and Regulations, Postmaster General 1940," in the second and third lines.

Further amend paragraph (a) by deleting "paragraph 5, section 821, Postal Laws and Regulations, Postmaster General, 1932." and substituting "paragraph 6, section 817, Postal Laws and Regulations, 1940." in the ninth and tenth lines.

Amend paragraph (b) to read as follows:

(b) The contents of a sealed packet of matter sent to a dead letter branch or to a post office at division headquarters of the Railway Mail Service shall not be entered on the registry dispatch receipt card or manifold registry bill, but only the packet itself as made up. (See §§ 16.35 and 16.38.)

Amend the reference at the end of the section by deleting "[Sec. 1332]" and substituting "[Sec. 1332, as amended by P. M. G. Order 25065, June 20, 1944]."

In § 16.38 *Treatment of matter when returned to mailing office,* make the following changes:

Amend paragraph (b) by inserting "unless specially authorized," after "mail" in the fourth line.

Amend paragraph (c) to read as follows:

(c) When a returned registered article cannot be delivered to the sender within the time specified in § 16.35 (a), it shall be treated as prescribed in sections 813 to 817, Postal Laws and Regulations, 1940.

In § 16.39 *Registration of mail by city and village carriers,* make the following change:

Amend paragraph (a) by deleting "and shall give the regulation receipt therefor." at the end of the paragraph.

In § 16.45 *Excess cash received with mail matter,* make the following change:

Amend the second sentence of the section to read as follows:

The amount required shall be noted on the office record by the receiving postmaster or authorized employee directly

beneath the amount received, as written by the carrier, the subtraction being made so as to show the amount received and the amount returned to the sender.

In § 16.46 *Delivery by city and village carriers,* make the following change:

Amend paragraph (c) to read as follows:

(c) When a postmaster receives a number of registered articles for delivery by the same carrier on any one trip, he shall hold the registered matter for desk delivery, if in his opinion the aggregate value of the articles is such that delivery cannot be made by carrier without unusual risk.

In § 16.48 *Delivery of registered mail by carriers,* make the following change:

Amend paragraph (b) by inserting the sentence "Article shall show date notice was issued." at the end of the paragraph.

In § 16.54 *Correspondence relative to the registry system,* make the following change:

Amend the section by deleting "section 813, Postal Laws and Regulations, Postmaster General, 1932" and substituting "section 809, Postal Laws and Regulations, Postmaster General, 1940" at the end of the section.

In § 16.57 *Responsibility for registered matter,* make the following change:

Amend the section by deleting "in this chapter" in the last line of the section.

In § 16.58 *Mail matter not to be surrendered upon service of legal process,* make the following change:

Amend paragraph (a) by inserting "registered" after "domestic" in the eleventh line.

In § 16.60 *False claims for indemnity,* make the following changes:

Amend the section by inserting "or insured" after "registered" in the fourth line.

Further amend the section by inserting "except in cases where the amount of such claim or application for indemnity is less than $100 there may be imposed a fine only." at the end of the section.

In § 16.61 *Limit of indemnity,* make the following changes:

Amend paragraph (d) to read as follows:

(d) If no agreement is reached in the case of a conflicting claim, indemnity will be paid to such person as may legally be entitled to receive it.

Amend paragraph (e) by deleting "or" and substituting "and" in the third line.

Amend paragraph (f) to read as follows:

(f) No indemnity will be paid:

(1) For the injury or loss of any registered matter upon which postage, registry fee, and any required surcharge have not been paid.

(2) For the injury or loss of any registered matter which was not rightfully in the mails, or was not injured or lost while in the custody of the Postal Service, or for which other compensation on reimbursement has been made through the Post Office Department or the Postal Service.

(3) For the injury or loss of any registered matter exchanged between post offices in the United States and post offices in possessions of the United States having separate and distinct postal services, except in accordance with such stipulations as may be agreed upon between the postal administrations interested unless the matter originated and the weight of evidence indicates that the matter was lost in the Postal Service of the United States.

(4) For damage to registered mail, due to insecure or insufficient preparation or wrapping or lack of proper indorsement, unless it is shown to the satisfaction of the Third Assistant Postmaster General that the circumstances in any particular case are such as to justify the Department assuming responsibility for the improper preparation of the article for mailing or absence of the proper indorsement.

(5) For the loss or rifling of or damage to any domestic registered article without intrinsic value.

(6) For loss resulting from delay to a registered article.

(7) For damage to articles which are so fragile in their inherent nature as to prevent their safe carriage in the mails, regardless of the manner in which packed.

(8) For the loss, injury, or rifling of a registered article remailed after proper delivery unless the article was reregistered after delivery and the evidence indicates to the satisfaction of the department that the loss, injury, or rifling occurred in the Postal Service.

(9) For indirect, remote, and unnecessary expenses incident to repairs or duplication of papers, or for any consequential loss.

(10) When the sender knowingly and willfully failed to state, when required, at the time of mailing, the full value of a registered article or an insured article treated as registered mail. (See §§ 16.3 and 16.7.)

Amend paragraph (g) to read as follows:

(g) When the sender is incompetent or deceased, indemnity will be paid to such person as may legally be entitled to receive it.

Amend paragraph (h) to read as follows:

(h) A lost article recovered shall, if still in possession of the Post Office Department, be surrendered to the proper claimant, upon the return of the whole or such portion of the indemnity paid as the Department considers properly refundable. The Department may, in its discretion, require the claimant to accept a recovered article for which indemnity has been paid and to refund the indemnity or such portion thereof as the Department considers it to be equitably entitled. If the article cannot be surrendered and indemnity refunded within a reasonable time after its recovery, the article may be disposed of as undeliverable dead matter.

In § 16.62 *Domestic registered C. O. D. mail,* make the following changes:

Amend paragraph (a) by deleting "and to fix the fees and limits of indemnity for such service" in the ninth and tenth lines.

Amend paragraphs (d) and (e) (1) to read as follows:

(d) The fees for collect-on-delivery service for registered sealed domestic mail of any class bearing postage at the first-class rate and the limits of indemnity for the loss, rifling, or damage thereof in the mails, shall, in addition to postage and any other required additional fees, be as follows:

Amount collectible and limit of indemnity payable:	*Fee, including registration*
From $0.01 to $10	$0.40
From $10.01 to $50	.55
From $50.01 to $100	.75
From $100.01 to $200	1.00

When indemnity in excess of $200 is desired, the fees for domestic registered collect-on-delivery mail shall, in addition to postage and any other required additional fees, be as follows:

Amount of indemnity:	*Fee, including registration*
From $200.01 to $300	$1.05
From $300.01 to $400	1.10
From $400.01 to $500	1.15
From $500.01 to $600	1.20
From $600.01 to $700	1.25
From $700.01 to $800	1.30
From $800.01 to $1,000	1.40

Amend paragraph (e) (2) to read as follows:

(e) Surcharges shall be collected on registered collect-on-delivery mail under the same conditions as are outlined for the regular registered mail (see § 16.3) except that in determining the amount of surcharge collectible, there shall be taken as a basis the amount by which the declared actual value of the article mailed exceeds the limits of indemnity payable for the fees prescribed for registered collect-on-delivery mail in paragraph (d) of this section.

Amend the statutory citation at the end of the section to read: "(Sec. 3, 58 Stat. 733; 39 U. S. C., Sup., 246e)"

Amend the reference at the end of the section by deleting "[Sec. 1383]" and substituting "[Sec. 1383, as amended by P. M. G. Order 26168, Oct. 9, 1944]."

In § 16.63 *Insurance, collect-on-delivery service,* make the following changes:

Amendment paragraph (f) to read as follows:

(f) Before accepting a parcel for mailing, postmasters and other postal employees shall inquire as to whether any matter of a fragile, perishable or inflammable nature is enclosed, except where patrons mail in quantities and have been instructed by the Postal Service regarding packing and endorsement. If the response is in the negative, and the parcel to all outward appearance is adequately prepared for mailing, no further inquiry as to contents or packing need be made; if in the affirmative, detailed inquiry shall be made as to contents and method of packing. Unmailable and improperly packed parcels shall not be accepted.

Amend paragraph (g) to read as follows:

(g) (1) All domestic insured and collect-on-delivery third- and fourth-class parcels shall be accepted with the understanding that the senders, in every instance, guarantee any return or forward-

ing postage which may be necessary when such parcels become undeliverable. All domestic insured and collect-on-delivery third- and fourth-class parcels should bear, in connection with the senders' return cards, pledges guaranteeing return and forwarding postage; but regardless of whether or not the parcels bear such pledges, they shall be treated as though the pledges were on the parcels.

(2) When the sender of a returned insured or collect-on-delivery third- or fourth-class parcel refuses to pay the return or forwarding postage, or both, within 10 days from the date it is offered for delivery, the parcel shall be transmitted to the post office to which dead parcel post mail is ordinarily transmitted by the postmaster at the office to which the parcel is returned, with an appropriate statement of the facts in the case. In each instance of this kind the postmaster at the mailing office shall make appropriate record in his files, for reference in the event inquiry or claim for indemnity is made concerning the parcel; and if the office to which the parcel is returned is not the mailing office, the postmaster at the mailing office shall be notified so that he may make the required record.

Amend paragraph (h) to read as follows:

(h) (1) The sender of a parcel on which the minimum insurance fee is paid shall be given a receipt at the time of mailing. The receipt shall show, in addition to the other required entries, the name of the post office and State to which the parcel was addressed, the post office and date of mailing, and the postage paid. The receipt shall be signed with the initial or initials of the employee issuing it, and the route number if issued on a rural route. No mailing office record shall be kept of parcels on which the minimum insurance fee is paid.

(2) The sender of a parcel on which other than the minimum insurance fee is paid shall be given a receipt at the time of mailing which shall show, in addition to the other required entries, the office and date of mailing, the number of the parcel, and, in separate amounts, the fee and postage paid. The receipt shall be signed with the initial or initials of the employee issuing it and the route number if issued by a rural carrier. The number on the receipt shall correspond with that on the parcel. A record shall be retained at the mailing office showing the same particulars together with the name of the post office and State to which the parcel was addressed but not the name and local address of the addressee.

(3) The sender of a collect-on-delivery article shall be given a receipt at the time of mailing. The receipt shall show, in addition to the other required entries, the office and date of mailing, the number of the article, in separate amounts the fee and postage paid, the name and address of the addressee, and the amount to be remitted. A record shall be retained at the mailing office showing the same particulars, and the name and address of the sender. The receipt shall be signed with the initial or initials of the employee issuing it and route number if issued by a rural carrier. The number on the receipt shall correspond with that on the article.

Amend paragraph (i) to read as follows:

(i) Parcels on which the minimum insurance fee is paid shall not be numbered but shall be endorsed "Insured—Minimum Fee," in addition to any other special endorsements required. Parcels on which other than the minimum insurance fee is paid and collect-on-delivery articles shall be numbered separately and consecutively, the numbering to commence anew on July 1 or other authorized times, and endorsed "Insured, No. (of article)," or "C. O. D., No. (of article), Due Sender (amount), M. O. Fee (amount), Total (amount to be collected)," in addition to any other special endorsements required.

Amend paragraph (k) to read as follows:

(k) (1) Parcels endorsed "Insured—Minimum Fee" shall be delivered in accordance with the regulations governing the delivery of ordinary mail (see secs. 776 to 797, sec. 1007, and sec. 1825), except that delivering employees shall comply with any endorsements requesting return receipts (Form 3811) or restricting delivery of the mail to the addressee or to the addressee or order.

(2) Parcels on which other than the minimum insurance fee is paid and collect-on-delivery mail shall be delivered in accordance with the regulations governing the delivery of registered mail (secs. 1321 to 1326 and sec. 1360), except that under such instructions as may be promulgated by the Third Assistant Postmaster General, insured and collect-on-delivery mail, the delivery of which has not been restricted by the sender or addressee, addressed to a guest at a hotel, occupant of an apartment house, or the like, may be delivered without a written order from the sender or addressee to the proprietor, manager, or a representative authorized in writing by the hotel or house to receive the mail, even though not addressed in his care or in care of the hotel or house.

NOTE: This paragraph does not apply to registered mail.

Amend paragraph (n) by deleting "sections 769, 808 to 810, 819, 821, and 2227, Postal Laws and Regulations, Postmaster General, 1932" and substituting "sections 769, 804 to 806, 815, 817, and 2227, Postal Laws and Regulations, Postmaster General, 1940" in the second and third lines.

Amend paragraph (r) by inserting "and immediately upon acceptance shall issue the prescribed receipt and deliver it to the sender," after "delivery," in the fourth line.

Amend the reference at the end of the section by deleting "[Sec. 1385, as amended by P. M. G. Order 9689, Nov. 3, 1936]" and substituting "[Sec. 1385, as amended by P. M. G. Orders 29505, 29506, 29507, 29508, and 29509, Oct. 29, 1945]."

In § 16.64 *Matter which may be insured,* make the following changes:

Amend paragraph (a) by deleting "except parcels mailed in the Philippine Islands," in the third and fourth lines.

Amend paragraph (d) to read as follows:

(d) (1) The fee for insurance shall be 3 cents for indemnification not to exceed $5, 10 cents for indemnification not to exceed $25, 15 cents for indemnification not to exceed $50, and 25 cents for indemnification not to exceed $200.

(2) The maximum indemnity for domestic insured mail exchanged with the Canal Zone is $200. The agreement for the exchange of insured mail with a maximum indemnity of $200, between the Canal Zone and the United States, including all possessions of the United States, contemplates the payment of indemnity by the Canal Zone or the United States according to where the loss, rifling, or damage occurred, and the assumption by the United States of 75 percent of the indemnity liability in those cases where responsibility can not be definitely fixed upon either service. The Administration of the Canal Zone will assume the remaining 25 percent of the indemnity liability in such cases.

(3) The fees for insurance shall be in addition to the postage, and both fees and postage shall be prepaid with stamps affixed.

See section 719, Postal Laws and Regulations, Postmaster General, 1940, as to postmarking insured mail with date of mailing.

(4) Upon payment of an additional fee of 20 cents the sender may restrict delivery of domestic insured mail by marking it "Deliver to addressee only" or "Deliver to addressee or order," or with words of similar import. This fee shall be collected by the postmaster at the office of delivery for delivering any domestic insured article which the addressee (instead of the sender) has restricted in delivery to himself or to his order.

See § 16.3 (b) and (c), for the law authorizing this charge and for instructions relative thereto which are equally applicable to insured mail.

Amend paragraph (e) (1) by deleting "3 cents" and substituting "4 cents" in the second line; by deleting "5 cents" and substituting "7 cents" in the third line; by deleting "further" in the seventh line, and by deleting "20 cents" and substituting "27 cents" in the eighth line.

Amend paragraph (e) (2) to read as follows:

(2) Effective March 26, 1944, the fee for a sender's return receipt for insured mail requested at the time of mailing shall be 4 cents; for a return receipt requested subsequent to the time of mailing, 7 cents; and for return receipt showing to whom, when, and the address where the article was delivered, 31 cents.

Amend paragraph (f) to read as follows:

(f) Receipts to serve as post office record of delivery shall not be taken upon delivery of parcels endorsed "Insured—Minimum Fee," except that when such parcels are sent special-delivery, the usual special-delivery receipts shall be obtained and any required special-delivery

record made. (See § 15.8 of this chapter.) Receipts shall be taken upon the delivery of insured mail on which other than the minimum fee was paid, and retained in the post office as a record of delivery. Return receipts when obtained shall be in addition to any required post office record of delivery.

Amend paragraph (g) to read as follows:

(g) (1) No post office record shall be made when a parcel on which the minimum insurance fee was paid is forwarded to the original addressee or returned to the sender. When such a parcel is disposed of in accordance with § 12.35 of this chapter, or is treated as abandoned, record shall be made showing the full particulars of the parcel, the disposition made thereof, and the date of such action. (See § 12.35 of this chapter.)

(2) When an insured parcel on which other than the minimum fee was paid is forwarded to the original addressee, returned to the sender, or is treated as undeliverable matter, a record shall be made showing the parcel number, office of mailing, name and address of addressee, name of office to which forwarded or returned, and the date of such action.

(3) When any insured parcel is forwarded to other than the addressee (permitted only when the parcel bears at the time of mailing a specific request that it be forwarded to a person designated in such request, proper record shall be made, and the record shall also show the name and address of the person to whom forwarded.

Amend the statutory citations at the end of the section to read: "(Sec. 211 (a), 43 Stat. 1069, sec. 2, 46 Stat. 1049, sec. 1, 47 Stat. 340, 48 Stat. 992, 58 Stat. 70, 58 Stat. 732; 39 U. S. C. and Sup., 245, 246 d)"

Amend the reference at the end of the section by deleting "[Sec. 1386, as amended by P. M. G. Orders 5736, June 29, 1934; 11064, Nov. 12, 1937]" and substituting "[Sec. 1386, as amended by P. M. G. Orders 25389, July 17, 1944; 26169, Oct. 9, 1944; 29510, Oct. 29, 1945; 29512, Oct. 29, 1945]."

In § 16.65 *C. O. D. service,* make the following changes:

Amend paragraph (a) by deleting "the Philippine Islands," in line 5.

Amend paragraph (b) to read as follows:

(b) The fee for collect-on-delivery service for domestic third- and fourth-class mail shall be 15 cents for collections and indemnity not to exceed $2.50; 20 cents for collections and indemnity not to exceed $5; 30 cents for collections and indemnity not to exceed $25; 40 cents for collections and indemnity not to exceed $50; 50 cents for collections and indemnity not to exceed $100; 55 cents for collections and indemnity not to exceed $150; and 60 cents for collections and indemnity not exceeding $200. The fees for collect-on-delivery service for sealed domestic mail matter of any class bearing postage at the first-class rate shall be equal in each case to the fee charged for collect-on-delivery service for domestic third- and fourth-class mail.

NOTE: See § 16.62 relative to collect-on-delivery service for registered mail of any class sealed against postal inspection and prepaid at the first-class rate of postage.

Amend paragraph (c) by deleting the last sentence of the paragraph and substituting "The collect-on-delivery fee shall cover insurance against loss, rifling, or damage in an amount equivalent to the actual value or the cost of repairs within the limit of indemnity payable for the fee paid, including postage (exclusive of fee) when claimed in cases of outright loss or irreparable damage to entire contents, and against nonreceipt of returns."

Amend paragraph (d) by deleting "10 cents" and substituting "20 cents" in the first line.

Amend paragraph (h) to read as follows:

(h) When a collect-on-delivery article is forwarded or returned, the original tag shall be left attached, the article and tag appropriately marked to show that the article is forwarded or returned, and record made showing the article number, office of mailing, name and address of the addressee, name of office to which forwarded or returned, and the date of such action. If a c. o. d. article is forwarded to other than the addressee (permitted only when a c. o. d. article bears at the time of mailing a specific request that the matter be forwarded to a person designated in such request), the record shall also show the name and address of the person to whom forwarded.

(Sec. 211 (b), 43 Stat. 1069, sec. 2, 47 Stat. 341, sec. 2, 46 Stat. 264, 58 Stat. 70, 58 Stat. 732; 39 U. S. C. and Sup. 246, 246b, 246d) [Sec. 1387, as amended by P. M. G. Orders 25388, July 17, 1944; 26170, Oct. 9, 1944]

In § 16.66 *Demurrage charges,* make the following changes:

A new paragraph (d) is inserted to read as follows:

(d) The fee for notifying the sender or his representative of inability to deliver a collect-on-delivery article shall be 5 cents.

Present paragraph (d) is relettered paragraph (e) and amended to read as follows:

(e) The sender or his representative shall be notified of nondelivery only when collect-on-delivery mail is endorsed to show that notice is desired. Notice is to be sent as soon as it is definitely known that a collect-on-delivery article is undelivered, but, in any event, within 5 days after the date of receipt of the article at the office of address. The fee for this service shall be collected by the postmaster at the office where the sender or his representative is located by means of postage-due stamps affixed to the notice. The date on which notice is sent to the sender or his representative of undelivered collect-on-delivery mail shall be entered in the space provided for that purpose on the c. o. d. tag. No other record shall be made of the issuance of such notice nor shall the mail be so endorsed.

(49 Stat. 867, 58 Stat. 732; 39 U. S. C. and Sup. 246, 246c) [Sec. 1388, as amended by P. M. G. Orders 19307, Nov. 27, 1942; 21913, July 16, 1943; 25390, July 17, 1944; 26171, Oct. 9, 1944]

In § 16.67 *Payment of indemnity claims by postmasters,* make the following changes:

Amend paragraph (b) by deleting "mailed on and after July 1, 1922" in the fifth and sixth lines.

Amend paragraph (f) to read as follows:

(f) Indemnity for lost, damaged, or rifled domestic insured or collect-on-delivery mail shall be paid according to the procedure outlined in § 16.61, except that preliminary investigation by post-office inspectors shall not be essential, and except that no indemnity shall be paid:

(1) If claim is not made within 6 months from date of mailing of the parcel, unless it is established to the satisfaction of the Third Assistant Postmaster General that the delay was unavoidable and not the fault of the claimant.

(2) In the case of a claim on account of damage, if the sender had been instructed prior to the date of mailing of the article relative to proper packing and indorsement and had failed to comply therewith and the evidence indicates that the damage was attributable to inadequate packing or lack of proper indorsement, or both.

(3) If the receipt issued at the time of mailing of an insured parcel, or equivalent evidence of insurance, is not submitted.

(4) For damage to fragile matter or spoiling of perishable matter sent as insured mail, if damage or spoiling resulted from the absence of the required "Fragile" or "Perishable" endorsement, unless the sender's receipt was endorsed by the accepting employee to indicate that the parcel contained matter of a fragile or perishable nature.

Amend the reference at the end of the section by deleting "[Sec. 1389]" and substituting "[Sec. 1389, as amended by P. M. G. Order 29511, Oct. 29, 1945]."

PART 17—MONEY-ORDER SYSTEM

DOMESTIC MONEY-ORDER SERVICE

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NOTE: For the text of sections listed in the above table and not appearing in this publication see 39 CFR, Part 17.

AUTHORITY: §§ 17.1 to 17.97, inclusive (with exceptions noted in the text), issued under R. S. 4027; 39 U. S. C. 711.

New § 17.1a to follow § 17.1; new § 17.24a to follow § 17.24; and new §§ 17.66a and 17.66b to follow § 17.66, are hereby added.

§ 17.1a *Postal notes.* (a) The Postmaster General may authorize postmasters at such offices as he shall designate, under such regulations as he shall prescribe, to issue and pay money orders not exceeding $10, to be known as postal notes at 5 cents each: *Provided, however,* That the Postmaster General is hereby authorized, in order to promote the service to the public, to increase or decrease the fees fixed by Congress for postal notes to an amount not less than 3 cents or more than 6 cents, whenever he shall find that such fees are too low to insure the receipts of revenues adequate to pay the cost of the postal-note system or materially higher than necessary to pay the cost thereof: *And provided further,* That he shall be required to report to the Congress revision of any fee at least sixty days prior to its effective date.

(b) Postal notes shall be valid for two calendar months from the date of their issue, but thereafter may be paid by the Postmaster General or refund may be made in case of loss, upon evidence satisfactory to him, under such regulations as he may prescribe. Postal notes shall not be negotiable or transferable through endorsement.

(c) Postal notes shall be furnished for sale at all first-class post offices and at such district post offices as the Third Assistant Postmaster General may designate. Their issue and payment shall be confined to the continental United States, excluding Alaska, Hawaii, and outlying possessions. They shall not be used in transacting domestic business with the foreign countries with which money-order service is conducted on the domestic basis.

(d) Postal note stamps in denominations not exceeding 90 cents shall be supplied for use in making up odd amounts not covered by the postal note, so that combinations of not more than two postal note stamps and a postal note will provide values from 1 cent to $10, the maximum for which a postal note may be issued. Postal note stamps shall be affixed to the postal note and canceled by issuing postmasters and shall be valid only when so affixed.

(e) Postal notes and postal note stamps affixed thereto shall be paid at any post office at their combined face value upon proper identification of payees if presented within 2 calendar months from the date of their issue. Thereafter, unpaid postal notes shall be sent by the remitter or payee with a request for refund to the Third Assistant Postmaster General, Division of Money Orders.

(f) No inquiry or claim concerning lost or destroyed postal notes shall be accepted until 2 calendar months after date of issue and then only upon presentation of the remitter's receipt and evidence of nonpayment.

(g) Postal notes and postal note stamps shall be furnished by the Third Assistant Postmaster General to direct and central-accounting postmasters as accountable stock, and shall be furnished by central-accounting postmasters to district postmasters on a fixed credit basis.

(h) *Where available.* Postal notes may be purchased at any first-class post office, station or branch, except Army and Navy post offices, and second-class post offices, within the continental limits of the United States, excluding Alaska, Hawaii and other outlying possessions.

(i) *Amounts for which available.* Postal notes may be purchased for any amount from 1¢ to $10. While the maximum amount of a postal note is fixed by law at $10, there is no limitation as to the number that may be purchased by a patron at one time.

(j) *Fee.* The fee for the purchase of a postal note of any denomination shall be 5¢.

(k) *Application.* There is no application required for the purchase of a postal note. The patron applies at a money order window for a note of a specified amount, tendering the value plus the fee of 5¢ for each note desired.

(l) *Completion of particulars on postal note.* The purchaser of a note shall write in the name and address of the payee on the face, as well as his own name and address on the back of the note.

(m) *Spoiled postal notes.* If a postal note is spoiled by the purchaser when writing in the name and address of the payee, it shall be presented at the window for repayment. If another note is desired, the fee therefor shall be paid by the patron.

(n) *Adhesive postal note stamps.* Adhesive postal note stamps are available only for the purpose of representing the cents value on postal notes and may not be obtained unless affixed to the paying office coupon of a postal note and canceled by the stamp of the issuing employee.

(o) *Period of validity.* The period of validity on a postal note is two calendar months from the date of issue. A calendar month is the corresponding date in the next month. If there is no corresponding date, the last day of validity will be the last day of the second month after the month of issue.

(p) *Negotiability.* Postal notes are not negotiable or transferable through endorsement and may be paid only to the purchaser or payee named therein at post offices, branches, stations, and banks.

(q) *Claims for lost or destroyed postal notes.* Claims for lost or destroyed postal notes may be submitted through any post office within the continental limits of the United States on Form 6596, Application for Duplicate Postal Note. No inquiry or claim will be accepted prior to the expiration of the period of validity, i. e. two calendar months from the date of issue, and in all cases such claims must be supported by the presentation of the purchaser's receipt and evidence, if possible, that the note has not been paid.

(r) *Applications for duplicates of invalid postal notes.* When a postal note becomes invalid the holder shall present it at a post office and file application for a duplicate on Form 6596. The original note shall be marked "Void, duplicate applied for — 19–", and returned to the patron.

(s) *Mutilated postal notes.* When a postal note becomes mutilated the patron shall present it at a post office and file application for duplicate on Form 6596. In such cases the original postal note, or the mutilated portions thereof, shall accompany the application for duplicate.

(t) *Where payable.* Postal notes shall be paid at any post office within the continental limits of the United States regardless of whether such post office is authorized to issue postal notes.

(u) *Endorsements.* The purchasers or payees shall sign postal notes in the space provided therefor on the face before they are paid, and payment may be made only upon proper indentification of the patron as required for the payment of money orders. (58 Stat. 508; 39 U. S. C., Sup., 738) [Sec. 1402 as amended by P. M. G. orders 26005, Sept. 19, 1944; 27031, Jan. 18, 1945]

In § 17.22 *Payment at any office,* make the following change:

Amend paragraph (b) to read as follows:

(b) An original domestic money order shall be paid at its full face value if presented at the office on which drawn or at the office of issue at any time within the period of its validity, which is 1 year from the last day of the month in which issued. For the first 30 days after issue any domestic money order issued in the continental United States (except Alaska) may be paid for its face value, less the fee prescribed by the law quoted above, at any office other than that of issue or that on which drawn, provided the office at which presented is located within the continental United States (except Alaska). (38 Stat. 280, 48 Stat. 973; 39 U. S. C. 727) [Sec. 1429, as amended by P. M. G. Order 23250, December 3, 1943]

§ 17.24a *Alleged wrong payment of money order.* (a) When a postmaster is notified of the wrong payment of a money order at his office, he shall promptly report the matter to the Third Assistant Postmaster General, Division of Money Orders and on form 6065 request a photostat of the paid order for examination by the complainant. If the paying office is of the first or second class, the postmaster shall give the date of payment and the "file number" or the sheet, column and running number of the account in which credit therefor was taken, so that the order may be located in the files of the General Accounting Office. If the paying office is of the third or fourth class, the date on which the paid order was forwarded to the central accounting office shall be given. If a photostat of a paid money order is needed for any other purpose the same procedure must be followed. [Section 1433.]

(b) Upon receipt of a photostat from the Department the postmaster shall exhibit it to the complainant, and if he states that the signature thereon is not genuine an affidavit is filed and the case forwarded to the Inspector in Charge of his district for investigation and settlement.

In § 17.28 *Payment of money orders to persons or concerns conducting fraudulent schemes, lotteries, etc., forbidden,* make the following changes:

Insert paragraph (a) before the first paragraph.

Delete citation "(R. S. 4041, sec. 3, 26 Stat. 466; 39 U. S. C. 732) [Sec. 1435]"

Insert paragraph (b) as follows:

(b) If an envelope containing a c. o. d. money order is returned to the office of issue indorsed "Fraudulent", "Refused—Out of business", or "Fictitious", the envelope together with the money order shall be transmitted immediately to the Third Assistant Postmaster General, Division of Money Orders. (R. S. 4041, sec. 3, 26 Stat. 466; 39 U. S. C. 732) [Sec. 1438, as amended by P. M. G. Order 22934, November 11, 1943].

In § 17.39 *Duplicate of lost valid orders* amend paragraph (b) by the addition of the following:

However, when there is conclusive evidence that a money order was lost before deposit in the mails consent of the payee need not be obtained as the order is assumed to be the property of the remitter. Further when the mutilated order accompanies the application consent is not necessary.

In § 17.40 *Application for duplicate order at issuing office* amend paragraph (b) by the addition of the following:

Exceptions:

(1) An application may also be accepted, certified and forwarded at once if the mutilated order accompanies it.

(2) A postmaster shall not certify or forward an application for a duplicate of a lost order which was originally bought by or drawn in favor of a member of the Armed Forces prior to the expiration of the seventy-fifth day following the date on which the original was issued, only providing the applicant or the party in whose favor the application is made shall execute a bond of indemnity on Form 6116 (See Money Order Service for Armed Forces).

Amend § 17.46 *Offices upon which duplicates may be drawn* by substituting the following:

§ 17.46 *Offices upon which duplicates may be drawn.* A duplicate money order shall be repaid only at the office of issue of the original or paid only at the office on which the original was drawn although the duplicate may be mailed to the owner at some other office. When the payee of a duplicate resides at a place distant from the office on which it is drawn, it may be paid by the issue of a new order for the same amount, less fee, on the money-order office nearest such payee's place of residence. He shall receipt the duplicate and send it to the postmaster at the office on which it is drawn, with request for payment thereof by the issue of a new order, naming the office on which the order shall be drawn. [See section 1453 Postal Laws and Regulations, Postmaster General, 1940]

Amend § 17.49 *Invalid money orders* by the addition of paragraph (e) as follows:

(e) Further the Post Office Department before issuing a warrant for the amount of an invalid money order to a legal representative, heir or assign of the remitter, payee or endorsee may require him or them to execute Standard Form 1055 and to furnish legal documentary evidence to establish a valid claim to the amount.

In § 17.55 *Exchange offices* make the following change:

Amend paragraph 1 in section (b) by deleting "Straits Settlements" and substituting "Malaya."

In § 17.59 *Care necessary in writing advices* make the following change: Amend paragraph (b) to read as follows:

(b) If the address furnished by the remitter is not written in English script or Roman letters which can be accurately transcribed, the remitter may write in his own language the payee's address on Form 6083, which shall then be attached to the advice and mailed with it to the exchange office. This Form 6083 is obligatory for all money orders payable in China, Jugoslavia, Lebanon, Palestine and Syria, and for those payable in or through Japan, when the remitter and payee are Asiatics.

§ 1766a *Issue of money orders in payment for C. O. D. parcels from foreign countries.* (a) Before delivering a C. O. D. parcel from one of the countries with which C. O. D. service is in effect, the clerk having charge of the assignment of such parcels for delivery shall complete an application on Form 6701 from which the international money order is later to be issued. The amount of the C. O.

D. charges, plus the money order fee collected from the addressee shall be turned over to the money order section with Form 6701, and a receipt shall be given on Form 3815. An international money order shall be issued, the advice and coupon sent to the proper exchange office and the receipt attached to the record of delivery of the parcel to show that the charges have been remitted.

(b) Form 6701 completed from parcels which for any reason are not delivered shall not be destroyed or turned over to the money order section, but shall be retained by the clerk having charge of the assignment of C. O. D. parcels for delivery, to provide a record of the name and address of the sender and may also be used to show what was done with the undeliverable parcels.

(c) When a C. O. D. parcel from abroad is received at a post office not authorized to transact international money order business, the postmaster shall complete an application on Form 6001 and shall collect from the addressee the C. O. D. charges plus the domestic fee and the fee for an international money order of the amount of the charges. He shall issue a domestic money order in favor of the postmaster at the proper exchange office for the amount of the C. O. D. charges and the international money order fee, and mail it (the domestic money order) to him with an application on Form 6701 for the issue of an international money order. The postmaster at the exchange office shall issue an international money order to remit the charges to the shipper of the parcel in the foreign country. (To determine the proper international fee and exchange office, consult Schedule 2 and Table 3, respectively, in Part 1 of the Official Postal Guide, under the heading "The Postal Money Order System").

§ 17.66b *Payment of international C. O. D. orders.* (a) The rules which govern the payment of international money orders generally, apply to those issued in foreign countries to pay the C. O. D. charges on parcels mailed in the United States. Since such money orders may be drawn on any post office in this country, one may be drawn on an office which is not authorized to transact international money order business. In such event, when the advice reaches him the postmaster shall pay the order and claim credit for it in the same manner as for paid domestic orders.

(b) An international C. O. D. money order shall not be repaid to the remitter, except when the sender of the parcel authorizes such action and waives all claim to the C. O. D. charges or indemnity therefor. When it appears that any person or firm is using the international C. O. D. service to further a scheme to defraud and postmasters are informed of that fact, they shall decline to pay international money orders drawn in favor of that person or firm and shall send the advices to the Third Assistant Postmaster General, Division of Money Orders.

Amend § 17.71 *Missing advices of orders payable in United States* to read as follows:

§ 17.11 *Missing advices of orders payable in United States.* When an order issued in any of the countries named in Tables 2 and 3, International List, is presented for payment and no advice has been received, the paying postmaster shall immediately apply on Form 6752 to the proper exchange office in this country for an advice. If the order was issued in any of the countries with which money-order business is transacted on the domestic basis, with the exception of Canada, Canal Zone, Cuba, Jamaica, Newfoundland and the Philippine Islands, the postmaster shall forward directly to the issuing office a request for a duplicate advice on Form 6006. (Sec. 1479)

NOTE: Canada, Canal Zone, Cuba, Jamaica, Newfoundland and the Philippine Islands do not forward an advice for each order issued, as coupons attached to the orders serve the purpose of advices formerly used.

In § 17.80 *Repayment of international order drawn on domestic form* make the following change:

Amend paragraph (b) by deleting "Newfoundland or".

PART 18—POSTAL SAVINGS SYSTEM

Sec.

18.1 Authority for establishment of Postal Savings System.
18.2 Accounts.
18.3 Depositor's application on card, Form PS 600.
18.4 Unclaimed accounts.
18.5 Deposits made through a representative or by mail.
18.6 Issue of certificates.
18.7 Correction of errors or change of name of depositor.
18.8 Certificates lost, stolen, or destroyed.
18.9 Interest.
18.10 Postal savings cards and stamps.
18.11 Withdrawal of postal savings deposits.
18.12 Withdrawals; presentation of certificates, identification, etc.
18.13 Withdrawal through a representative or by mail.
18.14 Death or legal disability of a depositor.
18.15 Postal savings bonds.
18.16 Adjudication of courts conclusive as to rights in postal savings funds.
18.17 Privacy of accounts.
18.18 Use of postal savings funds to cash certain negotiable paper.
18.19 Pledge for repayment of deposits.
18.20 Designation of banks as depositories for postal savings funds.

New § 18.20 is hereby added.

NOTE: For the text of sections listed in the above table and not appearing in this publication see 39 CFR, Part 18.

AUTHORITY §§ 18.1 to 18.20, inclusive (with exceptions noted in the text), issued under 36 Stat. 814, sec. 10, 37 Stat. 559, 38 Stat. 716, 39 Stat. 159; 39 U. S. C. 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769.

In § 18.1 *Authority for establishment of Postal-Savings System,* make the following changes:

Amend paragraph (b) to read as follows:

(b) The names of all post offices, branches, and stations where postal-savings accounts may be opened shall be indicated in the State list of the Official Postal Guide, and changes in postal-savings depositary offices shall appear in the supplements.

Amend footnote to read as follows:

The source of §§ 18.1 to 18.20, inclusive, (except for amendments noted in the text) is Postal Laws and Regulations, Postmaster General, 1940, and Regulations Governing the Deposit of Postal-Savings Funds in Banks and the Acceptance of Bonds as Security Therefor, Form PS 2.

In § 18.2 *Accounts,* make the following changes:

Amend paragraph (b) to read as follows:

(b) (1) Deposits shall be accepted only in the name of individuals, and no account shall be opened in the name of any corporation, association, society, firm, or partnership, or in the names of two or more persons jointly. No account shall be opened in the name of one person in trust for or on behalf of another person or persons.

(2) In all bankruptcy proceedings, the officers and agents in charge of the bankrupt funds are authorized to deposit the same without limit as to amount in the postal-savings depositories at the prescribed interest rate in all cases where local banks are unable or unwilling to give the required security. Such deposit or any portion thereof may be withdrawn as required in the bankruptcy proceedings.

When an officer or agent in charge of bankrupt funds applies at a depository post office to open a postal-savings account, the postmaster shall require evidence that (i) the funds involved are entitled to consideration under the above quoted amendment to the Bankruptcy Act, that (ii) the officer or agent has been duly appointed, and that (iii) local banks are unable or unwilling to give the required security. If satisfied, the postmaster shall accept the deposit in any amount of even dollars, issue certificates in the name and title of the officer or agent, together with the name of the bankrupt corporation, association, or individual, and deliver the certificates to such officer or agent, except that if the deposit is by commercial check or draft, delivery of the certificates shall be withheld until collection has been made. If the postmaster is in doubt as to the acceptability of the deposit, he shall refer all papers in the case to the Third Assistant Postmaster General, Division of Postal Savings, and await instructions.

When payment is demanded, the certificate shall be indorsed by the officer or agent (or his successor, whose appointment must be evidenced by a decree of court) and, in addition, may be countersigned by another individual in his representative court capacity if such be the requirement of the referee having jurisdiction over the funds in question. As the amount involved is invariably large, the postmaster shall request the officer or agent to give advance notice of contemplated withdrawals so that he will have time to requisition the necessary amount from the Third Assistant Postmaster General, Division of Postal Savings.

Amend paragraph (c) by adding the following note:

NOTE: The Postal Savings System was instituted for the purpose of encouraging thrift and to provide a safe depository for the accumulation of savings. Accounts persistently showing a rapid turnover of deposits or which are intended to serve as a safe place in which to leave funds for a few hours or which otherwise indicate an unreasonable

use of postal-savings facilities are considered nuisance accounts. Postmasters are not required to open or accept further deposits in nuisance acounts.

Amend paragraph (f) to read as follows:

(f) The provisions of § 17.7 defining what may be accepted for the purchase of money orders shall be applicable to postal-savings deposits, subject to the provisions of §§ 18.9 and 18.10 of this chapter. The postmaster may accept Government paper not more than one full fiscal year old from responsible persons whose indorsement thereon the postmaster is willing to guarantee; and when such paper is accepted, the postmaster shall immediately issue the certificates and deliver them to the purchaser. Acceptance of a personal check, cashier's check, bank draft, or other commercial paper is at the risk of the postmaster; and when such paper is accepted, the purchaser shall be given a receipt on Form 929 or Form 929–S; but the certificates, which shall be issued immediately or at the earliest opportunity, shall be retained by the postmaster with a copy of the receipt until ample time shall have elapsed to insure receipt of notice should the check or draft fail to clear, after which the certificates shall be delivered to the depositor, either in person or by ordinary mail. No funds are available to pay collection charges on checks or drafts accepted as postal-savings deposits, and where charges cannot be avoided, they shall be paid in advance by the depositor. (Secs. 4, 6, 36 Stat. 815, sec. 1, 39 Stat. 159, secs. 12, 13, 40 Stat. 754, sec. 10, 37 Stat. 559, 47 Stat. 1482; 39 U. S. C. 754, 756, 768; 11 U. S. C. 101a) [Sec. 1603, as amended by P. M. G. Order 31435, May 9, 1946, and sec. 1630, 1940 ed.]

In § 18.3 *Depositor's application on card, Form PS 600,* make the following changes:

Amend paragraph (a) to read as follows:

(a) When a person applies to open an account, the postmaster or his representative shall question the applicant to obtain the necessary information and shall carefully fill out an application on depositor's card (Form PS 600).

Amend paragraph (b) by adding the following sentences:

At offices equipped to take finger impressions, such impressions should be taken of every person desiring to open an account unless the depositor persistently declines to comply, in which case that fact should be noted on Form PS 600. If the intending depositor signs by mark or characters not used by the English language, impressions must be insisted upon.

In § 18.5 *Deposits* made through a representative or by mail, make the following changes:

Add paragraph (k) to read as follows:

(k) It shall be lawful for any seaman to stipulate in his shipping agreement for deposits to be made in an account opened by him and maintained in his name at a United States postal-savings depository, subject to the governing regulations thereof. (Sec. 10, 37 Stat. 559; 39 U. S. C. 768, 46 U. S. C. 599) [Secs. 1606 and 1607]

In § 18.6 *Issue of certificates,* make the following changes:

Amend paragraph (f) to read as follows:

(f) The depositors' cards (Form PS 600) after the entry of transactions, shall not be returned to the files until all accounts for the day are in balance. At the close of each day the total value of certificates issued shall be entered in the daily summary (Form PS 708 at first- and second-class offices; Form PS 708–T/F at third- and fourth-class offices; but, in lieu of the summary, Forms PS 630–A and PS 630–C/A at the larger offices), and the inclusive serial numbers for each denomination of the certificates issued as shown by the retained stubs shall be entered on Abstract A, which is furnished in looseleaf form (Form PS 705) for first- and second-class offices, but which at third- and fourth-class offices is in the daily summary (Form PS 708–T/F). The entries on the depositors' cards shall be proved daily by adding the deposits made during the day as shown thereon and comparing the total with the total issues shown by the abstract of issues, Form PS 705. Form PS 705 or Abstract A in the daily summary for third- and fourth-class offices (Form PS 708–T/F), as the case may be, shall be used at all depositary offices to maintain a daily record of certificates issued.

Amend paragraph (j) to read as follows:

(j) Postmasters shall not accept issued postal-savings certificates for safekeeping. (Sec. 10, 37 Stat. 559; 39 U. S. C. 768) [Sec. 1608]

In § 18.7 *Correction of errors or change of name of depositor* make the following changes:

Amend paragraph (e) to read as follows:

(e) In the event of the change of a depositor's name by the order or decree of a court of competent jurisdiction, the procedure set forth in paragraph (d) of this section shall be followed. (Sec. 10, 37 Stat. 559; 39 U. S. C. 768) [Sec. 1610]

In § 18.8 *Certificates lost, stolen, or destroyed* make the following changes:

Amend paragraph (a) by deleting the last sentence which reads as follows: "The application shall be noted on a memorandum slip (Form PS 306) and the slip attached to the depositor's card (Form PS 600)."

Amend paragraph (b) to read as follows:

(b) If it is deemed proper, new certificates of the same denomination, date, and number, but distinguishable from the original, shall be issued by the Third Assistant Postmaster General, Division of Postal Savings, and forwarded to the postmaster, who shall verify all entries on the new certificates, giving particular attention to the "Date when interest begins." Certificates showing discrepancies shall be returned to the Department. The postmaster shall record the reissue of the certificates on the depositor's card (Form PS 600) by writing "Reissued" in the "Remarks" column in line with the entry of issue and deliver the new certificates to the depositor.

Amend the citations in paragraph (e) to read as follows: "(Sec. 10, 37 Stat. 559; 39 U. S. C. 768) [Sec. 1611, as amended by P. M. G. Order 23548, Jan. 10, 1944]"

In 18.9 *Interest* make the following changes:

Amend paragraph (a) to read as follows:

(a) (1) Interest at the rate of 2 per centum per annum shall be allowed and entered to the credit of each depositor once in each year, the same to be computed on such basis and under such rules and regulations as the Board of Trustees may prescribe; but interest shall not be computed or allowed on fractions of a dollar.

(2) Notwithstanding any other provision of law, (i) each deposit in a postal-savings depository office shall be a savings deposit, and interest thereon shall be allowed and entered to the credit of the depositor once for each quarter beginning with the first day of the month following the date of such deposit, but no interest shall be allowed to any such depositor with respect to the whole or any part of the funds to his or her credit for any period of less than three months; (ii) no interest shall be paid on any such deposit at a rate in excess of that which may lawfully be paid on savings deposits under regulations prescribed by the Board of Governors of the Federal Reserve System pursuant to section 371b of Title 12, for member banks of the Federal Reserve System located in or nearest to the place where such depository office is situated.

Amend paragraph (b) by adding two notes, reading as follows:

NOTE A: The maximum yearly interest rate payable on savings deposits by banks, trust companies, and savings banks in the State of Mississippi was reduced to 1 per cent effective January 1, 1945; and, accordingly, as required by the provisions of paragraph (a) (2) of this section, the yearly rate on postal-savings deposits in that State was reduced as of April 1, 1945, from 2 percent to 1 percent.

NOTE B: The maximum yearly interest rate payable on savings deposits by banks and trust companies and savings banks in the State of New Jersey was reduced to 1 per cent effective July 1, 1939; and, accordingly, as required by the provisions of paragraph (a) (2) of this section, the yearly rate on postal-savings deposits in that State was reduced as of the same date from 2 per cent to 1 per cent. However, the maximum yearly interest rate payable on savings deposits by banks, trust companies, and savings banks in this State was increased from 1 to 1½ percent effective July 1, 1946; and, accordingly, the yearly rate on postal-savings deposits in this State was increased as of the same date from 1 to 1½ percent.

Amend the citations in paragraph (d) to read as follows: "(Sec. 7, 36 Stat. 816, sec. 1, 39 Stat. 159, sec. 12, 40 Stat. 754, 49 Stat. 721; 39 U. S. C. 757, 758) [Sec. 1612, as amended by P. M. G. Order 19488, Dec. 15, 1942]"

Amend § 18.10 *Postal-savings cards and stamps* to read as follows:

§ 18.10 *Postal-savings cards and stamps.* (a) The authority of the Postmaster General to prepare and issue postal-savings cards and postal-savings stamps shall terminate on such date as stamps issued by the Secretary of the Treasury pursuant to the authority contained in section 22 (c) of the Second Liberty Bond Act, as amended, are made available for sale to the public; and, as soon as practicable thereafter, the Board of Trustees of the Postal Savings System shall pay to the Secretary of the Treasury a sum equal to the redemption value of all postal-savings stamps outstanding, and after such payment has been made the obligation to redeem such stamps shall cease to be a liability of the Board of Trustees of the Postal Savings System but shall constitute a public debt obligation of the United States.

NOTE: Pursuant to section 5 of the Public Debt Act of 1942 (quoted above), and by agreement between the Postmaster General and the Secretary of the Treasury, the liability for outstanding postal-savings stamps of all series, including the so-called Defense Savings stamps and War Savings stamps, and the accountability for unsold savings-stamp stock charged to postmasters, were transferred to the Treasury Department as of the close of business September 30, 1942.

(b) Postal-savings stamps outstanding, and any series of savings stamps issued by the Treasury Department under the authority contained in section 22 (c) of the Second Liberty Bond Act, as amended, are exchangeable for postal-savings certificates. When a card or album with postal-savings or United States savings stamps affixed is presented at any postal-savings depository, it shall be accepted as a deposit of equivalent value either in opening an account or in adding to an existing account. One certificate may be issued to cover a deposit made partly in cash and partly by means of savings stamps. The postmaster shall transfer savings stamps exchanged for postal-savings certificates to the savings-stamp account in exchange for the equivalent of savings-stamp funds. (Sec. 5, 56 Stat. 189, 39 U. S. C. 756a) [Sec. 1613, as amended by P. M. G. Order 27177, February 3, 1945]

In § 18.11 *Withdrawal of postal-savings deposits* make the following changes:

Amend paragraph (a) to read as follows:

(a) Any depositor may withdraw the whole or any part of the funds deposited to his or her credit, with the accrued interest, upon demand.

Delete paragraphs (e) and (f)

Amend paragraph (g) to read as follows:

(g) (1) In order to obtain funds to meet withdrawals of principal or interest in excess of his daily receipts, the postmaster shall borrow from the money order or postal account or from the postage stamp fixed credit, or shall check on the money-order credit with the Treasurer of the United States, if a credit has been granted. Memoranda (Form PS 622–A) to cover such temporary advances to the postal-savings account shall be placed with the money-order funds or postal funds or postage stamp fixed credit, as the case may be, and held until reimbursement shall have been made. The postmaster shall repay such advances from surplus postal-savings funds subsequently received, and, except at Washington, D. C., and central accounting offices, at the end of each month shall draw a postal-savings draft, Form PS 316, for any amount still due and forward it to the central accounting office as surplus money-order or postal funds, or in adjustment of the postage stamp fixed credit. The money order or postal account or postage stamp fixed credit shall always be completely reimbursed at the end of each month. The postmaster shall debit in the daily summary (Form PS 708, or, in lieu of the summary. Form PS 630–A and Form PS 430–C/A at the larger offices) the total amount of funds borrowed each day and shall credit in that record the total amount repaid, but shall not reflect such temporary advances and the repayments thereof on his reports to the department. If no money-order funds, including an authorized credit, postal funds, or postage stamp fixed credit are available, the postmaster shall draw a draft, Form PS 316, on his central accounting postmaster for cash or a check, as desired, or shall cash it at a local bank or business house, if accepted without charge for exchange. When an office is transferred, the outgoing postmaster shall draw a draft, Form PS 316, to complete the reimbursement of the money-order or postal account or postage stamp fixed credit for any amount advanced.

(2) The postmaster at Washington, D. C., or at a central accounting post office, shall use money order or postal funds, as provided in subparagraph (1) of this paragraph, when sufficient postal-savings funds are not on hand to meet withdrawals by depositors. He shall obtain funds needed to reimburse the money order or postal account from the Third Assistant Postmaster General and shall requisition such funds in ample time to insure complete reimbursement of the money order or postal account at the end of each month, and in sufficient amount to meet the estimated needs of his office. Any excess over the amount immediately needed for reimbursing purposes shall be held as cash in the post office or shall be deposited, wholly or in part, in a temporary checking account as provided in section 120, Postal Laws and Regulations, Postmaster General, 1940. The postmaster at Washington, D. C., or at a central accounting office may hold as cash or deposit in such temporary checking account the current postal-savings receipts in reasonable anticipation of early needs. (Sec. 8, 36 Stat. 816, sec. 10, 37 Stat. 559, sec. 11 (c), 48 Stat. 182, sec. 341, 49 Stat. 721; 39 U. S. C. 758 and Sup.) [Sec. 1617, as amended by P. M. G. Orders 18664, September 12, 1942; 31513, May 16, 1946]

In § 18.12 *Withdrawals; presentation of certificate, identification, etc.*, make the following changes:

Amend paragraph (k) to read as follows:

(k) Certificates when paid, either in full or in part or when surrendered for payment of only the interest due, shall be stamped on the face with the special "Paid" date stamp furnished for the purpose. The stamp shall be maintained in good working order, and the imprint shall clearly show the month, day, and year of payment. If the date of payment is not legible, the certificate shall be stamped again on the back in such manner that the date can be read. The employee making the payment shall place his initials on the face of each certificate along the right margin. The transaction shall be recorded on the depositor's card (Form PS 600) by entering the date (day, month, and year) thereof, the total amount of the certificates surrendered, and the new balance on the next unused line. On the same form the date of the transaction and the respective amount of interest paid, if any, shall be entered in line with the serial number of each surrendered certificate. Depositors' cards on which withdrawals have been entered shall not be returned to the files until all accounts for the day are in balance. Paid postal-savings certificates shall not remain in the custody of the postal-savings window clerk; they shall be delivered daily to the postmaster or some designated official or clerk, who shall be responsible for the protection of the vouchers and who shall be charged with the duty of preparing the monthly reports.

Amend paragraph (l) to read as follows:

(l) At the close of each day's business or at such time during the day as may be convenient the postmaster shall enter the date of payment and serial numbers of the certificates paid under the proper denominations in Abstract B, which is bound in a book (Form PS 706) separate from other forms for first- and second-class offices, but which at third- and fourth-class offices is in the daily summary (Form PS 708- T/F), and enter the total amount of principal and total amount of interest paid in the daily summary (Form PS 708 at first- and second-class offices; Form PS 708–T/F at third- and fourth-class offices; but, in lieu of the summary, Forms PS 630–A and PS 630–C/A at the larger offices). The entries on depositors' cards shall be proved by adding the withdrawals made during the day and comparing the total with the total withdrawals shown by Abstract B. At the close of the month Form PS 706–A (detailed instructions for the preparation of which appear thereon) and all paid certificates, properly arranged, shall be forwarded with the postmaster's monthly account current. Abstract B shall be retained and become a part of the permanent files of the post office.

Amend paragraph (m) to read as follows:

(m) Whenever all certificates issued to a depositor have been paid, the depositor's card (Form PS 600), bearing the record of the account, shall be marked "Account closed" and placed in a separate file with other closed accounts in numerical order. (See leaflet PS

100.) (Sec. 8, 36 Stat. 816, sec. 10, 37 Stat. 559, sec. 11 (c), 48 Stat. 182, sec. 341, 49 Stat. 721; 39 U. S. C. 758 and Sup.) [Sec. 1618, as amended by P. M. G. Order 26295, October 23, 1944]

In § 18.13 *Withdrawal through a representative or by mail,* make the following changes:

Amend paragraph (b) to read as follows:

(b) For the payment of a certificate to such a depositor, a blank order (Form PS 304) shall be furnished. When the order has been properly filled out and signed by the depositor, it shall be returned to the postmaster, together with the certificate or certificates properly indorsed by the depositor. The depositor shall give a receipt on the certificate in the following form: "Received the amount of this certificate and $____ (amount to be specified) interest due thereon." The amount of interest payable shall be inserted by the postmaster in the receipt form on each certificate before the representative receipts on Form PS 304 for the total payment. The postmaster shall then make payment to the representative. The payment of the certificates and interest shall be recorded as provided in § 18.12 (k) and (l), and the leaflet Form PS 100. The order on Form PS 304 shall be filed with the depositor's card (Form PS 600).

Amend the first sentence of paragraph (e) to read as follows:

(e) When a depositor desires to make a withdrawal by mail of all or any part of the amount of any of his certificates, the postmaster at any depositary office shall furnish him application blanks, Form PS 315, for requesting payment of all or part of the principal and any interest due on such certificates by money order, less the usual fee, or by check.

Amend paragraph (f) to read as follows:

(f) The depositor shall give a receipt on the certificate in the following form: "Received the amount of this certificate and $____ interest due thereon." If any interest is due, the amount shall be entered in the receipt form on the certificate by the postmaster at the paying office.

Amend paragraph (g) to read as follows:

(g) The postmaster at the office where the certificates were issued, if satisfied as to the applicant's identity, shall follow the directions of the depositor on Form PS 315 as to payment and shall forward the amount withdrawn and any new certificate issued in exchange to him at the stated address, making payment either by a money order, less the usual fee, or by a check on the postmaster's authorized money-order credit with the Treasurer of the United States and using Form PS 320 as the letter of transmittal. If payment by check has been requested and the paying postmaster has not been granted a credit with the Treasurer of the United States, he shall send to his central accounting postmaster, with a completed Form PS 320, any new certificates issued in exchange, and a postal-savings draft, Form PS 316, for all of the interest and as much of the principal as is to be paid and shall request the central accounting postmaster by means of Form PS 320–A to forward a check for the amount due direct to the depositor. If the depositor has requested that the mailing be registered, the minimum registry fee shall be deducted by the paying postmaster or the central accounting postmaster, whichever mails the withdrawal to the depositor. The payment of the certificates and interest shall be recorded as provided in § 18.12 (k) and (l), and the leaflet, Form PS 100. The application on Form PS 315 shall be filed with the depositor's card, Form PS 600.

Amend paragraph (h) to read as follows:

(h) When such a depositor desires to withdraw only the interest payable on any certificate or certificates, he shall be furnished with a blank application, Form PS 315–A. When the order has been properly filled out and signed, the depositor shall forward it with the certificate or certificates properly indorsed to the postmaster at the office where the account is held, as provided in paragraph 5 of this section. If the depositor's identity is satisfactorily established, the postmaster at the latter office shall proceed as provided in the leaflet, Form PS 100, and shall forward the amount of interest due to the depositor at the stated address by money order, less the usual fee, or by check on the postmaster's authorized credit with the Treasurer of the United States, together with the new certificates issued in lieu of those surrendered, using Form PS 320 as the letter of transmittal. If payment by check has been requested and the paying postmaster has not been granted an authorized credit with the Treasurer of the United States, the paying postmaster shall draw a postal-savings draft, Form PS 316, for the full amount of interest due and forward it to the central accounting postmaster with (1) the new certificates issued in exchange, (2) Form PS 320, and (3) a request on Form PS 320–A that he forward the check for the amount due direct to the depositor. If the depositor has requested that the payment be registered, the minimum registry fee shall be deducted by the paying postmaster or the central accounting postmaster, whichever mails the payment to the depositor. The order on Form PS 315–A shall be filed with the depositor's card, Form PS 600." (Sec. 8, 36 Stat. 816, sec. 10, 37 Stat. 559, sec. 11 (c), 48 Stat. 182, sec. 341, 49 Stat. 721; 39 U. S. C. 758 and Sup.) [Sec. 1619, as amended by P. M. G. Order 32341, Aug. 5, 1946]

In § 18.14, *Death or legal disability of a depositor,* make the following changes:

Amend the last sentence of paragraph (k) to read as follows: "Whenever funds are to be remitted by mail, a check drawn on the Treasurer of the United States for the amount or a money order for the amount less the usual fee will be used at the option of the payee."

In § 18.15, *Postal-savings bonds,* make the following changes:

Amend the citations in paragraph (c) to read as follows: "(sec. 10, 36 Stat. 817; 39 U. S. C. 760) [sec. 1621]"

In § 18.16, *Adjudication of courts conclusive as to rights in postal savings funds,* make the following changes:

Amend by the insertion of a note following paragraph (a) to read as follows:

NOTE: This law is held to provide for recognizing the judicial determination of cases involving the disputed ownership of postal-savings deposits, but since moneys accepted by the Government under the postal-savings act assume the nature of public funds they are not subject to ordinary proceedings of attachment, garnishment, or execution. (Buchanan v. Alexander, 4 Howard U. S. 19; 14 Am. & Eng. Ency. Law 814; Shinn, Attachment and Garnishment, sec. 505). In order to be recognized as affecting the title to postal-savings deposits, the judgment, order, or decree of the court must establish specifically the ownership of the postal-savings deposits in controversy.

§ 18.20 *Designation of banks as depositories for postal-savings funds.* Funds received at postal-savings depository offices in each city, town, village, or other locality, shall be deposited in solvent banks located therein whether organized under national or State laws, being subject to national or State supervision and examination, willing to receive such deposits under the terms of the Postal Savings Act and the regulations made by authority thereof; *Provided,* That as between two or more banks in the same community, preference shall be given member banks of the Federal Deposit Insurance Corporation. The word "bank" as used in the law includes savings banks and trust companies doing a banking business. Any eligible bank desiring to qualify for deposits of postal-savings funds shall transmit to the Third Assistant Postmaster General, Division of Postal Savings, Washington 25, D. C., an application on the prescribed form (PS 226) which shall include a report of the bank's paid-in capital and unimpaired surplus exclusive of undivided profits as of the date of application, and such application and report shall be sworn to by the president or cashier and attested as correct by two members of the board of directors. Blank application forms and a copy of the regulations governing the deposit of postal-savings funds in banks and the acceptance of bonds as security therefor (Form PS 2) may be obtained from the Third Assistant Postmaster General, Division of Postal Savings. A branch bank that has a definite capital and surplus formally set aside from that of the parent bank is deemed to be a local bank within the meaning of the law and is entitled to receive deposits on the basis of the capital and surplus thus separately assigned to it. [Form PS 2, Regulations Governing the Deposit of Postal Savings Funds in Banks and the Acceptance of Bonds as Security Therefor.]

PART 19—TRANSPORTATION OF MAILS

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Sec.
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NOTE: For the text of the regulations in this part, see 39 CFR Part 19.

PART 20—TREATMENT OF MAIL MATTER IN THE RAILWAY MAIL SERVICE

Sec.
20.1 Railway postal clerks may accept mail.
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NOTE: For the text of the regulations in this part, see 39 CFR Part 20.

PART 21—INTERNATIONAL POSTAL SERVICE

SUBPART A—GENERAL PROVISIONS

Postal Union (Regular) Mails

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NOTE: §§ 23.1 to 23.27, inclusive, appearing under Part 23, 11 F. R. 1215, are hereby redesignated as §§ 51.1 to 51.27, respectively, of Part 51 of this chapter, appearing in Part II of this issue.

[SEAL] ROBERT E. HANNEGAN,
Postmaster General.

[F. R. Doc. 46-15418; Filed, Aug. 28, 1946; 5:15 p. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

APPENDIX A—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

PHILIPPINE CITIZENS AND SUBJECTS

Pursuant to the authority vested in me by section 501 of the Second War Powers Act, 1942, as extended (56 Stat. 180; 50 U. S. C. 635), and Reorganization Plan No. 3 of 1946 (11 F. R. 7875), I hereby rescind and vacate, effective upon date of publication of this order in the FEDERAL REGISTER, the order dated April 30, 1942 (7 F. R. 3271), which waived so much of subsection (b), section 5 of the act of June 25, 1936, and section 302 of the act of June 29, 1936 (46 U. S. C. 672a, 1132), to permit citizens or subjects of the Philippine Islands to be employed as unlicensed members of the crews of vessels of the United States, irrespective of the limitations of the statute as to the percentage of aliens who may be so employed: *Provided*, That all Philippine citizens or subjects signed on as unlicensed members of the crews of vessels of the United States on or before the effective date of this order in accordance with the order dated April 30, 1942, shall be permitted to remain as such crew members without the vessel being subject to fines or penalties until such crew members are discharged.

Philippine citizens or subjects may be employed as unlicensed members of the crews of vessels of the United States under the provisions of the waiver order, dated June 13, 1942 (7 F. R. 4515), as amended April 30, 1946 (11 F. R. 4868).

Dated: September 6, 1946.

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 46-16286; Filed, Sept. 9, 1946; 11:46 a. m.]

APPENDIX A—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

CANCELLATION OF CERTAIN WAIVERS

By virtue of the authority vested in me by the order of the Acting Secretary of the Navy, dated October 1, 1942 (7 F. R. 7979), as amended by order of the Secretary of the Navy dated June 5, 1945 (10 F. R. 6848), and continued in effect by order dated July 1, 1946 (11 F. R. 7775), I hereby cancel, effective on date of publication of this order in the FEDERAL REGISTER, the following general waiver orders in Part I subject to the conditions set forth in Parts II, III and IV together with individual waiver orders issued on the specific subjects listed in Parts II, III and IV:

Part I. List of general waiver orders canceled (Reconversion conditions stated by subjects in parts II, III and IV):

(a) Cubic capacity of lifeboats on EC–2 (Liberty) type vessels, dated July 21, 1944 (9 F. R. 9068; 46 CFR, Supp. 1944, page 3472).

(b) Lighting distribution panels for power distribution, dated November 22, 1944 (9 F. R. 14018; 46 CFR, Supp. 1944, page 3473).

(c) Designated items of equipment on U. S. Maritime Commission vessels, dated December 13, 1944 (9 F. R. 14681; 46 CFR, Supp. 1944, page 3473).

(d) Partitions between toilets in toilet rooms and number of toilets to be provided for members of the crew on EC–2–S–C1 cargo vessels, dated September 16, 1944 (9 F. R. 11547; 46 CFR, Supp. 1944, page 3473).

(e) Licensed officers or certificated tankermen on towing vessels towing tank barges on Gulf Intercoastal Waterway, dated November 15, 1944 (9 F. R. 13720; 46 CFR, Supp. 1944, page 3476).

(f) Hours of duty and watches for pilots on Alaskan runs, dated April 25, 1944 (9 F. R. 4480; 46 CFR, Supp. 1944, page 3476).

(g) Escape panels on vessels transporting troops for the U. S. Army, dated October 30, 1944 (10 F. R. 12165; 46 CFR, Supp. 1945, page 4232).

(h) Master control valve for steam smothering system, dated February 23, 1945 (10 F. R. 2252; 46 CFR, Supp. 1945, page 4235).

(i) Life floats on certain Maritime Commission cargo vessels, dated March 1, 1945 (10 F. R. 2480; 46 CFR, Supp. 1945, page 4235).

(j) Acid-bessemer steel pipe, dated May 9, 1945 (10 F. R. 5424; 46 CFR, Supp. 1945, page 4238).

(k) Marine engineering and material specifications for flanges for class II piping, dated May 22, 1945 (10 F. R. 5961; 46 CFR, Supp. 1945, page 4238).

(l) Marine engineering and material specifications for flanges and fittings for class II piping, dated May 26, 1945 (10 F. R. 6314; 46 CFR, Supp. 1945, page 4239).

(m) 24-foot metallic lifeboats manufactured by the Globe American Corporation, dated May 9, 1945 (10 F. R. 5424; 46 CFR, Supp. 1945, page 4238).

(n) 24-foot metallic lifeboats manufactured by the Globe American Corporation, dated June 11, 1945 (10 F. R. 7057; 46 CFR, Supp. 1945, page 4239).

Part II. Waiver orders canceled by subjects, with vessels affected, and which have to comply with Navigation and Vessel Inspection Laws and regulations on and after the effective date of this order:

(a) Inspections of seagoing barges required by 46 U. S. C. 395–398.

(b) Carriage of Grade B fuel in lieu of Grade E in No. 3 center line cargo oil tank on MacEvoy hulls 1 to 7, inclusive, required by 46 CFR 32.2–3.

(c) Annual inspections of vessels on foreign voyages required by 46 U. S. C. 399.

(d) Spare bower anchor required on both Diesel Cargo or refrigerating vessels types C1–M–AV1 or R1–M–AV3, required by 46 CFR 63.14.

(e) General alarm bells in refrigerated cargo ice machine space and in main engine room on Diesel cargo or refrigerating vessels, types C1–M–AV1 or R1–M–AV3, required by 46 CFR 62.20.

Part III. Waiver orders canceled by subjects, with vessels affected and Navigation and vessel inspection laws and regulations which must be complied with at first annual inspection following effective date of this order:

(a) Steam smothering systems, for electric drive tankers, type T2–SE–A1, required by 46 CFR 34.3–5 (b).

(b) Relief valves—Pump room, for electric drive tankers, type T2–SE–A1, required by 46 CFR 32.8–2.

(c) Valves and fittings on Victory troopships and electric drive tankers, types VC2–S–AP2, VC2–S–AP3, C–4–SA3, and T2–SE–A1, required by 46 CFR 55.19–3 and 55.19–6.

(d) Auxiliary boilers and piping for Defense Plant Corporation tugs, Marietta—505 and 506, Dubuque Boat and Boiler Works, 222, St. Louis Shipbuilding 795–800, Jeffersonville Boat 1–6, Cargill 9–12, and Mt. Vernon Bridge 12, 13, required by 46 CFR 51.1–4, 51.1–13 and 52.1–4.

(e) Fire and engine room bilge protection for Victory ships, type EC2–S–C1, required by 46 U. S. C. 375, 463A and 46 CFR 61.5 (b).

(f) Mechanical means for lowering lifeboats, for Liberty and Victory troopships, types EC2–S–C1, VC2–AP2–VC2–AP3 and VC2–AP5, required by 46 U. S. C. 375, and 46 CFR 59.3 (h), 59.3a.

(g) Davits, unapproved types, for Liberty and Victory troopships, types EC2–S–C1, VC2–S–AP2, VC2–S–AP3, and VC2–S–AP5, required by 46 U. S. C. 375, 481 and 46 CFR, Part 59.

(h) Berth arrangement on Diesel cargo and Diesel refrigerating vessels, types C1–M–AV1, R1–M–AV3, required by 46 U. S. C. 80.

(i) Crew accommodations on Liberty vessels, type EC2–S–C1, required by 46 U. S. C. 375, 660a and 46 CFR 63.18.

(j) Switchboard—neutral bus, for Victory ships, type VC2–S–AP2, VC2–S–AP3, required by 46 U. S. C. 375, 392, and 46 CFR 63.9.

(k) Switchboard—fuses, for Victory ships, type VC2–S–AP2, and VC2–S–AP3, required by 46 U. S. C. 375, 392, and 46 CFR 63.9.

(l) Motor Controls—lifeboat winches, for Victory ships, types VC2–S–AP2 and VC2–S–AP3, required by 46 U. S. C. 375, 392, and 46 CFR 63.9.

(m) Sound-powered telephone—engine room, for Victory ships, types VC2–S–AP2 and VC2–S–AP3, required by 46 U. S. C. 375, 392, and 46 CFR 63.9.

(n) Transfer panel—steering gear, for Victory ships, types VC2–S–AP2 and VC2–S–AP3, required by 46 U. S. C. 375, 392, and 46 CFR 63.9.

(o) Lighting fixtures—receptacles and wiring devices, for Victory ships and Diesel cargo vessels, types VC2–S–AP2, VC2–S–AP3, and C1–M–AV1, required by 46 U. S. C. 375, 392, and 46 CFR 63.9.

(p) Battery charging apparatus, for Diesel cargo vessels, type C1–M–AV1, required by 46 U. S. C. 375, 392, and 46 CFR 63.9.

(q) General alarm bells, fuses and distribution points, for Victory ships and Diesel cargo vessels, types VC2–S–AP2, VC2–S–AP3, and C1–M–AV1, required by 46 U. S. C. 375, 392, and 46 CFR 63.9.

(r) Steering gear motor feeders, for Diesel cargo vessels, type C1–M–AV1, required by 46 U. S. C. 375, 392, and 46 CFR 63.9.

(s) Portable battery with equipment, for Victory ships and Diesel cargo vessels, type VC2–S–AP2, VC2–S–AP3, and C1–M–AV1, required by 46 U. S. C. 375, 392, and 46 CFR 63.9.

(t) Overload and short-circuit protection, for Diesel cargo vessels, type C1–M–AV1, required by 46 U. S. C. 375, 392, and 46 CFR 63.9.

(u) 240-volt receptacles, for Diesel cargo vessels, type C1–M–AV1, required by 46 U. S. C. 375, 392, and 46 CFR 63.9.

(v) Ventilation—battery rooms, for troopships, type C4–S–A3, required by 46 U. S. C. 375, 392, and 46 CFR 63.9.

(w) Ventilator—resistor rooms, for troopships, type C4–S–A3, required by 46 U. S. C. 375, 392, and 46 CFR 63.9.

(x) Forced draft fans, for troopships, type C4–S–A3, required by 46 U. S. C. and 46 CFR 63.9.

(y) General alarm supply, for troopships, type C4–S–A3, required by 46 U. S. C. 375, 392, and 46 CFR 63.9.

(z) General alarm control, for troopships, type C4–S–A3, required by 46 U. S. C. 375, 392, and 46 CRF 63.9.

Part IV. Waiver orders canceled by subject, with vessels effected and compliance with the Navigation and Vessel Inspection Laws and Regulations will be necessary at the time replacement is necessary:

(a) Shells for condensers and receivers of refrigerating equipment supplied U. S. Maritime Commission vessels under USMC P. O. Nos. PD–MC–44–27076, PD–MC–44–34484A and PD–MC–45–35764B, Air-temp Construction Corporation and USMC P. O. Nos. PD–MC–45–34509A, General Electric Co., required by 46 CFR 52.2–4, 52.2–5, 54.18–12, and 56.20–14.

(b) Piping for U. S. Maritime Commission Hulls 2354–2373 and 2388–2392 (25 hulls) required by 46 CFR, Part 51.

(c) Flanges for U. S. Maritime Commission vessels, types EC2–S–C1, Z–EC2–S–C5, EC2–S–AW1, VC2–S–AP2, C1–M–AV1, Mod., VC2–S–AP3 and VC2–S–AP5, required by 46 CFR, parts 51 to 57, inclusive.

(d) Engineer's signal and alarm panel, for Victory ships, types VC2–S–AP2, VC3–S–AP3, required by 46 U. S. C. 375, 392 and 46 CFR 63.9.

(e) Switches—Motor, for troopships, Victory and Diesel cargo vessels, types VC2–S–AP2, VC2–S–AP3, C4–S–A3, C1–M–AV1, required by 46 U. S. C. 375, 392, and 46 CFR 63.9.

(f) Auxiliary steam boilers—electrical control, for Diesel cargo vessel, type C1–M–AV1, required by 46 U. S. C. 375, 392 and 46 CFR 63.9.

(g) Lifeboat station feeders—circuit breakers, for troopship, type C4–S–A3, required by 46 U. S. C. 375, 392, and 46 CFR 63.9.

(h) Ventilation equipment, for troopship, type C4–S–A3, required by 46 U. S. C. 375, 392 and 46 CFR 63.9.

(i) Feeder distribution box—250 ampere fuze, for troopship, type C4–S–A3, required by 46 U. S. C. 375, 392 and 46 CFR 63.9.

(j) Distribution panel inclosures, for troopships and Victory ships types VC2–S–AP2, VC–S–AP3, C4–S–A3, required by 46 U. S. C. 375, 392, and 46 CFR 63.9.

(k) Cargo winch and similar control resistor banks, location, for troopships and Victory ships, types VC2–S–AP2, VC2–S–AP3, C4–S–A3, required by 46 U. S. C. 375, 392 and 46 CFR 63.9.

(l) Motors, electric, and wiring devices for refrigeration recirculating fans (originally furnished by Diehl Mfg. Co.) for Victory ships, type VC2–S–AP2, required by 46 U. S. C. 375, 392 and 46 CFR 63.9.

(m) Refrigerated spaces—circuit interrupting devices, for troopships and Victory ships, types VC2–S–AP2, VC2–S–AP3, C4–S–A3, required by 46 U. S. C. 375, 392, 46 CFR 63.9.

(n) Cargo winch feeders—connection boxes, for Victory and Diesel cargo vessels, types VC2–S–AP2, C1–M–AV1, required by 46 U. S. C. 375, 392 and 46 CFR 63.9.

(o) Shore connection box, for Victory and Diesel cargo vessels, types VC2–S–AP2, C1–M–AV1, required by 46 U. S. C. 375, 392 and 46 CFR 63.9.

(p) Battery rooms—connection boxes, for troopships, type C4–S–A3, required by 46 U. S. C. 375, 392 and 46 CFR 63.9.

(q) Signal system in motor controller, for Diesel cargo vessels, type C1–M–AV1, required by 46 U. S. C. 375, 392 and 46 CFR 63.9.

(r) Sound-powered telephone equipment, for Diesel cargo vessels, type C1–M–AV1, required by 46 U. S. C. 375, 392 and 46 CFR 63.9.

(s) Main air compressor—motor controller control circuit, for Diesel cargo vessels, type C1–M–AV1, required by 46 U. S. C. 375, 392 and CFR 63.9.

(t) Voltmeter circuits on switchboard, for Diesel cargo vessels, type C1–M–AV1, required by 46 U. S. C. 375, 392 and 46 CFR 63.9.

(u) Generator pilot lights, for troopships, type C4–S–A3, required by 46 U. S. C. 375, 392 and 46 CFR 63.9.

(v) Searchlight (nonwaterproof searchlights originally furnished by General Electric Co.) for troopships, type C4–S–A3, required by 46 U. S. C. 375, 392 and 46 CFR 63.9.

(w) Cable, for troopships, type C4–S–A3, required by 46 U. S. C. 375, 392 and 46 CFR 63.9.

(x) Armored cable, for troopships, Victory and Diesel cargo vessels, types VC2–S–AP2, VC2–S–AP3, C1–M–AV1, C4–S–A3, required by 46 U. S. C. 375, 392 and 46 CFR 63.9.

(y) Lifeboats, shell material, on Liberty and Victory troopships, types EC2–S–C1, VC2–S–AP2, VC2–S–AP3, and VC2–S–AP5, required by 46 U. S. C. 375, and 46 CFR 37.1–1, 37.2–1 to 37.2–19, inclusive, 59.13, 59.15, 60.10 and 60.12.

Dated: September 9, 1946.

[SEAL] J. F. FARLEY,
Admiral, U. S. C. G.

[F. R. Doc. 46–16283; Filed, Sept. 9, 1946; 11:45 a. m.]

MISCELLANEOUS AMENDMENTS TO REGULATIONS

By virtue of the authority vested in me by R. S. 4405, 4417, 4417a, 4418, 4426, 4429, 4433, 4438, 4438a, 4439, 4440, 4441, 4442, 4450, 4480, 4481, 4488, as amended, 49 Stat. 1384, 1544, 53 Stat. 1147, 55 Stat. 244 (46 U. S. C. 214, 224, 224a, 226, 228, 229, 239, 247, 367, 369, 375, 391, 391a, 392, 404, 407, 411, 471, 473, 474, 481, 526–526t; 50 U. S. C. 1275), and section 101 of Reorganization Plan No. 3 of 1946 (11 F. R. 7875), the following amendments to the regulations are prescribed, effective upon the date of publication of this order in the FEDERAL REGISTER:

Subchapter C—Motorboats, and Certain Vessels Propelled by Machinery Other Than by Steam More Than 65 Feet in Length

PART 25—REQUIREMENTS FOR ALL MOTORBOATS EXCEPT THOSE OF OVER 15 GROSS TONS CARRYING PASSENGERS FOR HIRE

LICENSED OPERATORS

1. Section 25.8–3 (a) is amended by adding the following sentences:

§ 25.8–3 *Professional qualifications and examination.* (a) * * * Fingerprint records on Form NCG 2515 shall be submitted to the Commandant on each applicant at the same time appli-

cation is made and shall be stamped "applicant for original license." The application of any person may be rejected by the District Commander or his authorized representative when derogatory information has been brought to his attention which indicates that the applicant's habits of life and character are such as to warrant the belief that he cannot be entrusted with the duties and responsibilities of the station for which he made application. If after such investigation the District Commander desires the Commandant's authorization, he shall submit the completed application (NAVCG–866) and the investigation report to Headquarters. In the event that an applicant is rejected he shall be advised that he may submit a request to the Commandant for a review of his case. No examination shall be given or temporary permit issued in the type case pending the Commandant's authorization. NAVCG 928A shall be used to notify an unsuccessful candidate of his failure to pass an examination or to qualify for a license.

2. Section 25.8–3 is amended by adding a new paragraph (c) reading as follows:

(c) An applicant for a motorboat operator's license shall not be disqualified by inability to read or write if he is qualified in all other respects and if he possesses extensive experience in the operation of small vessels. If the applicant has operated motorboats under the license issued under the Act of June 9, 1910, he shall be held to possess the required experience and must qualify in all other respects. Inability to read or write, however, shall be held to disqualify an applicant who is not experienced in operation of motorboats and who is not experienced in the operating of firefighting and lifesaving equipment, and is not thoroughly familiar with the applicable pilot rules.

3. Section 25.8–4 (a) is amended by adding the following sentences:

§ 25.8–4 *Physical qualifications.* (a) * * * Such an applicant may, however, be referred to a United States Public Health Service surgeon or other reputable physician. If, for any reason, the Officer in Charge, Marine Inspection, is not satisfied with any physical condition in determining the vision qualifications of such an applicant, then the same standards should be applied as those required for a renewal of license or a raise of grade.

4. Section 25.8–4 (b) is amended by designating material within present paragraph as subparagraph (1) and by adding two new subparagraphs reading as follows:

(b) (1) * * *

(2) For an original license the applicant must have, either with or without glasses, at least 20/20 vision in one eye and at least 20/40 in the other. Any applicant who wears glasses, however, must also be able to pass a test without glasses of at least 20/40 in one eye and at least 20/70 in the other. The color sense will be tested by means of the "Stillings" test, but any applicant who fails this test will be eligible if he passes the "Williams" lantern test, but if found color blind no license will be issued except in a case where the applicant shows he has operated motorboats for many years and has particular qualifications, which in the judgment of the Officer in Charge, Marine Inspection, qualifies him to operate a motorboat in daylight only and so restricts the license. For a renewal of a license the applicant shall pass the same test as for an original license except that nothing herein shall debar an applicant who has lost the sight of one eye if he is qualified in all other respects and the vision in his own eye passes the test required for the better eye of an applicant possessed of both eyes. If an applicant for a renewal of license is pronounced color blind, the Officer in Charge, Marine Inspection, may grant him a license limited to service during daylight only.

(3) The physical examination for an original license shall include the eyesight, hearing, and physical condition of the applicant. Where an applicant is not possessed of the vision, hearing and general physical condition considered necessary, the Officer in Charge, Marine Inspection, after consultation with the Public Health Service physician may make recommendations to the Commandant for an exception to these requirements, if, in their opinion, extenuating circumstances warrant special consideration. Any request for a decision by the Commandant must be accompanied by all pertinent correspondence, records and reports.

Subchapter D—Tank Vessels

PART 32—REQUIREMENTS FOR HULLS, MACHINERY, AND EQUIPMENT

BOILERS AND MACHINERY

1. Section 32.5–11 is amended to read as follows:

§ 32.5–11 *Steering apparatus—T/ALL.* (a) Extra steering apparatus consisting of relieving tackle, or of auxiliary power or hand steering gear attached to the rudder stock independent of the regular steering gear shall be provided.

(b) Where reasonable and practicable, the emergency steering wheel shall be located on the after weather deck, and an efficient means of communication shall be provided between the pilothouse, the emergency steering station, and the steering engine room.

(c) The following requirements relative to the arrangement of steering stations are applicable to new installations and replacements of existing installations on all classes of vessels:

(1) Steering wheels in or at steering stations shall be installed in a vertical position and arranged for steering by the helmsman when standing abaft the wheel and facing forward. The top of the steering wheel, the rudder blades, and the head of the ship shall move in the same direction.

(2) When a "trick" wheel is installed in the steering gear room and is used for warming up and testing the gear, and also for steering purposes, this wheel shall be arranged as follows:

(i) If the "trick" wheel is installed in a vertical position it shall meet all requirements outlined in subparagraph (1).

(ii) If the "trick" wheel is installed in a horizontal position it shall turn in a clockwise direction for "right rudder" and in a counterclockwise direction for "left rudder." With this arrangement, the helmsman need not stand abaft the wheel.

(3) Where "trick" wheel or other device is installed in the steering gear room for the sole purpose of warming up and testing the gear, it may be installed to best suit design and operating conditions of the gear. A plate shall be fitted on this wheel or device with indicating arrows showing the direction of movement to produce "right rudder" and "left rudder."

(4) When auxiliary steering gear is installed in lieu of relieving tackles, the steering wheel or device used for operating the gear shall meet all requirements outlined in paragraph (c) (1) of this section.

(5) At all steering stations, there shall be installed a suitable notice on the wheel or device, or in such other position as to be directly in the helmsman's line of vision, to indicate the direction in which the wheel or device must be turned for "right rudder" and for "left rudder."

(d) Where no regular rudder is fitted and steering action is obtained by a change of setting of the propeller unit, the requirements of paragraphs (a), (b) and (c) of this section will not generally be applicable, and special consideration will be given.

EQUIPMENT AND MISCELLANEOUS

1. Section 32.9–7 is amended to read as follows:

§ 32.9–7 *Life lines and rails—TB/OCLB*—(a) *Lines.* On all tank vessels where the distance is more than 150 feet between deck houses, a wire cable shall be stretched between the deck houses at all times when the vessel is loaded and being navigated, this cable to be not less than 5 feet from the deck; and there shall be attached at all times to the cable a traveler with a line of sufficient continuous length to insure its operation in order that communication between both ends of the vessel may be facilitated at all times: *Provided,* That in addition to the traveler with the endless whip, as many loose rings with lanyards attached may be placed on the cable as may be deemed necessary by the master in charge of the vessel: *Provided further,* That a fore and aft raised bridge shall be accepted in lieu of the wire cable and traveler.

(b) Effective for new construction rails on decks or bridges shall be in at least two courses including the top and shall be at least 36 inches high.

PART 36—LICENSED OFFICERS AND CERTIFICATED MEN

LICENSED OFFICERS

1. Section 36.1–1 (b) is amended by adding the following sentences:

§ 36.1–1 *Original licenses—T/ALL*

* * *

(b) * * * Fingerprint records on Form NCG 2515 shall be submitted to the Commandant on each applicant at

the same time application is made and shall be stamped "applicant for original license" or "applicant for original certificate of registry as staff officer" as appropriate. The application of any person may be rejected by the District Commander or his authorized representative when derogatory information has been brought to his attention which indicates that the applicant's habits of life and character are such as to warrant the belief that he cannot be entrusted with the duties and responsibilities of the station for which he made application. If after such investigation the District Commander desires the Commandant's authorization, he shall submit the completed application (NAVCG–866) and the investigation report to headquarters. In the event that an applicant is rejected he shall be advised that he may submit a request to the Commandant for a review of his case. No examination shall be given or temporary permit issued in the type case pending the Commandant's authorization. NAVCG 928A shall be used to notify an unsuccessful candidate of his failure to pass an examination or to qualify for a license.

2. Section 36.1–1 (d) is amended by adding the following sentences:

(d) * * * Applicants for original licenses are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary, such as age, experience, character and citizenship, before they shall be entitled to be issued an original license. Until an applicant meets this mandatory requirement, he is not entitled to be licensed to serve as an officer on a vessel of the United States. No person who has been convicted by court-martial of desertion or treason in time of war, or has lost his nationality for any of the other reasons listed in 8 U. S. C. 801, is eligible for a license.

The fact that an applicant for an original license or raise in grade of license is on probation as a result of action under R. S. 4450, as amended, does not itself make such an applicant ineligible, provided he meets all the requirements for such original license or raise in grade. However, an original license or raise in grade of license issued under those circumstances will be subject to the same probationary conditions as were imposed against the seaman's certificates or licenses in proceedings under R. S. 4450, as amended. Any such applicant must file an application for license in the usual manner, and the offense for which he was placed on probation will be considered on the merits of the case in determining his fitness to hold the license applied for. Nothing in these instructions, however, shall be construed to permit an applicant to be examined for an original license or a raise in grade of license during any period when a suspension without probation or a revocation imposed pursuant to R. S. 4450, as amended, is effective against his license or certificate.

3. Section 36.1–2 (d) is amended by designating the material in the present paragraph as subparagraph (1) and by adding a new subparagraph (2) reading as follows:

§ 36.1–2 *Qualifications for license as engineer of steam vessels—T/ALL.*

(d) (1) * * *

(2) Conversion of gross tonnage to horsepower on engineer license applies only to original and raise of grade of licenses; therefore, candidates for such licenses who have qualified by experience on steam or motor vessels, which normally would have entitled them to licenses for vessels of any gross tons, may be issued the appropriate grade of engineer licenses of any horsepower. Engineer licenses presented for renewal on which gross tonnage is indicated shall continue to be issued on the gross tonnage basis; therefore, the conversion of gross tonnage to horsepower as outlined above shall not apply.

4. Section 36.1–3 (b) is amended by designating material within present paragraph as subparagraph (1) and by adding five new subparagraphs reading as follows:

§ 36.1–3 *Medical examination for original license—T/ALL.*

(b) (1) * * *

(2) Epilepsy, insanity, senility, acute venereal disease or neurosyphilis, badly impaired hearing, or other defect that would render the applicant incompetent to perform the ordinary duties of an officer at sea are causes for certification as incompetent.

(3) For an original license as master, mate or pilot, the applicant must have, either with or without glasses, at least 20/20 vision in one eye and at least 20/40 in the other. The applicant who wears glasses, however, must also be able to pass a test without glasses of at least 20/40 in one eye and at least 20/70 in the other. The color sense will be tested by means of the "Stillings" test, but any applicants who fail this test will be eligible if they can pass the "Williams" lantern test.

(4) For each original license as an engineer officer, the applicant must have, either with or without glasses, at least 20/30 vision in one eye and at least 20/50 in the other. The applicant who wears glasses, however, must also be able to pass a test without glasses of at least 20/50 in one eye and at least 20/70 in the other. Any applicant for license as engineer shall not be subjected to examination as to ability to distinguish colors. Any applicant for original license who is possessed of monocular vision, and who has lost the sight of one eye since first obtaining his qualified member of the engine department certificate may be permitted to sit for a license if eligible in all other respects. Vision of at least 20/30 without glasses in the remaining eye shall be required in all such cases.

(5) Persons serving or intending to serve in the Merchant Service are recommended to take the earliest opportunity of ascertaining, through examination by an ophthalmic surgeon, whether their form vision, and color vision where required, is such as to qualify them for service in that profession throughout their sea career; the Public Health Service will give voluntary examinations to such persons requesting same, the color vision test will be by means of the "Stillings" test, or failing that, the "Williams" lantern test. A person failing the "Stillings" test and wishing to qualify by the lantern test shall, if the Public Health Station at which he is undergoing test is not equipped with a lantern, pay his own expenses to journey to one of the following stations: Baltimore, Md., Boston, Mass., Buffalo, N. Y., Chicago, Ill., Cleveland, Ohio, Detroit, Mich., Ellis Island, N. Y., Evansville, Ind., Galveston, Tex., Key West, Fla., Los Angeles, Calif., Louisville, Ky., Memphis, Tenn. Miami, Fla., Mobile, Ala., New Orleans, La., New York, N. Y., Norfolk, Va., Pittsburgh, Pa., Portland, Me., Portland, Oreg., Port Huron, Mich., Providence, R. I., Philadelphia, Pa., St. Louis, Mo., San Francisco, Calif., Savannah, Ga., Seattle, Wash., Staten Island, N. Y., Vineyard Haven, Mass., and Washington, D. C.

(6) Where an applicant is not possessed of the vision, hearing, and general physical condition considered necessary, the Officer in Charge, Marine Inspection, after consultation with the Public Health Service physician, may make recommendations to the Commandant for an exception to these requirements if, in their opinion, extenuating circumstances warrant special consideration. Any request for a decision by the Commandant must be accompanied by all pertinent correspondence, records and reports. In this connection recommendations from agencies of the Federal Government operating Government vessels as well as owners and operators of private vessels, made in behalf of their employees, will be given full consideration as a determining factor in arriving at a decision.

5. Section 36.1–4 (b) is amended to read as follows:

§ 36.1–4 *Medical examination for renewal of license and raise of grade—T/ALL.* * * *

(b) (1) The test for color vision shall be by means of the "Stillings" test, or failing that, by means of the "Williams" lantern test. A person failing the "Stillings" test and wishing to qualify by the lantern test shall, if the Public Health Station at which he is undergoing test is not equipped with a lantern, pay his own expenses to journey to such station as is equipped with same. (See § 36.1–3 (b) (5) of this chapter for list of stations.)

(2) Nothing herein contained shall debar an applicant who has lost the sight of one eye from securing a raise of grade or a renewal of his license, provided he is qualified in all other respects, and the vision in his one eye passes the test required for the better eye of an applicant possessed of both eyes.

6. Section 36.1–5 (b) is amended to read as follows:

§ 36.1–5 *Professional examination and service—T/ALL.* * * *

(b) In qualifying applicants for licenses, the following applies regarding acceptance of experience on various types of vessels:

(1) It is not required that an applicant must have obtained his experience

on United States vessels. Experience on foreign vessels will be given due credit.

(2) No applicant for a license, who is a nautralized citizen, and who has obtained his experience on foreign vessels, shall be given a grade of license higher than that upon which he has actually served while acting under the authority of a foreign license.

(3) Experience in towed barges fitted with sails and rigging cannot be considered as sail vessel time.

(4) An applicant for original license as pilot may be given credit for experience on motor vessels of a class not subject to inspection by the Coast Guard and not required to carry a licensed master or a licensed pilot. In such cases the Officer in Charge, Marine Inspection, may use his discretion in deciding whether the qualifying experience of the applicant is adequate.

7. Section 36.1–5 (c) is amended by designating the present material therein subparagraph (1) and by adding two new subparagraphs reading as follows:

(c) (1) * * *

(2) Each applicant for an ocean or coastwise deck license, whether original or raise of grade, shall be required to pass practical tests in signalling, such tests to comply with the standards set forth herein. The examination in signalling will consist of an examination in the international flag code, Morse flashing, and semaphore. Candidates will be examined in Morse flashing and semaphore in groups where practicable. A candidate for license who fails in signalling, but passes in every other subject, will be considered to have failed the examination and shall be so reported; but he may at any time within the six months following his first attempt be re-examined in signalling only, and if he then passes he will be granted a license.

(3) Candidates shall be able to read a signal at sight, so far as to name the flags composing the hoist; know the use of the code pennant, numeral and substitute pennants, the meaning of all the single letter signals and the flags used to indicate the quarantine signals; be required to signal some word or words not included in the vocabulary of the code; and have a good knowledge of the distress signals. Candidates will be required to attain a speed of six words a minute in Morse flashing and eight words a minute in semaphore. The average length of a word is to be five letters. Candidates who wish to prove their higher proficiency may request to be tested at a minimum speed of ten words a minute in Morse flashing and twelve words a minute in semaphore. Such candidates, if successful, will have the results of their examination reported on their official files.

8. Section 36.1–5 is amended by adding a new paragraph (f), reading as follows:

(f) (1) Merchant Marine details abroad are authorized to conduct examinations for up-grading of seamen, but are not prepared to conduct the physical examination or the character investigation which is required in the case of original documents. Merchant Marine details will therefore not issue regular licenses, but temporary permits in lieu thereof. Merchant Marine details will instruct the recipient of each temporary permit to present it to the Officer In Charge, Marine Inspection, upon arrival in the first port in which a Marine Inspection office is located in order to exchange it for a permanent license.

(2) The temporary permit shall be accepted in a marine inspection office as proof that the bearer has complied with the rules and regulations governing the issuance of licenses, except as noted in the body of the temporary permit. The requirements noted in the exceptions will be complied with as in the case of other applicants.

(3) The written examinations are forwarded to the Commandant by Merchant Marine Details, and any marine inspection office at which an applicant with a temporary permit appears may request and obtain the examination in the case from the Commandant. Any marine inspection office which doubts the propriety of issuing a permanent license in lieu of a temporary permit which has been issued by a foreign Merchant Marine Detail shall inform the Commandant as to the circumstances.

Part 36 is amended by adding a new § 36.1–9a reading as follows:

9. 36.1–9a *Pilot of tank vessels not over 150 gross tons—T/ALL.* All propelled tank vessels, regardless of length or tonnage, shall be under the command of a person duly licensed, and since propelled vessels of less than 150 gross tons may be in command of a licensed pilot, the license of a candidate who successfully passes an examination for this purpose shall be indorsed as follows: "Pilot for tank vessels not over _____ gross tons on the waters of _____" (The maximum to be inserted is not to exceed 150 gross tons, and the waters covered as may be designated by the Officer in Charge, Marine Inspection).

10. Section 36.1–10 (b) is amended by adding the following sentences:

§ 36.1–10 *Extension of route and raise of grade licenses—T/ALL* * * *.

(b) * * * Applicants for extensions of route and raises of grade of licenses are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary, such as age, experience, character, and citizenship before they are entitled to an extension of route or raise of license. Every licensed officer who has not to date established beyond doubt that he is a citizen of the United States should promptly take all necessary steps to secure this evidence before requesting an extension of route or raise of grade of license.

11. Section 36.1–13 (c) is amended to read as follows:

(c) Whenever an officer shall apply for renewal of his license for same grade, after 12 months after the date of its expiration, he shall be required to pass an examination for the same grade of license, of such length and scope as will, in the judgment of the Officer in Charge, Marine Inspection, be sufficient to adequately demonstrate the continued professional knowledge of the examinee. In the case of applicants for renewal of licenses which have expired beyond the period of one year, no professional examination will be required provided the license expired during the time of the holder's service with the armed forces or the merchant marine, and there was no reasonable opportunity for renewal. The renewed license shall receive the next higher number for number of issue of present grade and for number of issues of all grades.

12. Section 36.1–19a is amended by adding the following sentences:

§ 36.1–19a *Sea service as member of armed forces of United States as qualifying experience* * * *. An applicant may be permitted to omit the examination for intermediate grades of license if his experience is of such character as to qualify him for a higher, or the highest, grade of license. The regulations governing the licensing of merchant marine personnel which are in effect on the date an applicant presents himself for examination shall be applicable in all cases.

13. Section 36.1–13 (a) is amended by adding the following sentences:

§ 36.1–13 *Renewal of license—T/ALL.* (a) * * *. Applicants for renewals of licenses are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary, such as age, experience, character and citizenship, before they shall be issued a renewal or license. Every licensed officer who has not to date established beyond doubt that he is a citizen of the United States should promptly take all necessary steps to secure this evidence before requesting a renewal of his license.

CERTIFICATED MEN

1. Section 36.2–3 (b) is amended by adding the following sentences:

§ 36.2–3 *Certificated tankerman—TB/ALL.* * * *.

(b) * * * The medical examination is the same as for an original license as engineer, except that the applicant will be given a color vision test required for a licensed deck officer, as set forth in § 36.1–3, as amended. If the applicant is in possession of an unexpired deck license, the Officer in Charge, Marine Inspection, may waive the requirement for a physical examination.

PART 37—SPECIFICATIONS FOR LIFESAVING APPLIANCES—LIFEBOATS, LIFE RAFTS, BUOYANT APPARATUS, AND DAVITS

1. Section 37.1–1 (a) is amended by adding the following sentence:

§ 37.1–1 *Drawings, specifications, name plates—TB/ALL.*

(a) * * * The approval of a lifeboat shall include the arrangements for stowage of all equipment.

CONSTRUCTION OF METALLIC LIFEBOATS

1. Section 37.2–5 (a) is amended by changing the colon to a comma and adding the following phrase:

§ 37.2–5 *Welding—T/ALL — (a) Requirements.* * * *, and the welders shall be qualified by the Coast Guard:

Subchapter F—Marine Engineering

PART 56—FUSION WELDING

1. Part 56 is amended by adding a new § 56.20–2a reading as follows:

§ 56.20–2a *Submerged melt welding process: qualification of.* (a) The submerged melt welding process shall be approved by the Commandant before the process may be used by the manufacturer to fabricate boilers, pressure vessels, etc., subject to Coast Guard inspection.

(b) The manufacturer shall prepare test plates by the use of the submerged melt welding process in the presence of an inspector who shall stamp the plates with the official stamp of the Coast Guard.

(1) The test plates shall be of marine boiler plate complying with any of the grades given in § 51.2 of this chapter. The thickness of the test plate material shall be an average of that to be used in fabrication, but not less than ¾".

(2) One test specimen of the reduced section tensile, guided side bend, free face bend, free root bend and two macro etch specimens shall be machined from the test plates.

(3) The etching reagent shall be one part ammonium persulphate to nine parts of water by weight. The solution should be used at room temperature and applied by vigorously rubbing the surface to be etched with a piece of cotton saturated with the solution. The etching process should be continued until there is a clear definition of the weld structure. After etching, the specimens shall be rinsed in hot water and dried with alcohol and given a transparent protective coating to prevent oxidation.

(4) Specimens may be tested in the manufacturer's laboratory, a recognized testing laboratory, or at the National Bureau of Standards. If the tests are made at a laboratory other than the National Bureau of Standards, they shall be witnessed by an inspector. Specimens other than the etch specimens shall be tested in accordance with and meet the requirements of § 56.20–4 of this chapter. One re-test will be permitted for each of the original test specimens. Should the re-test fail to meet the requirements, the manufacturer shall secure the services of an engineer from the vendor of the submerged melt equipment to check the equipment and give further instruction to the operator prior to the preparation of an additional set of test plates.

(c) Results of the physical tests, together with etch specimens shall be forwarded to the Commandant for consideration and action prior to the manufacturer's using the subject process for production. A sketch shall be prepared showing the joint preparation; and information relative to the voltage, amperage, size and number of rod, size and grade of melt, and speed of travel shall be submitted for the submerged melt equipment. If manual welding is used on the opposite side of the plate, information as to the number of passes, size of electrode used for each pass, type of electrode, and the name of the manufacturer shall be submitted. The inspector witnessing the preparation of test specimens should submit a report, together with the physical test report, furnishing any information which he deems pertinent.

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 59—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (OCEAN)

1. Section 59.3a (c) is amended by adding the following sentence:

§ 59.3a *Mechanical means for lowering* * * *. (c) * * *. Where welding is employed in the construction of lifeboat winches the welders shall be qualified by the Coast Guard.

2. Section 59.13 (a) is amended by adding the following sentence:

§ 59.13 *Drawings, specifications, name plate.* (a) * * *. The approval of lifeboat shall include the arrangements for stowage of all equipment.

3. Section 59.15 (d) is amended by changing the colon to a comma and adding the following phrase:

§ 59.15 *Construction of metallic lifeboats of class 1A.* * * *

(d) *Welding.* * * *, and the welders shall be qualified by the Coast Guard:

4. Section 59.44 is amended by changing the period to a comma, at the end of the fifth undesignated paragraph, and adding the following phrase:

§ 59.44 *Construction of rafts of the catamaran type.* * * *, or where welding is employed the welders shall be qualified by the Coast Guard.

5. Section 59.62 is amended to read as follows:

§ 59.62 *Steering apparatus.* (a) Extra steering apparatus consisting of relieving tackle, or of auxiliary power or hand steering gear attached to the rudder stock independent of the regular steering gear shall be provided.

(b) Where reasonable and practicable, the emergency steering wheel shall be located on the after weather deck, and an efficient means of communication shall be provided between the pilothouse, the emergency steering station, and the steering engine room.

(c) The following requirements relative to the arrangement of steering stations are applicable to new installations and replacements of existing installations on all classes of vessels:

(1) Steering wheels in or at steering stations shall be installed in a vertical position and arranged for steering by the helmsman when standing abaft the wheel and facing forward. The top of the steering wheel, the rudder blades, and the head of the ship shall move in the same direction.

(2) When a "trick" wheel is installed in the steering gear room and is used for warming up and testing the gear, and also for steering purposes, this wheel shall be arranged as follows:

(i) If the "trick" wheel is installed in a vertical position it shall meet all requirements outlined in subparagraph 1.

(ii) If the "trick" wheel is installed in a horizontal position it shall turn in a clockwise direction for "right rudder" and in a counterclockwise direction for "left rudder." With this arrangement, the helmsman need not stand abaft the wheel.

(3) Where "trick" wheel or other device is installed in the steering gear room for the sole purpose of warming up and testing the gear, it may be installed to best suit design and operating conditions of the gear. A plate shall be fitted on this wheel or device with indicating arrows showing the direction of movement to produce "right rudder" and "left rudder".

(4) When auxiliary steering gear is installed in lieu of relieving tackles, the steering wheel or device used for operating the gear shall meet all requirements outlined in paragraph (c) (1) of this section.

(5) At all steering stations, there shall be installed a suitable notice on the wheel or device, or in such other position as to be directly in the helmsman's line of vision, to indicate the direction in which the wheel or device must be turned for "right rudder" and for "left rudder".

(d) Where no regular rudder is fitted and steering action is obtained by a change of setting of the propeller unit, the requirements of paragraphs (a), (b) and (c) of this section will not generally be applicable, and special consideration will be given.

PART 60—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (COASTWISE)

1. Section 60.6 is amended to read as follows:

§ 60.6 *Lifeboats required on inspected motor vessels.* (a) All vessels propelled by machinery other than steam, subject to the inspection laws of the United States, shall have the same lifeboat and liferaft equipment as steamers of the same class, and the Officer in Charge, Marine Inspection, shall so indicate in the certificate of inspection.

(b) Coastwise motor passenger vessels subject to inspection, except such as are engaged on an international voyage and carry more than 12 passengers or are above 300 gross tons and seagoing shall be equipped with lifeboatage and other lifesaving equipment as follows:

(1) One lifeboat of a type and size which it would be practicable to place on board and be adequately manned by the crew, together with life rafts, life floats, or buoyant apparatus, capable of immediate use. This lifesaving equipment shall provide sufficient accommodations for all persons on board including passengers and crew.

(2) On vessels where it is impracticable to provide a lifeboat, sufficient life rafts, life floats or buoyant apparatus shall be provided to accommodate all persons on board including passengers and crew.

2. Section 60.10 is amended to read as follows:

§ 60.10 *Drawings, specifications, name plate.* (See § 59.13 of this chapter, as amended, which is identical with this section.)

3. Section 60.55 is amended to read as follows:

§ 60.55 *Steering apparatus.* (See § 59.62 of this chapter, as amended, which is identical with this section.)

PART 62—LICENSED OFFICERS AND CERTIFICATED MEN

INSPECTED VESSELS

1. Section 62.1 (b) is amended by adding the following sentences:

§ 62.1 *Original licenses.* * * * (b) * * *. Fingerprint records on Form NCG 2515 shall be submitted to the Commandant on each applicant at the same time application is made and shall be stamped "applicant for original license". The application of any person may be rejected by the District Commander or his authorized representative when derogatory information has been brought to his attention which indicates that the applicant's habits of life and character are such as to warrant the belief that he cannot be entrusted with the duties and responsibilities of the station for which he made application. If after such investigation the Commander, Coast Guard District, desires the Commandant's authorization, he shall submit the completed application (NAVCG–866) and the investigation report to Headquarters. In the event that an applicant is rejected he shall be advised that he may submit a request to the Commandant for a review of his case. No examination shall be given or temporary permit issued in the type case pending the Commandant's authorization. NAVCG 928A shall be used to notify an unsuccessful candidate of his failure to pass an examination or to qualify for a license.

2. Section 62.1 (d) is amended to read as follows:

(d) See § 36.1–1 (d) of this chapter, as amended, which is identical with this paragraph.

3. Section 62.2 is amended by inserting the following material immediately after the second undesignated paragraph:

§ 62.2 *Medical examination for original license.* * * * Epilepsy, insanity, senility, acute venereal disease or neuro-syphilis, badly impaired hearing, or other defect that would render the applicant incompetent to perform the ordinary duties of an officer at sea are causes for certification as incompetent.

For an original license as master, mate or pilot, the applicant must have, either with or without glasses, at least 20/20 vision in one eye and at least 20/40 in the other. The applicant who wears glasses, however, must also be able to pass a test without glasses of at least 20/40 in one eye and at least 20/70 in the other. The color sense will be tested by means of the "Stillings" test, but any applicants who fail this test will be eligible if they can pass the "Williams" lantern test.

For each original license as an engineer officer, the applicant must have, either with or without glasses, at least 20/30 vision in one eye and at least 20/50 in the other. The applicant who wears glasses, however, must also be able to pass a test without glasses of at least 20/50 in one eye and at least 20/70 in the other. Any applicant for license as engineer shall not be subjected to examination as to ability to distinguish colors. Any applicant for original license who is possessed of monocular vision, and who has lost the sight of one eye since first obtaining his qualified member of the engine department certificate may be permitted to sit for a license if eligible in all other respects. Vision of at least 20/30 without glasses in the remaining eye shall be required in all such cases.

Persons serving or intending to serve in the Merchant Service are recommended to take the earliest opportunity of ascertaining through examination by an ophthalmic surgeon, whether their form vision, and color vision, where required, is such as to qualify them for service in that profession throughout their sea career; the Public Health Service will give voluntary examinations to such persons requesting same, the color vision test will be by means of the "Stillings" test, or failing that, the "Williams" lantern test. A person failing the "Stillings" test and wishing to qualify by the lantern test shall, if the Public Health Station at which he is undergoing test is not equipped with a lantern, pay his own expenses to journey to one of the following stations: Baltimore, Md., Boston, Mass., Buffalo, N. Y., Chicago, Ill., Cleveland, Ohio, Detroit, Mich., Ellis Island, N. Y., Evansville, Ind., Galveston, Texas, Key West, Fla., Los Angeles, Calif., Louisville, Ky., Memphis, Tenn., Miami, Fla., Mobile, Ala., New Orleans, La., New York, N. Y., Norfolk, Va., Pittsburgh, Pa., Portland, Me., Portland, Oregon, Port Huron, Mich., Providence, R. I., Philadelphia, Pa., St. Louis, Mo., San Francisco, Calif., Savannah, Ga., Seattle, Wash., Staten Island, N. Y., Vineyard Haven, Mass., and Washington. D. C.

Where an applicant is not possessed of the vision, hearing, and general physical condition considered necessary, the Officer in Charge, Marine Inspection, after consultation with the Public Health Service physician, may make recommendations to the Commandant for an exception to these requirements if, in their opinion, extenuating circumstances warrant special consideration. Any request for a decision by the Commandant must be accompanied by all pertinent correspondence, records and reports. In this connection recommendations from agencies of the Federal Government operating Government vessels as well as owners and operators of private vessels, made in behalf of their employees, will be given full consideration as a determining factor in arriving at a decision.

4. Section 62.3 is amended by changing the second undesignated paragraph to read as follows:

§ 62.3 *Medical examination for renewal of license and raise of grade.* * * * The test for color vision shall be by means of the "Stillings" test, or failing that, by means of the "Williams" lantern test. A person failing the "Stillings" test and wishing to qualify by the lantern test shall, if the Public Health Station at which he is undergoing test is not equipped with a lantern, pay his own expenses to journey to such station as is equipped with same. (See § 62.2 of this chapter for a list of stations.) Nothing herein contained shall debar an applicant who has lost the sight of one eye from securing a raise of grade or a renewel of his license, provided he is qualified in all other respects, and provided that his vision in his one eye passes the test required for the better eye of an applicant possessed of both eyes.

5. Section 62.4 is amended by changing the second undesignated paragraph to read as follows:

§ 62.4 *Professional examination.* * * * In qualifying applicants for licenses, the following applies regarding acceptance of experience on various types of vessels:

(a) It is not required that an applicant must have obtained his experience on United States vessels. Experience on foreign vessels will be given due credit.

(b) No applicant for a license, who is a naturalized citizen, and who has obtained his experience on foreign vessels, shall be given a grade of license higher than that upon which he has actually served while acting under the authority of a foreign license.

(c) Experience in towed barges fitted with sails and rigging cannot be considered as sail vessel time.

(d) An applicant for original license as pilot may be given credit for experience on motor vessels of a class not subject to inspection by the Coast Guard and not required to carry a licensed master or a licensed pilot. In such cases the Officer in Charge, Marine Inspection, may use his discretion in deciding whether the qualifying experience of the applicant is adequate.

Merchant Marine Details abroad are authorized to conduct examinations for up-grading of seamen, but are not prepared to conduct the physical examination or the character investigation which is required in the case of original documents. Merchant Marine Details will therefore not issue regular licenses but temporary permits in lieu thereof. Merchant Marine Details will instruct the recipient of each temporary permit to present it to the Officer in Charge, Marine Inspection, upon arrival in the first port in the United States in which a marine inspection office is located in order to exchange it for a permanent license.

The temporary permit shall be accepted in a marine-inspection office as proof that the bearer has complied with the rules and regulations governing the issuance of licenses, except as noted in the body of the temporary permit. The requirements noted in the exceptions will be complied with as in the case of other applicants.

The written examinations are forwarded to the Commandant by Merchant Marine Details, and any marine inspection office at which an applicant with a temporary permit appears may request and obtain the examination in the case from the Commandant. Any marine inspection office which doubts the propriety of issuing a permanent license in lieu of a temporary permit which has been issued by a foreign Merchant Marine Detail shall inform the Commandant fully as to the circumstances.

6. Section 62.4 is amended by adding the following undesignated paragraphs:

Each applicant for an ocean or coastwise deck license, whether original or raise of grade, shall be required to pass practical tests in signalling, such tests to comply with the standards set forth herein. The examination in signalling will consist of an examination in the International flag code, Morse flashing, and semaphore. Candidates will be examined in Morse flashing and semaphore in groups where practicable. A candidate for license who fails in signalling, but passes in every other subject, will be considered to have failed the examination and shall be so reported; but he may at any time within the six months following his first attempt be reexamined in signalling only, and if he then passes he will be granted a license.

Candidates shall be able to read a signal at sight, so far as to name the flags composing the hoist; know the use of the code pennant, numeral and substitute pennants, the meaning of all the single letter signals and the flags used to indicate the quarantine signals; be required to signal some word or words not included in the vocabulary of the code; have a good knowledge of the distress signals, and candidates will be required to attain a speed of six words a minute in Morse flashing and eight words a minute in semaphore. The average length of a word is to be five letters. Candidates who wish to prove their higher proficiency may request to be tested at a minimum speed of ten words a minute in Morse flashing and twelve words a minute in semaphore. Such candidates, if successful, will have the results of their examination reported on their official files.

7. Section 62.9 is amended by changing the second undesignated paragraph to read as follows:

§ 62.9 *Renewal of licenses.* * * * Whenever an officer shall apply for renewal of his license for same grade, after 12 months after the date of its expiration, he shall be required to pass an examination for the same grade of license, of such length and scope as will, in the judgment of the Officer in Charge, Marine Inspection, be sufficient to adequately demonstrate the continued professional knowledge of the examinee. Except in the case of applicants for renewal of licenses which have expired beyond the period of one (1) year, no professional examination will be required provided the license expired during the time of the holder's service with the armed forces or the merchant marine, and there was no reasonable opportunity for renewal. The renewed license shall receive the next higher number of issue of present grade and for number of issues of all grades.

Applicants for renewals of licenses are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary, such as age, experience, character and citizenship, before they shall be issued a renewal of license. Every licensed officer who has not to date established beyond doubt that he is a citizen of the United States should promptly take all necessary steps to secure this evidence before requesting a renewal of his license.

8. Section 62.10 is amended by adding a new sentence at the end of the first undesignated paragraph, reading as follows:

§ 62.10 *Licenses; raises of grade.* * * * The words "after passing examination" are not limited to examination for the grades (principal grades and classes) but apply to any case where the license is of a higher character within a grade, as from chief engineer of non-condensing steamers to chief engineer of condensing steamers, or where the route of a pilot's license is extended.

9. Section 62.10 is amended by adding the following new paragraphs immediately after the second undesignated paragraph:

Applicants for renewals of licenses or raises in grade of licenses are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary, such as age, experience, character and citizenship, before they shall be entitled to be issued renewal of license or raise in grade of license.

All licensed officers who have not to date established beyond doubt that they are citizens of the United States should promptly take all necessary steps to secure this evidence before their licenses come up for renewal, or before they seek a raise in grade of license, in order to obviate any delay in the renewal of their licenses.

10. Section 62.15a is amended by adding the following sentences:

§ 62.15a *Sea service as member of armed forces of United States as qualifying experience.* * * *. An applicant may be permitted to omit the examination for intermediate grades of license if his experience is of such character as to qualify him for a higher, or the highest, grade of license. The regulations governing the licensing of merchant marine personnel which are in effect on the date an applicant presents himself for examination shall be applicable in all cases.

11. Part 62 is amended by the addition of a new § 62.27a, reading as follows:

§ 62.27a *Routing instructions; strict compliance with.* Due to existing mine field dangers, all licensed masters, officers and certificated seamen on United States vessels shall comply strictly with the routine instructions issued by competent naval authority. Failure to comply with such routing instructions shall be deemed misconduct within the meaning of R. S. 4450, as amended (46 USC 239). Nothing herein shall be construed as relieving the master of the responsibility for the safety of his vessel.

12. Section 62.49 is amended by adding the following paragraph:

§ 62.49 *Qualifications required for license as engineer of steam vessels, and license forms required.* * * *. Conversion of gross tonnage to horsepower on engineer license applies only to original and raise of grade of licenses; therefore, candidates for such licenses who have qualified by experience on steam or motor vessels, which normally would have entitled them to licenses for vessels of any gross tons, may be issued the appropriate grade of engineer license of any horsepower. Engineer licenses presented for renewal on which gross tonnage is indicated shall continue to be issued on the gross tonnage basis; therefore, the conversion of gross tonnage to horsepower as outlined above shall not apply.

13. Section 62.103 (a) is amended by adding the following sentences:

§ 62.103 (a) *Licenses issued.* * * *. Conversion of gross tonnage to horsepower on engineer license applies only to original and raise of grade of licenses; therefore, candidates for such licenses who have qualified by experience on steam or motor vessels, which normally would have entitled them to licenses for vessels of any gross tons, may be issued the appropriate grade of engineer licenses of any horsepower. Engineer licenses presented for renewal on which gross tonnage is indicated shall continue to be issued on the gross tonnage basis; therefore, the conversion of gross tonnage to horsepower as outlined above shall not apply.

LICENSED MASTERS, MATES, AND ENGINEERS

Section 62.110 (a) is amended by designating material within present paragraph as subparagraph (1) and by adding the following three new subparagraphs:

§ 62.110 *Original licenses.* (a) (1) * * *. (2) Applicants for original licenses are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary, such as age, experience, character and citizenship, before they shall be entitled to be issued an original license. Until an applicant meets this mandatory requirement, he is not entitled to be licensed to serve as an officer on a vessel of the United States. No person who has been convicted by court-martial of desertion or treason in time of war, or has lost his nationality for any of the other reasons listed in 8 U. S. C. 801, is eligible for a license.

(3) The fact that an applicant for an original license or raise in grade of license is on probation as a result of action under R. S. 4450, as amended, does not itself make such an applicant ineligible, provided he meets all the requirements for such original license or raise in grade. However, an original license or raise in grade of license issued under these circumstances will be subject to the same probationary conditions

as were imposed against the seaman's certificates or licenses in proceedings under R. S. 4450, as amended. Any such applicant must file an application for license in the usual manner, and the offense for which he was placed on probation will be considered on the merits of the case in determining his fitness to hold the license applied for. Nothing in the regulations in this part, however, shall be construed to permit an applicant to be examined for an original license or a raise in grade of license during any period when a suspension without probation or a revocation imposed pursuant to R. S. 4450, as amended, is effective against his license or certificate.

(4) Fingerprint records on Form NCG 2515 shall be submitted to the Commandant on each application at the same time application is made and shall be stamped "applicant for original license" or applicant for original certificate of registry as staff officer as appropriate. The application of any person may be rejected by the District Commander or his authorized representative when derogatory information has been brought to his attention which indicates that the applicant's habits of life and character are such as to warrant the belief that he cannot be entrusted with the duties and responsibilities of the station for which he made application. If after such investigation the District Commander desires the Commandant's authorization, he shall submit the completed application (NAVCG-806) and the investigation report to Headquarters. In the event that an applicant is rejected he shall be advised that he may submit a request to the Commandant for a review of his case. No examination shall be given or temporary permit issued in the type case pending the Commandant's authorization. NAVCG 928A shall be used to notify an unsuccessful candidate of his failure to pass an examination or to qualify for a license.

2. Section 62.110 is amended by adding a new paragraph (c) reading as follows:

(c) Applicants for renewal of licenses are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary, such as age, experience, character and citizenship, before they shall be issued a renewal of license. Every licensed officer who has not to date established beyond doubt that he is a citizen of the United States should promptly take all necessary steps to secure this evidence before requesting a renewal of his license.

3. Section 62.111 (a) is amended by adding the following sentence and subparagraphs:

§ 62.111 *Professional examination and service required, etc., for original license or raise of grade.* (a) * * *. In qualifying applicants for licenses, the following applies regarding acceptance of experience on various types of vessels:

(1) It is not required that an applicant must have obtained his experience on United States vessels. Experience on foreign vessels will be given due credit.

(2) Experience in towed barges fitted with sails and rigging cannot be considered as sail vessel time.

4. Section 62.111 (c) is amended by designating the present material therein subparagraph (1) and by adding two new subparagraphs reading as follows:

(c) (1) * * *. (2) Each applicant for an ocean or coastwise deck license, whether original or raise of grade, shall be required to pass practical tests in signalling, such tests to comply with the standards set forth herein. The examination in signalling will consist of an examination in the International flag code, Morse flashing, and semaphore. Candidates will be examined in Morse flashing and semaphore in groups where practicable. A candidate for license who fails in signalling, but passes in every other subject, will be considered to have failed in the examination and shall be so reported; but he may at any time with the six months following his first attempt be re-examined in signalling only, and if he then passes he will be granted a license.

(3) Candidates shall be able to read a signal at sight, so far as to name the flags composing the hoist; know the use of the code pennant, numeral and substitute pennants, the meaning of all the single letter signals and the flags used to indicate the quarantine signals; be required to signal some word or words not included in the vocabulary of the code; have a good knowledge of the distress signals, and candidates will be required to attain a speed of six words a minute in Morse flashing and eight words a minute in semaphore. The average length of a word is to be five letters. Candidates who wish to prove their higher proficiency may request to be tested at a minimum speed of ten words a mniute in Morse flashing and twelve words a minute in semaphore. Such candidates, if successful, will have the results of their examination reported on their official files.

4. Section 62.111a is amended by adding the following sentences:

§ 62.111a *Sea service as member of armed forces of United States as qualifying experience.* * * *. An applicant may be permitted to omit the examination for intermediate grades of license if his experience is of such character as to qualify him for a higher, or the highest, grade of license. The regulations governing the licensing of merchant marine personnel which are in effect on the date an applicant presents himself for examination shall be applicable in all cases.

5. Section 62.112 *Medical examination for licenses* is amended by deleting the second word "existing" in the first sentence.

6. Section 62.116 (a) is amended by designating material within present paragraph as subparagraph (1) and by adding a new paragraph reading as follows:

§ 62.116 *Renewal of license, and examination for renewal where deemed necessary.*

(a) (1) * * *

(2) The test for color vision shall be by means of the "Stillings" test, or failing that, by means of the "Williams" lantern test. A person failing the "Stillings" test and wishing to qualify by the lantern test shall, if the Public Health Station at which he is undergoing test is not equipped with a lantern, pay his own expenses to journey to such station as is equipped with same. (See § 62.2 for a list of stations.)

7. Section 62.116 (e) is amended to read as follows:

(e) Whenever an officer shall apply for renewal of his license for same grade, after 12 months after the date of its expiration, he shall be required to pass an examination for the same grade of license, of such length and scope as will, in the judgment of the Officer in Charge, Marine Inspection, be sufficient to adequately demonstrate the continued professional knowledge of the examinee. Except in the case of applicants for renewal of licenses which have expired beyond the period of one (1) year, no professional examination will be required provided the license expired during the time of the holder's service with the armed forces or the merchant marine, and there was no reasonable opportunity for renewal. The renewed license shall receive the next higher number for number of issue of present grade and for number of issues of all grades.

REGISTRATION OF STAFF OFFICERS

1. Section 62.204 (a) is amended by adding the following sentence:

§ 62.204 *General.* (a) * * *. The regulations relating to the issuance of original licenses shall apply equally to original certificates of registry as staff officers.

2. Section 62.204 (b) is amended by designating material within present paragraph as subparagraph (1) and by adding three new subparagraphs reading as follows:

§ 62.204 *General.* (b) (1) * * *.

(2) Applicants for certificates of registry are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary, such as age, experience, character and citizenship, before they shall be entitled to be issued an original license. Until an applicant meets this mandatory requirement, he is not entitled to be licensed to serve as an officer on a vessel of the United States. No person who has been convicted by court-martial of desertion or treason in time of war, or has lost his nationality for any of the other reasons listed in 8 U. S. C. 801, is eligible for a license.

(3) The fact that an applicant is on probation as a result of action under R. S. 4450, as amended, does not itself make such an applicant ineligible, provided he meets all the requirements. A certificate of registry issued under these circumstances will be subject to the same probationary conditions as were imposed against the seaman's certificates or licenses in proceedings under R. S. 4450, as amended. Any such applicant must file an application for certificate in the usual manner, and the offense for which he was placed on probation will be considered on the merits of the case in determining his fitness to hold the certificate applied for. Nothing in the regulations in this part, however, shall be

construed to permit an applicant to be examined during any period when a suspension without probation or a revocation imposed pursuant to R. S. 4450, as amended, is effective against his certificate.

(4) Fingerprint records on Form NGG 2515 shall be submitted to the Commandant on each applicant at the same time application is made and shall be stamped "applicant for original certificate of registry as staff officer". The application of any person may be rejected by the District Commander or his authorized representative when derogatory information has been brought to his attention which indicates that the applicant's habits of life and character are such as to warrant the belief that he cannot be entrusted with the duties and responsibilities of the station for which he made application. If after such investigation the District Commander desires the Commandant's authorization, he shall submit the completed application (NAVCG–866) and the investigation report to Headquarters. In the event that an applicant is rejected he shall be advised that he may submit a request to the Commandant for a review of his case. No examination shall be given or temporary permit issued in the type case pending the Commandant's authorization. NAVCG 928A shall be used to notify an unsuccessful candidate of his failure to pass an examination or to qualify for a license.

3. Section 62.204 (d) is amended by changing the colon to a comma and adding the following sentences at the end of the first undesignated paragraph:

(d) * * *, except, that applicants must produce documentary evidence from the War Shipping Administration or other prospective employer to the effect that the applicant is about to be employed in the capacity of junior assistant purser. No certificate of registry of this grade will be issued unless this condition is met.

4. Section 62.204 (h) is amended by designating the present material therein as subparagraph (1) and by adding three new subparagraphs reading as follows:

(h) (1) * * *.

(2) Merchant Marine details abroad are authorized to conduct examinations for up-grading of seamen, but are not prepared to conduct the physical examination or the character investigation which is required in the case of original documents. Merchant Marine Details will therefore not issue regular certificates, but temporary permits in lieu thereof. Merchant Marine Details will instruct the recipient of each temporary permit to present it to the Officer In Charge, Marine Inspection, upon arrival in the first port in which a Marine Inspection office is located in order to exchange it for a permanent certificate.

(3) The temporary permit shall be accepted in a Marine Inspection office as proof that the bearer has complied with the rules and regulations governing the issuance of certificates, except as noted in the body of the temporary permit. The requirements noted in the exceptions will be complied with as in the case of other applicants.

(4) The written examinations are forwarded to the Commandant by Merchant Marine details, and any Marine Inspection office at which an applicant with a temporary permit appears may request and obtain the examination in the case from the Commandant. Any Marine Inspection office which doubts the propriety of issuing a permanent certificate in lieu of a temporary permit which has been issued by a foreign Merchant Marine detail shall inform the Commandant as to the circumstances.

5. Section 62.205 is amended by adding the following sentences:

§ 62.205 *Sea service as member of armed forces of United States as qualifying experience.* * * *. An applicant may be permitted to omit the examination for intermediate grades of certificates of registry if his experience is of such character as to qualify him for a higher, or the highest, grade of certificate of registry. The regulations governing certificates of registry of merchant marine personnel which are in effect on the date an applicant presents himself for examination shall be applicable in all cases.

PART 63—INSPECTION OF VESSELS

1. Part 63 is amended by adding a new section to immediately follow § 63.1b reading as follows:

§ 63.1c *International voyage definition.* An international voyage as applied to United States ships includes voyages between (a) United States ports and ports outside the United States; (b) United States continental ports and ports in the Territory of Alaska, Territory of Puerto Rico, Territory of Hawaii, the Panama Canal Zone or any other separate portion of the United States held under a protectorate or mandate; (c) Atlantic Coast of Gulf of Mexico ports and ports on the Pacific Coast.

PART 64—DUTIES OF INSPECTORS

1. Section 64.15 is amended to read as follows:

§ 64.15 *Guards and rails.* (a) It shall be the duty of the inspectors when inspecting or reinspecting a vessel to see that all exposed and dangerous places, such as gears and machinery, are properly protected with covers, guards, or rails, in order that the danger of accidents may be minimized, and on vessels equipped with radio (wireless) the lead-ins shall be efficiently incased or insulated to insure the protection of persons from accidental shock. Such lead-ins shall be located so as not to interfere with the launching of lifeboats and life rafts.

(b) Effective for new construction outboard rails on passenger decks shall be in at least three courses, including the top, and shall be at least 42 inches high. Inboard rails on passenger decks and all rails on crew decks shall be in at least two courses, including the top, and shall be at least 36 inches high.

Subchapter H—Great Lakes: General Rules and Regulations

PART 76—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

1. Section 76.15a is amended to read as follows:

§ 76.15a *Mechanical means for lowering.* (See § 59.3a of this chapter, as amended, which is identical with this section.)

2. Section 76.16 is amended to read as follows:

§ 76.16 *Drawings, specifications, name plate.* (See § 59.13 of this chapter, as amended, which is identical with this section.)

3. Section 76.18 is amended to read as follows:

§ 76.18 *Construction of metallic lifeboats of class 1 (a).* (See § 59.15 of this chapter, as amended, which is identical with this section.)

4. Section 76.34 is amended by changing the period to a comma, at the end of the fifth undesignated paragraph, and adding the following phrase:

§ 76.34 *Construction of rafts of the catamaran type.* * * *, or where welding is employed the welders shall be qualified by the Coast Guard.

5. Section 76.56 is amended to read as follows:

§ 76.56 *Steering apparatus.* (See § 59.62 of this chapter, as amended, which is identical with this section.)

PART 78—LICENSED OFFICERS AND CERTIFICATED MEN

INSPECTED VESSELS

1. Section 78.1 is amended to read as follows:

§ 78.1 *Original licenses.* (See § 62.1 of this chapter, as amended, which is identical with this section.)

2. Section 78.2 is amended to read as follows:

§ 78.2 *Medical examination for original license.* See § 62.2 of this chapter, as amended, which is identical with this section.)

3. Section 78.3 is amended to read as follows:

§ 78.3 *Medical examination for renewal of license and raise of grade.* (See § 62.3 of this chapter, as amended, which is identical with this section.)

4. Section 78.4 is amended by adding the following sentence and subparagraphs to the first undesignated paragraph:

§ 78.4 *Professional examination.* * * * In qualifying applicants for licenses, the following applies regarding acceptance of experience on various types of vessels:

(a) It is not required that an applicant must have obtained his experience on United States vessels. Experience on foreign vessels will be given due credit.

(b) Experience in towed barges fitted with sails and rigging cannot be considered as sail vessel time.

(c) An applicant for original license as pilot may be given credit for experience on motor vessels of a class not subject to inspection by the Coast Guard and not required to carry a licensed master or a licensed pilot. In such cases the Officer in Charge, Marine Inspection, may use his discretion in deciding whether the qualifying experience of the applicant is adequate.

5. Section 78.9 is amended to read as follows:

§ 78.9 *Renewal of licenses.* (See § 62.9 of this chapter, as amended, which is identical with this section.)

6. Section 78.10 is amended by adding to the first undesignated paragraph the following sentences:

§ 78.10 *Licenses; raises of grade.* * * * Applicants for extensions of route and raises of grade of licenses are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary, such as age, experience, character, and citizenship before they are entitled to an extension of route or raise of license. Every licensed officer who has not to date established beyond doubt that he is a citizen of the United States should promptly take all necessary steps to secure this evidence before requesting an extension of route or raise of grade of license, to prevent delay in issuing the license.

7. Section 78.15a is amended to read as follows:

§ 78.15a *Sea service as member of armed forces of United States as qualifying experience.* (See § 62.15a of this chapter, as amended, which is identical with this section.)

8. Section 78.42 is amended by adding the following paragraph immediately after the second undesignated paragraph:

§ 78.42 *General provisions as to licenses.* * * * Conversion of gross tonnage to horsepower on engineer license applies only to original and raise of grade of licenses; therefore, candidates for such licenses who have qualified by experience on steam or motor vessels, which normally would have entitled them to licenses for vessels of any gross tons, may be issued the appropriate grade of engineer licenses of any horsepower. Engineer licenses presented for renewal on which gross tonnage is indicated shall continue to be issued on the gross tonnage basis; therefore, the conversion of gross tonnage to horsepower as outlined above shall not apply.

REGISTRATION OF STAFF OFFICERS

1. Section 78.105 is amended to read as follows:

§ 78.105 *General.* (See § 62.204 of this chapter, as amended, which is identical with this section.)

2. Section 78.106 is amended to read as follows:

§ 78.106 *Sea service as member of armed forces of United States as qualifying experience.* (See § 62.15a of this chapter, as amended, which is identical with this section.)

PART 83—DUTIES OF INSPECTORS

1. Section 83.14 is amended to read as follows:

§ 83.14 *Guards and rails.* (See § 64.15 of this chapter, as amended, which is identical with this section.)

Subchapter I—Bays, Sounds, and Lakes Other Than the Great Lakes: General Rules and Regulations

PART 94—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

1. Section 94.14a is amended to read as follows:

§ 94.14a *Mechanical means for lowering.* (See § 59.3a of this chapter, as amended, which is identical with this section.)

2. Section 94.15 is amended to read as follows:

§ 94.15 *Drawings, specifications, name plate.* (See § 59.13 of this chapter, as amended, which is identical with this section.)

3. Section 94.17 (o) is amended by adding the following sentence:

§ 94.17 *Construction of metallic lifeboats for lake, bay, and sound steamers.* * * * (o) * * * Where welding is employed in the construction of lifeboats, the welders shall be qualified by the Coast Guard.

4. Section 94.34 is amended to read as follows:

§ 94.34 *Construction of rafts of the catamaran type.* (See § 59.44 of this chapter, as amended, which is identical with this section.)

5. Section 94.55 is amended to read as follows:

§ 94.55 *Steering apparatus.* (See § 59.62 of this chapter, as amended, which is identical with this section.)

PART 96—LICENSED OFFICERS AND CERTIFICATED MEN

1. Section 96.1 is amended to read as follows:

§ 96.1 *Original licenses.* (See section 62.1 of this chapter, as amended, which is identical with this section.)

2. Section 96.2 is amended to read as follows:

§ 96.2 *Medical examination for original license.* (See section 62.2 of this chapter, as amended, which is identical with this section.)

3. Section 96.3 is amended to read as follows:

§ 96.3 *Medical examination for renewal of license and raise of grade.* (See section 62.3 of this chapter, as amended, which is identical with this section.)

4. Section 96.4 is amended by adding the following sentence and subparagraphs to the first undesignated paragraph:

§ 96.4 *Professional examination.* * * * In qualifying applicants for license, the following applies regarding acceptance of experience on various types of vessels:

(a) It is not required that an applicant must have obtained his experience on United States vessels. Experience on foreign vessels will be given due credit.

(b) Experience in towed barges fitted with sails and rigging cannot be considered as sail vessel time.

(c) An applicant for original license as pilot may be given credit for experience on motor vessels of a class not subject to inspection by the Coast Guard and not required to carry a licensed master or a licensed pilot. In such cases the Officer in Charge, Marine Inspection, may use his discretion in deciding whether the qualifying experience of the applicant is adequate.

5. Section 96.9 is amended to read as follows:

§ 96.9 *Renewal of licenses.* (See § 62.9 of this chapter, as amended, which is identical with this section.)

6. Section 96.10 is amended to read as follows:

§ 96.10 *Licenses; raises of grade.* (See § 78.10 of this chapter, as amended, which is identical with this section.)

7. Section 96.15a is amended to read as follows:

§ 96.15a *Sea service as member of armed forces of United States as qualifying experience.* (See § 62.15a of this chapter, as amended, which is identical with this section.)

8. Section 96.41 is amended by adding the following paragraph immediately after the second undesignated paragraph:

§ 96.41 *General provisions as to licenses.* * * * Conversion of gross tonnage to horsepower on engineer license applies only to original and raise of grade of licenses; therefore, candidates for such licenses who have qualified by experience on steam or motor vessels, which normally would have entitled them to licenses for vessels of any gross tons, may be issued the appropriate grade of engineer licenses of any horsepower. Engineer licenses presented for renewal on which gross tonnage is indicated shall continue to be issued on the gross tonnage basis; therefore, the conversion of gross tonnage to horsepower as outlined above shall not apply.

PART 101—DUTIES OF INSPECTORS

1. Section 101.14 is amended to read as follows:

§ 101.14 *Guards and rails.* (See § 64.15 of this chapter, as amended, which is identical with this section.)

Subchapter J—Rivers: General Rules and Regulations

PART 113—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

1. Section 113.10 is amended by the addition of a new sentence at the end of the first undesignated paragraph, reading as follows:

§ 113.10 *Lifeboats, drawings, specifications, name plate.* * * * The approval of a lifeboat shall include the arrangement for stowage of all equipment.

2. Section 113.31 is amended by changing the period to a comma, at the end of the sixth undesignated paragraph, and adding the following phrase:

§ 113.31 *Construction of rafts of the catamaran type.* * * *, or where welding is employed the welders shall be qualified by the Coast Guard.

3. Section 113.47 is amended to read as follows:

§ 113.47 *Steering apparatus.* (See § 59.62 of this chapter, as amended, which is identical with this section.)

PART 115—LICENSED OFFICERS

1. Section 115.1 is amended to read as follows:

§ 115.1 *Original licenses.* (See § 62.1 of this chapter, as amended, which is identical with this section.)

2. Section 115.2 is amended to read as follows:

§ 115.2 *Medical examination for original license.* (See § 62.2 of this chapter, as amended, which is identical with this section.)

3. Section 115.3 is amended to read as follows:

§ 115.3 *Medical examination for renewal of license and raise of grade.* (See § 62.3 of this chapter, as amended, which is identical with this section.)

4. Section 115.4 is amended by adding the following sentence and subparagraphs to the first undesignated paragraph:

§ 115.4 *Professional examination.* * * * In qualifying applicants for licenses, the following applies regarding acceptance of experience on various types of vessels:

(a) It is not required that an applicant must have obtained his experience on United States vessels. Experience on foreign vessels will be given due credit.

(b) Experience in towed barges fitted with sails and rigging cannot be considered as sail vessel time.

(c) An applicant for original license as pilot may be given credit for experience on motor vessels of a class not subject to inspection by the Coast Guard and not required to carry a licensed master or a licensed pilot. In such cases the Officer in Charge, Marine Inspection, may use his discretion in deciding whether the qualifying experience of the applicant is adequate.

5. Section 115.9 is amended to read as follows:

§ 115.9 *Renewal of licenses.* (See § 62.9 of this chapter, as amended, which is identical with this section.)

6. Section 115.10 is amended to read as follows:

§ 115.10 *Licenses; raises of grade.* (See § 78.10 of this chapter, as amended, which is identical with this section.)

7. Section 115.15a is amended to read as follows:

§ 115.15a *Sea service as member of armed forces of United States as qualifying experience.* (See § 62.15a of this chapter, as amended, which is identical with this section.)

8. Section 115.39 is amended by adding the following paragraph immediately after the 10th undesignated paragraph:

§ 115.39 *Classes of engineers; general provisions as to licenses.* * * * Conversion of gross tonnage to horsepower on engineer license applies only to original and raise of grade of licenses; therefore, candidates for such licenses who have qualified by experience on steam or motor vessels, which normally would have entitled them to licenses for vessels of any gross tons, may be issued the appropriate grade of engineer licenses of any horsepower. Engineer licenses presented for renewal on which gross tonnage is indicated shall continue to be issued on the gross tonnage basis; therefore, the conversion of gross tonnage to horsepower as outlined above shall not apply.

PART 120—DUTIES OF INSPECTORS

1. Section 120.14 is amended to read as follows:

§ 120.14 *Guards and rails.* (See § 64.15 of this chapter, as amended, which is identical with this section.)

Subchapter M—Construction or Material Alteration of Passenger Vessels of the United States of 100 Gross Tons and Over Propelled by Machinery

PART 144—CONSTRUCTION OR MATERIAL ALTERATION OF PASSENGER VESSELS OF THE UNITED STATES OF 100 GROSS TONS AND OVER PROPELLED BY MACHINERY

1. Section 144.4 (a) is amended by adding the following sentences:

§ 144.4 *Structural strength, fire control, materials or construction.* (a) * * * All vessels on which welding is used as a primary means of fabrication shall be fitted with a crack arrestor at the gunwale of the strength deck. Such crack arrestors shall extend for the amidship ⅗ length of the ship. If there is a continuous deck above the strength deck, it shall be fitted with crack arrestors at the gunwale and consideration will be given to omitting the corresponding portions of the strength deck crack arrestors. Riveted gunwale angles or strapped riveted seams are considered adequate crack arrestors. (Effective on vessels whose construction or material alteration commenced after September 1, 1946.)

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 155—LICENSED OFFICERS AND CERTIFICATED MEN; REGULATIONS DURING EMERGENNCY

1. The footnote number 3 to §§ 155.6, 155.7, 155.8 and 155.9 is amended by adding the following sentences:

§ 155.6 *Chief engineer of ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, or river, steam vessels.*[3]

[3] * * * Conversion of gross tonnage to horsepower on engineer licenses applies only to original and raise of grade of licenses; therefore, candidates for such licenses who have qualified by experience on steam or motor vessels, which normally would have entitled them to licenses for vessels of any gross tons, may be issued the appropriate grade of engineer licenses of any horsepower. Engineer licenses presented for renewal on which gross tonnage is indicated shall continue to be issued on the gross tonnage basis; therefore, the conversion of gross tonnage to horsepower as outlined above shall not apply.

2. Section 155.12 (a) is amended by adding the following sentences:

§ 155.12 *Original licenses.* * * * (a) * * * Applicants for original licenses are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary, such as age, experience, character and citizenship, before they shall be entitled to be issued an original license. Until an applicant meets this mandatory requirement he is not entitled to be licensed to serve as an officer on a vessel of the United States.

3. Section 155.35a is amended by adding the following sentences:

§ 155.35a *Sea service as member of armed forces of United States as qualifying experience.* * * * An applicant may be permitted to omit the examination for intermediate grades of license if his experience is of such character as to qualify him for a higher, or the highest, grade of license. The regulations governing the licensing of merchant marine personnel which are in effect on the date an applicant presents himself for examination shall be applicable in all cases.

4. Part 155 is amended by the addition of a new § 155.37, reading as follows:

§ 155.37 *Acceptable service for raise of grade.* (a) In computing the experience of applicants for raise in grade of license, no credit shall be given to the service of a junior officer which is not performed under the authority of an officer's license and when the junior officer is not in charge of a watch. For example, a man may be given credit for service as a junior third mate only if it is the practice on the vessel for him to take charge of a watch, in place of the chief mate or other officer.

(b) The above instructions regarding the acceptability of service as a junior officer in qualifying an applicant for raise in grade of license applies to engineer officers as to deck officers.

(c) Service as members of the crew or as engineers of steam or motor vessels engaged on trial runs may be given full consideration toward qualifying for examination for an original or raise of grade of licenses for steam and motor engineers. The applicant is required to present documentary evidence substantiating his service, and it is recommended that an applicant desiring to include trial run service be furnished with a statement of such service by an official of the shipyard concerned. The statement should include the names of the vessels upon which employed, the horsepower of the vessels, the duty the

applicant performed, and the duration of the trial runs in days.

Dated: September 9, 1946.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard.

[F. R. Doc. 46-16287; Filed, Sept. 9, 1946; 11:46 a. m.]

AMENDMENTS TO REGULATIONS

By virtue of the authority vested in me by R. S. 4405, 4417a, 4418, 4426, 4433, 4448, 4450, as amended, 18 Stat. 128, 38 Stat. 1164, 49 Stat. 1544, sec. 5 (e), 55 Stat. 244 (46 U. S. C. 234, 239, 367, 375, 391a, 392, 404, 411; 33 U. S. C. 361-366; 50 U. S. C. 1275), and section 101 of the Reorganization Plan No. 3 of 1946, effective July 16, 1946 (11 F. R. 7875), the following amendments to the regulations are prescribed, effective 30 days after date of publication of this order in the FEDERAL REGISTER:

Subchapter D—Tank Vessels

PART 30—GENERAL PROVISIONS

Section 30.3 *Definition of terms* is amended in paragraphs (i) and (w) by changing the title "District Coast Guard Officer" to "Coast Guard District Commander".

PART 31—INSPECTION AND CERTIFICATION

Sections 31.1-6, 31.3-8 (c), 31.4-3 (a) and (b), 31.6-1a, 31.6-2, and 31.6-3 are amended by changing the title "District Coast Guard Officer" to "Coast Guard District Commander."

PART 32—REQUIREMENTS FOR HULLS, MACHINERY, AND EQUIPMENT

BOILERS AND MACHINERY

Section 32.5-12 *Examination of tail shaft—T/OC* is amended by changing the title "District Coast Guard Officer" to "Coast Guard District Commander."

ELECTRICAL INSTALLATION

Section 32.6-6 is amended by adding the following sentence:

§ 32.6-6 *Electrical installation: applicable during the Unlimited National Emergency—TB/ALL.* * * * For vessels the contract for the construction of which is signed on and after September 2, 1945, those parts of the specification covering electrical installations titled "United States Coast Guard Specification for Electrical Installations on Merchant Vessels," dated August 31, 1944, revised March 6, 1945, specified in paragraphs 1, 4, and 5, thereof relating to electric cable are, during the Unlimited National Emergency, applicable as alternative provisions to those contained in the foregoing parts of §§ 32.6-1 to 32.6-5, inclusive.

PART 33—LIFESAVING APPLIANCES

Sections 33.3-1 (h), and 33.3-2 (f) are amended by changing in footnotes 1 the title "District Coast Guard Officer" to "Coast Guard District Commander."

PART 35—OPERATION

NAVIGATION

Section 35.2-9 is amended by changing the form number in paragraph (e) from "2629" to "2692" and by changing the last sentence in paragraph (c) to read as follows:

§ 35.2-9 *Notice of casualty and voyage records—TB/ALL.* * * *

(c) * * * The written report required herein for personal accident not involving death shall be made on Form NAVCG-924E and for all other marine casualties or accidents the written report shall be made on Form NAVCG-2692.

PART 36—LICENSED OFFICERS AND CERTIFICATED MEN

Section 36.1-5 *Professional examination and service—T/ALL* is amended in paragraph (d) by changing the title "District Coast Guard Officer" to "Coast Guard District Commander."

PART 37—SPECIFICATIONS FOR LIFESAVING APPLIANCES

Sections 37.1-2, 37.2-1, 37.2-7, 37.8-10, 37.10-3 (c), 37.10-4 (a) and (b) are amended by changing the title "District Coast Guard Officer" to "Coast Guard District Commander."

Subchapter F—Marine Engineering

PART 50—GENERAL PROVISIONS

Section 50.2 *Definition of terms* is amended in paragraphs (b) and (c) by changing the title "District Coast Guard Officer" to "Coast Guard District Commander."

PART 51—MATERIALS

Sections 51.1-8 and 51.1-14 are amended by changing the title "District Coast Guard Officer" to "Coast Guard District Commander."

PART 52—CONSTRUCTION

SAFETY VALVES AND RELIEF VALVES

Section 52.14-2 *Design, material, and workmanship* is amended in paragraph (a) by changing the title "District Coast Guard Officer" to "Coast Guard District Commander."

PART 58—BOILER PLATE; BOILERS AND ATTACHMENTS

Sections 58.02 and 58.6 are amended by changing the title "District Coast Guard Officer" to "Coast Guard District Commander."

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 59—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (OCEAN)

Sections 59.01 (b) and (c), 59.11 (i) (footnote), 59.13 (b), 59.14, 59.15 and (j), 59.40 (b), 59.42 (b), 59.43, 59.54a (h), 59.56 (1), and 59.61 (d) (3) and (f) are amended by changing the title "District Coast Guard Officer" to "Coast Guard District Commander."

PART 61—FIRE APPARATUS; FIRE PREVENTION

Section 61.13 *Portable fire extinguishers* is amended by changing the title "District Coast Guard Officer" to "Coast Guard District Commander."

PART 62—LICENSED OFFICERS AND CERTIFICATED MEN

Sections 62.7 (b) and (c), 62.9, 62.13, 62.15a, 62.18 (g) (2), 62.111a, 62.116 (b) and (c), and 62.205 are amended by changing the title "District Coast Guard Officer" to "Coast Guard District Commander."

Section 62.16 (c) is amended by changing the last sentence to read as follows:

§ 62.16 *Notice of casualty and voyage records.* * * *

(c) * * * The written report required herein for personal accident not involving death shall be made on Form NAVCG-924E and for all other marine casualties or accidents the written report shall be made on Form NAVCG-2692.

PART 63—INSPECTION OF VESSELS

Sections 63.4 and 63.7 are amended by changing the title "District Coast Guard Officer" to "Coast Guard District Commander."

Section 63.9 is amended by adding the following sentence to the last paragraph:

§ 63.9 *Electrical installations.* * * * For vessels the contract for the construction of which is signed on and after September 2, 1945, those parts of the specification covering electrical installations titled "United States Coast Guard Specification for Electrical Installations on Merchant Vessels," dated August 31, 1944, revised March 6, 1945, specified in paragraphs 1, 4, and 5 thereof relating to electric cable are, during the Unlimited National Emergency, applicable as alternative provisions to those contained in the foregoing parts of this section.

PART 64—DUTIES OF INSPECTORS

Sections 64.1, 64.2, 64.3 (a), (b), and (c), 64.4, 64.11, and 64.18 are amended by changing the title "District Coast Guard Officer" to "Coast Guard District Commander."

PART 65—STEAM YACHTS

Sections 65.4 and 65.12 are amended by changing the title "District Coast Guard Officer" to "Coast Guard District Commander."

Subchapter H—Great Lakes: General Rules and Regulations

PART 76—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Sections 76.01, 76.8, 76.14 (f) (footnote), 76.16, 76.17, 76.18, 76.32, 76.33, 76.34, 76.51a (h), and 76.53 (l) are amended by changing the title "District Coast Guard Officer" to "Coast Guard District Commander."

PART 77—FIRE APPARATUS: FIRE PREVENTION

Section 77.13 *Portable fire extinguishers* is amended by changing the title "District Coast Guard Officer" to "Coast Guard District Commander."

PART 78—LICENSED OFFICERS AND CERTIFICATED MEN

Sections 78.4, 78.7, 78.9, 78.13, 78.15a, 78.18, 78,19, and 78.106 are amended by changing the title "District Coast Guard Officer" to "Coast Guard District Commander."

Section 78.16 is amended to read as follows:

§ 78.16 *Notice of casualty and voyage records.* (See § 62.16 of this chapter, as amended, which is identical with this section.)

PART 79—INSPECTION OF VESSELS

Section 79.7 *Permits to go to other ports for repairs* is amended by changing the title "District Coast Guard Officer" to "Coast Guard District Commander."

Section 79.9 is amended to read as follows:

§ 79.9 *Electrical installations.* (See § 63.9 of this chapter, as amended, which is identical with this section.)

PART 81—EXCURSION STEAMERS

Section 81.1 *Permits to engage in excursions* is amended by changing the title "District Coast Guard Officer" to "Coast Guard District Commander."

PART 83—DUTIES OF INSPECTORS

Sections 83.1, 83.2, 83.3, 83.10, and 83.17 are amended by changing the title "District Coast Guard Officer" to "Coast Guard District Commander."

Subchapter I—Bays, Sounds, and Lakes Other Than the Great Lakes: General Rules and Regulations

PART 94—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Sections 94.01, 94.5, 94.15, 94.16, 94.17, 94.32, 94.33, 94.35, and 94.53 are amended by changing the title "District Coast Guard Officer" to "Coast Guard District Commander."

PART 95—FIRE APPARATUS; FIRE PREVENTION

Section 95.13 *Portable fire extinguishers* is amended by changing the title "District Coast Guard Officer" to "Coast Guard District Commander."

PART 96—LICENSED OFFICERS AND CERTIFICATED MEN

Sections 96.7, 96.9, 96.13, 96.15a, and 96.18, are amended by changing the title "District Coast Guard Officer" to "Coast Guard District Commander."

Section 96.16 is amended to read as follows:

§ 96.16 *Notice of casualty and voyage records.* (See § 62.16 of this chapter, as amended, which is identical with this section.)

PART 97—INSPECTION OF VESSELS

Section 97.7 *Permits to go to other ports for repairs* is amended by changing the title "District Coast Guard Officer" to "Coast Guard District Commander."

Section 97.11 is amended to read as follows:

§ 97.11 *Electrical installations.* (See § 63.9 of this chapter, as amended, which is identical with this section.)

PART 99—EXCURSION STEAMERS

Section 99.1 *Permits to engage in excursions* is amended by changing the title "District Coast Guard Officer" to "Coast Guard District Commander."

PART 101—DUTIES OF INSPECTORS

Sections 101.1, 101.2, 101.3, 101.10, and 101.17 are amended by changing the title "District Coast Guard Officer" to "Coast Guard District Commander."

PART 102—BAY, SOUND AND LAKE STEAM YACHTS

Section 102.7 *Inspection of lifeboats when built* is amended by changing the title "District Coast Guard Officer" to "Coast Guard District Commander."

Subchapter J—Rivers: General Rules and Regulations

PART 113—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Sections 113.01, 113.2, 113.10, 113.11, 113.29, 113.30 and 113.46 (l) are amended by changing the title "District Coast Guard Officer" to "Coast Guard District Commander."

PART 114—FIRE APPARATUS; FIRE PREVENTION

Section 114.15 *Portable fire extinguishers* is amended by changing the title "District Coast Guard Officer" to "Coast Guard District Commander."

PART 115—LICENSED OFFICERS

Sections 115.7, 115.9, 115.13, 115.15a, and 115.18 are amended by changing the title "District Coast Guard Officer" to "Coast Guard District Commander."

Section 115.16 is amended to read as follows:

§ 115.16 *Notice of casualty and voyage records.* (See § 62.16 of this chapter, as amended, which is identical with this section.)

PART 116—INSPECTION OF VESSELS

Section 116.7 *Permits to go to other ports for repairs* is amended by changing the title "District Coast Guard Officer" to "Coast Guard District Commander."

Section 116.16 is amended to read as follows:

§ 116.16 *Electrical installations.* (See § 63.9 of this chapter, as amended, which is identical with this section.)

PART 118—EXCURSION STEAMERS

Section 118.1 *Permits to engage in excursions* is amended by changing title "District Coast Guard Officer" to "Coast Guard District Commander."

PART 120—DUTIES OF INSPECTORS

Sections 120.1, 120.2, 120.3, 120.10, and 120.17 are amended by changing the title "District Coast Guard Officer" to "Coast Guard District Commander."

Subchapter K—Seamen

PART 133—DESIGNATION AND APPROVAL OF NAUTICAL SCHOOL SHIPS, RULES FOR CONDUCT OF SCHOOL SHIPS

Sections 133.8 and 133.15 are amended by changing the title "Director" to "Commandant, U. S. Coast Guard."

Section 133.18 *Inspection* is amended by changing the phrases "local inspectors of the Bureau of Marine Inspection and Navigation" and "appropriate board of local inspectors" to "Officer in Charge, Marine Inspection."

PART 136—"A" MARINE INVESTIGATION BOARD RULES

TEMPORARY WARTIME RULES GOVERNING INVESTIGATIONS OF ACCIDENTS AND CASUALTIES

Sections 136.102, 136.104 (a), (b), (c), and (d), 136.106 (c), 136.107 (a), (b), (c), (d), (f) and (g), and 136.112 are amended by changing the title "District Coast Guard Officer" to "Coast Guard District Commander."

Section 136.103 (c) is amended by changing the last sentence to read as follows:

§ 136.103 *Notice of casualty and voyage records.* * * *

(c) * * * The written report required herein for personal accident not involving death shall be made on Form NAVCG–924E and for all other marine casualties or accidents the written report shall be made on Form NAVCG–2692.

PART 141—MANNING OF INSPECTED VESSELS

Section 141.2 *Right of appeal* is amended by changing the title "District Coast Guard Officer" to "Coast Guard District Commander."

Subchapter Q—Specifications

PART 160—LIFESAVING EQUIPMENT

Sections 160.001–3 (c), 160.002–7 (a), 160.006–4 (b), and 160.006–5 (d) are amended by changing the title "District Coast Guard Officer" to "Coast Guard District Commander."

Dated: SEPTEMBER 9, 1946.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard.

[F. R. Doc. 46–16285; Filed, Sept. 9, 1946; 11:46 a. m.]

Subchapter K—Seamen

PART 138—RULES AND REGULATIONS FOR ISSUANCE OF CERTIFICATES AND CONTINUOUS DISCHARGE BOOKS

AMENDMENTS TO REGULATIONS

By virtue of the authority vested in me by R. S. 4405, 4417a, 4488, as amended, 49 Stat. 1930, 1936, 50 Stat. 49, 199, 54 Stat. 1200, 55 Stat. 244, 245 (46 U. S. C. 375, 391a, 481, 643, 672, 689; 50 U. S. C. 1275), and section 101 of Reorganization Plan No. 3 of 1946 (11 F. R. 7875), the following amendments to the regulations are prescribed, effective upon the date of publication of this order in the FEDERAL REGISTER.

1. Section 138.1 (a) is amended to read as follows:

§ 138.1 *General provisions.* (a) (1) An applicant for a certificate of service, certificate of efficiency, certificate of identification, or continuous discharge book, shall make written application, in duplicate, on Form 719–b, furnished by the Coast Guard. The placing of fingerprints on the application shall be op-

tional with the seaman. This application may be for as many certificates or ratings as the seaman believes he is qualified. In the case of a seaman applying for his first certificate, other than certificate of identification, the application shall include a request for either a continuous discharge book or a certificate of identification, at the option of the applicant.

(2) Every certificate of service, certificate of efficiency, or certificate of identification issued or reissued after November 1, 1945, shall be in the form of a merchant mariner's document, Form 2838. Any licensed officer or unlicensed seaman currently holding, in a valid status, any of the documents listed in paragraph (a) (1) of this section may, upon request and without examination, be issued a merchant mariner's document.

(3) A merchant mariner's document shall be a certificate of service authorizing the holder to serve in any rating endorsed thereon or in any lower rating in the same department or in any rating covered by a general endorsement thereon. If the holder of a merchant mariner's document is qualified to serve in more than one department, the capacities for which he is qualified in each department will be endorsed separately.

(4) A merchant mariner's document issued to a licensed officer will be indorsed for "any unlicensed rating in the (insert 'deck' or 'engine') department" and will be a certificate of service authorizing the holder to serve in any unlicensed capacity in such department without being required to present his license. If a licensed officer qualifies as lifeboat man, the further indorsement "Lifeboat man" will be placed on the merchant mariner's document.

(5) A merchant mariner's document issued to a staff officer will be indorsed as follows: "See Certificate of Registry." A certificate of registry as chief purser, purser, or senior assistant purser will authorize the holder to serve in any purser's rating lower than that specified thereon. The holder of a certificate of registry as chief purser, purser, senior assistant purser, or junior assistant purser may serve as a purser's clerk without obtaining an indorsement on his merchant mariner's document.

(6) A merchant mariner's document endorsed as Able Seaman or as Lifeboatman shall be a certificate of efficiency as Lifeboatman.

(7) Every merchant mariner's document shall be a certificate of identification unless the holder also holds a continuous discharge book. The holder of a certificate of identification in the form issued before November 1, 1945, shall surrender that certificate before he is issued a merchant mariner's document.

2. Section 138.1 (c) is amended by designating material within present paragraph as subparagraph (1) and by adding three new subparagraphs as follows:

(2) No documents shall be issued to an enemy alien. The term "enemy alien" shall include the following:

(i) All aliens of the age of 14 years or older who were or are citizens or subjects of Germany or Japan.

(ii) All aliens of the age of 14 years or older who at present are stateless but who at the time at which they became stateless were citizens or subjects of Germany or Japan.

(3) The term "enemy alien" shall not include the following:

(i) Former German or Japanese citizens or subjects who, before December 7, 1941, in the case of former Japanese citizens or subjects, and before December 8, 1941, in the case of former German citizens or subjects, became and are citizens or subjects of any nation other than Germany or Japan.

(ii) Austrians or Austrian-Hungarians (Austro-Hungarians) or Koreans who registered as such under the Alien Registration Act of 1940, *Provided*, That such persons have not at any time voluntarily become German or Japanese citizens or subjects.

(iii) All citizens or subjects of Italy, and all aliens who at present are stateless but who at the time at which they became stateless were citizens or subjects of Italy.

(iv) Aliens of enemy nationalities during their term of military service in the armed forces of the United States.

(4) Should any difficulties arise as to whether or not any person is an enemy alien, such case will be referred to the Commandant together with the date and place of birth and statements regarding the citizenship of the person whose status is in doubt.

3. Section 138.3 (d) (1) is amended by adding the following sentences:

§ 138.3 *Able seamen.* * * *

(d) *General*—(1) *Physical conditions.* * * * The medical examination is the same as for an original license as a deck officer for vessels navigating the same waters as set forth in §§ 62.2, 78.2 and 96.2 of this chapter, as amended. If the applicant is in possession of an unexpired deck license, the Officer in Charge, Marine Inspection, may waive the requirement for a physical examination.

4. Section 138.3 (d) (5) is amended by adding the following sentences:

(5) *Certificate.* * * * The holder of a merchant mariner's document indorsed for the rating of able seaman may serve in any of the following unlicensed ratings in the deck department without obtaining an additional indorsement: boatswain, quartermaster, lookout, ordinary seaman, deckhand, cadet, deck boy, carpenter, storekeeper, master-at-arms, fire patrolman, watchman, and winch driver. A merchant mariner's document indorsed as able seaman will also be considered a certificate of efficiency as lifeboatman without further indorsement. This type of document will describe clearly the type of able seaman certificate which it represents, e. g.: able seaman—any waters; able seaman—any waters, 12 months; able seaman—Great Lakes, 18 months; able seaman—on freight vessels 500 gross tons or less on bays or sounds, and on tugs, towboats, and barges on any waters. The holder of a document indorsed for the rating of able seaman may serve in any unqualified rating in the deck department without obtaining an additional indorsement.

5. Section 138.3a is amended by adding the following sentences:

§ 138.3a *Wartime Regulations; able seamen.* * * * A seaman who can produce documentary evidence of enough further service since obtaining a certificate or document as able seaman under wartime regulations to comply with the peacetime sea service requirements may be issued a merchant mariner's document on which the restrictive marking is omitted: *Provided*, That he shall surrender for cancellation the original certificate or document bearing the marking.

6. Section 138.5 (b) is amended by adding the following sentences:

§ 138.5 *Qualified member of engine department.* * * *

(b) * * * The medical examination for qualified member of the engine department is the same as for an original license as engineer, as set forth in §§ 62.2, 78.2 or 96.2 of this chapter, as amended, except that the exemption regarding monocular vision granted to engineers does not apply. If the applicant is in possession of an unexpired license, the Officer in Charge, Marine Inspection, may waive the requirement for a physical examination.

7. Section 138.5 (e) is amended by numbering the present material in paragraph (e) as subparagraph (1) and by adding two new subparagraphs reading as follows:

(2) The holder of a merchant mariner's document indorsed with one or more qualified member of the engine department ratings may serve in any unqualified rating in the engine department without obtaining an additional indorsement. This does not mean than an indorsement of one qualified member of the engine department rating authorizes the holder to serve in all qualified member of the engine department ratings. Each qualified member of the engine department rating for which a holder of a merchant mariner's document is qualified must be indorsed separately. When, however, the applicant qualifies for all ratings covered by a certificate as a qualified member of the engine department, the certification may read "QMED—any rating." The ratings are as follows:

Refrigerating engineer.
Oiler.
Watertender.
Fireman.
Deck engineer.
Junior engineer.
Electrician.
Boilermaker.
Machinist.
Pumpman.

(3) Documents as "assistant electrician" in the engine department may be issued to applicants without examination and without requiring evidence of previous sea service. The rating of "assistant electrician" is a rating not above that of coal passer or wiper, but equal thereto.

8. Section 138.5a is amended by adding the following sentences:

§ 138.5a *Wartime regulations; qualified members of the engine department.* * * * A seaman who can produce documentary evidence of enough further service since obtaining a certificate or document as Qualified Member of Engine Department to comply with the peacetime sea service requirements may be issued a merchant mariner's document on which the restrictive marking is omitted: *Provided,* That he shall surrender for cancellation the original certificate or document bearing the marking.

9. Section 138.6 (c) is amended by numbering the present material in paragraph (c) as subparagraph (1) and by adding a new subparagraph (2) reading as follows:

§ 138.6 *Certificates of service for ratings other than able seaman or qualified member of the engine department.* * * *

(c) (1) * * *

(2) A merchant mariner's document indorsed for steward, cook or baker will authorize the holder to serve in any unskilled capacity in the steward's department. When the holder of a merchant mariner's document has qualified as a food handler, the indorsement of his rating will be followed by the further indorsement "(F. H.)."

10. Section 138.6 (e) is amended by numbering the present material in paragraph (e) as subparagraph (1) and by adding two new subparagraphs reading as follows:

(e) (1) * * *

(2) Students in technical schools who are enrolled in courses in marine management and ship operations who present a letter or other documentary evidence that they are so enrolled shall be issued a merchant mariner's document as "student observers—any department" and may be signed on ships as such. Students holding these documents or certificates will not take the place of any of the crew, or fill any of the regular ratings.

(3) No ratings other than cadet-midshipman and life-boatman shall be shown on a merchant mariner's document issued to a member of the U. S. Merchant Marine Cadet Corps. The merchant mariner's document shall also be stamped "Valid only while cadet-midshipman in the WSA training program." A merchant mariner's document thus prepared shall be surrendered upon the holder being certificated in any other rating or being issued a license and the rating of cadet-midshipman shall be omitted from any new merchant mariner's document issued.

11. Section 138.8 is amended by adding a new paragraph (i) reading as follows:

§ 138.8 *Rules for preparation and issuance of certificates of service and efficiency.* * * *

(i) (1) Merchant Marine Details abroad are authorized to conduct examinations for up-grading of seamen, but are not prepared to conduct the physical examination or the character investigation which is required in the case of original documents. Merchant Marine Details will therefore not issue regular certificates, but temporary permits in lieu thereof. Merchant Marine Details will instruct the recipient of each temporary permit to present it to the Officer in Charge, Marine Inspection, upon arrival in the first port in the United States in which a Marine Inspection Office is located in order to exchange it for a permanent certificate.

(2) The temporary permit shall be accepted in a Marine Inspection Office as proof that the bearer has complied with the rules and regulations governing the issuance of certificates, except as noted in the body of the temporary permit. The requirements noted in the exceptions will be complied with as in the case of other applicants.

(3) The written examinations are forwarded to the Commandant by Merchant Marine Details, and any Marine Inspection Office at which an applicant with a temporary permit appears may request and obtain the examination in the case from the Commandant. Any Marine Inspection Office which doubts the propriety of issuing a permanent certificate in lieu of a temporary permit which has been issued by a foreign Merchant Marine Detail shall inform the Commandant fully as to the circumstances.

Dated: September 9, 1946.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 46-16282; Filed, Sept. 9, 1946; 11:45 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 558, Amdt. 3]

PART 95—CAR SERVICE

REFRIGERATOR CARS FOR FRUIT AND VEGETABLE CONTAINERS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of September A. D. 1946.

Upon further consideration of Service Order No. 558 (11 F. R. 8043), as amended (11 F. R. 8371, 9295), and good cause appearing therefor: *It is ordered,* That:

Service Order No. 558, as amended, be, and it is hereby, further amended by substituting the following paragraph (a) in lieu of paragraph (a) thereof:

(a) *Substitution of refrigerator cars for box cars, to transport fruit and vegetable containers and box shooks.* (1) Except as provided in paragraph (a) (2), common carriers by railroad subject to the Interstate Commerce Act transporting fruit and vegetable containers, box shooks or other packaging or packing materials, in carloads, from origins located in the State of California, or in the State of Oregon on or south of a line extending from Bend through Eugene, to destinations in the State of California may, at their option, furnish and transport not more than three (3) RS type refrigerator cars in lieu of each box car ordered, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car.

(2) On shipments on which the carload minimum weight varies with the size of the car,

(i) Two (2) RS type refrigerator cars may be furnished in lieu of one (1) box car ordered of a length of 40′ 7″, or less, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

(ii) Three (3) RS type refrigerator cars may be furnished in lieu of one (1) box car ordered of a length of over 40′ 7″, but not over 50′ 7″, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

It is further ordered, That this amendment shall become effective at 12:01 a. m., September 7, 1946; that a copy of this amendment be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 46-16278; Filed, Sept. 9, 1946; 11:19 a. m.]

[4th Rev. S. O. 180, Amdt. 7]

PART 95—CAR SERVICE

DEMURRAGE ON REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of September, A. D. 1946.

Upon further consideration of Fourth Revised Service Order No. 180 (10 F. R. 14970), as amended (11 F. R. 1627, 1991, 3605, 4038, 9453), and good cause appearing therefor: *It is ordered,* That:

The provisions of Fourth Revised Service Order No. 180, as amended, are hereby suspended only insofar as they would apply on refrigerator cars held at or short of ports for transshipment to vessels, and on such cars when reconsigned or diverted. In lieu thereof the rules, regulations and charges provided in lawfully-published tariffs shall apply.

Effective date. This amendment shall become effective at 7:00 a. m., September 8, 1946.

Expiration date. This amendment shall expire at 7:00 a. m., September 20, 1946 unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, That a copy of this order and direction shall be served upon each State Commission and upon the Association of American Railroads,

Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 46-16435; Filed, Sept. 10, 1946; 11:29 a. m.]

[Rev. S. O. 188, Amdt. 7]

PART 95—CAR SERVICE

REFRIGERATOR CAR DEMURRAGE ON STATE BELT RAILROAD OF CALIFORNIA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of September A. D. 1946.

Upon further consideration of Revised Service Order No. 188 (10 F. R. 15175) as amended (11 F. R. 1626, 3605, 4038, 7043, 9453), and good cause appearing therefor: *It is ordered*, That:

The provisions of Revised Service Order No. 188, as amended, are hereby suspended only insofar as they would apply on refrigerator cars held at or short of ports for transshipment to vessels, and on such cars when reconsigned or diverted. In lieu thereof the rules, regulations and charges provided in lawfully-published tariffs shall apply.

Effective date. This amendment shall become effective at 7:00 a. m., September 8, 1946.

Expiration date. This amendment shall expire at 7:00 a. m., September 20, 1946 unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, That a copy of this order and direction shall be served upon the California State Railroad Commission and upon the State Belt Railroad of California; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 46-16436; Filed, Sept. 10, 1946; 11:29 a. m.]

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF NEW FRESH HARVESTED IRISH POTATOES

CROSS REFERENCE: For an exception to the provisions of § 500.72, see Part 520, *infra.*

[Gen. Permit ODT 18A, Rev. 22]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS, AND SPECIAL DIRECTIONS

SHIPMENT OF NEW FRESH HARVESTED IRISH POTATOES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, 56 Stat. 177, 50 U. S. C. App. 633, 58 Stat. 827, 59 Stat. 658, Public Law 475, 79th Congress: E. O. 8989, as amended, 6 F. R. 6725, 8 F. R. 14183; E. O. 9729, 11 F. R. 5641; and General Order ODT 18A, Revised, as amended 11 F. R. 8229, 8829, it is hereby authorized, That:

§ 520.520 *Shipments of new fresh harvested Irish potatoes.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829), and Items 465, 470, 475, 480 (c) and 600 of Special Direction ODT 18A–2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of new fresh harvested Irish potatoes:

(a) When the origin point of any such freight is in the States of Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, or Washington, and the quantity loaded in each car is not less than 40,000 pounds; and

(b) When the origin point of any such freight is in the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Pennsylvania, South Dakota, Vermont, or Wisconsin, and the quantity loaded in each car is not less than 36,000 pounds when such freight is iced, or when ice is available for placing in such car: *Provided*, That, if ice is not available for placing in such car the quantity loaded in each car shall be not less than 30,000 pounds.

(c) The provisions of this § 520.520 shall not apply to carload freight consisting of new fresh harvested Irish potatoes when such freight is consigned to any person for the purpose of processing such freight into starch, alcohol, or animal food.

§ 520.521 *Shipments of certified seed potatoes.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829), and Items 465, 470, 475, 480 (c) and 600 of Special Direction ODT 18A–2A, as amended (9 F. R. 118, 4247, 13008, 10 F. R. 2523, 3470, 14906; 11 F. R. 1358), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of certified seed potatoes properly tagged and certified by the official State seed certifying agency when:

(a) The origin point of any such freight is in the States of Minnesota, Nebraska, North Dakota, or South Dakota, and the quantity loaded in each car is not less than 36,000 pounds; or

(b) The origin point of any such freight is in the States of California, Oregon, or Washington, and the destination point is in the State of California, and the quantity loaded in each car is not less than 36,000 pounds.

§ 520.522 *Expiration dates.* (a) The provisions of this General Permit ODT 18A, Revised–22, relating to carload freight consisting of new fresh harvested Irish potatoes shall expire at 12:59 p. m. on:

(1) September 30, 1946, when the origin point is in the States of Arizona, Colorado, Connecticut, Delaware, Idaho, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Oregon, Pennsylvania, South Dakota, Utah, Vermont, Washington, or Wisconsin.

(2) November 30, 1946, when the origin point is in the State of California.

(b) The provisions of this General Permit ODT 18A, Revised–22, relating to carload freight consisting of certified seed potatoes shall expire at 12:59 p. m. on:

(1) September 30, 1946, when the origin point is in the States of Minnesota, Nebraska, North Dakota, or South Dakota; and

(2) December 31, 1946, when the origin point is in the States of California, Oregon, or Washington.

This General Permit ODT 18A, Revised–22, shall become effective September 10, 1946, and shall cancel and supersede General Permit ODT 18A, Revised–17 (11 F.R. 9084) as of 12:01 midnight September 9, 1946.

(Title III of the Second War Powers Act, 1942, as amended, 56 Stat. 177, 50 U. S. C. App. 633, 58 Stat. 827, 59 Stat. 658, Public Law 475, 79th Congress; E. O. 8989, as amended, 6 F. R. 6725, 8 F. R. 14183; E. O. 9729, 11 F. R. 5641; and General Order ODT 18A, Revised, as amended, 11 F. R. 8229, 8829)

Issued at Washington, D. C., this 9th day of September 1946.

J. M. JOHNSON, *Director, Office of Defense Transportation.*

[F. R. Doc. 46-16318; Filed, Sept. 9, 1946; 3:46 p. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

MISSOURI

FARM OWNERSHIP LOAN LIMITATION

In accordance with the item entitled, "Farm Tenancy," contained in the Department of Agriculture Appropriation Act, 1947 (Public Law 422, 79th Congress, approved June 22, 1946), no loans under Title I of the Bankhead-Jones Farm Tenant Act (50 Stat. 522, 7 U. S. C.

1000–1006), excepting those to eligible veterans, may be made for the acquisition or enlargement of farms which have a value, as acquired, enlarged, or improved, in excess of the average value of efficient family-size farm-management units, as determined by the Secretary of Agriculture, in the county, parish, or locality where the farm is located. The limitations designated herein shall be applied in accordance with the above-mentioned authorities to Farm Ownership loans in the counties of Missouri named below. With respect to each county, the limitation does not exceed the average value of efficient family-size farm-management units located in such county.

MISSOURI

County	*Limitation*	*County*	*Limitation*
Adair	$8,000	Livingston	$9,500
Andrew	10,000	McDonald	7,000
Atchison	12,000	Macon	8,000
Audrain	9,000	Madison	8,000
Barry	7,000	Maries	7,000
Barton	8,500	Marion	9,200
Bates	9,000	Mercer	8,000
Benton	7,500	Miller	7,000
Bollinger	7,500	Mississippi	12,000
Boone	8,500	Moniteau	7,500
Buchanan	11,000	Monroe	8,000
Butler	8,500	Montgomery	6,000
Caldwell	9,500	Morgan	7,000
Callaway	8,000	New Madrid	12,000
Camden	7,000	Newton	8,500
Cape Girardeau	8,500	Nodaway	12,000
Carroll	10,000	Oregon	7,000
Carter	7,000	Osage	7,500
Cass	10,500	Ozark	7,000
Cedar	7,000	Pemiscot	12,000
Chariton	9,500	Perry	8,500
Christian	7,500	Pettis	9,500
Clark	8,500	Phelps	7,000
Clay	12,000	Pike	9,000
Clinton	10,600	Platte	12,000
Cole	7,500	Polk	7,500
Cooper	8,500	Pulaski	7,000
Crawford	7,000	Putnam	8,000
Dade	8,000	Ralls	8,000
Dallas	7,000	Randolph	8,000
Daviess	9,000	Ray	9,500
De Kalb	9,000	Reynolds	7,000
Dent	7,500	Ripley	7,000
Douglas	7,000	Saint Charles	11,000
Dunklin	12,000	Saint Clair	7,500
Franklin	8,000	Sainte Genevieve	8,000
Gasconade	7,000	Saint Francois	8,000
Gentry	9,700	Saint Louis	12,000
Greene	9,000	Saline	12,000
Grundy	9,000	Schuyler	8,000
Harrison	9,500	Scotland	8,500
Henry	8,000	Scott	10,000
Hickory	7,000	Shannon	7,000
Holt	12,000	Shelby	9,000
Howard	8,500	Stoddard	10,000
Howell	8,000	Stone	7,000
Iron	7,000	Sullivan	8,000
Jackson	12,000	Taney	7,000
Jasper	9,000	Texas	7,500
Jefferson	9,500	Vernon	8,000
Johnson	8,500	Warren	8,000
Knox	8,500	Washington	7,500
Laclede	7,500	Wayne	7,000
Lafayette	12,000	Webster	7,500
Lawrence	8,500	Worth	9,500
Lewis	8,500	Wright	7,000
Lincoln	9,000		
Linn	9,250		

Issued this 6th day of September 1946.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 46–16277; Filed, Sept. 9, 1946; 11:09 a. m.]

KENTUCKY AND TENNESSEE

FARM OWNERSHIP LOAN LIMITATIONS

Correction

In Federal Register Document 46–16103, appearing on page 9885 of the issue for Saturday, September 7, 1946, the limitation for Crittenden County, Kentucky, should read "$10,500".

CIVIL AERONAUTICS BOARD.

[Docket No. 2411]

AMERICAN PRESIDENT LINES, LTD., ET AL.

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of the petition of American President Lines, Ltd., and certain other steamship companies to investigate and study the effect of competitive conditions that have arisen through the implementation of recent international air agreements, and to review and revise its policy with respect to the participation of American steamship companies in foreign and overseas air transportation.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that oral argument limited to the question of whether the petition should be granted, now assigned to be held on September 11, 1946, is hereby postponed to be held on Friday, September 20, 1946, 10 a. m., eastern standard time, in Room 5044 Commerce Bldg., 14th Street and Constitution Ave., N. W., Washington, D. C., before the Board.

Dated Washington, D. C., September 10, 1946.

By the Civil Aeronautics Board:

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 46–16442; Filed, Sept. 10, 1946; 11:57 a. m.]

CIVILIAN PRODUCTION ADMINISTRATION.

[C–437]

WEISBERG-BAER CO.

CONSENT ORDER

The Weisberg-Baer Company, a New York corporation, with offices at 4–05 26th Avenue, Long Island City 2, New York, is a manufacturer of wood products. The Weisberg-Baer Company is charged by the Civilian Production Administration with violating paragraph (e) (2) of Direction 1 to Priorities Regulation 33, in that during the months of March, April, and May, 1946, it placed certified orders as millwork manufacturer for delivery of housing construction lumber and received on such certified orders during such months a quantity of such lumber, and did not use during such months a quantity of lumber equal to the same for the manufacture of millwork; and with violating paragraphs (c) (1) and (2) and (d) (1) and Table 1 of Priorities Regulation 32 in that during the months of March, April, and May, 1946, it placed orders for delivery of housing construction lumber on earlier dates and in larger amounts than it would have been permitted to receive under that regulation, and during such months it accepted delivery of housing construction lumber although its inventory of that material was and would be more than a practicable minimum working inventory reasonably necessary to meet its own deliveries and to supply its services and also more than it needed during the immediate period of 60 days, on the basis of its current and scheduled method and rate of operation.

The Weisberg-Baer Company admits the violations as charged of Direction 1 to Priorities Regulation 33 but not of Priorities Regulation 32, does not desire to contest the charges, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of The Weisberg-Baer Company, the Regional Compliance Manager, and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered,* That:

(a) The Weisberg-Baer Company, its successors and assigns, shall use during the next seventy-five (75) days for the manufacture of millwork the quantity of housing construction lumber received during the months of February, March, April, May, and June, 1946, on certified orders as millwork manufacturer, minus the quantity of such lumber used for the manufacture of millwork during the period from February 1, 1946 until August 19, 1946. This requirement shall be in addition to the requirements of Direction 1 to Priorities Regulation 33 as currently in force.

(b) The Weisberg-Baer Company, its successors and assigns, shall reserve the millwork so manufactured in accordance with subdivision (a) hereof, for delivery only on certified or rated orders.

(c) The Weisberg-Baer Company, its successors and assigns, shall not place any certified orders as millwork manufacturer for housing construction lumber or accept delivery of the same until such time as its inventory of such lumber will be no more than it shall need during the immediate period of 30 days on the basis of its current and scheduled method and rate of operation; and thereafter it will comply with the provisions of Priorities Regulation 32.

(d) Nothing contained in this order shall be deemed to relieve The Weisberg-Baer Company, its successors or assigns, from any restriction, prohibition, or provision contained in any order or regulation of the Civilian Production Administration except insofar as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on the date of its issuance.

Issued this 9th day of September 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46–16370; Filed, Sept. 9, 1946; 4:39 p. m.]

FEDERAL FARM MORTGAGE CORPORATION.

[Surplus Property Transfer Order 1]

CLARK NATIONAL FOREST

TRANSFER OF JURISDICTION OF SURPLUS FOREST LANDS

Transferring jurisdiction of surplus forest lands in the Clark National Forest, Missouri, to the Forest Service pursuant to the provisions of the Surplus Property Act of 1944 (58 Stat. 765).

Whereas, the following described lands owned by the United States and situate within the exterior boundaries of the Clark National Forest have been declared surplus and classified as forest lands pursuant to the provisions of the Surplus Property Act of 1944 (58 Stat. 765):

5TH PRINCIPAL MERIDIAN

T. 33 N., R. 4 E.
Sec. 2, SW¼ SW¼;
Sec. 3, SE¼, except a 1 acre and a 3 acre parcel as described in deed from Walter H. Fisher, et al. to the United States of America, dated December 23, 1895, and recorded July 12, 1898, in Book 40 at page 604 among the records of Iron County, Missouri;
That part of Lot No. 2 of the NE¼ which lies on the south side of the Ironton and Frederickstown county road, except 4 acres in the NW corner as reserved in deed from Henry N. Hutchens to the United States of America, dated January 29, 1898, and recorded July 12, 1898, in Book 40 at page 606 among the records of Iron County, Missouri;
W½ of Lot No. 1 of the NE¼; S¼ of the W½ of Lot No. 2 of the NE¼, except 4 acres described in deed from Azariah Martin and Amanda M. Martin, his wife, to the United States of America, dated December 23, 1895, and recorded July 12, 1898, in book 40 at page 605 among the records of Iron County, Missouri; and
That NW part of the E½ of Lot No. 2 of the NE¼ lying south of the Ironton and Frederickstown gravel road, containing 10 acres, more or less, as conveyed by deed from William Henson and Margaret Henson, his wife, to the United States of America, dated March 28, 1898, and recorded July 12, 1898, in Book 40 at page 602 among the records of Iron County, Missouri;
Sec. 10, E½, E½SW¼;
Sec. 11, W½NW¼;
Sec. 15, N½NE¼, SW¼NE¼, E½NW¼, E½SW¼, N½SE¼;
Containing in all 1,115 acres, more or less according to deeds of conveyance.

Subject to: 1. A highway permit to the Missouri Highway Department dated May 8, 1928; and
2. An easement for electric power transmission lines dated May 31, 1941, to the Arkansas-Missouri Power Corporation for a period not to exceed 20 years; and
3. An easement dated October 1, 1941, to the Black River Electric Cooperative for electric power transmission lines for a period not to exceed 20 years; and
4. An outstanding lease covering 55 acres in favor of Arnold Crocker, dated March 1, 1946, and expiring February 28, 1947; and

Whereas, the Forest Service is desirous of acquiring administrative control and jurisdiction over the above described lands for administration as a part of the Clark National Forest and the acquisition has been approved by the National Forest Reservation Commission; and

Whereas, the Forest Service has caused the sum of $11,000.00, which is the fair value of the lands, to be covered into the Treasury of the United States as miscellaneous receipts from funds appropriated by the Congress for the acquisition of lands under the provisions of the Act of March 1, 1911 (36 Stat. 961), as amended;

Now therefore, the Federal Farm Mortgage Corporation, pursuant to the authority vested in it in the disposal of surplus agricultural or forest property, by virtue of delegations of authority issued pursuant to the provisions of the aforementioned Act of 1944, does hereby transfer the aforesaid lands to the Forest Service as of this date.

In witness whereof, the Federal Farm Mortgage Corporation has, on this 24th day of July, 1946, caused these presents to be duly executed for and in its name and behalf and the seal of the said corporation to be hereunto affixed.

[SEAL] FEDERAL FARM MORTGAGE CORPORATION,
HAROLD H. LANE,
Vice President.

Attest:

ARTHUR G. PFAFF,
Assistant Secretary.

[F. R. Doc. 46-16401; Filed, Sept. 10, 1946; 11:11 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 591-A]

UNLOADING OF BASKETS AT BROWNSVILLE, TEX.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of September, A. D. 1946.

Upon further consideration of Service Order No. 591 (11 F. R. 9782), and good cause appearing therefor: *It is ordered*, That:

(a) Service Order No. 591, *Baskets at Brownsville, Texas, on St. L., B. & M. Ry., Be Unloaded*, be, and it is hereby, vacated and set aside. (40 Stat. 101, sec. 402, 418; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

It is further ordered, That this order shall become effective at 12:01 a. m., September 9, 1946; that a copy of this order and direction be served upon the St. Louis, Brownsville and Mexico Railway Company (Guy A. Thompson, Trustee), and upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 46-16279; Filed, Sept. 9, 1946; 11:19 a. m.]

[S. O. 602]

UNLOADING OF MACHINERY AT NEW ORLEANS, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of September, A. D. 1946.

It appearing, that car UP 56103, containing machinery, at New Orleans, Louisiana, on the Texas Pacific-Missouri Pacific Terminal Railroad of New Orleans, shipped by Matson Trucing Company from Ankeny, Iowa, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action: It is ordered, that:

(a) *Machinery at New Orleans, Louisiana, be unloaded.* The Texas Pacific-Missouri Pacific Terminal Railroad of New Orleans, its agents or employees, shall unload immediately car UP 56103, loaded with machinery, now on hand at New Orleans, Louisiana, consigned Reynoir Shipping Company.

(b) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire. (40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

It is further ordered, that this order shall become effective immediately; that a copy of thi sorder and direction be served upon the Texas Pacific-Missouri Pacific Terminal Railroad of New Orleans, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 46-16280; Filed, Sept. 9, 1946; 11:19 a. m.]

[S. O. 396, Gen. Permit 2]

RECONSIGNMENT OF REFRIGERATOR CARS AT ATLANTIC, GULF OR PACIFIC PORTS

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (11 F. R. 2193), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at ports of refrigerator cars loaded with perishables which arrived at Atlantic, Gulf or Pacific ports on or after September 1, 1946.

This general permit shall expire at 12:01 a. m., September 20, 1946.

The waybill shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 9th day of September, 1946.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 46–16437; Filed, Sept. 10, 1946; 11:29 a. m.]

[S. O. 422, Special Permit 19]

HOLDING UNDER LOAD OF EXPORT CAR AT SAN FRANCISCO BAY AREA, CALIF.

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph of Service Order No. 422 (11 F. R. 250), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 422 insofar as it applies to the holding under load of export car NYC 110601 by the Atchison, Topeka and Santa Fe Railway Company a San Francisco Bay Area, Calif.

This permit shall expire at 11:59 p. m., September 26, 1946.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 6th day of September, 1946.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 46–16438; Filed, Sept. 10, 1946; 11:29 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 188, Order 5157]

ANETCO LAMP MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Anetco Lamp Manufacturing Company, 89 Newport Street, Brooklyn, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sale by manufacturer to—		For sale by any person to consumers
		Jobbers	Retailers	
Sprayed plaster lamb figure table lamp with decorated paper parchment shade	5	*Each* $3.40	*Each* $4.00	*Each* $7.20

These maximum prices are for the articles described in the manufacturer's application dated June 21, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. Brooklyn, New York, 2% 10 days, net 30. The maximum price to consumers is not delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 10th day of September 1946.

Issued this 9th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46–16268; Filed, Sept. 9, 1946; 11:05 a. m.]

[MPR 188, Order 5158]

ROGER MERRILL LAMPS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Roger Merrill Lamps, 1300 Glendale Boulevard, Los Angeles 26, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sale by manufacturer to—		For sale by any person to consumers
		Jobbers	Retailers	
Cast plaster stone, hand-painted, horse-head table lamp and oblong parchment shade	215	*Each* $16.67	*Each* $19.61	*Each* $35.30

These maximum prices are for the articles described in the manufacturer's application dated June 5 and August 10, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. Los Angeles, California, 2% 10 days, net 30. The maximum price to consumers is net delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 10th day of September 1946.

Issued this 9th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16269; Filed, Sept. 9, 1946; 11:06 a. m.]

[MPR 188, Order 5159]

ROBERT N. EVANS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Robert N. Evans, 225 Fifth Avenue, New York 10, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sale by the manufacturer to—		For sale by any person to consumers
		Jobbers	Retailers	
		Each	*Each*	*Each*
California pottery boudoir lamp, finish, in Chinese crackle, two-tone colors	1	$1.79	$2.10	$4.00
Pottery boudoir lamp, finished in Chinese crackle, two-tone color effects	2	1.79	2.10	4.00

These maximum prices are for the articles described in the manufacturer's application dated August 17, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. New York City, New York, 2% 10 days, net 30. The maximum price to consumers is net delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 10th day of September 1946.

Issued this 9th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16270; Filed, Sept. 9, 1946; 11:06 a. m.]

[MPR 591, Order 804]

INTERNATIONAL HARVESTER CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following frozen food cabinets manufactured by International Harvester Company, North Michigan Avenue, Chicago, Illinois, and as described in the application dated August 22, which is on file with the Mechanical Building Equipment, Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

	On sales to—			
	Distributors	Servicing dealers	Non-servicing dealers	Consumers
Model 11 FC-A	$206.55	$243.00	$255.50	$365.00

(b) The maximum net prices established in (a) above may be increased by the following amount to each class of purchaser to cover the cost of crating when crating is actually supplied: $6.00.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities in the same general category on October 1, 1941.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount specified in (b) above.

(e) Each seller covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, except dealers, including allowable transportation and crating charges.

(f) International Harvester Company, North Michigan Avenue, Chicago, Illinois, shall label the inside of lid of the frozen food cabinets covered by this order, substantially the following:

OPA Maximum Retail Price $------

Plus freight and crating as provided in Order No. 804 under Maximum Price Regulation No. 591.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 10th, 1946.

Issued this 9th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16272; Filed, Sept. 9, 1946; 11:07 a. m.]

[MPR 188, Order 5160]

TODESCA PRODUCTIONS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Todesca Productions, 435 N. Figueroa Street, Los Angeles 12, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sale by manufacturer to—		For sale by any person to consumers
		Jobbers	Retailers	
Shellacked twisted crepe paper over plaster, glass, wood and clay table lamps with corresponding shellacked twisted crepe paper over wire frame shades (both the lamps and shades are featured in a variety of sizes, styles, and shapes):		*Each*	*Each*	*Each*
25 inches	101	$22.86	$26.95	$48.50
22 inches	102	18.86	22.19	39.95
24 inches	104	22.10	26.00	46.80
24 inches	105	17.59	20.69	37.25
22 inches	106	14.92	17.55	31.60
19 inches	107	16.72	19.67	35.40
14 inches	108	16.40	19.30	34.75
30 inches	109	27.39	32.22	58.00
20 inches	111	16.53	19.45	35.00
24 inches	112	24.96	29.37	52.85
22 inches	1001	18.99	22.34	40.20
36 inches	1002	31.72	37.32	67.15
27 inches	1004	19.10	22.47	40.45
38″ straw matting over metal table lamp with shellacked twisted crepe paper over wire frame shade	110	44.07	51.85	93.35
30″ straw matting over wood table lamp with shellacked twisted crepe paper over wire frame shade	113	25.40	29.88	53.80
22″ plaster horsehead figure table lamp with shellacked twisted crepe paper over wire frame shade	1003	15.72	18.50	33.30

These maximum prices are for the articles described in the manufacturer's application dated June 20, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. Los Angeles, California, 2% 10 days, net 30 days. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the fourth Pricing Method, § 1499.158, of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

No. 177——15

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 10th day of September 1946.

Issued this 9th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16271; Filed, Sept. 9, 1946; 11:06 a. m.]

[MPR 591, Order 805]

THE PARSONS CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following kitchen cabinets manufactured by The Parsons Company, 15000 Oakland Avenue, Detroit, Michigan, and as described in the application dated August 22, which is on file with the Mechanical Building Equipment, Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

	On sales to—		
	Distributors	Dealers	Consumers
Model P-1200	$195	$234	$390
Model P-1260	$210	$252	$420

(b) The maximum net prices established in (a) above may be increased by the following amount to each class of purchaser to cover the cost of crating when crating is actually supplied: $6.00.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities in the same general category on October 1, 1941.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount specified in (b) above.

(e) Each seller covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, except dealers, including allowable transportation and crating charges.

(f) The Parsons Company, 15000 Oakland Avenue, Detroit, Michigan, shall stencil on the kitchen cabinet covered by this order, substantially the following:

OPA Maximum Retail Price $------

Plus freight and crating as provided in Order No. 805 under Maximum Price Regulation No. 591.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 10th, 1946.

Issued this 9th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16273; Filed, Sept. 9, 1946; 11:07 a. m.]

[MPR 591, Order 806]

COMPO-MIRACLE PRODUCTS CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, *It is ordered:*

(a) (1.) The maximum net prices, for sales by any person to consumers of the following sizes of aluminum combination storm windows and screens manufactured by Compo-Miracle Products Company of Berkley, Michigan, and as described in the application dated June 22, 1946 which is on file with the Mechanical Building Equipment Price Branch, Office of Price Administration, Washington 25, D. C., shall be the list price per window opening set forth in (d) below.

(2) The maximum price on an installed basis on sales to consumers shall be the list prices set forth in (d) below plus the actual cost of the installation in no event to exceed $2.00 per window or the change established in the appropriate area order whichever is lower.

(b) The maximum net delivered prices on sales to dealers by any person shall be the list prices set forth in (d) below reduced by 33⅓ percent.

(c) The maximum net prices f. o. b. point of shipment on sales to distributors by any person shall be the list prices set forth in (d) below reduced by successive discounts of 40 percent and 10 percent.

(d) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered to purchasers of the tended or rendered to purcharers of the same class on comparable sales of similar commodities during March 1942.

PRICE SCHEDULE

TWO-LIGHT ALUMINUM COMBINATION STORM SASH AND SCREEN

Window glass size	Unit price	Additional screen insert	Extra glass insert
14 x 15	$16.15	$2.46	$3.04
16	16.41	2.50	3.12
18	16.89	2.61	3.26
20	17.39	2.70	3.41
21	17.63	2.76	3.48
22	17.87	2.81	3.55
24	18.37	2.90	3.70
26	18.89	3.00	3.84
28	19.37	3.11	3.99
30	19.87	3.20	4.14
32	20.37	3.29	4.28
34	20.87	3.38	4.42
36	21.37	3.47	4.56
38	29.16	4.74	6.27
40	29.83	4.87	6.46
42	30.49	4.99	6.64
16 x 15	16.54	2.55	3.20
16	16.80	2.61	3.27
18	17.33	2.70	3.43
20	17.85	2.81	3.59
21	18.11	2.87	3.67
22	18.35	2.90	3.75
24	18.89	3.02	3.91
26	19.41	3.13	4.06
28	19.92	3.22	4.22
30	20.44	3.33	4.38
32	20.96	3.44	4.54
34	21.48	3.55	4.70
36	22.00	3.66	4.86
38	30.03	5.03	6.69
40	30.72	5.17	6.91
42	31.41	5.32	7.12
18 x 15	16.95	2.65	3.35
16	17.22	2.70	3.43
18	17.76	2.79	3.60
20	18.30	2.90	3.77
21	18.56	2.96	3.86
22	18.85	3.02	3.94
24	19.39	3.13	4.11
26	19.92	3.24	4.28
28	20.48	3.35	4.45
30	21.02	3.44	4.62
32	21.57	3.57	4.79
34	22.12	3.69	4.96
36	22.67	3.81	5.13
38	30.96	5.23	7.07
40	31.69	5.37	7.29
42	32.43	5.52	7.52
20 x 15	17.33	2.74	3.50
16	17.63	2.79	3.59
18	18.20	2.90	3.77
20	18.76	3.02	3.96
21	19.04	3.07	4.05
22	19.33	3.13	4.14
24	19.91	3.24	4.32
26	20.40	3.35	4.50
28	21.03	3.46	4.68
30	21.61	3.57	4.87
32	22.16	3.68	5.05
34	22.73	3.79	5.23
36	23.26	3.90	5.41
38	31.75	5.35	7.45
40	32.48	5.49	7.69
42	33.21	5.64	7.93
22 x 15	17.74	2.81	3.65
16	18.02	2.89	3.75
18	18.65	3.00	3.95
20	19.22	3.11	4.14
21	19.52	3.16	4.24
22	19.31	3.24	4.33
24	20.41	3.35	4.53
26	20.98	3.46	4.72
28	21.57	3.57	4.91
30	22.18	3.70	5.11
32	22.77	3.81	4.30
34	23.36	3.93	5.49
36	23.95	4.05	5.68
38	32.72	5.56	7.83
40	33.51	5.72	8.08
42	34.29	5.88	8.33
24 x 15	18.13	2.90	3.81
16	18.44	2.98	3.91
18	19.06	3.09	4.11
20	19.67	3.22	4.32
21	19.98	3.27	4.42
22	20.28	3.33	4.53
24	20.91	3.46	4.73
26	21.51	3.57	4.94
28	22.13	3.70	5.14
30	22.74	3.83	5.35
32	23.37	3.94	5.56
34	24.00	4.05	5.76
36	24.63	4.17	5.96
38	33.66	5.72	8.21
40	34.52	5.88	8.48
42	25.36	6.04	8.75
26 x 15	18.54	3.00	3.96
16	18.85	3.07	4.06
18	19.48	3.18	4.28
20	20.15	3.31	4.50
21	20.44	3.39	4.61
22	20.78	3.44	4.72
24	21.40	3.57	4.94
26	22.05	3.70	5.16
28	22.63	3.83	5.38

PRICE SCHEDULE—Continued

TWO-LIGHT ALUMINUM COMBINATION STORM SASH AND SCREEN—continued

Window glass size	Unit price	Additional screen insert	Extra glass insert
26 x 30	$23.33	$3.94	$5.59
32	23.98	4.07	5.81
34	24.63	4.20	6.02
36	25.28	4.33	6.23
38	34.57	5.95	8.59
40	35.44	6.12	8.67
42	36.31	6.29	9.15
27 x 15	18.72	3.05	4.03
16	19.06	3.11	4.15
18	19.70	3.24	4.37
20	20.35	3.37	4.59
21	20.68	3.44	4.71
22	21.02	3.50	4.82
24	21.66	3.63	5.04
26	22.31	3.76	5.27
28	22.96	3.89	5.49
30	23.62	4.01	5.71
32	24.27	4.14	5.94
34	24.92	4.27	6.16
36	25.57	4.40	6.38
38	34.96	6.04	8.80
40	35.83	6.21	9.09
42	36.59	6.39	9.39
18 x 15	18.93	3.09	4.11
16	19.28	3.16	4.22
18	19.92	3.29	4.45
20	20.59	3.42	4.68
21	20.92	3.48	4.80
22	21.26	3.55	4.91
24	21.90	3.68	5.14
26	22.57	3.81	5.38
28	23.24	3.94	5.61
30	23.92	4.07	5.84
32	24.57	4.20	6.07
34	25.22	4.33	6.30
36	25.87	4.46	6.53
38	35.36	6.12	9.01
40	36.23	6.29	9.32
42	37.09	6.47	9.63
30 x 15	19.33	3.18	4.26
16	19.67	3.26	4.38
18	20.36	3.39	4.63
20	21.03	3.52	4.87
21	21.39	3.59	4.99
22	21.74	3.66	5.11
24	22.42	3.79	5.35
26	23.11	3.92	5.59
28	23.79	4.05	5.84
30	24.49	4.20	6.08
32	25.18	4.33	6.32
34	25.87	4.46	6.56
36	26.56	4.59	6.80
38	36.36	6.29	9.39
40	37.28	6.47	9.71
42	38.20	6.64	10.03
32 x 15	19.72	3.22	4.41
16	20.07	3.35	4.54
18	20.79	3.48	4.80
20	21.50	3.63	5.05
21	21.85	3.68	5.18
22	22.20	3.76	5.30
24	22.92	3.90	5.56
26	23.64	4.04	5.81
28	24.35	4.18	6.07
30	25.05	4.32	6.32
32	25.77	4.46	6.58
34	26.49	4.60	6.84
36	27.21	4.74	7.10
38	37.24	6.51	9.81
40	38.20	6.69	10.16
42	39.16	6.88	10.51
34 x 15	20.11	3.37	4.57
16	20.50	3.44	4.70
18	21.22	3.57	4.97
20	21.96	3.72	5.23
21	22.33	3.79	5.37
22	22.68	3.87	5.50
24	23.44	4.01	5.76
26	24.16	4.14	6.03
28	24.90	4.29	6.30
30	25.62	4.44	6.56
32	26.38	4.59	6.83
34	27.14	4.74	7.10
36	27.90	4.89	7.37
38	38.21	6.72	10.19
40	39.23	6.92	10.56
42	40.24	7.12	10.91
36 x 15	20.52	3.46	4.72
16	20.89	3.53	4.86
18	21.66	3.68	5.14
20	22.42	3.83	5.41
21	22.79	3.90	5.55
22	23.16	3.98	5.69
24	23.94	4.13	5.97
26	24.70	4.27	6.25
28	25.46	4.42	6.53
30	26.21	4.57	6.81
32	26.97	4.72	7.09
34	27.73	4.87	7.37
36	28.49	5.02	7.65
38	39.00	6.89	10.57
40	40.01	7.09	10.95
42	41.03	7.29	11.32
38 x 15	21.71	4.35	4.87
16	22.09	4.43	5.02

PRICE SCHEDULE—Continued

TWO-LIGHT ALUMINUM COMBINATION STORM SASH AND SCREEN—continued

Window glass size	Unit price	Additional screen insert	Extra glass insert
38 x 18	$22.89	$4.57	$5.31
20	23.67	4.72	5.60
21	24.05	4.80	5.74
22	24.44	4.87	5.89
24	25.22	5.04	6.18
26	26.03	5.14	6.47
28	26.81	5.33	6.76
30	27.59	5.48	7.05
32	28.38	5.63	7.34
34	29.17	5.78	7.63
36	29.97	5.93	7.92
38	41.01	8.11	10.95
40	42.02	8.31	11.33
40 x 15	23.15	4.43	6.06
16	23.61	4.52	6.27
18	24.53	4.67	6.70
20	25.50	4.83	7.13
21	25.94	4.91	7.35
22	26.42	4.98	7.56
24	27.35	5.15	7.99
26	28.27	5.30	8.42
28	29.22	5.46	8.85
30	30.16	5.61	9.28
32	31.10	5.78	9.71
34	32.04	5.93	10.14
36	32.98	6.08	10.57
38	45.23	8.31	14.67
40	46.48	8.51	15.24
42 x 15	23.55	4.52	6.20
16	24.03	4.60	6.42
18	25.00	4.76	6.87
20	25.97	4.95	7.32
21	26.45	5.01	7.54
22	26.93	5.09	7.77
24	27.90	5.25	8.22
26	28.86	5.41	8.66
28	29.83	5.57	9.11
30	30.80	5.74	9.56
32	31.76	5.90	10.01
34	32.73	6.06	10.46
36	33.70	6.22	10.91
38	46.21	8.51	15.14
44 x 15	23.94	4.61	6.34
16	24.42	4.70	6.58
18	25.42	4.87	7.04
20	26.42	5.04	7.51
21	26.92	5.11	7.75
22	27.42	5.20	7.98
24	28.42	5.36	8.45
26	29.42	5.54	8.92
28	30.42	5.70	9.39
30	31.42	5.87	9.86
32	23.42	6.04	10.33
34	33.42	6.20	10.80
36	34.42	6.36	11.27
38	47.23	8.69	15.65
46 x 15	24.33	4.70	6.48
16	24.84	4.79	6.72
18	25.87	4.96	7.21
20	26.90	5.13	7.70
21	27.42	5.21	7.95
22	27.93	5.30	8.19
24	28.96	5.47	8.69
26	30.00	5.64	9.17
28	31.02	5.81	9.66
30	32.05	5.99	10.15
32	33.03	6.16	10.64
34	34.11	6.33	11.13
36	35.14	6.50	11.62

(f) Each seller covered by this order, except on sales to consumers, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale.

(g) The Compo-Miracle Products Company of Berkley, Michigan shall attach a tag to each item covered by this order containing substantially the following:

OPA Maximum Retail Price $_____

Plus actual installation charge not exceeding $2.00 per window or charge established in the appropriate area order whichever is lower.

(h) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 10, 1946.

Issued this 9th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46–15274; Filed Sept. 9, 1946; 11:07 a. m.]

[MPR 591, Order 807]

A. O. SMITH CORP.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 13 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum net prices, for sales by any person to consumers of the following Smithway Stoker Service Parts manufactured by A. O. Smith Corporation, Milwaukee, Wisconsin and as described in the application dated May 31, 1946 shall be:

Part No.	Description	Maximum list price	Maximum replacement list price
15023	Leveling leg jam nut	$0.16	
15033	Front door handle with screws	.40	
15034	Front door handle screws	.16	
15039	Top cover hinge pin	.08	
15043	Retort air duct and fuel tube base assembly	25.00	
15063	Panel screws	.08	
15069	Clean out cover	.20	
15070	Air valve mounting plate gasket	.08	
15073	Spike catcher housing gasket	.06	
15079	Tuyere cap screw washer	.06	
15080	Tuyere cap screw	.16	
15083	Top cover handle	3.25	
15088	Trim strip	1.75	
15093	Top cover handle screws	.06	
15100	Air duct flange gasket	.72	
15119	Clinker tongs assembly	3.50	
15121	Hopper assembly	42.00	
15140	Front door assembly	4.00	
15160	Panel (left side)	5.00	
15160–1	Panel (right side)	5.00	
15169	Top cover assembly with handle	7.50	
15179	Drive pin	.30	
15180	Leveling leg pad	.20	
15186	Leveling leg screw	.20	
15187	Spike catcher housing	4.25	
15196	Leveling leg screw	.20	
15202	Feed screw	11.80	
15202–1	do	11.80	
15221	Drive pin retaining ring	.08	
15231	Tuyere (set)	23.60	
15239	Tuyere (6)	23.60	
15249	Tuyere (4)	23.60	
	Retort air duct and fuel and base assembly	25.00	
15230	A magic dial thermostat	12.40	$6.20
15331	A fyrsaver	28.25	14.00
15332	A limitron (water)	12.05	6.00
15333	B limitron (steam)	12.05	6.00
15333–1	Vapor limit control	21.00	10.00
15333–2	Vacuum limit control	21.00	10.00
15334	A limitron	12.05	6.00
15335	B acratherm	12.05	6.50
15336	B fyrsaver	28.65	14.20
15337	D aquastat (water)	12.20	6.00
15338	C pressuretrol (steam)	12.20	6.00
15339	B airstat	12.20	6.00
15355	Packaged unit drive	135.00	60.00
15377	Spike catcher housing wing nut	.20	
15397	Air valve assembly	1.00	
15397	do	1.00	
15404	Air valve cover screw	.12	
15406	Air valve indicator arm	.20	
15407	Air valve indicator plate	.30	
15408	Air valve cover	.20	
15409	Air valve mounting plate	.12	
15410	Retort assembly	52.00	
15462	Air valve indicator plate	.30	
15467	Wrist pin	.36	
15468	Wrist pin cotter pin	.06	
15516	Clutch assembly	15.00	
15533	Connecting rod pin cover	.30	
15543	Cream touch-up lacquer	1.50	
15545	Maroon touch-up lacquer	1.50	
15553	Low water cut-off	43.40	11.00
15554	Barometric draft control	4.50	
15557	Aquastat	16.20	8.00
15557–1	Aquastat	$16.20	$8.00
15558	Hot water limit control	12.05	6.00
15558–1	do	12.05	6.00
15559	Vacuumstat	26.50	13.00
15560	Fan control	10.85	5.40
15561	Vaporstat	26.50	13.10
15562	Fan control	14.50	6.00
15565	Hot water circulator limit control	11.05	5.25
15566	Hot water circulator limit	12.00	6.00

(b) The maximum net prices specified in (a) above are subject to the following discounts f. o. b. point of shipment:

	Percent
On sales to Distributors	50
On sales to Dealer	33⅓

(c) The maximum net prices established by this order shall be subject to cash discounts and allowances including transportation allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of commodities in the same general category during March 1942.

(d) The maximum prices on an installed basis of the commodities covered by this order shall be determined in accordance with Revised Maximum Price Regulation No. 251.

(e) Each seller covered by this order, except on sales to consumers, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale.

(f) Order No. L–783 under section 9 of Maximum Price Regulation No. 591 issued July 26, 1946 is hereby revoked.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 10, 1946.

Issued this 9th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46–16275; Filed, Sept. 9, 1946; 11:08 a. m.]

[MPR 591, Order 808]

EBALOY, INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, *It is ordered:*

(a) The maximum net prices for sales by any person to consumers of the following "T" strips manufactured by Ebaloy Incorporated of Rockford, Illinois, and as described in the application dated August 14, 1946 shall be:

Model T–1 Aluminum "T" Strips 24" x 1½" x 1½", $3.50 per pair.

(b) The maximum net price f. o. b. point of shipment for sales to the following classes of trade shall be the maximum net price above less the following discounts:

On sales to dealer—40 percent discount.
On sales to jobber—40, 10 and 10 percent discount.

(c) The maximum net prices established by this order shall be subject to discounts and allowances including transportation allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of commodities in the same general category during March 1942.

(d) The maximum net price on an installed basis of the commodity covered in this order shall be determined in accordance with the provisions of Revised Maximum Price Regulation No. 251, as amended.

(e) Each seller covered by this order, except on sales to a consumer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 10th, 1946.

Issued this 9th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46–16276; Filed, Sept. 9, 1946; 11:08 a. m.]

[Gen. Order No. 74]

DELEGATION OF AUTHORITY TO REGIONAL ADMINISTRATORS AND DISTRICT DIRECTORS AUTHORIZED BY REGIONAL ADMINISTRATORS TO CERTIFY TO RECONSTRUCTION FINANCE CORPORATION SLAUGHTERERS WHO FAIL OR REFUSE TO FILE REPORTS REQUIRED BY OPA MEAT OR LIVESTOCK REGULATIONS OR ORDERS

Pursuant to the authority conferred upon the Price Administrator by the Emergency Price Control Act of 1942, as amended, and by Directive 41, as amended, of the Office of Economic Stabilization, the following order is prescribed:

Section 7 (a) of Directive 41, as amended, of the Office of Economic Stabilization, provides:

Upon certification by the Price Administrator to the Reconstruction Finance Corporation that a slaughterer has refused or failed to furnish any information requested by the Office of Price Administration or has refused to permit the inspection and examination of his slaughtering operations by the Office of Price Administration, Reconstruction Finance Corporation shall withhold payment of all accrued and future payments to such slaughterer until the Price

Administrator certifies to Reconstruction Finance Corporation that such slaughterer has furnished the information requested or permitted the inspection and examination of his slaughtering operations. Upon this latter certification, Reconstruction Finance Corporation shall then pay to such slaughterer the amount of subsidy to which such slaughterer would otherwise be entitled.

I hereby delegate to any Regional Administrator, or District Director authorized by a Regional Administrator, the authority to make the certifications to Reconstruction Finance Corporation provided for in section 7 (a) of Directive 41, with respect to a slaughterer's failure or refusal to furnish information requested by the Office of Price Administration, insofar as such refusal or failure consists in the refusal or failure to file reports required by an OPA meat or livestock regulation or order, and with respect to a slaughterer's subsequently furnishing the information requested to the same extent.

This order shall become effective September 9, 1946.

Issued this 9th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16265; Filed, Sept. 9, 1946; 11:05 a. m.]

[MPR 188, Revocation of Order 4022]

REYNOLDS METALS CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.157 of Maximum Price Regulation No. 188 and section 6.4 of Second Revised Supplementary Regulation No. 14, *It is ordered:*

That Order No. 4022 under § 1499.157 of Maximum Price Regulation No. 188 and section 6.4 of Second Revised Supplementary Regulation No. 14 be and it is hereby revoked subject to Supplementary Order No. 40.

This revocation order shall become effective on the 9th day of September, 1946.

Issued this 9th day of September, 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16321; Filed, Sept. 9, 1946; 4:03 p. m.]

[RMPR 169, Order 87]

PURDY BUTTER-ETT STEAK SHOP

ESTABLISHMENT OF MAXIMUM PRICES

An opinion in support of this order has been issued simultaneously herewith and filed with the Division of the Federal Register.

Pursuant to the provisions of § 1364.452 (r) of Revised Maximum Price Regulation No. 169, *It is hereby ordered:*

(a) That the maximum price for "Purdy's Butter-ett Steaks" produced and sold by Purdy Butter-ett Steak Shop, hereinafter referred to as applicant, is 43¾ cents per pound, f. o. b. applicant's place of business. Applicant may sell this item only to purveyors of meals or to intermediate distributors for resale to purveyors of meals. This maximum price is applicable only where the item is produced in accordance with the method described in the application for a price.

(b) Applicant shall not sell or deliver to purveyors of meals and/or to intermediate distributors for resale to purveyors of meals during any three month period beginning September 1, December 1, March 1 and June 1, a total volume by weight of this specialty steak product in excess of 21,613 pounds.

(c) With the first purchase of this product after the effective date of this order by a purveyor of meals, applicant shall supply the purchaser with the following written notice:

NOTICE TO PURVEYORS OF MEALS

The Office of Price Administration has, by Order authorized us to sell "Purdy's Butter-ett Steaks" to purveyors of meals for not more than 43¾ cents per pound, f. o. b. our place of business.

(d) The maximum price for sales of "Purdy's Butter-ett Steaks" by any intermediate distributor shall be 43¾ cents per pound, f. o. b. the seller's place of business.

(e) Applicant shall supply each such intermediate distributor (one who purchases the steaks from him for re-sale) upon his initial purchase of said specialty steak product, with the following written notice:

NOTICE TO DISTRIBUTORS

The Office of Price Administration has, by Order, authorized us to sell "Purdy's Butter-ett Steaks" for not more than 43¾ cents per pound to purveyors of meals and to intermediate distributors who purchase the item for re-sale to purveyors of meals. We may sell to you at a discount but you must resell the item to purveyors of meals only and your ceiling price is 43¾ cents per pound f. o. b. your place of business. You must notify each purveyor of meals upon his initial purchase of this item of the maximum price established for sales of this product.

(f) Not later than the 10th day following each three month quota period, applicant must submit a statement to the Office of Price Administration at Washington, D. C., showing the total volume of the aforesaid specialty steak product sold to purveyors of meals and to intermediate distributors, separately itemized, for such three month period, setting forth the name and address of each such distributor. In the event that such statement is not filed on or before the date specified, the order shall be subject to revocation. After the 10th day following any three month quota period applicant shall not sell or deliver said specialty steak product until such statement has been submitted to the Office of Price Administration, Washington, D. C.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective as of September 1, 1946.

Issued this 9th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16320; Filed, Sept. 9, 1946; 4:03 p. m.]

[MPR 188, Amdt. 4 to Order 7]

CERTAIN RECONVERSION PRODUCTS

ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1499.159e of Maximum Price Regulation No. 188, *It is ordered,* That Order No. 7 under Maximum Price Regulation No. 188 be amended in the following respects:

1. Paragraph (a) is amended by adding to the product list under the heading "The products covered by this order are:" the following product: "Carpet sweepers, hand operated".

2. Paragraph (d) is amended by adding to the lists contained therein under the headings "Industry:", and "Half the industry average profit margin (percent)", respectively, the following: "Carpet sweepers, hand operated------ 3.6".

This amendment shall become effective on the 14th day of September 1946.

Issued this 10th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16411; Filed, Sept. 10, 1946; 11:24 a. m.]

[Order 165 Under 3 (e)]

BUTYL ALCOHOL AND BUTYL ACETATE

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.3 (e) of the General Maximum Price Regulation, it is ordered:

(a) *Applicability.* This order applies only to sales by manufacturers and resellers of butyl alcohol and butyl acetate produced from a mixture of grain and molasses.

(b) *Sales by producers.* The maximum prices per pound for sales by producers of butyl alcohol and butyl acetate produced from a mixture of grain and molasses shall be a price computed by adding the maximum prices for the amounts in pounds of the particular butyl alcohols or butyl acetates in the mixture as established by Maximum Price Regulation 37 and then dividing the sum by the total amount in pounds of the butyl alcohol or butyl acetate in the mixture.

(c) *Sales by resellers.* The maximum prices per pound for sales by resellers of butyl alcohol and butyl acetate produced from a mixture of grain and molasses shall be the sum of (1) the reseller's cost of acquisition of the specific lot of butyl alcohol or acetate and (2) the percentage mark-up he had in effect on March 31, 1946 to the same class of purchaser on sales of butyl alcohol or acetate as the case may be.

(d) All provisions of Maximum Price Regulation 37 not inconsistent with this order shall apply to all sales covered by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 16, 1946.

Issued this 10th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16408; Filed, Sept. 10, 1946; 11:24 a.m.]

[RMPR 528, Order 138]

TIRES AND TUBES, RECAPPING AND REPAIRING, AND CERTAIN REPAIR MATERIALS

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 16 (d) of Revised Maximum Price Regulation 528, *It is ordered:*

(a) The maximum retail price for a 6.00-9, 10-ply Rib Industrial tire manufactured by The Goodyear Tire & Rubber Company, Inc., of Akron, Ohio, shall be $45.40 each.

(b) All provisions of RMPR 528 not inconsistent with this order shall apply to sales covered by this order.

(c) This order may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective September 11, 1946.

Issued this 10th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16415; Filed, Sept. 10, 1946; 11:25 a.m.]

[MPR 580, Amdt. 1 to Order 206]

HANSEN GLOVE CORP.

ESTABLISHMENT OF CEILING PRICES

Maximum Price Regulation 580, Amendment 1 to Order 206. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-719.

For the reasons set forth in the opinion issued simultaneously herewith, Order No. 206 issued under section 13 of Maximum Price Regulation 580 on application of Hansen Glove Corporation, Milwaukee 1, Wisconsin, is amended in the following respects:

1. Paragraph (a) is amended by adding the following:

LADIES' FABRIC GLOVES

Manufacturer's selling price (per dozen pair)	*Retail ceiling price (per pair)*
$12.00 to $12.50 inclusive	$1.75

LADIES' LEATHER GLOVES

$48.00 to $49.00 inclusive	7.00
$63.00 to $72.00 inclusive	10.00

MEN'S LEATHER GLOVES

Manufacturer's selling price (per dozen pair)	*Retail ceiling price (per pair)*
$37.50 to $39.00 inclusive	$5.50
$55.00 to $60.00 inclusive	9.00
$75.00 to $84.00 inclusive	12.00

2. Paragraph (d) is amended by adding thereto the following undesignated paragraph:

Upon issuance of any amendment to this order which either adds an article to those already covered by the order or changes the retail ceiling price of a covered article, Hansen Glove Corporation, as to such article, must comply with the preticketing requirements of this paragraph within 30 days after the issuance of the amendment. After 60 days from the issuance date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60 day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this order. However, the pricing provisions of this order or of any subsequent amendment thereto shall apply as of the effective date of the order or applicable amendment.

3. Paragraph (e) is amended to read as follows:

(e) At the time of or before the first delivery to any purchaser for resale of any article covered by this order, the seller shall send the purchaser a copy of the order and of each amendment thereto issued prior to the date of such delivery. Within 15 days after the effective date of any subsequent amendment to the order, the seller shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment. The seller shall also send a copy to all other purchasers at the time of or before the first delivery of the article subsequent to the effective date of the amendment.

This amendment shall become effective September 11, 1946.

Issued this 10th day of September 1946.

GEOFFREY BAKER,
Acting Administrator.

[F. R. Doc. 46-16417; Filed, Sept. 10, 1946; 11:25 a.m.]

[MPR 610, Order 14]

DIVCO CORP.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 8 of Maximum Price Regulation 610, *It is ordered:*

(a) Divco Corporation, Detroit, Michigan, hereinafter called the Company is authorized to sell f. o. b. Detroit, Michigan, each new Divco truck described in subparagraph (1) below at a price not to exceed the total of the following charges;

(1) *Charge for the new truck.* A charge for the new truck not to exceed the applicable list price in the following schedule less the discounts in effect on March 31, 1942 to the applicable class of purchaser.

Model No.	Description	List price f. o. b. factory
UM	Truck, chassis with panel body, 100¾" wheelbase, 4 cylinder Continental engine, January 1, 1941 standard specifications and equipment including synthetic rubber tires.	$1,551
ULM	Truck, chassis with panel body, 127½" wheelbase, 6 cylinder Continental engine, January 1, 1941 standard specifications and equipment including synthetic rubber tires.	$1,861

(2) *Charges for extra or optional equipment.* A charge for each item of extra or optional equipment not to exceed the list price to be computed as follows, less the discount in effect on March 31, 1942 to the applicable class of purchaser:

(i) The Company shall multiply its January 1, 1941 list price for each item of extra or optional equipment by the increase factor approved by the Office of Price Administration for adjusting the Company's January 1, 1941 prices under section 8 of Maximum Price Regulation 610.

(ii) The Company shall file the dollar and cents list prices for each item of extra or optional equipment with the National OPA Office, Automotive Branch, Washington, D. C., within 48 hours after such adjusted prices are established.

(3) *Charge for transportation.* A charge for transportation of the new truck and extra or optional equipment not to exceed a charge computed in accordance with the method the Company had in effect on March 31, 1942 plus transportation tax at the current legal rate.

(4) *Charge for taxes.* A charge to cover Federal Excise Taxes at the current legal rate computed in accordance with the method the Company had in effect on March 31, 1942, and also state and local taxes, if any, directly imposed upon the sale or delivery of the truck and extra or optional equipment.

(5) *Charge for factory handling and delivery.* A charge for factory handling and delivery computed by using the same rate and method the Company had in effect on March 31, 1942, except as provided in the following sentence; in the case of a sale to a user, the amount that may be included in the handling and delivery charge for preparing and conditioning shall be determined in accordance with section 10 (g) (3) of Maximum Price Regulation 610.

(b) *Sales below ceiling to dealers.* In the event the Company sells to dealers below the maximum net price authorized in this order for sales of trucks or extra or optional equipment it shall so advise the National OPA Office, Automotive Branch, Washington, D. C., in writing, within 48 hours and shall immediately comply with the provisions of section 8 (h) of Maximum Price Regulation 610.

NOTE: As required by section 12 of Maximum Price Regulation 610 the Company shall notify all resellers of list prices for the vehicles of base specifications and extra or optional equipment and shall notify resellers that they must use such list prices in determining maximum prices in accordance with section 10.

(c) A reseller is authorized to sell and deliver each new Divco truck described in paragraph (a) (1) at a price not to exceed the total of the following charges:

(1) *Charge for the new truck.* A charge for the new truck not to exceed the applicable list price set forth in paragraph (a) (1). The Company will notify all resellers of list prices authorized in this order for a new truck.

(2) *Charges for extra or optional equipment.* A charge for each item of extra or optional equipment not to exceed the list price which the Company shall determine in accordance with paragraph (a) (2). The Company will notify all resellers of list prices authorized in this order for extra or optional equipment.

(3) *Other charges.* Charges permitted by section 10 of Maximum Price Regulation 610 when applicable to the sale.

(d) A reseller may sell and deliver in Porto Rico or Alaska each of the new Divco trucks described in paragraph (a) (1) at a price not to exceed the maximum price it may charge under paragraph (c), to which it may add a sum equal to the expense incurred by or charged to it for: Payment of territorial and insular taxes on the purchase, sale or introduction of the new truck and extra or optional equipment in Porto Rico or Alaska, when not charged under paragraph (c); export premium; boxing and crating for export purposes; assembly costs, if any; marine and war risk insurance; landing, wharfage and terminal operations; ocean freight; freight to the port of embarkation when not charged under paragraph (c); and inland freight from the port of debarkation by the most direct route to the reseller's place of business.

(e) All requests not granted herein are denied.

(f) This order may be amended or revoked by the Administrator at any time.

This order shall become effective September 12, 1946 for Divco trucks sold by the Company on and after September 12, 1946.

Issued this 10th day of September 1946.

GEOFFREY BAKER,
Acting Administrator.

[F. R. Doc. 46–16418; Filed, Sept. 10, 1946; 11:26 a. m.]

[MPR 610, Order 15]

DUPLEX TRUCK CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 8 and 9 of Maximum Price Regulation 610, *It is ordered:*

(a) Duplex Truck Co., Lansing, Michigan, hereinafter called the Company is authorized to sell f. o. b. Lansing, Michigan, each new Duplex truck described in subparagraph (1) below, at a price not to exceed the total of the following charges:

(1) *Charges for new truck.* A charge for the new truck not to exceed the applicable list price in the following schedule less the discounts and allowances in effect on January 1, 1941 to the applicable class of purchaser.

Model	Description	List price f. o. b. factory
T	Chassis, truck with 56" 2 man cab and one-piece windshield, 18,000 pounds gross vehicle weight, 160" wheelbase, Hercules JXD engine, Fuller 5B33 transmission with overdrive in 5th gear, Timken 32502H front axle, Timken 56410 bevel gear rear axle, Ross T26 steering gear, Hydro-vac booster brakes, 8.25 x 20 synthetic tires, dual rear.	$3,709
K	Chassis, truck with D6402 cab, 32,000 pounds gross vehicle weight 178" wheelbase, Hercules RXC engine, fish plates, Fuller 5A620 transmission with overdrive in 5th gear, Timken 26450 front axle, Timken U200 rear axle with spring pads, Ross T20 steering gear, air brakes, vacuum and hydraulic pickup, tool compartment in fender, 11.00 x 20 synthetic tires, dual rear.	$7,536
R	Chassis, truck with 56" cab, 25,000 pounds gross vehicle weight, 172" wheelbase, Hercules WXLC3 engine, Fuller 5A43 5-speed transmission, Timken 35000 front axle, Timken 98415 2-speed Hydraulic shift rear axle, cast tank radiator, 3/8" x 12" fish plates, 9.00 x 20 tires, dual rear.	$5,573
J	Chassis, truck and cab, 28,000 pounds gross vehicle weight, 178" wheelbase, 501 cubic inch engine, Fuller 5A620 transmission, Ross 271 steering gear, Timken 26450W front axle, Timken S200P rear axle, cast tank radiator, 3/8" x 14" fish plates, 10.00 x 20 tires, dual rear.	$7,107

(2) *Charges for extra or optional equipment.* A charge for each item of extra or optional equipment not to exceed the list price to be computed as follows, less the discounts and allowances in effect on January 1, 1941 to the applicable class of purchaser:

(i) The Company shall multiply its January 1, 1941 list price for each item of extra or optional equipment by the increase factor approved by the Office of Price Administration for adjusting the Company's January 1, 1941 prices under section 8 of Maximum Price Regulation 610.

(ii) The Company shall file the dollar and cents list prices for each item of extra or optional equipment with the National Office of Price Administration Office, Automotive Branch, Washington, D. C. within 48 hours after such adjusted prices are established.

(3) *Charge for transportation.* A charge for transportation of the truck and extra or optional equipment not to exceed a charge computed in accordance with the method the Company had in effect on March 31, 1942 plus transportation tax at the current legal rate.

(4) *Charge for taxes.* A charge to cover Federal Excise Taxes at the current legal rate, computed in accordance with the method the Company had in effect on March 31, 1942, and also state and local taxes if any, directly imposed upon the sale or delivery of the truck, and extra or optional equipment.

(5) *Charge for factory handling and delivery.* A charge for factory handling and delivery computed by using the same rate and method the Company had in effect on March 31, 1942.

(b) *Sales below ceiling to dealers.* In the event the Company sells to dealers below the maximum net price authorized in this order for sales of trucks or extra or optional equipment it shall so advise the National Office of Price Administration Office, Automotive Branch, Washington, D. C. in writing, within 48 hours and shall immediately comply with the provisions of section 8 (h) of Maximum Price Regulation 610.

NOTE: As required by section 12 of Maximum Price Regulation 610, the Company shall notify all resellers of list prices for the vehicles of base specification and extra or optional equipment and shall notify resellers that they must use such list prices in determining maximum prices in accordance with section 10.

(c) A reseller is authorized to sell and deliver each new Duplex truck described in paragraph (a) (1) at a price not to exceed the total of the following charges:

(1) *Charge for the new truck.* A charge for the new truck not to exceed the applicable list price set forth in paragraph (a) (1). The Company shall notify all resellers of list prices authorized in this order for new trucks.

(2) *Charges for extra or optional equipment.* A charge for each item of extra or optional equipment not to exceed the list price which the Company shall determine in accordance with paragraph (a) (2). The Company shall notify all resellers of list prices authorized in this order for extra or optional equipment.

(3) *Other charges.* Charges permitted by section 10 of Maximum Price Regulation 610 when applicable to the sale.

(d) A reseller may sell and deliver in Porto Rico and Alaska each new Duplex truck described in paragraph (a) (1) at a price not to exceed the maximum price it may charge under paragraph (c) to which it may add a sum equal to the expense incurred by or charged to it for: Payment of territorial and insular taxes on the purchase, sale or introduction of the new truck and extra or optional equipment in Porto Rico and Alaska when not charged under paragraph (c); export premiums; boxing and crating for export purposes; assembly costs, if any; marine and war risk insurance; loading, wharfage and terminal operations; ocean freight; freight to the port of embarkation when not charged under paragraph (c); and inland freight from the port of debarkation by the most direct route to the reseller's place of business.

(e) All requests not granted herein are denied.

(f) This order may be amended or revoked by the Administrator at any time.

This order shall become effective September 12, 1946, for new Duplex trucks and extra or optional equipment sold by the Company on and after September 12, 1946.

Issued this 10th day of September 1946.

GEOFFREY BAKER,
Acting Administrator.

[F. R. Doc. 46–16419; Filed, Sept. 10, 1946; 11:26 a. m.]

[MPR 610, Order 16]

PETERBILT MOTORS CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 8 of Maximum Price Regulation 610, It is ordered:

(a) Peterbilt Motors Co., Oakland, Calif., hereinafter called the Company, is authorized to sell f. o. b. factory, Oakland, Calif., each new motor truck containing a chassis described in subparagraph (1) below at a price not to exceed the total of the following charges:

(1) *Charge for the new truck chassis.* A charge for the new truck chassis not to exceed the applicable list price in the following schedule less the discounts in effect on March 31, 1942, to the applicable class of purchaser:

Model	Description	List price f. o. b. factory
270DD----	Chassis, truck; 165" wheelbase; 27,000 pounds gross vehicle weight; standard specifications and equipment as of Jan. 1, 1941.	$9,395

(2) *Charges for extra or optional equipment.* A charge for each item of extra or optional equipment not to exceed the list price to be computed as follows, less the discount in effect on March 31, 1942 to the applicable class of purchaser:

(i) The Company shall multiply the list price in effect on January 1, 1941 for each item of extra or optional equipment by the increase factor approved by the Office of Price Administration for adjusting the Company's January 1, 1941 prices under section 8 of Maximum Price Regulation 610.

(ii) The Company shall file the dollar and cents list prices for each item of extra or optional equipment with the Office of Price Administration, Automotive Branch, Washington, D. C., within 48 hours after such adjusted prices are established.

(3) *Charge for transportation.* A charge for transportation of the truck and extra or optional equipment not to exceed a charge computed in accordance with the method the Company had in effect on March 31, 1942.

(4) *Charge for taxes.* A charge to cover Federal Excise Taxes at the current legal rate, computed in accordance with the method the Company had in effect on March 31, 1942, and also state and local taxes, if any, directly imposed upon the delivery of the truck and extra or optional equipment.

(5) *The charging for factory handling and delivery.* A charge to cover factory handling and delivery computed by using the same rate and method the Company had in effect on March 31, 1942, except as provided in the following sentence: In the case of a sale to a user, the amount that may be included in the handling and delivery charge for preparing and conditioning operations shall be determined in accordance with section 10 (g) (3) of Maximum Price Regulation 610.

NOTE: As required by section 12 of Maximum Price Regulation 610, the Company shall notify all resellers of list prices and discounts for the vehicles of base specifications and extra or optional equipment and shall notify resellers that they must use such list prices and discounts in determining maximum prices in accordance with section 10.

(b) *Sales below ceiling to resellers.* In the event the Company sells to resellers below the maximum net price in this order for sales of truck chassis or items of extra or optional equipment, it shall so advise the National Office of Price Administration, Automotive Branch, Washington, D. C., within 48 hours and shall immediately comply with the provisions of section 8 (h) of Maximum Price Regulation 610.

(c) *Sales by resellers in the Continental United States.* A reseller may sell and deliver to users each new Peterbilt truck containing a chassis described in paragraph (a) (1) at a price not to exceed the total of the following applicable charges:

(1) *Charge for the new truck chassis.* A charge for the new truck chassis not to exceed the applicable list price set forth in paragraph (a) (1), adjusted to reflect suggested discounts the Company had in effect on March 31, 1942, to the applicable class of purchaser. The Company will notify all resellers of the list prices and discounts authorized in this order.

(2) *Charge for extra or optional equipment.* A charge for each item of extra or optional equipment not to exceed the list price which the Company will determine in accordance with paragraph (a) (2), adjusted to reflect suggested discounts the company had in effect on March 31, 1942, to the applicable class of purchaser. The Company will notify all resellers of the list prices and discounts authorized in this order.

(3) *Other charges.* Other charges permitted by section 10 of Maximum Price Regulation 610 when applicable to the sale.

(d) *Sales by resellers in Porto Rico and the Territory of Alaska.* A reseller may sell and deliver in Porto Rico, and Alaska each of the new Peterbilt trucks containing a chassis described in paragraph (a) (1) at a price not to exceed the maximum price which may be charged under paragraph (c), to which it may add a sum equal to the expense incurred by or charged to it for: Payment of territorial and insular taxes on the purchase, sale or introduction of the new truck in the territory or possession, when not charged under paragraph (c); export premium; boxing and crating for export purposes; assembly costs, if any; marine and war risk insurance; landing, wharfage and terminal operations; ocean freight; freight to port of embarkation when not charged under paragraph (c); and inland freight from the port of debarkation, by the most direct route to the reseller's place of business.

(e) All requests not granted herein are denied.

(f) This order may be amended or revoked by the Administrator at any time.

This order shall become effective September 12, 1946 for new Peterbilt truck chassis and extra or optional equipment sold by the Company on and after September 12, 1946.

Issued this 10th day of September 1946.

GEOFFREY BAKER,
Acting Administrator.

[F. R. Doc. 46-16420; Filed, Sept. 10, 1946; 11:26 a. m.]

UNITED STATES COAST GUARD.

UNITED STATES COAST GUARD (CAPTAIN OF THE PORT) IDENTIFICATION CARDS

CANCELLATION

Coast Guard (Captain of the Port) Identification Cards were issued, pursuant to the authority of section 1, Title II of the Espionage Act (40 Stat. 220; 50 U. S. C. 191), as amended by the Act of November 15, 1941 (55 Stat. 763; 50 U. S. C. 191C), Executive Order No. 9074 (3 CFR Cum. Supp.), and the regulations in 33 CFR 6.14, to supplement the security requirements necessitated by the exigencies of the War.

Under this authority, United Coast Guard (Captain of the Port) Identification Cards were issued to the following classes of persons:

(a) Men employed on United States ships such as seamen, bargemen, and fishermen;

(b) Employees working on ships or at waterfront facilities in connection therewith, such as longshoremen, checkers, watchmen, and public servants;

(c) Men having incidental business on ship such as reporters, craftsmen, laborers, tradesmen, and supervisors;

(d) Employees of waterfront industries such as shipyards, power plants, and railways;

(e) Men making occasional or incidental use of vessels or waterfront facilities such as recreationists, sport fishermen, and visitors;

(f) Persons desiring entry to vessels or waterfront areas whose identity is not established to the satisfaction of the issuing officer, or whose photographs or fingerprints are not available;

(g) Seamen on foreign ships, citizens of enemy countries, or countries cooperating with enemy countries.

During the war the Coast Guard stressed the fact that the cards were for "Identification only" and that they were not a pass or permit, however, the public in general accepted the cards as passes notwithstanding the Coast Guard's insistence to the contrary.

With the cessation of hostilities, the identification card requirements were gradually relaxed, and now the identification cards are no longer required by the Coast Guard for any purpose, accordingly, all Coast Guard (Captain of the Port) Identification Cards are hereby declared invalid, and all persons are cautioned not to accept them for identification, or for any other purpose.

Dated: September 9, 1946.

[SEAL] J. F. FARLEY,
Admiral, U. S. C. G.

[F. R. Doc. 46-16284; Filed, Sept. 9, 1946; 11:46 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 7373]

MARIE LOUISA AHA

In re: Real property and property insurance policy owned by Marie Louisa Aha, also known as Marie Louise Aha.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Marie Louisa Aha, also known as Marie Louise Aha, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: a. Real property situated in the City of Newark, County of Essex, State of New Jersey, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title and interest of Marie Louisa Aha, also known as Marie Louise Aha, in and to Fire Insurance Policy No. 140705, issued by the Niagara Fire Insurance Company, 80 Maiden Lane, New York, N. Y., which policy insures the property described in subparagraph 2–a hereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country; (Germany);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 2–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraph 2–b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 14, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

All that certain tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the City of Newark, in the County of Essex and State of New Jersey.

Beginning in the westerly side of Maybaum Avenue at a point therein distant three hundred seventy-three feet and thirty-three hundredths of a foot southerly from Wilcox Avenue; thence north fifty-six degrees fifty three minutes west ninety-nine feet and ninety-three hundredths of a foot; thence south thirty-three degrees eleven minutes forty-five seconds west forty-two feet and twenty-nine hundredths of a foot; thence south fifty-nine degrees forty-nine minutes east one hundred feet and twelve hundredths of a foot to the westerly side of Maybaum Avenue; thence along the westerly side of Maybaum Avenue north thirty-three degrees seven minutes east thirty-seven feet and seventeen hundreds of a foot to the point and place of beginning.

[F. R. Doc. 46–16035; Filed, Sept. 6, 1946; 9:56 a. m.]

[Vesting Order 7494]

J. P. SIMONS

In re: Estate of J. P. Simons, deceased. File D–28–10461; E. T. sec. 14876.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Joseph Schell and Alina Schell, and each of them, in and to the Estate of J. P. Simons, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Joseph Schell, Germany.
Alina Schell, Germany.

That such property is in the process of administration by H. H. Gessmann, as Administrator, acting under the judicial supervision of the County Court of Lincoln County, State of Oklahoma,

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July August 30, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–16087; Filed, Sept. 6, 1946; 9:56 a. m.]

PART II
Section 1

FEDERAL REGISTER

VOLUME 11 NUMBER 177

Washington, Wednesday, September 11, 1946

EXECUTIVE OFFICE OF THE PRESIDENT

[3 CFR, Subtitle A]

PART 1—GENERAL

Sec.
1.1 Organization.
1.2 Presidential functions.

§ 1.1 *Organization.* The Executive Office of the President is a central staff organization under the immediate direction of the President. It assists him in discharging his administrative responsibilities as head of the Executive Branch of the Government.

§ 1.2 *Presidential functions.* (The President has directed that information with respect to the administration of functions vested in the President by statute be included in the explanation of the organization and procedures of the respective agencies of the Executive Branch which administer such functions on behalf of the President, or which administer activities to which they are directly related.)

PART 2—THE WHITE HOUSE OFFICE

§ 2.1 *Organization.* The White House Office includes secretaries to the President, the Executive Clerk, the Administrative Assistants to the President, and such other personnel as are required to serve the President in an intimate capacity in the performance of the many detailed activities incident to his immediate office.

PART 3—BUREAU OF THE BUDGET

Sec.
3.1 Organization.
3.2 Functions of the Bureau of the Budget involving a direct relationship with individuals and public or private organizations.

§ 3.1 *Organization.* The Bureau of the Budget serves the President in the preparation and administration of the budget, in the review of legislation and Executive orders, and in the improvement of administrative management and organization. The Bureau of the Budget is under the general supervision of the Director of the Bureau of the Budget. In addition to the Office of the Director, its organization includes six principal divisions in Washington and a field service comprising small offices in Chicago, Illinois; Dallas, Texas; Denver, Colorado; and San Francisco, California. The six divisions of the Bureau are: the Division of Estimates, the Fiscal Division, the Division of Legislative Reference, the Division of Administrative Management, the Division of Statistical Standards, and the Government Information Service.

§ 3.2 *Functions of the Bureau of the Budget involving a direct relationship with individuals and public or private organizations*—(a) *Collection of information from the public.* (1) In connection with its functions related to the management of the Government, the Bureau of the Budget is assigned responsibility for planning and promoting the improvement, development, and coordination of Federal and other statistical services. In carrying out this responsibility the Director of the Bureau of the Budget is largely governed by the Federal Reports Act of 1942 (56 Stat. 1078; 5 U. S. C. 139–139 (f). This act provides, in part, that no Federal Executive agency (except as noted in the Act) shall conduct or sponsor the collection of information, upon identical items, from ten or more persons (individuals, business or other organizations, or State or local governments) without having submitted its proposed requests for information to the Director of the Bureau of the Budget for his approval. Such requests for information include report forms, schedules, questionnaires or other similar methods of obtaining information.

(2) The Director has delegated to the Assistant Director in Charge of Statistical Standards the authority conferred upon him by the Federal Reports Act. In the conduct of this function, the Bureau's Division of Statistical Standards, often aided by other parts of the Bureau's organization, reviews proposed plans and report forms submitted to the Bureau by Federal agencies. Each approved request for information must, when used, include an approval number assigned by the Bureau of the Budget and a statement indicating the Bureau's approval.

(3) To assist the Bureau in evaluating the burden of these plans and report forms on the public as well as their technical adequacy and the usefulness of the desired information, the Budget Director has established an Advisory Committee on Government Questionnaires composed of representatives of leading business, manufacturing, trade, and related associations; a Labor Advisory Committee on Statistics composed of representatives of leading labor organizations; and an Agriculture Advisory Committee on Statistics composed of representatives of leading farm organizations. These committees established by them are frequently asked for views upon specific reporting plans and forms.

(4) At his discretion, the Assistant Director in Charge of Statistical Standards

NOTICE

Part II of this issue contains organizational and procedural material submitted pursuant to section 3 (a) (1) and (2) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238). This material is presented by Departments in the order of their establishment, followed by independent agencies in alphabetical order. Placement within the Code of Federal Regulations is indicated by bold face brackets at the head of each unit and by appropriate part and section designations within the unit.

Due to the volume of material presented in Part II it has been necessary to bind the part in several sections and to place the table of contents at the end of the last section.

may grant, to any party having a substantial interest in the collection of any information by a Federal agency, an opportunity to be heard or to submit written statements as to the necessity for collecting such information. Any person desiring to be so heard or to submit such a written statement should communicate with the Assistant Director in Charge of Statistical Standards, Bureau of the Budget, Washington 25, D. C.

(b) *Consultation with State and local officials.* The field offices of the Bureau of the Budget are available to consult with officials of State and local governments on Federal programs of concern to them.

(c) *Information on the Government.* The Government Information Service provides a central information service on the Federal Government for the public and for all branches of the Government. Inquiries concerning Government organization, operations, and personnel may be directed to it. Questions will be answered directly or referred to specialists in Government agencies who can supply the needed information.

PART 4—LIAISON OFFICE FOR PERSONNEL MANAGEMENT

§ 4.1 *Organization.* One of the Administrative Assistants to the President is designated as Liaison Officer for Personnel Management. It is his function to assist the President in the execution of the President's duties with respect to personnel management and in maintaining contact with Federal agencies dealing with personnel matters insofar as they affect or tend to determine personnel management policies of the Executive Branch of the Government.

PART 5—THE COUNCIL OF ECONOMIC ADVISERS

§ 5.1 *Organization.* The Council of Economic Advisers, created under and responsible for the administration of certain main features of the Employment Act of 1946, assists the President in the preparation of an annual Economic Report to Congress; studies national economic developments and trends; appraises activities of the Federal Government bearing upon the nation's economy and the advancement thereof; develops and recommends to the President national economic policies to maintain employment, production, and purchasing power; and furnishes the President with such other studies and reports relating to Federal economic policy and legislation as the President may request. The Council of Economic Advisers consists of three members, one of whom is designated as chairman and another as vice-chairman. A small staff aids the Council in the performance of its responsibilities; and in addition, the Council utilizes, to the fullest extent possible, the services, facilities, and information of other government agencies and of private research agencies. The Council is authorized to constitute advisory committees and consult with representatives of industry, agriculture, labor, consumers, State and local governments, and other groups.

PART 6—OFFICE FOR EMERGENCY MANAGEMENT

§ 6.1 *Organization.* The Office for Emergency Management was created to deal with public emergencies. It now consists of a number of war agencies which are directly under the control and supervision of the President. These agencies are listed and described under Title 32 of the Code of Federal Regulations.

NOTE: These war agencies are carried in this issue with the independent agencies in alphabetical order.

M. C. LATTA,
Executive Clerk in charge of the White House Office.

AUGUST 31, 1946.

[F. R. Doc. 46–15994; Filed, Sept. 5, 1946; 11:45 a. m.]

STATE DEPARTMENT

[22 CFR, Ch. I]

[Departmental Reg. 108.15]

PART 1—ORGANIZATION

Sec.
1.1 Two interrelated establishments.
1.2 Basic organization of the department in Washington.
1.3 Basic field organization of the Foreign Service of the United States.

NOTE: For a statement regarding the functions of the several organization units of the Department of State and the interdepartmental committees and boards chaired by the Department of State, see Part 2 of this chapter; for substantive and procedural regulations of the Department, including delegations of authority, see Subchapters B et seq. of this chapter.

§ 1.1 *Two interrelated establishments.* The Department of State is comprised of two distinct but interrelated establishments, the Department in Washington and the Foreign Service abroad, both of which are under the direction of the Secretary of State.

§ 1.2 *Basic organization of the Department in Washington.* The basic organization of the Department in Washington, in conformity with the law (R. S. 199, 5 U. S. C. 151; R. S. 200 as amended, 5 U. S. C. 152; R. S. 202, 5 U. S. C. 156; 18 Stat. 90, 5 U. S. C. 154) and with regulations of the Secretary of State issued thereunder, is as follows:

(a) *Secretary of State.*

Special Assistants to the Secretary;
Assistants to the Secretary;
Advisers to the Secretary;
Secretary's Staff Committee;
Central Secretariat.

(b) *Under Secretaries of State.*

Special Assistants to the Under Secretary;
Assistants to the Under Secretary.

(c) *Counselor of the Department.*

(d) *Legal Adviser of the Department.*

Assistant Legal Advisers.

(e) *Assistant Secretaries of State.*

Deputies to the Assistant Secretary;
Special Assistants;
Executive Assistants;
Advisers;
Offices (listed below).

(f) *Special Assistants to the Secretary of State with rank of Assistant Secretary.*

Executive Assistants;
Offices (listed below).

(g) *Offices of the Department*—(1) *Under the Assistant Secretary (for European, Far Eastern, Near Eastern, and African Affairs).*

Office of the European Affairs, comprising:
Director, Deputy Director, and Executive Officer;
Division of Research for Europe;
Division of British Commonwealth Affairs;
Division of Eastern European Affairs:
Division of Central European Affairs;
Division of Southern European Affairs;
Division of Northern European Affairs;
Division of Western European Affairs.

Office of Far Eastern Affairs, comprising:
Director, Deputy Director, and Executive Officer;
Division of Research for Far East;
Division of Chinese Affairs;
Division of Japanese Affairs;
Division of Southeast Asian Affairs;
Division of Philippine Affairs.

Office of Near Eastern and African Affairs, comprising:
Director, Deputy Director, and Executive Officer;
Division of Research for Near East and Africa;
Division of Near Eastern Affairs;
Division of Middle Eastern Affairs;
Division of African Affairs.

(2) *Under the Assistant Secretary (for American Republic Affairs).*

Office of American Republic Affairs, comprising:
Director, Deputy Director, and Executive Officer;
Division of Research for American Republics;
Division of Special Inter-American Affairs;
Division of Mexican Affairs;
Division of Caribbean and Central American Affairs;
Division of Brazilian Affairs;
Division of North and West Coast Affairs;
Division of River Plate Affairs.

(3) *Under the Assistant Secretary (for Occupied Areas).* (None.)

(4) *Under the Assistant Secretary (for Economic Affairs).*

Office of Transport and Communications, comprising:
Director, Deputy Director, and Executive Officer;
Aviation Division;
Shipping Division;
Telecommunications Division.

Office of International Trade Policy, comprising:
Director, Deputy Director, and Executive Officer;
Division of Commercial Policy;
International Resources Division;
Petroleum Division;
Division of International Labor, Social and Health Affairs.

Office of Financial and Development Policy, comprising:
Director, Deputy Director, and Executive Officer;
Division of Financial Affairs;
Division of Investment and Economic Development;
Division of Lend-Lease and Surplus War Property Affairs.

Office of Economic Security Policy, comprising:
Director, Deputy Director, and Executive Officer;

Division of Economic Security Controls;
Division of German and Austrian Economic Affairs;
Division of Japanese and Korean Economic Affairs.
Office of the Foreign Liquidation Commissioner, comprising:
The Commissioner, Deputy Commissioners, Special Assistants;
Legal Division;
Control Division;
Executive Director, supervising:
Assistant Executive Directors;
Planning Division;
Monetary Division;
Public Information Division;
Administrative Division;
Fiscal and Accounting Division.
Deputy Executive Director for Lend-Lease, supervising:
U. S. S. R. Division;
British Empire and Middle East Division;
France and French Possessions Division;
Belgium-Netherlands Division;
Special Areas Division.
Deputy Executve Director for Operations, supervising:
Aircraft Division;
Maritime Division;
Fixed Installations Division;
Movable Goods Division.

(5) *Under the Assistant Secretary (for Public Affairs).*

Office of Public Affairs, comprising:
Director, Deputy Director, and Executive Officer;
Division of Public Liaison;
Division of Research and Publication.
Office of International Information and Cultural Affairs, comprising:
Director, Deputy Director, and Executive Officer;
International Press and Publications Division;
International Broadcasting Division;
International Motion Pictures Division;
Division of International Exchange of Persons;
Division of Libraries and Institutes;
Area Division I (Europe);
Area Division II (Near East and Africa);
Area Division III (Far East);
Area Division IV (American Republics);
Area Division V (Occupied Areas).

(6) *Under the Assistant Secretary (for Administration).*

Office of Departmental Administration, comprising:
Director, Deputy Director, and Executive Officer;
Division of Management Planning;
Division of Departmental Personnel;
Division of Central Services;
Division of Coordination and Review;
Division of Communications and Records;
Division of Cryptography;
Central Translating Division;
Presentation Division;
Division of Protocol;
Division of International Conferences.
Office of the Foreign Service, comprising:
Director, Deputy Director, and Executive Officer;
Corps of Foreign Service Inspectors;
Division of Foreign Service Planning;
Division of Foreign Service Administration;
Division of Foreign Service Personnel;
Division of Training Services;
Division of Foreign Reporting Services;
Division of Foreign Buildings Operations,
Office of Budget and Finance, comprising:
Director, Deputy Director, and Executive Officer;
Division of Budget;
Division of Finance;
UNRRA Division.
Office of Controls, comprising:
Director, Deputy Director, and Executive Officer;
Passport Division;
Visa Division;
Special Projects Division;
Division of Foreign Activity Correlation;
Division of Investigations;
Munitions Division.

(7) *Under the Special Assistant to the Secretary for Research and Intelligence.*

Office of Intelligence Coordination and Liaison, comprising:
Director, Deputy Director, and Executive Officer;
Intelligence Coordination Division;
Division of International and Functional Intelligence;
Division of Map Intelligence and Cartography.
Office of Intelligence Collection and Dissemination, comprising:
Director, Deputy Director, and Executive Officer;
Acquisition and Distribution Division;
Reference Division;
Biographic Information Division.

(8) *Under the Special Assistant to the Secretary for International Organization and Security Affairs.*

Office of Special Political Affairs, comprising:
Director, Deputy Director, and Executive Officer;
Division of International Organization Affairs;
Division of International Security Affairs;
Division of Dependent Area Affairs.

§ 1.3 *Basic field organization of the Foreign Service of the United States.* The field force of the Foreign Service of the United States is comprised of:

(a) American missions (generic term used to designate embassies, legations, or special missions) at the capitals of foreign countries with which the United States has established diplomatic relations, with certain exceptions.

(1) Each such establishment is headed by a chief of mission (generic term used to designate ambassadors, ministers, ministers resident, chargé d'affaires, commissioners, or diplomatic agents), or in his absence by a chargé d'affaires ad interim, who may be the ranking Foreign Service officer assigned to the mission or any competent person designated by the Secretary of State for this purpose. The chief of mission or chargé d'affaires ad interim is assisted by a saff which is usually comprised of counselors, diplomatic secretaries, consular officers, attachés, professional, technical and administrative personnel, and miscellaneous employees.

(2) The mission, either directly or through a consulate general, exercises general supervision over all consular offices within the country.

(3) The majority of American missions are authorized to perform consular duties as well as diplomatic functions; and Foreign Service officers, except attachés, are usually assigned in a dual capacity.

(b) Consular offices (generic term used to designate consulates general headed by career ministers, consuls general, or consuls; consulates headed by consuls general, consuls, or vice consuls; vice consulates headed by consuls, or vice consuls; and consular agencies headed by consular agents) in strategic cities of of the countries with which the United States has established diplomatic relations.

(1) The principal officer at each consular office, except a consular agency, is assisted by a staff of necessary consular officers, professional, technical and administrative personnel, and miscellaneous employees.

(2) A consulate general exercises, under the general supervision of a mission, except where distance renders it impossible or where there is no mission, supervisory power, except in matters pertaining to accounts, over all consular offices within its supervisory district; and the principal officer is the immediate superior of the consular officers within his jurisdiction.

(3) A consulate has jurisdiction over consular business within the limits of its consular district, and exercises, in general, supervisory powers over, and is responsible for the conduct of, vice consulates and consular agencies located within the district; and the principal consular officer is the immediate superior of vice consuls and consular agents within his jurisdiction.

NOTE: This organization is outlined in greater detail and from an operational viewpoint in Paris 101, 102, and 103 of this chapter. Delegations of final authority to officers of the Foreign Service to perform certain functions assigned to the Secretary of State are indicated in the regulations comprising Parts 101 to 122. The public may secure specific information (or make submittals or requests) by writing to the Office of Foreign Service, Department of State, Washington, D. C.

This regulation is effective as of the date of publication in the Federal Register.

AUGUST 28, 1946.

[SEAL] DEAN ACHESON,
Acting Secretary.

[F. R. Doc. 46—15439; Filed, Aug. 29, 1946; 9: 02 a. m.]

[Departmental Reg. 108.16]

PART 2—FUNCTIONS

Sec.
2.1 General functions.
2.2 The Secretary of State.
2.3 Under Secretary of State.
2.4 Under Secretary of State for Economic Affairs.
2.5 Counselor of the Department.
2.6 Legal Adviser of the Department.
2.7 Assistant Secretaries of State.
2.8 Special assistants to the Secretary.
2.9 Offices of the Department.
2.10 Foreign Service Boards.
2.11 Interdepartmental committees and boards chaired by the Department of State.

§ 2.1 *General functions.* (a) The Department of State has primary responsibility for assisting the President in the determination of United States foreign policy; for conducting the day-to-day negotiations and correspondence with foreign governments through the regular diplomatic channels; for promoting international solidarity; for protec-

tion of the rights and interests of American citizens abroad; for custody and proper use of the Great Seal of the United States; for publication of the laws of the United States; and for the ascertainment of Presidential electors.

(b) The Foreign Service of the United States is the arm of the Department especially organized to establish and maintain friendly relations abroad between the United States Government and foreign governments, to promote good will and commerce, to protect and advance the interests of the United States abroad, to inform the United States Government of conditions abroad, to assist United States citizens abroad, and to assist in the administration of United States laws so far as they relate to nationals of other countries or to United States citizens abroad. (These functions are outlined in greater detail under the appropriate headings in Parts 102 and 109–122 of this chapter.)

§ 2.2 *The Secretary of State.* The Secretary of State, as head of the Department of State, personally handles only the most important matters involved in the duties described in § 2.1 above, with such assistance as he may require from the officers of the Department and the Foreign Service.

§ 2.3 *Under Secretary of State.* The Under Secretary of State serves as the deputy of the Secretary in all matters relating to political affairs and in his absence becomes Acting Secretary. He also serves as vice chairman of the Secretary's Staff Committee.

§ 2.4 *Under Secretary of State for Economic Affairs.* The Under Secretary of State for Economic Affairs is the principal assistant of the Secretary in the field of economic affairs and has primary responsibility for policy in that field.

§ 2.5 *Counselor of the Department.* The Counselor for the Department aids in the formulation and execution of foreign policies, in the reception of the representatives of foreign governments, and in other work of a highly responsible nature. In the absence of both Secretary and Under Secretary he becomes Acting Secretary of State.

§ 2.6 *Legal Adviser of the Department.* The Legal Adviser and his staff are responsible for all matters of a legal nature concerning the Department of State and the Foreign Service of the United States.

§ 2.7 *Assistant Secretaries of State.* (a) One Assistant Secretary has general responsibility in the field of European, Far Eastern, Near Eastern, and African Affairs, with jurisdiction over the Office of European Affairs, the Office of Far Eastern Affairs, and the Office of Near Eastern and African Affairs.

(b) One Assistant Secretary has general responsibility in the field of American Republic Affairs, with jurisdiction over the Office of American Republic Affairs.

(c) One Assistant Secretary has general responsibility for the coordination of State Department policy regarding all occupied areas, including Germany, Austria, Japan, and Korea. He exercises his functions through two secretariats, a German-Austria Secretariat and a Japan-Korea Secretariat, each of which is composed of members from the appropriate offices of the Department that are under his direction and control. He is also chairman of the Departmental Armaments Committee.

(d) One Assistant Secretary of State has, under direction of the Under Secretary for Economic Affairs, general responsibility in the field of international economic affairs, with jurisdiction over the Office of Transport and Communications, the Office of International Trade Policy, the Office of Financial and Development Policy, the Office of Economic Security Policy, and the Office of the Foreign Liquidation Commissioner.

(e) One Assistant Secretary has general responsibility in the field of public affairs, with jurisdiction over the Office of Public Affairs and the Office of International Information and Cultural Affairs.

(f) One Assistant Secretary has general responsibility for all matters relating to administration, with jurisdiction over the Office of Departmental Administration, the Office of the Foreign Service, the Office of Budget and Finance, the Office of Controls, and (in purely administrative and fiscal matters) the United States section of the Caribbean Commission.

§ 2.8 *Special assistants to the Secretary.* The special Assistants to the Secretary that have equal rank with Assistant Secretaries of State also have jurisdiction over Offices of the Department.

(a) The Special Assistant to the Secretary for Research and Intelligence has general responsibility in the field of Federal foreign intelligence, with jurisdiction over the Office of Intelligence Coordination and Liaison and the Office of Intelligence Collection and Dissemination. He serves as chairman of the Advisory Committee on Intelligence and represents the Secretary of State on the Intelligence Advisory Board (to advise the Director of Central Intelligence of the National Intelligence Authority).

(b) The Special Assistant to the Secretary for International Organization and Security Affairs has general responsibility in the field of international organization and security, with jurisdiction over the Office of Special Political Affairs.

§ 2.9 *Offices of the Department.* The Offices of the Department perform their functions through operating divisions, as indicated hereunder.

(a) The Office of European Affairs exercises jurisdiction over matters concerning relations with Europe, through the:

Division of Research for Europe;
Division of British Commonwealth Affairs;
Division of Eastern European Affairs;
Division of Central European Affairs;
Division of Southern European Affairs;
Division of Northern European Affairs;
Division of Western European Affairs.

(b) The Office of Far Eastern Affairs exercises jurisdiction over matters concerning relations with the Far East, through the:

Division of Research for Far East;
Division of Chinese Affairs;
Division of Japanese Affairs;
Division of Southeast Agian Affairs;
Division of Philippine Affairs.

(c) The Office of Near Eastern and African Affairs exercises jurisdiction over matters concerning the Near East and Africa through the:

Division of Research for Near East and Africa;
Division of Near Eastern Affairs;
Division of Middle Eastern Affairs;
Division of African Affairs.

(d) The Office of American Republic Affairs exercises jurisdiction over all matters concerning relations with the American Republics through the:

Division of Research for American Republics;
Division of Special Inter-American Affairs;
Division of Mexican Affairs;
Division of Caribbean and Central American Affairs;
Division of Brazilian Affairs;
Division of North and West Coast Affairs;
Division of River Plate Affairs.

(e) The Office of Transport and Communications exercises jurisdiction over the Foreign policy aspects of transport and communications through the:

Aviation Division;
Shipping Division;
Telecommunications Division.

(f) The Office of International Trade Policy exercises jurisdiction over matters pertaining to international economic, trade, and commercial affairs as well as to international labor, social welfare, and health problems, through the:

Division of Commercial Policy;
International Resources Division;
Petroleum Division;
Division of International Labor, Social and Health Affairs.

(g) The Office of Financial and Development Policy exercises jurisdiction over matters relating to international finance and development through the:

Division of Financial Affairs;
Division of Investment and Economic Development;
Division of Lend-Lease and Surplus War Property Affairs.

(h) The Office of Economic Security Policy exercises jurisdiction over matters relating to economic security through the:

Division of Economic Security Controls;
Division of German and Austrian Economic Affairs;
Division of Japanese and Korean Economic Affairs.

(i) The Office of the Foreign Liquidation Commissioner is a semi-independent office having direct responsibility, under Executive Order 9630, for the disposal of all U. S. Government-owned, foreign-located surplus properties; for lend-lease settlements and negotiations as they relate to surplus property disposal; for the establishment of all pertinent policies and programs; and for the coordination of these programs with the programs of other Government agencies.

(1) The Commissioner directly supervises the Legal and Control Divisions, as well as the Office of the Executive Director.

(2) The Office of the Executive Director supervises the Planning, Administrative,

Monetary, Public Information, and Fiscal and Accounting Divisions, and includes representatives of the Field Commissioners and two Deputy Executive Directors.

(3) The Deputy Executive Director for Lend-Lease is responsible for the continuance and ultimate termination of lend-lease shipments in accordance with contract obligations, and directs the work of the following divisions: U. S. S. R., British Empire and Middle East, France and French Possessions, Belgium-Netherlands, and Special Areas.

(4) The Deputy Executive Director for Operations coordinates the operations of the following surplus property sales divisions: Aircraft, Maritime, Fixed Installations, and Movable Goods.

(5) Central Field Commissioners' offices are located in Paris, for Europe; Cairo, for Africa and the Middle East; New Delhi, for India and Burma; Manila, for China and the Pacific Areas; Balboa, for Latin America; and Washington, for Canada and the North Atlantic areas.

(j) The Office of Public Affairs exercises jurisdiction over the Department's relations with the general public through the:

Division of Public Liaison;
Division of Research and Publication.

(k) The Office of International Information and Cultural Affairs exercises jurisdiction over matters concerning the promotion among foreign peoples of a better understanding of the United States, through the:

International Press and Publications Division;
International Broadcasting Division;
International Motion Picture Division;
Division of International Exchange of Persons;
Division of Libraries and Institutes;
Area Division I (Europe);
Area Division II (Near East and Africa);
Area Division III (Far East);
Area Division IV (American Republics);
Area Division V (Occupied Areas).

(l) The Office of Departmental Administration exercises jurisdiction over all matters concerning administration and protocol through the:

Division of Management Planning;
Division of Departmental Personnel;
Division of Central Services;
Division of Coordination and Review;
Division of Communication and Records;
Division of Cryptography;
Central Translating Division;
Presentation Division;
Division of Protocol;
Division of International Conferences.

(m) The Office of the Foreign Service, in collaboration with other Offices of the Department and other agencies of the Government, exercises jurisdiction over the Foreign Service of the United States through the:

Corps of Foreign Service Inspectors;
Division of Foreign Service Planning;
Division of Foreign Service Administration;
Division of Foreign Service Personnel;
Division of Training Services;
Division of Foreign Reporting Services;
Division of Foreign Buildings Operations.

The Chief of the Division of Foreign Buildings Operations acts as Executive Secretary of the Foreign Service Buildings Commission.

(n) The Office of Budget and Finance exercises jurisdiction over budgetary and fiscal operations for both the Departmental Service and the Foreign Service through the:

Division of the Budget;
Division of Finance;
UNRRA Division.

(o) The Office of Controls exercises jurisdiction over the control activities of the Department, including matters relating specifically to wartime, through the:

Passport Division;
Visa Division;
Special Projects Division;
Division of Foreign Activity Correlation;
Division of Investigations;
Munitions Division.

(p) The Office of Intelligence Coordination and Liaison assists the Advisory Committee on Intelligence (the consultative body to the Special Assistant to the Secretary for Research and Intelligence) in the development and coordination of a Departmental program of intelligence research, and exercises jurisdiction in general over other matters concerning intelligence research, including functional and map intelligence and cartographic activities. It also provides services for the National Intelligence Authority, the Joint Intelligence Studies Publishing Board, and other joint intelligence agencies, and maintains liaison with private institutes in utilizing research facilities. It functions through the:

Intelligence Coordination Division;
Division of International and Functional Intelligence;
Division of Map Intelligence and Cartography.

(q) The Office of Intelligence Collection and Dissemination procures intelligence materials for the Department and distributes intelligence material to the officers of the Department and to other authorized Government agencies. It exercises its functions through the:

Acquisition and Distribution Division;
Reference Division;
Biographic Information Division.

(r) The Office of Special Political Affairs exercises jurisdiction over matters relating to international organization and security through the:

Division of International Organization Affairs;
Division of International Security Affairs;
Division of Dependent Area Affairs.

§ 2.10 *Foreign Service Boards.* The functions of the Foreign Service Boards, as recreated by the Foreign Service Act of 1946, will be duly stated by the Secretary of State in regulations to become effective on the effective date of the act.

§ 2.11 *Interdepartmental committees and boards chaired by the Department of State.* The functions of interdepartmental committees chaired by the Department of State and the officials occupying the chairs of the respective committees are as follows:

(a) The Interdepartmental Committee on Scientific and Cultural Cooperation (SCC) was established in 1938 by request of the President. The operations have been implemented by several acts of Congress since that time. The Committee has its own funds by direct appropriation from Congress to the Department of State.

(1) The functions of the Committee are to undertake a permanent, cooperative program for the development of economic, cultural, and scientific relations with other countries; and to correlate projects of the departments and agencies of this Government in the economic, scientific, and cultural fields designed to increase international understanding and further mutually beneficial cooperative undertakings between nations.

(2) The Committee is chaired by the Assistant Secretary of State (for Public Affairs).

(b) The Executive Committee on Economic Foreign Policy (ECEFP) was established on April 18, 1944 under the authority of a letter from the President to the Secretary of State dated April 5, 1944.

(1) The functions of the Committee are to examine problems and developments affecting the economic foreign policy of the United States and to formulate recommendations in regard thereto for the consideration of the Secretary of State, and, in appropriate cases, of the President.

(2) The Committee is chaired by the Assistant Secretary of State (for Economic Affairs).

(c) The Interdepartmental Proclaimed List Committee was established in July 1941, at the request of the Department of State pursuant to Presidential Proclamation of July 17, 1941.

(1) The function of the Committee, until July 8, 1946, was to publish the United States Proclaimed List of Certain Blocked Nationals, the effect of which was to prohibit, except under license, all trading and financial transactions and communications of any type between American citizens and real or judicial persons included on the List. Any violation of the List subjected the offender to economic sanctions and criminal prosecution. Since the withdrawal of the List on July 8, 1946, the Committee meets only occasionally to wind up any unfinished business in connection therewith.

(2) The Committee is chaired by the Chief of the Division of Economic Security Controls, Office of Economic Security Policy.

(d) The United States Lend-Lease and Surplus Settlement Committee was established on November 16, 1945 by the Assistant Secretary of State (for Economic Affairs).

(1) The functions of the Committee are to recommend principles on which the United States will seek to conclude lend-lease settlements and agreements, including pipeline and inventory disposal agreements, with lend-lease countries; to integrate and coordinate the activities of United States Government agencies in lend-lease settlements and agreements with foreign governments; to act as a primary United States Committee, with the aid of such subcommittees as may be necessary, in negotiating lend-

lease settlements and agreements with foreign governments; and to report on the progress of lend-lease settlement and agreement negotiations and to recommend specific settlements and agreements for approval by the United States Government.

NOTE: At its first meeting "It was agreed that while the Committee was created to deal with lend-lease settlements, surplus settlements with various countries might also be covered, as in the case of the United Kingdom, but this would vary from country to country."

(2) The Committee is chaired by the Foreign Liquidation Commissioner.

(e) The Petroleum Facilities Coordinating Committee (PFCC) was established in August 1945 by interchange of letters between the Secretary of State and the Secretaries of agencies concerned with petroleum.

(1) The functions of the Committee are to implement the foreign-policy objectives of the Department of State in the disposal of surplus and lend-lease petroleum facilities and the equipment necessary for their operation, facilities in which the United States Government has an investment of $100,000 or more and which are located abroad or are destined for export from the United States; and to advise interested agencies concerning the declaration of surpluses and disposition of facilities. (The term "petroleum facilities" is construed to include installations and equipment designed for production, distribution, refining, storage, and transportation, including barges of all types and tankers, regardless of size, which are declared surplus by the Maritime Commission to the Foreign Liquidation Commissioner for disposal.)

(2) The Committee is chaired by the Chief of the General Policy Branch, Petroleum Division, Office of International Trade Policy.

(f) The Committee on Trade Agreements was established on June 23, 1934 by letter of the Secretary of State directed to the heads of the various departments and agencies concerned with matters of foreign trade, requesting each to designate representatives to serve on the Committee. Liaison with the Executive Committee on Economic Foreign Policy (ECEFP) was established on May 12, 1944.

(1) The functions of the Committee are to serve as the central agency of the interdepartmental trade-agreements organization; to direct the preparation of all necessary studies; to review data and recommendations of its numerous subcommittees; and to formulate the final recommendations regarding proposed trade agreements which are submitted, through the Secretary of State, to the President.

(2) The Committee is chaired by the Chief of the Division of Commercial Policy, Office of International Trade Policy.

(g) The Air Coordinating Committee was established on March 27, 1945 by an interdepartmental memorandum regarding the organization of the Air Coordinating Committee, signed by Joseph C. Grew, Acting Secretary of State, and the Secretaries of War, Navy, and Commerce.

(1) The functions of the Committee are to examine aviation problems and developments affecting more than one department or agency; to coordinate the activities of the Government departments and agencies interested in this field; and to recommend integrated policies for and action by the departments represented on the Committee, or by the President or any other Government agency charged with responsibility in the field.

(2) The Committee is chaired by the Assistant Secretary of State (for Economic Affairs).

(h) The Interdepartmental Committee on Resumption of Communications With Liberated and Occupied Areas was established on February 6, 1945.

(1) The functions of the Committee are to consider the problems arising with respect to the reopening of communications with liberated and occupied countries.

(2) The Committee is chaired by the Chief of the Telecommunications Division, Office of Transport and Communications.

(i) The International Technical Committee of Aerial Legal Experts (CITEJA) was established by a resolution of the First International Conference on Private Air Law held in Paris in 1925. For some years the United States merely sent an observer to the meetings of the CITEJA. In 1932 the American Section of the CITEJA was organized, and thereafter the American members participated in the work of the Committee to some extent through correspondence which was referred to the CITEJA by the observer referred to. Beginning in 1935 American members of the CITEJA participated in the sessions of the CITEJA in person.

(1) The functions of the Committee are to prepare American proposals on international conventions dealing with private air law; to present these proposals to the CITEJA; to participate in the proceedings of the International Committee; and to advise the Secretary of State with regard to all matters relative to its functions.

(2) The Committee is chaired by the Advisor on Air Law of the Aviation Division, Office of Transport and Communications.

(j) The Joint Air-Sea-Land Safety and Rescue Committee was established on the initiative of the Department of State in November 1945.

(1) The functions of the Committee are to develop a comprehensive plan for the international coordination of aviation, shipping, and telecommunications operations regarding safety and rescue.

(2) The Committee is chaired by the Director of the Office of Transport and Communications.

(k) The Telecommunications Coordinating Committee was established in accordance with letters of January 21, 1946 signed by the Acting Secretary of State to the Departments of War, Navy, Treasury, Commerce, and the Federal Communications Commission.

(1) The functions of the Committee are the coordination of policies of the various departments and agencies of the United States Government relating to domestic and international communications; and the formulation of a national communications policy. The Committee acts in an advisory capacity only, but may take final action if specifically authorized by unanimous concurrence of all Government agencies represented thereon.

(2) The Committee is chaired by the Assistant Secretary of State (for Economic Affairs).

(l) The State-War-Navy Coordinating Committee (SWNCC) was established in December 1944 by an exchange of letters between the Secretary of State, the Secretary of War, and the Secretary of Navy.

(1) The functions of the Committee are to consider matters of a nature which would command the high-level attention of the three departments and matters which should be referred by the Department of State to the Joint Chiefs of Staff; and to improve the methods by which the State Department obtains advice on politico-military matters and to coordinate the views of the three departments on matters of common interest.

(2) The Committee is chaired by the Assistant Secretary of State (for European, Near Eastern, and African Affairs).

(m) The Cabinet Committee on Palestine and Related Problems, composed of the Secretary of State, the Secretary of War, and the Secretary of the Treasury, was established by Executive order on June 11, 1946.

(1) The functions of the Committee are to assist the President in respect to matters relating to Palestine and to implement and coordinate, either directly or through other appropriate departments and agencies, such policies and programs as are approved or authorized by the President.

(2) The Committee is chaired by the Secretary of State.

(n) The Advisory Committee on Occupied Areas was established pursuant to a letter from the Assistant Secretary of State (for Occupied Areas) to the Secretaries of Commerce, Treasury, Agriculture, and Labor. Its first meeting was held on August 12, 1946.

(1) The functions of the Committee are to pool the resources of the civilian agencies arising from the control of Germany, Japan, Austria, and Korea and to serve as a forum for exchange of views.

(2) The Committee is chaired by the Assistant Secretary of State (for Occupied Areas).

(o) National Munitions Control Board. The National Munitions Control Board, established by joint resolution approved November 4, 1939, consists of the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of Commerce, and (for helium only) the Secretary of the Interior.

(1) The functions of the Board are to make yearly reports to Congress on information and data of value in determining the control of trade in arms, ammunition, and implements of war; to recommend to the President from time to time, for proclamation, a list of articles to be considered as arms, ammuni-

tion, and implements of war; and (under the Tin-plate Scrap Act of February 15, 1936 and the Helium Act of September 1, 1937) to recommend the issuance of licenses to export tin-plate scrap and helium.

(2) The Board is chaired by the Secretary of State, who has delegated power from the President to issue the licenses as recommended by the Board.

This regulation will be effective as of the date of publication in the Federal Register.

[SEAL] DEAN ACHESON,
Acting Secretary.

AUGUST 28, 1946.

[F. R. Doc. 46-15440; Filed, Aug. 29, 1946; 9:02 a. m.]

[Departmental Reg. 108.17]

PART 3—PROCEDURES

The regulations at present comprising Part 3 of this chapter, including the part heading, are hereby rescinded.

There is hereby prescribed a new Part 3 to this chapter, as follows:

Part 3—Procedures

NOTE: The procedures essential to compliance with the regulations of the Department and the Foreign Service are intertwined in the texts of the substantive rules comprising Subchapters B et seq. of this chapter.

This regulation shall become effective immediately upon publication in the FEDERAL REGISTER, National Archives.

[SEAL] DEAN ACHESON,
Acting Secretary of State.

AUGUST 28, 1946.

[F.R. Doc. 46-15441; Filed, Aug. 29, 1946; 9:02 a. m.]

TREASURY DEPARTMENT

OFFICE OF THE SECRETARY

[31 CFR, Subtitle A]

NOTE: Part 1, Disclosure of Official Information, of this Subtitle is redesignated Part 9, and §§ 1.1 to 1.7, inclusive thereof, are redesignated §§ 9.1 to 9.7, inclusive, and a new Part 1, Office of the Secretary, and Bureaus, Divisions, and Offices Performing Chiefly Staff and Service Functions, is added.

PART 1—OFFICE OF THE SECRETARY, AND BUREAUS, DIVISIONS, AND OFFICES PERFORMING CHIEFLY STAFF AND SERVICE FUNCTIONS

SUBPART A—ORGANIZATION

CENTRAL ORGANIZATION

Sec.
1.1 Secretary of the Treasury.
1.2 Under Secretary.
1.3 Assistant Secretaries.
1.4 General Counsel.
1.5 Fiscal Assistant Secretary.
1.6 Assistants to the Secretary.
1.7 Special Assistants to the Secretary.
1.8 Administrative Assistant to the Secretary.
1.9 Bureau of Engraving and Printing.
1.10 Bureau of Accounts.
1.11 Treasurer of the United States.
1.12 Division of Monetary Research.
1.13 Division of Personnel.
1.14 Division of Research and Statistics.
1.15 Division of Tax Research.
1.16 United States Savings Bonds Division.
1.17 Division of Public Relations.
1.18 Chief Clerk.
1.19 Superintendent of Treasury Buildings.
1.20 Tax Legislative Counsel.
1.21 Chief Coordinator, Treasury Enforcement Agencies.
1.22 Committee on Practice.
1.23 Libraries.

FIELD ORGANIZATION

1.24 Field organization.

DELEGATION OF AUTHORITY

1.25 Delegations of authority.

PUBLIC INFORMATION; SUBMITTALS; REQUESTS

1.26 Rules governing access to final opinions or orders, to rules and to official records.
1.27 Submittals or requests.

SUBPART B—PROCEDURES

1.28 In general.
1.29 Certain tort claims arising from negligent or wrongful act or omission by Treasury Department employees.
1.30 Judgments against the United States.
1.31 Payment of sums appropriated in private relief acts.
1.32 Compensation for requisitioned property.
1.33 Offers of compromise.
1.34 Disposition of lands and other property under the control of the General Counsel.

SUBPART A—ORGANIZATION

CENTRAL ORGANIZATION

§ 1.1 *Secretary of the Treasury.* (a) The Secretary of the Treasury, appointed by the President by and with the advice and consent of the Senate, is the head of the Department of the Treasury, which carries out the responsibilities imposed upon him. The Department was established by the act of September 2, 1789, 1 Stat. 65 (5 U. S. C. 241), which concluded a description of the duties of the Secretary by providing that he should "perform all such services relative to the finances, as he shall be directed to perform." (5 U. S. C. 242.) The present expanded and varied duties of the Secretary and of the Department are reflected in the departmental bureaus, divisions and offices referred to in Parts 1 and 2 of this title. Among such added responsibilities are the coinage and printing of money and the procurement of federal supplies; the Coast Guard, the Bureau of Narcotics and the Secret Service are now within the Department; more recent acquisitions of duties lie in the field of international monetary operations.

(b) The more important and familiar duties of the Secretary are, as indicated, described in connection with the respective bureaus, divisions and offices of the Department. However, it should be noted in connection with the discussion of the functions of the Bureau of the Public Debt in Part 323 of this title, that sections 1, 18, and 22 of the Second Liberty Bond Act, as amended (31 U. S. C. and Sup. V., 752, 753, 757c) require the approval of the President to be given to the issuance by the Secretary of bonds, notes or savings bonds. As to less familiar and important authorities and duties of the Secretary: he is authorized to sell lands acquired by the United States by devise (40 U. S. C. 304); to lease unoccupied and unproductive property of the United States (40 U. S. C., 303a); to provide for the preservation, collection, or sale of abandoned or derelict property (40 U. S. C. 310); and to dispose of bonds, notes, or other securities acquired by the United States by judicial process or otherwise (31 U. S. C., Sup. V, 741a). In addition, under statute the Secretary invests the money accruing to numerous trust and other funds of a public character; assists in the financing of various governmental corporations and other agencies; has custody of certain official bonds; and is charged with duties relative to the approval of sureties on official bonds. The Secretary has certain emergency powers pursuant to 15 U. S. C. 605e, under which, with the approval of the President, he may request the Reconstruction Finance Corporation to subscribe for the preferred stock of an insurance company which is in need of funds or may otherwise assist such company.

(c) Under long-standing provision of statute the Secretary is required to publish an annual report to Congress, and to make public on the first day of each month the last preceding weekly statement of the Treasurer of the United States (5 U. S. C. 271). The above-mentioned report, entitled "Annual Report of the Secretary of the Treasury on the State of the Finances" is available through the Government Printing Office.

(d) Pursuant to 5 U. S. C. 4 and 6 the President has provided in Executive Order No. 8714, March 18, 1941 (6 F. R. 1517) that in case of absence or sickness the duties of the Secretary shall be performed by officials of the Treasury in the following order: the Under Secretary, the Fiscal Assistant Secretary, two Assistant Secretaries in order of seniority, and the General Counsel. See also Treasury Department Circular No. 244, July 15, 1943.

(e) The immediate staff of the Secretary includes, in addition to the officials in the preceding paragraph, the following: a varying number of Assistants to the Secretary, and Special Assistants to the Secretary, and an Administrative Assistant to the Secretary. The members of this immediate staff and their offices are discussed below.

(f) The Secretary of the Treasury is chairman or managing trustee of three organizations in the nature of interdepartmental boards or committees. These offices are:

(1) *Chairman of the National Advisory Council on International Monetary and Financial Problems.* The Secretary has been designated by the act of July 31, 1945, 59 Stat. 512 (22 U. S. C., Sup. V, 286b) Chairman of the National Advisory Council on International Monetary and Financial Problems, which includes as its other members the Secretary of State, the Secretary of Commerce, the Chairman of the Board of Governors of the Federal Reserve System, and the Chairman of the Board of Trustees of the Export-Import Bank of Washington. The object of the Council is to coordinate the policies and operations of the representatives of the United States on the International

Monetary Fund and the International Bank for Reconstruction and Development and of all agencies of the Government which make or participate in making foreign loans or engage in foreign financial exchange or monetary transactions.

A report to the President and to the Congress on the participation of the United States in the Fund and the Bank is required of the Council not less than every six months. The first of these reports, entitled "Report to the President on Activities of the National Advisory Council on International Monetary and Financial Problems", was transmitted to the President on March 4, 1946, by the Chairman of the Council and forwarded to the Congress by the President on March 8, 1946. Special reports on the operations and policies of the Fund and the Bank are to be submitted at two-year intervals by the Council, the first to be made not later than two years after the establishment of the Fund and the Bank.

(2) *Managing Trustee of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund.* Pursuant to the provisions of 42 U. S. C. 401 the Secretary is the Managing Trustee of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund, composed of the Secretaries of Treasury and of Labor and the Chairman of the Social Security Board. This fund results from the extensive contributions and collections from which Social Security benefits are paid. The duties of the Managing Trustee include the investment in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States of those trust funds which in his opinion are not required to meet current withdrawals; the sale at the market prices of any obligations acquired by the fund, except special obligations issued exclusively to the fund (which may be redeemed at par plus accrued interest); and the payment into the Treasury from the trust fund of amounts estimated by him and the Chairman of the Social Security Board to be adequate to reimburse for a 3-month period the expenditures incurred in connection with the administration of certain provisions of the Social Security Act.

The Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund, reporting the status of the fund, is submitted to the Congress on the first day of each regular session.

(3) *Chairman of the Library of Congress Trust Fund Board.* The Secretary serves as Chairman of this board, established pursuant to 2 U. S. C. 154, which is composed of the Secretary of the Treasury, the Chairman of the Joint Committee on the Library, the Librarian of Congress, and two persons appointed by the President for a term of five years each. Reimbursement from the trust fund, not to include compensation to the members of the Board, is allowed for those expenses covered by the voucher of the chairman. The Board is authorized to accept, hold and administer gifts, bequests or devises of property for the Library. The trust funds are receipted for by the Secretary of the Treasury and invested by him as the board determines (2 U. S. C. 157). Authority is given in 2 U. S. C. 158 for the deposit of the principal of the trust—however, not to exceed $5,000,000—with the Treasurer of the United States as a permanent loan with interest at the rate of 4 per centum per annum.

Records of the Board are in the custody of the Librarian of Congress, as secretary. The annual report of the Board to Congress, required by 2 U. S. C. 163, is submitted as a part of the Annual Report of the Librarian of Congress.

(g) In addition to holding the foregoing offices, the Secretary of the Treasury is United States Governor and Chairman of the Board of Governors of the International Bank for Reconstruction and Development and of the International Monetary Fund; he is a member of the Economic Stabilization Board, Contract Settlement Advisory Board, National Munitions Control Board, Advisory Board of the Export-Import Bank of Washington, Foreign-Trade Zones Board, Cabinet Committee on Palestine and Related Problems, Joint Comimttee on Reduction of Non-essential Federal Expenditures, Executive Committee of the Federal-State Committee on Fiscal Policies of the Council of State Governments, Board of Directors of the Federal Farm Mortgage Corporation, Board of Trustees of the Postal Savings System, Smithsonian Institution, National Archives Council, Board of Trustees of the National Gallery of Art, National Park Trust Fund Board, and the Foreign Service Buildings Commission. He is Trustee of the Franklin D. Roosevelt Library. He designates a representative to cooperate with the Army and Navy Munitions Board in the purchase of strategic and critical materials. The Secretary is usually elected Treasurer, and Chairman of the Board of Trustees of the Endowment Fund, of the American National Red Cross and he is usually appointed by the President of the United States to its Central Committee.

§ 1.2 *Under Secretary.* Except for the Secretary, the Under Secretary is the chief officer of the Treasury, and is the first officer of the Department to act as Secretary in case of the absence or sickness of the Secretary himself (5 U. S. C. 245; Executive Order No. 8714, March 18, 1941, 6 F. R. 1517; Treasury Department Circular No. 244, July 15, 1943). He is appointed pursuant to 5 U. S. C. 244 by the President, by and with the advice and consent of the Senate. By statute he is directed to perform such duties in the Office of the Secretary as may be prescribed by the Secretary or by law. There have been assigned to his supervision the Bureau of Internal Revenue and the Bureau of Customs (Treasury Department Order No. 63, April 19, 1946) as well as the Division of Research and Statistics (Treasury Department Circular No. 244, July 15, 1943).

§ 1.3 *Assistant Secretaries.* (a) There are provided for the Department by 5 U. S. C. 246 two Assistant Secretaries, to be appointed by the President by and with the advice and consent of the Senate. Under 5 U. S. C. 247 they are required to perform such duties in the Office of the Secretary as may be prescribed by the Secretary or by law. Pursuant to 5 U. S. C. 4, 6, Executive Order No. 8714, March 18, 1941, 6 F. R. 1517, and Treasury Department Circular No. 244, July 15, 1943, the Assistant Secretaries in certain instances of absence or sickness of other officials are authorized, in the order of their seniority, to act as Secretary.

(b) By Treasury Department Order No. 64, April 19, 1946 there was assigned to an Assistant Secretary the supervision of the Coast Guard, the Bureau of Narcotics, the Bureau of the Mint, the Bureau of Engraving and Printing, the Chief Coordinator of Treasury Enforcement Agencies, and the Secret Service. By Treasury Department Order No. 65, April 23, 1946, there was assigned to the supervision of the same Assistant Secretary the Office of the Comptroller of the Currency; and by Treasury Department Order No. 66, May 10, 1946, the Procurement Division was placed under his supervision.

(c) The office of the second Assistant Secretary is at the present vacant. Prior to this vacancy there was assigned to the Assistant Secretary occupying it the supervision of the Division of Monetary Research and the Division of Foreign Funds Control. By Treasury Department Order No. 70, August 20, 1946, supervision of the Division of Monetary Research and Foreign Funds Control was assigned to a Special Assistant to the Secretary.

§ 1.4 *General Counsel* (a) The Office of the General Counsel, who is appointed by the President by and with the advice and consent of the Senate, was created by section 512 of the Revenue Act of 1934, Act of May 10, 1934, 48 Stat. 758 (5 U. S. C. 248a; see also section 3930 of the Internal Revenue Code, 53 Stat. 479, 26 U. S. C. 3930). By order dated June 20, 1934, the Secretary of the Treasury established the Legal Division, Department of the Treasury, and directed the General Counsel to perform all duties and functions incident to the administration of the legal activities of the Department and such other duties as might be prescribed by the Secretary. Subordinate to the General Counsel are six Assistants General Counsel, among whom is divided the supervision of the work of all the legal staffs of the various bureaus, divisions, and offices of the Department. One of these, the Assistant General Counsel for the Bureau of Internal Revenue (who has the operative title of "Chief Counsel" of that bureau), is appointed by the President by and with the advice and consent of the Senate (26 U. S. C. 3931). His office is treated separately in § 600.11 of Title 26. The remaining five Assistants are appointed by the Secretary. Any one of the Assistants General Counsel may be designated by the Secretary of the Treasury to act as General Counsel during the absence of the General Counsel. The Office of the Tax Legislative Counsel and the Committee on Practice, which are under the supervision of the General Counsel, are discussed in section 1.20 of this Part and Part 12 of this title, respectively.

(b) Although the chief function of the General Counsel is to give legal advice and assistance to the administrative officers of the Department, numerous duties and powers, some of them seldom exercised, are vested in him by statute, Executive order, or otherwise. In certain instances of absence or sickness of other officials, he is authorized to act as Secretary of the Treasury pursuant to 5 U. S. C. 4, 6, Executive Order No. 8714, March 18, 1941, 6 F. R. 1517, and Department Circular No. 224, July 15, 1943. The recommendation of the General Counsel is necessary to enable the Secretary of the Treasury to compromise claims in favor of the United States (31 U. S. C., Sup. V, 194; 19 U. S. C. 1617). Sureties on certain official bonds must be approved by him (5 U. S. C. 44, 520; 26 U. S. C. 3943; 31 U. S. C. 475). It is the duty of the General Counsel to exercise a general supervision over measures for the prevention and detection of frauds upon the revenue (5 U. S. C. 326); to issue warrants of distress against delinquent disbursing officers and receivers of public money (31 U. S. C. 506, 514); and to perform specified duties relative to the collection of revenues and debts due the United States (5 U. S. C. 323–325, 327, 328). The General Counsel is authorized to appoint agents to purchase lands sold on execution by the United States (31 U. S. C. 195); to control, rent, or sell lands or other property acquired in payment of certain debts (40 U. S. C. 301, 302); and to release real estate to a debtor upon payment of the debt to the United States (40 U. S. C. 306).

§ 1.5 *Fiscal Assistant Secretary.* (a) The Fiscal Service, at the head of which is the Fiscal Assistant Secretary, was established in the Treasury by Reorganization Plan No. III, 54 Stat. 1231 (5 U. S. C. 133t, note), which became effective on June 30, 1940 (5 U. S. C. 133u). The Fiscal Assistant Secretary is appointed by the Secretary of the Treasury in accordance with the civil-service laws. The Fiscal Service includes the Office of the Fiscal Assistant Secretary, the Office of the Treasurer of the United States, the Bureau of Accounts and the Bureau of the Public Debt. In the absence or disability of the Fiscal Assistant, the Secretary may designate any other officer of the Treasury Department to act as Fiscal Assistant Secretary.

(b) Reorganization Plan No. III gave to the Secretary a discretion to establish within the Fiscal Service agencies other than the Office of the Fiscal Assistant, the Office of the Treasurer, the Bureau of Accounts and the Bureau of the Public Debt. And it gave to the Fiscal Assistant Secretary, with the approval of the Secretary, discretion as to the allocation of certain functions within the Fiscal Service.

(c) The Fiscal Assistant Secretary is designated to act as Secretary in case of the absence or sickness of the Secretary and of the Under Secretary (Executive Order No. 8714, March 18, 1941, 6 F. R. 1517; Department Circular No. 244, July 15, 1943).

(d) The Fiscal Assistant Secretary, under the direction of the Secretary, supervises the administration of Treasury financing operations, coordinates the operations of the units in the Fiscal Service, and through the Commissioner of Accounts supervises the accounting operations in the Treasury Department and all its bureaus, divisions and offices. He is required under Reorganization Plan No. III to perform such other duties as the Secretary may direct.

(e) Various specified duties of the Fiscal Assistant Secretary include liaison between the Secretary and other agencies of the Government (such as departments, boards and corporations) to ascertain their financial operations and to coordinate such operations with those of the Treasury. The Fiscal Assistant Secretary directs the performance of the fiscal agency functions of the Federal Reserve banks; prepares periodical estimates of the future cash position of the Treasury for the use of the Department in connection with its financing; prepares calls for the withdrawal of funds from special depositories; and directs the transfer of Government funds between Federal Reserve banks.

§ 1.6 *Assistants to the Secretary.* There are also in the Office of the Secretary a varying number of Assistants to the Secretary. Treasury Department Order No. 1, November 20, 1933, assigned to one such Assistant the duty of approving all statements to the press or to the public through interviews or speeches by any officer or employee of the Department. The office of such Assistant to the Secretary is at present vacant. By Treasury Department Circular No. 244, July 15, 1943, there was assigned to a second Assistant to the Secretary the supervision of the War Finance Division, which, under Treasury Department Order No. 62, December 26, 1945, was renamed United States Savings Bonds Division. Pursuant to Treasury Department Order No. 54, November 29, 1944, and a letter of the Secretary of the same date, the Director of Tax Research was appointed an Assistant to the Secretary and directed to report directly to the Secretary in connection with the affairs of that Division.

§ 1.7 *Special Assistants to the Secretary.* By Treasury Department Order No. 70, August 20, 1946, there was assigned to a Special Assistant to the Secretary, who is appointed by the Secretary, the duties of supervision of the Division of Monetary Research and Foreign Funds Control, the responsibility for all foreign relations affairs of the Department, the function of liaison between the Departments of Treasury and State on such matters, and the supervision of the operating policies of the exchange stabilization fund.

§ 1.8 *Administrative Assistant to the Secretary.* (a) Responsibility for exercising supervision over all administrative management activities of the Treasury Department was placed in the Administrative Assistant to the Secretary by Treasury Department Order No. 1, November 20, 1933. The Administrative Assistant is appointed by and is responsible to the Secretary.

(b) The Director of Personnel, the Chief Clerk and the Superintendent of Treasury Buildings report to the Administrative Assistant. He also exercises control over the Department's budgetary program (Treasury Department Order No. 68, July 30, 1946). In addition, proposed transactions of the following types are subject to the review and approval of the Administrative Assistant: (1) leasing, assignment and management of all space, both federal and commercial, occupied by Treasury offices in Washington and the field, (2) bureau and office organizational changes, including the designation of acting heads of offices, (3) correspondence, reports and other administrative transactions with the Congress and with heads of departments and independent agencies of the government.

(c) In the exercise of his authority as the chief administrative officer of the Department, the Administrative Assistant directs such surveys and examinations as he deems necessary, and is authorized to use technical employees from any Treasury office in the making of such studies.

§ 1.9 *Bureau of Engraving and Printing.* (a) The Bureau operates under a Director, who is appointed by the Secretary of the Treasury, and is responsible to the Secretary through an Assistant Secretary of the Treasury. Its offices and plant are located at 14th and C Streets SW., Washington 25, D. C. Certain continuing authority for the operations of the Bureau are contained in 31 U. S. C. 415 and 416.

(b) The Bureau designs, engraves and prints for the Government of the United States currency, bonds, notes, bills, and certificates; Federal Reserve notes; Federal farm loan, joint-stock land bank, consolidated Federal farm loan and Federal farm mortgage bonds; revenue, customs, postage, and savings stamps; Government checks; and many other classes of engraved work for governmental use. It also performs similar functions for the insular possessions of the United States.

§ 1.10 *Bureau of Accounts.* See Part 270 of this title.

§ 1.11 *Treasurer of the United States.* See Part 351 of this title.

§ 1.12 *Division of Monetary Research.* (a) The Division of Monetary Research was established by Treasury Department Order No. 18, March 25, 1938. The Division is headed by a Director, who is appointed by the Secretary. The Division and the Director are under the supervision of a Special Assistant to the Secretary.

(b) The Division of Monetary Research provides economic analyses, other information, and recommendations for the use of the Secretary and other Treasury officials in formulating and executing departmental policies concerning the exchange stabilization fund, gold, and silver; concerning the flow of capital funds into and out of the United States; concerning the monetary, banking and fiscal policies of foreign countries, and international cooperation; concerning exchange and trade restrictions abroad. It provides economic analyses in connection with the Treasury's Foreign Funds

Control, and in connection with monetary and financial problems in liberated and occupied areas. Analyses are prepared relating to the customs activities of the Department and to other matters arising from international trade, including the trade agreement program.

(c) The Division of Monetary Research also participates in the negotiation of exchange stabilization agreements made by the United States with foreign governments and with central banks. The Treasury's operations under these agreements are performed through the use of the stabilization fund, which is administered by the Division.

§ 1.13 *Division of Personnel.* (a) The Division of Personnel was established by Treasury Department Order No. 32, June 25, 1940, effective July 1, 1940. This order was issued pursuant to Executive Order No. 7916, June 24, 1938 (3 F. R. 1526) and the Treasury Department Appropriation Act, 1941. The Division is headed by a Director of Personnel, appointed by the Secretary and is responsible to the Secretary through the Administrative Assistant to the Secretary.

(b) The Division of Personnel plans and administers the personnel management program of the Treasury Department. The program includes recruitment, appointment, training, transfers, promotions, separations, efficiency ratings, safety, health, discipline, grievances, working conditions, wage administration and position classification. The Division represents the Department in its relations with employee organizations, the Civil Service Commission, the Council of Personnel Administration, and with other agencies dealing with personnel matters.

§ 1.14 *Division of Research and Statistics* (a). The Division of Research and Statistics was established by Treasury Department Order No. 8, September 17, 1934, superseding the Section of Financial and Economic Research. It operates under a Director, appointed by the Secretary; the Division and its Director are under the supervision of the Under Secretary.

(b) The Division serves as a technical staff for the Secretary, the Under Secretary, and other Treasury officials on matters relating to the economic aspects of fiscal operations and policies, particularly as they concern Federal borrowing. Estimates or revenue receipts are prepared for use in the planning of borrowing operations, in budget messages and summaries, and in connection with proposed revenue legislation.

(c) The Director of Research and Statistics has direct authority over and responsibility for the production, analysis, and publication of statistics, and the conduct of economic research in all branches of the Treasury Department, except as these responsibilities are specifically delegated to the Divisions of Monetary Research and Tax Research.

(d) The Government Actuary, who is an Assistant Director of Research and Statistics, serves as a consultant on actuarial problems for the Treasury in connection with pension and trust funds and other matters relating to the Department's operations, and for other Government departments and organizations. He advises on existing and proposed retirement legislation, and is a member of the Federal Board of Actuaries and of the Actuarial Advisory Committee of the Railroad Retirement Board.

§ 1.15 *Division of Tax Research.* (a) The Division of Tax Research was established as of June 1, 1938, by Treasury Department Order No. 18, March 25, 1938. The Division operates under a Director, appointed by the Secretary. At the present time, the Director is by virtue of Treasury Department Order No. 54, November 29, 1944, and a letter of the Secretary of the same date, an Assistant to the Secretary.

(b) The Division of Tax Research prepares economic, statistical and technical analyses for the assistance of the Secretary and other Treasury officials in the formulation of Treasury tax policy, and for the assistance of congressional committees in their consideration of tax proposals and legislation; the Division also assists such committees through conferences. Upon request it provides information on various tax matters to the President, to members of Congress, to various Government officials, and to the public.

(c) In the light of revenue needs the Division makes surveys of the Federal tax system as a whole and of particular taxes. Among other questions, it studies methods of adjusting the tax system to changing economic conditions; the economic effect of specified taxes upon particular groups of taxpayers; the fairness of the application of such taxes among the taxpayers of a given group; and tax administration and compliance.

(d) The relationship between federal, state and local taxes is studied for purposes of possible improvement. State, local and foreign taxes and tax systems are studied to secure for the United States the benefit of the experience of other governments.

(e) The Division of Tax Research is also charged with general responsibility respecting the assembly and publication of statistics pertaining to Federal taxation. In connection with this matter, it exercises general supervision over the statistical work of the Income Tax Unit of the Bureau of Internal Revenue. The Division deals with the public through conferences in special cases upon tax questions and in the handling of correspondence in tax matters involving economic questions.

§ 1.16 *United States Savings Bonds Division.* (a) The United States Savings Bonds Division is located in the Washington Building, 15th Street and New York Avenue, N. W., Washington 25, D. C. The Division was established on January 1, 1946, by Treasury Department Order No. 62, dated December 26, 1945, as successor to the vastly larger War Finance Division. It operates through six main branches: Payroll Savings, Labor, Banks and other Financial Institutions, Special Field Operations (which includes activities relating to education, agriculture, negro organizations, women's civic, trade and fraternal groups), Information (which includes press and radio publicity and sponsored advertising in all media) and Administration. The Division is under the supervision of the National Director of United States Savings Bonds, who is an Assistant to the Secretary.

(b) The United States Savings Bonds Division promotes the sale of Series E, F and G Savings Bonds and of Savings Stamps, and the continued holding of Savings Bonds; encourages the regular purchase of Savings Bonds on the payroll savings plan in places of employment and of Savings Stamps in the schools; seeks to maintain good public relations with thousands of banks and other sales agencies which issue bonds without compensation; and affords an opportunity, through its State and local field organization, for persons who wish to volunteer for public service.

§ 1.17 *Division of Public Relations.* The Division of Public Relations is the central informational organization of the Department and is responsible for the editing, reviewing, and releasing to representatives of the press, radio, and motion pictures all material of public interest originating in the various bureaus of the Department.

§ 1.18 *Chief Clerk.* (a) The Office of The Chief Clerk was created by the Act of April 20, 1818, 3 Stat. 445. The Chief Clerk is appointed by the Secretary, to whom he is responsible through the Administrative Assistant to the Secretary. He serves as consultant and adviser to the Administrative Assistant on questions of administrative management having department-wide application.

(b) The Chief Clerk has custody of the Treasury seal, and certifies copies of official documents. He is responsible for the maintenance of central records and the preparation of pay rolls for numerous units of the Department, and, with the exception of a few instances, has custody of the non-current files of the departmental service. He is accountable for all ordnance issued pursuant to 50 U. S. C. 61 to the Treasury (including its field services) by the Secretary of War for the protection of the public money and property.

(c) The Chief Clerk is responsible, in connection with the appropriation, "Miscellaneous Expenses, Treasury Department", for the proper allocation of expenditures chargeable to such appropriation and keeping related records; for the allocation, within the Department, of property declared by the respective bureaus, divisions and offices to be surplus to their needs; and for the disposal of property which is surplus to the needs of the Department.

(d) The Chief Clerk is charged with the enforcement of departmental regulations. He is in charge of the central administrative services, such as telephone, telegraph, storekeeper, mail, special messengers, duplicating, and translating. The information and receptionist unit in the Main Treasury Building and the issuance of passes and permits to Treasury officials and employees are also under his supervision.

§ 1.19 *Superintendent of Treasury Buildings.* The Office of Superintend-

ent of Treasury Buildings was established by Treasury Department Order No. 16, May 20, 1934. The Superintendent is charged with the responsibility of maintaining and operating certain Treasury buildings in the District of Columbia.

§ 1.20 *Tax Legislative Counsel.* (a) The Office of "Legislative Counsel" was established as of October 1, 1938 by direction of the Secretary. See memorandum of the Administrative Assistant to the Secretary, dated October 6, 1938. The name was changed to "Tax Legislative Counsel" on December 3, 1941 by a similar memorandum. The office is headed by a Tax Legislative Counsel, appointed by the Secretary. By virtue of Treasury Department Order No. 54, November 29, 1944, he is responsible to the General Counsel.

(b) The Office of Tax Legislative Counsel assists in the formulation of the Secretary's tax recommendation to the Congress. It takes part in representing the Department before congressional committees considering internal revenue legislation; assists in drafting such legislation and preparing the technical portions of the reports of such committees; and prepares or reviews departmental reports on tax legislation. The Office of Tax Legislative Counsel reviews proposed internal revenue regulations prepared by the Bureau of Internal Revenue and prospective closing agreements with taxpayers; represents the Department in the negotiation of treaties for the prevention of international double taxation; renders advice on the legal aspects of Federal-State tax relations; receives from members of Congress, from other departments and from the public suggestions for the amendment of the Federal tax laws; and prepares or reviews for the Treasury Department technical correspondence on tax legislation.

§ 1.21 *Chief Coordinator, Treasury Enforcement Agencies.* Since 1934 the law enforcement operations of the various Treasury organizations have been subjected to the supervision of a Coordinator. The respective enforcement services include the Secret Service and the Intelligence Unit of the Bureau of Internal Revenue and the investigative organizations of the Bureau of Customs, the Coast Guard, the Bureau of Narcotics, and the Alcohol Tax Unit of the Bureau of Internal Revenue. The Coordinator, the District Coordinators in the field, and all persons engaged in the work of coordinated enforcement, are in the employ of one or another of the above-mentioned enforcement services. However, by direction of the Secretary, when and as needed for general or enlarged duties, such personnel are detailed to the Coordinator by the respective services.

§ 1.22 *Committee on Practice.* See Parts 12 and 13 of this title.

§ 1.23 *Libraries.* The General Library of the Treasury Department is maintained primarily for the official use of Treasury personnel, but it may be used by the public so long as there is no interference with the work of the Department. A law library is independently maintained in the Office of the General Counsel.

FIELD ORGANIZATION

§ 1.24 *Field organization.* (a) The units of the Department of the Treasury discussed in sections 1.1 to 1.23, inclusive, of this Part are, with the exception of the Office of the Secretary, units which perform chiefly staff and service functions. Accordingly there is usually no field organization connected with such units.

(b) There are two exceptions to this generality. The Department maintains abroad a varying small number of Treasury Representatives with their staffs in cities of strategic importance in the world's monetary and financial operations. Examples of such posts are London, Paris and Nanking. These Representatives collect, analyze and transmit to the Department needful information, and in other ways assist in the performance of departmental responsibilities.

(c) The second exception relates to Savings Bonds Representatives. In each of the states, the District of Columbia, Alaska and Hawaii there is a Director of the United States Savings Bonds program. In most States the Director is assisted by one or more Deputy State Directors responsible for major activities or geographical areas within the State. These representatives are responsible for promoting the sale of United States Savings Bonds and Stamps (see § 1.16).

DELEGATIONS OF AUTHORITY

§ 1.25 *Delegations of authority.* (a) The following assignments have been made within the Treasury Department: To the Under Secretary, by Treasury Department Circular No. 244, July 15, 1943, the supervision of the Division of Research and Statistics; and by Treasury Department Order No. 63, April 19, 1946, the supervision of the Bureau of Customs and the Bureau of Internal Revenue. To an Assistant Secretary, by Treasury Department Order No. 65, April 23, 1946, the supervision of the Office of the Comptroller of the Currency; by Treasury Department Order No. 64, April 19, 1946, the supervision of the Coast Guard, the Bureau of Engraving and Printing, the Bureau of the Mint, the Bureau of Narcotics, the Chief Coordinator, Treasury Enforcement Agencies, and the Secret Service; and by Treasury Department Order No. 66, May 10, 1946, the supervision of the Procurement Division. To the General Counsel, by Treasury Department Circular No. 244, July 15, 1943, the supervision of the Legal Division (see also Treasury Department Order No. 6, November 20, 1933); and by Treasury Department Order No. 69, August 7, 1946, the supervision of the Committee on Practice. To an Assistant to the Secretary, by Treasury Department Order No. 62, December 26, 1945, the supervision of the United States Savings Bonds Division. To a Special Assistant to the Secretary, by Treasury Department Order No. 70, August 20, 1946, the supervision of the Division of Monetary Research (including the management of the exchange stabilization fund), Foreign Funds Control, and the foreign relations affairs of the Treasury Department.

(b) The Director of the Division of Tax Research, by Treasury Department Order No. 54, November 29, 1944, reports directly to the Secretary of the Treasury. The Tax Legislative Counsel, by Treasury Department Order No. 54, November 29, 1944, is responsible to the General Counsel. Pursuant to the authority contained in section 512 of the Revenue Act of 1934, 53 Stat. 479 (26 U. S. C. 3931 (b)), by order of September 21, 1937, the General Counsel has delegated to the Assistant General Counsel for the Bureau of Internal Revenue generally the authority, duties, and functions formerly exercised by the General Counsel for the Bureau of Internal Revenue. This order has been amended from time to time to include specific functions not previously delegated. Matters involving press relations are, by Treasury Department Order No. 1, November 20, 1933, required to be submitted for approval to an Assistant to the Secretary (the office of this Assistant to the Secretary is now vacant). By Treasury Department Order No. 59, March 3, 1945, the Administrative Assistant to the Secretary has immediate supervision over the Division of Personnel, the Office of the Chief Clerk, and the Superintendent of Treasury Buildings (see also memorandum of March 5, 1945, from the Administrative Assistant to the Secretary to the Director of Personnel); by Treasury Department Order No. 59 he is responsible for general supervision over organization changes, correspondence with the members of Congress and heads of Government Departments and agencies, and space in Treasury buildings; by Treasury Department Order No. 68, July 30, 1946, he is responsible for the budgetary program of the Department.

(c) As stated in § 1.1 it is provided that in case of absence or sickness the duties of the Secretary shall be performed by officials of the Treasury in the following order: the Under Secretary, the Fiscal Assistant Secretary, two Assistant Secretaries in order of seniority, and the General Counsel.

(d) By Treasury Department Circular No. 244, July 15, 1943, it is provided that in the absence or sickness of the Fiscal Assistant Secretary the Under Secretary will act, and in the absence of both these officers the Senior Assistant Secretary will act as Fiscal Assistant Secretary.

PUBLIC INFORMATION; SUBMITTALS; REQUESTS

§ 1.26 *Rules governing access to final opinions or orders, to rules and to official records*—(a) *Availability of final opinions or orders and rules.* Except as hereinafter stated, all final opinions or orders in the adjudication of cases and all rules (other than those relating solely to the internal management of the Treasury Department) issued by the Office of the Secretary of the Treasury (including the Offices of the Under Secretary, the Assistant Secretaries, the Fiscal Assistant Secretary, the Assistants and Special Assistants to the Secretary, and the Administrative Assistant to the Secretary) are made available to public inspection at the Treasury Department, Washington 25, D. C. This provision shall not apply, however, to final opinions or orders which are not cited as prece-

dents and which contain information held confidential for one or more of the good causes set forth in paragraph (e) of this section. In view of the nature of their functions, the Office of the General Counsel, the Bureau of Engraving and Printing, the Division of Monetary Research, the Division of Personnel, the Division of Research and Statistics, the Division of Tax Research, the Office of the Chief Clerk, the United States Savings Bonds Division, the Office of Superintendent of Treasury Buildings, the Office of the Tax Legislative Counsel, and the Office of the Chief Coordinator, Treasury Enforcement Agencies, do not issue any final opinions or orders in the adjudication of cases; nor do they issue any rules (other than those relating solely to the internal management of the Treasury Department).

(b) *Requests for final opinions or orders and rules.* Requests to examine the final opinions or orders and rules hereby made available for public inspection shall be addressed to the Administrative Assistant to the Secretary, Treasury Department, Washington 25, D. C.

(c) *Availability of official records.* Except as to official records relating solely to the internal management of the Treasury Department and except as to official records held confidential for one or more of the good causes set forth in paragraph (e) of this section, all matters of official record in the files of the Office of the Secretary of the Treasury (including the Offices of the Under Secretary, the Assistant Secretaries, the Fiscal Assistant Secretary, the Assistants and Special Assistants to the Secretary, and the Administrative Assistant to the Secretary), the Office of the General Counsel, the Bureau of Engraving and Printing, the Division of Monetary Research, the Division of Personnel, the Division of Research and Statistics, the Division of Tax Research, the Office of the Chief Clerk, the United States Savings Bonds Division, the Office of Superintendent of Treasury Buildings, the Office of the Tax Legislative Counsel, and the Office of the Chief Coordinator, Treasury Enforcement Agencies, are made available to persons properly and directly concerned.

(d) *Classification of official records.* The official records made available by paragraph (e) of this section to persons properly and directly concerned may be classified as pertaining to the collection of taxes and the administration of the internal revenue laws, the collection of customs duties and the enforcement of the customs laws, national banks, public debt, the coinage and printing of money, the procurement of Government supplies, finance, the Coast Guard, the disbursement of Government funds, savings bonds, gold, silver, banking, and other monetary matters, both domestic and international, and all other functions of the Treasury Department. In view of the many functions of the bureaus, divisions and offices in question and in view of the numerous types of official records which are kept in connection with the performance of these functions, it is not practicable to list herein all types of official records in the files of these offices.

(e) *Confidential official records.* For one or more of the following good causes, certain information in the official records of the above named bureaus, divisions, and offices is held confidential, and is not available to the public: (1) the information has been submitted in confidence to the Treasury Department; (2) the information relates to a financial matter or some other type of transaction between the Government and an individual or corporation, the disclosure of which would be prejudicial to the individual or corporation involved (such as by aiding a competitor) without furthering the public interest; (3) for security reasons, such as protection against counterfeiting; (4) the information pertains to negotiations with foreign countries, which information, because of its nature or because of an agreement between this Government and the foreign countries concerned, is required to be held confidential; (5) the material is made confidential by law, such as tax returns; or (6) the disclosure of the information would clearly be inimical to the public interest.

(f) *Application for information.* All requests for information contained in the official records of the bureaus, divisions, and offices enumerated in paragraph (c) of this section shall be addressed to the Administrative Assistant to the Secretary, Treasury Department, Washington 25, D. C. The request shall clearly state the information desired and must set forth the interest of the applicant in the subject matter and the purpose for which the information is desired. If the applicant is an agent or attorney acting for another, he will attach to the application evidence of his authority to act for his principal. If such evidence is satisfactory, such agent or attorney will be given access to any record to which his principal would be given access.

(g) *Determination of application for information.* The determination as to whether the information requested is available for disclosure in any particular case will be made by the Administrative Assistant to the Secretary (or the Secretary of the Treasury, the Under Secretary, an Assistant Secretary, the Fiscal Assistant Secretary, or the General Counsel). As a general rule, the request for information will be determined on the basis of the nature of the interest of the person making the request and the character of the information desired. If in a particular case the Administrative Assistant to the Secretary (or the Secretary of the Treasury, the Under Secretary, an Assistant Secretary, the Fiscal Assistant Secretary, or the General Counsel) determines that a request for information must be refused, prompt notice of the refusal will be given to the applicant, together with a simple statement of the grounds for such refusal.

(h) *Manner in which information is available.* Whenever the Administrative Assistant to the Secretary (or the Secretary of the Treasury, the Under Secretary, an Assistant Secretary, the Fiscal Assistant Secretary, or the General Counsel) determines that a matter of official record is available for disclosure in a particular case, a copy of said official record will be furnished the party requesting the same, or the officer passing upon the request may, in his discretion, allow a personal inspection of the official record in question at the place where the document is normally kept. A reasonable fee may, in the discretion of the Administrative Assistant to the Secretary (or the Secretary of the Treasury, the Under Secretary, an Assistant to the Secretary, the Fiscal Assistant Secretary, or the General Counsel), be charged for furnishing copies of official records.

§ 1.27 *Submittals or requests.* Submittals or requests (other than those under § 1.26 may be made in person to the units described in §§ 1.1 to 1.23, inclusive, or by correspondence addressed to the respective heads of such units. In cases where the public is not informed as to which unit is primarily concerned in the matter in question, it should address its correspondence to the Secretary of the Treasury, Washington 25, D. C.

Subpart B—Procedures

§ 1.28 *In general.* The units of the Treasury Department described in this part are, with the exception of the Office of the Secretary itself, units which perform chiefly staff and service functions. As they are largely engaged in the direction and review of departmental action initiated in the bureaus, divisions and offices described in Part 2 of this title, their contact with the public arises mainly in the course of that review. Accordingly, the procedures of the units described in this part which are available to the public are in almost all cases described in connection with the various bureaus, divisions and offices included in Part 2 of this title. Certain exceptions are set out in §§ 1.29 to 1.34, inclusive.

§ 1.29 *Certain tort claims arising from negligent or wrongful act or omission by Treasury Department employees.* Pursuant to the Federal Tort Claims Act (Title IV of Public Law 601, 79th Congress) claims of $1000 or less against the United States on account of property loss or damage or on account of personal injury or death are determined initially by the bureau, division or office of the Treasury Department whose employees are charged with the negligent or wrongful act or omission. Determinations in favor of the claimant, after review by the Office of the General Counsel, are submitted to the Budget Division of the Department. Pursuant to call by the Bureau of the Budget, the Budget Division transmits the claim to that Bureau for inclusion in a deficiency appropriation bill. After enactment of the bill by the Congress, the Budget Division requests the initiating bureau, division, or office of the Department to advise the claimant to submit to the Budget Division a formal claim for payment. This claim is then endorsed to the General Accounting Office, and the claimant is advised of this action. After receipt of a certificate of settlement issued by the General Accounting Office, the office of the Treasurer of the United States draws a check and mails it to the claimant.

§ 1.30 *Judgments against the United States.* Persons securing money judgments against the United States in the Court of Claims are required, in order to secure payment, to file transcripts of such judgments with the Secretary of the Treasury for certification to the Congress for appropriation (see 31 U. S. C. 226). Following receipt of an application on the part of the claimant for payment of the amount appropriated by the Congress, the General Accounting Office transmits to the Treasury Department a certificate of settlement. Payment is then made to the claimant by check drawn in the office of the Treasurer of the United States. A similar procedure applies with respect to judgments obtained in the federal district courts, except that papers pertaining to such judgments are filed with the Secretary of the Treasury by the Department of Justice instead of by the claimant.

§ 1.31 *Payment of sums appropriated in private relief acts.* Prior to receipt of a certificate of settlement from the General Accounting Office, the Treasury Department takes no action with respect to payment of appropriations provided by the Congress in private relief bills. After receipt of the certificate of settlement, a check is drawn in the office of the Treasurer of the United States and mailed to the beneficiary.

§ 1.32 *Compensation for requisitioned property.* Under two statutes, enacted as war measures, the President was authorized to requisition military equipment, materials and supplies. Act of October 10, 1940, as amended (50 U. S. C. App. Supp., 711); act of October 16, 1941, as amended (50 U. S. C. App. Supp. 721). Through delegation and redelegation this authority was vested in the War Productior Board and in the Secretary of the Treasury. Executive Order No. 8942, dated November 19, 1941, 6 F. R. 5909; Executive Order No. 9138, dated April 17, 1942, 7 F. R. 2919; 32 CFR Cum. Supp. 902.1–902.4. Under the abovementioned statutes the owners of the requisitioned property are entitled to receive fair and just compensation for the property requisitioned. Although the authority to requisition has lapsed, the authority to make the determination of such compensation remains in the Secretary of the Treasury, and in appropriate cases is exercised in accordance with procedures which have been prescribed by the Chairman of the War Production Board. 32 CFR, Cum. Supp., 902.1 (c).

§ 1.33 *Offers of compromise.* Offers received by the Secretary of the Treasury to compromise claims in favor of the United States under 31 U. S. C. Supp. 194, which may be accepted by the Secretary upon recommendation by the General Counsel, are the subject of regulations issued in Treasury Department Circular No. 39 dated May 25, 1936 (31 CFR, Part 240).

§ 1.34 *Disposition of lands and other property under the control of the General Counsel.* Lands and other property under the control of the General Counsel (see § 1.4) are normally declared surplus to the needs of his office and disposed of pursuant to statute (Surplus Property Act of 1944, as amended (50 U. S. C. App., Sup., 1611 *et seq.*); 40 U. S. C. 304a).

PART 2—BUREAUS, DIVISIONS, AND OFFICES DEALING LARGELY WITH THE PUBLIC

Sec.
2.1 Bureau of Internal Revenue.
2.2 Bureau of Customs.
2.3 Bureau of the Comptroller of the Currency.
2.4 Bureau of the Mint.
2.5 Bureau of Narcotics.
2.6 Bureau of the Public Debt.
2.7 Foreign Funds Control.
2.8 Procurement Division.
2.9 United States Secret Service.
2.10 United States Coast Guard.

§ 2.1 *Bureau of Internal Revenue.* See 26 CFR and Supps., Parts 600 and 601.

§ 2.2 *Bureau of Customs.* 19 CFR and Supps., Part 100.

§ 2.3 *Bureau of the Comptroller of the Currency.* See 12 CFR and Supps., Parts 4, 5 and 6.

§ 2.4 *Bureau of the Mint.* See 31 CFR and Supps., Parts 91 and 92.

§ 2.5 *Bureau of Narcotics.* See 21 CFR and Supps., Part 206.

§ 2.6 *Bureau of the Public Debt.* See 31 CFR and Supps., Part 323.

§ 2.7 *Foreign Funds Control.* See 31 CFR and Supps., Parts 138 and 139.

§ 2.8 *Procurement Division.* See 41 CFR and Supps., Part 5.

§ 2.9 *United States Secret Service.* See 31 CFR and Supps., Parts 406 and 407.

§ 2.10 *United States Coast Guard.* See 33 CFR and Supps., Parts 1 and 2 and 46 CFR and Supps., Parts 1, 2, 3, and 4.

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary.

[F. R. Doc. 46–15358; Filed, Aug. 28, 1946; 4:19 p. m.]

BUREAU OF THE COMPTROLLER OF THE CURRENCY

[12 CFR, Ch. I]

PART 4—ORGANIZATION OF BUREAU

Sec.
4.1 Central and field organization.
4.2 Delegations of final authority.
4.3 Public information.

§ 4.1 *Central and field organization.* The Bureau of the Comptroller of the Currency was created in the Treasury Department under the act of June 3, 1864, 13 Stat. 99 (U. S. C. title 12, sec. 1). The functions of the Bureau can be stated generally as follows:

The chartering of new national banks, the approval of (1) branches, (2) consolidations of national banks and state banks with national banks, (3) the conversion of state banks into national banks; the examination and supervision of (1) all national banks, (2) state banks and building and loan associations in the District of Columbia, and (3) credit unions organized under the District of Columbia Code; the designation of receivers and the supervision over liquidation of any of the above institutions which become insolvent; the issuance and redemption of Federal Reserve notes. The Comptroller is required by law to submit an annual report to Congress.

(a) *Central organization*—(1) *Comptroller of the Currency.* Under the provisions of U. S. C. title 12, sec. 2, the Comptroller of the Currency is appointed by the President, by and with the advice and consent of the Senate, for a term of five years. In addition to his duties as Comptroller of the Currency he is ex officio member of the board of directors of the Federal Deposit Insurance Corporation. His office and that of his central staff are located in the Treasury Building, Washington, D. C.

(2) *Deputy Comptrollers.* There are three Deputy Comptrollers, appointed by the Secretary of the Treasury for indefinite terms, who perform such duties as are assigned to them by the Comptroller and who function in his place in the absence of the Comptroller of the Currency or his inability to perform his duties.

(3) *Examining Division.* The reports and other data submitted to the Comptroller in connection with the examination and supervision of banks, building and loan associations and credit unions are reviewed and analyzed by this Division, consisting of a Chief National Bank Examiner and seven Assistant Chief National Bank Examiners and their clerical force.

(4) *Organization Division.* Reviews and analyzes applications, reports and other data relating to corporate organization matters in the financial institutions under the supervision of the Comptroller.

(5) *Statistical Division.* Compiles statistics from reports submitted by financial institutions, and from other sources, for the information of the Comptroller, Congress, and others.

(6) *Federal Reserve Issue and Redemption Division.* Handles issuance and redemption of Federal Reserve notes.

(7) *Insolvent Division.* Supervises liquidation of the insolvent institutions for which the Comptroller has apointed receivers.

(8) *Legal Division.* It is comprised of a Chief Counsel and a staff of attorneys assigned to the Comptroller's Office by the Treasury Department. Advises the Comptroller and his staff on legal problems involved in the performance of the functions of the Bureau.

(9) *Personnel Office and Miscellaneous Division.* Performs functions related to recruitment, transfer, promotions, employee relations, efficiency ratings, retirement, resignations, budget matters, time and leave.

(10) *Auditing Division.* Audits all accounts relatve to funds under control of the Disbursing Division, Division of Insolvent National Banks, and the Retirement System of the Comptroller of the Currency.

(11) *Disbursing Division.* Maintains accounts covering funds of the Examin-

ing Division and of the Federal Reserve Issue and Redemption Division and makes disbursements to cover pay rolls, travel vouchers and miscellaneous expenses; maintains records and accounts covering the Retirement System of the Comptroller of the Currency; makes purchases of equipment and supplies.

(b) *Field organization.* Divided into twelve geographic districts corresponding to the twelve Federal Reserve districts. Each district is under the supervision of a District Chief National Bank Examiner, who has attached to his office a staff of examiners, assistant examiners and clerks, for the purpose of examining the banks in his district. The offices of the District Chief National Bank Examiners are as follows:

District and Address

First, Federal Reserve Bank Bldg., Boston 10, Massachusetts.

Second, 525 Federal Reserve Bank Bldg., New York 5, New York.

Third, 925 Chestnut Street, Philadelphia 7, Pennsylvania.

Fourth, 715 Federal Reserve Bank Bldg., Cleveland 1, Ohio.

Fifth, 1109 State-Planters Bldg., Richmond 19, Virginia.

Sixth, 303 New Post Office Bldg., Atlanta 3, Georgia.

Seventh, 164 West Jackson Blvd., Rm. 725, Chicago 4, Illinois.

Eighth, 518 U. S. Court House & Custom House, St. Louis 1, Missouri.

Ninth, 223 Federal Office Bldg., Minneapolis 1, Minnesota.

Tenth, 800 Federal Reserve Bank Bldg., Kansas City 6, Missouri.

Eleventh, 401 Dallas National Bank Bldg., Dallas 1, Texas.

Twelfth, 1 Montgomery Street, Rm. 921, San Francisco 4, California.

§ 4.2 *Delegations of final authority.* There are no delegations of final authority in this Bureau. When there is a vacancy in the office of the Comptroller, or the Comptroller is absent or unable to perform his duties, a Deputy Comptroller functions as Acting Comptroller. There is a geographic division of responsibility between the three Deputies for correspondence and decisions on matters arising in the particular districts under their supervision, but the Comptroller retains final authority on all matters.

§ 4.3 *Public information.* Information may be secured from and submittals or requests presented in writing to the office of the Comptroller of the Currency, Washington, D. C., or to the offices of the District Chief National Bank Examiners in the respective districts in which the inquires arise. (See § 4.1 (b)).

(a) *Opinions and orders.* All final opinions and orders in the adjudication of cases before this Bureau (except those required for good cause to be held confidential and not cited as procedents) and all rules, will be published or made available to public inspection at the office of the Comptroller of the Currency, Treasury Building, Washington, D. C. If in the opinion of the Comptroller the revelation of the contents of a particular final opinion or order might adversely affect the financial institutions involved or would encroach upon the right to privacy of such institutions, their customers or other individuals or concerns dealing with them or this Bureau, or would be inimical to the public interest, they will be classified as confidential.

(b) *Public records.* Matters of official record of this Bureau, except information held confidential for good cause found, will be made available to persons properly and directly concerned, at the offices of the Comptroller of the Currency, Treasury Building, Washington, D. C. Reports of examination of financial institutions under the jurisdiction of the Comptroller and other information obtained by him in the exercise of his visitatorial powers over such institutions are classified as confidential, because such information is obtained by or submitted to him in confidence, its revelation might adversely affect such institutions, the affairs of their customers, or others dealing with them or with this Bureau and would be inimical to the public interest. As to communications with such financial institutions and others concerning their affairs, and all other matters of official record in this Bureau, they will be classified as confidential to the extent that the revelation of the contents thereof might, in the opinion of the Comptroller, be a breach of confidence, adversely affect such financial institutions, their customers, or others dealing with them or this Bureau, or would be inimical to the public interest.

PART 5—FUNCTIONS AND PROCEDURES

Sec.

5.1 Chartering national banks.
5.2 Supervision of financial institutions.
5.3 Conversions of state banks into national banks.
5.4 Consolidation of national banks, and state and national banks.
5.5 Authorizing branches and seasonal agencies.
5.6 Changes in capital structure.
5.7 Changes of name or location.
5.8 Reports of condition.
5.9 Reports of earnings and dividends.
5.10 Reports from financial institutions in the District of Columbia subject to the supervision of the Comptroller.
5.11 Miscellaneous procedures.
5.12 Voluntary liquidations.
5.13 Supervision of liquidation of insolvent financial institutions.
5.14 Conservatorships.
5.15 Remedial actions.
5.16 Issue and redemption of Federal Reserve Notes.

§ 5.1 *Chartering national banks.* (a) Copies of Form 1955, entitled "Application to Organize a National Bank", are furnished upon request. In substance, this form is a letter addressed to the Comptroller of the Currency by a minimum of five prospective shareholders, being natural persons and of lawful age, who intend with others to organize a national bank. The application states the proposed name of the bank, its location, and the intended capital, surplus and undivided profits, and furnishes certain other information regarding the banking connections of the applicants.

(b) Upon receipt of an application properly executed, the applicants are informed that their application is being considered, and the appropriate District Chief National Bank Examiner is instructed to make an investigation. Among other matters to be considered are the adequacy of the proposed capital structure of the new bank, its future earnings prospects, the general character of its management, the convenience and needs of the community to be served by the bank, and whether or not the proposed corporate powers would be consistent with the applicable statutory provisions. Generally, the Federal Deposit Insurance Corporation, and the Federal Reserve bank for the district in which the proposed bank would be located, are consulted, and their recommendations obtained.

(c) Upon receipt of the report of investigation and other data, the Organization Division analyzes and briefs the information, and appends its recommendation to the brief, which (with its accompanying data) is routed through the Assistant Chief National Bank Examiner who handles the district in which the proposed bank would be located, the Chief National Bank Examiner, and the three Deputies, all of whom append their recommendations and comments. It is then submitted to the Comptroller of the Currency for final decision.

(d) If the decision is unfavorable the applicants are so informed. If the decision is favorable the applicants are furnished with: (1) The standard Articles of Association (Form 1904), which recites the title of the association, the place of doing business, the number of shareholders to be elected on the board of directors, the names of the first board of directors, the date for the regular annual meeting, the amount of stock of the association, the powers of the board, the perpetual succession of the association until dissolved by act of its shareholders, etc., and the method by which special meetings of shareholders shall be called; (2) the Organization Certificate (Form 1903), wherein the organizers certify that they have organized an association for carrying on the business of banking under the laws of the United States, the title of the proposed association, its location, the capital stock and the par value thereof and the name and financial worth and residence of each original shareholder of the association; (3) the oaths of directors (Form 1900), which certify the place of their residences, that the signatories are directors of the designated bank, that they each swear or affirm to administer the affairs of the association in conformity with law, and that each signatory owns in his own right and unhypothecated the number of shares of the association which directors are required to own as a condition of offices; (4) the form (Form 1902) on which appear the official signatures of the officers of the bank and the dates of their appointment; (5) the certificate (Form 1918) to be signed and sworn to by at least a majority of the directors and the president or cashier of the bank, stating that the authorized capital stock has been paid in, and listing names of all directors with their places of residence and the number of shares owned by each; (6) Standard By-Laws (Form 2054), which provide for the annual meeting of shareholders, the manner in which shares shall be voted, the officers

and their duties, adoption of a seal, the means of conveyance of real estate, the increase in capital stock, the banking hours, directors' meetings, the establishment of a discount committee, the manner of transferring stock, and the manner of changing the by-laws, etc.; (7) an outline of the general procedure to be followed in executing and submitting the above-mentioned papers. If the new bank at its inception contemplates purchasing the assets of an existing bank, one additional form (Form 2006) is required to be signed by the majority of the board of directors of the new bank, certifying that the assets purchased will not include real estate, stocks, or real-estate loans in conflict with statutory limitations.

(e) When the papers have been properly executed and received by this office and the Bureau has been advised by the appropriate Federal Reserve bank that the new bank has purchased Federal Reserve stock in compliance with statutory requirements, the Comptroller issues to the new bank what is commonly called a Charter (Form 1998). This is a formal declaration by the Comptroller that the bank has complied with the requirements of the statutes of the United States and is authorized to commence the business of banking as a national banking association. The charter is forwarded to the new bank together with an Affidavit of Publication of Charter (Form 1951), which must be signed by the publisher of the newspaper in which the advertisement of the charter has appeared for the requisite statutory period. Also the bank is requested to execute a formal notification to the Comptroller of the Currency that the bank commenced business on a specified date (Form 2008).

(f) Additional procedural steps are necessary where the new bank contemplates exercising fiduciary powers. In such case it is necessary for the bank to obtain a permit from the Board of Governors of the Federal Reserve System and this office must be notified that such permit has been granted, as a condition precedent to the issuance of a charter.

(g) Upon issuance of a charter, the Federal Deposit Insurance Corporation is informed that the requirements of law have been complied with and that the designated bank has been authorized to commence business as of a specified date.

§ 5.2 *Supervision of financial institution.* (a) By statute, each national bank must be examined not less than twice a year, except that the trust departments of banks having fiduciary powers need not be examined more than once a year. The examinations are made by national bank examiners operating under a District Chief Examiner, of whom there are twelve, one for each Federal Reserve district. The report of examination is submitted to the District Chief Examiner, and by him to the Washington office, where it is analyzed in the Examination Division. Supervisory action is taken by the Comptroller or one of his Deputy Comptrollers on the basis of the information thus obtained.

(b) In the Fifth Federal Reserve District, the Comptroller's supervisory powers extend to District of Columbia credit unions, building associations organized under the District of Columbia Code, and building and loan associations and state banks located and doing business in the District of Columbia.

§ 5.3 *Conversions of state banks into national banks.* (a) A state bank desiring to convert into a national bank is requested to execute an application to convert a state bank into a national banking association (Form 1988). It is similar in substance to the application for organization of a new national bank but must be executed by the directors of the state bank. When this form, properly executed, is received, the District Chief Examiner is directed to make an examination of the applicant bank, taking into consideration the factors which would be considered on the application for the creation of a new national bank, and in addition the factor of the financial history and condition of the state bank. Generally, the appropriate Federal Reserve bank is consulted and, in addition, if the state bank is not a member of the Federal Reserve System, the Federal Deposit Insurance Corporation is consulted.

(b) When the report and other data are received, they are analyzed, briefed, and routed in the same manner as in the case of an application for a national bank charter.

(c) If the decision is unfavorable the state bank is so notified. If the decision is favorable the bank is furnished with: (1) A suggested resolution to be passed by the shareholders of the state bank authorizing the conversion (Form 1945, No. 2; (2) Standard Articles of Association for a national bank formed by the conversion of a state bank (Form 1945), which are substantially the same as the article of association in the case of a new national bank; (3) the organization certificate for a converting bank (Form 1947), which is substantially the same as the organization certificate in the case of a new national bank; (4) the required oaths of directors (Form 1900), the same form as in the case of a new national bank; (5) the form (Form 1902) on which appear the official signatures of the officers of the bank and the dates of their appointment; (6) the certificate (Form 1919), which certifies that the converting bank has a paid-in and unimpaired capital of a certain specified amount; (7) Standard By-laws (Form 2054) identical with those forwarded to new national banks; (8) an outline of the general procedure to be followed in executing and submitting the above-mentioned papers, and a letter reciting any conditions which must be complied with before authorization to begin business as a national bank. There are many variations to these conditions, dependent upon circumstances in each case; hence no standard form is possible.

(d) Upon receipt of the forms, properly executed, and approval thereof, the Comptroller issues to the applicant bank a Charter (Form 1998), which is substantially the same as in the case of a new bank and authorizes the bank to commence the business of banking as a national banking association on a specified date. This charter is forwarded to the bank, accompanied by an Affidavit of Publication of Charter (Form 1951) and a form letter to be returned to the Comptroller advising him that the bank did commence the business of banking as a national bank on the date specified.

(e) There may be additional procedural steps in certain cases of conversions where, for instance, the converted bank will have branches, in which case a formal approval of the operation of the specific branches is forwarded to the bank, or where there is an increase in capital or change of location coincidental with the conversion, necessitating specific approval of this office. If the state bank was not insured by the Federal Deposit Insurance Corporation, that Corporation is notified that the bank has been authorized to commence the business of banking as a national bank and that consideration was given to the applicable statutory requirements.

(f) If the state bank was exercising fiduciary powers and contemplates continuing such activity as a national bank, it must obtain a permit so to do from the Board of Governors of the Federal Reserve System, and the Comptroller must be notified that such permit has been issued, as one of the conditions for authorizing the bank to commence the business of banking as a national bank.

§ 5.4 *Consolidation of national banks and state and national banks.* (a) Of necessity, consolidations are handled on a case-by-case basis. The Bureau assists the banks concerned in formulating a plan of consolidation and drafting a consolidation agreement. Where one of the consolidating banks is a state bank, it is examined by a national bank examiner. When the consolidation agreement has been agreed to by the board of directors of each bank, it is submitted to the Comptroller. The plan is analyzed and briefed by the Organization Division and routed in the same manner as an application for a charter.

(b) If the decision of the Comptroller is unfavorable, the banks are so notified. If the decision of the Comptroller is favorable, the consolidating banks are advised of any conditions precedent to final approval, as, for instance, the concurrence of the Federal Deposit Insurance Corporation if any of the consolidating banks are uninsured.

(c) When the consolidation agreement has been executed by the boards of directors of the consolidating banks, one executed copy thereof is submitted to the Comptroller. The banks are furnished with instructions as to the procedure to be followed in obtaining the consent of their shareholders, together with suggested forms of notice to shareholders. When the plan has been approved by the shareholders of the consolidating banks, certified copies of their resolutions are submitted to the Comptroller, together with, among other things, a copy of the form of proxy used by each bank, a copy of the notice of meeting given to the shareholders of each bank by registered mail, with advice of the date when same was mailed, and a copy of any other letter which may have been sent to the shareholders of each bank relating to the

proposed consolidation. Proof of publication of notices of meetings of the shareholders is required. Also, each bank must certify the amount of its contribution to the capital structure of the consolidated bank.

(d) When the above documents, properly executed, are submitted to the Comptroller along with proof of compliance with any conditions imposed by him, he issues a certificate certifying that the named banks have been consolidated under the charter of one of said national banks and under the title specified. The certificate recites the amount of capital stock and the date when the consolidation is to be effective.

(e) There are additional procedural steps in some cases, as where the consolidated bank will operate branches formerly operated by one of the consolidating banks or will establish new branches, in which cases formal approval by the Comptroller is necessary. In addition, the rights of dissenting shareholders are protected in accordance with specific statutory procedure.

§ 5.5 *Authorizing branches and seasonal agencies*—(a) *Branch banks.* (1) Under the provisions of U. S. C. title 12, sec. 36, national banks may, subject to the approval of the Comptroller of the Currency, establish and operate branches and seasonal agencies. Upon receipt of an application from a national bank or any bank operating in the District of Columbia, for a branch or seasonal agency, the appropriate District Chief Examiner is instructed to make an investigation, taking into consideration the financial history and condition of the bank, the adequacy of its capital structure, its future earnings prospects, the general character of its management, the number of branches now in operation and their location, the proposed location of the new branch and the distance from the head office, the nearest banking facilities, the convenience and needs of the community to be served by the new branch, the nature of the potential clientele and possible business available, including an estimate of contemplated volume within a reasonable period of time and the prospects of successful operation of the branch, together with any other pertinent factors.

(2) The examiner's report is submitted to the District Chief Examiner who forwards it to this office with his own comments and recommendation. The information and data is analyzed, briefed and routed in the same way as an application for a charter.

(3) If the decision is unfavorable the applicant bank is so notified. If the decision is favorable the Comptroller issues a formal certificate evidencing his approval and consent to the establishment and operation of a branch bank at the designated location.

(b) *Removal of branch banks or branch offices.* A branch of a national banking association may not be moved from one location to another without first obtaining the consent and approval of the Comptroller. The procedure for obtaining consent to such a moving of the location of a branch follows the same general course as that of the application for a branch, although the information required on any investigation made will vary with the circumstances and reasons given for the proposed move. If the approval is granted the Comptroller executes a formal statement to that effect, which is forwarded to the bank applying therefor.

§ 5.6 *Changes in capital structure.* Under the provisions of U. S. C. title 12, secs 57, 58 and 59, increases and decreases in the capital stock of banks under the Comptroller's jurisdiction are subject to his approval.

(a) *Increases and decreases in capital.* Upon receipt of an application to increase or decrease capital stock, the Organization Division prepares an analysis of the condition of the bank, which is routed through the staff as in the case of an application for a charter. If the proposed capital change is disapproved, the bank is so notified. If the plan is approved, the bank is furnished with the necessary forms and instructions, including the notice to shareholders, proxies, resolution, and, in the case of issuance of new stock, the form of certificate. If new stock is to be sold for cash, the bank is also furnished with a form of certificate of payment, which is in substance a letter addressed to the Comptroller, signed by the president or cashier of the bank, certifying that the specified amount of the increase in capital stock has been paid in at the specified purchase price and reciting the aggregate par value of the common capital stock outstanding, including the increase. If the increase is to be achieved by the declaration of a stock dividend, the certification form to be signed by the president or cashier varies accordingly. In the case of reductions of capital stock, the disposition to be made of the capital released by the reduction is subject to the approval of the Comptroller, under the provisions of U. S. C. title 12, sec. 59.

(b) *Preferred stock.* (1) U. S. C. title 12, sec. 51a authorizes national banks to issue preferred stock, with the approval of the Comptroller. The procedure is similar to that in the case of an increase of capital stock by the sale of common stock, with variations appropriate to the status of the preferred stock, and the rights of the prospective purchasers thereof.

(2) The retirement of preferred stock held by national banks is achieved under the general supervision of this office, and in cooperation with the Reconstruction Finance Corporation, where that Corporation is the owner of the stock or is otherwise interested financially in the particular bank.

§ 5.7 *Changes of name or location.* Under U. S. C. title 12, sec. 30, a change in name or location of a national bank requires the approval of the Comptroller. Upon receipt of an application for such a change, an investigation is made to ascertain whether there would be any objections thereto, such as undue similarity of the proposed new name to the name of any other bank in the vicinity. These findings are briefed in the Organization Division and routed in the same manner as applications for changes in capital. If the application is approved, the bank is furnished with necessary instructions for calling a meeting of shareholders and having the appropriate resolution adopted. When informed that the shareholders have adopted the resolution, the Comptroller issues a certificate of change of name or location, as the case may be.

§ 5.8 *Reports of condition*—(a) *Commercial department reports.* Under the provisions of U. S. C. title 12, sec. 161, every national bank is required to submit to the Comptroller not less than three reports during each year according to the form prescribed by him. Each report must exhibit in detail the resources and liabilities of the bank at the close of business on any past day specified by the Comptroller and must be submitted within five days after receipt of the Comptroller's request therefor. These forms (Form 2130–A and Form 2130–A (short form)) call for statements of assets, liabilities, pledged assets and capital accounts; schedules of loans and discounts, United States Government obligations held, cash balances with other banks, demand deposits, time deposits, contingent liabilities, other liabilities, and other assets; and a statement of the affiliates and holding company affiliates of the bank. When these report forms are sent out to the banks they are accompanied by instructions (Form 2130–C) which cover the forms item by item and schedule by schedule. The bank is also furnished with the form of publisher's certificate (Form 2139) of publication of the report of condition of the bank, which must be published in accordance with the provisions of U. S. C. title 12, sec. 161.

(b) *Trust department reports.* Each national bank which exercises fiduciary powers is required annually to submit Form 2130–D, reflecting the balance sheet of its trust department as of the date specified.

(c) *Affiliate reports.* Each national bank which has affiliates (including holding company affiliates), as defined by statutes, must accompany each report of condition of the bank on Form 2130–A with a report (Form 2131) of its loans and advances to affiliates and loans secured by obligations of affiliates. At the same time, each affiliate must file Form 2130–E, which shows the nature of the affiliation, its financial relations with the bank, and the degree of control of the affiliate by the bank or of the bank by the affiliate. However, such reports may be waived by the Comptroller. Where reports by affiliates on Form 2130–E are required, there must be the same publication of those reports on Form 2130–E–1 as is required in the case of the bank's reports of condition. The instructions for the preparation of reports of affiliates on Forms 2130–E and 2130–E–1 are contained in Form 2130–E–2.

§ 5.9 *Reports of earnings and dividends.* Under the general power conferred upon the Comptroller under U. S. C. title 12, sec. 161, to call for special reports, the Comptroller requires that reports of earnings and dividends for the six months ending June 30 be submitted on Form 2129, and for the six months and twelve months ending December 31 on Form 2129–1. These reports recite

the dividends declared in the current period, the capital structure of the bank, the earnings from current operations, current operating expenses, recoveries and profits, losses and charge-offs and taxes on net income as well as undivided profits at the beginning of the period, net profits for current period, credits to undivided profits and deductions from undivided profits. The above two forms are accompanied by instructions contained in Form 2129–A. There is also required of banks a formal notification to the Comptroller of dividends declared, pursuant to U. S. C. title 12, sec. 163, on Form 2133 (or Form 2133–A, where retirement of preferred stock is involved).

§ 5.10 *Reports from financial institutions in the District of Columbia subject to the supervision of the Comptroller*—(a) *Nonmember banks.* Under the provisions of section 26–102 of the District of Columbia Code (1940) each bank and trust company doing business in the District of Columbia and not a member of th Federal Reserve System, must maintain reserves on the same basis and subject to the same conditions as prescribed for national banks located in the District of Columbia, except that such reserves must be established and maintained at such agency as may have the approval of the Comptroller. Form F–2150–1 covers a report by such institutions of net deposits and reserves required. These reports are submitted weekly. The institutions where the reserve funds are held also furnish this office with weekly reports of the reserves held, on Form F–2150–2.

(b) *Pledge of assets.* Financial institutions in the District of Columbia doing a fiduciary business must pledge assets with the Comptroller for the faithful performance of their duties.

(c) *Reports of building and loan associations.* In accordance with the authority conferred upon the Comptroller under section 26–404 of the District of Columbia Code (1940), all building associations organized under the Code and all building and loan associations doing business in the District of Columbia are required to make to the Comptroller at least one report during each year, according to the form prescribed by him. The form used is identified as 2252 and comprises a balance sheet showing assets and liabilities and receipts and disbursements and furnishing additional miscellaneous information.

(d) *Reports of condition of credit unions.* In accordance with the authority conferred upon the Comptroller under section 26–506 of the District of Columbia Code (1940), credit unions organized under the District of Columbia Code are required to submit reports of condition annually on Form 2252–1, which recites their assets and liabilities and receipts and disbursements for the previous year, their earnings and expenses and certain other information. Credit unions having assets of $100,000 or more are also required to publish their reports of condition in a local newspaper and the proof of this publication must be submitted to the Comptroller on Form 2252–2. District of Columbia credit unions are also required to furnish the Comptroller with a special notification of dividends declared, on Form 2133–1.

§ 5.11 *Miscellaneous procedures.* (a) In connection with the annual meetings which national banks are required by statute to hold, this office forwards general instructions furnishing information regarding the manner in which such meetings should be called, the use of proxies, the voting rights of owners of stock and limitations thereon, the procedure for the meeting, the record of proceedings, the subsequent organization meeting of directors elected, and the annual meeting reports to be submitted to the Comptroller.

(b) Under U. S. C. title 12, sec. 481, the Comptroller has the power to make such examinations of affiliates of national banks as shall be necessary to disclose the relations between such banks and affiliates.

§ 5.12 *Voluntary liquidations* (a) A national bank wishing to go into voluntary liquidations under U. S. C. title 12, sec. 181, is furnished with a set of instructions as to the procedure to follow, a form of notice of meeting of shareholders, a proxy to be used for voting at the shareholders' meeting, and a standard form of resolution for voluntary liquidation to be adopted by the shareholders, which recites the date on which the bank will commence voluntary liquidation and provides for the designation of a liquidating agent or committee. Form 1985 provides for listing the name of each shareholder voting for or against the resolution personally or by proxy and the names of shareholders not represented at the meeting. Form 1989, the form of affidavit of publication of notice of liquidation, must be signed and sworn to by the publisher of the newspaper in which such notice appears. If the national bank contemplates selling its assets to a non-insured state bank which will assume the liabilities of the national bank, the consent of the Federal Deposit Insurance Corporation is required by U. S. C. title 12, sec. 264 (v) (4).

(b) Upon receipt of a certified copy of the resolution of the shareholders (Form 1985), the Comptroller informs interested governmental agencies that the bank is in voluntary liquidation.

(c) The bank is also instructed covering the preparation of Form 2056–A, which is a report of the condition of the bank as of the date of actual discontinuance of business or the date its business was taken over by another banking association, and of Form 2056–P. F., covering the condition of the trust department, if the bank had fiduciary powers.

(d) Thereafter the liquidating agent or committee is requqired by law to furnish the Comptroller with an annual report of the progress of the liquidation. Instructions for the preparation of such report are forwarded to the liquidating agent or committee. Form 2056 is furnished for the commercial department report, and Form 2056–F for the trust department, if any. These reports must be continued annually until the liquidation is completed.

(e) There may be variations in the above procedure where the bank going into voluntary liquidation has preferred stock which is owned by the Reconstruction Finance Corporation or in which the Reconstruction Finance Corporation has a financial interest.

§ 5.13 *Supervision of liquidation of insolvent financial institutions*—(a) *Procedure for closing banks.* When the Comptroller is satisfied that a bank under his supervision is unable to meet the demands of its depositors, the bank is closed either by action of its own board of directors or by order of the Comptroller, acting through his examining staff in the field. The Comptroller appoints the receiver by a formal instrument which can be recorded.

(b) *Banks for which Federal Deposit Insurance Corporation acts as receiver.* (1) Since by statute the Comptroller is now required to appoint the Federal Deposit Insurance Corporation as receiver for any insured national bank, or any insured state bank in the District of Columbia, which is closed on account of inability to meet the demands of its depositors, the details of liquidation of such institutions are left to that Corporation as receiver, and the forms used by the creditors of the bank in filing their claims and the certificates given by the receiver to such creditors to evidence the established claims are determined by the corporate receiver. The Comptroller publishes notice to all creditors calling upon them to present their claims to the receiver, but he accepts the determination of the Corporation as to the validity of claims and their classification. Certain matters are submitted by the corporate receiver to the Comptroller for approval, such as sales of assets and compromise settlements, attorneys' fees, and certain administration expenses. When the corporate receiver has funds, representing the proceeds of liquidation, which it deems sufficient for the payment of a dividend, it recommends payment of a dividend of a certain percentage. If the Comptroller approves, dividend checks are drawn by the corporate receiver upon its own receiver's account but are submitted to the Comptroller for audit and initiating prior to delivery by the Corporation to the creditors who have established their claims. In the event that the shareholders of the bank are subject to an assessment and such an assessment is deemed necessary in order to pay the liabilities of the bank, the Comptroller makes a formal assessment upon the shareholders (Form 2428), as prescribed by U. S. C. title 12, sections 63, 64. and 192, in a specified dollar amount not in excess of the aggregate par value of the stock outstanding.

(2) If and when all of the creditors of the bank who have established their claims have been paid in full with interest, there remain some assets in the hands of the receiver, the Comptroller calls a meeting of the shareholders for the purpose of electing an agent to whom the assets of the bank will be transferred and delivered in accordance with statu-

tory requirements or for the purpose of deciding to continue the receivership as permitted by said statute. If an agent is elected by the shareholders the assets are transferred and delivered to him by the Comptroller by a "Release of Assets to Agent of Shareholders" (Form 2402). The shareholders' agent is required to execute a bond as principal with satisfactory surety, which bond is directed to the Comptroller of the Currency (Form 2438).

(c) *Insolvent banks for which Federal Deposit Insurance Corporation is not receiver.* In receiverships where the Federal Deposit Insurance Corporation is not receiver, a standard form of proof of claim is prescribed by the Comptroller, which requires the claimant to execute in affidavit form a statement of the amount claimed to be due and the nature thereof. A standard form of receiver's certificate of proof of claim is issued to all claimants who prove their claims to the satisfaction of the Comptroller or establish their claims by litigation.

§ 5.14 *Conservatorships.* Under the Bank Conservation Act of 1933 (U. S. C. title 12, secs. 201 ff.), the Comptroller has authority to appoint a conservator for any bank under his supervision when he deems this action necessary to conserve the assets of such bank. This power was broadly exercised following the passage of the above-mentioned Act, but since all conservatorships have been terminated for more than nine years and no immediate application of the conservatorship authority is in contemplation, a recital of the procedures followed and forms used is omitted.

§ 5.15 *Remedial actions.*—(a) *Forfeiture of charter.* U. S. C. title 12, secs. 93 and 501a, authorize the Comptroller to sue for the forfeiture of the charter of any national bank for violation of certain of the laws applicable to national banks.

(b) *Removal of director or officer.* Under U. S. C. title 12, sec. 77, in the event any director or officer of a national bank or a bank or trust company doing business in the District of Columbia shall have continued to violate any law relating to such bank or trust company or shall have continued unsafe or unsound practices in conducting the business of such bank or trust company after having been warned by the Comptroller, he may certify the facts to the Board of Governors of the Federal Reserve System and the offending director or officer may be removed by the Board after a hearing.

(c) *Impairment of capital.* U. S. C. title 12, sec. 55 provides that in the event of an impairment of the capital stock of a national bank the Comptroller may give notice to the bank of the amount of the impairment and require that the bank levy an assessment upon its shareholders for the amount of impairment specified, on a pro rata basis. Unless the impairment is restored or the bank goes into voluntary liquidation within three months after receiving such notice, the Comptroller may appoint a receiver for the bank. At the time the formal notice of the impairment is sent to the bank, it is instructed to call a meeting of the shareholders to pass a resolution (Form 1444) levying the assessment upon the shareholder necessary to make up the impairment. If and when the impairment is restored the cashier of the bank is required to execute a formal certificate to that effect which is sent to the Comptroller.

(d) *Publication of reports of examination.* U. S. C. title 12, sec. 481, authorizes the Comptroller to publish the report of examination of any national bank or affiliate thereof which shall not, within 120 days after notification of the recommendations or suggestions of the Comptroller, based on such examination, have complied with the same to his satisfaction.

(e) *Appointment of receiver upon termination of insurance.* Under U. S. C. title 12, sec. 264 (i) (2), the Comptroller is required to appoint a receiver for a national bank whenever its insured status is terminated.

§ 5.16 *Issue and redemption of Federal Reserve notes*—(a) *Issue.* The twelve Federal Reserve banks make their estimates of the number and denominations of notes which they anticipate will be needed for the coming year, and these estimates are transmitted to the Board of Governors of the Federal Reserve System, which notifies the Comptroller, who in turn advises the Bureau of Engraving and Printing. When the notes are printed they are held in vault subject to the order of the Comptroller. Requests for notes are sent to the Board of Governors of the Federal Reserve System for approval and are then forwarded to the Comptroller. The Federal Reserve Agents at the respective Federal Reserve banks arrange for the deposit with them of the required collateral to support the notes ordered. The Comptroller then requisitions the notes from the Custodian of the Vault, for shipment to the designated Federal Reserve Agents. The Comptroller's Issue and Redemption Division maintains records of orders received, money shipped, stock on hand, and money outstanding.

(b) *Redemption.* Federal Reserve notes unfit for circulation are returned by the Federal Reserve banks to Washington for verification and credit. The lower halves of such notes are shipped to the Currency Redemption Division of the Treasurer of the United States, and the upper halves go to the Comptroller's Issue and Redemption Division. After counting and reconciliation of differences, both halves are delivered to the Treasury Department Destruction Committee, which destroys them.

PART 6—SUBSTANTIVE RULES, POLICY OR INTERPRETATION

§ 6.1 *Substantive rules.* (See 12 CFR, and Supps., Parts 1, 2, and 3).

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary.

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BUREAU OF CUSTOMS

[19 CFR, Ch. I]

PART 100—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF THE BUREAU OF CUSTOMS

Sec.

100.1 Central organization and functions.
100.2 Field organization and functions.
100.3 Delegation of authority.
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100.7 Opinions, orders, and rules.
100.8 Public records.

§ 100.1 *Central organization and functions.* (a) The headquarters office of the Bureau of Customs, except the Marine Division, is located at 1512 H Street, NW., Washington 25, D. C. The Marine Division is located at 734 Fifteenth Street, NW., Washington 25, D. C.

(b) The Bureau is in charge of the Commissioner of Customs appointed pursuant to law by the Secretary of the Treasury. The Commissioner is assisted by the following principal officers whose jurisdiction is indicated in a general way by their titles and the divisions or sections which they supervise:

(1) The Assistant Commissioner acts as Commissioner in the temporary absence of the Commissioner and has general administrative supervision and control, under the general direction of the Commissioner, over all the work of the Bureau.

(2) The Deputy Commissioner, Division of Tariff and Marine Administration, under the general direction of the Commissioner and Assistant Commissioner, supervises the work of the following groups of sections, each group in charge of an Assistant Deputy Commissioner and each section headed by a chief of section:

(i) Section of Enforcement. Section of Import Controls. Section of Mail and Files.

(ii) Section of Drawback and Bonds. Section of Entry and Appraisement. Section of Tariff Classification.

(iii) Section of Admeasurement (vessels). Section of Marine Administration. Section of Publications and Documents (relating to vessels).

(3) The Deputy Commissioner, Division of Fiscal Administration, under the general direction of the Commissioner and Assistant Commissioner, supervises the work of the following groups, each group in charge of an Assistant Deputy Commissioner, group (i) being composed of sections, each in charge of a chief of section:

(i) Section of Accounts. Section of Audit. Section of Purchases and Property. Section of Statistics and Research.

(ii) Employees supervising the activities of comptrollers of customs and other field accounting officers.

(4) The Deputy Commissioner, Division of Investigations and Patrol, under the general direction of the Commissioner and Assistant Commissioner, assisted by two Assistant Deputy Commissioners.

(5) The Supervisor of Appraisers, assisted by an Assistant Supervisor of Appraisers.

(6) The Chief, Division of Training.

(7) The Chief, Division of Laboratories.

(8) The Chief, Division of Engineering and Weighing.

(9) The Chief, Division of Personnel.

(10) The Budget Officer.

(11) The Chief Counsel. (Under the supervision of the General Counsel for the Treasury Department, through an Assistant General Counsel.)

(c) The Commissioner of Customs, under the general direction of the Secretary of the Treasury, exercises general supervision over the activities of the Customs Field Service and the administration of the laws, Executive orders, and Presidential proclamations governing the importation of merchandise and baggage and the collection of duties and taxes due thereon, including countervailing duties to offset foreign subsidies and antidumping duties to offset unfair price competition; the entry, clearance, and report of arrival and the unlading of vessels, vehicles, and aircraft from foreign countries or from noncontiguous territories and possessions; the exclusion from entry of prohibited articles and merchandise in excess of established quotas; the allowance of drawback on exported articles; the customs treatment of merchandise in foreign trade zones; the registration, enrollment and licensing of vessels of the United States engaged in foreign and domestic commerce; the admeasurement of vessels; the collection of tonnage taxes on vessels engaged in foreign commerce; the administrative imposition and collection of penalties for violations of such laws, including the granting of administrative relief under certain conditions; and other related laws. The Commissioner also supervises the activities of the customs field force in the enforcement of laws and regulations of other Government agencies affecting imports and exports.

(d) The functions of the Customs Service include many which are administered jointly with or on behalf of other agencies, departments, or bureaus. For the most part, such functions are prescribed by regulations cited or referred to in the Customs Regulations of 1943, as amended (19 CFR, Chapter I), particularly Part 12 thereof. Among the joint regulations and regulations of other agencies administered in part by the Customs Service are those relating to the following matters:

Publication of North Atlantic Passenger Routes	33 CFR, Part 3.
Bills of Health—Foreign Quarantine	42 CFR, Part 11.
Immigration Regulations	8 CFR, Parts 105, 120, and 160.
Food, Drugs, Cosmetics; insecticides; Dangerous Caustic or Corrosive Substances	21 CFR, Parts 2 and 175. 7 CFR, Part 161.
Importation of Distilled Spirits, Wines and Malt Beverages, and Containers of Distilled Spirits	26 CFR, Parts 175 and 191. 27 CFR, Parts 4, 5, and 7.
Domestic Animals, Animal Products, and Feeding Material	9 CFR, Parts 92–96, and 277.
Federal Seed Act	7 CFR, Part 201.
Importation of Teas	21 CFR, Part 170.
Narcotic Drugs	21 CFR, Part 202.
Disease Organisms and Vectors	42 CFR, Part 11, 9 CFR, Parts 101 and 122.
Importation of Parrots	42 CFR, Part 16.
Foreign-Trade Statistics	15 CFR, Part 30.
Customhouse Brokers	31 CFR, Part 11.

(e) Certain functions which relate solely to the internal management of the Customs Service and which do not involve procedure necessary for the public to know or follow in dealing with the Customs Service are the subject matter of regulations contained in the Customs Manual of 1943, as amended, which is not published in the FEDERAL REGISTER.

(f) In addition to the principal functions of the Customs Service referred to in paragraphs (c), (d), and (e) of this section, other functions of the Customs Service, except those requiring secrecy in the public interest or relating solely to the internal management of the Service, are cited or referred to in the pertinent provisions of the regulations of the Bureau of Customs published in 19 CFR, Chapter I.

§ 100.2 *Field organization and functions.* (a) The field organization of the Customs Service includes the following field offices and principal officers; and the districts or areas assigned to each are as published in sections 1.1 to 1.7, Customs Regulations of 1943, as amended (19 CFR. Cum. Supp., 1.1 to 1.7), or as hereafter set forth.

(1) The office of the collector of customs is in the customhouse at the headquarters port of each customs collection district. A deputy collector of customs is in charge of each customs port of entry other than the headquarters port. The collector of customs is assisted by an assistant collector and at ports at which the amount of business and personnel are sufficient the office organization may be subdivided into two or more of the following divisions, each in charge of a deputy collector:

(i) Administrative Division (in the larger ports);

(ii) Entry and Warehouse Division (except at the port of New York where the Entry Division and the Warehouse Division are separate);

(iii) Moneys and Accounts Division;

(iv) Mail Division;

(v) Liquidating Division;

(vi) Marine Divison (at seaports and lakeports);

(vii) Outside Division, at the larger ports except New York;

(viii) Surveyor's office (at New York only) which handles the work elsewhere performed by the Outside Division;

(ix) Drawback Division (at New York only);

(x) Legal Division (at New York only) in charge of the solicitor to the collector and under the supervision of the chief counsel of the Bureau of Customs.

(2) The office of the Appraiser of Merchandise. There is an appraiser of merchandise or acting appraiser of merchandise at each port of entry.

(3) The office of the Comptroller of Customs. Each such office has jurisdiction over several customs collection districts and is under the supervision of a comptroller.

(4) Laboratories and Branch Laboratories.

(5) The office of the Supervising Customs Agent. Each supervising customs agent is in charge of the customs investigative work in his district which may include several customs collection districts. In addition to the headquarters offices of the supervising customs agents there are in the following cities offices, each in charge of a customs agent and under the supervision of the supervising customs agent for the district in which it is located:

Portland, Maine	Norfolk, Va.
Buffalo, N. Y.	Tampa, Fla.
Ogdensburg, N. Y.	San Juan, P. R.
Houston, Tex.	Laredo, Tex.
Detroit, Mich.	Nogales, Ariz.
Pembina, N. Dak.	Los Angeles, Calif.
Portland, Oreg.	San Diego, Calif.
Havre, Mont.	Honolulu, T. H.
Philadelphia, Pa.	

(6) The office of Customs Border Patrol. Each patrol headquarters office is in charge of a Superintendent. Suboffices of the customs border patrol, each supervised by a patrol captain, are located as follows:

Houlton, Maine.	El Paso, Tex.
St. Albans, Vt.	San Ysidro, Calif.
Ogdensburg, N. Y.	Bottineau, N. Dak.
Laredo, Tex.	Havre, Mont.
Buffalo, N. Y.	Bellingham, Wash.
Detroit, Mich.	Nogales, Ariz.
International Falls, Minn.	

(7) The Customs Information Exchange, located in the Appraiser's Stores Building, 201 Varick Street, New York 14, N. Y., is under the supervision of a director and is charged with the circulation within the Customs Service of information of general interest to several or all district offices.

(b) Subject to compliance with the Customs Regulations of 1943 and other instructions issued from time to time by the Secretary of the Treasury and the Commissioner of Customs, and except as set out in paragraphs (c), (d), and (e) of this section, the collector of customs supervises the field administration in his district of all laws, regulations, Executive orders, and Presidential proclamations which it is the duty of the Customs Service to enforce, as set forth in a general way in § 100.1 (c), (d), (e), and (f). Subject to the general supervision of the collector, an assistant collector or deputy collector in charge has the same authority as the collector. Other deputy collectors exercise under supervision designated functions of the collector.

(c) There is an appraiser or acting appraiser of merchandise at each port of entry whose duty it is to determine initially, subject to review only by the United States Customs Court, the statutory value of all articles imported at that port. It is also the function of the appraiser or acting appraiser to supervise the examination of merchandise offered for entry and to furnish the collector a description of the merchandise and any other information necessary for the as-

sessment of the proper rate of duty thereon. The appraiser or acting appraiser also determines the value of merchandise seized for violation of law.

(d) The organization of the Customs Service includes comptrollers of customs whose duties are as set forth in section 523, Tariff Act of 1930 (19 U. S. C. 1523), and consists generally of examining and certifying collectors' accounts of receipts and disbursements of money and receeipts and disposition of merchandise and of verifying all assessments of duties and allowances of drawback made by collectors in the liquidation of entries.

(e) Laboratories and branch laboratories under the supervision of the Chief, Division of Laboratories, in the central office in Washington, analyze official samples of imported merchandise, when necessary, for the purpose of aiding in the determination of the proper value and rate of duty on the merchandise represented by the sample or the determination of any other pertinent factor bearing on the admission of the merchandise into the United States.

§ 100.3 *Delegation of authority.* (a) The following delegation of authority to the Commissioner of Customs and other officials in the central and field organizations of the Bureau has been made by the Secretary of the Treasury by Treasury Decision 50192 (5 F. R. 2573) as amended by Treasury Decision 51479 (11 F. R. 7128):

TO THE COMMISSIONER OF CUSTOMS AND OTHERS CONCERNED: Pursuant to the authority conferred upon the Secretary of the Treasury by the provisions of law cited at the end hereof, the following is hereby ordered:

I. *Rights, privileges, powers, and duties conferred or imposed upon the Commissioner of Customs.* (1) There are hereby conferred and imposed upon the Commissioner of Customs, subject to the general supervision and direction of the Secretary of the Treasury, all the rights, privileges, powers, and duties in respect of the importation or entry of merchandise into, or the exportation of merchandise from, the United States, vested in or imposed upon the Secretary of the Treasury by the Tariff Act of 1930, as amended, or any other law, subject to the following exceptions and conditions:

(a) Whenever in the opinion of the Commissioner of Customs any question pending for decision is of exceptional importance, he shall submit the question to the Secretary of the Treasury, and the decision thereon shall be made by the Secretary of the Treasury and not by the Commissioner of Customs.

(b) All regulations shall be prescribed by the Commissioner of Customs, with the approval of the Secretary of the Treasury, except that regulations and instructions, not inconsistent with the general rules and regulations of the Treasury Department, which are effective only against persons in their capacity as officers, agents, or employees of the Customs Service, and which do not prescribe procedure which the public should know or follow in dealing with the Customs Service, may be prescribed by the Commissioner of Customs without the approval of the Secretary of the Treasury.

(c) Requirements of regulations which may be waived in accordance with law may be waived by the Commissioner of Customs, but if any new question or unusual circumstance is involved the waiver must be approved by the Secretary of the Treasury.

(d) The ascertainment, determination, or estimation, and declaration of bounties or grants under section 303, Tariff Act of 1930, shall be made by the Commissioner of Customs, with the approval of the Secretary of the Treasury.

(e) Any order under section 511, Tariff Act of 1930, prohibiting the importation of merchandise or instructing a collector to withhold delivery of merchandise shall be made by the Commissioner of Customs, with the approval of the Secretary of the Treasury.

(f) No claim, fine, or penalty in excess of $20,000 shall be compromised, remitted, or mitigated without the approval of the Secretary of the Treasury.

(g) Any authority which may be vested in the Secretary of the Treasury by proclamation of the President made pursuant to section 318, Tariff Act of 1930, shall be exercised by the Secretary of the Treasury and not by the Commissioner of Customs.

(h) Awards of compensation to informers under section 619, Tariff Act of 1930, shall be made by the Commissioner of Customs, with the approval of the Assistant Secretary of the Treasury.

(i) Fines and penalties not exceeding $1,500 in the aggregate in any one case may be remitted or mitigated by the Deputy Commissioner of Customs designated for the purpose by the Secretary of the Treasury.

(j) Fines or other pecuniary penalties aggregating less than $100 in respect of any one offense may be remitted or mitigated by the collector of customs concerned on such terms and conditions as, under the law and in view of the circumstances, he shall deem appropriate, and the right and power so to do is hereby conferred upon the several collectors and their successors in office.

(k) Any forfeiture not involving merchandise subject to duty in excess of $50 (or valued at not more than $200 if not subject to duty) may be remitted or mitigated by the collector of customs concerned on such terms and conditions as, under the law and in view of the circumstances, he shall deem appropriate, and the right and power so to do is hereby conferred upon the several collectors and their successors in office.

(2) There is hereby conferred and imposed upon the Commissioner of Customs, subject to the general supervision and direction of the Secretary of the Treasury, the authority vested in the Secretary of the Treasury by section 32 of the act of Congress entitled "An act to amend and consolidate the Acts respecting copyright," approved March 4, 1909 (United States Code, title 17, section 32), to permit the exportation of books imported in violation of the provisions of that act and subject to forfeiture under its terms.

(3) There is hereby conferred and imposed upon the Commissioner of Customs, subject to the general supervision and direction of the Secretary of the Treasury, the authority vested in the Secretary by section 36 of the Act of June 22, 1936 (49 Stat. 1816, 48 U. S. C. 1406i), to make rules and regulations for the administration of the customs laws in the Virgin Islands, but the authority so conferred and imposed shall be subject to the same limitations as those contained in paragraph 1(b) hereof.

II. *Acting Commissioner, Acting Assistant Commissioner, and Acting Deputy Commissioners.* The Secretary of the Treasury will from time to time designate officers of the Bureau of Customs in Washington to act as Commissioner, Assistant Commissioner, or Deputy Commissioner of that Bureau during the absence or disability of any such officer or when there is a vacancy in the office of any such officer.

III. *Previous orders superseded.* (1) This order shall be effective on and from the date of its approval.

(2) This order supersedes the orders of the Secretary of the Treasury published in T. D. 49047 and T. D. 49818 and any instructions and regulations in conflict herewith.

(3) The right to amend or supplement this order, or any part thereof, from time to time, or to revoke this order or any provision thereof, at any time, is expressly reserved.

(Secs. 1, 2, 3, 44 Stat. 1381, 1382, sec. 8, 46 Stat. 430, 46 Stat. 1009, secs. 643, 650, 46 Stat. 761, 762, sec. 1a, Ex. Or. 6639; 5 U. S. C. 281, 281a, 281b, 19 U. S. C. 1643).

(b) A collector of customs may delegate to his subordinates purely administrative functions, but may delegate only to the assistant collector or a deputy collector any function the performance of which requires the use of discretion imposed upon him by law or delegated to him by the Secretary of the Treasury. Such delegations do not relieve the collector of responsibility for the performance of the delegated functions.

(c) The duties of the appraiser, assistant appraiser, and acting appraiser, are set forth in section 500 (a), (d), and (f), Tariff Act of 1930 (19 U. S. C. 1500 (a), (d), (f)). Such of those duties as are purely ministerial and do not involve the use of discretion may be delegated to subordinates, but all determinations of value are subject to the approval of the appraiser or acting appraiser at the port at which the merchandise is entered or is under seizure.

§ 100.4 *Information.* (a) Subject to the limitations, restrictions, or prohibitions prescribed in the pertinent provisions of the regulations of the Bureau of Customs published in 19 CFR, Chapter I, and particularly Part 26 thereof, the sources of official customs information are as follows:

(1) Collectors of customs. A request for information related to the activities or functions of a collector of customs may be addressed to him at the headquarters office of his district, or to a deputy collector at a port other than the headquarters port. Oral requests for information may be made at the customhouse in any port having jurisdiction over the subject matter of the request.

(2) Appraisers of merchandise. A request for information related to the activities or functions of an appraiser of merchandise may be addressed to him at his office.

(3) Other field officials. A request for information related to activities or functions of other field officials of the Customs Service than those specified in (1) and (2) of this paragraph may be addressed to the official in charge of the appropriate office having jurisdiction of the subject matter.

(4) Requests for information may also be addressed to the Commissioner of Customs, Washington 25, D. C.

(5) Oral requests may be made to any official of the central organization of the Bureau for information on a subject within the jurisdiction of that official.

(6) In cases of unusual importance requests for information may also be addressed to the Secretary of the Treasury, Treasury Department, Washington 25, D. C.

(b) No formal procedures for obtaining information related to any matter within customs jurisdiction are required unless prescribed in the published regulations referred to in this section. However, to assure prompt action upon a request, there should be furnished all pertinent facts relevant to the subject mat-

ter of the inquiry or showing that the correspondent has a special interest entitling him to receive information which could not be disclosed to the general public.

§ 100.5 *Procedures.* (a) No formal procedures other than those relating solely to internal agency management are required in connection with any function of the Customs Service except those described by, or referred to or cited in, the regulations published in 19 CFR, Chapter I, or regulations issued jointly by the Secretary of the Treasury, or the Commissioner of Customs with the approval of the Secretary of the Treasury, and the heads of other agencies, departments, or bureaus as referred to or cited in the regulations of the Bureau of Customs, published as heretofore stated.

(b) In general, required procedures and any required forms or documents for use in connection therewith are described or identified in the appropriate Part of 19 CFR, Chapter I, although procedures, forms, or documents applicable to a given situation may be described, identified, or referred to in more than one part or section of that chapter. The part headings and section headings of the regulations are designed as a general index of subject matter with sufficient accuracy to enable related procedures, forms, or documents to be considered. Information regarding procedures, forms, or documents are set forth in the parts indicated below:

Part
1. Customs districts and ports.
2. Measurement of vessels.
3. Documentation of vessels.
4. Vessels in foreign and domestic trades.
5. Customs relations with contiguous foreign territory.
6. Air commerce regulations.
7. Customs relations with insular possessions and Guantanamo Bay Naval Station.
8. Liability for duties; entry of imported merchandise.
9. Importations by mail.
10. Articles conditionally free; subject to a reduced rate, etc.
11. Packing and stamping; marking, trademarks and trade names; copyrights.
12. Special classes of merchandise.
13. Sugars, sirups, and molasses; petroleum products; wool and hair.
14. Appraisement.
15. Relief from duties on merchandise lost, stolen, destroyed, injured, abandoned, or short-shipped.
16. Liquidation of duties.
17. Protests and reappraisements.
18. Transportation in bond and merchandise in transit.
19. Customs warehouses and control of merchandise therein.
20. Disposition of unclaimed and abandoned merchandise.
21. Cartage and lighterage.
22. Drawback.
23. Enforcement of customs and navigation laws.
24. Customs financial and accounting procedure.
25. Customs bonds.
26. Disclosure of information.
51. Imports and exports subject to the provisions of Executive Order 8389, as amended, and Proclamation 2497, regarding "Blocked Nationals."
52. Regulations under Trading With the Enemy Act.

Part
53. Importation free of duty of food, clothing and medical, surgical and other supplies under emergency proclamations of the President.
54. Certain importations free of duty during the war.
55. Changes in customs requirements and procedure due to the war.
56. Extensions of time pursuant to proclamation of the President under section 318, Tariff Act of 1930.
57. Vessel repairs and equipment.
58. Free entry of certain feeds for livestock and poultry and certain other products.
59. Importation of surplus Government property.

(c) Except where formal procedures are required as heretofore indicated, all informal procedures available for obtaining information, as described in § 100.4, are available for use in appropriate circumstances in any application for reconsideration of an official customs ruling or decision made in the field or at headquarters, in any petition for mitigation of a fine, penalty, or forfeiture, in any request for amendment of regulations or suggestion for the improvement of the Customs Service, or in any other matter within the jurisdiction of the Customs Service. In making use of such informal procedures all pertinent facts should be stated in correspondence to avoid delay. Where correspondence is addressed to the Commissioner of Customs or the Secretary of the Treasury in a matter pending before a field official of the Customs Service, a copy of the correspondence should be transmitted to that field official in order that he may determine whether to suspend action pending a ruling from headquarters.

(d) Requests, applications, petitions, or other communications soliciting or contemplating action by the central organization respecting matters within its jurisdiction, if addressed to the Commissioner of Customs, Treasury Department, Washington 25, D. C., will be referred to the proper assistant for appropriate attention. If such communications concern specific transactions arising at a field office, action thereon will be expedited if the request, application, petition, or communication so addressed is first submitted to the collector of customs for the district in which the transaction arose who will transmit it to the Bureau with his report thereon. There are no forms for or procedures governing the submission of such requests, applications, or petitions other than those set forth in the Customs Regulations of 1943, as amended from time to time, which may be purchased from the Superintendent of Documents, Washington 25, D. C., or may be consulted at the office of the Commissioner or at the customhouse at any port of entry.

§ 100.6 *Substantive rules.* Substantive rules and statements of general policy or interpretations formulated and adopted by the Treasury Department or the Bureau of Customs for the guidance of the public generally are included in the regulations of the Bureau of Customs and the joint regulations heretofore cited or described. Amendments of, or supplements to, such regulations, as promulgated from time to time, will be published in the Code of Federal Regulations indexed to the pertinent parts and sections of the Customs Regulations of 1943, as amended, and other pertinent regulations or joint regulations.

§ 100.7 *Final opinions, orders, and rules.* (a) All final opinions or orders in the adjudication of cases issued by the Secretary of the Treasury, the Commissioner of Customs, or other officials of the Treasury Department or the Bureau of Customs in customs matters, except those held confidential for good cause and not cited as precedent are made available for public inspection. The following types of final opinions and orders relating to customs matters are now published in the weekly issues and bound volumes of the Treasury Decisions: (1) final opinions or orders of exceptional importance or general public interest are published in full in Treasury Decisions; (2) final opinions or orders not of exceptional importance or general public interest but which nevertheless are of wide public interest are published in synoptical form in Treasury Decisions. The determination as to whether in a particular case a final opinion or order is confidential will be made in accordance with the standards set forth in § 100.8.

(b) All rules issued by the Secretary of the Treasury, the Commissioner of Customs, or other officials of the Treasury Department or the Bureau of Customs in customs matters, other than those relating solely to the internal management of the Bureau of Customs, are made available to public inspection.

§ 100.8 *Public records.* (a) In general, the types of official records at the headquarters or field offices of the Customs Service include the following:

(1) Entry records.
(2) Warehouse records.
(3) Appraisement records.
(4) Certificates of weight, measure, and gauge.
(5) Vessel manifests, crew lists, and passenger lists.
(6) Statistical information relative to the volume, source, and destination of commodities in foreign trade.
(7) Bulletin notice of liquidation, which is posted on the bulletin board in the customhouse and is available for public inspection.
(8) Record of entry and clearance of vessels.
(9) Record of vessels of the United States belonging to the merchant marine. This information is published annually in a bound volume entitled "Merchant Vessels of the United States," for sale through the office of the Superintendent of Documents.
(10) Records of documents of vessels of the United States.
(11) Records of bills of sales, conveyances, mortgages, hypothecations.
(12) Statistical information relative to the merchant marine.

(b) Some of the information contained in the documents mentioned in paragraph (a) of this section is held to be confidential for one or more of the following good causes and is not available to the public:

(1) It relates to the details of business transactions of private parties, the disclosure of which details would be detri-

mental to the interests of the parties involved, without furthering the public interest.

(2) It is submitted in reliance upon the long-established assurance that such information will be kept in confidence and used only for official purposes.

(3) Its disclosure would be inimical to the public interest.

(c) Requests for information contained in the public records mentioned in paragraph (a) of this section may be made in accordance with the procedures set forth in § 100.4.

[SEAL] JOSEPH J. O'CONNELL, JR.,
Acting Secretary.

[F. R. Doc. 46–15345; Filed, Aug. 28, 1946; 4:10 p. m.]

BUREAU OF INTERNAL REVENUE

[26 CFR, Ch. I]

PART 600—ORGANIZATION

SUBPART A—CENTRAL ORGANIZATION

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SUBPART A—CENTRAL ORGANIZATION

§ 600.1 *General organization, records, delegation of authority, and rules*—(a) *General organization.* The central organization of the Bureau of Internal Revenue is in Washington, D. C., principally on Constitution Avenue between Tenth and Twelfth Streets, N.W. Certain parts of the central organization are located elsewhere, as will be shown in sections dealing with such parts. Those parts not shown as located elsewhere are located at the Constitution Avenue address. The Bureau is decentralized, and the function of the central organization is largely supervisory of the field organization, the contact of the central organization with the general public being comparatively limited. The central organization is divided into a number of major parts generally called "Units" or "Offices", with subparts commonly called "Divisions" or "Sections". Their functions are described in succeeding sections of this Subpart. The head of the central organization, as of the field organization, is the Commissioner of Internal Revenue. His powers and duties are explained in this Subpart. Matters relating to the field organization, including the collectors of internal revenue, are treated in Subpart B. The Commissioner is appointed by the President, by and with the advice and consent of the Senate.

(b) *Records*—(1) *Classification.* Matters of official record in the Bureau of Internal Revenue include:

(i) Documents submittted by members of the public pursuant to the internal revenue laws or regulations, such as tax returns, information returns, statements required by statute or regulation, claims for credit, refund, or abatement, offers in compromise, bonds, applications for registration, and waivers of statutes of limitation.

(ii) Final opinions and orders under the internal revenue laws and regulations in tax matters, such as assessment lists, certificates of overassessment, and statutory deficiency letters, and documents evidencing determinations of such matters as claims for abatement, credit, or refund, offers in compromise, applications for excess profits tax relief, registration applications, closing agreements, and distraints and seizures.

(iii) Rules. (2) *Publication and public inspection.* (i) *General.* Sections 55, 2556, 2557, 2595, 3275, and 4047 of the Internal Revenue Code contain broad prohibitive and penal provisions against the disclosure of certain information described therein obtained by the Bureau of Internal Revenue from members of the public in the performance of its functions. The above provisions necessitates severe limitations by the Bureau of Internal Revenue upon publication and public inspection of its official records, including final opinions or orders in particular cases. The extent to which public disclosure may be made of matters of official record to persons properly and directly concerned is set forth herein:

(*a*) *Inspection of tax returns.* The inspection of returns is governed by the provisions of the internal revenue laws and rules promulgated by the President or by the Secretary of the Treasury pursuant to such provisions. See Treasury Decision 4873, approved by the President November 12, 1938, as amended (26 CFR, Cum. Supp., Part 458, Subpart A); Treasury Division 4878, approved by the Secretary January 4, 1939, (26 CFR, Cum. Supp., Part 458, Subpart C); Treasury Decision 4929, approved by the President August 28, 1939, as amended (26 CFR, Cum. Supp., Part 458, Subpart F); Treasury Decision 4936, approved by the President September 6, 1939 (26 CFR, Cum. Supp., Part 458, Subpart G); Treasury Decision 4945, approved by the Secretary September 20, 1939, (26 CFR, Cum. Supp., Part 458, Subpart H); Treasury Decision 5138, approved by the President April 20, 1942 (26 CFR, Cum. Supp., Part 458, Subpart I).

(*b*) *Public lists of persons making income tax returns.* Lists of persons making income tax returns in each year are available to public inspection in the offices of collectors of internal revenue. See section 55 (e) of the Code.

(*c*) *Public lists of persons paying occupational taxes.* Lists of persons paying occupational taxes under Chapter 27 of the Code are available for public inspection in the offices of collectors of internal revenue pursuant to the provisions and limitations of section 3275 of the Code. See Regulations 20 cited in § 601.8 (a) (3) and regulations cited in § 601.10 (c).

(*d*) *Record of seizure and sale of real estate.* Record 21 "Record of seizure and sale of real estate" is open for public inspection in offices of collectors of internal revenue and copies are furnished on application. See article 80, Regulations 12, approved October 22, 1940, as amended by Treasury Decision 5428, approved January 11, 1945 (Internal Revenue Bulletin, 1945–2, 27).

(ii) *Final opinions and orders.* In conformity with the policy of the provisions of law referred to in paragraph (i), final opinions and orders in the adjudication of cases arising under the internal revenue laws are, with limited exception, treated by the Bureau as confidential and are not published nor made available for public inspection. The exceptions are:

(*a*) *Overassessments in excess of $20,000.* Public decisions prepared in the case of certain overassessments allowed in excess of $20,000 are open to public inspection in accordance with the provisions and limitations of Treasury Decision 4583, approved by the President August 29, 1935 (26 CFR, Part 458).

(*b*) *Excess profits tax relief—publication of allowances.* Pursuant to the provisions of section 722 (g) of the Code, there is published from time to time in the FEDERAL REGISTER the information specified in such section relative to excess profits tax relief allowed particular taxpayers.

(*c*) *Publication of decisions.* Rulings and decisions on matters arising under the internal revenue laws which because they announce a ruling or decision upon a novel question or upon a question in regard to which there exists no previously published ruling or decision, or for other reasons, are of such importance to be of general interest, or which revoke, amend or affect in any manner a published ruling or decision are, after repnrasing to eliminate any confidential information relating to a particular case, including identity of persons, regularly published in the Internal Revenue Bulletin. No unpublished ruling or decision will be cited or relied upon by any officer or employee of the Bureau of Internal Revenue as a precedent in the disposition of other cases.

(iii) *Rules.* All rules relating to the functions of the Bureau of Internal Revenue other than those dealing solely with internal management will, to the extent consistent with the limitations contained in the provisions of law referred to in subdivision (i) of this subparagraph, be made available to public inspection. As to rules generally and their publication see § 601.13.

(iv) *Requests.* Requests for information in connection with matters of official record in which the procedure for

inspection is not set out in rules referred to in subparagraphs above should be submitted to the Commissioner of Internal Revenue, Washington 25, D. C. The request should clearly state the information desired and must set forth the interest of the applicant in the subject matter and purpose for which the information is desired. If the applicant is an agent or attorney acting for another he will attach to the application evidence of his authority to act for his principal. If such evidence is satisfactory such agent or attorney will be given access to any record to which his principal would be given access. The determination as to whether the information requested is available for disclosure in any particular case will be made by the Commissioner of Internal Revenue or such other officer authorized under the provisions of law referred to in subdivision (i) above.

Whenever it is determined that a matter of official record is available for disclosure in a particular case, a copy of said official record will be furnished the party requesting the same or the officer passing upon the request may in his discretion allow a personal inspection of the official record in question at the place where the document is normally kept. A reasonable fee may in the discretion of the determining officer be charged for furnishing copies of official records.

(c) *Delegation of authority.* An Assistant Commissioner or Deputy Commissioner serving as Acting Commissioner during the Commissioner's absence (see § 600.2) has final authority during such absence. All internal revenue personnel in the central and field organizations operate under the general supervision of the Commissioner of Internal Revenue. While certain organizations have been established to and do operate independently, i. e., the Technical Staff (see § 600.5), the Salary Stabilization Unit (see § 600.9), and the Excess Profits Tax Council (see § 600.12), the Commissioner as to none of his various functions has been completely divested of all authority. The delegation or distribution of the various Bureau functions among the several branches of the central and field organizations is described in the various sections of this Part and Part 601.

(d) *Rules.* As to rules, see § 601.13.

§ 600.2 *Office of Commissioner*—(a) *General.* The Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, has general superintendence of the assessment and collection of all taxes imposed by any law providing internal revenue. Section 3901 (a) (1), Internal Revenue Code. He also has responsibilities under statutes which, while not imposing taxes, have some relation to internal revenue. These include the Federal Alcohol Administration Act, 49 Stat. 977, as amended (27 U. S. C., and Sup. 201–212); the Liquor Enforcement Act of 1936, 49 Stat., 1928, 27 U. S. C., 211–228; the Federal Firearms Act, 52 Stat. 1250, 15 U. S. C., 901–909; and the Stabilization Act of 1942 (56 Stat. 765), as amended (50 U. S. C., App. Sup., 961–971). The Commissioner's immediate staff includes two Assistant Commissioners and a Special Deputy Commissioner, who are appointed by the President, by and with the advice and consent of the Senate, an Assistant to the Commissioner, a Senior Technical Adviser, a Technical Assistant, a Public Relations Officer, and appropriate secretarial personnel. Other personnel of the Commissioner's immediate office are assigned among five Divisions described in paragraph (b). There are also in the Bureau five Deputy Commissioners, who serve as heads of certain Units discussed in succeeding sections. The Secretary of the Treasury may designate any Deputy Commissioner to act as Commissioner during the Commissioner's absence. Section 3916 (b), Internal Revenue Code.

The Assistant Commissioners perform such duties as may be prescribed by the Commissioner, or required by law. Section 3906 of the Internal Revenue Code. The function of the Assistant Commissioners is chiefly to act as general assistants in the superintendence of the assessment and collection of all internal revenue taxes. From time to time the Commissioner prescribes particular areas of duty for each Assistant Commissioner. One of them customarily serves as Acting Commissioner during the Commissioner's absence. The Assistant to the Commissioner has the special function of studying the effectiveness of the provisions of the Internal Revenue Code in their application to various types of business transactions and indicating appropriate administrative or legislative changes. The duties of the Special Deputy Commissioner include supervision over offers in compromise under section 3761 of the Internal Revenue Code, and closing agreements under section 3760 of the Code, and of the conduct of negotiations looking to bilateral tax conventions and other tax arrangements between the United States and foreign countries and review of regulations under such conventions.

(b) *Divisions of Commissioner's Office.* The duties performed by the five divisions of the Commissioner's Office relate principally to administrative and personnel matters. Their functions are generally as follows:

(1) *Administrative Division,* with sections as follows:

(i) Printing and Binding Section.

(ii) Supplies and Equipment Section.

(iii) Communication Section.

(iv) Space and Lease Section.

The Administrative Division is concerned with budget and appropriation matters, and matters of internal management.

(2) *Personnel Division.* This division is concerned with personnel administration.

(3) *Statistical Division.* This division compiles statistics relating to the operation of the revenue laws in accordance with section 63 of the Internal Revenue Code, which provides that "The Commissioner, with the approval of the Secretary, shall prepare and publish annually statistics reasonably available with respect to the operation of the income, war-profits and excess-profits tax laws, including classifications of taxpayers and of income, the amounts allowed as deductions, exemptions, and credits, and any other facts deemed pertinent and valuable." Statistics compiled by the division are used in formulating tax programs and in administration of the tax laws. The statistical information compiled by this division, which is published in "Statistics of Income", is available to the public by purchase from the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

(4) *Training Division.* This division instructs personnel in classes or by correspondence whereby the personnel is rendered better fitted to perform present duties or advance to greater responsibilities. The courses offered deal with the application of the laws administered by the Bureau, or with such subjects as bookkeeping, auditing, etc., essential in the performance of the Bureau's functions. The division prepares the textual and other matter used in the conduct of the courses given.

(5) *Public Relations Division.* This division is concerned with the dissemination of information relating to internal revenue through the press, radio, etc., and performs certain functions of internal management.

§ 600.3 *Accounts and Collections Unit*—(a) *General.* The Accounts and Collections Unit is headed by a Deputy Commissioner, aided by two Assistant Deputy Commissioners and appropriate secretarial and technical personnel. Other personnel is divided into the divisions named in paragraph (b). It is the central administrative organization for the 64 collection districts, and advises and assists generally in the conduct of the collectors' offices. The Unit audits collectors' accounts, and makes the administrative audit of all expenditures for the field organization of the Bureau, and performs certain other functions relating to the internal management of the Bureau.

(b) *Divisions of the Accounts and Collections Unit.*—(1) *Planning Division.* This division outlines plans and prescribes and interprets procedure for the processing of tax remittances, tax returns, and other related documents and for the general management of field activities. It also coordinates the accounting records, forms, etc., of the Bureau, with those of other Government agencies.

(2) *Collection Accounting Division.* This division issues internal revenue stamps to collectors and to the Postmaster General and audits schedules of returned stamps. It verifies accounting reports of collectors in connection with tax collections and assessments and internal revenue stamps. It also verifies accounts relating to tax refunds, and audits collectors' revenue and special deposit accounts.

(3) *Collectors' Organization Division.* This division supervises all personnel actions in collectors' offices, and exercises direct administrative control over the acquisition of space, equipment, and services by such offices.

(4) *Disbursement Accounting Division.* This division, with respect to payrolls and miscellaneous expenditures, post-audits vouchers presented for payment outside Washington and pre-audits vouchers presented for payment in Washington.

(5) *Supervisors of Accounts and Collections.* The supervisors of accounts and collections are field representatives of the Unit, who conduct examinations of collectors' offices with respect to their accounts, methods and procedures, organization and management.

§ 600.4 *Income Tax Unit*—(a) *Central Organization of Unit.* The Income Tax Unit is headed by a Deputy Commissioner of Internal Revenue. His immediate office includes an Assistant Deputy Commissioner and technical advisers, and functions in executive, administrative, and technical matters. The office formulates programs for operation of its Washington office, as well as for its field offices, and coordinates the work of those offices with other organizations of the Bureau. The Unit is charged with the responsibility of administering the internal revenue laws relating to taxes on income, excess profits of corporations, and excess profits on Navy and National Defense Act contracts. The Deputy Commissioner in charge of the Unit supervises and is responsible to the Commissioner for the performance of all duties assigned to the Unit in Washington as well as to its field offices.

(b) *Divisions of Income Tax Unit*—(1) *Field Procedure Division.* The functions of this division are largely administrative in character. It is the contact office between the Deputy Commissioner and the 39 field divisions and it is the division through which general internal management, including organization and personnel matters of the field service, is effected.

(2) *Practice and Procedure Division.* This division coordinates audit action of the field divisions of the Unit and divisions within its Washington office. It conducts studies and prepares reports upon special technical questions, prepares amendments of existing regulations, and when requested prepares and reviews opinions to field and other divisions of the Unit in tax cases in which returns have been filed. It selects and prepares material for publication in the Internal Revenue Bulletin, assists in preparation of income and profits tax return forms, and other forms used by the Bureau, prepares instructional orders covering general procedural and administrative questions arising in the consideration and disposition of tax cases, considers applications for and prepares rulings in respect of claims of exemption from filing returns by corporations and in respect of changes of accounting periods, prepares advisory rulings upon inquiries from taxpayers or their representatives on the tax law or regulations in situations in which the question presented is not involved in a tax return which has been filed. Requests for such rulings should be addressed to the Commissioner of Internal Revenue, Washington 25, D. C. The Division holds conferences with taxpayers or their representatives on requests for such rulings.

(3) *Audit Review Divisions.* There are five Audit Review Divisions, A, B, C, D, and E. These divisions review the findings of internal revenue agents in charge with respect to all income and excess profits tax cases examined by them. There is assigned to each division certain geographical territory. With the exception of the smaller individual returns retained for audit by collectors of internal revenue, these divisions handle all income tax returns of individuals and all returns of taxable corporations. It is through these divisions that tax returns move to the field offices for investigation. Under the decentralized procedure of the Bureau conferences are not held in Washington on issues arising in tax returns which have been filed. If a taxpayer desires a ruling on any issue involved in a return which has been filed the application for such a ruling must be filed with the internal revenue agent in charge of the field division having examination jurisdiction of the return. Audit Review Division A handles the income tax returns filed in the State of New York. Audit Review Division B handles returns filed in the States of Pennsylvania, New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine. Audit Review Division C handles returns filed in the States of Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Michigan, Kentucky, West Virginia, and Ohio, and the District of Columbia. Audit Review Division D handles returns filed in the States of Colorado, New Mexico, Wyoming, Missouri, Kansas, Illinois, Indiana, Iowa, Minnesota, Nebraska, North Dakota, South Dakota and Wisconsin. Audit Review Division E handles returns filed in the States of Arizona, Arkansas, California, Idaho, Louisiana, Mississippi, Montana, Nevada, Oklahoma, Oregon, Texas, Utah, Washington, and in Alaska and the Hawaiian Islands.

Audit Review Division B (through a Securities Unit) also determines the taxable status of exchanges and distributions in corporate reorganizations and liquidations, including those ordered by the Securities and Exchange Commission, determines the basis of property acquired in such transactions, values listed and unlisted securities, and determines the taxable status of ordinary, liquidating and stock dividends. The Division prepares rulings on transactions involving the above matters and also prepares closing agreements in connection therewith. Audit Review Division C (through the Alien Property Custodian Unit) also has the additional function of controlling and furnishing tax data in connection with Federal taxes attaching to property of enemy aliens vested in the Alien Property Custodian. In this connection, it has established procedure between the office of that official and the Bureau with respect to the assertion and collection of such taxes. It also furnishes Bureau offices with tax data transcribed from records of Foreign Funds Control and other government agencies relative to income and property of citizens of foreign countries. It maintains liaison with Foreign Funds Control for the purpose of transcribing such information and for enforcing payment of tax liability attaching to blocked property.

(4) *Engineering and Valuation Division.* In connection with tax determinations this division values the property of taxpayers engaged in the exploitation of natural resources, determines proper allowances for depletion, depreciation, obsolescence, loss of useful value, and other related deductions, values industrial and business properties, real estate, leaseholds, contracts, patents, and similar tangible and intangible properties. It also for the same purpose values the property of taxpayers engaged in public utility enterprises.

(5) *Business and Industrial Research Division.* This division is primarily responsible for economic studies and statistical analysis for use in the administration of section 722 of the Internal Revenue Code which provides general relief for corporate taxpayers from excessive and discriminatory excess profits taxes. As to section 722 see §§ 600.12, 600.56 and 601.11.

(6) *Clearing Division.* This division prepares and maintains status records of all claims filed by taxpayers for adjustment of liability for taxes within the jurisdiction of the Unit, and the adjustments made on the basis of such claims. It prepares certificates of overassessment of such taxes based on information furnished by the Audit Review Divisions. It computes interest on overpayments of income tax, receives from collectors all income and excess profits tax returns, other than those retained by collectors' offices, and checks and proves collectors' assessment lists in respect thereof. This division maintains control records on income tax closing agreements and on all offers in compromise of income tax liabilities. It checks computations under sections 711 (b) (1), (H), (I), (J) and (K), 721 and 722 of the Code, relating to abnormalities under the excess profits tax, (especially for preparation of publicity reports required by section 722 (g)) and makes determinations with respect to interest on overassessments and deficiencies in connection therewith. The Division also controls, examines and adjusts applications for tentative adjustment with respect to amortization deductions and applications for tentative carry-back adjustments under the provisions of sections 124 and 3780 of the Internal Revenue Code. It verifies and computes the credit for debt retirement and net postwar refund credit of excess profits tax.

(7) *Pension Trust Division.* This division coordinates and reviews rulings as to the qualification of stock bonus, pension, profit sharing, and annuity plans under applicable provisions of the Internal Revenue Code; determines the allowability of deductions claimed for contributions under such plans; holds preliminary and formal conferences with taxpayers and their representatives with respect to such rulings, (other conferences being held in local field offices with respect to rulings issued through such offices) renders technical advice to and makes actuarial analyses for field forces, and post-reviews cases under sections 165 and 23 (p) of the Internal Revenue Code and collaborates with the Chief Counsel's Office in preparation of regulations relating to pension trust matters.

(8) *Records Division.* This division maintains general and special files relating to income and excess profits tax returns, reports, credits, and related doc-

uments. It maintains control records of returns and related papers as cases progress through the Income Tax Unit, its field offices, and the Bureau, and furnishes returns and related papers to the field offices of the Income Tax Unit as well as to the other agencies of the Bureau.

(9) *Service Division.* This division performs various functions relating to the internal management of the Unit, prepares for administrative use of officials and others concerned, organization, personnel, statistical, procedural, functional, and other charts. It also prepares graphs, maps, plans, illustrations and lettering jobs of various descriptions. It also through its stenographic and typing sections furnishes stenographic service to the various divisions of the Income Tax Unit.

§ 600.5 *Technical staff.* The Technical Staff acts as the appellate agency within the Bureau of Internal Revenue in the determination of income, profits, estate and gift tax liability. It comprises a headquarters office in Washington, D. C., and ten field divisions. The headquarters office, in general, supervises and coordinates the work of the field divisions to ensure uniformity in procedure and consistency of treatment of taxpayers. This office also reviews applications for extensions of time for payment of income taxes, recommendations from field divisions respecting offers in compromise, and final closing agreements executed under section 3760 of the Internal Revenue Code. For further information relative to the functions of the Technical Staff see § 600.53.

§ 600.6 *Alcohol Tax Unit*—(a) *Organization.* The Alcohol Tax Unit is headed by a deputy commissioner of internal revenue. The Unit personnel is grouped in four divisions, named below. The function of the Alcohol Tax Unit is administration of the provisions of the Internal Revenue Code and any other laws imposing or dealing with internal revenue taxes relating to alcoholic liquors, including special (occupational) taxes; the administration of two nontaxing statutes relating to the traffic in alcoholic liquor, i. e., Federal Alcohol Administration Act, 49 Stat. 977, as amended (27 U. S. C., and Sup., 201–212) and Liquor Enforcement Act of 1936, 49 Stat., 1928, 27 U. S. C., 221–228; also in cooperation with the Miscellaneous Tax Unit (see section 600.7) the administration of the Federal Firearms Act, 52 Stat. 1250, 15 U. S. C. 901–909.

Administration of the laws indicated is decentralized and the work done by the Unit is largely supervisory of field operations. Action taken by responsible field officers is generally final though subject to review and possible reversal by the Commissioner or Deputy Commissioner in charge of the Unit acting for or under the direction of the Commissioner. As to authority of District Supervisors in the field see § 600.55 (a).

The divisions of the Unit and the functions thereof are as follows:

(1) *Administrative Division.* This division is concerned with matters of internal management, including the disposition of seized property.

(2) *Basic Permit and Trade Practice Division.* This division deals with matters relating to interstate and foreign commerce in alcoholic liquors and the labeling and advertising thereof under the Federal Alcohol Administration Act and regulations issued under such Act.

(3) *Enforcement Division.* The duties of this division pertain to the investigation, detection, and prevention of willful and fraudulent violations of the internal revenue laws relating to alcoholic liquors, and to the enforcement of Federal laws concerning firearms.

(4) *Permissive Division (including Audit, Field Inspection, Laboratory and Procedure Divisions).* This division has functions pertaining to the lawful production and distribution of distilled spirits, wines, and fermented malt liquors; the production, distribution, and use of industrial alcohol; taxes and penalties; regulations as to the size and other characteristics of liquor bottles; the preparation of statistics; and the chemical analysis of liquors and other products.

(b) *Public relations.* General information as to the application of the statutes referred to in paragraph (a), and regulations promulgated under such statutes, may be obtained from the offices of District Supervisors (see § 600.55 (a)) and from the Deputy Commissioner of Internal Revenue, Alcohol Tax Unit, Washington 25, D. C. General information regarding enforcement aspects of such statutes may also be obtained from the offices of Investigators in Charge (see § 600.55 (b)). Requests for information may be made by mail, or in person, or by telephone.

Requests for information respecting the requirements of the Federal Alcohol Administration Act and regulations, and applications and other matters in connection therewith, may also be made by telephone, or in person, at the office of the Basic Permit and Trade Practice Division, Alcohol Tax Unit, Baltimore, Maryland. Inquiries by mail for such information should be addressed to Deputy Commissioner, Alcohol Tax Unit, Bureau of Internal Revenue, Washington 25, D. C. Information concerning particular cases arising with respect to the enforcement of the internal revenue laws relating to liquors and Federal laws relating to firearms may also be obtained from the office of the Investigator in Charge of the judicial district in which the case arose.

Applications for permits and other authorizations must be made in writing in accordance with applicable, published regulations, described in § 601.8. Claims for remission of taxes on liquors must be filed with the District Supervisor having territorial jurisdiction. Claims for abatement, refund, or drawback of taxes on liquors, and offers in compromise of liabilities arising under the internal revenue laws relating to liquors must be submitted to the collector of internal revenue of the district. Offers in compromise may also be submitted to deputy collectors of internal revenue. Form 843 should be used for filing claims for abatement or refund of taxes, and Form 656 for submitting offers in compromise. Claims for remission, abatement, and refund of taxes and offers in compromise are forwarded by the District Supervisor or the collector, as the case may be, to the Commissioner for final action. Complete information respecting the filing of applications, returns, and other documents is set forth in the applicable published regulations designated in § 601.8. Information respecting applications, claims, offers in compromise, and other submissions may be obtained from the offices of District Supervisors having jurisdiction, or, where the matter has been referred to the Commissioner or, in the case of applications for permits, the Deputy Commissioner in charge of the Alcohol Tax Unit, from the office of such official in Washington, D. C.

§ 600.7 *Miscellaneous Tax Unit*—(a) *General.* The Miscellaneous Tax Unit is headed by a Deputy Commissioner who, under the general supervision of the Commissioner, is responsible for the administration of all internal revenue taxes except the income and excess profits taxes, the taxes with respect to alcoholic beverages, and those relating to employment. In his general superintendence of the work of the Unit, the Deputy Commissioner is assisted by two Assistant Deputy Commissioners, two Technical Advisors, and a Special Reserch Committee of three members.

In the interests of case of administration, the numerous taxes administered by the Unit have been divided into four main groups, each group being handled by one of four intra-Unit divisions expressly established for that purpose. Each of these divisions is in charge of a Division Head who is under the general supervision of, and is directly responsible to, the Deputy Commissioner for the proper performance of the work necessary in connection with the administration of the various taxes with which he is charged.

The duties of each division comprise, with respect to the taxes administered by it, the audit and adjustment of returns; the examination and adjustment of claims for refund, credit, and abatement; the preparation of regulations and of interpretative and procedural rulings and instructions; and the drafting of tax return forms.

(b) *Description of divisions.* The names of the four operating divisions, together with a statement as to the taxes being administered by each such division, are set forth in the paragraphs which follow.[1]

(1) *Estate Tax Division.* This division is responsible for the administration of the estate tax imposed by Chapter 3 of the Internal Revenue Code and the gift tax imposed by Chapter 4 thereof.

(2) *Tobacco and Capital Stock Tax Division.* This division is responsible for the administration of the taxes with respect to tobacco products imposed under Chapter 15 of the Internal Revenue Code and for the work involved in auditing returns, examining claims, and closing out cases in connection with the capital stock tax imposed under Chapter 6 of the Internal Revenue Code which has been re-

[1] The taxes being administered by the Unit are referred to only briefly here. For a more specific description of these various taxes see §§ 601.4, 601.6, 601.7, 601.9 and 601.10.

pealed with respect to years ending after June 30, 1945.

(3) *Sales Tax Division.* This division is responsible for the administration of the manufacturers' and retailers' excise taxes imposed under Chapters 9A, 19, 25 and 29 of the Code and for the work in connection with all repealed manufacturers' excise taxes.

(4) *Miscellaneous Division.* This division is charged with the administration of the following miscellaneous excise taxes:

Kind of tax	Internal Revenue Code Chapter Imposing Tax
Admissions, cabarets, and dues	10
Circulation other than of national banks	13
Coconut and other vegetable oils	21
Communications facilities	30
Documentary stamp taxes on issues and transfers of stocks and bonds, and on conveyances of realty sold, cotton futures, foreign insurance policies, and passage tickets	11, 14, and 31
Filled cheese	17
Hydraulic mining [1]	
Machine guns and short-barrelled firearms	25
Narcotics [2]	23
Occupational stamp taxes with respect to oleomargarine, adulterated and process or renovated butter, filled cheese, narcotics [2], firearms, coin-operated amusement and gaming devices, bowling alleys, and billiard and pool tables	27
Oleomargarine, adulterated and process or renovated butter	16
Playing cards	11
Safe deposit boxes	12
Silver bullion	11
Sugar	32
Transportation services	30
White phosphorous matches	24

[1] The tax with respect to certain hydraulic mining is levied under the act entitled "An Act to create the California Debris Commission and regulate hydraulic mining in the State of California," as amended (27 Stat. 507; 34 Stat. 1001; 48 Stat. 1118). The provisions of this act are not codified in the Internal Revenue Code.

[2] The narcotics taxes (including the occupational taxes with respect to narcotics) are administered jointly by the Bureau of Narcotics and the Bureau of Internal Revenue, the enforcement features of the work being handled by the former agency and other features by the latter.

The Miscellaneous Division is also charged with the performance of all work in connection with repealed excise taxes of a miscellaneous character and for the disposal of claims for refund filed under the provisions of Title IV and VII of the Revenue Act of 1936 and the Second Deficiency Appropriation Act of 1938, as amended, with respect to the taxes imposed under the Agricultural Adjustment Act and related statutes. The division is also jointly responsible with the Alcohol Tax Unit for the administration of the Federal Firearms Act (52 Stat. 1250).

§ 600.8 *Employment Tax Unit*—(a) *General.* The Employment Tax Unit is headed by a Deputy Commisisoner of Internal Revenue. The Unit is located in Temporary Building "S", 7th Street and Jefferson Drive, S. W., Washington, D. C., and is divided into the divisions shown in paragraph (b).

The Employment Tax Unit administers the employment taxes imposed under Chapter 9 of the Internal Revenue Code. Subchapter A (Federal Insurance Contributions Act) imposes a tax on all employers and employees with respect to "employment", as defined therein. Subchapter B imposes a tax on employers, employees, and employee representatives with respect to "service" rendered as defined therein. Subchapter C (Federal Unemployment Tax Act) imposes a tax on employers of eight or more individuals with respect to "employment", as defined therein. The audit and adjustment of all returns filed annually under the Federal Unemployment Tax Act, together with the disposition of all claims for refund, credit, and abatement filed with respect to the taxes imposed by Subchapters A, B, and C of Chapter 9 of the Internal Revenue Code, are performed in the Employment Tax Unit in Washington. The audit and adjustment of the quarterly returns filed under the Federal Insurance Contributions Act and Subchapter B of Chapter 9 of the Code, and the field work in connection with the tax imposed by the Federal Unemployment Tax Act, are performed by the offices of the collectors of internal revenue for the 64 collection districts in which returns are filed.

(b) *Unit Divisions.* The divisions of the Unit and their functions are as follows:

(1) *Audit Division.* This division audits and adjusts all Forms 940 filed by employers of eight or more individuals under Federal Unemployment Tax Act; verifies credit claimed by taxpayers for contributions paid into State unemployment compensation funds with proofs of credit furnished by State offices; adjusts all claims for refund, credit and abatement of employment taxes; considers offers in compromise, and makes rulings to taxpayers, in those cases where precedents exist.

(2) *Control Division.* This division receives assessment lists pertaining to employment tax liabilities from collectors' offices and causes assessment certificates to be issued; passes on taxpayers' reasons for delinquency on all Forms 940 and in controversial cases on Forms 35–1a, CT–1 and CT–2; considers offers in compromise pertaining to delinquency penalties and penalties for willful failure to pay tax or file returns, reviews all claims filed to determine whether properly executed; adjusts refund and abatement claims involving penalty and interest; and conducts correspondence in regard to above matters.

(3) *Rules and Regulations Division.* This division prepares original interpretative rulings on all phases of the law and regulations; prepares regulations and forms; prepares mimeographed instructions on field procedures; initiates publication of rulings in Internal Revenue Bulletin; and conducts conferences with taxpayers and their representatives involving rulings.

(4) *Service Division.* This division is engaged in functions of internal management.

(c) *Public relations.* Returns and other forms relating to employment taxes, and information regarding such taxes and forms may be obtained by addressing a letter or applying personally, if the applicant is an individual, to the collector of internal revenue for the district in which the applicant resides, or, in case the applicant is a corporation, to the collector of the district in which its principal place of business is located. Collectors are authorized to grant extensions of time for filing the annual returns required under the Federal Unemployment Tax Act, and requests for such extension should be made to collectors. Offers in compromise of tax liability should be submitted to collectors. Collectors are authorized to issue advisory rulings on employment tax liability but such rulings are subject to review and modification by the Bureau. Requests for rulings should be submitted by letter either to the collector or to the Commissioner of Internal Revenue, Washington 25, D. C.

§ 600.9 *Salary Stabilization Unit.* The central organization of the Salary Stabilization Unit is located in Temporary Building "S", 6th Street and Jefferson Drive, S. W., Washington, D. C. The Head of this Unit exercises authority in salary stabilization matters delegated by the Commissioner of Internal Revenue.

The Unit administers the provisions of the Act of October 2, 1942 (56 Stat. 765, as amended, 50 U. S. C. App., Sup., 961–971), which relate to the salaries of certain classes of employees, particularly described in the Treasury decisions referred to in § 601.12.

§ 600.10 *Intelligence Unit*—(a) *General.* The Intelligence Unit is principally concerned with the investigation, in cooperation with revenue agents and deputy collectors, of cases involving alleged evasion of taxes; investigation of charges of a serious nature against employees of the central and field organization; and investigation of applications of attorneys and agents to practice before the Treasury Department.

(b) *Divisions.* The divisions of the Unit are as follows:

(1) *Fraud Division.* The activities of the division are directed to the investigation of tax frauds.

(2) *Special Assignment & Administration Division.* This division is concerned with all types of investigations within the scope of the Unit's work (other than those conducted by the Fraud Division) as well as administrative, budgetary, and personal problems.

§ 600.11 *Office of Chief Counsel*—(a) *Unit of Treasury Department Legal Division.* The Office of the Chief Counsel is a unit of the Legal Division of the Treasury Department which does the legal work connected with the Bureau of Internal Revenue. Section 512 of the Revenue Act of 1934 (now sections 3930, 3931, and 3932 of the Internal Revenue Code) created the offices of General Counsel for the Department of the Treasury and Assistant General Counsel for the Bureau of Internal Revenue. The General Counsel was made chief law officer of the entire Treasury Department, and among the powers, duties and functions given to him were those formerly vested in the General Counsel for the Bureau. Section 512 authorized the

General Counsel, with the approval of the Secretary, to delegate any authority, duty or function vested in him to the Assistant General Counsel for the Bureau. Since June 20, 1934, by virtue of orders of delegation issued by the General Counsel pursuant to such authority, the Assistant General Counsel for the Bureau has, subject to the general supervision of the General Counsel for the Treasury, exercised the duties, powers and functions formerly vested in the General Counsel for the Bureau. For reasons of expediency, the Assistant General Counsel now in charge operates under the title "Chief Counsel". Hence, the unit is commonly known as the "Office of the Chief Counsel".

(b) *Central organization of the Office of the Chief Counsel.* The central organization of the Office of the Chief Counsel is located in the Internal Revenue Building, Washington, D. C. This organization is composed of three groups: the executive group, the operating group, and the service group.

(1) *Executive group.* The executive group is composed of the Chief Counsel and his immediate staff. The staff is made up of four assistant chief counsels and four special assistants to the Chief Counsel. Any one of the Assistant Chief Counsels may be designated to act for the Chief Counsel in the latter's absence.

(2) *Operating group.* The operating group is composed of the designated divisions discussed below.

(i) *Chief Counsel's Committee.* This committee, which is composed of a chairman and two other members, acts in a capacity advisory to the executive group on matters referred to it by he members of that group, and also reviews proposed compromises, closing agreements, and informers' claims for reward. See § 601.1.

(ii) *Alcohol Tax Division.* This division handles the legal work arising from the administration and enforcement of the internal revenue liquor laws and the Federal Alcohol Administration Act, and from the enforcement of certain acts relating to liquor and firearms.

(iii) *Appeals Division.* This division represents the Commissioner in consideration, disposition and trial of appeals filed with The Tax Court of the United States other than appeals involving processing taxes. Substantially all the legal personnel of this division have been decentralized, only the Head and Assistant Heads of the Division, and the Appellate Court and Brief Review Section remaining in Washington. The Head of the Appeals Division exercises general supervisory authority on behalf of the Chief Counsel over the Division Counsels and their legal assistants in the field offices. (For details of the latter's authority and extent of review, see section 600.57.)

(iv) *Civil Division.* This division cooperates with the Department of Justice in assembling civil tax cases (but see subdivisions (ii), (iii), and (v)) and advising the Department of the Bureau's position in the prosecution, defense, appeal, and settlement of such litigation, and also advises the Bureau as to the institution of civil suits for taxes and the handling of liens for taxes.

(v) *Claims Division.* This division is composed of the Processing Tax Section, the Reorganization Section, the Bankruptcy and Receivership Section, and the Compromise Section. The division represents the Commissioner in cases appealed to The Tax Court involving refunds of amounts paid as processing taxes and does appellate court work in connection therewith, and assists and cooperates with the Department of Justice in the handling of civil litigation in all courts, except The Tax Court, involving amounts paid as floor stock tax, compensating tax or custom processing tax under the provisions of the Agricultural Adjustment Act, as amended. The division also handles the legal work incident to the collection of Federal taxes in proceedings instituted under the provisions of sections 75, 77, and 77B, Chapters X, XI, XII, XIII, and XV of the Bankruptcy Act, as amended, as well as protecting the interest or claims of the United States involving in railroad and corporate reorganization cases and in real property arrangement proceedings, and bankruptcy and receivership liquidation proceedings, and prosecutes claims filed by collectors against the estates of deceased taxpayers, against insolvent banks, and in liquidation proceedings, including assignments for the benefit of creditors.

(vi) *Interpretative Division.* This division prepares formal opinions on questions involvng the tax laws, reviews rulings and closing agreements on Form 906 (see § 601.1 (d) (2)), prepared in the administrative units of the Bureau, and edits material to be published in the Internal Revenue Bulletin.

(vii) *Legislation and Regulations Division.* This division reviews or drafts regulations and Treasury decisions, considers and makes recommendations to the General Counsel (through the Chief Counsel and Commissioner) with respect to legislative proposals, and prepares and reviews reports on legislation pending in Congress.

(viii) *Penal Division.* This division considers cases involving recommendations for criminal prosecution for violations of the tax laws, prepares such cases for reference to the Department of Justice and, when requested by that Department, assists at the trial of such cases. Much of the work of this division has been decentralized in the offices of Regional Counsels (as to which, see § 600.57). The Head of this division exercises general supervisory authority on behalf of the Chief Counsel over the attorneys in the Regional Counsels' offices.

(ix) *Review Division.* This division reviews claims for refund, credit or abatement where the amount proposed for allowance in any case exceeds $75,000, and prepares the written "Public Decision" required by Treasury Decision 4583 (Cumulative Bulletin XIV–2, p. 318). This division also prepares the reports to the Joint Committee on Internal Revenue Taxation of Congress required by section 3777 (a) of the Internal Revenue Code in cases where refunds or credits of income, war profits, excess profits, estate, and gift taxes in excess of $75,000 are approved.

(3) *Service group.* The service group is composed of various units providing services in connection with the internal functioning of the Chief Counsel's Office, such as the library, digest system, mail and records section, etc.

§ 600.12 *Excess Profits Tax Council; Central Organization.* The Excess Profits Tax Council administers the excess profits tax relief provisions of section 722 of the Internal Revenue Code relating to determination of the excess profits tax credit in certain prescribed circumstances. The Council comprises fifteen members appointed by the Commissioner, one of whom is designated to act as chairman. The central office of the Council is in the Internal Revenue Building, 12th Street and Constitution Avenue NW., Washington 25, D. C.

The jurisdiction and authority of the Excess Profits Tax Council are set forth in Commissioner's Mimeograph No. 6044, approved by the Secretary of the Treasury on July 30, 1946 (copies of which may be obtained from the Council) which reads in part as follows:

1. *Excess Profits Tax Council.* Com. Mim. Coll. No. 6035, T. S. No. 448, Dated July 10, 1946, established as a field group in the Bureau of Internal Revenue the Excess Profits Tax Council.

2. *Section 722 Field Committee.* There is hereby established in each field division of the Income Tax Unit [see section 600.52] a committee to be known as the "Section 722 Field Committee".

3. *Jurisdiction of the Excess Profits Tax Council.* Subject to the authority of the Commissioner of Internal Revenue, final jurisdiction within the Bureau of Internal Revenue of all issues arising under the provisions of section 722 of the Internal Revenue Code is hereby vested in the Excess Profits Tax Council. The Excess Profits Tax Council (hereinafter referred to as the "Council") will have no jurisdiction over any issues arising under any other provision of the internal revenue laws (hereinafter referred to as "standard issues"). In view of the distinctive character of the issues under section 722, the procedures herein set forth provide for consideration of those issues separate and apart from the consideration of issues arising under other provisions of law.

4. *Functions of the Section 722 Field Committee.* With respect to each claim it will be the responsibility of the Section 722 Field Committee [see section 600.56] * * * to recommend to the Council the amount of the constructive average base period net income allowable under section 722. Such recommendation will be subject to approval by the Council. The recommendation of the Committee will be set forth in a report devoted exclusively to the section 722 issues.

* * * * *

5. *Review by Excess Profits Tax Council of Committee Recommendations.* The recommendation of the Committee for final disposition of section 722 issues will be subject to review by the Council whether or not the taxpayer agrees with such recommendation. In any case in which the taxpayer does not agree with the Committee recommendation, or in any case in which a Committee recommendation agreed to by the taxpayer is not accepted after review by the Council, the taxpayer will be afforded an opportunity for a hearing before the Council.

* * * * *

12. *Chief Counsel's Review of Section 722 Issues.* In any case subject to review by the Chief Counsel [see section 600.11] he will accept as final, for the purposes of his review and any report to the Joint Committee on Internal Revenue Taxation, the decision as to section 722 issues contained in reports approved by the Council.

SUBPART B—FIELD ORGANIZATION

§ 600.50 *General.* As stated in § 600.1, the Bureau of Internal Revenue is decentralized. Most of its personnel is located and most of its work performed in the field. The field organization is described in §§ 600.51 to 600.60, inclusive.

§ 600.51 *Collectors of internal revenue*—(a) *General.* Collectors of internal revenue are appointed by the President, by and with the advice and consent of the Senate. Certain duties of collectors are prescribed by statute. Other duties are prescribed by the Commissioner in pursuance of law. Under section 3942 of the Internal Revenue Code, collectors may be suspended by the Commissioner for fraud, or gross neglect of duty, or abuse of power. As of July 1, 1946, there were sixty-four collectors' offices and one thousand three hundred and thirty-one branch offices. The addresses (locations) of the various branch offices of a particular collection district may be obtained from the Collector of Internal Revenue of that district or from the Accounts and Collections Unit, Bureau of Internal Revenue, Washington 25, D. C. The branch offices are located, as a rule, in the principal cities in the various collection districts. The sixty-four collection districts, and the headquarters of and territory embraced by each district, are shown in paragraph (d).

(b) *Functions of collectors' offices.* Collectors of internal revenue, personally and through their staffs, prepare assessment lists, receive internal revenue tax returns, collect internal revenue taxes, sell internal revenue stamps, distribute internal revenue forms, assist the public in the execution of tax returns and otherwise complying with the internal revenue laws and regulations, canvass for delinquent and additional tax liability, and in general enforce the internal revenue laws. Collectors have authority, when it becomes necessary, to make tax collection forcibly by distraint on taxpayers' property, and to file tax liens. Collectors determine the tax due on income tax returns filed by employees on their tax statements, Form W–2, and examine and audit certain other income tax and other Federal tax returns under procedure outlined by the Commissioner. Where the amount involved, exclusive of interest, penalties, additions to the tax, and additional amounts, does not exceed $1,000, collectors make refunds of income tax overpayments, and abate erroneous assessments. Section 3770 (a) (4), I. R. C. Collectors have authority under statute (section 3634, I. R. C.) and by delegation of authority from the Commissioner, in appropriate cases to grant extensions of time for filing returns, and they make settlements, subject to approval of the Commissioner and a designated officer of the Treasury Department (section 3761, I. R. C.), of liability for ad valorem penalties incurred through delinquency in filing returns or payment of tax and interest due.

(c) *Public relations.* The public may secure from the principal and branch offices of collectors of internal revenue, pursuant to oral or written application, information as to the application of the internal revenue laws. Requests for extensions of time for filing returns and for information as to cases in their charge, and offers in compromise, and claims for abatement, credit or refund of taxes may be submitted to collectors.

(d) *Collection districts.* A list of collection districts, the territorial extent, and the headquarters of each, effective as of July 1, 1946, is as follows:

Designation of district	Territory embraced	Headquarters office
Alabama	Entire State	Birmingham 3.
Alaska	Part of Washington District	
Arizona	Entire State	Phoenix.
Arkansas	Entire State	Little Rock.
California:		
1st District	Counties of Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, Eldorado, Fresno, Glenn, Humbolt, Inyo, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tulare, Tehama, Trinity, Tuolumne, Yolo and Yuba.	San Francisco 1.
6th District	Counties of Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara and Ventura.	Los Angeles 53.
Colorado	Entire State	Denver 2.
Connecticut	Entire State	Hartford 15. Zone Offices: New Haven. New London.
Delaware	Entire State	Wilmington 99.
District of Columbia.	Part of Maryland District	
Florida	Entire State	Jacksonville 1. Zone Offices: Tampa. Miami.
Georgia	Entire State	Atlanta 3.
Hawaii	Entire Territory	Honolulu 3.
Idaho	Entire State	Boise.
Illinois:		
1st District	Counties of Boone, Bureau, Carroll, Cook, De Kalb, Du Page, Grundy, Henry, Jo Daviess, Kane, Kankakee, Kendall, Lake, La Salle, Lee, McHenry, Marshall, Mercer, Ogle, Putnam, Rock Island, Stark, Stephenson, Whiteside, Will and Winnebago.	Chicago 90.
8th District	Counties of Adams, Alexander, Bond, Brown, Calhoun, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Dewitt, Douglas, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Fulton, Gallatin, Greene, Hamilton, Hancock, Hardin, Henderson, Iroquois, Jackson, Jasper, Jefferson, Jersey, Johnson, Knox, Lawrence, Livingston, Logan, McDonough, McLean, Macon, Macoupin, Madison, Marion, Mason, Massac, Menard, Monroe, Montgomery, Morgan, Moultrie, Peoria, Perry, Piatt, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Sangamon, Schuyler, Scott, Shelby, Tazewell, Union, Vermilion, Wabash, Warren, Washington, Wayne, White, Williamson and Woodford.	Springfield.
Indiana	Entire State	Indianapolis 6.
Iowa	Entire State	Des Moines 8. Zone Offices: Dubuque. Sioux City.
Kansas	Entire State	Wichita 1.
Kentucky	Entire State	Louisville 1. Zone Offices: Lexington. Covington. Owensboro.
Louisiana	Entire State	New Orleans 16.
Maine	Entire State	Augusta.
Maryland	Entire State of Maryland and District of Columbia.	Baltimore 2. Zone Office: Washington.
Massachusetts	Entire State	Boston 9.
Michigan	Entire State	Detroit 31.
Minnesota	Entire State	St. Paul 1. Zone Offices: Minneapolis. Duluth.
Mississippi	Entire State	Jackson 109.
Missouri:		
1st District	Counties of Adair, Audrain, Bellinger, Boone, Butler, Calloway, Cape Girardeau, Carter, Clark, Crawford, Dent, Dunklin, Franklin, Gasconade, Howard, Iron, Jefferson, Knox, Lewis, Lincoln, Linn, Macon, Madison, Maries, Marion, Mississippi, Monroe, Montgomery, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Ralls, Randolph, Reynolds, Ripley St. Charles, St. Francois, Ste. Genevieve, St. Louis, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Warren, Washington, Wayne.	St. Louis 1.
6th District	Counties of Andrew, Atchison, Barry, Barton, Bates, Benton, Buchanan, Caldwell, Camden, Carroll, Cass, Cedar, Chariton, Christian, Clay, Clinton, Cole, Cooper, Dade, Dallas Daviess, De Kalb, Douglas, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howell, Jackson, Jasper, Johnson, Laclede, Lafayette, Lawrence, Livingston, McDonald, Mercer, Miller, Moniteau, Morgan, Newton, Nodaway, Ozark, Pettis, Platte, Polk, Putnam, Ray, St. Clair, Saline, Stone, Sullivan, Taney, Texas, Vernon, Webster, Worth and Wright.	Kansas City 6.
Montana	Entire State	Helena. Zone Office: Great Falls.
Nebraska	Entire State	Omaha 2.
Nevada	Entire State	Reno.
New Hampshire	Entire State	Portsmouth.
New Jersey:		
1st District	Counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean and Salem.	Camden.
5th District	Counties of Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union and Warren.	Newark 2.
New Mexico	Entire State	Albuquerque.

Designation of district	Territory embraced	Headquarters office
New York:		
1st District	Counties of Kings, Nassau, Queens, Richmond, and Suffolk.	210 Livingston St., Brooklyn 2.
2d District	All that part of Manhattan Island south of Twenty-third Street.	Customhouse, New York 4.
3d District	That part of Manhattan Island north of Twenty-third Street. (This includes both sides of Twenty-third Street and Blackwells Island, Randalls Island, and Wards Island.)	110 E. 45th St., New York 17.
14th District	Counties of Albany, Bronx (formerly the 23rd and 24th wards of New York City), Clinton, Columbia, Dutchess, Essex, Fulton, Greene, Hamilton, Montgomery, Orange, Putnam, Rensselaer, Rockland, Saratoga, Schenectady, Schoharie, Sullivan, Ulster, Warren, Washington, and Westchester.	Albany 1 Zone Office: Bronx.
21st District	Counties of Broome, Cayuga, Chenango, Cortland, Delaware, Franklin, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, Otsego, St. Lawrence, Schuyler, Seneca, Tioga, Tompkins, and Wayne.	Syracuse 1 Zone Offices: Binghamton. Utica. Watertown.
28th District	Counties of Allegany, Cattaraugus, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Steuben, Wyoming, and Yates.	Buffalo 1 Zone Offices: Rochester. Elmira. Jamestown.
North Carolina	Entire State	Greensboro Zone Offices: Raleigh. Asheville. Winston-Salem. Charlotte.
North Dakota	Entire State	Fargo.
Ohio:		
1st District	Counties of Brown, Butler, Clark, Clermont, Clinton, Fayette, Greene, Hamilton, Highland, Miami, Montgomery, Preble, and Warren.	Cincinnati 1.
10th District	Counties of Allen, Auglaize, Champaign, Crawford, Darke, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Logan, Lucas, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca, Shelby, Van Wert, Williams, Wood, and Wyandot.	Toledo 1.
11th District	Counties of Adams, Athens, Coshocton, Delaware, Fairfield, Franklin, Gallia, Guernsey, Hocking, Jackson, Knox, Lawrence, Licking, Madison, Marion, Meigs, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Pike, Ross, Scioto, Union, Vinton, and Washington.	Columbus 16.
18th District	Counties of Ashland, Ashtabula, Belmont, Carroll, Columbiana, Cuyahoga, Geauga, Harrison, Holmes, Jefferson, Lake, Lorain, Mahoning, Medina, Monroe, Portage, Richland, Stark, Summit, Trumbull, Tuscarawas, and Wayne.	Cleveland 15 Zone Offices: Akron Canton Youngstown
Oklahoma	Entire State	Oklahoma City 1.
Oregon	Entire State	Portland 9.
Pennsylvania:		
1st District	Counties of Adams, Bedford, Berks, Blair, Bucks, Chester, Cumberland, Dauphin, Delaware, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Lehigh, Mifflin, Montgomery, Perry, Philadelphia, Schuylkill, Snyder, and York.	Philadelphia 7.
12th District	Counties of Bradford, Carbon, Centre, Clinton, Columbia, Lackawanna, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Pike, Potter, Sullivan, Susquehanna, Tioga, Union, Wayne, and Wyoming.	Scranton 14.
23rd District	Counties of Allegheny, Armstrong, Beaver, Butler, Cambria, Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland.	Pittsburgh 30 Zone Office: Erie
Rhode Island	Entire State	Providence 2.
South Carolina	Entire State	Columbia 3.
South Dakota	Entire State	Aberdeen.
Tennessee	Entrie State	Nashville 3. Zone office: Memphis.
Texas:		
1st District	Counties of Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bell, Bexar, Blanco, Bosque, Brazoria, Brazos, Brewster, Brooks, Burleson, Burnet, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, Coryell, Culbertson, De Witt, Dimmit, Duval, Edwards, El Paso, Falls, Fayette, Fort Bend, Freestone, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hamilton, Hardin, Harris, Hays, Hidalgo, Hill, Hudspeth, Jackson, Jasper, Jeff Davis, Jefferson, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr Kimble, Kinney, Kleberg, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, Llano, McCulloch, McLennan, McMullen, Madison, Mason, Matagorda, Naverick, Medina, Milam, Montgomery, Newton, Nueces, Orange, Pecos, Polk, Presidio, Real, Reeves, Refugio, Robertson, San Jacinto, San Patricio, San Saba, Somervell, Starr, Terrell, Travis, Trinity, Tyler, Uvalde, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Williamson, Wilson, Zapata, and Zavalla.	Austin 8.
2d District	Counties of Anderson, Andrews, Angelina, Archer, Armstrong, Bailey, Baylor, Borden, Bowie, Briscoe, Brown, Callahan, Camp, Carson, Cass, Castro, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Comanche, Concho, Cooke, Cottle, Crane, Crockett, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, Dickens, Donley, Eastland, Ector, Ellis, Erath, Fannin, Fisher, Floyd, Foard, Franklin, Gaines, Garza, Glasscock, Gray, Grayson, Gregg, Hale, Hall, Hansford, Hardeman, Harrison, Hartley, Haskell, Hemphill, Henderson, Hockley, Hood, Hopkins, Houston, Howard, Hunt, Hutchinson, Irion, Jack, Johnson, Jones, Kaufman, Kent, King, Knox, Lamar, Lamb, Lipscomb, Loving, Lubbock, Lynn, Marion, Martin, Menard, Midland, Mills, Mitchell, Montague, Moore, Morris, Motley, Nacogdoches, Navarro, Nolan, Ochiltree, Oldham, Palo Pinto, Panola, Parker, Parmer, Potter, Rains, Randall, Reagan, Red River, Roberts, Rockwell, Runnels, Rusk, Sabine, San Augustine, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Tom Green, Upshur, Upton, Van Zandt, Ward, Wheeler, Wichita, Wilbarger, Winkler, Wise, Wood, Yoakum, and Young.	Dallas 1.
Utah	Entire State	Salt Lake City 10.
Vermont	Entire State	Burlington.
Virginia	Entire State	Richmond 17. Zone office: Roanoke.
Washington	Washington (State)	Tacoma 1. Zone offices: Seattle, Spokane.
West Virginia	Entire State	Parkersburg.
Wisconsin	Entire State	Milwaukee 1. Zone office: Madison.
Wyoming	Entire State	Cheyenne.

§ 600.51a *Processing Division.* The Processing Division is a service agency for the offices of collectors of internal revenue and the Bureau. The Processing Division is located in New York City at 260 East 161st Street. It sorts and assembles all income tax information documents for the purpose of associating them with income tax returns. It receives from the taxpaying public information returns such as Form 1096, together with Forms 1099 and 1099L.

§ 600.52 *Field divisions of the Income Tax Unit*—(a) *Organization.* Each field division of the Income Tax Unit is headed by the internal revenue agent in charge, who has final responsibility for any action taken or recommendation made by his office in any matter. There is in each smaller field office one assistant agent in charge, and in the larger divisions two such assistants. They perform such duties as may be assigned to them by the internal revenue agent in charge. Other than management and control groups, each field office is composed of three major groups, namely, the investigating staff, the reviewing staff, and the conference staff. The investigating staff is composed of internal revenue agents who examine income and profits tax returns and others who examine estate and gift tax returns. The reviewing staff considers the reports submitted by the examining agents. The conference staff hears and considers protests of taxpayers to adjustments and actions proposed as a result of examination procedure. While the field division of the Income Tax Unit exercises general control over internal revenue agents working under the direction of the revenue agent in charge who are engaged in the investigations of estate and gift tax returns, the Miscellaneous Tax Unit (see §§ 600.7 and 601.7)

supervises post-review action and other technical features involved in the verification of such returns.

(b) *Location and territorial jurisdiction.* The following table shows the territory embraced in and the name and location of the headquarter's office of each of the thirty-nine field divisions of the Income Tax Unit:

Territory embraced	Name of division	Location of office
Alabama	Birmingham	Birmingham 3, Ala.
Alaska	Seattle	Seattle 4, Wash.
Arizona	Los Angeles	Los Angeles 13, Calif.
Arkansas	Oklahoma	Oklahoma City 2, Okla.
California:		
Counties of Monterey, Kings, Tulare, Inyo, and counties north.	San Francisco	San Francisco 5, Calif.
Counties of San Luis Obispo, Kern, San Bernardino, and counties south.	Los Angeles	Los Angeles 13, Calif.
Colorado	Denver	Denver 2, Colo.
Connecticut	New Haven	New Haven 8, Conn.
Delaware	Baltimore	Baltimore 2, Md.
District of Columbia	do	Do.
Florida	Jacksonville	Jacksonville 1, Fla.
Georgia	Atlanta	Atlanta 3, Ga.
Hawaii	Honolulu	Honolulu 9, Hawaii.
Idaho	Salt Lake City	Salt Lake City 1, Utah.
Illinois:		
Counties of Mercer, Henry, Stark, Marshall, La Salle, Grundy, Kankakee, and counties north.	Chicago	Chicago 3, Ill.
Counties of Henderson, Warren, Knox, Peoria, Woodford, Livingston, Ford, Iroquois, and counties south.	Springfield	Springfield, Ill.
Indiana	Indianapolis	Indianapolis 4, Ind.
Iowa	Omaha	Omaha 2, Nebr.
Kansas	Wichita	Wichita 1, Kans.
Kentucky	Louisville	Louisville 2, Ky.
Louisiana	New Orleans	New Orleans 12, La.
Maine	Boston	Boston 10, Mass.
Maryland	Baltimore	Baltimore 2, Md.
Massachusetts	Boston	Boston 10, Mass.
Michigan	Detroit	Detroit 26, Mich.
Minnesota	St. Paul	St. Paul 1, Minn.
Mississippi	New Orleans	New Orleans 12, La.
Missouri	St. Louis	St. Louis 1, Mo.
Montana	Salt Lake City	Salt Lake City 1, Utah.
Nebraska	Omaha	Omaha 2, Nebr.
Nevada	San Francisco	San Francisco 5, Calif.
New Hampshire	Boston	Boston 10, Mass.
New Jersey	Newark	Newark 2, N. J.
New Mexico	Denver	Denver 2, Colo.
New York:		
Part of County of New York, south of the south side of 23d St.	Second New York	Rm. 1200, 225 Broadway, New York City 7, N. Y.
Counties of Kings, Nassau, Queens, Richmond, and Suffolk.	Brooklyn	Brooklyn 17, N. Y.
County of New York, north of 23d St., including both sides of 23d St., counties of Albany, Bronx, Clinton, Columbia, Dutchess, Essex, Fulton, Green, Hamilton, Montgomery, Orange, Putnam, Rensselaer, Rockland, Saratoga, Schenactady, Schoharie, Sullivan, Ulster, Warren, Washington, and Westchester, and Randall's Island, Ward's Island, and Blackwell's Island.	Upper New York	341 Ninth Ave., New York 1, N. Y.
New York—Continued		
Counties of Alleghany, Brooms, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Cortland, Delaware, Erie, Franklin, Genesee, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Niagara, Oneida, Onondaga, Ontario, Orleans, Oswego, Otsego, St. Lawrence, Schuyler, Seneca, Steuben, Tioga, Tompkins Wayne, Wyoming, and Yates.	Buffalo	Buffalo 2, N. Y.
North Carolina	Greensboro	Greensboro, N. C.
North Dakota	St. Paul	St. Paul 1, Minn.
Ohio:		
Counties of Preble, Miami, Clark, Madison, Union, Marion, Morrow, Knox, Coshocton, Guernsey, Noble, Washington, and counties south.	Cincinnati	Cincinnati 2, Ohio.
Counties of Darke, Shelby, Champaign, Logan, Hardin, Wyandot, Crawford, Richland, Ashland, Holmes, Tuscarawas, Harrison, Belmont, Monroe, and counties north.	Cleveland	Cleveland 15, Ohio.
Oklahoma	Oklahoma City	Oklahoma City 2, Okla.
Oregon	Seattle	Seattle 4, Wash.
Pennsylvania:		
Counties of Potter, Clinton, Center, Blair, Bedford and counties east.	Philadelphia	Philadelphia 7, Pa.
Counties of McKean, Cameron, Clearfield, Cambria, Somerset, and counties west.	Pittsburgh	Pittsburgh 22, Pa.
Rhode Island	New Haven	New Haven 8, Conn.
South Carolina	Columbia	Columbia 6, S. C.
South Dakota	St. Paul	St. Paul 1, Minn.
Tennessee	Nashville	Nashville 3, Tenn.
Texas	Dallas	Dallas 1, Tex.
Utah	Salt Lake City	Salt Lake City 1, Utah.
Vermont	Boston	Boston 10, Mass.
Virginia	Richmond	Richmond 4, Va.
Washington	Seattle	Seattle 4, Wash.
West Virginia	Huntington	Huntington 1, W. Va.
Wisconsin	Milwaukee	Milwaukee 1, Wis.
Wyoming	Denver	Denver 2, Colo.

§ 600.53 *Technical Staff field organization*—(a) *General.* The Technical Staff comprises a Washington headquarters office under the principal officer of the Technical Staff known as the "Head, Technical Staff" and ten field divisions, each under an officer known as "Head, Staff Division".

(b) *Judisdiction and authority*—(1) *General.* The Technical Staff acts as an independent appellate agency within the Bureau of Internal Revenue in the determination of income, profits, estate, and gift tax liability. Its work relates, in general, to the classes of taxation which fall within the jurisdiction of The Tax Court of the United States. The principal duties of the field divisions are (i) to determine for the Commissioner the liability of taxpayers who have protested the findings of the internal revenue agent in charge before any petition has been filed with The Tax Court of the United States, and (ii) to consider proposals submitted by taxpayers to settle cases docketed by The Tax Court. In performing these functions the heads of the Staff field divisions act as the exclusive representatives of the Commissioner in cases within their territorial jurisdiction, except that all stipulated agreements in docketed cases must be concurred in by division counsels as representatives of the Chief Counsel for the Bureau. (See, as to division counsel, quotation from Commissioner's Mimeograph 4960, paragraph (b) (2) and § 601.57.)

Determinations by the Head of a Staff Field Division of overassessments in excess of $75,000 are subject to review by the office of the Chief Counsel. In the case of claims under section 722 of the Internal Revenue Code for excess profits tax relief the Staff field divisions acquire jurisdiction only of these cases docketed with The Tax Court or in which a statutory notice of disallowance has been issued under section 732 of the Code. (See, as to Excess Profits Tax Council, §§ 600.12 and 600.56.)

The Staff field divisions also handle offers in compromise of liability for income and profits taxes, except where criminal prosecution, court proceedings, or delinquency penalties only are involved. The head of each Staff division has authority to reject any such offer or to recommend that it be accepted by the Commissioner.

(2) *Appellate functions.* The authority of the Technical Staff in appellate determination of income, profits, estate and gift tax liability is set out in Commissioner's Mimeograph No. 4960, approved by the Secretary, effective September 14, 1939 (Report of the Commissioner of Internal Revenue, 1940, page 39), which reads in part as follows:

2. (a) The Head of each Staff Division will exclusively represent the Commissioner in the determination of Federal income-, profits-, estate-, and gift-tax liability (whether before or after the issuance of a statutory notice of deficiency) in all cases originating in the office of any Internal Revenue Agent in Charge situated within the territorial jurisdiction of the Division, in which the taxpayers have finally protested the preliminary determination of liability made by that officer, excepting cases in the pre-90-day status in which the Special Agent in Charge has recommended criminal prosecution: *Provided*, That the Staff Division shall not eliminate the ad valorem fraud or negligence penalty in any case in the so-called 90-day status, or the pre-90-day status, except with the concurrence of the Special Agent in Charge.

(b) The Head of each Staff Division will also have exclusive authority to settle by stipulation (1) all cases docketed by the United States Board of Tax Appeals [now the Tax Court of the United States] and placed upon a calendar for hearing at any place, other than Washington, D. C., within the territory comprising the jurisdiction of the Division, and (2) all cases originating in the office of any Internal Revenue Agent in Charge situated within the territorial jurisdiction of the Division, which are placed on the Washington calendar of said Board of Tax Appeals [Tax Court]: *Provided*, That he shall not make or approve a stipulation for

settlement in any docketed case except with the concurrence of the Division Counsel; and *Provided further,* That in the absence of the Head and the Assistant Head of the Staff Division, the Technical Advisor in Charge of any local office shall have authority to settle by stipulation any such docketed case, but only with the concurrence of the Division Counsel or of the Assistant Counsel in Charge, in which the deficiency determined in the statutory notice does not exceed $500 and the basis of settlement does not involve an overassessment in excess of $500.

3. (a) The Division Counsel will perform his duties under the general supervision of the Chief Counsel. He will advise the Head of the Staff Division, upon request, upon legal questions arising in the determination of income-, profits-, estate-, and gift-tax liability. He will advise the Head of the Staff Division also with respect to any proposed settlement of a docketed case. He will prepare answers to petitions filed with the Board of Tax Appeals, copies of which will be furnished him by the Chief Counsel, in cases originating in the offices of Internal Revenue Agents in Charge situated within the territorial jurisdiction of the Division; and he will have exclusive authority to represent the Commissioner in the defense before the Board [now The Tax Court of the U. S.] of (1) cases placed upon a calendar for hearing at any place, other than Washington, D. C., within the territorial jurisdiction of the Division, and (2) cases originating in the office of any Internal Revenue Agent in Charge situated within the territorial jurisdiction of the Division which are placed on the Washington calendar of said Board of Tax Appeals [The Tax Court], but he shall not stipulate before the Board [The Tax Court] for the settlement of any case except with the approval of the Head of the Staff Division. The Division counsel will consider all memoranda prepared in the Staff Division directing the issuance of statutory notices of deficiency prior to their approval by the Head of the Division.

(b) In the absence of the Division Counsel and the Assistant Division Counsel, the Assistant Counsel in Charge at any local office will have authority to concur with the Head of the Staff Division or with the Technical Advisor in Charge of that office, in a settlement by stipulation of any docketed case in which the deficiency determined in the statutory notice does not exceed $500 and the basis of settlement does not involve an overassessment in excess of $500.

* * * * *

11. (a) Notwithstanding the provisions of paragraphs 2 and 3 hereof, the Head of each Staff Division will have exclusive authority to settle by stipulation, subject to the concurrence of the Division Counsel, all cases docketed by The Tax Court of the United States which originated in the office of any Internal Revenue Agent in Charge situated within the territorial jurisdiction of such Division, which may be placed upon a calendar of said Court for hearing at a place within the territorial jurisdiction of any Staff Division adjoining such Division; and the Division Counsel for such Division will have exclusive authority to represent the Commissioner in the defense of such cases before the said Court, subject to the conditions contained in paragraph 3 hereof with respect to the approval of stipulations for settlement by the Head of the Division.

(b) Notwithstanding any of the foregoing provisions, should the Commissioner determine that it would better serve the interests of the Government, he may, as to any case docketed before The Tax Court of the United States, confer all or any part of the jurisdiction, authority and duties specified in paragraph 2 hereof upon the Head of the Staff Division within which the place of hearing is located; *Provided,* That such jurisdiction, authority and duties shall not be conferred upon the Head, Atlantic Division, i a docketed case set for hearing at Washington, D. C., or at any point within a radius of fifty miles of Washington, D. C., which did not originate within the Atlantic Division, unless the taxpayer's domicile is then situated within that Division.

(c) Notwithstanding any of the foregoing provisions, the Chief Counsel, in his discretion, as to any case docketed before The Tax Court of the United States, may confer all or any part of the jurisdiction, authority and duties specified in paragraph 3 hereof upon the Division Counsel of the Staff Division within which the case has been set for hearing.

12. Notwithstanding any of the foregoing provisions, should the Commisisoner determine that it would better serve the interests of the Government, he may, by order in writing, withdraw any case not docketed before the United States Board of Tax Appeals [now The Tax Court of the United States] from the jurisdiction of any Staff Division, and provide for its disposition under his personal direction. Similarly, should the Commissioner and the Chief Counsel jointly determine that it would better serve the interests of the Government, they may, by order in writing, withdraw any case docketed before the Board of Tax Appeals [The Tax Court] from the jurisdiction of any Staff Division, and provide for its disposition under their joint direction. A copy of each order issued under the provisions of this paragraph will be promptly furnished to the Secretary, with a statement of the reasons for the action taken.

(c) *Offers in compromise.* The authority of the heads of field divisions of the Technical Staff to pass upon taxpayers' offers in compromise of tax liability is set out in Commissioner's Mimeograph No. 4955, approved September 6, 1939, which reads in part as follows:

1. Except as provided in paragraphs 2 and 3 [cases involving criminal prosecution, court proceedings, or delinquency penalties only] the heads of the field divisions of the Technical Staff will represent the Commissioner in the consideration of offers in compromise of liability in income- and profits-tax cases, in unjust-enrichment-tax cases, and in cases arising under the Vinson Act and the Vinson Act as amended, including offers applying partly to taxes of these classes and partly to taxes of other classes which are based entirely upon inability to pay.

* * * * *

14. (a) The head of each field division of the Technical Staff is hereby authorized and empowered finally to reject in the name of the Commissioner any offer in compromise referred for his consideration. He may not, however, reject an offer in any case in which rejection has not been recommended by the collector without calling upon that officer for a statement of his views and affording him an opportunity to be heard with respect to the proposed rejection. In any instance in which he concludes a pending offer to be unacceptable, the head of the field division will place in the files of the case a memorandum prepared by the technical adviser to whom the case was assigned and approved by himself, setting forth fully the reasons for rejection.

* * * * *

The Head of a field division does not have authority to act for the Commissioner and the Secretary in the final acceptance of an offer in compromise. In such case the Division Head forwards the case to Technical Staff headquarters in Washington with his recommendation.

(d) The ten field divisions of the Technical Staff, the territorial jurisdiction of each division, the headquarters office of each Technical Staff Division and of Division Counsel and the branch offices in the field of the Technical Staff and of Division Counsel are shown by the following table. * indicates headquarters of Technical Staff Division and Division Counsel. # indicates branch office of Technical Staff field division and of Division Counsel. Absence of either sign indicates branch office of Technical Staff field division only.

Division	Territory embraced	Location of office
Atlantic	Maryland, Delaware, District of Columbia, Virginia, West Virginia, and North Carolina.	*Baltimore 2, Md., 505 Stewart Bldg., 109–2 South Gay St. Greensboro, N. C., 828 Jefferson Standard Bldg., Elm and Market Sts. Huntington 1, W. Va., 415 First Huntington National Bank Bldg., 955 4th Ave. Richmond 19, Va., 306 Virginia A. B. C. Bldg., Fourth and Grace Sts. Washington 25, D. C., Room 3565, Internal Revenue Bldg., 12th St. & Constitution Ave., NW.
Central	Michigan, Ohio, and Kentucky.	*Cleveland 14, Ohio, 1209 Union Commerce Bldg., 9th and Euclid Ave. #Cincinnati 2, Ohio, 2920 Carew Tower, 441 Vine Street. #Detroit 26, Mich., 1580 National Bank Bldg., Woodward Ave. and Cadillac Sq. Louisville 2, Ky., 1129 Starks Bldg., 455 South 4th St.
Chicago	North Dakota, South Dakota, Minnesota, Wisconsin, Illinois, Indiana.	#Chicago 4, Ill., 1300 Board of Trade Bldg., 141 West Jackson Blvd. #Indianapolis 4, Ind., 635 Architects and Builders Bldg., 333 North Pennsylvania Ave. Milwaukee 2, Wis., 250 Bankers Bldg., 208 East Wisconsin Ave.
Eastern	Pennsylvania and New Jersey.	#St. Paul 1, Minn., W–1681 First National Bank Bldg., 332 Minnesota St. *Philadelphia 7, Pa., 2000 Lincoln-Liberty Bldgs., Broad and Chestnut Sts. #Newark 2, N. J., 300 Military Park Bldg., 60 Park Pl. #Pittsburgh 22, Pa., 2304 Clark Bldg., 7th and Liberty Ave.
New England	Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut.	*Boston 10, Mass., 547 Stone and Webster Bldg., 49 Federal St. New Haven 10, Conn., 320 Trust Co. Bldg., 205 Church St.
New York	The State of New York.	*New York 1, N. Y., 2300 Empire State Bldg., 350 5th Ave. Buffalo 5, N. Y., 1800 Hotel Statler Bldg., Delaware Ave. at Niagara Sq.
Pacific	Washington, Oregon, California, Idaho, Montana, Nevada, Arizona, Alaska, and the Hawaiian Islands.	*San Francisco 5, Calif., 508 Sharon Bldg., 55 New Montgomery St. #Los Angeles 14, Calif., 1100 Oviatt Bldg., 617 South Olive St. Portland 4, Oreg., 1006 Bedell Bldg., 520 SW. 6th Ave. #Seattle 4, Wash., 1215 Smith Tower Bldg., 506 2d Ave.

Division	Territory embraced	Location of office
Southern	Tennessee, Alabama, Georgia, South Carolina, and Florida.	*Birmingham 3, Ala., 419 Frank Nelson Bldg., 20th St. and 2d Ave. #Atlanta 3, Ga. 600 Twenty-two Marietta Bldg., Marietta and Broad Sts. Jacksonville 2, Fla., 621 Lynch Bldg., 11 East Forsythe St. Nashville 3, Tenn., 608 Bennie-Dillon Bldg., Church St. and 7th Ave.
Southwestern	Mississippi, Louisiana, Texas, Oklahoma, and Arkansas.	*Dallas 1, Tex., 1426 Kirby Bldg., Main and Akard Sts. #Houston 2, Tex., 1316 Houston Cotton Exchange Bldg., Carolina St. and Prairie Ave.
Southwestern	Mississippi, Louisiana, Texas, Oklahoma, and Arkansas.	#New Orleans 12, La., 1220 Hibernia Bank Bldg., 812 Gravier St. #Oklahoma City 2, Okla., 1315 First National Bank Bldg., 120 North Robinson St.
Western	New Mexico, Colorado, Wyoming, Nebraska, Kansas, Iowa, and Missouri.	*Kansas City 6, Mo., 516 R. A. Long Bldg., 928 Grand Ave. Denver 2, Colo., 322 Railway Exchange Bldg., 909 Seventh St. Omaha 2, Nebr., 337 Omaha National Bank Bldg., 17th and Varnum Sts. #St. Louis 1, Mo., 2155 Railway Exchange Bldg., 7th and Olive Sts.

§ 600.54 *Field organization of the Intelligence Unit.* The field organization of the Intelligence Unit comprises fourteen divisions which are responsible for the actual investigation of all types of cases coming within the jurisdiction of the Unit (see § 600.10). The field divisions submit comprehensive reports of evidence obtained for use in court proceedings and participate in the settlement of tax fraud cases in the field. The Head of each Division is a Special Agent in Charge. Each branch of a division is under direction of a senior agent.

The fourteen field divisions of the Intelligence Unit, the territorial jurisdiction of each division (location of headquarters indicated by "*" and the branch offices within each division are shown by the following table:

Division	Territory embraced	Location of office
Atlanta	South Carolina, Georgia, Florida, and Alabama.	*Atlanta 3, Ga., First Federal Savings Bldg., 44 Pryor St. NE. Birmingham 3, Ala., 1209 First National Bldg, 17 North Twentieth St. Columbia 23, S. C., 1010 Palmetto Bldg., Main and Washington Sts. Miami 32, Fla., 702 American National Bank Bldg., 139 NE. First St. #Mobile 10, Ala., 403 U.S. Courthouse and Customhouse, St. Joseph and St. Louis Sts. Montgomery 4, Ala., Room 407 U. S. Post Office Bldg. Savannah, Ga., 417 Realty Bldg., Bryan and Drayton Sts. Tampa 2, Fla., 402 Wallace S. Bldg., 608 Tampa St.
Boston	Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island.	*Boston 9, Mass., Room 300, 40 Central St. Bridgeport 3, Conn., Room 30, Professional Bldg., 144 Golden Hill St. Hartford 3, Conn., Room 1212, American Indust. Bldg., 983 Main St. Portland 3, Maine, Room 601, Chapman Bldg., 477 Congress St. Providence 3, R. I., Room 1023, Industrial Trust Bldg., 111 Westminster St.
Chicago	Wisconsin, Illinois, and Indiana.	Chicago 3, Ill., 105 West Monroe St. East St. Louis, Ill., 438 Murphy Bldg. Eau Claire, Wis., Room 36, Post Office Bldg. Evansville, Ind., Koenig Bldg., 112 Northwest 4th St. Green Bay, Wis., Room 602, Minahan-McCormick Bldg. Indianapolis 6, Ind., Room 804, County Annex Bldg., 148 East Market St. Milwaukee 3, Wis., Room 528, Realty Bldg., 740 North Plankinton Ave. Peoria, Ill., Room 335, Jefferson Bldg. South Bend, Ind., Room 804, Sherland Bldg. Springfield, Ill., Room 800, Ferguson Bldg.
Dallas	Mississippi, Louisiana, and Texas.	Dallas 2, Tex., 522 U. S. Terminal Annex Bldg. Houston, Tex., 1020 Electric Bldg. New Orleans 12, La., 1007 Pere Marquette Bldg. San Antonio 6, Tex., 580 Federal Bldg. Shreveport 80, La., 625 Giddens-Lane Bldg.
Denver	Colorado, New Mexico, Wyoming, and Utah.	*Denver 2, Colo., 251 New Custom House. Albuquerque, N. Mex., 204 Federal Bldg. Cheyenne, Wyo., 406 Federal Bldg. Salt Lake City 1, Utah, 323 Boston Bldg.
Detroit	Ohio and Michigan	*Detroit 26, Mich., 2233 Barlum Tower. Cincinnati 2, Ohio, 901 Ingalls Bldg. Cleveland 15, Ohio, 1000 Shofield Bldg. Columbus 15, Ohio, 1110 Atlas Bldg. Dayton 2, Ohio, 504 American Bldg. Flint 3, Mich., 501 F. P. Smith Bldg. Grand Rapids 1, Mich., 410 Federal Bldg. Toledo 4, Ohio, 512 Produce Exchange Bldg. Youngstown 8, Ohio, 901 City Bank Bldg.
Kansas City	Missouri, Kansas, Oklahoma, and Arkansas.	*Kansas City 6, Mo., 2901 Fidelity Bldg. Little Rock 2, Ark., 320 Rector Bldg., Third and Spring Sts. Oklahoma City 2, Okla., 406 Post Office Bldg. St. Louis 1, Mo., 934 U. S. Courthouse and Customhouse, 1114 Market St. Wichita 1, Kans., 402 Post Office Bldg.
Louisville	Kentucky and Tennessee	*Louisville 2, Ky., 428 Federal Bldg. Chattanooga 2, Tenn., 346 U. S. Post Office Bldg. Knoxville 1, Tenn., 331 U. S. Post Office Bldg. Memphis 3, Tenn., 352 Federal Bldg. Nashville 3, Tenn., 334 U. S. Court House.
New York	New York, New Jersey (5th Coll. District), and Puerto Rico.	*New York 7, N. Y., Tenth Floor, 253 Broadway. Buffalo 2, N. Y., 712 Prudential Bldg., Church and Pearl Sts. Newark 2, N. J , 807 Sheraton Bldg., 9–11 Hill St.
Philadelphia	Pennsylvania, New Jersey (1st Coll. District), and Delaware.	*Philadelphia 6, Pa., 4th Floor, NW., Ayer Bldg., 210 West Washington Square. Harrisburg 1, Pa., 302 Post Office Bldg. Pittsburgh 19, Pa., 510 New Federal Bldg. Scranton 3, Pa., 518 First National Bank Bldg.
St. Paul	Minnesota, North Dakota, South Dakota, Iowa, and Nebraska.	*St. Paul 1, Minn., 1037 Post Office and Customhouse. Des Moines 9, Iowa, 402 Equitable Bldg. Minneapolis 2, Minn., 208 Builders Exchange. Omaha 2, Nebr., 852 Brandeis Theatre Bldg.
San Francisco	California, Nevada, Arizona, and Hawaii.	*San Francisco 2, Calif., 100 McAllister St. Bldg. Honolulu, T. H., Building I, Iolani Palace Grounds. Los Angeles 12, Calif., 844 U. S. Post Office and Courthouse. Phoenix, Ariz., 425 Security Bldg. Sacramento 14, Calif., 404 Bank of America Bldg. San Diego 1, Calif., 210 Post Office Bldg., 815 E. St.
Seattle	Washington, Oregon, Idaho, Montana, and Alaska.	*Seattle 4, Wash., 210 U. S. Court House Bldg. Boise, Idaho, 233 Sonna Bldg. Butte, Mont., 210 Federal Bldg. Portland 4, Oreg., 300 Financial Center Bldg., 233 SW. Sixth Ave. Spokane 8, Wash., 604 Fernwell Bldg.
Washington	Maryland, District of Columbia, Virginia, West Virginia, and North Carolina.	*Washington 25, D. C., 310 Sixth St. NW. Baltimore 2, Md., 201–227 Calvert Bldg. Charlotte, N. C., 300 Smith Bldg. Greensboro, N. C., 415 Post Office Bldg. Huntington 1, W. Va., 608 West Virginia Bldg. Norfolk, Va., 224 York St. Raleigh, N. C., 503 Masonic Temple. Richmond 19, Va., 303 Parcel Post Bldg. Roanoke, Va., 310 W. Campbell Ave.

§ 600.55 *Alcohol Tax Unit field organization*—(a) *District Supervisors*—(1) *Territorial jurisdiction.* The field organization of the Alcohol Tax Unit includes fifteen District Supervisors and their staffs, located and having territorial jurisdiction as follows:

Territorial Jurisdiction and Location of Office

Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut; Boston, Mass.

New York, Puerto Rico; New York, N. Y.

Pennsylvania, Philadelphia, Pa.

New Jersey, Delaware; Newark, N. J.

Maryland, West Virginia, North Carolina, District of Columbia, Virginia; Baltimore, Md.

South Carolina, Georgia, Florida, Alabama; Atlanta, Ga.

Kentucky, Tennessee; Louisville, Ky.

Ohio, Michigan; Detroit, Mich.

Wisconsin, Illinois, Indiana; Chicago, Ill.

Mississippi, Louisiana, Texas; New Orleans, La.

Missouri, Kansas, Oklahoma, Arkansas; Kansas City, Mo.

Minnesota, North Dakota, South Dakota, Iowa, Nebraska; St. Paul, Minn.

Colorado, New Mexico, Wyoming, Utah; Denver, Colo.

California, Arizona, Nevada, Hawaii; San Francisco, Calif.

Washington, Oregon, Idaho, Montana, Alaska; Seattle, Wash.

(2) *Function.* District Supervisors administer, within their respective districts, the laws described in § 600.6 (a). They have authority to make interpretative rulings and render advisory opinions, and to take final action in all matters within their territorial jurisdiction, without review by the central office, except those matters which are required by published rules, described in § 601.5, to be forwarded to the Commissioner or the Deputy Commissioner in charge of the Alcohol Tax Unit of the Bureau at Washington, D. C., for final decision.

(3) *Public relations.* For information as to the submittals and requests which may be made to, and information which may be obtained from, District Supervisors, see § 600.6 (b).

(b) *Investigators in charge*—(1) *Territorial jurisdiction.* The field organization of the Alcohol Tax Unit also includes fifty-nine investigators in charge, located and having territorial jurisdiction, as follows:

Territorial Jurisdiction and Location of Offices

Massachusetts; Boston, Mass.

New Hampshire; Concord, N. H.

Vermont; Rutland, Vt.

Rhode Island; Providence, R. I.

Connecticut; Hartford, Conn.

Maine; Portland, Maine.

Southern Judicial District, N. Y.; New York, N. Y.

Eastern Judicial District, N. Y.; Brooklyn, N. Y.

Western Judicial District, N. Y.; Buffalo, N. Y.

Northern Judicial District, N. Y.; Syracuse, N. Y.

Puerto Rico; San Juan, P. R.

Eastern Judicial District, Pa.; Philadelphia, Pa.

Middle Judicial District, Pa.; Wilkes-Barre, Pa.

Western Judicial District, Pa.; Pittsburgh, Pa.

New Jersey, except 8 southern counties[1]; Newark, N. J.

Delaware and 8 southern counties[1] of New Jersey; Camden, N. J.

Maryland and District of Columbia; Baltimore, Md.

Virginia; Richmond, Va.

North Carolina; Charlotte, N. C.

West Virginia; Charleston, W. Va.

Georgia; Atlanta, Ga.

Alabama; Birmingham, Ala.

Florida; Jacksonville, Fla.

South Carolina; Columbia, S. C.

Kentucky; Louisville, Ky.

Tennessee; Nashville, Tenn.

Michigan; Detroit, Mich.

Southern Judicial District, Ohio; Cincinnati, Ohio.

Northern Judicial District, Ohio; Cleveland, Ohio.

Northern Judicial District, Illinois; Chicago, Ill.

Southern and Eastern Judicial Districts, Illinois; Springfield, Ill.

Indiana; Indianapolis, Ind.

Wisconsin; Milwaukee, Wis.

Louisiana; New Orleans, La.

Northern and Eastern Judicial Districts, Texas; Dallas, Tex.

Southern and Western Judicial Districts, Texas; San Antonio, Tex.

Mississippi; Jackson, Miss.

Missouri; St. Louis, Mo.

Kansas; Topeka, Kans.

Oklahoma; Oklahoma City, Okla.

Arkansas; Little Rock, Ark.

Minnesota; St. Paul, Minn.

Iowa; Des Moines, Iowa.

North Dakota; Fargo, N. Dak.

South Dakota; Sioux Falls, S. Dak.

Nebraska; Omaha, Nebr.

Colorado; Denver, Colo.

Wyoming; Cheyenne, Wyo.

Utah; Salt Lake City, Utah.

New Mexico; Albuquerque, N. Mex.

Northern Judicial District, Calif.; San Francisco, Calif.

Southern Judicial District, Calif.; Los Angeles, Calif.

Arizona; Phoenix, Ariz.

Nevada; Reno, Nev.

Territory of Hawaii; Honolulu, Hawaii.

Washington and Alaska; Seattle, Wash.

Oregon; Portland, Oreg.

Idaho; Boise, Idaho.

Montana; Helena, Mont.

(2) *Function.* Investigators in Charge investigate violations of the internal revenue liquor laws, the Federal Alcohol Administration Act, and related statutes, and Federal laws relating to firearms, and are charged with the custody, forfeiture, and disposition of property seized because of such violations, under direction of the District Supervisor.

(3) *Public relations.* For information as to the submittals and requests which may be made to, and information which may be obtained from, Investigators in Charge, see § 600.6 (b).

§ 600.56 *Excess Profits Tax Council—Section 722 Field Committees.* In the administration of the excess profits tax relief provisions of section 722 of the Code and the operations of the Excess Profits Tax Council (see § 600.12), a section 722 Field Committee has been established in each of the thirty-nine field offices of the Income Tax Unit. The locations of such offices are shown in § 600.52 (b). Each Field Committee is composed of internal revenue agents, is headed by a chairman, and functions under the technical direction of the Excess Profits Tax Council. Section 722 Field Committees conduct field examinations of applications for excess profits tax relief filed under section 722 of the Code and recommend to the Council the amount of the constructive average base period net income allowable under section 722 in each case. The recommendation of a Field Committee is subject to review by the Council whether or not the taxpayer has agreed with it. (See § 600.12.)

§ 600.57 *Field organization of the Office of the Chief Counsel.* The field organization of the Office of the Chief Counsel (§ 600.11) is composed of field divisions or representatives of the central organization as follows:

(a) *Alcohol Tax Division.* The field personnel of this Division of the Chief Counsel's Office consists of attorneys-in-charge and other attorneys stationed at some district offices of the Alcohol Tax Unit (see § 600.55). These attorneys prepare notices of contemplated denial of applications for permits and orders to show cause why permits should not be annulled, suspended, or revoked, hold hearings on such notices and orders, prepare findings of fact and conclusions of law and orders based thereon in such proceedings, prepare legal memoranda and opinions, briefs, libels, and other pleadings, assist at trials, review proposed compromise settlements, petitions for remission of forfeitures and other legal documents, and orally advise District Supervisors and members of their staffs on legal questions.

(b) *Appeals Division.* Substantially all the legal personnel of the Appeals Division is decentralized, the Head and Assistant Heads of the Division and the Appellate Court and Brief Review Section remaining in Washington. There is assigned to each of the ten field divisions of the Technical Staff a Division Counsel (and his legal assistants) comprising the decentralized Appeals Division in the field. (See § 600.53.)

The Counsel for each Staff Division is legal advisor for the Staff Division and has exclusive authority to represent the Commissioner in the defense before the Tax Court of cases scheduled for hearing within the territorial jurisdiction, or there arising and placed on the Washington Calendar of the Court. Stipulations, answers, motions, or other pleadings are forwarded to the Chief Counsel's Office for filing with The Tax Court of the United States. In general, no review of such pleadings is made in Washington.

Jurisdictional and other motions, which under the Court's Rules of Practice are argued before the Court in Washington, are prepared by the attorneys in the field offices and are transmitted to Washington. These motions are generally argued by the attorney in Washington in charge of the Calendar.

All briefs prepared by the attorneys in the field offices are reviewed in Washington. In each case in which a petition for review of a Tax Court decision is filed by the taxpayer, the particular decentralized division is notified and the case is transferred to the Appellate Court Group in Washington. In each case in which the decision of the Tax Court is

[1] Ocean, Burlington, Camden, Atlantic, Gloucester, Salem, Cumberland, Cape May.

adverse to the Commissioner, in whole or in part, the particular decentralized division prepares a recommendation with reference to appeal, which recommendation is forwarded to the Washington office for review and approval. If approved for appeal, the case is assigned to the Appellate Court Group to take such steps, working with the Department of Justice, as the case may require. If no appeal is taken by either party, the case is closed in the Chief Counsel's Office.

(c) *Penal Division.* The Penal Division has been partially decentralized, with plans made to extend the field organization. There are now three regional offices, each in charge of a Regional Counsel. Region 1 covers the first, second, and third Judicial Circuits, with the regional office located in New York City. District offices for this region are located in Boston and Philadelphia. Region 2 covers the sixth and seventh Judicial Circuits, with the regional office located in Chicago. Region 3 covers the ninth Judicial Circuit, with the regional office located in San Francisco.

The Regional Counsel acts for the Chief Counsel in the field. He considers and prepares cases referred to him by the Special Agent in Charge of the Intelligence Unit in that area which involve criminal prosecutions for tax violations in accordance with the functions of the Penal Division (see § 600.11 (b) (2) (viii)).

(d) *Chief Counsel's representatives.* The Chief Counsel has representatives in the field generally designated as "Special Assistants to the Chief Counsel." At the present time there is one such representative in each of the cities of Chicago, Seattle, and St. Paul, two in Los Angeles, and three in New York. These attorneys render legal assistance, upon request, primarily to the collectors, and to a lesser extent to the internal revenue agents in charge, in the cities mentioned above in which they are located. They represent the Chief Counsel in negotiations for the settlement of cases within the jurisdiction of the Civil Division (§ 600.11 (b) (2) (iv)) and Claims Division (§ 600.11 (b) (2) (v)). These attorneys, except those in New York, pursuant to agreement between the Department of Justice and the Chief Counsel's Office, also render special service to the United States district attorneys.

§ 600.58 *Field organization of the Miscellaneous Tax Unit*—(a) *General.* The field organization of the Miscellaneous Tax Unit consists of offices of Internal Revenue Agents in Charge, the locations and territorial jurisdiction of which are as follows:

Territorial Jurisdiction and Address

Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; Internal Revenue Agent in Charge (Misc. Tax), Suite 1102, 315 West Ninth St., Los Angeles 15, Calif.

Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, North Dakota, Ohio, Pennsylvania (Western), South Dakota, West Virginia, and Wisconsin; Internal Revenue Agent in Charge (Misc. Tax); Suite 1215, Main Post Office Bldg., 433 West Van Buren St., Box 5068, Chicago 80, Ill.

Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania (Eastern), Rhode Island, and Vermont; Internal Revenue Agent in Charge (Misc. Tax), Room 413, 253 Broadway, New York 7, N. Y. (the activities of this office are confined largely to the manufacturers' excise taxes and to certain types of cases arising in connection with the cabaret tax and the taxes on admission charges in excess of the established price) and Internal Revenue Agent in Charge (Misc. Tax), Room 417, 253 Broadway, New York 7, N. Y. (the activities of this office center principally upon the documentary stamp taxes and the transportation taxes).

(b) *Functions.* The Miscellaneous Tax Unit Field Force functions a special investigative organization engaged in making field examinations and audits of the more difficult classes of cases under the manufacturers' excise taxes, the documentary stamp taxes, and the transportation taxes, and of involved cases arising in connection with the cabaret tax and the taxes on admissions where the circumstances justify consideration by agents specializing in those taxes. The force also conducts some audits on retailers' excise taxes, especially those involving large chain-store systems. As to the operations of the force, see also § 601.6 (c).

§ 600.59 *Regional offices of the Salary Stabilization Unit*—(a) *Authority.* Authority to act upon applications in salary stabilization matters has been delegated to the Heads of the Regional Offices, their decisions being subject to review and amendment by the Head of the Unit. See § 600.9.

(b) *Public relations.* Information, including forms, relating to the stabilization of salaries may be obtained from the Regional Offices.

(c) *Locations and territorial jurisdiction.* Regional offices of the Salary Stabilization Unit have been established at the following locations, their jurisdiction extending to the territories indicated:

Territorial Jurisdiction and Address

South Carolina, Georgia, Florida, Alabama, and Tennessee; Atlanta, Ga., William Oliver Bldg.

Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island; Boston, Mass., 209 Washington St.

Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, and Indiana; Chicago, Ill., 327 South LaSalle St.

Ohio and Kentucky; Cleveland, Ohio, 215 Euclid Ave.

Mississippi, Louisiana, Texas, New Mexico, Arkansas, and Oklahoma; Dallas, Tex., Cotton Exchange Bldg.

Michigan; Detroit, Mich., Penobscot Bldg.

Kansas, Missouri, Iowa, Nebraska, and Colorado; Kansas City, Mo., R. A. Long Bldg.

Sixth Collection District of California and Arizona; Los Angeles, Calif., Subway Terminal Bldg.

New York and Fifth Collection District of New Jersey; New York, N. Y., 165 Broadway.

Pennsylvania and New Jersey with the exception of the Fifth Collection District of New Jersey; Philadelphia, Pa., Market Street, National Bank Bldg.

First Collection District of California, Nevada, Utah, and Hawaii; San Francisco, Calif., Balboa Bldg.

Washington, Oregon, Idaho, Montana, Wyoming, and Alaska; Seattle, Wash., Smith Tower Annex.

Maryland, Delaware, Virginia, West Virginia, North Carolina, and District of Columbia; Washington D. C., Temporary Building "S".

PART 601—PROCEDURE

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§ 601.1 *General procedure*—(a) *Introductory.* The general function of the Bureau of Internal Revenue is collection of internal revenue taxes. Certain other miscellaneous functions are described below in §§ 601.8 and 601.13. Generally, the taxes collected currently are imposed by, and the procedures of the Internal Revenue Bureau are based on the Internal Revenue Code, hereinafter sometimes referred to as the Code. As to rules and rule making see § 601.13.

(b) *Classification of taxes collected by the Bureau.* Internal revenue taxes fall generally into the following principal divisions:

(1) Taxes collected by assessment;

(2) Taxes collected by means of revenue stamps.

Taxes in division (2) may in special circumstances be collected by assessment, but references hereinafter to the assessment process do not contemplate taxes ordinarily collectible by means of stamps, except as specially stated. Taxes collectible by assessment may be collected by suit without assessment, but this is practically never done.

Taxes collected principally by assessment fall into the following two main classes:

(i) Taxes within the jurisdiction of The Tax Court of the United States. These include—

(*a*) Income and excess profits taxes,

(*b*) Estate taxes,

(*c*) The gift tax;

(ii) Taxes not within the jurisdiction of The Tax Court of the United States. These include—

(*a*) Employment taxes,

(*b*) Various sales taxes collected by assessment, and

(*c*) Miscellaneous excise taxes collected by assessment.

The difference between these two main classes is that only taxes in class (i), *i. e.*, those within the jurisdiction of The Tax Court may be contested before an independent tribunal prior to payment. Taxes of both classes may be contested by first making payment and then bringing suit to recover. As to other means of contesting disputed tax liability, see paragraph (d) of this section.

(c) *Collection procedure*—(1) *Returns.* In regular course an internal revenue

tax assessment is based upon a return required by law to be filed by the taxpayer upon which he himself computes the tax in the manner indicated by the return. Forms for the making of returns are prescribed and supplied by the Bureau. Forms are obtainable at the principal and branch offices of collectors of internal revenue. Collectors commonly mail forms to persons whom the collectors have reason to believe may be subject to tax, but failure to receive a form from the collector does not serve to excuse failure to comply with the legal duty to make a required return. Supplemental returns or statements and the time for filing them may sometimes be prescribed by regulations issued under authority of law by the Commissioner with the approval of the Secretary of the Treasury. They may, in some circumstances, be required by the Commissioner of his own volition. See sections 54, 3603, 3604, and 3611 of the Code.

The time for filing returns is generally fixed by law. The time varies in the case of particular taxes. See sections hereinafter dealing specially with particular taxes. While the time for filing the returns is generally prescribed by law, statutory authority to extend the time for a limited period is commonly granted to the Commissioner of Internal Revenue or to the collector. The Commissioner's authority in such regard is commonly delegated to the collectors. Generally, a return is required to be filed with the collector of internal revenue in which the taxpayer's principal office, or if he has none, his residence, is located.

(2) *Enforcement procedure.* If a taxpayer fails to make a return it may be made by the Commissioner or by the collector or deputy collector. Section 3612 of the Code. The return is either audited by the collector by whom it is received, or forwarded by him to another branch of the internal revenue service for audit. Authority to examine books and papers is conferred by law. Sections 3614 and 3615 of the Code. Revenue officers visit taxpayers at their places of business to make examinations to determine the accuracy of returns or whether all required returns have been made. Section 3792 of the Code authorizes the Commissioner, with the approval of the Secretary, to make payments for detecting and bringing to trial and punishment persons guilty of violating the internal revenue laws. Under this section rewards to informers are made. See Treasury Decision 5379, Internal Revenue Cumulative Bulletin, 1944, page 479, 26 CFR, 1944 Supp., Part 455. Claims for rewards should be made on Form 211. Relevant facts should be stated on the form, which after execution should be forwarded to the Chief Counsel for the Bureau of Internal Revenue.

If any person neglects or refuses to pay a tax for which he is liable, it is lawful for the collector or his deputy to make collection by distraint on his property. Section 3690 of the Code. Except where liability is before The Tax Court, no suit for the purpose of restraining collection of internal revenue tax may be made. Section 3653 of the Code. Property taken under authority of any revenue law of the United States is irrepleviable. United States Revised Statutes, section 934; United States Code, Title 25, 747. The United States' claim for taxes is a lien on the taxpayer's property. Such lien is not valid as against any mortgagee, pledgee, purchaser, or judgment creditor until notice has been filed by the collector. Despite such filing, the lien is not valid with respect to certain securities as against any mortgagee, pledgee or purchaser, of such security, for an adequate and full consideration in money or money's worth, who is without notice or knowledge of the existence of such lien. A valid lien, generally, continues until the liability is satisfied or becomes unenforceable by reason of lapse of time. A certificate of release of lien may be issued upon the taxpayer furnishing proper bond in lieu of the lien, or when the liability is satisfied or becomes unenforceable by reason of lapse of time. See, generally, Chapter 36, Subchapter B, of the Code.

(3) *Penalties*—(i) *Imposition.* In case of failure to file a return within the prescribed time, a certain percentage of the amount of the tax is, pursuant to statute, added to the tax unless the return is later filed and failure to file the return within the prescribed time is shown to the satisfaction of the Commissioner to be due reasonable cause and not to willful neglect. The amount to be added to the tax is 5 percent if the failure is for not more than 30 days, with an additional 5 percent for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 percent in the aggregate. If a false or fraudulent return is willfully made, the penalty is 50 percent of the total tax due for the entire period involved, including any tax previously paid. Section 3612 (d) of the Code. Other severe ad valorem (not percentage) penalties are imposed for willful failure to pay, collect, or truthfully account for and pay over tax, attempting to evade or defeat tax or the payment thereof, or make returns, keep records, supply information, etc. See sections 3601, 3604, and 3116 of the Code.

(ii) *Mitigation of penalties.* The severity of the ad valorem penalties may be mitigated through exercise of the compromise authority (see paragraph (d) (3)). Only in very exceptional cases is there any compromise of the percentage penalties.

(d) *Disputed liability*—(1) *General.* Except as to taxes within the jurisdiction of The Tax Court the taxpayer may, after an assessment has been made, file a claim in abatement. Section 3770 of the Code. Form 843 is used in executing the claim and may be obtained from the collector. The claim is filed with the collector. Filing of an abatement claim does not stop the application of the 5 percent penalty nor interest which, by section 3655 (b) of the Code, is imposed for delinquent payment, if the claim is rejected. The collector may demand a bond to insure against possible failure of collection due to postponement of collection while the claim is under consideration.

After payment of the tax a taxpayer may contest the assessment by filing a claim for refund of all or any part of the amount paid. A claim for refund is made on Form 843, which is obtainable from the collector. A claim once filed may not be amended after the period allowed for filing the claim unless the Commissioner fails to consider it within that period. If the claim is allowed, an appropriate notice of allowance with a check for the amount of the refund and allowable interest is forwarded to the collector of internal revenue. The collector forwards the check to the taxpayer, unless he finds that there are other unpaid taxes outstanding against the taxpayer, in which event, delivery of the refund check to the taxpayer is held in abeyance pending payment of the unpaid taxes. If the claim is rejected, the taxpayer is notified of the rejection by registered mail, and he may then bring suit in the United States District Court or the Court of Claims for recovery of the tax. Such suits must be filed within two years from the date of the rejection notice. Suit without limitation as to amount may be brought in the District Court against the collector of internal revenue or in the Court of Claims against the United States. Suit may be brought in the District Court sitting as a Court of Claims against the United States for not more than $10,000, except that there is no limitation as to the amount where the collector to whom the tax was paid is dead or out of office as collector. The suit may not be begun before the expiration of six months from the date of filing of the claim unless the Commissioner renders a decision thereon within that time, nor after the expiration of two years from the date of mailing by registered mail by the Commissioner to the taxpayer of a notice of the disallowance of the part of the claim to which the suit refers. Section 3772 of the Code.

(2) *Closing agreements.* The Commissioner is authorized to enter into a written agreement with a taxpayer in order to make conclusive the determination of tax liability for a preceding taxable period (Form 866), or the determination of one or more separate items affecting the tax liability of the taxpayer for any taxable period (Form 906). Such an agreement, called a "closing agreement", is provided for in section 3760 of the Code. Form 866 is used primarily for income and profits taxes, although it is sometimes also availed of with respect to estate and gift taxes. The use of Form 906 is confined almost entirely to income and profits taxes. The Commissioner has not authorized any field or other officers to enter into such agreements, although officers receiving taxpayers' requests for such agreements are authorized to make recommendations as to acceptance thereof.

When Form 866 is used for a closing agreement, the agreement clears through the Special Deputy Commissioner. (See § 600.2 (a).) After approval by the Special Deputy Commissioner, the proposed agreement is forwarded to the Commissioner and the Chief Counsel (see § 600.11 (b) (2) (i) for approval and then to the Secretary's Office for final approval.

Closing agreements on Form 906 are prepared (after request by the taxpayer) in the Income Tax Unit and considered

by the Closing Agreement Committee, composed of representatives of the Chief Counsel's Office and of the Income Tax Unit. The proposed agreement is then referred to the Chief Counsel who recommends to the Commissioner whether it should be executed. The Commissioner informs the taxpayer by letter whether he will approve the proposed agreement, and, if he will approve, encloses the agreement for the taxpayer's signature. Upon return of the agreement signed by the taxpayer, it is routed for approval of the Commissioner and Chief Counsel (see § 600.11 (b) (2) (vi)) and then transmitted to the Secretary's Office for final approval.

Except as otherwise expressly provided by statute, as, for example, in sections 3801, 3806, and 3807 of the Code, where a closing agreement is approved by the Secretary, Under Secretary, or an Assistant Secretary of the Treasury, it is final and conclusive and the case may not be reopened or modified or set aside except upon a showing of fraud of malfeasance, or misrepresentation of a material fact.

Another type of agreement as to the extent of liability for internal revenue tax may be made by the taxpayer and the internal revenue agent. This is concluded by the taxpayer's consent to assessment and collection of the deficiency in tax agreed upon. For this purpose Form 870 is used for the income tax (see § 601.2) and Forms 890 and 890A are used for the estate and gift taxes, respectively (see § 601.4 (c)). While this procedure is not common in the case of miscellaneous excise and sales taxes, where so used Form 870 may be altered for the purpose. The agreement referred to in this paragraph may be submitted by the taxpayer conditioned upon the approval of a final closing agreement.

(3) *Compromises.* Under section 3761 of the Internal Revenue Code the Commissioner, with the approval of the Secretary, the Under Secretary, or an Assistant Secretary, may compromise any civil or criminal case arising under the internal revenue laws prior to reference to the Department of Justice for prosecution or defense. Instructions as to the preparation and filing of an offer in compromise may be secured from the appropriate collector of internal revenue. Offers in compromise are submitted on Form 656 (Form 6560 in case of installment offers) to the offices of collectors of internal revenue. In addition, the taxpayer must submit a financial statement on Form 433 with the offer. Such offers are channeled to the Bureau office, etc., handling the case (such as, the Technical Staff, the Income or Miscellaneous Tax Unit, or one of the divisions of the Chief Counsel's Office, as the case may be). When a case is covered by the report of a revenue agent or has been referred to the United States attorney, or where both such situations exist, the collector will procure from either such agent or such United States attorney, or both, as the case may be, statements in regard to the advisability of accepting the offer and will forward the originals of such statements with the offer.

After an offer of compromise has been approved by the head of the unit, office, etc., it is considered in the Office of the Special Deputy Commissioner (see § 600.2 (a)). Taxpayers may request conferences in the Office of the Special Deputy Commissioner for the purpose of exploring the possibilities of compromising unpaid Federal tax liability before filing a formal offer in compromise or they may request conferences after all investigations have been made for the purpose of determining the amount which may be acceptable as a compromise, if it is determined that there is a compromisable case. If a compromise is approved by the Special Deputy Commissioner, the Commissioner, and the Chief Counsel, it is forwarded to the Secretary's Office for final approval. When the offer is acted upon, the collector is notified, and the collector in turn notifies the proponent. If the offer is rejected, the sum submitted to the collector is returned to the proponent and forfeiture, prosecution, or collection proceedings are resumed. If the offer is accepted the case is closed. Acceptance of an offer in compromise of civil liabilities does not remit criminal liabilities, nor does acceptance of an offer in compromise of criminal liabilities remit civil liabilities.

(4) *Conferences.* The Bureau has a liberal policy relative to discussion of disputed tax liability. Opportunity for conference is generally accorded either in the office of the collector or one of the other Bureau offices. Application for such a hearing should be made in person, or preferably by letter. The rules governing conferences are set forth in "Conference and Practice Requirements, Bureau of Internal Revenue, Revised February, 1942.", published in the Internal Revenue Bulletin, 1942–1, page 384. As to conference practice relative to taxes within the jurisdiction of The Tax Court, see sections dealing specially with such taxes.

(5) *Rulings.* Rulings are made on prospective transactions only where the law or regulations provide for a determination by the Commissioner of the effect of a proposed transaction for tax purposes, as in the case of a transfer under the provisions of sections 1250 to 1253 of the Internal Revenue Code, or an exchange under the provisions of section 112 (i) of the Internal Revenue Code, or in connection with the execution of a closing agreement under the provisions of section 3760 of the Internal Revenue Code with respect to a taxable period ending subsequent to the date of the agreement. The established policy of the Bureau is not to comply with requests for rulings on prospective transactions, except in the instances hereinabove provided.

A request received from a taxpayer or his representative for a ruling on a question involving an issue in a return or returns filed for a year or years with respect to which the period of limitation on assessment or refund of income or excess-profits taxes has not expired is referred to the internal revenue agent in charge having jurisdiction of the return or returns, for appropriate action on the request and consideration in connection with the examination of such return or returns. It is not intended, however, in such cases to prevent the internal revenue agent in charge from seeking advice or information from Washington before taking action.

The established policy is to give advice upon request of taxpayers or their representatives on questions relating to the character and extent of tax liabilities resulting from consummated transactions affecting a return to be filed, under the following circumstances:

(i) The complete facts relative to the transaction, together with a copy of each contract, or other document, necessary to present the question are given.

(ii) The names of all the real parties interested are stated regardless of who presents the question, whether an interested party, attorney, accountant, or other representative.

(iii) The request is signed by the taxpayer, or in case he is represented by an attorney or agent, the request is accompanied by properly executed power of attorney.

A copy of a letter addressed to a taxpayer is not furnished to his attorney or agent unless the Bureau is specifically authorized to do so by the taxpayer.

As to rules issued for the guidance of the general public, see § 601.13.

(e) *Legal review.* Many matters are referred to the Office of the Chief Counsel for legal review or advice before final action. It is the function of the Office of the Chief Counsel to furnish legal advice to the administrative units of the Bureau and to handle the legal aspects of all matters pertaining to the assessment and collection of Federal taxes. The Office of the Chief Counsel reviews cases involving, and makes recommendations relative to, the imposition of penalties and institution of criminal procedures for fraud and violations of tax laws. The Chief Counsel's Office also reviews claims for refund, credit, or abatement of taxes proposed for allowance in all cases in which the amount involved exceeds $75,000; reviews and makes recommendations relative to the acceptance of offers in compromise and the entering into of closing agreements; and supervises the collection of taxes from individuals and corporations involved in reorganization, bankruptcy, receivership, and other insolvency or liquidation proceedings, and from decedents' estates.

(f) *Description of forms.* The forms of special application in connection with particular taxes are covered in the sections specially devoted to those taxes. A few of the forms used in procedures of the Bureau which are of general application are as follows:

Form 211. Claim for reward for information on leading to the detection and punishment of persons guilty of violating the internal revenue laws. See paragraph (c) (2).

Form 433. Statement of financial condition and other information. Required to be submitted by proponents when tendering offers in compromise in lieu of liabilities in certain cases.

Form 656. Offer in compromise and collector's recommendation. This form is to be used by taxpayers in all cases except offers submitted on installment basis in submitting offers in compromise of liability incurred because of violation of law. The reverse side of the form is to be filled in by the collector, giving a brief history of the case and his recommendation as to the acceptance or rejection of the offer.

Form 656-C. Offer in compromise (deferred installment payments). This form is used where amount tendered as offer in compromise is to be paid by deferred payment or payments.

Form 843. Claim for abatement, or refund. Claim for the abatement of taxes erroneously or illegally assessed; claim for refund of taxes erroneously or illegally collected; and claim for the refund of amounts paid for stamps used in error or excess, will be made upon this form.

Form 866. Agreement to final determination and assessment of tax. This form provides for an agreement between the taxpayer and the Commissioner that determination and assessment of tax shall be final and conclusive.

Form 900. Tax collection waiver. This form is used to extend the statutory period within which to collect outstanding assessments by agreement between the taxpayer and the Commissioner.

Form 906. Closing agreement as to final determination covering specific matters. This form is used by a taxpayer for a closing agreement as to final determination covering specific matters in pursuance of section 3760, Internal Revenue Code.

Form 907. Agreement to suspend running of statute of limitations. This form is used by a taxpayer to enter into an agreement with the Commissioner to suspend running of statute of limitations for filing suit for recovery of taxes overpaid until a final decision of similar cases before the courts is rendered.

Form 927. Proof of worthlessness of mineral rights. Questionnaire to be filed by all persons asserting a value or absence of value of oil and gas rights in land at any specific date, whether for income tax, estate tax, or gift tax purposes. The schedules call for descriptive data, development statistics, and a map. A separate form must be filed for each property.

Form 1131. Bond for release of Federal tax lien. To be used where a taxpayer desires to have a tax lien removed under the provisions of section 3673 (b), Internal Revenue Code, and where the tax liability has not been satisfied.

Form 1171. Statement relative to fees to be filed with power of attorney.

§ 601.2 *Income and excess profits taxes*—(a) *General.* Individual and corporation income taxes are imposed by chapter 1 of the Internal Revenue Code. Additional income taxes are imposed under chapter 2 of the Code as follows: subchapter A—personal holding companies; subchapter C—excess profits on Navy contracts; subchapter D—unjust enrichment. Subchapter B of chapter 2, imposing the declared value excess profits tax, was repealed by section 202 of the Revenue Act of 1945, effective with respect to income tax taxable years ending after June 30, 1946. Subchapter E of chapter 2, imposing the wartime excess profits tax, was made inapplicable by section 122 of the Revenue Act of 1945 to any taxable year beginning after December 31, 1945, except for the purpose of computing certain "carry-backs" applicable to the determination of taxes imposed by such subchapter for taxable years beginning before January 1, 1946.

Current rules bearing upon the functioning of the Bureau, the forms used, etc., in connection with the above taxes are contained in the following regulations promulgated by the Commissioner, with the approval of the Secretary:

Regulations 111 (26 CFR, Cum. Supp., Part 29), as amended (26 CFR, 1943 Supp., 1944 Supp., 1945 Supp., Part 29; T. D. 5488, 11 F. R. 65; T. D. 5497, 11 F. R. 2160; T. D. 5498, 11 F. R. 2161; T. D. 5500, 11 F. R. 2587; T. D. 5503, 11 F. R. 3081; T. D. 5504, 11 F. R. 3080; T D. 5507, 11 F. R. 4082; T. D. 5508, 11 F. R. 4230; T. D. 5513, 11 F. R. 5346; T. D. 5515, 11 F. R. 5474; T. D. 5516, 11 F. R. 5857; T. D. 5517, 11 F. R. 6529; T. D. 5522, 11 F. R. 6754), relating to taxes imposed by chapter 1 and subchapter A of chapter 2 of the Internal Revenue Code;

Regulations 112 (26 CFR, Cum. Supp., Part 35), as amended (26 CFR, 1944 Supp., 1945 Supp., Part 35; T. D. 6490, 11 F. R. 1035; T. D. 5494, 11 F. R. 1812; T. D. 5496, 11 F. R. 2112; T. D. 5503, 11 F. R. 3081; T. D. 5514, 11 F. R. 5383; T. D. 5530, 11 F. R. 8671), relating to excess profits taxes imposed under subchapter 2 of chapter 2 of the Code;

Regulations 104 (26 CFR, Cum. Supp., Part 23), as amended (26 CFR, 1944 Supp., 1945 Supp., Part 23; T. D. 5491, 11 F. R. 1090; T. D. 5510, 11 F. R. 4581), relating to consolidated income tax returns of affiliated corporations;

Regulations 110 (26 CFR, 1944 Supp., Part 33), as amended (26 CFR, 1945 Supp., Part 35; T. D. 5491, 11 F. R. 1090; T. D. 5510, 11 F. R. 4581), relating to consolidated excess profits tax returns of affiliated corporations;

Regulations 116 (26 CFR, 1944 Supp., Part 405), as amended (25 CFR, 1945 Supp., Part 405; T. D. 5492, 11 F. R. 1274; T. D. 5522, 11 F. R. 6755), relating to collection of income tax at source on wages under subchapter D and subchapter E of chapter 9 of the Internal Revenue Code;

Regulations 95 (25 CFR, Cum. Supp., Part 2), relating to the tax on unjust enrichment under the Revenue Act of 1936, as made applicable to the Internal Revenue Code by Treasury Decision 4685 (26 CFR, Cum. Supp., page 5876);

Treasury Decision 5237 (26 CFR, Cum. Supp., Part 21), as amended (26 CFR, 1944 Supp., Part 21; T. D. 5495, 11 F. R. 2112), relating to the declared value excess profits tax imposed by subchapter B of chapter 2 of the Internal Revenue Code;

Treasury Decision 4906 (26 CFR, 1939 Supp., Part 17), relating to excess profits tax on contracts for Navy vessels and aircraft;

Treasury Decision 4909 (26 CFR, 1939 Supp., Part 16), relating to excess profits on contracts for Army aircraft;

Treasury Decision 5409 (26 CFR, 1944 Supp., Part 473), relating to periods of limitation in cases of related taxes under chapter 1 and chapter 2 of the Internal Revenue Code;

Treasury Decision 5498, 11 F. R. 2161, relating to extensions of time for payment of taxes by corporations expecting carry-backs, and tentative carry-back adjustments; and

Treasury Decision 5330 (26 CFR, 1944 Supp., Part 32), as amended (26 CFR, 1945 Supp., Part 32), relating to the establishment of construction reserve funds under the Merchant Marine Act, 1936, as amended.

(b) *Tax collection*—(1) *General.* Income and profits taxes are collected by means of returns, in the case of corporations, estates and trusts, and by means of returns, declarations of estimated tax, and withholding at the source, in the case of individuals. Returns and other forms especially applicable to income and profits taxes are described in paragraph (g) of this section.

(2) *Withholding at the source on wages.* In the case of wage earners, the tax is collected in large part through the witholding by employers of taxes on wages paid to their employees. If income is solely from wages, the witholding tax rates are such that approximately the entire tax liability is withheld on wages up to $5,000 annually. The tax withheld by the employer is required to be paid quarterly to the collector of internal revenue or may be deposited monthly in a depositary bank authorized by the Secretary of the Treasury to receive such deposits. The tax withheld at the source on wages is applied in payment of the individual's income tax liability for the taxable year.

(3) *Declarations of estimated tax.* Declarations of estimated tax are required of every individual whose gross income for the taxable year from all sources or from wages only is expected to exceed a specified amount. Under existing law, a declaration is required if the expected gross income from wages exceeds $5,000 plus $500 for each surtax exemption except his own, or expected gross income from sources other than wages exceeds $100 and expected total gross income exceeds $500. The time for filing declarations is determined by reference to the time during the taxable year when the facts and circumstances first become such as to indicate that the expected gross income for the taxable year will meet the requirements of the statute. In the case of a calendar year taxpayer, the filing dates prescribed are March 15, June 15, September 15 of the calendar year and January 15 of the succeeding year. If a declaration of estimated tax has been filed, an amended declaration may be filed on any of the specified dates. In the case of a taxpayer who makes his return on a fiscal year basis, the filing dates for declarations of estimated tax will be the 15th day of the last month of the first, second, and third quarters of his fiscal year and the 15th day of the first month of his next fiscal year. The estimated tax may be paid in full with the declaration or in as many equal installments as there are quarters remaining in the taxable year beginning with the quarter in which the declaration is filed. The installment dates are the same as the dates prescribed for the filing of declarations or amended declarations and the first installment must accompany the declaration. If an amended declaration is filed, the remaining installments of estimated tax are adjusted accordingly. Payments of estimated tax are applied in payment of the tax for the taxable year. A husband and wife may make a single declaration jointly and the amount of the estimated tax paid may be applied in payment of the income tax liability of either spouse in any proportion they may specify.

(4) *Individual returns.* Every individual having for the taxable year a gross income in excess of $500 is required to

make a return setting forth the information necessary to determine the tax liability and, except in the case of certain wage earners, the amount of such tax liability. The balance of the tax, if any, after deducting any estimated tax payments and tax withheld at the source is payable on or before the 15th day of the third month following the close of the taxable year. In the case of wage earners whose gross income is less than $5,000 and consists entirely of wages subject to withholding plus dividends and interest of not more than $100, the withholding tax receipt may be used as a return, in which event the collector computes the tax and mails to the taxpayer a notice and demand for payment. A husband and wife may make a single return jointly.

(5) *Corporation returns.* A corporation income tax return is required to be filed with the collector by every corporation taxable under chapter 1 of the Code. Certain corporations may file consolidated returns under section 141 of the Code and the applicable regulations (see paragraph (a) of this section). Corporation returns should be filed on or before the 15th day of the third month following the close of the taxable year and the tax is required to be paid on or before the 15th day of such third month unless the taxpayer elects to pay the tax in four equal installments, in which event the first installment shall be paid on the 15th day of such third month and the remaining installments on the 15th day of the sixth, ninth, and twelfth months following the close of the taxable year.

(6) *Returns for estates and trusts.* A return is required for every estate having a gross income for the taxable year of $500 or more and for every trust having a gross income of $500 or more or a net income of $100 or more. The return in such case must be filed by the fiduciary acting for the estate or trust on or before the 15th day of the third month following the close of the taxable year and the tax is required to be paid on such date. The fiduciary may, however, elect to pay the tax in four equal installments in which event the first installment shall be paid on the 15th day of such third month and the remaining installments on the 15th day of the sixth, ninth, and twelfth months following the close of the taxable year.

(7) *Extensions of time.* Under certain circumstances, the Commissioner is authorized to grant a reasonable extension of time for filing an income tax return or a declaration of estimated tax. This authority has been delegated to the several collectors. The total period for extensions with respect to a return or declaration in the case of a taxpayer cannot be in excess of six months, except in the case of taxpayers who are abroad. Written application for extension must be received by the collector on or before the date prescribed by law for filing the return or declaration, as the case may be. Generally, in the case of corporations, one-fourth of an estimated tax on a tentative return must be paid on or before the date prescribed by law for filing the return as a condition precedent to the granting of an extension of time for filing the return. An extension of time for filing the declaration of estimated tax automatically extends the time for paying the estimated tax (without interest) for the same period.

(c) *Examination of returns and determination of correct liability*—(1) *General.* Section 57 of the Code provides that as soon as practicable after the tax return is filed the Commissioner shall examine it and shall determine the correct amount of tax. Authorization is contained in section 3614 of the Internal Revenue Code for the Commissioner, by any officer or employee of the Bureau, including the field service, designated by him, to examine any books, papers, records, or memoranda bearing upon the matters required to be included in Federal tax returns and to take testimony relative thereto and to administer oaths.

A preliminary examination is first made of income tax returns in the collectors' offices for mathematical errors. A correction notice of any such mathematical error is sent to the taxpayer. Demand is made for any deficiency so resulting, or credit or refund is made of any overpayment of $1,000 or less. If the overpayment exceeds $1,000, the return is referred to the Washington office.

Individual returns on Form W-2 (the withholding tax receipt) are retained for audit in the collector's office. Collectors also retain for audit individual returns on Form 1040 reporting adjusted gross income under $7,000 and total receipts from business under $25,000. All other individual returns and all corporation returns are sent to Washington where they are examined and classified and referred to the appropriate field divisions for consideration.

Field audits and investigations are made by internal revenue agents, under the supervision of the internal revenue agent in charge (see § 600.52), in the case of income tax returns of individuals (except those audited by collectors) and corporate income and profits tax returns.

When any adjustment in a return filed by a taxpayer is proposed as a result of an investigation (or a claim for refund or credit filed by a taxpayer is to be disallowed in whole or in part as a result of an investigation), the internal revenue agent in charge issues to the taxpayer a preliminary (30-day) letter, and (except in fraud cases) furnishes the taxpayer a copy of the report of the examining officer showing the adjustments proposed. Where the circumstances permit, the taxpayer is usually accorded 30 days in which to protest in writing any action proposed in the case with which he is in disagreement, and is afforded an opportunity to file a brief and supporting evidence to sustain the protest, and an opportunity for an oral hearing before a representative of the Conference Division of the field office if he desires. No particular form of protest has been prescribed but it is required to be made under oath and must set forth all issues raised by the taxpayer. If an agreement is reached in the case, the necessary forms are executed consenting to the immediate assessment and collection of any deficiency in taxes involved as well as consenting to any overassessment (refund) that may be agreed upon. These conferences are held in accordance with provisions of the published Conference and Practice Requirements, Revised February 1942 (C. B. 1942-1, 184). The case record then moves to the appropriate Audit Review Division of the Income Tax Unit in Washington for post-review. (See § 600.4.)

(2) *Deficiencies.* If a deficiency in tax is involved in a case in which a preliminary notice was sent and no agreement in respect thereof is reached, before the Commissioner is authorized to assess the deficiency he must, under the provisions of section 272 (a) (1) of the Internal Revenue Code, issue to the taxpayer by registered mail a notice of the deficiency. Thereafter, the taxpayer has ninety days after such mailing (or one hundred and fifty days, if the letter was addressed to a person outside the States of the Union and the District of Columbia) not counting Saturday, Sunday, or a legal holiday in the District of Columbia as the last day, to file his petition with the United States Tax Court for a redetermination of the deficiency. Assessment of the deficiency or steps to enforce its collection (except in jeopardy cases falling within the provisions of section 273 of the Internal Revenue Code) are prohibited until the notice of deficiency is mailed and until the expiration of the ninety-day period (or one-hundred-and-fifty-day period, as the case may be) if no petition is filed, or, if such a petition is filed, until the decision of The Tax Court has become final. Statutory notices of deficiency under authority delegated by the Commissioner are issued by internal revenue agents in charge.

If the taxpayer indicates his agreement to a deficiency by submitting a waiver notice consenting to the assessment and collection of the amount due, together with interest, or by making payment direct to the collector, either before or after the mailing of the statutory notice, the internal revenue agent in charge will transmit the case to the appropriate collector who will list the tax and interest, if any, for assessment.

Under established procedure, before the issuance of a statutory notice of deficiency by the internal revenue agent in charge, the taxpayer may request transfer of the case to a field division of the Technical Staff for its consideration. A request may be submitted for such a transfer while the case is in the ninety-day status if the request is not made prior to issuance of the statutory notice. When such a case is referred to the Staff division, the internal revenue agent in charge thereafter takes such action thereon as the Staff may direct. As to the Staff division procedure, see § 601.3.

(d) *Claims for credit or refund.* In the event of overpayment of income or profits taxes, the taxpayer may file a claim for credit or refund with the collector. Generally, claim for refund or credit should be filed on Form 543 (see § 601.1 (f)), within three years from the time the return was filed or within two years from the time the tax was paid, whichever period expires the later. Special procedure is provided with respect

to overpayment occasioned by deductions for bad debts and worthless securities (section 332 (b) (5) of the Code), by net operating loss and unused excess profits credit carry-backs (section 322 (b) (6) and (g)), and by amortization deductions (section 124). In the case of individuals, a properly executed return may, if the taxpayer so elects, operate as a claim for credit or refund of the amount of the overpayment disclosed by such return. If the taxpayer elects to use the withholding receipt as a return, such return operates automatically as a claim for refund for the amount of the overpayment shown by the collector's computation of the tax on the basis of the return.

The procedure in connection with claims for credit or refund is similar to the procedure in the determination of a deficiency (see paragraph (c) (2) of this section). Such claims are investigated and considered under the supervision of the internal revenue agents in charge. The taxpayer may have a hearing with a representative of the agent in charge, and, if agreement is not reached, may request review by a Staff division of the action proposed by the agent in charge. As to Staff division procedure, see § 601.3. If a credit or refund is allowed, a certificate of overassessment is issued by the Commissioner. In the event of the disallowance in whole or in part of a claim for refund, the Commissioner notifies the taxpayer of his decision by registered mail (section 3772 (a) (2) of the Code). Such notices are issued in the central office of the Income Tax Unit of the Bureau.

As to suits for credit or refund and compromises and closing agreements with respect to disputed liability, see § 601.1 (d) of this section.

A special procedure is applicable to claims for excess profits tax relief (including credit or refund) under section 722 of the Code. See section 732 of the Code for provisions respecting the issuance of registered notices of disallowances of claims for relief filed under section 722. These notices are under authority delegated by the Commissioner issued by internal revenue agents in charge. Action proposed by an internal revenue agent in charge on the claim of a taxpayer for relief under section 722 of the Internal Revenue Code is reviewable by the Excess Profits Tax Council, Bureau of Internal Revenue, Washington, D. C.

There is also a special procedure applicable to applications for tentative adjustment with respect to amortization deductions under section 124 of the Code (see Forms 1046 and 1140 under paragraph (g)) and applications for tentative carry-back adjustments under section 3780 of the Code (see Forms 1045 and 1159 under paragraph (g)).

(e) *Rulings.* A taxpayer may request rulings from the Bureau as to the application of the income and profits tax laws to the facts of his situation. A request for a ruling upon an issue involved in a return filed for a year with respect to which the period of limitations on assessment or refund has not expired should be addressed to the internal revenue agent in charge having jurisdiction of such return. In other cases, the inquiry may be directed to the Deputy Commissioner, Income Tax Unit, Washington 25, D. C. (I. T. Misc. Coll. No. 4963, C. B. 1939–2, 459). As to authorization of attorneys seeking rulings and the policy of the Bureau generally in making rulings, see § 601.1 (d) (5).

(f) *Administrative procedures for collection*—(1) *Periods of limitation on deficiencies.* In general, the statutory period of limitation for assessment of income and profits taxes is three years after the return is filed. Exceptions in certain unusual cases are provided in sections 275 and 276 of the Code. In case of a false or fraudulent return with intent to evade tax or of a failure to file a return no time limitation on assessment or on a proceeding in court for collection applies. As indicated in paragraph (c) of this section, the statutory period is suspended (except in jeopardy cases) for the period during which the Commissioner is prohibited from making the assessment or beginning a proceeding in court (and if a proceeding is placed upon the docket of The Tax Court, until the decision of the Court becomes final), and for sixty days thereafter. An additional period of assessment is provided for transferees and fiduciaries under section 311 of the Code.

The period for assessment of a deficiency may be extended by an agreement (called a waiver, Form 872) entered into by the taxpayer (or transferee or fiduciary) and the Commissioner prior to the expiration of the time otherwise provided for assessment. (See sections 275 (b) and 311 (b) (4), I. R. C.) Such a waiver extends, with respect to the taxpayer, the period for claiming credit or refund for the agreed time of extension of the assessment period plus six months. (Section 322 (b) (3), I. R. C.)

Special rules for mitigation of the effect of statutes of limitations are provided where a determination is made inconsistent with an earlier treatment of an item in the caes of the taxpayer, or certain related taxpayers (section 3801 of the Code), or where an adjustment is made in a tax imposed under chapters 1 and 2 of the Code which effects a related tax under such chapters (section 3807 of the Code).

(2) *General procedure for enforcement.* For general procedure applicable to income and profits taxes with respect to distraint, liens, and penalties, see § 601.1 (c) (2) and (3).

(g) *Description of forms.* The following described forms which are prescribed and furnished by the Bureau for use in connection with the taxes imposed under chapters 1 and 2 of the Code may be obtained at the principal and branch offices of collectors of internal revenue:

Form D. Schedules for substantiation of valuations and depletion based on cost or value metal mines. Questionnaire. Taxpayers engaged in the metal industries should use this form in furnishing, upon request of the Commissioner, detailed information necessary in auditing their returns.

Form E. Schedule for valuation of coal properties. Questionnaire to be filed upon request of the Commissioner by taxpayers owning or leasing coal properties.

Form F. Schedules for substantiation of cost or value claimed for depletion of nonmetallic mineral properties. Questionnaire to be filed upon request of the Commissioner by taxpayers engaged in the nonmetallic mineral industries for use in the audit of their returns.

Form O. Oil and gas depletion data. Questionnaire to be filed by oil and gas producers and all persons claiming depletion of oil and gas properties. The schedules call for information necessary to determine depletion of cost or other basis, and percentage depletion, as well as depreciation at the rate of production.

Form P. Schedule for substantiation of valuations, depletion, and depreciation in royalty interests in metal mines. Questionnaire to be filed by owners of royalty interests in metal mines in substantiation of valuations in depletion and depreciation.

Form T–P. Special forest industries questionnaire for the pulp and paper industry. Questionnaire. This questionnaire is intended for those individuals, partnerships, corporations, or other "persons" subject to United States income or profits tax liability during the period 1912 to date who either owned or operated some kind of pulp, paper, or paperboard making plant, regardless of location, with or without standing timber as auxiliary property.

Form T (Timber). Forest industries schedule. Questionnaire to be filed, upon request of the Commissioner, by taxpayers operating, buying, leasing, or selling timberlands as a supplement to their income-tax returns.

Form E–1. Schedule for valuation of coal properties. Information required to substantiate depletion allowances under Revenue Acts.

Form F–1. Schedule of information by corporations of compensation of officers and employees in excess of $75,000. To be filed by corporations with and as part of Form 1120, if the aggregate amount paid as compensation to any officer or employee is in excess of $75,000.

Form W–1. Return of income tax withheld on wages. This is the quarterly tax return made by each employer who withholds income tax upon the wages of his employees under Subchapter D, Chapter 9, I. R. C.

Form W–2. Withholding statement. This is a statement of wages paid during the calendar year and the amount of income tax withheld on such wages, if any. The original and duplicate are furnished by the employer to the employee at the close of the calendar year or upon termination of his status as an employee. The original is used as an optional income tax return by the employee in lieu of Form 1040.

Form W–2a. This is the triplicate copy of the withholding statement, Form W–2, to be filed by the employer with the collector of internal revenue at the same time as the withholding tax return (Form W–1) for the fourth quarter of the calendar year.

Form W–2b. Withholding receipt for income tax withheld on wages. This form is provided for use of employers where extra copies of Form W–2 are required for their files or for furnishing copies to State Governments, etc.

Form W–3. Reconciliation of quarterly returns of income tax withheld on wages (Forms W–1), with income tax withholding receipts (Forms W–2a). This is an annual return filed by the employer as a reconciliation form at the same time Forms W–2a are filed.

Form W–4. Employee's withholding exemption certificate. This is an exemption certificate to be filed by the employee with the employer at commencement of employment or to reflect change in withholding exemption status.

Form E–3. Schedule for valuation of coal properties.

Form 56. Notice to the Commissioner of Internal Revenue of fiduciary relationship.

Form 851. Affiliation schedule. List of companies to be considered for consolidation. To be filed with return on Form 1120 by the parent corporation.

Form 870. Waiver of restrictions on assessment and collection of deficiency in tax. This form is forwarded to taxpayers with copy of agents' reports. Its execution by a taxpayer secures immediate assessment of the deficiency and interest on such deficiency ceases 30 days after this waiver is filed.

Form 870–C. Waiver of restrictions on assessment and collection. This form is forwarded to taxpayers filing consolidated returns with copy of agents' reports. Its execution by a taxpayer secures immediate assessment of the deficiency and interest on such deficiency ceases 30 days after this waiver is filed.

Form 870–D. Waiver of restrictions on assessment and collection of deficiency in excess profit on Navy contracts and subcontracts. This form is used in connection with excess profit on Navy contracts or subcontracts completed prior to first income-taxable year beginning after December 31, 1935.

Form 870–E. Waiver of restrictions on assessment and collection of deficiency in excess profit on Navy contracts and subcontracts. This form is used in connection with excess profit on Navy contracts or subcontracts completed within income-taxable years beginning after Dec. 31, 1935.

Form 870–TS. Waiver of restrictions on assessment and collection of deficiency in tax. This form is used by field divisions of the Technical Staff for settlements of non-docketed income-tax cases. It is similar to Form 870 in providing for prompt assessment of deficiencies but by its terms is not effective until approved by the head of division. It evidences a finality of settlement which is not accomplished by use of Form 870.

Form 872. Consent fixing period of limitation upon assessment of income and profits tax. This form is to be used by taxpayer when he consents to have an assessment of tax made after the expiration of the statutory period prescribed by law.

Form 872–D. Consent fixing period of limitation upon assessment of excess profit on Navy contracts or subcontracts. This form is used in connection with excess profit on Navy contracts or subcontracts completed prior to first income-taxable year beginning after Dec. 31, 1935.

Form 872–E. Consent fixing period of limitation upon assessment of excess profit on Navy contracts or subcontracts. This form is used in connection with excess profit on Navy contracts or subcontracts completed within income-taxable years beginning after Dec. 31, 1935.

Form 873–D. Acceptance of proposed over-assessment in excess profit on Navy contracts and subcontracts. This form is used in connection with excess profit on Navy contracts or subcontracts completed prior to first income-taxable year beginning after Dec. 31, 1935.

Form 873–E. Acceptance of proposed over-assessment in excess profit on Navy contracts and subcontracts. This form is used in connection with excess profit on Navy contracts or subcontracts completed within income-taxable years beginning after Dec. 31, 1935.

Form 874. Waiver of restrictions on assessment and collection of deficiency in tax and acceptance of overassessment. This form combines Forms 870 and 873.

Form 874–D. Waiver of restrictions on assessment and collection of deficiency and acceptance of overassessment in excess profit on Navy contracts and subcontracts. This form is used in connection with excess profit on Navy contracts or subcontracts completed prior to first income-taxable year beginning after Dec. 31, 1935.

Form 874–E. Waiver of restrictions on assessment and collection of deficiency and acceptance of overassessment in excess profit on Navy contracts and subcontracts. This form is used by a taxpayer to enter into an agreement with the Commissioner to suspend the runing of the statute of limitations for filing suit for recovery of processing taxes.

Form 875. Acceptance of revenue agent's findings by a partnership or fiduciary. This form acknowledged receipt of a revenue agent's report by a partnership or fiduciary and accepts as correct the findings of the examining officer.

Form 903. Waiver of restrictions upon the assessment and collection of a deficiency. Waiver of restrictions upon the assessment and collection of a deficiency.

Form 903–A. Acceptance of proposed over-assessment. Acceptance of proposed over-assessment determined by the collector.

Form 906. Closing agreement as to final determination covering specific matters. This form is used by a taxpayer for a closing agreement as to final determination covering specific matters in pursuance of section 3760, I. R. C.

Form 921. Consent fixing period of limitation upon assessment of income and profits tax. This form is used in connection with the tentative allowance for income-tax purposes of estimated future expense liabilities under contract for sale of real estate.

Form 921–A. Consent fixing period of limitation upon assessment. Same as Form 921, except for use only of trust beneficiaries and partnership members.

Form 934. Power of attorney—departing alien—income tax. This form is used by aliens who intend to depart from the United States and whose taxable year has not been terminated by the Commissioner. The taxpayer should file it with Form 1040–D with the collector or revenue agent in charge for the district in which he resides.

Form 935. Power of attorney—individual return—income tax. This form is filed by the attorney in fact with the income tax return executed by him as such attorney in fact.

Form 936. Income tax—authorization joint returns. This form is filed by the attorney in fact (husband or wife) with the income tax return executed by him or her as such attorney in fact.

Form 952. Consent fixing period of limitation upon assessment of income and profits tax. This form of waiver is required to be filed by the corporation receiving property distributed in complete liquidation of another corporation, such liquidation covering more than one year.

Form 953. Power of attorney and agreement. Form for use in connection with waiver Form 952.

Form 954. Income and profits tax bond under section 112 (b) (6), I. R. C. Form for use in connection with waiver Form 952.

Form 955. Income and profits tax bond under section 112 (b) (6), I. R. C. Form for use in connection with waiver Form 952.

Form 957. United States information return by an officer, director, or United States shareholder with respect to foreign personal holding company. This form is to be used (1) by officers, directors, or United States shareholders in making monthly information returns with respect to foreign personal holding companies; and (2) by such shareholders in making annual returns with respect to such foreign personal holding companies.

Form 958. United States annual information return by an officer or director with respect to foreign personal holding company. This form is to be used by officers and directors of foreign personal holding companies in making annual information returns respecting such companies.

Form 962. Statement of net worth. This form is required to be prepared and submitted in duplicate by the taxpayer for the purpose of assisting internal revenue agents in charge in obtaining certain desired information with respect to individual taxpayers having a net income of $100,000 or over for 1936 and subsequent years.

Form 964. Election of shareholder under sec. 112 (b) (7), I. R. C.

Form 966. Return of information under sec. 148 (d), I. R. C., to be filed by corporations within 30 days after adoption of resolution or plan of distribution or liquidation. This form is to be used by corporations contemplating dissolution or liquidation.

Form 969. Election of taxpayer respecting basis of deductions for depreciation or amortization of improvements to leaseholds or capital expenditures incurred in acquiring leaseholds, where the lease contains an option for renewal. Used where taxpayer, who for any taxable year ended prior to Dec. 31, 1939, has been allowed depreciation or amortization through spreading cost or other basis of a lease or improvements over the period of the lease, including any exercised or unexercised renewal period, and such taxable year has been closed on that basis and the tax for that year cannot be redetermined, elects to make deductions on such basis for subsequent taxable years.

Form 970. Election under section 22 (d) I. R. C., relating to inventories in certain industries. This form is to be used by taxpayers electing to have the method provided in sec. 22 (d), I. R. C., applied in taking inventories of raw materials coming within the provisions of such subsection.

Form 972. Consent of shareholder to include specific amount in gross income under sec. 25, I. R. C., or sec. 26 of the Revenue Act of 1938, as amended. This form is to be used by shareholders of a corporation agreeing to include in their gross income for their taxable year in which falls the last day of the taxable year of the corporation a specific amount as a taxable dividend, as the basic for the availability to the corporation of a consent dividends credit under such sections.

Form 973. Return of information to be filed by corporations claiming consent dividends credit under sec. 28, I. R. C., or sec. 28 of the Revenue Act of 1938, as amended. This form is to be used by a corporation claiming a consent dividends credit; accompanied by filed consents on Form 972.

Form 973–A. Return of information to be filed by personal holding companies claiming consent dividends credit.

Form 975. Notice of intention to claim a deficiency dividend credit under sec. 506, I. R. C. This form is required to be filed by corporations to notify of intention to have dividends considered as deficiency dividends for the purpose of allowance of credit under sec. 506. (See Form 976.)

Form 976. Claim for deficiency dividends credit, or credit or refund under sec. 506, I. R. C. This form of claim for a deficiency dividend credit under sec. 407 (a), relating to credit against unpaid deficiency, and under sec. 407 (b), relating to credit or refund of deficiency paid, is required to be filed after filing of notice of intention on Form 975.

Form 977. Consent fixing period of limitation upon assessment of liability at law or in equity for income and profits tax against a transfer. This form is to be used by a transferee when he consents to have assessment of his transferee liability made after the expiration of the statutory period prescribed by law.

Form 982. Consent of corporation to adjustment of basis of its property under sec. 113 (b) (3), I. R. C. This form is used by a corporation excluding from gross income any amounts of income attributable to the discharge, within the taxable year, of its indebtedness or for which it is liable evidenced by a security as defined in sec. 22 (b) (9), I. R. C.

Form 985. Cost depletion schedule. This schedule provides for the computation of allowances for depletion of oil reserves.

Form 985A. Depreciation schedule. This schedule is used for the computation of de-

preciation involving oil reserves on the basis of unit of production computation.

Form 990. Information return of organization exempt or claiming exemption from income tax.

Form 991. Application for relief under sec. 722, I. R. C. This form to be used by a corporation claiming the benefits of sec. 722, I. R. C., with respect to adjustment of average base period net income.

Form 1000. Ownership certificate—interest on bonds of domestic and resident corporations. This form to be used by a citizen or resident individual, fiduciary, or partnership in connection with interest on bonds of a domestic or resident corporation whether or not containing a tax-free covenant when (1) no tax is to be paid by corporation or (2) 2 percent tax is to be paid by corporation.

Form 1001. Ownership certificate—interest on bonds of domestic and resident corporations. This form is used by (1) nonresident alien individual, fiduciary, or partnership, (2) corporation having no office or place of business in the United States, or (3) where the owner is unknown, when presenting for payment interest coupons on bonds of domestic and resident corporations with or without a tax-free covenant clause.

Form 1010. License for the collection of foreign income. When banks or agents collecting foreign items have filed with the Commissioner application for license on Form 1017, he is authorized to issue to the applicant a license on Form 1010.

Form 1012. Quarterly return of ownership certificates and income tax to be paid at source on interest derived from bonds and similar obligations of domestic and resident corporations. Quarterly statement to the Commissioner of Internal Revenue showing the number of Forms 1000 transmitted on which no tax is to be paid at source and names and addresses of owners of bonds and similar obligations of domestic and resident corporations, the amount of interest paid to each owner as reported on Forms 1000 and/or 1001, and the amount of tax withheld on such interest payments.

Form 1012–A. Continuation sheet for Form 1012. To be used in case additional sheets are required when preparing Form 1012.

Form 1013. Annual return of income tax to be paid at source on interest derived from bonds and similar obligations of domestic and resident corporations. Revised annually. Annual statement to the Commissioner of Internal Revenue showing by months the totals of interest paid and the tax deducted thereon as reported on Form 1012.

Form 1017. Application for license for collection of income from foreign countries. Banks or agents, collecting foreign items, to make returns of information with respect thereto, must obtain a license from the Commissioner to engage in such business. Application for such license should be made on Form 1017 and the license, which is issued without cost, will be on Form 1010. See sec. 150, I. R. C.

Form 1023. Exemption Affidavit for religious, charitable, scientific, literary, or educational organizations. This form is used by the organizations claiming exemption from tax.

Form 1024. Exemption Affidavit for labor, agricultural, horticultural organizations; fraternal beneficiary societies; business leagues, chambers of commerce; civic leagues; social welfare organizations and local associations of employees. This form is used by the organizations claiming exemption from tax.

Form 1025. Exemption Affidavit for social clubs. This form is used by social clubs claiming exemption from tax.

Form 1026. Exemption Affidavit for local benevolent life insurance associations and mutual irrigations, etc.; companies and corporations holding title to property for exempt organizations and voluntary employees' beneficiary associations. This form is used by the organizations claiming exemption from tax.

Form 1027. Exemption Affidavit for building and loan associations. This form is used by building and loan associations, cooperative banks, and credit unions claiming exemption from tax.

Form 1028. Exemption Affidavit for farmers', fruit growers', or like associations. This form to be used by farmers', fruit growers', or like associations claiming exemption from tax.

Form 1040. Individual income tax return for net incomes from salaries, wages, dividends, interest, annuities, and incomes from other sources regardless of amounts, for calendar or fiscal year. A return must be made on this form, unless Form W–2 is filed, by every citizen of the United States whether residing at home or abroad, and every person residing in the United States, though not a citizen thereof, having for the calendar or fiscal year a gross income equal to or in excess of the personal exemption prescribed in the revenue act applicable to the year involved.

Form 1040–B. Nonresident alien income tax return. A return shall be made on this form by every nonresident alien who is in receipt of taxable income, regardless of the amount, from sources within the United States, unless the tax on such income has been fully paid at the source.

Form 1040–C. Individual income tax return to be used by departing aliens. This form is used by resident and nonresident aliens who intend to depart from the United States, for the purpose of reporting income received up to the month of their intended departure. The taxpayer should present the return for certification to the collector or revenue agent in charge for the district in which he resides.

Form 1040–D. Information income tax returns to be used by departing aliens. This form is used by aliens who intend to depart from the United States, and whose taxable year has not been terminated by the Commissioner.

Form 1040–E. Schedule for citizens entitled to benefits of sec. 251, I. R. C. This schedule should be filled in by citizens who claim the benefits of sec. 251, I. R. C., and filed with the collector, attached to the return on Form 1040.

Form 1040–ES. Declaration of estimated tax. To be used for reporting estimated tax by citizens and resident aliens under the provisions of sec. 58, I. R. C.

Form 1040–F. Schedule of farm income and expenses. This schedule is used by farmers who keep their accounts on a cash basis, and if desired may be used when the books of account are kept on the accrual basis. The schedule should be attached to the income tax return and filed with the collector.

Form 1040–NB. Nonresident alien income-tax return. This form is used by a nonresident alien (other than a resident of Canada) not engaged in trade or business within the United States and having a gross income of not more than $15,400 received from sources within the United States, and by a nonresident alien (a resident of Canada) not engaged in trade or business within the United States and having gross income from sources within the United States, regardless of the amount.

Form 1040–NB–a. Nonresident alien income-tax return. This form (rather than Form 1040–NB) is used by a nonresident alien (other than a resident of Canada) not engaged in trade or business within the United States and having a gross income of more than $15,400 from sources within the United States.

Form 1041. Fiduciary income tax return for calendar or fiscal year. This form is used by a fiduciary if the gross income for the taxable year of the estate or trust for which he acts is $500 or over, or the net income for the trust is $100 or over, or if any beneficiary is a nonresident alien.

Form 1042. Annual return of income tax to be paid at source on income, paid to nonresident alien individuals, or to foreign partnerships and foreign corporations not engaged in trade or business within the United States. Annual return to the collector of internal revenue showing the names and addresses of nonresident aliens, foreign partnerships, or nonresident foreign corporations to which income other than corporate bond interest was paid during the previous taxable year, the nature and amount of such income paid and the amount of tax withheld.

Form 1042–A. Continuation sheet for Form 1042. To be used in case additional sheets are required when preparing Form 1042.

Form 1042–B. United States annual return of income tax withheld from Canadian addressees. This return, in duplicate, is required to be made by all United States withholding agents who withheld 5 percent tax from Canadian addressees. Reported on this return are not only items of income listed on Form 1042, but also items of interest listed on monthly returns, Forms 1012, including items of interest where the liability for withholding is only 2 percent. In the case of corporations whose addresses are within Canada, only the fixed or determinable income from sources within the United States consisting of dividends should be reported.

Form 1044. Alien's questionnaire. To be filled in by aliens who, while present in the United States, derived profits from transactions in the United States since January 1, 1940, in commodities, or in stock or securities, and claim to be nonresident aliens not engaged in trade or business in the United States and, therefore, exempt from Federal income tax on such profits.

Form 1045. Application for tentative carry-back adjustment. For use by taxpayers other than corporations who (1) have a net operating loss carry-back; and (2) desire a tentative carry-back adjustment.

Form 1046. Application for tentative adjustment with respect to amortization deduction. For use by taxpayers other than corporations who (1) have elected to terminate the amortization period with respect to an emergency facility; and (2) desire a tentative adjustment with respect to the amortization deduction.

Form 1065. Partnership return of income for calendar or fiscal year. A return shall be made on this form by every domestic partnership and every foreign partnership doing business within the United States or in receipt of income from sources therein, regardless of the amount of its gross or net income. This form is to be filed also by syndicates, pools, joint ventures, etc.

Form 1078. Certificate of alien claiming residence in the United States. To be filed with the withholding agent by an alien residing in the United States for the purpose of claiming the benefit of such residence for income-tax purposes.

Form 1087. Ownership certificate—dividends on stock. For use in disclosing actual ownership of stock issued by domestic and resident corporations.

Form 1090. Statement of income and profit and loss accounts for the year. To be compiled for each railroad company included in the income-tax return on Form 1120 and filed therewith.

Form 1096. Annual information return. This form contains a statement showing the number of information returns filed on Form 1099, and is used as a letter of transmittal when forwarding such forms to the Commissioner.

Form 1099. Information return for calendar year of income payments. Annual information return filed by an individual, partnership, fiduciary, or corporation with the Commissioner, giving the name and address of each individual, partnership, or fiduciary to whom income as described on the form was paid duing the calendar year.

Form 1099–L. Information return—Distributions in liquidation for calendar year. To be used by every corporation making any distribution of the whole or any part of its capital stock, with respect to each shareholder to whom such distibution was made during the calendar year.

Form 1114. Application to establish a replacement fund. To be used in case a taxpayer elects to establish a replacement fund for the purpose of restoring property which he has been compulsorily or involuntarily deprived of as a result of fire, shipwreck, theft, condemnation, or similar causes.

Form 1116. Statement to support claim for credit on individual income-tax return for taxes paid or accrued to foreign countries. When credit is sought for income, war-profits, or excess profits taxes paid other than to the United States, the income-tax return of the individual must be accompanied by this form.

Form 1117. Income-tax bond (for foreign taxes claimed by individuals). When claim for credit is made by an individual on Form 1116 for a tax accrued to a foreign government but not paid, the Commissioner may require this bond from the taxpayer as a condition precedent to the allowance of such credit.

Form 1118. Statement to support claim for credit on a domestic corporation income-tax return for taxes paid or accrued to a foreign country or a possession of the United States. To be filed by a domestic corporation. When credit is sought for income, war-profits, or excess-profits taxes paid other than to the United States, the income and profits tax return of the corporation must be accompanied by this form.

Form 1119. Income-tax bond (for foreign taxes claimed by domestic corporations). When claim for credit is made by a corporation on Form 1118 for a tax accrued to a foreign government but not paid, the Commissioner may require bond from the taxpayer as a condition precedent to the allowance of such credit.

Form 1120. Corporation income tax return for calendar or fiscal year. A return shall be made on this form by every domestic corporation, joint-stock company, association, or insurance company (other than life insurance company), and every foreign corporation engaged in trade or business within the United States or having an office or place of business therein, and not specifically exempt.

Form 1120–H. Income return of personal holding companies for surtax purposes. A return shall be made on this form by every domestic or foreign corporation classified as a personal holding company.

Form 1120–L. Life insurance company income-tax return. To be filed by every domestic life insurance company and every foreign life insurance company doing business within the United States or holding reserve funds upon business transacted within the United States, therein issuing life insurance and annuity contracts (including contracts of combined life, health, and accident insurance), the reserve funds of which held for the fulfillment of such contracts comprise more than 50 percent of its total reserve funds.

Form 1120–M. Mutual insurance company income tax return.

Form 1120–NB. Nonresident foreign corporation income tax return. Form of return to be used by foreign corporations not engaged in trade or business within the United States and not having an office or place of business therein at any time within the taxable year.

Form 1122. Return of information and authorization and consent of subsidiary corporation included in a consolidated income-tax return. To be filed by every subsidiary corporation in case its net income is included in a consolidated return filed by the parent corporation for income-tax purposes.

Form 1127. Application for an extension of time for payment of a deficiency in tax or installment of tax. To be filed by a taxpayer in case an extension in time is desired for the payment of a deficiency in income tax or installment of tax when the payment of such deficiency would result in an undue hardship.

Form 1127–B. Income and profits tax bond. To be used when a bond is required in connection with extension granted for payment of a deficiency in tax.

Form 1128. Application for change in accounting period. To be filed by the taxpayer in case it is desired to make a change in the basis of the accounting period.

Form 1129. Income and profits tax bond. To be used by taxpayer when an extension of time is desired in the case of a jeopardy assessment.

Form 1130. Income and profits tax bond. To be used in connection with granting an extension of time for payment of tax determined by taxpayer or an installment thereof.

Form 1132. Income tax bond. To be used where gain upon transmission at death of installment obligations is not reported in decedent's return.

Form 1133. Income tax bond—departing alien. For certificate of compliance by departing alien.

Form 1138. Statement for the purpose of extending time for payment of taxes by corporations expecting carry-backs. Applicable to taxes imposed by Chapters 1 and 2 of the Internal Revenue Code, which in general include all income and profits taxes.

Form 1139. Application for tentative carry-back adjustment. For use by corporations which (1) have a net operating loss carry-back or an unusual excess profits credit carry-back; and (2) desire a tentative carry-back adjustment.

Form 1140. Application for tentative adjustment with respect to amortization deduction. For use by corporations which (1) have elected to terminate the amortization period with respect to an emergency facility; and (2) desire a tentative adjustment with respect to the amortization deductions.

Form 1285. Waiver of restrictions on the assessment and collection of deficiency tax. Its ex cution by taxpayer secures assessment of the portion of a deficiency not in controversy.

Form 1289. Election and consent relative to recovery of unconstitutional Federal taxes.

Form 1289A. Consent fixing period of limitation upon assessment of deficiency under section 128 of the I. R. C.

Form 1291. Receipt of taxpayer for copy of revenue agent's report.

Form 1297. Agreement—husband and wife agreeing to offset an overassessment against a deficiency in tax.

Form 1310. Statement of claimant to refund due on behalf of deceased taxpayer.

Form 7494. Annual statement of insurance companies, life and accident. Insurance schedule filed by assessment, life, and accident associations supplemental to returns of annual net income.

Form 7495. Annual statement of insurance companies—miscellaneous stock. Insurance schedule filed by miscellaneous stock companies supplemental to returns of annual net income.

Form 7495A. Underwriting and investment exhibit. Insurance schedule to accompany Form 7495.

Form 7496. Annual statement of life insurance companies. Insurance schedule filed by life insurance companies supplemental to returns of annual net income.

Form 7497. Annual statement of stock, fire and marine insurance companies. Insurance schedule filed by stock, fire, and marine companies supplemental to returns of annual net income.

Form 7497A. Underwriting and investment exhibit. Annual statement—insurance schedule, to accompany 7497, annual statement—stock, fire, and marine companies.

(h) *Additional forms applicable generally.* For a list and description of additional forms prescribed by the Bureau for use in connection with internal revenue taxes generally, see § 601.1 (f).

§ 601.3 *Technical Staff*—(a) *Appellate functions and procedures in the determination of income, profits, estate or gift tax liability*—(1) *General.* Under existing procedure the Internal Revenue Agent in Charge, or other members of his office advise the taxpayer of his opportunity of appeal from positions taken by that office in a tax matter to the field division of the Technical Staff, and upon the taxpayer's oral or written request to the internal revenue agent in charge the case and its administrative record is thereupon referred to the staff field division. Also a taxpayer, if he so desires may make written request to a Staff field division for consideration of a case remaining unsettled after proceedings had in the office of an internal revenue agent in charge. There are no prescribed forms or procedures to be used or followed in requesting the Staff division to take jurisdiction of such a case. As to organization of the Technical Staff see § 600.5.

(2) No taxpayer is required to submit his case to a Staff division for consideration. Appeal is at the option of the taxpayer. In order, however, to encourage the proper settlement of tax disputes in the offices of the internal revenue agents in charge and to insure the fullest development of the issues in unsettled cases, the submission of disputed liabilities to a Staff division without first filing a petition to The Tax Court of the United States is restricted to taxpayers who have tried in good faith to reach agreements with the internal revenue agents in charge. However, if a taxpayer asks for immediate consideration by a Staff division without prior conference or other proceedings in the office of the internal revenue agent in charge, that official may, in the exercise of his reasonable discretion, grant that request.

(3) Proceedings before the Technical Staff are informal. Testimony under oath is not taken, although matters alleged as fact may be required to be submitted in the form of affidavits. Taxpayers may appear in person or by or with a representative duly enrolled for practice before the Treasury Department and whose appearance must be under a proper power of attorney authorizing him to act for the taxpayer. See paragraph (b). The taxpayer is free to present whatever he desires by way of asserted fact or argument, orally or by brief, in support of his contentions. However, any material matter of fact originally presented to the Staff will be subject, at the option of the Division

Head, to reference to the local internal revenue agent in charge for investigation and report.

(4) The determinations of the Staff are governed by the law applicable to the particular case with which the Staff is dealing. The administrative settlement of disputed tax liabilities comprehends the mutual concession of debatable issues on the part of both the taxpayer and the Government and with each part weighing for itself the litigating possibilities of the case. The Technical Staff endeavors to avoid discrimination between taxpayers in the practical handling of cases. However, its action in disposing of a specific case is not intended to constitute a precedent to be cited or regarded as a stare decisis.

(5) Where the case settled is not one pending before The Tax Court, disposal is by administrative procedure under which the taxpayer consents to the assessment of such, if any, deficiency as has been agreed upon or agrees to accept such, if any, overassessment as may result under the agreed settlement. As an incident to such settlements the taxpayer is ordinarily required to execute an agreement to make prompt payment of the agreed deficiency and statutory interest thereon; not to file any offer in compromise in respect to the agreed tax liability; and, upon request by the Commissioner, to execute at any time a final closing agreement (see § 601.1 (d) (2)) under the provisions of section 3760 of the Internal Revenue Code in respect to the tax liabilities determined under the agreed basis of settlement.

(6) Where the proceedings involve the agreed settlement of a case pending before The Tax Court, disposition is effected by a stipulation of agreed deficiency or overassessment to be filed with The Tax Court and in conformity with which the Court will enter its final order.

(7) Cases not filed with The Tax Court and which remain unsettled after proceedings before the Technical Staff are returned to the internal revenue agent in charge under an Action Memorandum directing, as the tax liabilities determined by the Division Head may disclose as proper, either the issuance of a statutory notice of deficiency, a statutory notice of disallowance of a claim in whole or in part, the preparation of a certificate of overassessment, or other appropriate action.

(8) Cases pending before The Tax Court and unsettled after proceedings had before the Technical Staff are returned to the Division Counsel, see § 600.57 for preparation of defense of such tax liability as the Division Head may have determined as a result of his consideration of the case.

(b) *Practice and procedure requirements.* Commissioner's Mimeograph 4960, approved by the Secretary, effective October 1, 1939 (Report of the Commissioner of Internal Revenue, 1940, page 39), provides in part as follows:

* * * * *

Procedure in Pre-90-Day Cases

(In which statutory notice of deficiency has not issued)

4. Each Staff Division will accord hearings upon protested cases referred to it in accordance with prescribed procedure by the Internal Revenue Agent in Charge situated within the territorial jurisdiction of the Division. It will not, however, consider before the issuance of the statutory notice of deficiency any case in which no protest has been filed with the Internal Revenue Agent in Charge. In any case in which protest has been filed with the Internal Revenue Agent in Charge, it will not be required to consider prior to the issuance of the statutory notice new contentions or new evidence that may be decisive with respect to any major issue, but upon the presentation of much contentions or evidence, may refer the issues involved to the Internal Revenue Agent in Charge for further consideration and for conference with the taxpayer if advisable.

5. When the Head of a Staff Division has reached a final conclusion with respect to any case, he will prepare a memorandum thereof setting forth the exact grounds upon which his conclusion rests. This memorandum will be transmitted with all the papers in the case to the proper internal revenue agent in charge, who will—

(a) Certify a deficiency to the Collector in accordance with Mimeograph 3552 (procurable from collectors);

(b) Issue a statutory notice of deficiency; or

(c) Transmit the case to the Bureau for the preparation of a certificate of overassessment, or other appropriate action.

Jurisdiction After Statutory Notice

6. The Staff Divisions will have complete jurisdiction of all cases after the issuance of the statutory notice. Upon the taxpayer's request, the Head of a Staff Division may take up for settlement any case in which a statutory notice has been issued, and may grant the taxpayer a hearing thereon. Except in unusual circumstances, however, he will not grant a hearing in such a case prior to the filing of the petition if a hearing has been had in the office of the Internal Revenue Agent in Charge, or if the taxpayer has refused an opportunity to be heard there.

7. After the filing of the petition in any case, the Head of the proper Staff Division will continue to have sole authority, subject to the provisions of paragraph 2 above [quoted in § 600.53 (b) (2)], for the settlement of the case, and will have the custody of all files, papers, and documents relating to the case, which will, however, at all times be available to the Division Counsel for the preparation of the answer to the petition and for the defense before the Board [Tax Court] of the Commissioner's determination.

Hearings

8. At any hearing granted by a Staff Division, whether at a local or branch office or on circuit, the Internal Revenue Agent in Charge will be represented if he so desires, or if the Head of the Staff Division, or the Technical Adviser in Charge of a local office, as the case may be, deems it advisable; and at any such hearing on a case involving the ad valorem fraud or negligence penalty, the Special Agent in Charge will be represented if he so desires. Except as may be otherwise directed by the Commissioner, through the head of the Technical Staff, the conduct of hearings and other proceedings by the Staff Division will be in accordance with the procedure customarily followed by the Technical Staff.

* * * * *

In general the practice and conference procedure before the Technical Staff is governed by Treasury Department Circular 230, Federal Register, Vol. 1, page 1413, and the Bureau of Internal Revenue Conference and Practice Requirements (Internal Revenue Bulletin, 1942–1, page 384). In addition to such rules, but not in modification of them, the following rules applicable to practice before the Technical Staff were promulgated February 17, 1942:

Rule I. The Staff conferee shall bear in mind that an exaction by the United States Government, which is not based upon law, statutory or otherwise, is a taking of property without due process of law, in violation of the Fifth Amendment to the United States Constitution. The conferee, in his conclusions of fact or application of the law, shall hew to the law and the recognized standards of legal construction. It shall be the duty of the conferee to determine the correct amount of the tax, with strict impartiality as between the taxpayer and the Government, and without favoritism or discrimination as between taxpayers.

Rule II. Settlement Policy. In recognition of the difference between abstract theory and practical administration, where substantial uncertainties exist either in law or in fact, or both, as to the correct application of the law to the whole record of a controversy, the Staff will give serious consideration to an offer of settlement of the dispute on a basis which fairly reflects the strength or weakness of the opposing views. However, no settlement will be countenanced based upon nuisance value of the case to either party.

Rule III. Conference Policy. Where the Staff conferee, or a majority of the conferees who conducted the hearing in a case, recommended acceptance of the taxpayer's proposal of settlement, or, in the absence of a proposal, recommend action favorable to the taxpayer, and said recommendation is disapproved in whole or in part by a reviewing officer in the Staff Division, the taxpayer shall be so advised by such reviewing officer and upon written request shall be accorded a rehearing before such reviewing officer. The Staff disregards this rule where the interests of the Government would be injured by delay, as for example, a case involving the imminent expiration of the statute of limitations, dissipation of assets, etc.

Rule IV. Where the Head of a Staff field division deems it advisable to secure advice from the Headquarters office of the Staff in Washington, D. C., respecting determination of tax liability in a case, the taxpayer shall be so advised and given an opportunity to transmit his own statement respecting the case along with the request made by the Division Head. The Division Head shall clearly state his own position or recommendation on the question submitted. No conference will be held on the case in Washington. Where the Head, Technical Staff, Washington, D. C., disagrees with the recommendation of the Division Head, and the recommendation of the Division Head was favorable to the taxpayer, then before making reply to the request for advice, the Head or a Coordinator, with full authority to represent the Headquarters office in rendering advice, will proceed to the local office where the case originated and conduct a conference on the case with the taxpayer. Where the recommendation of the Division Head was adverse to the taxpayer, then a conference in the field will be held only in case the Head, Technical Staff, considers it desirable under the circumstances.

Rule V. Any taxpayer who considers that a case pending before the Technical Staff should be handled before the Bureau in Washington, D. C., may so request in a communication addressed to the Commissioner of Internal Revenue, Washington, D. C., Attention Head, Technical Staff, setting forth in detail the reasons therefor. The request so made will receive prompt consideration, and may be discussed with the Head. The Staff policy in acting upon such requests is that no case will be withdrawn from the jurisdiction of a Staff field division, where adequate technical facilities are available or can be made available, for the determina-

tion of the case in such field division. In a case docketed with the Board of Tax Appeals, the joint action of the Chief Counsel for the Bureau of Internal Revenue and the Commissioner is required to withdraw a case from the jurisdiction of a Staff field division.

Rule VI. Where the Division Head or the Technical Adviser in Charge of a local Staff office, as the case may be, deems it advisable, whether or not upon request of the taxpayer, the Internal Revenue Agent in Charge will be requested to be represented at any Staff conference on the case, in which event such representative (or representatives) will be invited and expected to enter into the discussion and oral argument at the conference on an equal footing with the taxpayer.

Rule VII. In order to bring a case before the Technical Staff in pre-statutory notice status, the taxpayer must first file with the Internal Revenue Agent in Charge a written protest setting forth specifically the reasons for his refusal to accept the Agent's preliminary findings. The Agent in Charge may also, in the reasonable exercise of his discretion, require a conference on the case in his office before complying with the taxpayer's request that the case be referred to the Technical Staff.

Rule VIII. A taxpayer cannot withhold evidence from the Internal Revenue Agent in Charge and expect to introduce it for the first time before the Technical Staff, at a conference in pre-statutory notice status, without being subject to having the case returned for reconsideration to the Agent in Charge. Where newly discovered evidence is submitted for the first time to the Staff, in a case pending in pre-statutory notice status, that office, in the reasonable exercise of its discretion, may transmit same to the Internal Revenue Agent in Charge for his consideration and comment.

Rule IX. Where the taxpayer has had the benefit of a conference either before the office of the Internal Revenue Agent in Charge or before the Technical Staff, as the case may be, in the pre-statutory notice status, or where the opportunity for such a conference was accorded but not availed of, there will be no conference granted before the Technical Staff in the 90-day status after the mailing of the statutory notice of deficiency, in the absence of unusual circumstances.

Rule X. In any case docketed before the United States Board of Tax Appeals [now The Tax Court of the United States] on which a conference is being conducted before a Staff conferee, the Division Counsel is privileged to be represented and to participate in the discussion. In cases not docketed before the United States Board of Tax Appeals [Tax Court] on which the conference is being conducted before a Staff conferee, the Division Counsel or his representative may be requested to attend and to give legal advice in the more difficult cases, or on matters of legal or litigating policy.

Rule XI. A taxpayer may request the reopening or resumption of settlement conferences in a docketed case, before the Division Head or the Technical Advisor in Charge of a local Staff office, and whenever such request is granted, the Staff conferee who originally heard the case shall ordinarily be present and participate in any conference thereon.

Rule XII. In cases of exceptional difficulty and complexity, or where serious matters of policy are involved, there may be a conference arranged before a Group of Three to be presided over by the Division Head or the Technical Advisor in Charge; a second member of the Group shall be the Staff conferee to whom the case is assigned; and the third member of the Group may be an attorney of the Chief Counsel's office or any employee of the Bureau of Internal Revenue at large, who is qualified as regards the question presented.

Commissioner's Mimeograph, R.A. 940, T.S. No. 5, approved by the Secretary on October 8, 1938, provides in part as follows:

(1) It will be the policy of the Department not to reopen cases closed as the result of action by a field division of the Technical Staff, unless the disposition involves fraud, malfeasance, concealment or misrepresentation of material fact, or an important mistake in mathematical calculations, and then only by appropriate action through the Head of the Technical Staff. * * *

(c) *Offers in compromise.* The classes of offers in compromise over which the Technical Staff has jurisdiction (see § 600.53 (c)) are required to be submitted upon a properly executed Treasury Department Form 656 or 656C, attached to which there must be a properly executed Treasury Department Form 433. These forms are available and can be had at the offices of collectors of internal revenue. When executed, the documents are customarily filed with the collector charged with the duty of collecting the tax sought to be compromised. The documents may, however, be submitted to a field division office of the Technical Staff for transmittal to and filing with the appropriate collector.

Offers in compromise are first considered by the collector with whom filed. After examination that officer makes a written recommendation for acceptance or rejection. Under regular administrative procedure the case record is transmitted to the appropriate field division of the Technical Staff. There a conference may be had at the instance of either the taxpayer or the Staff Division.

Within the class of compromise cases under Technical Staff jurisdiction, the Head of each field division is authorized to reject, in the name of the Commissioner, any offer in compromise referred for his consideration. He may not, however, reject any offer in which rejection has not been recommended by the collector without first calling upon that officer for a statement of his views and affording him an opportunity to be heard with respect to the proposed rejection.

If the Head of a Staff division considers an offer to be acceptable, a memorandum recommending acceptance is prepared, submitted to the Division Counsel for approval or adverse comment, and the case is then transmitted to the Technical Staff headquarters office in Washington. At Staff headquarters the recommendation for approval is reviewed, and if considered acceptable it is submitted to the Special Deputy Commissioner (see § 601.2) for his review and submission to the Commissioner.

If the Head of a Staff division decides that an offer in compromise is unacceptable, he promptly notifies the taxpayer of his decision. If, however, the Division Head recommends acceptance, the taxpayer is not notified of such action until the recommendation is accepted by the Commissioner and the Secretary.

§ 601.4 *Estate and gift taxes*—(a) *General.* The estate tax is imposed by chapter 3 of the Internal Revenue Code on the transfers of net estates of decedents. The gift tax is imposed by chapter 4 of the Code with respect to transfers of property by gift during the calendar year.

Rules bearing upon the functioning of the Bureau, the forms used, etc., in connection with the estate tax are contained in Regulations 105 (26 CFR, Cum. Supp., Part 81), as amended (26 CFR, 1943 Supp., 1944 Supp., 1945 Supp., Part 81) T. D. 5503, 11 F. R. 3081, T. D. 5512, 11 F. R. 4856, T. D. 5523, 11 F. R. 7505, and in the regulations promulgated pursuant to the Death Duty Convention between the United States and Canada set forth in T. D. 5455 (26 CFR, 1945 Supp., Part 82).

Rules bearing upon the functioning of the Bureau, the forms used, etc., in connection with the gift tax are contained in Regulations 108 (26 CFR, Cum. Supp., Part 86), as amended (26 CFR, 1943 Supp., 1944 Supp., 1945 Supp., Part 86), T. D. 5503, 11 F. R. 3081, T. D. 5524, 11 F R. 7505.

(b) *Tax collection*—(1) *Estate Tax.* Estate taxes are collected by means of returns. The estate tax return on Form 706 of every decedent whose gross estate exceeds the applicable specific exemption provided by the Code must be filed in duplicate within 15 months after date of death with the collector of internal revenue. The tax is payable to the collector at the time the return is required to be filed. Upon receipt of the return, the collector will conduct a preliminary examination thereof for mathematical accuracy and proper execution. The tax shown on the return as computed by the executor or administrator, or as corrected and agreed to by him will be listed for assessment. Thereafter the collector will refer one copy of the return to the appropriate field division of the Bureau for examination and determination of the correct tax liability, under the procedure described in paragraph (c).

Under certain circumstances the collector is authorized to grant an extension of time for filing the estate tax return for a period not in excess of 30 days from the due date. Written application therefor must be received by the collector prior to the expiration of the period for which the extension is requested and authorized. For extensions granted by the Commissioner see paragraph (g) of this section. Application for an extension of time for payment of the tax shown on the return must be filed with the collector. Such application will be transmitted to the Bureau at Washington, for the attention of the Deputy Commissioner, Miscellaneous Tax Unit, for disposition.

If it is determined upon the decedent's death that his estate will be subject to the estate tax, the Code requires that written notice be filed for the estate with the collector within 2 months after death or within 2 months after the executor has qualified. Form 704 should be used in the case of a citizen or resident of the United States, and Form 705 in the case of a nonresident not a citizen.

Detailed information as to the return, and all other forms, prescribed for use in connection with the estate tax are contained in the regulations referred to in paragraph (a) of this section. Copies of the regulations, together with copies

of all necessary forms and instructions as to their preparation and filing, may be obtained from the collector.

(2) *Gift tax.* Gift taxes are collected by means of returns. The tax is payable to the collector at the time the return is required to be filed. The gift tax return on Form 709 of any individual who makes a transfer or transfers by gift to any one donee within the calendar year 1940, or any calendar year thereafter, of a total value in excess of the applicable exclusion must be filed with the collector of internal revenue for the district in which the donor has his legal residence. The return must be filed in duplicate on or before the 15th day of March following the close of the calendar year in which gifts were made. Upon receipt of the return, the collector will conduct a preliminary examination thereof for mathematical accuracy and proper execution. The tax shown on the return as computed by the donor, or as corrected and agreed to be the donor, will be listed for assessment.

Upon receipt of the donor's gift tax return in Washington it will be examined and the correct tax determined under the procedure described in paragraph (c) of this section.

Under certain circumstances the collector is authorized to grant an extension of time for filing the gift tax return for a period not in excess of 30 days from the due date. Written application therefor must be received by the collector prior to the expiration of the period for which the extension is requested and authorized.

Every donee or trustee (except exempt charitable, etc., organizations) receiving property by gift from a donor must file an information return or notice, if the value of such gift is in excess of $3,000 (or regardless of value in the case of a gift of a future interest in property).

Detailed information as to the return form, and all other forms, prescribed for use in connection with gift taxes are contained in the regulations referred to in paragraph (a) of this section. Copies of these regulations, together with all necessary forms and instructions as to their preparation and filing, may be obtained from the collector.

(c) *Examination of estate and gift tax returns and determination of correct tax liability.* The internal revenue agents in charge (see § 600.52) have jurisdiction in the initial determination of estate tax liabilities of decedents' estates.

The examination of gift tax returns is generally made in Washington in the Miscellaneous Tax Unit of the Bureau. If the examination in any such case discloses a deficiency in tax, the Miscellaneous Tax Unit will advise the donor of the proposed deficiency in a preliminary (30-day) letter in which he will be accorded an opportunity to file protest and request a conference in the appropriate field division. If the Miscellaneous Tax Unit determines that an examination should be made by an internal revenue agent in a field division, the return will be referred to the appropriate field office. Accordingly, under the foregoing procedure the donor is privileged to submit a protest against a proposed deficiency and request a hearing in the appropriate field division, whether the examination is conducted in Washington or in the field office.

As soon as practicable after an estate or gift tax return is received by the internal revenue agent in charge of a field division, it will be examined and the amount of the tax determined. If the examination results in the acceptance of the return as filed without change in tax liability, the case will be transmitted to Washington for post audit review in the Miscellaneous Tax Unit, and for issuance of the closing letter to the taxpayer. If, on the other hand, the examination results in a proposed deficiency in tax, and the internal revenue agent making the examination is unable to secure the taxpayer's agreement to the proposed adjustment, a preliminary (30-day) letter advising of the proposed adjustment in tax liability, together with a copy of the nonconfidential report, will be sent to the taxpayer. The taxpayer is accorded the opportunity in such letter to submit a protest and to request a conference in regard to the proposed deficiency.

If the case involves a deficiency and no protest is submitted within the 30-day period, or during an additional period allowed upon the taxpayer's request, the internal revenue agent in charge will close the case and send the taxpayer a statutory (90-day) letter by registered mail as provided by law.

If a protest is filed but the taxpayer declines a conference, the internal revenue agent in charge will reconsider the case in conjunction with the protest and advise the taxpayer of his conclusions. If an agreement is not reached with the taxpayer, the internal revenue agent in charge will ordinarily thereafter issue the statuory (90-day) letter, but he may advise the taxpayer that on request the case will be referred to the appropriate Division of the Technical Staff for hearing. See § 601.3 for Technical Staff procedure.

If a protest is filed and a conference is held, but without agreement, the internal revenue agent in charge will notify the taxpayer of his conclusions, advising him that upon request the case will be referred to the appropriate Staff Division for hearing, but in the absence of such request the statutory (90-day) letter will be mailed at the expiration of a specified period.

In any estate or gift tax case involving an overassessment the taxpayer may, after receiving the preliminary (30-day) letter, file a protest (against determinations reducing the overassessment), in which case the procedure to be followed will be substantially the same as that described above with respect to deficiency cases. The taxpayer will be advised of the conclusions reached after consideration of the protest, and, in the absence of a request to have the case referred to a Staff Division, the internal revenue agent in charge will recommend to the Commissioner the issuance of a certificate of overassessment. If the taxpayer requests that his protest be referred to a Staff Division, the internal revenue agent in charge will transmit the case to the appropriate Technical Staff Division.

In all cases in which a deficiency in respect of a tax is determined, and a statutory (90-day) letter is sent to the taxpayer by registered mail covering such deficiency, the taxpayer may file a petition with the Tax Court for a redetermination of the deficiency, other than a deficiency resulting from the correction of a mathematical error appearing upon the return. The petition must be filed within 90 days after the mailing of the statutory letter (or within 150 days after such mailing where such letter is addressed to a person outside the States of the Union and the District of Columbia) not counting Saturday, Sunday, or a legal holiday in the District of Columbia as the last day.

If the taxpayer indicates his agreement to a deficiency by submitting a waiver notice consenting to the assessment and collection of the amount due together with interest, or by making payment direct to the collector, either before or after the mailing of the statutory notice, the internal revenue agent in charge will transmit the case to the appropriate collector who will list the tax and interest, if any, for assessment. The report of examination will be submitted to Washington for post audit review in the Miscellaneous Tax Unit of the Bureau.

With respect to cases referred to Technical Staff Divisions for consideration, at the request of the taxpayers, see section 601.3. As to closing agreements, compromises, and court proceedings, see § 601.1 (d).

(d) *Claims for credit or refund.* In the case of collection of estate tax, interest, or penalties believed by the executor of the estate to be erroneous or illegal, such executor is privileged to file a claim for refund. A claim for refund of estate tax imposed by the Code must be filed within three years after the payment of the amount sought to be refunded.

A donor is likewise privileged to file a claim for credit or refund of gift tax, interest, and penalties which he considers to have been erroneously or illegally collected. Such claim must be filed within three years after the payment of the tax sought to be credited or refunded. A separate claim should be made for each taxable year.

Claims for credit or refund with respect to estate and gift taxes should be executed on Form 843, copies of which may be obtained from collectors' offices. The claim should be filed with the collector to whom the tax, credit, or refund of which is claimed, was paid. After listing of tax payments by the collector on the back of the claim form, it is transmitted to the Bureau in Washington for consideration and action.

If the claim is acted upon in Washington, the taxpayer will be advised as to the conclusions reached. If the claim is referred to a field division for examination, the internal revenue agent in charge will handle the claim in the same manner as in the case of an initial examination of an estate or gift tax return. See procedure described under paragraph (c) of this section. For court proceedings, see § 601.1 (d); for Technical Staff procedure, see § 601.3.

(e) *Post audit review of determinations of estate and gift tax liabilities made in*

field divisions by internal revenue agents in charge. The determinations of estate and gift tax liabilities by internal revenue agents in charge of field divisions, as set forth in revenue agents' reports of examination, under the procedure described in paragraph (c) of this section are subject to technical review by the Bureau, in the Miscellaneous Tax Unit.

If upon review of a case in which no change in tax liability has been recommended, the Bureau agrees with the conclusions of the internal revenue agent in charge, it will close the case, and in estate tax cases will issue a closing letter addressed to the executor. In gift tax cases a closing letter will be issued only when such a letter is requested by the donor. If, however, the Bureau disagrees with conclusions of the internal revenue agent in charge in any such case, it will refer the case to that officer for reconsideration upon the basis of the exceptions noted. Any adjustment in tax liability made thereafter by the internal revenue agent in charge will be brought to the attention of the taxpayer, and he will be accorded the same privilege of filing a protest and requesting a hearing with respect to such adjustment as in the case of an initial examination under the procedure described in paragraph (c) of this section.

In the review of cases in which the internal revenue agent in charge has obtained the taxpayer's agreement to an adjustment in tax, it is the policy of the Bureau not to revise the determination made by the internal revenue agent in charge unless a material error has been made or a substantial difference in tax is involved, and then only after the internal revenue agent in charge has been given an opportunity to consider the Bureau's exceptions. If the Bureau agrees with the conclusion of the internal revenue agent in charge in any such case, it will take appropriate action to close the case. In any estate or gift tax case involving a deficiency in tax, the closing letter will be issued to the taxpayer. If an overassessment is involved, a certificate of overassessment will be issued to the taxpayer. If, however, the Bureau disagrees with the conclusions of the internal revenue agent in charge in any such case, and an adjustment in tax liability is thereafter proposed by the internal revenue agent in charge, the taxpayer will be afforded the same privilege of filing a protest and requesting a hearing with respect to such adjustment as was extended to him during the initial examination of the return, under the procedure described in paragraph (c) of this section.

While a review is also conducted by the Bureau of every case closed by statutory (90-day) letter, it is the policy of the Bureau not to revise such determinations made by the internal revenue agent in charge except in cases where a material error has been made or other special circumstances require a revision.

(f) *Rulings.* Any executor of an estate, or donor, who is in doubt as to the application of the tax to the particular facts in his case, may address a letter to the Deputy Commissioner, Miscellaneous Tax Unit, Washington 25, D. C., requesting advice. Where information is sought regarding an estate or gift tax return which is being considered by a field division of the Bureau, under the procedure described in paragraph (c) of this section, the request for information should be addressed to the internal revenue agent in charge in whose office the case is under consideration.

If an attorney or other person asks a ruling on a question of law arising in a specific case, the Commissioner will require satisfactory evidence of the right to obtain such ruling. Hypothetical questions relating to the application of the estate and gift taxes cannot be answered.

Powers of attorney authorizing an attorney or agent to represent the executor of an estate, or the donor in a gift tax case, should accompany the request for information or ruling.

As to the policy of the Bureau generally relative to rulings, see § 601.1 (d) (5).

(g) *Administrative provisions relating to extensions of time to file returns and pay taxes; issuance of releases of liens and transfer certificates, etc.* Under certain circumstances an extension of time for filing an estate tax return for a decedent's estate, not to exceed three months from the due date, may be granted by the Commissioner. Written application for such extension should be filed with the Commissioner on or prior to the due date of the return.

In any estate or gift tax case in which an extension of time is desired for the payment of tax shown on the return or for a deficiency in tax, a written application for such extension under oath and accompanied or supported by the required evidence must be timely filed with the collector, who will transmit it to the Commissioner with his recommendation as to the extension. When it is received by the Commissioner, it will be examined, and, if possible, within 30 days will be denied, granted, or tentatively granted subject to certain conditions of which the executor, or donor, as the case may be, will be notified.

In addition to the general provisions for liens for taxes (see § 601.1 (c) (2)), section 827 (a) of the Code specially provides in connection with the estate tax for a lien upon the gross estate and section 1009 provides a similar lien in connection with the gift tax upon all gifts. Under certain circumstances releases of the estate and gift tax liens imposed by the Code with respect to property included in the returns will be granted by the Commissioner. Applications for such releases should be addressed to the Deputy Commissioner, Miscellaneous Tax Unit, Washington 25, D. C. If granted, certificates releasing the property involved will be furnished.

In any estate tax case in which the executor desires that a prompt determination be made of the amount of the estate tax due from the decedent's estate and that he be discharged from personal liability therefor, such request should be made by written application to the Commissioner.

Certificates permitting the transfer of property of nonresident decedents, regardless of citizenship, without liability will be issued by the Commissioner when he is satisfied that the tax imposed upon the estate, if any, has been fully discharged or provided for. Requests for such certificates should be addressed to the Deputy Commissioner, Miscellaneous Tax Unit, Washington 25, D. C.

Under certain circumstances estate and gift tax returns may be inspected pursuant to the Code and regulations. See § 600.1 (b) (2) (i).

(h) *Description of forms.*—(1) *Estate and gift tax forms.* The following described forms which are prescribed and furnished by the Bureau for use in connection with estate and gift taxes may be obtained at the principal and branch offices of collectors of internal revenue:

ESTATE TAX

Form 704. Preliminary Notice, Estate of Citizen or Resident of the United States. This form is for use of the executor or administrator of the estate of a deceased citizen or resident of the United States in reporting the estimated values of the various classes of property belonging to the decedent, and must be filed with the collector within two months after the date of death or within two months after qualification of such executor or administrator.

Form 705. Preliminary Notice, Estate of Nonresident Not a Citizen of the United States. This form is for use of the executor or administrator of the estate of a deceased nonresident not a citizen of the United States in reporting the estimated values of the various classes of the decedent's property having a situs in the United States, and must be filed with the collector of internal revenue within two months after the date of death or within two months after qualification of such executor or administrator.

Form 706. Estate Tax Return. This form is for the use of the executor or administrator of a deceased citizen or resident of the United States, and of a nonresident decedent not a citizen, in reporting the estate tax due and setting forth an itemized inventory by schedule of the decedent's property and lists of the deductions under the appropriate schedules. This return must be filed with the appropriate collector of internal revenue.

Form 706b. Supplemental Schedule R (1) (Estate Tax Return), Computations of Net Estates for Estate of Decedent Domiciled in Canada and not a Citizen of the United States. This form is for use of the executor or administrator of the estate of a decedent domiciled in Canada, not a citizen of the United States, in computing the net estate of the decedent pursuant to the Death Duty Convention between the United States and Canada. This schedule is a substitute for Schedule R of Estate Tax Return, Form 706.

Form 706c. Computation of Estate Tax With Credit for Canadian Succession Duties, for Estate of Decedent Domiciled in or a Citizen of the United States. This form is for use of the executor or administrator of the estate of a decedent domiciled in or a citizen of the United States, in computing credit against the Federal estate tax for Canadian succession duties paid with respect to property situated in Canada and subjected to such taxes by both countries, pursuant to the Death Duty Convention between the United States and Canada. This form is supplemental to the "Computation of Tax" schedule in the estate tax return, Form 706.

Form 706d. Certification of Dominion Succession Duties for Credit Against Federal Estate Taxes. This form is for use of the executor or administrator of a decedent domiciled in or a citizen of the United States, in securing a certification from Canadian officials with respect to succession duties paid in order that credit therefor may be allowed against the Federal estate tax.

Form 711. Estate Tax Power of Attorney. This form is provided for the use of attorneys

who represent decedents' estates in estate tax matters.

Form 712. Life Insurance Statement, Estate Tax. This form is for use of the executor or administrator of a decedent's estate in securing information from the insurance company with respect to a policy of insurance on the decedent's life. A form should be prepared for each policy of insurance held by the decedent. All such completed forms should be associated with the decedent's estate tax return, Form 706, and filed with the appropriate collector of internal revenue.

Form 890. Waiver of Restrictions Against Assessment and Collection of Deficiency in Estate Tax. This form is for the use of the executor in waiving the statutory restrictions against the immediate assessment and collection of a deficiency in estate tax. The form is enclosed with the notice of deficiency to the executor and when signed should be returned to the internal revenue agent in charge who forwarded the notice.

Form 896. Application for Extension of Time for Payment of Deficiency in Estate Tax. This form is for use of the executor in applying for an extension of time for payment of a deficiency due from the decedent's estate and must be filed with the appropriate collector of internal revenue.

GIFT TAX

Form 709. Gift Tax Return. This form is for use of the donor in reporting the gift tax due for the calendar year involved and in setting forth every transfer by gift to any one donee during such year exceeding the applicable exclusion. The return must be filed in duplicate with the collector of internal revenue for the district in which the donor has his legal residence.

Form 710. Donee's or Trustee's Information Return of Gifts. This form is for use of the donee or trustee in reporting property received by gift from the donor, if the value of such gift is in excess of the applicable exclusion. This return should be filed in duplicate with the appropriate collector of internal revenue or with the Commissioner of Internal Revenue at Washington, D. C. Public, charitable, etc., organizations coming under the Code are not required to file such information return.

Form 890A. Waiver of Restrictions Against Assessment and Collection of Deficiency in Gift Tax. This form is for the use of the donor in waiving the statutory restrictions against the immediate assessment and collection of a deficiency in gift tax. It is sent to the taxpayer with the notice of deficiency and when signed should be returned to the Bureau or to the agent in charge who sent the notice.

Form 938. Life Insurance Statement, Gift Tax. This form is for use of the donor in securing information from the insurance company with respect to an insurance policy transferred by gift. When completed such forms should be associated with the gift tax return, Form 709, and filed with the appropriate collector of internal revenue.

(2) *Additional forms applicable generally.* For a list and description of additional forms prescribed by the Bureau for use in connection with internal revenue taxes generally, see § 601.1 (f).

§ 601.5 *Employment taxes*—(a) *General.* The internal revenue employment taxes are imposed by Chapter 9, subchapter A, of the Internal Revenue Code (Federal Insurance Contributions Act); Chapter 9, subchapter C, of the Code (Federal Unemployment Tax Act); and Chapter 9, subchapter B, of the Code.

Rules bearing upon the functioning of the Bureau, the forms used, and other information relative to the employment taxes, are as follows:

(1) *Federal Insurance Contributions Act.* Regulations 106 (26 CFR Com. Supp., Part 402), as amended (26 CFR, 1943 Supp., 1944 Supp., 1945 Supp., Part 402), T. D. 5502, 11 F. R. 2920; and T. D. 5519, 11 F. R. 6757.

(2) *Federal Unemployment Tax Act.* Regulations 107 (26 CFR Com. Supp., Part 403), as amended (26 CFR, 1943 Supp., 1944 Supp., Part 403), T. D. 5502, 11 F. R. 2920; and T. D. 5519, 11 F. R. 6757.

(3) *Chapter 9, Subchapter B, Internal Revenue Code.* Regulations 100 (26 CFR, Com. Supp., Part 410), as amended (26 CFR, 1943 Supp., Part 410).

A general statement of the functioning of the Bureau relative to employment taxes follows:

(b) *General procedure*—(1) *Tax collection.* The taxes are collected by means of returns, required to be filed by persons liable for tax (except employees) with collectors of internal revenue. The tax is payable at the time the return is required to be filed. However, the Federal unemployment tax may be paid in four equal installments. Upon receipt by collectors a preliminary examination is made of the returns, the payments of tax deposited in due course, and the tax, penalty, and interest liabilities, if any, listed for assessment. The returns under the Federal Insurance Contributions Act and Subchapter B, Chapter 9, of the Code are retained in the collectors' offices where they are audited. Returns under the Federal Unemployment Tax Act are forwarded to Washington 25, D. C., for audit and disposition.

The Federal Insurance Contributions Act imposes a tax on employers of one or more individuals engaged in "employment" as defined in the act. Employees covered by the act are also required to pay a tax which is deducted by the employer from their "wages" as defined in the act. A return must be filed by each employer for each quarter of the year on Form 36–1a in accordance with the instructions on the form, reporting thereon the employer's tax and the employees' tax with respect to wages paid during the quarter covered by the return.

The Federal Unemployment Tax Act imposes a tax on employers of eight or more individuals engaged in "employment" as defined in the act. The returns are required to be filed annually on Form 940 in accordance with the instructions on the form with respect to "wages" paid during the calendar year.

Subchapter B, Chapter 9, of the Internal Revenue Code imposes a tax on employers and their employees with respect to "service" rendered as defined in the Code. It also imposes a tax on employee representatives with respect to "service" rendered as defined in the Code. The returns must be filed each quarter on Form CT–1 in accordance with the instructions on the form and the employee representatives must file a return each quarter on Form CT–2 in accordance with the instructions on such form.

Tax return forms and all instructions necessary in connection with the preparation and filing thereof may be obtained from the collector of internal revenue for the district in which the taxpayer is located.

(2) *Rulings.* Any taxpayer who is in doubt as to his liability under any of the several employment tax laws, to a particular item of coverage, wage item, or other related matter, may address a letter to the Commissioner of Internal Revenue, Washington 25, D. C., requesting advice. Such letter should disclose the complete facts involved and, if a contract or agreement is involved, include an executed copy thereof. Any oral agreement involved should be accurately stated in the letter. Upon receipt of such letter disclosing the complete facts the taxpayer is advised by letter as to the Bureau's views.

(3) *Conference.* A taxpayer who desires a conference in the Bureau of Internal Revenue regarding a situation involving any of the employment taxes may secure such conference by addressing a letter to the Commissioner of Internal Revenue, Washington 25, D. C. If a conference is desired in a collector's office, the letter should be addressed to the collector. There are no formal requirements if the conference is to be held with the taxpayer. If a representative of the taxpayer desires to appear, the representative must be enrolled to practice before the Treasury Department and be authorized by appropriate power of attorney to represent the particular taxpayer concerned. See § 601.1 (d) (4).

(4) *Claims for refund, credit and abatement.* In the case of an assessment or collection of any kind of employment tax referred to herein, believed by the taxpayer to be erroneous, he is privileged to file a claim for refund, credit, or abatement. See § 601.1 (d) (1). Such claim should be executed on Form 843, and filed with the collector to whom the tax was paid or from whom notice of assessment was received. Instructions for preparing a claim are contained on Form 843 and any necessary additional instructions may be obtained from the collector. In the case of a claim for abatement, the collector may require the taxpayer to furnish bond in double the amount of the tax involved to secure postponement of collection while the claim is pending. A claim for refund or credit must be filed within four years from the date the tax was paid, except in the case of special refunds under section 14.01 (d) of the Federal Insurance Contributions Act, discussed in subparagraph (6) (ii) of this paragraph. Where a claim for refund is rejected, an official notice of rejection is mailed to the taxpayer by registered mail. The taxpayer may bring suit for recovery in the appropriate court within two years from the date of the rejection notice. See § 601.1 (d) (1). An appeal to The Tax Court may not be filed in connection with employment taxes. See § 601.1 (b).

(5) *Offers in compromise.* A taxpayer may, in certain circumstances, submit an offer to compromise the taxes, penalties, or interest imposed by any of the several employment tax laws. Form 656 must be used in submitting a cash offer and Form 656–C in case of an installment offer. The taxpayer must submit a financial statement on Form 4338 with the offer. Any necessary instructions

with regard to the preparation and filing of such offer is obtainable from the appropriate collector of internal revenue.

(6) *Provisions special to the Federal Insurance Contributions Act*—(i) *Identification and account numbers.* Under the Federal Insurance Contributions Act each employer must have an identification number. Any employer who does not have an identification number must secure a Form SS–4 from the collector of internal revenue and, after executing the form in accordance with the instructions contained thereon, file it with the collector. At a subsequent date the collector will furnish the employer with a number which must appear in the appropriate space on each tax return, Form SS–1a, filed thereafter.

Each employee must have an account number which is secured by the employee, or his employer, by filing application on Form SS–5, procurable from the collector of internal revenue for the district. The form, after execution in accordance with the instructions thereon, must be filed with the field office of the Social Security Administration or the collector, and at a later date the employee will be furnished an account number. Such number must be given to each employer for whom an employee works in order that such number may be entered on each tax return filed thereafter by the employer.

Form SS–1a requires as a part of the return that the wages of each employee paid during the quarter be reported thereon. It is necessary at times that employers correct wage information previously reported. A special form, Form SS–1c, has been adopted for use in correcting erroneous wage information or omissions of such wage information in Schedules A of Form SS–1a. Instructions on Form SS–1a and on Form SS–1c explain the manner of preparing and filing the forms. Any further instructions should be obtained from the collector for the district in which the returns are filed.

(ii) *Recovery by employees of excess deductions.* Under section 1401 (d) of the Federal Insurance Contributions Act an employee, who has received wages in excess of $3,000 from two or more employers for services performed during a calendar year, may file a claim for refund of the amount by which the employees' tax deducted and paid to a collector with respect to such wages exceeds the employees' tax with respect to the first $3,000 of such wages. The necessary forms and instructions may be obtained from the collector's office. With respect to such special refund claims, the following applies:

(*a*) A separate claim shall be made with respect to wages for services performed within each calendar year.

(*b*) The employee shall submit with the claim a statement from each employer (on Form SS–9) for whom he performed services during the calendar year. If the statement of any employer cannot be submitted with the claim, the employee shall include in the claim an explanation of his inability to submit such statement.

(*c*) The employee's claim shall be made on Form 843 and shall be filed with the collector for the district in which the employee resides.

(*d*) No refund will be made under § 1401 (d) of the Federal Insurance Contributions Act unless (*1*) the employee files a claim, establishing his right thereto, after the calendar year in which the employment was performed with respect to which refund of tax is claimed, and (*2*) such claim is filed within two years after the calendar year in which the wages are paid with respect to which refund of tax is claimed.

(7) *Description of forms.* The forms specially applicable in connection with the employment taxes, copies of which may be secured from collectors of internal revenue, are as follows:

FEDERAL INSURANCE CONTRIBUTIONS ACT

Form SS–1a. Employer's Tax Return under Federal Insurance Contributions Act. This form is required to be filed on a quarterly basis by each employer of one or more individuals. The information required to be shown on the form includes the number of employees listed on Schedule A of the form, the total taxable wages paid, any credits or adjustments, the amount of employer's and employees' tax, and the name and address of the employer and his identification number. It is required on Schedule A of the form that the employee's Social Security Account number be shown, his name, wages paid, and the State in which employed.

Form SS–1b. Employer's Report of Taxable Wages Paid to Each Employee; Continuation Sheet. This form is a continuation of Schedule A of Form SS–1a, and requires the same information as Schedule A.

Form SS–1c. Statement to Correct Information on Schedule A of Form SS–1a. This form is provided for use in correcting errors made in returns on Form SS–1a. The information required to be shown on the form includes the name and address of the employer and his identification number, the employee's account number, his name, the last month and year of period to be corrected, the amount of wages actually reported on return, and the correct amount of wages.

Form SS–4. Employer's Application for Identification Number. This form is required to be filed by each employer of one or more individuals. The information required to be shown on the form includes the employer's name, trade name, form of operation, principal place of business, number of employees, date business established, first date after December 31, 1936, on which employer had one or more employees, name and identification number of previous owner, reason for filing application, whether employer had previously filed application, whether employer operates more tha one place of employment, and if so, the name, address, nature of business, and number of employees, exact nature of business carried on, and if primarily engaged in manufacturing, the principal products manufactured and percentage of total value of all products which each represents.

Form SS–5. Application for Social Security Account Number. This form is required to be filed by each employee. The information required to be shown on the form includes the employee's name, address, age, date and place of birth, father's name, mother's maiden name, sex, race, whether previous application for number has been filed, and if so, the State in which applied and date, and account number issued.

Form SS–9. Employer's Statement to Support Employee's Claim for Special Refund of Employees' Tax. This form is filed by an employee who receives wages in excess of $3,000 from two or more employers during a calendar year in support of claim filed on Form 843 for refund of the amount by which the employees' tax deducted and paid to a collector exceeds the employees' tax with respect to the first $3,000 of such wages. The information required to be shown on the form includes the name, address, and identification number of the employer, name and account number of employee, the year involved, address of collector to whom employer paid tax, calendar year of wage payment, amount of wages paid to employee during year, and the amount of employees' tax collected and paid to collector.

FEDERAL UNEMPLOYMENT TAX ACT

Form 940. Annual Return of Excise Tax on Employers of Eight or More Individuals. This form is required to be filed annually by each employer of eight or more individuals. The information required to be shown on the form includes the name and address of the taxpayer, nature of business, form of organization, date of organization, total remuneration paid during year for services of employees, total nontaxable remuneration paid, amount of credit for contributions paid into State funds, and the amount of tax.

Form 1135. Application for Extension of Time for Payment of the Excise Tax or Any Part Thereof Imposed by Title IX of the Social Security Act (now Federal Unemployment Tax Act.) This form is filed under oath by taxpayers to show that the payment of the tax or any part thereof at the time prescribed for payment would result in undue hardship. The information required to be shown on the form and to be submitted in support of the application includes the extended date, the amount of tax, the year involved, reasons why extension is necessary, sworn statement of assets and liabilities, itemized list of receipts and disbursements for three months prior to prescribed date for payment, reasons why taxpayer is unable to borrow money to pay tax, and a list of the security to be posted.

CHAPTER 9, SUBCHAPTER B, INTERNAL REVENUE CODE

Form CT–1. Employer's Tax Return Under Chapter 9, Subchapter B, of the Internal Revenue Code. This form is required to be filed on a quarterly basis by each employer. The information required to be shown on the form includes the employer's name, address, and Railroad Retirement Board number, the number of employees, taxable compensation paid on or after certain dates, credits or adjustments, and the amount of employer's and employee's tax.

Form CT–2. Employee Representative's Return Under Chapter 9, Subchapter B, Internal Revenue Code. This form is required to be filed on a quarterly basis by each employee representative. The information required to be shown on the form includes the total taxable compensation earned, credits, amount of tax, and the name, address, account number, and name of organization represented.

FORM COMMON TO FEDERAL INSURANCE CONTRIBUTIONS ACT AND FEDERAL UNEMPLOYMENT TAX ACT

Form SS–8. Information for Use in Obtaining Ruling From Bureau of Internal Revenue on Status of Salesmen Under Federal Insurance Contributions Act and Federal Unemployment Tax Act. This form gives an outline of the information to be submitted to the Bureau in doubtful cases in order to obtain a ruling whether a salesman is an employee.

FORMS COMMON TO FEDERAL INSURANCE CONTRIBUTIONS ACT, FEDERAL UNEMPLOYMENT TAX ACT, AND CHAPTER 9, SUBCHAPTER B, INTERNAL REVENUE CODE

Form SS–10. Consent Fixing Period of Limitation Upon Assessment of Taxes Under Titles VIII and IX of the Social Security Act,

the Federal Insurance Contributions Act, the Federal Unemployment Tax Act, the Carriers Taxing Act of 1937, and Subchapter B, Chapter 9, of the Internal Revenue Code. This form is used by a taxpayer to enter into an agreement with the Commissioner to suspend running of statute of limitations for making assessment of taxes. The information required to be shown on the form includes the name and address of taxpayer, the periods involved, and the extended date to which the taxes may be assessed.

(8) *Additional forms applicable generally.* For a list and description of additional forms prescribed by the Bureau for use in connection with internal revenue taxes generally, see § 601.1 (f).

§ 601.6 *Sales taxes collected by assessment*—(a) *General.* Chapter 29, Subchapter A, of the Internal Revenue Code imposes certain taxes on sales by *manufacturers, producers,* and *importers* of the following articles and commodities: [1]

Automobiles, trucks, tractors, buses, trailers, motorcycles, etc., and parts and accessories therefor.
Business and store machines.
Electric, gas, and oil appliances.
Electric light bulbs and tubes.
Electrical energy for domestic and commercial consumption.[2]
Firearms, shells, and cartridges.
Photographic apparatus, cameras, lenses, film, and sensitized paper.
Radio receiving sets and components, phonographs, phonograph records, and musical instruments.
Refrigerators, air conditioning units, and components.
Sporting goods.
Tires and inner tubes.

Rules bearing upon the functioning of the Bureau, the forms used, etc., in connection with these taxes are contained in Regulations 46 and Order May 31, 1944, and Order June 27, 1944 (26 CFR, Cum. Supp., Part 316), as amended (26 CFR, 1944 Supp., Part 316).

Chapter 29, Subchapter A, of the Code also imposes certain taxes on sales by manufacturers, producers, and importers of gasoline and matches, and on sales by manufacturers and producers of lubricating oils. Rules bearing upon the functioning of the Bureau, the forms used, etc., in connection with these taxes are contaained in Regulations 44 (26 CFR, 1944 Supp., Part 314).

Section 2700 of Chapter 25 of the Code imposes certain taxes on sales by manufacturers, producers, and importers of pistols and revolvers. Rules bearing upon the functioning of the Bureau, the forms used, etc., in connection with these taxes are contained in Regulations 47 (26 CFR, Cum. Supp., Part 302), as amended (26 CFR, 1944 Supp., Part 302).

Chapters 9A and 19 of the Code impose certain taxes on sales by retailers of the following articles:

Fur articles.
Jewelry, watches and clocks, etc.
Luggage, handbags, wallets, and certain other related articles.
Toilet preparations.

[1] The descriptive terms used to designate the various articles and commodities subject to tax are intended only to indicate their general classes. For specific information as to the scope of each tax, reference should be had to the applicable regulations.

[2] The tax on electrical energy applies to sales by "vendors".

Rules bearing upon the functioning of the Bureau, the forms used, etc., in connection with these taxes are contained in Regulations 51 and Order June 27, 1944 (26 CFR, Cum. Supp., Part 320), as amended (26 CFR, 1944 Supp., 1945 Supp., Part 320).

(b) *Procedure*—(1) *Tax collection.* The sales taxes are collected by means of returns required to be filed monthly by persons liable for tax with collectors of internal revenue for the district in which their principal place of business is located. The return is due not later than the last day of the month following the month for which it is made and the tax is payable, without notice from the collector, at that time.

Upon receipt by collectors, the returns are given a preliminary examination, all remittances accompanying them are deposited, and the tax, together with any applicable interest, is entered on an assessment list. A copy of the assessment list, together with the original copies of the returns, is then forwarded to the Bureau in Washington where the list and returns are compared and all necessary corrections and appropriate additions to the list, including any applicable penalties or interest, are made, after which the copy of the list is formally approved by the Commissioner and a certificate of such approval returned to the collector. This approval of the list by the Commissioner constitutes the "assessment" of the taxes, penalties, and interest listed thereon. Under the law, this assessment is prima facie correct for all legal purposes, the burden to disprove its correctness being upon the taxpayer. The receipt by the collector of the assessment list also makes it possible for him to take any forcible action (such as the issuance of warrants for distraint or notices of levy) necessary to effect collection of any liabilities shown on the list which remain due and unpaid after notice and demand for their payment has been served upon the taxpayer.

Detailed information as to the return forms, and all other forms, prescribed for use in connection with the sales taxes, are contained in the regulations referred to in paragraph (a) of this section. Copies of these regulations, together with copies of all necessary forms and instructions as to their preparation and filing, may be obtained from the office of the collector of internal revenue for the district in which the taxpayer is located. (See list of locations of collectors' offices in § 600.51 (d).)

(2) *Rulings.* Any person who is in doubt as to his liability for any of the manufacturers' or retailers' sales taxes, or as to the taxability of any particular article or commodity, may address a letter to the Deputy Commissioner, Miscellaneous Tax Unit, Bureau of Internal Revenue, Washington 25, D. C., requesting advice. Such letter should completely disclose all of the pertinent facts involved and, if advice as to the taxability of a particular article or commodity is requested, should describe the article or commodity in sufficient detail to permit of a proper determination as to its taxable status. Where the article or commodity is of such nature as not to lend itself readily to a written description, and it is feasible to submit a sample, this should be done. Upon receipt of such an inquiry disclosing the complete facts involved, the taxpayer is advised by letter of the Bureau's views as to his liability for the tax. This letter will be signed either by the Commissioner of Internal Revenue or the Deputy Commissioner in charge of the Miscellaneous Tax Unit, or, in some cases, by the Secretary of the Treasury or an Assistant Secretary. A copy of this letter is also forwarded to the local collector of internal revenue.

Where a sales tax ruling has been issued with which the taxpayer is not in agreement, the taxpayer is privileged to request reconsideration of the ruling by addressing a letter to the official who signed the ruling setting forth in full detail the basis for his request. If desired, a conference in the matter may also be requested. In such event, a conference will be accorded the taxpayer either in the Miscellaneous Tax Unit in Washington or, if the taxpayer so desires, with a representative of the local collector or, in the case of taxpayers located in or near New York, Chicago, or Los Angeles, with an internal revenue agent attached to one of the three field offices of the Miscellaneous Tax Unit located in those cities.

Where a ruling or a conference is requested by the taxpayer himself, no formal requirements are prescribed. Where, however, the taxpayer desires to be represented by an attorney or agent, the attorney or agent must be enrolled to practice before the Treasury Department and be authorized by appropriate power of attorney, either already on file with the Bureau or submitted with the request for the ruling or at the conference, to represent the taxpayer concerned. See § 601.1 (d) (4).

(c) *Proposed assessments of additional or delinquent taxes.* Assessments of additional tax proposed to be made by the Bureau may arise in one of two ways, i. e., either as the result of the audit of the taxpayer's return in Washington, or as the result of an examination of the taxpayer's books and records by an internal revenue agent attached to the Miscellaneous Tax Field Force (see § 600.58), or by a deputy collector attached to one of the collectors' offices. Assessments of delinquent taxes (i. e., taxes asserted against taxpayers who have filed no returns) ordinarily arise as the result of investigations conducted by internal revenue agents or deputy collectors as the result of information obtained in the field.

When the occasion for an additional assessment arises as the result of an audit of the taxpayer's return (and except in cases where delay may jeopardize collection of the tax, or where the amount involved is nominal or the result of an evident mathematical error), a preliminary letter is addressed to the taxpayer advising him briefly of the basis and amount of the proposed assessment and according him a period of at least fifteen days from the date of the letter to submit a protest with supporting facts, or to request a conference. If no reply is received from the taxpayer within the stated period, the assessment is made.

If, however, the taxpayer submits a protest or requests a conference within the stated period, assessment of the additional tax is deferred until such facts and arguments as are submitted by the taxpayer in his protest or at the conference have been considered, unless it appears that the taxpayer is merely endeavoring to delay assessment without good cause or that further delay may jeopardize collection of the tax. The foregoing procedure is followed in all cases involving proposed assessments of additional tax arising as the result of an audit of the taxpayer's return except in cases where, as the result of conferences in or correspondence with the Bureau, the taxpayer has already agreed to the proposed assessment.

When the occasion for the proposed assessment of additional or delinquent tax arises as the result of an examination of the taxpayer's books and records conducted by an internal revenue agent assigned to the Miscellaneous Tax Field Force or by a deputy collector of internal revenue, the taxpayer is furnished with a copy of the investigator's report (except in situations where the report contains information of a confidential nature, such as a case involving fraud) and is given an opportunity to confer with the investigator and, if desired, with the Internal Revenue Agent in Charge of the Miscellaneous Tax Field Force for that area, in the case of an investigation conducted by an agent attached to that force, or with the Chief Field Deputy attached to the office of the collector of internal revenue for the taxpayer's district, in a case where the investigation was conducted by a deputy collector. If, as the result of such a conference, the taxpayer agrees to the investigating officer's findings, he is advised to make remittance of the additional tax due to the collector's office, to whom appropriate notice of the additional liability, together with a copy of the report of the investigation, is forwarded. (Agreements as to additional or delinquent tax in these cases are not evidenced by any special form of written instrument, the amount of the additional or delinquent tax being reported by way of an amended or original return.) The original of the investigating officer's report is forwarded to the Washington office of the Miscellaneous Tax Unit for review. Should this review disclose any errors in the assertion or computation of the tax, the matter is taken up with the field office involved for any adjustment which appears to be in order.

In cases where no agreement can be reached in the field as to the amount and payment of any additional or delinquent tax disclosed by the investigation, the original of the investigating officer's report, as approved by the internal revenue agent in charge or the collector of internal revenue, as the case may be, together with any protest or submission the taxpayer may have made while the case was in the field, is forwarded to the Washington office of the Miscellaneous Tax Unit (see § 600.7). A copy of such report is also given to the taxpayer. If, after review of the report in Washington, it is considered that no additional or delinquent tax is due, the investigating officer is so notified and no further action on the part of the taxpayer is necessary. If, however, it is concluded that assessment of the tax is in order, the taxpayer is advised that he is privileged to submit a protest or request a conference in regard to the proposed assessment within a period of fifteen days or such other longer period as may be appropriate under the circumstances. If, after consideration has been given to the taxpayer's contentions as to why the tax should not be assessed, it is concluded that no assessment should be made, the investigating officer is so notified and the case is then closed without further action. If, however, no protest or request for a conference is received from the taxpayer within the stated period or, if after consideration has been given to any protest submitted, it is concluded that assessment of the additional or delinquent tax is in order, the amount of tax (together with any applicable penalties and interest) is entered on an assessment list for collection in the usual manner. See S. T. 915, Internal Revenue Bulletin, 1941–1, page 455.

Conferences regarding proposed assessments of additional or delinquent taxes are subject to the same general rules as are conferences on rulings, as described in paragraph (b) of this section.

(d) *Administrative Remedies Available to Taxpayers After Assessment and/or Payment of Sales Taxes Alleged to Have Been Erroneously or Illegally Assessed or Collected*—(1) *Before payment has been made.* After a sales tax, which the taxpayer considers is not due, has been assessed but not yet paid, he is privileged to file a claim for the abatement of such tax. See § 601.1 (d). The form prescribed for use in filing an abatement claim is Form 843, copies of which may be obtained from collectors of internal revenue. The claim should be prepared in duplicate in accordance with the instructions contained on the form and filed with the collector from whom notice of assessment of the tax was received. After appropriate certification of the claim by the collector, the claim in forwarded to the Bureau in Washington for consideration and action. Notice as to the allowance or disallowance of the claim is then forwarded both to the taxpayer and to the collector concerned. If the claim is allowed, no further action on the part of the taxpayer is necessary. If, however, the claim is rejected, the collector is instructed to proceed with the collection of the rejected amount.

In the case of a claim for abatement, the collector may require the taxpayer to furnish bond in double the amount of the tax involved so that the interests of the Government will be protected while the claim is pending.

(2) *After payment has been made.* After a sales tax, which the taxpayer considers is not due, has been assessed and paid, he is privileged either to file a claim for the refund of such tax or to take a credit for the amount paid on a sales tax return, covering the same kind of tax, filed by him after the alleged erroneous payment has been made. Under the law, however, the claim for refund must be filed, or the credit taken, within four years from the date the tax was paid. The form prescribed for filing a claim for refund is Form 843, copies of which may be obtained from collectors' offices. The claim should be prepared in duplicate in accordance with the instructions shown thereon and should be filed with the collector of internal revenue to whom the tax, refund of which is claimed, was paid. After appropriate certification of the claim by the collector, the claim follows the same general course as does a claim for abatement referred to in subparagraph (1), above.

If the claim for refund is rejected, the taxpayer is notified of the rejection by registered mail and, in such a case, the taxpayer may bring suit for recovery of the tax in the appropriate court within two years from the date of the rejection notice. See § 601.1 (d). The Tax Court has no jurisdiction over sales tax cases and, consequently, this forum is not available for the adjudication of disputes as to sales tax liability. See § 601.1 (d).

When a claim for refund is allowed, an appropriate notice of allowance, together with a check in the amount of the refund and any allowable interest, is forwarded by the Bureau in Washington to the collector of internal revenue to whom the tax was originally paid. If the collector finds that there is no other due and unpaid tax indebtedness outstanding against the claimant, the check, accompanied by the notice of allowance, is mailed by the collector to the claimant. If any due and unpaid indebtedness is found to be outstanding, however, the refund check is not released until such indebtedness is discharged.

In the case of a credit claimed for an amount of tax alleged to have been erroneously paid, no particular forms for the claiming of such a credit are prescribed. The procedure to be followed in such a case is for the taxpayer to enter on the line provided for credits on the return form the amount claimed to have been erroneously paid and to accompany the return, when filed, with a supporting statement, executed under oath, which should set out clearly and fully the basis on which the credit is claimed. These statements accompany the returns when they are forwarded by the collectors to the Bureau in Washington where they are examined in the course of the regular audit of the returns. Notice as to the disallowance of any credit is forwarded to the taxpayer and the amount of the credit is then entered on an assessment list for collection in the usual manner.

Detailed instructions as to the manner in which claims for refund or credit should be prepared are contained in the various regulations listed in paragraph (a) of this section.

(e) *Offers in compromise.* Under certain special circumstances, a taxpayer against whom sales tax liability (including any applicable penalties and interest) has been assessed, may submit an offer in compromise of such liability. See section 3761 of the Code and § 601.1 (d) (3). The circumstances under which the compromise authority may be exercised are very restricted. The forms prescribed for use in the submission of an

offer in compromise are Form 656, which is used in the case of a cash offer, and Form 656 (c) which is required in the case of an installment offer. In addition, the taxpayer must submit a financial statement on Form 433 with the offer. Instructions as to the preparation and filing of an offer in compromise may be secured from the appropriate collector of internal revenue.

(f) *Registration and bonding requirements special to certain of the taxes on sales by manufacturers, producers, and importers.* Every producer or importer of gasoline, every producer of lubricating oils, and every person desiring to purchase taxable article tax free for use in further manufacture of other taxable articles, who qualifies as a manufacturer of articles taxable under Chapter 29, Subchapter A, of the Internal Revenue Code (except manufacturers of tires or inner tubes), or as a vendee with an established place of business reselling direct to manufacturers of taxable articles, must make application for registry to the collector of internal revenue for the district in which his principal place of business is located (or, if he has no principal place of business in the United States to the Collector at Baltimore, Maryland). The form provided for this purpose is Form 637–A, Application for Registry, copies of which may be obtained from the collector. The form should be prepared in accordance with the instructions shown thereon and the provisions of the applicable regulations referred to in paragraph (a). In the case of producers and importers of gasoline and producers of lubricating oil, the application must also be accompanied by a bond on Form 928 in a sum equivalent to the approximate amount of tax which might be incurred by the taxpayer during an average three-month period at the rates of the tax then in effect, but in no case shall the bond be for less than $2,000.

Upon receipt by the collector of the application for registry and, in the case of gasoline and lubricating oil, upon acceptance of the bond required, the collector will furnish to the applicant Form 637, Certificate of Registry, which will bear the applicant's registration number. Detailed instructions as to the use of this number and as to the requirements necessary to be complied with in connection with the filing of applications for registry and the submission of bonds are set forth in the applicable regulations referred to in paragraph (a) of this section.

(g) *Description of forms.* The forms specially applicable in connection with the manufacturers' and retailers' sales taxes are as follows:

Form 726. Return form for use by manufacturers, producers, and importers in reporting the taxes on gasoline, lubricating oils, and matches. The information required to be shown on the form includes the month covered by the return, the amount of tax due for each month, any applicable credits, the name and address of the taxpayer, and the signature and title of the person making the return. If the amount of tax reported on the return is more than $10, the return must be executed under oath. If the amount is $10 or less, the return may be signed or acknowledged before two subscribing witnesses.

Form 728. Return form for use by manufacturers, producers, and importers in reporting the taxes on: automobiles, trucks, tractors, buses, trailers, motorcycles, etc., and parts and accessories therefor; business and store machines; electric, gas, and oil appliances; electric light bulbs and tubes; electrical energy for domestic and commercial consumption; firearms, shells, and cartridges; mechanical refrigerators, air conditioning units and components; photographic apparatus and sensitized paper; pistols and revolvers; radio receiving sets and components, phonographs, phonograph records, and musical instruments; sporting goods; and tires and inner tubes. The information required to be shown on the form includes the amount of tax due for such month, any applicable credits, the name and address of the taxpayers, and the signature and title of the person making the return. If the amount of tax reported on the return is more than $10, the return must be executed under oath. If the amount is $10 or less, the return may be signed or acknowledged before two subscribing witnesses.

Form 728–A. Return form for use by retail dealers in reporting the taxes on: for articles; jewelry, watches and clocks, etc.; luggage, handbags, wallets, and certain other related articles; and toilet preparations. The information required to be shown on the form includes the month covered by the return, the amount of tax due for such month, any applicable credits, the same and address of the taxpayer, and the signature and title of the person making the return. If the amount of tax reported on the return is more than $10, the return must be executed under oath. If the amount is $10 or less, the return may be signed or acknowledged before two subscribing witnesses.

Form 637–A. Application for Registry to be filed by certain manufacturers, producers, importers, and vendees. The information required to be shown on the form includes the name, trade name, and address of the applicant, the nature of his business, and the signature and title of the person making the application. The form must be executed under oath.

Form 928. Form of bond furnished by producers and importers of gasoline and manufacturers and producers of lubricating oil.

(h) For a list of forms of general application, see § 601.1. Forms are obtainable from collectors.

§ 601.7 *Miscellaneous excise taxes collected by Assessment*—(a) *General.* These taxes may be grouped into the following four general classes: (1) the taxes on admissions, cabaret, dues and initiation fees, (2) the communications taxes, (3) the transportation taxes and (4) other miscellaneous excise taxes. Each class is discussed briefly in the paragraphs which follow.[1]

(1) *Admissions, etc.* Chapter 10, Subchapter A, of the Internal Revenue Code imposes certain taxes on admissions (including certain taxes on amounts charged by ticket brokers, box office employees, etc., in excess of the established price), and on charges made by cabarets, roof gardens, etc. Subchapter B of this chapter imposes certain taxes on amounts paid as dues or initiation fees to any social, athletic, or sporting club or organization. Rules bearing upon the functioning of the Bureau, the forms used, etc., in connection with these taxes are contained in Regulations 43 (26 CFR, Cum, Supp., Part 101) as amended (26 CFR, 1944 Supp., Part 101).

(2) *Communications.* Chapter 30, Subchapter B, of the Internal Revenue Code imposes certain taxes on amounts paid for local telephone service; long distance telephone messages, etc., telegraph, cable, or radio dispatches, or messages; leased wires, etc.; and wire and equipment service. Rules bearing upon the functioning of the Bureau, the forms used, etc., in connection with these taxes are contained in Regulations 42, (26 CFR, Cum. Supp., Part 130), as amended (26 CFR, 1944 Supp., Part 130).

(3) *Transportation.* Chapter 30 of the Internal Revenue Code imposes certain taxes with respect to various kinds of transportation services as follows: Subchapter A of the chapter imposes a tax on amounts paid for the transportation of oil by pipe line; Subchapter C imposes a tax on amounts paid for the transportation of persons and for seating or sleeping accommodations furnished in connection with such transportation; and Subchapter E imposes a tax on the transportation of property. Rules bearing upon the functioning of the Bureau, the forms used, etc., in connection with these taxes are contained in Regulations 42 (applicable to the taxes on the transportation of persons and the transportation of oil by pipe line), (26 CFR, Cum. Supp., Part 130), as amended (36 CFR, 1944 Supp., Part 130) 11 FR. 6755, and Regulations 113 (applicable to the tax on the transportation of property), (26 CFR, Cum. Supp., Part 143), as amended, (26 CFR, 1943 Supp., 1944 Supp., Part 143), and T. D. 5520, 11 FR, 6756.

(4) *Miscellaneous*—(i) *Coconut and other vegetable oils.* Chapter 21 of the Internal Revenue Code imposes a tax upon the first domestic processing of coconut oil, palm oil, palm-kernel oil, fatty acids derived from any of the foregoing oils, salts from any of the foregoing or any combination or mixture containing a substantial quantity of any one or more of such oils, fatty acids or salts. Rules bearing upon the functioning of the Bureau, the forms used, etc., in connection with this tax are contained in Regulations 48 (26 CPR, Cum. Supp., Part 306).

(ii) *Hydraulic mining.* The act entitled "An Act to create the California Debris Commission and regulate hydraulic mining in the State of California," approved March 1, 1893, as amended (27 Stat. 507; 34 Stat. 1001; 48 Stat. 1118, imposes a tax with respect to certain hydraulic gold mining in the State of California. Rules bearing upon the functioning of the Bureau, the forms used, etc., in connection with this tax are contained in T. D. 4952, (26 CFR, Cum. Supp., Part 317).

(iii) *Safe deposit boxes.* Chapter 12 of the Internal Revenue Code imposes a tax on the amount collected for the use of a safe deposit box. The rules bearing upon the functioning of the Bureau, the forms used, etc., in connection with this tax are contained in the same regulations referred to in paragraph (a) (2) relating to the communications taxes.

[1] The descriptive terms used to designate the various classes of taxes are intended only to indicate their general character. For specific information as to the scope of each tax, reference should be had to the applicable regulations.

(iv) *Sugar.* Chapter 32 of the Internal Revenue Code imposes a tax upon manufactured sugar manufactured in the United States. Rules bearing upon the functioning of the Bureau, the forms used, etc., in connection with this tax are contained in Regulations 99, (26 CFR, Part 312), as amended (26 CFR, Cum. Supp., Part 312).

(v) *Circulation other than of national banks* Chapter 13 of the Internal Revenue Code imposes certain taxes with respect to (1) the average circulation outstanding of any bank, association, corporation, company or person, and (2) the circulation paid out by every person, firm, association other than national bank associations, and every corporation, state bank, or state banking association. Rules bearing upon the functioning of the Bureau, the forms used, etc. ,in connection with these taxes are contained in 26 CFR, Part 135.

Other rules of particular application to certain of these taxes are the authorization of the Secretary of the Treasury with respect to the non-applicability of the taxes on the transportation of persons and property in the case of passenger transportation furnished to the United States upon a United States Government transportation request and property shipped to or from the Government of the United States on a United States Government bill of lading, 9 F. R., 4615; and Executive Orders Nos. 9698 and 9751 issued by the President designating certain international organizations as being entitled to enjoy the privilege, exemptions, and immunities conferred by the International Organizations Immunities Act, 11 F. R., 1809, 7713.

(b) *General procedure*—(1) *Tax collection.* The tax on charges made by cabarets, roof gardens, etc., the taxes on admission charges in excess of the established price, the tax on the transportation of oil by pipe line, the tax on the first domestic processing of certain vegetable oils, and the tax on the manufacture of sugar, are all collected in the same manner as are the manufacturers' and retailers' sales taxes, as set forth in § 601.6 (b). The tax on hydraulic mining and the tax on circuluation other than of national banks are collected in the same manner also, except that the return of the former tax is filed annually and the latter on the first day of June and the first day of December of each calendar year.

The other miscellaneous excise taxes described in paragraph (a) of this section are imposed on the person making the payment for the admission, telephone service, transportation, etc., involved and are required to be collected by the theatre, telephone company, railroad, etc., receiving the payment. All taxes so collected are held by the collecting agent in trust for the United States until paid over to the collector of internal revenue. The collecting agencies are required to file monthly returns which are due not later than the last day of the month following the month for which the return is made and the tax is payable, without notice from the collector, at that time. If the person from whom the tax is required to be collected refuses to pay it or, if for any reason it is impossible for the collecting agency to collect the tax from such person, the collecting agency is required to report to the collector of internal revenue for the district in which its returns are filed the name and address of such person, the nature of the service or facility rendered, the amount paid therefor, and the date on which paid. Upon receipt of this information, the collector will report the item to the Commissioner of Internal Revenue for direct assessment.

(2) *Rulings.* The procedure to be followed in procuring a ruling with respect to any miscellaneous excise tax collected by assessment is the same as that set forth in § 601 (b) (2) concerning sales taxes.

(c) *Proposed assessments of additional or delinquent tax.* Assessment of additional or delinquent miscellaneous taxes is made in the same manner as are assessments of additional or delinquent sales taxes, as set forth in § 601.6 (c), except that where the proposed assessment results from the bona fide inability of a collection agency to collect the tax from the person legally liable for it, the Bureau's dealings are then had directly with such person rather than with the collecting agency. If the failure of the collecting agency to collect the tax, however, was willful, a penalty in the full amount of the tax not collected may be imposed upon the collecting agency. Such a penalty may also be imposed in case of failure on the part of a collecting agency to truthfully account for and pay over any tax collected, or an attempt in any manner to evade or defeat the tax.

(d) *Administrative remedies available to taxpayers after assessment and/or payment of miscellaneous excise taxes alleged to have been erroneously or illegally assessed or collected.* The administrative remedies available to taxpayers in the case of the miscellaneous excise taxes collected by assessment are the same as those available in the case of sales taxes, as set forth in § 601 (6) (d).

(e) *Offers in compromise.* The procedure in the case of offers in compromise of liability for miscellaneous excise taxes collected by assessment is the same as that set forth in § 601 (6) (e), applicable to sales taxes.

(f) *Provisions special to taxes on admissions, etc., hydraulic mining, and the transportation of property.*—(1) *Admission.* Every person (i) required by any provisions of law to collect any tax on admissions, or (ii) being the owner or lessee of any place which he ordinarily or at times leases or subleases to other persons who impose charges for admissions to it, or (iii) required to pay any tax on charges in excess of established prices, or (iv) required to pay tax on charges for admission, refreshment, service and merchandise at any roof garden, cabaret, or other similar place furnishing a public performance for profit, is required to make application for registry. The form provided for this purpose is Form 752, Application for Registry, which may be obtained from collectors of internal revenue. The form should be prepared in accordance with the instructions shown thereon and the provisions of the applicable regulations, Regulations 43, referred to in paragraph (a) (1). The collector, if satisfied that all statements made in the application for registry are correct, will issue a certificate of registry on Form 753 to the person who made the application. This certificate of registry must be kept conspicuously posted in the principal place of business of the registrant, or be carried about with him if he has no fixed place of business. This certificate is not transferable from one person or firm to another.

(2) *Hydraulic mining.* Every person who desires to engage in hydraulic mining operations in the State of California within the scope of the Act must procure a license to operate the mine from the California Debris Commission before beginning operations, in accordance with the rules and regulations promulgated by that Commission.

(3) *Transportation of property.* Every person engaged in the business of transporting property for hire shall, within sixty days after first engaging in such business, register his name and his place of business with the collector of internal revenue for the district in which is located his principal place of business. The form provided for this purpose is Form 800, Application for Registry, which may be obtained from the collector. The form should be prepared in accordance with the instructions shown thereon and the provisions of the applicable regulations, Regulations 113, referred to in subsection (a) (3). The collector receiving the application for registry will issue Certificate of Registry, Form 800A, which must be posted in the registered place of business.

(g) *Description of forms.* The forms specially applicable in connection with the miscellaneous excise taxes collected by assessment covered by this section are as follows:

Form 727. Monthly return for use in reporting the communications and transportation taxes, and the tax on the use of safe deposit boxes. The information required to be shown on the form includes the month covered by the return; the character of tax; the amount of each class of tax due for such month; the total tax due; any applicable credits; the name and address of the party making the return; and the signature and title of the individual by whom it was executed. If the amount of tax reported on the return is more than $10, the return must be executed under oath. If the amount is $10 or less, the return may be signed or acknowledged before two subscribing witnesses.

Form 729. Monthly return for use in reporting tax on admissions, dues and initiation fees, and cabaret charges. The information required to be shown on the form is the same as that indicated with respect to Form 727, above.

Form 932. Monthly return for use in reporting tax on the first domestic processing or first use of coconut oil, palm oil, palm-kernel oil, or of any combination or mixture containing a substantial quantity of any one or more of such oils. The information required to be shown on the form is the same as that indicated with respect to Form 727, above.

Form 1 (California Debris). Annual return for use in reporting tax on certain hydraulic mining in California. The information required to be shown on the form includes the year covered by the return; the name and address of the mine operator; the name and address of the mine owner; the name and location of the mine; the name of the dam

restraining the debris; the date of issue and the number of license issued by the California Debris Commission; the dates mining operation began and ended; the amount of tax due; an affidavit of the licensed engineer or other qualified person conducting a survey as to the cubic yardage mined during the taxable year; and the signature and title of the person executing the return. The return is required to be executed under oath.

Form 1 (Sugar). Monthly return for use in reporting the tax on the manufacture of sugar into manufactured sugar. The information required to be shown on the form includes the month covered by the return; the name and principal office of the taxpayer; the location of the plant; the raw sugar account; manufactured sugar account; the amount of tax due; and the signature and title of the person executing the return. If the amount of tax reported on the return is more than $10, the return must be executed under oath. If the amount is $10 or less, the return may be signed or acknowledged before two subscribing witnesses.

Form 728–A. Information return of broker's sales of admission tickets. The information required to be shown on the form includes the month covered by the return; the name and address of the broker; the name and address of the theatre or other place admissions to which were sold; the established price of the ticket including tax; the broker's selling price; whether evening or matinee performance; the total number of tickets sold at excess charges; and the total tax due.

Form 731. Exemption certificate filed by the officers and employees of a State or territory, or political subdivision thereof, or the District of Columbia, for exemption from tax on the transportation of persons in connection with travel in performance of official duties. The information to be shown on the return includes the date and place of issue of ticket; the name of issuing carrier; the class of transportation (i. e., seat, berth or stateroom); the places from and to which transportation is desired; name of the State, etc., for account of which exemption is authorized; and the signature and title of the person signing the certificate.

Form 752. Application for Registry to be filed by every person (1) required by any provision of law to collect any tax on admissions, or (2) being the owner or lessee of any place which he ordinarily or at times leases or subleases to other persons who impose charges for admissions to it, or (3) required to pay any tax on charges in excess of established prices, or (4) required to pay tax on charges for admission, refreshment, service and merchandise at any roof garden, cabaret, or other similar place furnishing a public performance for profit. The information to be shown on the form includes the name and trade name, if used, and address of the applicant; the type of business; the date business was commenced; the name and address of each person interested in the business or, if a corporation, the names, addresses and titles of the officers; and the signature, under oath, of the applicant.

Form 754. Notification to collector by lessor where lessee is responsible for collection of tax on admissions. This form must be forwarded to the collector of internal revenue for the district where the place covered therein is located, before or at the time the lease is made. The information to be shown on the form includes the name and address of the lessee; the character of amusement or entertainment; the place where the amusement or entertainment will be given; the date thereof; and the name, registry number, and address of the lessor.

Form 798. Temporary exemption certificate filed with carriers by persons claiming exemption from tax on amounts paid for the transportation of property which is to be exported, or shipped to a possession of the United States. The information to be shown on the form includes the name and address of the shipper or consignee who paid the transportation charges; the name of the carrier; the commodity shipped and the weight thereof; the point of origin of the shipment; the date shipped from such point; the port of exportation; the date the transportation charges were paid; and the amount of such charges.

Form 799. Certificate of Exportation to be filed with the Bureau by the shipper or consignee who paid transportation charges in connection with the transportation of property which is exported, or shipped to a possession of the United States, upon receipt of documentary evidence of exportation. The information required to be shown on this form is the same as that required to be shown on Form 798, above.

Form 800. Application for Registry of a person engaged in the business of transporting property for hire to be filed within sixty days after first engaging in such business. The information required to be shown in this form includes the name and address of the applicant; the class of transportation furnished, i. e. rail, motor vehicle, water, or air; the collector to whom application is made; and the signature of the applicant.

Form 827. Advance report to collector by the owner or lessee who operates any theatre, hall, park, ballroom or other place for a term not exceeding ten days and collects taxable admission charges. The information required to be shown includes the nature of the entertainment given; by whom given; the date given; the name of the theatre, etc.; the address thereof; the number of admissions sold; established price exclusive of tax; the amount of tax collected; and the signature and permanent address of the owner-operator or lessee.

Form 933. Form of export bond furnished by processors of vegetable oils subject to tax under Chapter 21 of the Internal Revenue Code with respect to the processing of such oils for export without payment of tax.

Form 2 (Sugar). Affidavit or certificate of producer of sugar beets or sugercane to be filed in support of exemptions claimed by manufacturers on Form 1 (Sugar) with respect to sugar delivered to such producers. The information required to be shown on such form includes the name and address of the producer; the name and address of the sugar manufacturer; the number of pounds of sugar beets or sugarcane delivered and the date of delivery; the test of the sugars received in return; the number of pounds received and the date of receipt; the number of persons for whom such sugar is to be used; and the signature of the producer.

§ 601.8 *Alcohol Tax Unit*—(a) *General*—(1) *Taxes on liquors.* Chapter 26, Subchapters A, B, C, and D, of the Internal Revenue Code imposes taxes on distilled spirits (including alcohol), wine (including champaign and vermouth, and cordials and liqueurs made with fortified wine), and fermented malt liquors. Additional taxes are imposed when distilled spirits and wines are rectified by blending, compounding, etc. Chapter 27, Subchapter A, of the Internal Revenue Code imposes taxes on stills, worms, and condensers used to manufacture spirits, and occupational taxes are imposed upon still manufacturers, brewers, rectifiers, dealers in liquors, and manufacturers of nonbeverage products as prerequisite for drawback under section 3250 (1), Internal Revenue Code.

(2) *Licensing.* Distillers, winemakers, brewers, warehousemen, rectifiers, bottlers, liquor bottle manufacturers, users and transporters of tax-free and specially denatured alcohol, and wholesalers and importers of liquors, are required to qualify with the Bureau, usually by filing notice or application and bond with, and procuring permit from, the District Supervisor of the Alcohol Tax Unit of the district in which operations are to be conducted. Detailed information respecting such qualification, including the forms to be used and the procedure to be followed, is contained in the respective regulations described in paragraph (a) (3).

(3) *Previously published rules.* The procedural requirements with respect to matters within the jurisdiction of the Alcohol Tax Unit are published in the regulations cited below. These regulations contain full information as to the general course and method by which the functions of the Alcohol Tax Unit are channeled and determined, including the nature and requirements of formal and informal procedures, the forms and other documents required and the contents of applications, notices, registrations, permits, bonds, and other documents. Copies of prescribed forms may be obtained from the offices of District Supervisors, excepting Forms 45, 52–A, 52–B, 52–C, 52–D, 52–E, 122, 230, 237, and 338 and Records 52 and 64, which may be purchased from the Superintendent of Documents, Washington, D. C., or from commercial printers, who may procure specimen copies of the forms from District Supervisors. The following is a brief description of the several regulations:

Treasury Order No. 30, Treasury Decisions 4424, 4432, 4662, 4804, 4982, 5014, 5039, 5067, 5070, 5111, 5132, 5152, 5164, 5175, 5323, 5337, 5411, 5449 (26 CFR, Part 171; 26 CFR, Cum. Supp., 1944 Supp., 1945 Supp., Part 171); Treasury Decision _____, 11 F. R. _____, Miscellaneous Regulations Related to Liquor. These regulations prescribe the duties of the Alcohol Tax Unit, and contain delegations of authority to the Unit and its officers, and deal with other miscellaneous matters, including basic permit procedure and violations under the Federal Alcohol Administration Act, remission or mitigation of forfeitures, seizures in connection with contraband firearms, floor stocks taxes on liquors; and production, redistillation, withdrawal, transportation, etc., of high proof spirits and denatured alcohol during the unlimited national emergency proclaimed by the President on May 27, 1941, not contained in the regulations cited below.

Gauging Manual (26 CFR, Cum. Supp., Part 186), as amended (26 CFR, 1945 Supp., Part 186; T. D. 5518, 11 F. R. 6536). This manual contains the procedural and substantive requirements relative to the gauging of spirits, including alcohol, the marking and stamping of packages, allowances for losses, computation of tax, etc.

Regulations 3 and appendix (26 CFR, Cum. Supp., Part 182), as amended (26 F. R., 1944 Supp., 1945 Supp., Part 182; T. D. 5526, 11 F. R. 8631), Industrial Alcohol. These regulations contain the procedural and substantive requirements relative to the production, disposition,

and use of industrial alcohol, including denatured alcohol. The regulations cover the establishment and operation of industrial alcohol plants, bonded warehouses, and denaturing plants, the tax payment, transfer, exportation, and denaturation of alcohol, formulas for denaturation, the use of alcohol free of tax, the sale and use of denatured alcohol, the transportation of tax-free and specially denatured alcohol, the packaging, labeling, and sale of articles containing denatured alcohol, and the bringing into this country of alcohol and articles containing alcohol from abroad. The regulations also cover the issuance and revocation of permits covering the production of alcohol and denatured alcohol and the transportation and use of tax-free and specifically denatured alcohol.

Regulations 4 (26 CFR, Cum. Supp., Part 183), as amended (26 CFR, 1944 Supp., Part 183), Production of Distilled Spirits. These regulations contain the procedural and substantive requirements relative to the production of distilled spirits, other than brandy and alcohol, and the removal of such spirits from the distillery. The regulations cover the establishment and operation of distilleries, including the location, construction, equipment, and qualifying documents for such distilleries.

Regulations 5 (26 CFR, Cum. Supp., Part 184), as amended (26 CFR, 1944 Supp., Part 184), Production of Brandy. These regulations contain the procedural and substantive requirements relative to the production of brandy and its removal from the distillery. The regulations cover the establishment and operation of fruit brandy distilleries, including the location, construction, equipment, and qualifying documents for such distilleries.

Regulations 6 (26 CFR, Cum. Supp., Part 188), as amended (26 CFR, 1943 Supp., 1944 Supp., 1945 Supp., Part 188), Bottling of Distilled Spirits in Bond. These regulations contain the procedural and substantive requirements relative to the bottling of distilled spirits in bond at internal revenue bonded warehouses, including the establishment, use, construction, equipment of, and qualifying documents for, the bottling in bond premises, and the stamping and marking of bottles and cases.

Regulations 7 (26 CFR, 1945 Supp., Part 178), Wine. These regulations contain the procedural and substantive requirements relative to the production and removal of wine, including vermouth and champagne, from the winery. The regulations cover the establishment and operation of bonded wineries, storerooms, and field warehouses for the production, cellar treatment, and storage of wines, including amelioration, blending, fortification, and other cellar treatment, tax payment, exportation, and use for distilling material and manufacture of vinegar.

Regulations 10 (26 CFR, Cum. Supp., Part 185), as amended (26 CFR, 1944 Supp., Part 185), Warehousing of Distilled Spirits. These regulations contain the procedural and substantive requirements relative to the warehousing of distilled spirits, other than alcohol, and the withdrawal of such spirits from warehouse. The regulations cover the establishment and operation of internal revenue bonded warehouses, including the location, construction, equipment of, and qualifying documents for, such warehouses, and the withdrawal of distilled spirits from the warehouses upon taxpayment, or for exportation, fortification of wine, denaturation (rum), use of United States, or transfer to other bonded warehouses.

Regulations 11 as amended (26 CFR, 1944 Supp., 1945 Supp., Part 189), Bottling of Tax-paid Distilled Spirits. These regulations contain the procedural and substantive requirements relative to the bottling of tax-paid distilled spirits after withdrawal from bond, including the establishment, location, use, construction, equipment, and qualifying documents for tax-paid bottling houses, and the stamping and marking of bottles and cases.

Regulation 13 (26 CFR, Con. Supp., Part 175), as amended (26 CFR, 1943 Supp., Part 175), Traffic in Containers of Distilled Spirits. These regulations contain the procedural and substantive requirements relative to the manufacture, sale, and use of containers of distilled spirits, including the issuance and revocation of permits for the manufacture of such containers, and the marking, possession, importation, and exportation thereof.

Regulations 15 (26 CFR, Con. Supp., Part 190), as amended (26 CFR, 1943 Supp., 1944 Supp., 1945 Supp., Part 190). Rectification of Spirits and Wines. These regulations contain the procedural and substantive requirements relative to the rectification of spirits and wines, including the location, use, construction, equipment, and qualifying documents of rectifying plants, the payment of rectification tax, and the bottling, stamping, and marking of containers.

Regulation 16 (26 CFR, Con. Supp., Part 187), Denaturation of Rum. These regulations contain the procedural and substantive requirements relative to the denaturation of rum and its withdrawal from the denaturing bonded warehouse. The regulations cover the establishment and operation of denaturing bonded warehouses, including the location, construction, equipment, and qualifying documents for such warehouses, and the exportation of denatured rum.

Regulations 17 (26 CFR, 1945 Supp., Part 173), Disposition of Substance Used in the Manufacture of Distilled Spirits. These regulations contain the procedural and substantive requirements relative to the disposition of substances used in the manufacture of distilled spirits.

Regulations 18 (26 CFR, Con. Supp., Part 192). Fermented Malt Liquor. These regulations contain the procedural and substantive requirements relative to the manufacture and tax payment of fermented malt liquor, including the manufacture of cereal beverages, and the location, use, construction, equipment, and qualifying documents for breweries and bottling houses, the exportation of fermented malt liquor, and the filing of claims for refund of tax on beer spoiled after payment of tax.

Regulations 19 (26 CFR, Con. Supp., Part 195). Production of Vinegar by the Vaporizing Process. These regulations contain the procedural and substantive requirements relative to the production of vinegar by the vaporizing process (fermentation and distillation of alcoholic liquid), including the location, use, construction, equipment, process used, and records of vinegar plants using such process.

Regulations 20 (26 CFR. Con. Supp., Part 194), as amended (26 CFR, 1944 Supp., Part 194). Wholesale and Retail Dealers in Liquors. These regulations contain the procedural and substantive requirements relative to the payment of occupational taxes, maintenance of records, destruction of stamps and marks on containers, and packaging of alcohol for industrial purposes.

Regulations 21 (26 CFR, Cum. Supp., Part 191), as amended (26 CFR, 1944 Supp., Part 191), Importation of Distilled Spirits and Wines. These regulations contain the procedural and substantive requirements relative to the importation into this country of distilled spirits and wines, and perfumes containing distilled spirits, from foreign countries, the taxes levied thereon and the stamping of containers (bottles) of distilled spirits.

Regulations 23 (26 CFR, Cum. Supp., Part 181), Stills and Distilling Apparatus. These regulations contain the procedural and substantive requirements relative to the manufacture, tax-payment, removal, use, and registration of stills and worms or condensers, and the exportation of stills with benefit of drawback of internal revenue tax.

Regulations 24 (26 CFR Cum. Supp., Part 180), as amended (26 CFR, 1944 Supp., Part 180 T. D. 5505, 11 F. R. 3943), Articles from Puerto Rico, Virgin Islands, and Philippine Islands. These regulations contain the procedural and substantive requirements relative to the collection of internal revenue taxes on alcoholic products coming into the United States from Puerto Rico and the Virgin Islands, including procedure in those countries in connection with shipment of the products to the Continental United States, the submission of formulas, and the stamping and marking of containers. (The application of the provisions in these regulations relative to the Philippine Islands has been modified by the recent independence of the Islands.)

Regulations 28 (26 CFR, Cum. Supp., Part 176), Drawback of Internal Revenue Tax on Distilled Spirits and Wines. These regulations contain the procedural and substantive requirements relative to the allowance of drawback of internal revenue tax on (1) domestic alcohol used in the manufacture or production of flavoring extracts, and medicinal or toilet preparations (including prefumery), upon the exportation of such products (2) distilled spirits and wines bottled especially for export, upon the exportation thereof, and (3) distilled spirits exported in distillers' original packages containing not less than 20 wine gallons each.

Regulations 29 (26 CFR, Cum. Supp., Part 197), as amended (26 CFR, 1944 Supp., 1945 Supp., Part 197), Drawback of Tax on Distilled Spirits Used in the Manufacture of Nonbeverage Products. These regulations contain the procedural and substantive requirements relative to the allowance of drawback of internal

revenue tax on tax-paid domestic distilled spirits used in the manufacture or production of medicine, medicinal preparations, food products, flavors, or flavoring extracts which are unfit for beverage purposes, including payment of occupational tax, maintenance of records, and filing of claims for drawback.

Regulations 92 (26 CFR, Part 174), Disposition of Denatured Alcohol, Denatured Rum, and Substances or Preparations Containing Denatured Alcohol or Denatured Rum. These regulations contain the procedural and substantive requirements relative to keeping of records and making returns covering the disposition, by sale or otherwise, of denatured alcohol, denatured rum, and substances or preparations containing denatured alcohol or denatured rum.

Treasury Decision 4961, as amended by Treasury Decisions 5066 and 5067 (26 CFR, Cum. Supp., Parts 171 and 468) Regulations relating to seizures of vessels, vehicles, and aircraft in connection with contraband firearms covered by section 1 (b) (2), Act of August 9, 1939, 53 Stat. 1291, 49 U. S. C. 1281. These regulations contain the procedural and substantive requirements relative to the seizure of vessels, vehicles, and aircraft in connection with contraband firearms, including forfeitures of such conveyances or firearms, the filing of claims therefor and petitions for remission or mitigation of forfeiture, and awards for seizures or furnishing information leading to forfeiture by persons not officers of the United States.

Regulations 1 (27 CFR, Part 1), as amended (26 CFR, Cum. Supp., 1944 Supp., 1945 Supp., Part 171), Basic Permits: Issuance and Proceedings to Rescind or Suspend, issued under the Federal Alcohol Administration Act, as amended. These regulations contain the procedural and substantive requirements relative to procuring basic permits by importers, producers, rectifiers, blenders, bottlers, warehousemen, and wholesalers of distilled spirits, wines, or malt beverages, including issuance, revocation, suspension, and annulment proceedings.

Regulations 2 (27 CFR, Part 2), Non-industrial Use of Distilled Spirits and Wine, issued under the Federal Alcohol Administration Act, as amended. These regulations contain the substantive requirements relative to the non-industrial use of distilled spirits and wine under the Federal Alcohol Administration Act, including distilled spirits in containers of a capacity of one gallon or less. No procedural requirements are prescribed.

Regulations 3 (27 CFR, Part 3), Bulk Sales and Bottling of Distilled Spirits, issued under the Federal Alcohol Administration Act, as amended. These regulations contain the substantive requirements relative to bulk sales and bottling of distilled spirits under the Federal Alcohol Administration Act, including the terms of warehouse receipts for distilled spirits in bulk. No procedural requirements are prescribed.

Regulations 4 (27 CFR, Part 4), as amended (27 CFR, Cum. Supp., Part 4), Labeling and Advertising of Wine, issued under the Federal Alcohol Administration Act, as amended. These regulations contain the procedural and substantive requirements relative to the labeling and advertising of wine under the Federal Alcohol Administration Act, including standards of identity for wine, standards of fill for containers of wine, and the issuance of certificates of label approval and certificates of exemption from label approval.

Regulations 5 (27 CFR, Part 5), as amended (27 CFR, Cum. Supp., Part 5), Labeling and Advertising of Distilled Spirits, issued under the Federal Alcohol Administration Act, as amended. These regulations contain the procedural and substantive requirements relative to the labeling and advertising of distilled spirits, including standards of identity for distilled spirits, standards of fill for bottled distilled spirits, and the issuance of certificates of label approval and certificates of exemption from label approval.

Regulations 6 (27 CFR, Part 5), Inducements Furnished to Retailers, issued under the Federal Alcohol Administration Act, as amended. These regulations contain the substantive requirements relative to the furnishing of equipment, fixtures, signs, supplies, money, services, or other things of value to retailers of distilled spirits, wine, and malt beverages, by other members of the liquor industry (principally venders), including the furnishing of samples and advertising cuts. No procedural requirements are prescribed.

Regulations 7 (27 CFR, Part 7), as amended (27 CFR, Cum. Supp., Part 7), Labeling and Advertising of Malt Beverages, issued under the Federal Alcohol Administration Act, as amended. These regulations contain the procedural and substantive requirements relative to the labeling and advertising of malt beverages, including the withdrawal of imported malt beverages from customs custody and the issuance of certificates of label approval and release for imported malt beverages, and certificates of approval of labels for malt beverages domestically bottled or packed.

Regulations 8 (27 CFR, Cum. Supp., Part 8), Credit Period to be Extended to Retailers of Alcoholic Beverages, issued under the Federal Alcohol Administration Act, as amended. These regulations contain the substantive requirements relative to the credit period which may be extended to retailers of alcoholic beverages under the Federal Alcohol Administration Act. No procedural requirements are prescribed.

(b) *Procedure*—(1) *Collection of tax.* Taxes on liquors are paid principally by stamp. The stamps are purchased from the collector of internal revenue of the district and are attached to the containers of the liquors. In some cases the collector certifies to the payment of the tax or issues certificates of tax-payment in lieu of stamps. Such certifications are presented to the Government officer or are attached to the containers of the liquors. When the tax on liquors is not paid in the prescribed time and manner, the unpaid taxes are assessed against the taxpayer. Special tax stamps are issued to denote the payment of occupational taxes by liquor dealers and others. Such stamps are required to be posted in the taxpayer's place of business as evidence of tax payment. Detailed information respecting the payment of taxes on liquors and the payment of occupational taxes by still manufacturers, brewers, rectifiers, dealers in liquors, and manufacturers of nonbeverage products as prerequisite for drawback under section 3250 (1), Internal Revenue Code, including the forms to be used and the procedure to be followed, is contained in the respective regulations described in paragraph (a) (3).

(2) *Claims for remission.* When the taxpayer claims that liquors on which tax has not been paid have been lost, and the tax thereon may be remitted, he may file claim for remission, setting out all the facts surrounding the loss, with the District Supervisor of the Alcohol Tax Unit of the district. Upon receipt of the claim, the district supervisor makes a factual determination and forwards the claim to the Commissioner for consideration. The Deputy Commissioner of the Alcohol Tax Unit notifies the District Supervisor of the allowance or rejection of the claim, and he in turn notifies the taxpayer. If the claim is rejected, the tax is assessed, and the collector of internal revenue issues to the taxpayer a notice and demand for payment of the tax.

(3) *Claims for abatement.* When the tax is assessed and the taxpayer thinks that the tax is not due under the law, he may file a claim in abatement of the tax on Form 843 with the collector of internal revenue of the district. Forms 843 may be procured from such collector. The collector forwards the claim to the Commissioner for consideration, and the collector may call upon the taxpayer to file a bond in double the amount of the tax in order to insure collection of the tax if the claim is rejected. When the claim is acted upon, both the taxpayer and the collector are notified of the allowance or rejection of the claim. If the claim is rejected, the collector again makes demand on the taxpayer for payment of the tax. See § 601.1 (d) (1).

(4) *Claims for refund.* The taxpayer may, after payment of the tax, file a claim for refund on Form 843 with the collector of internal revenue to whom the tax is paid. Such claim must be filed within four years after the date of payment of the tax. The collector forwards the claim to the Commissioner for consideration. If the claim is rejected, the taxpayer is notified of the rejection by registered mail, and he may then bring suit in the United States District Court or the Court of Claims for recovery of the tax. Such suits must be filed within two years from the date of the rejection notice. If the claim is allowed, an appropriate notice of allowance with a check for the amount of the refund and allowable interest is forwarded to the collector of internal revenue. The collector forwards the check to the taxpayer, unless he finds that there are other unpaid taxes outstanding against the taxpayer, in which event, delivery of the refund check to the taxpayer is held in abeyance pending payment of the unpaid taxes. See § 601.1 (d) (1).

(c) *Offers in compromise.* The statutes provide forfeitures and penalties for violation of the statutory re-

quirements relative to liquors, and authorize the Commissioner, with the approval of the Secretary of the Treasury, to compromise such liabilities. The Commissioner is also authorized to compromise tax liabilities where there is substantial doubt as to the taxpayer's liability or his ability to pay the tax. Persons desiring to submit offers in compromise of such liabilities, in order to avoid forfeiture or prosecution proceedings, and taxpayers who disdain liability for taxes assessed, or claim inability to pay the taxes in full, may submit offers in compromise on Form 656 to the collector of internal revenue, or to a deputy collector, of the district. Form 656-C is used when the offer is payable in installments. Such offers are forwarded by the collector to the Commissioner for consideration. When the offer is acted upon, the collector and the district supervisor are notified of the acceptance or rejection of the offer, and the district supervisor in turn notifies the proponent. If the offer is rejected, the sum submitted to the collector is returned to the proponent and forfeiture, prosecution, or collection proceedings are resumed. If the offer is accepted, the taxpayer is notified and the case is closed. Acceptance of an offer in compromise of civil liabilities does not remit criminal liabilities, nor does acceptance of an offer in compromise of criminal liabilities remit civil liabilities. See § 601.1 (d) (3).

(d) *Additional claims procedure.* Claims for remission of tax on alcohol lost at industrial alcohol plants, bonded warehouses, and denaturing plants, and for losses of tax-free and specifically denatured alcohol at denaturing plants and at dealers and users' premises, must prepared and filed in accordance with Regulations 3. See paragraph (a) (3). These regulations contain full information in respect to the procedure in the verification and examination of such claims.

Claims for remission of tax on distilled spirits lost at distilleries must be prepared and filed in accordance with Regulations 4 and 5 (see paragraph (a) (3)), which contain complete information respecting the procedure followed in verifying and examining such claims.

Claims for redemption or refund of bottled-in-bond stamps must be prepared and filed in accordance with Regulations 6 (see paragraph (a) (3)), which contain full information in respect thereto. Such claims must be for an amount of $5.00 or more and must be filed within two years after the date of purchase of the stamps. The stamps for which redemption is claimed must be surrendered with the claim, or proof of destruction must be submitted.

Claims for remission of tax on wines lost at wineries and bonded storerooms and for the redemption of wine stamps must be filed in accordance with Regulations 7. See paragraph (a) (3). These regulations contain the procedure respecting such claims.

Claims for losses of spirits at bonded warehouses, other than by leakage and evaporation, and for losses of spirits withdrawn free of tax for exportation, etc., must be prepared and filed in accordance with Regulations 10. See paragraph (a) (3). These regulations contain full information relative to the investigation and consideration of such claims.

Claims for redemption of red strip stamps for bottles of tax-paid spirits must be prepared and filed in accordance with Regulations 11. See paragraph (a) (3). Such claims must be filed with the collector of internal revenue within two years from the date the stamps were purchased, and the stamps must be surrendered with the claim or proof of destruction must be submitted. Regulations 11 contain the procedure respecting the filing and handling of such claims. Procedure respecting the exchange or refund of such stamps purchased by rectifiers is contained in Regulations 15. See paragraph (a) (3).

Claims for losses of rum and specially denatured rum at denaturing bonded warehouses and in transit after removal from the warehouse must be prepared and filed in accordance with Regulations 16 (see paragraph (a) (3)), which set out the procedure followed in the handling and consideration of such claims.

Claims for refund of tax paid on spoiled beer destroyed in the brewery bottling house must be prepared and filed in accordance with Regulations 18. See paragraph (a) (3). Such claims must be filed within ninety days after the destruction of the beer or its return to the brewery for reconditioning.

Claims for remission of tax on low wines (distilled spirits) lost at vinegar plants producing vinegar by the vaporizing process must be prepared and filed in accordance with Regulations 19 (see paragraph (a) (3)), which regulations set forth the procedure in the handling of such claims.

Claims for abatement or refund of occupational taxes and penalties erroneously assessed or collected, and claims for redemption of special tax stamps for occupational taxes, must be prepared and filed in accordance with Regulations 20. See paragraph (a) (3). When claim for redemption of a special tax stamp is filed, the stamp must be surrendered with the claim and the claim must be submitted within four years from the date of payment of the tax.

Claims for drawback of tax paid on stills manufactured for export and actually exported must be prepared and filed in accordance with Regulations 23 (see paragraph (a) (3)), which regulations set forth the procedure to be followed and the forms to be used.

Claims for drawback of taxes paid on (1) domestic alcohol used in the manufacture of flavoring extracts, medicinal or toilet preparations which are exported, (2) distilled spirits and wines bottled especially for export and actually exported, and (3) distilled spirits exported in distillers' original packages, must be prepared and filed in accordance with Regulations 28. See paragraph (a) (3). These regulations contain full information in respect to the procedure to be followed, the forms to be used, the time within which the claims must be filed, and the supporting documents which must be submitted with the claims.

Claims for drawback of tax on domestic distilled spirits used in the manufacture or production of medicine, medicinal preparations, food products, flavors, or flavoring extracts, which are unfit for beverage purposes, must be prepared and filed in accordance with Regulations 29. See paragraph (a) (3). Such claims must be filed within the three months next succeeding the quarter in which the spirits are used. Regulations 29 contain full information respecting the preparation of such claims, the supporting documents to be filed therewith, the verification of the claims by the district supervisor, and the action on the claims by the Commissioner.

(e) *Rulings.* Any person who is in doubt as to any matter arising in connection with his operations or transactions with respect to liquors may secure a ruling thereon by addressing a letter to the Deputy Commissioner, Alcohol Tax Unit, Bureau of Internal Revenue, Washington 25, D. C., or to the district supervisor of the district in which his business is located. Requests for such rulings may also be made by telegraph or telephone, or in person, at the offices of these officials.

(f) *Conferences.* Any person desiring a conference in the office of the district supervisor of his district or of the Deputy Commissioner, Alcohol Tax Unit, in Washington, relative to any matter arising in connection with his operations will be accorded such a conference upon request. No formal requirements are prescribed for such conference.

(g) *Attorneys and agents.* Attorneys and agents representing taxpayers before the Bureau, in the office of the Deputy Commissioner in charge of the Alcohol Tax Unit, or in the offices of district supervisors or investigators in charge, must be enrolled to practice before the Treasury Department and be authorized by power of attorney, filed with the Bureau, to represent the taxpayer in the matter under discussion. See section 601.

(h) *Form.* For form to be used, see paragraph (a) (3).

§ 601.9 *Tobacco taxes*—(a) *Introductory*—(1) *Imposition of tax.* Chapter 15, Subchapter A, of the Internal Revenue Code imposes certain taxes on cigars, cigarettes, tobacco, and snuff manufactured in or imported into the United States, and upon cigarette papers and cigarette tubes sold by the manufacturer or importer.

(2) *Rules.* Rules bearing upon the function of the Bureau, the forms used, etc., in connection with these taxes are contained in the following regulations:

(i) Regulations 8, relating generally to the taxes on tobacco, snuff, cigars and cigarettes, cigarette papers and tubes, and to the purchase and sale of leaf tobacco (26 CFR, Cum. Supp., Part 140), as amended (26 CFR, 1943 Supp., 1944 Supp., 1945 Supp., Part 140, T. D. 5509, 11 F. R. 4523).

(ii) Regulations 34, relating in part to the withdrawal of tobacco, snuff, cigars and cigarettes from factories, free of tax, for use of the United States (26 CFR, Cum. Supp., Part 450), as amended (26 CFR, 1943 Supp., 1944 Supp., 1945 Supp., Part 450).

(iii) Regulations 73, relating in part to the exportation of tobacco products

without payment of tax, to shipments of such products to possessions of the United States, and to drawback of tax paid on tobacco products exported to foreign countries or shipped to possessions of the United States (26 CFR, Part 451).

(iv) Regulations 76, relating to shipment or delivery of manufactured tobacco, snuff, cigars, or cigarettes for use as sea stores without payment of tax (26 CFR, Cum. Supp., Part 141).

(b) *Special registration and bonding requirements.* On commencing business and thereafter on the first day of July of each year, every dealer in leaf tobacco, manufacturer of tobacco, snuff, cigars, or cigarettes, and peddler of tobacco must register with the collector of the district his name or style, place of residence, and place where the business is carried on. The form prescribed for registration is Form 277, copies of which may be obtained from collectors of internal revenue. Every person required to so register must, at the time of commencing business, execute a bond, in duplicate, on the prescribed form and in such amount as is required by Regulations 8, referred to in paragraph (a) (2) (i). When the application for registration and the bond are received and approved by the collector, the collector will issue to the person named in the application a certificate of registry. This certificate of registry must be posted in accordance with the requirements of Regulations 8.

(c) *Tax collection.* The taxes on cigars, cigarettes, tobacco, and snuff are paid by stamps affixed to the box or package, and are due upon withdrawal of domestic products from the factory and withdrawal of imported products from customs custody, or upon sale prior to withdrawal. Information returns are required to be filed with the collector of internal revenue of the district in which the taxpayer is located, on or before the 10th day of the month following the month in which domestic products are withdrawn from the factory. Such returns show the quantities of tobacco, tobacco products, leaf tobacco, and internal revenue tobacco stamps handled. In addition to the monthly information returns, each manufacturer and leaf tobacco dealer is required to prepare on the prescribed form and submit to the collector a true inventory of the materials on hand, finished and unfinished, at commencement of business, on January 1 of each year, and at the time of discontinuing business. The collector, after abstracting for his record the information contained on the returns and the inventories, forwards them to Washington, D. C., for examination and audit.

The taxes on cigarette papers and tubes, unlike the taxes on tobacco and tobacco products (see paragraph (a) (1)), are sales taxes payable by the manufacturer or importer upon sale to any person, other than to a manufacturer of cigarettes for use by him in the manufacture of cigarettes. The tax due on sales by manufacturers of cigarette papers is payable on the basis of monthly returns filed on Form 734 on or before the 10th day of the month following that in which the sales occur, while the tax on sales by manufacturers of cigarette tubes is payable by stamp affixed at the time of sale to each package of cigarette tubes. Form 734 is also filed by manufacturers of tubes as an information return disclosing all sales during the preceding month. With respect to cigarette papers imported into the United States, importers are required to file a return on Form 735, covering each importation, accompanied by remittance of the amount of the tax. This form is also submitted as anformation return covering each importation of cigarette tubes, showing the number of packages of tubes imported and the value of stamps affixed to the packages.

Detailed information as to the return forms, and all other forms, prescribed for use in connection with tobacco taxes are contained in the regulations referred to in paragraph (a) (2). Copies of these regulations, together with copies of all necessary forms and instructions as to their preparation and filing, may be obtained from the office of the collector of internal revenue for the district in which the taxpayer is located. (See list of locations of collectors' offices in § 600.51 (d).)

(d) *Rulings.* The procedure to be followed in securing a ruling on any question arising in connection with the tobacco taxes is the same as that set forth in § 601.6 (b) (2).

(e) *Proposed assessments of additional or delinquent taxes.* When additional or delinquent tobacco tax liability is discovered, the procedure followed in the same as that applicable in the case of sales taxes. See § 601.6 (c).[1]

(f) *Administrative remedies available to taxpayers after the purchase of tobacco tax stamps or after assessment or payment of tobacco taxes*—(1) *Redemption of stamps.* Tobacco tax stamps which have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the owner may have no use, or which through mistake may have been improperly or unnecessarily used, or have been used in excess of the amount of tax actually due, or affixed to tobacco products withdrawn from the market, may be redeemed by the owner upon proper claim filed with the collector. Such claims must be prepared on Form 843 in accordance with the instructions shown on the form and in Regulations 8, referred to in paragraph (a) (2) (i). Copies of Form 843 are obtainable from offices of collectors of internal revenue.

(2) *Drawback claims.* Section 2136 of the Internal Revenue Code permits the filing by exporters of claims for drawback of internal revenue taxes paid by stamp on tobacco, snuff, cigars and cigarettes which are exported. The form used for this purpose is Form 901, copies of which are obtainable from collectors' offices. As a condition precedent to the allowance of any such drawback claim, the exporter is required to file a bond in a penal sum double the amount for which the claim is made conditioned that he will furnish satisfactory evidence that the tobacco products have been landed at a port outside the jurisdiction of the United States, or that the shipment was lost at sea, and has not been relanded within the limits of the United States.

(3) *Claims for abatement or refund.* Where a tobacco stamp tax is not paid by stamp but the amount thereof is assessed, the person against whom the assessment is made may file a claim for abatement of the tax or a claim for refund for any part of the assessment which has been paid. In either case, the procedure to be followed by the claimant is the same as that set forth in the case of claims for abatement or refund of sales taxes, as described in § 601.6 (d). All claims for refund of tobacco taxes paid pursuant to an assessment must be filed within four years after payment of the tax.

Detailed instructions as to the requirements necessary to be complied with in connection with the filing of claims for redemption, drawback, and refund are fully set forth in the regulations referred to in paragraph (a) (2).

(g) *Offers in compromise.* The procedure in the case of offers in compromise of liability for tobacco taxes is the same as that set forth in § 601.6 (e), applicable to sales taxes.

(h) *Description of forms.* The forms prescribed and furnished by the Bureau for use in connection with tobacco taxes are as follows:

Form 33. Affidavit of Individual Surety on Bond. Personal sureties on bonds (for which there must be two) must qualify by executing affidavit on this form, in triplicate.

Form 36. Tobacco and Snuff Manufacturer's Statement. Rendered in duplicate to collector by manufacturer before commencing business and in case of removal or change in bonded premises of factory, showing complete description of premises and equipment to be used.

Form 36½. Cigar and Cigarette Manufacturer's Statement. Rendered in duplicate to collector by manufacturer before commencing business and in case of removal or change in bonded premises of the factory, showing precise description of manufactory; also number of cigar makers, make and number of machines, and for whom cigars are to be manufactured.

Form 40. Tobacco and Snuff Manufacturer's Bond. Executed by manufacturer and submitted to collector in duplicate, before commencing business, or when factory is transferred to another district.

Form 59. Record of Dealer in Leaf Tobacco. Record in which dealer shall report all leaf tobacco received and shipped each day by the dealer. To be kept at dealer's registered and bonded place of business and open to inspection by revenue officers at all times.

Form 62. Tobacco and Snuff Manufacturer's Monthly Return. Return on which manufacturer shall report tobacco materials of all classes received and shipped each day during month, total manufactured tobacco of each class and snuff on hand at the beginning and close of the preceding month, manufactured and removed, both tax-paid and tax-free, during the month, also tobacco and snuff stamps on hand, purchased and used during the month. The return is an abstract of the manufacturer's revenue book, Form 74.

Form 62–A. "Quasi" Tobacco Manufacturer's Monthly Return. Abstract of Form 74. Used by manufacturers of tobacco who

[1] Unlike the sales taxes, however, the notice of the proposed additional assessment forwarded to the taxpayer in the case of the tobacco taxes is required by specific statutory provision. (See sections 2002 (b) (1) and 2060 of the Internal Revenue Code.)

do not produce a taxable product, for reporting tobacco materials of all classes received and shipped each day.

Form 70–A. Inventory—Manufacturer of Tobacco and Snuff. Made annually on January 1, or at time of commencing and at time of concluding business, and when new bond is filed by manufacturer and submitted to collector.

Form 70–B. Inventory—Manufacturer of Cigars and Cigarettes. Made annually on January 1, or at time of commencing and at time of concluding business, and when new bond is filed by manufacturer and submitted to collector.

Form 72—Part 1. Cigar Manufacturer's Monthly Return. Rendered on or before the 10th day of succeeding month by manufacturer to collector. Shows tobacco materials of all classes received and shipped, large cigars manufactured and removed (tax-paid and tax-free) each day during preceding month, also total cigars and value of stamps on hand beginning and close of month and value of stamps purchased and used during month. Return is abstract of manufacturer's revenue book, Form 73, Part 1.

Form 72—Part 2. Cigar Manufacturer's Monthly Return. Rendered in same manner as Form 72, Part 1, and shows similar information on small cigars, large and small cigarettes when such articles are produced. This return is abstract of manufacturer's revenue book, Form 73, Part 2.

Form 73—Part 1. Book To Be Kept by Manufacturer of Large Cigars. Daily account of all material received in and removed from factory; large cigars and large cigar stamps on hand beginning of each month, large cigars manufactured and removed (tax-paid and tax-free), large cigar stamps purchased and used each day, also a recapitulation of the large cigars and stamps for the month.

Form 73—Part 2. Book to be kept by manufacturer of small cigars, large and small cigarettes, in a manner similar to Form 73, Part 1.

Form 74. Book To Be Kept by Manufacturers of Tobacco and Snuff. Daily account of all classes of materials received into and removed from factory; tobacco and snuff manufactured and removed and stamps purchased and used.

FORM 85. *Tobacco Peddler's Statement.* Rendered by peddler to collector before commencing business. Should set forth his place of residence, States through which he intends to travel, and persons for whom he sells.

FORM 111. *Tobacco Peddler's Bond.* To be executed by every peddler of tobacco before commencing business. Bond forfeited if principal sells manufactured tobacco products, except in original and full packages as put up by the manufacturer.

FORM 152. *Cigarette Manufacturer's Record of Nontaxpaid Cigarette Tubes Received, on Hand, and Used.* Kept by manufacturer showing date of receipt of tubes, persons from whom purchased, number of tubes on hand at beginning and close of each month, and number used each day.

FORM 168. *Order for Stamps—Cigars—Large—Various Classes.* Executed by manufacturer for stamps desired, and submitted with remittance to collector.

FORM 172. *Order for Stamps—Tobacco.* Executed by manufacturer for stamps desired, and submitted with remittance to collector.

FORM 173. *Order for Stamps—Snuff.* Executed by manufacturer for stamps desired, and submitted with remittance to collector.

FORM 177. *Schedule of Stamps.* To be used to report stamps affixed to packages of manufactured tobacco products withdrawn from the market after removal from factory or customhouse, removed and presented for redemption or destroyed under internal revenue supervision.

FORM 178. *Statement of Stamps Returned for Redemption—Tobacco, etc.* This form to be used for reporting unused or spoiled stamps returned for redemption.

FORM 277. *Return for Registry, Manufacturers of Tobacco Products, Dealers in Leaf Tobacco, and Peddlers of Tobacco.* Shows name and address, place of business. Is required to be filed on commencing business, annually in month of July thereafter and whenever any change in ownership or location is made.

FORM 542. *Consent of Sureties on Bonds of Cigar, Cigarette, Tobacco or Snuff Manufacturers or Dealers in Leaf Tobacco.* To cover changes in factory premises or leaf storage places, trade name, or to removal of factory or place of business. Executed in duplicate by sureties and submitted by manufacturers and dealers with new statements on Form 36, 36½, or 772, where factories or storage places are changed, closed, or opened.

FORM 549. *Export Bond.* Filed in duplicate by manufacturer with collector. Covers exportation of tobacco products without payment of tax.

Form 549–A. Tobacco Sea Stores Bond. Filed in duplicate by manufacturer with collector. Covers shipment or delivery of tobacco sea stores without payment of tax.

Form 549–B. Tobacco Sea Stores Warehouse Bond. Filed in duplicate by proprietor of the warehouse with collector. Covers storage of tobacco products removed from factories without payment of tax and withdrawal for consumption beyond the jurisdiction of the internal revenue laws of the United States.

Form 550. Application for Withdrawal and Entry for Exportation. Submitted in triplicate by manufacturer to collector showing description of articles to be exported.

Form 550–A. Application for Withdrawal of Tobacco Products From Factory for Use as Sea Stores. Submitted in quadruplicate by manufacturer to collector, showing full description of articles to be withdrawn.

Form 550–B. Application for Withdrawal of Tobacco Products From Bonded Warehouse for Use as Sea Stores. Submitted in quintuplicate by the proprietor of the bonded sea stores warehouse to collector, showing description of articles to be withdrawn.

Form 550–C. Monthly Report of Proprietor of Tobacco Sea Stores Warehouse. Report rendered monthly by the propriator of the bonded sea stores warehouse, in duplicate, to the collector, showing tobacco manufactures received in and withdrawn from bonded warehouse during month and on hand at beginning and close of month.

Form 664. Application for Withdrawal of Articles From Factory, Free of Tax, for Use of the United States. Executed in duplicate by manufacturer and submitted to collector for each intended withdrawal.

Form 667. Certificate of Receipt of Articles Withdrawn From Factory, Free of Tax, for Use of the United States. Executed in duplicate by Government receiving officer to manufacturer after inspection of each shipment of tax-free products. Manufacturer must file both copies with collector within 30 days from date of withdrawal.

Form 668. Application for Permit to Remove Tobacco, etc., from factory and Collector's Permit for such removal. Filed in duplicate with collector by manufacturer, approved by collector and original as permit returned to manufacturer.

Form 734. Monthly Return of Manufacturer of Cigarette Paper and Tubes. Monthly return of tax paid on cigarette paper made up into packages, books, and sets and sold by the manufacturer; cigarette tubes removed tax-free and tax-paid by stamp, filed with collector by each manufacturer, on or before the 10th day of the succeeding month.

Form 735. Return by importer of tax paid on cigarette paper and cigarette tubes imported into the United States. Return is filed with collector by the importer covering each importation.

Form 771. Bond of Dealer in Leaf Tobacco. Executed in duplicate by dealer in leaf tobacco with surety satisfactory to collector before commencing business, upon change in principal, or when increase in penal sum is required due to increased liability.

Form 772. Statement of Dealer in Leaf Tobacco. Executed in duplicate by dealer in leaf tobacco before commencing business or when changes are made in places of storage and submitted to collector, showing address of place of business and exact location of each place of storage of tobacco.

Form 774. Tobacco Invoice. Executed by dealers in leaf tobacco and manufacturers of tobacco products for each shipment or importation of tobacco or tobacco received from farmers.

Form 775. Monthly Report of Dealer in Leaf Tobacco. Rendered at close of each month by dealer in leaf tobacco, reporting transactions, in leaf tobacco, shown by invoices on Form 774 attached. Original of entries in record, Form 59.

Form 776. Inventory of Dealer in Leaf Tobacco. Rendered to collector January 1, each year, or at time of commencing and at time of concluding business by dealer in leaf tobacco.

Form 777. Bond for use of Cigarette Tubes by Cigarette Manufacturer. Executed in duplicate by manufacturer of cigarettes receiving tax-free cigarette tubes for use in manufacturing cigarettes and submitted to collector.

Form 778. Cigarette Manufacturer's Cigarette Tube Monthly Return. Rendered at close of each month by manufacturer of cigarettes received and using tax-free cigarette tubes, showing all tubes received, and on hand, and used during the month.

Form 901. Claim for Allowance of Drawback of Internal Revenue Tax Paid on Tobacco, Snuff, Cigars, or Cigarettes Exported, and Entry for Exportation Thereof. Filed in quadruplicate by claimant with collector; deputy supervises destruction of stamps.

Form 902. Bond for Drawback of Internal Revenue Tax Paid on Tobacco, Snuff, Cigars or Cigarettes Exported. Filed in duplicate with collector.

Form 923. Order for Stamps—Imported Manufactures. Executed by Customs officer, delivered to importer who tenders to collector with remittance for stamps to be affixed to packages of imported tobacco manufactures.

Additional forms applicable generally. For a list and description of additional forms prescribed by the Bureau for use in connection with internal revenue taxes generally, see § 601.1 (f).

§ 601.10 *Miscellaneous Excise Taxes Collected By Sale of Revenue Stamps—*(a) *Introductory.* The miscellaneous excise taxes collected by the sale of revenue stamps may be grouped into the following three general classes: (1) documentary stamp taxes, (2) commodity stamp taxes, and (3) occupational stamp taxes. A brief description of each of these three classes, together with a reference to the applicable rules bearing upon the functioning of the Bureau, the forms used, etc., in the case of each tax, is set forth in the paragraphs which follow.[1]

(b) *Documentary stamp taxes—*(1) *Capital stock, bonds, deeds of conveyance, foreign insurance policies, and passage tickets.* Chapter 11, Subchapter A, of

[1] The descriptive terms used to designate the various transactions, commodities, occupations, etc., subject to tax are intended only to indicate their general classes. For specific information as to the scope of each tax, reference should be had to the applicable regulations.

the Internal Revenue Code imposes certain taxes on issues of corporate bonds, debentures, certificates of indebtedness, capital stock and similar interests; on sales and transfers of capital stock and similar interests; on foreign insurance policies; and on passage tickets. Chapter 31 of the Internal Revenue Code also imposes a tax on all sales or transfers of corporate bonds, debentures, and certificates of indebtedness, and on deeds of conveyance of realty sold. See Regulations 71 (26 CFR, Cum. Supp., Part 113), as amended (26 CFR, 1943 Supp., Part 113).

(2) *Silver bullion.* Chapter 11, Subchapter A, Section 1805 of the Internal Revenue Code also imposes a tax on the net profit realized on the transfer of any interests in silver bullion, subject to certain exemptions and abatements to registered dealers and producers. See Regulations 85 (26 CFR, Cum. Supp., Part 112), as amended (26 CFR, 1943 Supp., Part 112), as prescribed and made applicable to the Code by Treasury Decision 4887 (26 CFR, 1943 Cum. Supp., Part 112), approved by the President February 11, 1939.

(3) *Cotton futures.* Chapter 14 of the Internal Revenue Code imposes a tax on each contract of sale of any cotton for future delivery. See Regulations 36, (26 CFR, Part 110).

(c) *Commodity stamp taxes*[2]—(1) *oleomargarine, etc.* Chapter 16 of the Internal Revenue Code imposes certain taxes with respect to eloemargarine and adulterated and process or renovated butter. Chapter 27, Subchapter A, of the Code also imposes certain occupational taxes on manufacturers of, and wholesale and retail dealers in eleomargine, and adulterated and process or renovated butter. See Regulations 9 (26 CFR, Cum Supp., Part 310), as amended (26 CFR, 1945 Supp., Part 310).

(2) *Filled cheese.* Chapter 17 of the Internal Revenue Code imposes a tax with respect to filled cheese. Chapter 27, Subchapter A, section 3210 of the Code also imposes an occupational tax on manufacturers of, and wholesale and retail dealers in, filled cheese. See Regulations 22, (26 CFR. Part 301).

(3) *Opium, etc.* Chapter 23, Subchapter A, of the Internal Revenue Code imposes a tax upon opium, etc., produced in or imported into the United States, and sold, or removed for consumption or sale. Chapter 27, Subchapter A, section 3220 of the Code also imposes an occupational tax on (1) importers, manufacturers, or producers of opium, etc.: (2) wholesale and retail dealers in such narcotics; (3) physicians, dentists, veterinary surgeons and other practitioners dispensing them; and (4) persons engaged in research, instruction, or analysis and persons not otherwise taxed dispensing preparations containing such narcotics. See Regulations 5 (26 CFR. Cum. Supp., Part 151), as amended (26 CFR. 1944 Supp., Part 151, and T. D. 37 (Narcotic), 11 F. R. 298).[3]

(4) *Opium for smoking purposes.* Chapter 23, Subchapter B, of the Internal Revenue Code imposes a tax upon all opium manufactured in the United States for smoking purposes. See Regulations 3 (26 CFR, Part 150).[3]

(5) *Marihuana.* Chapter 23, Subchapter C, of the Internal Revenue Code imposes a tax upon all transfers of marihauana. Chapter 27, Subchapter A, section 3230 of the Code also imposes an occupational tax with respect to marihuana on similar classes of persons as those enumerated above in connection with opium, etc. See Regulation 1 (26 CFR. Part 152).[3]

(6) *Machine guns and short-barrelled firearms.* Chapter 25, Subchapter B, of the Internal Revenue Code imposes a tax upon machine guns and certain types of short-barrelled firearms transferred in the continental United States. Chapter 27, Subchapter A, section 3260 of the Code also imposes an occuptional tax upon every importer, manufacturer, dealer, and pawnbroker in such guns and firearms. See Regulations 88 (26 CFR Cum. Supp., Part 319), as amended (26 CFR, 1945 Supp., Part 319, T. D. 5501, 11 F. R. 2770).[4]

(7) *Playing cards.* Chapter 11, Subchapter A, of the Internal Revenue Code imposes a tax on playing cards manufactured or imported, and sold, or removed for consumption or sale. See Regulations 66, (26 CFR, Part 305).

(8) *White phosphorus matches.* Chapter 24 of the Internal Revenue Code imposes a tax upon white phosphorus matches. See Regulations 32, (26 CFR, Part 300).

(d) *Occupational stamp taxes.* Chapter 27, Subchapter A, Sections 3267 and 3268 of the Internal Revenue Code impose certain occupational taxes with respect to coin-operated amusement or gaming devices and bowling alleys, billiards and pool tables. See Regulations 59 (26 CFR, Cum. Supp., Part 323), as amended, (26 CFR, 1944 Supp., Part 323).

(e) *General procedure*—(1) *Tax collection.* The documentary and commodity stamp taxes are paid by having affixed to the document, memorandum of sale, policy, package, container, etc., an internal revenue adhesive stamp or stamps in an amount equal to the tax due and by thereafter cancelling such stamps in the manner prescribed. Payment of occupational taxes is evidenced by the posting or displaying of a special occupational tax stamp on the premises where the business is operated. The stamps used for such purposes are prepared and distributed by the Bureau through collectors of internal revenue.

Documentary taxes are payable with respect to every transaction, i. e., each issue, sale, transfer, etc., of the instrument subject to tax. Commodity taxes are payable with respect to the manufacture, importation, or transfer, as the case may be, of the contents of each package or container. Occupational taxes are payable annually for the privilege of doing business beginning with July 1 of each year, when the taxpayer is in business on that date, or from the beginning of the month in which the business is commenced on a pro rata basis.

Documentary stamps may be purchased from (1) collectors of internal revenue and duly authorized deputy collectors; (2) postmasters in all post offices in the first and second classes and such post offices of the third and fourth classes as are located in county seats; and (3) designated depositaries of the United States. Commodity and occupational tax stamps may be purchased only from collectors and duly authorized deputy collectors. Such purchases may be made only upon the filing of the prescribed requisition, application, or other form and from an official authorized by law to sell such stamps. Payment for such stamps must be made by means of cash, post office money order or certified check. In situations (1) where the instruments, documents, commodities, etc., subject to stamp tax are no longer in existence or (2) where, for other reasons, such instruments, documents, etc., cannot be stamped, or (3) where it is discovered that occupational tax stamps are due for prior taxable years, or (4) where a taxpayer, after being advised of his liability, refuses to affix stamps, the tax is collected by assessment. See § 601.1 (b).

Detailed information as to the persons liable for tax, the forms of stamps, the prescribed applications or requisitions, and all other forms required in connection with miscellaneous excise taxes payable by revenue stamps is contained in the regulations referred to in previous subsections. Copies of these regulations, together with copies of all necessary forms and instructions as to their preparation and filing, may be obtained from the office of the collector of internal revenue for the district in which the taxpayer is located. (See list of location of collectors' offices in § 600.51 (d).

(2) *Rulings.* The procedure to be followed in securing a ruling with respect to any miscellaneous excise tax collected by means of a revenue stamp is the same

[2] In a number of instances, where a stamp tax has been imposed with respect to a particular commodity, an occupational tax has also been levied on manufacturers, dealers, etc., in such commodity. In these cases, for the sake of brevity, and because the occupational tax is treated in the same regulations with the commodity tax, both taxes are described under the "commodity stamp tax" classification.

[3] These regulations are issued jointly by the Bureau of Internal Revenue and the Bureau of Narcotics, which agencies share responsibility for the administration and enforcement of the narcotic taxes.

[4] In addition to the administration of the taxes with respect to machine guns and certain types of short-barrelled firearms, the Bureau of Internal Revenue is also charged with the administration of the Federal Firearms Act (52 Stat. 1250). This Act is not a revenue measure but is a licensing statute and its provisions are not codified in the Internal Revenue Code. The act makes it unlawful for any manufacturer or dealer, except a manufacturer or dealer having a license issued under the provisions of the act, to transport, ship, or receive any firearms or ammunition in interstate or foreign commerce. Rules bearing upon the functioning of the Bureau, the forms used, etc., in connection with this Act are contained in Treasury Decision 4898, as amended, (26 CFR, Cum. Supp., Part 315). The procedure to be followed in making application for a license and all other requirements imposed under the act upon manufacturers and dealers in firearms and ammunitions are set forth in such Treasury decisions.

as that set forth in § 601.6 (b) (2) relating to sales taxes.

(f) *Liability for additional or delinquent tax.* When liability for additional or delinquent tax is disclosed by the taxpayer or is discovered as a result of an examination of the taxpayer's books and records, payment thereof is evidenced by means of the prescribed stamp if the document, commodity, etc., is still in existence or, in the case of an occupational tax, if the liability is for the current period. Where the documents, commodities, etc., are no longer in existence, or where the taxpayer refuses to affix or purchase the stamps or where, in the case of an occupational tax, the liability is for a prior taxable period, the additional or delinquent tax is assessed in the same manner as sales taxes, as set forth in § 601.6 (c). Whether the liability is proposed to be asserted by requiring the taxpayer to affix or purchase stamps or by making an assessment of the tax, the same opportunity for protest or conference is accorded him.

(g) *Administrative remedies available to taxpayers after purchase of documentary, commodity, or occupational tax stamps or after assessment and/or payment of tax*—(1) *Redemption of stamps.* Where stamps have been rendered useless by gumming or sticking together in transit or otherwise without fault of the purchaser, they may be exchanged by a collector of internal revenue for other stamps of the same quantity and denomination. Stamps which have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the owner may have no use, or which through mistake have been improperly or unnecessarily used, or have been used in excess of the amount of tax actually due, may be redeemed upon proper claim filed with the collector. All such claims must be prepared on Form 843 (see § 601.1 (f)) and must be filed with the collector for the district in which is located the principal office of the claimant, or if he has no such office, with the collector for the district in which he resides. The claim must be filed within four years after the date of purchase of the stamps from the Government. The stamps either must be submitted with the claim, or if it is impracticable to remove them from the instruments, documents, etc., to which they are attached they must be presented to a deputy collector or other internal revenue representative who will write on the face of the stamps the words "Claim for refund filed," and attach to the claim a statement showing that such endorsement has been made. In any case where the actual date of purchase of the stamps from the Government cannot be given, it must be definitely shown in the claim whether they were so purchased within four years prior to the date of filing of the claim. Once filed, a claim for redemption follows the same channels as do claims for refund of sales taxes, as set forth in § 601.6 (d) (2).

(2) *Claims for abatement or refund.* Where a stamp tax is not paid by stamp but the amount thereof is assessed, the person against whom the assessment is made may file a claim in abatement of the tax or a claim for refund for any part of the assessment which has been paid. In either case, the procedure to be followed by the claimant is the same as set forth in the case of claims for abatement or refund of sales taxes, as described in § 601.6 (d). All claims for refund of stamp tax paid pursuant to an assessment must be filed within four years next after payment of the tax.

Detailed instructions as to the manner in which claims for redemption of stamps and for abatement or refund of stamp taxes should be prepared and filed are contained in the various regulations listed in paragraphs (b), (c), and (d).

(h) *Offers in compromise.* The procedure in the case of offers in compromise of liability for miscellaneous excise taxes collected by stamp is the same as that set forth in § 601.6 (e), applicable to sales taxes.

(i) *Provisions Special to the Documentary, Commodity, and Occupational Stamp Taxes*—(1) *Documentary Stamp taxes.* Every person engaged in any of the following businesses or activities is required to register with the collector of internal revenue for such district in which such business or activity is conducted: (1) negotiating, making, or recording sales or transfers of stock, bonds, etc.; (2) conducting or transacting a stock or bond brokerage business; (3) accepting or procuring the transmission of orders for the purchase or sale or transfer of stocks, etc., to be executed at a stock or bond brokerage office or an exchange or similar place; (4) transferring stock, bonds, etc., other than his own; and (5) conducting an exchange or clearing house, or clearing association, for the clearing, adjusting and settling of transactions made on exchanges or similar places.

A statement for such registration is required to be made under oath on Form 741 procurable from collectors of internal revenue. The statement must set forth specifically the character of the business, the name under which it is operated, and the exact location. A concern having branches or agencies must file a statement in the district in which its principal office is located, showing the address of each branch office or agency and the name of the manager or agent thereof. A separate statement must also be filed in each of the other districts in which branches or agencies are maintained. The data shown in a statement covering a branch or agency must relate to such branch or agency rather than the principal office. For further information as to the proper execution of Form 741, see Regulations 71, referred to in paragraph (b).

Any person conducting a stock brokerage business who has registered with the collector as provided above may appoint some person to act as nominee in holding stock on his behalf. Also, any person acting in the capacity of a custodian may appoint some person to act as nominee in holding stocks or bonds on his behalf. The name of the person appointed as nominee of a broker or a custodian shall be registered with the collector for the district in which the principal place of business of the broker or the custodian is located. Substitution of a nominee may be effected by likewise registering the name of the successor nominee. No special form is prescribed for use in registering a nominee.

Where proper registration statements have been filed, the collector will issue to such person a certificate of registration signed by him and setting forth the date of issue, the name of the person conducting the business and the nature of the business for which the certificate is issued. Such certificate must be kept at the place of business located within the district of the collector by whom the certificate is issued.

(2) *Commodity stamp taxes.* Provision is made for the withdrawal of oleomargarine, filled cheese, and playing cards from factories, free of tax, for the use of the United States. The procedure to be followed, the forms to be used, etc., in the case of such withdrawals are contained in Regulations 34, (26 CFR, Part 450), as amended (26 CFR, 1945 Supp., Part 450). Provision is also made for the exportation without payment of tax of oleomargarine, adulterated butter, and playing cards. The procedure to be followed, and the forms to be used, etc., in the case of such exportation are contained in Regulations 73, (26 CFR, Part 451), as amended (26 CFR, 1944 Supp., Part 451).

Every manufacturer of opium manufactured in the United States for smoking purposes must, before commencing business, furnish to the collector of the district in which his place of manufacture is located a notice on Form 268 and a bond on Form 269 with sureties satisfactory to the collector and in a penal sum of not less than $100,000. There shall not be less than three personal sureties, each of whom shall qualify in the full amount of the bond. The collector on approving the bond will issue to the manufacturer a certificate on Form 270 which will specify the penal sum of the bond furnished. This certificate shall contain a transcript from the manufacturer's notice, Form 268, giving an accurate description of the factory premises. This certificate must be posted by the manufacturer in a conspicuous place within his manufactory. (See Regulations 3 referred to in paragraph (c) (4) hereof.)

(j) *Decription of forms.* The forms prescribed and furnished by the Bureau for use in connection with the miscellaneous excise taxes collected by sale of revenue stamps are as follows:

Form 11. Special-tax return for use in making application for special tax stamps in connection with the carrying on of the business of a manufacturer of, or a retail or wholesale dealer in, oleomargarine, adulterated, process or renovated butter, and filled cheese. The return is to be filed annually for the fiscal year beginning with July 1 of each year or, where business is begun after the month of July, from the first day of the month in which such business is begun. The information required to be shown on the form includes the name and address of the taxpayer; the trade name if used; the kind of tax involved; the period involved; the nature of the application; and the signature and title of the person making the return. If the amount of tax involved is more than $10, the return must be executed under oath. If the amount is $10 or less, the return may be signed or acknowledged before two subscribing witnesses.

Form 11-B. Special-tax return for use in applying for special tax stamps for the operation of coin-operated amusement and gaming devices, bowling alleys, and billiard and pool tables. The requirements as to filing, the information to be shown on the form, and the manner of execution are the same as those with respect to Form 11, above.

Form 213. Form of notice for use by a manufacturer in giving notice to the collector before engaging in the business of manufacturing oleomargarine, adulterated and process or renovated butter, filled cheese, or white phosphorus matches. This notice must also be filed on the first day of July of each year thereafter by those continuing in business. The information required to be shown on the form includes the name of the product to be manufactured; the date; the name and address of the manufacturer; the site of the factory; a description of the land where the factory is located; a full description of the building or portion of the building to be used for the factory; the capacity of production for each twenty-four hours; and the signature of the applicant.

Form 214. Form of manufacturer's bond furnished by every manufacturer before commencing the business of manufacturing oleomargarine, adulterated and process or renovated butter, filled cheese and white phosphorus matches.

Form 215. Inventory to be filed by every manufacturer of oleomargarine, adulterated and process or renovated butter, filled cheese, and white phosphorus matches. This form is to be filed on the first day of July of each year, or at the time of commencing and at the time of concluding business, if before or after the first day of July. The information required to be shown on the form includes the name of the product to be manufactured; the name of the manufacturer; the factory number assigned by the collector; the internal revenue district; the location of the factory; the date of the inventory; the name of and the quantity of pounds of each of the different kinds of material held for use in manufacturing; the kind of product to be manufactured; the number and net weight of packages of the product on hand, both stamped and unstamped; the value of the stamps, both attached and unattached; the signature of the taxpayer; and a certificate as to the correctness of the inventory as verified by a deputy collector from a personal examination.

Form 216. Monthly return for use by manufacturer of oleomargarine, adulterated and process or renovated butter, and filled cheese. The information required to be shown on the return includes the name of the product to be manufactured; the name and place of business of the manufacturer; the month for which the return is filed; the new stock or manufactured account; the materials used during the month; the returned stock account; the stamp account and the signature of the taxpayer. The return is required to be made under oath.

Form 216a. Supplemental sheet to Form 216 to be used in listing the names and addresses of the consignees to whom the taxable product is being shipped and the quantity in pounds.

Form 217. Monthly return of wholesale dealer in oleomargarine, adulterated and process or renovated butter, and filled cheese. The information required to be shown on this form includes the name and place of business of the wholesale dealer; the month for which the return is filed; the total quantity of the commodity on hand at the beginning of the month, received during the month and returned goods received; the total quantity of the commodity disposed of during the month and the balance on hand at the end of the month; a transcript of the individual receipts showing date of invoice, name and address of consignor, whether manufacturer or wholesale dealer, and the quantity in pounds; and the signature of the dealer. This form must be executed under oath.

Form 217a. Supplemental sheet to Form 217 to be used in reporting disposals of the commodity dealt in. The information required to be shown includes the date of invoice; the name and address of the consignee; and the quantity shipped.

Form 218. Stamp order form for use in ordering oleomargine, adulterated and process or renovated butter, filled cheese and playing cards commodity tax stamps. The information required to be shown on the form includes kind of stamp desired; the factory number assigned by the collector; the address of the collector of internal revenue; the date of the order; how the stamps are to be sent; to whom, and the address to which, the stamps are to be sent; the denomination of the stamp; the number and value of the stamps and the total amount involved.

Form 268. Form of notice for use by a manufacturer in giving notice to the collector before engaging in the business of manufacturing opium for smoking purposes. This form also must be filed upon any change in location. The information required to be shown on the form includes the name and address of the manufacturer; the number and description of the place where the opium will be manufactured; the number and kind of utensils, machines or other apparatus kept on the premises for use in the manufacture of the opium; and the signature of the person filing the notice. This form is required to be executed under oath.

Form 269. Form of manufacturer's bond furnished by every manufacturer of smoking opium before commencing business.

Form 270. Form of certificate issued by the collector after receiving the notice on Form 268 and approving the bond on Form 269 of a manufacturer of smoking opium. The certificate is required to contain a transcript from the manufacturer's notice on Form 268, giving an accurate description of the factory premises. The certificate must be posted by the manufacturer in a conspicuous place within his manufactory.

Form 271. Form of book to be kept by a manufacturer of smoking opium. The information required to be shown on the form includes a record of the materials on hand, as per inventory, on the first day of January of each year, or at the time of commencing or concluding business; materials and smoking opium purchased or received into the factory; materials sold or returned; prepared smoking opium manufactured, sold or removed; smoking opium stamps purchased and used; and the name, factory number and internal revenue collection district of the manufacturer.

Form 272. Inventory of manufacturer of smoking opium to be filed with the collector on the first day of January of each year, or at the time of commencing or concluding business, if before or after the first of January. The information required to be shown on the form includes the quantity of opium, crude or gum, on hand; the quantity of other materials on hand; the quantity of manufactured smoking opium on hand; and the number and value of stamps on hand. The form must be executed under oath and must also contain a sworn verification of a deputy collector who has made a personal examination of the inventory.

Form 273. Monthly return of manufacturer of smoking opium. The information required to be shown on the form includes the name, address and registry number of the taxpayer, the month for which the return is filed; all opium in crude form and other materials purchased, and smoking opium and other materials sold, with the name, address and business of the persons from whom purchased and to whom sales were made; the total quantity of opium suitable for smoking purposes and the size of the packages and the number of packages of each size manufactured and removed taxpaid; the number of packages of each size sold to each recipient; and the value of stamps purchased and used. The return is required to be executed under oath.

Form 277. Form of return for registry to be used by every manufacturer of playing cards in registering with the collector for the district in which his factory is located. The information required to be shown on the return includes the name and address of the manufacturer; the type of business to be engaged in; the place where the business is to be carried on; and the signature of the manufacturer. The form is required to be executed under oath.

Form 382. Certificate of registry issued by collectors of internal revenue after receipt of return for registry filed on Form 277 by a manufacturer of playing cards. The information shown on the form includes the period covered thereby; the certification of the issuing collector; and the name and address of the registrant. This form is required to be kept conspicuously posted in the registrant's place of business.

Form 396. Form of book to be kept by manufacturers of filled cheese. The information required to be shown on this form includes a daily record of (1) the quantity in pounds of each material used in manufacture; (2) the number of taxable pounds of filled cheese produced; (3) the number of taxable pounds of filled cheese disposed of in each instance, name of person to whom shipped or delivered, date of shipment or delivery, and the address to which sent; (4) the number of taxable pounds of filled cheese returned to the factory, the name of person by whom returned, date of receipt, and address from which returned; (5) the number of taxable pounds of filled cheese reworked, dumped or destroyed; and (6) the total values of stamps purchased and used.

Form 397. Form of book to be kept by wholesale dealer in filled cheese. The information required to be shown on the form is a daily record of the number of pounds of each consignment of filled cheese received, showing the name and address of the consignor and the date of receipt; and the number of pounds of filled cheese disposed of showing the name of the person to whom shipped or delivered, date of shipment, and address to which sent.

Form 427. Stamp order form for use in ordering documentary stamps. The information required to be shown on the form includes the address of the collector; the date of the order; how the stamps are to be sent; to whom and the address to which the stamps are to be sent; the number of each denomination of stamps and the value thereof; and the total value of all stamps ordered.

Form 549. Form of bond furnished by manufacturers of oleomargarine, adulterated butter and playing cards who desire to export such products without the payment of tax.

Form 550. Application for withdrawal and entry for exportation filed by every manufacturer of oleomargarine, adulterated butter and playing cards who desires to withdraw products for exportation to a foreign country or shipment to certain possessions of the United States without payment of tax. The information required to be shown on the return includes the internal revenue district in which filed; the date of the application; the factory number; the Internal Revenue serial number; the kind of product manufactured; the location of the factory; to whom consigned; the port where the product is to be laden, the name of the vessel and the port of destination; the marks and numbers on the shipping cases; the contents thereof and the total quantity involved; the amount of tax liability; the signature of the manufacturer; and the signature of the exporter.

Form 660. Form of monthly return for use by manufacturers of white phosphorus matches. The information required to be shown on this return is a transcript of the daily record on Form 662, shown immediately below. The return is required to be executed under oath before a deputy collector.

Form 662. Form of book to be kept by manufacturers of white phosphorus matches. The information required to be entered in the book is a record of the quantity of each material used each day; the total number of matches produced; the number of stamped packages and original packages in which packed; the total number of stamped packages and original packages, together with the total number of matches, disposed of each day.

Form 663. Form of requisition to be filed by governmental agency for withdrawal of oleomargarine, filled cheese and playing cards from factory, free of tax, for use of the United States. The information required to be shown on the form includes the name of the department making the requisition; the date of such requisition; the total quantity and the name of the article desired to be withdrawn; by whom manufactured; the factory number and the district in which such factory is located; to whom to be shipped; the address to which shipped; and the signature and title of the officer preparing the requisition.

Form 664. Form of application to be used by manufacturers for withdrawal of articles from factory, free of tax, for use of the United States. The information required to be shown on the form includes the date of the form; the name of the article to be withdrawn; the factory number and the district where the factory is located; the date the shipment is to be made; the name of the department or agency and the place to which the shipment is to be made; the number of statutory packages; the contents of such package, by weight or number; the total taxable quantity; the rate of tax involved; the amount of tax remitted; and the signature of the manufacturer making the withdrawal.

Form 665. Form of bond for transportation and delivery of playing cards from factory, free of tax, for use of the United States, to be executed by manufacturers of playing cards.

Form 666. Permit for withdrawal of articles from factory, free of tax, for use of the United States. This permit is issued by the Bureau after approval of the requisition on Form 663 and the application on Form 664. The information required to be shown on the form is the same as that shown on Form 664, above, except that it is signed by the Deputy Commissioner in charge of the Miscellaneous Tax Unit.

Form 667. Certificate of receipt of oleomargarine, filled cheese, or playing cards withdrawn from factory, free of tax, for use of the United States, to be executed by the receiving agency. The information required to be shown on the return includes the date of the certificate; the kind of articles received; the name of the manufacturer; the number of the factory; the district where the factory is located; the date of withdrawal; the date of receipt; the number of packages received; the contents of such packages, by weight or number; the total taxable quantity received; the rate of tax involved; the amount of tax remitted; a statement as to any shortages; and the signature and title of the receiving officer.

Form 678. Form of application for reregistry and special tax stamp, to be filed by any person who is registered in one or more of the classes of occupations specified in section 3220 of the Internal Revenue Code (relating to the occupational taxes with respect to opium, etc.) and who desires to reregister for an ensuing period. The information required to be shown on the form includes the period for which application is made; the name and address of the applicant; the class or classes of occupations for which application is being made; a description of the occupation to be engaged in; the State professional license or certificate number issued and date issued, or the State store or business registration number and date issued; and the signature of the applicant. If the amount of tax covered by the application is not in excess of $10, it may be signed or acknowledged before two witnesses. Otherwise it must be executed under oath. (This application must also be supported by an affidavit showing the applicant to be legally qualified or permitted under the laws of the juirsdiction in which he is engaged, or proposes to engage, in any business or occupation within the scope of existing narcotic regulations, to engage in such business or occupation.)

Form 678–A. Form of application for registry and special tax stamp, to be filed by any person who has not previously qualified in any of the classes of occupations specified in section 3220 of the Internal Revenue Code (relating to the occupational taxes with respect to opium, etc.) The information required to be shown on the form is the same as that required to be shown on Form 678, above, with the addition of the previous occupation of the applicant and the name and address of his former employer.

Form 678–C. Form of application for registry and special tax stamp to be filed by every person who imports, manufactures, produces, compounds, sells, deals in, dispenses, prescribes, administers, or gives away marihuana. The information required on this form is the same as that required to be shown on Form 678–A, above.

Form 679. Form of requisition for blank order forms to be used in connection with opium, etc. The information required to be shown on the form includes the date of the requisition; the taxpayer's name, address, registry number and class; the number of books of order forms desired; the number of unused forms on hand, including the serial numbers and the date issued; and the signature of the purchaser.

Form 679a. Form of requisition for blank marihuana order forms. The information required to be shown on this form includes the date of the requisition; the collector to whom addressed; the transferee's name, address, and if registered, the registry number and class; the name and address of the transferer; a description, including quantities, of the desired articles or materials to be transferred; and the signature of the applicant.

Form 713. Inventory of opium, coca leaves, marihuana, etc., to be filed annually by persons subject to tax under sections 3220 and 3230 of the Internal Revenue Code. The information required to be shown on the form includes the name and address of the taxpayer; the class under which taxed; the date of the inventory; the name and description of the articles inventoried and the quantities thereof; and the signature and title of the person executing the form. The form is required to be executed under oath.

Form 741. Form of statement for registration to be filed by every person engaged in any of the following businesses or activities: (1) negotiating, making or recording sales or transfers of stocks, bonds, etc.; (2) conducting or transacting a stock or bond brokerage business; (3) accepting or procuring the transmission of orders for the purchase or sale or transfer of stocks, etc., to be executed at a stock or bond brokerage office or an exchange or similar place; (4) transferring stock, bonds, etc., other than his own; and (5) conducting an exchange or clearing house, or clearing association, for the clearing, adjusting and settling of transactions made on exchanges or similar places. The information required to be shown on the form includes the name and address of the applicant; the name under which the business is operated; the period covered by the application; character of the business; information concerning the organization of the firm or corporation; the date and place of issue of other licenses under state or federal laws; and the signature and title of the person making the application, together with his residence address. The application is required to be made under oath.

Form 742. Certificate of registry issued by the collector of internal revenue after approval of the application for registry on Form 741. The information required to be shown on the form includes the registrant's number; the district of the issuing collector; the date issued; the full name and address of the registrant; the period covered by the certificate; and the signature of the collector.

Form 743. Stamp order form for use in ordering stock transfer stamps. The information required to be shown on this form is the same as that required to be shown on Form 427 for use in ordering documentary stamps.

Form 743a. Monthly return of manufacturer or importer of playing cards. The information required to be shown on the form includes the name and address of the manufacturer or importer; the factory number; the district in which filed; the month for which the return is filed; the production account by number or packs; the stamp account, setting forth the value of stamps on hand at the beginning of the month, purchased during the month, used during the month and on hand at the end of the month; and the signature of the taxpayer. The form is required to be executed under oath.

Form 786. Stamp order form for use in ordering stamps for affixing to packages or containers of narcotics. The information required to be shown on the form includes the class and registry number of the person ordering; the collector with whom the order is being filed; the date of the order; the name and address of the person making the order; how the stamps are to be sent; the number and value of each denomination of stamps; and the total value of the stamps ordered.

Form 802. Manufacturer's quarterly return of exempt narcotic preparations, to be executed by all manufacturers of exempt narcotic preparations unless they are also registered as manufacturers of taxable narcotic drugs. The information required to be shown on the return includes the name, registry number and address of the manufacturer; the district in which registered; period for which the return is filed; a summary of the purchase quota granted, and a report of all purchases since the beginning of the year for each kind of taxable narcotic; a summary of exempt preparations produced, used and on hand; a complete accounting for taxable narcotics purchased, used and on hand; and the signature and title of the person making the return.

Form 810. Monthly return of importer, manufacturer, producer or compounder of taxable narcotic drugs and preparations. The information required to be shown on the return includes the name, registry number and address of the person making the return; the district in which the return is filed; the month covered by the return; a summary accounting in detail for all stocks on hand at the beginning and end of the month and for receipts, dispositions, manufacture and packaging of taxable narcotics during the month; an accounting for stamps on hand at the beginning of the month, purchased during the month, affixed during the month and on hand at the end of the month; and the signature and title of the person filing the return. The form is required to be executed under oath.

Forms 810A, 810B, 810C, and 810D. Supplements to Form 810 showing in detail the information summarized in that form.

Form 810E. Semi-annual inventory return to be filed by manufacturers, producers, and compounders covering taxable narcotic drugs and preparations on hand as of June 30 and December 31 of each year. The information required to be shown on the return includes the name, address, and registry number of the person making the return; the district in which the return is filed; the closing date of the period; and complete data as to the raw materials, goods in process, finished process goods, finished goods in marketable packages, and miscellaneous stock on hand on the date shown.

Form 811. Monthly return of wholesale dealer in taxable narcotic drugs and preparations. The information required to be shown on the return includes the name, registry number, and address of the person making the return; the district in which the return is filed; the month covered by the return; a summary showing the number of individual stamped packages on hand at the beginning of the month, received during the month, disposed of during the month, and on hand at the close of the month; and the signature and title of the person filing the return. The return is required to be executed under oath.

Forms 811A and 811B. Supplements to Form 811 showing in detail the taxable narcotic drugs and preparations received and disposed of during the month as summarized on Form 811.

Form 811C. Semi-annual inventory return to be filed by wholesale dealers of taxable narcotic drugs and preparations on hand June 30 and December 31 of each year. The information required to be shown on the return includes the name, address, and registry number of the person making the return; the district in which the return is filed; closing date of the period covered thereby; and complete data as to the name, quantity and narcotic contents of the drug or preparation, the size of the individual package, the number of packages, and the total content of all the packages covered by each entry, classified according to the kind of narcotic contained in the drug or preparation.

Form 838. Form of monthly return required to be filed by brokers, dealers, etc., covering their documentary and stock transfer stamp account. The information required to be shown on the return includes the month covered by the return; the name and address of the person making the return; the value of the stamps on hand at the beginning of the month, purchased during the month, used during the month, and on hand at the end of the month; and the signature and title of the person making the return. This return is required to be made under oath.

Form 923. Form of order for stamps covering imported oleomargarine and playing cards. The information required to be shown on the form includes the name and address of the owner or importer of the merchandise; the address of the collector; the date of the order; the description of the article subject to tax; the number and denomination of stamps desired; the rate of tax applicable; the value of the stamps; and a certificate of the collector of customs showing from where imported and in what manner the products were imported.

Form 960. Form of annual return of producer of marihuana. The information required to be shown on the return includes the name, registry number and address of the person making the return; the district in which such return is filed; the period covered by the return; a summary concerning the cultivation and harvesting of marihuana; a summary concerning the production and disposition of bulk marihuana, and the purchase or receipt of seeds for planting; a detailed statement of all seeds received from outside sources for planting, and of all marihuana exported, sold or otherwise disposed of, and the signature and title of the person making the return. The return is required to be executed under oath.

Form 961. Form of quarterly return of importer, manufacturer, or compounder of, or dealer in, nonmedicinal marihuana products. The information required to be shown on the form includes the name, registry number, and address of the person making the return; the district in which the return is filed; the closing date of the period covered by the return; a summary of the importation, purchase and disposition of the bulk marihuana; a summary of the manufacture of nonmedicinal marihuana products; a summary of the production, importation, purchase and disposition of nonmedicinal marihuana products; and the signature and title of the person making the return. The return is required to be executed under oath.

Form 961A. Form of supplemental statement to be attached to Form 961 showing in detail certain of the information summarized in Form 961.

Form 1 (Firearms). Form for use in the registration of firearms in conformity with the provisions of Part VIII, Subchapter A, Chapter 27, and Subchapter B, Chapter 25, of the Internal Revenue Code. The information required to be shown on the form includes the date thereof; the address of the collector; the name, home address and place of business or employment of the person possessing the firearm; the date of acquisition of the firearms; the address where the firearm is usually kept; the kind of firearm; serial number, model, caliber and length of barrel; the name and address of the manufacturer; and the signature of the owner. This form is required to be executed under oath.

Form 2 (Firearms). Form of return of firearms manufactured, imported, or received by manufacturer, importer, dealer (other than pawnbroker), and pawnbroker, under Chapter 25, Subchapter B, of the Internal Revenue Code. This return is required to be filed immediately upon the manufacture, importation or receipt of any firearm. The information required to be shown on the return includes the date on which the firearm was manufactured, imported or received; the name and address of the manufacturer or the person for whom received; the place where the firearm is usually kept; the kind of firearms; the serial number, model and caliber of such firearm; the name and address of the person making the return; and the special tax stamp number issued to the person making the return. This return is required to be executed under oath.

Form 3 (Firearms). Form of return of firearms transferred or otherwise disposed of by manufacturer, importer, dealer (other than pawnbroker) and pawnbroker under Chapter 25, Subchapter B, of the Internal Revenue Code. This return is required to be filed immediately upon the transfer or other disposal of the firearm. The information required to be shown on this form includes the date on which the firearm was transferred or otherwise disposed of; the authority for the transfer; the name and address of the purchaser or the person to whom transferred; the kind of firearm; the serial number, model and caliber of the firearm; the signature and address of the person making the return; and the number of the special tax stamp issued to the person making the return. The return is required to be executed under oath.

Form 4 (Firearms). Form of application and order form for transfer of firearms. Every person seeking to obtain a firearm must make application on this form, in duplicate, to the transferor. The information required to be shown on the form by the applicant includes the name and address of the applicant; the address where the firearm will usually be kept; the object in seeking to obtain the firearm; the use to be made of the firearm; the provisions which will be made for the storage of the firearm; the person or persons who will be authorized to use it; a list of all places of residence of the applicant during the preceding five years; the present occupation of the applicant; the name and address of his employer; a record of any military service performed; a description of any defect of limb or other physical deformities; the weight and height of the applicant; a complete set of finger prints; details concerning any arrests; the photograph of the applicant; and the signature of the applicant. The applicant is required to execute this form under oath.

In addition, the transferor of the firearms must show the kind, serial number, model, caliber and other marks of identification of such firearm; the name and address of the manufacturer; and the signature and address of the transferor. The transferor must also attach the proper stamp to the form.

Form 5 (Firearms). Application for exemption from payment of transfer tax on firearms under Chapter 25, Subchapter B, of the Internal Revenue Code. The information required to be shown on the form includes the date of the application; the name and address of the transferee; the kind, serial number, model, caliber, length of barrel in inches, and other marks of identification of the firearm; the name and address of the manufacturer of the firearm; a statement as to the basis for the exemption; the date of the transfer; the name of the transferor; and the signature and address of the transferee. This application is required to be executed under oath.

Form 6 (Firearms). Application for importation of firearms under Chapter 25, Subchapter B, of the Internal Revenue Code. The information required to be shown on this form includes the date of the application; name and address of the importer; the kind, serial number, model, caliber, length of barrel in inches, and other marks of identification of the firearm; the name and address of the manufacturer of the firearm; purpose for which the firearm is to be used; whether the applicant is a duly qualified importer; whether special tax has been paid for the current year; whether an attempt has been made to obtain a similar firearm in the United States; a detailed statement of the reasons why the firearm described is unique or of a type which cannot be obtained within the United States or any territory under its control or jurisdiction; and the signature of the applicant. The application is required to be executed under oath.

Form 7 (Firearms). Form of application for license under the Federal Firearms Act (52 Stat. 1230). The information required to be shown on this form includes the date of the application; the name, trade name if used, and address of the applicant; whether a manufacturer or dealer in firearms; post office addresses of any additional places of business; and the signature of the person making the application. The application is required to be executed under oath.

Form 8 (Firearms). Form of license under the Federal Firearms Act. This form is issued by the collector after approval of the application on Form 7 (Firearms). The information required to be shown on the form includes the district of the collector issuing the license; the number of the license; the name, trade name if used, and address of the licensee; the class of license; the period covered by the license; and the signature of the collector.

Form 11A (Firearms). Special tax return and application for registry to be filed by manufacturers and importers of, and dealers in, and pawnbrokers handling, firearms. The information required to be shown on the form includes the name, trade name if used, and address of the applicant; the kind of business being conducted; the period for which application is made; and the signature of the person making the application. The application is required to be executed under oath.

Form 1 (Silver). Application for certificate of registration as a transferor regularly engaged in the business of furnishing silver bullion for industrial, professional or artistic use. The information required to be shown on the form includes the address of the collector to whom application is made; the name and address of the applicant; data concerning the applicant's use of silver; the quantity of silver actually used; the trade name of the applicant; and the signature of the applicant under oath.

Form 1–A (Silver). Form of certificate issued by the collector evidencing the right of the person to whom issued to claim the benefits of the abatement or refund provisions of section 1805 of the Internal Revenue Code which imposes a tax on transfers of interests in silver bullion. The information required to be shown on the form includes the registry number of the person to whom the certificate is issued; the address of the collector; the date of the certificate; the name and address of the person to whom the certificate is issued; whether such person is a manufacturer, producer or vendor; and the signature of the collector.

Form 2 (Silver). Memorandum of transfer of an interest in silver bullion to be filed by the transferor of the bullion. The information required to be shown on the return includes the date of the transfer; the name and address of the transferor; the name and address of the transferee; the interests in silver bullion transferred in fine troy ounces; data concerning the acquisition and sale of the silver interest; the amount on which tax is computed; the amount of tax covered by any claim for abatement attached to the Form 2 (Silver); the amount of tax due; and the signature under oath of the person filing the form.

Form 3 (Silver). Form of monthly return of tax on transfer of interests in silver bullion to be filed by producers or registered dealers. The information required to be shown on the return includes the date of the return; the name and address of the producer or registered dealer; the month for which the return is being filed; a summary of sales of silver during the month; a summary of purchases of silver during the month; an inventory of silver on hand at the close of the month; the total amount of tax payable; and the signature of the taxpayer. The return is required to be executed under oath.

Form 3A (Silver). Supplemental sheet to be attached to the monthly return on Form 5 (Silver). The information required to be shown on the form is the detailed data concerning the transfer of silver interests and the computation of the tax as summarized on Form 5 (Silver).

Form 3B (Silver). Form of supplemental return which may be used only upon special authorization of the Commissioner. The information required to be shown on this return is similar to that shown on Form 3 (Silver) except that it shows daily transactions instead of monthly totals. This return also is required to be executed under oath.

Form 3C (Silver). Form of supplemental sheet to be attached to the monthly return on Form 5 (Silver) but only upon special authorization of the Commissioner. The information required to be shown on this form relates to each transaction in silver separately and contains detailed data which are summarized on Form 5 (Silver).

Form 6 (Silver). Form of application for inventory determination filed by a transferor of silver interests for a certificate of registry under the provisions of Article 85 of Regulations 85 referred to in paragraph (a) above. The information required to be shown on this form includes the name, principal place of business and address of the applicant; data concerning the applicant's type of business; the names of the principal purchasers of the silver; the basis for the amount claimed as necessary inventory; the average cost of the necessary inventory and how determined; and the signature of the applicant. This form must be executed under oath.

Form 7 (Silver). The form of certificate issued by the collector upon approval of the application on Form 6 (Silver). The information required to be shown on this form includes the certificate number; the district where issued; the date of the certificate; the name and address of the person to whom the certificate is issued; the quantity in fine troy ounces of the necessary inventory; the average cost per fine troy ounce; and the signature of the collector.

Form 8 (Silver). Form of agreement executed by a person who has filed application on Form 6 (Silver) and has had issued the certificate on Form 7 (Silver). The information required to be shown on the form includes the address of the collector who issued the certificate; the number and date of the certificate; the type of business being engaged in by the applicant; and the signature of the person executing the agreement. This agreement must be executed under oath.

Form 9 (Silver). Form of application for elective benefits of a person engaged in transactions in silver foreign exchange. The information required to be shown on this form includes the name and principal place of business of the applicant; data concerning the silver foreign exchange purchases and sales; whether transactions of branch offices located in foreign countries are excluded; and the signature of the applicant. The form must be executed under oath.

Form 9a (Silver). Form of order for silver tax stamps. The information required to be shown on the return includes the address of the collector; the date of the order; how the stamps are to be sent; to whom, and the address to which, the stamps are to be sent; the number of each denomination of stamp and the value thereof; and the total value of all stamps ordered.

Form 10 (Silver). Form of certificate issued by collector upon approval of application on Form 9 (Silver), above. The information required to be shown on the form includes the certificate number; the district of the collector issuing the certificate; the date of the certificate; the name of the person to whom the certificate is issued; and the signature of the collector issuing the certificate.

Form 11 (Silver). Form of monthly return of a person who has been furnished a certificate on Form 10 (Silver), above. The information required to be shown on the form includes the name of the taxpayer; the month for which the return is filed; detailed data concerning the transactions in silver foreign exchange; the amount of tax determined to be due; and the signature of the taxpayer. The return is required to be executed under oath.

Form 11a (Silver). Form of schedule to be attached to the monthly return on Form 11 (Silver), above. The information required to be shown on this schedule includes the name of the taxpayer; the month for which the schedule is prepared; and certain detailed data which is summarized in Form 11.

Form 843 (Silver). Form of claim for abatement exemption filed in support of exemptions claimed on Forms 2 and 3 (Silver). The information required to be shown on the form includes the name and the business and residence addresses of the claimant; the number of the return form on which the exemption is claimed; the date of such return form; the basis upon which the claim is made; and the signature of the claimant. The form is required to be executed under oath.

For forms of general application, see § 601.1 (g).

§ 601.11 *Excess Profits Tax Council; Appellate functions and procedures under section 722 of the Internal Revenue Code.*—(a) *General.* Subchapter E of Chapter II of the Code imposed on corporations an excess profits tax based on their "excess profits tax net income" as defined in section 711 of the Code. This tax was effective as to taxable years beginning after December 31, 1939 and was repealed by the Revenue Act of 1945, as of January 1, 1946. Section 722 of the Code provides that if the taxpayer, pursuant to certain rules and standards in such section, establishes that the tax computed under subchapter E is excessive and discriminatory, relief under limitations contained in section 722 will be granted. As set out in section 600.12, the appellate functions of the Excess Profits Tax Council are limited to considering cases arising under section 722. The Council has no jurisdiction of issues respecting excess profits tax liability which do not fall under section 722. Such issues are handled under established procedures by the field divisions of the Income Tax Unit (see § 601.52) and field divisions of the Technical Staff (see § 601.53).

The rules bearing upon the procedure applicable with respect to section 722 of the Code are found in Regulations 109 and Regulations 112 (see § 601.2). There has also been published a "Bulletin on Section 722 of the Internal Revenue Code", copies of which may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C. The authority, functions, and procedures of the Excess Profits Tax Council are shown in Commissioner's Mimeograph No. 6044, approved by the Secretary of the Treasury July 30, 1946 (see § 600.12). The Council has promulgated statements on organization and procedure, E. P. C. 1 and 2. Copies of Mimeograph No. 6044 and E. P. C. 1 and 2 may be obtained from the Council or a Field Committee (see §§ 600.12 and 600.56). Practice and conference procedure before the Council is also governed by Treasury Department Circular 230 (31 CFR, Cum. Supp., Part 10), as amended (31 CFR, 1945 Supp., Part 10), and the Bureau of Internal Revenue Conference and Practice Requirements (Internal Revenue Bulletin 1942–1, page 384; see § 601.1 (d) (4)).

(b) *Procedure.* To secure excess profits tax relief under section 722 of the Code an application therefor must be filed with the Commissioner of Internal Revenue, Washington 25, D. C. Generally, such application must be filed within three years from the date the excess profits tax return was filed or within two years from the date the tax was paid, whichever is the later. See sections 722 (d) and 322 of the Code. The application is required to be filed in duplicate on Form 991, copies of which are obtainable at collectors' offices. The regulations promulgated under section 722 (see subsection (a)) provide that no application must be filed for each year for which the benefits of section 722 are claimed and that only one section 722 application for each year may be filed. Such applications are required to be so framed as to adequately disclose the essential facts and issues involved.

Applications for relief under section 722 are referred for investigation and

consideration to section 722 Field Committees established at the offices of Internal Revenue Agents in Charge (see §§ 600.12 and 600.56). After completion of investigation and consideration of an application for relief by a section 722 Field Committee the taxpayer is afforded opportunity for a conference for the consideration of the Committee's findings. After Field Committee consideration and conference with the taxpayer, the recommendations of the Field Committee are certified to the Excess Profits Tax Council for review. In the event that the taxpayer and the Field Committee cannot reach an agreement on the application or where an agreement between the taxpayer and the Field Committee is not approved by the Council, the taxpayer will be afforded an adequate opportunity to have its case heard before the Council.

Hearing rules of the Council will be published when promulgated.

Determinations of the Council are subject to appeal to the Tax Court of the United States under the provisions of section 732 of the Code.

§ 601.12 *Salary Stabilization*—(a) *General.* The functions of the Salary Stabilization Unit relate to supervision of certain salary adjustments, including the establishment of new salary rates, pursuant to authority vested in the President by the Act approved October 2, 1942 (56 Stat. 765) as amended (50 U. S. C. App. Sup. Sections 961–971) which authority has been delegated to the Commissioner of Internal Revenue who acts through the Head of the Salary Stabilization Unit. As to delegation of authority see: Executive Orders Nos. 9250, 9328 (3 CFR, Cum. Supp.); 9599, 9651 (3 CFR, 1945 Sup.); Executive Order No. 9697, 11 F. R. 1691; and Executive Order No. 9699, 11 F. R. 1929; also Regulations of the Economic Stabilization Director, approved October 27, 1942 (32 CFR, Cum. Sup., Part 4001), as amended by Regulations approved August 28, 1943 (32 CFR, 1943 Sup., Part 4001); and Supplementary Wage and Salary Regulations promulgated March 8, 1946, by the Director of Economic Stabilization, 11 F. R. 2517.

Rules in regard to the functions of the Bureau in connection with the stabilization of salaries are contained in Treasury Decisions 5186, 5295, 5406, 5416, 5435, 5450, 5462 (29 CFR, Cum. Sup., Part 1001), T. D. 5489, 11 F. R. 296; T. D. 5506, 11 F. R. 4083; and T. D. 5511, 11 F. R. 4724.

(b) *Jurisdiction.* During the period October 3, 1942, to August 18, 1945, the approval of the Commissioner was required for adjustments in compensation of certain employees, particularly described in the Treasury decisions cited above, with the exception of adjustments specifically set forth in those Treasury decisions as not requiring approval or deemed approved. Such adjustments made without approval were unlawful, and the Commissioner is empowered to impose sanctions upon employers determined to have contravened the Act by the unlawful payment of compensation during that period.

During the period March 15, 1946, to July 1, 1946, and after July 25, 1946, increases in employees' salaries subject to the jurisdiction of the Commissioner under the Act of October 2, 1942, may not, with exceptions noted in the Treasury decisions listed above, be used as bases for seeking increases in price or rent ceilings, or public utility rates, for resisting otherwise justifiable reductions in such ceilings or rates, nor for increasing costs to the United States unless the increases are approved by the Salary Stabilization Unit.

The establishment of a new salary rate in a new plant or in a new department of an existing plant without approval of the Commissioner is unlawful unless the rate conforms to those provisions of Treasury Decision 5295 which authorize certain increases to be made without approval.

Decreases in certain salaries without approval of the Commissioner are unlawful, with the exceptions noted in sections 1002.15 and 1002.16 of Treasury Decision 5295.

(c) *Procedure.* Applications for approval of salary adjustments are required to be filed on Form SSU–1; and for approval of salaries for new positions, on Form SSU–2. These applications must be filed with the Regional Office of the Salary Stabilization Unit having jurisdiction over the territory in which the employer has his principal office or place of business, and will be considered and decided by such Regional Office.

Applicants who disagree with decisions of Regional Offices may appeal to the Head of the Salary Stabilization Unit, who will review and sustain, reverse, or modify any action upon which an appeal is filed. No particular form of appeal is prescribed, the only requirement being that a request shall be made in writing for review of the action of the Regional Office.

The Head of the Unit may, of his own volition, review and amend or reverse any decision of a Regional Office, but such action will not operate to the detriment of an applicant for the period during which he has paid salaries at rates approved by the Regional Office and until he is notified by the Head of the Unit of his amendment or reversal of such approval.

(d) *Conference.* An employer who desires a conference in regard to any salary stabilization matter may obtain such a conference in a Regional Office or in the office of the Head of the Salary Stabilization Unit by addressing a letter to the office in which the conference is sought. If the employer desires to be represented by a person who is not an officer or employee whose salary is not in issue, such representative must be enrolled to practice before the Treasury Department and must file a power of attorney authorizing him to represent the employer in salary stabilization matters. See § 601.1 (d) (4).

(e) *Contravention.* The procedure with respect to contravention or alleged contravention of the Act of October 2, 1942, is set forth in Treasury Decision 5416. See subsection (a).

(f) *Description of forms.* The forms prescribed for use in connection with salary stabilization are as follows:

FORM SSU–1. *Employers Application for Approval of Salary Adjustment.* This form requires information as to the nature and size of the employer's business, duties of the position, salary history of the position and of the employee, and reasons for the proposed adjustment.

FORM SSU–2. *Employers Application for Approval of Salary Rate for New Position.* This form requires a brief description of the size and nature of the employer's business, duties of the position, organization chart, comparison of proposed rate with existing rates for similar positions, and earning history of the employee.

Both forms may be obtained at Regional Offices.

§ 601.13 *Rules*—(a) *Formulation.* Internal revenue rules take various forms. The most important rules are issued as regulations and Treasury decisions, prescribed by the Commissioner and approved by the Secretary. Less important rules may be issued over the signature of the Commissioner only. The channeling of rules varies with the circumstances. Regulations and Treasury decisions are prepared in the Bureau by representatives of the appropriate Deputy Commissioner and the Chief Counsel for the Bureau. After consideration by the Deputy Commissioner, the Chief Counsel, and the Commissioner, they are forwarded to the Office of the General Counsel for the Treasury Department for further consideration. After being considered by the Tax Legislative Counsel and the General Counsel, they are submitted to the Secretary or to an Assistant Secretary for further consideration and final approval. General notice where required by section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress, 2d Session) and in such other instances as may be desirable is published in the FEDERAL REGISTER of proposed rules (unless all persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law) and includes (1) a statement of the time, place, and nature of public rule-making provisions; (2) reference to the authority under which the rule is proposed; and (3) either the terms or substance of the proposed rule or a description of the subjects and issues involved.

(b) *Petition to change rules.* Interested persons are privileged to petition for the issuance, amendment, or repeal of a rule and such petitions will be given careful consideration. Petitions should be addressed to the Commissioner of Internal Revenue, Washington 25, D. C.

(c) *Publication.* All internal revenue regulations and Treasury decisions (whether interpretative or substantive) are published in the FEDERAL REGISTER and in the Code of Federal Regulations. The Treasury decisions are also published in the semimonthly Internal Revenue Bulletin and the annual Cumulative Bulletin. In addition, it is the policy of the Bureau to publish all rulings and decisions, including opinions of the Chief Counsel, which because they announce a ruling or decision upon a novel question or upon a question in regard to which there exists no previously published ruling or decision, or for other reasons, are of such importance as to be of general interest. It is also the policy of the Bureau to publish all rulings or decisions which revoke, mod-

ify, amend, or affect in any manner whatever any published ruling or decision.

(d) *Executive orders.* Executive orders on matters arising under the internal revenue laws such as, for example, inspection of tax return (see § 600.1 (b) (2)) are ordinarily prepared in the office of the Chief Counsel for the approval of the President.

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary.

[F. R. Doc. 46-15357; Filed, Aug. 28, 1946; 4:18 p. m.]

BUREAU OF THE MINT

[31 CFR, Ch. I]

PART 91—FUNCTIONS AND ORGANIZATION, BUREAU OF THE MINT

Sec.
91.1 Functions.
91.2 Central organization.
91.3 Field organization.
91.4 Public information; submittals and requests.

§ 91.1 *Functions.* The first United States Mint was founded at Philadelphia, Pennsylvania, in 1792. The direction of the branch mints and assay offices, authorized later, remained at Philadelphia until 1873, when the Bureau of the Mint was established, headed by the Director of the Mint with offices in Washington.

The Bureau of the Mint and the mint and assay offices and depositories throughout the United States administer various Acts of Congress contained in Title 31 of the United States Code, Chapters 7 and 8, which deal with the coinage of money and the purchase, sale, deposit, assay, refining and custody of gold and silver; and in part administer Treasury controls over the acquisition, ownership, possession and use of the monetary metals.

§ 91.2 *Central organization.* The Central office of the Bureau of the Mint, headed by the Director of the Mint, is situated in the Washington Building, 15th and New York Avenue, Washington 25, D. C., and is composed of the following divisions: (a) The Office of the Director; (b) The Gold Unit; (c) The Silver Unit; (d) The Laboratory Unit; (e) The Accounting Unit; and (f) The Personnel Unit.

(a) *The Office of the Director.* The Director of the Mint is appointed by the President with the advice and consent of the Senate for a term of 5 years. By statute, the Director is charged with the general supervision of the activities of the central office and of the seven field institutions, under the general direction of the Secretary of the Treasury (31 U. S. C. 251). All inquiries regarding general mint matters not specifically stated to be directed to the field institutions should be addressed to the Director of the Mint.

The Secretary of the Treasury has delegated to the Director the authority to administer the issuance of Treasury licenses for the acquisition, ownership, possession, and use of gold for industrial, professional and artistic purposes; the revocation of such licenses, or the denial of applications therefor, is subject to review by the Secretary of the Treasury.

The Director fixes the charges for the coinage of money for foreign countries, with the approval of the Secretary of the Treasury, and prepares quarterly estimates of the values of the standard coins of the various nations of the world, which the Secretary of the Treasury is required by law to proclaim (31 U. S. C. 367, 372).

The Assistant Director of the Mint is a civil service employee and has been designated by the Secretary of the Treasury to act as Director in the temporary absence of the latter.

(b) *The Gold Unit.* Administers the Gold Regulations (31 CFR and Cum. Supp., Part 54); examines all applications for licenses for the industrial, professional, and artistic use, and the export, of gold, and prepares for the signature of the Director (1) authorizations to be sent to the Mint institutions in the field for the issuance of industrial licenses in appropriate cases; (2) authorizations to be sent to the Mint institutions in the field for the issuance of specific licenses for individual exports of gold; (3) general export licenses for periods of three months, and (4) instructions to effect delivery of illegally held gold coin or bullion and instructions for the disposition of gold which through litigation or forfeiture has become the property of the United States; makes recommendations to the Director for the revocation of gold licenses or the denial of applications therefor; initiates investigations of indicated irregularities in gold transactions; and audits reports of licensees.

(c) *The Silver Unit.* Administers the regulations concerning newly mined domestic silver, audits reports and examines affidavits to ascertain the eligibility of silver delivered to the mint institutions pursuant to such regulations; conducts investigations through its field auditors to preclude the acceptance of ineligible silver; compiles and analyzes general data relative to silver; and prepares rules concerning the eligibility of silver under the Newly Mined Domestic Silver Regulations (31 CFR, Cum. Supp. Part 80).

(d) *The Laboratory Unit.* Advises the Director of the Mint on metallurgical matters and makes necessary metallurgical and chemical investigations, tests, and assays.

(e) *The Accounting Unit.* Handles fiscal matters and budget estimates, collects and compiles domestic and foreign monetary statistics for publication, and prepares for the Director the Annual Report and the quarterly estimates of the values of foreign moneys.

(f) *The Personnel Unit.* Performs customary personnel functions for all employees of the Mint Service.

§ 91.3 *Field organization.* The Mint service includes Coinage Mints located at 16th and Spring Garden Streets, Philadelphia, Pennsylvania; Colfax and Delaware Streets, Denver, Colorado; and Buchanan Street and Duboce Avenue, San Francisco California: Assay Offices at 815 Airport Way, Seattle, Washington, and 32 Old Slip, New York City: a Bullion Depository for gold at Fort Knox, Kentucky, and a silver Bullion Depository at West Point, New York.

The United States is divided into the following mint districts for the administration of the gold and silver regulations and for the receipt of gold and silver deposits:

The Philadelphia Mint District, consisting of the States of Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, and the District of Columbia.

The Denver Mint District, consisting of the States of Colorado, Iowa, Kansas, Minnesota, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

The San Francisco Mint District, consisting of the States of Arizona, California, and Nevada, and the Territories and possessions of the United States not specifically included in other mint districts.

The Seattle Mint District, consisting of the States of Idaho, Montana, Oregon, and Washington, and the Territory of Alaska.

The New York Mint District, consisting of the States of Connecticut, Delaware, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and Wisconsin, and Puerto Rico, the Virgin Islands of the United States, and the Panama Canal Zone.

A Superintendent, appointed by the President by and with the advice and consent of the Senate for no fixed term, is in charge of each coinage mint and assay office (with the exception of the United States Assay Office at Seattle which is headed by the Assayer In Charge). The Superintendent has general supervision of and responsibility for the conduct of the business of the institution and is responsible for values received and stored therein. All inquiries and correspondence relative to business conducted at the coinage mints and assay offices should be addressed to the Superintendent in charge of the respective institutions (or to the Assayer In Charge of the Seattle office).

The assistant head of each mint and assay office is the Chief Clerk, who is authorized by statute to act as Superintendent (or Assayer in Charge) in the absence of the latter. Each mint and the New York assay office has an Assay Department headed by the Assayer, who is appointed by the President by and with the advice and consent of the Senate for no definite term, and who by law is responsible for the assay made of every deposit of gold and silver and its correctness.

All coinage mints and assay offices receive gold and silver bullion for deposit and return or for purchase by the Government in accordance with applicable laws and regulations; determine the eligibility of such gold and silver for deposit and return or purchase; have custody of such gold and silver bullion as may be purchased by them; and sell gold and silver as authorized by law. All mints and assay offices issue licenses for the use of gold, after approval of applications by the Director. Information in connection with the issuance of such licenses, the eligibility of gold and silver for deposit, and the sale of gold and

silver, as well as the necessary application and affidavit forms, may be obtained from any mint or assay office. All mints and assay offices make assays of gold and silver bullion for the public and the Denver Mint and the Seattle Assay Office make commercial assays of ores.

The coinage mints at Denver, Philadelphia, and San Francisco manufacture all of the metal money of the United States and have custody of the finished coins until they are shipped to the Federal Reserve Banks by order of the Treasurer of the United States. Coins are manufactured for foreign governments pursuant to contract. Medals of a national character and proof coins for sale to the public are manufactured at the Philadelphia mint, and are available only upon application to the Superintendent of that institution.

The United States Bullion Depository at Fort Knox is maintained solely for safe-keeping of the Government's stores of monetary gold and is not open to the public. It is headed by the Chief Clerk in Charge, and in his absence the Assistant Chief Clerk.

The United States Bullion Depository at West Point is operated as an adjunct to the New York Assay Office and is used solely for the storage of silver. It is not open to the public.

§ 91.4 *Public information; submittals and requests*—(a) *Rules as to access to records.* Apart from records dealing with matters of internal management, the Bureau of the Mint maintains files containing the following types of documents:

(1) On file at the Office of the Director:

(i) Applications for gold licenses.

(ii) Reports (filed by gold licensees and by depositors of silver).

(iii) Gold licenses, and notifications from the Director of the Mint to the Mint institutions instructing them to issue or deny specified applications for gold licenses, or to revoke specified existing gold licenses.

(iv) Affidavits (by depositors of silver to establish its eligibility for purchase).

(v) Audit reports (of major silver refining companies, made by field auditors of the Mint Bureau).

(vi) Secret Service investigative reports.

(2) On file at the Mint institutions:

(i) Affidavits accompanying deposits of gold and silver.

(ii) Records of before-melting weight of gold and silver bullion.

(iii) Final report of assay and calculation of value of bullion (supplied to depositor on Form 39).

(iv) Copies of some of the records listed in A above.

Documents of the type subparagraph (1) (iii) of this paragraph, are deemed to be final opinions and/or orders within the meaning of sec. 3 (b) of the Administrative Procedure Act (Public Law 404, 79th Congress, 60 Stat. 238). They are not cited as precedents. Such documents are held to be confidential for the following good cause: They do not contain information of legitimate value to the general public other than to indicate that a given person or enterprise does not hold a Treasury gold license, which information can be obtained from the Bureau of the Mint. Furthermore, such documents may contain information of a confidential nature concerning the commercial and industrial affairs and activities of individuals and enterprises, *e. g.*, amounts of gold and silver mined, or held in stock, proposed industrial, professional and artistic uses to be made of such metals, etc. To permit inspection of such documents would violate public and private confidence and would be contrary to the best interests of the Government and of persons dealing with the Bureau of the Mint.

Documents of the types in subparagraph (1) (i), (ii), (iii), (iv), and (v), and subparagraph (2) (vii), (viii), (ix), and (x) of this paragraph are deemed to be matters of official record within the meaning of sec. 3 (c) of the Administrative Procedure Act, but are held to be confidential for the reason set forth in the last two sentences of the preceding paragraph. However, such documents shall be available for inspection by the following persons, under the following circumstances:

(*a*) An applicant for a gold license, and his agent or successor in interest may inspect documents of the types in subparagraphs (1) (i) and (iii) and (2) (x) of this paragraph which refer to his application;

(*b*) Holders of gold licenses, and persons whose licenses have been revoked, and persons whose applications have been denied, and their agents or successors in interest may inspect documents of the types in subparagraphs (1) (i), (iii) and (2) (x) of this paragraph which refer to such licenses or applications;

(*c*) A depositor of silver or gold, and his agent or successor in interest may inspect documents of the types in subparagraphs (1) (ii), (iii), (iv), (v), and (2) (vii), (viii), (ix), and (x) of this paragraph, which refer to such deposit;

(*d*) Documents of the types in subparagraphs (1) (i), (ii), (iii), (iv), (v) and (2) (vii), (viii), (ix), and (x) of this paragraph shall also be available for inspection by other persons properly and directly concerned upon the furnishing of a court order therefor, entered in pending litigation, or in lieu thereof the written consent of the person entitled to inspect such records pursuant to (*a*), (*b*) and (*c*) above.

Documents of the type in subparagraph (1) (vi) of this paragraph have been held by the Secret Service Division to be confidential for the reasons stated in rule published concurrently with this rule, and are not, therefore, available for inspection.

Persons desiring to examine records of the Bureau of the Mint are required to make written application to the Director of the Mint, Washington 25, D. C., giving information as to the particular records desired to be examined. Applicants will be advised of the records which, in accordance with the provisions above, they will be permitted to examine, and the time and place of examination. In certain instances, where facilities permit, copies of documents may, in the discretion of the Director, be sent to the applicant.

(b) *Submittals and requests.* The public may secure information from, or make submittals or requests to, the Director of the Bureau of the Mint, Washington 25, D. C. However, attention is directed to Part 92 of this chapter which sets forth procedures to be followed in connection with customary functions of the Mint Bureau, such as the issuance of gold licenses. In all appropriate cases such procedures should be followed before submittals or requests are made to the Director.

PART 92—PROCEDURES

Sec.

92.1 Regulation of use and holding of gold.
92.2 Issuance of gold licenses.
92.3 Purchase of gold.
92.4 Deposit of newly mined domestic silver.
92.5 Receipt, handling of bullion deposits; payment therefor.
92.6 Deposits of United States coins.
92.7 Sale of gold.
92.8 Sale of silver.
92.9 Assays of bullion and ores.
92.10 Medals and proof coins.
92.11 Informal procedures.

§ 92.1 *Regulation of use and holding of gold.* Pursuant to Executive Order No. 6102 of April 5, 1933, Executive Order No. 6260 of August 28, 1933 (31 CFR, Part 50), and the Order of the Secretary of the Treasury of December 28, 1933, as amended and supplemented (31 CFR 52.1), all persons subject to the jurisdiction of the United States were required to deliver to the Treasurer of the United States all gold coins (except "rare" gold coins), gold bullion, and gold certificates situated in the United States, with certain minor exceptions not of interest to the general public. At the present time, the acquisition, ownership and disposition of gold in all forms is permitted only in accordance with the Provisional Regulations issued under the Gold Reserve Act of 1934 (31 CFR, Part 54).

Persons holding gold in melted or treated form which was required to be delivered pursuant to the orders mentioned above, or which is not authorized to be held under the Gold Regulations, should immediately deliver such gold to a United States Mint or Assay Office and should execute the form entitled "Special Affidavit of Depositor of Gold in Melted Form." This form may be procured from any United States Mint or Assay Office or from the Director of the Mint, Washington, D. C. Payment for gold held in noncompliance with the Orders referred to above is governed by the Instructions of the Secretary of the Treasury of January 17, 1934 (31 CFR 53.1) which provide, subject to the rights reserved, for payment at the rate of $20.67 an ounce. Disposition of gold not authorized to be acquired or held under the Gold Regulations is determined by the Director of the Mint.

Section 20 of the Provisional Gold Regulations permits, with certain exceptions, the acquisition, holding, etc., of "rare" gold coins. This section does not, however, permit the acquistion, holding, etc., of gold coins which were required to be delivered under the Orders mentioned above.

Gold coins which have been withheld in violation of any of such orders should be delivered promptly to the Treasurer of the United States a United States Mint or Assay Office, a Federal Reserve Bank or branch, or a member bank of the Federal Reserve system. Any gold coin which has not been of recognized special value to collectors of rare and unusual coins since prior to April 5, 1933, should, in the absence of special circumstances, have been delivered pursuant to such administrative orders, and accordingly is now required to be so delivered.

Payment for gold coins required to be delivered under the Orders mentioned above is governed by the Instructions of the Secretary of the Treasury of January 17, 1934, which provide, subject to the rights reserved, for payment of the dollar face amount for United States coins and payment at the rate of $20.67 an ounce for foreign gold coins.

§ 92.2. *Issuance of gold licenses*—(a) *Licenses for industrial, professional, and artistic uses.* Applications for licenses for the industrial, professional and artistic use of gold are made on Form TG–12 and the supplement thereto, which require a description of the applicant's business, a statement of the specific purpose for which the gold is to be used, an estimate of requirements for a three months period and other information. Copies of these forms are available at all field offices or at the Office of the Director of the Mint. The applications should be submitted to the Mint or Assay Office in the district in which the applicant resides or has his principal place of business. Applications are given preliminary processing for completeness and technical acceptability and are then forwarded to the Office of the Director which determines the eligibility of the applicant under the Gold Regulations to receive a license. If the Mint Bureau is satisfied that the gold is required for "legitimate and customary" use in an industry, profession or art, the appropriate mint office is authorized by the Director to issue the license (31 CFR 54.23). The licenses are issued on Forms TGL–12, License to Deal in Unmelted Scrap Gold; TGL–13, License to Acquire and Hold, Transport, Melt and Treat, and Import Gold for Furnishing to, Processing for, or Use in, Industry, Profession, or Art, or for Refining for Reexport, or for Sale to the United States; or TGL–14, License to use Gold in Industry, Profession, or Art; depending upon the amount authorized and character of the applicant's business (31 CFR 54.25 (a) and (b). If an application for a license is denied the interested party is so informed by the Director of the Mint. Gold Licenses are subject to revocation by the Mint of issue upon instructions from the Director with the approval of the Secretary of the Treasury for noncompliance with the Gold Regulations or the terms of the License or for other sufficient cause. Any subsequent correspondence in regard thereto should be addressed to the Director.

Quarterly reports are required on Form TGL–12 from scrap gold dealers licensed on Form TGL–12, on Form TGL–13 from refiners and smelters of gold licensed on TGL–13, and on TGL–14, from fabricators of gold products licensed on TGL–14, containing detailed information as to their operations during the preceding three months. The report forms are mailed quarterly from the Office of the Director of the Mint to the licensees and are filed by them with the Office of the Director, where they are examined and audited (31 CFR 54.27).

(b) *Licenses for the export of gold.* Licenses for the export of gold in all forms are issued only to the holders of gold licenses mentioned above, and persons authorized to hold gold under the Gold Regulations (31 CFR 54.21) upon a satisfactory showing that the export or transport from the continental United States is for a "specific and customary industrial, professional, or artistic use connected with the applicant's business, and not for the purpose of using or holding or disposing of such gold beyond the limits of the continental United States as, or in lieu of, money, or for the value of its gold content" (31 CFR 54.25 (c)).

Applications for the export of gold in individual lots are filed on Form TG–15 which requires information as to the amount and value of gold exported, the consignee, and the purpose for which such gold is to be used. This form is available at all mint institutions and should be filed with the mint or assay office from which the applicant holds his industrial license. The applications are forwarded to the Office of the Director which authorizes the issuance of the license on Form TGL–15, by the Superintendent of the Mint.

Applications for the export of gold coin, having a recognized special value to collectors of rare and unusual coin, are filed on Form TG–11 with the Director of the Mint who issues such licenses. Licenses are granted, when or if the Director of the Mint is satisfied that the coins are of such recognized special value and have not been held in violation of the Gold Regulations or the gold Orders referred to in § 92.1.

A detailed description of such coins, or the coins themselves, may be sent at the owner's risk to the Office of the Director of the Mint to be submitted to the National Museum (Smithsonian Institution) for determination as to whether such coins are rare.

Export licenses on TGL–16 are issued for the export of gold refined (or the equivalent of gold refined) from gold bearing materials imported with the intention of exporting the gold refined therefrom, provided that a formal declaration is made to the Collector of Customs at the port where the material is entered that such exportation is intended to be made, and that a copy of the entry with the Collector's notation to that effect is forwarded to the United States Assay Office at New York or to the Mint at San Francisco, as designated by the importer. An application on Form TG 16, giving information as to the amount of refined gold, the consignee, the location of the plant at which the gold was refined and other information must be filed not later than three months from the date of entry with such institution.

Gold may be imported and transported for prompt export without the necessity of holding a license provided that it remains under customs custody throughout the period during which it is within the customs limits of the United States. If the gold leaves customs custody, it may be transported and exported only under a license on Form TGL–17 pursuant to an application on Form TG–17, which requires information as to the port of entry, the amount of gold, the name and address of the consignee and other pertinent facts, filed with the Assay Office at New York or the Mint at San Francisco.

Export licenses for the export of gold for a period of three months on Form TGL–15 Special, General License for the Export of Gold, are issued from the Office of the Director in Washington, after applications are filed with such office on Form TG–15 (Special) which calls for substantially the same information as that required on Form TG–15. Reports containing information as to the amounts of gold exported, the consignees, and the use of such gold are required on Form TGR–15 (Special).

Applications for three months licenses for the exportation of gold ores and concentrates are made on Form TG–15B, licenses are granted on Form TGL–15B and quarterly reports are required on TGR–15B in the same manner as applications for the export of other gold as set forth above.

§ 92.3 *Purchase of gold.* Deposits of gold are required to be accompanied by affidavits on Form TG–19, by persons who have recovered gold by mining and panning; TG–20 by persons who have recovered it in the regular course of their business of operating a custom mill, smelter or refinery; TG–21, by persons purchasing gold directly from miners and panners; TG–22, by depositors of unmelted scrap gold; and TG–23 by persons depositing gold including foreign gold coin imported into the United States. All of the above forms require a description of the gold and information as to the source and date of acquisition or mining. The deposits and affidavits are delivered to the Mint institutions in the district in which the depositor lives or has his principal place of business, for return in the form of stamped bars when the depositor is authorized to receive such bars, or for sale to the Government.

(31 U. S. C. 325, 360) The price paid is $35 per fine troy ounce, less ¼ of 1%, less the usual mint charges as set forth in the Table of Charges (31 CFR 54.42 and Part 90).

If the deposit contains less than one ounce of fine gold, if the report of the Assayer is that it is unsuitable for the operations of the Mint, or if it contains less than 200 parts of gold in 1,000, or 800 or more parts of base metal in 1,000 by assay it will not be purchased by the Mint (31 CFR 54.26, 31 U. S. C. 329). In such case, if the depositor is authorized by the terms of a license issued pursuant to the Gold Regulations to hold melted gold, the unacceptable deposit will be returned to him.

Silver contained in gold bullion sold to the Government may be returned in the form of silver bars or will be purchased at such valuations as are from time to time established by the Director of the Mint, as authorized by Statute (31 U. S. C. 328). The price currently being paid for such silver is the next even cent below the official New York Market Price on the day the deposit is made, except that silver contained in deposits of newly mined domestic gold may be paid for as newly-mined domestic silver if it meets the conditions set forth in § 92.4.

§ 92.4 *Deposit of newly-mined domestic silver.* Any owner of silver bullion may deposit it at the mint or assay office in his district for return in the form of unparted stamped bars and at the coinage mints and the New York Assay Office for return in the form of refined stamped bars (31 U. S. C. 325, 328).

Domestic silver mined subsequent to July 1, 1939 from natural deposits in the United States or any place subject to the jurisdiction thereof may be deposited with the coinage mints. As a matter of convenience to the public, the Assay Offices at New York and Seattle will accept eligible silver for the accounts of the mints at Philadelphia, and San Francisco, respectively. A return of 71.11 cents per ounce will be made for silver mined subsequent to July 1, 1939 as prescribed in the Act of July 6, 1939, and a return of 90.5 cents per ounce will be made for silver mined subsequent to July 1, 1946 as prescribed in the Act of July 31, 1946, if tendered to the coinage mints within one year in accordance with the provisions of the Newly-Mined Silver Regulations (31 CFR, Part 80). At the time of deposit, the owner of such silver shall file with the coinage mint an affidavit on TSA–1 (for silver eligible for purchase under the Act of July 6, 1939) or TSA–10 (for silver eligible for delivery under the Act of July 31, 1946) which requires certain information and warranties as to the date of mining of such silver, supported by miner's affidavits on Forms TSA–2 or TSA–20, respectively, or, in the case of silver taken from mine dumps and tailing piles, on TSA–2a and TSA–20a, respectively.

Persons delivering silver in the manner described above are required to file with the Office of the Director a report on Form TSA–3 (in the case of silver delivered under the Act of July 6, 1939) or TSA–30 (in the case of silver delivered pursuant to the Act of July 31, 1946) containing details as to the amount of silver on hand at the beginning of the period covered, mined, and/or received from other sources during such period, and the dispositions, metallurgical losses, if any, and the balance on hand at the end of the period. The records required to be maintained by the regulations must be available for inspection by representatives of the Office of the Director.

§ 92.5. *Receipt, handling of bullion deposits; payment therefor.* As a matter of practical expedience and convenience to the public, the officers in charge of mint institutions are authorized to receive deposits of bullion by express or mail. In cases where reasonable doubts may arise as to the ownership and eligibility or any other pertinent factor concerning deposits, the officers may decline to receive deposits unless made in person.

All bullion deposited or purchased at any of the Mints or Assay Offices of the United States is weighed, when practicable, in the presence of the depositor or his agent, and the weight is verified by some official or competent employee of the Mint. Weights are recorded in troy ounces and hundredths of an ounce. Whenever the depositor so requests, he is given a receipt on United States Mint Form 7a for the before-melting weight of his deposit. Such receipts must be surrendered, properly indorsed by the depositor at the time payment is made for the bullion represented thereby (31 U. S. C. 329).

The Assayer takes at least two samples in sufficient portions for assay from each deposit of bullion. The proportion of the gold, silver and base metal contained, as well as the charges to which the deposit is subject, are indicated by the Assayer on Form 39 which is signed by the Assayer. This form also contains the depositor's name, the number and date of the deposit, the class of bullion, the weight before and after melting and the deductions, if any, to which the deposit has been subjected. The charges for the various operations on bullion deposited and for the preparation of bars are fixed from time to time by the Director of the Mint, with the concurrence of the Secretary of the Treasury, so as to equal but not exceed, in their judgment, the actual average cost to each mint and assay office of the material, labor, wastage and use of machinery employed (31 U. S. C. 330–2, 334). The current charges are set forth in the Table of Charges (31 CFR, Part 90).

Depositors are credited with the after-melting weight of their bullion (31 U. S. C. 329). The detailed memorandum of the weight of bullion after melting and deduction and the report of the Assayer as to fineness, the value of the deposit and the amount of the charges is given to the depositor (31 U. S. C. 273, 334).

Payments for bullion are made, insofar as practicable, in the order in which the deposits are received at the mints, by checks drawn in favor of the depositor or such other person as he may designate, except when cash or bars are requested, but in no case is a check in payment of a deposit drawn in favor of any officer or person of the institution where the deposit is made and in no case may any person employed in the institution act as agent for the depositor (31 U. S. C. 357, 358, 359, 463). Checks may be sent by ordinary mail at the risk of the payees or by registered mail at their expense and request.

When the approximate fineness of a deposit of bullion containing $5,000 or more in gold or 5,000 ounces of silver may be readily determined, partial payment of 90% of the value may be made in the discretion of the officer in charge. If the fineness is already closely determined by assay, and the deposit is awaiting remelting and reassay for exact determining, partial payment up to 98% of the value may be made. Partial payment of 99% of the declared value of a deposit of foreign coin valued at at least one million dollars after its weight and approximate value have been determined may be made; on a deposit of a million dollars in value of gold bullion .995 fine, payment of 98% of the declared value may be made after the weight and approximate value have been determined (31 U. S. C. 358).

§ 92.6 *Deposits of United States coin.* United States gold coin is received only under instructions in effect from the Secretary of the Treasury. (See § 92.1.) Coin, eligible for acceptance under such instructions, if of legal weight is paid for at face value; if worn or mutilated, is received as standard metal without previous melt or assay (except when it may be necessary to establish the amount of foreign substance present that cannot otherwise be determined), and is paid for as bullion at the rate of $20.67 per ounce of fine gold.

Redemption of silver coins is made by the Treasurer of the United States, as provided in 31 CFR, Part 100.

Mutilated silver and minor coins as defined in 31 CFR, 100.10 and 100.11, however, when offered in lots of not less than 1 pound of each kind, will be purchased at the coinage mints at a price which represents the approximate value as metal, as fixed from time to time by the Director of the Mint. Mutilated silver coins are also purchased at the New York Assay office.

§ 92.7 *Sale of gold.* A licensee or other person authorized under the Provisional Gold Regulations to acquire gold, may apply for the purchase of gold in bar form on Form TG–24, if the applicant is a user of gold, or on Form TG–25, if a dealer in gold. These forms require information as to the amount of gold held by the applicant and representations as to the use to be made of the gold requested. Applications shall be filed with the mint institution from which he holds his license or, if no license is required, in which he resides or has his principal place of business. The right is reserved, however, to furnish such gold from any mint institution. Fine gold bars of not less than .995 fineness, stamped with the name of the institution which manufactured them, the weight and fineness are furnished (31 U. S. C. 325). No bar of less weight than five ounces is issued by any United States Mint or Assay Office and no bars are sold

in lots of less than 25 troy ounces (31 CFR, 54.43).

Gold is sold at $35 plus 1/4 of of 1% per fine troy ounce plus the mint charges set forth in the Table of Charges (31 CFR, 54.43; 21 CFR, Part 90), and transportation costs from the institution of sale are paid by the buyer. Payment is made at the time of delivery of the bars, in cash and currency. Payment by check will be accepted but delivery will not be made until the check has been deposited by the officer in charge of the institution and has cleared (31 U. S. C. 462).

§ 92.8 *Sale of silver.* An application for the purchase of silver may be filed with the mint or assay office in the district in which the applicant has his principal place of business, on forms which are available at all mints and assay offices and the Office of the Director of the Mint. Such forms require information as to amounts of silver previously used in applicant's business. The right is reserved to supply the silver, however, from any other mint institution if the interest of the Government so requires. Silver will be sold only in amounts required for manufacturing use in the normal conduct of the applicant's business. Applications for unusual amounts of silver are required to be referred to the Office of the Director of the Mint for approval before the sale can be made. Silver is sold at a price not less than 90.5¢ per fine troy ounce. The present price is 91¢. Transportation from the institution at which it is sold to the purchaser is paid by him. Payment for silver may be made in the same manner as for gold, as set forth in § 92.7 (Act of July 31, 1946, Public Law 579, 79th Congress).

§ 92.9 *Assays of bullion and ores.* Samples of bullion are assayed for the public at all mint institutions, at the charges set forth in the Table of Charges (31 CFR, Part 90, 31 U. S. C. 273, 283). Samples of ores are assayed at the Denver Mint and the Seattle Assay Office, at the the price set forth in the Table of Charges (31 CFR, Part 90).

§ 92.10 *Medals and proof coins.* Medals of historic interest are manufactured at the Philadelphia Mint for sale to the public. A list of those available and the price charged therefor may be obtained from the Superintendent of that institution. Dies for private medals cannot be prepared at the mint but, when the regular business of the mint will permit, private medals can be struck from dies furnished, at a charge sufficient to cover the cost of the operation. Applications for the manufacture of such medals may be made by letter to the Superintendent of the Philadelphia Mint. Such manufacture is subject to the approval of the Director of the Mint (31 U. S. C. 368).

Proof coins, which are made in the medal room of the Philadelphia Mint, on a hydraulic press, from coin blanks which have been specially cleaned and polished, are sold by that institution at face value plus a charge sufficient to cover the additional expense of their preparation. Their manufacture and issuance are contingent upon the demands of regular operations, and it is not anticipated that any will be manufactured during the calendar year 1946.

§ 92.11 *Informal procedures.* Officials of the Bureau of the Mint or of the Treasury Department, who are concerned with mint affairs, are available by appointment for consultation with any person having a problem involving the functions of the Bureau, interpretation of regulations, or similar matters. Upon written request by an applicant for a license, the Director of the Mint will schedule a hearing on such application, at which time there may be brought to the attention of the Bureau any information bearing upon such application. An appeal from a denial of an application for a license, from a revocation of an existing license, or from other administrative determinations of the Bureau, may be addressed by letter to the Secretary of the Treasury for his consideration, or a new application may be filed and a hearing thereon requested.

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary.

[F. R. Doc. 46–15348; Filed, Aug. 28, 1946; 4:13 p. m.]

BUREAU OF NARCOTICS

[21 CFR, Ch. II]

PART 206—ORGANIZATION, FUNCTIONS AND PROCEDURES OF THE BUREAU OF NARCOTICS

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SUBPART A—ORGANIZATION

§ 206.1 *Central organization.* (a) The Commissioner of Narcotics, aided by the Deputy Commissioner and the Assistant to the Commissioner, has general administrative supervision and control over all the work of the Bureau. The Bureau is charged with the investigation, detection and prevention of violations of the Federal narcotic and marihuana laws and of the Opium Poppy Control Act of 1942, and related statutes as hereinafter cited. It issues permits for importation of the crude narcotic drugs and for exportation and in-transit movement of narcotic drugs and preparations, and has authority to issue licenses, under certain conditions, for the production of opium poppies and manufacture of opium products therefrom. It cooperates with the Department of State in the discharge of the international obligations of the United States concerning the traffic in narcotic drugs and with the several states in the suppression of the abuse of narcotic drugs and marihuana in their respective jurisdictions.

(b) The activities of the Bureau are thus concerned with enforcement of the following statutes: 5 U. S. C. 282c; 21 U. S. C. 171–185; 21 U. S. C. 198; 21 U. S. C., Supp. V 188–188n; 26 U. S. C. 2550–2571; 26 U. S. C. 2590–2604; 26 U. S. C. 3220–3239 (see Supp. V); 49 U. S. C. 781–788; and Public Law 320, 79th Congress. The work of the Bureau is carried on through three separate divisions, four sections and a committee, each operating under the Deputy Commissioner, subject to supervision by the Commissioner, except the Enforcement Division which operates under direct supervision of the Commissioner.

(1) *Enforcement Division.* The Assistant to the Commissioner is head of this division, which directs and supervises enforcement and investigative matters generally.

(2) *Returns Division.* Audits returns of importers, manufacturers and wholesale dealers, and handles statistical work regarding production and distribution of narcotic drugs, including estimates and quotas.

(3) *Legal Division.* Handles legal questions arising in the course of narcotic law enforcement. This division is responsible to the General Counsel for the Department of the Treasury.

(4) *Personnel Section.* Handles matters relating to personnel of the Bureau.

(5) *Fiscal Section.* Handles fiscal matters including budget estimates.

(6) *Space, Supplies and Equipment Section.* Handles allocations of office space, and provision for office supplies and equipment.

(7) *Mail, Files and Records Section.* Records and files all Bureau correspondence.

(8) *Drugs Disposal Committee.* Receives, checks, and arranges for lawful disposal of surrendered, seized, or surplus narcotic drugs and preparations.

§ 206.2 *Field organization.* The field organization is composed of 15 District Supervisors, each of whom is in charge of a district comprising one or more states and territories. The District Supervisor directs the activities of a group of narcotic agents, and has direct charge of narcotic law enforcement investigation and detection in his district, under the general supervision of the Commissioner. A list of the districts, showing area covered and headquarters office, follows:

DISTRICT OFFICES—BUREAU OF NARCOTICS

District	Supervisor	Address
1. Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut.	Thomas W. McGeever	1120 Post Office Bldg., Boston 9, Mass.
2. New York, and the Fifth Internal Revenue Collection District of New Jersey.	Garland H. Williams	Room 200, 253 Broadway, New York 7, N. Y.
3. Delaware, New Jersey (with the exception of the Fifth Internal Revenue Collection District), and Pennsylvania.	John F. Day, acting	619 Stephen Girard Bldg., 21 South 12th St., Philadelphia 7, Pa.
5. District of Columbia, Maryland, North Carolina, Virginia, and West Virginia.	Boyd M. Martin	417 Munsey Bldg., Baltimore 2, Md.
6. Alabama, Florida, Georgia, and South Carolina.	H. T. Nugent	501 Ten Forsyth Street Bldg., Atlanta 3, Ga.
7. Kentucky and Tennessee	George W. Cunningham.	418 Federal Bldg., Louisville 1, Ky.
8. Michigan and Ohio	Ralph H. Cyler	802 Federal Bldg., Detroit 26, Mich.
9. Illinois, Indiana, and Wisconsin.	George H. White	817 U. S. Post Office Bldg., Chicago 7, Ill.
10. Arizona, Louisiana, Mississippi, New Mexico, and Texas.	Terry A. Talent	123 U. S. Courthouse Bldg., El Paso, Tex.
11. Arkansas, Kansas, Missouri, and Oklahoma.	James J. Biggins	743 U. S. Courthouse Bldg., Kansas City 6, Mo.
12. Iowa, Minnesota, Nebraska, North Dakota, and South Dakota.	Anker M. Bangs	314 U. S. Courthouse Bldg., Minneapolis 1, Minn.
13. Colorado, Utah, and Wyoming.	Allyn B. Crisler	100 U. S. Customhouse, Denver 2, Colo.
14. California and Nevada	Robert W. Artis	Room 2104, 100 McAllister St., San Francisco 2, Calif.
15. Idaho, Montana, Oregon, Washington, and Territory of Alaska.	Joseph Bell	311 U. S. Courthouse, Seattle 4, Wash.
16. Territory of Hawaii	William K. Wells, acting.	575 Alexander Young Bldg., Honolulu 1, Hawaii.

SUBPART B—DELEGATION OF AUTHORITY

§ 206.3 *Delegations by the Secretary to the Commissioner of Narcotics.* The Secretary of the Treasury has delegated, subject to his general supervision and direction, to the Commissioner of Narcotics:

(a) Certain regulation-making and enforcement powers under the Internal Revenue Code relating to marihuana (26 U. S. C. 2590–2604, and 3230–3239), except that the Commissioner of Internal Revenue and the Commissioner of Narcotics may prescribe such regulations jointly, subject to the approval of the Secretary. (Narcotic T. D. 28, 2 F. R. 1808; see note, 25 CFR 152.1).

(b) Authority to cooperate with state authorities under section 8 of the Act of June 14, 1930 (21 U. S. C. 198), in state narcotic law prosecutions and in proceedings before state licensing boards involving narcotic irregularities §§ 201.8–201.12, this chapter).

(c) Authority to seize, and to the several district supervisors authority to hold in custody, vessels, vehicles and aircraft subject to seizure in so far as concerns narcotic contraband, under the Act of Congress approved August 9, 1939 (49 U. S. C. 781–788), but regulation-making power is retained by the Secretary of the Treasury (26 CFR, Cum. Supp. 466.1–466.3).

(d) All authority granted to the Secretary by the Opium Poppy Control Act of 1942 (21 U. S. C., Supp. V, 188 et seq.) including the issuance, renewal, revocation and denial of licenses to produce the opium poppy or to manufacture opium or opium products therefrom, and to make, prescribe and publish, with the approval of the Secretary, necessary rules and regulations for carrying out the provisions of said act (§§ 203.1–203.3 of this chapter).

(e) Certain authority of a general enforcement and rule-making nature, as contained in Titles III and IV, and to the Commissioner of Internal Revenue in Title V, of Narcotics Treasury Decision No. 2 of July 1, 1930, which provisions are continued in effect, pursuant to section 3b of the Act of June 14, 1930 (5 U. S. C. 282b (b)) and Treasury Decision 4884, approved February 11, 1939 (Note, Title 25 CFR, Cum. Supp., page 5875) in revised form as follows:

III. RIGHTS, PRIVILEGES, POWERS, AND DUTIES CONFERRED AND IMPOSED UPON THE COMMISSIONER OF NARCOTICS

(1) There are hereby conferred and imposed upon the Commissioner of Narcotics, subject to the general supervision and direction of the Secretary of the Treasury, all the rights, privileges, powers, and duties conferred or imposed upon the Commissioner of Internal Revenue (and which are transferred to and conferred and imposed upon the Secretary of the Treasury by subdivision (a) of section 4 of the act of March 3, 1927) by 26 U. S. C. 2550–2571 and 3220–3228, insofar as such rights, privileges, powers, and duties relate to:

(a) The investigation and the detection and punishment of violations of either of the above laws or any regulations issued thereunder;

(b) Exemptions from any of the provisions of the above laws;

(c) The books, records, and returns required to be kept or rendered under any of the above laws;

(d) The prescribing of forms and order forms under any of the above acts;

(e) The manner in which the record of sales, exchanges, and gifts of tax-exempt preparations and remedies containing narcotic drugs shall be kept;

(f) The manner in which application shall be made for confiscated narcotic drugs;

(g) The appointment of a committee for the certification and disposition of confiscated narcotic drugs;

(h) The compromise of any criminal or civil case arising under either of the above laws, in accordance with section 3761 of Title 26, U. S. Code, and the determination, assertion, and compromise of liability for internal-revenue taxes and penalties under either of the above laws, except that all moneys shall be received and accounted for by collectors of internal revenue, under the direction of the Commissioner of Internal Revenue;

(i) Seizures, for violation of either of the above laws, of property, whether real or personal (except under distraint warrant), and the custody, control, sale, and disposition of property so seized;

(j) The appointment of such officers and employees as may be necessary for the execution of the functions imposed upon the Bureau of Narcotics.

(2) Power is hereby conferred upon the Commissioner of Narcotics to prescribe such regulations as he may deem necessary for the execution of the functions imposed upon him or upon the officers or employees of the Bureau of Narcotics, but all regulations and changes in regulations shall be subject to the approval of the Secretary of the Treasury.

The Commissioner of Internal Revenue and the Commissioner of Narcotics may, if they are of the opinion that the good of the service will be promoted thereby, prescribe regulations relating to internal-revenue taxes where no violation of the narcotic laws is involved, jointly, subject to the approval of the Secretary of the Treasury.

IV. RIGHTS, PRIVILEGES, POWERS, AND DUTIES CONFERRED AND IMPOSED UPON THE OFFICERS AND EMPLOYEES OF THE BUREAU OF NARCOTICS, INCLUDING THE FIELD SERVICE

There are hereby conferred and imposed upon the officers and employees of the Bureau of Narcotics, including the agents, inspectors, and other employees in the field service, all the rights, privileges, powers, and duties conferred or imposed upon the assistants, agents, and inspectors of the Commissioner of Internal Revenue (and which are transferred to and conferred and imposed upon the Secretary of the Treasury by subdivision (a), of section 4 of the act of March 3, 1927), by any narcotic law in so far as such rights, privileges, powers, and duties relate to any of the matters referred to in paragraphs (a) to (j), inclusive, of Section III of this order. All such officers and employees of the Bureau of Narcotics, including the agents, inspectors, and other employees of the field service, shall have, in the performance of their functions under the narcotic drug laws, all the rights, privileges, and powers of internal revenue officers.

V. RIGHTS, PRIVILEGES, POWERS, AND DUTIES CONFERRED AND IMPOSED UPON THE COMMISSIONER OF INTERNAL REVENUE

There are hereby conferred upon the Commissioner of Internal Revenue all the rights, privileges, powers, and duties conferred or imposed upon such officer (and which are transferred to and conferred and imposed upon the Secretary of the Treasury by subdivision (a) of section 4 of the act of March 3, 1927) by any narcotic law, except such rights, privileges, powers, and duties as are hereinbefore conferred or imposed upon the Commissioner of Narcotics.

§ 206.4 *Other delegations to Commissioner of Narcotics*—(a) The War Assets Administrator has approved the delegation of authority to the Bureau of Narcotics to act for and in its behalf as disposal agency for surplus narcotic drugs and marihuana under the Surplus Property Act of 1944 (50 U. S. C. App. Sup. 1611), Public Laws Nos. 181 and 375, 79th Congress, and Executive Order 9689 (11 F. R. 1265), by War Assets Administration Regulation 1, Order 5 (11 F. R. 7977).

(b) The War Production Board delegated to the Bureau of Narcotics authority to allocate narcotic drugs, under Title III of the Second War Powers Act (50 U. S. C., App. 633) and this delegation has been ratified and continues in effect (W. P. B. Directive No. 10, October 6,

1942, 32 CFR, Cum. Supp. 903.116; Executive Order 9638, October 4, 1945; 10 F. R. 12591; C. P. A. Regulation 1, November 5, 1945, 10 F. R. 13714)

§ 206.5 *Delegations by the Commissioner.* There is no formal delegation of final authority by the Commissioner. Under the act of June 14, 1930 (5 U. S. C. 282a) the Deputy Commissioner acts as Commissioner of Narcotics during the absence or disability of such Commissioner, or in the event that there is no Commissioner. The Commissioner may, however, in a particular case, refer an applicant for agency action to the Deputy Commissioner, Assistant to the Commissioner, the head of the Returns Division, or to the head or assistant head of the Legal Division, for informal conference.

§ 206.6 *Public information, submittals and requests.* Public information concerning the scope of application of a particular provision of the Federal narcoting and marihuana laws or of any regulation thereunder, may be obtained from the District Supervisor at the headquarters office of the district in which the applicant is located, (§ 206.2). The opinion or interpretation of the District Supervisor is subject to review or confirmation by the Commissioner of Narcotics, Washington 25, D. C. All other information may be obtained from, and submittals and requests should be submitted to, the Commissioner of Narcotics, Washington 25, D. C., except that the Commissioner will not give information which, in his opinion, may prejudice a present or prospective investigation or which may prejudice the rights of a third person.

SUBPART C—FUNCTIONS AND PROCEDURES

§ 206.7 *Rules*—(a) Regulations under the internal revenue laws relating to narcotic drugs and marihuana (26 U. S. C. 2550–2571; 26 U. S. C. 2590–2604; 26 U. S. C. 3220–3239) are made jointly by the Commissioner of Narcotics and the Commissioner of Internal Revenue, subject to the approval of the Secretary of the Treasury. (§ 206.3). Regulations under the Narcotic Drugs Import and Export Act, as amended, (21 U. S. C. 171–185) are made by the Commissioner of Narcotics, with the approval of the Secretary of the Treasury (5 U. S. C. 282b (e)). Regulations under section 8 of the Act of June 14, 1930 (21 U. S. C. 198) with reference to cooperation with states, are made by the Secretary of the Treasury, upon recommendation by the Commissioner of Narcotics. Regulations under the Act of August 9, 1939 (49 U. S. C. 781–788) regarding seizures of vessels, vehicles, and aircraft involved with narcotic contraband, are made by the Secretary of the Treasury, upon recommendation by the Commissioner of Narcotics. Regulations under the Opium Poppy Control Act of 1942 (21 U. S. C., Sup. 188–188n) are made by the Commissioner of Narcotics, with the approval of the Secretary of the Treasury (§§ 203.1–203.3) of this chapter.

(b) General notice of the making of a substantive regulation with which the Commissioner of Narcotics is concerned, will be published in the Federal Register not less than thirty days prior to the intended effective date of the regulation, with a statement of the tentative text or, if revision of an entire group of regulations is contemplated, a statement of the salient points of proposed revision. The notice will include a statement of the time, place and nature of public regulation-making proceedings and reference to the authority under which the regulation is proposed. Within a period of twenty days from the date of publication of notice, any interested person may participate in the making of the regulation through submission to the Commissioner of Narcotics at Washington 25, D. C. of written data, views or arguments which will be given due consideration. If the Commissioner finds it necessary to disapprove, in whole or in part, such data, views or arguments, he shall so notify the proponent thereof, with a statement of his reasons. The final draft of the regulation or regulations, with a concise general statement of basis and purpose, will be published in the Federal Register promptly after approval by the necessary officer or officers, and will be made effective in thirty days unless for good cause found and published with the regulation, an earlier effective date is stated.

(c) The foregoing paragraph shall not apply where an urgent situation justifies a finding, explained in the regulation, that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest. It shall not apply in the case of interpretative regulations, general statements of policy, rules of agency organization, procedure, or practice, but such regulations or rules shall be published at least thirty days before the effective date unless the Commissioner of Narcotics shall determine that an earlier date is necessary in the public interest.

(d) Any interested person may submit to the Commissioner of Narcotics at Washington 25, D. C., a written petition for the issuance, amendment, or repeal of a rule or regulation, giving reasons in support of the petition. The Commissioner shall consider the petition, and shall notify the petitioner as promptly as possible of his decision thereon, with statement of reasons therefor.

§ 206.8 *Adjudication and licensing.* (a) In general, applications for orders and licenses must be made in writing to the Commissioner of Narcotics at Washington 25, D. C. This does not include applications relating directly to fiscal functions under the internal revenue marihuana or narcotic laws such as applications for registration (26 CFR 152.4 and 26 CFR 151.4) and applications for the purchase of official order forms (26 CFR 152.46 and 26 CFR 151.64).

(b) *Procedure on application.* When the written application is received by the Commissioner, he may refer it to the Deputy Commissioner, the Assistant to the Commissioner, the head of the Returns Division, or to the head or assistant head of the Legal Division, for study and report. Further information may be requested from the proponent, and independent investigation may be made, including investigation by a District Supervisor. If requested, the Commissioner will afford the proponent opportunity to appear personally, with qualified attorney if desired, before the Commissioner or an officer designated by the Commissioner, at the Bureau of Narcotics, Washington, D. C., to give oral testimony and argument in support of the application. As promptly as possible after due consideration of all facts and arguments adduced, the Commissioner shall notify the proponent of his decision and the reasons therefor. Any person aggrieved by any order, rule, or decision of the Commissioner, or by his failure to rule upon or decide any matter presented to him by proper application, may appeal therefrom to the Secretary of the Treasury (5 U. S. C. 282c; 21 CFR, Cum. Supp., 201.1–201.7).

(c) *Registration or reregistration under Internal Revenue Narcotic Law.* (1) Applicants for registration or reregistration under the internal revenue narcotic law (26 U. S. C. 3220) are required by that law, as a condition to registration, to be lawfully entitled to engage in the business or professional activity, involving the use of narcotics, for which registration is desired. Forms of application (678–A for initial registration and 678 for reregistration) may be obtained from the Collector of Internal Revenue of the applicant's district. Both forms require applicant to state his name, place of business, occupational tax classification, and to certify that under the laws of the jurisdiction in which he is operating or proposes to operate, he is legally qualified or lawfully entitled to engage in the activities for which registration is sought. (26 CFR 151.6.) All applications on form 678–A are referred by the Collector to the appropriate District Supervisor of the Bureau of Narcotics for Investigation, report and recommendation. Applications on form 678 are also referred by the Collector to the appropriate District Supervisor for investigation, report and recommendation, if the Collector is in doubt as to the applicant's being lawfully entitled to engage in the activity for which he seeks registration. (26 CFR 151.5.) The District Supervisor, upon receipt of the referred application, investigates to ascertain whether the applicant is so lawfully entitled, usually involving a determination whether the applicant is currently licensed under the law of the state, territory, or District of Columbia, if such law requires a license for the activity for which registration is sought. He returns the application to the Collector with recommendation for approval or disapproval according to whether he finds the applicant legally qualified or not. If disapproval is thus recommended, the Collector denies registration to the applicant.

(2) In the case of an applicant for reregistration so found not legally qualified therefor, no prior notice of denial of the application shall be given under section 9 (b) of Public Law 404, 79th Congress, since the necessity for prompt and continuous control of activities relating to these potentially dangerous narcotic drugs requires otherwise in the interest of the public health and safety.

(d) *Licenses to import and export*—(1) An application for initial authority to import crude opium or coca leaves under the Narcotic Drugs Import and Export Act, as amended, (21 U. S. C. 171–185) must be made in writing and

submitted to the Commissioner of Narcotics, Washington 25, D. C. No special form of application is required but the applicant must show evidence that he complies with the requirements of the pertinent regulations. (§§ 202.2 and 202.30 of this chapter). The provisions of paragraphs (a) and (b) of this section apply to such an application for initial authority to import.

(2) An applicant who has been granted initial authority to import crude opium and coca leaves must submit to the Commissioner of Narcotics at Washington 25, D. C., a special application for a formal permit to cover each proposed importation. The application to import crude opium or coca leaves for medical and legitimate purposes (21 U. S. C. 173) is made on Bureau of Narcotics form No. 20, and the application to import special coca leaves (21 U. S. C. 173a) is made on Bureau of Narcotics form No. 20–A. Copies of both forms are obtainable from the Commissioner of Narcotics at Washington 25, D. C. It is required that both forms state the statistical and routing information described in §§ 202.3–202.4 and 202.33 respectively, of this chapter. If the application, submitted by a qualified importer, is in due form, and the proposed importation will not result in an excess over the maximum quantity of crude opium and coca leaves allotted to the importer for the particular year, (§§ 202.3 and 202.32 of this chapter) the Commissioner of Narcotics will issue the formal import permit in sextuplet, containing the information described § 202.6 of this chapter, the disposition of the various copies being explained in § 202.10 of this chapter.

(3) Applications for in-transit shipments of narcotic drugs through the United States, and for export of narcotic drugs from the United States (21 U. S. C. 180–182) must be submitted to the Commissioner of Narcotics at Washington 25, D. C., on Bureau of Narcotics form No. 161, copies of which form are obtainable from said Commissioner. The application must contain the statistical and routing information described in §§ 202.18 and 202.28 of this chapter and must show the registry number of the applicant under the internal revenue narcotic law. (26 U. S. C. 3220.) If the application as submitted by a qualified exporter, is found in due form, and supported by duly authenticated foreign import license or permit (§ 202.19 of this chapter) the Commissioner will issue a formal export or in-transit permit in sextuplet, the permit containing the information, and the various copies being disposed of as described in § 202.21 of this chapter.

(e) *Licenses to produce opium poppies and opium products.* Applications for licenses to produce opium poppies, and to manufacture opium products therefrom, under the Opium Poppy Control Act of 1942 (21 U. S. C., Supp. V, 188 et seq.) shall be made in writing to the Commissioner of Narcotics at Washington 25, D. C. No special form of application is provided, but the applicant must have evidence of qualifications and facilities described in the regulations (21 CFR, Cum. Supp., 204.3–204.9). No licenses are issuable unless the Commissioner of Narcotics shall determine such action to be appropriate to supply the medical and scientific needs of the United States for opium or opium products (21 U. S. C., Supp. 5, 188 (d); 21 CFR, Cum. Supp., 203.1–203.3; 21 CFR, Cum. Supp., 204.2 and since this contingency has not occurred, no licenses have been issued. No specific form of license has been provided; if in the remote contingency, it should be found appropriate to issue such a license to produce or to manufacture, the license would be issued in typewritten form, pursuant to the requirements of 21 CFR, Cum. Supp. 204.5 and 204.8–204.9. In the event of revocation or refusal to renew such a license, the provisions of 21 CFR, Cum. Supp., 204.11–204.13, apply. No forms of returns to be required of producers and manufacturers have been provided (21 CFR, Cum. Supp., 204.14–204.15) but if issuance of licenses were found appropriate, as explained herein, special forms to report the information required by the regulations would be provided.

(f) *Petitions for remission of forfeitures.* With respect to vessels, vehicles and aircraft seized under the act of August 9, 1939 (49 U. S. C. 781–788) when the seizure is made in connection with a violation involving a contraband article covered by section 1 (b) (1) of said act (49 U. S. C. 781 (b) (1)) the Secretary of the Treasury has designated as the custodial officer, the narcotic district supervisor for the district in which the seizure is made (26 CFR, Cum. Supp., 466.2). For list of District Supervisors, areas of districts and location of district headquarters office, see § 206.2. Any person having an interest in such seized property may make a timely petition for restoration of the proceeds of sale, or for remission or mitigation of the forfeiture (19 U. S. C. 1613, 1618 made applicable by 49 U. S. C. 784; 26 CFR, Cum. Supp., 153.8–153.10). No special form for the petition is provided, but it must be filed in duplicate, addressed to the Secretary of the Treasury, sworn to, and submitted to the district supervisor for the district in which the seizure occurred. The petition shall contain the information required by 26 CFR, Cum. Supp., 153.8, and must be seasonably filed (Id., 153.9). If the petition is cognizable by the Secretary of the Treasury (26 CFR, Cum. Supp., 153.10), it will be forwarded by the District Supervisor with his report of any investigation made, to the Commissioner of Narcotics, who will transmit the petition and report, with his recommendation, to the Secretary of the Treasury for decision, and such decision shall be communicated to the petitioner through the District Supervisor.

(g) *Narcotic drugs conservation.* Pursuant to authority heretofore delegated to the Commissioner of Narcotics relative to allocation of narcotic drugs, by the War Production Board and confirmed by the Civilian Production Administration (§ 206.4 (b)), the Commissioner of Narcotics has issued Narcotic Conservation Order No. 1 (21 CFR, Cum. Supp., 205.1–205.10). Narcotic drug quotas are assigned, under the order, to provide orderly and adequate supply and distribution for military and civilian medical and scientific needs.

(h) *Presidential function under Opiates Act.* Under the act of March 8, 1946 (Public Law 320, 78th Congress), section 3228 of the Internal Revenue Code (26 U. S. C. 3228) is amended by adding a new subsection (f) at the end thereof, this new subsection being a definition of the term "Opiate." The term "Opiate" is defined in the subsection to mean any drug (as defined in the Federal Food, Drug and Cosmetic Act—21 U. S. C. 321 (g)) found by the Secretary of the Treasury, after due notice and opportunity for public hearing, to have an addiction-forming or addiction-sustaining liability similar to morphine or cocaine, and proclaimed by the President to have been so found by the Secretary. When the Secretary of the Treasury shall find that a given drug has such addiction-forming or addiction-sustaining liability, he shall report his finding to the President. If and when the President shall proclaim that the drug has been so found by the Secretary of the Treasury, the drug shall become an Opiate under said section 3228 (f) of the Internal Revenue Code (26 U. S. C. 3228 (f)) from the date of the President's proclamation.

SUBPART D—SUBSTANTIVE RULES

§ 206.9 *Publication.* Substantive rule including statements of general policy or interpretations formulated and adopted by the Bureau for the guidance of the public, have heretofore and prior to June 11, 1946, been published in the Federal Register and in the Code of Federal Regulations. Future publication of subsequently adopted substantive rules will be so published as described in § 206.7.

SUBPART E—OPINIONS AND ORDERS

§ 206.10 (a) *Publication of opinions and orders.* There will be made available for public inspection at the office of the Bureau of Narcotics at Washington, D. C., any final opinion with respect to interpretation of the statutes or regulations with the enforcement of which the Bureau is concerned. Such final opinions are usually reduced to regulations, and all regulations (rules) are available for public inspection at said office of the Bureau. Orders issued in the course of investigations of suspected violations of law, where criminal prosecution may ensue, will not be made available for public inspection. Other orders in the adjudication of cases are not ordinarily cited as precedents, and their publication may unfairly disclose private business affairs to actual or prospective business competitors. Publication of orders in the adjudication of other cases may unduly and unfairly publicize the drug addiction of a specific person. The Bureau reserves the right to determine, according to these standards, the final orders in the adjudication of cases which it will make available for public inspection.

(b) *Findings proclaimed by the President under the Opiates Act.* The finding by the Secretary of the Treasury, when proclaimed by the President, under the Act of March 8, 1946 (Public Law 320, 79th Congress; see § 206.8 (h)) will be made available for public inspection at the office of the Bureau of Narcotics at Washington, D. C.

SUBPART F—PUBLIC RECORDS

§ 206.11 (a) *Records of the Bureau.* Most of the official records of the Bureau of Narcotics consist of reports and correspondence concerning violations or suspected violations of law and are necessarily of a secret and confidential nature. These records will not be made available to any person except as necessary for the prosecution in the courts on charges based thereon, or for authorized cooperation with state authorities (21 CFR 201.8–201.12) unless upon special application in a particular case, the Commissioner of Narcotics shall find that disclosure of the particular record is not inimical to the public interest. Returns, and other data relating to production and sales, required to be furnished to the Bureau by registrants, represent also private business records, and will not be made available for public inspection. Personnel records will not be made available, unless the Commissioner of Narcotics shall find it in the public interest, in a particular case, to permit disclosure of the record. Other records will be made available to persons properly and directly concerned, as the Commissioner of Narcotics in each case shall find that disclosure will not prejudice any present or prospective investigation or will not unfairly invade the right of a third person.

(b) *Record of hearings under Opiates Act.* The record of a hearing, including pertinent documents, upon which the Secretary of the Treasury makes a finding which is proclaimed by the President under the act of March 8, 1946 (Public Law 320, 79th Congress; § 206.8 (h), will be made available at the Bureau of Narcotics, Washington, D. C., for inspection by persons properly and directly concerned.

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary.

[F. R. Doc. 46–15346; Filed, Aug. 28, 1946; 4:10 p. m.]

COAST GUARD

[33 CFR, Ch. I]

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CROSS REFERENCES: For procedures applicable to the public see Part 20 of this chapter, *infra* and Parts 1 to 4, inclusive of Title 46, *infra*.

SUBPART 1.01—AUTHORITY, FUNCTIONS, AND GENERAL ORGANIZATION

§ 1.01–1 *Authority.* Pursuant to the act of January 28, 1915 (38 Stat. 800; 14 U. S. C. 1), as amended, the Coast Guard is constituted a military service and at all times constitutes a branch of the land and naval forces of the United States, operating under the Treasury Department in time of peace and as a part of the Navy in time of war, or whenever the President shall so direct.

§ 1.01–5 *Functions.* The functions of the Coast Guard, as the federal maritime police, embrace in general terms maritime law enforcement, saving and protecting life and property, safeguarding navigation on the high seas and navigable waters of the United States, and readiness for military operations.

§ 1.01–10 *General organization*—(a) *Basic organization.* The Coast Guard basic organization pattern reflects an assignment of military and administrative authority and responsibility among Coast Guard Headquarters, the 14 District Offices, and individual units in the field. Duties of the Coast Guard are in most instances actually performed by individual operating units such as ships; aircraft; air, light, radio, and lifeboat stations; Captain of the Port offices; marine inspection offices; and individual logistics units such as recruiting, receiving, and training stations; repair yards; and telephone system offices. The District Offices provide central direction and coordination of the performance of duties by individual field units located within certain geographical limits. Headquarters plans, supervises and coordinates the activities of the several districts and gives immediate direction to specific units in the field where such units report directly to Headquarters although located within the geographical limits of a particular district.

(b) *Chain of commands.* The chain of administrative and military command ordinarily runs from the Commandant to the District Commander, and in turn from the District Commander to the commanding officer or officer in charge of a particular operating or logistics unit. In the case of units reporting directly to Headquarters, the chain of command runs directly from the Commandant to the commanding officer of the unit.

(c) *Administrative staffs.* Administrative staffs are provided to assist the Commandant and the District Commanders in discharging their responsibilities. Any authority which these officers have is derived from the Commandant or the District Commander and the exercise of such authority is in behalf of the Commandant or the District Commander.

SUBPART 1.05—CENTRAL ORGANIZATION

§ 1.05–1 *Commandant.* The Commandant, U. S. Coast Guard, acts as chief of the Coast Guard and is charged with the administration of the Coast Guard. The Commandant is appointed by the President, by and with the advice and consent of the Senate, for a period of 4 years, and may be reappointed for further periods of 4 years each. He is selected from the active list of line officers not below the grade of commander.

§ 1.05–5 *Assistant Commandant.* The Assistant Commandant performs duties as prescribed by the Commandant and acts as Commandant during the absence or disability of that officer or in the event there is a vacancy in the office of the Commandant. The Assistant Commandant, upon recommendation of the Commandant, is appointed by the President, by and with the advice and consent of the Senate, for a period of 4 years, unless sooner relieved by the President. He is selected from the active list of line officers not below the grade of commander.

§ 1.05–10 *Headquarters.* The central office of the Coast Guard, officially designated Headquarters, U. S. Coast Guard, is located at 1300 E Street NW., Washington 25, D. C.

§ 1.05–15 *Offices within Headquarters.* The Headquarters organization consists of the Commandant's immediate office and the following operational and logistic offices: Office of Engineering; Office of Finance and Supply; Office of Merchant Marine Safety; Office of Operations; and Office of Personnel.

(a) *Office of Commandant.* The immediate office of the Commandant consists of the Assistant Commandant, a Planning and Control Staff, and the following independent divisions: Public Information Division; Headquarters Administration Division; Intelligence and Law Enforcement Division; Inspection Division; and Legal Division. The Planning and Control Staff plans programs, policies and legislation, and determines the personnel and financial requirements, and the facilities for the Service. The head of the staff is the Chief, Planning and Control Staff, who is appointed by the Commandant from among the active list of line officers. The Planning and Control Staff consists of: Administrative Management Division; Budget Division; and Program Planning Division.

(b) *Office of Engineering.* The Office of Engineering directs those logictical activities of the Service that are of an engineering character including the design, construction, repair, maintenance, and alteration of vessels, aircraft, aids to navigation, shore establishments, machinery, electronic equipment, and utilities. This office is headed by the Engineer in Chief, who is appointed by the President, by and with the advice and consent of the Senate, for a period of 4 years and who may be reappointed for further periods of 4 years each. The Engineer in Chief is selected from the

active list of engineering officers not below the grade of commander. This office comprises the following divisions all of which, as implied by their names, perform immediate duties in furtherance of the general responsibilities of the Chief of the Office: Aeronautical Engineering Division; Civil Engineering Division; Electronics Engineering Division; Naval Engneering Division; Testing and Development Division.

(c) *Office of Finance and Supply.* The Office of Finance and Supply directs those logistic functions of the Service that relate to (1) the disbursement of funds and the maintenance of accounts, and (2) the procurement, storage, and distribution of equipment, supplies and services. This office is headed by the Chief, Office of Finance and Supply, who is appointed by the Commandant from among the active list of line officers. This office comprises the following divisions, all of which, as implied by their names, perform immediate duties in furtherance of the general responsibilities of the Chief of the Office: Accounting Division; Supply Division.

(d) *Office of Merchant Marine Safety.* The Office of Merchant Marine Safety directs the program for prevention of marine casualties, including the inspection of merchant vessels to insure compliance with established standards, approval of vessel plans and equipment, and the development and application of standards for merchant marine personnel. This office is headed by the Chief, Office of Merchant Marine Safety, who is appointed by the Commandant from among the active list of line officers. This office comprises the following divisions, all of which, as implied by their names, perform immediate duties in furtherance of the general responsibilities of the chief of the office: Merchant Marine Personnel Division; Merchant Marine Technical Division; Merchant Vessel Inspection Division.

(e) *Office of Operations.* The Office of Operations directs those operations of the Service which involve the saving of life and property, law enforcement and general patrol functions including (1) air-sea rescue, (2) aid to vessels in distress, (3) flood relief, and (4) distress, safety, and other communications; supervises the aids to navigation program; and provides for the operational readiness of the Service. This office is headed by the Chief, Office of Operations, who is appointed by the Commandant from among the active list of line officers. This office comprises the following divisions, all of which, as implied by their names, perform immediate duties in furtherance of the general responsibilities of the chief of the office: Aids to Navigation Division; Aviation Division; Communications Division; Floating Units Division; Ordnance, Gunnery, and Readiness Division; Shore Units Division.

(f) *Office of Personnel.* The Office of Personnel directors those logistic functions of the Service that are of a personnel character including the procurement, training, assignment, and separation of personnel; the provision of medical and morale services and the administration of the Coast Guard Reserve and the Coast Guard Auxiliary programs. This office is headed by the Chief, Office of Personnel, who is appointed by the Commandant from among the active list of line officers. This office comprises the following divisions, all of which, as implied by their names, perform immediate duties in furtherance of the general responsibilities of the chief of the office: Civilian Personnel Division; Enlisted Personnel Division; Medical Division; Military Morale Division; Officer Personnel Division; Reserve and Auxiliary Division; Training and Procurement Division.

§ 1.05-50 *Intra- and Inter-Agency Committees* — (a) *Air-Sea Rescue Agency.* The Air-Sea Rescue Agency, which was established during the war at the request of the Joint Chiefs of Staff functions under the Coast Guard with the Commandant acting as the Head, assisted by a board of representatives from the Army, Navy and Coast Guard under the immediate supervision of the Executive Assistant to the Head. The Air-Sea Rescue Agency is charged with conducting joint studies and assembling and disseminating information with respect to air-sea rescue equipment, methods and facilities.

(b) *Merchant Marine Council.* The Merchant Marine Council acts as a deliberative body to consider proposed Merchant Marine Regulations, to conduct public hearings, and generally to provide a forum where problems concerning the public and the merchant marine industry may be considered. The Council advises on policy matters and serves as a medium for the discussion of merchant marine problems involving more than one office of Headquarters. It is composed of the Commandant, the Engineer in Chief as Chairman, the Chief, Planning and Control Staff, the Chief, Office of Merchant Marine Safety, who serves as Vice Chairman, the Chief, Merchant Vessel Inspection Division, the Chief, Merchant Marine Personnel Division, the Chief, Merchant Marine Technical Division, and such additional Coast Guard officers as may be designated by the Commandant.

SUBPART 1.10—FIELD ORGANIZATION

§ 1.10-1 *General description.* The continental United States, the territory of Alaska, the territory of Hawaii, and Puerto Rico, are divided into 14 Coast Guard Districts. The central office for each district is known as the Coast Guard District Office. The area embraced by each district and the location of the District Office is indicated in § 1.10-5. The various Coast Guard floating and shore units come under the cognizance of the district in which geographically located.

§ 1.10-5 *Coast Guard Districts and offices.* The 14 Coast Guard Districts comprise the areas indicated and have offices located as specified in the table below:

Coast Guard district	Comprises	Address of Coast Guard district office
First	States of Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island, and all United States naval reservations on shore in Newfoundland.	1400 Custom House, Boston 9, Mass.
Second	States of West Virginia, Kentucky, Tennessee, Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, Iowa, Missouri; and those parts of the States of Pennsylvania, Ohio, Indiana, Illinois, Wisconsin, Minnesota, Arkansas, Mississippi, and Alabama not included in the Fourth, Eighth, and Ninth Coast Guard Districts.	232 Old Custom House, 8th and Olive Sts., St. Louis 1, Mo.
Third	State of Connecticut; State of New York not included in the Ninth Coast Guard District; and the northern part of New Jersey, including counties of Mercer, Monmouth, and all counties north thereof.	42 Broadway, New York 4, N. Y.
Fourth	State of Pennsylvania, east of longitude 79° W.; southern part of New Jersey, including counties of Burlington, Ocean, and all counties south thereof; and Delaware, including Fenwick Island Light.	210 West Washington Square, Philadelphia 6, Pa.
Fifth	States of Maryland, Virginia, and North Carolina.	Box 540, New Post Office Bldg., Norfolk 1, Va.
Seventh	States of South Carolina, Georgia, and the State of Florida, less Nassau and Duval counties and the counties west of the Apalachicola River.	Dupont Bldg., P. O. Box 2588, Miami 30, Fla.
Eighth	States of Texas and Louisiana; that part of the State of Alabama, Mississippi, and Arkansas south of latitude 34° N.; and that part of the State of Florida not included in the Seventh Coast Guard District.	P. O. Box 282, New Orleans 9, La. (Custom House).
Ninth	States of New York (west of longitude 74° 39′ W. and north of latitude 42° N.), Pennsylvania (west of longitude 79° W. and north of latitude 41° N.), Ohio (north of latitude 41° N.), Michigan, Indiana (north of latitude 41° N.), Illinois (north of latitude 41° N. and east of longitude 90° W.), Wisconsin (east of longitude 90° W.), and that part of Minnesota north of latitude 46°20′ N.	1700 Keith Bldg., Cleveland 15, Ohio.
Tenth	Panama Canal Zone, all of the island possessions of the United States pertaining to Puerto Rico and Virgin Islands; and all United States naval reservations in the islands of the West Indies and on the north coast of South America.	La Marina, San Juan, P. R.
Eleventh	States of New Mexico and Arizona, Clark County, Nevada, and the southern part of California including the counties of Santa Barbara, Kern, and San Bernardino and all counties south thereof.	706 Times Bldg., Long Beach 2, Calif.
Twelfth	States of Colorado, Utah, Nevada (except Clark County), and that part of the State of California not included in the Eleventh Coast Guard District.	907 Appraisers Bldg., 630 Sansome St., San Francisco 26, Calif.
Thirteenth	States of Washington, Oregon, Idaho, Montana, and Wyoming.	Alaskan Bldg., 618 2d Ave., Seattle 4, Wash.
Fourteenth	Territory of Hawaii and the Pacific islands belonging to the United States west of longitude 140° W. and south of latitude 42° N.	Federal Bldg., Honolulu, T. H.
Seventeenth	Territory of Alaska	Ketchikan, Alaska.

§ 1.10–10 *District Organization*—(a) *District Commander.* The chief of each Coast Guard District, with headquarters as indicated in 1.10–5 above, is officially designated as "Commander, ——— Coast Guard District." The District Commander is charged with the administration of all Coast Guard responsibilities and activities within his respective district.

(b) *Chief of Staff.* The Chief of staff performs duties as prescribed by the District Commander and acts as District Commander during the absence or disability of that officer, or in the event there is a vacancy in the office of the District Commander.

(c) *District Office.* The immediate office of the District Commander consists of the Chief of Staff, the Planning and Control Officer, the Public Information Officer, the Marine Inspection Officer, and the following independent sections: Intelligence and Law Enforcement Section; Legal Section; and Office Services Section. In addition to the District Commander's immediate office, the District Office organization consists of the following operational and logistic divisions: Engineering Division; Finance and Supply Division; Operations Division; and Personnel Division. The subdivisional organization of the District Office parallels that of Headquarters (see subpart 1.05).

§ 1.10–15 *Obtaining information.* Requests for general information concerning Coast Guard functions and for services of operating units for the enforcement of law, patrol of regattas, for rescue of persons or property, etc., should be made to the appropriate District Commander listed in § 1.10–5.

§ 1.10–20 *Marine Inspection Districts and Offices*—(a) *General.* For purposes of administering the marine inspection activities, local marine inspection offices are established within the several Coast Guard Districts. Each such office is responsible for a certain geographical area. The location of these offices and the Coast Guard District in which located are specified in the table below:

Coast Guard district	Marine inspection office	Address
First	Portland, Maine	76 Pearl St., Portland 3, Maine.
	Boston	40 Broad St., Boston 9, Mass.
	Providence	409 Federal Bldg., Providence 3, R. I.
Second	Pittsburgh	1215 Park Bldg., Pittsburgh 22, Pa.
	Point Pleasant	Post Office Bldg., Point Pleasant, W. Va.
	Cincinnati	New Post Office Bldg., Cincinnati 2, Ohio.
	Louisville	Federal Bldg., Louisville 2, Ky.
	Nashville	1018 Stahlman Bldg., Nashville 3, Tenn.
	Memphis	322 Custom House, Memphis 3, Tenn.
	Cairo	425 New Post Office Bldg., Cairo, Ill.
	St. Louis	937 New Federal Bldg., St. Louis 1, Mo.
	Dubuque	Post Office and Court House, Dubuque, Iowa.
Third	New London	302 New Post Office Bldg., New London, Conn.
	New Haven	311 Federal Bldg., New Haven 10, Conn.
	New York	42 Broadway, New York 4, N. Y.
	Albany	313 Federal Bldg., Albany 1, N. Y.
Fourth	Philadelphia	801 Custom House, Philadelphia 6, Pa.
Fifth	Baltimore	209 Chamber of Commerce Bldg., Baltimore, Md.
	Norfolk	Box 540, New Post Office Bldg., Norfolk 1, Va.
Seventh	Charleston	East Bay and Broad Sts., Charleston 3, S. C.
	Savannah	Custom House, Savannah 12, Ga.
	Jacksonville	Federal Bldg., Jacksonville 1, Fla.
	Miami	Professional Bldg., Miami 32, Fla.
	Tampa	406 Federal Bldg., Tampa 2, Fla.
Eighth	Mobile	Court House and Custom House, Mobile 9, Ala.
Eighth	New Orleans	311 Custom House, Canal St., New Orleans 12, La.
	Port Arthur	Bluestine Bldg., Port Arthur, Tex.
	Houston	312 Appraisers Store Bldg., Houston, Tex.
	Galveston	New Federal Bldg., Galveston, Tex.
Ninth	Oswego	205 Federal Bldg., Oswego, N. Y.
	Buffalo	440 Federal Bldg., Buffalo 3, N. Y.
	Cleveland	1134 Keith Bldg., 1621 Euclid Ave., Cleveland 15, Ohio.
	Toledo	402 Court House and Custom Bldg., Toledo 2, Ohio.
	Detroit	430 Federal Bldg., Detroit 26, Mich.
	St. Ignace	Municipal Bldg., State St., St. Ignace, Mich.
	Duluth	311 Federal Bldg., Duluth 2, Minn.
	Chicago	1102 CustomHouse, 610 South Canal St., Chicago 7, Ill.
	Milwaukee	533 Federal Bldg., Milwaukee 2, Wis.
	Ludington	National Bank of Ludington, Ludington, Mich.
Tenth	San Juan	Federal Bldg., San Juan, P. R.
Eleventh	Long Beach	1125 Times Bldg., Long Beach 2, Calif.
Twelfth	San Francisco	New Appraisers Bldg., 630 Sansome St., San Francisco, Calif.
Thirteenth	Seattle	Alaskan Bldg., 2d and Cherry Sts., Seattle 4, Wash.
	Portland	1005 Failing Bldg., Portland 4, Oreg.
Fourteenth	Honolulu	Pier 4, Honolulu, T. H.
Seventeenth	Alaska	Commercial Bldg., Ketchikan, Alaska.

(b) *Marine inspection office.* (1) Each local marine inspection office is headed by an Officer in Charge, Marine Inspection, designated by the Commandant of the Coast Guard, who is responsible for the immediate direction of the marine inspection functions consisting of factory and shipyard inspections, inspection of vessels in order to determine that they comply with the applicable laws, rules, and regulations relating to safe construction, equipment, manning, and operation and that they are in a seaworthy condition for the services in which they are operated; the investigation of marine casualties and accidents; and the licensing, certificating and disciplining and shipment and discharge of seamen; and the enforcement of vessel inspection, navigation, and seamen's laws in general in the areas over which he has jurisdiction. Requests for performance of such functions and for information as to legal requirements vessels must comply with should be made to the appropriate marine inspection office. Matters of general information of interest to the maritime industry are published in the monthly publication "The Proceedings of the Merchant Marine Council" which may be obtained from the Commandant.

(2) Assisting the Officer in Charge, Marine Inspection, are Marine Inspector, Matériel, Marine Inspector, Personnel, Shipping Commissioner, and Hearing Officer.

§ 1.10–75 *Other district facilities*—(a) *Types.* For the purpose of discharging the various Coast Guard duties and responsibilities other than those pertaining to marine inspection, the several districts maintain and operate numerous floating and shore facilities of various types. These include operating units such as ships; aircraft; air, light, radio, and lifeboat stations; Captain of the Port offices; and logistics units such as recruiting, receiving, and training stations; repair yards; and telephone system offices. These units are headed by Commanding Officers or Officers in Charge to whom is delegated responsibilities for the performance of the various Coast Guard duties.

(b) *Obtaining services or information.* Requests for the services of operating units for the enforcement of laws, search and rescue operations, and like operations within the capabilities of the unit may be made to the Commanding Officer of the local unit. However, conditions may prevent his acting on such request in which case request should be made to the appropriate District Commander. Local operating units are usually listed in local telephone directories.

§ 1.10–90 *Independent Coast Guard facilities*—(a) *Continental United States.* Certain major logistics facilities, although within the geographical limits of the several districts, are directly under the cognizance of Headquarters. These include the Coast Guard Academy, New London, Connecticut; the Coast Guard Yard, Baltimore, Maryland; and the Washington Radio Station, Washington, D. C.

(b) *Foreign.* The several Merchant Marine Details located in foreign ports are likewise responsible directly to Headquarters. For location and address of these details apply to the Commandant, U. S. Coast Guard.

SUBPART 1.50—DELEGATIONS OF AUTHORITY

§ 1.50–1 *District Commander.* Final authority for the performance within the confines of his district of the functions listed in § 1.01–5 is delegated to the District Commander by the Commandant. In turn delegations of final authority run from the District Commander to commanding officers of local operating units under his control in the performance of law enforcement, patrol of regattas and search and rescue functions coming within the scopes of their activities.

§ 1.50–20 *Officer in Charge, Marine Inspection.* (a) Final authority for the performance of functions listed in § 1.10–20 is vested in the Officer in Charge, Marine Inspection. Procedure for ap-

pealing from the decisions of that officer or his subordinates on such matters is set forth in the various types of procedures covered by Parts 1 to 4, inclusive, *infra*.

(b) By authority of §§ 312.15, 322.18, 332.14 of this title, this officer is delegated authority to prescribe distinctive lights for ferryboats operated by different companies.

§ 1.50–30 *Captain of the Port.* Captains of the ports have been delegated authority to control the movements and anchorages of vessels within their port areas, by Part 6 of this chapter. The Captain of the Port at Sault Ste. Marie, Michigan, is in charge of the St. Mary's River Patrol, and has authority to control the routing of traffic through the dredged channels contingent upon the physical conditions at the time. The officers and men of the patrol have authority to enforce the regulations. in accordance with Part 323 of this title.

SUBPART 1.60—FINAL OPINIONS OR ORDERS AND RULES

§ 1.60–1 *Final opinions or orders.* Final opinions or orders in the adjudication of cases relating to the U. S. Coast Guard are made available to public inspection except those held confidential and not cited as precedents. Final opinions or orders which are cited as precedents but which contain confidential information will be made available in abstract form showing the principles relied upon without revealing the confidential facts. The decision as to whether or not a final opinion or order contains confidential information will be determined in accordance with the standards set forth in §§ 1.80–1 to 1.80–90, inclusive.

§ 1.60–50 *Rules.* The rules issued or coming within the jurisdiction of the Coast Guard which apply to the public are usually published in Chapters I. III, and IV of this title or Chapter I of 46 CFR, and are available for inspection at Headquarters or Coast Guard District Offices (See § 1.10–5 for list of District Offices). Rules issued by a field officer and applicable to a specific locality are available for inspection at the office issuing the rule. (See §§ 1.10–1 to 1.10–90, inclusive, for field organization.)

SUBPART 1.75—RULE MAKING

§ 1.75–1 *General.* The procedures described in this subpart will be observed by the Coast Guard in enacting rules or regulations as authorized by navigation and vessel inspection laws, port security regulations and in granting or withdrawing approvals of safety equipment which require approval of the Commandant for use on vessels.

§ 1.75–10 *Notices, hearings, and panels.* (a) The Merchant Marine Council is the deliberative body which will consider material and arguments for or against adoption of proposed regulations. The Council meets in regular session on the second Tuesday in February and in October and in special sessions as necessary. Such meetings are open to the public even though such public hearings may not be required by statutes.

(b) Notice of the time and place of the meeting will be published in the Federal Register approximately six weeks in advance of any meeting. In addition either the full text of the proposed regulations or the substance of the proposed rules will be published in the same notice. In the latter case copies of the proposed regulations will be mailed to interested parties who will be advised in the published notice that such copies may be obtained from the Commandant. Invitations to appear at the hearing will be extended and opportunity for submission of comments on the proposals will be given.

(c) After deliberation on the comments and arguments the Council recommends to the Commandant regulations for adoption or rejection. Publication of the changes adopted wil be made in the Federal Register with the effective date to be not less than 30 days after such publication except in those cases where for good cause the effective date should be earlier.

(d) Adoption of regulations other than those above and which have general application will be made in accordance with the above procedure with the exception that the Chief of the Office charged with the enforcement of such regulations will preside at the hearing instead of the Merchant Marine Council.

(e) Regulations which have only local application will be made in accordance with the above procedure except that the hearing will be held in the locality to which the regulations apply.

SUBPART 1.80—OFFICIAL RECORDS AND DOCUMENTS

§ 1.80–1 *Access to records.* Official records will be made available to persons who have legitimate and valid reasons for seeking access to records, which are not classified as confidential by reason of military necessity or for other good cause.

§ 1.80–10 *Records at Headquarters.* There are retained on file at Headquarters the following types of official records, access to which may be had by a person establishing an interest in the particular record on request to the Commandant, who will refer the matter to the chief of the division responsible for the files: Records of Boards of investigation of claims or marine casualties and accidents; records of boards of review of discharges, dismissals, or retiring boards; shipping articles; central records of merchant seamen; deeds or leases of property held by Coast Guard; contracts; changes in regulations; opinions and orders of the Commandant.

§1.80–60 *Records at field offices.* There are retained on file at each field office the records of matters in which final actions have been taken by them under functions delegated as set forth in §§ 1.50–1 to 1.50–30, inclusive. Access to any particular record may be had by a person establishing an interest in the partciular record on request to the appropriate field officer responsible for the records, and in any case where the field officer doubts the right of the person to see the record, such field officer will refer the matter to the Commandant by letter or dispatch for decision. Because of the nature of some records, examination in those cases will be permitted only in the presence of a responsible Coast Guard officer or employee.

§ 1.80–90 *Copies of records.* Within the discretion of the responsible officer, and without unduly interfering with the activities of the field office, certain records may be copied or duplicated at the labor and expense of the person requesting a copy of the records. If extra copies of records were made by the Coast Guard and are readily available, the officer responsible for the records may furnish such copies to the applicant establishing an interest in the particular record and a specific need for it.

PART 20—PROCEDURES APPLICABLE TO THE PUBLIC

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20.70–40 Certificate in lieu of discharge (white).

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20.75–1 Declaration and reward for deserter from the U. S. Coast Guard.
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SUBPART 20.85—LIGHTING OF BRIDGES

20.85–1 Notice concerning lighting of bridges.
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20.85–70 Appeals.

CROSS REFERENCES: For description of Coast Guard organization see Part 1, General Organization and Jurisdiction, of this chapter, *supra*. For description of procedures dealing with merchant marine activities in particular see parts 1 to 4, inclusive, of Title 46, *infra*.

SUBPART 20.01—GENERAL PROCEDURES

§ 20.01–1 *Theory of chain of command.* The Commandant, U. S. Coast Guard, is charged with the duty of directing the activities of the Coast Guard; however, certain administrative staffs have been provided to assist him in the performance of his responsibility. The chain of comand ordinarily runs from the Commandant to the District Commander, and in turn from the District Commander to the commanding officer or officer in charge of a particular operating unit.

§ 20.01–10 *Commandant's decisions.* The Commandant is directed, under the law, to administer the functions of the Coast Guard. His authority is derived from statutes, regulations promulgated pursuant thereto, executive orders, and proclamations, which cover the finality of decisions made by him.

§ 20.01–20 *District Commanders' decisions.* The District Commanders are regarded as staff officers of the Commandant and as such are authorized to take definitive action on matters provided they do so by virtue of the proper delegation of authority.

§ 20.01–30 *Field units' decisions.* The field units perform certain duties and make decisions under the direction and supervision of the District Commander. Generally their authority comes either from the Commandant or the District Commander, however, in addition the Captain of the Port derives cedtain authority over the anchorage and movement of vessels from 50 U. S. C. 191 and 191c and the regulations promulgated pursuant thereto.

SUBPART 20.10—NORTH ATLANTIC PASSENGER ROUTES

§ 20.10–1 *Notice of ship routes.* The procedures for filing either notices of routes to be followed by passenger vessels in crossing the North Atlantic Ocean or reports of deviation from such routes are contained in §§ 3.1 and 3.2 of this chapter.

§ 20.10–10 *Penalties.* Penalties are provided for violations and the procedure for the imposition of such penalties are set forth in § 3.6 of this chapter.

SUBPART 20.15—ENTRANCE REQUIREMENTS FOR COAST GUARD ACADEMY

§ 20.15–1 *Application.* An applicant who is able to meet the requirements set forth in § 4.2 of this chapter and Coast Guard Form 144—Regulations governing appointment to cadetship, and special notice of examination, which forms may be obtained from the Commandant, U. S. Coast Guard, Coast Guard Recruiting offices, or the United States Coast Guard Academy, and who desires to enter the Academy should execute one copy of Coast Guard form 9530, Application to take the examination for appointment as a cadet, which form may be obtained from the Commandant, Coast Guard Recruiting Offices, or the Coast Guard Academy. This form will be approved or disapproved by the Commandant, U. S. Coast Guard, whose decision is final. The applicant will be notified of the decision of the Commandant by letter.

§ 20.15–5 *Preliminary physical examination.* Before filing an application or preparing for an examination, a candidate must be examined thoroughly by a competent physician, the results of which are tabulated on Coast Guard form 9530A, Preliminary physical examination record, which form may be obtained from the Commandant, Coast Guard Recruiting Offices, or the Coast Guard Academy, to determine whether or not he can meet the physical requirements set forth in Appendix A of Coast Guard form 144, which form will be approved or disapproved by the Commandant by letter.

§ 20.15–10 *Educational questionnaire.* This questionnaire, Coast Guard form 9530B, may be obtained from the Commandant, Coast Guard Recruiting Offices, or the Coast Guard Academy, is not an application nor does it take the place of any information required by the Coast Guard in connection with applications. It is for the information of the Academy and is to be mailed directly to the United States Coast Guard Academy, New London, Connecticut.

§ 20.15–15 *Transcripts of education.* Each candidate must submit one or more copies of Coast Guard forms 9539, Certificate for accredited college, university, or technological school, and 9539A, Certificate for preparatory school or public high school, which forms may be obtained from the Commandant, Coast Guard Recruiting Offices, or the Coast Guard Academy, which forms are approved or disapproved by the Commandant, on the basis of the requirements listed in the regulations in part 4 of this chapter, and Coast Guard form 144, which form may be obtained from the Commandant, U. S. Coast Guard, Coast Guard Recruiting Offices, or the U. S. Coast Guard Academy. The applicant will be notified of the decision of the Commandant by a letter, whose decision is final.

§ 20.15–20 *Review and rating of examination papers.* The papers of candidates will be examined and rated by commissioned officers of the Coast Guard. After the papers have been rated, a board of commissioned officers of the Coast Guard, appointed by the Commandant, will consider applicants who have attained a passing grade according to the procedure set forth in § 4.7 of this chapter.

§ 20.15–25 *Final physical examination; appointments.* Candidates who are considered eligible will be required to report to the Coast Guard Academy, New London, Connecticut, where they will be given a final physical examination by a board of medical officers of the Public Health Service. Candidates who successfully pass this physical examination will be issued appointments as cadets, except, the number appointed is discretionary with the Secretary of the Treasury and will depend upon the needs of the service at the time.

SUBPART 20.20—COAST GUARD AUXILIARY

§ 20.20–1 *Application for membership.* A candidate for membership in the Auxiliary shall make application on Coast Guard form 2730, in accordance with the requirements set forth in § 5.3 of this chapter.

§ 20.20–10 *Admission to membership.* An applicant who is accepted for membership will be issued a membership certificate, Coast Guard form 2737–A and an Identification Card, Coast Guard form 2650, under the conditions set forth in § 5.3 of this chapter.

SUBPART 20.30—CLAIMS

§ 20.30–1 *General.* The General Claims Regulations in Part 15 of this chapter are prescribed to govern the administration of claims for damage to or loss or destruction of property, or for personal injury or death, caused by Coast Guard personnel or civilian employees of the Coast Guard, while acting within the scope of their employment, or otherwise incident to the activities of the Coast Guard, when the Coast Guard is not operating as a part of the Navy.

§ 20.30–5 *Bailed personal property and use and occupancy of real property.* Claims for damage to or loss or destruction of such property are payable under sections 15.7 and 15.8 of this chapter; however, if deemed in the best interest of the Government, they may be processed as contract claims through the General Accounting Office.

§ 20.30–10 *Contract claims.* Claims for damage to such property, except those under § § 15.7 and 15.8 of this chapter, are normally not payable under the provisions of Part 15 of this chapter; however, any claim which is apparently within the provisions of the Act of March 20, 1946, but appears to be founded in contract, express or implied, will be

forwarded with related files and recommendations by or through the Commander of the cognizant Coast Guard district or activity to the Commandant for appropriate administrative action.

§ 20.30–15 *Form of claim and place of filing.* Claims should be submitted in triplicate in accordance with the requirements set forth in § 15.22 of this chapter, or by using Coast Guard Form 2880—General Claims—whenever practicable. These forms may be obtained from the Commandant, District Commanders, and independent units, and should be filed with the nearest commanding officer of the activity involved or with the Commandant, Washington 25, D. C.

§ 20.30–20 *Boards of investigation.* (a) The regulations in § 15.25 of this chapter, provide that if the facts of the case require that a board of investigation be convened it will be convened as prescribed in Article 900—Coast Guard Courts and Boards, 1935. Access may be had to this publication at any Coast Guard office or unit.

(b) The regulations in § 15.25 of this chapter, provide that in the case of a marine casualty involving a Coast Guard vessel and a private vessel or instrumentality, the procedure set forth in the Commandant's letter of March 30, 1943, and section 7–3–5 A, of the Merchant Marine Inspection Instructions shall be followed. Access may be had to these instructions at Coast Guard Headquarters, or the office of any District Commander.

§ 20.30–25 *Approval of claims.* Subject to appeal to the Secretary of the Treasury, claims under the provisions of Part 15 of this chapter may be approved or disapproved by the Commandant, Assistant Commandant, or the Chief Counsel, U. S. Coast Guard. These claims when approved as aforesaid will be forwarded to the appropriate certifying officer for certification as provided in Chapter XVI, Pay and Supply Instructions, U. S. Coast Guard. Access may be had to this publication at any Coast Guard office or unit.

§ 20.30–30 *Appeals.* The regulations in § 15.29 of this chapter provide that any claimant may appeal to the Secretary of the Treasury for a review of the adjustment or determination of his claim. Such appeal shall be made in writing and shall be addressed to the Secretary of the Treasury, Washington 25, D. C.

§ 20.30–35 *Claims in excess of $500.* Claims in excess of $500 ($1,000 in time of war) if otherwise within the scope of the regulations in Part 15 of this chapter may be reported pursuant to the procedure as set forth in § 15.20 of this chapter.

SUBPART 20.40—COURTS MARTIAL

§ 20.40–1 *Offenses against military discipline.* These offenses are punishable by Coast Guard Courts under the jurisdiction set forth in 14 U. S. C., Chapter 5. The only aspect of such courts martial not relating solely to the internal management of the Coast Guard rests upon the right of the accused or the defendant to employ civilian counsel to represent him in the trial. This right may be exercised at the time of arrest, the service of charges, or at any subsequent stage of the proceedings. The regulations governing court martial trials and procedures are contained in a publication known as "Coast Guard Courts and Boards, 1935." Civilian counsel may have access to this publication at any Coast Guard office or unit.

SUBPART 20.50—CONTRACTS

§ 20.50–1 *Procurement of supplies and services.* In procuring supplies and services the Coast Guard uses Standard Government Contract forms and procedures, which are supplemented by forms containing contract conditions peculiar to the Coast Guard. Invitations for bids are solicited from prospective bidders as well as posted in public places. Contract forms and supplemental material are available at the time of the solicitation of the bid, or these forms may be obtained upon request from Coast Guard Headquarters and from field offices.

SUBPART 20.55—COAST GUARD RESERVE

§ 20.55–1 *Application for commission or warrant.* A person who desires to be appointed in the Coast Guard Reserve must execute Coast Guard form 2725, which form may be obtained from the Commandant, U. S. Coast Guard, or the District Commander of any Coast Guard District. This form must be executed in duplicate and submitted to the Procurement Division at Coast Guard Headquarters, Washington, D. C., or to the District Commander, of the district in which the applicant resides. The approval of the Commandant will be based upon existing regulations, which may be inspected at Coast Guard Headquarters, Washington, D. C., or at any Coast Guard field office, and on the needs of the Coast Guard. The applicant will be notified by letter of the decision of the Commandant, which decision is final.

§ 20.55–5 *Finger-print record.* A person submitting an application for a commission in the Coast Guard Reserve must submit Coast Guard form 2515, Fingerprint record, obtainable from the Commandant, U. S. Coast Guard, or any of the district offices, which must be presented in person at Coast Guard Headquarters, any district office, or to local police who will make the impressions. This form is then submitted with the application referred to in § 20.55–1.

§ 20.55–10 *Correspondence courses.* A person submitting an application for a commission must execute a form entitled "agreement to enroll in correspondence courses", obtainable from the Commandant, U. S. Coast Guard, or any district office. This formal agreement in duplicate to enroll in such correspondence courses as may be designated from time to time is furnished as a supporting paper to the application.

§ 20.55–15 *Statement regarding pension from the government.* A person submitting an application for a commission in the Coast Guard must submit a sworn statement in duplicate that he is not drawing nor has he a claim pending, on account of his own service, for a pension, disability allowance, disability compensation, or retired pay from the government of the United States, which statement is furnished as a supporting paper to the application for a commission.

§ 20.55–20 *Personal history statement.* A person submitting an application for a commission in the Coast Guard Reserve must submit Coast Guard form 2527, Personal history statement, which form may be obtained from the Commandant, U. S. Coast Guard, which is submitted as a supporting paper to the application.

SUBPART 20.60—ENLISTMENTS

§ 20.60–1 *Application.* A person who desires to enlist in the Coast Guard shall execute one copy of Coast Guard form 2520, obtainable from any Coast Guard Recruiting office, and submitted to the recruiting officer who will approve or reject such application on the basis of Regulations for the U. S. Coast Guard 1940, as amended, which may be inspected at any district office. Any person aggrieved by a decision of the recruiting officer may appeal to the Commandant, U. S. Coast Guard, Washington, D. C. The individual will be notified of the decision of the Commandant by a letter, whose decision is final.

§ 20.60–5 *Enlistment contract.* Two copies of Coast Guard form 2500 will be prepared by the enlisting officer for enlistment or re-enlistment in the regular establishment of the Coast Guard or Coast Guard Reserve.

§ 20.60–10 *Special enlistment contract.* Two copies of Coast Guard form 2500B are prepared by the enlisting officer for enlistment in the Special Temporary Establishment of the Coast Guard. The original of this form will be sent to the Commandant, United States Coast Guard, Washington, D. C., and the copy will accompany the jacket of the particular man.

§ 20.60–15 *Consent of parent or guardian.* In the case, a minor, under the age of 21 years, desires to enlist in the Coast Guard, the parent or guardian must consent to such enlistment by executing two copies of Coast Guard form 2551, which will be mailed or sent to the parent or guardian by the Coast Guard Recruiting officer, and is a supporting paper to the application.

§ 20.60–20 *Report of Police record.* When a candidate for enlistment submits his application for enlistment in the Coast Guard, the Recruiting Officer mails a copy of Coast Guard form 2679 to the Chief of police, of the locality where the applicant resides requesting that he furnish certain information concerning the applicant, and is a supporting paper to the application.

§ 20.60–25 *Character references.* When a candidate for enlistment submits his application for enlistment in the Coast Guard the Recruiting Officer mails a copy of Coast Guard form 2682 to the persons referred to by the applicant for a character reference, requesting that he furnish certain information concerning the applicant, which is supporting papers to the application.

§ 20.60–30 *Report of fitness.* When a candidate for enlistment submits his application for enlistment in the Coast Guard, the recruiting officer mails a copy of Coast Guard form 2678 to a former employer or school official, of the applicant, who is requested to furnish certain information concerning the applicant, which is a supporting paper to the application.

SUBPART 20.65—RETIRING REVIEW BOARD

§ 20.65–1 *Application for review.* Any Coast Guard officer retired or released to inactive service, without pay, for physical disability, pursuant to the decision of a retiring board may request review of the findings and decision of such board. An application requesting a review must be in writing and addressed to the Retiring Review Board, Coast Guard Hearquarters, Washington 25, D. C. Forms for application for review may be obtained from said Board.

§ 20.65–5 *Hearings and review.* The Retiring Review Board will hold hearings, if necessary, and review the evidence in accordance with the procedures set forth in Part 11 of this chapter. As far as practicable the hearings of the Board will be conducted in accordance with the pertinent instructions contained in a publication known as "Coast Guard Courts and Boards, 1935." Access may be had to this publication at any Coast Guard office or unit.

§ 20.65–10 *Notification.* Final action in the case will be by letter to the officer requesting the review.

SUBPART 20.70—BOARD OF REVIEW, DISCHARGES AND DISMISSALS

§ 20.70–1 *Petition for review.* A person receiving an honorable discharge certificate, Coast Guard form 2510; certificate of discharge under honorable conditions, Coast Guard form 2510A; undesirable discharge, Coast Guard form 2510B; bad conduct discharge, Coast Guard form 2510C; or dishonorable discharge, Coast Guard form 2510D, and which he deems inappropriate may petition for a review of such discharge or dismissal by submitting one copy of Coast Guard form 10034, discharge review petition, authorized by 38 U. S. C. 693 (h) and regulations in 34 CFR Part 21, promulgated pursuant thereto, except that a dismissal by a sentence of a General Court Martial cannot be reviewed. This form will be furnished on individual request, addressed to the Board of Review, Discharges and Dismissals, Coast Guard Headquarters, Washington 25, D. C. The individual will be notified of the action taken by the board, which is final.

§ 20.70–30 *Application for certificate in lieu of discharge.* A person whose Discharge Certificate has been lost or destroyed without privity or procurement on his part, may make application for a certificate in lieu of discharge on Coast Guard Form 9552, which form may be obtained from the Commandant, U. S. Coast Guard. This application should be sent to the Commandant, where the application will receive consideration and either be accepted or rejected and the applicant so notified.

§ 20.70–35 *Certificate in lieu of discharge (yellow).* In case the applicant had received a discharge under other than honorable conditions, and should affirmative action be taken on the application for certificate in lieu of discharge, the Commandant will issue the applicant a certificate in lieu of discharge (yellow), Coast Guard form 9553A.

§ 20.70–40 *Certificate in lieu of discharge (white).* In case the applicant had received a discharge under honorable conditions, and in case affirmative action is taken on the application for certificate in lieu of discharge the Commandant will issue a certificate in lieu of discharge (white), Coast Guard form 9553.

SUBPART 20.75—DESERTION

§ 20.75–1 *Declaration and reward for deserter from U. S. Coast Guard.* Coast Guard form 2840, Declaration and Reward for Deserter from the U. S. Coast Guard, will be prepared and issued by Coast Guard Headquarters and Commanding officers of vessels and stations outside the continental United States after a man has been declared a deserter. A copy of this form will be sent to the Chief of Police of the city given as the home address of the deserter and to the Chief of Police or police officials in the cities adjacent to the port in which absence occurred. A copy of this form should be presented when delivering the man described on the form.

§ 20.75–10 *Notification of return of a deserter.* Coast Guard form 2842, Notification of Return of a Deserter, will be prepared and issued by Coast Guard Headquarters upon the receipt of information that a deserter, for whom a reward for apprehension has been offered on the form referred to in § 20.75–1, has returned or has been apprehended. This form will be sent to the Chief of Police of the city given as the home address of the deserter, to the Chief of Police or police officials in the cities adjacent to the port in which absence occurred and such others as may be necessary.

SUBPART 20.80—AIDS TO NAVIGATION

§ 20.80–1 *Notice to Mariners.* These notices, Coast Guard Form 2535, are mailed to the public, also posted in public places for the purpose of dissemination of information of changes in aids to navigation. The regulations in § 402.2 of this title set forth the information as to how or where copies of such notices may be obtained. Coast Guard form 2545 will be sent to addressees on Local Notice to Mariners mailing lists, yearly or whenever the list is in need of revision, by Coast Guard District Commanders for the purpose of revising the mailing lists.

§ 20.80–5 *Distribution and Sale of Publications.* The regulations in § 402.3 indicate where copies of light and buoy lists may be obtained.

§ 20.80–10 *Private Aids to Navigation.* Any person desiring to establish a private aid to navigation or discontinue such aid shall submit Coast Guard form 2554 in accordance with the procedures set forth in § 402.4 of this title.

§ 20.80–25 *Marking of Wrecks.* The regulations in § 402.5 of this title set forth the requirements for the marking of wrecks and notice of abandonment of such wreck.

SUBPART 20.85—LIGHTING OF BRIDGES

§ 20.85–1 *Notice Concerning Lighting of Bridges.* This notice, Coast Guard form 2544, is a form letter sent by the District Commander to persons, firms, companies or corporations owning, occupying, or operating bridges over any navigable water, to advise them concerning their responsibility relative to maintaining lights on bridges for the security of navigation.

§ 20.85–5 *Approval of fog signals.* The regulations in § 403.1 require that when the Engineer Department of the War Department has issued regulations requiring such signals, the District Commander of the district in which the structure is located, shall pass upon the size, weight, tone, and characteristic of the bell, or the efficiency and characteristic of any other signal. The District Commander will give notification of his decision.

§ 20.85–10 *Approval of bridge lights.* Approval of lights and other signals required by 33 U. S. C. 494 must be obtained from the Commander of the Coast Guard District in which the structure is located. Applications for approval shall be by letter addressed to the District Commander of the appropriate district in accordance with the requirements set forth in § 403.1 of this title. The applicant will be notified of the decision of the District Commander.

§ 20.85–20 *Visibility of lights.* Lights required by the regulations in § 403.1 shall be located with colors and arcs of illumination as specified, and of such power as in the opinion of the Commandant is required for the safety of navigation.

§ 20.85–30 *Lights on sheer booms.* The color and characteristics of the lights required by § 403.1 shall be determined by the District Commander, with the approval of the Commandant.

§ 20.85–40 *Bridges infrequently used, and unusual cases.* (a) Bridges infrequently used, may on the recommendation of the proper District Commander, with the approval of the Commandant, be exempted from certain provisions of Part 403 of this title, provided such lights as may in the opinion of the appropriate District Commander be maintained for the security of navigation.

(b) The lighting of structures not covered by the regulations in Part 403 of this title shall be referred to the Commandant for his decision. In special cases the Commandant may, in his discretion, if satisfied that the safety of navigation is adequately protected, waive or modify the requirements of the regulations in Part 403 of this title.

§ 20.85–50 *Additional lights on high bridges without draws.* The regulations in § 403.2 of this title provide that additional lights may be required upon the recommendation of the proper District Commander, with the approval of the Commandant.

§ 20.85–60 *Draw span of deck and half-through bridge.* The regulations in § 403.3 of this title provide that where there is but one permanent channel passing beneath the bridge, the lighting of the unused channel may be omitted with the permission of the proper District Commander.

§ 20.85–70 *Appeals.* An applicant may appeal the decision of a District Commander to the Commandant, United States Coast Guard, within 30 days from the date of disapproval by letter or such other means as he desires. The decision of the Commandant is final.

[46 CFR, Ch. I]

PART 1—GENERAL COURSE AND METHODS

CROSS REFERENCE: For Coast Guard organization and jurisdiction see Part 1 of Title 33, *supra*. For procedures affecting merchant marine activities in particular see Parts 2, 3, and 4 of this chapter, *infra*, and for other general procedures see Part 20 of Title 33, *supra*.

§ 1.01 *General flow of functions.* (a) The general course and method by which the functions concerning merchant marine activities are channeled begins with the local Officer in Charge, Marine Inspection, through his subordinates, the Senior Marine Inspector, Matériel, Senior Marine Inspector, Personnel, Shipping Commissioner, and Hearing Officer. The functions are listed in §§ 1.10–20, *supra*. As indicated in §§ 1.50–20, *supra*, he is deemed to have final authority subject to the rights of appeal set forth in §§ 2.01–70, *supra*.

(b) The course from the Officer in Charge, Marine Inspection, or his subordinate, is to the Marine Inspection Officer on the staff of the District Commander, then to the District Commander. From the latter officer the chain is to the Chief of one of the three divisions within the Office of Merchant Marine Safety at Headquarters. In most administrative cases the channel ends at that point. However, on matters of policy and of appeals from decisions of Officers in Charge, Marine Inspection, or the District Commander, the matters are referred to the Commandant, through the Chief, Office of Merchant Marine Safety.

PART 2—VESSEL INSPECTIONS

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SUBPART 2.85—LOAD LINES

2.85–1 Assignment of Load Lines.

SUBPART 2.90—PLANS, DRAWINGS OR BLUEPRINTS

2.90–1 General requirements.

CROSS REFERENCE: For Coast Guard organization and jurisdiction see Part 1 of Title 33, *supra*.

SUBPART 2.01—INSPECTING AND CERTIFICATING OF VESSELS

§ 2.01–1 *Applications for inspections*—(a) *Application Forms.* Applications for the annual inspections of vessels required to be inspected by 46 U. S. C. 362, 363, 367, 391, 391a, 395, 404, 405, 1332, shall be made by the master, owner or agent on the following Coast Guard forms which are obtainable from the Officer in Charge, Marine Inspection at any local Marine Inspection Office, U. S. Coast Guard:

833—Application for Inspection of Vessel.
986—Application for Inspection of Foreign Passenger Vessel.

These applications require information on name and type of vessel, nature of employment and route in which to be operated, and place where and date when she may be inspected.

(b) *Certificates issued.* The completed forms shall be submitted to the Marine Inspection Officer located in, or nearest, the port at which the inspection is to be made. The applicant will be advised in writing of the time when the inspection will be made. Applications for inspection of new vessels of over 100 gross tons shall be preceded by the submission of drawings or prints described in §§ 31.3–3, 63.8, 79.8 or 116.8 or 97.8 cf. this chapter.

§ 2.01–5 *Certificates of inspection.* (a) Certificates issued upon completion of the inspection of a vessel and on condition that the vessel and her equipment are approved by the inspectors a certificate on one of the following Coast Guard forms will be issued by the Officer in Charge, Marine Inspection as required by 46 U. S. C. 399:

841—Certificate of Inspection for Steam or Motor Vessels.
856—Certificate of Inspection for Seagoing Barges of 100 Gross Tons or Over.
852—Certificate of Inspection for Sail Vessels and Barges Carrying Passengers for Hire.
842—Certificate of Inspection for Tank Barges.
987—Certificate of Inspection for Foreign Passenger Vessels.
854—Temporary Certificate of Inspection.
989—Certificate of Examination of Foreign Passenger Vessel of Country Having Inspection Laws Approximating Those of the United States.
A—Approval of Boilers and Machinery on Steam Propelled Motorboats.
B—Inspection of Boilers on Steam Propelled Motorboats.

(b) *Description of certificate.* These certificates describe the vessel; the route over which she may travel; the minimum manning requirements; the safety equipment and appliances required to be carried on board; the total number of persons which may be carried; the condition of the vessel and her machinery; the names of the master and the owner. The duration of the certificates is for a period of one year after which they must be renewed by making application for inspection as provided for in § 2.01–1.

(c) *Inspection requirements.* If during the inspection, the vessel or her equipment is found not to conform to the requirements of law, notice is given to the master of the vessel on Coast Guard form 835, List of Inspection Requirements, of the requirements which must be met.

(d) *Vessel repairs.* If repairs to a vessel are necessary, such vessel may be permitted to proceed to another port for repairs, if in the opinion of the inspector it can be done with safety. The permit is granted by the Officer in Charge, Marine Inspection, under authority 46 U. S. C. 438, upon request in writing by the Master or owner of the vessel and is issued on Coast Guard Form 948, Permit to Proceed to Another Port for Repairs. No repairs or alterations effecting safety of a vessel or her machinery shall be made unless requirements of 46 CFR, 31.3–8, 63.5, 79.5, 97.5 or 116.5 of this chapter are met.

(e) *Amending certificates.* Where by reason of a change in the character of a vessel or in her route, equipment, etc., the vessel will not comply with the requirements of the certificate of inspection previously issued a certificate amending such certificate may be issued at the discretion of the Officer in Charge, Marine Inspection, to whom request is made, on Coast Guard Form 853, Certificate Amending Certificate of Inspection by Changing Character of Vessel, Route, Equipment, etc.

§ 2.01–25 *International safety certificates and safety radiotelegraph certificates*—(a) *General.* International safety certificates are required to be carried on certain U. S. passenger vessels engaged in International voyages. At the request of the Government of a country in which are registered vessels engaged in International voyages such foreign vessels may be issued safety certificates by the Commandant, U. S. Coast Guard. Such certificates are issued only after inspections have been made of the vessels and they have been found to comply with the requirements of the International Convention for the Safety of Life at Sea, 1929.

(b) *Applications.* (1) Applications for the inspections of passenger vessels are made on the appropriate form listed in § 2.01–1, or by letter, to the Officer in Charge, Marine Inspection in, or nearest the port at which the inspection is to be made and shall be signed by the master or agent of the vessel.

(2) Applications for the inspection of vessels other than passenger vessels concerning the issuance of a Safety Radio Telegraph Certificate are made by letter to the local office of the Federal Communications Commission, which agency is responsible for the inspection. The local inspector of the agency reports the results of the inspection to the Officer in Charge, Marine Inspection, who issues the certificate. In the case of foreign vessels the publication shall be made to the Commandant by the diplomatic representative of the country concerned.

(c) *Certificates issued.* (1) If a passenger vessel meets the requirements of Chapters II, III and IV of the convention, it shall be issued on Coast Guard Form 968, Safety Certificate for an (a short) International Voyage. A vessel of 1,600 gross tons or over and which is other than a passenger ship is issued a certificate on Coast Guard Form 966. Safety Radiotelegraphy Certificate, if it has been found to comply with the requirements of Chapter IV of the above convention. These certificates describe the vessel or state the vessel is in compliance with the requirements of the convention.

(2) Where completion of the certification of any vessel cannot be effected prior to the sailing of the ship on a foreign voyage, a letter in lieu of a certificate is issued by the Officer in Charge, Marine Inspection, on Coast Guard Form 696, explaining the failure of the ship to have on board the certificate required.

(d) *Exempted vessel.* A vessel may be exempted by the Commandant, U. S. Coast Guard, from complying with certain requirements of the Convention upon request made in writing to him. In such case the exemptions are stated in Coast Guard form 967. Exemption Certificate, which is issued by the Commandant through the appropriate Officer in Charge, Marine Inspection.

§ 2.01–35 *Revocation of certificates of inspection.* Under authority of 46 U. S. C. 435 the certificates of inspection referred to in § 2.01–5 may be revoked if the vessel is found at reinspections not to comply with the terms of the vessel's certificate of inspection.

§ 2.01–50 *Special permits*—(a) *Passengers or persons in addition to crew.* Special permits may be issued to certain vessels subject to inspection to carry persons in addition to those allowed by the certificates of inspection. Under authority of 46 U. S. C. 453 a passenger vessel may be permitted to engage in excursions and carry additional numbers of passengers. Application for the permit is made by the master, owner, or agent of the vessel to the Officer in Charge, Marine Inspection, on Coast Guard form 950, Application for Excursion Permit. If, after inspection, permission is granted, it is given on Coast Guard form 949, Permission to Carry Excursion Party. The permit describes the vessel, the route over which and the period during which the excursions may be made, and the safety equipment required for the additional persons indicated.

(b) *Persons other than crew on towing, oyster, or fishing steamers.* Steam towing, oyster dredging, and fishing vessels may be permitted to carry persons in addition to their crews under authority of 46 U. S. C. 458 by the District Commander. Application for such a permit is made by the master or agent of the vessel to the District Commander on Coast Guard form 955, Application for Towing, Oyster and Fishing Steamers to Carry Persons Other Than the Crew, which form is obtainable from the District Commander. If the application is approved the permit is issued by the District Commander on Coast Guard form 957, Permit to Towing, Oyster and Fishing Steamers to Carry Persons Other Than the Crew. The master, owner, or agent of any of the above vessels carrying persons in addition to the crew is required to report to the District Commander that he has on board the vessel life preservers in addition to those required for the crew to accommodate the additional persons carried. This report is made on Coast Guard form 956, Affidavit of Master or Owner of Towing, Oyster or Fishing Steamer That Life Preservers Are on Board, which may be obtained from any District Commander. The permit describes the vessel, the number of persons which may be carried in addition to her crew, and the number of life preservers provided.

(c) *Lifeboats on river passenger vessels.* A District Commander may exempt a river steam vessel carrying passengers from carrying metallic lifeboats required by 46 U. S. C. 475 when the character of navigation is such that in his opinion the metallic lifeboats can be dispensed with or substitutions made. The exemption is granted on Coast Guard form 958, Permit Exempting River Vessels from Carrying Metallic Lifeboats.

§ 2.01–60 *Overtime Compensation*—(a) *General.* Extra compensation for overtime services performed by inspectors of vessels and their assistants, shipping commissioners and their deputies and assistants who may be required to remain on duty between the hours of 5:00 p. m. and 8:00 a. m. or on Sundays or holidays to perform services in connection with the inspection of vessels or their equipment, supplying or signing on or discharging crews of vessels is authorized by 46 U. S. C. 382b and regulations in Part 143 of this chapter, together with the method of computing such extra compensation.

(b) *Application and certification of time.* Application for the performance of such overtime services and certification of services performed is made by the master, owner, or agent of a vessel to the Officer in Charge, Marine Inspection, on Coast Guard form 830, Application for and Certification of Overtime Service.

(c) *Collection.* The bill for the collection of the overtime compensation is submitted by the Officer in Charge, Marine Inspection, to the master, owner, or agent on whose vessel overtime services are performed on Coast Guard form 832, Bill for Collection Overtime Services. Payment is made to the Collector of Customs of the port designated.

§ 2.01–70 *Appeals*—(a) *General.* Any person aggrieved by any decision or action of the inspectors of vessels or Officer in Charge, Marine Inspection, may appeal therefrom to the District Commander of the district in which the action or decision was made. A further appeal may be made to the Commandant, U. S. Coast Guard, from the decision of the District Commander. These rights of appeal are granted by 46 U. S. C. 431.

(b) *Time limits.* (1) Appeals from decisions of the inspectors or the Officer in Charge, Marine Inspection, to the District Commander, shall be made in writing within thirty days after the decisions or actions appealed from shall have been rendered or taken. Such appeals shall set forth the requirements appealed from and the reasons why the decision or action should be set aside or revised.

(2) Appeals from the decisions of the District Commander to the Commandant shall be made in writing within thirty days after the decisions appealed from shall have been rendered.

SUBPART 2.20—REPORTS AND FORMS

§ 2.20–1 *Forms.* Statutes and regulations require that certain forms be posted on vessels referred to in the statutes and regulations. The titles of the forms indicate the contents of the forms. They may be obtained from any Marine Inspection Office. The Coast Guard forms and the statutes or regulations which require that they be posted are as follows:

(a) *803.* Pilot Rules for Certain Inland Waters of the Atlantic and Pacific Coasts and of the Coast of the Gulf of Mexico, required by 33 U. S. C. 157, and 33 CFR 312.13 (b).

(b) *804a.* Rules for Lights for Certain Classes of Vessels Navigating the Harbors, Rivers, and Other Inland Waters except the Great Lakes and their Connecting Tributary Waters as far East as Montreal and the Red River of the North and Rivers Emptying into the Gulf of Mexico, required by 33 U. S. C. 157.

(c) *805.* Pilot Rules for the Rivers and their Tributaries whose waters flow into the Gulf of Mexico, and the Red River of the North, required by 46 U. S. C. 381, and 33 CFR 332.13 (b).

(d) *807.* Pilot Rules for the Great Lakes and their Connecting and Tributary Waters. 33 U. S. C. 243, 33 CFR 322.15 (b).

(e) *811.* Instructions for the use of the Gun and Rocket Apparatus for Saving Life from Shipwreck as Practiced by the United States Coast Guard, required by §§ 33.9–5, 59.60, 59.61, 60.53, 60.54, 79.17 of this chapter.

(f) *802.* Persons Allowed in Pilothouse and on Navigation Bridge, required by §§ 62.17, 78.17, 96.17, or 115.17 of this chapter.

(g) *809A.* Station Bills, Drills and Reports of Masters, required by § 62.18 of this chapter.

(h) *809B.* Station Bills, Drills and Reports of Masters, required by §§ 78.18, 96.18, 115.18, or 35.1–7 of this chapter.

(i) *810.* Duties of Mates of Inland Steamers Carrying Passengers, required by §§ 78.34, 96.33, or 115.32 of this chapter.

§ 2.20–40 *Reports.* (a) The officer in charge of a vessel carrying passengers is required to report monthly for the months during which the vessel was navigated of the drills held, the condition

of the vessel and her equipment, and the total number of passengers carried during the month. Complete instructions for making the report are contained in forms 809A and 809B referred to in § 2.20–1. Report is made to the proper District Commander on Coast Guard form 941, Monthly Report of Officer in Charge of Vessel Carrying Passengers. Notice of failure to submit such monthly report is given to the officer in charge of a vessel by the District Commander on Coast Guard form 942, Notice to Officer in Charge of Vessel Carrying Passengers of Neglect to Forward Monthly Report.

(b) The chief engineer of any steam vessel is required to report the renewing of every fusible plug in any boiler under his charge in accordance with §§ 54.18–5, 62.61, 78.53, 96.53, or 115.46 of this chapter.

§ 2.20–60 *Reports of casualties and accidents*—(a) *General.* Reports of casualties occurring on or to vessels is required by 33 U. S. C. 361 and the regulations supplementary thereto in §§ 62.16, 35.2–9, 78.16, 96.16, 115.16, or 136.103 of this chapter. The statute requires a report by letter from the master, owner, or agent of a vessel of the United States to the officer in charge, marine inspection, within five days after the accident, or as soon thereafter as possible. The regulations provide that a report on prescribed forms are acceptable if submitted promptly. The report is required whenever any vessel of the United States is involved in an accident involving loss of life, material loss of property, serious injury to any person, damage affecting the seaworthiness of the vessel.

(b) *Accidents.* Coast Guard form 924E, Report of Personal Accident Not Involving Death, is used in reporting accidents to passengers, members of crew and other persons, except longshoremen and harbor workers, who may be injured on board a vessel and incapacitated for a period in excess of 72 hours. The form contains spaces for information of the vessel, persons injured, nature and cause of injury, and witnesses.

(c) *Casualties.* Coast Guard form 2692, Report of Marine Casualty (or Accident), is used in reporting accidents involving deaths, damage affecting seaworthiness of the vessel, or material property in excess of $1500. Description of vessel, names of owner and master, location, nature and cause of casualty are inserted in the proper spaces.

(d) *Forms.* The Coast Guard forms 924E and 2692 may be obtained from any local Marine Inspection Office.

CROSS REFERENCE: For investigations and hearing on marine casualties see Part 4, *infra.*

SUBPART 2.30—NUMBERING OF UNDOCUMENTED VESSELS

§ 2.30–1 *Numbering.* Every undocumented vessel described in 46 U. S. C. 288 must obtain a certificate of award of number which number must be painted or attached to each bow of the vessel. The procedures to be followed in applying for such certificate; on transfer, loss, or destruction of the vessel; and on change of residence of owner from one customs district to another are set forth in part 29 of this chapter.

§ 2.30–10 *Application.* Application for a certificate is made on Coast Guard form 1512. Application for Number for Undocumented Motor Vessel, by the owner to the District Commander of the district in which the vessel is owned. The form is obtained at the office of the appropriate District Commander. The application lists the name and address of owner and description of the vessel and the engine and must be submitted together with evidence of ownership of the vessel.

§ 2.30–20 *Certificate issued.* Upon complying with the necessary requirements as to prima facie evidence of ownership. Coast Guard form 1513, Certificate of Award of Number to an Undocumented Vessel, is issued by the District Commander.

SUBPART 2.50—NAVIGATION AND VESSEL INSPECTION LAWS

§ 2.50–1 *Waivers*—(a) *Authority.* Compliance with the navigation and vessel inspection laws may be waived by the Commandant under authority of 50 U. S. C. 635, as amended, and waiver of the Secretary of the Navy dated June 5, 1945, as affirmed, if the waiver is deemed necessary in the conduct of the war. Since cessation of hostilities the term "conduct of the war" is interpreted to include the process of readjustment and conversion of the economy of the nation from a war to a normal peacetime basis.

(b) *Specific waivers.* Applications for waivers of the above laws are made on Coast Guard form 2633, Application for Waiver Order, and the reverse side of the form is used for granting of the waiver. The application shall state the name of vessel, her employment, the requirements of law or regulations, waiver of which is requested, the reasons why waiver is necessary, and shall be signed by the master, owner, or agent of the vessel, or by the representative of any interested government agency. The waiver order describes the vessel, the requirements of law waived, the conditions to which waiver is subject, and the period of time for which the waiver is effective.

(c) *General waivers.* Applications for waivers having general applicability should be addressed to the Commandant. Applications for waivers affecting a particular ship should be made to the nearest Marine Inspection Office at which office the forms may be obtained.

§ 2.50–20 *Violations*—(a) *Reports and assessments of penalties.* Reports of violations of navigation and vessel inspection laws and regulations, and Load Line Regulations administered and enforced by the Coast Guard are reported by Coast Guard personnel detecting them to the District Commander of the district in which the violations occurred. Coast Guard form 2767, Notice of Report of Violation, is used to inform the alleged offender of the nature of the violations and of his right to apply for relief from the assessment of penalties or to appear in person. Application is made to the District Commander on form 2767A, Application for Relief from Penalties for Violation of Navigation Laws and Regulations. If the application for relief is granted the case is closed; if denied, the full or mitigated penalty is assessed and notice given on Coast Guard form 2767B, Assessment of Penalties for Violation of Navigation Laws and Regulations, and Conditional Mitigation of Penalties. The notice may provide for a reduction in the penalty on condition that the lesser penalty be paid within 30 days of the date of the notice. Instructions for making an appeal to the Commandant from the mitigated penalty, if the amount of such penalty exceeds $50, are contained in the notice. If payment of the mitigated penalty is not made within 30 days of the date of this notice, or if appeal is not made, action to collect the full penalty is taken. If Form 2767A is not submitted, assessment of penalties is made on form 2767C, Assessment of Penalties for Violation of Navigation Laws and Regulations, and the offender is advised that court action by the United States Attorney will be recommended if payment is not made within 30 days.

(b) *Payment of penalty.* (1) Payment of any penalty is acknowledged on Coast Guard form 2767E, Disbursing Officer's Receipt (Navigation Fine).

(2) If the penalty paid is determined by the Commandant to have been imposed illegally or excessively, application for a refund may be made on Coast Guard form 1086, Claim for Navigation Fine Exacted in Excess or in Error, which should be mailed to the appropriate District Commander for transmission to the Commandant. Such application must be made within one year of payment of the penalty.

(c) *Motorboat act violations.* The same procedure is followed in the assessment of penalties for violations of the Motorboat Act and regulations. 46 U. S. C. 288, 526–526t.

SUBPART 2.75—APPROVALS OF SAFETY EQUIPMENT, MATERIALS, AND INSTALLATIONS, AND QUALIFICATIONS FOR CONSTRUCTION PERSONNEL

§ 2.75–1 *Approvals*—(a) *General.* The Commandant is required by law or regulations in this chapter to approve certain installations and items of safety equipment before they may be installed or used on merchant vessels subject to inspection or on certain other vessels and motorboats.

(b) *List of items.* The following list comprises the items approved by the Commandant:

(1) Balloons and gas cylinders for lifeboat antennas.
(2) Boilers.
(3) Buoyant apparatus.
(4) Buoyant cushions for motorboats.
(5) Cleaning processes for life preservers.
(6) Containers for rations and water.
(7) Davits.
(8) Daytime distress signals.
(9) Disengaging apparatus for lifeboats.
(10) Engineering equipment, miscellaneous.
(11) Emergency lighting systems.
(12) Feedwater regulators, evaporators, or separators.
(13) Fire extinguishing and detecting systems.
(14) Fire-resistive substances for treatment of life preserver covers.
(15) Fire retardant materials.

(16) Firing attachments for line throwing guns.
(17) Flame arrestors.
(18) Flame safety lamps.
(19) Flashlights and flashlight batteries.
(20) Fuel oil systems.
(21) Gas ranges.
(22) Gas masks and breathing apparatus.
(23) Hand distress signals and containers therefor.
(24) Hand propelling gear for lifeboats.
(25) Lifeboats.
(26) Life floats.
(27) Lifeboat compasses.
(28) Life preservers.
(29) Life rafts.
(30) Line throwing guns and appliances.
(31) Loudspeaker systems.
(32) Motion picture projectors.
(33) Embarkation ladders.
(34) Portable radio installations.
(35) Ring life buoys.
(36) Safety valves.
(37) Signaling mirrors.
(38) Signal pistols and parachute flares.
(39) Sprinkler systems.
(40) Telephone systems.
(41) Water indicators.
(42) Water lights.
(43) Water spray nozzles.
(44) Welding rods and electrodes.
(45) Winches for lifeboats.

§ 2.75–10 *Requirements and tests.* (a) The requirements and tests which the items are required to meet are contained in specifications, copies of which may be obtained from the Commandant. If the requirements are met a certificate of approval for a term of five years is issued on Coast Guard form 10030—Certificate of Approval. Notice of such approval is published in the FEDERAL REGISTER. The five-year system is not in effect as to all items at this time. Such items as have not been brought within this plan are approved by letter by the Commandant and the period for which granted is indefinite.

(b) These items which do not meet the requirements are returned to the applicants who are informed in what respects they failed to meet the requirements.

(c) Applications for approval shall be made to the Commandant and there shall be submitted with the application the item for which approval is desired or the plans and specifications for installations, such as boilers, evaporators, etc.

(d) After approval is granted, manufacturers of certain items are required to submit an affidavit that the manufactured item will comply with the applicable rules and specifications. The affidavit is made on one of the following appropriate Coast Guard forms:

935—Affidavit of Manufacturer of Marine Boilers.
935A—Affidavit of Manufacturer of Materials or Appliances on Vessels Subject to the Rules and Regulations of the U. S. Coast Guard (required only for manufacturers of engineering material or appliances).
Form (no number)—Affidavit of Manufacturer of Standard Type Life Saving Equipment (buoyant cushions and cork and balsa life preservers only).

The latter two forms are submitted to the Commandant and the other to the Officer in Charge, Marine Inspection, of the district in which the boiler is being constructed.

§ 2.75–50 *Withdrawals of approval.* Approvals may be withdrawn if items are found not to be in compliance with the conditions of approval or if necessary by reason of changes in regulations. Notice will be given to the manufacturer who is given an opportunity to present his case at a meeting of the Merchant Marine Council. (See 33 CFR 1.75–1, 1.75–10, supra.)

§ 2.75–60 *Certification of ship's stores and supplies.* Ship's stores and supplies of a dangerous nature as defined in §§ 147.02–1 and 147.02–2 shall not be used on board vessels, domestic or foreign, on the navigable waters of the United States, including its territories and possessions, unless they have been certified for such use by the Government. The procedure for obtaining certification and the stores of a dangerous nature which do not require such certification are contained in or referred to in §§ 147.03–1 to 147.03–11, inclusive, of this chapter.

§ 2.75–70 *Welders.* Welders are required to pass tests before being permitted to make welds subject to inspection by the Coast Guard. Description of the tests is contained in § 56.20–3 of this chapter. Upon satisfactory performance of the tests, form 965, Record Card Welder's Qualification Tests, is issued by the Officer in Charge, Marine Inspection to the applicant who shall carry such card while engaged in welding subject to inspection by the Coast Guard.

SUBPART 2.85—LOAD LINES

§ 2.85–1 *Assignment of load lines.* Vessels listed in 46 U. S. C. 85 and 46 U. S. C. 88 are required by those acts to have load lines assigned. The procedures for the assignment of load lines, the issuance of Load Line Certificates, the annual inspections required, the causes for cancellation of certificates, and the forms of those certificates are contained in the regulations appearing in Part 43 of this chapter, copies of which may be obtained from the Commandant.

SUBPART 2.90—PLANS, DRAWINGS OR BLUEPRINTS

§ 2.90–1 *General requirements.* Drawings, blueprints or plans showing the details of construction of the following installations on vessels subject to inspection are required to be submitted for approval in accordance with applicable regulations referred to, information as to which may be obtained at any local Marine Inspection Office.

(a) Boilers and pressure vessels, § 52.1–2 of this chapter.

(b) Foundations or saddles for boilers, §53.17–1 of this chapter.

(c) Boilers of foreign built vessels to be admitted to American registry, § 57.21–15 of this chapter.

(d) Piping systems, §§ 55.19–2 or 56.20–19 of this chapter.

(e) Superheaters, headers, water walls and economizers not previously approved, § 52.13–2 of this chapter.

(f) Safety valves not previously approved, § 52.14–2 of this chapter.

(g) Evaporators, heater, traps, valves and fittings, separators and pressure vessels, § 52.16–1 of this chapter.

(h) Certain plans are required to be submitted prior to assignments of load lines in accordance with § § 43.90, 43.101, 45.74 or 46.024 of this chapter, inspection of which regulations may be had at any local Marine Inspection Office.

(i) The procedure for the submission for approval of plans for the construction or material alteration of passenger vessels of the United States of 100 gross tons and over which are propelled by machinery is contained in Part 144 of this chapter, which regulations may be obtained from the Commandant or from any local Marine Inspection Office. Plans for the construction of both cargo and passenger vessels of over 100 gross tons and all tank vessels are required to be submitted in accordance with § § 31.3–3, 63.8, 79.8, 97.8 or 116.8 of this chapter.

PART 3—MERCHANT MARINE PERSONNEL

SUBPART 3.01—LICENSES AND DOCUMENTS

Sec.
3.01–1 Applications for licenses or documents.
3.01–75 Appeals.

SUBPART 3.13—SHIPMENT AND DISCHARGE OF SEAMEN

3.13–1 Signing on and discharging seamen.
3.13–10 Shipping articles.
3.13–15 Forecastle card.
3.13–20 Crew list.
3.13–25 Crew deficiencies.
3.13–30 Allotments.
3.13–35 Log books.
3.13–40 Discharges.
3.13–45 Seamen not shipped or discharged before shipping commissioners.
3.13–50 Service record.

SUBPART 3.15—ARBITRATION BY SHIPPING COMMISSIONERS

3.15–1 Arbitration.
3.15–5 Mutual releases.

SUBPART 3.19—EFFECTS OF DECEASED OR DESERTING SEAMEN

3.19–1 Accounts of wages and effects.
3.19–5 Kinsman's petition.

CROSS REFERENCE: For Coast Guard organization and jurisdiction see Part 1 of Title 33, *supra*.

SUBPART 3.01—LICENSES AND DOCUMENTS

§ 3.01–1 *Applications for licenses or documents.* Applications for licenses, extension of routes, or documents required for officers or seamen by 46 U. S. C. 214, 224, 226, 228, 229, 230, 237, 243, 367, 391a, 404, 405, 526–526t, 1333, 672, 643, 481, or 50 U. S. C. 1275 and the regulations in Parts 25, 36, 62, 78, 96, 115, or 138 of this chapter, or by War Shipping Administration General Order No. 41, in §§ 304.61 to 304.72 of this title, as a prerequisite for employment shall be made on one of the following Coast Guard forms which are obtainable from the Officer in Charge, Marine Inspection, at any local marine inspection office: 866, License application; 719, Seaman's certificate application; War Shipping Administration's form "Application for seaman's employment card under War Shipping Administration General Order 41." The procedures for obtaining the licenses or documents, renewals, if necessary, or duplicates, if lost; the qualifications; and examinations necessary are all set forth in Parts 25, 36, 62, 78, 96, 115, or 138 of this chapter, together with Coast Guard numbers and titles of forms used, obtainable from any marine in-

spection office. Under War Shipping Administration General Order No. 41, a "Seaman's Employment Card" will be issued under the same procedures as are followed for other licenses or documents.

§ 3.01–75 *Appeals.* Within 30 days any person aggrieved by any decision made by the Officer in Charge, Marine Inspection, or his subordinate officer, may appeal therefrom to the Commandant, U. S. Coast Guard, by letter or in person. The appeal shall set forth the requirements appealed from and the reasons why the decision or action should be set aside or revised. The decision of the Commandant is final.

SUBPART 3.13—SHIPMENT AND DISCHARGE OF SEAMEN

§ 3.13–1 *Signing-on and discharging seamen.* The master of any merchant vessel of 75 tons or upward, engaged in the intercoastal trade or of any vessel bound from a port in the United States to any foreign port, other than vessels engaged in trade between the United States and the British North American possessions or the West Indies, or the Republic of Mexico, is required to enter into an agreement with each member of the crew who shall be discharged under the agreement and receive wages in the presence of a shipping commissioner in accordance with 46 U. S. C. 564. Where the complete crew has been signed on in the presence of a shipping commissioner and the later shipment of other seamen becomes necessary because of desertion or casualty, the master may sign on such replacements without the presence of a shipping commissioner but he is required to report the transaction immediately upon arrival at first port of call to the United States consul at or nearest such port, or in the Panama Canal Zone to the shipping commissioners or deputy shipping commissioners there. Shipping commissioners may, at the request of the master or owner of a vessel, ship and discharge all or part of the crew of a vessel engaged in the coastwise trade, or trade between the United States and the Dominion of Canada, or Newfoundland, or the West Indies, or Mexico, in accordance with 46 U. S. C. 646.

§ 3.13–10 *Shipping articles.* For the signing-on and discharging of seamen in accordance with 46 U. S. C. 564, 565, 566, and 713, the shipping commissioners furnish Coast Guard Forms 705, 705–A, and 705–B, Shipping articles, same except for size, to record the agreement entered into between the master and crew of a vessel. Copies of these forms are obtainable upon request from shipping commissioners or Officers in Charge, Marine Inspection, at marine inspection offices, U. S. Coast Guard. It is the duty of shipping commissioners to see that each officer signing on is in possession of a continuous discharge book, certificate of identification, or U. S. Merchant Mariner's document, and a license; and that each signing on in an unlicensed capacity is in possession of a continuous discharge book or a certificate of identification and a certificate of service or certificate of efficiency or a U. S. merchant mariner's document representing such certificates. The shipping articles are prepared in quadruplicate, original and duplicate retained by the master pending completion of voyage, the triplicate retained by shipping commissioner, and quadruplicate forwarded to Commandant, U. S. Coast Guard. After the members of the crew are signed on the shipping commissioner prepares Coast Guard Form 708, Shipping of Seamen, certifying that the crew members knew and willingly signed the shipping articles, which is attached to the shipping articles. When the voyage or period of time covered by the shipping articles is completed, the members of the crew are discharged and the wages paid in the presence of the shipping commissioner, if required by law, and proper entries made in the shipping articles.

§ 3.13–15 *Forecastle card.* At the commencement of every voyage or engagement the master is required to post certain excerpts from the shipping articles in such part of the vessel as to be accessible to the crew in accordance with 46 U. S. C. 577. The Forecastle Card, Coast Guard Form 704, is obtainable from shipping commissioners or Officers in Charge, Marine Inspection, at marine inspection offices, U. S. Coast Guard.

§ 3.13–20 *Crew list.* The master of a merchant vessel in certain cases is required to file with the Collectors of Customs a list of crew members. Coast Guard Form 710A is furnished for this purpose and may be obtained from shipping commissioners or Officers in Charge, Marine Inspection.

§ 3.13–25 *Crew deficiencies.* When the master cannot obtain the crew required, he may substitute therefor the best qualified men obtainable under the conditional waiver of manning requirements in Appendix A. The report required by the Coast Guard has to be made on Coast Guard Form 729, Crew Deficiency Report, which may be obtained upon request from any Officer in Charge, Marine Inspection. Three copies must be filed, two with the shipping commissioner who signed on the crew, or if crew was not signed on before shipping commissioner to the nearest Officer in Charge, Marine Inspection, and one copy must be submitted to the Collector of Customs at time application for clearance of vessel is made. Where officers are not available, a request for a waiver to employ an alien watch officer may be made on Coast Guard Form 2633, obtainable from the Officer in Charge, Marine Inspection. The Officer in Charge, Marine Inspection, may grant a waiver only for a single voyage which may be amended by extensions. To report crew shortages, the master may use Form 729, Crew Deficiency Report, if the form is appropriately corrected to indicate it is a crew shortage report under 46 U. S. C. 222.

§ 3.13–30 *Allotments.* A merchant mariner desiring to make an allotment of his wages, in accordance with the regulations in Part 132 of this chapter, fills out Coast Guard Form 722, Seaman's Allotment Note, furnished by the shipping commisisoner at the time he signs the shipping articles, or copies may be obtained upon request from shipping commissioners in the United States ports, or from United States consular officers in foreign ports. If the allotment complies with the law, it is approved. No appeals are permitted.

§ 3.13–35 *Log books.* Every vessel of 75 tons or upward, engaged in the intercoastal trade, or any vessel bound from a port in the United States to any foreign port, other than in the British North American possessions, shall have an official log book and every master of such vessel shall make or have entries made therein regarding matters required by 46 U. S. C. 201, 202, 203, 701, 702, and 85. One or more copies of the official log book, Coast Guard form 706–B or 706–C, depending upon the number of persons employed as crew, is furnished the master of a vessel at the time the crew is signed on before a shipping commissioner; or copies of the official log book are obtainable upon request from the Officer in Charge, Marine Inspection. After the official log books have served their purpose they are filed with the shipping commissioner or Officer in Charge, Marine Inspection.

§ 3.13–40 *Discharges.* When a master of a vessel in accordance with § 138.9 of this chapter discharges a merchant seaman and makes entries in the seaman's continuous discharge book, he will fill out Coast Guard form 718E, Record of Entry in Continuous Discharge Book, which is forwarded to the Commandant, U. S. Coast Guard. The form 718E is obtainable from shipping commissioners, collectors of customs and deputy collectors of customs acting as shipping commissioners or Officers in Charge, Marine Inspection. When a seaman holds a certificate of identification, a certificate of discharge, Coast Guard form 718A, is issued and approved by a shipping commissioner or master as evidence of service performed. This form may be obtained upon request from shipping commissioners, collectors of customs or deputy collectors of customs acting as shipping commissioners or Officers in Charge, Marine Inspection.

§ 3.13–45 *Seamen not shipped or discharged before shipping commissioners.* Masters of certain vessels are required to report on ship personnel not shipped or discharged before a shipping commissioner. The Coast Guard form 735 (T) has been prepared and must be used by the masters in accordance with Part 138 of this chapter. The form may be obtained upon request from shipping commissioners, collectors or deputy collectors of customs acting as shipping commissioners, or Officers in Charge, Marine Inspection. When voyage is completed, it must be delivered to nearest marine inspection office for transmission to Headquarters.

§ 3.13–50 *Service record.* A merchant mariner upon discharge in accordance with the requirements of section 138.9 of this chapter has recorded in his continuous discharge book entries regarding his service. When the merchant mariner requests in person or writing for a record of sea service shown in a surrendered continuous discharge book, the Officer in Charge, Marine Inspection, or other issuing officer will prepare in duplicate Coast

Guard form 723, Certificate of seamen's service, and will deliver the original to the seaman and send the duplicate to Commandant, U. S. Coast Guard.

SUBPART 3.15—ARBITRATION BY SHIPPING COMMISSIONERS

§ 3.15–1 *Arbitration.* The Coast Guard form 717, Agreement as to arbitration, is used by seamen, master, consignees, agents or owners of vessels in submitting matters to shipping commissioners. This form is obtainable from shipping commissioners or collectors of customs or deputy collectors of customs acting as shipping commissioners. One copy of the form is made and this copy is retained by the shipping commissioner who acts on the matters submitted and his decision is final. No appeals are allowed.

§ 3.15–5 *Mutual releases.* The Coast Guard form 713A, Mutual Release, is used by masters and seamen to effect settlement of claims for wages in cases of seamen signed off prior to completion of a voyage. This form may be obtained from shipping commissioners or collectors of customs or deputy collectors of customs acting as shipping commissioners. One copy is prepared and retained by the shipping commissioner who acts on the matters involved and his decision is final. A certificate of mutual release, Coast Guard form 739, is prepared by the shipping commissioner or person acting as shipping commissioner, signed by the seaman when given to him by the shipping commissioner, and is used by the seaman not present at sign-off of vessel's crew as evidence that he has signed a mutual release. This form is prepared in duplicate from information in shipping articles and official log book.

SUBPART 3.19—EFFECTS OF DECEASED OR DESERTING SEAMEN

§ 3.19–1 *Accounts of wages and effects.* The masters of certain U. S. vessels in the cases of deceased or deserting seamen have to prepare Coast Guard form 1517, Account of Wages and Effects of Deceased or Deserting Seamen, for use in disposition of the wages and effects of such seamen. The forms may be obtained upon request from shipping commissioners, collectors or deputy collectors of customs acting as shipping commissioners, or Officers in Charge, Marine Inspection. Four copies are prepared and submitted to the shipping commissioner for transmission to the District Court. The shipping commissioner upon examination of information on the form, may approve or disapprove the account after reviewing the vessel's official log book. No appeal is permitted. The seaman's next of kin is informed of the action taken.

§ 3.19–5 *Kinsman's petition.* The next of kin of a deceased seaman has to petition the District Court of the United States for the wages and effects of the deceased seaman on Coast Guard form 726, Kinsman's petition for wages and effects of deceased seaman. This form may be obtained upon request from shipping commissioners, collectors or deputy collectors of customs acting as shipping commissioners, or Officers in Charge, Marine Inspection. One copy of the form is presented by the next of kin to the U. S. District Court who acts upon the petition and either approves or disapproves the petition.

PART 4—INVESTIGATIONS AND HEARINGS

SUBPART 4.01—CASUALTIES AND ACCIDENTS

Sec.
4.01–1 Investigations.
4.01–15 Board investigations.
4.01–30 Board investigation reports.
4.01–45 Procedures followed in investigations.
4.01–60 Preferring charges.

SUBPART 4.05—DISCIPLINARY PROCEEDINGS

Sec.
4.05–1 General.
4.05–5 Investigations.
4.05–20 Hearings.
4.05–35 Appeals.

CROSS REFERENCE: For Coast Guard organization and jurisdiction see Part 1 of Title 33, *supra.*

SUBPART 4.01—CASUALTIES AND ACCIDENTS

§ 4.01–1 *Investigation.* The Coast Guard District Commander after receivin either a notice or report of a marine casualty or accident submitted on Coast Guard form 2692 or 924E, submitted in accordance with the requirements of § 136.103 of this chapter and described in § 2.20–60 of this chapter will cause such preliminary investigations of marine casualties and accidents as may be necessary in accordance with § 136.104 of this chapter. The investigations of marine casualties and accidents and the determinations made as a result of such investigations are for the purpose of taking appropriate measures for safety of life and property at sea, and are not intended to fix civil or criminal responsibility. The investigations determine:

(a) The cause of the accident.

(b) Whether any failure of material (either physical or design) was involved so that proper recommendations for the prevention of the recurrence of similar casualties may be made.

(c) Whether any act of misconduct, inattention to duty, negligence, or wilful violation of law on the part of any licensed or certificated man was involved so that appropriate proceedings against such person under 46 U. S. C. 239 may be recommended and taken.

(d) Whether any Coast Guard personnel or any representative of any other government agency was guilty of any neglect or inattention to duty contributing to the casualty.

§ 4.01–15 *Board investigations.* Where the casualty or accident is considered as a major casualty and the Commandant, U. S. Coast Guard, believes that further investigation thereof would tend to promote safety at sea and would not be inimical to the public interest, the Commandant will designate an appropriate board to conduct such investigation as necessary in accordance with the requirements of §§ 136.101 to 136.110 of this chapter. Unless otherwise designated by the Commandant, the board of investigation consists of the Coast Guard District Commander, the Officer in Charge, Marine Inspection, within whose jurisdiction the casualty or accident occurred or within whose jurisdiction the casualty or accident is reported, and another Coast Guard officer designated by the Commandant, except in San Juan and Honolulu Districts where the board will consist of the Coast Guard District Commander, the Officer in Charge, Marine Inspection, and the district law officer.

§ 4.01–30 *Board investigation reports.* The Board of Investigation will make a complete report containing findings and recommendations to the Commandant in accordance with § 136.105 of this chapter. Disclosure of records will be in accordance with § 136.109 of this chapter, or §§ 1.80–1 to 1.80–80, inclusive, *supra.*

§ 4.01–45 *Procedures followed in investigations.* All witnesses called to testify in any preliminary investigations or board investigations are entitled to be represented by counsel if they so desire. In preliminary investigations private counsel are not permitted to examine or cross-examine witnesses unless such counsel represents the witness being interviewed, and may do no more than advise the witness. In jublic hearings conducted by a board, counsel for interested parties may attend and take part in the examination and cross-examination.

§ 4.01–60 *Preferring charges.* If upon investigation of a casualty or accident, it is determined that charges shall be or have been preferred against any licensed officer or certificated seaman, the report will set forth such information, stating the nature of the charge briefly, the name of the person charged, the misconduct file number, and the status of the proceedings of the charge. The report of the hearing on the charge will be separate and will not supplant the report of the investigation. The charges which may be brought will be made by the examining officer in accordance with the regulations in §§ 136.101 to 136.110, inclusive, of this chapter.

SUBPART 4.05—DISCIPLINARY PROCEEEDINGS

§ 4.05–1 *General.* (a) The basic statute for investigations and trials of licensed officers and certificated seamen is 46 U. S. C. 239, which provides authority to promulgate such necessary regulations as set forth in Part 136 of this chapter and by War Shipping Administration General Order 41, in §§ 304.61 to 304.72 of this title. The proceedings against licenses and certificates and Seaman's Employment Cards are undertaken by Merchant Marine Hearing Units in the United States and by Coast Guard Merchant Marine Details in certain foreign ports with the following purposes:

(1) The maintenance of discipline on merchant vessels.

(2) The safety of life and property at sea.

(b) The examining officer conducts the investigation and presents the case to the hearing officer who makes the finding and orders after all the evidence is in.

§ 4.05–5 *Investigations.* Immediately upon receipt of a complaint made to a local office or when a violation of any

law or regulation is noted, an examining officer is dispatched to the vessel for the purpose of making a preliminary investigation in accordance with the regulations in Part 136 of this chapter. In making his investigation the examining officer interviews all interested parties and witnesses. On the basis of his findings he determines whether charges should or should not be preferred. If the examining officer finds that there is a prima facie case within the jurisdiction of 46 U. S. C. 239 he immediately writes out the charges and specifications on Coast Guard form 2639, Charge and Specification Sheet, and serves them. At this time he informs the person charged of all his rights under the law, such as right to counsel, nature of the proceedings, possible penalties, the bringing of witnesses in his behalf by subpoena. Should the person desire counsel and has no means of securing one, the Coast Guard supplies an officer to act in his defense. It is the duty of the examining officer on Coast Guard form 2639-B to subpoena any or all of the witnesses that the person charged desires to appear in his behalf.

§ 4.05-20 *Hearings.* (a) After service of a notice of hearing or a subpoena, the examining officer will indorse a return on the carbon copy showing the kind, time, and place of service and file the same with the Merchant Marine Hearing Unit, and a hearing will be set for the earliest possible time consistent with fairness. The hearing is usually held in the offices of the Merchant Marine Hearing Unit or wherever most convenient for everyone concerned. Every effort is made to conduct a hearing with dignity and in the fairest possible fashion. After the opening of the hearing, the examining officer outlines the whole case and then presents the case to the hearing officer. The following steps are usually followed in a hearing:

(1) Hearing Officer's opening statement.

(2) Production of documents and Selective Service data.

(3) Advising person charged of right to counsel.

(4) Appearances.

(5) Removal of all witnesses from the hearing room.

(6) Arraignment and plea.

(7) Opening statement of examining officer.

(8) Opening statement of person charged or statement in mitigation if a "guilty" plea.

(9) Testimony of witnesses (omitted in "guilty" cases).

(10) Findings.

(11) Prior record.

(12) Order.

(13) Service of original findings and order on person charged and return of certificate or license if appropriate; advising person charged that findings and order are not in any way binding on matters under jurisdiction of the shipping commissioner.

(14) Advising person charged of right of appeal.

(15) Declaration that the hearing is closed.

(b) After all the evidence has been presented and arguments made by the examining officer and the counsel for the person charged, the hearing officer makes his decision and issues a findings and order in each case on Coast Guard form 2639-C. If the finding is "not proved" the case is closed. If the charges are found proved the hearing officer may order his license or certificate suspended for a period of time or revoked. In the discretion of the hearing officers the order may be suspended and the person charged placed upon probation. The testimony at the hearing is taken down by a reporter. If an appeal from the decision of the hearing officer is made, a copy of the transcript is made available to the applicant.

§ 4.05-35 *Appeals.* Within 30 days an appeal may be made from the decision of the hearing officer to the Coast Guard District Commander of the district wherein the hearing was held. Should the District Commander uphold the decision of the hearing officer, a further appeal from his decision may be made to the Commandant, whose action is final. The appeal shall set forth the requirements appealed from and the reasons why the decision or action should be set aside or revised, in accordance with the procedures in § § 136.107 or 136.112 of this chapter.

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary.

[F. R. Doc. 46-15356; Filed, Aug. 28, 1946; 4:18 p. m.]

COMMITTEE ON PRACTICE

[31 CFR, Subtitle A]

PART 12—ORGANIZATION AND FUNCTIONS OF THE COMMITTEE ON PRACTICE

Sec.
12.1 Organization and functions.
12.2 Delegations of authority.
12.3 Information, requests and submittals.
12.4 Official records.
12.5 Substantive rules.

§ 12.1 *Organization and functions.* (a) The central organization and functions of the Committee on Practice are described generally in Treasury Department Circular No. 230, Revised (31 CFR Part 10) and Treasury Department Circular No. 559 (31 CFR Part 11).

(b) The Committee on Practice has no field organization.

§ 12.2 *Delegations of authority.* There have been no delegations of final authority by the Committee on Practice.

§ 12.3 *Information, requests and submittals.* The public may secure information from, or make submittals or requests to, the Committee on Practice, Treasury Department, Room 106, Tower Building, 14th and K Streets NW., Washington 25, D. C., by personal appearance, by telephone, or by written communication.

§ 12.4 *Official records.* (a) There are made available to public inspection at the office of the Committee on Practice:

(1) The roster of all persons admitted to practice before the Treasury Department pursuant to the Act of July 7, 1884, 23 Stat. 258 (5 U. S. C. 261).

(2) The roster of all persons licensed as customhouse brokers pursuant to amended section 641 of the Tariff Act of 1930, 46 Stat. 759 (19 U. S. C. 1641).

(3) The final opinion or order in the adjudication of any case in which there was sought revocation of any license of the character indicated in paragraphs (a) (1) and (2) of this section, provided the licensee (or former licensee) expressly consents to publication.

(b) Matters of official record pertaining to the enrollment of persons to practice before the Treasury Department and pertaining to the licensing of customhouse brokers are available at the office of the Committee on Practice to persons properly and directly concerned.

(c) The official records pertaining to the revocation (or the proposed revocation) of licenses of the character indicated in paragraphs (a) (1) and (2) of this section, and to the investigation of applicants therefor, constitute confidential information, except as provided in paragraphs (a) and (b) of this section. These records are held confidential for these good causes:

(1) Publication is capable of injuring licensees and former licensees without furthering the public interest.

(2) Much of the information is elicited without the aid of the subpoena power on the assurance that the sources will be protected.

§ 12.5 *Substantive rules.* The substantive rules and statements of general policy of the Committee on Practice are embodied in Treasury Department Circular No. 230, Revised (31 CFR Part 10) regarding practice before the Treasury Department, and in Treasury Department Circular No. 559 (31 CFR Part 11) regarding customhouse workers.

PART 13—PROCEDURES OF THE COMMITTEE ON PRACTICE

§ 13.1 *Procedures.* (a) Licensing to practice before the Treasury Department is subject to this procedure:

(1) An applicant is required to file with the Committee on Practice an application on the form prescribed by section 4 of Treasury Department Circular No. 230, Revised (31 CFR 10.4). The application form calls for these items of information regarding the applicant: identification, description and location of his practice, qualifications, references, etc. Copies of the form may be procured from the Committee on Practice.

(2) Upon receipt of the application, the Committee on Practice grants a temporary license, provided the application is regular on its face; provided the averments of fact made therein, if true, would warrant issuance of a license; provided nothing of record before the Committee on Practice indicates the averments to be untrue; and provided there is nothing before the Committee on Practice to indicate that the applicant has not a good character.

(3) If a temporary license is not granted, the Committee on Practice accords the applicant an opportunity by correspondence or conference to correct any deficiency in the application.

(4) Upon the granting of a temporary license the Committee on Practice refers the application to the Intelligence Unit

of the Bureau of Internal Revenue, Treasury Department, for investigation as to the truth of the averments made in the application and as to the character of the applicant.

(5) Upon completion of investigation, the Intelligence Unit sends the resultant report to the Committee on Practice for consideration.

(6) If the application and the investigative report are favorable to the applicant, the Committee on Practice recommends to the Secretary of the Treasury that the temporary license be replaced with a permanent license, replacement normally being accomplished in due course without the necessity of special request or petition on the part of the applicant.

(7) If the application and investigative report are not favorable to the applicant, the Committee on Practice by letter notifies the applicant of the apparent deficiencies and accords the applicant opportunity to show cause why a permanent license should be granted, the nature of the opportunity being determined by the character of the questions presented by the deficiencies.

(8) A controverted question is not determined adversely to the applicant by the Committee on Practice without according the applicant the opportunity for a hearing.

(9) Upon determination by the Committee on Practice that an application should be denied, the Committee on Practice so recommends to the Secretary of the Treasury, who thereupon affirms, overrules, or remands the recommendation.

(b) Licensing (*i. e.*, the granting of the consent of the Secretary of the Treasury to) former personnel of the Treasury Department to act as attorney or agent (or as employee of an attorney or agent) within two years after the termination of the employment by the Treasury Department is subject to the procedure described in section 2 (a) of Treasury Department Circular No. 230, Revised (31 CFR 10.2 (a) (2)). The application form prescribed by section 2 (a) of the circular calls for the items of information specified in that section. Copies of the form may be procured from the Committee on Practice.

(c) Proceedings for suspension, disbarment, and reinstatement of licensees to practice before the Treasury Department are subject to the procedure described in section 7 of Treasury Department Circular No. 230, Revised (31 CFR 10.7).

(d) Licensing to be a customhouse broker is subject to the procedure described in sections 3 and 4 of Treasury Department Circular No. 559 (31 CFR 11.3, 11.4). The application form prescribed by section 3 (a) of the circular calls for these items of information regarding the applicant: identification, description and location of his business, qualifications, references, etc. Copies of the form may be procured from the Committee on Practice and from the offices of Collectors of Customs.

(e) Proceedings for revocation and suspension of customhouse brokers' licenses are subject to the procedure described in sections 10, 11 and 13 of Treasury Department Circular No. 559 (31 CFR 11.10, 11.11, 11.13).

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary.

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FISCAL SERVICE:BUREAU OF ACCOUNTS

[31 CFR, Ch. II]

PART 270—ORGANIZATION, FUNCTIONS AND PROCEDURES OF THE BUREAU OF ACCOUNTS

SUBPART A—ORGANIZATION

Sec.
270.1 Central organization.
270.2 Field organization.
270.3 Public information, submittals, and requests.
270.4 Delegations of final authority.

SUBPART B—FUNCTIONS AND PROCEDURES

270.5 Surety companies and surety bonds.
270.6 Substitute checks.
270.7 Claim for proceeds of "stale" checks.
270.8 Salvage of Philippine valuables and records.
270.9 Depositaries of public funds.
270.10 Federal Savings and Loan Associations as fiscal agents of the United States.
270.11 Undelivered War Savings Bonds and cash withheld by employers.
270.12 Checks withheld from foreign delivery.
270.13 Mexican claims.
270.14 German, Austrian, and Hungarian claims.
270.15 Turkish claims.
270.16 Director General of Railroads and Railroad Obligations.

SUBPART C—FINAL OPINIONS AND ORDERS

270.17 Availability of final opinions and orders.

SUBPART D—PUBLIC RECORDS

270.18 Public records.

SUBPART A—ORGANIZATION

§ 270.1 *Central organization.* The Bureau of Accounts, succeeding the Office of the Commissioner of Accounts and Deposits, was created and established as a part of the Fiscal Service of the Treasury Department by the President's Reorganization Plan No. III, effective June 30, 1940, 54 Stat. 1231. The Commissioner of Accounts, aided by the Associate Commissioner and the Assistant Commissioner, has general administrative supervision and control over all of the work of the Bureau, which is concerned with the maintenance of control appropriation accounts and issuance of warrants for all of the departments and agencies of the Government except the Postal Service, the performance of collection and disbursing functions for Government agencies, the supervision of accounting procedures of the various Treasury bureaus and offices, the handling of matters relating to investment accounts under the control of the Secretary of the Treasury, the liquidation of the residual fiscal affairs of certain discontinued war agencies, general supervision over the preparation of the Daily Statement of the United States Treasury, and the performance of other accounting and reporting duties. The work is carried on through the Office of the Chief Accountant, and six divisions and one section, each headed by a Chief of Division or Section. In addition, there is an Administrative Division which handles personnel and budgetary matters, office services and files.

(a) *Office of the Chief Accountant.* The Chief Accountant exercises general and technical supervision over accounting systems in the Treasury Department and the accounting and reporting development work under Executive Order 8512 dated August 13, 1940; serves in a consulting capacity to and collaborates with the appropriate authorities in the several bureaus, offices and divisions of the Treasury, in the establishment, revision, maintenance and elimination of accounting and reporting systems; makes recommendations to the Commissioner and presents plans and procedures for the improvement of the accounting and reporting procedures.

(b) *The Division of Bookkeeping and Warrants.* This Division was created by the Act of July 31, 1894, 5 U. S. C. 255, which provides that upon the books of this Division shall be kept all accounts of receipts and expenditures of public money, except those relating to postal revenues and expenditures therefrom. The Division, in the name of the Secretary of the Treasury, issues all warrants on the Treasurer of the United States, makes analyses of acts of Congress carrying appropriations and maintains the appropriation accounts on its ledgers relating to all activities of the Government. It issues warrants for placing disbursing funds to the credit of disbursing officers, for the payment by the Treasury of claims settled by the General Accounting Office, and for covering into the Treasury the revenues and receipts of the Government. It also compiles and publishes an annual digest of the appropriations made by Congress.

(c) *The Division of Financial Reports.* This Division supervises and coordinates the work relating to the compilation and publication of the annual Combined Statement of Receipts, Expenditures and Balances of the Government required by the Act of July 31, 1894, 5 U. S. C. 264; produces reports on the financial condition and operations of the entire Government pursuant to Executive Order 8512, dated August 13, 1940; prepares quarterly reports and special corporation statements; and prepares such other financial reports and statements as may be required in connection with the Annual Report of the Secretary of the Treasury, the annual Budget, the monthly Treasury Bulletin, the daily Treasury statement, and for other purposes.

(d) *The Division of Disbursement.* This Division was created by Executive Order 6166, dated June 10, 1933, which transferred the function of disbursement of money of the United States exercised by any agency of the executive branch of the Government to the Treasury Department and consolidated the function in that Division. The War and Navy Departments, except with respect to departmental salaries and expenses in the District of Columbia, were exempted from Executive Order 6166 by Executive Order 6728, dated May 29, 1934. The

function of disbursement of moneys of the United States in the other executive departments and agencies in Washington and in the field has been taken over and consolidated in this Division with the exception of the Postal Service and United States marshals, which were exempted from Executive Order 6166 by the President's Reorganization Plan No. IV, effective June 30, 1940, 54 Stat. 1234. The Division includes the central office in Washington, D. C., 21 regional offices in the several Federal Reserve districts and 4 offices outside the continental limits of the United States.

(e) *The Division of Investments.* This Division keeps the accounts and supervises collections of railroad obligations owned by the United States which are under the control of the Secretary of the Treasury; handles the collection of other obligations owned by the United States which are turned over to the Treasury by other departments for collection; makes payments and keeps accounts on awards (1) under the Settlement of War Claims Act of 1928, 45 Stat. 254, as amended, (2) under the claims agreement of October 25, 1934, between the United States and Turkey, (3) under the Acts of April 10, 1935, 49 Stat. 149, and December 18, 1942, as amended, 22 U. S. C., Sup., 661–672, covering claims against the Republic of Mexico, and (4) under the agreement of November 19, 1941, between the United States and Mexico relating to expropriated petroleum properties; and handles matters relating to investment accounts under control of the Secretary of the Treasury and securities held by the Treasurer of the United States and the Federal Reserve Banks for which the Secretary of the Treasury is responsible, other than those related to public debt operations. It also maintains special deposit accounts of the Secretary of the Treasury relating to alien property trust funds, offers in compromise under the provisions of section 3469 of the Revised Statutes, 31 U. S. C. 194, Philippine trust funds held in interest-bearing accounts, withheld foreign check payments, and other miscellaneous special deposit accounts.

(f) *The Division of Deposits.* This Division is charged with the administration of all matters pertaining to designation of Government depositaries and the deposit of Government funds in such depositaries, which include the Federal Reserve banks, general and limited national and insured state bank depositaries, special depositaries under the Second Liberty Bond Act, as amended, 31 U. S. C. 771, foreign depositaries, Territorial depositaries, Federal land banks, and the Philippine Treasury; matters pertaining to the qualification of Federal Savings and Loan Associations as fiscal agents of the United States; and matters pertaining to certain of the functions of the Treasury under the Government Losses in Shipment Act, as amended, 5 U. S. C. 134–134h.

(g) *The Section of Surety Bonds.* This Section considers applications of surety companies to transact business with the Government and is responsible for analyzing the financial statements of surety companies authorized to transact business with the United States. It determines the underwriting qualifications of surety companies, audits their quarterly financial statements, makes examinations into their financial condition at the home offices wherever necessary, and performs other duties to determine whether the companies observe the requirements of existing law and regulations of the Treasury. The Section has custody of all fidelity bonds in favor of the United States, with a few exceptions, and notifies the accounting offices of the receipt and filing of such official bonds. The Section examines and approves as to corporate surety all fidelity and surety bonds taken by Treasury officers, except customs bonds filed in the field, and also examines and approves as to corporate surety the fidelity and surety bonds accepted by practically all of the executive departments and establishments in Washington.

(h) *The Liquidation Division.* (1) This Division has administrative and technical responsibility for the liquidation of the residual fiscal affairs of certain discontinued war agencies of the Government. This liquidation of the following agencies has been assumed pursuant to Presidential authorization: Central Administrative Services of the Office for Emergency Management (Executive Order 9471 dated August 25, 1944), Office of Civilian Defense (Executive Order 9562 dated June 4, 1945), War Refugee Board (Executive Order 9614 dated September 14, 1945), Office of Censorship (Executive Order 9631 dated September 28, 1945), Office of War Information, exclusive of those functions transferred to the Department of State and Bureau of the Budget (Executive Order 9608 dated August 31, 1945), and the Committee on Fair Employment Practice (letter of the President dated May 18, 1946). The winding up of the administrative affairs of the foregoing activities, involves generally the termination of contracts for rental or services; the liquidation of obligations incurred including payment of vouchers and certification of claims; the collection of moneys owed to the Government; the clearance of post-audit exceptions taken by the General Accounting Office; the disposition of equipment, supplies, and other property; the separation of remaining war agency personnel; and the submission of final reports on liquidation.

(2) This Division also handles the functions with respect to the maintenance of lend-lease accounts and other fiscal records relating to lend-lease and reverse lend-lease matters which functions were transferred from the Department of State to the Treasury Department by Executive Order 9726, dated May 17, 1946. The lend-lease fiscal operations handled by this Division relate to accounting and reporting in respect to appropriations and allocations, and to billing and collecting for supplies and services furnished foreign governments. All other functions relating to the administration of the Lend-Lease Act, 22 U. S. C., Supp., 411–419, remain with the Office of the Foreign Liquidation Commissioner, Department of State.

§ 270.2 *Field organization.* Regional offices of the Division of Disbursement are located throughout the continental limits of the United States, Hawaii, Alaska, Philippine Islands, and Puerto Rico, to carry out disbursing functions in the field. Each office is in charge of an Assistant Disbursing Officer. The following is a list of the regional offices:

1. Albuquerque, N. Mex.
2. Atlanta, Ga.
3. Boston, Mass.
4. Chicago, Ill.
5. Cleveland, Ohio.
6. Columbus, Ohio.
7. Dallas, Tex.
8. Denver, Colo.
9. Helena, Mont.
10. Honolulu, T. H.
11. Juneau, Alaska.
12. Kansas City, Mo.
13. Los Angeles, Calif.
14. Manila, Philippine Islands.
15. Minneapolis, Minn.
16. New Orleans, La.
17. New York, N. Y.
18. Philadelphia, Pa.
19. Portland, Oreg.
20. Richmond, Va.
21. St. Louis, Mo.
22. Salt Lake City, Utah.
23. San Francisco, Calif.
24. San Juan, P. R.
25. Seattle, Wash.

§ 270.3 *Public information, submittals, and requests.* Except as hereinafter specified in this Part or the Parts referred to herein, public information may be obtained from and submittals and requests may be made to the Commissioner of Accounts, Treasury Department, Washington, D. C.

§ 270.4 *Delegations of final authority.* (a) Pursuant to section 2 (b) of the President's Reorganization Plan No. II, effective July 1, 1939 (53 Stat. 1431, 1432), the Commissioner of Accounts and Assistant Commissioner of Accounts have been designated to perform on behalf of the Secretary of the Treasury the duties and functions of the former Director General of Railroads.

(b) Under the provisions of section 3646 of the Revised Statutes of the United States, as amended, 31 U. S. C., Sup., 528 (h), any power, authority, or discretion conferred upon the Secretary of the Treasury in respect to the approval of evidence and the receipt and approval of agreements of indemnity to support the issuance of substitutes of original checks drawn against accounts maintained outside the continental limits of the United States by the Chief Disbursing Officer or by his predecessor, has been delegated to the Chief Disbursing Officer and his duly authorized assistant disbursing officers.

SUBPART B—FUNCTIONS AND PROCEDURES

§ 270.5 *Surety companies and surety bonds.* (a) The Section of Surety Bonds administers the provisions of the Act of August 13, 1894, as amended, 6 U. S. C. 6–13, relating to the issuance by the Secretary of the Treasury of certificates of authority to bonding companies to do business with the United States on recognizances, stipulations, bonds and undertakings. The general course and methods of procedure as to companies desiring a certificate of authority are contained in

31 CFR 223. Applications when received are reviewed by the Section on the basis of financial statements and other data submitted in support of the application, and if it appears from the evidence submitted that the company has authority under its charter or articles of incorporation to do the business provided for by the act above referred to, and that the company is solvent and financially and otherwise qualified to do the business provided in the said act, as amended, recommendation is made to the Secretary for issuance of a certificate of authority to the company to qualify as surety on obligations permitted or required by the laws of the United States. Further regulations, procedures and information in respect to surety companies doing business with the United States appear in 31 CFR 220–222, 224, 226, 227.

(b) Regulations, procedures and information concerning the acceptance of bonds, notes or other obligations, issued or guaranteed by the United States, as security in lieu of surety or sureties on penal bonds running to the United States are contained in 31 CFR 225.

§ 270.6 *Substitute checks.* Under the provisions of section 3646 of the Revised Statutes of the United States, as amended, 31 U. S. C., Sup., 528, whenever a Government check has been lost, destroyed, or stolen, a substitute check may be issued only with the approval of the Secretary of the Treasury. This authority, with respect to checks drawn on accounts maintained outside the continental limits of the United States, has been delegated to the Secretary of War, Secretary of the Navy, certain officers of the Panama Canal for checks drawn by disbursing officers under their respective jurisdictions, and the Chief Disbursing Officer, Treasury Department. Regulations, procedures and other information concerning the issuance of substitute checks are contained in 31 CFR 204.

§ 270.7 *Claims for proceeds of "stale" checks.* With the exception of checks relating to public debt obligations or transactions under the banking and currency laws, all checks drawn on the Tresaurer of the United States are payable only for one year after the close of the fiscal year in which issued. Thereafter the proceeds are cleared out of the disbursing officers' accounts and covered into a trust fund known as "Outstanding Liabilities." As provided in 31 CFR 202.28, checks for which the period of payment by the Treasurer of the United States has expired should be transmitted to the Secretary of the Treasury, Division of Disbursement, for payment from the "Outstanding Liabilities" appropriation, accompanied by an application for payment over the signature and address of the owner of such checks. Claims on account of such checks are reviewed in the Division of Disbursement, forwarded to the General Accounting Office for further consideration and the issuance of a certificate of settlement in the case. The certificates of settlement are sent to the Treasury for issuance and mailing of a new check to the claimant by the Division of Disbursement.

§ 270.8 *Salvage of Philippine valuables and records.* With the Japanese invasion of the Philippine Islands, the U. S. High Commissioner accepted, by direction of the President, bullion, currency, securities, and other valuables to avoid seizure. The bulk of these valuables were sent to the United States for safekeeping in the San Francisco Mint, the Federal Reserve Bank of San Francisco, or the U. S. Treasury in Washington. The remainder, principally currency and paid checks, was inventoried and destroyed. The records relating to these transactions were turned over to the Bureau of Accounts, which handles the claims for restitution. Claims and requests for information on the subject should be addressed to the Secretary of the Treasury, Washington 25, D. C.

§ 270.9 *Depositaries of public funds.*—(a) The Secretary of the Treasury designates the depositaries authorized to accept deposits of public funds. There are several classes of domestic depositaries: Federal Reserve banks, General Depositaries, Limited Depositaries, Special Depositaries, and Depositaries for Withheld Taxes. General Depositaries are depositaries and financial agents of the Government which have been authorized to maintain on their books an account in the name of the Treasurer of the United States. They are designated and maintained only at points where a depositary is needed to receive deposits of public moneys for credit to the account of the Treasurer of the United States or to render other essential banking services authorized by the Secretary of the Treasury.

(1) *Limited Depositaries* are depositaries which have been designated by the Secretary of the Treasury for the sole purpose of receiving, up to specified maximum amounts, deposits made by Government officers for credit in their official checking accounts with such depositaries and are not authorized to accept deposits for credit to the account of the Treasurer of the United States.

(2) *Special Depositaries* of public moneys are depositaries designated by the Secretary of the Treasury pursuant to authority contained in the Second Liberty Bond Act, as amended, 31 U. S. C. 771, to receive and hold deposits on account of the sale of Government securities.

(3) *Depositaries for Withheld Taxes* are depositaries designated pursuant to the Current Tax-Payment Act of 1943, 26 U. S. C., Sup., 1631, to receive from employers amounts withheld as taxes from the salaries and wages paid their employees.

(b) Regulations, procedures and other information concerning the designation, qualification and operations of general and limited depositaries of public moneys, of special depositaries of public moneys, and of depositaries for withheld taxes are set forth in 31 CFR; 202, 203, and 212, respectively.

§ 270.10 *Federal Savings and Loan Associations as fiscal agents of the United States.* Certain Federal Savings and Loan Associations have been designated pursuant to the authority contained in the Home Owners Loan Act of 1933, as amended, 12 U. S. C. 1464 (k) as fiscal agents for the collection of delinquent accounts under Title I of the National Housing Act, 12 U. S. C. 1702–1706. Regulations, procedures and other information concerning Federal Savings and Loan Associations as fiscal agents of the United States are contained in 31 CFR 312.

§ 270.11 *Undelivered War Savings Bonds and cash withheld by employers.* In connection with the operation of the payroll savings system for the purchase of war savings bonds by employees of private contractors performing work for the Government under cost-plus-a-fixed-fee contracts, arrangements have been made for the safekeeping by the Treasury Department of undelivered bonds and unclaimed payroll deductions. These funds, which belong to persons whose whereabouts are unknown, are received by the Bureau of Accounts of the Treasury Department through the various Government departments and establishments having jurisdiction over the contracts and from other employers who may care to avail themselves of this facility. The funds are held subject to claim by such former employees. Claims may be in the form of an ordinary letter addressed to the Commissioner of Accounts, Treasury Department, Washington 25, D. C., identifying the claimant and requesting payment. These claims are subject to approval by the Secretary of the Treasury. Upon his approval, a check representing funds held for the claimant's account is transmitted to the claimant. Claims for bonds should be addressed to the Chicago Office, Bureau of the Public Debt, Merchandise Mart, Chicago 54, Illinois.

§ 270.12 *Checks withheld from foreign delivery.* In accordance with the provisions of Executive Order 8389 of April 10, 1940, as amended, and the act of October 9, 1940, as amended, 31 U. S. C. Sup., 123, and regulations issued pursuant thereto, 31 CFR 211, United States Government checks issued in favor of payees residing in certain areas outside the United States where postal, transportation, banking facilities in general or local conditions are such that there is not a reasonable assurance that the checks will be delivered and negotiated for full value, have been withheld from delivery and their proceeds have been deposited in a special account for the owners thereof. Except for claims on account of checks representing payments under laws administered by the Veterans Administration, claims for payment of such withheld amounts should be presented to the Secretary of the Treasury. Claims involving payments under laws administered by the Veterans Administration should be presented direct to the Administrator of Veterans' Affairs. Regulations, procedures, and other information concerning checks withheld from foreign delivery are set forth in 31 CFR 211.

§ 270.13 *Mexican claims*—(a) In accordance with the provisions of the Act of April 10, 1935, 49 Stat. 149, the Joint Resolution of August 25, 1937, 50 Stat. 783, and the Settlement of Mexican Claims Act of 1942, as amended, 22 U. S. C., Sup., 661–672 and Treasury Department regulations, 31 CFR 254, awards

and appraisals in favor of nationals of the United States on claims against the Government of Mexico are certified to the Treasury Department for payment.

(b) The Bureau of Accounts is charged with maintaining special accounts and certifying disbursements pertaining to such awards. Applications for payment made to the Bureau of Accounts, Division of Investments, with accompanying evidence, are examined in order to insure that payment is made in accordance with the awards and relevant statutes and regulations. Statutory interest and deductions are computed. Pursuant to a finding by the Secretary that payment is in order, the claims are certified to the Division of Disbursement for payment. Regulations, procedures and other information concerning payment of these awards and appraisals are set forth in 31 CFR 254.

(c) Claims against the Government of Mexico for expropriation of petroleum properties pursuant to the agreement of November 19, 1941 between United States and Mexico have been certified by the Secretary of State to the Secretary of the Treasury for payment. Inquiries with respect to payment of these claims should be addressed to the Commission of Accounts, Treasury Department, Washington 25, D. C., Attention of the Division of Investments.

§ 270.14 *German, Austrian, and Hungarian claims.* The Settlement of War Claims Act of 1928, 45 Stat. 254, authorized the Secretary of the Treasury to make payments on account of (a) awards of the Mixed Claims Commission, United States and Germany, for claims of American nationals against the Government of Germany; (b) awards of the War Claims Arbiter for claims of German, Austrian, and Hungarian nationals against the Government of the United States, and (c) awards of the Tripartite Claims Commission for claims of American nationals against the Governments of Austria and Hungary. Payment is made from Special Deposit Accounts established pursuant to the Act. Inquiries should be made to the Commissioner of Accounts, Treasury Department, Washington 25, D. C., Attention of the Division of Investments. Applications and accompanying evidence are examined to determine whether payment may be made in accordance with statutory priorities. Statutory interest and deductions are computed and, subsequent to determination by the Secretary of the Treasury, checks are issued from the relevant Special Deposit Account. Regulations, procedures and other information with respect to payment of awards of the Mixed Claims Commission, United States and Germany, are set forth in 31 CFR 245; with respect to awards of the War Claims Arbiter, in 31 CFR 248, 249, 252; and with respect to awards of the Tripartite Claims Commission, in 31 CFR 247, 251.

§ 270.15 *Turkish claims.* Awards of the Special Claims Commission, United States and Turkey, under the Joint Resolution of June 18, 1934, 48 Stat. 1018, and the Act of March 22, 1935, 49 Stat. 67, 76, were certified by the Secretary of State to the Secretary of the Treasury for payment pursuant to the Act of February 27, 1896, 31 U. S. C. 547. Inquiries with respect to payment of these claims should be addressed to the Commissioner of Accounts, Treasury Department, Washington 25, D. C., Attention of the Division of Investments.

§270.16 *Director General of Railroads and Railroad Obligations*—(a) Pursuant to section 2 (b) of the President's Reorganization Plan No. II, effective July 1, 1939, 53 Stat. 1431, 1432, the Office of the Director General of Railroads was abolished and the functions and duties transferred to the Secretary of the Treasury to be exercised and performed by him personally or through such officer or officers of the Department of the Treasury as he may authorize. The Secretary of the Treasury was also designated an agent against whom actions or other proceedings may be brought in accordance with section 206 of the Transportation Act of February 28, 1920, 49 U. S. C. 74. The Secretary of the Treasury has designated the Fiscal Assistant Secretary, the Commissioner of Accounts, and the Assistant Commissioner of Accounts to perform on his behalf the duties and functions of the former Director General of Railroads. Requests for information should be submitted to the Secretary of the Treasury, Washington 25, D. C.

(b) Railroad obligations acquired on behalf of the United States under the provisions of the Transportation Act, 1920, as amended, are under the control of the Secretary of the Treasury by virtue of section 213 of Title II thereof, 40 U. S. C. 316, and Executive Order No. 8533 dated September 5, 1940, issued pursuant thereto. Inquiries with respect to these obligations should be addressed to the Secretary of the Treasury, Washington 25, D. C.

(c) Section 204 of the Transportation Act of 1920, as amended, 49 U. S. C. 73, permits certain short-line rail carriers to present claims against the United States before the Interstate Commerce Commission. Under the Act, the Commission is authorized to ascertain and certify to the Secretary of the Treasury the amounts payable to carriers under these claims. Inquiries with respect to payment of these claims should be addressed to the Secretary of the Treasury, Washington 25, D. C.

SUBPART C—FINAL OPINIONS AND ORDERS

§ 270.17 *Availability of final opinions and orders.* Final opinions and orders in the adjudication of cases falling within the jurisdiction of the Bureau of Accounts are made available to public inspection except those held confidential and not cited as precedents. The determination as to whether in a particular case a final opinion or order is confidential will be made in accordance with the standards set forth in § 270.18 of this subpart. All rules issued by the Bureau of Accounts will be made available upon request. Requests for such opinions, orders, or rules may be made to the Commissioner of Accounts, Treasury Department, Washington 25, D. C.

SUBPART D—PUBLIC RECORDS

§ 270.18 *Public records.* The official records on file in the Bureau of Accounts include appropriation accounting records, collection and disbursing accounting records, accounting records relating to investment accounts under the control of the Secretary of the Treasury, various other accounting records and records relating to the functions described in §§ 270.5 through 270.16 hereof. Certain of the information contained in these records is held confidential and is not available to the public because it relates to the personal financial transactions of individuals or corporations, or because the disclosure of the information would clearly be inimical to the public interest. All requests for information in respect to matters contained in the official records of the Bureau of Accounts should be addressed to the Commissioner of Accounts, Treasury Department, Washington 25, D. C. The request should set forth the interest of the applicant in the subject matter and the purpose for which information is desired. The determination as to whether the information is available for disclosure will be made by the Secretary, the Under Secretary, or the Fiscal Assistant Secretary. Whenever it is determined that a matter of official record is available for disclosure in a particular case, a copy of said official record will be furnished the party requesting the same, or the officer passing upon the request may, in his discretion, allow a personal inspection of the official record in question at the place where the document is normally kept. The regulations contained in this section shall supersede any other Treasury Department orders, rules, or regulations to the extent that they are in conflict with these regulations.

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary.

[F. R. Doc. 46–15351; Filed Aug. 28, 1946; 4:15 p. m.]

FISCAL SERVICE: BUREAU OF THE PUBLIC DEBT

[31 CFR, Ch. II]

PART 323—PUBLIC INFORMATION CONCERNING THE BUREAU OF THE PUBLIC DEBT

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SUBPART C—RULES; OPINIONS AND ORDERS; PUBLIC RECORDS

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SUBPART A—ORGANIZATION

§ 323.1 *Central organization.* The Bureau of the Public Debt, a branch of the fiscal service, is generally charged

with the administration of the public debt. The functions of the Bureau are exercised at Washington through the Office of the Commissioner, the Division of Loans and Currency, the Office of the Register of the Treasury, the Division of Public Debt Accounts and Audit, the Division of Paper Custody, and at Chicago by the Chicago Office of the Bureau, including branches of the foregoing offices and divisions (except the Division of Paper Custody) and a Division of Savings Bonds. Five Regional Offices of the Register of the Treasury and a small force at the Government Mill where distinctive paper is produced comprise the "field" organization of the Bureau. Of these enumerated offices those which deal generally with the public are described below.

(a) *The Office of the Commissioner.* The Commissioner of the Public Debt, aided by an Assistant Commissioner and a Deputy Commissioner, has general administrative supervision and control over the entire Bureau and its work. The Commissioner's office is generally concerned with the preparation (subject to the approval of the Secretary) and the effectuation of regulations, circulars, and instructions governing the offering and issue of public debt securities and the conduct of subsequent transactions therein.[1] In addition the Commissioner's office handles contracts for the distinctive paper used in the printing of securities and currency.

(b) *The Division of Loans and Currency.* This Division is charged with the receipt and custody of all stocks of securities and distribution thereof to other issuing agents directly, or through the Federal Reserve Banks and Branches. The Division issues securities, other than Treasury bills, and conducts transactions in such securities after issue, including exchanges, transfers, conversions, maintenance of marketable registered bond accounts and the issue of checks for interest thereon, the settlement of claims on account of lost or destroyed securities, and those held in estates of deceased owners. It also conducts correspondence with the public regarding such securities and transactions therein. (For savings bonds see § 323.8 and paragraph (c) of this section.) It is under the supervision of the Chief of the Division who is aided in the performance of his duties by an Assistant Chief.

(c) *The Chicago Office of the Bureau.* This office, with headquarters at the Merchandise Mart, Chicago 54, Illinois, is charged with the maintenance of records of the ownership and the redemption of savings bonds, the issue of checks in payment of interest on savings bonds of Series G (interest on other series of savings bonds is payable with the principal when the bonds are redeemed) and with all matters relating to United States Savings Bonds after their original issue (except payment thereof), including correspondence with the public concerning such matters. Within the Chicago Office after-issue transactions are largely conducted by the Chicago Branch of the Division of Loans and Currency. The office is under the supervision of the Deputy Commissioner in Charge who is aided in the performance of his duties by an Assistant Deputy Commissioner in Charge.

§ 323.2 *Associated organizations.* Numerous organizations are associated with the Bureau in conducting public debt functions, including certain offices in the Treasury in addition to those enumerated above; The Post Office Department and postal service; the Federal Reserve Banks, fiscal agents of the United States, and their Branches; and banks, trust companies, savings and loan associations and the like.

§ 323.3 *Delegations of final authority.* The Second Liberty Bond Act, as amended, authorizes the issuance of various classes of securities of the United States (see 31 U. S. C., ch. 12). The circulars concerning the various types of securities which are offered for sale establish, for the most part, the delegations of final authority to handle transactions arising in connection with such securities from their issue to their redemption. The various types of securities, the numbers of the circulars relating thereto (accompanied by references to the places in which they are published in the Federal Register) are enumerated and described in §§ 323.7 and 323.8, which show the practical application of the delegations of final authority of interest to the public.

§ 323.4 *Established places for obtaining information and making requests.* In addition to the constituent offices and divisions of the Bureau of the Public Debt, including the Chicago Office of the Bureau, the most important places for obtaining information and making submittals or requests are the Federal Reserve Banks, fiscal agents of the United States, and their Branches, which are listed at the end of this section. However, thousands of banks, trust companies, savings and loan associations, and other financial institutions, as well as other agencies which have qualified as issuing agents for savings bonds of Series E or paying agents for savings bonds of Series A through E registered in the names of individuals and, in some cases, in both capacities will be able to give the public information concerning the issuance of savings bonds of Series E and payment of savings bonds of Series A through E registered in the name of individuals. The circulars concerning the various types of securities and the circulars containing the regulations governing them, which may be obtained from the Federal Reserve Banks and Branches, will also be of considerable value to any one seeking information.

Federal Reserve Banks and Branches and Their Locations

Federal Reserve Bank of Boston, Boston 6, Mass.

Federal Reserve Bank of New York, Federal Reserve Post Office Station, New York 7, N. Y. Buffalo Branch, Federal Reserve Bank, Buffalo 5, N. Y.

Federal Reserve Bank of Philadelphia, Philadelphia 1, Pa.

Federal Reserve Bank of Cleveland, Cleveland 1, Ohio. Cincinnati Branch, Federal Reserve Bank, Cincinnati 1, Ohio. Pittsburgh Branch, Federal Reserve Bank, Pittsburgh 19, Pa.

Federal Reserve Bank of Richmond, Richmond 13, Va. Baltimore Branch, Federal Reserve Bank, Baltimore 3, Md. Charlotte Branch, Federal Reserve Bank, Charlotte 1, N. C.

Federal Reserve Bank of Atlanta, Atlanta 3, Ga. Birmingham Branch, Federal Reserve Bank, Birmingham 2, Ala. Jacksonville Branch, Federal Reserve Bank, Jacksonville 1, Fla. Nashville Branch, Federal Reserve Bank, Nashville 3, Tenn. New Orleans Branch, Federal Reserve Bank, New Orleans 11, La.

Federal Reserve Bank of Chicago, Chicago 90, Ill. Detroit Branch, Federal Reserve Bank, Detroit 31, Mich.

Federal Reserve Bank of St. Louis, St. Louis 2, Mo. Little Rock Branch, Federal Reserve Bank, Little Rock, Ark. Louisville Branch, Federal Reserve Bank, Louisville 1, Ky. Memphis Branch, Federal Reserve Bank, Memphis 1, Tenn.

Federal Reserve Bank of Minneapolis, Minneapolis 2, Minn. Helena Branch, Federal Reserve Bank, Helena, Mont.

Federal Reserve Bank of Kansas City, Kansas City 18, Mo. Denver Branch, Federal Reserve Bank, Denver 17, Colo. Oklahoma City Branch, Federal Reserve Bank, Oklahoma City 1, Okla. Omaha Branch, Federal Reserve Bank, Omaha 2, Nebr.

Federal Reserve Bank of Dallas, Dallas 13, Tex. El Paso Branch, Federal Reserve Bank, El Paso, Tex. Houston Branch, Federal Reserve Bank, Houston 1, Tex. San Antonio Branch, Federal Reserve Bank, San Antonio 6, Tex.

Federal Reserve Bank of San Francisco, San Francisco 20, Calif. Los Angeles Branch, Federal Reserve Bank, Los Angeles 54, Calif. Portland Branch, Federal Reserve Bank, Portland 8, Oreg. Salt Lake City Branch, Federal Reserve Bank, Salt Lake City 9, Utah. Seattle Branch, Federal Reserve Bank, Seattle 14, Wash.

§ 323.5 *Notice of Department circulars; description of circulars.* The text, front or back, of the various public debt securities usually, if not always, refers by number to the circular under which those securities are offered for sale and the offering circulars in turn refer to the governing regulations. The offering circular is not primarily concerned with regulations as such, but with the announcement that a particular security is offered for sale and with giving a description of the terms and conditions of issue of the security, including the places at which it may be purchased, the purchase price, the investment yield, etc. For example, Department Circular No. 653, Second Revision, describes the terms and conditions of issue of savings bonds of Series E and only incidentally refers to matters of regulation, whereas Department Circular No. 530, Sixth Revision, contains the regulations governing savings bonds of all series.

SUBPART B—FUNCTIONS AND PROCEDURES

§ 323.6 *General.* The functions of the Bureau and organizations associated therewith referred to in § 323.2 and the general course in which they are channeled and determined are summarized in the following sections under the two broad classes of "marketable" and "nonmarketable" securities. In general, owners of Government securities of all classes and persons desiring to purchase

[1] As agent the Bureau also conducts transactions in interest-bearing issues of the Philippine and Puerto Rican Governments, and establishments of the Federal Government such as the Home Owners' Loan Corporation, the Federal Farm Mortgage Corporation, the Reconstruction Finance Corporation, and others—under the procedures and regulations set forth in Sec. 323.7 of this Part.

them will find it more convenient to deal with the nearest Federal Reserve Bank or Branch (see § 323.4) concerning the purchase of such securities or any transaction with respect thereto, except for the purchase of savings bonds of Series E, as to which see § 323.8 (e) (1).

§ 323.7 *Marketable securities.* These securities are transferable either by assignment as in the case of registered Treasury bonds or merely by delivery as in the case of Treasury bonds in bearer form and other bearer securities such as Treasury notes, bills, and certificates of indebtedness. The circulars concerning these securities and a description of the method of channeling and determining transactions in connection therewith follow:

(a) *Treasury bonds, notes, and certificates of indebtedness.* Department Circular No. 300, 31 C. F. R. Part 306, contains the general regulations governing them. Department Circular No. 666, 31 C. F. R., Cum. Supp., Part 307, is concerned exclusively with the regulations governing payment or redemption of those securities and other transferable public debt securities of the United States at maturity or before maturity pursuant to call for redemption in accordance with their terms.

(b) *Treasury bills.* For regulations governing the issue and sale of Treasury bills see Department Circular No. 418, 31 CFR (Cum. Supp.) 309.

(1) *Where to purchase*—(i) *Treasury bonds, notes, and certificates of indebtedness.* Unlike United States Savings Bonds and Treasury Savings Notes of Series C, Treasury bonds, notes, and certificates of indebtedness are not on continuous sale, except on the market at prevailing market prices. They are offered for subscription by the Treasury only from time to time, and the official circulars governing their offering are published in the Federal Register. Information regarding new offerings may be obtained from any Federal Reserve Bank or Branch or the Treasury Department, and subscriptions may be placed directly with the Treasury or any Federal Reserve Bank or Branch during the period the subscription books are open. Usually the offering circulars provide that banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

(ii) *Treasury bills.* Treasury bills are issued on a discount basis under competitive and limited fixed-price bidding, tenders for which are invited by the Secretary of the Treasury and may be received only at the Federal Reserve Banks and Branches up to a specified closing hour for each issue.

(2) *Transactions after purchase.* Transactions after the purchase of these securities, including the issuing of checks for interest[1] on registered Treasury bonds, are largely conducted by the Division of Loans and Currency, Washington, D. C., which has final authority to act in any matter clearly within the governing regulations, with certain limited exceptions, as for example the granting of relief on account of the loss, theft, destruction, mutiliation, or defacement of securities and matters involving questions of policy not heretofore decided. The Federal Reserve Banks and Branches also have broad authority to handle any transactions arising after the purchase of these securities without referring them elsewhere for review.

§ 323.8 *Nonmarketable securities.* These securities are subject to certain restrictions against any transfer by voluntary act of the owner during his lifetime and may not be sold on the market. They are:

(a) *Treasury Savings Notes of Series C.* See Department Circular No. 696, Second Revision.

(b) *Savings bonds of Series E.* The offering circular for which is Department Circular No. 653, Second Revision, 31 CFR, 1943 Supp., Part 316. Department Circular No. 657, 31 CFR Part 317, contains the regulations governing agencies for the issue of bonds of that series.

(c) *Savings bonds of Series F and G.* The offering circular for which is Department Circular No. 654, Second Revision, 31 CFR, 1944 Supp., Part 318.

(d) *United States Savings Bonds of all series—regulations.* The regulations governing those securities are set forth in Department Circular No. 530, Sixth Revision, 31 CFR, 1945 Supp., Part 315. Regulations governing cash payments of savings bonds of Series A through E are set forth in Department Circular No. 750, Revised, 31 CFR, 1945 Supp., Part 321.

(e) *Transactions in nonmarketable securities*—(1) *Where to purchase.* Treasury Savings Notes of Series C and United States Savings Bonds of any series may be purchased from the Treasury Department, Washington, D. C., and from the Federal Reserve Banks and Branches. Bonds of Series E may also be purchased from thousands of organizations throughout the United States and its possessions, including post offices, banks, trust companies, building and savings and loan associations, credit unions, and other financial institutions; and from employers operating payroll savings plans, and national farm and loan associations. Various government offices or officials, Federal and state may issue bonds of Series E to their employees.

(2) *Where to redeem.* The majority of the banks of the country and many other financial institutions are qualified to cash United States Savings Bonds of Series A through E, (with limited exceptions) for individuals named as registered owners of the bonds. The Federal Reserve Banks and their Branches have much broader authority to redeem savings bonds of Series A through E and in addition have authority to redeem savings bonds of Series F and G in many cases. The Treasury Department pays United States Savings Bonds of any series. Treasury Savings Notes of Series C may be redeemed by any Federal Reserve Bank or Branch or the Treasury Department, Washington, D. C.

(3) *Other transactions*—(i) *By Federal Reserve Banks.* The Federal Reserve Banks and their Branches have been authorized to conduct many classes of reissue transactions (and other transactions arising after the original issue of savings bonds) in unmatured savings bonds of any series, without referring them elsewhere for review. The classes of reissue transactions which the Federal Reserve Banks and Branches are authorized to complete include, but are not limited to, reissue to correct an error in original issue, to add, omit, or substitute a beneficiary; to add a coowner or to change a beneficiary to a coowner; to show a change of name of any individual named on a bond, to name a trustee of a living trust; to make disposition to persons entitled upon the death of an owner in certain cases and to name a succeeding fiduciary. Other transactions in Treasury Savings Notes of Series C should be handled by or through the agency which issued the Notes.

(ii) *By the Chicago Office.* This Office has final authority to conduct all transactions in savings bonds after their issue (as authorized under the governing regulations) with certain exceptions described below, but even in these exceptional cases the Chicago Office is charged generally with the responsibility of setting forth requirements, obtaining the necessary evidence, preparing the case, and transmitting it with appropriate recommendations to the Treasury Department, Washington, D. C., for review by the Commissioner of the Public Debt, and action thereon by the Fiscal Assistant Secretary of the Treasury. The exceptional cases are:

(*a*) Approval of evidence and granting of relief on account of the loss, theft, destruction, mutilation or defacement of savings bonds under the provisions of Sec. 8 of 50 Stat. 481 as amended (U. S. C. 1940 Ed., Title 31, Sec. 738a).

(*b*) Acceptance of indemnity bonds when required under the law cited above or the savings bond regulations.

(*c*) Transactions (*1*) which are not authorized by the savings bond regulations, (2) which under the applicable regulations require approval by the Secretary of the Treasury, and (3) which involve a question of Department policy that has not heretofore been decided.

§ 323.9 *Nature and requirements of procedures and forms.* The terms and conditions under which securities will be issued, reissued, or redeemed, and the evidence required in connection with any transaction in the securities after their original issue are set forth in the offering circulars and in the circulars containing the governing regulations (for which see §§ 323.7 and 323.8), and for the most part references to the numbers of the forms to be used are made in such circulars, especially in the circulars containing the regulations. For example, § 315.46 (b) (2) of Department Circular No. 530, Sixth Revision, makes it quite clear that in order to have a savings bond reissued during the lifetime of the beneficiary named thereon, the registered owner should execute a request for such reissue on Form PD 1787 and the beneficiary should execute his consent thereto on the same form. There are some forms in ordinary use in connection with transactions in various securities which

[1] Interest on bearer securities is usually payable by coupons which may be detached and cashed as they mature. The text of the securities will state how interest is to be paid.

are not mentioned in the circulars. The principal forms in that respect are as follows:

(a) *Forms for transactions in United States Savings Bonds.*

P. D. 1048—Application for relief on account of loss, theft, or destruction of savings bonds.
P. D. 1474—Request for reissue as result of change of name.
P. D. 1491—Request for reissue to correct error in issue.
P. D. 1564—Request for reissue in name of succeeding individual fiduciary.
P. D. 1565—Request for reissue in name of succeeding corporate fiduciary.
P. D. 1902—Statement of owner, coowners, or agent, if any, concerning the nonreceipt of United States Savings Bonds.
P. D. 1946—Application for reissue or redemption of bonds of a deceased owner without administration of his estate (maturity value of bonds not to exceed $250).

(b) *Other Forms.*

P. D. 1461—Application for transfer, exchange, or redemption of United States registered securities or securities with respect to which the Treasury Department acts as transfer agency, upon assignment or request by a voluntary guardian of an incompetent.
P. D. 1642—Request for exchange of coupon bonds for registered bonds.
P. D. 1643—Request for exchange of registered securities for coupon securities.
P. D. 1644—Request for transfer of registered securities.
P. D. 1646—Application for transfer, exchange, reissue, or redemption without administration of registered securities of a deceased owner, including registered Treasury Bonds as well as United States Savings Bonds if maturity value exceeds $250.

§ 323.10 *Undeliverable savings bonds. (Bonds which for various reasons the issuing agent has not been able actually to deliver to the owner.)* Savings bonds which issuing agents have not been able actually to deliver to the owner after trying to do so for a period of six months are on file at the Chicago Office, except savings bonds purchased through the War and Navy Departments including the Coast Guard and Marine Corps. Application for these undeliverable bonds which are at the Chicago Office may be made by letter, and upon proper identification the bonds will be released to the owner or person entitled to them, such as an executor or administrator in case of the owner's death. Application for undeliverable bonds held by the War Department should be made to United States Savings Bond Branch, Army Finance Center, OCF, Building 204, 4300 Goodfellow Blvd., St. Louis 20, Missouri. Application for undeliverable bonds issued by the Navy Department should be made to Field Branch; Bureau of Supplies and Accounts, Cleveland 15, Ohio. Application for undeliverable bonds issued by the Coast Guard or Marine Corps should be made to Coast Guard Headquqarters, Washington, D. C., or Marine Corps Headquarters, Washington, D. C., as the case may be.

NOTE: Certain employers performing work for the Government, and some other employers voluntarily, have deposited cash accumulated in connection with the operation of the payroll savings plan for the purchase of United States Savings Bonds by their employees. For various reasons such employers were not able to apply the cash to the purchase of the bonds or return it to their employees. The disposition of this cash is covered in Subchapter A dealing with the Bureau of Accounts. Claims for such funds should be addressed to the Commissioner of Accounts, Treasury Department, Washington 25, D. C.

§ 323.11 *Nonreceipt of savings bonds.* If after submitting an application and paying for savings bonds the purchaser does not receive them within a reasonable time or they are lost in the mail, he should contact the agent from which he purchased them for appropriate instructions as to how to proceed in trying to obtain the original bonds, or bonds to replace them. This is not to be confused wtih the procedure required to procure duplicate bonds in place of those which the owner has lost or which have been stolen or destroyed after he receives them. In the event that bonds are lost, stolen, or destroyed after the owner actually received them, the appropriate procedure is to submit a claim on Form PD 1048, referred to in § 323.9 (a), which may be obtained from any Federal Reserve Bank or Branch, or from the Chicago Office of the Bureau.

SUBPART C—RULES; OPINIONS AND ORDERS; PUBLIC RECORDS

§ 323.12 *Substantive* rules. Substantive rules adopted as authorized by law and statements of general policy or interpretations formulated and adopted by the Bureau of the Public Debt for the guidance of the public will be published as required by the Administrative Procedure Act. All of the regulations now in effect in the Bureau of the Public Debt are published in the FEDERAL REGISTER.

§ 323.13 *Opinions and orders.* Final opinions and orders by the Bureau of the Public Debt in the adjudication of cases involve the ownership of securities and transactions with respect thereto by individuals, organizations, and others. These final opinions and orders are not cited as precedents and, except under limited circumstances as set forth in § 323.14, are held confidential for the reason that they involve private financial affairs of individuals, organizations, and others who purchased Government securities in the belief that in so doing their affairs would not be exposed to public scrutiny. Rules of the Bureau of the Public Debt are published in 31 CFR, Chapter II, Subchapter B.

§ 323.14 *Records.* Apart from records pertaining solely to internal management, the records maintained by the Bureau of the Public Debt and organizations associated with the Bureau in carrying on its work pertain to the purchase and ownership of Government securities and transactions in connection therewith. These records ordinarily will be disclosed only to the owners of such securities, to their executors, administrators, or other legal representatives or to their survivors, or to investigative and certain other agencies of the Federal and state governments, to trustees in bankruptcy, receivers of insolvents' estates, or to Federal and state courts, where proper order has been entered requesting disclosure of information. The records are held confidential as to others for the reason that they involve private financial affairs of individuals, organizations, and others who purchased Government securities in the belief that in so doing their affairs would not be exposed to public scrutiny. Persons seeking information concerning official records should submit their applications to the Division of Loans and Currency, Bureau of the Public Debt, Treasury Department, Washington 25, D. C., if it concerns marketable securities; to the agency of issue if it concerns Treasury Savings Notes of Series C; and to the Chicago Office of the Bureau of the Public Debt, Merchandise Mart, Chicago 54, Illinois, if it concerns United States Savings Bonds of any series. The request for the information should be accompanied by a statement of the reasons why such information is requested and evidence that the person requesting the information is entitled thereto.

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary.

[F. R. Doc. 46-15352; Filed, Aug. 28, 1946; 4:16 p. m.]

FISCAL SERVICE: OFFICE OF THE TREASURER OF THE UNITED STATES

[31 CFR, Ch. II]

PART 351—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF THE OFFICE OF THE TREASURER OF THE UNITED STATES

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SUBPART B—FUNCTIONS AND PROCEDURES

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351.5 Lost, stolen and destroyed checks.
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SUBPART C—FINAL OPINIONS AND ORDER

351.8 Final opinions and orders.

SUBPART D—PUBLIC RECORD

351.9 Official records.

SUBPART A—ORGANIZATION

§ 351.1 *Central organization.* (a) The Treasurer of the United States is appointed by the President, by and with the advice and consent of the Senate, pursuant to section 301 of the Revised Statutes, as amended, 31 U. S. C. 141. Pursuant to section 304 of the Revised Statutes, as amended, 31 U. S. C. 144, there are appointed an Assistant Treasurer, an Acting Treasurer to act in the absence of the Treasurer and Assistant Treasurer, and Special Assistant Treasurers.

(1) Pursuant to the President's Reorganization Plan No. III, effective June 30, 1940, 54 Stat. 1231, the Office of the Treasurer of the United States was established as a part of the Fiscal Service of the Treasury Department.

(2) The Office of the Treasurer of the United States is essentially a banking facility for the Government, being par-

ticularly charged with the receipt and accounting for public moneys; the custody, issue, and redemption of United States currency and coin; the payment of checks, and performance of certain functions in respect to claims for the proceeds of lost, stolen, or fraudulently negotiated Government checks; the safekeeping of securities deposited as collateral and otherwise; and the payment of principal and interest on public debt obligations.

(b) The work is carried on through five operating divisions, and the administrative Division which handles personnel and budgetary matters, office services and files.

(1) *Accounting Division.* Maintains checking accounts of Government disbursing officers and Government owned corporations; pays checks drawn on the Treasurer of the United States; directs the activities of Federal Reserve Banks, when acting as agents of the Treasurer in paying Government checks; and performs certain functions in connection with claims relating to lost, stolen, destroyed, and fraudulently negotiated checks.

(2) *Cash Division.* Credits money and checks received for deposit to the accounts of various Government agencies; collects the amounts of commercial checks and other orders for the payment of money drawn in favor of the United States or its agencies or officials; receives and accounts for coin presented in Washington, D. C. for redemption and exchange; has official custody of United States currency and makes such currency available, as required, to various Federal Reserve Banks and branches, to banks in Washington, D. C. and others.

(3) *Currency Redemption Division.* Exchanges and redeems United States currency; examines and ascertains the redemption value of mutilated and burned currency and makes payment to the owners thereof.

(4) *Division of General Accounts.* Maintains ledger accounts of all transactions involving receipts and expenditures in the accounts of the Treasurer of the United States; assembles financial data and prepares the Daily Statement of the United States Treasury, monthly statements of the Public Debt and of Currency Outstanding.

(5) *Division of Securities.* Pays the principal and interest on Public Debt obligations of the United States Government, on obligations of Government agencies, Government owned corporations, and Puerto Rico; maintains custody of securities deposited with the Treasurer of the United States to secure deposits of public money and custody of Postal Savings bonds and securities deposited by various Federal agencies as collateral or for safekeeping; and receives for safekeeping United States Savings Bonds from the general public. The Division of Securities maintains a branch office in the Merchandise Mart, Chicago, Illinois, the functions of which consist of the examination and verification of United States Savings Bonds paid by Federal Reserve Banks.

§ 351.2 *Public information, submittals, and Requests.* Public information may be obtained from and submittals and requests made to the Treasurer of the United States, Treasury Department, Washington 25, D. C.

§ 351.3 *Delegations of final authority.* The Federal Reserve Banks of Boston, New York, Philadelphia, Cleveland, Richmond, Atlanta, Chicago, St. Louis, Kansas City, Dallas and San Francisco have been designated as agents of the Treasurer of the United States for the pnrpose of making payment of specified classes of Government checks drawn on the Treasurer of the United States. Checks payable through Federal Reserve Banks bear on their face the name of the Federal Reserve Bank through which they are payable.

SUBPART B—FUNCTIONS AND PROCEDURES

§ 351.4 *Payment of checks.* Checks drawn on the Treasurer of the United States by Government disbursing officers and Government owned corporations, which are received in the mail from various Federal Reserve Banks and other Government depositaries through which they have been cleared, and over the counter from local banks, are examined for validity in the Accounting Division of the Treasurer's Office and if found to be in order, are paid; checks which are not payable upon presentment because of forgery of the drawer's signature, alteration, or other reasons, or because stoppage of payment has been entered, are returned to the presenter with the reasons for declination of payment. In the case of checks payable through designated Federal Reserve Banks the examination for validity is made by the Federal Reserve Bank through which the checks are payable. In addition to checks presented by mail, the Cash Division of the Treasurer's Office has facilities for cashing over the counter for the payees Government checks presented directly to the Treasurer of the United States. Full information as to the conditions governing payment of checks is contained in 31 CFR 202, 206 and regulations concerning indorsements are set forth in 31 CFR 360.

§ 351.5 *Lost, stolen and destroyed checks.* When an original check is lost, stolen or destroyed, the owner notifies the Government disbursing officer who issued the check, who thereupon requests the Treasurer of the United States to stop payment of it. If the owner of the check cannot identify the disbursing officer who issued it, the notification of the loss, theft or destruction should be sent to the Treasurer of the United States, Accounting Division, Washington 25, D. C. If the check is found to be outstanding, the Accounting Division of the Treasurer's Office forwards to the claimant a form for execution to secure a substitute check, together with full instructions. Information as to the conditions governing the issuance of substitute checks is contained in 31 CFR, 204. Information as to settlements with payees or other owners of checks which have been paid upon forged indorsements appears in 31 CFR 207.

§ 351.6 *Currency exchange and redemption.* United States currency which has been burned or otherwise mutilated is redeemed or exchanged by the Currency Redemption Division of the Treasurer's Office, which ascertains the redemption value of the currency and makes payment by check or other appropriate means to the owner. Regulations governing the redemption and exchange of such currency are set forth in 31 CFR 100.

§ 351.7 *Securities.* Full information as to the issue and redemption of United States bonds and other Government securities, including Treasury savings notes and Treasury bills, appears in Subchapter B of Chapter II of this title.

SUBPART C—FINAL OPINIONS AND ORDERS

§ 351.8 *Availability of final opinions and orders.* Final opinions and orders in the adjudication of cases falling within the jurisdiction of the Office of the Treasurer of the United States are made available to public inspection except those held confidential and not cited as precedents. The determination as to whether in a particular case a final opinion or order is confidential will be made in accordance with the standards set forth in § 351.9. All rules issued by the Office of the Treasurer will be made available upon request. Requests for such opinions, orders, or rules may be made to the Treasurer of the United States, Treasury Department, Washington 25, D. C.

SUBPART D—PUBLIC RECORDS

§ 351.9 *Official records.* The official records on file in the Office of the Treasurer include paid checks and records thereof; retired obligations of the United States and records thereof; records relating to coin, bullion and currency; and various accounting and other records relating to the functions described in §§ 351.4 through 351.7. Certain of the information contained in these records is held confidential and is not available to the public because it relates to personal financial transactions of individuals or corporations, or because the disclosure of the information would clearly be inimical to the public interest. All requests for information in respect to matters contained in the official records of the Office of the Treasurer of the United States, should be addressed to the Treasurer of the United States, Treasury Department, Washington 25, D. C. The request should set forth the interest of the applicant in the subject matter and the purpose for which the information is desired. The determination as to whether the information is available for disclosure will be made by the Secretary, the Under Secretary or the Fiscal Assistant Secretary. Whenever it is determined that a matter of official record is available for disclosure in a particular case, a copy of said official record will be furnished the party requesting the same, or the officer passing upon the request may, in his discretion, allow a personal inspection of the official record in question at the place where the document is normally kept. The regulations contained in this section shall supersede any other Treasury Department orders, rules or regulations to the extent that they are in conflict with the regulations in this part.

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary.

[F. R. Doc. 46-15353; Filed, Aug. 28, 1946; 4:16 p. m.]

FOREIGN FUNDS CONTROL

[31 CFR, Ch. I]

PART 138—ORGANIZATION OF FOREIGN FUNDS CONTROL

Sec.

138.1 General statement of functions.
138.2 Outline of organization.
138.3 Description of functions performed by divisions and offices.
138.4 Delegation of final authority.
138.5 Official records.
138.6 Places and methods of securing information and making submittals.

§ 138.1 *General statement of functions.* The Bureau of Foreign Funds Control acts pursuant to powers of the President under Sections 3 (a) and 5 (b) of the Trading with the enemy Act, as amended, (50 U. S. C., App., secs. 3 (a) and 5 (b)) delegated to the Secretary of the Treasury by Executive Orders Nos. 8389 and 9193, as amended, (31 CFR, Cum. Supp., 127.9–127.17; 3 CFR, Cum. Supp., Chap. II; 3 CFR, 1945 Supp., Chap. II). The Control exercises these powers so far as they apply to property of and transactions with foreign countries and their nationals and to trade and communication with the enemy. Through a system of licenses, rulings and other documents, collectively known as the freezing regulations, the Control regulates financial and property transactions involving blocked countries and their nationals as defined under Executive Order No. 8389. With regard to liberated and neutral blocked countries, the primary purposes of the Control are to uncover enemy assets and prevent the consummation of looting transactions initiated by enemy countries. The general aim with respect to enemy countries and their nationals is to immobilize their assets pending their ultimate disposition, while additional controls are maintained on trade and communication with Germany and Japan with a view to insuring that they are conducted only in accordance with the national policy of the United States. The Control also administers regulations designed to prevent the importation into the United States of looted securities, currency, checks and drafts.

§ 138.2 *Outline of organization*—(a) *The central organization.* Foreign Funds Control is headed by the Director, who exercises his functions through four administrative divisions: (1) the Licensing Division, including the Trade and Remittance Section and the Business and Securities Section, (2) the Enforcement Division, including the Compliance Section and the Program Planning Section, (3) the Statistics and Reporting Division, including the Statistical Operations Section and the Property Accounts Section, and (4) the Administrative Services Division, including the Personnel Office, the Budget and Planning Office, and the Office Service Section. Each division is headed by a Chief. In addition, there is a Legal Division functioning under the Chief Counsel of Foreign Funds Control, who is responsible to the General Counsel of the Treasury Department.

(b) *The field organization.* Foreign Funds Control is represented in the field by the Federal Reserve Banks of New York, Chicago and San Francisco. There is also a small Liberated Areas Staff. The Federal Reserve Bank of New York has jurisdiction with respect to the Federal Reserve Districts of New York, Boston, Philadelphia, Cleveland, Richmond and Atlanta, and with respect to Puerto Rico. The Federal Reserve Bank of Chicago has jurisdiction with respect to the Federal Reserve Districts of Chicago, St. Louis, Minneapolis, Kansas City and Dallas. The Federal Reserve Bank of San Francisco has jurisdiction with respect to the Federal Reserve District of San Francisco. Under General Ruling No. 5 (31 CFR, 1943 Supp., 131, App. A) controls over the importation of securities and currency are in the first instance enforced in the field by the Bureau of Customs and the Post Office Department, as agents of the Control.

§ 138.3 *Description of functions performed by divisions and offices*—(a) *Licensing Division.* This division has general responsibility for the licensing activities of the central organization. In addition to reviewing and acting upon specific applications, the division (1) establishes policies and procedures to guide the licensing activities of the field organization, (2) formulates general or blanket licenses under which broad categories of acceptable transactions may be consummated, and (3) has primary responsibility for developing unblocking arrangements with liberated and neutral countries.

The Trade Section deals with matters relating to trade and shipping involving non-enemy blocked countries; trade or communication with enemy territory; business and personal remittances; patents, trademarks and copyrights; granting of generally licensed national status to individuals and organizations; release of accounts from freezing control; internees; benevolent and charitable payments; and diplomatic and governmental expenses of blocked countries.

The Business and Securities Section deals with matters relating to securities and currency; foreign exchange; attachments; litigation, and the creation and administration of trusts and estates; real estate; business enterprises which are controlled by nationals of blocked countries; and miscellaneous transactions.

(b) *Enforcement Division.* This division directs the enforcement operations of the Control. It investigates activities which appear to be in violation of the freezing regulations and recommends appropriate action to prevent or punish such violations. The Compliance Section is responsible for the direct domestic and foreign enforcement functions of the Control, including cases involving blocking by specific action. The Program Planning Section coordinates enforcement activities of the Control with those of the corresponding authorities in liberated areas and assists in searching out enemy assets throughout the world in implementation of this Government's security and reparations programs.

(c) *Statistics and Reporting Division.* This division develops and carries out the statistical and reporting program of the Control including the analysis of data reported in the Census of Foreign-Owned Property on Form TFR–300 and the Census of American-Owned Property Abroad on Form TFR–500. (See § 139.3 of this chapter.)

(d) *Administrative Division.* This division provides all administrative management services of the Control.

(e) *Legal Division.* This division performs all legal functions of Foreign Funds Control, including the drafting of public documents.

(f) *Federal Reserve Banks.* Under general supervision of the central organization, the Federal Reserve Banks perform substantially all field operations of the Control in the territorial United States and Puerto Rico other than initial enforcement of controls over importation of securities and currency under General Ruling No. 5 (31 CFR, 1943 Supp., 131, App. A). Excepting a limited category of cases directly involving foreign governments, all license applications arising within the territorial jurisdiction of the Banks are filed with them and final action on the applications is announced through them.

(g) *Liberated Areas Staff.* This group assists the military authorities in Germany and Japan and the Governments of liberated areas in tracing Axis assets and in investigating and uncovering the network of financial and commercial interrelationships by means of which enemy interests have penetrated the economic systems of other countries.

§ 138.4 *Delegation of final authority*—(a) *The central organization.* Regulations, rulings, general licenses, and other public documents, except public interpretations, are issued by the Secretary of the Treasury. The Director of Foreign Funds Control has been delegated general authority to take final action with respect to all other Foreign Funds Control matters.

Authority to take final action on license applications referred to the central office has been granted to the Chiefs of the Licensing and Enforcement Divisions and of the Sections within these Divisions. Final action on license applications is taken within the Division through the Section Chiefs, subject to instructions to secure clearance from the Division Chief or the Director, where the application involves an important policy decision.

Officers acting in the place of other officers have all the authority of the persons for whom they act.

(b) *The field organization.* Authority to take final licensing action on most types of applications arising within their respective jurisdictions has been delegated to the Federal Reserve Banks of New York, Chicago and San Francisco, subject to policies and procedures prescribed by Foreign Funds Control. Applications which are of a special nature or involve policy decisions are forwarded to the central office for review before final action.

§ 138.5 *Official records*—(a) *Classification.* The official records of Foreign Funds Control are divided into the following categories:

(1) Applications, correspondence relating thereto and licenses, denials, or other final opinions, orders or other official responses thereon.

(2) Transcripts of hearings with exhibits and other supporting documents.

(3) Reports, including reports on Form TFR–300 relating to foreign-owned property, and on Form TFR–500 relating to American-owned property abroad. (See § 138.3 (c).)

(4) Miscellaneous correspondence.

(5) Documents submitted by the public in connection with rule-making.

(b) *Who may inspect records.* Any application, report, or correspondence submitted to Foreign Funds Control and any license, denial, or other final opinion or order or other official response pertaining to any such document is available for inspection by the person submitting such document or his agent or successor in interest by operation of law upon the filing of a written request with the Director. Transcripts of hearings and supporting documents are available to any participant upon similar application. The foregoing matters of official record are available to other persons properly and directly concerned upon written request to the Director supported by a court order entered in pending litigation, or in lieu of such order the written consent of the applicant, reporter or author, but reports on Forms TFR–300 and TFR–500 will be made available only to the reporter or his agent or successor in interest by operation of law. Documents submitted by the public in connection with rule-making may be inspected by any person upon written or oral request.

In all other cases and under all other circumstances all official records in the files of Foreign Funds Control are held to be confidential. Information contained therein and final opinions and orders involve matters of public or private confidence. Applications and other submissions by members of the public, and official action taken by the Control thereon, involve private financial or business affairs. Any publication of such matters would deter persons dealing with the Control from supplying necessary information fully and freely. Accordingly, it would be contrary to the best interests of the Government and of persons dealing with Foreign Funds Control to make such information available for general purposes by permitting inspection on a broader basis than provided above. Final opinions and orders are not cited as precedents.

Rules of Foreign Funds Control are published in 31 CFR, Chap. I, Part 127 et seq.

(c) *Methods of inspection.* Matters of official record which are available for inspection as provided above may be examined in the files of Foreign Funds Control or when available in the appropriate field office or by securing a photostatic copy which will be furnished upon the payment of a standard charge.

(d) *Information required in requests for inspection.* Except as provided above with regard to documents submitted by the public in connection with rule-making, requests for inspection must set forth in detail the interest of the applicant in the subject matter and the purpose for which inspection is desired.

(e) *Decision on requests.* Decision on requests for inspection will be made by the Director or under his direction.

§ 138.6 *Places and methods of securing information and making submittals*—(a) *Information, submittals and requests, in general.* The public may in general secure any information or make submittals, requests or petitions with respect to any Foreign Funds Control matters by communicating through correspondence or telephone or by coming in person or sending a representative, either to the central office in Washington or to the Federal Reserve Banks of New York, Chicago, or San Francisco.

(b) *Applications for licenses.* Applications for licenses to effect transactions subject to the Control should be filed with the Federal Reserve Bank or other agency prescribed by the appropriate regulations, 31 CFR, 130.3 (11 F. R. 1769, 7184), or other applicable document. Instructions in this respect are set forth in Section 139.1 of this chapter.

(c) *Prescribed forms.* Forms and instructions to be used in submitting license applications, reports and certain other types of submittals or requests are covered in §§ 139.1–139.3 of this chapter.

(d) *Addresses.* Correspondence with the central office should be directed to "Foreign Funds Control, United States Treasury Department, Washington 25, D. C." Personal inquiries to the central office should be made at the District National Bank Building, 1406 G Street, NW., Washington, D. C. All correspondence or inquiries to the respective Federal Reserve Banks should be addressed as follows: (1) Foreign Funds Control Department, Federal Reserve Bank of New York, 33 Liberty Street, New York 7, New York, (2) Federal Reserve Bank of Chicago, Chicago 90, Illinois, and (3) Federal Reserve Bank of San Francisco, San Francisco 20, California.

PART 139—PROCEDURES OF FOREIGN FUNDS CONTROL

Sec.

139.1 Licensing.
139.2 Unblocking.
139.3 Reporting.
139.4 Rule making.

§ 139.1 *Licensing*—(a) *General licenses.* General licenses have been issued authorizing under appropriate terms and conditions, many types of transactions which are subject to Executive Orders Nos. 8389 and 9193, as amended (31 CFR, Cum. Supp., 127.9–127.17; 3 CFR, Cum. Supp., Chap. II; 3 CFR, 1945, Supp., Chap. II). All such licenses are published in 31 CFR, 131. Persons availing themselves of certain general licenses are required to file reports in the form and in accordance with the instructions specified in the licenses.

(b) *Specific licenses*—(1) *General course of procedure.* Transactions subject to the Executive Orders which are not authorized by general license may be effected only under specific license. The specific licensing activities of Foreign Funds Control are performed by the central organization, the Federal Reserve Banks of New York, Chicago, and San Francisco. Under policies and procedures prescribed by the Control, the Federal Reserve Banks take final action upon most applications filed with them. All other applications are forwarded to the central office and are initially referred to the Section within the Control dealing with the type of subject matter or transaction with which the application is concerned. (For a description of the organization of the Control see Sections 138.2–138.3 of this Chapter). When an unusual problem is presented, the proposed action is cleared with the Chief of the Division or with the Director.

(2) *Applications for specific licenses.* Except as provided below, applications for specific licenses are to be filed on Form TFE–1 with the Federal Reserve Bank or other agency prescribed in the appropriate regulations, 31 CFR, 130.3 (11 F. R. 1769, 7184).

Applications for the release of securities imported into the United States and surrendered in accordance with the provisions of General Ruling No. 5 (31 CFR, 1943 Supp., 131, App. A) are to be filed on Form TFA–1 with the Federal Reserve Bank or other agency holding such securities as prescribed in the ruling and the regulations.

Applications for the attachment of Form TFEL–2 to securities with reference to General License No. 25 (31 CFR, Cum. Supp., 131.25) are to be filed on Form TFE–2 with the appropriate Federal Reserve Bank or other agency in accordance with the regulations.

(3) *Information to be supplied.* Applicants must supply all information specified by the respective forms and instructions, including, in the case of business enterprises applying for operating licenses, the information required by Form TFBE–1. They may also be required to furnish such further information as is deemed necessary to a proper determination by the Control or any of its offices or agencies. If an applicant or other party in interest desires to present additional information or discuss or argue the application, he may do so at any time before or after decision. Arrangements for oral presentation should ordinarily be made with the agency with which the application was filed.

(4) *Effect of denial.* Except as provided by General Ruling No. 19 (31 CFR, 131, App. A; 11 F. R. 8350) relating to property vested by the Alien Property Custodian, the denial of a license does not preclude the reopening of an application or the filing of a further application. The applicant or any other party in interest may at any time request explanation of the reasons for a denial by correspondence or personal interview.

(5) *Reports under specific licenses.* As a condition upon the issuance of any license, the licensee may be required to file reports with respect to the transaction covered by the license, in such form and at such times and places as may be prescribed in the license or related communication.

§ 139.2 *Unblocking.* The procedure to be followed by any person desiring the unblocking of accounts or other property on the ground that no person having an interest in the property is a national of a blocked country is set forth by General Ruling No. 13 (31 CFR, Cum. Supp., 131, App. A).

§ 139.3 *Reporting.* Information with respect to property in which nationals of blocked countries have an interest is required to be submitted in certain cases on Report Form TFR–300, Series L, as prescribed in Public Circular No. 4C (31 CFR, Cum. Supp., 131, App. B; 31 CFR, 1945, Supp., 131, App. B). The question of reports under licenses is treated in § 139.1.

§ 139.4 *Rule making.* All rules and other ublic documents, except public interpretations, are issued by the Secretary of the Treasury upon recommendation of the Director. Public interpretations are issued by the Director. Except when interpretative rules, general statements of policy, or rules of agency organization, practice, or procedure are involved or when notice and public procedure are impracticable, unnecessary or contrary to the public interest, interested persons will be afforded an opportunity to participate in rule making through submission of written data, views, or argument, with oral presentation in the discretion of the Director. In addition, it is the practice to hold, as far as possible, informal consultations with interested groups or persons before the issuance of any rule or other public document.

Any interested person may petition the Director in writing for the issuance, amendment, or repeal of any rule.

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Active Secretary.

[F. R. Doc. 46–15651; Filed, Aug. 30, 1946; 2:29 p. m.]

PROCUREMENT DIVISION

[41 CFR, Ch. I]

PART 5—ORGANIZATION AND PROCEDURES

SUBPART A—ORGANIZATION

Sec.

5.1 Central organization.
5.2 Field organization.
5.3 Delegations of final authority.
5.4 Public information, submittals and requests.
5.5 Final opinions or orders and rules.
5.6 Official records.

SUBPART B—PROCEDURES

5.101 Contracts.
5.102 Forfeited distilled spirits.
5.103 Motor accident claims.

SUBPART A—ORGANIZATION

§ 5.1 *Central organization.* The Procurement Division of the Treasury Department, created under Executive Order 6166, dated June 10, 1933 (41 CFR, Part 1), is under the general supervision and control of the Director of Procurement, aided by an Assistant Director, with the principal office located at 7th and D Streets SW., Washington 25, D. C. The work of the Procurement Division is concerned chiefly with the purchase, warehousing and distribution of supplies, materials, equipment and services generally required or used by the departments, agencies, boards, bureaus, divisions or other establishments in the Executive Branch of the Government, the determination of policies and methods relating thereto and the standardization and promulgation of specifications for such supplies, materials, equipment and services.

The work of the Procurement Division is carried on through five separate branches, each operating directly under a Deputy Director, and two divisions and two boards.

(a) *Purchase branch.* Responsible for the purchase of supplies, materials, equipment and services (including public utility services) for the general requirements of the Executive Branch of the Government; the purchase of supplies, materials, equipment and services under special procurement programs; purchase of strategic and critical material and the transportation, maintenance and warehousing of stock piles thereof under the Strategic and Critical Materials Stock Piling Act (Pub. Law 520, 79th Congress), and section 22 of the Surplus Property Act of 1944 (50 U. S. C. App., Sup., 1631); the design of furniture and furnishings; through its central traffic service, the coordination and direction of traffic and transportation activities to secure the most economical movement of such supplies, materials and equipment and the negotiation with carriers for special rates to effectuate such purpose; economic and technical analyses of public utility services, to effect rate reductions, consolidations, and realignment of equipment with consequent increased efficiency and savings in cost. In connection with special procurement programs, it is also responsible for the inspection, expediting, transportation and storage of the supplies, materials and equipment purchased thereunder.

(b) *Administrative branch.* Responsible for the personnel administration and management for the Procurement Division; the preparation and justification of all budgetary requirements; centralizing and coordinating organizational, procedural and management studies to develop standard administrative procedures and policies; controlling all administrative functions of the Procurement Division, including mail, files, messengers, supplies and space requirements; disseminating general information of the Procurement Division to the public, other governmental agencies and Congress through press and other releases, developing conservation programs for more efficient and economical use of supplies, materials, equipment and services throughout the Executive Branch of the Government; supervising Federal Business Association located in various parts of the country.

(c) *Stores Distribution Branch.* Arranges for the receipt, storage and issue of supplies, materials and equipment for use by the Executive agencies in Washington, D. C., and the purchase, receipt, warehousing and issue of supplies, materials and equipment for use by Executive agencies in the areas served by the eleven supply centers at the locations hereafter referred to; stores and issues solid and liquid fuels for use by the Federal Government and the District of Columbia Government in Washington, D. C., and vicinity; operates a furniture repair shop, an automobile repair shop, and a typewriter repair shop; investigates complaints on purchases by Executive agencies under Procurement Division contracts with respect to compliance with contract conditions and specifications and recommends remedial steps in cases of non-compliance.

(d) *Fiscal Branch.* Responsible for the accounting, auditing and financial reporting operations of all Procurement Division activities; prepares regulations, instructions and procedures relating to the foregoing; conducts audits for proposed contract termination settlements to determine proper costs to be charged and allowances to be made to the Government; conducts regular audits of field fiscal activities; performs special audits as the need or requirements therefor arise; and collaborates with other Government agencies in developing new and improved accounting and financial operating methods, techniques and practices.

(e) *Standards Branch.* Develops and promulgates standard Federal and Procurement Division specifications required by the Executive Branch of the Government in its supply processes; maintains the Federal Standard Stock Catalog of uniform property classification and item identification of commodities entering the Federal supply system; responsible for development of the operating details of a unified catalog system for the Executive Branch, providing a common reference language, classification and numbering system applicable to personal property entering the Federal supply system and available to supply personnel to be used in designs, drawings, specifications, standards of designs and specifications, and in matters of requirements, inventory control, procurement, storage, issue, transfer, maintenance, accounting, disposal and other processes of supply; coordinates all existing cataloging operations for the Executive Branch with this unified system; and acts as the contact with industry, technical societies and trade associations in the development and furtherance of such program.

(f) *Legal Division.* Headed by a Chief Counsel is under the administrative direction of the General Counsel of the Treasury Department and is responsible for planning and directing all legal work of or pertaining to the Procurement Division.

(g) *Governmental Requirements Division.* Under the supervision of a Chief of the Division, conducts economic studies and statistical analyses and develops plans and policies to be used as a basis for determining purchase policies and methods for carrying out the purposes of Executive Order 6166 (41 CFR, part 1).

(h) *Treasury Department Price Adjustment Board.* Under the direction of the Board, consisting of three members, headed by a Chairman, renegotiates under the authority of the Renegotiation Act (50 U. S. C. App., Sup., 1191) such contracts of the Procurement Division, War and Navy Departments, United States Maritime Commission, War Shipping Administration and Reconstruction Finance Corporation as are assigned to it by the War Contracts Price Adjustment Board and formulates suitable recommendations for the final approval of the Director of Procurement. The Chairman of the Board serves as a member of the War Contracts Price Adjust-

ment Board established under the renegotiatiton Act.

(i) *Contract Termination Settlement Review Board.* Consists of four members headed by a Chairman and is responsible for review of proposed settlements recommended by the Chief of Contract Terminations of claims in excess of $50,000, determined in the manner provided in section 6 (c) of the Contract Settlement Act of 1944 (41 U. S. C., Sup., 106 (c)), and arising out of termination of Procurement Division war contracts under the authority of such act. Disposal of contract termination inventory is subject to review by the Termination Inventory Disposal Review Board, consisting of three members headed by a Chairman.

§ 5.2 *Field organization.* (a) Composed of five Regional Offices, each headed by a Regional Director, five District Offices, each headed by a District Manager, and the Toledo Medical Depot. Each District Office is a self-contained operating unit depending upon the Regional Office to which it is assigned for administrative guidance and assistance only and otherwise reporting directly to the Washington Office. Each field office includes a supply center and is assigned specific areas within which it operates. Each office is responsible for effectively carrying out the activities and responsibilities of the Procurement Division within the areas assigned to it, following for these purposes the directives, policies and procedures established by the Washington Office. Field office activities include procuring, inspecting, storing, issuing and delivering supplies, materials and equipment to Executive agencies within the assigned area and, in addition, acting as liaison with such agencies to improve and develop centralized procurement and distribution within such assigned areas; inspecting, expediting, storing, and transporting supplies, materials and equipment purchased by the Washington Office for special procurement programs; performing administrative functions incident to its field activities, including maintenance of accounts, preparation and certification of vouchers, auditing of invoices and other documents, and performing necessary service functions required in its activities. The Regional Offices and District Offices thereunder, together with the areas assigned to each, are as follows:

(1) REGION 1. *Regional Office,* 50 Church Street, New York 7, New York, operates in the States of New Jersey, New York, and Pennsylvania; *District Office,* 55 Tremont Street, Boston 8, Massachusetts, operates in the States of Connecticut, Maine, Massachusetts, New Hampshire, and Rhode Island;

(2) REGION 2. *Regional Office,* 226 West Jackson Boulevard, Chicago 6, Illinois, operates in the States of Illinois, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin; *District Office,* 4th Floor, Huron Sixth Building, 626 Huron Road, Cleveland 15, Ohio, operates in the States of Indiana, Kentucky, Ohio, and West Virginia; *District Office,* 2605 Walnut Street, Kansas City 8, Missouri, operates in the States of Iowa, Kansas, Missouri, and Nebraska;

(3) REGION 3. *Regional Office,* 10 Forsythe Street Building, Atlanta 3, Georgia, operates in the States of Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee; *District Office,* 8th Floor, Transportation Building, 110 West Fifth Street, Fort Worth 2, Texas, operates in the States of Arkansas, Louisiana, Oklahoma, and Texas;

(4) REGION 4. *Regional Office,* 7th Floor, Pacific Building, 821 Market Street, San Francisco 3, California, operates in the States of Arizona, California, and Nevada; *District Warehouse and Supply Center,* 1206 South Maple Street, Los Angeles 15, California, operates as suboffice of San Francisco;

(5) REGION 5. *Regional Office,* 4th Avenue, South and Lander Streets, Seattle 4, Washington, operates in the States of Idaho, Montana, Oregon, and Washington; *District Office,* 1030 15th Street, Denver 2, Colorado, operates in the States of Colorado, New Mexico, Utah, and Wyoming.

(b) With respect to the area embraced in the States of Delaware, Maryland and Virginia and the District of Columbia, such functions as are ordinarily handled by a field office are handled in the Washington Office.

(c) The service area within which the supply center operating in each field office performs its functions is not restricted to the actual State lines bounding the area assigned to such field office but has been established to secure the greatest speed and economy in transportation from such field office to the Executive agencies within the area served thereby. For the general service area embraced by each supply center, reference is made to the map set out in the Procurement Division Stock Catalog, copies of which are available at all offices.

(d) *Toledo Medical Depot.* Located at 1002 W. Central Avenue, Toledo 6, Ohio, in charge of a Manager and responsible for receiving, sorting, processing, packing and shipping medical supplies for United Nations Relief and Rehabilitation Administration.

§ 5.3. *Delegations of final authority.* Final authority has been delegated as follows as to:

(a) *Contracts and agreements.* Award and execution of contracts and agreements, including formal contracts and agreements, commitment or acceptance documents, notices of award, orders for surplus property, and orders for supplies or services from Executive agencies, but not including leases and performance and exercise of functions and powers under section 201 of the First War Powers Act, 1941 (50 U. S. C. App., Sup., 611):

(1) *Washington Office:*

(i) Without limitation—Director of Procurement; Assistant Director; Special Assistant to the Director; Deputy Director, Purchase Branch; the Chief of Contract Terminations, as to agreements relating to the termination and settlement of contracts under the Contract Settlement Act of 1944 (41 U. S. C. Sup., 101–125).

(ii) Not exceeding $25,000—Head, Contract Division.

(iii) Not exceeding $10,000—Chief, Commodity Section.

(iv) Not exceeding $2,500—Chief, Printing and Binding Section; Chiefs, Commodity Groups.

(2) *Field Offices:*

(i) Not exceeding $100,000 for United Nations Relief and Rehabilitation Administration and Lend-Lease purposes—Regional Director, New York.

(ii) Not exceeding $25,000—All Regional Directors.

(iii) Not exceeding $10,000—Chiefs and Assistant Chiefs, Regional Purchase and Supply Divisions; Chiefs, Regional Contract and Purchase Sections; District Managers.

(b) *War powers functions.* Performance and exercise of functions and powers of the Secretary of the Treasury under section 201 of the First War Powers Act, 1941, and Executive Order 9023 (50 U. S. C. App., Sup., 611): Director of Procurement; Assistant Director; Special Assistant to the Director; Deputy Director, Purchase Branch; Regional Directors.

(c) *Buy American Act.* Determinations under the Buy American Act (41 U. S. C. 10a) that articles, materials, or supplies to be used, or those from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality: Director of Procurement; Assistant Director.

(d) *Leases.* Award and execution of leases: Director of Procurement and Assistant Director after approval by the Administrative Assistant to the Secretary.

(e) *Surplus property disposal.* Donations or abandonments where it is found that surplus personal property has no reasonable prospect of sale for any purpose, including sale as scrap, salvage or otherwise, or that the estimated cost of its care, handling and disposition would exceed the estimated proceeds of sale for any purpose: Assistant Director; Regional Directors; District Managers. Dispositions by donation of such property costing originally in excess of $1,000 are subject to the approval of the Assistant Director or, if he made the finding, by the Director of Procurement, and, in addition, if the property cost originally in excess of $25,000, the appropriate disposal agency must concur in the findings. Dispositions by abandonment of property costing originally in excess of $1,000 are subject to approval by the Assistant Director or, if he made the finding, by the Director of Procurement.

(f) *Renegotiation of contracts.* The powers, functions and duties conferred upon the Secretary of the Treasury by delegation from the War Contracts Price Adjustment Board under the authority of the Renegotiation Act (50 U. S. C. App., Sup. 1191): Director of Procurement. The Director of Procurement has delegated to the Treasury Department Price Adjustment Board all of his powers, functions and duties with respect to conducting renegotiation with a direction to recommend to the Director of Procurement the amount of excessive profits to be recovered by agreement or order to be executed by such Director of Procurement. The Chairman, Treasury Department Price Adjustment Board, has been designated by the Secretary of the

Treasury as the Treasury Department member of the War Contracts Price Adjustment Board.

(g) *Contract termination settlements.* Review of proposed contract termination settlements in excess of $50,000 as provided by section 6 (c) of the Contract Settlement Act of 1944 (41 U. S. C., Sup., 106 (c)): Contract Termination Settlement Review Board.

(h) *Termination inventory disposals.* Review of proposed contract termination inventory disposals as required by Regulation 9 of the War Assets Administration (32 CFR, 1945 Supp., part 8309) and review of determinations of the Chief of Contract Terminations that inventory costing more than $1,000 is worthless and should be destroyed or abandoned: Termination Inventory Disposal Review Board.

§ 5.4 *Public information, submittals and requests.* The public orally or in writing, may secure information from or make submittals or requests to the heads of pertinent local field offices (§ 5.2) or the Director of Procurement, Washington, D. C., concerning the organization and operations of the Procurement Division.

§ 5.5 *Final opinions or orders and rules.* Final opinions and orders in the adjudication of cases, including findings in contract disputes and determinations of motor accident damage claims, and all rules issued by the Procurement Division are available to public inspection. Requests to examine such final opinions and orders shall be addressed to the Director of Procurement, Washington, D. C.

§ 5.6 *Official records.* Records pertaining to contracts for the procurement of strategic and critical materials deemed vital to the defense of the United States are held confidential for reasons of national security. All other official records of the Procurement Division will be made available by the Director of Procurement to persons properly and directly concerned for inspection or copying, and copies of such records will be provided upon payment of costs of reproduction. These records relate principally to the procurement of supplies, materials, equipment and services, the award, performance, payment, amendment and termination of contracts, the disposal of forfeited distilled spirits, and the settlement of motor accident claims involving Procurement Division vehicles.

SUBPART B—PROCEDURE

§ 5.101 *Contracts*—(a) *Invitations for bids.* Bids are solicited for the procurement of supplies, materials, equipment and services and the disposition of surplus supplies through public notices posted or published and invitations for bids sent to suppliers and purchasers believed qualified and interested, within such limits as the public interest requires. Invitations for bids are issued by both the Washington Office and the several field offices. Those wishing to receive invitations for bids should apply separately to each office as desired. Before being placed on the mailing list to receive pertinent invitations for bids, Procurement Division Form 705 (Revised), "Data Concerning Prospective Bidders" must be filed. Copies are available at all offices.

(b) *Awards.* Contracts are awarded to the lowest responsible bidder offering to furnish supplies, materials, equipment and services and to the highest responsible bidder offering to purchase surplus supplies in the absence of special security or other public interest factors. Contracts are signed by authorized contracting officers in Washington, D. C., and the field (41 CFR 5.3) upon the recommendations of purchasing and sales officers and their supervisors. Standard Government contract forms are used as applicable (41 CFR, Part 12). However, for war contracts, Procurement Division Form No. 818 and Contract Terms No. 7, dated March 7, 1946, as revised from time to time, are used. Copies are available at all offices.

(c) *Protests of awards.* Protests of awards of contracts should be in writing and filed with the head of the local field office or the Special Assistant to the Director, Procurement Division, Treasury Department, Washington 25, D. C., depending on the place of award. No special forms are needed, but the protester should indicate the nature of his interest in the matter. Hearings will be arranged on request, in Washington, D. C., before a committee composed of the Special Assistant to the Director, a member of the Legal Division, the Head, Contract Division and the chief of the commodity group concerned. Recommendations of this committee will be made to the Director of Procurement.

(d) *Disputes.* All questions and disputes with respect to contract performance, payment and procedure should be referred to the contracting officer concerned, through an inspector if available at the premises, in the absence of special instructions or notice received in particular cases. Determinations of the contracting officer are ordinarily reviewable, in the manner prescribed by the contract, by the Secretary of the Treasury or such representative as he may designate from time to time. No special forms are required to submit questions, disputes and claims, or appeals from determinations thereon. However, claims for amounts due deceased contractors must be filed on Standard Form No. 1055 (Revised), "Claim Against the United States for Amounts Due in the Case of a Decedent."

(e) *Termination settlements.* Settlements of terminated war contracts are made by the Chief of Contract Terminations, subject to review by his supervisors and, as required by law, by a settlement review board and an inventory disposal review board. The procedure to be observed by the contractor in filing and settling his claim is stated in the notice of termination received and the standard Office of Contract Settlement inventory and claim forms also received. Settlements are made in Washington, D. C., but Government inspectors and accountants may assist the contractor at his plant.

(f) *Term contracts.* Where contracts are made by contracting officers of the Procurement Division with contractors to furnish supplies, materials, equipment and services as required by Executive agencies during specified periods, frequently referred to as contracts composing the General Schedule of Supplies, purchase orders are placed directly with contractors by ordering Executive agencies which have been informed of such contracts. Ordering offices make payments directly to the contractor and, in the first instance, determine whether performance is in accordance with contract requirements. In the event the contractor offers defective supplies, they may accept or reject them, make price adjustments or seek replacements, or terminate purchase orders, purchase from other sources and charge the contractor with any resulting excess costs. All disputes concerning questions of fact arising under the contract which cannot satisfactorily be settled between the ordering office and the contractor and all notices filed by the contractor that a delay in the time of performance was due to an excusable cause preventing assessment of excess costs under the provisions of the contract must be referred to the contracting officer of the Procurement Division for consideration. His determinations are reviewable by the Secretary of the Treasury as in other contracts (see paragraph (d) of this section). In order that the Procurement Division may properly supervise operation of the contracts and ascertain the suitability of the contractor for further awards, ordering offices are required to report to the Procurement Division, Washington 25, D. C., the details concerning all material instances of unsatisfactory performance by a contractor, whether or not adequately adjusted and settled.

§ 5.102 *Forfeited distilled spirits.* In the disposal of forfeited distilled spirits, wine and malt beverages as a gift to eleemosynary institutions for medicinal purposes (41 CFR, Part 36), institutions are required to establish eligibility and needs by filing with the Director of Procurement, Washington 25, D. C., Procurement Division Form No. 735, "Affidavit on Behalf of Eleemosynary Institution." Eligible institutions are placed on a mailing list to receive circulars of available distilled spirits and from time to time request transfers of distilled spirits in the circulars. No special form of request for transfer is prescribed.

§ 5.103 *Motor accident claims.* Those desiring to file claims for damages resulting from accidents involving Procurement Division motor vehicles must do so on Government Standard Form No. 28, "Claim for Damages—Accident, Motor Transportation." The completed form should be delivered to the Government accident investigator, or it may be submitted to the head of the local field office or to the Deputy Director, Administrative Branch, Procurement Division, Treasury Department, Washington 25, D. C., depending upon the place of accident. Claims must be supported by at least three reliable estimates of the cost of repairing any property alleged to have been damaged by the accident.

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary.

[F. R. Doc. 46–15355; Filed, Aug. 28, 1946; 4:17 p. m.]

SECRET SERVICE

[31 CFR, Ch. IV]

PART 406—ORGANIZATION

Sec.
406.1 Central organization.
406.2 Field organization.
406.3 Public information; submittals and requests.
406.4 Delegations of final authority.

§ 406.1 *Central organization.* (a) The origin of the Secret Service Division may be traced from June 23, 1860, when the Congress appropriated $10,000 to be expended by the Secretary of the Treasury for the suppression of counterfeiting of United States coins (12 Stat. 102). The Chief of the Secret Service, aided by an Assistant Chief and an Assistant to the Chief, supervises the activities of the Division subject to the direction of the Secretary of the Treasury or the Assistant Secretary of the Treasury in charge of the Secret Service Division. The Chief is charged with the direction of the White House Police Force, the Uniformed Force of the Secret Service, and the Field and Departmental Forces of the Secret Service.

(b) A major function of the Secret Service, since the assassination of President McKinley in 1901, has been the protection of the President of the United States. Other major functions and duties are as follows: Protection of the President's immediate family, the President-elect, the White House, and buildings housing Treasury Department activities; suppression of counterfeiting, forging, and alteration of obligations and securities, as well as coins, of the United States and of foreign governments; investigation of the forgery of endorsements on, or the fraudulent negotiation of, United States Treasury checks; protection of the production, transportation, and storage of money, securities, and obligations of the United States; investigation of crimes against the laws of the United States relating to the Treasury Department; and other investigative and law enforcement work as provided by law or ordered by the Secretary of the Treasury. The principal laws enforced by the Secret Service may be found in 18 U. S. C., Chapter 7.

§ 406.2 *Field organization.* The field organization is divided into Districts, each in charge of a Supervising Agent who is directly responsible to the Chief. Districts are divided into Sub-Districts, each under the direction of an Agent-in-Charge who reports to a Supervising Agent. The following is a list of District headquarters and Sub-District offices:

Districts	Headquarters	Subdistrict offices
No. 1, Vermont, New Hampshire, Connecticut, Massachusetts, Maine, and Rhode Island.	Boston, Mass.	New Haven, Conn. Providence, R. I.
No. 2, New York State, Puerto Rico and the following counties in New Jersey: Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union, and Warren.	New York City, N. Y.	Buffalo, N. Y. Newark, N. J. Utica, N. Y.
No. 3, Pennsylvania, Delaware and counties in New Jersey as follows: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean, Salem.	Philadelphia, Pa.	Pittsburgh, Pa. Scranton, Pa.
No. 5, Maryland, West Virginia, Virginia, North Carolina, District of Columbia.	Washington, D. C.	Baltimore, Md. Charlotte, N. C. Richmond, Va. Charleston, W. Va.
No. 6, Georgia, Florida, Alabama, South Carolina.	Atlanta, Ga.	Birmingham, Ala. Jacksonville, Fla. Miami, Fla.
No. 7, Kentucky and Tennessee.	Louisville, Ky.	Nashville, Tenn. Memphis, Tenn.
No. 8, Michigan and Ohio.	Detroit, Mich.	Cincinnati, Ohio. Cleveland, Ohio. Columbus, Ohio. Grand Rapids, Mich.
No. 9, Illinois, Indiana, and Wisconsin.	Chicago, Ill.	Indianapolis, Ind. Milwaukee, Wis. Springfield, Ill.
No. 10, Texas, Louisiana and Mississippi.	Dallas, Tex.	Houston, Tex. El Paso, Tex. San Antonio, Tex. New Orleans, La. Jackson, Miss. Fort Worth, Tex.
No. 11, Missouri, Oklahoma, Arkansas, and Kansas, and the following counties in Illinois: Madison, Monroe, St. Clair.	Kansas City, Mo.	Little Rock, Ark. Oklahoma City, Okla. St. Louis, Mo.
No. 12, Minnesota, North Dakota, South Dakota, Iowa, and Nebraska.	St. Paul, Minn.	Omaha, Nebr.
No. 13, Colorado, New Mexico, Wyoming, Utah, and that part of Idaho south of Idaho County.	Denver, Colo.	Albuquerque, N. Mex. Salt Lake City, Utah.
No. 14, California, Nevada, Arizona, and Hawaii.	San Francisco, Calif.	Los Angeles, Calif. Sacramento, Calif. Phoenix, Ariz.
No. 15, Washington, Oregon, Montana, and that part of Idaho north of and including Idaho County and Alaska.	Seattle, Wash.	Portland, Oreg. Spokane, Wash.
No. 16	The White House.	

§ 406.3 *Public information; submittals and requests*—(a) *Rules as to access to records.* Apart from records pertaining solely to matters of internal management, the Secret Service Division has in the files the following types of records and materials:

(1) Records containing reports, directions, and determinations pertaining to criminal investigations, protection of the President, and criminal law enforcement activities.

(2) Contraband material confiscated pursuant to law, together with descriptive records pertaining thereto.

(3) Records of public education activities relative to counterfeiting and to the theft, forgery, or fraudulent negotiation of Government checks.

(4) Records of inquiries from the public relative to application of the criminal laws enforced by the Secret Service.

Records in subparagraph (1) of this paragraph contain final orders in the adjudication of cases, but such orders relate solely to the arrest and prosecution of criminals and to the confiscation of contraband. These orders are not cited as precedents and are held confidential in the public interest because they contain information of value to criminals, the disclosure of which might reduce the effectiveness of Secret Service law enforcement operations. The Secret Service Division has issued no final opinions in the adjudication of cases.

The records described in subparagraphs (1) and (2) of this paragraph (other than the final orders already referred to) are not deemed to constitute official records within the meaning of section 3 of the Administrative Procedure Act (Public Law 404, 79th Congress, 60 Stat. 238), but they are in any case held confidential for the reason that the information contained therein would be of material assistance to criminals and potential law violators, disclosure of which information might reduce the effectiveness of Secret Service law enforcement operations.

Records described in subparagraphs (3) and (4) of this paragraph are not deemed to constitute official records within the meaning of section 3 of the Administrative Procedure Act but will, upon application in writing to the Chief of the Secret Service or to a Supervising Agent of a District headquarters, be made available to inspection by members of the public.

The Secret Service Division has adopted no rules other than the following previously published in the FEDERAL REGISTER: rules, issued pursuant to 18 U. S. C. 264, 350, authorizing under certain conditions illustrations of United States postage stamps, reproduction of canceled United States internal revenue stamps, film recordation by banking institutions of United States securities, checks, warrants, and paper money, and illustration of War Savings Bonds and Stamps (31 CFR and Supps., Parts 400, 402, 404, 405); a rule, issued pursuant to 18 U. S. C. 286, authorizing all banking institutions to deliver to the Treasury Department counterfeit obligations and other securities and coins of the United States or of any foreign government (31 CFR, Part 403); rules, issued pursuant to 49 U. S. C. 781–788, relating to seizure and forfeiture of vessels, vehicles and aircraft used to transport counterfeit coins, obligations, securities, and paraphernalia (31 CFR, Part 401).

(b) *Submittals and requests.* The public may secure information from, or make submittals or requests to, the Chief of the Secret Service, Treasury Department, Washington, D. C., the Supervising Agent of a District headquarters, or the Agent-in-Charge of a Sub-District office. Among other matters, information may be obtained relative to the criminal laws enforced by the Secret Service (including the laws and regulations relating to reproductions in the likeness of stamps, obligations, securities, and coins of the United States and of foreign govern-

ments), the detection of counterfeit money, and the guarding against theft, forgery, and fraudulent negotiation of Government checks.

§ 406.4 *Delegations of final authority.* Supervising Agents of District headquarters and Agents-in-Charge of Sub-District offices are authorized to make determinations in matters with respect to which the policy and practice of the Secret Service Division have been established. All final authority resides in the Secretary of the Treasury, the Assistant Secretary of the Treasury in charge of the Secret Service Division, and the Chief of the Secret Service.

PART 407—PROCEDURES

§ 407.1 *Procedures in general.* There is no general course and method by which the functions of the Secret Service Division are channeled and determined in the sense that the public may rely upon and utilize such procedures.

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary.

[F. R. Doc. 46-15354; Filed, Aug. 28, 1946; 4:16 p. m.]

WAR DEPARTMENT

NOTE: The material submitted by the War Department appears in a later section of this issue.

DEPARTMENT OF JUSTICE

OFFICE OF THE ATTORNEY GENERAL

[28 CFR, Ch. I]

PART 51—ORGANIZATION AND FUNCTIONS

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SUBPART A—GENERAL STATEMENT

§ 51.1 *Functions.* The Department of Justice is the law department of the Federal Government. It conducts litigation in which the United States is interested and renders legal advice and opinions, upon request, to the President and to the heads of the executive departments. It handles all arguments in the Supreme Court of the United States in cases in which the United States or any of its agencies is concerned. In addition to handling the law business of the United States, the Department of Justice exercises general superintendence and direction over United States attorneys and marshals in the several judicial districts. The Department, through its Bureau of Prisons, has charge of the custody of United States prisoners, and, through its Federal Bureau of Investigation, investigates violations of most Federal criminal statutes. Through the Immigration and Naturalization Service, the Department controls and supervises the laws applicable to aliens.

§ 51.2 *General organization.* The Department of Justice is organized into the following offices, divisions, bureaus and boards:

Offices:
- Office of the Attorney General.
- Office of the Solicitor General.
- Office of The Assistant to the Attorney General.
- Office of the Assistant Solicitor General.
- Office of the Pardon Attorney.

Divisions:
- Antitrust Division.
- Tax Division.
- Claims Division.
- Lands Division.
- Criminal Division.
- Customs Division.
- Administrative Division.

Bureaus:
- Federal Bureau of Investigation.
- Bureau of Prisons.
- Immigration and Naturalization Service.

Boards:
- Board of Immigration Appeals.
- Board of Parole.

SUBPART B—CENTRAL ORGANIZATION

§ 51.11 *Main offices.* The main offices of the Department of Justice, with the exception of the Customs Division, the Immigration and Naturalization Service, the Board of Parole, and Federal Prison Industries, Inc., are in the Department of Justice Building at Constitution Avenue and Tenth Street NW, Washington 25, D. C. The Customs Division is located at 201 Varick Street, New York 14, New York, the Immigration and Naturalization Service is located at Fifteenth and Chestnut Streets, Philadelphia 2, Pennsylvania, and the Board of Parole and Federal Prison Industries, Inc., are located in the Federal Home Loan Bank Board Building, First Street and Indiana Avenue, NW, Washington 25, D. C.

§ 51.12 *Office of the Attorney General.* As the head of the Department of Justice, the Attorney General is the chief law officer of the Government, representing it in legal cases to which it may be a party, and appearing in person in the United States Supreme Court in cases of exceptional gravity and importance. He is the legal adviser to the President and to the heads of the executive departments, and as such is required by statute to give his advice and opinion on any questions of law arising in the conduct of administrative affairs. He exercises general superintendence and direction over United States attorneys and marshals in the various judicial districts of the United States, and provides special counsel for the United States in cases of exceptional importance or when the character of the interests involved requires such action. The Office of the Attorney General supervises all matters relating to the direction and control of the Department of Justice. The Executive Assistant to the Attorney General and the Director of Public Relations, who is in charge of the release of all information regarding the Department and its work, are attached to this office and report directly to the Attorney General.

§ 51.13 *Office of the Solicitor General.* Headed by the Solicitor General, the office has as its principal function the conduct of the Government's litigation in the Supreme Court of the United States. This involves the revision and initial preparation of briefs and other papers in all Government cases in that Court, the presentatition of oral argument in many of these cases, the assignment of the remainder to attorneys in other divisions and agencies, and, also, the final determination whether the Government should seek review in the Supreme Court of adverse decisions in Government cases in the lower federal and state courts. Another important activity of the office is the determination whether the Government should take appeals from adverse decisions by courts of first instance to intermediate appellate courts. From time to time the office is called upon to give consideration to the formulation of legal policies before they ripen into litigation and to handle various assignments from the Attorney General. In the absence of the Attorney General, the Solicitor General is the Acting Attorney General (5 U. S. C. 293).

§ 51.14 *Office of The Assistant to the Attorney General.* (a) Headed by The Assistant to the Attorney General, the office is charged with: (1) Assisting the Attorney General in the over-all supervision and administrative management of the Department; (2) assisting the Attorney General in the formulation of departmental policies and programs and in the development of improved ways and means of effectuating such departmental policies and programs; (3) supervising, under the direction of the

Attorney General, the following: (i) Formulation of the Department's personnel policies and assurance of their proper execution, including appointments, promotions, and other personnel management activities; (ii) preparation of recommendations for Presidential appointments; (iii) other staff services; (iv) drafting Department legislation and reports on legislative proposals and enrolled bills; (v) exercising administrative supervision over the Board of Immigration Appeals and the United States Board of Parole; (vi) coordinating and directing the relationships of departmental divisions with United States attorneys and marshals, and exercising general departmental supervision with respect to such attorneys and marshals and their activities; (vii) supervising the Library; (viii) directing the handling of conscientious objector cases (other than criminal) under the Selective Training and Service Act; and special assignments from the Attorney General. In addition, the Office of The Assistant to the Attorney General examines into the qualifications of prospective candidates for Presidential appointments to the office of judge, United States attorney, United States marshal and miscellaneous offices. The Assistant to the Attorney General, in the absence of the Attorney General and the Solicitor General, is the Acting Attorney General.

(b) The Conscientious Objectors Section of the office handles all of those matters relating to conscientions objectors, responsibility for which has been delegated to the Department of Justice by the provisions of the Selective Training and Service Act of 1940 (50 U. S. C. App. 305g). This section maintains supervision and control over the various stages of administration through which conscientious objectors' claims pass, after the intitation of an appeal from the decision of the local Selective Service Board. Findings and recommendations of Hearing Officers are reviewed in this section and recommendations are made to the various local Boards of Appeal.

§ 51.15 *Office of the Assistant Solicitor General.* Headed by the Assistant Solicitor General, the office performs the legal work involved with respect to gifts and bequests made to the Government, and is authorized to accept or reject settlements in connection therewith in cases where the claim by the United States does not exceed $50,000. In cases of this type over that amount proposed settlements are submitted to the Attorney General by the Assistant Solicitor General. With this exception, the work of the office consists of giving legal advice to officers of the Department of Justice and of the executive branch of the Government. The office has the responsibility of assisting the Attorney General in the performance by the latter of the following functions: Preparing the formal opinions of the Attorney General; rendering informal opinions and legal advice to the President, Members of the Cabinet, and various governmental agencies; reviewing as to form and legality, and making necessary revisions of, all proposed Executive orders and proclamations prior to their final submission to the President, as well as regulations which require the approval of the President or the Attorney General; assisting the President and the heads of the Federal agencies in connection with matters of State and local law and State and local legislation; and performing special assignments on the direction of the Attorney General and the Solicitor General.

§ 51.16 *Office of the Pardon Attorney.* Headed by the Pardon Attorney, the office has charge of all applications for Executive clemency, including pardons, commutations, respites and remissions of fines, filed by persons convicted of offenses against the United States, except persons convicted in military or naval courts or tribunals.

§ 51.21 *Antitrust Division.* (a) Headed by an Assistant Attorney General, the Antitrust Division is responsible for the enforcement of statutes which have been enacted by Congress to maintain and foster a system of free competitive enterprise. It receives complaints and initiates investigations of violations of: (1) The Sherman Act of 1890 (26 Stat. 209 as amended, 15 U. S. C. 1 et seq.); (2) the Clayton Act of 1914 (38 Stat. 730 as amended, 15 U. S. C. 12 et seq.) including amendments to the Clayton Act made by the Robinson-Patman Act of 1936 (49 Stat. 1526; 15 U. S. C. 13, 13 (a)–13 (b)); (3) the Wilson Tariff Act of 1894 as amended (28 Stat. 570 as amended; 15 U. S. C. 8 et seq.); (4) the Elkins Act of 1903 (32 Stat. 847 as amended, 49 U. S. C. 41–43; (5) the Revenue Act of 1916 (39 Stat. 798; 15 U. S. C. 71–72); (6) the Ashurst-Sumners Act of 1935 (49 Stat. 494; 18 U. S. C. 396b–396e); (7) section 11 of the Panama Canal Act of 1912 (37 Stat. 567; 15 U. S. C. 31). Where appropriate, the Antitrust Division initiates judicial proceedings to enforce the foregoing acts. Such proceedings are designed to prevent and to dissipate the effects of restraints of trade, including monopolies and cartels. Under the Sherman Act criminal prosecution or equity proceedings, or both, may be instituted.

(b) The Antitrust Division is in charge of judicial proceedings for the enforcement or defense of orders, among others, (1) of the Federal Trade Commission under the Federal Trade Commission Act of 1914; (2) of the Interstate Commerce Commission under the Interstate Commerce Act of 1887; the Motor Carrier Act of 1935; the Transportation Act of 1940; and the Freight Forwarders Act of 1942; (3) of the Civil Aeronautics Authority under the Civil Aeronautics Act of 1938; (4) of the Federal Communications Commission under the Communications Act of 1934; (5) of the Secretary of Agriculture under the Capper-Volstead Act of 1922; the Agricultural Adjustment Act of 1933; the Agricultural Adjustment Act of 1938; the Agricultural Marketing Agreement Act of 1937; the Perishable Agricultural Commodities Act of 1930; the Produce Agency Act of 1927; the Tobacco Inspection Act of 1935; the Sugar Act of 1937; the Packers and Stockyards Act of 1921; (6) of the Secretary of the Treasury under the Federal Alcohol Administration Act of 1935; (7) of the National Railroad Adjustment Board under the Railway Labor Act of 1926.

(c) The Division performs legal services for the Tennessee Valley Authority created under the Tennessee Valley Authority Act of 1933, and reviews recommendations made by the Federal Trade Commission under the Webb Export Trade Act of 1918.

(d) In connection with its functions under the statutes referred to above, the Division receives and reviews complaints from small businessmen regarding problems which they have encountered in their dealings with other Government agencies.

(e) The Division is charged with rendering advice to the War Assets Administration under section 20 of the Surplus Property Act of 1944 and with making surveys and reporting to Congress under section 205 of the War Mobilization and Reconversion Act of 1944.

(f) The Complaints and Small Business Section of the Division supervises investigations of all general antitrust complaints, including complaints from small businessmen regarding problems which they have encountered in their dealings with other Government agencies, and conducts grand jury presentation of selected matters.

(g) The Decree and Surplus Property Section of the Division considers and makes recommendations on offers of settlements in equity cases, supervises the observance of judgments, considers whether criminal prosecutions under the Sherman Act will be waived in connection with proposed plans submitted by interested persons before being put in operation, and advises disposal agencies pursuant to section 20 of the Surplus Property Act of 1944 whether the disposition of surplus property would violate the antitrust laws.

§ 51.22 *Tax Division.* Headed by an Assistant Attorney General, the Tax Division is charged with the prosecution and defense of all civil suits arising out of the internal revenue laws and, subject to the approval of the Solicitor General, of appellate proceedings in connection therewith, including briefing and argument in the Federal Circuit Courts of Appeals of petitions to review decisions of The Tax Court of the United States. It has charge of all criminal prosecutions of violations of the internal revenue laws, except criminal prosecutions arising out of the liquor tax laws, including cooperation with and direction of the United States attorneys in the conduct of such cases. The Division has control over the enforcement of tax liens and the conduct of mandamus and injunctive proceedings, as well as supervision over other general matters relating to all taxes, including questions of intergovernmental tax immunity. With respect to cases under his jurisdiction, the Assistant Attorney General in charge of this Division is authorized to accept or reject offers in compromise of claims in behalf of the United States in all cases wherein the gross amount of the original claim does not exceed the sum of $50,000, and of claims against the United States wherein the amount of the proposed settlement does not exceed the sum of $10,000. In the settlement of claims over these amounts, the Assistant Attorney General recommends acceptance or rejection of

tax compromises to the Attorney General.

§ 51.23 *Claims Division.* (a) Headed by an Assistant Attorney General, the Claims Division has the responsibility for the conduct of all civil suits and claims for and against the Government not otherwise specially assigned. The list of litigated matters handled by the Division includes: (1) All shipping and admiralty matters in which the Government is interested, including cases arising out of the operation of naval vessels and the shipping activities of the Government; (2) the defense of suits for injunction, mandamus, or damages against Government officers arising out of activities performed in an official capacity; (3) the collection of sums other than taxes due the United States, including all war frauds civil actions, sums due the United States under the Litvinov assignment, and the collection of defaulted loans referred by the War and Navy Departments, the Federal Housing, Farm Credit and Farm Security Administrations; (4) cases arising out of the requisitioning of ships, tools, and all property other than land; (5) suits based upon contracts, express or implied, with the United States, and suits in contract and tort against cost-plus war contractors for which the Government may ultimately be liable; (6) all patent, copyright and bankruptcy cases; (7) the protection of Federal property, programs and transactions from illegal interference by private persons or state or local governments, as well as all cases, other than tax, involving inter-governmental immunities; (8) the defense of suits against the Government upon claims (other than Indian, tax, and claims for compensation for the alleged taking of interests in land) whether for legal or equitable relief, founded upon the Constitution, any law of Congress or any regulation or order of an executive department; (9) civil litigation arising under the Trading With the Enemy Act, as amended; (10) litigation brought by alien enemies growing out of the World War II alien enemy program of the Department of Justice; (11) interventions in constitutional cases under the act of August 24, 1937; (12) representation of the people of Puerto Rico in the courts of the United States in cases appealed from the Supreme Court of Puerto Rico; (13) briefs and arguments in the Supreme Court on assignment from the Solicitor General; and special assignments from the Attorney General. The Assistant Attorney General in charge of the Division is authorized and empowered to accept or reject offers in compromise of claims in behalf of the United States in all cases wherein the gross amount of the original claim does not exceed the sum of $50,000.00, and of claims against the United States wherein the amount of the proposed settlement does not exceed the sum of $10,000.00. In the settlement of claims over these amounts, the Assistant Attorney General recommends acceptance or rejection thereof to the Attorney General.

(b) The Veterans Affairs Section of the Division handles civil matters involving the rights of veterans, their dependents or beneficiaries, to benefits under laws enacted by Congress pertaining to veterans. This includes suits for recovery of insurance, including War Risk, U. S. Government Life, National Service Life and Seamen's Insurance, and suits to enforce the reemployment rights of veterans. Also handled are suits and proceedings of the following character involving the rights of veterans, their dependents or beneficiaries: suits for the recovery of benefits erroneously paid by the Government, suits involving escheats, interpleader actions, suits for declaratory judgments, and mandatory proceedings brought by or against officials or agencies of the Government. Excluded are suits in the nature of tort actions.

§ 51.24 *Lands Division.* Headed by an Assistant Attorney General, the Lands Division has the responsibility for all litigation and legal matters connected with the public domain, public lands, or any interest therein, including the acquisition thereof by direct purchase or through condemnation proceedings (with the exception of acquisitions for TVA), and for all litigation pertaining to Indians, their lands and property, including tribal suits in the Court of Claims. With certain exceptions specified by statute, the Division passes upon the title to all lands acquired by the United States by direct purchase. Subject to the approval of the Solicitor General, the Division has responsibility for the conduct of all appellate proceedings in the litigation of matters coming within its jurisdiction, including the preparation of briefs and argument of cases in the circuit courts of appeals and also, when the Solicitor General so directs, in the Supreme Court. With respect to cases under his jurisdiction, the Assistant Attorney General in charge of this Division is authorized to accept or reject offers in compromise of claims in behalf of the United States in all cases wherein the gross amount of the original claim does not exceed the sum of $50,000, and of all claims against the United States wherein the amount of the proposed settlement does not exceed the sum of $10,000. In the settlement of claims over these amounts, the Assistant Attorney General recommends acceptance or rejection of compromises to the Attorney General.

§ 51.25 *Criminal Division.* (a) Headed by an Assistant Attorney General, the Criminal Division has responsibility for and supervises the enforcement of all federal criminal statutes except such statutes as are within the jurisdiction of the Anti Trust and Tax Divisions, and supervises certain civil matters such as (1) those arising under the immigration and naturalization laws, including expatriation and cancellation of citizenship proceedings; (2) extradition proceedings; (3) habeas corpus proceedings; (4) the acceptance or rejection of compromises of criminal liability under current liquor laws, including compromises or civil tax liabiltiy in pending criminal cases, wherein the gross amount of the original claim by the United States does not exceed the sum of $50,000, and the consideration, for the purpose of submitting recommendations to the Attorney General, of such compromises where the gross amount claimed exceeds $50,000; and the consideration of petitions for the mitigation or remission of civil forfeitures under the current liquor laws, and the collection of outstanding bail bond judgments and unpaid fines; (5) libel actions under the Food, Drug and Cosmetic Act and the Gold Hoarding laws; (6) proceedings to recover penalties in civil actions under the Hours of Service Act, and Safety Appliance Acts, the Signal Inspection Act, and similar statutes; (7) determination of whether the Federal Government has exclusive or concurrent jurisdiction over offenses committed upon lands acquired by the United States; (8) administration of the Act of October 17, 1940 (Voorhis Act).

(b) The Foreign Agents Registration Section is, for administrative purposes, under the Criminal Division. The section administers the Foreign Agents Registration Act of 1938, as amended (22 U. S. C. 611–21). In this connection, it receives and reviews statements, reports, propaganda, and other material filed under the act and the rules issued thereunder, and, upon request, assists persons in determining their obligations under the act and in complying with the act.

§ 51.26 *Customs Division.* Headed by an Assistant Attorney General, the Customs Division represents the United States in litigation on tariff matters. The Division protects the interests of the Government in matters of reappraisement and classification of imported goods and all litigation incident thereto. The Customs Division does not give opinions as to the valuation or classification of merchandise, nor does it participate, in any way, in customs matters over which the Secretary of the Treasury or the Commissioner of Customs has statutory jurisdiction.

§ 51.27 *Administrative Division.* Headed by the Administrative Assistant to the Attorney General, the Division handles general administrative and fiscal matters of the Department, including the preparation and execution of the budget, improvement of administrative organization and procedure, financial and fiscal matters, accounting and auditing, personnel, examination of judicial offices, collection and compilation of statistics, operation of the library, transcription and duplication, supplies, printing and procurement, mail and records, buildings and space, garage and automotive equipment, health services, and the administration of similar staff services.

§ 51.31 *Federal Bureau of Investigation.* Headed by a Director, the Federal Bureau of Investigation has general charge of the investigation of all violations of Federal laws with the exception of those matters, such as counterfeiting, postal violations, customs violations, and internal revenue matters, specifically assigned by legislative enactment or otherwise to some other Federal investigative body. The Bureau conducts investigations of cases of espionage, sabotage, and of other matters pertaining to internal security, as well as all investigations under the Selective Training and Service Act, including civil inquiries relating to those who claim exemption because of

conscientious opposition to war. It performs cooperative services for local law enforcement agencies in identification, technical and training matters.

§ 51.32 *Bureau of Prisons.* (a) Headed by a Director, the Bureau of Prisons is responsible for the management and operation of all Federal penal and correctional institutions and for the safekeeping, care, protection, instruction and discipline of all prisoners charged with or convicted of offenses against the United States, other than prisoners under military custody and those on probation. The United States Public Health Service furnishes all medical and psychiatric services to Federal penal and correctional institutions and is represented in the Bureau of Prisons by a medical officer designated by the Surgeon General to serve as Medical Director of the Bureau of Prisons.

(b) *Federal Prison Industries, Inc.* The governing body of the Corporation consists of a board of five directors appointed by the President of the United States who hold office at his pleasure and serve without compensation. One member of the Board represents industry, one labor, one agriculture, one retailers and consumers, and one the Attorney General (18 U. S. C. 744j). The board is required by the statute (18 U. S. C. 744m) to make an annual report to Congress on the conduct of the business of the Corporation and the condition of its funds. Under the general direction and supervision of the Attorney General, the Board of Directors determines the policy of the Corporation. The chief executive officer of the Corporation is the Commissioner of Industries. The Corporation's operating staff in the field is under the immediate direction of the wardens and superintendents of the various penal and correctional institutions operated by the Bureau of Prisons. The functions of the Corporation include the establishment and operation of industries in the United States penal and correctional institutions for the production of articles and commodities for consumption in the institutions or for sale to the departments and independent establishments of the Federal Government and not for sale to the public in competition with private enterprise. The Corporation is required to diversify these industries so as to "reduce to a minimum competition with private industry or free labor." It is further required to provide such forms of employment as will give the inmates of the institutions "a maximum opportunity to acquire a knowledge and skill in trades and occupations which will provide them with a means of earning a livelihood upon release" (18 U. S. C. 744c).

§ 51.33 *Immigration and Naturalization Service.* Headed by the Commissioner of Immigration and Naturalization, the Service administers the laws relating to immigration and nationality. For a fuller discussion of its organization reference should be made to Title 8, Chapter I published in this issue.

§ 51.41 *Board of Immigration Appeals.* The Board consists of five members appointed by the Attorney General. The Board acts in a quasijudicial capacity to review exclusion and deportation cases. It has jurisdiction over advance authorizations for admission of aliens under the seventh and ninth provisos to section 3 of the Immigration Act of 1917 and over fines for violations of the immigration laws by steamship companies and others. For a fuller discussion of its organization and functions, see Title 8 of the Code of Federal Regulations, Chapter I, Part 90.

§ 51.42 *Board of Parole.* The Board, consisting of three members appointed by the Attorney General, exercises all functions with respect to the granting and revoking of parole, the establishment of policies with reference to parole and parole supervision, and the imposition or modifications of conditions of parole (46 Stat. 272; 18 U. S. C. 723b). The Parole Executive, who is the Board's executive officer, keeps the record of the Board's proceedings and is the custodian of the Board's seal and records. In addition, under the general direction of the Board, the Parole Executive is charged with the supervision of all Federal prisoners on parole. The Parole Executive is the Board's Washington representative when all members of the Board are in the field, except that only the Board or a member of the Board may sign a warrant for the retaking of a prisoner who has violated his parole. The remainder of the Board's organization consists of examiners (whose function is described hereafter) and clerical and stenographic personnel. The Board has no field organization. All personnel engaged in parole work in several Federal penal institutions are employees of the Bureau of Prisons, Department of Justice, although in handling parole matters they are governed by such policies as the Board may promulgate pursuant to the Parole Act (18 U. S. C. 714–723). The United States Probation Officers who participate in the supervision of parole are appointed and supervised by the United States district courts. It is provided by law that such probation officers "shall perform such duties with respect to persons on parole as the Attorney General shall request." (18 U. S. C. 727.)

SUBPART C—FIELD ORGANIZATION

§ 51.51 *Antitrust Division.* Under the supervision of the First Assistant to the Assistant Attorney General in charge of the Antitrust Division, the field offices conduct antitrust litigation in the particular city in which they are located and in surrounding territory. Temporarily the Antitrust Division has representatives stationed in the following locations:

Boston, Mass.
Chicago, Ill.
Danville, Ill.
Denver, Colo.
Los Angeles, Calif.
New York, N. Y.
San Francisco, Calif.
Seattle, Wash.

§ 51.52 *United States attorneys.* (a) The United States attorney is the local representative of the Attorney General. He is appointed by the President, subject to confirmation by the Senate, for a term of four years. Except in the few instances where the Attorney General assigns special counsel to certain litigation, the United States attorney, under the direction and control of the Department of Justice, makes or causes to be made all necessary investigations of violations of the Federal criminal laws, presents evidence of such violations to the grand jury, and renders assistance to the grand jury in the conduct of its work, including the preparation of indictments. He prosecutes Federal criminal cases in his district, and is the Government's attorney in civil litigation in which the United States is involved or has an interest. He also represents the Government in cases which are appealed from the district court for his district to the appropriate court of appeals.

(b) The respective United States attorneys are authorized and empowered to accept or reject offers in compromise of claims:

(1) Involving debts due to the United States arising out of loans made by the Secretary of Agriculture or by the Farm Credit Administration wherein the gross amount of the original claim is not in excess of the sum of $500, if the acceptance or rejection of the claim is in accordance with the recommendation to him of the Regional Manager of the Emergency Crop and Feed Loan Office of the Farm Credit Administration.

(2) Involving debts due to the United States arising out of loans made by the Farm Security Administration wherein the gross amount of the original claim is not in excess of the sum of $500, if the acceptance or rejection of the claim is in accordance with the recommendation to him of the Regional Director of the Farm Security Administration.

(c) The headquarters of the various United States attorneys are located as follows:

Alabama:	
Northern District	Birmingham.
Middle District	Montgomery.
Southern District	Mobile.
Alaska:	
Division No. 1	Juneau.
Division No. 2	Nome.
Division No. 3	Anchorage.
Division No. 4	Fairbanks.
Arizona	Phoenix.
Arkansas:	
Eastern District	Little Rock.
Western District	Fort Smith.
California:	
Northern District	San Francisco.
Southern District	Los Angeles.
Canal Zone	Ancon.
Colorado	Denver.
Connecticut	Hartford.
Delaware	Wilmington.
District of Columbia	Washington.
Florida:	
Northern District	Pensacola.
Southern District	Tampa.
Georgia:	
Northern District	Atlanta.
Middle District	Macon.
Southern District	Savannah.
Hawaii	Honolulu.
Idaho	Boise.
Illinois:	
Northern District	Chicago.
Eastern District	E. St. Louis.
Southern District	Springfield.
Indiana:	
Northern District	Fort Wayne.
Southern District	Indianapolis.
Iowa:	
Northern District	Sioux City.
Southern District	Des Moines.

Kansas	Topeka.
Kentucky:	
Eastern District	Lexington.
Western District	Louisville.
Louisiana:	
Eastern District	New Orleans.
Western District	Shreveport.
Maine	Portland.
Maryland	Baltimore.
Massachusetts	Boston.
Michigan:	
Eastern District	Detroit.
Western District	Grand Rapids.
Minnesota	St. Paul.
Mississippi:	
Northern District	Oxford.
Southern District	Jackson.
Missouri:	
Eastern District	St. Louis.
Western District	Kansas City.
Montana	Billings.
Nebraska	Omaha.
Nevada	Reno.
New Hampshire	Concord.
New Jersey	Newark.
New Mexico	Santa Fe.
New York:	
Northern District	Syracuse.
Southern District	New York City
Eastern District	Brooklyn.
Western District	Buffalo.
North Carolina:	
Eastern District	Wilmington.
Middle District	Greensboro.
Western District	Charlotte.
North Dakota	Fargo.
Ohio:	
Northern District	Cleveland.
Southern District	Columbus.
Oklahoma:	
Northern District	Tulsa.
Eastern District	Muskogee.
Western District	Oklahoma City
Oregon	Portland.
Pennsylvania:	
Eastern District	Philadelphia.
Middle District	Lewisburg.
Western District	Pittsburgh.
Puerto Rico	San Juan.
Rhode Island	Providence.
South Carolina:	
Eastern District	Columbia.
Western District	Greenville.
South Dakota	Rapid City.
Tennessee:	
Eastern District	Chattanooga.
Middle District	Nashville.
Western District	Memphis.
Texas:	
Northern District	Fort Worth.
Southern District	Houston.
Eastern District	Beaumont.
Western District	San Antonio.
Utah	Salt Lake City.
Vermont	Burlington.
Virgin Islands	St. Thomas.
Virginia:	
Eastern District	Richmond.
Western District	Roanoke.
Washington:	
Eastern District	Spokane.
Western District	Seattle.
West Virginia:	
Northern District	Clarksburg.
Southern District	Charleston.
Wisconsin:	
Eastern District	Milwaukee.
Western District	Madison.
Wyoming	Cheyenne.

§ 51.53 *United States marshals.* (a) In each of the 93 judicial districts in the United States and its Territories and possessions there is a United States marshal, appointed by the President and subject to the general supervision and direction of the Attorney General. The marshal is the executive officer of the Federal courts. His general duties, among others, are to attend the terms of the district courts, to execute and serve or cause to be executed and served all process issued to him by the United States courts and United States commissioners, and to disburse moneys for which he is responsible. Legal process is served for private litigants in Federal courts by United States marshals on payment of the statutory fees and expenses.

(b) The headquarters of the marshals in the various districts are as follows:

Judicial districts and headquarters

Alabama:	
Northern	Birmingham.
Middle	Montgomery.
Southern	Mobile.
Alaska:	
1st Division	Juneau.
2nd Division	Nome.
3rd Division	Anchorage.
4th Division	Fairbanks.
Arizona	Tucson.
Arkansas:	
Eastern	Little Rock.
Western	Fort Smith.
California:	
Northern	San Francisco.
Southern	Los Angeles.
Colorado	Denver.
Connecticut	New Haven.
Delaware	Wilmington.
District of Columbia	Washington.
Florida:	
Northern	Pensacola.
Southern	Jacksonville.
Georgia:	
Northern	Atlanta.
Middle	Macon.
Southern	Savannah.
Hawaii	Honolulu.
Idaho	Boise.
Illinois:	
Northern	Chicago.
Eastern	Danville.
Southern	Springfield.
Indiana:	
Northern	South Bend.
Southern	Indianapolis.
Iowa:	
Northern	Dubuque.
Southern	Des Moines.
Kansas	Topeka.
Kentucky:	
Eastern	Lexington.
Western	Louisville.
Louisiana:	
Eastern	New Orleans.
Western	Shreveport.
Maine	Bangor.
Maryland	Baltimore.
Massachusetts	Boston.
Michigan:	
Western	Detroit.
Eastern	Grand Rapids.
Minnesota	St. Paul.
Mississippi:	
Northern	Oxford.
Southern	Jackson.
Missouri:	
Eastern	St. Louis.
Western	Kansas City.
Montana	Helena.
Nebraska	Omaha.
Nevada	Reno.
New Hampshire	Concord.
New Jersey	Newark.
New Mexico	Santa Fe.
New York:	
Northern	Utica.
Eastern	Brooklyn.
Southern	New York.
Western	Rochester.
North Carolina:	
Eastern	Raleigh.
Middle	Greensboro.
Western	Asheville.
North Dakota	Fargo.
Ohio:	
Northern	Cleveland.
Southern	Columbus.

Judicial districts and headquarters—Con.

Oklahoma:	
Northern	Tulsa.
Eastern	Muskogee.
Western	Oklahoma City
Oregon	Portland.
Pennsylvania:	
Eastern	Philadelphia.
Middle	Scranton.
Western	Pittsburgh.
Puerto Rico	San Juan.
Rhode Island	Providence.
South Carolina:	
Eastern	Charleston.
Western	Greenville.
South Dakota	Sioux Falls.
Tennessee:	
Eastern	Knoxville.
Middle	Nashville.
Western	Memphis.
Texas:	
Northern	Fort Worth.
Eastern	Texarkana.
Southern	Houston.
Western	San Antonio.
Utah	Salt Lake City.
Vermont	Rutland.
Virginia:	
Eastern	Norfolk.
Western	Roanoke.
Washington:	
Eastern	Spokane.
Western	Seattle.
West Virginia:	
Northern	Fairmont.
Southern	Charleston.
Wisconsin:	
Eastern	Milwaukee.
Western	Madison.
Wyoming	Cheyenne.
Canal Zone	Ancon.
Virgin Islands	St. Croix.

§ 51.54 *Federal Bureau of Investigation.* For purposes of efficiency, public convenience, and adequate territorial coverage, the Federal Bureau of Investigation maintains field divisions in 51 cities throughout the continental and territorial United States. Each field office is administered by a special agent in charge. The field offices are as follows:

Division

1. Albany 7, N. Y.
2. Anchorage, Alaska.
3. Atlanta 3, Ga.
4. Baltimore 2, Md.
5. Birmingham 3, Ala.
6. Boston 9, Mass.
7. Buffalo 2, N. Y.
8. Butte, Mont.
9. Charlotte 2, N. C.
10. Chicago 3, Ill.
11. Cincinnati 2, Ohio.
12. Cleveland 13, Ohio.
13. Dallas, Tex.
14. Denver 2, Colo.
15. Detroit 26, Mich.
16. El Paso, Tex.
17. Honolulu 16, T. H.
18. Houston 2, Tex.
19. Indianapolis 4, Ind.
20. Jackson 1, Miss.
21. Kansas City 6, Mo.
22. Knoxville 02, Tenn.
23. Little Rock, Ark.
24. Los Angeles 13, Calif.
25. Louisville 2, Ky.
26. Memphis 3, Tenn.
27. Miami 32, Fla.
28. Milwaukee 2, Wis.
29. Newark 2, N. J.
30. New Haven 10, Conn.
31. New Orleans 12, La.
32. New York 7, N. Y.
33. Norfolk 10, Va.
34. Oklahoma City 2, Okla.
35. Omaha 2, Nebr.
36. Philadelphia 7, Pa.
37. Phoenix, Ariz.

38. Pittsburgh 19, Pa.
39. Portland 5, Oreg.
40. Richmond 19, Va.
41. St. Louis 1, Mo.
42. St. Paul 1, Minn.
43. Salt Lake City 1, Utah.
44. San Antonio 6, Tex.
45. San Diego 1, Calif.
46. San Francisco 4, Calif.
47. San Juan, P. R.
48. Seattle 4, Wash.
49. Savannah, Ga.
50. Springfield, Ill.
51. Washington 25, D. C.

§ 51.55 *Bureau of Prisons.* Throughout the country are situated several Federal penal and correctional institutions under the direction of wardens and superintendents. The Federal prison system includes the following institutions:

Penitentiaries. Alcatraz, Calif., Atlanta, Ga., Leavenworth, Kans., Lewisburg, Pa., McNeil Island, Wash., Terre Haute, Ind.

Reformatories. Alderson, W. Va., Chillicothe, Ohio, El Reno, Okla., Englewood, Colo., Petersburg, Va.

Institutions for juveniles. National Training School, D. C., Natural Bridge, Va.

Correctional Institutions. Ashland, Ky., Danbury, Conn., LaTuna, Tex., Milan, Mich., Sandstone, Minn., Seagoville, Tex., Tallahassee, Fla., Texarkana, Tex.

Prison camps. Benton City, Wash., Mill Point, W. Va., Montgomery, Ala., Tucson, Ariz.

Detention headquarters. New York, N. Y.

Medical Center for Federal Prisoners, Springfield, Mo.

§ 51.56 *Immigration and Naturalization Service.* For a description of its field Service, see Title 8, Chapter I, Part 1, published in this issue.

SUBPART D—PLACES AT WHICH INFORMATION MAY BE OBTAINED

§ 51.61 *Information generally.* Any person desiring information about a particular case or phase of work in which the Department of Justice (except the Federal Bureau of Investigation and the Immigration and Naturalization Service) is engaged may write to the Attorney General, attention of the office, division, bureau or board in which the matter is commonly handled; e. g., for matters over which the Claims Division has jurisdiction, communications should be addressed to the Attorney General, Attention Claims Division, Washington 25, D. C. Matters for the attention of the central office of the Federal Bureau of Investigation should be addressed to the Director, Federal Bureau of Investigation, Washington 25, D. C. Where it is a matter which is handled in the field, communications should be addressed to the particular field office of the Department of Justice; e. g., to the Special Agent in Charge of a particular field office of the Federal Bureau of Investigation, to the United States Attorney for the district in which a case is being handled, etc.

§ 51.62 *Immigration and Naturalization Service.* For the manner in which information may be secured from this Service, see Title 8, Chapter I, Part 1, published in this issue.

§ 51.63 *Applications for attorney positions.* Persons desiring positions as attorneys with the Department of Justice may apply to The Assistant to the Attorney General, Washington 25, D. C.

§ 51.64 *Procurement.* The Division of Supplies and Printing of the Administrative Division of the Department of Justice is in charge of all purchases made by the Department. Communications should be addressed to that Division, Washington 25, D. C.

SUBPARAGRAPH E—AVAILABILITY OF OPINIONS, ORDERS AND RECORDS

§ 51.71 *General rule as to non-availability of Department of Justice records.* All official files, documents, records and information in the offices of the Department of Justice, including the several offices of United States Attorneys, Federal Bureau of Investigation, United States Marshals, and Federal penal and correctional institutions, or in the custody or control of any officer or employee of the Department of Justice, are to be regarded as confidential. No officer or employee may permit the disclosure or use of the same for any purpose other than for the performance of his official duties, except in the discretion of the Attorney General, The Assistant to the Attorney General, or an Assistant Attorney General acting for him. Whenever a *subpoena duces tecum* is served to product any of such files, documents, records or information, the officer or employee on whom such subpoena is served, unless otherwise expressly directed by the Attorney General, will appear in court in answer thereto and respectfully decline to produce the records specified therein, on the ground that the disclosure of such records is prohibited by this regulation.

§ 51.72 *Opinions of the Attorney General.* The formal opinions which he renders are collected and published in volumes known as Opinions of the Attorney General, cited as — Op. A. G. These opinions are available at the Department of Justice, at most law libraries, and may be obtained upon payment of reasonable fees from the Superintendent of Documents, Government Printing Office, Washington, D. C.

§ 51.73 *Office of the Pardon Attorney.* As to the nature and availability of reports and papers filed in connection with petitions for Executive clemency, see 11 F. R. 4786, dated May 2, 1946 (§ 1.15).

§ 51.74 *Federal Bureau of Investigation.* (a) Pertinent information contained in the identification records of the Federal Bureau of Investigation is available to domestic law enforcement agencies, and to certain foreign law enforcement agencies on a reciprocal basis, and to other Federal agencies having an official interest therein. Application for such information should be made to the Director, Federal Bureau of Investigation, Washington 25, D. C.; (b) The Federal Bureau of Investigation Law Enforcement Bulletin, issued monthly, is confidential and restricted to the use of law enforcement officials to whom it is distributed gratuitously; (c) The Uniform Crime Report, a semi-annual publication, consists of a compilation of police statistics submitted by various law enforcement agencies of the country and presents an analysis of those statistics, reflecting, among other things, the extent and fluctuation of crime in this country. The publication is distributed gratuitously and is available to any interested person upon application to the Director, Federal Bureau of Investigation, Washington 25, D. C.

§ 51.75 *Immigration and Naturalization Service.* For a listing of the material available in the Immigration and Naturalization Service, see Title 8, Chapter I, Part 1, published in this issue.

PART 52—PROCEDURES OF THE DEPARTMENT OF JUSTICE

Sec.
52.1 Office of the Assistant to the Attorney General.
52.2 Office of the Pardon Attorney.
52.3 Tax Division.
52.4 Lands Division.
52.5 Criminal Division.
52.6 Customs Division.
52.7 Immigration and Naturalization Service.
52.8 Alien enemies.
52.9 Board of Immigration Appeals.
52.11 Parole of violators of Selective Training and Service Act.

§ 52.1 *Office of the Assistant to the Attorney General. Conscientious Objectors.* (a) Where a Draft Board of Appeal does not place a registrant in any of the deferred classifications stated in § 623.21 of the Selective Service Regulations (32 CFR 623.21) or if, in an appropriate case, it does not affirm the Local Draft Board's conscientious objector classification, it is required by section 5 (g) of the Selective Training and Service Act (50 U. S. C. App. 305 (g)) and § 627.25 of the Selective Service Regulations (32 CFR 627.25) to refer the registrant's file to the Department of Justice for "inquiry and hearing" and advisory recommendation as to the validity of the registrant's claim for exemption as a conscientious objector.

(b) "Reference" to the Department of Justice by a Board of Appeal is made by transmitting the file, with the notations required by § 623.25 of the Selective Service Regulations (32 CFR 623.25), to the United States Attorney having jurisdiction over the registrant's Local Board.

(c) The United States Attorney thereupon examines the file to determine if the Department has jurisdiction in the case, and if he is satisfied that it has, he forwards the file to the nearest Field Office of the Federal Bureau of Investigation and notifies the Department of his action.

(d) Upon receipt of the file by the Federal Bureau of Investigation, the documents therein are photostated and the photostatic copy is sent to the Office of The Assistant to the Attorney General for examination and retention in the Departmental file. The Federal Bureau of Investigation thereupon conducts the "inquiry" contemplated by section 5 (g) of the act, and investigates the religious background, character and sincerity of the registrant.

(e) Upon completion of the "inquiry", the file and a copy of the investigative report are returned to the United States Attorney by the Federal Bureau of Investigation, and a copy of the investigative report is forwarded to the Office of the Assistant to the Attorney General in Washington.

(f) The United States Attorney thereupon transmits the original file and the copy of the investigative report to the Special Assistant to the Attorney General designated as Hearing Officer for this district.

(g) Upon receipt of the file and investigative report, it is studied by the Hearing Officer and he issues a "Notice of Hearing" to the registrant. The Hearing Officer has no power of subpena, and the appearance of the registrant and his witnesses is purely voluntary.

(h) After the hearing, the Hearing Officer prepares a report in triplicate in which he makes a recommendation to the Department of Justice. This report, together with the file and the copy of the investigative report, is forwarded to the Office of The Assistant to the Attorney General in Washington for examination and review.

(i) Upon receipt of the entire file and reports in the Office of The Assistant to the Attorney General, the case is reviewed to ascertain if it has been handled in conformity with departmental advices, instructions and policy.

(j) The Assistant to the Attorney General thereupon makes a definite recommendation to the Board of Appeal, returning the file and the original copy of the Hearing Officer's report.

(k) Upon receipt of the departmental recommendation, the Board of Appeal proceeds independently to classify the registrant, on the basis of the entire record, and in its determination it gives consideration to, but is not bound to follow, the recommendation of the Department. The Board of Appeal notifies the Department of its action on the recommendation and advises the Department of the classification accorded to the registrant.

§ 52.2 *Office of the Pardon Attorney.* Petitions for Executive clemency are entertained in accordance with the rules published in 11 F. R. 4785, dated May 2, 1946.

§ 52.3 *Tax Division.* As a matter of policy the procedures of the Division relating to discussions with opposing counsel and the securing of information and the making of submittals or requests by them, or other persons having a legitimate interest, are entirely informal. No forms are required in submitting offers in compromise or in transacting business with the Division. Upon timely request by counsel, or other persons having a legitimate interest, the Division affords the opportunity of an informal discussion with appropriate members of its staff concerning any matter pending before it.

§ 52.4 *Lands Division*—(a) *Title opinions in acquisitions of land by direct purchase.* Offers to sell land, or any interest therein, to the United States are negotiated and accepted by the agency or department of the Government for the use of which the land is being acquired. Title opinions (preliminary and final) on the validity of the titles are prepared after an examination of the purchase contract, evidence of title and other related documents submitted to the Department of Justice by the acquiring agency. To be acceptable, abstracts of title prepared by approved abstractors or title companies, or certificates of title issued by approved title corporations, must be prepared in accordance with "Regulations for the Preparation of Title Evidence, dated January 1, 1946," issued by the Department of Justice; copies of these regulations will be supplied to interested parties upon request.

(b) *Offers in compromise.* In cases other than those in the Court of Claims, offers in compromise should be submitted to the United States Attorney or other field representative of the Department in charge of the litigation and should be accompanied by cashiers' or certified checks or money orders in the amount of the offers. Pending acceptance or rejection of the offers the checks or money orders are often cashed and the proceeds placed in a special account to the credit of the debtor; the cashing of the checks or money orders under these circumstances is without prejudice to the Government and does not constitute an acceptance of the offers in compromise. United States Attorneys are authorized to accept or reject offers in compromise in matters involving trespasses on lands, buildings or projects, or the collection of delinquent rentals on property, under the jurisdiction of the Department of Agriculture, the National Housing Agency or the Office of Indian Affairs when the gross amount of the claim is not in excess of $500.00 and the local field officer of the interested department or agency concurs in the recommendation of the United States Attorney.

§ 52.5 *Criminal Division*—(a) *Offers in compromise.* Offers of compromise in internal revenue liquor cases involving criminal, forfeiture, and tax liability in instances where a criminal or forfeiture case is pending, compromise offers in customs cases, narcotic cases, and cases under the immigration laws involving an immigration fine or penalty, should be submitted through the offices of the respective United States attorneys. The offers, together with the remittance in the form of certified checks, cashier's checks or money orders are transmitted by letter, by the United States Attorney, to the Department of Justice for action by the Criminal Division.

(b) *Petitions for remission or mitigation of forfeitures.* (1) Petitions for remission or mitigation of forfeitures under internal revenue laws relating to liquor valued at more than $500 and under laws to enforce the Twenty-First Amendment (27 U. S. C. 224) should be submitted through the offices of the respective United States Attorneys.

(2) Petitions for remission or mitigation of forfeitures or penalties under the customs laws may be filed with the Secretary of the Treasury prior to reference of the case to the Department of Justice for action, or prior to filing of a claim and cost bond if the value of the property is $1,000 or less. After the case is referred or a claim and cost bond is filed, the petition is filed with the Department of Justice, preferably through the office of the United States Attorney.

(3) Petitions for remission or mitigation of forfeitures under the internal revenue and customs laws, and the contraband transportation laws relating to narcotics violations (49 U. S. C. 781–788) may be filed with the Secretary of the Treasury prior to reference of the case to the Department of Justice for action, or prior to the filing of a claim and cost bond if the property is valued at less than $500 in internal revenue cases, or $1,000 in customs and contraband transportation cases. After the case is referred or a claim and cost bond filed, the petition is filed with the Department of Justice, preferably through the office of the United States Attorney.

(c) Procedure for Administration of the Act of October 17, 1940 (Voorhis Act).

(1) The Criminal Division supplies information concerning the Act and Rules, provides forms, and receives registrations.

(2) The forms consist of a registration statement and a supplemental registration statement. The latter must be filed within 30 days after the end of each 6-months period following the original filing. The Attorney General must be promptly notified on the cessation of registrable activity.

(d) *Foreign Agents Registration Section*—(1) *Procedure for persons required to register under section 2 of Foreign Agents Registration Act*—(i) *Procedure before registration.* (*a*) Read the Act and Rules, which may be obtained from the Foreign Agents Registration Section, Department of Justice, Washington 25, D. C.

(*b*) Procure from the Foreign Agents Registration Section copies of Form FA–1 (for individuals) or Form FA–2 (for others), together with copies of Exhibit A form (where necessary) and Exhibit C form.

(*c*) Execute form FA–1 or FA–2 and the Exhibit C form.

(*d*) Have Exhibit A form executed where required.

(*e*) Prepare such further Exhibits as may be necessary.

(ii) *Registration.* (*a*) Within 10 days after the agency begins, file the required forms in duplicate with the Foreign Agents Registration Section. Filing may be by mail or in person. Retain for reference a copy of all forms filed.

(iii) *Procedure after registration.* (*a*) Label political propaganda as required. Send two copies to the Librarian of Congress, Washington 25, D. C. File one copy with Foreign Agents Registration Section, together with distribution report.

(*b*) File in duplicate a supplemental registration statement (Form FA–1–6M or FA–2–6M), together with Exhibits as required, with the Foreign Agents Registration Section within 30 days after the end of each 6-months period following the original filing.

(*c*) Within 10 days after changes occur in the information referred to in section 2 (b) of the Act, advise the Foreign Agents Registration Section.

(*d*) Within 30 days after the termination of the agency, file a final supplemental registration statement (Form FA–1–6M or FA–2–6M) covering the period of the agency not previously reported.

(e) Maintain books and records as required by section 5 of the Act and Rule 500.

(2) *Procedure for persons claiming exemption under section 3 (f) of the Act.* (i) Procure from the Foreign Agents Registration Section copies of Form FA-3F, together with copies of Exhibit A form (where necessary).

(ii) Execute Form FA-3F and have it certified by the appropriate diplomatic officer.

(iii) Have Exhibit A form executed where required.

(iv) Within 30 days after the agency begins, furnish the above statement in duplicate to the Secretary of State, Washington 25, D. C., for transmittal to the Foreign Agents Registration Section.

(v) Execute and furnish in duplicate to the Secretary of State for transmittal to the Foreign Agents Registration Section, a supplemental statement (Form FA-3F-6M), within 30 days after the end of each 6-months period and a final statement (Form FA-3F-6M) within 30 days after the termination of the agency.

(3) *Forms used under the Foreign Agents Registration Act.* (i) Form FA-1. Registration statement form for individuals.

(ii) Form FA-2. Registration statement form for others than individuals.

(iii) Exhibit A. Form for agent's officials or policy making personnel.

(iv) Exhibit C. Form to describe foreign principal of registrant.

(v) Form FA-1-6M. Six months supplemental registration statement for individuals.

(vi) Form FA-2-6M. Six months supplemental registration statement for others than individuals.

(vii) Form FA-3F. Exemption statement form under section 3 (f) of the act.

(viii) Form FA-3F-6M. Six months supplemental exemption statement.

(ix) Amendment Forms. For use in correcting or supplementing statements previously filed.

NOTE: Instructions accompany registration and exemption forms. Copies of all forms may be obtained from the Foreign Agents Registration Section, Department of Justice, Washington 25, D. C.

§ 52.6 *Customs Division.* The method by which an importer may challenge the appraised value of his merchandise is set forth in section 1501 of Title 19 of the United States Code; a claim for remission of additional duties assessed because of undervaluation is filed in the manner set forth in section 1489; all decisions of the collector affecting the rate and amount of duties are subject to judicial review under the procedure in section 1514.

Actions may be instituted in any port or sub-port of the United States where an importer may have entered his merchandise. The matter is transmitted to the United States Customs Court for hearing and determination. That Court is located in New York City but conducts regular circuits for the purpose of hearing cases arising at the principal ports in the United States. The Customs Division represents the United States at such circuits. In representing the Government the Customs Division has no authority to compromise cases. As a general rule it does not make any settlement but defends the decision which the importer has brought into question and leaves determination of the case to the Customs Court.

(c) Frequently numerous actions are instituted involving substantially the same questions of law or fact, or both. In such cases, the Customs Division agrees by stipulation with the plaintiffs' attorneys that a test case shall be tried and all others suspended pending the determination of the litigated action. When the test case is finally settled, if the decision is adverse to the Government and no new trial is recommended, all pending cases can be settled by stipulation, in which the importer recites sufficient information to establish that the question at issue in the suspended cases is the same as in the test case. The truth of the factual matters in the stipulation is attested by a certificate signed by the Customs official who saw the merchandise at the time of importation and has first-hand knowledge thereof. No set form of stipulation or certificate is required, but the Customs Division will, upon request, furnish an importer or his attorney with a form of stipulation which embodies the necessary requirements in any given case.

(d) The attorney in charge of the Classification Section of the Customs Division maintains a catalog of all pending cases which have arisen under section 1514. The attorney in charge of the Reappraisement Section maintains a similar catalog of all pending issues which have arisen under section 1489 or 1501. In order to avoid a multiplicity of suits, an importer who has instituted an action under any of these sections may inquire of either of these two officials and be advised whether a similar case is pending, in which case the Customs Division will agree to suspend the new action. This is true whether the test case is before the Customs Court for determination after trial, or is on appeal before the United States Court of Customs and Patent Appeals or the Supreme Court of the United States.

(e) Whenever cases are docketed for trial before the United States Customs Court, the Customs Division presumes that they will be moved for trial, in the absence of notice to the contrary. Requests for adjournment or suspension are customarily directed to the Customs Court but are first submitted, with a carbon copy, to the Customs Division for approval. Approval for adjournments and suspensions, not in excess of two, is given as a matter of course.

(f) The manner of filing pleadings and briefs with the Customs Court and the United States Court of Customs and Patent Appeals is governed by the rules of those tribunals. Acknowledgement of service of such papers is given by the Customs Division when the papers are presented through ordinary mail.

(g) All pleadings and documents requiring the assent of the Customs Division should be prepared for the signature of the Assistant Attorney General, with an additional line beneath for the signature of the Special Attorney to whom the matter will be assigned.

§ 52.7 *Immigration and Naturalization Service.* For a description of its procedures, reference should be made to Title 8, Chapter I, Part 1, published in this issue.

§ 52.8 *Alien enemies*—(a) *Removal of alien enemies.* In any case where the Attorney General has tentatively determined to order the removal of an alien enemy, a hearing is given to the alien enemy. The hearing is conducted by a traveling hearing board, the membership of which is appointed by the Attorney General. Hearings are held at such times and places as are determined by the Director of the Alien Enemy Control Unit of the Department of Justice. After opportunity is granted to the alien to present witnesses and evidence in his own behalf, the hearing board transmits its recommendation to the Alien Enemy Control Unit which, in turn, forwards it to the Attorney General for his final determination as to how the discretion vested in him under the Alien Enemy Act of 1798 and Presidential proclamations issued pursuant thereto shall be exercised. No fixed procedures or procedural requirements have been established by which appeal to the discretion of the Attorney General must be made. All appeals, whether by the alien himself or his friends or representatives and whether formal or informal, are considered on their merits.

(b) *Return of articles to alien enemies.* On February 5, 1942, the Attorney General issued regulations requiring that certain articles, the possession of which by alien enemies was prohibited, be deposited with the local or state police. These articles were turned over to the marshals for custody. On December 10, 1945, such regulations were revoked. The deposited articles will now be returned to the alien enemies upon application to the United States marshal for the district in which the articles were deposited, subject to delivery of the original receipt thereof and proper identification of the owner. Where the property cannot be located, the owner may file a claim on a form which will be furnished by the marshal. No funds are presently available for the payment of such claims, but the form will be accepted as a means of protecting the owner's interests and for use if funds are made available for settlement of such claims.

§ 52.9 *Board of Immigration Appeals.* For a description of its procedures, reference should be made to 8 CFR Cum Supp., Parts 90 and 95.

§ 52.10 *Board of Parole.* For a description of its procedures, reference should be made to Title 28 of the Code of Federal Regulations, Chapter I, Part 2.

§ 52.11 *Parole of violators of Selective Training and Service Act.* Executive Order 8641, issued by the President on January 18, 1941, authorizes the Attorney General, acting for the President, and with the approval of the Director of National Selective Service, to release on special parole certain violators of the Selective Training and Service Act who have been sentenced to imprisonment under that act. The Attorney General may parole such violators for induction

into the land or naval forces, or for work of public importance or in the national interest. Recommendations for parole are sent from the Federal prisons to the Director of the Bureau of Prisons where they are reviewed before being forwarded to the Attorney General for his decision.

DOUGLAS W. MCGREGOR,
Acting Attorney General.

[F. R. Doc. 46—15711; Filed, Sept. 3, 1946; 9:19 a. m.]

PART 81—INTERDEPARTMENTAL COMMITTEE ON EMPLOYEE INVESTIGATIONS

Sec.
81.1 Organization.
81.2 Records.
81.3 Procedure.

§ 81.1 *Organization.* The Interdepartmental Committee on Employee Investigations was established within the Department of Justice by Executive Order 9300, dated February 5, 1943 (3 CFR Cum. Supp. Ch. II). The Committee's functions are defined in Executive Order 9300. Generally, the Committee serves as an advisory and coordinating agency in matters relating to the investigation and disposition of complaints of subversive activity on the part of employees of the executive branch of the Federal Government.

The organization of the Committee is described in Executive Order 9300, *supra.* The Committee has no field organization.

Interested persons may secure information or make submittals or requests by writing to the Committee at the Department of Justice, Washington 25, D. C.

§ 81.2 *Records.* The Committee's records, consisting largely of confidential reports of the Federal Bureau of Investigation and inter-agency communications and memoranda, are confidential and are not available to the public.

§ 81.3 *Procedure.* The Committee does not employ any procedures applicable to members of the public. The procedure under which the Committee carries out its functions in cooperation with other governmental agencies is governed by Executive Order 9300, *supra.*

DOUGLAS W. MCGREGOR,
Acting Attorney General.

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IMMIGRATION AND NATURALIZATION SERVICE

[8 CFR, Ch. I]

PART 1—GENERAL INFORMATION REGARDING THE IMMIGRATION AND NATURALIZATION SERVICE

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1.13 Central Office: The Commissioner.
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1.17 Central Office: The General Counsel.
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§ 1.1 *Introduction.* (a) The Immigration and Naturalization Service, Department of Justice, has already published in the Code of Federal Regulations and in the FEDERAL REGISTER much of the material required to be published by section 3 of the Administrative Procedure Act. This previously published material appears under Title 8, Chapter I, of the Code of Federal Regulations.

(b) There may also be procured from the United States Government Printing Office a copy of the publication entitled "Immigration and Nationality Laws and Regulations", containing currently effective statutes as well as prior statutes, Presidential proclamations, Executive orders, regulations issued by the Attorney General, regulations issued by the Commissioner of Immigration and Naturalization with the approval of the Attorney General, and other official matter. Annual supplements to such publication may also be purchased from the same source covering years in which a cumulative, superseding edition is not published. A loose-leaf edition of such publication containing integrated, current supplements may be examined at offices of the Immigration and Naturalization Service.

ORGANIZATION

§ 1.10 *Organization of the Immigration and Naturalization Service.* The organization of the Immigration and Naturalization Service—exclusive of that part of its organization handling matters pertaining solely to its internal management—is shown in §§ 1.11 to 1.23, inclusive, by stating the title and general function of its principal officials and officers.

§ 1.11 *Departmental: The Attorney General.* The Attorney General of the United States has general direction of the Immigration and Naturalization Service and possesses final statutory authority in determining certain matters arising under the provisions of the immigration and nationality laws and other laws administered by the Service.

§ 1.12 *Departmental: The Board of Immigration Appeals.* Under the direction of the Attorney General, the Board of Immigration Appeals in behalf of the Attorney General considers and determines certain cases in accordance with the provisions of Parts 90 and 95 of this chapter.

§ 1.13 *Central Office: The Commissioner.* Under the direction of the Attorney General, the Commissioner of Immigration and Naturalization supervises and directs the administration of the Immigration and Naturalization Service and, subject to such limitations and conditions as are provided in Part 90 and elsewhere in this chapter, administers the laws relating to immigration and nationality.

§ 1.14 *Central Office: The Deputy Commissioner.* The Deputy Commissioner assists the Commissioner generally in the performance of the duties of his office and, under the latter's direction, has particular supervision of Service operations and the personnel engaged therein.

§ 1.15 *Central Office: The Assistant Commissioner for Adjudications; Chief, Exclusion and Expulsion Section.* (a) Under the immediate direction of the Deputy Commissioner, the Assistant Commissioner for Adjudications considers, and determines or recommends the determination in, numerous types of quasi-judicial cases handled by the Service.

(1) The Chief of the Exclusion and Expulsion Section aids the Assistant Commissioner for Adjudications in his consideration of and action in, among others, those cases involving the admission, exclusion and deportation, or arrest and deportation of aliens.

§ 1.16 *Central Office: The Assistant Commissioner for Alien Control.* Under the immediate direction of the Deputy Commissioner, the Assistant Commissioner for Alien Control supervises and directs that part of the work of the Service relating to the guarding of the boundaries of the United States, the detention of aliens, and the execution of warrants of deportation.

§ 1.17 *Central Office: The General Counsel.* Under the direction of the Commissioner, the General Counsel exercises powers and performs legal duties such as those stated in §§ 90.17 and 60.25 (e) of this chapter.

§ 1.18 *Central Office: The Director of Research and Educational Services.* Under the direction of the Commissioner, the Director of Research and Educational Services supervises and directs that part of the work of the Service relating to the citizenship education program provided by section 327 (c) of the Nationality Act of 1940 (54 Stat. 1151; 8 U. S. C. 727 (c)) as implemented by Part 356 of this chapter.

§ 1.19 *Central Office: The Director of Administrative Services.* Under the direction of the Commissioner, the Director of Administrative Services supervises and directs that part of the work of the Service relating to budgetary and fiscal matters, procurement and supply, records, mail and other communications, information service, and planning.

§ 1.20 *Central Office: The Director of Personnel.* Under the direction of the Commissioner, the Director of Personnel supervises and directs that part of the work of the Service relating to the recruitment, placement, and training of personnel; position classification; and employee relations.

§ 1.21 *Field Service: District directors.* In each of the field districts defined in § 60.1 of this chapter, a district director, under the direction of the Commissioner, supervises the work of the Service in accordance with the general provisions contained in § 60.2 of this chapter.

§ 1.22 *Field Service: Officers in charge of ports of entry and other offices.* Under the immediate direction of a district director, an officer in charge of a port or other office performs assigned duties within a designated part of a district.

§ 1.23 *Field Service: Immigrant inspectors; boards of special inquiry; naturalization examiners; patrol inspectors*—(a) *Immigrant inspectors.* Under the administrative supervision of an officer in charge, an immigrant inspector makes the initial determinations on applications of aliens for admission to the United States and conducts investigations and examinations in connection with the right of aliens to be or remain in the United States.

(b) *Boards of special inquiry.* Under the administrative supervision of a district director and in accordance with the provisions of parts 130 and 136 and other applicable provisions of this chapter, a board of special inquiry makes decisions in the cases of certain aliens seeking to enter the United States.

(c) *Naturalization examiners.* Under the administrative supervision of an officer in charge, a naturalization examiner conducts examinations and investigations in connection with applications for the various rights or privileges granted by the nationality laws and makes recommendations as to the determination of such applications; a naturalization examiner represents the Service at judicial hearings on petitions for naturalization and, when designated by the Commissioner or Deputy Commissioner, conducts preliminary hearings on petitions for naturalization.

(d) *Patrol inspectors.* Under the immediate direction of an officer in charge, a patrol inspector guards the boundaries of the United States against the illegal entry of aliens.

STATEMENT OF DELEGATIONS OF FINAL AUTHORITY

§ 1.40 *Final authority; power to delegate.* The final authority of the Attorney General in the administration of any designated provision of the immigration and nationality laws may be, and has in some instances been, delegated to the Board of Immigration Appeals, the Commissioner, or to such other officers of the United States Department of Justice, respectively, as the Attorney General may specifically designate. The delegation of any such authority by the Attorney General does not divest the Attorney General of such authority. With respect to any authority delegated, the Attorney General retains concurrent and coexistent power and authority.

(R. S. 161, 360, sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec 37 (a), 54 Stat. 675, sec. 327 (b), 54 Stat. 1151; 5 U. S. C. 22, 311, 8 U. S. C. 108, 222, 458 (a), 727 (b)

§ 1.41 *Final authority; delegation to Board of Immigration Appeals.* A statement of the final authority of the Attorney General which has been delegated to the Board of Immigration Appeals is included in Part 90 of this chapter.

§ 1.42 *Final authority; delegation to Commissioner.* The Commissioner has authority to exercise or direct the exercise by subordinate officers of certain powers granted to him by the immigration and nationality laws. In addition, where a statute renders an action or determination by the Commissioner subject to the approval of the Attorney General, the Attorney General's authority to approve has been, with prescribed limitations, delegated to the Commissioner by § 90.1 of this chapter. The Commissioner has also been granted power to exercise such final authority of the Attorney General as is delegated by § 90.1 of this chapter, which includes, but is not limited to, determinations involving the following, subject to such provisions of Part 90 of this chapter as may be applicable:

(a) Appeals from decisions of boards of special inquiry in exclusion or preexamination proceedings;

(b) Deportation (or expulsion) proceedings;

(c) Administrative fines and penalties against persons, steamship companies, or other carriers, for violations of the immigration laws;

(d) Applications for admission under the 7th or 9th proviso to section 3 of the Immigration Act of 1917;

(e) Requests for stay of execution of a warrant of deportation;

(f) Applications filed in accordance with section 9 of the Immigration Act of 1924 for nonquota or preference quota status;

(g) Denial of the privilege of landing alien immigrant passengers at United States ports in the case of transportation companies persistently violating the provisions of section 7 of the Immigration Act of 1917 (39 Stat. 879; 8 U. S. C. 143);

(h) Landing for medical treatment in a hospital of aliens certified to be suffering from tuberculosis in any form or from a loathsome or dangerous contagious disease other than one of a quarantinable nature (sec. 18, 39 Stat. 887; 8 U. S. C. 154);

(i) Admission of otherwise admissible immigrants not of the nationality specified in the immigration visa or not nonquota although so specified in the immigration visa (sec. 13 (d), 43 Stat. 161; 8 U. S. C. 213 (d));

(j) Permission to aliens admitted temporarily when under 16 years of age prior to May 26, 1924, either of whose parents was a citizen of the United States, to remain permanently in the United States (sec. 14, 43 Stat. 162; 8 U. S. C. 214).

§ 1.43 *Final authority; delegation to General Counsel.* The final authority of the Attorney General or the Commissioner delegated to the General Counsel is stated in § 90.17 of this chapter, and also includes authority to determines applications for copies of, information from, and certifications of immigration and naturalization records in the custody or control of the Commissioner, as provided in § 383.7 of this chapter (sec. 6 (a), 48 Stat. 1109, sec. 327 (g), 54 Stat. 1151, sec. 341 (e), 54 Stat. 1161; 28 U. S. C. 661, 8 U. S. C. 727 (g), 741 (e)).

§ 1.44 *Final authority; delegation to Assistant Commissioner for Adjudications.* The final authority of the Attorney General or the Commissioner delegated to the Assistant Commissioner for Adjudications includes determinations involving the following:

(a) Applications for permission to reapply for admission to the United States after exclusion and deportation or arrest and deportation from the United States (sec. 3, 39 Stat. 875, sec. 1 (d), 45 Stat. 1551, sec. 7, 47 Stat. 166; 8 U. S. C. 136 (j), 181);

(b) Applications for removal to their native country of aliens who fall into distress or need public aid from causes arising subsequent to their entry (sec. 23, 39 Stat. 892, 50 Stat. 164; 8 U. S. C. 102);

(c) Applications for readmission to the United States of aliens removed on account of distress (50 Stat. 164; 8 U. S. C. 102);

(d) Applications to import skilled labor if labor of like kind cannot be found unemployed in the United States (sec. 3, 39 Stat. 875; 8 U. S. C. 136 (h)), subject, however, to the approval of the Attorney General where the application is granted;

(e) Petitions for approval as accredited institutions of learning for attendance by bona fide alien students (sec. 4 (e), 43 Stat. 155; 8 U. S. C. 204);

(f) Applications for recognition as American institutions of research, for the purposes of the nationality laws (sec. 307, 54 Stat. 1142, sec. 312, 54 Stat. 1145; 8 U. S. C. 707, 712);

(g) Applications for exemption from loss of residence for naturalization purposes (sec. 307, 54 Stat. 1142, sec. 308, 54 Stat. 1143; 8 U. S. C. 707, 708);

(h) Prescription of conditions of admission of alien instrumental musicians seeking temporary admission to the United States who are found to be admissible as artists or professional actors under the 5th proviso to section 3 of the Immigration Act of 1917, so as to insure that at the termination of their contracts such aliens will depart from the United States (sec. 3, 39 Stat. 875, sec. 3, 47 Stat. 67; 8 U. S. C. 136 (h), 137d);

(i) Conditions of readmission of legally admitted immigrants who have departed temporarily from the United States and who apply for readmission without obtaining immigration visas (sec. 13 (b), 43 Stat. 161; 8 U. S. C. 213 (b));

(j) Applications for copies of, information from, and certifications of immigration and naturalization records in the custody or control of the Commissioner (sec. 6 (a), 48 Stat. 1109, sec. 327 (g), 54 Stat. 1151, sec. 341 (e), 54 Stat. 1161; 28 U. S. C. 661, 8 U. S. C. 727 (g), 741 (e)); this authority is concurrent with and coextensive with that of the General Counsel as provided in § 383.7 of this chapter.

§ 1.45 *Final authority; delegation to Chief, Exclusion and Expulsion Section.* Authority generally to issue warrants of arrest and warrants of deportation is delegated to the Chief, Exclusion and Expulsion Section. The authority of district directors to issue warrants of arrest and orders and warrants of deportation under the provisions of Part 150 of this chapter is not thereby impaired.

§ 1.46 *Final authority; delegation to district directors.* In addition to the powers granted to them by law, district directors have the final authority delegated to them in Part 60 and other parts of this chapter, including determinations involving the following:

(a) Waiver of the ninety days' notice required by section 326 (b) of the Nationality Act of 1940, as provided in § 335.3 (b) of this chapter (56 Stat. 183; 8 U. S. C. 1003);

(b) Approval and cancellation of bond Form I–354 (Old 554) entitled "Bond That Alien Shall Not Become a Public Charge", within the limitations of § 110.21 of this chapter (sec. 21, 39 Stat. 891; 8 U. S. C. 158); this authority is concurrent with and coextensive with that of officers in charge of ports of entry under the provisions of § 1.48 (c);

(c) Issuance of warrants of arrest and orders and warrants of deportation within the limitations stated in Part 150 of this chapter;

(d) Deportation of alien seamen on vessels other than the ones on which such seamen arrived, as provided in § 120.36 of this chapter (sec. 20 (c), 43 Stat. 164; 8 U. S. C. 167 (c)); this authority is concurrent with and coextensive with that of officers in charge of ports of entry under the provisions of § 1.48 (d);

(e) Approval and cancellation of bond Form I–375, within the limitations of § 127.4 of this chapter (sec. 4, act of June 29, 1946, Public Law 471, 79th Congress); this authority is concurrent with and coextensive with that of officers in charge of ports of entry under the provisions of § 1.48 (e);

(f) Applications for copies of, information from, and certifications of immigration and naturalization records in their custody or control, as provided in § 383.7 of this chapter (sec. 6 (a), 48 Stat. 1109, sec. 327 (g), 54 Stat. 1151, sec. 341 (e), 54 Stat. 1161; 28 U. S. C. 661, 8 U. S. C. 727 (g), 741 (e)).

§ 1.47 *Final authority; delegation to boards of special inquiry.* In addition to the powers granted to them by law, boards of special inquiry have final authority delegated to them to make determinations involving the following:

(a) Admission of alien stowaways, within the limitations of § 110.50 of this chapter (sec. 3, 39 Stat. 875; 8 U. S. C. 136 (l));

(b) Admission on bond, or other security, of alien immigrants liable to exclusion because likely to become public charges or because of physical disability other than tuberculosis in any form or a loathsome or dangerous disease, within the limitations of § 110.20 of this chapter (sec. 21, 39 Stat. 891; 8 U. S. C. 158).

§ 1.48 *Final authority; delegation to officers in charge of ports of entry.* In addition to the powers granted to them by law, officers in charge of ports of entry have final authority delegated to them to make determinations involving the following:

(a) Admission of unaccompanied children under 16 years of age, within the limitations of § 110.49 of this chapter (sec. 3, 39 Stat. 875; 8 U. S. C. 136 (m));

(b) Admission on bond, or other security, of alien immigrants liable to exclusion because likely to become public charges or because of physical disability other than tuberculosis in any form or a loathsome or dangerous disease, within the limitations of § 110.20 of this chapter (sec. 21, 39 Stat. 891; 8 U. S. C. 158);

(c) Approval and cancellation of bond Form I–354 (Old 554) entitled "Bond That Alien Shall Not Become a Public Charge", within the limitations of § 110.21 of this chapter (sec. 21, 39 Stat. 891; 8 U. S. C. 158); this authority is concurrent with and coextensive with that of district directors under the provisions of § 1.46 (b);

(d) Deportation of alien seamen on vessels other than the ones on which such seamen arrived, as provided in § 120.36 of this chapter (sec. 20 (c), 43 Stat. 164; 8 U. S. C. 167 (c)); this authority is concurrent with and coextensive with that of district directors under the provisions of § 1.46 (d);

(e) Approval and cancellation of bond Form I–375, within the limitations of § 127.4 of this chapter (sec. 4, act of June 29, 1946, Public Law 471, 79th Congress); this authority is concurrent with and coextensive with that of district directors under the provisions of § 1.46 (e).

§ 1.49 *Final authority; delegation to immigrant inspectors.* In addition to the powers granted to them by law, immigrant inspectors have final authority delegated to them to make determinations involving the admission of unaccompanied children under 16 years of age, within the limitations of § 110.48 of this chapter (sec. 3, 39 Stat. 875; 8 U. S. C. 136 (m)).

PLACES AND MANNER OF SECURING INFORMATION

§ 1.60 *Places where, and methods whereby, information may be secured or submittals or requests made.* (a) Any person desiring information relative to a matter handled by the Immigration and Naturalization Service or any person desiring to make a submittal or request in connection with such a matter should communicate either orally or in writing with whichever of the following offices is most convenient for him:

(1) A district headquarters office of the Service. There are sixteen such offices located in the cities shown in § 60.1 of this chapter.

(2) A Class A port of entry shown in § 110.1 of this chapter.

(3) A United States immigration station located in Canada. Such offices are located in several of the large cities in Canada. They are shown in § 110.2 of this chapter.

(4) In addition to the places indicated in (1) and (2) of this paragraph, an Immigration and Naturalization Service office, one of which is located in most of the large cities of the United States including its insular possessions.

(5) With respect to naturalization matters only—the office of the clerk of any United States district court or of any other court exercising jurisdiction over naturalization.

(b) If the office where such communication is received is unable to handle the matter—because, for example, it does not have jurisdiction or facility—the communication, if written, will be forwarded to the proper office of the Service or, if oral, the person will be advised how to proceed. If the submittal or request consists of a formal application for one of the numerous documents, privileges, or other benefits provided for in the immigration and nationality laws, the instructions on the form as to preparation and place of submission should be followed (see 8 CFR 60.30). In such cases, the part or section of this chapter dealing with the particular type of application may be consulted for regulatory provisions.

PROCEDURES

§ 1.70 *General.* The regulations of the Immigration and Naturalization Service, published as Title 8, Chapter I, Code of Federal Regulations, contain information which, under the provisions of section 3 (a) (2) and (3) of the Administrative Procedure Act, is required to be published. Any person desiring information with respect to a particular procedure (other than rule making) under the immigration and nationality laws should examine the part or section in Title 8, Chapter I, Code of Federal Regulations, dealing with such proceeding, as well as the statutes implemented by such part or section. The list of part numbers and designations appearing at the beginning of Title 8, Chapter I, Code of Federal Regulations, may be used as a guide to the regulation dealing with any particular type of proceeding. For example, in the immigration regulations Part 105 deals with "Head tax"; Part 107, with "Manifests"; Part 110, "Primary inspection and detention"; Part 114, "Inspection of citizens and aliens entering from

or through contiguous territory"; Part 116, "Civil air navigation"; Part 118, "Aliens in transit"; Part 120, "Alien seamen"; Part 123, "Foreign government representatives to international organizations"; Part 124, "Alien contract laborers"; Part 125, "Students"; Part 126, "Admission of alien spouses and alien minor children of citizen members of the United States armed forces"; Part 127, "Fiancées and fiancés of citizen members of the United States armed forces"; Part 128, "Persons arriving by way of or from Hawaii; certificates"; Part 130, "Boards of special inquiry"; Part 132, "Readmission and temporary admission"; Part 136, "Appeals from decisions by board of special inquiry"; Part 142, "Preexamination of aliens within the United States"; Part 145, "Exclusion and deportation"; Part 150, "Arrest and deportation"; Part 155, "Detention expenses"; Part 160, "Imposition and collection of fines"; Part 164, "Permit to reenter the United States"; Part 166, "Aliens' border crossing identification cards"; and Part 170, "Registration and fingerprinting of aliens in accordance with the Alien Registration Act, 1940". In the nationality regulations Part 320 deals with "Naturalization courts and their jurisdiction"; Part 322, with "General class of persons who may be naturalized"; and Parts 324, 325, 326, 330, 332, 334, 335, 337, 338, 339, 345, 347, and 348, with "Special classes of persons who may be naturalized", such as children, spouses of United States citizens, former United States citizens, veterans of the United States armed forces, alien enemies, seamen, and Puerto Ricans; Part 350 deals with "Racial limitations upon naturalization"; Part 353, with "Good moral character"; Part 354, "Residence and absence"; Part 356, "Educational requirements and education for citizenship"; Part 360, "Clerks of naturalization courts and their duties"; Part 361, "Official forms"; Part 362, "Registry of aliens under Nationality Act of 1940"; Part 363, "Certificate of arrival"; Part 364, "Photographs"; Parts 365, "Declaration of intention"; Part 370, "Petition for naturalization"; Part 373, "Naturalization hearings and proof of naturalization requirements"; Part 375, "Oath of renunciation and allegiance"; Part 377 "Certificate of naturalization"; Part 378, "Certificate of naturalization for veteran of First or Second World War allied forces"; Part 379, "Certificates of citizenship where citizenship acquired (1) by naturalization of parent, parents, or husband, or (2) by birth abroad to citizen parent or parents"; Part 382, "Naturalization papers replaced; new certificate in changed name"; and Part 385, "Revocation of records created and of naturalization and citizenship documents issued by the Commissioner".

§ 1.71 *Rule making.* (a) There are numerous provisions in the statutes dealing with immigration and nationality which require the Commissioner of Immigration and Naturalization to issue, with the approval of the Attorney General, rules and regulations to implement such statutes (e. g., sec. 23, 39 Stat. 892, sec. 15, 43 Stat. 162, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat 675, sec. 327 (b), 54 Stat. 1151, sec. 705, 56 Stat. 183, sec. 4, Act of June 29, 1946 (Public Law 471, 79th Congress); 8 U. S. C. 102, 215, 222, 458 (a), 727 (b), 1005). Such valid rules and regulations have the force and effect of statutes. The authority of the Attorney General to approve the issuance of such rules and regulations has not been delegated by § 90.1 of this chapter, or otherwise. Rules and regulations are drafted by the Commissioner with the assistance of his staff (see § 90.17 of this chapter). The provisions of the Federal Register Act (49 Stat. 500, 50 Stat. 304, 56 Stat. 1045; 44 U. S. C. Ch. 8B) and of the regulations thereunder (1 CFR, Cum. Supp., Part 2) governing the issuance of rules and regulations are observed. Rules and regulations drafted by the Commissioner are submitted to the Attorney General for approval and, upon being so approved, are filed with the Division of the FEDERAL REGISTER of The National Archives for publication in the FEDERAL REGISTER. Rules dealing with Service organization, including delegations of authority, are now and will hereafter be separately stated; that is, they appear in separate parts such as this Part 1 and Parts 60 and 90 of this chapter. Substantive rules will, on and after September 11, 1946, usually be issued in connection with adjective or other rules, but within each part dealing with a particular proceeding will be observed the requirements of section 3 (a) of the Administrative Procedure Act for separation of rules by type and content.

(b) There is no requirement in the immigration and nationality laws for the giving of notice of, or for hearing on, proposed rules or regulations under these laws. Pursuant to the provisions of section 4 (b) of the Administrative Procedure Act, substantive rules will hereafter be issued after the giving of notice and all interested persons will be given an opportunity to participate in such rule making under such conditions as may be specified in the notice of proposed rule making. Rules other than substantive may be issued without either notice or hearing. Petitions by interested persons for the issuance, amendment, or repeal of a rule may be submitted to the Commissioner of Immigration and Naturalization. Such petitions will be considered by the Commisisoner and the petitioner will be notified of any denial of such petition and, where considered appropriate, of any other action taken in connection therewith.

(c) Authority is vested in the Attorney General by section 7 (d) of the Air Commerce Act of 1926 (44 Stat. 572; 49 U. S. C. 177 (d)) to issue certain rules applying immigration laws to civil air navigation. While such statute does not place any responsibility on the Commissioner of Immigration and Naturalization, such rules are recommended to the Attorney General by the Commissioner and the provisions of this section will be followed to the extent applicable where regulations dealing with civil air navigation are involved.

AVAILABILITY OF OPINIONS, ORDERS, AND RECORDS

§ 1.80 *Opinions, orders, and records of the Immigration and Naturalization Service regarded as confidential.* Under existing regulation (Order No. 3229 issued by the Attorney General on May 2, 1939 (11 F. R. 4920)) issued pursuant to statute, all official files, documents, records, and information in the offices of the Immigration and Naturalization Service of the United States Department of Justice or in the custody or control of any officer or employee of the Immigration and Naturalization Service are to be regarded as confidential. No such officer or employee may permit the disclosure or use of the same for any purpose other than for the performance of his official duties, except in the discretion of the Attorney General, The Assistant to the Attorney General, an Assistant Attorney General acting for him, or the Commissioner of Immigration and Naturalization acting for the Attorney General pursuant to the provisions of § 90.1 of this chapter. Therefore, such official files, documents, records, and information shall not be published, opened to public inspection, or made available to the public in any other way, except where the Attorney General, The Assistant to the Attorney General, or the Commissioner permits disclosure, either by the exercise of discretion in particular cases or, generally, through specific provisions of this section, part, or chapter.

§ 1.81 *Administrative Decisions under Immigration and Nationality Laws.* There may be purchased when available from the United States Government Printing Office, Washington 25, D. C., or inspected at a Service office indicated in § 1.60, a publication entitled "Administrative Decisions under Immigration and Nationality Laws." Periodic and cumulative supplements are to be published as required. The decisions in such publication may be cited as precedents, but are in no manner binding upon subsequent administrative decisions.

§ 1.82 *Inspection of records by attorneys.* Attorneys and representatives, and the persons whom they represent, may review and be lent copies of records, subject to the conditions prescribed in this chapter (see Part 95, more particularly § 95.6 (b)).

§ 1.83 *Persons subject to proceeding.* Any person who is the subject of a proceeding under the immigration and nationality laws in which final determination is duly made by or for the Attorney General or the Commissioner shall, after notification of final decision and on his request, be afforded an opportunity to review any opinion prepared as a basis for the decision. The right provided in this section shall extend to any attorney or representative who is recognized by the Service as counsel for the person in the proceeding.

§ 1.84 *Copies of records.* In accordance with the provisions of this part, Part 383, and all other applicable provisions of this chapter and subject to all applicable statutory provisions relating to applications, fees, and other requirements, and where not prejudicial to the interests of the public or the Government, copies of and information from records of the Immigration and Naturalization Service may be furnished to persons who establish that they have a reasonable and legitimate need for them.

Such privilege is ordinarily granted with respect to records which are statistical in nature, such as records of arrival or of naturalization.

§ 1.85 *Intra-Service manuals.* The following manuals are prepared solely for the guidance of the Immigration and Naturalization Service and the contents of such manuals shall not be published, opened to public inspection, or made available to the public in any other way except in unusual cases where the Commissioner specifically authorizes the furnishing of an excerpt from such manuals:

Immigration Manual.
Nationality Manual.
Administrative Manual.
Operations Instructions.

L. PAUL WININGS,
Acting Commissioner of Immigration and Naturalization.

[F. R. Doc. 46-15710; Filed, Sept. 3, 1946; 9:20 a. m.]

POST OFFICE DEPARTMENT

[39 CFR, Ch. I]

SUBCHAPTER A—ORGANIZATION

Part
1—Establishment and organization of the Post Office Department.

SUBCHAPTER B—REGULATIONS [1]

2—Supply contracts.
3—Postage stamps and other stamped paper.
4—Letter boxes, call and lock boxes.
5—Classification and rates of postage.
6—Provisions applicable to the several classes of mail matter.
7—Unmailable matter; excepted firearms.
8—Free matter in the mails.
9—The privacy and safeguarding of the mails.
10—Treatment of mail matter at mailing offices.
11—Short-paid and unmailable matter at mailing offices.
12—Treatment of mail matter at receiving offices.
13—Dead mail matter.
14—Delivery service.
15—Special delivery.
16—Registry system; insurance and collect-on-delivery services.
17—Money-order system.
18—Postal-savings system.
19—Transportation of mails.
20—Treatment of mail matter in the railway mail service.
21—International postal service.
22—Treatment of mail matter received from foreign countries involving the customs revenue.
23—Rules of practice in cases arising under the postal fraud, lottery and fictitious statutes.[2]

SUBCHAPTER C—PROCEDURES AND FORMS

50—Procedures of the Post Office Department.
51—Procedures before the Solicitor.
55—Forms of the Post Office Department.

SUPPLEMENTAL PUBLICATIONS

List of international money-order offices in certain foreign countries. Post Office Department. Rev. to July 1, 1939. (Form XIV.)

Postal Laws and Regulations, Postmaster General. Irregular.
U. S. Official Postal Guide, Part I (Domestic Mail). Irregular.
U. S. Official Postal Guide, Part II (International Mails). Irregular.
Supplements to the U. S. Official Postal Guides. Quarterly.
The Postal Bulletin, Post Office Department. Semi-weekly.
Opinions of the Solicitor for the Post Office Department. Irregular.

SUBCHAPTER A—ORGANIZATION

PART 1—ESTABLISHMENT AND ORGANIZATION OF THE POST OFFICE DEPARTMENT

Sec.
1.1 Post offices and post roads.
1.2 Post Office Department.
1.3 General duties of the Postmaster General.

ORGANIZATION, FUNCTIONS, DELEGATIONS OF FINAL AUTHORITY

1.4 Office of the Postmaster General.
1.5 Office of the First Assistant Postmaster General.
1.6 Office of the Second Assistant Postmaster General.
1.7 Office of the Third Assistant Postmaster General.
1.8 Office of the Fourth Assistant Postmaster General.
1.9 Office of the Chief Inspector.
1.10 Office of the Comptroller, Bureau of Accounts.
1.11 Information concerning postal matters.
1.12 Availability of opinions, orders, and official records.

NOTE: For the text of sections listed in the above table and not appearing in this publication, see 39 CFR, Part 1.

AUTHORITY: §§ 1.2 to 1.12, inclusive, issued under R. S. 161, 396, sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369.

§ 1.4 *Office of the Postmaster General*—(a) *Matters assigned.* The Postmaster General assigns to his office: The superintendence and government of the department, and appointment of the officers, clerks, and employees; the general direction of the Postal Service in all its branches, the management of its finances, and disbursement of appropriations; the appointment of postmasters of the fourth class; the submission of cases to the President relating to appointments to be made by him; the determination of appeals from the action of the several Assistant Postmasters General; the promulgation of rules and regulations; the consideration of claims for damage done to persons or property by or through the operation of the Post Office Department and claims of postmasters for credit or reimbursement for losses by fire, burglary, or other unavoidable casualty; the issuance of all orders requiring the formal approval of the Postmaster General; the custody of the official seal; and the performance of all special duties enjoined by law upon the Postmaster General.

(b) *Officers attached to Office of the Postmaster General.* The Executive Assistant to the Postmaster General, the Special Assistant to the Postmaster General, the Director of Budget and Administrative Planning, the Commissioner of the Budget, the Commissioner of Administrative Planning, the Chief Clerk and Director of Personnel of the Post Office Department, the Personnel Officer, the Solicitor, and the Purchasing Agent, shall be attached to the Office of the Postmaster General.

(c) *Executive Assistant.* The Executive Assistant to the Postmaster General shall perform such duties as may be assigned to him from time to time by the Postmaster General.

(d) *Special Assistant.* The Special Assistant to the Postmaster General shall perform such duties as may be assigned to him from time to time by the Postmaster General.

(e) *The Office of Budget and Administrative Planning.* The Office of Budget and Administrative Planning shall be supervised by the Director, who, together with the Commissioner of the Budget and the Commissioner of Administrative Planning, shall be directly responsible to the Postmaster General. This office is charged with the budgeting, administrative and management planning activities for the Post Office Department. The various bureaus and offices of the Department will deal with the Office of Budget and Administrative Planning on all budgetary accounting matters, on new activities and procedures, and on proposed changes in operating and management procedures. In connection with the performance of all the functions of the Office of Budget and Administrative Planning the officials thereof shall use, insofar as practicable, the personnel and other facilities of the various Bureaus and Offices of the Postal Establishment, particularly those of the Office of the Chief Inspector and Bureau of Accounts.

(1) The Director of Budget and Administrative Planning is charged with the following duties: To supervise and coordinate the work of the Commissioner of the Budget and the Commissioner of Administrative Planning; in cooperation with the Commissioner of Administrative Planning, to devise improvements and changes in all operations of the Postal Establishment as may be desirable because of changing economic conditions or changes in business practices and management; to advise with and assist the departmental officials in charge of legislative matters; to attend and participate in hearings before the Bureau of the Budget, appropriations committees and other committees of Congress; to maintain a check on the execution of the budget program and general operations of the Postal Establishment; to prepare the material for annual and special public, or confidential, reports; and to perform such other duties as the Postmaster General may direct.

(2) The Commissioner of the Budget is charged with the following duties: To act as Budget Officer of the Department; to make recommendations to the Postmaster General as to policies and forecasts of volume of business upon which to base budget estimates; to advise all bureaus and offices as to policies and work load estimates to be used as the basis for budget estimates, and assist in the preparation thereof; to revise budget estimates as the Postmaster General may direct; to submit budget estimates to the Bureau of the Budget and attend and participate in hearings before the Bureau of the Budget and appropriations committees of Congress; to prescribe financial and operating reports for the information of the Postmaster General and Director of Budget and Admin-

[1] Subchapter B appears in Part I of this issue.

[2] Part 23 redesignated §§ 51.1 to 51.27; § 51.25a added.

istrative Planning; to prepare comments and recommendations as to the effect of proposed legislation on financial operations of the Department; to devise procedures for financial reimbursement for services rendered to other governmental agencies; to act as Liaison Officer with the Bureau of the Budget and the Treasury Department in the execution of Executive Order No. 8512, and with the General Accounting Office in all matters of policy and major changes in financial operations; and to perform such other duties as the Postmaster General may direct.

(3) The Commissioner of Administrative Planning is charged with the following duties: To plan, supervise, and conduct studies of administrative procedures and organization; to keep informed of the scope and major findings of the management, operations, planning, and research studies conducted by the bureaus and offices, and to recommend studies to be conducted by the bureaus and offices; to prepare comments and recommendations as to effect of proposed legislation on administrative procedures of the Department; to study, plan, and devise the simplification of postal laws, regulations, and instructions; to devise ways of making instruction data and material available to officials in charge of schools of instruction for postal personnel; in cooperation with the Director of Budget and Administrative Planning, to devise, plan, and make recommendations for improvements in postal service as may be desirable because of changing economic conditions or changes in business practices and management; to study and make recommendations with respect to suggestions made by postal personnel for improvements in the Postal Service; and to perform such other duties as the Postmaster General may direct.

(f) *Chief Clerk and Director of Personnel.* The Chief Clerk and Director of Personnel of the Post Office Department is charged with the general superintendence and assignment of the employees of the Department; the care and maintenance of public property located in the Department building; the advertising of the Department; the supervision of requisitions for supplies and services entailing expenditure of the appropriations for the departmental service; the preparation and certification of payrolls for the Department; the consideration of requisitions for the printing and binding required in the Department and field service; the supervision of receipt and inspection of supplies for the Department and field service delivered in Washington; superintendence of the compilation, publication and distribution of the Official Postal Guide and other postal publications; the preparation of estimates for Department appropriations covering contingent and miscellaneous expenses, printing and binding, travel expenses of the Postmaster General and Assistant Postmasters General, and salaries, Office of the Postmaster General; the custody of the journals, order books, miscellaneous correspondence and files of the Department; matters affecting the proper administration of the civil-service rules and regulations and the execution of the provisions of the Classification, the Retirement, and the Employees' Compensation Acts with respect to departmental employees; together with such additional duties as may be assigned to him by the Postmaster General. The Chief Clerk and Director of Personnel is the liaison officer between the Department and the Civil Service Commission and is a member of the Council of Personnel Administration. He is the surplus-property officer for the department and entire postal service and is chairman of the Board of Appeals hearing employee grievances.

(g) *Solicitor.* (1) The Solicitor is the chief legal advisor of the Post Office Department. The office of the Solicitor is located in Room 3226, Post Office Department, Washington 25, D. C. There are no branch or field offices.

(2) The Assistant to the Solicitor, the Assistant Solicitor, and the assistant attorneys for the Post Office Department are assigned to the office of Solicitor. The Assistant to the Solicitor shall have general supervision of the work of the office under the Solicitor and in his absence shall discharge the duties regularly devolving upon that officer; and in the absence of both, the Assistant Solicitor and the attorneys in the order of their standing shall act in their stead. The office of the Solicitor has no field organization.

(3) Legal questions which are passed upon by the Solicitor are presented to his office from all sources within the postal service, and directly by members of the public. No particular method is prescribed for general communication by the public with the Solicitor for the purpose of securing information or making submittals or request. Requirements made in particular types of proceedings are described hereinafter in connection with such proceedings.

(4) The Solicitor is charged with the duty of giving opinions to the Postmaster General and the heads of the several offices of the department upon questions of law arising upon the construction of the postal laws and regulations, or otherwise, in the course of business in the Postal Service; with the duty of assisting in the defense of cases against the United States arising out of the transportation of the mails, and in other matters affecting the postal revenues. These include suits in the Federal courts involving claims of the department depending upon the questions of law; with the determining of questions as to the delivery of mail the ownership of which is in dispute; with the consideration of cases relating to lotteries and the misuse of the mails in furtherance of schemes to defraud the public; with the consideration of all questions relating to the mailability of alleged indecent, obscene, scurrilous, or defamatory matter; with determining the legal acceptability of securities offered by banks to secure postal savings deposits; with the examining and, when necessary, drafting of all contracts of the department; with the handling of cases arising from the application of the private express statutes (Government monopoly of carrying letters); with the legal work incident to the enforcement of those provisions of the espionage law which concern the Post Office Department; with the consideration of alleged extortion letters; with the receipt of suggestions for changes in the Postal Laws and Regulations; editing of all proposed amendments and with the responsibility of seeing that the Postal Laws and Regulations are amended in accordance with legislation; and with such other like duties as may from time to time be required by the Postmaster General.

(5) The Solicitor for the Post Office Department is hereby authorized to issue regulations governing the admission of attorneys to practice before this Department; to maintain a roll of those admitted pursuant to such regulations; to issue rules governing such practice and to prescribe procedures governing disbarment proceedings which shall provide for service of a specification of charges on any attorney accused of any improper practice, together with notice of the time and place of hearing thereon and of the rules of practice governing such hearing. A hearing on such charges shall be held before the railroads and other contractors for the carriage of the mails; the representation of the Postmaster General and the preparation and presentation of the department's cases in proceedings before the Interstate Commerce Commission for the determination by the commission of the basis for adjustment of railroad mail pay and the fixing of fair and reasonable rates for the transportation of the mails and for services in connection therewith by railroads and urban and interurban electric railway common carriers, and in other matters of petition by the Postmaster General to the commission; the representation of the Postmaster General in hearings before the department on orders changing the mode of transporting periodical mail matter in connection with reviews of such orders by the Court of Appeals of the District of Columbia; with the consideration and submission (with advice) to the Postmaster General of claims for damage done to persons or property by or through the operation of the Post Office Department, and of all claims of postmasters for losses by fire, burglary, or other unavoidable casualty, with the giving of advice, when desired, in the preparation of correspondence with the Department of Justice and other departments, including the Court of Claims, involving questions of law or relating to prosecutions or suits affecting or arising out of the Postal Service, and with assisting when desired in the prosecution or defense of such cases, and the maintenance of suitable records of opinions rendered affecting the Post Office Department and the Postal Service; and with the consideration of applications for pardon for crimes committed against the postal laws which may be referred to the department; with the preparation and submission (with advice) to the Postmaster General of all appeals to him from the heads of the offices of Solicitor, who shall report to the Postmaster General his findings made upon the record of such hearing, together with a recommendation as to whether an order of disbarment shall be issued.

(h) *The Purchasing Agent.* The Purchasing Agent for the Post Office Department is assigned, under the direction and

control of the Postmaster General, the supervision of the purchase of all supplies; and all purchases of supplies of every nature and character, whether under contract or not, either for the Post Office Department proper or for any branch of the Postal Service, shall be made by the Purchasing Agent: *Provided, however,* That the bureau officer controlling an appropriation may authorize postmasters and other postal officials to purchase supplies chargeable to that appropriation, subject to the approval of the Purchasing Agent in each instance.

§ 1.5 *Office of the First Assistant Postmaster General*—(a) *Matters assigned.* The First Assistant Postmaster General is charged with the duty of handling for the Postmaster General all matters relating to the establishment, discontinuance, and changes of names of post offices, classified and contract stations and branches, and rural stations; the changes of sites of offices of the fourth class; the selection and preparation for nomination of postmasters at post offices of the first, second, and third classes, and the appointment of postmasters at offices of the fourth class; the bonding and commissioning of postmasters; the designation of Army mail clerks and assistant Army mail clerks; the general management of post offices, and the instruction of postmasters in regard to all functions of the Bureau; the authorization of allowances for clerk and city and village carrier hire, carfare and bicycle hire, and other expenses connected with post offices; the conduct of the city delivery, village delivery, rural delivery, and special-delivery services; the treatment of all unmailable and undeliverable mail matter; the preparation of budget estimates; and the control and disbursement of the appropriations for the Bureau of the First Assistant.

(b) *Deputy First Assistant Postmaster General.* The two Deputies First Assistant Postmaster General, of equal rank, are assistants to the First Assistant Postmaster General. Each is in charge of a geographical area of two divisions, and each exercises administrative responsibility for decisions in his assigned geographical field in all matters under the jurisdiction of the First Assistant Postmaster General.

(c) *Special Administrative Aide.* The Special Administrative Aide to the First Assistant Postmaster General is charged with the following duties: budgetary control officer for the Bureau; special assignments involving research and planning activities affecting the work under the jurisdiction of the Bureau; and the annual adjustment of salaries of postmasters at all post offices.

(d) *Post Office Service.* Post Office Service under the jurisdiction of the First Assistant Postmaster General is divided into four geographical divisions. Each division is under the supervision of a superintendent who is charged with the following duties: the establishment, organization and management, maintenance, hours of service, change in name, and discontinuance of classified and contract stations and branches, and rural stations; the designation of Army mail clerks and assistant Army mail clerks, and the supervision of the performance of their official duties; the appointment, disciplining, removal, and salaries of assistant postmasters, supervisors, clerks, watchmen, messengers and mail handlers, printers, mechanics, and skilled laborers, and city, village, and rural carriers, also cleaners, janitors, telephone operators, elevator conductors, and firemen paid from the appropriation of the First Assistant Postmaster General; the establishment, extension, maintenance and conduct of city and village delivery and collection service, and rural delivery service, and the authorization of all allowances for expenditures for such services, including car fare, and bicycle hire; also all matters concerning special-delivery service; allowances for clerk hire at first-, second-, and third-class post offices, for the separation of mail and unusual conditions at fourth-class offices, and for miscellaneous service items at first- and second-class offices, such as telephone, telegraph, cleaning, travel expense, etc.; the treatment of all unmailable and undeliverable mail matter sent to dead-letter branches for disposition; the enforcement of the prompt sending of such matter according to the regulations; the correcting of errors of postmasters connected with the nondelivery of mail matter sent to dead-letter branches, and the investigation by correspondence of complaints made with reference thereto; the examination and forwarding or return of all such matter which has failed of delivery; the inspection and return to the country of origin of undeliverable foreign matter; recording and restoration to owners of letters and parcels which contain valuable enclosures; care and disposition of money, negotiable paper, and other valuable articles found in undeliverable matter; and correspondence, both foreign and domestic, relating to these subjects.

(e) *Division of Postmasters.* The Division of Postmasters, under the supervision of the superintendent, is charged with the preparation of cases for the establishment, change of name, and discontinuance of post offices; the selection and preparation for nomination of postmasters at post offices of the first, second, and third classes, and the appointment of postmasters at offices of the fourth class; the keeping of a record of the appointment of postmasters; the obtaining, recording, and filing of bonds and oaths of office and issuance of postmasters' commissions; the consideration of charges and complaints against postmasters; all service matters in connection with fourth-class post offices; and the regulation of hours of business and changes of sites of post offices of the fourth class.

(f) *Field organization.* All post offices in the United States, its territories, and possessions are field branches of the Post Office Department, and of the Bureau of the First Assistant Postmaster General. Each post office is under the general supervision of a postmaster and is charged with providing postal facilities and administering the postal affairs to the communities they serve. Postmasters receive complaints regarding mishandling or mistreating of the mails and loss or nondelivery thereof and all requests for information on purely local postal matters, sending to the Post Office Department such of the complaints and inquiries as they may deem necessary. Complaints involving the conduct of a postmaster should be directed to the First Assistant Postmaster General. Complaints should be in writing, complete as to detail, and on the prescribed form when available.

(g) *Official records available to the public.* Historical and statistical records of public interest pertaining to the Postal Service are on file in the Bureau of the First Assistant Postmaster General, Washington 25, D. C., and are available at that place to all persons properly or directly concerned.

(h) *General information.* Detailed instructions on procedure are available in the current issue of the United States Official Postal Guide, Part I for domestic mail, and Part II for foreign mail. There is also available a list of post offices by classes which is published annually and a list of first- and second-class post offices showing population, post office receipts, and salaries of postmasters which is published annually. The Postal Laws and Regulations also outline procedures and statutes governing the conduct of the Postal Service. The Postal Bulletin issued twice weekly is an informative publication on procedure and policy. The annual report of the First Assistant Postmaster General to the Postmaster General contains information concerning the operation of the Bureau of the First Assistant Postmaster General and the field service under its control. These publications are available at all post offices or may be secured from the Government Printing Office, Washington 25, D. C.

§ 1.6 *Office of the Second Assistant Postmaster General*—(a) *Matters assigned.* To the Second Assistant Postmaster General are assigned the authorization and management of the transportation of the domestic and international mails by means of railroads, electric and cable cars, highway post offices, steamships, steamboats and other power boats, mail messengers, star routes, and air-mail routes; the preparation of advertisements for mail lettings for the transportation of mail by power boats and star routes, the preparation of orders of awards thereon, and the execution of contracts accordingly; the authorization of changes in schedules on power boat routes and star routes where they are fixed by orders, and the passing upon schedules for airmail routes; the receipt and examination of reports from postmasters and others as to the performance of such service and the preparation of orders for the Postmaster General making deductions for nonperformance and imposing fines for delinquencies; the issuance of statements of amounts found upon administrative examination to be due the various companies, contractors, and others for the performance of such service, and the forwarding of such statements to the General Accounting Office for payment; the authorization of payment of salaries to railway postal clerks and making allowances for their travel expenses; the distribution of pouches, sacks and pouch locks used in the transportation of the mails; the

designation and supervision of mail-bag depositories; the direction of the mail distribution and the course of the mails; the preparation of postal conventions and agreements (except those relating to the money-order system) and the regulations for their execution; the supervision of the Railway Mail Service, International Postal Service (including the sea post, Navy mail, and international registry, insurance, and collect-on-delivery services), the Air Mail Services, and other classes of transportation mentioned above; and the general supervision of the divisions of the Bureau.

(b) *Central offices.* The central offices of the Bureau are located in the Post Post Office Department Building, 12th and Pennsylvania Avenue, Washington 25, D. C.

The divisions of the central office shall perform duties as follows:

(c) *Division of Railway Adjustments.* The Division of Railway Adjustments, under the supervision of the superintendent, is charged with the preparation of cases authorizing the transportation of mails on railroad, electric and cable car, mail messenger, steamboat, and Alaska star routes, and changing authorizations on such routes; passing upon claims of railroads for side and transfer service required of them in connection with the transportation of the mails; examining evidence of the performance of those services, passing upon the application of the requirements and rates fixed by the Interstate Commerce Commission governing service on railroad and electric car routes, and preparing statements of accounts of the carriers for payment (except for mail messenger service), and the consideration of cases of delinquencies in service and preparation of orders thereon of fines or deductions.

(d) *Division of International Postal Service.* The Division of International Postal Service, under the supervision of the Director, is charged with the arrangement of all details connected with the exchange of mails with foreign countries, including the ocean transportation of mails from the United States and of other mails the United States is obligated to convey; the handling of all matters pertaining to the foreign air mail service, including the authorization and management thereof, the preparation of orders relating to deductions for the nonperformance of service or other delinquencies on the part of carriers, and the preparation of monthly statements to the General Accounting Office of the amounts found upon administrative examination to be due carriers for the performance of the service; the arrangement of all details in connection with preparation of postal conventions and agreements (except those relating to the money-order system); the preparation of instructions to postmasters in regard to the International Postal Service; the preparation of the general correspondence with foreign countries (except that assigned to the Third Assistant Postmaster General and the Chief Inspector); the consideration of and preparation of replies to inquiries relating to the international postal and parcel-post services (except those intended for the Chief Inspector); the consideration and disposal of applications for the return to senders of, or change or address on, articles contained in the mails exchanged with foreign countries; compilation of statistics of international mails, the translation of letters and documents in foreign languages received by the Department (except those intended for the Third Assistant Postmaster General or the Chief Inspector); the administrative preparation of the accounts of each vessel or line carrying mails from the United States to foreign countries; the administrative preparation of parcel-post accounts with foreign countries covering terminal, transit, and other charges, and the administrative preparation of accounts with foreign countries for the transmission of mail by air; administrative determination of the balances due from or to foreign countries on account of intermediary maritime and land transit of international mails, as well as the preparation of instructions to govern the collection of the transit statistics on which these balances are based; the management of the international registry, insurance, and collect-on-delivery services, and all instructions and correspondence in relation thereto, except that assigned to the Third Assistant Postmaster General (Division of Money Orders) and the Chief Inspector; the adjustment of indemnity claims for international mail; and the supervision of the sea post service, Navy mail service, and the international parcel post service, as well as the authorization of refunds of postage on foreign mail (ordinary, registered, insured, and collect-on-delivery).

(e) *Division of Railway Mail Service.* The Division of Railway Mail Service, under the supervision of the general superintendent, is charged with the preparation of all regulations for the government of the Railway Mail Service, and of cases for the appointment, removal, transfer, promotion and reduction of all officers of the service and railway postal clerks; the general conduct of the mail service on railroad and inland steamboat routes; the investigation and report of the necessity for the establishment of new or additional service on railroads; reporting as to necessary changes in car space; the instruction of postmasters relative to the distribution and dispatch of mails at post offices; the distribution of pouches, sacks, and pouch locks used in the transportation of the mails other than those used exclusively in the city and rural delivery services; the designation and supervision of mailbag depositories; the preparation of statements of allowances for travel expenses of railway postal clerks; and preparation of cases for the authorization of miscellaneous expenditures and credits for the incidental needs of the Railway Mail Service; star-route contract service (except in Alaska); highway post office service; the preparation of advertisements inviting proposals for the transportation of mails on star routes (except in Alaska), the drafting of orders awarding such service and the preparation of contracts therefor, the performance of service, the examination of monthly and special reports of postmasters, and the preparation of orders making deductions and imposing fines for nonperformance of service and other delinquencies on the part of contractors and carriers on star routes, and the preparation of monthly statements to the General Accounting Office of the amounts found upon administrative examination to be due contractors for the performance of such star-route service.

(1) *Field divisions of Railway Mail Service.* The Railway Mail Service is divided into fifteen field divisions, each in charge of a division superintendent. The locations of the division superintendents' offices and the area under the jurisdiction of each are shown below:

Division	Jurisdictional area	Office location
First	Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut.	Post Office Bldg., Boston 9, Mass.
Second	New York, New Jersey, Delaware, the Eastern Shore of Maryland, Accomac and Northampton Counties, Va.	General Post Office Bldg., 31st St. and 8th Ave., New York 1, N. Y.
Third	District of Columbia, Maryland, North Carolina, Virginia, and West Virginia (except the peninsula of Maryland and Virginia).	City Post Office Bldg., Washington 25, D. C.
Fourth	Alabama, Florida, Georgia, South Carolina, Tennessee, Puerto Rico, and Virgin Islands.	Federal Annex, Atlanta 4, Ga.
Fifth	Ohio, Indiana, and Kentucky	Post Office Annex, Liberty and Dalton Sts., Cincinnati 35, Ohio.
Sixth	Illinois and Iowa	Main Post Office Bldg., Chicago 7, Ill.
Seventh	Kansas and Missouri	Post Office Bldg., St. Louis 3, Mo.
Eighth	Arizona, California, Guam, Hawaii, Nevada, Samoa, and Utah.	Post Office Bldg., San Francisco 1, Calif.
Ninth	Lower Peninsula of Michigan, the main line of the New York Central R. R. between New York, N. Y., and Chicago, Ill., and collateral lines.	Post Office Bldg., Cleveland 1, Ohio.
Tenth	Northern Peninsula of Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin.	Post Office Bldg., St. Paul 1, Minn.
Eleventh	New Mexico, Oklahoma, and Texas	Post Office Bldg., Fort Worth 1, Tex.
Twelfth	Arkansas, Louisiana, and Mississippi	Post Office Bldg., New Orleans 6, La.
Thirteenth	Alaska, Idaho, Montana, Oregon, and Washington	Post Office Bldg., Seattle 11, Wash.
Fourteenth	Nebraska, Colorado, and Wyoming	Post Office Bldg., Omaha 1, Nebr.
Fifteenth	Pennsylvania and main line of Erie R. R. west of Salamanca, N. Y., main lines of the Baltimore & Ohio R. R. and Pennsylvania R. R. system west of Pittsburgh, Pa., and collateral lines.	Federal Bldg., Pittsburgh 19, Pa.

(2) *Division Superintendent.* The division superintendent shall supervise the operation of the service and clerks assigned to his division; see that the Postal Laws and Regulations and all departmental orders are complied with; prepare schemes of distribution and schedules for use as guides to the correct dispatch of the mails; prepare semimonthly pay sheets and quarterly pay rolls showing the names of the employees and the amounts of salaries and travel allowances to be paid by checks issued by postmasters at division headquarters of

the Railway Mail Service; make investigations ordered by the department, and of irregularities occurring within his territory, except losses, taking corrective action when necessary, and report upon all essential matters to the General Superintendent.

(f) *Division of Air Mail Service.* The Division of Air Mail Service, under the supervision of the Superintendent, is charged with consideration of all matters within the jurisdiction of the Post Office Department pertaining to the operation of the domestic air mail service; the designation and preparation of air mail schedules and the preparation of orders authorizing air mail service and changes therein on all domestic routes; the examination of regular and special reports covering the performance of service; the preparation of orders relating to deductions for the nonperformance of service or other delinquencies on the part of carriers; the preparation of monthly statements to the General Accounting Office of the amounts found upon administrative examination to be due carriers for the performance of service; the compilation of various statistics and the supervision and conduct of the domestic air mail service generally.

(1) *Field divisions of Air Mail Service.* There are five regional air mail districts, each with a Superintendent in charge, further described as follows:

Regional area	Jurisdictional area	Office location
Eastern	Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, Virginia, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, transatlantic services.	General Post Office Bldg., New York 1, N. Y.
Central	Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, Nevada, North Dakota, South Dakota, Wisconsin, Wyoming.	Main Post Office Bldg., Chicago 7, Ill.
Western	Arizona, California, Idaho, Washington, Montana, Oregon, Utah, Hawaii.	Post Office Bldg., 7th and Mission Sts., San Francisco 1, Calif.
Southwestern	Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Texas, Central and South Americas and Caribbean area jointly with southeastern regional area.	Post Office Bldg., Fort Worth 1, Tex.
Southeastern	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Central and South Americas and Caribbean area jointly with southwestern regional area.	Federal Annex, Atlanta 4, Ga.

(2) *Regional Superintendents.* Regional Superintendents, Air Mail Service, have general supervision over the Air Mail Service in their areas. They are responsible for seeing that proper service is rendered by carriers; for coordinating air mail activities between post offices, air mail fields, and railway post offices; for making regular air mail inspections at post offices which are stop points on air mail routes and at air mail fields and other special inspections as conditions require; for issuing dispatch schedules for the routing of air mail and diverting air mail from its regular routing when necessary because of weather, operations, or volume requirements; for checking flight reports submitted by carriers; for assisting post offices in handling souvenir mail when air mail service is inaugurated at a new point; for surveying proposed new routes; for rendering reports of accidents to planes carrying mail; for acting as representatives of the Second Assistant Postmaster General before Chambers of Commerce, service clubs, etc., when such is required; for investigating mail failures and other irregularities on the part of the carriers and submitting reports of same to the Second Assistant Postmaster General, Division of Air Mail Service, Washington 25, D. C., with appropriate recommendation of action to be taken.

(g) *Information.* (1) Requests for information concerning any matters under the jurisdiction of the Second Assistant Postmaster General may be directed to local postmasters or to any of the field officials listed in this Section. Requests for information which can not be obtained satisfactorily in the field may be addressed to the Second Assistant Postmaster General, Washington 25, D. C.

(2) Detailed information concerning postal matters is available to the public in the current issue of the U. S. Official Postal Guide, Part I for domestic mail and Part II for foreign mail; the Postal Laws and Regulations, as amended; the Postal Bulletin, issued twice weekly; and in the annual reports of the Postmaster General. These publications may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.

(h) *Official records.* Official records of public interest pertaining to service actions or request for service actions are on file in the Bureau of the Second Assistant Postmaster General, Washington 25, D. C. and, with the exception of those held confidential, are available at that place to all persons properly and directly concerned.

§ 1.7 *Office of Third Assistant Postmaster General*—(a) (1) *Matter assigned.* The Third Assistant Postmaster General is charged with the general supervision of the financial operations of the Postal Service; the supervision of the Postal Savings System and of the sale of United States Savings Bonds at post offices; the supervision, through the Government agencies, of the manufacture of all postage stamps, postal cards and stamped envelopes, and migratory-bird hunting stamps, and their distribution; the distribution of internal-revenue stamps, motor vehicle tax stamps, and War Savings stamps for sale in post offices and the accounting therefor; the determination in complicated cases of responsibility for shortages of any kind in postmasters' accounts; and the preparation of the Postmaster General's reports to Congress in cases involving loss of Government funds or stamped paper through embezzlement or otherwise; the general conduct of the money-order and the postal-note systems; the classification of domestic mail matter and supervision of the collection of postage thereon, including the use of precanceled stamps and the acceptance of matter without stamps affixed as metered and nonmetered mail; the supervision of the use of the penalty, franking and other domestic free mail privileges authorized by law; the enforcement of the laws relative to the limit of weight and size of domestic mail; the granting of authority to refund postage charges on domestic mail in excess of the lawful amounts; the supervision of, and issuance of instructions pertaining to, the inclusion of any advertisements, slogans, pictures, and insignia in the cancellation portion of any postmarking device or equipment, including postage meters, used by the postal service or the public; the administration of the laws governing second-class matter; the supervision and management of the domestic registry system and the domestic insurance and collect-on-delivery services; general supervision of investigations of methods designed to improve the Parcel Post Service, and its adequacy and adaptability for handling mailable articles.

The officers and divisions of the Bureau shall perform duties as follows:

(2) *Deputies Third Assistant Postmaster General.* The two Deputies Third Assistant Postmaster General, of equal rank, are assistants to the Third Assistant Postmaster General, one being in charge of the Division of Finance, the Division of Postal Savings, and the Division of Stamps; and the other in charge of the Division of Money Orders, the Division of Letter and Miscellaneous Mail, the Division of Newspaper and Periodical Mail, the Division of Registered Mails, and the Division of Parcel Post, and each deputy exercises administrative responsibility for decisions in his assigned Divisions in all matters under the jurisdiction of the Third Assistant Postmaster General.

(3) *Special Administrative Aide to the Third Assistant Postmaster General.* The Special Administrative Aide to the Third Assistant Postmaster General and serving directly under him is budgetary control officer for the Bureau appropriations, selects, assigns, and allocates Bureau personnel, acts as technical adviser to the Third Assistant Postmaster General, and performs such planning and research assignments involving policies, practices and activities within the Bureau's jurisdiction as may be required by the Third Assistant Postmaster General.

(b) *The Division of Finance.* (1) The Division of Finance, under the supervision of the superintendent who is also the Disbursing Officer for the Post Office Department, is charged with gathering and distributing funds derived from the collection of the revenues of the Postal Service for the purpose of meeting the obligations of the service when and where payable; supervision of the handling and remitting of funds by postmaster; covering postal moneys into the Treasury of the United States; receiving moneys coming directly to the department; paying indebtedness not settled by postmasters; making chargebacks in ac-

counts of fourth-class postmasters in connection with the rendering of false returns of cancellations; handling matters affecting the postal revenues; the regulation of box-rent rates and deposits for keys of lock boxes in post offices; the payment of all salaries to all officers, clerks, and employees of the department; the making of all payments for rent of departmental buildings, contingent expenses, printing and binding, and such other expenditures as may be authorized; the sale of post route and rural delivery maps, and the keeping of accounts of expenditures.

(2) The Superintendent of Finance shall give bond to such amount as the Postmaster General may determine for the faithful discharge of his duties (34 Stat. 438, June 22, 1906).

(3) The Superintendent Division of Finance and Disbursing Officer shall give bond in the sum of $25,000, and the Assistant Superintendent Division of Finance and Assistant Disbursing Officer shall give bond in the sum of $10,000.

(c) *Division of Postal Savings.* The Division of Postal Savings, under the supervision of the superintendent, is charged with the general direction of postal-savings, United States savings-bond, and United States savings-stamp business at post offices, the administrative examination of postal-savings, savings-bond, and savings-stamp accounts, the preparation of correspondence, and the keeping of records of accounts pertaining thereto.

(d) *Division of Stamps.* The Division of Stamps, under the supervision of the Superintendent, is charged with the general supervision of the production of postage stamped paper, and Federal migratory-bird hunting stamps, the examination, verification, and adjustment of the accounts of contractors for these supplies; the disposition of requisitions for stamped paper supplies, the distribution of such supplies, the keeping of the accounts of stamped paper issued to postmasters and on hand in post offices, and the audit and disposition of reports and inventories regarding the same; the distribution of Internal Revenue stamps sold through the Postal Service and the accounting thereof; the distribution of International Reply Coupons and the accounting thereof and the distribution of war savings stamps; the adjustment of cases of loss, miscarriage, or detention of stamp supplies in transit; the receipt, examination, and disposition of stamped paper including International Reply Coupons and Americo-Spanish Reply Coupons sent by postmasters to the Department for redemption and the certification of credit in the accounts of postmasters therefor; the submission of accounts to the countries of origin for International Reply Coupons and Americo-Spanish Reply Coupons redeemed by postmasters in this country; the consideration of cases relating to the counterfeiting or imitating of United States stamps and the legitimacy of postmasters' sales of stamped paper; the operation of the Philatelic Agency and consideration of philatelic matters.

(e) *Division of Money Orders.* The Division of Money Orders, under the supervision of the superintendent, is charged with the general direction of the postal money-order system, both domestic and international, the postal-note system, and the preparation of conventions for the exchange of money orders with foreign countries.

(f) *Division of Letter and Miscellaneous Mail.* (1) The Division of Letter and Miscellaneous Mail, under the supervision of the superintendent, is charged with the consideration of all questions relating to the classification of matter, excepting that of the second class, admissible to the mails, intended or deposited for mailing; the limit of weight and size of mail; the admissibility of meat and meat-food products under the Meat Inspection Act, and of nursery stock, etc., under the Plant Quarantine and Terminal Inspection Acts; and of dead bodies, or parts thereof, of any wild animals or birds, or the eggs of any such birds, under the laws pertaining to their shipment; the requirements as to the name and address of the sender on mail and the addressing thereof; the use of precanceled stamps; the mailing without stamps affixed of metered and nonmetered matter; the supervision of use of the penalty, franking, and other domestic free mail privileges authorized by law; the supervision of the collection of postage; the granting of authority to refund postage charges on domestic ordinary mail in excess of the lawful amounts; the verification and allowance of claims for credit by postmasters for postage-due stamps affixed to undeliverable matter; and the supervision of, and issuance of instructions pertaining to, the inclusion of any advertisements, slogans, pictures, and insignia in the cancelation portion of any postmarking device or equipment, including postage meters used by the Postal Service or the public. (Sec. 12 as amended by P. M. G. Order 26818, Dec. 23, 1944.)

(2) Authority to render final rulings on the above subjects is delegated to the Third Assistant Postmaster General. In the following cases authority is also delegated to local postmasters to issue the following permits after the initial permit of the same kind: permit to mail second-, third- and fourth-class nonmetered matter without stamps affixed, permit to mail matter when postage is prepaid with precanceled stamps or by means of precanceled stamped envelopes, permits to distribute business reply cards and envelopes.

(3) Persons desiring information on the subjects mentioned in paragraphs (f) (1) and (2) of this section, should inquire of the local post office or address the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail.

(g) *Division of Newspaper and Periodical Mail.* The Division of Newspaper and Periodical Mail, under the supervision of the superintendent, is charged with the consideration of all questions relating to the classification of newspapers and periodical publications as second-class mail matter and the administration of the laws and regulations governing their acceptance as such, including the consideration of applications for their original entry and requests for the reentry or additional entry thereof as second-class matter; the consideration of the revocation of second-class mail privileges of publications not conforming to the requirements (see §§ 5.32 and 5.37); the determination of questions pertaining to the preparation, wrapping, addressing, weighing and exceptional dispatch of publications of the second class, and the permissible additions to and inclosures therein and other related matters; the application of the various rates of postage prescribed for mailings of publications of the second class, and the supervision of the collection of, and accounting for, such postage; the examination of postmasters' quarterly statements of second-class postage collected and the receipts issued to publishers therefor; the granting of authority to refund postage paid thereon in excess of the lawful amounts; and the examination of sworn statements of ownership, management, and circulation, required to be filed by publishers of publications admitted as second-class matter in the mails, and the consideration of questions arising therefrom. (Sec. 12, as amended by Order No. 25494, dated July 26, 1944, by Postmaster General.)

(h) *Division of Registered Mails.* (1) The Division of Registered Mails, under the supervision of the superintendent, is charged with the management of the domestic registry system and the domestic insurance and collect-on-delivery features of the Postal Service and the issuance of all instructions and correspondence in relation thereto, except that assigned to the Chief Inspector; the issuance of instructions concerning receipts or certificates of mailing for domestic ordinary, registered, insured, and collect-on-delivery mail; the authorization of all domestic rotary-lock, brass-lock, lead-seal, and exceptional exchanges and dispatches of registered mail; the authorization of refunds of postage on domestic registered, insured, and collect-on-delivery mail; the recovery and disposition of domestic indemnities found to have been improperly paid; the supervision of the adjustment by postmasters of claims involving domestic insured and collect-on-delivery mail; and the adjustment of indemnity claims for domestic registered mail and such claims for domestic insured and collect-on-delivery mail as are not adjusted by postmasters.

(2) Except such claims as are reserved for adjustment by the Department, the postmasters at Central Accounting Post Offices for the States or sections in which insured and collect-on-delivery articles are mailed are authorized to pay limited indemnity claims, not to exceed $200, arising from the loss or rifling of, or damage to, insured and unregistered collect-on-delivery articles, and exchanged within and between the continental United States (including Alaska), Guam, Hawaii, Pago Pago, Samoa, Puerto Rico, and the Virgin Islands. Below is a list of Central Accounting Post Offices with territory served:

Central-accounting post offices	*Territory served*
Birmingham, Ala	Alabama.
Seattle, Wash	Alaska.
Phoenix, Ariz	Arizona.
Little Rock, Ark	Arkansas.
San Francisco, Calif	California.
Denver, Colo	Colorado.
New Haven, Conn	Connecticut.
Wilmington, Del	Delaware.
Jacksonville, Fla	Florida.
Atlanta, Ga	Georgia.
Honolulu, Hawaii	Hawaii. Samoa.
Boise, Idaho	The following counties of Idaho: Ada, Adams, Bannock, Bear Lake, Bingham, Blaine, Boise, Bonneville, Butte, Camas, Canyon, Caribou, Cassia, Clark, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Lemhi, Lincoln, Madison, Oneida, Owyhee, Payette, Power, Teton, Twin Falls, Valley, Washington. See Spokane, Wash., for other counties of Idaho.
Chicago, Ill	Illinois.
Indianapolis, Ind	Indiana.
Des Moines, Iowa	Iowa.
Topeka, Kans	Kansas.
Louisville, Ky	Kentucky.
New Orleans, La	Louisiana.
Portland, Maine	Maine.
Baltimore, Md	Maryland.
Boston, Mass	Massachusetts.
Detroit, Mich	The following counties of Michigan: Alcona, Allegan, Alpena, Antrim, Arenac, Barry, Bay, Benzie, Berrien, Branch, Calhoun, Cass, Charlevoix, Cheboygan, Clare, Clinton, Crawford, Eaton, Emmet, Genesee, Gladwin, Grand Traverse, Gratiot, Hillsdale, Huron, Ingham, Ionia, Iosco, Isabella, Jackson, Kalamazoo, Kalkaska, Kent, Lake, Lapeer, Leelanau, Lenawee, Livingston, Macomb, Manistee, Mason, Mecosta, Midland, Missaukee, Monroe, Montcalm, Montmorency, Muskegon, Newaygo, Oakland, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Ottawa, Presque Isle, Roscommon, Saginaw, Saint Clair, Saint Joseph, Sanilac, Shiawassee, Tuscola, Van Buren, Washtenaw, Wayne, Wexford.
Marquette, Mich	The following counties of Michigan: Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, Schoolcraft.
Minneapolis, Minn	Minnesota.
Vicksburg, Miss	Mississippi.
Kansas City, Mo	The following counties of Missouri: Andrew, Atchison, Barry, Barton, Bates, Benton, Buchanan, Caldwell, Carroll, Cass, Cedar, Chariton, Christian, Clay, Clinton, Cooper, Dade, Daviess, De Kalb, Douglas, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Howell, Jackson, Jasper, Johnson, Lafayette, Lawrence, Linn, Livingston, McDonald, Mercer, Moniteau, Morgan, Newton, Nodaway, Oregon, Ozark, Pettis, Platte, Polk, Putnam, Ray, Saint Clair, Saline, Stone, Sullivan, Taney, Texas, Vernon, Worth.
Saint Louis, Mo	The following counties of Missouri: Adair, Audrain, Bollinger, Boone, Butler, Callaway, Camden, Cape Girardeau, Carter, Clark, Cole, Crawford, Dallas, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Knox, Laclede, Lewis, Lincoln, Macon, Madison, Maries, Marion, Miller, Mississippi, Monroe, Montgomery, New Madrid, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Ralls, Randolph, Reynolds, Ripley, Saint Charles, Sainte Genevieve, Saint Francois, Saint Louis, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Warren, Washington, Wayne, Webster, Wright.
Helena, Mont	Montana.
Omaha, Nebr	Nebraska.
Reno, Nev	Nevada.
Concord, N. H	New Hampshire.
Newark, N. J	New Jersey.
Albuquerque, N. Mex	New Mexico.
New York, N. Y	New York.
Charlotte, N. C	North Carolina.
Fargo, N. Dak	North Dakota.
Cincinnati, Ohio	The following counties of Ohio: Adams, Allen, Athens, Auglaize, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Defiance, Delaware, Fairfield, Fayette, Franklin, Fulton, Gallia, Greene, Hamilton, Hancock, Hardin, Henry, Highland Hocking, Jackson, Lawrence, Licking, Logan, Lucas, Madison, Marion, Meigs, Mercer, Miami, Montgomery, Paulding, Perry, Pickaway, Pike, Preble, Putnam, Ross, Scioto, Shelby, Union, Van Wert, Vinton, Warren, Williams, Wood, Wyandot.
Cleveland, Ohio	The following counties of Ohio: Ashland, Ashtabula, Belmont, Carroll, Columbiana, Coshocton, Crawford, Cuyahoga, Erie, Geauga, Guernsey, Harrison, Holmes, Huron, Jefferson, Knox, Lake, Lorain, Mahoning, Medina, Monroe, Morgan, Morrow, Muskingum, Noble, Ottawa, Portage, Richland, Sandusky, Seneca, Stark, Summit, Trumbull, Tuscarawas, Washington, Wayne.
Oklahoma City, Okla	Oklahoma.
Portland, Oreg	Oregon.
Philadelphia, Pa	The following counties of Pennsylvania: Adams, Berks, Bradford, Bucks, Carbon, Chester, Columbia, Cumberland, Dauphin, Delaware, Franklin, Fulton, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, York.
Pittsburgh, Pa	The following counties of Pennsylvania: Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Fayette, Forest, Greene, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Mercer, Potter, Somerset, Venango, Warren, Washington, Westmoreland.
San Juan, P. R	Puerto Rico. The third and fourth class post offices in Virgin Islands.
Providence, R. I	Rhode Island.
Charlotte, N. C	South Carolina.
Sioux Falls, S. Dak	South Dakota.
Nashville, Tenn	Tennessee.
Austin, Tex	The following counties of Texas: Angelina, Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bell, Bexar, Blanco, Brazoria, Brazos, Brewster, Brooks, Burleson, Burnet, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, Concho, Coryell, Crane, Crockett, DeWitt, Dimmit, Duval, Edwards, Fayette, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Hidalgo, Houston, Irion, Jackson, Jasper, Jeff Davis, Jefferson, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Live Oak, Llano, McCulloch, McMullen, Madison, Mason, Matagorda, Maverick, Medina, Menard, Milam, Montgomery, Nacogdoches, Newton, Nueces, Orange, Pecos, Polk, Presidio, Reagan, Real, Refugio, Robertson, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Shelby, Starr, Sterling, Sutton, Terrell, Tom Green, Travis, Trinity, Tyler, Upton, Uvalde, Valverde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Williamson, Wilson, Zapata, Zavala.

Central-accounting post offices	*Territory served*
Dallas, Tex	The following counties of Texas: Anderson, Andrews, Archer, Armstrong, Bailey, Baylor, Borden, Bosque, Bowie, Briscoe, Brown, Callahan, Camp, Carson, Cass, Castro, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Comanchee, Cooke, Cottle, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, Dickens, Donley, Eastland, Ector, Ellis, El Paso, Erath, Falls, Fannin, Fisher, Floyd, Foard, Franklin, Freestone, Gaines, Garza, Glasscock, Gray, Grayson, Gregg, Hale, Hall, Hamilton, Hansford, Hardeman, Harrison, Hartley, Haskell, Hemphill, Henderson, Hill, Hockley, Hood, Hopkins, Howard, Hudspeth, Hunt, Hutchinson, Jack, Johnson, Jones, Kaufman, Kent, King, Knox, Lamar, Lamb, Limestone, Lipscomb, Loving, Lubbock, Lynn, McLennan, Marion, Martin, Midland, Mills, Mitchell, Montague, Moore, Morris, Motley, Navarro, Nolan, Ochiltree, Oldham, Palo Pinto, Panola, Parker, Parmer, Potter, Rains, Randall, Red River, Reeves, Roberts, Rockwall, Runnels, Rusk, Scurry, Shackelford, Sherman, Smith, Somervell, Stephens, Stonewall, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Upshur, Van Zandt, Ward, Wheeler, Wichita, Wilbarger, Winkler, Wise, Wood, Yoakum, Young.
Salt Lake City, Utah	Utah.
Burlington, Vt	Vermont.
Richmond, Va	Virginia.
San Juan, P. R	Virgin Islands.
Seattle, Wash	All third and fourth class post offices in Alaska. The following counties of Washington: Chelan, Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Klickitat, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, Whatcom, Yakima.
Spokane, Wash	The following counties of Idaho: Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone. The following counties of Washington: Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman.
Charleston, W. Va	The following counties of West Virginia: Boone, Braxton, Cabell, Calhoun, Clay, Fayette, Gilmer, Greenbrier, Jackson, Kanawha, Lincoln, Logan, McDowell, Mason, Mercer, Mingo, Monroe, Nicholas, Pocahontas, Putnam, Raleigh, Roane, Summers, Wayne, Webster, Wirt, Wood, Wyoming.
Wheeling, W. Va	The following counties of West Virginia: Barbour, Berkeley, Brooke, Doddridge, Grant, Hampshire, Hancock, Hardy, Harrison, Jefferson, Lewis, Marion, Marshall, Mineral, Monongalia, Morgan, Ohio, Pendleton, Pleasants, Preston, Randolph, Ritchie, Taylor, Tucker, Tyler, Upshur, Wetzel.
Milwaukee, Wis	Wisconsin.
Cheyenne, Wyo	Wyoming.

(3) Except such claims as are reserved for adjustment by the Department, the postmaster at Washington, D. C., is authorized to pay limited indemnity claims, not to exceed $200, arising from the loss or rifling of, or damage to, insured and unregistered collect-on-delivery articles mailed at Washington, D. C.

(4) Claims involving both insured and C. O. D. parcels mailed at post offices in Alaska are, upon completion, sent to the postmaster at Seattle, Washington.

(5) Claims for indemnity involving parcels mailed at or addressed to post offices in Hawaii are, upon completion, sent to the postmaster at Honolulu, if the payee is located in Hawaii; but if the payee is located elsewhere in the United States, the claim papers are sent to the postmaster at San Francisco, California.

(6) Claims for indemnity involving parcels mailed at or addressed to post offices in Puerto Rico are, upon completion, sent to the postmaster at San Juan, Puerto Rico, if payment is to be made in Puerto Rico. If payment is to be made elsewhere in the United States, the claim papers are sent to the postmaster at New York, N. Y.

(7) Claims for indemnity involving parcels mailed at or addressed to post offices in the Virgin Islands are, upon completion, sent to the postmaster at San Juan, Puerto Rico, if the payees are located in the Virgin Islands or Puerto Rico, but if payment is to be made elsewhere in the United States, the claims for indemnity are sent to the postmaster at New York, N. Y.

(8) Claims for indemnity involving parcels mailed at Washington, D. C., are upon completion, sent to the postmaster at Washington, D. C.

(9) Information regarding the registration of valuable mail matter, insurance of parcels, and sending of articles collect-on-delivery, to domestic destinations, fees and limits of indemnity, and the advantages to be derived from the use of each of the services may be obtained at any post office or station or branch thereof.

(10) Information concerning certificates of mailing of domestic ordinary mail of any class, or additional receipts or certificates of mailing of any domestic ordinary, registered, insured, or collect-on-delivery mail, may be obtained at any post office or station or branch thereof. Requests for such receipts or certificates of mailing may be made at the offices at which the articles are mailed.

(11) Applications for the registration of mail may be made at a post office, branch, or station, or to a city, village, or rural delivery carrier.

(12) At the time of mailing, or after mailing, of a domestic registered article, the sender may make request for a return receipt showing to whom and when the article was delivered, or, at the time of mailing only, the sender may make request for a return receipt showing to whom, when and the address where the mail was delivered, upon payment of the prescribed fee.

(13) The sender may restrict the delivery of registered mail by indorsing each such article on the address side "Deliver to Addressee Only," or "Deliver to the Addressee or Order," or with words of similar import, upon payment of the required fee.

(14) When the sender of registered mail desires to reclaim or recall it at any time before delivery, application may be made to the mailing postmaster.

(15) Requests for firm registration records by patrons who customarily present an average of three or more articles for registration at one time and for firm mailing books by patrons who customarily mail an average of three or more insured or C. O. D. parcels at one time may be made at any post office.

(16) Requests for information as to the proper method of packing and wrapping of articles intended for registration, insurance, or collection-on-delivery, may be made at any post office, or station or branch thereof.

(17) Requests for information regarding the sending of inquiries for domestic registered, insured, or C. O. D. mail and the charges therefor, if any, may be obtained at any post office.

(18) Requests for insurance of parcels may be made at a post office, or branch or station, or to a rural carrier, Matter intended for insurance may be left in a rural patron's mail box for collection, provided sufficient stamps are affixed for postage and fee, or money therefor is left in the box, and the article is properly packed and marked "Insured." A note should be left in the rural box stating contents and what part of the stamps or money represents the insurance fee.

(19) Requests that articles be sent collect-on-delivery may be made at a post office, or station or branch, or to a rural carrier. Matter intended for collection on delivery may be left in a rural patron's box for collection, provided sufficient stamps are affixed for postage and fee, or money therefor is left in the box, and the article is properly packed and marked "C. O. D." A C. O. D. tag must be properly filled in and attached to the article. A note should be left in the rural mail box stating the contents of the article if other than first class matter, and what part of the stamps or money represents the C. O. D. fee.

(20) At the time of mailing, and upon payment of the required fee, the sender may request restriction in delivery of an insured or C. O. D. parcel by indorsing each such article on the address side "Deliver to Addressee Only," or "Deliver to

the Addressee or Order," or with words of similar import.

(21) Requests for information regarding the use of multiple forms providing in one operation, by carbon process, address labels, firm mailing and post office records, and in the case of C. O. D. mail, labels to be affixed over the corresponding portions of the official C. O. D. tags, and for information concerning the use of recapitulation sheets in conjunction with these multiple forms, may be made at any post office.

(22) The sender may request that the amount originally stated as due him on delivery of a C. O. D. parcel be increased (not to exceed $200), decreased, or canceled, or the parcel delivered to a new addressee at the office where it is held.

(23) When the sender of a C. O. D. parcel is advised by the addressee that it has not been received, and a sufficient length of time has elapsed from the date of mailing for the parcel to have been received at the office of address in the usual course of the mails and delivered to the addressee, inquiry may be made at the mailing post office or branch or station thereof. However, if such advice is dated at least ten days from the date on which the parcel should have reached the office of address and been delivered to the addressee, claim for indemnity may be filed.

(24) When the sender of a C. O. D. parcel is advised that it was received by the addressee with all or a part of the contents missing or damaged, claim for indemnity may be made without preliminary inquiry.

(25) When the sender of a C. O. D. parcel fails to receive a C. O. D. money order at the expiration of at least fifteen days following the date of mailing, in addition to the time limit for retention specified by the sender, or the parcel itself is not returned as undelivered at the expiration of a similar period, inquiry may be made at the mailing post office or branch or station thereof for the parcel.

(26) Written complaints concerning the disposition or delay (as distinguished from loss or rifling of, or damage to), domestic registered mail, including that exchanged with the Canal Zone, and applications for indemnity on account of the loss or rifling of, or damage to, domestic registered mail, including that cluding that exchanged with the Canal Zone, may be made at any post office.

(27) Information concerning refunds of postage paid on domestic registered, insured and collect-on-delivery mail may be obtained at any post office. Request for refunds of any postage paid on domestic registered, insured, or collect-on-delivery mail for which service was not rendered, or was collected in excess of the lawful rate, may be made in writing at the office where mailed.

(28) Applications for indemnity for lost, rifled, or damaged domestic registered, insured, or collect-on-delivery mail may be made by the public to the postmaster at any post office.

(29) Request for information concerning the status of claims involving domestic registered mail should be addressed to the Third Assistant Postmaster General, Division of Registered Mails, Washington 25, D. C. Requests for reports of the status of claims involving domestic insured or collect-on-delivery mail should be addressed to the designated paying postmaster.

(i) *Division of Parcel Post.* The Division of Parcel Post, under the supervision of the director, is charged with the general direction of investigations of methods designed to improve the Parcel Post Service, and the study and analysis of data, information and suggestions pertaining to this service. (Sec. 12, as amended by P. M. G. Order 25494, July 26, 1944.)

CROSS REFERENCE: For regulations of the Office of the Commissioner of Accounts and Deposits relating to the Postal Savings System, see 31 CFR, 306.33, 314.6.

§ 1.8 *Office of the Fourth Assistant Postmaster General*—(a) *Matters assigned.* To the Fourth Assistant Postmaster General are assigned the authorization of allowances for rent, light, fuel, power and water and the consideration of general engineering problems affecting the activities of the Postal Service; the custody and distribution of equipment and supplies for the Postal Service, the administration and operation of Government-owned post office buildings, appointment and discipline of personnel engaged in the operation and maintenance; purchase and distribution of cleaning and operating supplies and equipment; the authorization of allowances for hire of vehicles used in the delivery and collection service, and the conduct of the screen-wagon, pneumatic-tube, and vehicle services in cities; the production and distribution of post-route maps and parcel-post zone keys; the general supervision of the Mail Equipment Shops and the manufacture and repair of mail bags, locks, keys, and key chains.

The divisions of this Bureau shall perform duties as follows:

(b) *Division of Engineering and Research.* The Division of Engineering and Research, under the supervision of the superintendent, is charged with the planning of postal quarters in new or remodeled Federal post office buildings, and extension of such buildings, or changes in any postal-occupied space; all general engineering problems affecting the activities of the Postal Service, and the consideration of the practicability of devices and inventions for use in the Postal Service.

(c) *Division of Post Office Quarters.* The Division of Post Office Quarters, under the supervision of the superintendent, is charged with the selection, equipping, and leasing of quarters for post offices of the first, second, and third classes, and stations thereof (except those located in Federal buildings which are under the jurisdiction of the Administrator, Federal Works Agency, Public Buildings Administration); the leasing and equipment of post-office garages; granting allowances for rent, light, power, heat and water at presidential offices and stations and branches thereof.

(d) *Division of Motor Vehicle Service.* The Division of Motor Vehicle Service, under the supervision of the superintendent, is charged with the authorization, operation, and maintenance of the Government-owned motor vehicle service including the appointment and discipline of the personnel employed in connection therewith; requisitions for materials, supplies, and garage equipment; allowances for rent, light, fuel, power, water, and telephone service for post-office garages; the monthly and quarterly reports and the motor vehicle accounting system; transportation of the mails in cities by means of screen wagons and pneumatic tubes; allowances for the hire of vehicles used in the delivery and collection service; deductions and fines for non-performance of service and other delinquencies on the part of contractors.

(e) *Division of Equipment and Supplies.* The Division of Equipment and Supplies, under the supervision of the superintendent, is charged with the preparation of requisitions for blanks, blank books, zone keys, twine, facing slips, canceling ink, ink pads, and other items of stationery, arms and ammunition, postal savings certificates and supplies for the Postal Savings System, blank money-order forms, medical supplies and requests for and repair of adding machines, baling machines, canceling machines, duplicating machines, numbering machines, typewriters, scales, printing presses, steel and rubber stamps, motors, trucks, canvas baskets, conveyors, lock boxes, and furniture and mail handling equipment for post offices in leased and rented quarters, letter boxes, posts (including painting and erecting), satchels, straps, rural carrier separating cases, and miscellaneous mechanical appliances used in the Postal Service; also supplies for Government-owned motortrucks, including local and emergency purchases.

(f) *Division of Federal Building Operations.* The Division of Federal Building Operations, under the supervision of the superintendent, is charged with the administration and operation of Government-owned post-office buildings: Appointment, promotion, and discipline of custodial personnel engaged in their operation and maintenance; contracting for electric, gas, and other operating services, removing ashes and rubbish, laundering towels; purchase and distribution of cleaning and operating supplies and equipment, including fuel, oils, and grease, electric and gas lamps; assignment of space, door keys, display of posters in lobbies, erection of signs on grounds, stands in lobbies, and the granting of privileges; joint telephone facilities serving two or more governmental agencies, installation of public pay-station telephones; purchase and distribution of furniture, floor coverings, window shades, awnings, and repairs thereto; moving into Federal buildings; and safes and their fittings.

Correspondence relative to repairs to building and fixed equipment, including heating plant, elevators, ventilating equipment, vaults, lock boxes; lighting fixtures (Federal buildings only); interior and exterior painting, seeding and grading, should be addressed to the District Engineer, Federal Works Agency, of the district in which the building is located. For further instructions see pamphlet "Instructions and Suggestions for Postmasters in the Operation of Pub-

lic Buildings under the Administration of the Post Office Department."

(g) *Division of Mail Equipment Shops.* The Division of Mail Equipment Shops, under the supervision of the superintendent, is charged with the manufacture and repair of mail sacks, pouches, locks and keys; distribution of letter-box locks, mail keys, including keys for lock boxes in leased quarters, and key chains.

(h) *Division of Topography.* The Division of Topography, under the supervision of the Topographer, is charged with the preparation, revision, printing, and distribution of post route state maps, rural delivery county maps, and rural delivery "local" maps.

(i) *Division of Traffic.* The Division of Traffic, under the supervision of the Traffic Manager, is charged with the preparation of instructions relative to freight, express, drayage, crating, routing and billing shipments of equipment, material and supplies for the Post Office Department and Postal Service, following carefully instructions appearing in Order No. 22930, published on page 29 of the November 1943 Supplement to the Postal Guide.

§ 1.9 *Office of the Chief Inspector—*(a) *Matters assigned.* The Chief Inspector is charged with keeping the department advised as to the condition and needs of the postal service; with the inspection and rating of post offices, and the certification of the results to the First Assistant Postmaster General; with the inspection, audit, and inventory of finances, valuables, equipment, supplies, and property, and the examination of procedures relating thereto in every Bureau or agency of the Postal Establishment in Washington and in the field, and the certification of the results to the Postmaster General or the Assistant Postmaster General in charge of the unit inspector; with the authorization, coordination, and disposition of all investigations by the Post Office Inspection Service; with all matters relating to depredations upon the mails and losses therein; with the consideration of complaints and correspondence relative to criminal offenses against the postal service; with the treatment of claims for rewards and correspondence relative to the department's interest in the prosecution of offenders against the postal laws; with the consideration of matters arising from the application of the private express statutes; with the coordination and supervision of plans and arrangements for the handling of the President's mail while he is traveling, and advising with White House officials on matters connected therewith; with the coordination of plans and arrangements for the handling of Army mail by the Post Office Department in the event of an emergency, and advising with the War Department on matters conected therewith; with the direction of all inquiries for the purpose of determining whether articles of mail matter have been delivered except as provided in section 810 of the Postal Laws and Regulations, Postmaster General, 1940; with the treatment of all inquiries addressed to the United States Post Office Department by foreign postal administrations or by persons interested, or reported by postal officials and others under sections 809 and 2233 of the Postal Laws and Regulations, Postmaster General, 1940, concerning losses and irregularities in the international mails; with the treatment of all cases involving international mail where some form of return receipt is required which has not been received; with the general supervision of the business of the Post Office Inspection Service and of the divisions of his Bureau; with the custody and proper disposition of all money and property coming into the possession of the Post Office Inspection Service or any division of his Bureau; with the selection, government, and assignment to duty of post office inspectors in charge, post office inspectors and clerks at division headquarters of post office inspectors; with the operation of the Post Office Department Library; with the printing, numbering, and assignment of commissions for officers of the department and post office inspectors; with the performance of such other duties as may from time to time be required by the Postmaster General.

(b) *Field organization.* For the purposes of the Post Office Inspection Service, the country is divided into fifteen field divisions, each of which comprises one or more states and bears the name of the city at which its headquarters is located. A list of these divisions follows:

Atlanta Division (comprising Florida, Georgia, North Carolina, Puerto Rico, South Carolina, and Virgin Islands); Post Office Inspector in Charge, Atlanta, Ga.

Boston Division (comprising Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont); Post Office Inspector in Charge, Boston, Mass.

Chattanooga Division (comprising Alabama, Mississippi, and Tennessee); Post Office Inspector in Charge, Chattanooga, Tenn.

Chicago Division (comprising Illinois, Michigan, and Wisconsin); Post Office Inspector in Charge, Chicago, Ill.

Cincinnati Division (comprising Indiana, Kentucky, and Ohio); Post Office Inspector in Charge, Cincinnati, Ohio.

Denver Division (comprising Colorado, New Mexico, Utah, and Wyoming); Post Office Inspector in Charge, Denver, Colo.

Fort Worth Division (comprising Louisiana and Texas); Post Office Inspector in Charge, Fort Worth, Tex.

Kansas City Division (comprising Kansas, the city of Kansas City, Mo., Nebraska, and Oklahoma); Post Office Inspector in Charge, Kansas City, Mo.

New York Division (comprising New York); Post Office Inspector in Charge, New York, N. Y.

Philadelphia Division (comprising New Jersey and Pennsylvania); Post Office Inspector in Charge, Philadelphia, Pa.

St. Louis Division (comprising Arkansas, Iowa, Missouri, except the city of Kansas City); Post Office Inspector in Charge, St. Louis, Mo.

St. Paul Division (comprising Minnesota, North Dakota, and South Dakota); Post Office Inspector in Charge, St. Paul, Minn.

San Francisco Division (comprising Arizona, California, Guam, Hawaii Territory, Nevada, and American Samoa); Post Office Inspector in Charge, San Francisco, Calif.

Seattle Division (comprising Alaska Territory, Idaho, Montana, Oregon, and Washington); Post Office Inspector in Charge, Seattle, Wash.

Washington Division (comprising Delaware, District of Columbia, Maryland, Virginia, and West Virginia); Post Office Inspector in Charge, Washington, D. C.

(c) *Post-office inspectors in charge.* To the post-office inspectors in charge are intrusted the supervision of the post-office inspectors assigned to their respective divisions and such clerks as may be allowed their offices; the administrative examination of the traveling expense and other accounts of such post-office inspectors; the consideration of requests for leave of absence of all postmasters and post-office inspectors within their respective divisions, and clerks at their division headquarters; the investigation through correspondence of such service complaints and inquiries as may be delegated by the department from time to time, complaints and inquiries relative to loss, rifling, damage, wrong delivery, delay, and disposition of international mails reported under sections 809, 811, and 2233, of the Postal Laws and Regulations, Postmaster General, 1940, also miscellaneous complaints against postmasters, employees, and the service at post offices of the second, third, and fourth classes, and delay or other mistreatment of ordinary or special delivery ordinary mail in post offices (see sections 809 and 810 of the Postal Laws Regulations, Postmaster General, 1940 as to complaints concerning registered, insured, and collect-on-delivery mail and concerning delay of ordinary mail in transit); and requests from postmasters at post offices of the second, third, and fourth classes for interpretations of the Postal Laws and Regulations, notices and orders relating to such laws and regulations published in the Official Postal Guide and the Postal Bulletin, except that requests for interpretations of registry, insured, or collect-on-delivery regulations should be addressed to the Third Assistant Postmaster General, Division of Registered Mails, when domestic service is involved and to the Second Assistant Postmaster General Division of International Postal Service, when international service is involved.

(d) *Post-office inspectors.* (1) Post-office inspectors are the special representatives of the Postmaster General. They are charged with the investigation of post offices and all matters connected with the Postal Service, and with keeping the department advised as to the condition and needs of the service. Alleged violations of law shall be investigated and reported upon by them, and they shall, when necessary, aid in the prosecution of all criminal offenses.

(2) Postmasters, clerks, employees, contractors, and others connected with the postal service, are subordinate to post-office inspectors when acting within the scope of their duty and employment. But no arbitrary power is hereby conferred upon them. They shall not interfere with any officer or employee who is in the proper discharge of his duty further than to examine his methods, system, and accounts, or any complaints which may be made against him. Nor shall they interfere with the mails or the transportation thereof, except as expressly authorized by law and as permitted by the regulations.

(3) Inspectors are empowered to open pouches and sacks and examine the mails therein and are authorized to enter and inspect post offices at all times.

(4) Inspectors shall exhibit as evidence of their authority the commission issued by the Postmaster General. At the end of each calendar year, or in the event of death, resignation, or removal, the commissions issued to inspectors or to other field inspection personnel shall be transmitted to the inspector in charge of the division to which they are assigned. Commissions issued to all other officers in the service shall be returned through official channels to the chief inspector at the end of each calendar year, or in the event of the death, resignation, or removal of the holder. The chief inspector and the inspectors in charge shall arrange in their offices to check the returned commissions with the list of those issued and cancel such commissions.

(e) *Information, requests, submittals.* Inquiries and requests by the public for information concerning the Postal Service or complaints concerning mail matter should be addressed to the Postmaster or to the Post Office Department, Washington 25, D. C.

(f) *Official reports and records confidential.* (1) All records and information in the custody of the Chief Inspector or of his representatives are intended for use in the detection and correction of postal offenses and abuses. Inspectors and other officers and employees having possession of inspectors' reports and inspection records have no control thereof with regard to permitting the use of same for any other than official purposes, except in the discretion of the Postmaster General. Inspectors and other employees are hereby prohibited from presenting such records or information in a State court, whether in answer to a subpena duces tecum or otherwise. Whenever a State court subpena shall have been served upon them, they will appear in court and respectfully decline to present the records or divulge the information called for, basing their refusal upon this regulation.

(2) If records or information are desired for use in a State court or for the use of parties to a suit or habeas corpus proceedings in a Federal court, and if the United States is not a party in interest, employees shall inform the persons interested that they are prohibited by the regulations of the Post Office Department from furnishing official records or information direct; that official records or information may only be furnished by the Postmaster General after the court has made rule upon him for same. Whenever such rule of the court shall have been made, employees shall carefully prepare or procure a copy of the record or statement of information called for and forward the same to the Chief Inspector, whereupon it will be referred through the Solicitor to the Postmaster General, and thereafter under the seal of the Department be transmitted to the judge or the court calling for it, unless it shall be found that circumstances or conditions make it necessary to decline in the interest of public policy to furnish the information.

(3) With regard to inspectors and other employees testifying on official matters of a confidential nature in a Federal court, each case must be given individual consideration as it arises. The Department will offer every possible assistance to the courts. Nevertheless, the question of disclosing privileged information is a matter entirely in the discretion of the head of the Department, and should an attorney for a private litigant attempt to compel an employee to disclose sources of official information or similar matter deemed to be confidential, the employee shall respectfully decline to answer. Should his reasons be asked by the court, he shall courteously state that the matter is regarded as privileged and therefore cannot be disclosed without specific approval from the Postmaster General.

§ 1.10 *Comptroller, Bureau of Accounts*—(a) *Matters assigned.* The Bureau of Accounts of the Post Office Department is located in Washington, D. C., and is headed by the Comptroller, who is appointed by the President with the advice and consent of the Senate. The Comptroller is charged with the performance of the administrative duties previously performed by the Auditor for the Post Office Department and such other duties in relation thereto as the Postmaster General may direct.

(1) To the Comptroller, Bureau of Accounts, are assigned the administrative examination of all postal, money order and postal note accounts of postmasters at direct and central accounting offices and the accounts of foreign administrations; the prescribing and supervising the administrative examination of district office accounts at central accounting offices; the administrative examination of the accounts and conducting of physical audits of the cash and accountability of the Philatelic Agent and the Superintendent, Division of Finance and Disbursing Office; the instructing of postmasters relative to the maintenance of financial records and the preparation and rendition of their accounts; the supervising of the quarterly counts of penalty mail and determining the quantity of penalty matter procured and mailed by each department, agency, or organization of the Government and the cost of handling such mail; the work of ascertaining the revenues derived from and the cost of carrying and handling the several classes of mail matter and of performing the special postal and nonpostal services; the keeping of administrative appropriation and cost accounts; the maintenance of control accounts of appropriations, apportionments, allotments, obligations, revenues, receipts, and expenditures; the maintenance of records of gross postal receipts, by calendar years, of post offices; the compilation of statistical reports, monthly operating statements, and other financial data for the information of the Postmaster General and other officers of the Post Office Department; the ascertainment of the facts and the preparation of certifications relating to proposed compromise of liabilities to the Department under section 306 of the Postal Laws and Regulations of 1940; the general supervision of the administration of the Retirement Act; and, in collaboration with the Office of the Budget and Administrative Planning, the conducting of surveys and research necessary to the development of improved cost accounting and control procedures and the formulation of policies with respect to the financial accounting and statistical systems of the postal establishment. (See secs. 41, 255, 256 and 261 of the Postal Laws and Regulations of 1940.)

The divisions of this bureau shall perform duties as follows:

(b) *Division of Accounts.* The Division of Accounts, under the supervision of the superintendent, is charged with the administrative examination of accounts rendered by postmasters; the administrative examination of the accounts of the Philatelic Agent and the Superintendent, Division of Finance and Disbursing officer; the maintenance of control accounts showing the daily transactions and financial accountability of the Philatelic Agent and the Superintendent, Division of Finance and Disbursing Officer; the maintenance of control accounts showing the annual cost of maintaining Federal buildings in which post offices are housed; the keeping of individual accounts maintained in the Department of the statutory deductions from the basic salaries of employees in the Department and Postal Service for credit to the Civil Service Retirement and Disability Fund; for compilation of statistical data relative to newspapers and other periodical publications admitted to the mails as second-class matter; the maintenance of records showing the quantity of penalty matter procured by each department, agency, or organization of the Government and the quantity of such matter on hand at the close of each fiscal year; the ascertainment, from accounts and reports rendered by postmasters, of the gross postal receipts, by calendar years, of each post office and the compilation of such data; and the ascertainment of the amount withheld, by quarters, from the earnings of employees for Federal tax on salaries and wages.

(c) *Division of Cost Ascertainment.* The Division of Cost Ascertainment, under the supervision of the superintendent, is charged with the general direction of the work of ascertaining the revenues derived from and the cost of carrying and handling the several classes of mail matter and of performing the special postal and nonpostal services; and the supervision of the quarterly counts of penalty, franked, and matter mailed free of postage and the preparation of reports showing the results thereof.

(d) *Division of Methods and Procedures.* The Division of Methods and Procedures is charged with making detailed investigations in research surveys undertaken by the Office of Budget and Administrative Planning.

(e) *Inquiries and requests for information.* All requests for information shall be addressed to the Comptroller, Bureau of Accounts, Post Office Department, Washington 25, D. C.

(f) *Official records available to the public.* The complete record of the compromise of obligations with the Post Office Department are the only records available to the public. These records are available only from the time a compromise case is received in the Bureau of Accounts until it is referred to the Comptroller General of the United

States for approval, and access to these records is restricted to those who establish a direct and proper interest therein.

§ 1.11 *Information concerning postal matters.* Members of the public may request information concerning any postal matter by communicating with the bureau or office which has assigned to it the duty of handling the matter regarding which information is desired. No special form is required to be followed in making such requests.

§ 1.12 *Availability of opinions, orders and official records.* (a) There shall be made available for public inspection: (1) All final opinions or orders in the adjudication of cases, except those required for good cause to be held confidential and not cited as precedents.

(2) All postal statements of general or particular applicability and future effect designed to implement, interpret or prescribe law or policy or to describe the organization, procedure or practice requirements of the postal service.

(b) Except as otherwise required by statute, matters of official record shall be made available to persons properly and directly concerned except information held confidential for good cause found.

(c) All matters shall be deemed confidential for good cause found which: (1) Are classified as confidential by regulation or order, (2) are found to be confidential upon specific request being made therefor by any member of the public.

(d) All requests for inspection or information pursuant to this regulation shall be referred to the Solicitor of the Department who after consultation with the Bureau or Office affected shall recommend to the Postmaster General such action as he deems appropriate. Such requests shall be complied with only upon approval of the Postmaster General.

SUBCHAPTER B—REGULATIONS

NOTE: Subchapter B appears in Part I of this issue.

SUBCHAPTER C—PROCEDURES AND FORMS

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50.2313 Publishers required to separate copies or file zone analyses on Form 3539–A.
50.2314 Postage must be paid at the second-class pound rates in money before the copies are dispatched.
50.2315 Receipt for postage on Form 3539 to be furnished by postmaster to publishers.
50.2316 An advance deposit of money to cover postage may be received by postmasters from publishers.
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50.2603 Letters containing currency.
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50.2606 Inquiries for registered mail.
50.2607 Inquiries concerning disposition or delay of registered mail.
50.2608 Recall of registered matter.
50.2609 Registration of mail by city and village carriers.
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50.2611 Complaints of loss, rifling, damage or wrong delivery of registered mail.
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50.4302 Payment of rewards.

AUTHORITY: §§ 50.500 to 50.4600, inclusive (with the exception noted in the text), issued under R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369.

SUBPART G—PROCEDURES BEFORE THE COMPTROLLER, BUREAU OF ACCOUNTS

50.4600 Compromise of oligations.

§ 50.500 *Contract procedure.* All contract procedure has been standardized and outlined in U. S. Standard Form No. 22 approved by the Secretary of the Treasury. (33 Stat. 440, sec. 2, 47 Stat. 1520; 5 U. S. C. 366; 41 U. S. C. 10a.)

CROSS REFERENCES: For procedure see 39 CFR, 2.1 to 2.12, and 41 CFR, 12.22.

§ 50.501 *Invitation, bid and acceptance.* All persons or concerns interested in receiving invitations to bid on proposals should write to the Purchasing Agent, Post Office Department, Washington 25, D. C.

CROSS REFERENCES: For form of invitation, bid and acceptance and formal contract see 41 CFR, 12.32, 12.33.

§ 50.502 *Open market purchases.*

CROSS REFERENCES: For procedure see §§ 2.6, 2.8 of this chapter.

§ 50.700 *Establishment of rural delivery service.* Petitions for the establishment of a rural delivery service shall be submitted on Form 4001 and forwarded by the petitioner to the First Assistant Postmaster General. Forms are available at the office of the First Assistant Postmaster General, Washington 25, D. C. Before circulating Form 4001, petitioners should procure from the First Assistant Postmaster General Form 4002 containing informaton concerning rural delivery service. (Sec. 1, 39 Stat. 423; 39 U. S. C. 191, 192)

CROSS REFERENCE: For substantive rules see 39 CFR, 14.15 to 14.62. Forms described in §§ 55.700, 55.701 of this chapter.

§ 50.701 *Establishment, changing, or extending city delivery service.* All requests or petitions for establishment, change or extension of city and village delivery service shall be addressed to the local postmaster. No formal petition is prescribed. (R. S. 161,396 secs. 304, 309; 42 Stat. 24, 25; 5 U. S. C. 22, 369; 39 U. S. C. 151, 152)

CROSS REFERENCE: For substantive rules see 39 CFR 14.1 to 14.14.

§ 50.702 *Establishment of contract stations or contract branches.* Members of the public may petition a local postmaster for the establishment of a contract station or branch of a post office. No formal petition is prescribed. Subject to Department approval, intention to establish a contract station or a contract branch will be advertised at offices to which the station or branch is to be attached. Persons interested in securing a contract to operate a contract station must submit an agreement on Form

1459. Persons interested in securing a contract to operate a contract branch must submit an agreement on Form 1459-A. Forms are available at the office of the First Assistant Postmaster General, Washington 25, D. C. (R. S. 3871; 41 Stat. 323; 39 Stat. 163, 313; 39 U. S. C. 158-161)

CROSS REFERENCE: Forms described in §§ 55.702, 55.703 of this chapter.

§ 50.703 *Change of post office address.* Notification of change of address shall be submitted to the local postmaster on Form 22, available at all post offices. (R. S. 161; 5 U. S. C. 22)

CROSS REFERENCE: Form described in § 55.704 of this chapter.

§ 50.704 *Withdrawal of mail.* Applications to withdraw mail deposited for mailing shall be made to the local postmaster on Form 1509, available at all post Offices. Applicants will be required to bear any expense incident to the return of mail deposited for mailing. (R. S. 161; 5 U. S. C. 22)

CROSS REFERENCE: Form described in § 55.705 of this chapter.

§ 50.705 *General delivery service.* Where city or village delivery service is provided, applications for general delivery service shall be made to the local postmaster on Form 1527, available at all post offices. (R. S. 161; 5 U. S. C. 22).

CROSS REFERENCE: For substantive rules see 39 CFR, 12.14, 12.20. Form described in § 55.706 of this chapter.

§ 50.706 *Report of the loss, rifling, delay, wrong delivery or other improper treatment of mail matter.* Persons experiencing the loss, rifling, delay, wrong delivery, or other improper treatment of mail matter should make report thereof to their local postmaster and secure from him a Form 1510 on which formal complaint should be completed. Upon completion, the form should be delivered to the local postmaster. (R. S. 161; 5 U. S. C. 22)

CROSS REFERENCE: Form described in § 55.4302 of this chapter

§ 50.800 *Establishment of post offices.* Petitions for the establishment of a post office shall be submitted on Form 1000 and shall be forwarded by the petitioner to the First Assistant Postmaster General. Forms are available at the office of the First Assistant Postmaster General, Washington 25, D. C. (R. S. 161; 5 U. S. C. 22)

CROSS REFERENCE: Form described in § 55.800 of this chapter.

§ 50.801 *Change of site of post office.* All positions or requests for the change of site of a post office shall be addressed to the First Assistant Postmaster General, Washington 25, D. C. No formal petition is required except that the request will show the direction and distance the office is to be moved and bear the signature or signatures of the petitioners. (R. S. 161; 5 U. S. C. 22)

§ 50.802 *Change in name of post office.* Requests for change in name of a post office shall be directed to the First Assistant Postmaster General, Washington 25, D. C. No form is prescribed for this purpose except that the request shall show the present name and the proposed new name of the office and bear the signature or signatures of the petitioners. Requests for the change in name of a post office will be passed upon by the Post Office Department and the United States Board of Geographical Names, Department of the Interior. (R. S. 161; 5 U. S. C. 22)

§ 50.900 *Rules of practice governing proceedings before the Post Office Department to revoke orders changing the mode of transportation of periodical mail of the second class*—(a) *Proceedings governed.* These rules shall govern all proceedings under section 1752, Postal Laws and Regulations, 1940, as amended (39 U. S. C. 576), relating to the revocation of orders of the Post Office Department changing the mode of transportation of periodical mail.

(b) *How instituted.* Whenever the owner of any publication entered as second class matter believes that a Post Office Department order requiring the transportation of his publication by freight constitutes unjust discrimination he may petition the Second Assistant Postmaster General for revocation of said order.

(c) *Contents of petition.* The petition shall state the statute and portions of the Postal Laws and Regulations involved; shall identify the order sought to be revoked; and shall contain a concise statement of the manner in which the said order is alleged to constitute unjust discrimination. All petitions shall be signed by the petitioner or his attorney. If the petitioner is a corporation, association or partnership the petition shall be signed by a bona fide officer thereof or by one or more partners. All petitions shall show the office and post office address of the petitioner. All petitions shall be verified. Petitions may be accompanied by supporting affidavits or other documentary evidence.

(d) *Filing.* The original and two copies of the petition shall be filed with the Second Assistant Postmaster General, Post Office Department, Washington 25, D. C.

(e) *Amendment.* The petition may be amended or supplemented at any time prior to the hearing.

(f) *Designation of Trial Examiners.* All hearings shall be held before one or more trial examiners designated by the Postmaster General to preside at administrative proceedings before the Post Office Department.

(g) *Authority of Trial Examiners; powers.* The Trial Examiners are charged with the duty of conducting a fair, impartial, expeditious and orderly hearing to the end that petitioners shall have a full and fair hearing. Trial Examiners shall have the authority to rule upon offers of proof; to receive oral or documentary evidence; to regulate the course of the hearing and the conduct of participants; to grant continuances after commencement of the hearing; dispose of procedural motions; hold prehearing conferences for the settlement or simplification of the issues by consent of the parties; require oral argument or briefs upon any question at the close of the hearing; and make recommended decisions to the Second Assistant Postmaster General. The Trial Examiners shall have no power to decide any matter which involves a final determination of the merits of the proceeding.

(h) *Place of hearing.* In setting the place for the hearing due regard will be given to the convenience and necessity of all parties.

(i) *Preliminary review of petition.* Upon receipt of the petition the Second Assistant Postmaster General shall, when time, the nature of the proceeding and public interest permit, examine the same and determine whether the relief requested can be granted upon the basis of the matter submitted.

(j) *Responsive pleadings.* If the petition cannot be granted as provided in paragraph (i) of this Section the Second Assistant Postmaster General shall serve a copy thereof upon the Solicitor of the Post Office Department, the Trial Examiners and any person or concern directly interested in the proceeding. He shall also notify the interested parties that they may intervene, if they see fit, by filing a responsive pleading within the time limit designated. The Solicitor of the Post Office Department shall also be required to file a responsive pleading. Responsive pleadings shall clearly show the controverted issues of fact or law.

(k) *Date and time of hearing.* After the time for filing responsive pleadings has expired the Second Assistant Postmaster General shall set a time and place for the hearing.

(l) *Continuances prior to commencement of hearing.* Continuances of the hearing will be granted only in unusual or extraordinary circumstances. All requests for continuances prior to the commencement of the hearing shall be in writing and directed to the Second Assistant Postmaster General. The request shall contain a concise statement of the basis for the continuance.

(m) *Prehearing conferences.* In any proceeding assigned for hearing the Trial Examiners or either party may request a prehearing conference for the settlement or simplification of the issues by consent of the parties. No transcript of such conference shall be made but the Trial Examiners shall prepare and file for the record a written summary of the action taken at the conference which shall incorporate any written stipulations or agreements made by the parties at the conference or as a result of the conference.

(n) *Order of procedure.* The Petitioner shall have the burden of proof and shall have the right to open and close.

(o) *Witnesses.* All witnesses shall be duly sworn and shall be subject to cross-examination.

(p) *Evidence.* Competent, material and relevant oral or documentary evidence may be offered and received. Documentary evidence must be properly identified or authenticated. Three copies of all documentary exhibits must be supplied for the record.

(q) *Objections.* If any party objects to the admission or rejection of any evidence, or to the limitation of the scope of direct or cross-examination, he shall state briefly the grounds for such objec-

tion. Exceptions to all adverse rulings are automatic. The objection, grounds and ruling thereon shall become a part of the record. Oral argument thereon shall be omitted from the record.

(r) *Subpenas.* The Post Office Department is not authorized by law to issue subpenas requiring the attendance or testimony of witnesses.

(s) *Oral argument.* At the conclusion of the testimony the parties shall have the right to argue the issues orally before the Trial Examiner, within such limits as to time and subject matter as may be prescribed by him. Oral arguments shall become a part of the record of the case. The petitioner shall have the right to open and close.

(t) *Transcript of proceedings.* The hearing shall be reported and transcribed by the reporting system made available by the Post Office Department. Said transcript together with all preliminary papers filed in the case and exhibits received in evidence and those identified and offered but excluded and which are necessary to complete the record of the proceeding and all briefs, proposed findings of fact and conclusions of law; the Trial Examiner's findings, report and recommended decision, shall be included in the official record of the proceeding and shall become a part of the files of the Post Office Department. A copy thereof shall be loaned to each party for use in preparing briefs and must be returned to the Department with the brief.

(u) *Briefs.* Within such time limit as the Trial Examiner shall specify and prior to any recommended decision each party may file a brief and proposed findings of fact and conclusions of law. If it shall be deemed necessary the Trial Examiner may require the attorney for the Department to brief his side of the case.

(v) *Trial Examiner's report.* Upon the basis of the entire record as hereinabove defined the Trial Examiner shall promptly prepare a report which shall include his recommended decision and his rulings upon each proposed finding of fact and conclusion of law with the reasons or basis for such ruling, and transmit it to the Second Assistant Postmaster General, together with the transcript of proceedings. Such report will be advisory only and not binding upon the Second Assistant Postmaster General.

(w) *Decision.* Upon the basis of the transcript of proceedings, the Second Assistant Postmaster General shall revoke the order in question or deny the petition. No oral argument before the Second Assistant Postmaster General will be allowed.

(x) *Administrative appeals.* Section 576 of Title 39 U. S. Code provides for direct appeal to the United States Court of Appeals for the District of Columbia within twenty days of any final decision adverse to the petitioner. Rehearings or administrative appeals to the Post Office Department are neither allowed nor necessary. (39 Stat. 424, 48 Stat. 926; 39 U. S. C. 576.)

§ 50.1000 *Air mail service, Alaska—*(a) *Application and authorization of service.* Upon application of carriers to engage in air transportation in Alaska, investigation is made by the Civil Aeronautics Board to determine the carrier most fit, willing and able to perform the service. When determined, such carrier is issued a certificate of convenience and necessity, in some cases for the transportation only of persons and property, and in others for the transportation of persons, property and mail. When the certificate authorizes the transportation of mail between any points in Alaska, such service is designated by the Postmaster General if the needs of the service require it. If mail service by aircraft is found to be necessary at other points in Alaska in addition to that authorized in certificates, the Postmaster General may certify such finding to the Civil Aeronautics Board with a statement showing the additional service required. If found to be in the public interest, a new or amended certificate may be issued authorizing the service.

(b) *Special contracts.* The Postmaster General may contract, in accordance with the procedure set out in § 50.1300, for the carriage of all classes of mail in Alaska when the needs of the service require transportation by aircraft and where no transportation has been authorized under the Civil Aeronautics Act of 1938, title IV. (49 U. S. C. 481.) Form 2253, "Contract for Mail Service by Airplane on Star Route in Alaska," is used in connection with this service when contracts are awarded on a four-year basis; when authorized for one year, Form 2252, "Contract for Temporary Mail Service by Steamboat or other Power Boat," amended for the airplane service, is used.

(c) *Emergency service contracts.* Contracts for emergency air mail service due to flood, fire, or other calamitous visitation are authorized, without advertising, when service by other facilities is not available, and are for periods of the emergency, not exceeding one year. Form 2252 mentioned above is used for these contracts.

(d) *Rates.* The rates of payment for transportation of all classes of mail in Alaska by air carriers authorized to engage in the transportation of mail under title IV of the Civil Aeronautics Act of 1938 are established by the Civil Aeronautics Board. (43 Stat. 960; 52 Stat. 987; 54 Stat. 1175, 1235; 39 U. S. C. 488a; 49 U. S. C. 481, Supp. V)

CROSS REFERENCE: See 5 F. R. 2421; for forms see §§ 55.1000; 55.1001 of this chapter. For similar procedures see §§ 50.1401, 50.1402, 1.6 (g).

§ 50.1001 *Mail messenger service—*(a) *General provisions.* This class of service is not let for any stated period, and no formal contract or bond is required for the reason that by its nature the service is flexible, and changes may be necessary at any time. Mail messengers are not employees of the classified service and are not entitled to the benefits applying to the classified service. Generally, it is not the practice of the Department to disturb the service where it is rendered in a satisfactory manner, unless it is indicated after the service has been in effect for at least one year, that a material reduction in cost can be obtained, or for some other reason the issuance of an advertisement for new bids becomes necessary. Any postmaster where the service is in effect will furnish information desired regarding the operation of the service, the issuances of new advertisements or other questions with respect thereto.

(b) *Advertisement for bids.* Before establishing this service or before changing an existing service, an advertisement setting forth the service to be provided shall be issued and the postmaster shall post notices thereof in public places for ten days.

(c) *Awards.* The report on the advertisement, with all bids submitted, is forwarded to the Second Assistant Postmaster General, where the bids are opened, and the lowest bidder, if in all other respects acceptable, shall be designated, in the event that an award is made. If the Department considers the rates of the bids to be excessive, they may be rejected and another advertisement may be issued.

(d) *Termination or discontinuance of service.* In the event the Second Assistant Postmaster General considers that for any reason the termination of service and pay of a mail messenger is warranted, an advertisement for new bids may be issued. In such a case the postmaster and mail messenger are notified in writing. There is no appeal from the decision of the Second Assistant Postmaster General. (24 Stat. 492; 43 Stat. 352; 39 U. S. C. 578, 579)

§ 50.1002 *Fines and deductions, mail messengers—*(a) *Reports of irregularities.* Reports of failures or irregularities on the part of Mail Messengers are made to the Second Assistant Postmaster General by field operating officials.

(b) *Notice of irregularity and answer.* When a failure or irregularity occurs, the mail messenger is called upon for a statement as to the reason therefor, and he is given the opportunity to explain the circumstances in writing and offer such defense as he may desire in his behalf. No form is provided for this purpose.

(c) *Notice of fine.* When the investigation is completed and all reports are received at the Post Office Department, the facts are considered and the amount of the fine, if any, is decided upon and imposed by authority of the Postmaster General. (44 Stat. 499; 48 Stat. 952; 39 U. S. C. 443)

CROSS REFERENCE: For similar procedures, see §§ 50.1003, 50.1401, 50.1402.

§ 50.1003 *Fines and deductions, railroad, electric car companies, power boat contractors and carriers in the United States, Alaska, Puerto Rico and Hawaiian service, airplane and overland star route contractors and carriers in Alaska and carriers on certificated air mail routes in Alaska—*(a) *Notice of irregularity, answer; assessment of fine.* Briefs of irregularities involving delays, loss or damage to the mails, careless handling, rough switching and unsatisfactory condition of postal cars or other delinquencies are reported by the Postmaster, Transfer Clerk or Postal Clerk to the Chief Clerk, Railway Mail Service, who then advises the company or contractor of same; and requests the delinquent party to advise if responsibility is acknowledged. When the investigation

is completed the briefs with statement of facts on Forms 5178 and 5179 are forwarded to the Second Assistant Postmaster General and carefully examined to determine the responsibility of the company or contractor involved and the amount of fine, if any, is then decided upon.

(b) *Damage or loss of mails; responsibility of carrier.* Damage cases are handled in the same manner as the class of cases mentioned above except that where it is found, after investigation, that the Government has suffered a loss through the payment of indemnity or otherwise resulting from damage or loss of mails, such loss is taken into consideration when determining the amount of the fine.

(c) *Notice of fine, appeal.* When a fine is imposed the carrier involved is mailed a notice on proper forms stating the facts and the amount of the fine. The carrier may protest the imposition of fine but must file application in the office of the Second Assistant Postmaster General with evidence in support thereof, within six months from the date of notice of fine. (44 Stat. 499; 48 Stat. 952; 39 U. S. C. 443)

CROSS REFERENCE: For Forms see §§ 55.1002, 55.1003. For similar procedures see §§ 50.1002, 50.1401, 50.1402.

§ 50.1100 *International mail; admissibility to mails.* The question of the mailability or of the rates, classification, or other conditions of admissibility of an article or parcel it is desired to mail to a foreign country should first be taken up with the post office where the article or parcel is to be mailed. Detailed information concerning the rules of mailing may also be found in Part II of the U. S. Official Postal Guide. If the article or parcel is refused for mailing and there is doubt that it is in fact nonmailable, the question may be submitted by the proposed sender by letter to the Second Assistant Postmaster General, Washington 25, D. C., for review and final determination. (See also 39 CFR, 6.12.) (R. S. 398; 48 Stat. 943; R. S. 161, 396 secs. 304, 309; 42 Stat. 24, 25; 5 U. S. C. 22, 369, 372)

§ 50.1101 *International mail, inquiries, complaints and claims*—(a) *Filing of forms.* Complaints of loss, rifling, damage, delay, or wrong delivery of international mail are to be made on Form 1510, which should be filed at the office of mailing; however, for mailings at first- and second-class offices and except in the case of Canada, Form 540 is used for loss of ordinary parcel post; Form 541 for loss of other ordinary mail, and Form 542 for loss of registered mail (including registered parcel post). Form 1510, as well as Form 2855, must be executed and filed for insured mail addressed to Canada. Inquiries concerning disposition or complaints relative to insured parcels to other countries are handled in the same manner as complaints of loss of registered mail, except that in case of prima facie loss, rifling, damage, delay, or wrong delivery of an insured parcel, Forms 1510 and 2855 may be executed. Inquiries are accepted only within the period of one year, counting from the day following that of mailing of the article. Simple requests for information presented after that period are complied with regarding articles mailed less than 2 years previously. In the case of insured mail with Canada and Newfoundland, however, the inquiry, oral or written, must be made within 6 months from the date of mailing. Claims for indemnity on account of the loss, rifling, or damage of international registered (Postal Union or Parcel post) or registered C. O. D. mail shall be filed on Form 565. Form 2855 shall be used in connection with complaints of the loss, rifling, or damage of international insured, insured C. O. D. or Americo-Spanish ordinary parcel post and for nonreceipt or shortage of C. O. D. charges borne by all international C. O. D. parcels.

(b) *Fees charged.* A charge of 10 cents (5 cents in the case of ordinary Postal Union mail) shall be made for an inquiry or complaint in connection with registered or insured mail addressed to a foreign country, unless the sender has failed to receive a return receipt for which he paid the required fee, or is able to show that a prima facie loss or other irregularity has occurred through fault of the Postal Service by (1) exhibiting a letter or other report from the addressee dated a reasonable time after the article involved would, in regular course, have been delivered, or (2) satisfactorily accounting for the failure to exhibit such letter or report. If an inquiry or complaint is accepted without collection of a fee under the foregoing but it is subsequently found that there was no mistreatment or unreasonable delay of the article chargeable to the Postal Service, the prescribed fee shall be collected when the result of the trace is furnished the sender. However, no fee shall be collected for inquiries or complaints regarding international C. O. D. mail, nor in the event of loss due to war causes or inability to account for an article due to the same causes. Registry return receipts for Postal Union mail articles and insured parcels may be obtained upon payment of a fee of 5 cents if requested at time of mailing or 10 cents if requested after mailing, except that no return receipts are furnished for insured parcels for Canada. The charge for return receipts for registered parcels varies according to the country of destination. Form 2865 is designed for this purpose and for complaints of failure to receive return receipts. However, at first- and second-class offices Form 542 is also used in connection with such complaints and Form 1510 at third- and fourth-class offices. (R. S. 398; 48 Stat. 943; R. S. 161, 396 secs. 304, 309; 42 Stat. 24, 25; 5 U. S. C. 22, 369, 372)

CROSS REFERENCE: For forms see §§ 55.4302; 55.1101, 55.1102; 55.1103; 55.1104; 55.2601; 55.1106, of this chapter.

§ 50.1102 *International mail, requests for refund of postage and fees.* Requests for refund of postage paid on international mail for which no service has been rendered, requests for refund of fees collected for return receipts when not furnished because of some fault of the Postal Service, and requests for refund of fees for inquiries and complaints when caused by some irregularity of the Postal Service, should be made in writing to the postmaster at the office of mailing, accompanied with the address portion of the relative envelope or wrapper with canceled postage affixed. Such requests are forwarded to the Second Assistant Postmaster General, Division of International Postal Service, for decision. (5 U. S. C. 22, 369, 372)

§ 50.1103 *International Mail; Recall and Change of Address*—(a) *General provisions.* The sender of any mail article addressed for delivery in a foreign country may cause it to be withdrawn from the Postal Service, or have its address changed (1) provided the article has not been dispatched from the United States, and (2) in case it has been dispatched from the United States and not delivered to the addressee and provided the legislation of the country of destination of the article allows such withdrawal or alteration.

(b) *Applications.* Application should be made at the office of mailing. If the article has actually been dispatched from the United States, the applicant must deposit with the postmaster a sum sufficient to cover the amount chargeable on a single rate registered letter to the country concerned, 23 or 25 cents as the case may be, as well as the amount necessary to prepay an air-mail letter or a cablegram to the country of destination if such service is desired by the applicant. The applicant will be required to pay any expenses incident to the return. (R. S. 398; 48 Stat. 943; R. S. 161, 396, secs. 304, 309; 42 Stat. 24, 25; 5 U. S. C. 22, 369, 372)

§ 50.1104 *International mail; sealed articles not properly endorsed or labeled.* In the case of sealed articles (other than parcel post) received in the mails from foreign countries which are known or believed to contain merchandise and do not bear the label Form C 1 (2976) or the endorsement "May be opened for customs purposes prior to delivery to addressee", or words of similar purport, the addressee may be required to furnish written authority for a customs officer to open the article in the presence of a representative of the postmaster, the article to be detained by the postmaster until opened. If the addressee does not furnish such written authority within 30 days after date of the notice or within such further time as may be allowed, the article may be treated as undeliverable mail matter and disposed of as such. (5 U. S. C. 22, 369, 372)

CROSS REFERENCE: For forms see § 55.1107 of this chapter.

§ 50.1105 *International mail; importations prohibited by copyright law.* Parcels and other mail from foreign countries which prove to contain articles prohibited importation by the copyright act are required to be retained by customs officers and the addressee notified of the facts. If an application is not made within a reasonable time to the Secretary of the Treasury for permission to return such articles to the country of export, the articles will be forfeited as provided in the copyright law. (5 U. S. C. 22, 369, 372; 17 U. S. C. 32.)

§ 50.1106 *International mail; securities or currency from abroad.* In the

case of mail articles supposed to contain securities or currency (except currency mailed from Mexico) received in the mails from foreign countries other than Great Britain, Canada, Newfoundland or Bermuda, the addressee may be requested to appear at the post office and open the article for inspection. If the article is found to contain securities or currency subject to license or other authorization from the Secretary of the Treasury to bring into the country, the securities or currency are required to be sent to a Federal Reserve Bank or, in the case of Alaska, Hawaii, the Virgin Islands and the Canal Zone, to the Governor or Foreign Funds Control Office of the respective territory or possession, for further disposition. The addressee will be given a receipt for the securities or currency so sent. (5 U. S. C. 22, 369, 372.)

§ 50.1107 *International mail; prepayment of customs duty, in certain cases only.* Customs duties can be prepaid by mailers only on advertising matter sent to Australia, Canada, Newfoundland (including Labrador) and the Union of South Africa. In the case of Newfoundland (including Labrador), prepayment of customs duty on advertising matter sent thereto is compulsory. For further information see Regular Mail "Observation" under the country headings of the above named countries in Part II of the U. S. Official Postal Guide. (R. S. 398; 48 Stat. 943; R. S. 161, 396, secs. 304, 309; 42 Stat. 24, 25; 5 U. S. C. 22, 369, 372)

§ 50.1108 *International mail; fraudulent or previously used stamps on mail from abroad.* Articles bearing fraudulent or previously used postage stamps received from foreign countries will not be delivered unless the addressee pays the postage due and agrees to disclose the name and address of the sender and surrenders the envelope or cover concerned. (R. S. 398; 48 Stat. 943; R. S. 161, 396, secs. 304, 309; 42 Stat. 24, 25; 5 U. S. C. 22, 369, 372)

§ 50.1109 *International mail; certificates of mailing.* On request at the time of mailing and on payment of a fee of 1 cent for each article or parcel involved, senders of Postal Union (regular) mail articles and international parcel-post packages may obtain a certificate attesting the mailing of the article or parcel. (R. S. 398, 48 Stat. 943; R. S. 161, 396 secs. 304, 309; 42 Stat. 24, 25; 5 U. S. C. 22, 369, 372)

CROSS REFERENCE: For forms see § 55.1108 of this chapter.

§ 50.1110 *International mail, claims for compensation due for conveyance of mails to foreign countries by steamship*—(a) *Monthly accounts.* Monthly accounts are to be submitted on standard government Forms 1034 and 1034a—revised showing amount due for the conveyance of all mails for which the Post Office Department is obligated to pay. The accounts must be accompanied by a statement showing the name of each vessel conveying the mails during the month for which pay is claimed, date of sailing and particulars of classes of mail conveyed by each vessel (this information is obtainable from Form 2963 furnished the carrier by the dispatching office).

(b) *Rates of pay.* The rates of pay applicable are stated in the Postal Laws and Regulations, section 2240.

(c) *Payment through intermediary party.* The term "third service", in so far as concerns the conveyance of mails by sea, is applied when compensation for the steamship service performed is paid by the postal administration of the country dispatching the mails to the postal administration of the country in which the conveying steamship is registered, pursuant to notification given through the International Bureau of the Universal Postal Union, Berne, Switzerland, by the postal administration of the country of registry, as authorized by Article 75 of the Universal Postal Convention. Such payments are normally based on postal statistics taken every three years for a period of 28 days. At present, because of disruptions of service by hostilities, payments are based on actual weights of the mails transported. There is no prescribed form on which report is to be made by the steamship companies of the actual weights of mails conveyed. Amounts due steamship companies under third service arrangements, are paid them by the post office department when the amounts are paid by the foreign countries concerned, without claim being filed by the steamship company. (44 Stat. 9900; 45 Stat. 696, 1175; 54 Stat. 2049; 5 U. S. C. 22, 369, 372; 39 U. S. C. 654)

CROSS REFERENCE: For forms see §§ 55.1109 and 55.1110 of this chapter.

§ 50.1111 *Establishment or extension of air mail routes.* (49 U. S. C. 485, 486) (See §§ 50.1400, 50.1000)

§ 50.1112 *International mail, foreign air mail routes, procedure in filing claims for compensation due for conveyance of air mails.* Monthly accounts are to be submitted on Post Office Department Form 2703–A showing amount due at rates specified by the Civil Aeronautics Board. These accounts are to be accompanied by trip reports, Form 2901, in support of the miles reported to have been flown on flights designated by the Second Assistant Postmaster General for the carriage of the mails. (5 U. S. C. 22, 369)

CROSS REFERENCE: For forms see §§ 55.1111 and 55.1112 of this chapter.

§ 50.1113 *Fines and deductions; transportation of mails by air or water on routes extending beyond the borders of the United States.* Upon receipt of information by the Second Assistant Postmaster General, either from a representative of the United States Post Office Department or a foreign country to which the mail was destined, reporting apparent delinquencies in the transportation of the mails a communication is addressed to the carrier requesting that a complete report be furnished in connection with the reported failure to render satisfactory service and that he further show cause in writing why a fine should not be imposed in the case. Upon receipt of the information requested, decision will be made as to the amount of fine to be imposed, if any, and the carrier will be informed accordingly. Non-receipt of further communication from the carrier will imply acceptance of the fine. (46 Stat. 1049; 39 U. S. C. 655; 49 U. S. C. 485, 486)

CROSS REFERENCES: For further procedures see §§ 50.1003 and 50.1401.

§ 50.1300 *Star route and power boat service*—(a) *General provisions.* The star route and power boat service is maintained primarily for the supply of post offices not afforded other means of supply, and is operated on a contractual basis. The United States is divided into four contract sections and contracts are let for a term of four years. General advertisements are issued the latter part of each calendar year, inviting proposals for all star and power boat routes in one of the contract sections effective at the beginning of the next fiscal year. Each post office named in the advertisement is furnished a copy of the advertisement and proposal forms. Advertisements for miscellaneous mail lettings are posted as the occasion requires in the post offices at the termini of any route to be let and upon a bulletin board in the Post Office Department. The post offices are also furnished with proposal forms. Copies of general advertisements and proposal forms may be obtained from the Second Assistant Postmaster General, Washington 25, D. C. For more detailed information concerning the contract sections and method of advertising see section 1793 to 1795 of the Postal Laws and Regulations, edition of 1940.

(b) *Petition for establishment of service.* Requests for establishment of or changes in star route and power boat service should be submitted to the Second Assistant Postmaster General. No special form of petition is provided.

(c) *Advertisements inviting proposals.* Advertisements inviting proposals for star route and power boat state the service contemplated, the time limits for submitting bids and general instructions. Proposals should be submitted to the Second Assistant Postmaster General. Proposal forms may be obtained from the post offices at the termini of any route to be let, the local Chief Clerk, Railway Mail Service, or the Second Assistant Postmaster General.

(d) *Awards.* Contracts are awarded by the Second Assistant Postmaster General to the lowest responsible bidder tendering sufficient guaranties for faithful performance in accordance with the terms of the advertisement. (21 Stat. 374; 27 Stat. 268; 54 Stat. 228; 39 U. S. C. 421, 422, 426, 429)

§ 50.1301 *Highway Post Office contract service.* Contracts for carrying the mails and railway postal clerks on routes in motor vehicles especially designed and equipped for the distribution of mail en route may be awarded. (21 Stat. 374; 27 Stat. 268; 54 Stat. 228; 39 U. S. C. 421, 422, 426, 429, 505)

CROSS REFERENCE: For procedure see § 50.1300.

§ 50.1302 *Fines and deductions—star route service.* Deductions may be made from the pay of contractors for failure to perform service according to contract and fines may be imposed for other de-

linquencies as authorized by statute. Deductions and fines are based upon evidence received from postmasters and other field officials. Contractors are given written notice by the Second Assistant Postmaster General of the amount of deduction or fine and the reason therefor. (44 Stat. 499; 48 Stat. 952; 39 U. S. C. 443)

§ 50.1303 *Miscellaneous contract items; railway mail service.* From time to time local field officials require miscellaneous items and services such as ice, water coolers, window washing services, and printing. Advertisements specifying the items or services required are published and the contract is awarded to the lowest bidder, if in other respects acceptable, for a period of one year. (5 U. S. C. 22, 369)

§ 50.1304 *Mail bags; availability for public use.* Mail bags are made available to patrons when such action will result in a material benefit to the postal service. Application or requisition therefore should be made on Form 3970 and filed at the post office. Upon return of the bags, receipt on Form 3971 will be given to the borrower. Applicant must show a legitimate need for such bags. Further details are available at all post offices. (R. S. 398, 48 Stat. 943; R. S. 161, 396 secs. 304, 309; 42 Stat. 24, 25; 5 U. S. C. 22, 369, 372)

CROSS REFERENCE: For forms see §§ 55.1300 and 55.1301 of chapter.

§ 50.1350 *Leases, terminal railway post offices.* When additional space or new quarters are needed for terminal railway post offices, advertisements are published and bids are accepted.

CROSS REFERENCE: For procedure see §§ 50.3700 and 50.3701.

§ 50.1360 *Fines and deductions.* Power boat contractors.

CROSS REFERENCE: For procedure see § 50.1003.

§ 50.1307 *Second Assistant Postmaster General to determine what matter shall be excluded as liable to injure mails.*

CROSS REFERENCE: For procedure see 39 CFR, 6.12 to 6.21 inclusive.

§ 50.1400 *Establishment or extension of air mail routes.* The authorization of all new air routes,, extensions of existing routes, and additional points to be served, and the determination of rates for the carriage of mail by aircraft on certificated routes, are functions of the Civil Aeronautics Board. Requests for information concerning the filing of applications for new air mail service certificates of public convenience and necessity should be directed to the Civil Aeronautics Board, Washington 25, D. C. (52 Stat. 987; 54 Stat. 1235; 49 U. S. C. 481) (See also 5 F. R. 2421)

§ 50.1401 *Fines and deductions; Air Mail Service*—(a) *Report of irregularities.* Irregularities in the handling of mail on the part of carriers are detected by examination of trip reports, Form 2702, submitted by carriers and by reports from postmasters and clerks in charge of air mail field post offices.

(b) *Investigation of irregularity reported.* Each mail failure or other irregularity in the handling of mail on the part of the carrier is investigated by the Regional Superintendent, Air Mail Service, in whose area such failure or irregularity occurs.

(c) *Notice to carrier; answer.* The carrier is advised in writing of the irregularity and is requested to make his investigation and to state whether he accepts responsibility for same. Upon receipt of the carrier's reply, Form 2744, "Brief of Irregularity", with all papers bearing on the case, is submitted to the Second Assistant Postmaster General, Division of Air Mail Service, Washington 25, D. C., for determination of the penalty (fine) to be assessed.

(d) *Assessment of fine; notice of; appeal.* The carrier is notified of the penalty (fine) assessed and may protest same. In case of a protest by the carrier against a fine, either on the basis of alleged error, new information, or other reason, the case is further reviewed by the Second Assistant Postmaster General and his decision is final. (44 Stat. 499; 48 Stat. 952; 39 U. S. C. 443)

CROSS REFERENCES: See also §§ 50.1002, 50.1003, 50.1402. For forms see §§ 55.1400, 55.1401 of this chapter.

§ 50.1402 *Fines and deductions; Alaska, Puerto Rico, and Hawaii.* (44 Stat. 499; 48 Stat. 952; 39 U. S. C. 443)

CROSS REFERENCE: For procedure see §§ 50.1002, 50.1003, 50.1401.

§ 50.1600 *Rent of boxes.* The first step in the renting of a post office box is for the patron who desires the box to go to the post office and secure a blank application Form 1092½ which he appropriately fills out and leaves at the post office. If the applicant is well and favorably known to the postmaster and a box of the type desired is immediately available, the postmaster may assign the box for use at the beginning of the period for which the rental is paid. If a box of the type or size desired is not immediately available the applicant's name will be placed on a waiting list in the order in which his application is filed. The applicant is required to give references on his application and if he is unknown to the postmaster, the references are asked for a report as to the character and responsibility of the applicant, using Form 1092 for this purpose. When an applicant rents a post office box which operates with lock and key he is required to put up a deposit for whatever number of keys may be furnished him, usually one, two, or three, and he is given a receipt for the rental paid on Form 1538 on which is noted a receipt for the key deposit. If, when surrendering the box he returns this receipt with the keys to the post office, the deposit will be refunded to him. If, for any reason, when a box is surrendered a patron does not return any keys, a notice is sent him on Form 1093, asking that he return his keys for redemption. If the applicant wants more than three keys, special application must be made on Form 1094. At least 10 days prior to the beginning of each quarter the postmaster gives a patron a notice that his box rent is due, using Form 3908. (R. S. 3901; 39 U. S. C. 279)

CROSS REFERENCE: For description of Forms 1092½, 1902, 1538, 1093, 1094 and 3908 see §§ 55.1600 to 55.1605, inclusive, of this chapter. For rates see 39 CFR 4.2.

§ 50.1601 *Withdrawal of lock box privilege for improper use.* Use of lock box may be denied or withdrawn for improper use.

CROSS REFERENCE: For procedure see 39 CFR, 4.3 (g).

§ 50.1701 *Opening of accounts and bankrupt funds.*

CROSS REFERENCE: For procedure see 39 CFR 18.8 and 18.3. For Form PS 600, see § 55.1703 of this chapter.

§ 50.1702 *Deposits made through representative or by mail.*

CROSS REFERENCE: For procedure see 39 CFR 18.5. For Form PS 300B, see § 55.1705 of this chapter; for Form PS 629, see § 55.1706 of this chapter; and for Form PS 600, see § 55.1703 of this chapter.

§ 50.1703 *Description of certificates of deposit.*

CROSS REFERENCE: For procedure see 39 CFR 18.6.

§ 50.1704 *Correction of errors on certificates or change of name of depositor.*

CROSS REFERENCE: For procedure see 39 CFR 18.7. For Form PS 305, see § 55.1710 of this chapter; and for Form PS 600, see § 55.1703 of this chapter.

§ 50.1705 *Certificates lost, stolen, or destroyed.*

CROSS REFERENCE: For procedure see 39 CFR 18.8. For Form PS 607, see § 55.1711 of this chapter; and for Form PS 600, see § 55.1703 of this chapter.

§ 50.1706 *Rate of interest payable on certificates.*

CROSS REFERENCE: For procedure see 39 CFR 18.9. For Form PS 100 see § 55.1707 of this chapter.

§ 50.1707 *Withdrawal of deposits.*

CROSS REFERENCE: For procedure see 39 CFR, 18.12. For Form PS 600, see § 55.1703; for Form PS 45, see § 55.1717; and for Form PS 100, see § 55.1707, of this chapter.

§ 50.1708 *Withdrawal of deposits through a representative or by mail.*

CROSS REFERENCE: For procedure see 39 CFR, 18.13. For Form PS 304, see § 55.1718; for Form PS 302, see § 55.1719; for Form PS 315, see § 55.1720; for Form PS 315–A, see § 55.1721; for Form PS 100, see § 55.1707; for Form PS 600, see § 55.1703; and for Form PS 320, see § 55.1722, of this chapter.

§ 50.1709 *Payment of account on death or legal disability of depositor.*

CROSS REFERENCE: For procedure see 39 CFR, 18.14. For Form PS 114, see § 55.1715; for Form PS 115, see § 55.1713; for Form PS 115–A, see § 55.1714; and for Form PS 112, see § 55.1712, of this chapter.

§ 50.1710 *Board of Trustees will purchase postal-savings bonds at par.*

CROSS REFERENCE: For procedure see 39 CFR, 18.15.

§ 50.1711 *When ownership of an account is in dispute adjudication of court is accepted by Board of Trustees.*

CROSS REFERENCE: For procedure see 39 CFR, 18.16.

§ 50.1712 *Privacy of accounts.*

CROSS REFERENCE: For procedure see 39 CFR, 18.17.

§ 50.1713 *Pledge for repayment of deposits.*

CROSS REFERENCE: For procedure see 39 CFR, 18.19.

§ 50.1714 *How a bank may become a depository for postal-savings funds.*

CROSS REFERENCE: For procedure see 39 CFR, 18.20. For Form PS 2, see § 55.1716; and for Form PS 226, see § 55.1723, of this chapter.

§ 50.1895 *United States Savings Bonds, Series E*—(a) *Post Offices where bonds may be purchased.* The Postal Service offers United States savings bonds, issued by the Secretary of the Treasury, for sale at all post offices of the first, second, and third classes and at such branches, stations, and fourth-class offices as the Third Assistant Postmaster General shall select and designate for the purpose.

(b) *How to apply for bonds.* At the time of issue (sale) of each bond, the postmaster will require an application in writing on Form 920 on which the applicant shall state the quantity and denominations of bonds desired and the name and post office address of the owner as well as the name of the co-owner or designated beneficiary if any. Postmasters shall accept lists in lieu of individual Forms 920 from business concerns, schools, or associations applying for bonds to be issued on behalf of their employees or members.

(c) *Acceptable funds.* The provisions of § 18.2 (f) defining what may be accepted as postal-savings deposits are applicable to savings-bond purchases.

(d) *Errors on bonds.* If a postmaster has made an error in issuing a bond and the error is discovered and the bond returned to the postmaster during the month of issue, the postmaster, on positive identification of the presenting party, shall treat the bond as spoiled and issue a new bond in its stead. If a bond is returned to the postmaster subsequent to the month of issue for correction of the postmaster's error, or if a bond recalled by the Post Office Department is returned during or subsequent to the month of issue, or if a bond is returned at any time for correction of an error other than the postmaster's, the postmaster shall complete a transmittal letter, Form 922, in triplicate, give one copy to the owner of the bond as a receipt, and forward the bond with the original Form 922 to the Third Assistant Postmaster General, Division of Postal Savings. The serial numbers and face value of the savings bonds transmitted therewith are listed on Form 922 and the owner's name and address as it is to be inscribed on the new bonds issued in replacement are shown, as well as the address to which the new bond are to be sent.

If the returned bond was issued under the pay-roll deduction plan of a business concern and the error was made by the group agent, the bond and transmittal letter, Form 922, shall be accompanied with the group agent's signed statement that the error was made by him. The name or date as it should have been shown on the firm's application or list shall be stated. The group agent's employer or an executive official of the organization should endorse the group agent's statement substantially in the form:

I, _____ (Name, official title and name of concern) certify that _____ (Name of group agent) whose signature appears above has been designated group agent in connection with the pay-roll allotment plan (or other plan) in this organization for the purchase of United States savings bonds.

If a bond is returned by mail to a postmaster for correction, the envelope in which it was mailed shall be submitted to the Third Assistant Postmaster General, Division of Postal Savings, with the bond and the Third Assistant Postmaster General shall reimburse the owner for the postage and registry fee.

CROSS REFERENCE: For regulations prescribed by the Secretary of the Treasury governing the registration of savings bonds, the safekeeping facilities provided therefor, and the provisions for payment thereof, see 31 CFR §§315.1 to 315.14, §315.13, and §§315.17 to 315.24. For a description of United States savings bonds of Series E and information as to their terms, see 31 CFR §§ 316.1 to 316.10.

§ 50.1896 *United States Savings Stamps*—(a) *Accountability transferred to Treasury Department.* The authority of the Postmaster General contained in section 6 of the act of June 25, 1910, as amended (U. S. C., 1940 edition, Title 39, sec. 756), and section 22 (c) of the Second Liberty Bond Act, as amended, to prepare and issue postal-savings cards and postal-savings stamps shall terminate on such date as stamps issued by the Secretary of the Treasury pursuant to the authority contained in section 22 (c) of the Second Liberty Bond Act, as amended, are made available for sale to the public; and, as soon as practicable thereafter, the Board of Trustees of the Postal Savings System shall pay to the Secretary of the Treasury a sum equal to the redemption value of all postal-savings stamps outstanding, and after such payment has been made the obligation to redeem such stamps shall cease to be a liability of the Board of Trustees of the Postal Savings System but shall constitute a public debt obligation of the United States.

NOTE: By agreement between the Postmaster General and the Secretary of the Treasury the liability for outstanding postal-savings stamps of all series, including the so-called defense savings stamps and war savings stamps, and the accountability for unsold savings-stamp stock charged to postmasters were transferred to the Treasury Department as of the close of business September 30, 1942.

(b) *Where stamps may be purchased.* Savings stamps furnished by the Secretary of the Treasury in such denominations as he may determine shall be offered for sale at all post offices. Postmasters shall put them on sale at any classified branch or station where there is a demand and may put them on sale at contract branches and stations. Postmasters from whose offices rural-delivery service is operated shall extend to rural carriers, on routes where there is a demand for savings stamps, a reasonable credit in such stamps, and rural carriers shall carry for sale to their patrons an adequate supply of such stamps. Postmasters shall sell savings stamps to business houses, schools, institutions, or other organizations that desire to purchase them for resale, but shall not extend any savings-stamp credits outside of the Postal Service. Postmasters shall have on hand for distribution without cost to stamp purchasers and, in reasonable quantities, to persons engaged in promoting savings-stamp sales, albums, cards, or other devices furnished by or with the approval of the Secretary of the Treasury to which savings stamps may be affixed after purchase.

(c) *Denominations.* Savings stamps in denominations of 10 cents, 25 cents, 50 cents, and $1.00 are printed in sheets of 100; and $5.00 stamps, in sheets of 25. The 10-cent and 25-cent stamps are also bound in books which are packaged in lots of 10. Books of fifty 10-cent savings stamps sell for $5.00 and books of forty 25-cent savings stamps, for $10.00.

(d) *Acceptable funds.* The provisions of § 18.2 (f) of this chapter defining what may be accepted as postal-savings deposits are applicable to the purchase of savings stamps.

(e) *Redemption of savings stamps.* Savings stamps are transferable and payable to bearer at any post office and at any branch or station authorized to sell them. Postmasters shall not be required to identify the person presenting the savings stamps for payment as the owners thereof. Savings stamps affixed to stamp albums, savings cards, or other authorized devices may be accepted in payment for United States savings bonds, postal-savings certificates, or may be exchanged for cash.

When savings stamps that have been torn, burned, or badly mutiliated are presented, the postmaster shall accept at face value of the whole stamp one or more fragments identifiable as constituting clearly more than one-half of the same stamp. If the fragment or fragments are not so identifiable, the holder shall be advised to send them, and if affixed to an album the entire album, to the Treasurer of the United States, Washington 25, D. C. If stamps are presented that have stuck together and the holder is unable to separate them and determine their value, he shall likewise be advised to forward them to the Treasurer of the United States for redemption. Savings stamps that are stuck together may be separated by soaking them in warm water (sec. 5, 56 Stat. 189; 39 U. S. C., Sup., 756a) [Sec. 158½].

§ 50.1900 *Stamps available.* (a) Postage stamps are manufactured by the Bureau of Engraving and Printing and made available to the public through postmasters in the following denominations and varieties:

(b) Ordinary stamps: ½, 1, 1½, 2, 3 4, 4½, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 16, 17, 18, 19, 20, 21, 22, 24, 25, 30, and 50-cents; $1.00, $2.00, and $5.00.

(c) Air mail stamps: 5, 10, 15, 20, 30, and 50-cents.

(d) Special delivery: 10, 13, 15, 17, and 20-cents.

(e) Special handling: 10, 15, and 20-cents.

(f) Ordinary stamps in books: 24 2-cent, 12 3-cent, and 24 3-cent.

(g) Coils: 1, 1½, 2, and 3-cents are issued in coils of 500 and 1,000 arranged sidewise or endwise and in sidewise coils of 3,000. The 4, 4½, 5, 6, and 10-cent stamps are furnished in coils of 500 or 1,000 arranged sidewise. A charge of 3 cents for each 500 stamps is made over and above the face value of the stamps to cover arrangement in this manner.

CROSS REFERENCE: For regulations see § 3.11 of this chapter.

§ 50.1901 *Receipt to purchasers.* Postmasters or clerks acting for them shall sign receipts for money paid for postage stamps and stamped paper, provided the receipts are prepared in advance by the purchasers and presented at the time of purchase. Receipts must be given for advance deposit on special-request envelopes.

CROSS REFERENCES: For procedure see § 3.3 of this chapter. For description of forms see §§ 55.1901, 55.1902, and 55.1905 of this chapter.

§ 50.1902 *Stamped envelopes.* Stamped envelopes may be obtained by the public at post offices in three general varieties; namely, plain, with post office return address, and with the name and address of the patron. Government stamped envelopes are manufactured by a private corporation which secures the contract for a four-year period through competitive bidding. The Government Stamped Envelope Factory is at present located at Dayton, Ohio. (34 Stat. 476)

CROSS REFERENCE: For prices and complete varieties see § 50.1908.

§ 50.1903 *Window stamped envelopes.* Stamped window envelopes are manufactured only in standard quality paper and must bear the printed return address of the sender. Sales are restricted to minimum lots of 250 or multiples thereof.

CROSS REFERENCE: For price see § 50.1908.

§ 50.1906 *Air mail stamped envelopes.* Air mail stamped envelopes have not been provided for civilian use since the war, due to overseas requirements of our Armed Forces. It is expected, however, that their issuance to postmasters will be resumed in the near future. Air mail envelopes are manufactured in extra quality paper only. They are printed with a border arrangement of red and blue parallelograms so that air mail matter may be readily identified in the mails.

CROSS REFERENCE: For sizes and prices see § 50.1908.

§ 50.1907 *Precanceled stamped envelopes.* Precanceled stamped envelopes of the 1-cent denomination are issued for the mailing of third class matter in bulk. Such envelopes are sold only to persons who hold permits for the use of precanceled stamps. All precanceled envelopes are furnished ungummed.

CROSS REFERENCE: For prices see § 50.1908. For permits see 39 CFR, 6.5.

§ 50.1908 *Envelope varieties and prices.*

EXTRA QUALITY, PRINTED "SPECIAL-REQUEST," AND UNPRINTED ENVELOPES

No.	Denomination (cents)	Dimensions (inches)	Price per M in addition to postage value	
			Unprinted	Printed
5	1, 1½, and 3	3½ x 6⅝	$3.32	$3.56
13	1, 1½, and 3	3¾ x 6¾	3.48	3.72
8	1, 1½, and 3	4⅛ x 9½	4.64	4.88
AIR MAIL, PRINTED "SPECIAL-REQUEST," AND UNPRINTED ENVELOPES				
13	6	3¾ x 6¾	3.16	3.40
8	6	4⅛ x 9½	3.72	3.96
STANDARD QUALITY				
5	1, 1½, and 3	3½ x 6⅝	2.48	2.72
13	1, 1½, and 3	3¾ x 6¾	2.56	2.80
8	1, 1½, and 3	4⅛ x 9½	3.32	3.56
WINDOW				
5	1, 1½, and 3	3½ x 6⅝	2.56	2.80
13	1, 1½, and 3	3¾ x 6¾	2.76	3.00
6	3	3⅝ x 8⅝	2.88	3.12
7	3	3⅞ x 8⅞	3.24	3.48
8	1, 1½, and 3	4⅛ x 9½	3.48	3.72

NOTE: Manufacture of envelopes of the following types, sizes, cuts, and denominations which are ordinarily available, has been temporarily suspended due to wartime conditions:

Office-request—Blank printed return card.

Blue and amber—All sizes, cuts, and denominations.

Size No. 7 (3⅞ x 8⅞)—All solid face.

Size No. 9 (4⅜ x 10⅛)—All sizes, cuts, and denominations.

Denominations of 2-cents, 4-cents, 5-cents, and 6-cents.

Precanceled—All sizes, cuts, and denominations.

Air Mail—All varieties.

§ 50.1909 *Postal cards.* (a) Postal cards are manufactured by the Government Printing Office and shipped to postmasters on orders of the Post Office Department.

(b) Sheet cards, supplied in this form as a convenience to printers, must be cut to regulation size for the type involved to be acceptable for mailing and if spoiled in the process all sections of the sheets necessary to restore the cards to standard measurement must be submitted in order to obtain redemption.

CROSS REFERENCE: For varieties see § 3.16 of this chapter.

§ 50.1910 *Stamped paper redemption.* When uncanceled, unserviceable, or spoiled stamped envelopes or postal cards are presented for redemption in large quantities, the postmaster will furnish a receipt therefor on Form 3210. Upon verification he will advise the patron that stock desired in exchange can be secured.

CROSS REFERENCES: For rules see § 3.7 of this chapter. For description of Form 3210 see § 55.1904 of this chapter.

§ 50.1911 *Sales by Philatelic Agency.* All current and some discontinued varieties of postage stamps are carried in stock by the Philatelic Agency, Post Office Department, which was established with a view to supplying stamp collectors specimens of selected quality at face value. Persons desiring to obtain stamps by mail order should first obtain a copy of the list of issues currently available. Mail order patrons are required to pay, in addition to the face value of stamps desired, return postage and registration. The Agency was established by Postmaster General Order No. 6747 on November 25, 1921.

CROSS REFERENCE: For stock list see § 55.1903 of this chapter.

§ 50.1912 *Philatelic mailing list.* The Philatelic Agency maintains a mailing list through the facilities of which collectors are furnished advance information when new issues are to be provided so they may make the necessary arrangements for securing first-day cancellations and otherwise complete their collections. Names will be added to the mailing list upon request.

§ 50.1913 *Philatelic exhibit.* The Philatelic Agency maintains a comprehensive exhibit of United States and foreign postage stamps embracing die proofs of all domestic stamps since 1847. There are approximately 25,000 foreign stamps in this exhibit covering every postal administration in the world. Items of equipment used in the production of postage stamps are shown by way of exemplifying methods of manufacture employed. Philatelic publications are on file for the benefit of students and collectors generally.

§ 50.1914 *International reply coupons.*

CROSS REFERENCE: For procedure see § 3.17, 3.18, 3.99 of this chapter.

§ 50.1915 *Americo-Spanish reply coupons.*

CROSS REFERENCE: For procedure see § 3.20, § 3.21 of this chapter.

§ 50.1916 *Internal Revenue stamps.*

CROSS REFERENCE: For procedure see § 3.22, § 3.23, § 3. 24 of this chapter.

§ 50.1917 *Migratory-bird hunting stamps.*

CROSS REFERENCE: For procedure see § 3.25, § 3.26, § 3.27 of this chapter.

§ 50.2000 *Application for privilege of sending out business reply cards or envelopes.*

CROSS REFERENCE: For procedure see 39 CFR, 5.11. For description of Form 3614 see § 55.2016 of this chapter.

§ 50.2001 *Mail carried by airplane.*

CROSS REFERENCE: For information as to the various designs which may be used for air-mail envelopes (or cards) and proper kind of indorsements, see § 5.12 of this chapter.

§ 50.2002 *Free mailing privilege of members of armed forces.* Letters mailed by such persons free of postage should bear in the upper right corner the word "FREE" and in the upper left corner the name of the sender together with his rank or rating and the designation of the service to which he belongs, all this to be in the handwriting of the sender.

CROSS REFERENCE: For procedure see 39 CFR, 5.16.

§ 50.2003 *Absentee voting by members of armed forces.*

CROSS REFERENCE: The procedure under which balloting material and ballots may be mailed free of postage by election officials and members of the armed forces is set forth in 39 CFR, 5.16 (f). (Public Law, 348, approved April 19, 1946.)

§ 50.2004 *Pound rate postage for bulk mailings of third-class matter.* (a) The law provides a bulk rate for third-class matter of 12 cents a pound or 8 cents a pound, according to the character of the matter, but in no case less than one cent apiece, as set forth in 39 CFR, 5.63.

(b) *Methods of mailing.* The postage on matter mailed under 39 CFR, 5.63, may be paid in any of the three ways described below:

(1) Without postage stamps affixed, as metered or nonmetered permit matter, the postage being paid in money and the permit indicia printed on the matter (except as otherwise stated, the provisions of 39 CFR, 6.4).

(2) With precanceled postage stamps affixed under permit. (Uncanceled postage stamps may not be used.)

(3) In precanceled Government stamped envelopes under permit.

(c) *Inscription.* The inscription "Sec. 562, P. L. and R.", must appear in the upper right corner of the address side of the mail whichever method is used.

(d) *Application for permit.* Persons desiring the privilege of mailing third-class matter in bulk shall make application to the postmaster stating the method, or methods, under which they desire to mail the matter, unless they already hold permits for the particular method of mailing desired. The postmaster, unless otherwise instructed, will then transmit the application to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, and await the receipt of a permit or permits and instructions as to procedure.

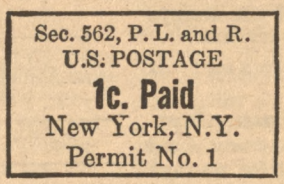
CROSS REFERENCE: For application forms see §§ 55.2012, 55.2021 and 55.2022 of this chapter.

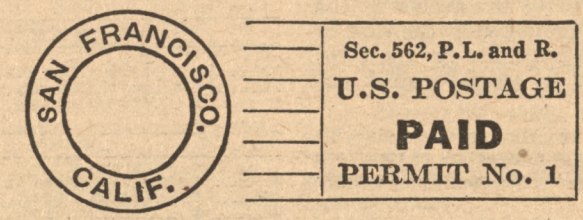
(e) *Without stamps affixed*—(1) *Fee.* Each application for a permit to mail third-class matter without stamps affixed as nonmetered mail shall be accompanied with the fee of $10, prescribed by 39 CFR, 6.4.

CROSS REFERENCE: For application forms see § 55.2012 of this chapter.

(2) *Permits.* Persons or concerns already holding permits to mail matter without stamps affixed under 39 CFR, 6.4, need not obtain an additional permit for the privilege of mailing third-class matter under 39 CFR, 5.63, without stamps affixed, but they may use the same permit number on mailings under 39 CFR, 5.63.

(3) *Indicia.* In the upper right corner of the address side of the envelope, wrapper, address label, or sticker properly affixed thereto, must be printed the indicia which may be in one of the forms prescribed by 39 CFR, 6.4, and of any color of sufficiently strong contrast to the paper on which printed, such indicia not to be obstructed or confused with any other matter. The use of a handstamp for placing indicia on matter is not permissible. The inscription "Sec. 562, P. L. and R." must be included in or printed adjacent to the indicia. The amount of postage paid may be omitted (except when a meter device is used). The forms prescribed for nonmetered matter are shown below:





Sec. 562, P. L. and R.

(4) *Statement of mailing.* Each mailing without stamps affixed must be accompanied with a statement of mailing on Form 3602 (Form 3602–A in case of metered mail), prepared wholly by the mailer, in ink or indelible pencil, and must be carefully examined, counted, weighed, or verified in the manner set forth in the instructions printed on the cover of the receipt book (Form 3603 or Form 3603–A).

(f) *With precanceled postage stamps affixed*—(1) *Applications.* Persons or concerns already holding permits for the privilege of using precanceled postage stamps on second-, third-, or fourth-class matter need not obtain an additional permit for the use of such stamps on third-class matter mailed under 39 CFR, 5.63. All others desiring to mail matter in this manner should make application for this privilege to their postmaster on Form 3623 (see § 55.2021 of this chapter). No fee is required to accompany such applications.

(2) When postage is paid with precanceled stamps affixed to each piece, the amount of such stamps must fully cover the postage chargeable thereon. Where the postage is computed at the pound rate and the amount chargeable on each piece is not equivalent to the denomination of a postage stamp now in use, it is necessary to affix to each piece a precanceled stamp of a denomination sufficiently high to cover the full postage. The inscription "Sec. 562, P. L. and R.", must be printed in the upper right corner of the address side immediately above or below the precanceled stamp, but not covered by the stamp. This inscription should be preferably, but not necessarily, in a rectangle, thus Sec. 562, P. L. and R. and may be hand stamped when it is not practicable for the mailer to have it printed.

(3) *Statement of mailing.* Each mailing on which precanceled postage stamps are used must be accompanied with a statement of mailing on Form 3602–PC, but no record of such mailings need be kept.

(g) *Precanceled Government-stamped envelopes.* (1) No fee is required to accompany applications for the privilege of using precanceled Government-stamped envelopes. (For form of application see § 55.3022 of this chapter.)

(2) Requisition. Precanceled one-cent Government-stamped envelopes are supplied for use by mailers who have been given permits to use them to mail third-class matter under 39 CFR, 5.63. Stamped envelopes which have not been precanceled may not be used to mail third-class matter under this section. Government-stamped envelopes may be precanceled by persons or concerns who have been given a permit therefor under 39 CFR, 6.5, and used for bulk mailings of third-class matter under 39 CFR, 5.63.

(3) *Statement of mailing.* Each mailing must be accompanied with a statement of mailing on Form 3602–PC.

(h) *General instructions regardless of the method under which matter is mailed*—(1) *Not to be postmarked.* Matter mailed under the provisions of 39 CFR, 5.63, is not postmarked. It is accepted only as ordinary mail, and cannot be registered or sent as insured or C. O. D. mail, since the pieces are not accepted and handled individually at the mailing office, but only in bulk.

(2) *Return card.* Each piece should bear, in the upper left corner of the address side, the name and address of the sender, including his street or post-office box number when at a letter-carrier office. The sender's post-office box may

be shown in lieu of his name or street number. The return card may be omitted from third-class matter not enclosed in window envelopes if the sender does not want it returned if undeliverable, but this is discouraged, since it is desirable to have the return card in all cases. When it is desired that the matter be returned in case of nondelivery, the pledge of the sender should be placed immediately under the return card. The words "Return Postage Guaranteed" are sufficient.

(3) *Separation.* In every instance mailers must separate and tie out mailings into directs for post offices whenever there are as many as 15 pieces for any post office in any mailing and must separate and tie out the pieces or packages into properly labeled State packages whenever there are as many as 15 pieces or packages for any State. Mailers must also make separations of such mail for post-office stations and branches if the name of a post-office station or a post-office branch forms a part of the address. Any mailings offered without the separations being made as outlined will be refused.

(4) *Presentation at post office or station.* The matter must be presented at the post office or station thereof designated by the postmaster. In no case may such matter be deposited in street letter boxes.

(5) *Return of undeliverable matter; rate.* When third-class matter mailed under these provisions is returned to the sender as undeliverable, it will be chargeable with postage at the regular third-class rates, namely 1½ cents for each 2 ounces or fraction thereof on circulars, cards, folders, and other miscellaneous printed matter and all other articles of the third-class, except books and catalogs having 24 pages or more, seeds, plants, etc., on which the rate is 1 cent for each 2 ounces or fraction of 2 ounces, computed on each individually addressed piece.

(6) *Mailings to foreign country.* No mailings to any foreign country will be accepted under 39 CFR 5.63.

(7) *Matter bearing inscription.* Matter bearing the inscription "Sec. 562, P. L. and R." must not be used as inclosures or distributed otherwise than through the mails.

(8) *Information or instructions.* For any further information or instruction address the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail.

CROSS REFERENCE: For regulation see 39 CFR, 5.63. For description of Forms 3602, 3602–PC, 3603, 3603–A and 3612 see §§ 55.2009, 55.2011, 55.2012, 55.2013 and 55.2014, of this chapter.

§ 50.2005 *Mailing of books at the postage rate of 3 cents a pound.* (a) Since the law provides that books mailed at the rate of 3 cents a pound may contain incidental announcements of books, such announcements, whether appearing in the books themselves or in the form of loose circular inclosures not weighing in excess of one and one-third ounces, will be permissible in addition to the inclosures described in § 5.73 (f) (6) of this chapter, without affecting the postage chargeable at that rate, such postage, of course, to be computed on the full weight of each parcel. However, loose inclosures of this kind weighing in excess of one and one-third ounces and other circulars of printed matter such as folders, pamphlets, calendars, catalogs, etc., which would not otherwise be permissible, may be inclosed in parcels of books, provided a permit is obtained and postage on such inclosures is paid at the third-class rate of 1½ cents for each two ounces or fraction thereof in addition to the postage at 3 cents a pound on the books themselves. In authorizing these inclosures, it is contemplated that they shall be merely incidental, in no case exceeding eight ounces. The wrapper of the parcel in such case should bear a printed or hand stamped indorsement in the following form:

Additional Postage at the Third-Class Rate Paid for Inclosures.
New York, N. Y., Permit No. 1

(b) Each patron desiring to mail such inclosures with books should obtain a permit from his postmaster for this privilege, the permits being numbered consecutively, for which no fee shall be charged, unless it is desired to mail the matter under a nonmetered permit under 39 CFR, 6.4, and the patron has no such permit, in which event the regular $10 application fee will be necessary.

§ 50.2006 *Metered mail.* (a) Metered mail is matter mailed under 39 CFR, 5.63 and 6.4, respectively (Sec. 562 and 579, Postal Laws and Regulations, Postmaster General, 1940) on which the required postage is printed by a postage meter approved for this purpose by the Post Office Department. Metered mail may be of any class and is entitled to all the privileges and subject to all the conditions applying to matter mailed with stamps affixed, except as stated herein. Its use eliminates the manufacture and sale of adhesive stamps and the facing, canceling, and postmarking of mail in the post office, thereby expediting its handling and dispatch.

(b) *Meter permit.* Meter permits must be obtained by persons or firms desiring to mail metered matter by applying on Form 3612 to the postmaster where the matter will be mailed.

(c) *Postage meters*—(1) *Description.* A postage meter is a device embodying a complete postage printing and recording mechanism which is brought to the post office by the mailer to be set for postage from time to time as required. The postage is paid for at time of setting. After the mailer has used the amount of postage so prepaid, the meter automatically locks and prevents further use.

(2) *Approval.* Only such devices as have been approved by the Post Office Department may be used.

(3) *Control.* Postage meters shall in every instance be obtained from the person or concern to whom such approval has been given. Such person or concern shall maintain control of them and be responsible for their proper servicing and maintenance in such manner that they will operate correctly and in accordance with postal requirements.

(4) *Use.* Meter permit holders may not have in their possession any postage meter until it has been set and sealed by the post office where the mailings will be made. When discontinuing the use of a meter, permit holders must deliver the meter to that post office, which will check it out of service and deliver it to the manufacturer. While meters are in service, they must remain in the custody of the meter permit holders to whom they have been issued.

(d) *Failure of printing and recording mechanism to operate correctly.* If the printing and recording mechanism of any meter fails to record its operation correctly and properly, its use must be discontinued immediately by the meter permit holder, and it must be promptly delivered to the postmaster and notification of such action sent by the postmaster to the manufacturer. Only representatives of the authorized manufacturer shall be permitted to service any meter. Tampering with or misuse of a postage meter is a misdemeanor and punishable under Postal Laws and Regulations.

(e) *Setting and payment of postage.* Meters must be brought to the post office or designated station for setting. Postal employees may not be sent to the office or plants of permit holders to set meters. The amount of postage for which set must be paid for in advance and a receipt issued therefor on Form 3603–A. All meter keys shall remain in the postmaster's custody.

(f) *Meter impressions or stamps*—(1) *Form.* In the upper right corner of the address side of the envelope, wrapper, address label, or tag of each piece, or on a label or stacker affixed thereto, must be printed the meter impression or stamp, showing the post office, postage paid, and meter number, in the form prescribed, such impressions or stamps not to be obstructed or confused with any other matter. When it is necessary to print multidenomination meter impressions or stamps on more than one label or sticker, the circle showing the post office and date must appear on each label or sticker. The impressions or stamps may not overlap.

(2) *Date of mailing.* The meter impressions or stamps for first and fourth-class matter, and for all classes when on a separate label or sticker affixed, shall include the date of mailing. An hour may also be shown on first-class matter when it is presented for mailing in ample time to be dispatched at such hour. The date may not be shown in the meter impressions or stamps on second or third-class matter, except when on a separate label or sticker affixed.

(3) *Advertising slogans.* Restricted advertising matter within space limitations may be printed simultaneously with meter impressions or stamps by postage meters. However, meter permit holders must obtain the plates therefor from authorized manufacturers of meters to assure suitable quality and content in accordance with the requirements of the Department.

(g) *Return card.* Each piece should bear, in the upper left corner of the address side, the name and address of the sender, including his street or post

office box number when at a letter-carrier office. On ordinary mail the sender's post office box may be shown in lieu of his name or street number. The return card may be omitted from third-class matter not inclosed in window envelopes if the sender does not want it returned if undeliverable, but this is discouraged, since having the return address in all cases makes better service to the mailer possible.

(h) *Reply postage.* Meter impressions or stamps may be used to prepay reply or return postage, provided they are printed directly on envelopes or cards on which the return address—that of the meter permit holder—has been printed, and provided that there is imprinted immediately above such return address the inscription: "No postage stamp necessary—postage has been prepaid by _____." Such matter may be delivered only to the printed address shown thereon. If the printed address is changed, the matter must be held for postage.

(i) *Outside the mails.* Metered postage can be used for the prepayment of postage required on letters carried outside the mails under 39 U. S. C., Supp. 500.

(j) *Inscription on metered third-class matter.* Metered third-class matter mailed in bulk under 39 CFR; 5.63, must bear the printed inscription: "Sec. 562, P. L. and R.," as a part of the meter impression or stamp. The conditions applying to other matter mailed under this regulation with respect to quantity and separation also apply to Metered Mail.

(k) *Mailing*—(1) *Preparation.* Metered mail, except packages and irregular overnight matter, must be faced and secured in bundles, each class and denomination being kept together insofar as practical.

(2) *Place of mailing.* In general, metered matter may be deposited in any post office receptable where similar matter bearing adhesive stamps has been accepted from the mailer. Whenever practical, however, it is desirable that all mail be brought to a post office or station thereof in order to expedite dispatch. Where meter permit holders mail in street or building receptacles, they should arrange with the postmaster for the designation of such depositories (usually not more than several in their immediate vicinity), and should not deposit matter elsewhere except by special arrangement with the postmaster.

(3) *Direct to train, dock, or airport.* When expedition is necessary, a small number of pieces of first-class matter may be taken direct to a train, dock, or airport by a permit holder authorized by the postmaster to do so, provided the pieces are accompanied with an identification label. (See paragraph (l) (3))

(4) *Pick-up privilege.* In case "pick-up" arrangements exist with a mailer using stamps and he desires to change from the stamp system to the meter system, the "pick-up" arrangement may be continued under proper precautions prescribed in each case, the matter to be accompanied with an identification label. (See paragraph (l) (3))

(l) *Statement of meter readings.* (1) The mailer must submit with the last mailing each day a statement on Form 3602–A, showing the permit number, the meter number, the readings of the registers at the end of the day, and the value of impressions printed but not used. In the case of bulk mailings of third-class matter under 39 CFR, 5.63, a separate statement should be submitted showing the number of pieces, the weight per piece, the postage per piece, and the readings of the registers at the completion of such mailing.

(2) When the last mailing of the day is made in a street collection box, the statement for the day's mailings should be inclosed in a red envelope securely tied to the face side of the package of letters and bear in a prominent manner the inscription "Metered mail," together with the name of the mailer.

(3) *Identification labels.* Mailings, other than the last for the day, deposited at places or points other than the post office or station where the meter is set, must have securely tied to them an identification label provided by the mailer, prominently bearing the words "Metered Mail" and showing the permit holder's name, date, and the meter number. Such label shall be considered in connection with the final statement with the last mailing of the day.

(m) *Refunds.* When complete and legible meter impressions cannot be used because of misprints, spoiled envelopes or cards, etc., an application for a refund of the postage to the extent of 90 percent of the postage value will be considered under 39 CFR, 6.9, Part 6, if submitted within 30 days by the permit holder to the postmaster for reference to the Division of Letter and Miscellaneous Mail. Such application should be accompanied with the complete envelopes, wrappers, or cards bearing the impressions and a list of the number of each denomination and the reason they were not used. In the event the unused impressions are due to repeated carelessness of the permit holder, refund may be refused.

(n) *Transfer of postage.* Unused postage remaining in any meter which is being discontinued may be transferred to another meter used by the same mailer. When meters are withdrawn from service they must be exhausted of postage, as far as possible, and turned over to the manufacturer by the postmaster, in which event refund of the unused postage will be authorized. If a meter fails to record its operations correctly and properly and a postage adjustment is necessary, the postmaster shall secure from the manufacturer of the device a statement as to the reason for such failure and send it with such further information as is pertinent to the Division of Letter and Miscellaneous Mail.

(o) *Improper use of meter impressions or stamps.* Except as provided in paragraphs (h) and (i), matter bearing meter impressions or stamps must not be distributed otherwise than through the mails, and may not be mailed at a post office other than the one shown in the meter impression or stamp. Meter permits will be revoked for such misuse.

(p) *Cancellation of permit.* If no mailing is made for 12 months the permit is canceled.

CROSS REFERENCE: For permit revocation procedures see §§ 50.2010 to 50.2012, inclusive.

(q) *Information and instructions.* For further information and instructions regarding acceptance of metered mail, address local postmasters or the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail. (R. S. 161, 396, Sec. 304, 309, 42 Stat. 24, 25: 5 U. S. C. 22, 369)

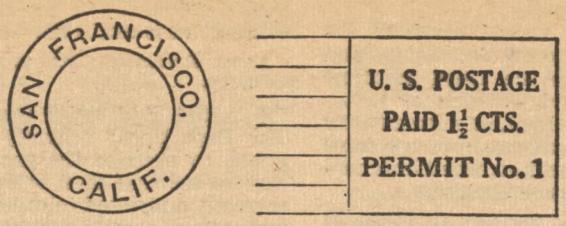
CROSS REFERENCE: For description of Forms 3602–A, 3603–A and 3612, see §§ 55.2009, 55.2013 and 55.2014, of this chapter.

§ 50.2007 *Nonmetered mail.* (a) Nonmetered Mail is matter mailed without stamps affixed under 39 CFR, 6.43 (section 579, Postal laws and regulations), on which the required permit indicia are printed by means of a printing press, etc., or other device not having recording mechanism to be set by the postmaster for an amount of postage paid for at the time of setting. It is entitled and subject to all the privileges and conditions applying to matter mailed with stamps affixed, except as stated herein. It includes matter mailed at the regular rates of postage and also third-class matter mailed at the bulk rates under 39 CFR, 5.63 (section 562, Postal laws and regulations). Except in the case of third-class matter mailed under 39 CFR, 5.63, it may be mailed to foreign countries.

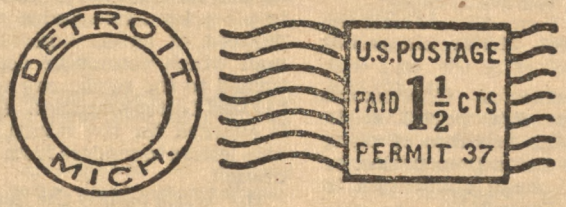
(b) *Application for permit.* Persons or concerns desiring permits for mailing nonmetered matter should apply to the local postmaster on Form 3612 (see § 55.2014 of this chapter), showing the means by which the indicia are printed, and kind and quantity of matter to be mailed. Each application must be accompanied with a fee of ten dollars as prescribed by 39 CFR, 6.4 (c) [see paragraph 3 (b) section 579, Postal laws and regulations, Postmaster General, 1940] and be sent by the postmaster to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, endorsed to show that the fee has been paid. Applications for permits to mail first class matter should give the name of the device and be accompanied with an envelope and specimen imprint of the indicia to be used.

(c) *Indicia.* (1) In the upper right corner of the address side of the envelope, wrapper, address label, or tag of each piece, or on a label or sticker properly affixed thereto, must be printed the indicia, which may be in the form and within the sizes illustrated below and of any color of sufficiently strong contrast to the paper on which printed, such indicia not to be obstructed or confused with any other matter. The indicia may be printed by means of a mimeograph, multigraph, addressograph, etc., *Provided,* Such indicia are in the prescribed form and are not in facsimile of typewriting. The use of a handstamp for placing indicia on matter is not permissible, except on certain fourth-class matter, under special authority obtained from the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail.

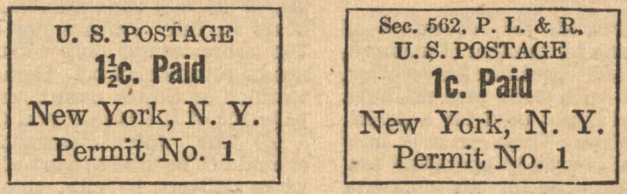
FORM A



FORM B



FORM C, SHOWING MINIMUM SIZE OF TYPE



(2) When form C is used, the figure representing the amount paid in money shall be printed from type not smaller than 14-point nor larger than 36-point and the other indicia not smaller than 10-point nor larger than 24-point. The inscription "Sec. 562, P. L. and R." must be included in or printed adjacent to the indicia on matter mailed under that section. The amount of postage paid may be omitted from indicia on third-class matter mailed under 39 CFR, 5.63 (Sec. 562, Postal laws and regulations, Postmaster General, 1940).

(d) *Return card.* Each piece should bear, in the upper left corner of the address side, the name and address of the sender, including his street or post-office box number when at a letter carrier office. On ordinary mail the sender's post-office box may be shown in lieu of his name or street number. The return card may be omitted from third-class matter not enclosed in window envelopes if the sender does not want it returned if undeliverable, but this is discouraged, since it is desirable to have the return card in all cases.

(e) *Mailing under 39 CFR 6.4 (Sec. 579, Postal laws and regulations, Postmaster General, 1940)*—(1) *Minimum quantity.* Second- and third-class matter mailed under this section must be presented in quantities of not less than 300 identical pieces and fourth-class matter in quantities of not less than 250 identical pieces. When a mailing of second-, third-, or fourth-class matter under this section extends over two or more consecutive days and the number of pieces presented on the last day to complete the mailing is less than above prescribed, such number will be accepted and an explanatory endorsement made on forms 3602 and 3603.

(2) *Separation.* To facilitate the handling of such matter in the mails, the mailer must in all cases face the matter, and must comply with the requests of the postmaster for the separation thereof into States, cities, etc.

(f) *Third-class matter mailed in bulk.* Third-class matter mailed in bulk under 39 CFR 5.63, must be prepared and presented in quantities of not less than 20 pounds or 200 identical pieces, and separated and tied out into directs for post offices when there are as many as 15 pieces for any post office, and tied into properly labeled State packages when there are as many as 15 pieces for any State. Separations must also be made for post-office stations if a station name is in the address. Such matter may be accepted only as ordinary mail and cannot be registered or sent as insured or c. o. d. mail, nor mailed to foreign countries.

(g) *Place of mailing.* Matter must be presented at the mailing section of the post office or station designated by the postmaster. In no case may it be deposited in street letter boxes.

(h) *Statement of mailing.* Each mailing must be accompanied with a statement on Form 3602, signed by the person to whom the permit is issued, showing the permit number, the class of matter, the number of pieces presented, and the weight of a single piece. In the case of third-class matter mailed under the provisions of 39 CFR 5.63 on which postage is paid at the pound rate, the mailer's statement shall show the number of pounds presented and such other information as may be provided for on the form.

(i) *Registration.* When matter of the second or third class, mailed without stamps affixed, is accepted for registration, it shall bear on the address side the complete indicia prescribed in paragraph c of this section.

(j) *Postage.* Postage in full on the entire quantity must be paid at or before the time the matter is presented for mailing, either in money or, at the option of the postmaster and at his risk, by check drawn to his order. The postmaster may receive from the mailer a deposit of money in advance (for which a receipt shall be given) sufficient to pay for more than a single mailing. The deposit shall be charged with the proper amount of each mailing, but if the amount on hand is not sufficient at any time to cover the postage due on the entire mailing, the excess shall be held until an adidtional deposit is made. Credit for postage shall never be allowed. Postage may not be prepaid by two methods—that is, partly in money and partly by ordinary stamps affixed.

(k) *Improper use of permit indicia.* Matter bearing permit indicia must not be distributed otherwise than through the mails, and may not be mailed at a post office other than the one shown in the indicia. Matter bearing permit indicia, or the inscription "Sec. 562, P. L. & R." must not be used as inclosures. Permits will be revoked for such misuse.

(l) *Cancellation of permit.* If no mailings are made under this permit for a period of 12 months, it may be canceled.

CROSS REFERENCE: For permit revocation procedure see §§ 50.2010 to 50.2012, inclusive.

(m) *Information and instructions.* For any further information or instructions regarding the acceptance of nonmetered matter consult your postmaster or address the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail.

CROSS REFERENCES: For regulations see 39 CFR 5.63 and 6.4.

For description of Forms 3602, 3603 and 3612 see §§ 55.2009, 55.2012, and 55.2014 of this chapter.

§ 50.2008 *Precanceled stamps.* (a) Precanceled postage stamps may be used only by persons or concerns to whom they have been furnished by a postmaster after special authority in each case has been obtained from the Department. Any person desiring to use such stamps should file an application with the postmaster at the post office of mailing, showing:

(1) The class and character of the matter to be mailed.

(2) The approximate total number of pieces to be mailed.

(3) The average number of pieces to be mailed daily, weekly, monthly, etc.

(4) Business in which applicant is engaged.

(b) The application, together with the postmaster's recommendation thereon, shall be forwarded to the Third Assistant Postmaster General, Division of Classification, except where otherwise specifically authorized. All applications for permits from persons or concerns engaged in the selling, trading, or collection of precanceled stamps must be submitted to the Department. (For forms of application see §§ 55.2021 and 55.2022 of this chapter.)

(c) On receipt of the Department's authorization the postmaster will issue a permit to the applicant and furnish precanceled stamps and accept mailings bearing them under the following conditions:

(1) The name of the post office and State shall be printed between two parallel heavy black lines across the face of each stamp, ink furnished by the Department to be used for that purpose.

(2) Stamps may be precanceled only under the supervision of the postmaster or a sworn employee of the post office.

(3) Precanceled stamps are good for the payment of postage on matter of the third and fourth classes, and second-class matter mailed at the transient rate or the rates applicable at city delivery offices, and, when specially authorized, on first-class matter, presented at the office where precanceled. Precanceled stamps above the 6-cent denomination may be used only in accordanec with special instructions issued by the Third Assistant Postmaster General.

(4) The date of mailing in connection with lines similar to those used in a cancelation postmark shall be placed by the mailer on each piece of first-class matter.

(5) Any number of pieces may be mailed at one time, regardless of whether they are identical, except in the case of third-class matter mailed under 39 CFR 5.63, Sec. 562, Postal laws and regulations, Postmaster General, 1940, when each mailing must consist of not less than 20 pounds or 200 pieces and be accompanied with a statement of mailing on Form 3602–PC.

(6) Matter bearing precanceled stamps shall be presented in such manner as to permit of easy examination and facilitate its handling in the mails. It is expected that the mailer will comply with all reasonable requests of the postmaster for the separation of the matter into States, cities, etc.

(7) Precanceled postage stamps may not be used for the payment of postage on matter mailed in boxes, cases, bags, or other containers specially designed to be reused for mailing purposes.

(d) Attention is especially directed to the following provisions of law:

(1) Whoever shall knowingly use or cause to be used in payment of postage * * * any postage stamp * * * issued in pursuance of law, which has already been used for a like purpose * * * shall be fined not more than $500, or imprisoned not more than one year, or both. (Act of March 4, 1909; 18 U. S. C. 328.)

(2) If two or more persons conspire either to commit any offense against the United States or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be fined not more than ten thousand dollars, or imprisoned not more than two years, or both. (Act of March 4, 1909; 18 U. S. C. 88.)

(e) The permit to use precanceled postage stamps issued to any person or concern, will be withdrawn by the Department if such person or concern should not comply strictly with the foregoing conditions, or should sell precanceled stamps either before or after they have been used. This includes the sale of such stamps affixed to wrappers of parcels returned to the sender and disposed of as waste paper.

(f) Postmasters should carefully observe the use of precanceled stamps and promptly report to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, any irregularity in connection with the use of such stamps coming to their attention, whether occurring at their offices or elsewhere.

CROSS REFERENCES: For regulations see 39 U. S. C., 365.

For procedure see 39 CFR, 5.63 (5 U. S. C. 22 and sec 10, Ch. V, 1945 Postal Guide).

For description of Forms 3602–PC, 3623 and 3623–E, see §§ 55.2011, 55.2021 and 55.2022 of this chapter.

§ 50.2099 *Precanceled Government stamped envelopes and postal cards.* Persons desiring the privilege of using such envelopes or cards precanceled by themselves should make application to the postmaster on Form 3623.

CROSS REFERENCE: For procedure see 39 CFR, 6.5. For description of Form 3623 see § 55.2021 of this chapter.

§ 50.2010 *Grounds for revocation of permits.* Permits for mailing of metered, nonmetered, and precanceled matter, and enclosures with book rate mailings shall be invalid if not used for a period of twelve months. These permits may also be revoked if used in operating any scheme or enterprise of an unlawful character, or for the purpose of purchasing or acquiring stamps for other than legitimate mailing purposes.

§ 50.2011 *Method of revocation.* The holder of the permit will be notified by the postmaster at the office of mailing that his permit is subject to cancellation stating the reason therefor and will be allowed a period of ten days within which to file any written answer of explanation or statement of any reason why said permit should not be canceled pursuant to these regulations. The holder of the permit may also demonstrate or achieve compliance with the regulations in cases of nonuse of the permit only.

§ 50.2012 *Cancellations.* (a) Where no answer is filed to the notice sent to the permit holder by the postmaster as provided by § 50.2011, postmaster shall forthwith cancel the permit.

(b) Where an answer is filed by the permit holder to the charges served on him by the postmaster, the entire record together with the recommendation of the postmaster shall be transmitted to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail.

(c) Upon consideration of the entire record as submitted to him by the postmaster, the Superintendent of the Division of Letter and Miscellaneous Mail shall make an appropriate recommendation to the Third Assistant Postmaster General, who shall issue an order as to cancellation or continuance of the permit as the circumstances warrant.

(d) Notice of such final action shall be promptly transmitted to the permit holder through the postmaster at the office of issuance.

§ 50.2013 *Refunds of postage.* Persons desiring refunds for postage paid for which service is not rendered should make application to the local postmaster with a statement of the facts and such evidence as is available.

CROSS REFERENCE: For procedure see 39 CFR, 6.9.

§ 50.2014 *Addressing mail matter.* (a) The Department urgently requests the public to exercise the greatest possible care to see that mail is sufficiently and correctly addressed in order to secure its prompt and certain delivery. Because of carelessness in addressing and preparing matter for mailing, or failure of sender to place his name and address thereon, millions of letters and other pieces of mail which cannot be delivered or returned to the sender are sent each year to Dead Letter branches. A fee of 5 cents is charged for the return of undeliverable letters to senders from a Dead Letter branch.

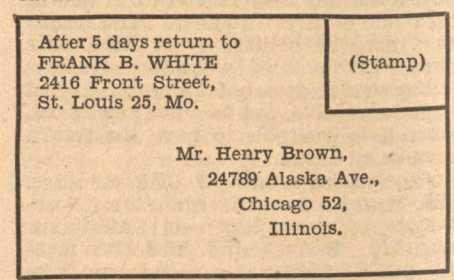
(b) Write plainly the name of the person addressed, street and number, number of rural route, or post office box and the name of the post office, including postal delivery zone number, if any and State in full. Do not use lead pencil. Use abbreviations only when they cannot be misunderstood. Standard abbreviations of States named are found on page 106 of the 1945 Postal Guide.

(c) The words "General delivery" should not be used as part of the address when delivery by city, village or rural carriers can be effected, but only in cases where the addressee has no permanent address and it is known that he calls at general delivery for his mail.

(d) Directions for delivery and forwarding or return of mail are deemed part of the address.

(e) When address labels or tags are used, the lower or right portion should be reserved for the name and address of the addressee, the sender's return card to be placed less prominently in the upper left corner and not on the back. The use of address labels or tags having the sender's name and address shown conspicuously in the lower portion frequently results in the mail matter being returned to the sender instead of being delivered as intended.

(f) *Model form of address and return card:*



CROSS REFERENCE: For procedure see 39 CFR 6.10. (See also paragraphs 1 and 2, Ch. VI, 1945 Postal Guide.)

§ 50.2300 *Application for acceptance of foreign publications at the second-class rates of postage.*

CROSS REFERENCES: For procedure see 39 CFR 5.20, 5.21, 5.24 to 5.32, inclusive. For form to be used see § 55.2302, of this chapter.

§ 50.2301 *Premiums given with subscriptions, and contracts between publishers and subscription agents or agen-*

cies; details to be filed with the Third Assistant Postmaster General.

CROSS REFERENCE: For procedure see 39 CFR 5.27.

§ 50.2302 *Sworn statements required of publishers concerning extraordinary number of copies over the usual circulation.*

CROSS REFERENCE: For procedure see 39 CFR 5.28.

§ 50.2303 *Fees to accompany applications for entry, reentry, and additional entry of publications as second-class matter, and applications for registry of a news agent; receipt to be issued publishers on Form 3539.*

CROSS REFERENCE: For procedure see 39 CFR 5.29. For receipt Form 3539 see § 55.2306, of this chapter.

§ 50.2304 *Applications for original second-class entry, and additional second-class entry, for domestic publications.*

CROSS REFERENCE: For procedure see 39 CFR 5.20 to 5.23, inclusive, and 5.25 to 5.32, inclusive. For application forms see §§ 55.2300 and 55.2301, of this chapter.

§ 50.2305 *Conditional permit issued to publisher on Form 350.*

CROSS REFERENCE: For procedure see 39 CFR 5.31. For conditional permit form see § 55.2304, of this chapter.

§ 50.2306 *Requests for reentry of publications as second-class matter because of changes in title, frequency of issue, or office of publication.*

CROSS REFERENCE: For procedure see 39 CFR 5.33.

§ 50.2307 *Hearing required before suspension or annulment of second-class mail privileges.*

CROSS REFERENCE: For procedure see 39 CFR Cum. Supp., 5.37a.

§ 50.2308 *Statements of ownership, management, and circulation to be filed annually by publishers on Form 3526.*

CROSS REFERENCE: For procedure see 39 CFR 5.38. For Form 3526 see § 55.2305, of this chapter.

§ 50.2309 *Paid editorial matter to be designated with printed word "advertisement."*

CROSS REFERENCE: For procedure see 39 CFR 5.38.

§ 50.2310 *Evidence to be submitted before advertising zone rates are waived for publications of religious, educational, scientific, philanthropic, agricultural, labor, or fraternal organizations or associations.*

CROSS REFERENCE: For procedure see 39 CFR 5.39.

§ 50.2311 *Single sheets or portions thereof sent in proof of the insertion of advertisements.*

CROSS REFERENCE: For procedure see 39 CFR 5.40.

§ 50.2312 *Copy marked to show advertising and reading matter to be filed by publishers with each mailing.*

CROSS REFERENCE: For procedure see 39 CFR 10.5.

§ 50.2313 *Publishers required to separate copies or file zone analysis on Form 3539–A.*

CROSS REFERENCE: For procedure see 39 CFR 10.5 and 5.45. For Form 3539–A see § 55.2307 of this chapter.

§ 50.2314 *Postage must be paid at the second-class pound rates in money before the copies are dispatched.*

CROSS REFERENCE: For procedure see 39 CFR 5.42.

§ 50.2315 *Receipt for postage on Form 3539 to be furnished by postmaster to publishers.*

CROSS REFERENCE: For procedure see 39 CFR 5.42. For Form 3539 see § 55.2306, of this chapter.

§ 50.2316 *An advance deposit of money to cover postage may be received by postmasters from publishers.*

CROSS REFERENCE: For procedure see 39 CFR 5.42.

§ 50.2317 *Place to which second-class matter must be brought for mailing.*

CROSS REFERENCE: For procedure see 39 CFR 5.42.

§ 50.2318 *Application of news agents for registration.*

CROSS REFERENCE: For procedure see 39 CFR 5.56. For revocation procedure, 39 CFR and Cum. Supp., 5.37 and 5.37a. For application form see § 55.2303, of this chapter.

§ 50.2319 *Evidence concerning publications to be furnished by news agents.*

CROSS REFERENCE: For procedure see 39 CFR 5.57.

§ 50.2320 *Manner in which copies should be wrapped and folded for mailing.*

CROSS REFERENCE: For procedure see 39 CFR 5.61.

§ 50.2321 *Applications for refunds of postage for which service is not rendered or which is paid in excess of the lawful rate.*

CROSS REFERENCE: For procedure see 39 CFR 6.9.

§ 50.2322 *Applications for acceptance free of postage of publications for use of the blind.*

CROSS REFERENCE: For procedure see 39 CFR 8.16.

§ 50.2323 *Acceptance by publishers of notices concerning undeliverable copies and undeliverable copies which are returned.*

CROSS REFERENCE: For procedure see 39 CFR 12.38. For forms used see §§ 55.2308 and 55.2309, of this chapter.

§ 50.2324 *Direct dispatch by publishers of copies to railway mail service.*

CROSS REFERENCE: For procedure see 39 CFR 20.2 and 20.3. For form used see § 55.2310, of this chapter.

§ 50.2325 *Application to mail at bulk rate of postage publications weighing in excess of 8 ounces, circulated free or mainly free, and containing not more than 75 per centum advertising matter.*

CROSS REFERENCE: For procedure see 39 CFR 5.76.

§ 50.2600 *Preparation of matter for registration.*

CROSS REFERENCE: For procedure see 39 CFR, 16.2.

§ 50.2601 *Registration of unofficial matter; fees.*

CROSS REFERENCE: For procedure see 39 CFR, 16.3.

§ 50.2602 *Receipt to be given at time matter is accepted.*

CROSS REFERENCE: For procedure see 39 CFR, 16.7.

§ 50.2603 *Letters containing currency.*

CROSS REFERENCE: For procedure see 39 CFR, 16.12.

§ 50.2604 *Correction of address before dispatch.*

CROSS REFERENCE: For procedure see 39 CFR, 16.14.

§ 50.2605 *Registry return receipt.*

CROSS REFERENCE: For procedure see 39 CFR, 16.15.

§ 50.2606 *Inquiries for registered mail.*

CROSS REFERENCE: For procedure see 39 CFR, 16.16.

§ 50.2607 *Inquiries concerning disposition or delay of registered mail.* Inquiries made by the public concerning the disposition or delay of domestic registered mail are reported to the Third Assistant Postmaster General, Division of Registered Mails. These reports should be made on Form 1510 (for description of Form 1510 see § 55.4302 of this chapter) or by letter, and in cases of delay the envelope or wrapper must be submitted if possible.

§ 50.2608 *Recall of registered matter.*

CROSS REFERENCE: For procedure see 39 CFR, 16.17.

§ 50.2609 *Registration of mail by city and village carriers.*

CROSS REFERENCE: For procedure see 39 CFR, 16.39.

§ 50.2610 *Registration of mail by rural carriers.*

CROSS REFERENCE: For procedure see 39 CFR, § 16.41.

§ 50.2611 *Complaints of loss, rifling, damage or wrong delivery of registered mail.* Complaints on account of the loss, rifling, damage, or wrong delivery of, registered mail may be made at any post office. At first or second class offices use Form 565 (for description of Form 565 see § 55.2601 of this chapter) and at others use Form 1510 (for description of Form 1510 see § 55.4302 of this chapter) or by letter for transmission to post office inspectors in charge. After appropriate investigations by post office inspectors and review of reports by inspectors in charge and the Chief Post Office Inspector, applications for indemnity (Form 565) are sent to the Third Assistant Postmaster General, Division of Registered Mails, for adjustment. The postmaster at the office of mailing is required to enter the particulars of registration on the application for indemnity (Form 565). The sender is required to furnish a full description of the contents of the article and in case of par-

tial loss, to submit the envelope or wrapper, if available, and to state to whom indemnity should be paid. Claims for damage should show in detail how the article was packed and wrapped and be accompanied with the wrapper. Claims for duplication of valuable papers should be supported with receipted bills for any actual, necessary, and direct expense in connection therewith. The addressee is required to make a statement showing whether the article was received, and, if received, whether a portion of the contents was missing or damaged. The postmaster at the office of address is required to state whether the article was received, and, if so, in what condition.

§ 50.2612 *C. O. D. service for registered mail.*

CROSS REFERENCE: For procedure see 39 CFR § 16.62.

§ 50.2613 *Insurance, collect-on-delivery service.*

CROSS REFERENCE: For procedure see 39 CFR § 16.63.

§ 50.2614 *Matter which may be insured.*

CROSS REFERENCE: For procedure see 39 CFR § 16.64.

§ 50.2615 *C. O. D. service, domestic mail.*

CROSS REFERENCE: For procedure see 39 CFR 16.65.

§ 50.2616 *Demurrage charges on domestic C. O. D. mail.*

CROSS REFERENCE: For procedure see 39 CFR 16.66.

§ 50.2617 *Application for indemnity for lost, rifled, or damaged insured or collect-on-delivery mail.*

CROSS REFERENCE: For procedure see 39 CFR 16.67.

§ 50.2618 *Recovery of registered, insured, or C. O. D. mail.* When a lost registered, insured, or collect-on-delivery article is recovered, the article must be surrendered upon the return of the indemnity paid. The claimant must accept the article and reimburse the United States for the full indemnity paid if the article is undamaged, or such pro rata amount as may be deemed equitable by the Department if the article is damaged or has depreciated in value, or if the contents are not intact. The amount recovered is sent to the Department or to the paying postmaster, according to whether indemnity was paid by the Department or by a postmaster, for appropriate disposition.

§ 50.3101 *Correspondence.* Inquiries and reports concerning the transaction of money order business should be taken up first with the postmaster involved. If it then becomes necessary to address the Post Office Department, the communication should be sent to the Third Assistant Postmaster General, Division of Money Orders. Where a specific money order is referred to, its serial number, office of issue and other particulars should be stated as far as known. (Sec. 1406)

§ 50.3102 *Purchase of money orders.* (a) To purchase a domestic postal money order, the applicant will call at any post office in the United States or its possessions with the exception of a few in Alaska.

(b) An application should be submitted on Form 6001 on which is entered the amount, name and address of the payee, and name and address of the remitter. These application forms will be furnished to business houses on request and may be overprinted and distributed with advertising matter.

(c) In the transaction of money order business only United States money shall be used, except that at post offices near the border between the United States and Canada, Canadian money may be used under such special restrictions as may from time to time be announced. Postmasters are not required to accept checks, either personal or governmental, and if they do so as an accommodation to their patrons it is at their own risk and they will be held accountable for any loss that may result.

(d) (1) A money order will be issued to only one person or one firm.

(2) If only the surname is entered on the application, the postmaster will decline to issue the order without a specific address, except that business names such as "Mason's", "Johnson's Store", or "Madam Saville" are permitted.

(3) The payee may be designated by an official title indicative of the capacity in which he is to receive payment, as "Receiver, U. S. Land Office" or "Cashier, First National Bank". When money orders are made payable to the Treasurer of the United States, the Department or Agency to which the remittance is to be sent should be added, as "Treasurer of the United States, Veterans Administration", if that information is known to the remitter.

(4) The payee may be designated by a name adopted under membership in a religious order, as "Sister Theresa, Academy of Visitation" or "Brother Joseph, St. Anselmo's College."

(e) A domestic postal money order will be drawn on any post office in the United States or its possessions or any branch post office, but not upon stations. Money orders payable to members of the armed services will be drawn upon the post office to which are attached the army or navy post offices serving the units of which the payees are members. If the remitter designates a station or a locality without a postal designation, the postmaster will draw the order on the appropriate post office or branch post office.

(f) An application for a domestic postal money order will not be accepted by a postmaster from a person adjudged by a court of competent jurisdiction to be incompetent, unless permission for the issue of the order has been given by the person in whose care the ward has been placed.

(g) When the recipient of a c. o. d. parcel pays therefor, he is not required to fill out an application form for the resulting money order, as the c. o. d. tag constitutes such application.

(h) A money order shall not be issued for more than $100, but there is no limitation on the number of money orders that may be issued. The fees for domestic money orders are as follows:

	Cents
$0.01 to $2.50	6
$2.51 to $5	8
$5.01 to $10	11
$10.01 to $20	13
$20.01 to $40	15
$40.01 to $60	18
$60.01 to $80	20
$80.01 to $100	22

(i) A money order will not be issued conditioned that identification of payee, endorsee, or attorney, may be waived.

(j) When a money order is issued payable to the remitter, he may furnish the issuing postmaster a specimen of his signature on Form 6339, which will be attached to a description of the order on Form 6006 and sent to the paying postmaster as an aid to identification. If the postmaster has no copy of Form 6339, a slip of paper containing the essential information indicated above may be substituted. If the remitter and payee are different persons, the signature of the payee may be dispatched in a similar manner if it is furnished by the remitter. (R. S. 4029; 39 U. S. C. 713. Sec. 5, 30 Stat. 966; 39 U. S. C. 724. Sec. 3, 22 Stat. 527, sec. 2, 28 Stat. 31, sec. 208, 43 Stat. 1068, 47 Stat. 409; 39 U. S. C. 716) [Sections 1407, 1408, 1409, 1410, 1411, 1412, 1414, 1415, 1416]. (See 39 CFR 17.5, 17.6, 17.7, 17.8, 17.9, 17.10, 17.11, 17.12, 17.13. For forms see §§ 55.3101, 55.3102, and 55.3103, of this chapter)

§ 50.3103 *Delivery of money orders to purchasers.* (a) The purchaser of a money order should examine it carefully upon delivery. The entries should agree with those on the application therefor. The signature of the postmaster should be written, or if stamped, should be followed by the written initials of the issuing clerk. In the lower right hand corner an impression of the "M. O. B." or postmarking stamp of the issuing post office should appear.

(b) If an error of any kind occurs in issuing an order and is discovered by the postmaster or the purchaser before the latter has left the window, the transaction should not be considered as completed and the order should be treated as "not issued" and another one drawn and delivered to the remitter in its stead. In such event, as but one order has been issued, only one fee shall be charged. Alterations must not be made on money orders under any circumstances.

(c) If a money order is returned after it has become an item of record, it cannot be treated as "not issued". If an error has been found, necessitating a new order, the first one must be treated as repaid. Therefore, the fee for the new order should be paid by the postmaster or the purchaser as determined by who made the error. (R. S. 4038; 39 U. S. C. 725) [Secs. 1418, 1419, 1421, and 1422] (See 39 CFR, 17.14, 17.15, 17.16, and 17.17).

§ 50.3104 *Payment of money orders.* (a) A postal money order is payable at the office drawn on or repayable at the office of issue at full face value for a period of one year from the last day of the month in which it was issued. A money order drawn on a post office or a branch thereof will be paid at the main office, branch, or station of that office.

(b) (1) If issued at any post office in the continental United States (except Alaska), it may be paid within 30 days from day of issue at any money order office in the continental United States (except Alaska). Money orders issued in and drawn on Hawaii and Puerto Rico may be paid at any post office in the respective territories under the same conditions. For the additional service of having the orders paid at post offices other than the ones on which drawn or at which issued, a fee is charged equal to the fee originally paid on the order. Money orders issued in Alaska, Guam, Samoa, and Virgin Islands will be paid only at the office on which drawn or repaid at the office of issue.

(2) When money orders are presented by members of the armed services as remitters or payees, the provisions of the foregoing paragraph have been modified to extend the time of payment at a third office to 60 days and to eliminate the fee charged for such payments. These privileges, however, do not extend to endorsed orders, which are handled under the regulations governing payments to civilians.

(c) If a money order bearing discrepancies or errors is presented at a post office for payment, the postmaster may advance the least amount shown thereon until verification is received from the issuing office, at which time final payment will be made, provided, of course, he can determine who is the rightful payee.

(d) Identification. The remitter of a money order expects payment thereof to be made to the person named as payee or the legal representative thereof. The paying postmaster, therefore, is required to identify the claimant for payment as the payee intended. In consequence, the claimant should be prepared to submit satisfactory evidence of identification and the postmaster may require personal identification. Drivers permits, social security cards, and similar articles cannot be relied upon wholly because a person who came into possession of a money order wrongfully may have also acquired various papers and documents in support of his claim to the amount. If payment is made to the wrong person, the paying postmaster or employees will be held accountable for the amount of the order.

(e) The person presenting a money order for payment should sign it below the words "Received payment" in the presence of the paying postmaster or clerk. The payee should sign in the name as it appears on the order and if there is a slight error therein, he should sign his name correctly. If the signature is by mark, it should be witnessed by a person who is able to sign his name. When presented by the payee, remitter, or endorsee, or legal representative of any of them, the order should be signed by the person legally entitled to receive the amount and any extraneous signatures appearing on the order may be crossed out.

(f) A postmaster is expected to provide for the prompt payment of money orders drawn on his post office. If in an emergency he is unable to do so and the payee is unable to wait until funds can be obtained, the postmaster will give him a note addressed to the postmaster at a nearby larger post office where payment will be made without the deduction of the fee mentioned in paragraph (b) above.

(g) A money order sent to a postmaster by mail will not be paid in cash or by check, but a new order for the same amount, less the fee, will be drawn in lieu thereof, payable at any post office designated.

(h) Inquiry concerning payment of a money order may be made at any post office, but preferably should be made through the issuing office. Such inquiries should not be made prior to 15 days after issue of the order unless the remitter has a letter from the payee, written after the lapse of ample time for the payee to have received the order, denying receipt of the remittance. (38 Stat. 280, 48 Stat. 973; 39 U. S. C. 727). [Secs. 1427, 1428, 1429, 1430, 1439] (See 39 CFR, 17.20, 17.21, 17.22, and 17.23)

§ 50.3105 *Repayment to remitters.* A money order presented by the remitter may be repaid at the issuing office, paid at the office of payment, or, subject to conditions set forth in § 50.3104 (b), cashed at any other post office, provided, of course, the order is not invalid by age. (Sec. 1436)

§ 50.3106 *Endorsement of money orders.* The payee and the remitter of a money order may endorse it in the space provided therefor to any other person and the postmaster at the office of issue or the office on which it is drawn, or under the conditions set forth in § 50.3104 (b), any other post office will pay the amount to the person thus designated if he can establish the genuineness of the endorsement and his identity as endorsee. More than one endorsement renders the money order invalid and the second or subsequent endorsee to obtain payment must apply in writing on Form 6002 for a new order in lieu thereof as set forth in § 50.3121. In this event, the original order should be atached to the application and proof of the genuiness of endorsement submitted. (R. S. 4037, sec. 1, 18 Stat. 320; 39 U. S. C. 723) (Sec. 1435) (See 39 CFR 17.25. For Form 6002, see § 55.3121 of this chapter)

§ 50.3107 *Payment to others than persons named on money orders.* (a) A payee or remitter may by duly executed power of attorney designate and appoint some person to obtain payment on a money order or on money order thereafter received and a copy of the power of attorney should be filed at the office of payment. In such cases, the attorney will sign in the name of the payee or remitter followed by his own signature.

(b) When a person or firm makes an assignment and intends that money orders payable to them shall be paid to the assignee, they should execute a power of attorney or written order separate from the instrument of assignment to be filed in the post office of payment. The person receiving payment as attorney or agent should receipt the money order as such indicating beneath his signature the capacity in which he acts.

(c) In case of death of the payee or remitter, or first endorsee, money orders payable to him shall be paid to his legal representative, who shall be required to present to the paying postmaster satisfactory evidence of his authority to act in such capacity and to sign the money orders as executor or administrator as the case may be. In the case of an endorsee, the genuineness of the endorsement must be established as set forth in § 50.3106. If an executor or administrator has not been and will not be appointed, the claimant should submit his claim on standard Form 1055 which may be obtained through the postmaster.

(d) A money order payable to a firm or organization which has ceased to exist, shall be paid to the legal representative thereof, who will be required to show evidence of his authority to receive such payment.

(e) A money order may be receipted by the payee, remitter, or first endorsee, and deposited in a bank for collection. The bank may present the order if drawn on a local post office and receive payment. If the order is drawn on a post office in another city, the bank may forward it through banking channels or directly by mail to the issuing or paying office and in the latter event a check drawn on the Treasurer of the United States for the face value of the order will be sent to the bank. The stamp impressions of the banks through which the money orders pass should be placed on the backs of them. Stamp impressions are not regarded as endorsements in contravention of the law prohibiting more than one endorsement.

(f) A money order payable to a person who has been adjudged incompetent by a court of competent jurisdiction will be paid only to the person designated by the court to act on behalf of the ward. The money order in such cases shall be receipted in the name of the ward followed by the signature and legal designation of the authorized agent. (Sec. 1436.) (See 39 CFR 17.26)

§ 50.3108 *Payment of money orders withheld.* (a) Upon request by the issuing postmaster or by the remitter, payment of a money order will be withheld for a sufficient time to enable the remitter to furnish proof that the order was purchased by him through false representation or other fraudulent action of the payee or that the payee is engaged in conducting a scheme or device for obtaining money through the mails by false or fraudulent pretenses, representations, or promises, the postmaster to whom the order is presented for payment will forward the request and proof submitted to the Third Assistant Postmaster General, Division of Money Orders. In the absence of action herein described, payment of the order will be made notwithstanding the protest of the remitter.

(b) The Postmaster General may, upon evidence satisfactory to him that a person or company is engaged in conducting a lottery, or scheme for the distribution of money, or other property by lot, or chance, or is conducting any other scheme to obtaining money or property of any kind through the mails by false or fraudulent pretenses, forbid the payment to such person or company of any postal money orders and on and after the issue of such order by the Postmaster General

the payment of such postal money orders will not be made. The amounts of the money orders, but not the fees, shall be returned to the remitters. (R. S. 4041, sec. 3, 26 Stat. 466; 39 U. S. C. 732) (Sec. 1438) (See 39 CFR 17.28)

§ 50.3109 *Purchase of money orders through rural carriers.* (a) The patron of a rural route may deliver an application on Form 6001 with the money to the carrier on the route and receive a receipt on Form 6387. If the amount tendered by the remitter is in excess of the amount required and the carrier cannot make change, he will request the patron to meet him on his next trip to receive the change. The carrier is not permitted to and the patron should not under any circumstances leave money in the mail box. On his return to the post office, the carrier will purchase the money order and on his next trip deliver the receipt detached from the money order to the remitter. If personal delivery of the receipt is impracticable, it may be enclosed in an official envelope and left in the remitter's mail box.

(b) If the purchaser delivers with the application and money the unsealed communication in which the money order is to be mailed, the postmaster will make the enclosure, seal and dispatch the communication; otherwise the money order will be delivered to the purchaser on the carrier's next trip.

§ 50.3110 *Payment of money orders through rural carriers.* The patron of a rural route who desires to obtain payment of a money order may deliver it with an order on Form 6387 or a note reading as follows:

Please pay to _____, carrier, for delivery to me, the amount of money order No. ____, issued at _____ in my favor and this day handed to him by me for collection.

When the money is delivered to the patron on the carrier's next trip, the former shall acknowledge receipt thereof on the same form or note authorizing payment.

§ 50.3111 *Applications for duplicates of lost, destroyed, invalid or mutilated postal notes (Form 6596).*

CROSS REFERENCE: For procedure see 39 CFR 17.1a (q), (r), and (s).

§ 50.3121 *Application for duplicate of lost or mutilated domestic money order or of an order rendered void by too many endorsements (Form 6002).*

CROSS REFERENCE: For procedure see 39 CFR 17.39, and § 55.3121 of this chapter.

§ 50.3122 *Application for payment of domestic money order invalid by reason of age (Form 6003).*

CROSS REFERENCE: For procedure see 39 CFR 17.49, and § 55.3122.

§ 50.3123 *Bond of indemnity for issue of duplicate of lost money order (Form 6116).*

CROSS REFERENCE: For procedure see 39 CFR 17.39, 17.40 and 17.49, and § 55.3123 of this chapter.

§ 50.3124 *Report of wrong payment of money order.* Whenever the sender or payee of any money has information to the effect that it has been wrongfully paid, he shall promptly report the fact to his postmaster who will proceed according to the directions in 39 CFR 17.24a and shall report the results to the complainant.

§ 50.3125 *Claim against the United States for amounts due in case of a decedent (Forms 1055 and 6003).*

CROSS REFERENCE: For procedure see 39 CFR 17.49 and §§ 55.3122, 55.3125 of this chapter.

§ 50.3132 *Notifying payee to present order (Form 6706).*

CROSS REFERENCE: For procedure see 39 CFR, 17.78, and § 55.3132 of this chapter.

§ 50.3134 *Application for repayment of international order.* A remitter desiring repayment of an international money order should make application therefor at his local post office on Form 6759. (See 39 CFR 17.81, and § 55.3134 of this chapter.)

§ 50.3135 *Application for a duplicate of a lost money order issued in one of the countries with which business is transacted on domestic basis.* When a payee of a money order issued in one of the countries on a domestic basis desires to present a claim of non receipt he should apply for a duplicate at his local post office on Form 6002 or 6003.

CROSS REFERENCE: For procedure see 39 CFR, 17.82; for forms see §§ 55.3135, 55,3136 of this chapter.

§ 50.3140 *Application for duplicate of international order (Form 6753).*

CROSS REFERENCE: For procedure see 39 CFR, 17.83, and § 55.3140 of this chapter.

§ 50.3141 *Application for international money order.* When a patron desires to send money to a foreign country he should apply at his local post office and complete Form 6701.

CROSS REFERENCE: For procedure see 39 CFR 17.56, 17.57, 17.58, and 17.66a, and § 55.3141 of this chapter.

§ 50.3143 *Inquiry concerning disposal made of an international money order issued in the United States.* Such inquiry shall be made at the post office where order was purchased (Form 6684).

CROSS REFERENCE: For procedure see 39 CFR 17.64, and § 55.3143 of this chapter.

§ 50.3144 *Exchange office requested to correct error in particulars of the advice of a United States money order payable abroad (Form 6760).*

CROSS REFERENCE: For procedure see 39 CFR 17.62, and § 55.3144 of this chapter.

§ 50.3145 *Supplemental international advice to be filled in by remitter (Form 6083).*

CROSS REFERENCE: For procedure see 39 CFR 17.59, and § 55.3145 of this chapter.

§ 50.3146 *List of international money order offices in certain foreign countries (International List, Form XIV).*

CROSS REFERENCE: For procedure see 39 CFR 17.53, and § 55.3146 of this chapter.

§ 50.3500 *Rental of garage accommodations without formal lease.* (a) *Contracts made annually.* Formal leases of quarters for postal purposes are not required where the rental to be paid does not exceed $1,000 annually. Contracts are made annually for the storage of Government-owned vehicles used in the transportation of mail for the period of the Government fiscal year.

(b) *Advertisement for bids.* Under instructions from the Fourth Assistant Postmaster General, the postmasters at the offices where such storage is required, post in the lobby of the post office building a copy of U. S. Standard Form 33 in which are set forth the specifications for the desired garage accommodations for such vehicles and an invitation to bid. Upon the reverse of this form, furnished to bidders by the postmaster, are set forth the conditions of the proposed contract and instructions to bidders.

(c) *Bids.* Bids are received upon said Form 33 and publicly opened and then transmitted by the postmaster to the Fourth Assistant Postmaster General.

(d) *Awards.* The lowest bid conforming to the specifications and with consideration given to the travel time between the post office and the bidder's garage, will be accepted but the right is reserved to reject all bids. The acceptance by the Fourth Assistant Postmaster General of such bid upon Form 33 will constitute the contract and the postmaster will be authorized to pay the rent provided for therein. (44 Stat. 688; 12 Stat. 220; R. S. 3709; 39 U. S. C. 14 Supp.; 41 U. S. C. 5)

CROSS REFERENCE: For Form 33 see 41 CFR, 12.33.

§ 50.3501 *Contracts for servicing Government-owned vehicles*—(a) *Contracts made annually.* Contracts are made annually for the servicing of Government-owned vehicles used in the transportation of mail for the period of the Government fiscal year.

(b) *Advertisement for bids.* Under instructions from the Fourth Assistant Postmaster General, postmasters at the offices where such servicing of vehicles is required, post in the lobby of the post office building a copy of U. S. Standard Form 33 in which are set forth the specifications for the desired servicing of such vehicles and an invitation to bid. Upon the reverse of this form, furnished to bidders by the postmaster, are set forth the conditions of the proposed contract and instructions to bidders.

(c) *Bids.* Bids are received upon said Form 33 and publicly opened and then transmitted by the postmaster to the Fourth Assistant Postmaster General.

(d) *Awards.* The lowest and most advantageous bid to the Postal Service conforming to the specifications will be accepted but the right is reserved to reject all bids. The acceptance by the Fourth Assistant Postmaster General of such bid upon said Form 33 will constitute the contract and the postmaster will be authorized to pay for the various services at the rates provided for therein. (12 Stat. 220; R. S. 3709; 41 U. S. C. 5)

CROSS REFERENCE: For Form 33 see 41 CFR Part 12.

§ 50.3502 *Contracts for carrying the mails in panel or screen body motor vehicles*—(a) *Geographical divisions.* Contracts for the transportation of mails in panel or screen body motor vehicles between the terminals of common car-

riers and general post offices and the stations and branches thereof, are made for periods of four years. For purposes of advertising for proposals and awarding such contracts, the United States is divided geographically into four sections with contracts expiring in one of such sections each year.

(b) *Advertisements for proposals.* An advertisement for proposals to furnish this service in one of such sections is prepared in pamphlet form each year, giving therein specifications for the service required respectively at various cities located in such geographical section, and containing instructions to bidders and postmasters and also general conditions to be incorporated in the contracts. Such advertisement is conspicuously posted in each post office at which a contract is to be awarded for at least sixty days before the time for receiving proposals. Postmasters at such post offices are instructed to give other publicity to such advertisement for proposals.

(c) *Proposals.* Proposals are submitted upon Form A which likewise contains a bond and oath. This form may be obtained from the local postmaster or from the Fourth Assistant Postmaster General. The proposal is to be executed, the facts stated therein sworn to, and the execution thereof acknowledged under oath, by the bidder and two or more individual sureties or an approved surety company. Only one route may be included in a single proposal, and the bidder must agree to give his personal supervision to the performance of the contract and to reside on or contiguous to the route. Proposals must be sealed and transmitted to the Fourth Assistant Postmaster General, Post Office Department, Washington 25, D. C.

(d) *Awards.* While a bidder may submit proposals to perform this service on more than one route, he will only be awarded a contract for a single route upon or contiguous to which he must reside so as to give his personal supervision to performing the contract. A contract for each route advertised will be separately awarded to the lowest responsible bidder whose proposal and bond conform in all respects to the specifications, and to whom has not been awarded a similar contract on another such route; but the Department reserves the right to reject all bids or to negotiate with the only bidder or lowest bidder for more reasonable terms. The contract will be executed upon Form 1748 by the Fourth Assistant Postmaster General and by the contractor and two or more individual sureties or an approved surety company. The contract will provide for the imposition by the Postmaster General of deductions and fines against the contractor for any delinquency or omission of duty under the contract, as authorized by law. (17 Stat. 313; 18 Stat. 235; 19 Stat. 335; 21 Stat. 374; 36 Stat. 366; 39 Stat. 418; 39 Stat. 1068; R. S. 3941; R. S. 3944; R. S. 3945; R. S. 3949; R. S. 3956; R. S. 3962; R. S. 3975; 39 U. S. C. 421; 39 U. S. C. 425; 39 U. S. C. 426; 39 U. S. C. 429; 39 U. S. C. 430; 39 U. S. C. 434; 39 U. S. C 436; 39 U. S. C 443; 39 U. S. C. 493)

CROSS REFERENCE: For forms see §§55.3500 and 55.3501 of this chapter. For contract cancellation procedure see R. S. 3951; 54 Stat. 227; 39 U. S. C. 434.

§ 50.3503 *Contracts for hiring vehicles on an annual basis*—(a) *Period and nature of contract.* Contracts are made for periods of one year for furnishing panel or screen body and other types of motor vehicles, without drivers, for use in collection, delivering and relaying mail and in special delivery service. These vehicles are to be furnished for specified numbers of hours respectively on week days, Sundays and holidays; and the owner is required to equip such vehicles with adequate locking devices, keep them in satisfactory mechanical condition, and bear all expense of the operation and maintenance thereof.

(b) *Advertisements.* Advertisements for proposals to furnish such vehicles are made upon Form MV–44, which is posted in the lobby of the post office where such vehicles are required. Such advertisement states the number and type of vehicles required and the number of hours they are to be used respectively on week days, Sundays and holidays, and advises where such proposal forms may be obtained.

(c) *Proposals.* Proposals are submitted upon Form MVS–1 to the local postmaster in response to the advertisement. These proposals are then transmitted by the postmaster to the Fourth Assistant Postmaster General for consideration.

(d) *Awards.* The contract is awarded to the lowest responsible bidder, but the Department reserves the right to reject all bids. The acceptance by the Fourth Assistant Postmaster General of such bid upon Form MVS–1 will constitute the contract, and the postmaster will be authorized to pay the rate of vehicle hire provided for therein. (12 Stat. 220; 19 Stat. 335; 36 Stat. 1333; 38 Stat. 303; 39 Stat. 1068; R. S. 3709; 39 U. S. C. 430; 39 U. S. C. 802; 41 U. S. C. 5)

(e) *Cancellation of contracts.* The Postmaster General may cancel any contract upon failure of the contractor to comply with the terms thereof.

CROSS REFERENCE: For forms see § 55.3502 and § 55.3503 this chapter.

§ 50.3504 *Contracts for hiring vehicles on an hourly basis*—(a) *Period and nature of contract.* Contracts are made for a period of one-quarter year for furnishing vehicles, without drivers, for use in collection, delivering and relaying mail and in special delivery service. These vehicles are to be furnished at an hourly rate of pay for an estimated number of hours on week days, Sundays and holidays; and the owner is required to keep the vehicles in satisfactory mechanical condition and bear all expense of the operation and maintenance thereof.

(b) *Advertisements.* Advertisements for proposals to furnish such vehicles are made upon Form MV–68, which is posted in the lobby of the post office where such vehicles are required. Such advertisement states the estimated number of hours the vehicles will be used respectively on week days, Sundays and holidays, and advises where such proposal forms may be obtained.

(c) *Proposals.* Proposals are submitted upon Form MV–67 to the local postmaster in response to the advertisement. The postmaster reports the hourly rate of the lowest bid to the Fourth Assistant Postmaster General, and if it is considered reasonable, it is approved.

(d) *Awards.* Upon approval of such bid by the Fourth Assistant Postmaster General, the postmaster is authorized to pay the hourly rate of vehicle hire provided for therein. (12 Stat. 220; 36 Stat. 1333; 38 Stat. 303; R. S. 3709; 39 U. S. C. 802; 41 U. S. C. 5)

CROSS REFERENCE: For forms see §§ 55.3504 and 55.3505 of this chapter.

§ 50.3505 *Fines and deductions; Contractors for carrying the mails by panel or screen body vehicles or by pneumatic tubes.* (a) Reports of failures or delinquencies. Failures or delinquencies in the performance of services in accordance with contracts for carrying the mails by panel or screen body vehicles or pneumatic tubes are reported by field operating officials to the Fourth Assistant Postmaster General. Such reports are ordinarily accompanied by a written statement from the contractor concerning his responsibility for the failures or delinquencies reported.

(b) *Imposition of fines or deductions.* The amount of the fine or deduction is based upon the gravity of the delinquency, and when imposed the contractor is notified thereof by the Fourth Assistant Postmaster General upon Form 1729, which shows the amount of the fine or deduction and the reasons for its imposition.

(c) *Protests of contractors.* Contractors are given opportunity to protest the imposition of fines or deductions, and they may be changed or remitted if such action is justified. There is no formal procedure established for such protests. (R. S. 3962; 39 U. S. C. 443)

CROSS REFERENCE: For forms see § 55.3506 of this chapter.

§ 50.3506 *Contracts for the transmission of mail by pneumatic tubes or other similar devices.* The procedure for advertising for bids and contracting for the transmission of mail by pneumatic tubes or other similar devices is prescribed by statute. (32 Stat. 114; 34 Stat. 1211; 35 Stat. 412; 39 U. S. C. 423)

§ 50.3600 *Sale of post-route maps and rural-delivery maps to the public.* Post-route maps and rural-delivery maps prepared primarily for the official use of the Postal Service, are made available by law to the public at prices fixed by law. Information concerning available maps and price lists may be obtained from, and orders and remittances should be addressed to, the Third Assistant Postmaster General, Division of Finance, Washington 25, D. C. (Pub. Law 518, Title II, Treasury and Post Office Departments Appropriation Act, 1947.)

§ 50.3700 *Leasing and equipping of quarters for post offices of the first, second and third classes; for stations and branches thereof; and for post office garages and railway mail terminals*—(a) *Advertisement for bids.* Subject to Department approval, intention to lease quarters for a post office or station or branch thereof, or for post office garages

or railway mail terminals, will be advertised at such post office by the posting publicly of an advertisement upon Form 1410, signed by a post office inspector, calling for proposals to furnish such quarters, and by giving other publicity to such intention. This advertisement will give information concerning the space, equipment and services desired, and will advise from whom may be obtained the forms to be used in making a proposal; and to whom such proposal should be submitted.

(b) *Proposals.* Proposals will be made upon Form 1400 for instructions contained therein, and from information given in Form 1425 containing specifications for equipment, and Form 1425–A containing the general building requirements. The proposals received will be transmitted to the Fourth Assistant Postmaster General for consideration.

(c) *Awards.* The proposal most advantageous to the Postal Service will be accepted or all of the proposals may be rejected. The acceptance of a proposal will be followed by the execution by the successful proponent and the Postmaster General of a lease of the post office or other quarters upon Form 1449, Standard Form of Government Lease for use by the Post Office Department. These leases are usually for terms of ten years. Information concerning any existing or proposed lease may be obtained from the Fourth Assistant Postmaster General. (23 Stat. 386; 42 Stat. 656; 39 U. S. C. 10; 25 Stat. 345; 41 Stat. 578; 43 Stat. 1105; 44 Stat. 688; Supp.; 47 Stat. 412; 47 Stat. 1517; 39 U. S. C. 10; 39 U. S. C. 11; 39 U. S. C. 14, Supp.; 40 U. S. C. 278–A)

CROSS REFERENCE: For forms see §§ 55.3700, 55.3701, 55.3702, 55.3703 of this chapter.

§ 50.3701 *Rental of post office quarters without formal lease.* Arrangements for post office quarters occupied on month-to-month basis without formal lease and at a rental not exceeding $1,000 per annum, are made by the local postmasters, subject to review and approval by the Fourth Assistant Postmaster General in all instances. No forms are used in making the arrangements with the property owner. (44 Stat. 688; 39 U. S. C. 14, Sup.)

§ 50.4300 *Inquiries and complaints.* (a) Inquiries and complaints hereinafter indicated should be made as follows:

(b) *To postmasters.* (1) Inquiries and complaints by the public in regard to mail except as hereinafter indicated, (See subparagraph (3) of this paragraph). Complaints regarding mishandling or mistreatment of mail should be accompanied with the envelope or wrapper to which the complaint refers, if available Patrons are urged to report any loss or non-delivery or any other mistreatment of mail since these reports may be used to correct such conditions.

(2) Complaints in general affecting the Service should likewise be made to the postmaster.

(3) Where inquiries or complaints to the postmaster are manifestly improper under the circumstances, they should be made to the Post Office Department.

(c) *To Post Office Inspectors-in-Charge.* Included in the offenses against the postal service which should be promptly reported to a Post Office Inspector-in-Charge, or to the Chief Inspector, Post Office Department, are the theft, rifling, tampering with and interception of mail; mailing of intoxicants, poisons, firearms, explosives, etc.; mailing of obscene and scurrilous matter; using the mails to defraud and in the promotion of lotteries; violation of the private express statutes (Government monopoly of the transportation of letter mail); mailing of letters of extortion and other complaints alleging criminal offenses against the postal service.

(d) *To the Post Office Department.* Administrative matters such as charges against postal employees of all classes (except Post Office Inspectors-in-Charge, inspectors, and clerks at division headquarters and other posts of duty of post office inspectors) and the establishment of or changes in rural or star routes should be addressed to the proper bureau of the department, and if an investigation by an inspector is necessary, such bureau will make request therefore on the Chief Inspector who will have investigations made in the field division concerned by some inspector or inspectors thereof.

§ 50.4301 *Disposition of money or other property lost or stolen from the mails and recovered by post office inspectors.* (a) The Chief Inspector is authorized by the Postmaster General to determine upon satisfactory evidence the ownership of money or other property lost or stolen from the mails and recovered by Post Office Inspectors, and to dispose of same to the United States Government, or to the public as their interests shall appear, as is hereinafter indicated.

(1) When Post Office Inspectors establish through investigation individual responsibility for mistreatment of mail matter, collection therefor is given attention by them. Collections by Post Office Inspectors for mistreatment of mail are forwarded by them through their Inspectors in Charge to the Chief Inspector who reviews the facts and makes disposition of the money.

(2) Identical money and identified articles stolen from the mails, and recovered by Post Office Inspectors, if not needed as evidence, or when no longer needed as such may, unless otherwise directed by the United States Attorney or the court, or the Post Office Department, be restored by inspectors to the owners unless they have received payment of indemnity or other settlement is in order.

(3) Property other than money believed to be the contents of mail but not so identified, recovered by Post Office Inspectors, if not needed as evidence or when no longer needed as such may, unless otherwise directed by the United States Attorney or the court, or the Post Office Department, be forwarded to designated post offices for treatment as dead mail matter.

(4) When the inspector feels that the disposition of money or other property by him is inadvisable on account of insufficiency of identification, conflicting claims, or other reasons, the disposition of the money or other property is determined by the Chief Inspector.

(5) If money collected by inspectors represents a compromise offer, or if advisable for other reasons, inspectors channel it to the Chief Inspector for treatment by him.

(6) Subject to the foregoing, inspectors generally disburse direct to those entitled thereto collections made by inspectors if they apply to wrong payment of a postal money order, a postal savings certificate, or a postal note, or to customs duty assessed on mail matter, or to damage by the public to a mail truck or to street letter box equipment.

(7) Moneys lost or stolen from the mails and recovered by Post Office Inspectors and thereafter sent by them to the Chief Inspector are deposited by him with the Superintendent, Division of Finance, of the Post Office Department, unless, as in the case of identical money or for other reasons, other action may be in order.

With respect to moneys deposited with the Superintendent, Division of Finance, the Chief Inspector, after determining upon satisfactory evidence the proper disposition thereof, either to the United States Government, or the public as their interests shall appear, furnishes the Superintendent, Division of Finance, with disbursement schedules. The Superintendent, Division of Finance, thereafter disposes of the money to the United States Government, or to the public in the form of negotiable paper, as prescribed on such schedules following their approval by the Comptroller General.

Persons suffering losses of money or other property from the mails should make report thereof to the postmaster. Form 1510, suitable and convenient for such purpose, may be obtained from any post office, or the matter may be communicated by means of a letter to the postmaster who channels such reports to the proper Post Office Inspector in Charge. When such money or other property is recovered by Post Office Inspectors, it is disposed of as hereinbefore shown.

§ 50.4302 *Payment of rewards.* (a) The Post Office Department will, on and after July 1, 1945, unless otherwise ordered, pay the following rewards, providing Congress makes available the necessary appropriation:

(1) Not exceeding two thousand dollars for the arrest and conviction of any offender on the charge of assaulting any person having lawful charge, control, or custody of any mail, or money or other property of the United States, with intent to rob, steal, or purloin such mail, or money or other property of the United States, or any part thereof, or on the charge of robbing any such person of any such mail, or money or other property of the United States, if in effecting or attempting to effect such robbery, he shall wound the person having custody of the mail, or money or other property of the United States, or put his life in jeopardy by the use of a dangerous weapon.

(2) Not exceeding two thousand dollars for the arrest and conviction of any

offender on the charge of mailing or causing to be mailed any bomb, infernal machine, or mechanical, chemical, or other device or composition which may ignite or explode, with the design, intent, or purpose to kill or in anywise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property.

(3) Not exceeding one thousand dollars for the arrest and conviction of any offender on the charge of assaulting any person having lawful charge, control, or custody of any mail, or money or other property of the United States, with intent to rob, steal, or purloin such mail, or money or other property of the United States, or any part thereof, or of robbing such person of such mail, or money or other property of the United States, or any part thereof, where the assault does not include the wounding of the person having custody of the mail, or money or other property of the United States, or the putting of his life in jeopardy by the use of a dangerous weapon.

(4) Not exceeding two hundred dollars for the arrest and conviction of any person on the charge of breaking into or attempting to break into a post office, or any building used in whole or in part as a post office, with intent to commit in such post office, or part of said building used as a post office, any larceny or other depredation. A post office station will be regarded as coming within the meaning of the term, post office, as used in this section.

(5) Not exceeding two hundred dollars for the arrest and conviction of any person on the charge of stealing mail or any valuable thing contained therein, or money or other property of the United States, while being conveyed over any post route, or while in the custody of any mail messenger, or being conveyed to or from any railroad depot, or of robbing or stealing from the mail while it remains at any railroad depot awaiting transfer.

(6) Not exceeding two hundred dollars for the arrest and conviction of any person on the charge of stealing mail or any valuable thing contained therein, or money or other property of the United States, from or out of any mail, post office, or station thereof, or from any person properly having custody of any mail, money or property as aforesaid, or of larceny from any letter box, street letter box, or other receptacle established, approved, or designated by the Postmaster General for the receipt of mail on any rural delivery route, star route, or other mail route, or from a box rented in a post office, or from any public receptacle or other authorized depository for mail.

(7) Not exceeding two hundred dollars for the arrest and conviction of any mail carrier on any mail messenger route or star route on the charge of embezzling or stealing mail or any valuable thing contained therein.

(8) Not exceeding two hundred dollars for the arrest and conviction of any person on the charge of mailing or causing to be mailed any bomb, infernal machine, or mechanical, chemical, or other device or composition which may ignite or explode, and which may kill or in anywise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property.

(9) For the arrest and conviction of any person as accessory to any of the offenses above mentioned, or for receiving or having unlawful possession of any mail, money, or property stolen from a post office or from a station of a post office, or otherwise, as provided in this Notice of Reward, the same reward will be paid as for the arrest and conviction of the principal offender.

(10) When an offender is killed in the act of committing any of the crimes enumerated herein, or in resisting lawful arrest, the same reward may be paid as though he had been tried and convicted.

(11) When a person has been convicted of committing any offense enumerated herein a reward may be paid, even though such person when arrested was charged with committing an offense not so enumerated. When a person has been convicted on the charge of juvenile delinquency because of having committed any offense enumerated herein, the same reward may be paid as though he had been convicted of such offense.

(12) The reward that may be allowed under the offers made in the preceding paragraphs will be determined according to the circumstances surrounding the particular case and on the basis of the services personally rendered by each claimant. In deciding what amount should be paid, the importance and value of the service rendered, the character of the person arrested and convicted, the risks or hazards involved, the time consumed, the expenses incurred and the efforts put forth, will govern. Maximum rewards will be paid only when the services performed were of maximum value.

(b) *Applications.* Separate applications should be made in writing to the Chief Post Office Inspector, Washington 25, D. C. by each person who claims a reward. Applications for reward should state the name of the offender, and the date and nature of the offense.

(c) *Filing of applications.* Payment for services meriting a reward will be made, subject to the necessary appropriation, as aforesaid, upon presentation of satisfactory evidence and after appropriate investigation. A claim will not be considered unless presented within three months from the date of conviction of an offender, or within three months from the date of his death, if he was killed in the act of committing a crime, or in resisting lawful arrest.

(d) *Time of payment.* In order that all claimants for reward in any case may have an opportunity to present their claims, the Department reserves the right to withhold taking final action until the time limit specified in the preceding paragraph has expired and the claims have been investigated.

(e) *Conditions and reservations.* (1) The Post Office Department reserves the right to reject a claim when the circumstances in the case do not justify the payment of a reward or when, in its opinion, there has been collusion, or when improper methods have been used to effect an arrest or to secure a conviction; and it also reserves the right to allow only one reward where several persons have been convicted of the same offense, or when one person has been convicted of several offenses, unless the circumstances, in its judgment, entitle the claimant to a reward for each conviction.

(2) All previous offers of reward are hereby rescinded except as they may apply to cases in which arrests were made prior to July 1, 1945.

§ 50.4600 *Compromise of obligations.* Any proposition of compromise shall be submitted in writing, and the amount offered in compromise shall be deposited with the Treasurer of the United States, or a national bank designated as a United States depositary, in special account No. 5 of the Secretary of the Treasury, or with the Superintendent, Division of Finance and Disbursing Officer, Bureau of the Third Assistant Postmaster General, Post Office Department. If the offer in compromise is rejected the amount deposited will be returned. The amount of a compromise offer must be tendered unconditionally for deposit pending the consideration of acceptance. Checks and drafts cannot be accepted as offers in compromise when they bear endorsements or instructions to the effect that the acceptance of such checks or drafts constitutes settlement in full of the claim, fine, penalty, or liability in connection with which the offer is made, except that such checks or drafts may be accepted when they are accompanied with a written waiver of the endorsements or instructions printed thereon. Offers in compromise should be transmitted or delivered to the bureau of the Department, the Post Office Inspector, or the postmaster from whom demand is received for payment of the amount due. (R. S. 295, 409; 5 U. S. C. 383; 31 U. S. C. 115)

PART 51—PROCEDURES BEFORE THE SOLICITOR

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[1] §§ 51.1–51.27 were formerly designated 23.1–23.27. § 51.25a was added.

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SUBPART A—RULES OF PRACTICE IN CASES ARISING UNDER THE POSTAL FRAUD, LOTTERY, AND FICTITIOUS STATUTES

§ 51.1 *Offices.* The Office of The Solicitor is located in the Post Office Department Building, 12th Street and Pennsylvania Avenue, Northwest, Washington, D. C., in Room 3226. The Hearing Room is 3237. Attorney in Charge of the Fraud Section, in Room 3230.

§ 51.2 *Hours.* Offices are open on each business day, except Saturday, from 8:45 a. m. to 5:15 p. m.

§ 51.3 *Communications.* All communications should be addressed to "The Solicitor, Post Office Department, Washington 25, D. C."

§ 51.4 *Hearings.* All hearings in cases involving alleged violations of the postal fraud or lottery laws are held in Room 3237, Post Office Department, Washington, D. C. No hearings are held outside of Washington, D. C. Hearings are public.

§ 51.5 *Complaints.* Whenever the Attorney in Charge of the Fraud Section shall have before him evidence upon the basis of which he shall have reason to believe that any person or concern is using the mails in the operation of an enterprise which is contrary to the provisions of the postal fraud or lottery laws, or of the so-called fictitious statutes, and if it shall appear that a proceeding before the Solicitor is required to determine whether or not such enterprise is unlawfully using the mails, he shall prepare and submit to the Solicitor a specification of charges naming the person or concern accused of violating the law, and charging the violations in such a manner as to enable such person or concern to answer such charges.

If upon presentation of such specification of charges to the Solicitor, he determines that, in the public interest a hearing is necessary to ascertain whether or not the postal laws are being violated as alleged in said specification of charges, he shall issue a notice to the accused person or concern to show cause upon a specific date why an order should not be issued against such person or concern pursuant to the provisions of the postal laws under which such proceedings are commenced.

§ 51.6 *Service of notice.* (a) Service of the complaint consisting of the notice to show cause and the specification of charges accompanied with copies of the postal laws involved in the proceeding shall be effected by the transmission of same to the postmaster at the office of address of the person or concern charged with violating the law and shall be delivered to said person or concern by said postmaster or an employee of the post office under his direction; and a receipt shall be secured from the accused person or concern or his agent acknowledging delivery of said complaint, which receipt shall be forwarded to the Solicitor of the Post Office Department and shall be incorporated in the record of the case.

(b) In the event that no person can be found upon whom service of the complaint can be effected pursuant to the above rule, the complaint may be delivered with other mail addressed to the respondent person or concern and a statement to that effect showing the time and place of such delivery signed by the postal employee who so delivered the complaint shall constitute evidence of service of the notice showing the time and place of the hearing, and of the specification of charges.

§ 51.7 *Answers.* (a) In case of desire to contest the proceeding, the respondent in any such case shall file with the Solicitor of the Post Office Department an answer to the complaint. Three copies of the answer shall be supplied. The answer shall contain a concise statement on behalf of the respondent admitting, denying or explaining each of the charges alleged in the complaint. All answers shall be signed by the respondent or by his attorney at law. Corporations or associations shall file answers through a bona fide officer or by an attorney at law. Answers shall show the office and post office address of the signer.

(b) The answer may be submitted by mail or presented by the respondent or his representative not later than the commencement of the hearing.

(c) The hearing will be held at the time and place stated in the notice regardless of whether the respondent files an answer or makes an appearance during the proceedings.

(d) If the respondent desires to waive a hearing on the allegations of fact set forth in the complaint, and does not desire to contest the allegations of fact, the answer shall consist of a statement that the respondent admits as true all the material allegations of fact charged. Contemporaneously with the filing of such answer the respondent shall state in writing whether he desires to appear and be heard on the question as to whether the admitted facts constitute the violation of law alleged in the complaint. Respondent may also file a brief in support of his contention.

§ 51.8 *Appearances.* (a) Any individual, receiver or trustee may appear and be heard in person or by attorney. A partnership may appear and be represented by any member thereof or any attorney. A corporation, association, joint-stock company or trust company may appear by a duly authorized officer or by an attorney.

(b) Any person appearing in behalf of any respondent may be required to show his authority to represent such respondent.

Appearance blanks. (c) Each attorney representing respondents shall enter his appearance in duplicate on the form to be prescribed for that purpose by the Solicitor and furnished to such attorney, prior to participating in a hearing, and said appearances shall be made a part of the record.

§ 51.9 *Failure to answer or appear.* If the respondent fails to appear or to be represented at the hearing, he shall be deemed to have waived the right to be heard in the proceeding. However, if respondent has filed an answer to the charges, he shall be loaned a copy of the transcript and accorded an opportunity to file a post hearing brief as hereinbefore provided. If no answer is filed and no appearance is made at the hearing the respondent will be deemed to have waived his rights as set forth above.

§ 51.10 *Amendments of pleadings.* Amendments to pleadings may be offered by any party during the course of a hearing and may be accepted by the Hearing Officer and incorporated into the record unless it shall be shown that the rights of the respondent will be unfairly prejudiced thereby.

§ 51.11 *Admission to practice.* Attorneys-at-law admitted to practice before any court of the United States, the District of Columbia, or the highest court of any State or Territory may be admitted to practice before the Department. Applications for admission to practice shall be upon a form prescribed by the Solicitor which may be obtained upon written application therefor. However, formal admission to practice shall not be prerequisite for appearing as a repre-

sentative of any respondent in a case already set down for hearing.

§ 51.12 *Suspension and disbarment.* The Solicitor may recommend to the Postmaster General that he censure, suspend, disbar, or revoke the right of any person who has been admitted to practice either formally or informally before this Department if he finds that such person has failed to conform to recognized standards of professional conduct or is not possessed of the character and integrity which is ordinarily required of an attorney-at-law practicing before a Federal court.

§ 51.13 *Subpenas.* The Post Office Department is not authorized by law to issue subpenas requiring the attendance or testimony of witnesses and cannot furnish or pay witness fees or transportation expenses.

§ 51.14 *Continuances.* A short continuance may be granted to a respondent in any case where application is made therefor in writing not later than ten days before the date set forth for the hearing, which application shall contain a statement of the reasons upon which such request for a continuance is based; but such reasons must be substantial and relate to the defense of the charges.

§ 51.15 *Hearing officers.* Hearing Officers presiding at the trial of cases involving alleged violations of the postal fraud, lottery and fictitious name laws shall be designated by the Solicitor. Hearing Officers shall have the authority to rule upon offers of proof and to receive oral or documentary evidence; to regulate the course of the hearing and the conduct of the parties; to dispose of procedural motions, requests for adjournment and similar matters; require oral argument upon any question raised in the course of a hearing or at the close thereof, and to limit same as to time and subject matter. Hearings shall be conducted in such a way as to afford to interested persons a reasonable opportunity to be heard on matters relevant to the issues involved and so as to obtain a clear and orderly record.

§ 51.16 *Evidence.* (a) Except as otherwise provided here, the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States shall govern formal proceedings before the Solicitor; provided, however, that such rules may be relaxed in any case where the ends of justice may be better served by so doing.

(b) The testimony of witnesses at a hearing shall be upon oath or affirmation and witnesses shall be subject to cross-examination. Any witness may, in the discretion of the Hearing Officer, be examined separately and apart from other witnesses except those who may be parties to the proceeding.

(c) In so far as practicable Hearing Officers shall exclude evidence which is immaterial, irrelevant, or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to rely.

§ 51.17 *Statements of facts.* Agreed statements of facts signed by all parties to any hearing may be received in evidence.

§ 51.18 *Official notice.* Official notice may be taken of all matters of generally recognized or scientific fact of an established character.

§ 51.19 *Documentary evidence.* Relevant and material documents must be properly identified or authenticated. Medical or other scientific books or essays will not be admitted in evidence in lieu of oral expert testimony. Where such publications are cited or relied upon by an expert witness on direct examination, they are then admissible on cross-examination for the sole purpose of showing that they contradict the witness as to the matter upon which he cited them as supporting his testimony. Affidavits of physicians or others containing opinions or statements in the nature of expert testimony are not admissible. Testimonials are inadmissible.

§ 51.20 *Objections.* If any party objects to the admission or rejection of any evidence or to the limitation of the scope of cross-examination, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the Hearing Officer. The transcript shall not include argument or debate upon objections except as ordered by the Hearing Officer. The ruling of the Hearing Officer on any objection shall be a part of the transcript.

§ 51.21 *Depositions.* No provision has been made by the Post Office Department for the taking of depositions and no money has been appropriated by Congress for that purpose.

§ 51.22 *Transcript.* (a) The transcript of the proceedings before the Hearing Officer shall be made in every case by the reporting system of the Office of the Solicitor. Said transcript together with all documents and pleadings filed in the case, shall constitute the official record thereof. If answer to the charges is made, a copy of the transcript shall be loaned to the respondent after the conclusion of the hearing for use in preparing any written brief or argument which the respondent desires to have considered when the case is taken up for disposition. The Hearing Officer shall apprise each respondent present at a hearing of such fact and shall state the length of time to be allowed respondent for the preparation of the brief after he has been furnished the transcript.

(b) The transcript shall be returned with the respondent's brief.

§ 51.23 *Oral argument.* If oral argument before the Hearing Officer is desired he should be notified before the close of the hearing in order that he may arrange to hear the argument at the close of the testimony, within such limits of time as may be agreeable to the parties and as he may determine to be adequate. Such argument shall be transcribed and bound with the transcript of testimony, and shall be submitted to the Postmaster General for consideration in deciding the case.

§ 51.24 *Compromises.* (a) Any respondent charged with violating the postal fraud, lottery or "fictitious" statutes, and who desires to arrange for a disposition of the pending charges without a formal hearing may apply for permission to file an affidavit of discontinuance. Such an affidavit shall provide for the discontinuance and abandonment of the enterprise charged in the complaint with violating the postal laws. It shall also authorize the postmaster at the post office through which the respondent receives mail addressed to the names used in the alleged unlawful enterprise to return such mail to sender marked "Out of Business." The affidavit further shall authorize said postmaster to refuse to cash money orders drawn in favor of the name or names involved in the unlawful scheme. Additional provision shall authorize summary action by the Postmaster General in the event that the respondent or his successors or assigns resumes under the same name or any other name the scheme agreed by the affidavit to be discontinued and abandoned.

(b) The Solicitor shall not be required to grant the privilege of filing affidavits of discontinuance in all cases in which application therefor is made. Permission or refusal to dispose of a pending case on such basis shall be a matter for the exercise of his discretion and judgment and shall depend upon the nature of the case and the circumstances involved.

(c) Application for permission to file an affidavit of discontinuance shall be filed at least seven days before the date set for the hearing of the case on the merits.

(d) Affidavits of discontinuance shall not be accepted after a case has gone to hearing and the Department's counsel has introduced evidence to substantiate the charges in the complaint, nor shall such affidavits embody any provisions other than those specified above unless in the judgment of the Solicitor the circumstances involved are such as to warrant a relaxation of this rule.

(e) The Post Office Department will not undertake to edit or censor advertising or to prescribe reforms for business methods and requests to dispose of cases on such basis shall be refused.

§ 51.25 *Petitions for further hearing.* (a) An application for further hearing in a proceeding before final submission, or for reopening a proceeding after final submission, or for rehearing, reargument, or reconsideration after decision, must be made by petition stating specifically the grounds relied upon.

(b) Such petition shall be accompanied by a sworn statement of the party or his attorney that the petition is filed in good faith and not for purposes of delay.

(c) A petition for further hearing or for reopening a proceeding to take further evidence must (1) state briefly the nature and purpose of the evidence to be adduced; (2) show that such evidence would not be merely cumulative, and that the failure previously to present such evidence is not due to lack of reasonable diligence, and (3) show cause why the petition should be granted. A petition for rehearing, reargument or reconsideration must specify the matters claimed to have been decided erroneously and

must briefly state the alleged errors. A petitioner praying that an order be vacated or modified by reason of matters which have arisen since the hearing, must briefly set forth all the matters relied upon by the petitioner.

(d) No petition filed under this Rule shall automatically stay the effect of, terminate or modify any order theretofore entered, whether or not such order is one which the petitioner prays to be reconsidered.

(e) A petition for rehearing, reargument, reconsideration, or modification of a final order must be filed within ten (10) days after the date of service of such order.

§ 51.25a *Decision and order.* Upon the basis of the complete record in any case the hearing officer shall make a finding of all the facts pertinent to the issues involved and shall state his recommendation as to the action to be taken. The hearing officer's finding and recommendation together with the record, shall be transmitted to and considered by the Solicitor, who shall state in writing his own recommendation, and, in cases where the issuance of an order denying the respondent the use of the mails is recommended by the Solicitor, he shall transmit the recommendation, together with the record in the case to the Postmaster General for final decision and the issuance of an order, if the evidence in the case be satisfactory to him that the postal laws have been violated as charged.

§ 51.26 *Supplementary fraud, lottery and fictitious orders.* Whenever substantial evidence is presented to the Solicitor, *ex parte*, that any person or concern is evading or attempting to evade the provisions of any fraud, lottery or fictitious order issued after notice and hearing against any person or concern operating an enterprise which was found to be unlawful under the postal fraud, lottery or fictitious name statutes, a recommendation shall be made by the Solicitor for the extension of the order sought to be evaded so as to include the name or names then and there being employed for the purpose of continuing the use of the mails in the operation of the unlawful scheme against which a previous order was directed.

§ 51.27 *Foreign fraud, lottery and fictitious orders.* Whenever substantial evidence is presented to the Solicitor, *ex parte*, that any person or concern in any foreign country is using or causing the United States mails to be used in the operation of any enterprise in violation of the postal fraud, lottery, or fictitious statutes, he shall submit forthwith to the Postmaster General a finding of law and fact and a recommendation that an appropriate order be issued against such person or concern under the provisions of the aforesaid statutes.

SUBPART B—PROCEDURE GOVERNING THE ADMISSION OF ATTORNEYS TO PRACTICE BEFORE THE POST OFFICE DEPARTMENT

§ 51.40 *Roster of attorneys.* A list of all persons entitled to practice as attorneys before the Post Office Department will be kept in the office of the Solicitor.

§ 51.41 *Requisites to admission.* It shall be requisite to the admission of attorneys to practice before this Department that they shall be members of the bar of the court of appellate jurisdiction of the State, Territory, or District of Columbia to which they respectively belong.

§ 51.42 *Oath required.* They shall respectively take and subscribe to the following oath or affirmation:

I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will demean myself as an attorney before the Post Office Department uprightly and according to law. So help me, God.

§ 51.43 *Application for admission.* An applicant for admission to practice must address a letter to the Solicitor, Post Office Department, Washington 25, D. C., giving his full name and post-office address, and enclosing a certificate of the State, Territory, or District Court, duly authenticated under the seal of the court, that he is an attorney in good standing, and also the oath above required. He must also state whether he has ever been suspended or disbarred from practice; whether he holds any office of trust or profit under the Government of the United States; and, if he does not at the time hold such office, but ever did, the time of his relinquishment of said office must be given.

§ 51.44 *Ruling upon application.* Upon receipt of the proper application the solicitor shall admit or refuse to admit the applicant to practice. The Solicitor may demand additional proof of applicant's qualifications including whether he is guilty of conduct of a nature making him liable to suspension or disbarment. The grounds for refusal of admission to practice shall be the same as in suspension or disbarment proceedings 39 CFR 51.60.

§ 51.45 *Persons ineligible for admission to practice.* (a) No attorney disbarred from practice in this Department or any other Executive Department will be placed upon said list until said order of disbarment shall have been revoked. Any attorney who, subsequently to being placed on said list, is disbarred by any other Executive Department, shall be deemed suspended from practice in this Department during the pendency of said order of disbarment.

(b) No person who has been an officer, clerk, or employee in this Department will be recognized as counsel or attorney for prosecuting any case or matter before this Department or any office thereof, with which he was in anywise connected while he was such officer, clerk, or employee.

(c) No attorney who has been appointed or generally retained by or for this Department will be recognized as attorney before this Department or any office thereof for two years next after he shall have ceased to act under such appointment or retainer.

(d) No person falling within either of the following prohibitions of the law will be recognized:

Every officer of the United States or person holding any place of trust or profit, or discharging any official under, or in connection with, any Executive Department of the Government of the United States, or under the Senate or House of Representatives of the United States who acts as an agent or attorney for prosecuting any claim against the United States, or in any manner or by any means, otherwise than in the discharge of his proper official duties, aids or assists in the prosecuting or support of any such claim or receives any gratuity, or any share of or interest in any claim from any claimant against the United States, with intent to aid or assist, or in consideration of having aided or assisted, in the prosecution of such claim, shall pay a fine of not more than five thousand dollars, or suffer imprisonment not more than one year, or both." (Section 5498, Revised Statutes.)

It shall not be lawful for any person appointed after the first day of June, one thousand eight hundred and seventy-two, as an officer, clerk, or employee in any of the Departments, to act as counsel, attorney, or agent for prosecuting any claims against the United States, which was pending in either of said Departments, while he was such officer, clerk, or employee, nor in any manner, nor by any means, to aid in the prosecution of any such claim, within two years next after he shall have ceased to be such officer, clerk, or employee. (Section 190, Revised Statutes.)

§ 51.46 *Authorization of appearance required.* The head of any bureau or office may require an attorney to present satisfactory evidence of his authority to represent the person for whom he appears.

§ 51.47 *Complaint of misconduct.* If the head of any bureau or office of the Department have reason to believe, or if complaint be made to him, that any attorney is guilty of conduct subjecting him to suspension or disbarment, the head of such office shall report the same to the Solicitor, who shall proceed in accordance with the rules issued by him, which are set forth in §§ 51.60 to 51.81.

§ 51.48 *Suspension and disbarment from practice; grounds.* Any attorney or representative who is guilty of conduct falling in one or more of the following categories may be suspended or disbarred:

(a) Who charges or receives, either directly or indirectly, any fee or compensation for services which may be deemed to be grossly excessive in relation to the services performed by him in the case;

(b) Who, with intent to defraud or deceive, bribes, attempts to bribe, coerces, or attempts to coerce, by any means whatsoever, any person, including a party to a case, or an officer or employee of the Post Office Department or postal service, to commit an act or to refrain from performing an act in connection with any case;

(c) Who wilfully misleads, misinforms, or deceives an officer or employee of the Post Office Department or postal service concerning any material and relevant fact in connection with a case;

(d) Who wilfully deceives, misleads, or threatens any party to a case concerning any matter relating to the case;

(e) Who solicits practice by means of runners or other unethical methods;

(f) Who represents, as an associate, an attorney who, known to him, solicits practice by means of runners or other unethical methods;

(g) Who has been temporarily suspended, and such suspension is still in effect, or permanently disbarred from practice in any court, Federal, State (including the District of Columbia), territorial, on insular;

(h) Who is temporarily suspended, and such suspension is still in effect, or permanently disbarred from practice in a representative capacity before any executive department, board, commission, or other Governmental unit, Federal, State (including the District of Columbia), territorial, or insular;

(i) Who, by use of his name, personal appearance, or any device, aids and abets an attorney to practice during the period of his suspension or disbarment, such suspension, or disbarment being known to him;

(j) Who wilfully made false and material statements in his application for admission to practice, or in his appearance in any case;

(k) Who engages in contumelious or otherwise unprofessional conduct with respect to a case in which such attorney acts in a representative capacity which would constitute cause for suspension or disbarment were the case pending before a court;

(l) Who, having been furnished with a copy or copies of any portion of the record in any case, wilfully fails to surrender such copy or copies upon final disposition of the case, or wilfully and without authorization makes and retains a copy or copies of the material furnished;

(m) Who has been convicted of a felony, or, having been convicted of any crime, is sentenced to imprisonment for a term of one year or more;

(n) Who no longer possesses the qualifications required for admission to practice.

§ 51.49 *Notice of disbarment; exclusion from practice.* Upon the disbarment of an attorney, notice thereof will be given to the heads of the offices of this Department and to the other Executive Departments, and thereafter, until otherwise ordered, such disbarred persons will not be recognized as attorneys before the Post Office Department or any office thereof.

SUBPART C—PROCEDURE IN CASES RELATING TO DISBARMENT OF ATTORNEYS

§ 51.60 *Institution of Proceedings.* (a) Whenever any person submits to the Solicitor a complaint against any attorney practicing before the Department, he may refer such complaint to the Chief Inspector for a complete investigation and report.

(b) Upon the receipt of the report of the Chief Inspector, the Solicitor will assign the matter to the Attorney in Charge of Admissions and Disbarment cases.

(c) Whenever the Attorney in Charge of Admissions and Disbarments shall have before him evidence on the basis of which he has reasonable grounds to believe that any attorney or representative against whom a complaint has been made as aforesaid, has violated the conditions of his admission to practice, and if it shall appear that a proceeding before the Solicitor is required to determine whether or not such attorney should be disbarred from practice before the Department, he shall prepare and submit to the Solicitor a specification of charges naming the attorney accused of improper practices or lack of proper qualifications, and stating the charges against him in such manner as to enable such attorney to answer them.

(d) If upon the presentation of such specification of charges to the Solicitor he determines that in the public interest a hearing is necessary to ascertain whether or not the accused attorney has been guilty of improper practices or is deficient in qualifications as alleged in the specification of charges against him, the Solicitor will issue a notice to the accused attorney to show cause on a specified day why an order of disbarment or suspension, as the case may be, should not be issued against him pursuant to the provisions of the regulations governing such cases.

§ 51.61 *Service of complaint.* (a) Service of the complaint consisting of the notice to show cause and the specification of charges accompanied with copies of the Regulations Governing The Procedure And Practices Before The Solicitor of The Post Office Department In Cases Relating To The Disbarment Of Any Attorney Or Representative Practicing Before The Department, shall be effected by the transmission of same to the postmaster at the office of address of the person or concern charged with violating the law and shall be delivered to said person or concern by said postmaster or an employee of the post office under his direction; and a receipt shall be secured from the accused attorney acknowledging delivery of said complaint, which receipt shall be forwarded to the Solicitor of the Post Office Department and shall be incorporated in the record of the case.

(b) In the event that no person can be found upon whom service of the complant can be effected pursuant to the above rule, the complaint may be delivered with other mail addressed to the respondent person and a statement to that effect showing the time and place of such delivery signed by the postal employee who so delivered the complaint shall constitute evidence of service of the notice showing the time and place of the hearing, and of the specification of charges.

§ 51.62 *Answers.* (a) In case of desire to contest the proceeding, the respondent in any such case shall file with the Solicitor of the Post Office Department an answer to the complaint. Three copies of the answer shall be supplied. The answer shall contain a concise statement on behalf of the respondent admitting, denying or explaining each of the charges alleged in the complaint. All answers shall be signed by the respondent or by his attorney at law.

(b) The answer may be submitted by mail or presented by the respondent or his representative not later than the commencement of the hearing.

(c) The hearing will be held at the time and place stated in the notice regardless of whether the respondent files an answer or makes an appearance during the proceedings.

(d) If the respondent desires to waive a hearing on the allegations of fact set forth in the complaint, and does not desire to contest the allegations of fact, the answer shall consist of a statement that the respondent admits as true all the material allegations of fact charged. Contemporaneously with the filing of such answer the respondent shall state in writing whether he desires to appear and be heard on the question as to whether the admitted facts constitute the violation of the regulations "Rules Governing The Procedure And Practices Before The Solicitor Of The Post Office Department In Cases Relating To The Disbarment Of Any Attorney Or Representative Practicing Before The Department" as alleged in the complaint. Respondent may also file a brief in support of his contention.

§ 51.63 *Appearances.* Any respondent attorney who has been served with a complaint and notice to show cause as set forth above may appear or be heard in person or by an attorney who must have been duly qualified and admitted to practice before the Post Office Department prior to the entrance of his appearance in behalf of the respondent and the hearing upon the complaint in issue.

§ 51.64 *Appearance blanks.* Each attorney representing respondents shall enter his appearance in duplicate on the form to be prescribed for that purpose by the Solicitor and furnished to such attorney, prior to participating in a hearing, and said appearances shall be made a part of the record.

§ 51.65 *Failure to answer or appear.* If the respondent fails to appear or to be represented at the hearing, he shall be deemed to have waived the right to be heard in the proceeding and an order pro-confesso may be entered against him.

§ 51.66 *Amendments of pleadings.* Amendments to pleadings may be offered by any party during the course of a hearing and may be accepted by the Solicitor and incorporated into the record unless it shall be shown that the rights of the respondent will be unfairly prejudiced thereby.

§ 51.67 *Subpenas.* The Post Office Department is not authorized by law to issue subpenas requiring the attendance or testimony of witnesses and cannot furnish or pay witness fees or transportation expenses.

§ 51.68 *Continuances.* A short continuance may be granted to a respondent in any case where application is made therefor in writing not later than ten days before the date set forth for the hearing, which application shall contain a statement of the reasons upon which such request for a continuance is based; but such reasons must be substantial and relate to the defense of the charges.

§ 51.69 *Hearing officers.* Whenever it is impracticable for the Solicitor to preside at any departmental proceeding, or if for any other reason he deems it desirable to do so, he shall designate a member of the legal staff of the Post Office Department as a special hearing officer in the case. The Solicitor and any hearing officer acting in his behalf will rule upon all offers of proof; receive oral or documentary evidence; regulate the course of the hearing and the conduct of the parties; dispose of procedures of motions; requests for adjournment and similar matter; require oral argument upon questiosn raised in the course of the hearing or the close thereof, and limit such argument as to time and subject matters. Hearings will be conducted in such a way as to afford respondent persons a reasonable opportunity to be heard on matters relevant to the issues involved and so as to obtain a clear and orderly record.

§ 51.70 *Evidence.* Except as otherwise provided herein, the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States shall govern formal proceedings before the Solicitor; provided, however, that such rules may be relaxed in any case where the ends of justice may be better served by so doing.

§ 51.71 *Testimony under oath.* The testimony of witnesses at a hearing shall be upon oath or affirmation and witnesses shall be subject to cross-examination. Any witness may, in the discretion of the Solicitor or hearing officer be examined separately and apart from other witnesses except those who may be parties to the proceeding.

§ 51.72 *Exclusion of irrelevant matter.* In so far as practicable the Solicitor or hearing officer shall exclude evidence which is immaterial, irrelevant or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to rely.

§ 51.73 *Statements of facts.* Agreed statements of facts signed by all parties to any hearing may be received in evidence.

§ 51.74 *Official notice.* Official notice may be taken of all matters of generally recognized or scientific fact of an established character.

§ 51.75 *Documentary evidence.* Relevant and material documents must be properly identified or authenticated.

§ 51.76 *Objections.* If any party objects to the admission or rejection of any evidence or to the limitation of the scope of cross-examination, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the Solicitor or by the Hearing Officer. The transcript shall not include argument or debate upon objections except as ordered by the Solicitor or Hearing Officer. The ruling on any objection shall be a part of the transcript.

§ 51.77 *Depositions.* No provision has been made by the Post Office Department for the taking of depositions and no money has been appropriated by Congress for that purpose.

§ 51.78 *Transcript.* The transcript of the proceedings before the Solicitor or Hearing Officer shall be made in every case by the reporting system of the Office of the Solicitor. Said transcript, together with all documents and pleadings filed in the case, shall constitute the official record thereof. If answer to the charges is made, a copy of the transcript shall be loaned to the respondent after the conclusion of the hearing for use in preparing any written brief or argument which the respondent desires to have considered when the case is taken up for disposition. The Solicitor or Hearing Officer will apprise each respondent present at a hearing of such fact and shall state the length of time to be allowed respondent for the preparation of the brief after he has been furnished the transcript.

The transcript shall be returned with the respondent's brief.

51.79 *Oral argument.* If oral argument before the Solicitor or Hearing Officer is desired he should be notified before the close of the hearing in order that he may arrange to hear the argument at the close of the testimony, within such limits of time as may be agreeable to the parties and as he may determine to be adequate. Such argument shall be transcribed and bound with the transcript of testimony, and shall be submitted to the Postmaster General for consideration.

§ 51.80 *Petitions for further hearing.* (a) An application for further hearing in a proceeding before final submission, or for reopening a proceeding after final submission, or for rehearing, reargument, or reconsideration after decision, must be made by petition stating specifically the grounds relied upon.

(b) A petition for further hearing or for reopening a proceeding to take further evidence must (1) state briefly the nature and purpose of the evidence to be adduced; (2) show that such evidence would not be merely cumulative, and that the failure previously to present such evidence is not due to lack of reasonable diligence, and (3) show cause why the petition should be granted. A petition for rehearing, reargument, or reconsideration must specify the matters claimed to have been decided erroneously and must briefly state the alleged errors. A petitioner praying that an order be vacated or modified by reason of matters which have arisen since the hearing, must briefly set forth all the matters relied upon by the petitioner.

(c) No petition filed under this Rule shall automatically stay the effect of, terminate or modify any order theretofore entered, whether or not such order is one which the petitioner prays to be reconsidered.

(d) A petition for rehearing, reargument, reconsideration, or modification of a final order must be filed within ten (10) days after the date of service of such order.

§ 51.81 *Findings of fact and conclusion.* Upon the basis of the complete record the Solocitor will make a finding of the facts on the issues involved and conclusions as to the action to be taken and furnish a copy thereof to the respondent.

SUBPART D—PROCEDURE TO ADJUDICATE CLAIMS FOR PERSONAL INJURY OR PROPERTY DAMAGE ARISING OUT OF THE OPERATION OF THE POSTAL SERVICE

§ 51.90 *Character and limit of claims.* Proceedings to adjudicate claims for personal injury or property damage arising out of the operation of the postal service, under the provisions of the Federal Tort Claims Act, P. L. 601, 79th Congress; and the Deficiency Appropriation Act of June 16, 1921, as amended (31 U. S. C. 224c):

Claims for damage to or loss of property or on account of personal injury or death caused by the negligent or wrongful act or omission of an employee of the Department acting within the scope of his employment under circumstances where the United States, if a private person, would be liable to the claimant for such damage, loss, injury, or death in accordance with the law of the place where the act or omission occurred. The authority of the Department to award compensation under this act is limited to claims not exceeding $1,000. Where loss or damage occurs without negligence on the part of the Government employee involved, the maximum compensation which the Department may pay is $500.

§ 51.91 *Time limit for filing.* The statutory period of limitation during which claim must be filed under these acts is one year.

§ 51.92 *Place of filing.* Written claim is usually filed with the postmaster of the office within the delivery limits of which the accident happened, but may be filed with any officer of the Department or sent directly to the Solicitor. Whenever such claim is filed, the officer receiving it must make the date of such receipt a matter of record.

§ 51.93 *By whom claims may be filed.* A claim may be filed by the person or firm sustaining injuries or damage in his/its own right or by an attorney representing the claimant. With respect to claims filed under the Federal Tort Claims Act, attorneys are required to submit to the Solicitor duly authenticated powers of attorney establishing their right to represent claimants. In filing such power of attorney the attorney should state whether he claims a fee, the amount of which however will be determined by the Department under the provisions of section 422 of the act.

§ 51.94 *Manner of filing claims.* Claim may be filed on Standard Form 28 (39 CFR, 55.400), which may be obtained from the local postmaster or from the Solicitor. The use of Form 28 is optional and the Department will accept in lieu thereof a sworn detailed statement of facts.

§ 51.95 *Evidence required to support claim.* Each claim filed must be supported as follows: (1) In cases of property damage, by an itemized, receipted bill or bills covering the repairs to the private property or the replacement of property destroyed, and limited to such

items of repair or replacement as were necessitated by reason of the damage incurred in the specific accident giving rise to the claim; the testimony of any available witnesses which the claimant desires considered in the adjudication of such claim; (2) in cases of personal injury by doctors' bills, hospital bills, nursing bills, bills covering dental or optical services, a sworn statement from the claimant's employer establishing the amount of time and compensation lost by reason of the accident, a statement from the attending physician showing the extent of the injuries and the treatment thereof, and the sworn statements of any available witnesses. The evidence specifically described herein may be supplemented by any other documentary evidence that would be helpful to the Department in adjudicating claims.

§ 51.96 *Adjudication and settlement of claims.* In any case where the Solicitor, upon consideration of all of the evidence submitted finds that compensation is due a claimant under either of these acts, he will recommend to the Postmaster General that the amount found to be a proper charge be awarded to such claimant. If the Postmaster General concurs in his recommendation, the claim will be certified to the General Accounting Officer for payment and in due course a settlement warrant will be forwarded to the claimant. The provisions of 31 U. S. C. 203c, prohibit attorneys from receiving warrants issued to their clients in the settlement of claims. However, such attorney's fees as may be allowed out of the amount awarded to the claimant will be paid to the attorney direct.

§ 51.97 *Review of adjudications.* The Postmaster General's approval and acceptance of adjudication of any claim made by the Solicitor constitutes final action in the case so far as the Department is concerned, and there is no way by which review thereof in the Department may be obtained. However, with respect to claims filed under the Federal Tort Claims Act, suit may be instituted by the claimant in the District Court of the district of which he is a resident. Where such suit is brought in order to review the action of the Department in disallowing a claim, or upon a claim withdrawn from consideration by the Department prior to settlement, section 410 of the act (Public 601, 79th Congress) should be examined by the claimant in order that its specific conditions may be properly complied with.

SUBPART E—PROCEDURE TO OBTAIN PERMITS TO RECEIVE DISEASED TISSUES BY MAIL

§ 51.100 *Requisites of application.* (a) Applications for a permit to receive through the mails specimens of diseased tissues, blood, serum or cultures of pathogenic microorganisms in accordance with the provisions of this section should be addressed to the postmaster at the office serving the applicant or to the Solicitor, Post Office Department, Washington 25, D. C.

(b) The application for a permit must be made in writing. It must state the name, address and business of the applicant and must set forth the name and the scientific education, training and experience, particularly with reference to bacteriology and pathology, of the person who will handle the tissues which will be mailed under the permit.

(c) Postmasters shall transmit such applications promptly to the Solicitor for consideration.

§ 51.101 *Issuance of permit.* If the Solicitor is satisfied from the evidence transmitted that the application should be granted he shall prepare an appropriate order for the signature of the Postmaster General. The order signed by the Postmaster General granting the applicant permission to receive through the mails specimens of disease tissue as above set forth shall be forwarded by the Solicitor to the postmaster at the office serving the applicant. A copy of the order shall be furnished to the applicant. The applicant shall also be advised that the original permit has been transmitted to the postmaster.

§ 51.102 *Revocation and suspension of permits; basis.* Permits to receive diseased tissues may be suspended or revoked for the failure of the handler of such tissues to possess the necessary qualifications as to scientific education, training and experience. No permit shall be valid with respect to diseased tissue handled by any person other than the one named in the application or by some other person equally qualified whose name and qualifications shall be filed with the Solicitor prior to the receipt of tissues.

§ 51.103 *Revocation procedure.* Whenever any postmaster shall have reason to believe that the postal regulations have been violated as above stated, he shall call the matter to the attention of the Solicitor and submit all available evidence in support of his complaint. In the event that the postmaster's complaint warrants further consideration looking to a recommendation to the Postmaster General that any permit be revoked, the Solicitor shall advise the holder of the permit of the details of the complaint against him and request an explanation thereof and answer thereto in writing. Upon the basis of the entire record so made in any case, the Solicitor shall recommend to the Postmaster General revocation of any permit where the facts warrant such action. If revocation is not warranted, he shall so advise the complaining postmaster and the holder of the permit and shall include in such notice any instruction or warning which the circumstances in the case shall warrant.

SUBCHAPTER C—PROCEDURES AND FORMS

PART 55—FORMS OF THE POST OFFICE DEPARTMENT

Sec.

55.400 Claim for Injuries or Damages arising out of the operation of the postal service.
55.500 Standard form of contract.
55.501 Form of invitation, bid and acceptance.
55.502 Instructions to bidders.
55.700 Form 4002; Information as to rural delivery.
55.701 Form 4001; Petition for the establishment of rural delivery.
55.702 Form 1459; Agreement to conduct contract numbered station (non-delivery).
55.703 Form 1459–A; Agreement to conduct contract lettered or named station or contract branch (delivery).
55.704 Form 22; Order to change address.
55.705 Form 1509; Sender's application for withdrawal of mail.
55.706 Form 1527; Application for the use of the General Delivery.
55.800 Form 1000; Petition for establishment of post office.
55.1000 Form 2253; Contract for mail service by airplane on star route in Alaska.
55.1001 Form 2252; Contract for temporary mail service by steamboat or other power boat.
55.1002 Form 5178; Brief of irregularity in service; delay.
55.1003 Form 5179; Brief of irregularity in service; damage.
55.1101 Form 540; Inquiry for an ordinary postal parcel.
55.1102 Form 541; Inquiry about a missing ordinary article (other than parcel post mail).
55.1103 Form 542; Inquiry.
55.1104 Form 2855; Application for indemnity for loss, rifling, or damage of international insured, insured C. O. D., or Americo-Spanish ordinary parcel post mail and for non-receipt or shortage of C. O. D. charges.
55.1106 Form 2865; Return receipt.
55.1107 Form C 1 (2976); Customs sticker.
55.1108 Form 2965; Certificate of mailing.
55.1109 Forms 1034 and 1034a; Public voucher for purchases and services other than personal.
55.1110 Form 2963; Statement of mailing.
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55.1112 Form 2901; Foreign air mail carrier's one-way trip report.
55.1300 Form 3970; Requisition for U. S. mail sacks.
55.1301 Form 3971; Postmaster's receipt for mail sacks returned.
55.1400 Form 2702; Report of one-way trip.
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55.1600 Form 1902½; Application for post office box.
55.1601 Form 1092; Verification of reference of applicant for box.
55.1602 Form 1093; Notice to present keys for redemption.
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55.1604 Form 1094; Application for additional keys to post office box.
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55.1701 Form PS 4; Information about the United States Postal Savings System.
55.1702 Form PS 929; Receipt for check accepted, subject to collection in payment of United States savings bonds or postal savings certificates.
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55.1704 Form PS 160; Instructions concerning inactive postal savings accounts.
55.1705 Form PS 300–B; Application for opening account by mail.
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55.1707 Form PS 100; Instructions concerning the payment of interest on postal savings certificates.
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55.1709 Form PS 301–A; Depositor's numerical reference card.

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55.1710 Form PS 305; Depositor's receipt for certificates surrendered without payment.
55.1711 Form PS 607; Depositor's application for new postal savings certificates.
55.1712 Form PS 112; Application of consular officer for payment of the balance remaining to the credit of a deceased depositor.
55.1713 Form PS 115; Application of undertaker for payment of funeral expenses from the funds to the credit of a deceased depositor.
55.1714 Form PS 115–A; Certification to the correctness of undertaker's claim.
55.1715 Form PS 114; Application for payment of the postal savings deposits standing to the credit of a deceased depositor.
55.1716 Form PS 2; Regulations governing the deposit of postal savings funds in banks and the acceptance of bonds as security therefor.
55.1717 Form PS 45; Instructions concerning finger impressions in connection with postal savings transactions.
55.1718 Form PS 304; Depositor's authorization to postmaster to pay principal and interest to a representative.
55.1719 Form PS 302; Depositor's authorization to postmaster to pay interest to a representative.
55.1720 Form PS 315; Depositor's application to withdraw principal and interest by mail.
55.1721 Form PS 315–A; Depositor's application to withdraw by mail only the interest due on deposits.
55.1722 Form PS 320; Letter transmitting postal savings by mail.
55.1723 Form PS 226; Application to receive deposits of postal savings funds.
55.1895 Form 920.
55.1896 Form 922.
55.1900 Form 3200.
55.1901 Form 3202–A.
55.1902 Form 3202–E.
55.1903 Form P. S.
55.1904 Form 3210.
55.1905 Form 3282.
55.2000 Form 3533.
55.2001 Form 3540.
55.2002 Form 3547.
55.2003 Form 3548.
55.2004 Form 3583–B.
55.2005 Form 3583–F.
55.2006 Form 3601.
55.2007 Form 3601–A.
55.2008 Form 3601–B.
55.2009 Form 3602.
55.2010 Form 3602.
55.2011 Form 3602–PC.
55.2012 Form 3603.
55.2013 Form 3603–A.
55.2014 Form 3612.
55.2015 Form 3613.
55.2016 Form 3614.
55.2017 Form 3616.
55.2018 Form 3620.
55.2019 Form 3620–A.
55.2020 Form 3620–CC.
55.2021 Form 3623.
55.2022 Form 3623–E.
55.2300 Form 3501.
55.2301 Form 3501–B.
55.2302 Form 3501–A.
55.2303 Form 3501–C.
55.2304 Form 3503.
55.2305 Form 3526.
55.2306 Form 3539.
55.2307 Form 3539–A.
55.2308 Form 3578.
55.2309 Form 3579.
55.2310 Form 3979.
55.2311 Form 3504.
55.2312 Form 3505.
55.2313 Form 3506.
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55.2314 Form 3504–B.
55.2315 Form 3501–d.
55.2316 Form 3544.
55.2317 Form O.
55.2601 Form 565.
55.2602 Form 3801.
55.2603 Form 3801–A.
55.2604 Form 3801–B.
55.2605 Form 3802.
55.2606 Form 3805.
55.2607 Form 3806.
55.2608 Form 3806–S.
55.2609 Form 3809.
55.2610 Form 3811.
55.2611 Form 3812.
55.2612 Form 3813.
55.2613 Form 3813–B.
55.2614 Form 3816.
55.2615 Form 3816a–C.
55.2616 Form 3816a–L.
55.2617 Form 3816a–S.
55.2618 Form 3817.
55.2619 Form 3818.
55.2620 Form 3820.
55.2621 Form 3820–A.
55.2622 Form 3824.
55.2623 Form 3846½.
55.2624 Form 3849.
55.2625 Form 3849–B.
55.2626 Form 3849b–BP.
55.2627 Form 3849–D.
55.2628 Form 3855.
55.2629 Form 3877.
55.2630 Form 3877–LL.
55.2631 Form 3877–A.
55.2632 Form 3877a–LL.
55.2633 Form 3881.
55.2634 Form 3881–LL.
55.2635 Form 3881–A.
55.2636 Form 3881a–LL.
55.2637 Form 3882.
55.2638 Form 3882–LL.
55.2639 Form 3882–A.
55.2640 Form 3882a–LL.
55.2641 Form 3883.
55.2642 Form 3883–A.
55.2643 Form 3896.
55.2644 Form 3897.
55.3101 Form 6339.
55.3103 Form 6001.
55.3104 Form 1055.
55.3105 Form 6387.
55.3106 Form 6387–A.
55.3111 Form 6596.
55.3121 Form 6002.
55.3122 Form 6003.
55.3123 Form 6115.
55.3124 Form 6065.
55.3125 Form 1055.
55.3132 Form 6706.
55.3134 Form 6759.
55.3135 Form 6002.
55.3136 Form 6003.
55.3140 Form 6753.
55.3141 Form 6701.
55.3143 Form 6684.
55.3144 Form 6760.
55.3145 Form 6083.
55.3146 Form XIV.
55.3500 Form A.
55.3501 Form 1748.
55.3502 Form MV–44.
55.3503 Form M. V. S. 1.
55.3504 Form MV–68.
55.3505 Form MV–67.
55.3506 Form 1729.
55.3700 Form 1410.
55.3701 Form 1400.
55.3702 Form 1425.
55.3703 Form 1425–A.
55.4300 Application for Reward.
55.4302 Form 1510.

§ 55.400 *Claim for injuries or damages arising out of the operation of the postal service.* This form provides space for reporting the details concerning any accident involving the postal service. (See § 51.94 of this chapter.)

§ 55.500 *Standard form of contract.*

CROSS REFERENCE: For form see 41 CFR 12.32.

§ 55.501 *Form of invitation, bid and acceptance.*

CROSS REFERENCE: For form see 41 CFR, Cum. Supp., 12.33.

§ 55. 502 *Instructions to bidders.*

CROSS REFERENCE: For form see 41 CFR, Cum. Supp., 12.22.

§ 55.700 *Form 4002; information as to rural delivery.* This is a mimeographed communication issued by the First Assistant Postmaster General, which explains how to obtain rural service, how the service is established, conditions necessary to establishment and maintenance of service, delivery limits, what the patrons must do, and what the carrier does.

§ 55.701 *Form 4001; petition for the establishment of rural delivery.* The heading of this form provides a space in which the name of the post office, county and state from which the route is to emanate, the nature of the roads to be travelled, the proposed length of the route, and provides space for the names of the heads of families, their occupations, number in the family, present mail service, distance from nearest post office, and distance from rural or star route service, who by their signature manifest their desire for the route.

§ 55.702 *Form 1459; agreement to conduct contract numbered station (nondelivery).* This form contains space for the name of the person interested in conducting a contract numbered station, his business, street address, zone number, name of post office, and state. Space is also provided for the contract rate he will agree to and specifies that he will provide space, furnish bond, and meet Post Office Department requirements in the conduct of such a station.

§ 55.703 *Form 1459–A; agreement to conduct contract lettered or named station or contract branch (delivery).* This form contains space for the name of the person interested in conducting a contract lettered or named station or contract branch having delivery service, his business, street address, zone number, and name of post office and state. Space is also provided for the contract rate he will agree to and specifies that he will provide space, furnish bond, and meet Post Office Department requirements in the conduct of such a station.

§ 55.704 *Form 22; order to change address.* This is a card form providing space which must be completed by persons moving from one address to another to show the name of the person or firm changing address, the old address, and the new address.

§ 55.705 *Form 1509; sender's application for withdrawal of mail.* This form provides space in which the mail matter to be withdrawn may be described with the complete particulars of mailing, and a facsimile of the address label, and indicates the amount deposited by the appli-

cant to cover expenses connected with the recovery of the mail matter.

§ 55.706 *Form 1527; application for the use of the general delivery.* This card form provides space for the name of the post office and state, the name and address of the applicant, and his reasons for desiring general delivery service in lieu of carrier or lock-box service.

§ 55.800 *Form 1000; petition for establishment of post office.* The heading of this form provides space for the proposed name of the office, county and state in which it is to be located, and alternate names provided the name selected is not approved. Space is also provided for the names of the heads of families, their occupations, and the number in the family over 16 years of age who, by their signatures, manifest a desire for the proposed office.

§ 55.1000 *Contract for mail service by airplane or star route in Alaska; Form 2253.* The form provides a standard form of contract and sets out the various conditions and requirements binding on the contractor and his sureties. (See § 50.1000 of this chapter.)

§ 55.1001 *Contract for temporary mail service by steamboat or other power boat; Form 2252.* The form provides a standard form of contract and sets out the various conditions and requirements binding on the contractor and his sureties. (See § 50.1000 of this chapter.)

§ 55.1002 *Brief of irregularity in service; delay; Form 5178.* The form is a brief report form to be completed by an appropriate field official to show details concerning delay to mails while in custody of a carrier. (See § 50.1003 of this chapter.)

§ 55.1003 *Brief of irregularity in service; damage; Form 5179.* The form is a brief report form to be completed by an appropriate field official to show details concerning damage to mails while in custody of a carrier. (See § 50.1003 of this chapter.)

§ 55.1101 *Inquiry for an ordinary postal parcel; Form 540.* The form serves as a tracer for parcels in the international mails. (See § 50.1101 of this chapter.)

§ 55.1102 *Inquiry about a missing ordinary article (other than parcel post mail); Form 541.* The form serves as a tracer for ordinary articles in the international mails. (See § 50.1101 of this chapter.)

§ 55.1103 *Inquiry; Form 542.* The form serves as a tracer for registered matter in the international mails. (See § 50.1101 of this chapter.)

§ 55.1104 *Application for indemnity for loss, rifling, or damage of international insured, insured c. o. d., or Americo-Spanish ordinary parcel post mail and for non-receipt or shortage of c. o. d. charges; Form 2855.* The form provides a standard form of application for indemnity for losses in the international mails. (See § 50.1101 of this chapter.)

§ 55.1106. *Return receipt; Form 2865.* The form may be utilized by the sender of registered matter in the international mails to provide proof of delivery of the article mailed. (See § 50.1101 of this chapter.)

§ 55.1107 *Customs sticker; Form C 1 (2976).* The form is used to authorize the opening of sealed matter for customs inspection. (See § 50.1104 of this chapter.)

§ 55.1108 *Certificate of mailing; Form 2965.* The form is designed to show that a piece of a stated class of mail was mailed to a stated addressee. (See § 50.1109 of this chapter.)

§ 55.1109 *Public voucher for purchases and services other than personal; Form 1034 and 1034a (duplicate).* The form, approved by the comptroller general of the United States, is the standard voucher form to be used in obtaining payment from the United States for purchases and services other than personal. (See § 50.1110 of this chapter.)

§ 55.1110 *Statement of mailing; Form 2963.* The form provides for particulars of dispatch of shipments of international mail. (See § 50.1110 of this chapter.)

§ 55.1111 *Carrier's monthly statement of air mail service performed; Form 2703–A.* The form provides for detailed information as to mail matter carried by air, supported by sworn statement of the carrier. (See § 50.1112 of this chapter.)

§ 55.1112 *Foreign air mail carrier's one-way trip report; Form 2901.* The form provides for information concerning a trip such as times of departure and arrival, points where stops were made, failures, and irregularities. (See § 50.1112 of this chapter.)

§ 55.1300 *Requisition for U. S. mail sacks, Form 3970.* The form provides for information as to the sizes and quantity of equipment involved and embodies an agreement to pay for same if not returned. (See § 50.1304 of this chapter.)

§ 55.1301 *Postmaster's receipt for mail sacks returned; Form 3971.* The form is a simple receipt form for equipment returned to the postal service by borrowers of such equipment. (See § 50.1304 of this chapter.)

§ 55.1400 *Report of one-way trip; Form 2702.* The form constitutes a certification by air carrier as to details of a trip such as times of arrival and departure and disposition made of mails. (See § 50.1401 of this chapter.)

§ 55.1401 *Brief of irregularity; Form 2744.* The form provides for a statement of facts as to an irregularity in the transport of air mail and statement as to whether or not the carrier admits the facts and whether or not he denies responsibility. (See § 50.1401 of this chapter.)

§ 55.1600 *Form 1902½; application for post office box.* Form 1902½, application for post office box, must be dated and signed by the applicant who supplies the name of the post office, gives the character of business in which engaged, business address, residence address, and two references.

§ 55.1601 *Form 1092; vertification of reference of applicant for box.* Form 1092, vertification of reference of applicant for box, is dated and addressed to the reference, advising him of the name of the applicant and asking whether in his judgment the applicant is responsible and trustworthy, and provides a place for reply.

§ 55.1602 *Form 1093; notice to present keys for redemption.* Form 1093, notice to present keys for redemption, is dated and addressed to the renter of the box, gives number of keys held and the box number and advises deposit will be forfeited if he fails to return the keys by a specified date.

§ 55.1603 *Form 1538; receipt for the rental paid for post office box.* Form 1538 is a receipt for the rental paid for a post office box. It shows the post office, the renter, the box number, the quarter for which rent is paid, the amount of the payment, and is dated.

§ 55.1604 *Form 1094; application for additional keys to post office box.* Form 1094, application for additional keys to a post office box, shows the post office and date, the number of extra keys desired, the number of the box for which desired, the amount presented, and the reason for which extra keys are desired. It bears the signature of the applicant and must be approved by the postmaster.

§ 55.1605 *Form 3908; notice of box rent due.* Form 3908 is a notice of box rent due, advising that if the rent is not paid on or before the last day of the month the box will be closed and mail placed in the General Delivery or otherwise handled in accordance with Regulations. (R. S. 3901; 39 U. S. C. 279)

CROSS REFERENCES: For procedure involving the use of these Forms see § 50.1600 of this chapter.

§ 55.1701 *Form PS 4; Information about the United States Postal Savings System.* A four-page leaflet issued by the Postmaster General giving briefly information as to the important features of the System; such as, safety of deposits, privacy of accounts, taxability of deposits, who may open accounts, the manner in which accounts may be opened, the manner in which deposits and withdrawals may be made, the maximum balance a depositor may have in his account, the interest payable and the manner of computing interest, and the liquidation of the account of a deceased depositor. These transactions which constitute a "nuisance account" are also defined.

§ 55.1702 *Form PS 929; Receipt for check accepted, subject to collection, in payment of United States savings bonds or postal savings certificates.* A receipt issued by the postmaster for a check tendered in payment of savings bonds or postal savings certificates which will be delivered to the purchaser when sufficient time shall have elapsed to insure notice in the event the check fails to clear. Space is provided on the receipt for information as to the manner in which the bonds or certificates shall be delivered; that is, whether they will be

called for or whether they shall be mailed.

§ 55.1703 *Form PS 600, application to open a postal savings account.* This form is filled out by the postmaster to show personal identification data of the depositor which includes: residence, occupation, place of employment, birthplace, age, date of birth, sex, weight, color of eyes, race, height, color of hair, father's name, mother's given name, etc. When applying at post offices that have been furnished finger impression equipment, the depositor is required to give impressions of the first three fingers of the right hand. When the depositor signs the application, he affirms that he has no postal savings account in the office at which he is applying or at any other post office. The reverse side of the card serves as the original record of deposits and withdrawals, showing currently the balance to the credit of the depositor.

§ 55.1704 *Form PS 160, instructions concerning inactive postal savings accounts.* A leaflet of instructions to postmasters covering the handling of currently inactive postal savings accounts and those that have remained unclaimed for 20 years.

§ 55.1705 *Form PS 300–B; application for opening account by mail.* This form is used by persons applying by mail to open a postal savings account. It may be filled out in the presence of the postmaster at any post office. The applicant is required to furnish the identification data called for by Form PS 600 (See § 55.1703 of this chapter). The postmaster, before whom the form is completed, is required to certify the identity of the depositor.

§ 55.1706 *Form PS 629; approval of application to open postal savings accounts by mail.* This form is used by the postmaster to whom application has been made on Form PS 300–B, to open a postal savings account by mail, in notifying the applicant that his application has been approved and in instructing him as to the procedure to be followed in depositing funds. There is transmitted with the letter of approval Forms PS 315 and PS 315a which are to be used by the depositor in making withdrawals.

§ 55.1707 *Form PS 100; instructions concerning the payment of interest on postal savings certificates.* This is a four-page leaflet containing detailed instructions concerning the computation and manner of payment of interest on postal savings deposits and obtaining receipts therefor. The leaflet contains tables to facilitate the computation of interest.

§ 55.1708 *Form PS 301; envelope furnished depositors in which to keep postal savings certificates.* This is a substantial envelope furnished depositors in which to preserve their certificates from loss or damage.

§ 55.1709 *Form PS 301–A; depositor's numerical reference card.* Postal savings accounts are numbered consecutively and filed numerically. To facilitate the locating of an account by the window clerk, the depositor, at offices having many accounts, should present this numerical reference card which shows the number of his postal savings account. The depositor is requested to refer to his account by number when making deposits or when writing concerning his account.

§ 55.1710 *Form PS 305; depositor's receipt for certificates surrendered without payment.* When it becomes necessary for a postmaster to recall certificates for transmittal to the Department for correction or for other valid reason, he is required to give the depositor a temporary recept on Form PS 305 for the surrendered certificates. The serial numbers of the certificates are listed on the form and the receipt thereof is acknowledged over the postmaster's signature.

§ 55.1711 *Form PS 607; depositor's application for new postal savings certificates.* When certificates are lost, stolen, destroyed, or improperly withheld, the depositor may apply for their reissue. Form PS 607 is used for this purpose. It is completed by the postmaster to show the serial numbers, date of issue, and interest date of the certificates to be reissued. The depositor's identification data including finger impressions are shown and the form is signed both by the clerk or official who prepares it as well as the one who reviews it for accuracy and authenticity. Instructions concerning the preparation of the form are printed thereon. When certified by the postmaster, it is forwarded to the Third Assistant Postmaster General, Division of Postal Savings, for use in connection with the issuance of new certificates.

§ 55.1712 *Form PS 112; application of consular officer for payment of the balance remaining to the credit of a deceased depositor.* For use by a consular officer when applying for payment to himself on behalf of entitled heirs who are subjects of the country he represents of all or part of the proceeds of the postal savings account of a deceased depositor. This form is used only when administration is not required on the estate of the decedent and the consular officer certifies that to the best of his knowledge and belief that such administration has not been had and will not be asked for. The consular officer is also required to supply such information he has with respect to the funeral expenses and claims against the decedents estate. Space is provided on the form for furnishing the name and relationship of the next of kin. The form is signed by the officer and authenticated by the seal of his office.

§ 55.1713 *Form PS 115; application of undertaker for payment of funeral expenses from the funds to the credit of a deceased depositor.* For the use of an undertaker, doctor, hospital, or other preferential creditor of a deceased depositor in filing a claim for a portion or the entire amount of the balance remaining to his credit provided administration proceedings are not required on the depositor's estate. This form, when used by a preferential creditor other than the undertaker, is amended to meet the requirements of the claim and shall be supported by an itemized statement covering the claim specified.

§ 55.1714 *Form PS 115–A; certification to the correctness of undertaker's claim.* For use of a responsible heir-at-law, or in the absence of an heir-at-law, by a responsible friend or disinterested person familiar with the facts and capable of certifying as to the correctness of the claim filed on Form PS 115. This form may be amended to comply with the requirements of the claim submitted.

§ 55.1715 *Form PS 114; application for payment of the postal savings deposits standing to the credit of a deceased depositor.* For use by one of the entitled next of kin of the deceased postal savings depositor or the person who paid the funeral charges in applying for the balance remaining to the credit of the depositor and if the applicant is an heir-at-law, it is executed on behalf of all the heirs-at-law of the depositor entitled to share in the proceeds of the account. This form is used when administration proceedings are not required on the estate of the depositor or when the administration of the estate has been closed and the legal representative discharged, in which case, the form may be appropriately amended. The names, ages, addresses and relationships of the next of kin are to be listed thereon and the form is to be executed in the presence of two disinterested witnesses having knowledge of the depositor's death and acquainted with the applicant before a notary public. If the distributive balance of the account is $25 or less, however, the form may be completed before a postmaster. Appropriate instructions covering the completion of the form are printed thereon.

§ 55.1716 *Form PS 2; regulations governing the deposit of Postal-Savings Funds in banks and the acceptance of bonds as security therefor.* A booklet issued by the Board of Trustees, Postal Savings System, containing the Organic Postal Savings Act with amendments and the regulations adopted by the Board of Trustees governing the qualification of banks as depositories for postal-savings funds, the pledging of security for deposits, the accrual and payment of interest on such deposits, the disposition of excess funds and the withdrawal, substitution, or exchange of collateral.

§ 55.1717 *Form PS 45; instructions concerning finger impressions in connection with postal savings transactions.* A booklet explaining the purpose of taking finger impressions in connection with postal-savings transactions, the materials used, and the method to be followed. The booklet also contains a list of the post offices that have been furnished finger impression equipment.

§ 55.1718 *Form PS 304; depositor's authorization to postmaster to pay principal and interest to a representative.* This form is used by a depositor in authorizing the postmaster at the office where his account is held to pay all or any part of the proceeds of the account as represented by the accompanying endorsed certificates to a representative. The form requires the depositor to furnish the identification data given when he opened the account.

§ 55.1719 *Form PS 302; depositors authorization to postmaster to pay interest to a representative.* This form is used by a depositor in authorizing the postmaster at the office where his account is held to pay the interest on all or any part of the proceeds of the account, as represented by the accompanying endorsed certificates, to a representative. The form requires the depositor to furnish the identification data given when he opened the account.

§ 55.1720 *Form PS 315; depositor's application to withdraw principal and interest by mail.* This form is used by a depositor in applying to the postmaster at the office where his account is held for the payment by mail of all or any part of the proceeds of the account as represented by the accompanying endorsed certificates. The form requires the depositor to furnish the identification data given when he opened the account and he may indicate thereon whether he desires payment made by check on the Treasurer of the United States or by money order less the usual fee.

§ 55.1721 *Form PS 315–A; depositor's application to withdraw by mail only the interest due on deposits.* This form is used by a depositor in applying to the postmaster at the office where his account is held for the payment by mail of the interest due on all or any part of the proceeds of the account as represented by the accompanying endorsed certificates. The form requires the depositor to furnish the identification data given when he opened the account and he may indicate thereon whether he desires payment made by check on the Treasurer of the United States or by money order less the usual fee.

§ 55.1722 *Form PS 320; letter transmitting postal savings payments by mail.* This form is used by a postmaster in transmitting a check or money-order to a depositor in response to his request for payment of all or part of the proceeds of his account, or the interest due thereon, by mail.

§ 55.1723 *Form PS 226; application to receive deposits of postal savings funds.* This form is completed by the president or cashier of a bank applying to the Board of Trustees, Postal Savings System, to qualify as a depository for postal-savings funds. The official is required to state whether the bank is incorporated under State or Federal laws, give the amount of the bank's capital and unimpaired surplus, and state whether the bank is a member of the Federal Reserve System and the Federal Deposit Insurance Corporation. The corporate seal of the bank must be affixed and the application must be executed before a notary public.

§ 55.1895 *Form 920; application for United States Savings Bonds.*

CROSS REFERENCE: For a description of Form 920 see § 50.1895 (b).

§ 55.1896 *Form 922; letter transmitting United States Savings Bonds to Third Assistant Postmaster General for reissue.*

CROSS REFERENCE: For a description of Form 922 see § 50.1895 (d).

§ 55.1900 *Form 3200.* Prices of printed and unprinted stamped envelopes showing sizes, denominations, varieties and price per thousand.

§ 55.1901 *Form 3202–A.* Memorandum of order for special-request envelopes on which is entered size, denomination, variety, with printing desired, and amount of advance deposit tendered. A copy of this form serves as receipt to purchaser. For use at main post offices.

§ 55.1902 *Form 3202–E.* Memorandum of order for special-request envelopes on which is entered size, denomination, variety, with printing desired, and amount of advance deposit tendered. A copy of this form serves as receipt to purchaser. For use at stations and branches.

§ 55.1903 *Form P. S.* Philatelic Agency stock list showing all issues available to the public at face value with complete instructions for the submission of mail orders and rules with respect to distribution of plate numbers.

§ 55.1904 *Form 3210.* Interim receipt for stock submitted for redemption pending verification of value by the post office involved.

§ 55.1905 *Form 3282.* Memorandum of order for special-request envelopes on which is entered size, denomination, variety, with printing desired, and amount of advance deposit tendered. A copy of this form serves as receipt to purchaser. For use only at the largest post offices.

§ 55.2000 *Form 3533.* Refund of Postage-Receipt form for refund of postage showing payee, amount of refund, and post office where refund is made.

CROSS REFERENCE: For regulations see 39 CFR 6.9.

§ 55.2001 *Form 3540.* Notice to Sender of Undelivered Mail—Showing kind or class of undelivered mail and giving addressee opportunity to remit postage for return, or forwarding of mail to new address.

CROSS REFERENCE: For regulations see 39 CFR 12.36(c).

§ 55.2002 *Form 3547.* Notice to Sender of Forwarding Address—Notifying sender that matter mailed by him is incorrectly addressed because addressee has removed to another office and requesting sender to remit postage required for forwarding to new address.

CROSS REFERENCE: For regulations see 39 CFR 12.5(e).

§ 55.2003 *Form 3548.* Notice to Addressee of Mail Held for Postage—Describing piece of mail held for postage and requesting addressee to remit an amount necessary to forward, if desired.

CROSS REFERENCE: For regulations see 39 CFR 6.9 (c).

§ 55.2004 *Form 3583–B.* Certificate to Accompany Mail Shipment of Meat or Meat Food Products by Retail Butcher or Dealer.

CROSS REFERENCE: For regulations see 39 CFR 6.17(b) (3).

§ 55.2005 *Form 3583–F.* Certificate to Accompany Mail Shipment of Uninspected Meat or Meat Food Products from Animals Slaughtered by a Farmer on a Farm.

CROSS REFERENCE: For regulations see 39 CFR 6.17 (b) (4).

§ 55.2006 *Form 3601.* Permit to Mail Nonmetered Matter Without Stamps Affixed of the Second, Third and Fourth Classes. In addition to authorization, the form contains in detail the conditions governing the mailing of matter under this permit and includes a notice that if the permit is not used for a period of twelve months it will be canceled.

CROSS REFERENCE: For regulations see 39 CFR 5.63 and 6.4 For procedure see §§ 50.2004, 50.2007 of this chapter.

§ 55.2007 *Form 3601–A.* Permit to Mail Metered Matter. In addition to authorization, the form contains in detail the conditions governing the mailing of matter under this permit and includes a notice that if the permit is not used for a period of twelve months it will be canceled.

CROSS REFERENCE: For regulations see 39 CFR 5.63 and 6.4. For procedure see §§ 50.2004, 50.2006 of this chapter.

§ 55.2008 *Form 3601–B.* Permit to Mail Nonmetered First-Class Matter Without Stamps Affixed. In addition to authorization, the form contains in detail the conditions governing the mailing of matter under this permit and includes a notice that if the permit is not used for a period of twelve months it will be canceled.

CROSS REFERENCE: For regulations see 39 CFR 6.4. For procedure see § 50.2007 of this chapter.

§ 55.2009 *Form 3602.* Statement of Mailing of Nonmetered Matter. This form calls for the name of the permit holder, permit number, receipt number, number of pieces, class of matter, weight of each piece, postage chargeable on each piece, number of pieces in a pound, total number of pounds, postage paid and manner in which payment is made, that is, "cash," "check" or "advance deposit."

CROSS REFERENCE: For regulations see 39 CFR 5.63 and 6.4. For procedure see §§ 50.2004, 50.2007 of this chapter.

§ 55.2010 *Form 3602–A.* Statement of Meter Readings. This Form calls for the meter permit number, the postage meter number, manufacturer, unit or denomination, readings of the ascending and descending registers, value of spoiled or unused impressions subject to refund, number of pieces, weight, and postage per piece of matter mailed under "Sec. 562, P. L. & R.," and name of meter user.

CROSS REFERENCE: For regulations see 39 CFR 5.63 and 6.4. For procedure see § 50.2006 of this chapter.

§ 55.2011 *Form 3602–PC.* Statement of Mailings at Bulk Third-Class Rate when postage is paid with precanceled stamps which identifies the mailing.

CROSS REFERENCE: For regulations see 39 CFR 5.63. For procedure see § 50.2004 of this chapter.

§ 55.2012 *Form 3603.* Receipt for Postage on Nonmetered Matter.

CROSS REFERENCE: For regulations see 39 CFR 5.63 and 6.4. For procedure see § 50.2007 of this chapter.

§ 55.2013 *Form 3603–A.* Receipt for Postage Set in Meter by Postmaster. Form shows amount paid and readings of registers of meter.

CROSS REFERENCE: For regulations see 39 CFR 5.63 and 6.4. For procedure see §§ 50.2004, 50.2006 of this chapter.

§ 55.2014 *Form 3612.* Application to Mail Matter Without Affixing Postage Stamps. This form calls for information as to the class of matter to be mailed, name and address of person or firm whose matter is to be mailed, means by which indicia are to be printed, quantity and frequency of mailing. Also contains certificate that application fee has been paid.

CROSS REFERENCE: For regulations see 39 CFR 5.63 and 6.4. For procedure see §§ 50.2004, 50.2007 of this chapter.

§ 55.2015 *Form 3613.* Monthly Statement Furnished Mailers on Request Showing Permit Matter Mailed During Month.

CROSS REFERENCE: For regulations see 39 CFR 5.63 and 6.4. For procedure see §§ 50.2004, 50.2007 of this chapter.

§ 55.2016 *Form 3614.* Application for the Privilege of Sending Out Business Reply Cards or Business Reply Envelopes for Distribution and Return. This form calls for information as to whether business reply cards or business reply envelopes are to be distributed and the name and address of the person or concern to whom the cards or envelopes are to be returned.

CROSS REFERENCE: For regulations see 39 CFR 5.11. For procedure see § 50.2000 of this chapter.

§ 55.2017 *Form 3616.* Permit to Distribute Business Reply Cards and Envelopes. This permit contains detailed information as to the conditions governing the business reply privilege.

CROSS REFERENCE: For regulations see 39 CFR, 5.11. For procedure see § 50.2000 of this chapter.

§ 55.2018 *Form 3620.* Permit to Use Precanceled Stamps on Second, Third and Fourth-Class Matter. This form contains detailed information regarding the conditions governing mailings under this permit.

CROSS REFERENCE: For regulations see 39 CFR, 5.63, and 39 U. S. C. 365. For procedure see § 50.2008 of this chapter.

§ 55.2019 *Form 3620–A.* Permit to Use Precanceled Stamps on First-Class Matter. This form contains detailed information regarding the conditions governing mailings under this permit.

CROSS REFERENCE: For regulations see 39 U. S. C. 365. For procedure see § 50.2008 of this chapter.

§ 55.2020 *Form 3620–CC.* Permit to Use Government Precanceled 1-Cent Stamped Envelopes Under "Sec. 562, P. L. & R."

CROSS REFERENCE: For regulations see 39 CFR, 5.63. For procedure see § 50.2009 of this chapter.

§ 55.2021 *Form 3623.* Application for the Use of Precanceled Stamps. This form calls for information as to the class, character and approximate number of pieces to be mailed daily, weekly, monthly and annually, and the name, address and business of the applicant.

CROSS REFERENCE: For regulations see 39 CFR, 5.63, and 39 U. S. C. 365. For procedure see § 50.2008 of this chapter.

§ 55.2022 *Form 3623–E.* Application for the Use of Government-Precanceled 1-Cent Stamped Envelopes. This form calls for the names and address of the applicant.

CROSS REFERENCE: For regulations see 39 CFR 5.63. For procedure see § 50.2009 of this chapter.

§ 55.2300 *Form 3501* is to be used by publishers for making application for entry of a publication to the second class of mail matter under the provisions of the act of March 3, 1879 (Sec. 10, 20 Stat. 359; 39 U. S. C. 224). Spaces are provided in this form for the publishers to show the following information concerning the publication: Title; frequency of issue; subscription price; place of printing; location of known office of publication; location of the headquarters or general business offices of the publishers; number of issues which have been published, complete data as to former second-class entries; name of publisher; names of owners, firm members, or stockholders; relationship between owners and advertisers; conditions under which advertising is carried; number of copies furnished advertisers; and complete details of the circulation. The application must be sworn to by the publishers and filed at the post office of the place where the known office of publication is located. The application form will be completed by the local postmaster who will request of the publishers evidence which will enable him to verify the circulation figures furnished by the publishers. Publishers may obtain copies of Form 3501 from local postmasters.

CROSS REFERENCE: For procedure see § 50.2304 of this chapter.

§ 55.2301 *Form 3501–B* is to be used by publishers for making application for entry of a publication to the second class of mail matter under the provisions of the act of August 24, 1912 (Sec. 1, 37 Stat. 550; 39 U. S. C. 229), or the act of June 6, 1900 (31 Stat. 660; 39 U. S. C. 230). Spaces are provided in this form for the publishers to show the following information concerning the publication: Title; name and classification of publishers; frequency of issue; subscription price; location of known place of publication; location of the headquarters or general business offices of the publishers; place of printing; conditions under which advertising is carried; number of copies regularly printed; disposition made of the copies; number of issues which have been published; complete data as to former second-class entries; evidence to establish classification of publishers; organizational details of benevolent, fraternal, professional, literary, historical, and scientific societies, trades-unions, and institutions of learning; and complete details of the circulation if the publication carries advertising. The application must be sworn to by the publishers and filed at the post office of the place where the known place of publication is located. The application form will be completed by the local postmaster who will request of the publishers evidence which will enable him to verify the circulation figures furnished by the publishers of publications carrying advertising. Publishers may obtain copies of Form 3501–B from local postmasters.

CROSS REFERENCE: For procedure see § 50.2304 of this chapter.

§ 55.2302 *Form 3501–A* is to be used by publishers or their agents for making application for admission of a foreign publication to the United States mail at the second-class postage rates. Spaces are provided in this form for the publishers or their agents to show the following information concerning the publication: Title; place of publication; name of publishers; applicant's status and location of his place of business; frequency; subscription price; copyright data; number of copies imported; and complete details of the circulation. The application must be sworn to by the applicant and filed at the post office at which the copies of the publication are to be mailed. Publishers or their agents may obtain copies of this form from local postmasters.

CROSS REFERENCE: For procedure see § 50.2300 of this chapter.

§ 55.2303 *Form 3501–C* is to be used by persons, firms, or corporations for making application for registry as a news agent in order to mail second-class matter at the second-class pound rates of postage. Spaces are provided in this form for the applicants to show the following information: Nature of applicants' business; publications handled and places where published; and location of place of business. The application must be sworn to by the applicant and filed at the post office where mailings are to be made. Copies of this form may be obtained from local postmasters.

CROSS REFERENCE: For Procedure see § 50.2318 of this chapter.

§ 55.2304 *Form 3503* is a permit authorizing the mailing of publications in the manner in which second-class matter is mailed. It is issued by postmasters to publishers whose applications for second-class entry are pending. Spaces are provided on the form for the postmaster to make complete entries at the time of each mailing showing the postage chargeable on the mailing at the second-class rates and the third or fourth-class rates. If second-class entry is authorized, the publishers sign the receipt on the permit and surrender it to the postmaster to obtain a refund of the difference between the second-class postage rates and the third or fourth-class rates.

CROSS REFERENCE: For procedure see § 50.2305 of this chapter.

§ 55.2305 *Form 3526* is used by publishers for filing statements of the ownership, management, and circulation. This form is furnished to publishers by local postmasters.

CROSS REFERENCE: For description of Form 3526 see 39 CFR 5.38. For procedure see § 50.2308 of this chapter.

§ 55.2306 *Form 3539* is the receipt form issued by the postmaster for mailings of second-class publications. It provides spaces for the postmaster to enter the name of the post office, date of mailing, name of publication or news agent, date of issue, frequency, percent of advertising, detailed computation of the postage charged at the second-class pound rates, and the weight of copies accepted free of postage. The original copy of this receipt is signed by the postmaster and delivered to the publishers or their agents, or to news agents.

CROSS REFERENCE: For procedure see §§ 50.2303 and 50.2315 of this chapter.

§ 55.2307 *Form 3539–A* is used by publishers for filing zone analyses. Copies of this form may be obtained from local postmasters.

CROSS REFERENCE: For description of Form 3539–A see 39 CFR 10.5. For procedure see § 50.2313 of this chapter.

§ 55.2308 *Form 3578* is a card which is mailed by postmasters at the offices of address to publishers, rated with 2 cents postage due, notifying the publishers that copies of their publications are undeliverable as addressed. There are spaces on the card for the postmaster to enter the name of his office; the name of the publication and the publishers' address; the subscriber's address and key number as shown on the undeliverable copy; and the reason why the copy is undeliverable as addressed.

CROSS REFERENCE: For procedure see § 50.2323 of this chapter.

§ 55.2309 *Form 3579* is a label which is attached by postmasters to copies of second-class publications which are undeliverable as addressed and which are returned to publishers rated with postage due at the third-class rate. There are spaces on the label for the postmaster to enter the name of the publication; the address of the publishers; the reason for returning the copy; and the date upon which Form 3578 was sent.

CROSS REFERENCE: For procedure see § 50.2323 of this chapter.

§ 55.2310 *Form 3979.* Certificate of direct dispatch of second-class matter.

CROSS REFERENCE: For description of Form 3979 see 39 CFR 20.2 and 20.3. For procedure see § 50.2324 of this chapter.

§ 55.2311 *Form 3504* is prepared in triplicate by the Third Assistant Postmaster General upon his determination that a publication is entitled to second-class entry. The original and one copy of this form are sent to the local postmaster, the copy being furnished to the publisher. Spaces are provided in the form for inserting the following information: Title, frequency of issue, office of publication, and file number of the publication; the name of the publishers; date of the application; date of issue of approved copies; and effective date of second-class entry.

CROSS REFERENCE: For procedure see § 50.2304.

§ 55.2312 *Form 3505* is prepared in triplicate by the Third Assistant Postmaster General upon his determination that a publication is entitled to second-class entry. The original and one copy of this form are sent to the local postmaster, the copy being furnished to the publisher. Spaces are provided in the form for inserting the following information: Title, frequency of issue, office of publication, and file number of the publication; the name of the publishers; date of the application; date of issue of approved copies; effective date of second-class entry; and instructions concerning the carrying of advertisements.

CROSS REFERENCE: For procedure see § 50.2304 of this chapter.

§ 55.2313 *Form 3506* is prepared in triplicate by the Third Assistant Postmaster General upon his determination that an individual person, firm, or corporation is entitled to registry as a news agent. The original and one copy of this form are sent to the local postmaster, the copy being furnished to the news agent. Spaces are provided in the form for inserting the name of the news agent, the office of mailing, and file number.

CROSS REFERENCE: For procedure see § 50.2318 of this chapter.

§ 55.2314 *Form 3504–B* is prepared in triplicate by the Third Assistant Postmaster General upon his determination that a publication is entitled to reentry as second-class matter because of a change in title, frequency of issue, or office of publication. The original and one copy are sent to the postmaster at the office of second-class entry, the copy being delivered to the publisher. This form shows the former title, frequency of issue, or office of publication, and the present title, frequency of issue, or office of publication.

CROSS REFERENCE: For procedure see § 50.2306 of this chapter.

§ 55.2315 *Form 3501–d* is used by publishers to show in detail the circulation of their publications. Spaces are provided in this form to show the title and date of issue of the publication and circulation figures. It must be sworn to and filed with the local postmaster when information concerning the circulation is requested by the Third Assistant Postmaster General. Copies of this form are furnished by the Third Assistant Postmaster General.

§ 55.2316 *Form 3544* is a receipt which is issued by postmasters to publishers for advance deposits of money to cover postage on mailings of second-class publications. Spaces are provided in this form for the name of the post office, date, name of publisher, name of publication and the amount of the deposit.

CROSS REFERENCE: For procedure see § 50.316 of this chapter.

§ 55.2317 *Form O* is used by publishers to furnish information showing the sales of copies by news agents. Spaces are provided in this form to show the title of the publication, date of issue, total number of copies printed, number of copies sent to news agents, number of copies sold by news agents, number of copies returned to the publisher, and price per copy received from the news agent. This statement must be sworn to and filed with the local postmaster when information concerning the circulation of a publication is requested.

CROSS REFERENCE: For procedure see §§ 50.2300 and 50.2304 of this chapter.

§ 55.2601 *Form 565.* Application for indemnity for loss, damage or rifling of registered mail. This form provides spaces wherein the sender or addressee of a registered article, lost, rifled or damaged, or the owner thereof, may submit evidence essential to the consideration of the merits of a claim.

§ 55.2602 *Form 3801.* Standing delivery order. Written authorization issued by a firm or individual designating the person or persons who may receive unrestricted registered, insured and C. O. D. mail addressed to or in care of the firm or individual, and assuming full responsibility for the loss, rifling or damage of said mail after proper delivery.

§ 55.2603 *Form 3801–a.* Agreement by a hotel, apartment house, or the like to assume responsibility for registered mail delivered to authorized representatives.

§ 55.2604 *Form 3801–b.* Agreement by a hotel, apartment house, or the like to accept delivery through authorized representatives, and to keep proper record of, and properly care for and dispose of, insured and C. O. D. mail.

§ 55.2605 *Form 3802.* Card notice to sender showing particulars of mailing of a registered, insured or C. O. D. article held because incorrectly addressed, unmailable, insufficient postage, or registry surcharge apparently not fully prepaid. (Issued only when sender is located at office of mailing.)

§ 55.2606 *Form 3805.* Receipt for registered article.—Receipt given the sender at the time an article is accepted for registration. The receipt bears notations showing the amount of the registry fee; the amount of surcharge, if any; the amount of return receipt or special delivery fees, if any; restrictions in delivery, if any, and the full value of the article as declared by the mailer at the time of mailing.

§ 55.2607 *Form 3806.* Receipt for registered article. Sender's receipt similar to Form 3805, except that the name of the addressee is to be entered by the sender on the back of the receipt as an identification.

§ 55.2608 *Form 3806–S.* Receipt for registered article. Same as Form 3806, but limited to use at the larger post offices.

§ 55.2609 *Form 3809.* Card notice to sender, in response to inquiry made concerning a registered, insured, or C. O. D. article, showing the disposition made thereof.

§ 55.2610 *Form 3811.* Return receipt. Return receipt card furnished the sender of a registered or insured article showing to whom delivered and the date, and if requested at the time of mailing the address where delivery was effected, upon payment of the required fees therefor. This card will be received in the courts as prima facie evidence of such delivery.

§ 55.2611 *Form 3812.* Application for indemnity for loss, rifling, or damage of domestic insured or C. O. D. parcel. Affidavit which may be filed by the sender or addressee of an insured or C. O. D. article lost, rifled or damaged, or the owner thereof, in which spaces are provided for submitting evidence essential to the consideration of the merits of a claim.

§ 55.2612 *Form 3813.* Receipt for insured mail. Sender's receipt for mail insured at fees ranging from 10 cents to 25 cents, having spaces for the number of the article; postage and insurance fee paid; return receipt, restricted delivery, special delivery and special handling fees paid, if any, and indorsements, if any, showing whether fragile, perishable, and the like. Spaces are provided at the bottom of the form for entry by sender of name and address of addressee.

§ 55.2613 *Form 3813–B.* Receipt for insured parcel. Sender's receipt for parcels insured at the minimum fee of 3 cents, having spaces for entry of the office of address, the postage paid, and any special indorsements. Spaces are provided at the bottom of the form for entry by the sender of the name and address of the addressee.

§ 55.2614 *Form 3816.* C. O. D. tag. A long form of "tie-on" tag to be completed by the sender showing required particulars of mailing. One part, which is affixed to the package, constitutes the sender's application for a money order in the amount of charges shown thereon, and another part is issued to the sender as a receipt for the package.

§ 55.2615 *Form 3816a–C.* C. O. D. tag. A short form of "tie-on" tag, printed crosswise, to be completed by the sender and affixed to the package, showing required particulars of mailing, one part of which constitutes the sender's application for a money order in the amount of charges shown on the tag.[1]

§ 55.2616 *Form 3816a–L.* C. O. D. tag. A short form of "tie-on" tag. Same as Form 3816a–C, but printed lengthwise.[1]

§ 55.2617 *Form 3816a–S.* C. O. D. tag. A short form C. O. D. tag. Same as Form 3816a–L, but to be affixed to a sealed package by means of gummed tape or other approved method.[1]

§ 55.2618 *Form 3817.* Sender's receipt or certificate of mailing for domestic ordinary mail of any class and additional receipt or certificate of mailing for domestic ordinary, registered, insured, and C. O. D. mail. A receipt furnished the sender upon request and payment of the required fee evidencing the mailing only of a domestic article.

§ 55.2619 *Form 3818.* Sender's authorization to cancel or change charges on a C. O. D. article, or to deliver the article to a new addressee at the post office where held.

§ 55.2620 *Form 3820.* Card notice to sender of the destruction or other disposition of an ordinary, insured or C. O. D. parcel containing perishable matter before delivery.

§ 55.2621 *Form 3820a.* Carrier's notice to addressee to call for an ordinary, insured or C. O. D. perishable parcel.

§ 55.2622. *Form 3824.* Temporary bulk receipt. A temporary bulk receipt issued to the sender showing by count only the number of registered, insured and C. O. D. articles accepted for mailing. Permanent receipts are subsequently issued.

§ 55.2623 *Form 3846½.* Supplementary statement in indemnity claim, insured or C. O. D. parcel. A supplemental statement to be completed by the mailer of an insured or C. O. D. parcel and attached to Form 3812 (Application for indemnity for loss, rifling, or damage of domestic insured or C. O. D. parcel) in each case of damage where the parcel was not properly prepared for mailing and in each case in which the claim was filed on account of the spoiling of, or damage to, matter of a perishable or fragile nature, where the records of the mailing office do not show that the parcel was marked "Fragile," "Perishable," "Eggs," etc.

§ 55.2624 *Form 3849.* Notice of arrival of and receipt for registered mail delivered to the addressee or to his authorized representative.

§ 55.2625 *Form 3849–B.* Notice of arrival or insured and C. O. D. mail, and receipt for insured mail, delivered to the addressee or to his authorized representative.

§ 55.2626 *Form 3849b–BP.* Same as Form 3849–B, except in pad form.

§ 55.2627 *Form 3849–D.* Card notice to sender of undelivered C. O. D. mail. Issued only when requested by sender by appropriate instructions on the mail.

§ 55.2628 *Form 3855.* Application to be filled in by sender for forwarding, delivery, or return of registered matter after dispatch.

§ 55.2629 *Form 3877.* Firm mailing book (15-entry page) for use by the sender of registered mail in descriptively listing, in duplicate, articles to be presented for registration or to be sent as registered C. O. D. mail, one copy being retained by the sender as a receipt for the mail.

§ 55.2630 *Form 3877–LL.* Same as Form 3877; in loose-leaf form.

§ 55.2631 *Form 3877–A.* Firm mailing book (15-entry page) for use in acceptance of and receipting for insured and unregistered C. O. D. mail.

§ 55.2632 *Form 3877a–LL.* Same as Form 3877–A; in loose-leaf form.

§ 55.2633 *Form 3881.* Firm mailing book (30-entry page) for use in acceptance of and receipting for registered mail and registered C. O. D. mail.

§ 55.2634 *Form 3881–LL.* Same as Form 3881; in loose-leaf form.

§ 55.2635 *Form 3881–A.* Firm mailing book (30-entry page) for use in acceptance of and receipting for insured and unregistered C. O. D. mail.

§ 55.2636 *Form 3881a–LL.* Same as Form 3881–A; in loose-leaf form.

§ 55.2637 *Form 3882.* Firm mailing book (5-entry page) for use in acceptance of and receipting for registered mail and registered C. O. D. mail.

§ 55.2638 *Form 3882–LL.* Same as Form 3882; in loose-leaf form.

§ 55.2639 *Form 3882–A.* Firm mailing book (5-entry page) for use in acceptance of and receipting for insured and unregistered C. O. D. mail.

§ 55.2640 *Form 3882a–LL.* Same as Form 3882–A; in loose-leaf form.

§55.2641 *Form 3883.* Firm delivery book record (10-entry page). Post Office receipt signed by addressee or his authorized representative upon delivery of registered and insured mail.

§55.2642 *Form 3883–A.* Same as Form 3883, except for a 20-entry page.

§55.2643 *Form 3896.* Rural Carrier Registration Book. Sender's receipt for registered article issued by rural carrier when accepting an article for registration. The receipt bears notations showing where mailed; the amount of registry fee paid; the class of postage paid; the declared value of the article; the surcharge paid, if any; the amount of return receipt and special delivery fees, if any; the restrictions in delivery, if any, and the names and addresses of the sender and addressee.

§55.2644 *Form 3897.* Carrier's Quick Registration Book. Sender's receipt similar to Form 3896, except that the name of the addressee is to be entered by the sender on the back of the receipt as an identification.

§ 55.3101 *Form 6339.* Specimen of payee's signature.

CROSS REFERENCE: For description of Form 6339 see 39 CFR 17.9, and § 50.3102 of this chapter.

§ 55.3103 *Form 6001.* Application for money order.

CROSS REFERENCE: For description of Form 6001 see 39 CFR 17.11, and § 50.3102 of this chapter.

§ 55.3104 *Form 1055.* Claim against the United States for amounts due in the case of a decedent.

CROSS REFERENCE: For description of Form 1055 see § 50.3107 of this chapter.

§ 55.3105 *Form 6387.* Receipt furnished by Rural Carrier for money in payment for money order.

CROSS REFERENCE: For description of Form 6387 see 39 CFR 17.90, and § 50.3109 of this chapter.

§ 55.3106 *Form 6387–A.* Request for payment of a money order through Rural Carrier.

[1] For use only with firm mailing records, Forms 3877, 3877–LL (loose-leaf), 3877–A, 3877a–LL (loose-leaf), 3881, 3881–LL (loose-leaf), 3881–A, 3881a–LL (loose-leaf), 3882, 3882–LL (loose-leaf), 3882–A, 3882a–LL (loose leaf), the sheets of which are completed in duplicate, one copy being retained by the sender as a receipt.

CROSS REFERENCE: For description of Form 6387-A see 39 CFR 17.97, and § 50.3110 of this chapter.

§ 55.3111 *Form 6596.* Application for duplicate postal note.

CROSS REFERENCE: For description of Form 6596 see 39 CFR 17.1a (q), (r), (s) and § 50.3111 of this chapter.

§ 55.3121 *Form 6002.* Application for duplicate of lost or multilated domestic money order or of an order rendered void by too many endorsements.

CROSS REFERENCE: For description of Form 6002 see 39 CFR 17.39, Part 17, and § 50.3121 of this chapter.

§ 55.3122 *Form 6003.* Application for payment of domestic money order invalid by reason of age.

CROSS REFERENCE: For description of Form 6003 see 39 CFR 17.49, and § 50.3122 of this chapter.

§ 55.3123 *Form 6116.* Bond of indemnity for issue of duplicate of lost money order.

CROSS REFERENCE: For description of Form 6116 see 39 CFR 17.39, 17.40 and 17.49, and § 50.3123 of this chapter.

§ 55.3124 *Form 6065.* Request for information concerning paid domestic money order.

CROSS REFERENCE: For description of Form 6065 see 39 CFR 17.24a and § 50.3124 of this chapter.

§ 55.3125 *Form 1055.* Claim against the United States for amounts due in case of a decedent.

CROSS REFERENCE: For description of Form 1055 see 39 CFR 17.49 and §§ 50.3125, 55.3104.

§ 55.3132 *Form 6706.* Notifying payee to present order

CROSS REFERENCE: For description of Form 6706 see 39 CFR 17.78, and § 50.3132 of this chapter.

§ 55.3134 *Form 6759.* Application for repayment of international order

CROSS REFERENCE: For description of Form 6759 see 39 CFR 17.81, and § 50.3134 of this chapter.

§ 55.3135 *Form 6002.* Application for duplicate

CROSS REFERENCE: For description of Form 6002 see 39 CFR 17.82, and § 50.3135 of this chapter.

§ 55.3136 *Form 6003.* Application for Postmaster General's check

CROSS REFERENCE: For description of Form 6003 see 39 CFR 17.82, and § 50.3135 of this chapter.

§ 55.3140 *Form 6753.* Application for duplicate of international order

CROSS REFERENCE: For description of Form 6753 see 39 CFR 17.83, and § 50.3140 of this chapter.

§ 55.3141 *Form 6701.* Application for international money order

CROSS REFERENCE: For description of Form 6701 see 39 CFR 17.56, 17.57, 17.58 and 17.66a, § 50.3141 of this chapter.

§ 55.3143 *Form 6684.* Inquiry concerning disposal made of an international money order issued in the United States

CROSS REFERENCE: For description of Form 6684 see 39 CFR 17.64, and § 50.3143 of this chapter.

§ 55.3144 *Form 6760.* Exchange office requested to correct error in particulars of the advice of a United States money order payable abroad

CROSS REFERENCE: For description of Form 6760 see 39 CFR 17.62, and § 50.3144 of this chapter.

§ 55.3145 *Form 6083.* Supplemental international advice to be filled in by remitter

CROSS REFERENCE: For description of Form 6083 see 39 CFR 17.59, and § 50.3145 of this chapter.

§ 55.3146 *Form XIV.* List of international money order offices in certain foreign countries (International List)

CROSS REFERENCE: For description of Form XIV see 39 CFR 17.53, and § 50.3146 of this chapter.

§ 55.3500 *Form A.* Proposal, Bond, and Oath, Regulation Panel or Screen Body Motor-Vehicle Service.

CROSS REFERENCE: For description of Form A see § 50.3502 of this chapter.

§ 55.3501 *Form 1748.* Contract for Mail Service, Regulation Panel or Screen Body Motor-Vehicle Service.

CROSS REFERENCE: For description of Form 1748 see § 50.3502 of this chapter.

§ 55.3502 *Form MV-44.* Advertisement for Furnishing Vehicles on an Annual Basis for Use in Collecting, Delivering and Relaying Mail, and for Special Delivery Service.

CROSS REFERENCE: For description of Form MV-44 see § 50.3503 of this chapter.

§ 55.3503 *Form M. V. S. 1.* Annual Proposal, City Delivery Vehicle Service.

CROSS REFERENCE: For description of Form M. V. S. 1 see § 50.3503 of this chapter.

§ 55.3504 *Form MV-68.* Advertisement for Furnishing Vehicles for Use in Collecting, Delivering and Relaying Mail, and for Special Delivery Service.

CROSS REFERENCE: For description of Form MV-68 see § 50.3504 of this chapter.

§ 55.3505 *Form MV-67.* Quarterly Proposal for Furnishing Vehicles for Use in Collecting, Delivering and Relaying Mail, and for Special Delivery Service.

CROSS REFERENCE: For description of Form MV-67 see § 50.3504 of this chapter.

§ 55.3506 *Form 1729.* Notice of Fines.

CROSS REFERENCE: For description of Form 1729 see § 50.3505 of this chapter.

§ 55.3700 *Advertisement for proposals to lease post office quarters; Form 1410.* This form is used for the purpose of solicitation of proposals to lease quarters for post office purposes and gives information concerning requirements, method of submitting proposals and other pertinent data. (See § 50.3700 of this chapter.)

§ 55.3701 *Proposal to lease quarters; Form 1400.* This form is used by proponents in making offers to lease quarters for post office purposes and specifies the facilities, equipment and services to be furnished. On the reverse side is printed a copy of the Standard Form of Government Lease as modified for use by the Post Office Department, as well as detailed information for proponents. (See § 50.3700 of this chapter.)

§ 55.3702 *Specifications for equipment for post office quarters; Form 1425.* This form is completed by the insertion of the equipment required for the conduct of an individual post office and is furnished to proponents who wish to include the item of equipment in their proposals. (See § 50.3700 of this chapter.)

§ 55.3703 *General building requirements for post office quarters; Form 1425-A.* This is a printed form outlining the general building requirements for post office quarters and is subject to modification in individual cases. This form is furnished to proponents for their information and use in connection with the preparation of their proposals. (See § 50.3700 of this chapter.)

§ 55.4300 *Application for reward.* This form provides space for listing complete and informative details concerning the arrest for which the reward is claimed, including the date, time and place of arrest and other pertinent details.

§ 55.4302 *Form 1510; report of the loss, rifling, delay, wrong delivery, or other improper treatment of mail matter.* This form provides space in which complete particulars of mailing, nature of the complaint, and all other information pertinent to the mistreated mail matter necessary for a complete investigation and should be completed in detail by the complainant.

[SEAL] ROBERT E. HANNEGAN,
Postmaster General.

[F. R. Doc. 46-15417; Filed Aug. 28, 1946; 2:18 p. m.]

DEPARTMENT OF THE NAVY

[34 CFR, Ch. I]

PART 26—ORGANIZATION AND FUNCTIONS OF THE NAVAL ESTABLISHMENT

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§ 26.1 *Creation and authority.* (a) The Department of the Navy and the Office of the Secretary of the Navy were established by Act of Congress on April 30, 1798 (1 Stat. 553; 5 U. S. C. 411-412). The organization and functions of the Department of the Navy have been defined, expanded and affected by a con-

tinuous stream of legislation, the extent and character of which makes any summary or extended discussion thereof impossible. Certain of such legislation, as pertinent, is hereinafter referred to or discussed.

(b) The increased responsibilities and demands imposed by World War II necessitated a great expansion and alteration in the organization of, and distribution of functions within, the Naval Establishment. With the cessation of hostilities a contraction accompanied by reorganization became inevitable. The task of adapting the Naval Establishment to peacetime requirements is still in process. The description of the organization and functions of the Naval Establishment must therefore be understood to be based upon a transitional and necessarily fluid situation.

(c) The present organization and distribution of functions within the Naval Establishment is derived generally from Executive Order No. 9635 dated September 29, 1945 (10 F. R. 12419). The organization and distribution of functions is further outlined in somewhat amplified form in General Order No. 230 of January 12, 1946 entitled "Policies and Principles Governing the Distribution of Authority and Responsibility for the Administration of the Naval Establishment". Copies of General Orders are available for inspection at the Navy Department, Washington, D. C., and at the offices of each of the naval districts.

(d) For a helpful general statement of the organization and distribution of functions within the Naval Establishment, attention is invited to the current edition of the United States Government Manual (for sale by the Superintendent of Documents, Government Printing Office, Washington 25, D. C. at $1.00 per copy), and to the current edition of the Congressional Directory (for sale at $1.25 per copy by the Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.)

§ 26.2 *The Naval Establishment.* The functional organization of the United States Navy, sometimes referred to as the Naval Establishment, may be divided into three principal parts:

(a) The Navy Department, the executive part of the Naval Establishment located at the seat of the Government, which comprises the bureaus, boards and offices of the Navy Department; the Headquarters of the Marine Corps; and the Headquarters of the Coast Guard (when assigned to the Navy).

(b) The Operating Forces, which include the sea, air and amphibious forces of the Navy, Marine Corps and Coast Guard (when assigned to the Navy), shore activities assigned to the command of Fleet and Sea Frontier Commanders and the personnel who man them.

(c) The Shore Establishment, which comprises all other activities of the Naval Establishment including all shore activities not assigned to the Operating Forces.

§ 26.3 *The Navy Department.* The executive part of the Naval Establishment, the Navy Department, is organized in terms of its functions which are best understood by reference to the statement of fundamental naval policy: "To maintain the entire Naval Establishment in strength and readiness to uphold national policies and interests and to guard the United States and its continental and overseas possessions" (General Order No. 230, dated 12 January 1946). From this fundamental policy evolve four basic tasks or functions, the responsibility for which has been distributed within the Navy Department. These tasks or functions are policy control, naval command, logistics administration and control, and business management.

(a) *The Secretary.* The Naval Establishment is subject to the direction and control of the President of the United States as Commander-in-Chief. The immediate direction and control, however, are exercised by the Secretary of the Navy, acting as the representative of the President. The Secretary retains the general responsibility for supervision of all naval affairs while delegating certain responsibilities to his naval and civilian executive assistants. The Secretary retains direct control of *policy* and communicates directly with all principal officials and officers of the Naval Establishment, as necessary or desirable, remaining available for direct consultation by such officials and officers in the formulation and administration of naval policies, the Secretary avails himself of the advice and assistance of his principal executive assistants: (1) The Civilian Executive Assistants; (2) the Naval Command Assistant; and (3) the Naval Technical Assistants.

(b) *The Naval Command Assistant.* (1) The second of the four basic tasks or functions of the Navy Department is that of *Naval Command,* which has been assigned to the Naval Command Assistant, whose official title is The Chief of Naval Operations, and who acts as the principal adviser to the President and to the Secretary of the Navy on the conduct of war, and the principal naval adviser and military executive to the Secretary of the Navy on the conduct of the activities of the Naval Establishment, all as provided in Executive Order No. 9635 dated September 29, 1945 (10 F. R. 12419). Naval Command includes command of the Operating Forces and the maintenance of such Forces in a state of readiness to conduct war. In the accomplishment of the foregoing, the Chief of Naval Operations is responsible under the Secretary of the Navy for the command and administration of the Operating Forces, for the preparation, readiness and logistics support of such Forces, and for the coordination and direction of efforts of the bureaus and offices of the Navy Department with respect to foregoing. In the discharge of these responsibilities, the Chief of Naval Operations promulgates to the Naval Establishment directives embracing matters of operations, security, intelligence, discipline, naval communications, and similar matters of naval administration.

(2) The third task in implementing fundamental naval policy, namely, that of *Logistics Administration and Control,* involves two distinct elements, the logistics of consumption, i. e., the planning, forecasting, determining and distributing of the requirements of the Operating Forces, and the logistics of production, i. e., the development, procurement, and production of the materiel and personnel required to meet the requirements of the Operating Forces. Although the two elements are interrelated and represent a continuous "cause and effect" relationship, it has been necessary, in the interest of efficient, orderly administration, to divide the responsibility for Logistics Administration and Control between the Chief of Naval Operations and the Civilian Executive Assistants aided by the Naval Technical Assistants. Accordingly, there has been delegated to the Chief of Naval Operations responsibility over the following:

(i) Planning and forecasting the requirements of the Operating Forces for finished materiel, trained personnel and supporting services.

(ii) Issuing statements of these requirements (in terms of what is needed, when it is needed and where it is needed) to the bureaus and offices of the Navy Department and, through them, to the Shore Establishment. This responsibility encompasses the determination of naval characteristics for materiel to be procured or developed, and the determination of the training and instruction required to fit naval personnel and commands for service with the Operating Forces.

(iii) Reviewing and evaluating the progress of the bureaus and offices and of the Shore Establishment in fulfilling these requirements, and issuing such orders as may be required to assure the requirements are met.

(iv) Collaborating with the Civilian Executive Assistants in expediting fulfillment of these requirements, in evaluating and strengthening the policies and procedures governing the determination of stock levels and replenishment requirements, and in the administration of inventory control systems.

(c) *The Civilian Executive Assistants.* The fourth task or function of the Navy Department, *Business Management,* and the balance of logistics administration and control discussed previously, are delegated to the Civilian Executive Assistants to the Secretary. These Civilian Executive Assistants are the Under Secretary, the Assistant Secretary, and the Assistant Secretary for Air.

(1) *The Under Secretary.* The Under Secretary, who is appointed by the President by and with the advice and consent of the Senate and who under present law (54 Stat. 494; 5 U. S. C. 421b) serves during a national emergency only, has been delegated the responsibility, in accordance with law and executive orders, for assuring that the *Business Management* of the Naval Establishment is properly conducted. This responsibility of the Under Secretary includes general supervision of matters of organization, staffing, administrative procedures, utilization of personnel, materials and facilities, and the budgeting and expenditure of funds. In this connection, the Under Secretary has immediate supervision of the activities of the Executive Office of the Secretary, listed under § 26.4(c).

(2) *The Assistant Secretary.* The Assistant Secretary, appointed by the President by and with the advice and consent

of the Senate (26 Stat. 254; 5 U. S. C. 420) has been delegated the responsibility, in accordance with law and executive orders, for that part of the *Logistics Administration and Control* of the Naval Establishment which relates to the promulgation of policies and general procedures governing (i) the procurement and production of matériel and facilities; (ii) the determination of stock levels and replenishment requirements in collaboration with the Chief of Naval Operations, and the administration of inventory control systems; and (iii) the correlation and programming of matériel research, experimental, test and development activities. In this connection, the Assistant Secretary has immediate supervision of the activities of the Executive Office of the Secretary which are listed under § 26.4 (d). The Assistant Secretary also is responsible for the presentation of the Navy's procurement requirements to other governmental agencies controlling the availability of products, materials and facilities.

(3) *The Assistant Secretary for Air.* The Assistant Secretary for Air, appointed by the President by and with the advice and consent of the Senate (44 Stat. 767; 5 U. S. C. 421a) has been delegated the responsibility, in accordance with law and executive orders, for all matters relating to aeronautics (except as otherwise assigned to the Under Secretary and the Assistant Secretary), including the coordination of naval aeronautics with other governmental agencies. In this connection, he supervises the Navy's participation on the Aeronautical Board and the Air Coordinating Committee (under § 26.4(e) (1) and § 26.4(e)(2)). In addition to his duties with respect to aeronautical matters, the Assistant Secretary for Air is responsible for that part of the logistics administration and control of the Naval Establishment which relates to the procurement and administration of personnel including labor relations in the plants of private contractors. In this connection, the Assistant Secretary for Air has immediate supervision of the activities of the Executive Office of the Secretary listed in § 26.4 (e).

(d) *Naval Technical Assistants.* The Naval Technical Assistants are the chiefs of bureaus, the Judge Advocate General, and the Commandant of the Marine Corps, and the Commandant of the Coast Guard (when assigned to the Navy) who are directly responsible for the discharge of all the duties assigned to their respective organizations, in accordance with the orders and directives of the Secretary, the Civilian Executive Assistants, and the Chief of Naval Operations; and are the technical advisers and assistants, in their special fields, to the Secretary, the Civilian Executive Assistants and the Chief of Naval Operations. In pursuance of the foregoing, the Naval Technical Assistants are immediately responsible, within the limits of their respective cognizance, for:

(1) The procurement, training, administration, and assignment of personnel.

(2) The operation of all activities under their cognizance.

(3) The research in, and the development, procurement, production and distribution of, material and facilities.

(4) The sound and legal expenditure of funds appropriated for the performance of their work, including the preparation of estimates for funds required to carry out approved plans and directives.

The Naval Technical Assistants perform these responsibilities through the organization of their respective bureaus and offices, which are described in detail in § 26.6 through § 26.13.

The discussion above has outlined in general terms the over-all organization of the Naval Establishment. A more detailed presentation of certain of its component parts is presented below.

§ 26.4 *Executive Office of the Secretary.* (a) To assist the Secretary and the Civilian Executive Assistants in the discharge of their functions and responsibilities, various Offices, Committees, Boards and Divisions have been created, which are directly responsible to and which act for the Secretary and his Assistants and which collectively constitute the Executive Office of the Secretary. Such Boards, Offices, Committees and Divisions generally assist the Secretary and such Assistants in the formulation of policy and in administration, and discharge for the Secretary and such Assistants specific functions as are from time to time assigned.

(b) *Boards, offices, and committees under the direct supervision of the Secretary*—(1) *Facilities Review Board.* The Board, established November 21, 1945, reviews and approves or disapproves all requests for new facilities projects for continental and overseas shore establishments. The Board may investigate any phase of the operating procedure of the shore establishments to insure more efficient use of facilities and may issue orders necessary or appropriate as a result of such investigation. Orders of the Board are construed as emanating from the Secretary of the Navy.

(2) *General Board of the Navy.* The General Board was established March 13, 1900. It acts in an advisory capacity to the Secretary of the Navy. Its composition and duties are set forth in the U. S. Navy Regulations, 1920, Art. 393, par. 4, and Arts. 400–404, inclusive.

(3) *Joint Army and Navy Board* (Navy Participation). The Joint Board, which was organized July 17, 1903, is composed of ranking officers of both War and Navy Departments. Any matters which, to either the War Department or the Navy Department, seem to require cooperation between the two services, may be referred by that Department to the Joint Board. It may also originate such consideration of subjects as, in its judgment, is necessary. The Board confers upon, discusses, and reaches such common conclusions as may be practicable. Since the beginning of World War II, most of the functions of the Joint Board have been performed by the Joint Chiefs of Staff.

(4) *Joint Chiefs of Staff* (Navy Participation). The Joint Chiefs of Staff came into being as a result of the organization of the Combined Chiefs of Staff (British and United States Chiefs of Staff), on February 9, 1942. The Chief of Staff to the Commander in Chief of the Army and Navy; the Chief of Naval Operations; The Chief of Staff, U. S. Army; and the Commanding General, Army Air Forces, comprise the Joint Chiefs of Staff. Under the direction of the President the Joint Chiefs of Staff consult together on matters of joint concern to the armed forces, advise the President as to their use, take appropriate action to implement his plans and policies as Commander in Chief of the Army and Navy, and coordinate the military efforts of the Army and the Navy.

(5) *Joint Economy Board* (Navy Participation). The Joint Economy Board, organized May 13, 1935, is charged with the responsibility of investigating and reporting on economies which can be effected from time to time, without loss of efficiency, by eliminating duplication and simplifying functions in those activities of the War and Navy Departments concerned with joint operations of the two services or which have approximately parallel functions.

(6) *Office of Naval History.* The Office of Naval History was established July 31, 1944, directly under the Secretary of the Navy. The Director of this Office is charged with coordinating the widely distributed work of the Navy Department in the preparation of histories and narratives of the present war, in order to assure adequate coverage to serve present and future needs and effectively to eliminate nonessential and overlapping effort. This includes supervision and coordination of the work of preparing histories of naval administration and naval operations for publication.

(7) *Office of Public Information.* The Office of Public Information was originally established on May 1, 1941 under the title of "Office of Public Relations". Under date of June 18, 1945, this title was changed to the "Office of Public Information". The function of this office is to inform the American public of the activities of its Navy.

(8) *State - War - Navy Coordinating Committee* (Navy Participation). The State-War-Navy Coordinating Committee, organized February 10, 1945, is charged with coordinating the view of the three departments on politico-military matters in which all have a common interest. Particular attention is paid to correlation of national policy with foreign policy.

(9) *The Patent Royalty Revision Board.* (i) The Royalty Adjustment Act of 1942 (35 U. S. C. 89–96) provides that whenever an invention, whether patented or unpatented, is manufactured, used, sold, or otherwise disposed of for the United States (in this case, the Navy Department) under the conditions set forth in the Act, and the license under which this is done includes provisions for the payment of royalties, the rates or

amounts of which are believed to be unreasonable or excessive by the Secretary of the Navy or his duly authorized delegate, the Secretary or such delegate shall give written notice of such facts to the licensor and the licensee. The Act further provides that within a reasonable time after the effective date of the notice, in no event less than ten days, the Secretary of the Navy or his authorized delegate by order shall fix and specify such rates or amounts of royalties, if any, as he shall determine are fair and just, taking into account the conditions of wartime production, and shall authorize the payment thereof by the licensee to the licensor on account of such manufacture, use, sale, or other disposition. Either the licensor or the licensee is privileged, if he so requests within ten days from the effective date of the notice, to present within 30 days from the date of his request, in writing or in person, any facts or circumstances which may, in his opinion, have a bearing upon the rates or amounts of royalties, if any, to be determined, fixed and specified as aforesaid and the order fixing such rates and amounts of royalties shall be issued within a reasonable time after such presentation. The written notice shall be mailed to the last known address of the licensor and the licensee and shall be effective upon receipt, or five days after the mailing thereof, whichever date is earlier. The licensee is forbidden after the effective date of the notice to pay to the licensor or to charge directly or indirectly to the United States, a royalty in excess of that specified in the order. Certain provisions of the Act grant an aggrieved licensor remedies which, in general, limit him to a claim against the United States in a suit in the Court of Claims, or in certain instances to a suit brought in a District Court of the United States.

(ii) Pursuant to the provisions of this Act the Secretary of the Navy by letter dated March 1, 1943, as amended by letter dated January 2, 1946, established in the Navy Department a Patent Royalty Revision Board which is composed of a chairman and seven members selected and appointed by the Secretary of the Navy to serve for such terms as the Secretary shall designate. Any three members designated by the chairman may act in any matters as and for the entire Board.

(iii) The following powers were delegated to the Board by the Secretary of the Navy:

(*a*) To receive and hear such facts or circumstances as may be presented in writing or in person at a hearing held pursuant to Section 1 of the Act.

(*b*) To fix and specify by the order, in accordance with Section 1 of the Act, fair and just rates or amounts of royalties and to authorize the payment thereof by the licensee to the licensor. To supplement, modify, or revoke any order heretofore or hereafter issued. Such order, or any supplement, modification, or revocation of any such order may be executed on behalf of the Board by the Chairman or by a member of the Board designated by the Chairman.

(iv) In addition, the Secretary of the Navy delegated the following powers of the Chairman to any member of the Board designated by the Chairman, without reference to or action by any other member of the Board:

(*a*) To execute and issue written notice to licensor and licensee pursuant to the provisions of Section 1 of the Act, and to withdraw any notice heretofore or hereafter issued under said Section.

(*b*) To enter into and execute agreements with the owners or licensors of inventions or with contractors and subcontractors by the terms of which unreasonable or excessive rates or amounts are reduced to reasonable or unexcessive rates or amounts.

(*c*) To enter into and execute an agreement before suit against the United States has been instituted with the owner or licensor of an invention in full settlement and compromise of any claim against the United States accruing to such owner or licensor by reason of the manufacture, use, sale, or other disposition referred to in the Act and for compensation to be paid such owner or licensor based upon future manufacture, use, sale, or other disposition of such invention.

(*d*) To supplement, modify, or revoke any order, heretofore or hereafter issued, as a term of an agreement entered into under § 26.4 (b) (9) (iv) (*b*) or (*c*).

(v) In directing that bureau assistance be given, the Secretary of the Navy accorded to the Chief of each Bureau or the Commandant of the Marine Corps the right to conduct voluntary negotiations where it had been determined, after investigations, that excessive rates or amounts of royalties were being paid and empowered such officers to enter into and sign agreements of settlement and compromise embodying the terms of such negotiations, subject, however, to the approval of such agreements by the Secretary of the Navy. Should such officers fail to successfully conclude negotiations within a reasonable time, or should they desire not to conduct such negotiations, then they should transmit promptly to the Patents & Inventions Division, of the Office of Naval Research written reports reciting the facts and circumstances surrounding an alleged unreasonable or excessive royalty.

(vi) Any question of unreasonable or excessive royalty coming before the Price Adjustment Board should be referred to the Patent Royalty Revision Board for determination and all findings of the latter Board as to the reasonableness of royalties shall be binding on the Price Adjustment Board.

(c) *Boards, offices, committees and divisions under the direct supervision of the Under Secretary.*—(1) *Administrative Office.* This office was organized July 1, 1941, and assists the Under Secretary in the general administration and business management of the Navy Department. It is responsible for Departmental management services, including space, mail, telephone, office equipment and supplies, warehousing, printing and publications, correspondence and records management, microfilming (except V-mail), building security, transportation, rationing, housing, restaurants, civilian payrolls, machine tabulation services, personal business facilities, civilian health services, improvement of working conditions, and related management functions to increase efficiency and economy of operation. It provides the civilian personnel administration for the Navy Department, and the fiscal control over several Naval appropriations. It is responsible for the operation of the records management and disposal program in the field and has technical control over field publications and printing offices.

(2) *Industrial Survey Division.* The Industrial Survey Division, organized June 20, 1944, acts to keep the Under Secretary of the Navy informed as to the efficiency of operation and utilization of manpower of the industrial activities of the shore establishments of the Naval Establishment, including the effective use of personnel engaged in industrial work.

(3) *Office of the Fiscal Director.* This office, organized December 2, 1944, formulates, establishes, supervises and coordinates all policies and procedures affecting the finance, budgeting, accounting and auditing activities of the Navy Department. With the exception of the Finance Division, the functions of this office relate solely to the internal management of the Navy.

On July 17, 1946, the Office of Budget and Reports was made a part of the Office of Fiscal Director. The Office of Budget and Reports has charge of the preparation and execution of the Navy Department's budget, and analyzes the estimates of the individual bureaus and offices and correlates them into a well-balanced program. After funds have been appropriated by Congress, the office revises the budgetary program to conform to specific funds and follows up the execution of that program.

On December 22, 1945, the Finance Division was placed under the cognizance of the Office of Fiscal Director. The directive bringing about this change delegated the following authorities to the Fiscal Director with power on his part to redelegate the same:

(i) All authority and discretion of the Secretary of the Navy under Executive Order No. 9112 (7. F. R. 2367);

(ii) All authority and discretion of the Secretary of the Navy under Executive Order No. 9001 (6 F. R. 6787) with respect to advance and progress payments;

(iii) All authority and discretion conferred on the Secretary of the Navy or the Navy Department under Sections 8, 9, and 10 of the Contract Settlement Act of 1944 (58 Stat. 649; 41 U. S. C. 101) with respect to loans and advance payments; and

(iv) All authority for the establishment, supervision and coordination of policies and procedures with respect to advance and progress payments under Navy contracts.

(4) *Office of Management Engineer.* The Office of Management Engineering, formerly a branch of the Industrial Survey Division, was organized as a separate entity on May 29, 1946. This office advises and assists the Under Secretary in the discharge of his responsibilities with respect to "business administration". It reviews, plans, coordinates, integrates and evaluates on a continuing basis, management planning and control programs throughout the Navy Department

and Shore Establishments; assists the heads of major activities in developing, training and establishing programs for their work, and develops criteria and techniques for appraising performance.

(5) *Office of the Judge Advocate General.* The Office of the Judge Advocate General (§ 26.13) is under the direct supervision of the Under Secretary of the Navy with respect to the review of records of naval courts.

(d) *Boards, Offices, Committees and Divisions under the direct supervision of the Assistant Secretary.*—(1) *Army and Navy Munitions Board* (Navy Participation). This Board, originally organized in 1922, has for its purpose coordinating the plans of the Army and Navy for the procurement of munitions and supplies for national defense. On August 18, 1945, the Board was reconstituted by an order approved by the President as Commander-in-Chief. As now constituted the Board comprises a Civilian Executive Chairman, the Under Secretary of War, and the Assistant Secretary of the Navy. The Executive Committee consists of the Civilian Executive Chairman, a general officer of the Army, and a flag officer of the Navy, with a secretariat and a staff made up of representatives from each service. In matters of major policy, the Board is advised by a Policy Committee made up of top echelon military representatives of the War and Navy Departments.

The functions of the Board include formulating plans and policies for industrial mobilization in an emergency and coordinating such plans between the Services; coordinating the work of the War and Navy Departments with regard to industrial matters, including procurement plans for the services; supervising such joint bodies as are or may be created to consider any subject falling within the scope of the Board's responsibility; and formulating and expressing the military interest of the War and Navy Departments with respect to our foreign trade.

The Board, in its capacity as representative of the Secretaries of War and Navy, has from time to time been assigned specific duties and functions by statute. Illustrative are the functions assigned to the Board under the Strategic and Critical Materials Stock Piling Act (Public Law 520—79th Congress).

(2) *Lend-Lease Liaison Office.* The Lend-Lease Liaison Office represents the Secretary of the Navy in negotiations between lend-lease representatives of foreign governments and lend-lease representatives of various bureaus and offices of the Navy Department. The activities of this Office are currently concerned chiefly with the settlement and closing out of lend-lease accounts and with the preparation of records.

(3) *Material Division.* The Chief of the Material Division is charged with the coordination, formulation of policy with respect to, and in certain cases the administration of all the material and procurement activities of the Naval Establishment, including contract termination and property redistribution and disposal, and the performance of such other duties as the Secretary of the Navy may direct. The orders of the Material Division are considered as emanating from the Secretary of the Navy and have full force and effect as such.

The Chief is assisted by the Vice Chief of the Material Division, and by the Deputy Chiefs for Procurement Policy, Production Policy, Field Operations and Material Control Policy, who head respectively the four main branches of the Material Division.

To perform the functions for which the Chief of the Division is responsible, the Material Division is organized and its functions distributed, as follows:

(i) *Procurement Policy Branch.* This Branch formulates and promulgates policies and general procedures governing the activities of the Naval Establishment with respect to: (*a*) the procurement of material and facilities, including the negotiation of contracts, (*b*) the allocation of responsibility for procurement of common items among the various bureaus, (*c*) performance and payment bonds and insurance, (*d*) contract terminations, and related matters of industrial readjustment. This Branch further reviews and evaluates compliance with such policies and procedures and issues such orders as may be required to assure compliance.

(ii) *Production Policy Branch.* This Branch formulates and promulgates policies and general procedures governing the activities of the Naval Establishment with respect to the production of material. This Branch also reviews and evaluates compliance with such policies and procedures and issues such orders as may be required to assure compliance.

(iii) *Field Operations Branch.* This Branch formulates and promulgates policies and general procedures governing the material inspection activities of the Navy. This Branch further reviews and evaluates compliance with such policies and procedures and issues such orders as may be required to assure compliance. This Branch also exercises direct control of Supervising Inspectors of Naval Material and Inspectors of Naval Material and coordinate the activities of the foregoing and Bureau of Aeronautics General Representatives, Representatives, and Resident Representatives; Naval Inspectors of Ordnance; Supervisors and Assistant Supervisors of Shipbuilding, Inspectors and Assistant Inspectors of Machinery; Officers in Charge of Construtions, Public Works and Public Utilities; and Marine Corps Inspectors. The foregoing Representatives, Inspectors and Supervisors are located in the field and at the plants of Navy contractors and constitute the Navy Department's immediate point of contact with such contractors and their vendors.

(iv) *Material Control Policy Branch.* (*a*) This Branch formulates and promulgates the policies and general procedures governing the activities of the Naval Establishment with respect to facilities, inventory control, and property redistribution and disposal. This Branch also reviews and evaluates compliance with such policies and procedures and issues such orders as may be required to assure compliance.

(*b*) The Navy Material Redistribution and Disposal Administration (NMR&DA) has been designated as the central agency within the Navy Department to carry out, under the supervision of the Material Division, those functions regarding the redistribution, disposal and custody of surplus property which are assigned to the Navy Department as an owning agency by the Surplus Property Act of 1944 (58 Stat. 765; 50 U. S. C. 1611) and regulations issued pursuant thereto. N M R & D A's primary responsibility includes clearance of war contractors' plants, including the disposition of scrap, salvage, waste material and small lots of contractor inventory and the declaration of usable surplus property to the appropriate disposal agency. The N M R & D A is located at the New York Naval Shipyard, Brooklyn 1, New York. To assist it in its functions, it has field representatives known as Material Redistribution and Disposal Offices (M. R. D. O. at the following locations:

Location and address

Atlanta 3, Ga., 619 Peachtree St. N. E.
Boston, Mass., Bldg. 21 U. S. Navy Drydock, South Boston, Mass.
Chicago 4, Ill., Rm. 1230, Board of Trade Bldg., 141 W. Jackson Blvd.
Detroit 26, Mich., Rm. 912, Book Bldg. 1249 Washington Blvd.
Houston 2, Tex., 10th Floor, M. & M. Bldg. No. 1 Main St. Viaduct.
Los Angeles 14, Calif., Rm. 707 Van Nuys Bldg., 210 W. 7th St.
Brooklyn 1, N. Y., New York Naval Shipyard.
Philadelphia 12, Pa., Bldg. No. 4, U. S. Naval Base.
San Francisco, Calif., 600 Bryant St.
Seattle 14, Wash., 526 Exchange Bldg.

The disposition of surplus property by the Navy as an owning agency is also participated in by other authorized selling activities of the Naval Establishment which are listed in § 27.5 (a) (7) below, dealing with the procedures for disposition of Navy Surplus Property.

The following two Boards, Navy Price Adjustment Board and Navy Department Board of Contract Appeals, are part of the Material Division for administrative purposes but exercise authority delegated to them by the Secretary of the Navy directly.

(v) *Navy Price Adjustment Board.* This Board renegotiates war contracts and subcontracts of contractors if and only when assigned to it by the War Contracts Price Adjustment Board under the Renegotiation Act (56 Stat. 245, 982; 58 Stat. 78; 50 U. S. C. 1191 et seq.). Organization functions and procedures of the Navy Price Adjustment Board are more fully described in the Renegotiation Regulations of the War Contracts Price Adjustment Board which have been published from time to time in the Federal Register (10 F. R. 963, 2026, 3236, 6107, 8661, 11515, 13640, 15037; 11 F. R. 3090, 4732, 8032). The Navy Board acts under authority which the War Contracts Price Adjustment Board has delegated to the Secretary of the Navy (10 F. R. 11515). The Secretary of the Navy has redelegated to the Chairman of the Navy Price Adjustment Board final authority with

respect to certain matters as set forth in the following directive:

22 AUGUST 1946.

From: The Secretary of the Navy.
To:
All Bureaus, Boards and Offices, Navy Department.
The Commandant, U. S. Marine Corps.
Subject:
Delegation of Authority to Chairman of Navy Price Adjustment Board.
References:
(a) Title XIII, Second War Powers Act, 1942 (Public Law 507, 77th Cong., approved March 27, 1942).
(b) Executive Order 9127, April 10, 1942. 3 CFR, Cum. Supp.
(c) Renegotiation Act of 1943. (Public No. 235, 78th Cong., enacted February 25, 1944).
(d) Delegation by the War Contracts Price Adjustment Board, August 10, 1945. Renegotiation Regulation 821.1. 10 F. R. 1515.
(e) Renegotiation Act of 1942 (Sixth Supplemental National Defense Appropriation Act, 1942, as amended).

(a) The Price Adjustment Board heretofore established in the Navy Department is reconstituted as hereinafter provided. The official title of such Board shall be "Navy Price Adjustment Board" and the same is hereinafter referred to in this directive as "the Board."

(b) The Board shall consist of a Chairman and such members as shall from time to time be appointed by the Secretary of the Navy. Each such appointment shall be made by instrument in writing and shall be accepted in writing by the appointee. Each such appointment shall be effective until revoked in writing by the Secretary of the Navy or until terminated by resignation in writing, delivered to the Secretary of the Navy, or as provided in subsection (c). The Chairman may from time to time designate in writing any member of the Board who shall, in the Chairman's absence, be Acting Chairman of the Board with all of the duties and authority of the Chairman, subject to such limitations as may be provided in such designation.

(c) The Board shall consist of a Washington Division and a New York Division, until the Chairman shall determine that the operations of such New York Division are no longer necessary, at which time he shall have authority to discontinue it by written notice to the Chairman of the Division. Members of the Board shall be assigned by the Secretary of the Navy to each such Division and one such member shall be designated in writing by the Secretary of the Navy to act as Chairman of the New York Division. The Chairman of the New York Division shall be generally responsible for the operations of his Division under the supervision of the Chairman of the Board. The Chairman of the New York Division may from time to time designate in writing any member of such division who shall, in the absence of such Chairman, be Acting Chairman of such Division with all of the duties and authority of the Chairman of such Division subject to such limitations as may be provided in such designation. Upon the discontinuance of the Division, the appointments of all Board Members assigned to the Division shall be deemed revoked.

(d) There is hereby delegated to the Chairman of the Board, subject to the provisions of reference (d):

(1) All of the powers, functions and duties conferred upon the War Contracts Price Adjustment Board by subsections (a) (4) (B); (a) (4) (C); (a) (4) (D); (a) (5) (B); (c) (1); (c) (2); (c) (3); (c) (4); (c) (5) (B); and (h) of reference (c).

(2) All of the powers, functions and duties conferred upon the War Contracts Price Adjustment Board to require the furnishing of information, records and data pursuant to the provisions of subsection (c) (5) (A) of reference (c), except the financial statement provided for in the first sentence of said subsection; and

(3) All of the powers, functions and duties conferred upon the War Contracts Price Adjustment Board to interpret and apply the exemptions provided for in subsections (i) (1) (A); (i) (1) (B); (i) (1) (C); (i) (1) (E); and (i) (1) (F), the definition contained in subsection (a) (7) and the provisions of subsection (i) (3) of reference (c) pursuant to such interpretations thereof and regulations relating thereto as may be prescribed by the War Contracts Price Adjustment Board from time to time.

The powers, functions, duties, authority and discretion hereby delegated to the Chairman of the Board may be delegated in whole or in part by him to the Board and to the respective divisions, members and staffs thereof; provided, however, that except as set forth in paragraph 2 hereof, the power and authority to make a determination, by order or agreement, of excessive profits of any contractor or subcontractor shall not be subject to such delegation. In executing the powers, functions, duties, authority and discretion so delegated, and in performing any other duties assigned by the Chairman of the Board, the Board and each division or member and the staff thereof, shall act under the supervision of the Chairman of the Board.

(e) The personnel, authority and functions of the Services and Sales Renegotiation Section, are hereby transferred to the Navy Price Adjustment Board, and the power to make a determination by order or agreement of excessive profits of any contractor or subcontractor heretofore delegated to the Chief of the Services and Sales Renegotiation Section, is hereby transferred to the Chairman of the Price Adjustment Board.

(f) The Chairman of the Board in connection with any investigation deemed necessary to permit him or the Board or any division thereof to carry out the duties delegated to him or it is hereby authorized to exercise the authority conferred upon the Secretary of the Navy by references (a) and (b) to inspect the plant and to examine the books and records of contractors and subcontractors, and he may administer oaths and affirmations and may require by subpoena or otherwise the attendance and testimony of witnesses and the production of any books or records or any other documentary or physical evidence which may be deemed relevant to such investigation; and he shall have the right to demand of any contractor or subcontractor who holds contracts or subcontracts with respect to which the provisions of reference (c) are applicable statements of actual costs of production and such other financial data at such dates and in such form and detail as he may require.

(g) The Board shall, for administrative purposes, be part of the Material Division, Office of the Assistant Secretary. The Chief of the Material Division shall assign or cause to be assigned such personnel and shall provide such facilities and materials as may be required by the Chairman of the Board in connection with the exercise of any of his powers, functions, duties, authority, or discretion.

(h) The General Counsel for the Department of the Navy shall appoint a member of his office to act as Counsel to the Chairman of the Board and shall also assign members of such office to act as assistant counsel and attorneys under the supervision and direction of such Counsel. Such Counsel, and under his supervision, such assistant counsel and attorneys, shall perform all legal services incident to the discharge by the Chairman of the Board, the Board and each division thereof of his or its respective duties and functions and shall prepare and issue such legal interpretations, as may be necessary or desirable, of the statutes, regulations and directives under which the Chairman of the Board, the Board and each division thereof act or which are pertinent to their operations, and of renegotiation agreements and orders. Counsel to the Chief of the Services and Sales Renegotiation Section and Assistant Counsel and attorneys under his direction shall also be attached to the office of Counsel to the Chairman of the Board. In the performance of the foregoing duties such Counsel shall be responsible to the General Counsel for the Department of the Navy.

(i) When a determination of excessive profits has been made by the Chairman of the Navy Price Adjustment Board, whether embodied in an order or an agreement, the Chief of the Bureau of Supplies and Accounts is hereby charged with the responsibility for the elimination of the excessive profits so determined (to the extent that the Secretary of the Navy is charged with the duty of eliminating such excessive profits). Without limiting the generality of the foregoing, the Chief of the Bureau of Supplies and Accounts is particularly authorized and directed:

(a) to receive and collect all payments, reports, financial data and other items, as provided in any such agreement or order, and to transmit all payments received by him to the Treasurer of the United States to be covered into the Treasury as miscellaneous receipts;

(b) when necessary in order to eliminate any such excessive profits (i) to effect the withholding from amounts otherwise due to a contractor or subcontractor of any amount of such excessive profits of such contractor or subcontractor; or (ii) to direct a contractor to withhold for the account of the United States, from amounts otherwise due to a subcontractor, any amount of such excessive profits of such subcontractor determined under the provisions of the Renegotiation Act of 1942; or (iii) to direct a contractor or subcontractor to withhold for the account of the United States, from amounts otherwise due to a subcontractor, any amount of such excessive profits of such subcontractor determined under the provisions of the Renegotiation Act of 1943.

(c) to keep appropriate records with respect to the performance of the terms and provisions of all renegotiation agreements and with respect to the discharge of liability of contractors and subcontractors under orders determining excessive profits made or entered pursuant hereto; and

(d) to advise the Secretary of the Navy as to any unremedied defaults under any such renegotiation agreements or orders and to recommend appropriate action with respect thereto.

In order that the Chief of the Bureau of Supplies and Accounts may expeditiously discharge such responsibility, the Chairman of the Board shall cause to be transmitted to the Chief of the Bureau of Supplies and Accounts a conformed copy of each renegotiation agreement and each order determining excessive profits made or entered pursuant hereto promptly after the same shall have become effective.

The powers, functions, duties, authority and discretion herein vested in the Chief of the Bureau of Supplies and Accounts may be delegated by him in whole or in part to such divisions and officers in the Bureau of Supplies and Accounts as he shall deem necessary or desirable.

(j) With respect to proceedings under the Renegotiation Act of 1942 (Ref. e), the Directive of the Secretary of the Navy dated 23 March 1944 (PM:370:FWRP:ap) (NPD 14201–14212) shall remain in effect until 11 September 1946, and shall thereafter be deemed revoked. As to proceedings under the Renegotiation Act of 1943, it is revoked immediately. All actions taken under and in accordance with its authority are hereby

ratified, approved, and confirmed. The Chairman shall have custody of the records of cases under the Renegotiation Act of 1942, and shall have authority with respect to such cases to take any action necessary in view of their having been disposed of by agreement or order, including, without limitation, the power to reopen such cases in the event of a showing of fraud or malfeasance or a willful misrepresentation of a material fact. The directives of the Acting Secretary of the Navy of February 8, 1945 (OGC/CMMcD:ms) (NPD 14241–14246) and of the Chairman of the Price Adjustment Board of February 8, 1945 (OGC/WLH:ss) (NPD 14251–14252) are hereby superseded and cancelled. All actions heretofore taken by the Price Adjustment Board of the Navy Department and any of its divisions and by the Services and Sales Renegotiation Section in accordance with previously applicable directives and delegations are hereby ratified, approved, and confirmed.

W. JOHN KENNY,
Acting Secretary of the Navy.

(vi) *Navy Department Board of Contract Appeals.* This Board, depending upon the applicable provisions of contracts or requirements of law, acts either collectively as a Board or through the Chairman individually as the agent and authorized representative for the Secretary to hear and determine appeals by Navy contractors from decisions by contracting officers on disputed questions and appeals by Navy contractors on decisions of contracting officers on termination claims pursuant to Section 13 of the Contract Settlement Act of 1944, (58 Stat. 649; 41 U. S. C. 101) or in an advisory capacity to make findings and recommendations to the Secretary of the Navy. The Board also, upon request of the contracting bureau, determines the fair value of facilities in those cases where the contract provides that such determinations shall be made either by the Compensation Board or by the Board of Contract Appeals, and prepares and submits to the Secretary findings and recommendations with respect to the fair value of facilities in those cases where the Secretary is required to determine such fair value.

(vii) *Navy Matériel Demobilization Board.* By directives dated January 19, 1946 and July 22, 1946, the Secretary created this special board to handle all matters pertaining to the demobilization of matériel in the Navy. The functions of the Board are: to expedite the release to the civilian economy of critical material; to establish policies for retention of reserve material by the Navy and declaration of the remainder as surplus: to expedite material demobilization in cooperation with material disposal agencies. In carrying out the foregoing functions the Board is authorized to act for both the Secretary of the Navy and the Chief of Naval Operations, to delegate such authority as moy be necessary to any agency in the Navy Department and to issue directives with respect to surplus material to any agency of the Navy Department.

(4) *Office of the General Counsel.* The Office of the General Counsel provides all legal services for the Navy Department in connection with procurement, contract termination, property disposition, renegotiation and related matters. The Office of the General Counsel has additional legal duties as assigned from time to time by the Secretary and his Civilian Executive Assistants. At the head of the Office of the General Counsel is the General Counsel for the Department of the Navy, under whom are two Assistant General Counsel. A branch office designated the Office of Counsel, exists in each of the contracting bureaus, the Office of Naval Research, the Navy Price Adjustment Board, the Material Division of the Office of the Assistant Secretary, and the Office of the Fiscal Director. At the head of each branch office is a Counsel who reports directly to the Chief of the bureau or the Director of the office concerned, and to the Assistant Secretary of the Navy through the General Counsel. In addition to the foregoing, branch offices have been established in the field at the following activities: Aviation Supply Office, Philadelphia; NMR&DA, New York; Navy Purchasing Office, New York; Army-Navy Medical Procurement Office, New York; and at Ships Store, New York. All such branch offices are available for consultation on the day-to-day legal problems and participate in the day-to-day activities of the bureaus and offices in which they are located, thereby providing direct, on-the-spot legal services and representation, subject to the general supervision and overall coordination of the General Counsel.

(5) *Office of the Judge Advocate General.* The Office of the Judge Advocate General is under the direct supervision of the Assistant Secretary of the Navy with respect to matters which relate to taxation, the settlement of claims, and legislation dealing with matters other than personnel.

(6) *Office of Naval Research.* (i) The Office of Naval Research was created by the Act of Congress of August 1, 1946, (Public Law No. 588, 79th Congress). Its duties are performed under the authority of the Secretary and its orders are considered as emanating from him and have full force and effect as such. The Office of Naval Research is directed by the Chief of Naval Research, appointed by the President, by and with the advice and consent of the Senate, for a term of not to exceed three years. The Assistant Chief of Naval Research performs the duties of the Chief in the event of the latter's absence. The Office of Naval Research performs the following functions: (*a*) the encouragement, promotion, planning, initiation, and coordination of naval research; (*b*) the conduct of naval research in augmentation of and in conjunction with the research and development conducted by the respective bureaus and other agencies and offices of the Navy Department; and (*c*) the supervision, administration, and control of activities within or on behalf of the Navy Department relating to patents, inventions, trade-marks, copyrights, royalty payments, and matters connected therewith; all as prescribed by the Secretary in a directive dated August 21, 1946.

(ii) To perform the functions for which the Chief of the Office of Naval Research is responsible, the Office of Naval Research is organized as follows:

The Chief of Naval Research.
The Assistant Chief of Naval Research.
Administrative and Staff Sections, including:
- Matériel Branch (Contracts),
- General Patent Counsel and sections dealing with scientific personnel, publications and inventions.

The Operating Divisions, each under the supervision of a Director, as follows:
- Planning Division
- Naval Research Laboratory (Washington, D. C.)
- Special Devices Division (Sands Point, Port Washington, L. I., N. Y.)
- Patents Division
- Underwater Sound Reference Laboratory

(iii) For information concerning the location and activities of branch offices maintained by the Office of Naval Research, inquiry should be addressed to The Office of Naval Research, Navy Department, Washington 25, D. C.

(7) *Requirements Review Board.* The Requirements Review Board is responsible for assuring that balance is maintained within and between Navy matériel and personnel procurement programs and for keeping procurement levels consistent with actual needs. The Requirements Review Committee assists the Requirement Review Board in the discharge of its responsibilities by keeping the major matériel and personnel procurement programs of the Navy under constant review. In performing this function, the Committee gives consideration to the conformity of these programs to strategic requirements, to rates of use and attrition and to inventory levels.

(8) *Coal Mines Administration.* Executive Order No. 9728 dated May 21, 1946 authorized the Secretary of the Interior to take possession of and to operate certain coal mines (11 FR 5461). The Secretary of the Interior requested Admiral Ben Moreell, C. E. C., U. S. N., to serve as Deputy Coal Mines Administrator in the operation and administration of the bituminous coal mines. The Secretary of the Navy by letter dated May 22, 1946 assigned Admiral Ben Moreell on temporary duty as such Deputy Coal Mines Administrator and authorized him in the performance of his duties to utilize to the extent necessary or appropriate naval officers, enlisted or civilian personnel. The description of the organization, functions and procedures of such Administration will be found in the material relating to the Department of the Interior.

(9) *Navy Department Specifications Board.* This Board is charged with the responsibility of fostering standardization and the establishment of uniform specifications for material common to two or more bureaus of the Navy Department.

(10) *Army-Navy Joint Specifications Board.* (Navy Participation) This Board, established under and directly responsible to the Army and Navy Munitions Board, is charged with the responsibility of fostering standardization and the establishment of uniform specifications for material common to the two services.

(11) *Joint Research and Development Board.* (Navy Participation) This Board is charged with responsibility for coordinating the conduct of research and development activities by the War and Navy Departments.

(e) *Boards, Offices, and Committees under the Direct Supervision of the Assistant Secretary of the Navy for Air*—(1) *Aeronautical Board.* (Navy Participation) The Aeronautical Board, reorganized pursuant to General Order No. 224, dated October 26, 1945, is charged with investigation, study and report upon all questions affecting jointly the development of aviation of the Army and of the Navy referred to it by the Secretary of War, the Secretary of the Navy, The Commanding General, Army Air Forces, the Deputy Chief of Naval Operations (Air), or the Chief of the Bureau of Aeronautics, and on its own initiative when in its judgment necessary. The Board is further charged with recommending whatever action it considers essential to establish sufficiency and efficiency of cooperation and coordination of effort between the Army and Navy as to aviation.

(2) *Air Coordinating Committee.* (Navy Participation) This Committee, established by action of the heads of the Departments concerned on April 19, 1945, includes representatives of the State, War, Navy, Commerce and Post Office Departments and the Civil Aeronautics Board. The Bureau of the Budget has a non-voting representative on this committee. Its purpose is to enable and foster consulation and coordinated action by the departments and agencies of the Federal Government charged with responsibilities in the aviation field. Its functions are to examine international and domestic aviation problems and developments affecting more than one department or agency, to coordinate activities of the interested departments or agencies and to recommend integrated policies and action.

(3) *Board of Decorations and Medals.* The Board of Decorations and Medals, organized by precept dated December 17, 1942, makes recommendations to the Secretary of the Navy on the award of honors of all types within the naval services; on the legislation, executive orders, and general orders pertaining to decorations, awards, and campaign medals; and on retirement benefits to personnel with previous commendations. The design of medals and the definition of policies come within the Board's purview. This Board should be distinguished from the Board to Review Recommendations for Awards of Decorations and Medals, established by precept dated December 18, 1945.

(4) *Board of Medical Examiners.* The Board of Medical Examiners, organized pursuant to law (14 Stat. 344; 34 U. S. C. 271), conducts the physical examinations of officers of the line and staff corps, U. S. Navy, Naval Reserve, Marine Corps, and Marine Corps Reserve, to determine their physical qualifications for promotion, appointment or advancement.

(5) *Board of Review, Discharges and Dismissals.* The Navy Department Board of Review, Discharges and Dismissals, was established by precept dated July 22, 1944, pursuant to Section 301 of the Servicemen's Readjustment Act of 1944, approved June 22, 1944 (58 Stat. 286; as amended 50 U. S. C. 693), for the purpose of reviewing discharges and dismissals (except discharges and dismissals imposed as a result of sentences of general courts martial) of former personnel of the Navy and the Marine Corps to determine whether such discharges and dismissals were in conformity with reasonable standards of naval law and discipline, and where appropriate, to make recommendations to the Secretary of the Navy for modification.

(6) *Joint Army and Navy Committee on Welfare and Recreation.* (Navy Participation) The Joint Army and Navy Committee on Welfare and Recreation, organized January 27, 1944, is responsible for the coordination of policies and programs for the welfare, education, and recreation of service personnel. In carrying out this responsibility the Committee works in close association with the Federal Security Agency, the American Red Cross, the United Service Organizations, and other governmental and private agencies concerned with programs of this character.

(7) *Naval Examining Board (Line).* The Naval Examining Board (Line), organized pursuant to the Act of April 21, 1864, as amended (30 Stat. 1005; 34 U. S. C. 274), conducts the professional examinations of line officers, including warrant and chief warrant officers of the U. S. Navy, for promotion; and for appointment, transfer, and promotion of the U. S. Naval Reserve; competitive examinations of warrant and chief warrant officers for appointment to commissioned ranks of ensign, lieutenant (junior grade), and lieutenant of the Regular Navy; competitive examinations of enlisted personnel for appointment to warrant ranks of the Regular Navy; and examinations of records of chief warrant officers, Regular Navy and Naval Reserve for Certificates of Creditability of Record.

(8) *Naval Examining Board (Medical).* The Naval Examining Board (Medical), organized pursuant to the Act of April 21, 1864, as amended (34 U. S. C. 271, et seq.), conducts the professional examinations of Medical Corps officers of the U. S. Navy and Naval Reserve for promotion to the grades of commander and captain, Medical Corps. The examinations of officers for promotion to the grade of rear admiral, Medical Corps, are customarily conducted by a special examining board composed of officers of the grade of rear admiral of which the President of this Board is a member.

(9) *Naval Examining Board (Supply Corps).* The Naval Examining Board (Supply Corps), organized pursuant to the Act of April 21, 1864, as amended (34 U. S. C. 271, et seq.), conducts examinations of candidates for original appointment to the Supply Corps of the U. S. Navy and the U. S. Naval Reserve, and for appointment as acting pay clerk and pay clerk, U. S. Navy.

(10) *Naval Retiring Board.* The Naval Retiring Board, organized pursuant to the Act of August 3, 1861, as amended (34 U. S. C. 381, et seq.), conducts the examinations of such officers of the line and staff corps of the U. S. Navy, Naval Reserve, Marine Corps, and Marine Corps Reserve as may be ordered to appear before it, or whose case may be referred to it by the Secretary of the Navy, to determine their physical fitness to perform all of the duties appropriate to their respective ranks or grades (commonly referred to as examinations for physical incapacity retirements).

(11) *Naval Retiring Review Board.* The Naval Retiring Review Board, organized September 6, 1944, pursuant to section 302 (a) of the Servicemen's Readjustment Act of 1944 (58 Stat. 287; 38 U. S. C. 693), was established for the purpose of reviewing and reporting on the findings and decision of any naval retiring board by reason of which any naval officer is retired or released to inactive service without pay. The Board's authority extends only to those individuals who request review within time limits specified in the Act.

(12) *Navy Medical Survey Review Board.* The Navy Medical Survey Review Board was established on February 4, 1946, by the Secretary of the Navy in compliance with section 302 (a) of the Servicemen's Readjustment Act of 1944, as amended by Section 4 of Public Law 268, 79th Congress. The Board reviews and reports upon the findings and recommendations of any Board of Medical Survey by reason of which any person who, while serving as an officer of the Navy or Marine Corps, or of the reserve components thereof, has been or may be retired or released from active service without pay. By the provisions of 58 Stat. 287; 38 U. S. C. 693i, as amended, the Board's authority is extended only to those individuals who request review within the limit prescribed in that Act.

An applicant should address his request for review of his case before this Board to the Chief of Naval Personnel or Commandant of the Marine Corps, as appropriate.

(13) *Office of Industrial Relations.* The Office of Industrial Relations, organized January 5, 1944, is responsible for the development of the Navy's personnel program for civilian employees and for advising and assisting bureaus, offices, and shore establishments in the application of the program. It is concerned with all matters relating to the employment, assignment, transfer, promotion, separation, efficiency rating, and training of civilian employees, as well as those relating to wage administration, classification, employee relations, safety engineering and allowances of personnel for civilian billets. It is responsible for coordinating the Department's overall personnel program so that uniform standards are maintained throughout. Procedures under which this Office operates and compilation of the laws and policies governing its actions are contained in the Navy Civilian Personnel Instructions.

(14) *Office of the Judge Advocate General.* The Office of the Judge Advocate General is under the direct supervision of the Assistant Secretary for Air except (i) as to matters which relate to taxation, the settlement of claims, and legislation dealing with matters other than personnel with respect to which

such Office is under the direct supervision of the Assistant Secretary and (ii) as to review of records of naval courts with respect to which such Office is under the direct supervision of the Under Secretary. The organization and functions of this Office are described in § 26.13.

(15) *Office of Naval Petroleum and Oil Shale Reserves.* The Office of Naval Petroleum Reserves was established in 1927 as a part of the Secretary's Office. A directive dated June 6, 1944, which redefined the duties and functions of this Office, established the Office of the Director of Naval Petroleum and Oil Shale Reserves to take custody and charge on behalf of the Secretary of the reserves created by law; to formulate plans and programs for the exploration, prospecting, protection, conservation, development, use, and operation of such reserves, and for the production of oil therefrom, and to make recommendations to the Secretary with respect thereto; to execute such plans and programs as are duly approved; and to consult with the bureaus and other offices of the Navy Department and other Government departments and agencies to the extent necessary for the administration and control of such reserves, and for obtaining production therefrom.

Jurisdiction over and administration of the naval petroleum and naval oil shale reserves is vested in the Secretary of the Navy by the Acts of Congress approved June 4, 1920 (41 Stat. 813), June 30, 1938 (52 Stat. 1252), and June 17, 1944 (58 Stat. 280), all as set forth in 34 U. S. C. 524.

(16) *Naval Clemency and Prison Inspection Board.* The Naval Clemency and Prison Inspection Board, convened by precept of the Acting Secretary of the Navy, of August 27, 1943, considers applications of naval prisoners for clemency and for restoration to duty. The Board makes recommendations to the Secretary of the Navy on such applications and on matters relating to the treatment of naval prisoners and to naval discipline. Members of the Board make frequent inspections of naval prisons, detention barracks, and brigs, and recommendations upon the organization and conduct of such activities are submitted.

§ 26.5 *The Bureaus.* (a) The bureau scheme of functional organization in the Navy Department can be considered as dating from an 1842 Act of Congress (5 Stat. 579; SUSC 429) establishing the Bureau of Provisions and Clothing, the Bureau of Yards and Docks, the Bureau of Construction, Equipment and Repair, the Bureau of Ordnance and Hydrography, and the Bureau of Medicine and Surgery. Subsequent Acts of Congress have consolidated, abolished, created, renamed and redefined the functions of the Bureaus. The present Bureaus are as set forth in 5 U. S. C. 429, which reads as follows:

> Except as otherwise provided in this chapter, the business of the Department of the Navy shall be distributed in such manner as the Secretary of the Navy shall judge to be expedient and proper among the following bureaus:
>
> First. A Bureau of Yards and Docks.
> Second. A Bureau of Naval Personnel.
> Third. A Bureau of Ordnance.
> Fourth. A Bureau of Supplies and Accounts.
> Fifth. A Bureau of Medicine and Surgery.
> Sixth. A Bureau of Aeronautics.
> Seventh. A Bureau of Ships.

(b) Collectively, the Chiefs of the Bureaus, together with the Judge Advocate General, the Commandant of the Marine Corps, and the Commandant of the Coast Guard (when assigned to the Navy) constitute the Secretary's *Naval Technical Assistants* whose functions are described in § 26.3(d).

(c) The organization and functions of the Bureaus of the Navy Department, the Marine Corps, and the Office of the Judge Advocate General are described in detail in succeeding paragraphs.

§ 26.6 *Bureau of Aeronautics.* (a) The duties of the Bureau of Aeronautics are performed under the authority of the Secretary of the Navy, and its orders are considered as emanating from him, and have full force and effect as such (5 Stat. 580; 5 U. S. C. 430). The Bureau is directed by the Chief of the Bureau of Aeronautics who is appointed by the President by and with the advice and consent of the Senate for a term of four years (12 Stat. 510; 5 U. S. C. 432). The Deputy and Assistant Chief performs the duties of the Chief in the latter's absence (42 Stat. 140; 5 U. S. C. 452).

(b) The Bureau performs the following functions:

(1) The Bureau of Aeronautics is charged with such matters pertaining to naval aeronautics as have been prescribed by the Secretary of the Navy.

(2) To facilitate the formulation of operating plans the Bureau of Aeronautics makes recommendations to the Chief of Naval Operations as to the technical characteristics and limitations, and the available manufacturing sources, of naval aircraft and naval aviation equipment.

(3) It conducts research, makes tests, and participates with other Government agencies and with industry in the design, development, and improvement of naval aircraft and aviation equipment.

(4) It contracts for naval aircraft and aviation equipment of a technical specialized nature.

(5) It provides for plant facilities as necessary to meet production programs.

(6) It schedules, in accordance with requirements, the production of naval aircraft and naval aviation equipment and assists manufacturers in the production thereof, to the end that the various items may be delivered in the quantities, of the qualities, and at the times required.

(7) It collaborates with the Bureau of Yards and Docks in the design, construction, and alteration of all aeronautic shore establishments.

(8) It initially outfits and thereafter replenishes with aeronautical equipment and material all bases afloat and ashore from which naval aircraft operate.

(9) It supervises the service, repair, overhaul and salvage of naval aircraft and aviation equipment.

(10) It redistributes Government-owned material and settles termination claims under its cognizance.

(c) To perform the functions for which the Chief of the Bureau is responsible, the Bureau is organized as follows:

Chief of the Bureau.
  Deputy and Assistant Chief of the Bureau of Aeronautics.
    Executive Office.
    Military Requirements Division.
    Plans Coordination Division.
    Fiscal Division.
    Personnel Division.
    Administrative Services Division.
  Assistant Chief for Research, Development and Engineering.
    Design Elements Division.
    Piloted Aircraft Division.
    Pilotless Aircraft Division.
    Power Plants Division.
    Armament Division.
    Electronics Division.
    Airborne Equipment Division.
    Ships Installations Division.
    Technical Data Division.
  Assistant Chief for Material and Services.
    Procurement Division.
    Shore Establishments Division.
    Maintenance Division.
    Inspection Division.
    Supply Division.
    Publications Division.

Each Division in the Bureau is headed by a director and is generally subdivided into Branches and Sections.

(d) In the field, the Bureau of Aeronautics has decentralized its functions by establishing three district field offices and representatives: the Bureau of Aeronautics General Representatives (BAGR's) for Eastern District, Central District, and Western District. These regional representatives have general cognizance in their respective districts of all matters pertaining to the production of aircraft (both heavier and lighter-than-air) and aircraft accessories, equipment, devices, material and all related operational equipment and other projects forming a part of the over-all Bureau of Aeronautics program.

In performing the Bureau's functions in the field the three General Representatives work through and supervise the activities of numerous local representatives, frequently located at the plants of major aviation contractors. These local representatives, called Bureau of Aeronautics Representatives (BAR's) and Bureau of Aeronautics Resident Representatives (BARR's), assist contractors under their jurisdiction for the purpose of expediting the various Bureau production programs and provide on-the-spot Bureau contacts to coordinate all contacts (correspondence, visits to contractors' plants, and other representations) required by the various Bureau divisions.

In addition to the Representative mentioned above, the Bureau has various technical field activities for conducting research, development and engineering programs (including modification and testing work) for administering the aeronautical supply program, and for the maintenance and servicing of aircraft.

§ 26.7 *Bureau of Medicine and Surgery.* (a) The duties of the Bureau of Medicine and Surgery are performed under the authority of the Secretary of the Navy and its orders are considered as emanating from him and have full force and effect as such; (5 Stat. 580;

5 U. S. C. 430). The Bureau is directed by the Surgeon General (Chief of the Bureau) who is appointed by the President by and with the advice and consent of the Senate for a term of four years (12 Stat. 510; 5 U. S. C. 432). The Deputy and Assistant Chief performs the duties of the Chief in the latter's absence (12 Stat. 587; 5 U. S. C. 451).

(b) The Bureau performs the following functions:

(1) It is charged with and responsible for the maintenance of the health of naval personnel, for the care of the sick and injured, for the custody and preservation of the records, accounts, and properties under its cognizance and pertaining to its duties and for the professional and educational training of officers, nurses and enlisted personnel of the Medical Department.

(2) It is charged with the management and control of all Naval hospitals, medical supply depots, medical laboratories, the National Naval Medical Center, and of all technical schools established for the education or training of members of the Medical and Dental Corps, Nurse Corps and Hospital Corps and with their upkeep and operation.

(3) It provides for the inspection of the sanitary condition of the naval service and recommends with respect to all questions connected with hygiene and sanitation affecting the service; it advises with the other Bureaus regarding the sanitary features of ships under construction and in commission, regarding berthing, ventilation, and location of quarters for the care and treatment of the sick and injured; as to provisions for the care of wounded in battle; and in the case of shore stations with regard to health conditions depending on location, the hygienic construction and care of public buildings, especially of barracks and other habitations such as camps. It also advises concerning clothing and food, water supplies used for drinking, cooking and bathing purposes, and drainage and disposal of wastes so far as these affect the health of the naval personnel. It safeguards personnel by the employment of the best methods of hygiene and sanitation, both afloat and ashore with a view to maintaining the highest possible percentage of the personnel ready for service at all times, and adopts for use such devices or procedures developed in the sciences of medicine and surgery as will in any way increase military efficiency.

(4) It provides for the physical examination of officers, nurses and enlisted personnel with a view to the selection or retention of only those whose physical condition is such as to maintain or improve the military efficiency of the service if admitted or retained therein; it passes upon the competence as from a professional standpoint of all the personnel of the Hospital Corps and their enlistment, enrollment and promotion by means of examinations conducted under its supervision or by such forms as it may prescribe.

(5) It recommends to the Bureau of Naval Personnel the complement of Medical Department personnel for hospitals and hospital ships and also recommends and has information as to the assignment and duties of the personnel of the Medical and Dental Hospital Corps. It is charged with the administration of the Nurse Corps and has power to appoint and remove all nurses subject to the approval of the Secretary of the Navy.

(6) It has control of the preparation, reception, storage, care, custody, transfer and issue of all supplies of every kind used in the Medical Department for its own purposes; and has charge of the civilian force employed at Naval hospitals, medical supply depots, medical laboratories, the National Naval Medical Center, and at all technical schools for the education and training of medical department personnel.

(7) It approves the design of hospitals and other shore establishments and of hospital ships in relation to their efficiency for the care of the sick and wounded and provides for the organization and administration of the Medical Department of shore establishments and vessels.

(8) It arranges for care, transportation and burial of the dead.

(c) To perform the functions for which the Chief of the Bureau is responsible, the Bureau is organized as follows:

Chief of the Bureau of Medicine and Surgery (the Surgeon General).
- General Inspector of the Medical Department.
- Research Division.
- Deputy and Assistant Chief of the Bureau:
  - Administration Division.
  - Amphibious and Marine Field Medical Division.
  - Finance Division.
  - Medical Statistics Division.
  - Office of Information.
  - Submarine Medical Division.
- Assistant Chief for Aviation Medicine and Medical Military Specialties.
  - Aviation Medicine Division.
  - Naval Medical Material Board.
  - Army-Navy Medical Procurement Agency.
- Assistant Chief for Dentistry.
  - Dentistry Division.
- Assistant Chief for Planning and Logistics.
  - Planning Division.
  - Matériel Division.
- Assistant Chief for Professional and Personnel Operations.
  - Professional Division.
  - Physical Qualifications and Medical Records Division.
  - Personnel Division.
  - Preventive Medicine Division.
  - Publications Division.

§ 26.8 *Bureau of Ordnance.* (a) The duties of the Bureau of Ordnance are performed under the authority of the Secretary of the Navy, and its orders are considered as emanating from him, and have full force and effect as such (5 Stat. 580; 5 U. S. C. 430). The Bureau is directed by the Chief of the Bureau of Ordnance who is appointed by the President by and with the advice and consent of the Senate for a term of four years. The Deputy and Assistant Chief performs the duties of the Chief in the latter's absence (30 Stat. 373; 5 U. S. C. 447).

(b) The Bureau performs the following functions:

(1) The Bureau of Ordnance is charged with and responsible with respect to vessels and aircraft for the design, manufacture, procurement, maintenance, issue, and efficiency of all offensive and defensive arms and armament (including armor, torpedoes, mines, depth charges, pyrotechnics, bombs, ammunition, war explosives, war chemicals, defensive nets, booms and buoys, plus anchors, moorings, and appliances therefor except fixtures on shore used to secure the ends of nets and booms) and, except as specifically assigned to other cognizance, optical and other devices and material for the control of guns, torpedoes, and bombs.

(2) It is charged with the upkeep and operation of the following naval ordnance establishments and with their repairs within the capacity of the force employed:

Naval Gun Factories, Naval Ordnance Plants, Naval.
Torpedo Stations, Naval Proving Grounds, Naval.
Powder Factories, Naval Ammunition Depots, Naval.
Magazine On Shore, Naval Mine Depots, Naval Net.
Depots, Naval Ordnance Test Stations, Naval Mine.
Warfare Test Stations, Naval Ordnance Laboratories.

(c) To perform the functions for which the Chief of the Bureau is responsible, the Bureau is organized as follows:

Chief of the Bureau of Ordnance.
- Deputy Assistant Chief of the Bureau of Ordnance.
- Assistant Chief for Naval Ordnance Establishments.
  - Naval Ordnance Establishment Division.
- Assistant Chief for Planning and Progress.
  - Planning and Progress Division.
- Assistant Chief for Research.
  - Research and Development Division.
  - Administrative Division.
  - Financial Division.
  - Fleet Maintenance Division.
  - Production Division.
  - Quality Control Division.
  - Inspector of Explosive Activities and General Inspector.
  - Special Board of Naval Ordnance.

(d) The Bureau of Ordnance maintains in the field Naval Inspectors of Ordnance who are administratively responsible to the Field Operation Branch, Material Division, Office of the Assistant Secretary, and are also responsible to the Chief of the Bureau of Ordnance with respect to technical matters under his cognizance. This force is maintained for the inspection of arms and armament and of the materials entering into and the methods and procedures employed in their manufacture. It interprets and enforces strict compliance with the specifications and other contractual obligations for the manufacture, production, assembly and testing of ordnance and ordnance equipment.

§ 26.9 *Bureau of Naval Personnel.* (a) The duties of the Bureau of Naval Per-

sonnel are performed under the authority of the Secretary of the Navy, and its orders are considered as emanating from him, and have full force and effect as such (5 Stat. 580; 5 U. S. C. 430).

The Bureau is directed by the Chief of Naval Personnel who is appointed by the President by and with the advice and consent of the Senate for a term of four years (12 Stat. 510; 5 U. S. C. 432). The Deputy and Assistant Chief performs the duties of the Chief in the latter's absence (56 Stat. 276; 5 U. S. C. 446).

(b) The Bureau performs the following functions:

(1) The Bureau of Naval Personnel is charged with, and responsible for, the procurement, education, training, discipline, promotion, welfare and morale, and distribution of officers and enlisted personnel of the Navy, including the Naval Reserve and the Reserve Officers' Training Corps, except the professional education of officers, nurses, and enlisted men of the Medical Department.

(2) It is responsible for libraries on ships and in shore stations throughout the Naval Establishment.

(3) It is charged with the upkeep and operation of the following, and with their repair:

Naval Academy.
Postgraduate School.
Naval War College.
Schools for the training of naval personnel.
Training stations.
Naval Home.
Naval Reserve Shore Activities

and with the direction of receiving ships and stations.

(4) It issues, records, and enforces the orders of the Secretary of the Navy to the individual officers of the Navy and of the Naval Reserve.

(5) It has under its direction recruiting stations, and supervises the enlistment and discharge of all enlisted persons.

(6) It is charged with the operation of the Navy Demobilization Program.

(7) It has under its direction the responsibility for the development and coordination of the plans for the naval reserve programs and for the coordination of the implementation and operation thereof, embracing the organized reserve and volunteer reserve (except training of aviation component) and the Merchant Marine Reserve.

(8) It has cognizance of transportation for all naval personnel except the Marine Corps.

(9) It establishes the complements and allowances of ships and shore activities.

(10) It keeps the records of service of all officers and enlisted personnel, prepares an annual Navy Register and a Naval Reserve Register at intervals as directed by the Chief of Naval Personnel.

(11) It is charged with all matters pertaining to application for appointments and promotions in the Navy and with the preparation of such appointments and promotions for signature.

(12) It is charged with the preparation, revision, and enforcement of all regulations governing uniforms, and with the distribution of general orders and regulations.

(13) Questions of naval discipline, rewards, and punishments are submitted by this Bureau for action of the Secretary of the Navy. The records of all general courts martial and courts of inquiry involving the personnel of the Navy are, before final action, referred to this Bureau for comment and recommendation as to disciplinary features.

(14) It receives all reports of services performed by individual officers or enlisted personnel.

(15) It is charged with the enforcement of regulations and instructions regarding naval ceremonies and naval etiquette.

(16) It is charged with the supervision of the welfare and recreational activities of the Navy.

(17) It is charged with the administration of the Servicemen's Dependents Allowance Act of 1942 (56 Stat. 381, as amended by 57 Stat. 577; 37 U. S. C. 201), the Missing Persons Act (56 Stat. 145; 50 U. S. C. 100), the Mustering Out Payment Act of 1944 (58 Stat. 8; 38 U. S. C. 691–691g) and makes certain determinations under the Pay Readjustment Act of 1942, (56 Stat. 359, 1037; 57 Stat. 13, 219, 571; 58 Stat. 682; 37 U. S. C. 101–120), and the Act of June 4, 1920, as amended (41 Stat. 812, 824; 34 U. S. C. 943), providing for payment of the Six Months' Death Gratuity.

(18) It is charged with the responsibility for the maintenance of all records concerning medals and awards; also the transmission of all decorations, citations, and commendatory letters issued by the Secretary of the Navy or delegated authority; the procurement of medals and appurtenances thereto; the preparation and promulgation of all data relative to eligibility of personnel for campaign and service medals and engagement stars.

(19) It is charged with the supervision and control of naval prisons and prisoners, including prisoners of war, and with the cognizance and responsibility for the preparation of the estimates, the justifications, and the administration of that part of the appropriation "Miscellaneous Expenses, Subhead", relating thereto.

(20) It is charged with the administration of the Navy's Government Insurance program, and liaison with the Red Cross and civilian welfare agencies.

(21) It is charged with the cognizance and the responsibility for the preparation of the estimates, justification, and the administration of that part of the appropriation "Pay, Subsistence and Transportation of Naval Personnel" relating to pay and transportation of naval personnel.

(22) It shall be charged with the regulation of officers' messes, aviation cadet messes, chief petty officers' messes, and officers' and enlisted men's clubs, on shore, except those under the cognizance of the Marine Corps.

(23) It shall be charged with the supervision of the welfare and recreational activities of the naval service except those under the cognizance of the Marine Corps, and with the supervision of libraries for the naval service and Marine Corps.

(c) To perform the functions for which the Chief of the Bureau is responsible, the Bureau is organized as follows:

Chief of Naval Personnel.
- Deputy and Assistant Chief of Naval Personnel.
  - Management Adviser.
  - General Inspector.
  - Director of Research.
  - Director of Women's Reserve.
  - Director of Public Information.
  - Director of Congressional Liaison.
  - Chief of Chaplains and Director of Chaplain Activities.
- Assistant Chief of Naval Personnel (Plans).
  - Planning and Control Activity.
    - Finance and Material Division.
    - Plans and Operations Division.
  - Records Activity.
    - Tabulated Records Division.
    - Officer Records Division.
    - Enlisted Records Division.
    - Miscellaneous Records Division.
- Assistant Chief of Naval Personnel (Operations).
  - Demobilization Activity.
    - Central Control Division.
    - Civil Readjustment Division.
    - Field Service Division.
    - Information Division.
    - Planning Division.
  - Office Personnel Activity.
    - Officer Distribution Division.
    - Officer Performance Division.
    - Officer Procurement Division.
  - Enlisted Personnel Activity.
    - Recruiting and Induction Division.
    - Enlisted Distribution Division.
    - Enlisted Performance Division.
  - Medals and Award Activities.
    - Officers Processing and Transmittal Division.
    - Enlisted Processing and Transmittal Division.
  - Transportation Activity.
    - Services Division.
    - Claims Division.
- Assistant Chief of Naval Personnel (Training and Welfare).
  - Training Activity.
    - Field Administration Division.
    - Standards and Curriculum Division.
    - Training Aids Division.
  - Welfare Activity.
    - Corrective Services Division.
    - Special Services Division.
    - Informational Services Division.
    - Dependents Welfare Division.
- Assistant Chief of Naval Personnel (Reserves).

Each activity and each division in the Bureau is headed by a director and each division is further subdivided into sections and units of the sections. In addition to the foregoing, the Bureau of Naval Personnel is represented in the field by certain individuals and activities generally constituting a part of the Shore Establishment. (See § 26.15.)

(d) In each of the Naval Districts, on the staff of the Commandant is an As-

sistant Chief of Staff (Personnel) who represents the Chief of the Bureau in the field and advises the Commandant on matters pertaining to functions within the cognizance of the Bureau. The Assistant Chief of Staff (Personnel) is in turn assisted by the following officers: (1) Director of Distribution, (2) Director of Training, (3) Director of Naval Reserve, (4) Director of Welfare, and (5) Director of Chaplains, who act as liaison officers between the Bureau in Washington and the activities in the Naval Districts.

(e) Offices of the Naval Officer Procurement, located throughout the country receive and process applications for enrollment from civil life of candidates for the Naval Aviation College Program, and Naval Reserve Officers Training Corps and for enlistment and appointment in the Waves and do the preliminary processing of applications for commissions in the Naval Service. These offices also receive applications for enrollment as midshipmen of the Naval Reserve of enrollees and accepted candidates in Maritime training schools.

(f) Recruiting and Receiving Stations, located throughout the country, are also under the management and technical control of the Chief of Naval Personnel and constitute a part of the field organization of the Bureau. In addition the Bureau operates and maintains, in various centers in the United States, Navy and Fleet motion picture exchanges. The Bureau also has management and technical control of two disciplinary barracks and two retraining commands.

§ 26.10 *Bureau of Ships.* (a) The duties of the Bureau of Ships are performed under the authority of the Secretary of the Navy, and its orders are considered as emanating from him, and have full force and effect as such (5 Stat. 580; 5 U. S. C. 430). The Bureau is directed by the Chief of the Bureau of Ships who is appointed by the President by and with the advice and consent of the Senate for a term of four years (12 Stat. 510; 5 U. S. C. 432). The Deputy and Assistant Chief performs the duties of the Chief in the latter's absence (54 Stat. 493; 5 U. S. C. 448).

(b) The Bureau performs the following functions:

(1) The Bureau of Ships is charged with and responsible for the general design, structural strength, stability, and seaworthiness of all ships and floating craft of the Navy, except those assigned to Bureau of Yards and Docks and aircraft.

(2) It is responsible for the preparation of preliminary plans, approximate data, or both, showing the designs of new ships in accordance with the military characteristics recommended by the General Board and approved by the Secretary of the Navy, and for the preparation of final designs of new vessels in consultation with other bureaus.

(3) It is charged with and responsible for all that relates to details of designing, building, fitting-out, repairing, and altering of hulls, permanent fittings, and main machinery, including its related equipment used for propulsion of naval vessels, district craft (except those of the Bureau of Yards and Docks), and small boats.

(4) It has similar responsibility in connection with auxiliary machinery not associated with propulsion equipment, including all pumps, distilling apparatus, refrigerating apparatus, air-conditioning apparatus, steering gear, anchor windlass, deck machinery, air compressors, heating systems, and piping systems.

(5) It has cognizance of all that relates to electric generating sets and storage batteries; the generation and distribution of electric power on board ships for all purposes; all means of interior communication; all electrical methods of signaling, internal and external; all other electrical apparatus on board ship, except fire-control instruments and motors and control appliances used to operate machinery under the specific cognizance of other bureaus; and all appliances and articles of equipage and supplies on its approved allowance list.

(6) It is charged with the design of all radio, radar, and sonar equipage, including ordnance and air-borne applications, and special devices used by the naval communications service together with research and development thereof, except that fire control radar is a matter of joint responsibility with the Bureau of Ordnance. It is responsible for installation and maintenance of radio, radar, and sonar apparatus ashore and afloat, except the installation of such equipment in aircraft which is under the cognizance of the Bureau of Aeronautics.

(7) The Bureau is responsible for the provision of facilities and arrangements for salvaging vessels.

(8) It has administrative supervision of the dry-docking of all vessels and district craft and of the operating and cleaning of drydocks and marine railways.

(9) It is charged with the design, development, and procurement planning for materials and appliances for defense against gas attacks, except as specifically assigned to other cognizance; for diving gear and experimental diving units, respiratory protective devices, paravanes and mine-sweeping gear, office labor saving devices for ships and certain shore activities, mess and galley equipment, ground tackle and towing gear, life-saving equipment and navigational equipment.

(10) It is responsible for the quality control of all petroleum products for the fleet. It prepares specifications and recommendations for the purchase on annual contracts of consumable engineering supplies and conducts tests for determining the quality which these supplies must meet. It prepares the specifications for lubricating oil purchased by the Navy.

(11) It prepares specifications and prescribes tests for material, equipment, and machinery under its cognizance. It is represented on many of the national standardization and engineering bodies, and on the various Federal specifications committees.

(12) The Bureau is charged with the upkeep, operation, and repair (within the capacity of station force) of the David W. Tayor Model Basin, Carderock, Md.; the Naval Engineering Experiment Station, Annapolis, Md.; the Navy Electonics Laboratory, San Diego, Calif.; the Navy Electronics Laboratory, New London, Conn.; the Navy Code and Signal Laboratory, Washington, D. C.; the Naval Boiler and Turbine Laboratory, Naval Shipyard, Philadelphia, Pa.; the Material Laboratory, Naval Shipyard, New York, N. Y.; the Industrial Test Laboratory, Naval Shipyard, Philadelphia, Pa.; the Navy Mine Countermeasures Station, Panama City, Fla.; the Naval Landing Force Equipment Depots at Little Creek, Va., and San Diego, Calif.; the Industrial Command, U. S. Naval Repair Base, San Diego, Calif.; the Experimental Diving Unit, Naval Gun Factory, Washington, D. C.; the Office of the Supervisor of Salvage, New York, N. Y. These activities are employed for conducting necessary research, tests, investigations, and developments to obtain suitable apparatus and material for naval purposes.

(13) The Bureau participates in the operation of the Army-Navy Electronic and Electrical Standards Agency, Fort Monmouth, N. J., and maintains a liaison office with the Army laboratories at Fort Monmouth and the Army Electronics Standards Agency at Red Bank, N. J. It administers the Electronics Field Services Group at the Naval Research Laboratory, Anacostia, D. C., and directs the Air Navigation and Electronics Project at the Naval Air Facility, Charlestown, R. I.

(14) It is charged with management control of all United States naval shipyards.

(15) It nominates to the Bureau of Naval Personnel specially qualified officers for engineering duty at sea and on shore, including naval shipyards and those for duty as supervisors of shipbuilding and inspectors of machinery.

(16) It compiles and issues instructions for the care, operation, and maintenance of material, equipment, and machinery under its cognizance and prepares and issues bulletins of official information on these subjects.

(c) To perform the functions for which the Chief of the Bureau is responsible, the Bureau is organized as follows:

Chief of the Bureau.
- Deputy and Assistant Chief of the Bureau.
  - Administrative Division.
  - Contract Division.
  - Finance Division.
- Assistant Chief for Electronics.
  - Electronics Division.
- Assistant Chief for Naval Shipyards.
  - Naval Shipyards Division.
- Assistant Chief for Ship Design and Ship Building.
  - Ship Design and Shipbuilding Division.
- Assistant Chief for Ship Maintenance.
  - Ship Maintenance Division.

(d) The Bureau of Ships maintains in the field Supervisors of Shipbuilding, Industrial Managers and Assistant Industrial Managers and Inspectors of Machinery. In the Offices of Supervisors of Shipbuilding and Inspectors of Machinery, a force of trained Naval and civilian

experts is maintained for the inspection of machinery and materials generally entering into the construction of new vessels; this force interprets and enforces strict compliance with the specifications and other contractual obligations for the construction of vessels as regard characteristics of materials used and the methods of installation of the completed parts.

§ 26.11 *Bureau of Supplies and Accounts.* (a) The duties of the Bureau of Supplies and Accounts are performed under the authority of the Secretary of the Navy, and its orders are considered as emanating from him, and have full force and effect as such. The Bureau is directed by a Chief who has the additional title of Paymaster General and who is appointed by the President by and with the advice and consent of the Senate for a term of four years. The Assistant Chief of the Bureau performs the duties of the Chief in the latter's absence.

The Bureau develops plans, formulates policies, and specifies procedures to be followed in the performance of supply, disbursing, and accounting activities afloat and ashore.

(b) The Bureau's detailed functions are as follows:

(1) Supervision over the operation of supply, disbursing, and accounting activities. This includes naval supply centers, supply depots, storehouses, clothing factory, coffee-roasting plants, fuel plants, supply piers, market offices, commissary and ship's store activities, purchasing offices, cost inspection offices, property transportation offices, supply corps schools, material redistribution and disposal activities, logistics support companies and supply activities.

(2) Furnishing to naval activities under cognizance of the Bureau of Supplies and Accounts, and as may be required by the other bureaus, technical direction on matters concerning materials handling, warehousing, carloading, and stevedoring to the end that naval materials may be expeditiously handled into and through naval activities at a minimum cost and with the least expenditure of manpower, storage and shipping space.

(3) Recommendations to the Bureau of Yards and Docks relative to the location, design, construction, and equipment of storehouses and other facilities ashore.

(4) Recommendations to the Bureau of Ships for space and equipment requirements of supply activities afloat.

(5) Coordinating the assembly of the supplies and materials required for the initial establishment of advance bases, and determining storage and space requirements in connection with the movemet of such bases.

(6) Coordinating the compilation and arranging for the printing of Navy Department specifications, and supervising the upkeep of stocks of these specifications, and of the Navy stock of Federal specifications.

(7) Preparing budget estimates and controlling the expenditure of sums required for freight, fuel, clothing, subsistence of naval personnel, and for the maintenance of supply, disbursing, and accounting activities ashore.

(8) Controlling the Naval Stock Fund, Naval Working Fund, Clothing and Small Stores Fund, and Naval Procurement Fund; and the stocks of supplies and materials procured with these funds.

(9) Developing fiscal and accounting policies and procedures relative to the possession and operating of private plants by the Navy, and their return to private ownership.

(10) Recommendations to the Bureau of Naval Personnel for the education and training of officers of the Supply Corps and their assignment to duty.

(11) Supervision of the reporting of the inventories, the usage, and the requirements of critical and strategic materials needed by the Navy, except for technical items which are procured directly by the bureau concerned.

(12) Supervision of the receipt, custody, warehousing, and issuance of navy supplies and materials, exclusive of medical items, and of ammunition, projectiles, mines and explosives.

(13) Administration of a centralized storage program for the navy within the continental United States, involving the monthly reporting of all storage space in use by all naval activities, the allocation of storage space in naval supply depots, and the recommendation for the increase, decrease, and transfer of storage facilities to meet over-all naval requirements. Directing the collection, classification, and re-use or ultimate disposal by sale or transfer of all Navy and Marine Corps scrap, salvage, and surplus materials. This includes condemned vessels, materials in offshore naval activities and combat areas, scrap and salvage materials in private plants engaged in work for the Navy, and residual materials created by contract modifications or terminations.

(14) Developing new containers and packaging methods for the Navy and Marine Corps.

(15) Authorizing and supervising the transportation of Navy property, civilian personnel, and the household effects of naval personnel, both military and civilian; the proceurement of cargoes, the loading and discharging of supply ships and tankers, and the charter of merchant vessels for the transportation of supplies.

(16) Determining allowable costs under all types of Navy contracts wherein cost is the basis for compensation.

(17) Payment for all articles and services procured for the Navy; payment of payrolls, military and civilian; payment of family allowances to the dependents of naval personnel and of other allotments; and arranging for funds required by Navy disbursing officers.

(18) Supervising the issuance of U. S. Savings Bonds purchased by naval personnel, both military and civilian.

(19) Keeping and auditing the property and money accounts of the Naval Establishment, including accounts of all manufacturing and operating expenses at yards and stations; inventory records relating to the plant properties, facilities, and capital equipment owned in whole or in part by the Navy and Marine Corps; the direction of naval cost accounting; and the rendering of periodic and special reports involved.

(c) To perform the functions for which the Chief of the Bureau is responsible, the Bureau is organized as follows:

Chief of the Bureau.
- Assistant Chief of the Bureau.
  - Administrative Groups and Divisions.
  - Director of Supply and Staff.
    - Requirements Group.
    - Supply Services Group.
  - Fiscal Director and Staff.
    - Accounting Group.
    - Finance Group.

(d) The Bureau maintains three field offices: (1) the Catalog Office, New York, which compiles information for the General Stores Section of the Catalog of Navy Matériel, (2) the Ship's Store Office, New York, which administers Navy ship's store, commissary store, and ship service activities, and (3) the Field Branch, Cleveland, which is primarily concerned with disbursing and payments under the Servicemen's Dependents Allowance Act of 1942, the Missing Persons Act, the Mustering Out Payment Act and the six months death gratuity law.

(e) The Bureau is also primarily responsible for Supply Activities Ashore and Afloat.

(1) Supply Activities Ashore under the direction of the Secretary of the Navy and with the cooperation of the other bureaus has established stocks of matériel at various locations on the continent and in extra-continental bases. Approximately 580 major and minor supply activities, each in charge of a Supply Corps officer, carry out the assigned mission. Major supply activities replenish their stock through the Bureau of Supplies and Accounts, while minor activities replenish from major ones. Matériel from other bureaus is channeled through these supply outlets, the control being exercised by the Bureau concerned. The Bureau of Supplies and Accounts has complete responsibility for the procurement, storage, and distribution of general naval stores, provisions, ship's store items, clothing (except aeronautics), and to a certain extent, petroleum products. Responsibility is at times dual, as in the case of the large portion of aeronautical supplies under the joint control of the Bureau of Aeronautics and the Bureau of Supplies and Accounts in the office of the Aviation Supply Officer, Philadelphia, Pa., as well as in the case of technical ordnance supplies where joint control is exercised by the Bureau of Ordnance and the Bureau of Supplies and Accounts in the Ordnance Stock Office, Naval Gun Factory, Washington, D. C.

(2) The field of logistics and the supply of the fleet at the operating level (Supply Activities Afloat) are by and large the province of the Supply Corps. The hundreds of supply depots throughout the world are primarily concerned with supporting the striking force of the Navy, the Fleet. In fulfilling this role the activities of the Supply Corps are closely allied with logistics type commands established to implement the de-

livery of goods and services to the fighting forces.

§ 26.12 *Bureau of Yards and Docks.* (a) The duties of the Bureau of Yards and Docks are performed under the authority of the Secretary of the Navy, and its orders are considered as emanating from him, and have full force and effect as such (5 Stat. 580; 5 USC 430). The Bureau is directed by the Chief of the Bureau of Yards and Docks who is appointed by the President by and with the advice and consent of the Senate for a term of four years (12 Stat. 510; 5 USC 432). The Deputy and Assistant to the Chief perform the duties of the Chief in the latter's absence (39 Stat. 558; 5 USC 445).

(b) The Bureau performs the following functions:

(1) The duties of this Bureau comprise all that relates to the design and construction of public works and public utilities of the Naval Shore Establishment, and during the war period it supervises the construction of private plant facilities and extensions financed with naval funds. The scope of its functions includes structures and improvements located within the United States, in Alaska, various island possessions, in Panama, British Islands in the Atlantic, and temporary advance bases throughout the world.

(2) Its work embraces such major engineering categories as drydocks, both graving and floating, marine railways, shipbuilding ways, harbor works, quay walls, piers, wharves, landings, dredging operations, floating and stationary cranes, power plants, fuel plants, fleet facilities, shops and industrial buildings, turret and erection shops, machine and electric shops, foundries, structural shops, assembly and repair shops for aircraft, etc., Naval supply depots, administration buildings, barracks and quarters, Naval hospitals and dispensaries, refrigerating plants, ammunition storage plants, torpedo plants, Marine Barracks, fuel storage plants and distribution, Naval powder factories, heavier and lighter-than-air facilities for aviation, aircraft overhaul and assembly plants, landing fields, radio stations, sewage disposal plants and distribution systems for heating, lighting, power, telephone, water, sewer and railroads, roads, water supply and sanitation, etc.

(3) It is charged with the maintenance and upkeep of the Naval Shore Establishment where such responsibility is not assigned by law to some other Bureau. It is responsible for annual inspections and all major repairs of public works and public utilities; it designs and constructs all Naval public works and public utilities after consulting as to their operating features with the Bureau or office concerned.

(4) Its responsibilities include technical assistance and advice to the Bureau of Naval Personnel in connection with the training of Construction Battalions, personnel known as "Seabees", and technical assistance and advice to the Chief of Naval Operations relative to the assignment and work of the "Seabees." It is responsible for the design and assembly at ports of embarkation and debarkation of all equipment and materials necessary for the operation of naval construction battalions at advance bases, and collaborates with the Bureau of Supplies & Accounts in the procurement of this equipment and materials.

(5) It has charge of the upkeep and operation of power plants, transportation facilities, weight-handling equipment, conductors for air, heat, light, power and steam at shipyards and at naval activities under its maintenance cognizance. It maintains such records of power plant installations and performance at all other naval activities as will enable it to act in an advisory capacity to the bureau or office concerned. It acquires real estate for the Navy by purchase or lease for Naval purposes, and has custody of real estate not in active use.

(c) To perform the functions for which the Chief of the Bureau is responsible, the Bureau is organized as follows:

Chief of the Bureau.
- Assistant Chief of the Bureau.
  - Chief Planning Officer.
  - Chief Inspector.
- Administrative and Personnel Department.
- Construction Department.
  - Aviation Facilities Division.
  - Fleet and Industrial Facilities Division.
  - Hospital and Personnel Structures Division.
  - Ordnance Division.
  - Over-seas Bases Division.
  - Power and Utility Division.
  - Radio and Marine Corps.
- Finance and Operating Department.
- Planning and Design Department.
- Progress, Control and Statistical Department.

(d) The functions of the Bureau of Yards and Docks in the field are performed under the supervision of (1) Directors of Geographic Divisions (Atlantic, Pacific and Alaskan) responsible to the Chief of the Bureau of Yards and Docks for management and technical control and to the Area Commander, Commander-in-Chief or Naval Commander for military and coordination control of Bureau activities; (2) Superintending Civil Engineers, who are the direct representatives of the Chief of the Bureau of Yards and Docks, the United States for this purpose having been divided into seven Areas; (3) Public Works Officers within the Naval Districts, or within specific established naval activities who, under the Commandant of the District or Commanding Officer of the activity, have cognizance over the design, construction, maintenance and repair of public works and public utilities in the several Naval Districts and Naval Stations; (4) Officers-in-Charge of Construction designated by the Bureau of Yards and Docks in connection with specific contracts under the cognizance of the Bureau of Yards and Docks, who, under the direction of the Chief of the Bureau as Contracting Officer, have complete charge of the work and exercise full supervision thereover and in addition supervise the construction of civil works for the other Bureaus of the Navy Department; and (5) Civil Works Engineers who make inspections and prepare reports of maintenance, demolition, restoration and disposition of civil works and who, when ordered, perform the functions of Officers-in-Charge of Construction in those cases where the work under the cognizance of the Bureau of Yards and Docks is being performed at a privately operated establishment rather than at a shore establishment of the Navy.

§ 26.12 *United States Marine Corps.* (a) While the Marine Corps operates as an integral part of the Naval Establishment, the Headquarters organization is a very complete operating organization in itself, and is more self-contained than are the Navy bureaus. By law the Marine Corps or component parts thereof may be detached from duty under the Navy by Executive Order and assigned duty elsewhere and must be self-sufficient to fulfill its traditional status of readiness.

The Continental Marines, forerunner of the present Corps, was organized by resolution of the Continental Congress November 10, 1775. The present United States Marine Corps was established by Act of Congress July 11, 1798. (1 Stat. 594, 34 USC 621).

(b) The Commandant of the Marine Corps, who is appointed by the President by and with the advice and consent of the Senate for a term of four years, is charged with and responsible for the procurement, discharge, education, training, discipline, and distribution of officers and enlisted personnel of the Marine Corps, including the Marine Corps Reserve, and its equipment, supply, administration and general efficiency.

(c) The Assistant to the Commandant is the Commandant's principal advisor and performs the duties of Chief of Staff. He also assists in coordinating the work of the separate divisions and staff departments and performs the duties of the Commandant in the latter's absence.

(d) Headquarters Marine Corps, under the direction of the Commandant, is composed of the following agencies:

Offices of the Commandant.
- Administrative Division.
- Division of Plans and Policies.
- Division of Public Information.
- Division of Aviation.
- Division of Reserve.
- Division of Recruiting.
- Inspection Division.

Personnel Department.
Supply Department.

These agencies, under the direction of the below designated officer-heads, perform the functions as indicated.

(e) The Administrative Officer is responsible for administration of civilian personnel and placement of enlisted personnel at Headquarters, operation of services affecting Headquarters as a whole, and operation of Headquarters communications office.

(f) The Director of Plans and Policies, under the direction of the Commandant, formulates Marine Corps policy and develops plans for personnel, intelligence, operations, supply, equipment and train-

ing, maintains liaison regarding these matters with other agencies, and is responsible for the organization and training of all Marine Corps elements other than Marine Corps aviation.

(g) The Director of Public Information is responsible for informing the public of activities of the Marine Corps.

(h) The Director of Aviation is the senior naval aviator detailed to duty in the Division of Aviation. He is the Assistant Commandant for Air, and is advisor to the Commandant on all matters of policy pertaining to Marine Corps aviation. Under the direction of the Commandant, he is responsible for the administration, organization, training and other activities of Marine Corps aviation. Through the Deputy Chief of Naval Operations (Air) he maintains liaison between the Chief of Naval Operations and the Commandant of the Marine Corps on all matters pertaining to Marine Corps Aviation; he also maintains liaison between the Commandant and the Chief of the Bureau of Aeronautics.

(i) The Director of Reserve has supervision over matters relating to ground units of the Organized Marine Corps Reserve and all classes of the Volunteer Marine Corps Reserve.

(j) The Director of Recruiting carries out the policies of the Commandant respecting entry into the service and administers the various recruiting activities of the Marine Corps.

(k) The Inspector General makes periodic inspections and special investigations when ordered by the Commandant, making written reports containing findings of fact and recommendations concerning irregularities or for the improvement of the efficiency of the activity inspected.

(l) The Director of Personnel, Marine Corps carries out those policies of the Comandant which pertain to military personnel. He is especially concerned with promotion, discipline, decorations, retirement, discharge, dependency allowance, morale, post exchange, target practice records and statistics, casualties, classifications, detachment, and transfer. He is responsible for the maintenance of personnel records, statistics, and general files, and for the issuance of Savings Bonds.

(m) The Quartermaster General of the Marine Corps is the head of the former Quartermaster's Department and Paymaster's Department which have recently been consolidated into a single department.

(1) The Supply Department has the responsibility of procuring, storing and distributing all supplies for the Marine Corps. In addition to combat material, it provides for subsistence, construction material and labor; has jurisdiction over quarters, barracks, and other public buildings provided for officers and enlisted personnel, and repairs, alterations and improvements thereto; vehicles for the transportation of troops and supples; furnishes means of transportation for movement of troops; and prints and issues blank forms for the Marine Corps.

(2) Likewise, this department has cognizance over all matters relating to the payment of pay and allowances of Marine Corps and attached Navy personnel and to the administrative audit and analyses of accounts and returns of Disbursing Officers. This Department also has the responsibility for the disbursement of all monies necessary for the payment for all equipment, supplies, maintenance and services from funds appropriated by the Congress for the Marine Corps.

§ 26.13 *The Office of the Judge Advocate General* (a) The Office of the Judge Advocate General was authorized by the Act of June 8, 1880, as amended (21 Stat. 164; 5 USC 428).

In substance, this organization consists of a Judge Advocate General (Act of June 8, 1880, as amended, supra), an Assistant Judge Advocate General, who performs the duties of the Judge Advocate General, in the absence of the Judge Advocate General (5 U. S. C. 428), special staff consultants and assistants, legislative counsel, research and publications unit, aides and three principal divisions designated as the Military Law, Administrative Law and General Law Divisions, respectively.

(b) The general functions of the three divisions of the Judge Advocate General's office may be summarized as follows:

(1) *Military Law Division (I)*—(i) *Courts martial.* Reviews for legal sufficiency the records of proceedings of all general and summary courts martial, and deck courts. Prepares precepts convening general courts martial and changes in membership thereof. Prepares chargges and specifications for general courts martial convened by the Secretary of the Navy after determining the legal sufficiency of the recommendations for trial. Prepares opinions on the legality of courtmartial trials, initiates action to correct legal and procedural errors in the administration on naval justice.

(ii) *Naval Boards.* Reviews for legal sufficiency the records of proceedings of investigation; boards of investigation; courts of inquiry; examining, promotion, retiring and selection boards; and boards of medical examiners. Prepares precepts for fact-finding bodies convened by the Secretary of the Navy, and changes in membership thereon. Prepares opinions on the legality of fact-finding bodies, and initiates action to correct legal and procedural errors in investigative matters.

(iii) *Other matters.* Reviews, for the Secretary of the Navy, cases acted upon by Boards of Review established under section 302 of the Servicemen's Readjustment Act of 1944 (58 Stat. 284, 286; 38 U. S. C. 693, 693h), relating to the review of retirement or release to inactive service of officers due to physical disabilities.

The basis instructions under which the above proceedings are conducted are contained in Naval Courts and Boards. Copies of thisc Manual may be purchased from the Government Printing Office, Washington 25, D. C., at $1.50 per copy.

(iv) *Public information.* The public may secure information or make submittals or requests concerning military law matters by personal call or by mail to the Judge Advocate General, Navy Department, Washington 25, D. C. Letters containing appeals directed to the severity of punishment, such as requests for clemency, should be forwarded to the Navy Department, Bureau of Naval Personnel or to Marine Corps Headquarters, Washington 25, D. C., as the case may be.

(2) *Administrative Law Division (II)*—(i) *Administration of Naval Affairs.* Advises and prepares opinions on administrative law questions including the status, enlistment, appointment, promotion, retirement and discharge of personnel of the naval service (including Marine Corps) and civilian personnel; prepares departmental actions in regard to Presidential pardons for desertion in time of war; prepares determinations as to whether death or injury in cases of naval personnel was due to misconduct; (Court-Martial Orders 2–1944, page 301); deals with civil authorities on surrender, delivery and extradition of naval personnel, or their appearance as witnesses, and the delivery of official records pursuant to court order. Prepares opinions and correspondence on miscellaneous matters not handled elsewhere, including review of telephone contracts and handling of requests for sale of naval vessels.

(ii) *Pay and allowances.* Advises and prepares opinions on pay and allowances for naval personnel, including travel, dependency benefits quarters; liaison with General Accounting Office and Veterans' Administration.

(iii) *Public information.* The public may secure information or make submittals or requests by personal call or by correspondence addressed to the Judge Advocate General, Navy Department, Washington 25, D. C.

(3) *General Law Division (III)*—(i) *Admiralty.* Negotiates the settlement of claims for damages caused by naval vessels; prepares defense in litigated cases; liaison with Department of Justice, War Shipping Administration and Maritime Commission.

(ii) *Delegation of final authority.* (*a*) Final authority is vested in the Secretary of the Navy under certain circumstances to settle claims not exceeding payment of one million dollars resulting from damages caused by naval vessels or for towage or salvage service to such vessels (58 Stat. 726; 46 U. S. C. 797).

(*b*) Final authority is vested in the Secretary of the Navy under certain circumstances to settle claims not exceeding payment of one million dollars for damage caused by a vessel or floating object to property of the United States under the jurisdiction of the Navy Department.

(*c*) The Secretary of the Navy is authorized to delegate final authority to such persons as he may designate to settle claims not exceeding payment of one thousand dollars under the aforesaid statutes. (Public Laws 595 and 598 respectively, 79th Congress.)

(*d*) The final authority to settle said claims not exceeding payment of one thousand dollars has been vested by the Secretary of the Navy in the Judge Advocate General, Assistant Judge Advocate General, Chief of the General Law Division, and the Chief Admiralty Officer.

(iii) *Public information.* Information as to the status of admiralty claims may be obtained upon application to the Chief

Admiralty Officer, Office of the Judge Advocate General, Navy Department, Washington 25, D. C., or upon application to the Admiralty Officer or Legal Officer in the naval district where the matter may have arisen.

(iv) *Claims.* Determines validity of and settles or prepares for litigation, claims against the Navy on behalf of or in accordance with various claim statutes, except claims involving Admiralty or International Law, and except claims connected with or arising out of contracts, express or implied, which are under the cognizance of the Office of General Counsel.

(v) *International Law.* Advises and maintains liaison with offices of Navy Department affected by international law problems; advises on legal questions incident to operations of Foreign Claims Commission, leased base agreements, military government of occupied areas; prisoners of war and jurisdiction of foreign civil authorities over naval personnel; maintains liaison with State and War Departments. Foreign, non-combat claims may be allowed by a commission appointed by the Commanding Officer of the area of not more than one member when the amount is not greater than $500.00, and three members when the amount is between $500.00 and $2,500.00. Such commissions have final authority (not subject to review) to approve payments up to $2,500.00 in settlement of claims, Claims between $2,500.00 and $5,000.00 may be paid when the Commanding Officer has approved the award. Awards in excess of $5,000.00 are reviewed by the Judge Advocate General and after appropriate administrative action are reported to the Congress for consideration. Information relative to claims may be procured by communicating with the Judge Advocate General, Navy Department, Washington 25, D. C.

(vi) *Legal Assistance.* Supervises and coordinates legal assistance for naval personnel and dependents throughout the Naval Service, in collaboration with national, state and local bar associations and legal aid organizations; provides legal assistance in Washington area.

(vii) *Taxes.* Prepares and proposes action to adjust and settle tax problems arising from liabilities asserted by federal, state and local tax authorities.

§ 26.14 *Staff of the Chief of Naval Operations.* (a) The functions of the Chief of Naval Operations, the principal naval adviser to the President and the Secretary's *Naval Command Assistant,* have been described in § 26.3 (b). Under authority of Executive Order 9635, dated September 29, 1945 (10 F. R. 12419), there is established the Staff of the Chief of Naval Operations which is composed of such numbers of Vice Chiefs of Naval Operations, Deputy Chiefs of Naval Operations, Assistant Chiefs of Naval Operations, the Naval Inspector General and of such other officers as may be considered by the Secretary of the Navy to be appropriate and necessary for the performance of duties assigned to the Chief of Naval Operations.

(b) The present staff of the Chief of Naval Operations and the principal functions of each are listed as follows:

(1) *Vice Chief of Naval Operations.* Principal assistant and adviser to the Chief of Naval Operations.

Head of the General Planning Group. The functions of the General Planning Group are to translate basic directives into planning directives, to allocate planning tasks, and to exchange information on the planning level.

(2) *Naval Inspector General.* Inquiry into and report upon all matters affecting the efficiency or economy of the U. S. Naval Service (as directed by Chief of Naval Operations).

Maintenance of contact with other inspection agencies in the naval service.

(3) *Deputy Chief of Naval Operations (Personnel).* Initiation and development of personal logistic plans and policies.

Development and preparation of operating force plan for personnel logistics.

Coordination of basic training.

Liaison with Army through joint personnel boards and agencies.

Liaison with Marine Corps in regard to Navy-Marine Corps personnel logistics.

The formation, coordination, and consolidation of plans, policies, and programs for the Naval Reserve Organization.

To continue a study of uniforms and special protective clothing for Naval Personnel.

(4) *Deputy Chief of Naval Operations (Administration).* General administration of the office of the Chief of Naval Operations.

Direction of Pan American Affairs and U. S. Naval Missions, Commissions and Naval Advisory Groups.

Supervision of U. S. Navy Island Governments.

Cognizance of Naval District administrative affairs.

Liaison with State and other Government Departments.

Over-all direction of Communication services.

Representation on Joint Administrative Agencies.

Supervisions of Naval Observatory and Hydrographic Office.

(5) *Deputy Chief of Naval Operations (Operations).* Formulation of strategic plans and policies.

Cognizance of organization, operational development and readiness, administration, plans and operations of seagoing forces, sea frontiers and overseas naval command areas.

Over-all direction of Intelligence services.

Representation on Joint operational agencies.

(6) *Deputy Chief of Naval Operations (Logistics).* Initiation, development, and implementation of logistic plans and policies, in accordance with approved War and operating plans.

Determination of the matériel requirements of the naval establishment, and the naval characteristics of matériel to be developed and procured, and issuing statements of these requirements to the Bureaus and Offices of the Navy Department.

Control of the distribution and disposal of all materials (including petroleum) for logistic support throughout the naval establishment.

Coordination and direction of the priorities of construction and maintenance of naval vessels and bases.

Coordination and direction of logistic efforts of the Bureaus and Offices of the Navy Department in their support of the Operating Forces. Review and evaluation of the progress of the Bureaus and Offices of the Navy Department and the Naval Shore Establishment in fulfilling the stated requirements for logistic support.

Collaboration with the Matériel Division, Office of the Assistant Secretary, in obtaining expeditious fulfillment of the stated requirements.

Supervision of the Board of Inspection and Survey.

Coordination of naval logistics efforts with Army and other Government agencies.

Representation on Joint Logistic Agencies.

Coordination of Research and development of new methods or furnishing logistic support.

"Control of the Naval Transportation Service and the vessels assigned or allocated thereto for the transportation of personnel and materials."

(7) *Deputy Chief of Naval Operations (Air).* Principal adviser to Chief of Naval Operations on aviation matters, including Naval Air Reserve Program.

Correlation and coordination of policy, plans and logistics of naval aviation.

Preparation, readiness and logistic support of the aeronautical elements of the Naval Establishment.

Integration of Marine aviation within over-all naval aviation program.

Supervision and direction of policies and programs affecting Naval Air Transport Service.

General cognizance of lighter-than-air activities.

Representation on joint air agencies and civil air agencies.

Coordination and direction of Navy photographic and meteorological matters.

(8) *Deputy Chief of Naval Operations (Special Weapons).* Principal adviser to the Chief of Naval Operations as the development and military application of special weapons, including atomic energy and guided missiles.

(c) The U. S. Marine Corps is an integral part of the Naval Establishment. The Commandant deals directly with the Chief of Naval Operations on matters of common interest as may be appropriate in the discharge of his prescribed duties. His subordinates deal directly with the Vice Chief of Naval Operations and the Deputy Chiefs of Naval Operations on routine matters within the scope of duties assigned those officers.

(d) In time of war when the President may so direct the U. S. Coast Guard is transferred to the Navy and becomes a part of the Naval Establishment.

During such periods the Commandant deals directly with the Chief of Naval Operations on matters of common interest as may be appropriate in the dis-

charge of his prescribed duties. His subordinates deal directly with the Vice Chief of Naval Operations and the Deputy Chiefs of Naval Operations as may be appropriate in routine matters within the scope of duties assigned those officers.

(e) The *Hydrographic Office* is established pursuant to Act of June 21, 1866 (14 Stat. 69) for "the improvement of the means of navigating safely the vessels of the Navy and the Merchant Marine by providing accurate and cheap nautical charts, sailing directions, and manuals of instructions for the use of all vessels of the United States, and for the use and benefit of navigators generally". Pursuant to the same Act, the Secretary of the Navy is authorized to cause to be prepared at the Hydrographic Office, "maps, charts, and nautical books relating to and required in navigation, and to publish and furnish them to navigators at the cost of printing and paper, and to purchase the plates and copyrights of such existing maps, charts, navigators' sailing directions and instructions, as he may consider necessary, and when he may deem it expedient to do so, and under such regulations and instructions as he may prescribe".

In accordance with the President's Reorganization Plan No. 3 of 1946, the Hydrographic Office was placed under the jurisdiction of the Chief of Naval Operations. The Hydrographic Office is under the immediate direction of an officer of the Navy detailed to duty as the Hydrographer. The affairs of the Hydrographic Office are under the cognizance of the Deputy Chief of Naval Operations (Administration) .

The Hydrographic Office publishes and distributes nautical and aeronautical charts and publications to the Navy and sells them to the Merchant Marine and the public generally. These are made available through the Branch Hydrographic Offices, Air Navigation Offices, and civilian sales agents. The Hydrographic Office likewise collects, codifies, coordinates and implements basic oceanographic studies required by the various Bureaus of the Navy Department, and prepares various charts, manuals, and other publications of oceanographic nature.

In carrying out its duties, the Hydrographic Office maintains technical control of survey vessels operated by the U. S. Navy; cooperates with all states Members of the International Hydrographic Bureau and the Hydrographic Offices of other nations.

(f) The Naval Observatory is an activity established by Congress to operate under the Secretary of the Navy. By Executive Order dated April 8, 1942 the Naval Observatory was placed under the jurisdiction of the Chief of Naval Operations. Cognizance of Naval Observatory matters is assigned to Deputy Chief of Naval Operations (Administration).

As the only National Observatory the U. S. Naval Observatory collaborates where possible throughout the world with other observatories and astronomers in the exchange of data, the participation in long term worldwide astronomical programs, the attending of national and international astronomical conferences, and the maintainence of programs undertaken.

The Naval Observatory publishes and distributes the American Ephemeris and Nautical Almanac, the American Nautical Almanac, the American Air Almanacs, and other astronomical publications for maritime, commercial and scientific use. The U. S. Naval Observatory also inspects, tests, develops, experimentally constructs, repairs, manufactures, stores, and distributes designated navigational and aerological material for the Navy Department and other governmental activities authorizing and furnishing funds.

(g) The Naval Communication Service is an activity under the cognizance of the Office of the Chief of Naval Operations and is directly administered by an officer of the Navy detailed to duty as the Chief of Naval Communications. The Chief of Naval Communications administers the operation of the Naval Shore Communication System; supervises Naval postal affairs and the accounting and disbursing of radio, wire and cable tolls; procures, assigns and protects naval radio frequencies and effects the necessary coordination and liaison in communication matters with civil and military services of the United States and other nations.

§ 26.15 *The Shore Establishment.* The Shore Establishment supplies and maintains the Operating Forces under the direct supervision of the Navy Department.

(a) The Secretary, through his Civilian Executive Assistants, provides general administrative supervision and establishes the operating policies and procedures governing civilian personnel, matters of procurement, production, and industrial management.

(b) The Navy Technical Assistants exercise technical supervision and, in specified cases, direct management control (within the limits of the responsibilities of their respective Bureaus), and in all cases control the expenditure of funds for the upkeep and operating of activities of the Shore Establishment; Bureau management here reflects and projects administrative and business methods, procedures and directions as channeled from the Civilian Executive Assistants charged with these responsibilities.

(c) The Naval Command Assistant (The Chief of Naval Operations) exercises military control and command, and oversees the coordination of all logistic services to the Operating Forces, through the District Commandants and Commanders of the Naval Bases, Naval Air Bases, and Sea Frontiers.

(d) Geographically, the Shore Establishment is distributed throughout the United States. Functionally, the more than 6300 (wartime) field activities within the continental limits may be grouped into nine general, broadly classified types of installations and activities as follows:

(1) Shipbuilding and Repair activities which include the eleven naval shipyards as well as numerous small activities for the construction and repair of ships. These activities contribute to the basic function by manufacturing many special materials used in the construction and repair of ships, by supervising work performed in private yards, by conducting research and experimental work for the improvement of the air, surface and submarine fleet, and by engaging in many other types of allied service.

(2) Naval Air activities are the air bases, air training commands, air stations, and air facilities. These activities are engaged in a variety of functions including aeronautical research and development, specialized training of flight and ground personnel; and service-maintenance and supply of naval aircraft.

(3) Naval Ordnance activities include numerous depots for the maintenance, storage and issue of all items of ordnance material, for the actual manufacture of certain items of specialized ordnance such as guns, mines and torpedoes. Further, they include, for the development and test of ordnance materials, such facilities as proving grounds, ordnance laboratories, and ordnance test stations.

(4) Procurement and Supply activities cover the whole field of purchasing, expediting, storing, maintaining inventories, disbursing, inspection, and auditing. Major supply depots are engaged in the storage and issue of supplies, clothing provisions, fuel, and other classes of allied and general material. These activities also include field accounting and disbursing offices which pay for, control and check on all contracts consummated by the bureaus and other specified authority. In addition, these activities handle enlisted, officer and civilian pay and allowances as well as reimbursement, dependency claims, and the like.

(5) Naval Personnel activities are devoted largely to recruiting, training, welfare, enforcing of discipline and the distribution of Naval personnel. During the war there were some 1,600 of such activities, including in excess of 800 schools and various types of training units, of which the United States Naval Academy at Annapolis is one.

(6) Medical Department activities include hospitals, convalescent centers, and numerous clinics, dispensaries, laboratories, and medical supply depots which go to make up more than 150 medical department centers.

(7) Marine Corps activities within the United States are divided among two principal types: (i) those having as their primary objective the training, supplying and maintaining of Marine Corps personnel and equipment, and (ii) those activities located in naval shore activities performing largely guard duty, security, and policing functions.

(8) Coast Guard activities, which operate as an integral part of the Navy during time of war, have now reverted to the control of the Treasury Department, with the exception of certain search rescue (air-sea) and similar functions which remain under the operational control of the Navy in areas west of Pearl Harbor. There are approximately 1,600 Coast Guard activities administered directly by the Coast Guard through its own district officers and under its own command, much as in the case of the

Marine Corps. The function of these field units are suply, personnel (including the Coast Guard Academy), maintaining operating aids to navigation, light houses, life boat stations, port security, and similar duties.

(9) Special Service activities embrace radio stations, communications offices, fleet post offices, fleet liaison offices, commissioning details, intelligence, public information, and sundry other activities of a special or general nature.

(c) For military purposes and coordination of administrative control, certain activities of the Naval Shore Establishment, which have been described above in terms of their functions, are grouped into Naval Bases at various ports and Naval Air Bases within the respective Naval District. The respective District Commandants have direct military command, and administrative control for coordinating purposes, of these activities through the respective Commanders thereof. Other air activities are grouped under the Chief of Naval Operations, and Marine Corps Air Bases Command which is directly under the Commandant, Marine Corps. Management and technical control of the various activities are exercised by the cognizant bureau or office of the Navy Department.

§ 26.16 *Naval Bases and Naval Air Bases.* (a) Naval Bases, to which reference has been made in paragraph above, were created by General Order 223 of the Navy Department, dated 14 September 1945. Most naval bases may include a naval shipyard, with all of its related activities and such other adjacent activities as contributes to the support, service and maintenance of fleet components, such as a naval supply depot, a naval hospital, a naval ammunition depot, a naval receiving station, a marine barracks, etc.

Naval Air Bases were created by General Order 210 of the Navy Department, dated 10 August 1944, and, in general, comprise all Naval and Marine Corps aviation shore activities in each Naval District which furnish facilities for the operation of aircraft therein (other than those assigned to the Naval Air Training Command) as an activity under the Commandant thereof. In addition, this general order provides for naval air training bases and Marine Corps air bases to include such training and Marine Corps aviation activities as the Chief of Naval Operations shall assign thereto.

§ 26.17 *Naval Districts.* The United States, its territories and possessions, are divided into Naval Districts, the geographic limitations, organization, and responsibilities of which are as indicated below.

(a) Geographical Limits and Headquarters:

District and headquarters

No. 1: Maine, New Hampshire, Vermont, Massachusetts and Rhode Island (including Block Island)—Boston, Mass.

No. 3: Connecticut, New York, northern part of New Jersey including counties of Mercer, Monmouth, and all counties north thereof, also the Nantucket Shoals Lightship—New York, N. Y.

No. 4: Pennsylvania, southern part of New Jersey, including counties of Burlington, Ocean, and all counties south thereof; Delaware, including Winter Quarter Shoal Light Vessel—Philadelphia, Pa.

No. 5: Maryland less Anne Arundel, Prince Georges, Montgomery, St. Marys, Calvert, and Charles Counties; West Virginia; Virginia less Arlington, Fairfax, Stafford, King George, Prince William and Westmoreland Counties; City of Alexandria, Va., and the counties of Currituck, Camden, Pasquotank, Gates, Perquimans, Chowan, Tyrrell, Washington, Hyde, Beaufort, Pamlico, Craven, Jones, Carteret, Onslow, and Dare in North Carolina; also the Diamond Shoal Lightship and all waters of Chesapeake Bay including its arms and tributaries except waters within the Fourth Naval District and the counties comprising the Potomac River and Severn River Naval Commands west of a line extending from Smith Point to Point Lookout thence following the general contour of the shore line of St. Marys, Calvert, and Anne Arundel Counties, as faired by straight lines from headland to headland across rivers and estuaries—Naval Station Base, Norfolk, Va.

No. 6: South Carolina, Georgia, and North Carolina except the counties of Currituck, Camden, Tyrrell, Washington, Hyde, Beaufort, Pamlico, Craven, Jones, Carteret, Onslow and Dare—Charleston, S. C.

No. 7: Florida, excepting those counties west of Apalachicola River—Jacksonville, Fla.

No. 8: Florida counties west of Apalachicola River, Alabama, Tennessee, Louisiana, Mississippi, Arkansas, Oklahoma, Texas—New Orleans, La.

No. 9: Ohio, Michigan, Kentucky, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas—Great Lakes, Ill.

No. 10: Beginning at Latitude 25°00′ N., Longitude 72°00′ W.; thence to a point on the north coast of Cuba in Latitude 22°47′ N., Longitude 79°47′ W., thence westerly around shore of western Cuba and easterly along shore to Clenfuegos Light in Latitude 22°02′ N., Longitude 80°27′ W.; thence south to a point in Latitude 18°05′ N., Longitude 80°27′ W., thence to Punta de Gallinas, Colombia, thence along international boundaries to include all Venezuela, British Guiana, Surinam and French Guiana, to the including eastern boundary of French Guiana thence east true to a point in approximate Latitude 4°20′ N., Longitude 50°20′ W., thence to a point in Latitude 25°00′ N., Longitude 65°00′ W., and thence to a point of origin. The land areas of the Isle of Pines and other small coastal islands of Cuba are also placed in the Tenth Naval District—San Juan, P. R.

No. 11: New Mexico, Arizona, Clark County, Nevada, southern part of California, including counties of Santa Barbara, Kern and San Bernardino, and all counties south thereof—San Diego, Calif.

No. 12: Colorado, Utah, Nevada (except Clark County), northern part of California, including counties of San Luis Obispo, Kings, Tulare, Inyo, and all counties north thereof—San Francisco, Calif.

No. 13: Washington, Oregon, Idaho, Montana and Wyoming—Seattle, Wash.

No. 14: Hawaiian Islands and islands to westward, including Midway, Wake, Kure, Johnston and Sand Islands and Kingmen Reef—Pearl Harbor, T. H.

No. 15: Panama Canal Zone—Balboa.

No. 17: Alaska and Aleutians—Kodiak, Alaska.

(1) Territorial exceptions are as follows: Certain activities within the geographical limits of each naval district are not, for various reasons, under the command of the Commandant, or may be under his command only in a limited sense. The Fourteenth Naval District has a special status inasmuch as it is directly under the Commander in Chief, Pacific Fleet, although in purely administrative matters the Commandant bears the same relationship to the Navy Department as do other Commandants. Numerous other examples might be cited, as a Naval Air Station where the Commander in Chief of a United States Fleet, may be vested with authority to exercise control of the operations of fleet aircraft units from Naval Air Stations, to allocate among units of the Fleet the services in facilities, equipment, and spaces made available to the Fleet, and to establish priorities with respect to overhaul of aircraft of the Fleet. The Severn River and the Potomac River Naval Commands are outside the geographical limits of the Naval Districts and are directly under the Navy Department.

(2) The geographical locations of these Commands are as follows:

(i) *Potomac River Naval Command.* The Potomac River up to the Great Falls, the District of Columbia, and the Counties of Prince Georges, St. Marys, Montgomery, and Charles in Maryland; Arlington, Fairfax, Stafford, King George, Prince William, and Westmoreland counties in Virginia,, and the City of Alexandria, Virgina, less the Marine Barracks, Quantico, Va., and the Marine Barracks, Washington, D. C. (including Marine Barracks, Naval Gun Factory, Washington, D. C.).

(ii) *Severn River Naval Command.* Anne Arundel County, Md. (Headquarters United States Naval Academy, Annapolis, Md.).

(b) *Organization.* Each Naval District is commanded by a Commandant, who is the direct representative of the Navy Department, including its several bureaus and offices. In the event of absence of the Commandant from the limits of his command or while he is on leave or disabled for a period greater than 24 hours, the command of the district devolves upon the next senior line officer on duty within the district. The district is organized into groups or units according to the character of its activities and situation, with each group or unit under the command of an officer of that group or unit. The Commandant by Navy Regulations shall not personally supervise the details of work or administration of the several groups or units but will transact necessary business with the Commanding Officer of the group or unit. He is, however, charged with coordinating the groups or units in his district to develop complete intercommunication and cooperation among them. The organization of a Naval District establishes between the Commandant and the Commanding Officers of the groups and units included in the district relations similar to that which exists between the Commander in Chief of a Fleet and the various units of his command. District craft, including vessels, aircraft, and small boats, directly under the Commandant, are administered by him. Craft assigned to specific units are under the immediate jurisdiction of the commanding officers of the specific bases or stations to which they are assigned. Commanding Officers of the various units of the district may communicate directly with one another and with the Navy Department or

its offices and bureaus without forwarding such correspondence through the Commandant of the district, except on military matters, matters under the Commandant's coordination, and matters affecting the operations of another unit. The Commandant is required to be kept informed by the Commanding Officers of subordinate units, however, as to matters of administration and general interest. The administrative units referred to above comprise all facilities which are so grouped in one place as to come logically under the immediate military control of one commanding officer. These units include such activities as ship yards, torpedo stations, training stations, submarine bases, and schools, which are, where appropriate, included in *Naval Bases, Naval Air Bases,* etc., described in § 26.16.

(c) *Duties and Responsibilities*—(1) *Military Command.* The Commandants of the several Naval Districts and the Chief of Naval Air Training are the officers through whom the Chief of Naval Operations carries out his essential command responsibilities over the shore establishment; through the district flows the authority for the overall responsibility for exercising administrative coordination control.

(2) *Coordination.* As noted in the immediately preceding paragraphs, the Commandant provides the necessary coordination control among the numerous shore establishments in his Naval District.

(3) *Contact with public.* Navy Regulations provide that in intercourse with Government, State, and foreign officials or with local authorities in matters of business or ceremony of interest to the Navy, the District Commandant shall himself, or through his subordinates represent the Navy Department. In exercising this important function, the Commandant provides the necessary contact with the public throughout the United States, its territories and possessions, to keep the Nation apprised of the tasks and objectives which the Navy is pursuing in its readiness to defend and promote the national interest and security. The District Commandants provide the media for interpreting to the people the acts and policies, command responsibilities, and administrative effectiveness of their Naval Establishment.

(4) *Coastal defense.* With respect to coastal defense, the mission of the Commandant of the Naval District, under the Sea Frontier Commander, is to control sea communications within the district, repulsing hostile attacks on the seacoast, or upon naval vessels or merchant shipping in or off harbors or in the coastwise sea lanes. Commandants of Naval Districts cooperate with the Army officers commanding corps areas in the preparation of plans in time of peace, determining the more probable situations likely to arise and entering into advance agreements upon plans of joint action for each such situation.

§ 26.18 *The Operating Forces.* (a) Overall command of the *Naval Operating Forces* devolves on the Chief of Naval Operations subject to the supreme authority vested in the President of the United States by the Constitution and in the Secretary of the Navy by law. In the discharge of his duties as the principal Naval Executive, the Chief of Naval Operations is responsible for executing the naval directives of the Joint Chiefs of Staff.

The Operating Forces of the Navy comprise the combatant forces of vessels, aircraft, and troops operating under naval authority, together with such additional vessels, district craft, aircraft, or other units as may be assigned thereto for training, utilitarian, or other purposes.

(b) All vessels and aircraft in the Operating Forces of the Navy are assigned by the Chief of Naval Operations in the *Administrative Organization* which is comprised of the following principal commands:

(1) 1st FLEET (Active).
(2) 2nd FLEET (Active).
(3) 3rd FLEET (Reserve).
(4) 4th FLEET (Reserve).
(5) 16th FLEET (Inactive).
(6) 19th FLEET (Inactive).
(7) Naval Air Transport Service.
(8) Naval Transportation Service.
(9) Naval Air Training Command.
(10) Severn River Naval Command.
(11) Potomac River Naval Command.
(12) Sea Frontiers.
  Eastern Sea Frontier.
  Caribbean Sea Frontier.
  Gulf Sea Frontier.
  Panama Sea Frontier.
  Western Sea Frontier.
  Alaskan Sea Frontier.
  Hawaiian Sea Frontier.
(13) Naval Districts.

(c) The *1st Fleet* is commanded by the Commander-in-Chief, U. S. Pacific Fleet, who is directly under the Chief of Naval Operations. Under command of Commander-in-Chief, U. S. Pacific Fleet are the *3rd Fleet* (Reserve), composed of vessels with reduced crews whose principal task is the training of Naval Reserves; the *5th Fleet,* which is a tactical organization without regular administrative functions and whose composition varies with the tasks or exercises ordered; and the *7th Fleet,* which is a tactical fleet similar to the 5th Fleet having currently assigned the task of supporting the U. S. occupation forces in the Western Pacific. Naval area commands and naval military governments, in the Pacific, are also under the Commander-in-Chief, U. S. Pacific Fleet, with the exception of Guam and Samoa. The headquarters of Commander-in-Chief, U. S. Pacific Fleet are at Pearl Harbor, T. H.

(d) The *2nd Fleet* is commanded by the Commander-in-Chief, U. S. Atlantic Fleet, who is directly under the Chief of Naval Operations. Under the command of the Commander-in-Chief, U. S. Atlantic Fleet are the *4th Fleet* (Reserve), composed of vessels with reduced crews whose principal task is the training of Naval Reserves; the *8th Fleet,* which is a tactical organization like the 5th Fleet, and the naval bases in the Atlantic outside the continental limits of the United States.

(e) The U. S. Naval Forces in European waters including the Mediterramean are organized as the *12th Fleet.* This fleet is composed of vessels assigned for temporary duty on a rotational basis from the 2nd Fleet as directed by the Chief of Naval Operations. The principal task is to support the U. S. forces of occupation in Europe.

(f) The *16th* and *19th Fleets* are comprised of vessels assigned by the Chief of Naval Operations to be inactivated and preserved for future emergency. The vessels of the 16th Fleet are berthed at naval bases, shipyards and berthing areas along the Atlantic and Gulf Coasts, those at each location comprising a Group. The 19th Fleet is distributed among berthing areas of the West Coast. The 16th Fleet is directly under the Commander Eastern Sea Frontier, with headquarters at 90 Church St., New York, N. Y., and the 19th Fleet directly under Commander Western Sea Frontier, with headquarters in Federal Building, San Francisco, Calif.

(g) The Naval Transportation Service, under the direction of the Chief of Naval Operations, operates passenger transports, oil tankers and cargo vessels to provide passenger, fuel and freight service to the fleets and to Naval bases not served by or inadequately served by commercial service. At principal U. S. ports and certain overseas bases, transportation matters are handled by U. S. Navy *Port Directors* under the technical control of the Chief, *Naval Transportation Service,* headquarters of the *Naval Transportation Service.*

(h) The Potomac River Naval Command administers directly under the Chief of Naval Operations the naval activities in and near Washington, D. C. Headquarters are located at Naval Gun Factory, Washington 25, D. C.

(i) The Severn River Naval Command administers directly under the Chief of Naval Operations the U. S. Naval Academy, its supporting and other activities in or near Annapolis, Md. Headquarters are in Annapolis, Maryland.

(j) The *Sea Frontiers* are delimited as indicated on Hydrographic Office chart Misc. 10194 which is revised concurrently with approved changes. The Commanders of Sea Frontiers exercise coordination and control of the logistic activities of the component Naval Districts as may be directed by the Chief of Naval Operations and operate, for inshore patrol, coastal escort and search or rescue operations off the coasts, such vessels as are assigned by the Chief of Naval Operations or the Fleet Commanders. The Commanders Eastern and Western Sea Frontiers are directly under the Chief of Naval Operations but deal directly with the Commanders-in-Chief of the Fleets on matters concerned with logistic support of the Fleets. The Sea Frontier Commanders make joint plans with Army area commands concerned for the coordinated defense of their respective areas.

The Alaskan and Hawaiian Sea Frontiers, being wholly within his area, are

directly under the Commander-in-Chief, U. S. Pacific Fleet. Likewise in the Atlantic the Carribbean Sea Frontier is directly under the Commander-in-Chief, U. S. Atlantic Fleet. The Gulf Sea Frontier extending from Key West, Florida, to Brownsville, Texas, and including all of the Gulf of Mexico, is, as a peace-time measure, under the overall command of Commander Eastern Sea Frontier.

The Headquarters of Commander Eastern Sea Frontier are located at 90 Church Street, New York, N. Y., and of Commander Western Sea Frontier at Federal Building, San Francisco, Calif.

(k) General administration of naval vessels and fleet activities located at a particular place is exercised by *Senior Officer Present Afloat.* The identity of this office changes with the composition of the forces present. It can always be ascertained from the local naval shore establishments, or if none are present, from any convenient ship. All matters of civil concern, legal process, and ceremonial or official requests pertaining to any ship or fleet activity present should be referred to the Senior Officer Present Afloat. He is the official point of contact for Operating Forces present with all private and public agencies.

§ 26.19 *Rule regarding final opinions and orders.* (a) With the exception of opinions of the Board of Contract Appeals on disputes arising under contracts of the Navy Department, which are formal and published, as set forth in § 27.2 (h) (4) below, and with the exception of certain selected decisions and opinions in general courts-martial (omitting actual names of the parties involved) which are periodically published, decisions by the Navy Department under statutes involving a determination of rights are not collected or compiled, are not indexed and are not cited as precedent. Such decisions are usually in the form of a letter addressed to the party concerned and so filed. Such decisions for the most part arise under statutes involving the granting or withholding of benefits depending as requisite or entitling facts exist. The statutes involving the granting or withholding of benefits include the Servicemen's Dependents Allowance Act of 1942 (56 Stat. 381, as amended by 57 Stat. 577; 37 U. S. C. 201 et seq.); the Mustering-Out Payment Act of 1944 (58 Stat. 10; 38 U. S. C. 691 et seq.); the Act of June 4, 1920, as amended (41 Stat. 824, as amended by 45 Stat. 710, 56 Stat. 145, and 58 Stat. 129; 34 U. S. C. 943); the Act of August 27, 1940, as amended (54 Stat. 864, as amended by 56 Stat. 780; 34 U. S. C. 855c–1); and the Armed Forces Leave Act of 1946 (Public Law 704, 79th Congress).

(b) Under a limited number of other statutes, reference in this connection being made to the Renegotiation Act (56 Stat. 245, as amended by 56 Stat. 982, 57 Stat. 348, 57 Stat. 564 and 58 Stat. 78; 50 U. S. C. App. 1191); the Royalty Adjustment Act (56 Stat. 1013; 35 U. S. C. 89 et seq.); the Contract Settlement Act of 1944 (58 Stat. 649; 41 U. S. C. 101); the Act of October 10, 1940 (54 Stat. 1090; 50 U. S. C. App. 711 et seq.); the Act of October 16, 1941 (55 Stat. 742; 50 U. S. C. App. 721 et seq.); the Act of July 3, 1944 (58 Stat. 723; 46 U. S. C. 797); the Act of December 5, 1945 (59 Stat. 596; 34 U. S. C. 600a et seq.); the Act of December 28, 1945 (59 Stat. 662; 31 U. S. C. 223d); the Act of January 2, 1942, as amended (55 Stat. 880, as amended by 57 Stat. 66; 31 U. S. C. 224d); the Legislative Reorganization Act of 1946 (Public Law 601, 79th Congress); and the Act of August 7, 1946 (Public Law 657, 79th Congress), the Navy Department can determine and settle by agreement the matters arising under such statutes. Failing agreement the party concerned ordinarily has recourse to the courts. Orders in such matters are informal and ordinarily confined to a mere statement of the decision on the ultimate question in controversy: e. g., that excess profits in a specified amount have been realized, and are not accompanied by opinions or reasoned explanations, including findings or conclusions on subsidiary issues or matters.

(c) Accordingly, the opinions and orders of the Navy Department determined to be such within the meaning of the Administrative Procedure Act will, as consistent with the general filing system employed by the Navy Department, be available to public inspection on application to the Secretary identifying the opinion or order desired to be inspected with sufficient particularity to enable it to be located. The published opinions of the Board of Contract Appeals and in certain selected general courts-martial will be available for public inspection at the offices of the Board of Contract Appeals and the Judge Advocate General, respectively, Navy Department, Washington 25, D. C., without prior application to the Secretary. Opinions or orders constituting official records to which access will not be granted under § 26.20 will not be available for inspection, as confidential for good cause found.

§ 26.20 *Rules regarding public records.* The following rule is published to state how matters of official record are made available to persons properly and directly concerned except information held confidential within the meaning of the Administrative Procedure Act.

(a) Persons properly and directly concerned in any matter acted upon by the Navy Department or within its cognizance may apply in writing for access to official records of such matter. Such application should be addressed to the Secretary of the Navy unless otherwise specified herein. If the applicant believes that he is entitled to access under section 3 (c) of the Administrative Procedure Act, he will state the nature of his concern and identify as exactly as may be the records to which he desires access. If the applicant is an agent or attorney acting for another, he will attach to the application evidence of his authority to act for his principal. If such evidence is satisfactory, such agent or attorney will be given access to any record to which his principal would be given access.

(b) Official records, within the meaning of this rule, include applications, registrations, petitions, reports and returns filed with the Navy Department by persons not in the Naval service, certain records relating to Naval personnel, and all documents embodying Navy action directly affecting persons outside the Naval service, such as orders, rules, licenses, and contracts. The great mass of material relating to the internal operation of the Navy Department and the Naval forces is not a matter of official record within the meaning of this rule. Official records in the Navy Department's files are merely incidental to the performance of its major functions and it is not practicable to list all types of such official records. The Secretary will, however, determine when application is made whether or not any document is an official record, and whether or not it should be withheld as confidential, according to the principles herein stated.

(c) Without limiting the discretion vested in the Secretary of the Navy by the other provisions of this rule access will not be granted to:

(1) Material classified "Restricted", "Confidential", "Secret", "Top Secret", or any other security classification which may be established, pursuant to Article 76 of the Navy Regulations.

(2) Material, such as tax returns, which is made confidential by law. (Cf. sec. 55 (f) (1) of the Internal Revenue Code.)

(3) Documents which in the opinion of the Secretary contain information which would be of possible assistance to a foreign power in time of peace or to an enemy in time of war, or containing information which, in his opinion, for reasons of public policy should not be disclosed to persons outside the naval or military establishments.

(4) Documents, the disclosure of which would involve the violation of a statute or the breach of a legal or moral obligation to keep information confidential.

(5) Intra-governmental memoranda, reports, and documents not prepared for publication or not official records. The foregoing are deemed confidential according to the principles herein stated.

(d) The Secretary will also determine whether an applicant is properly and directly concerned with the record to which he seeks access, when it is not specifically covered in this rule.

(e) Officers' and enlisted men's service records are deemed confidential for good cause found within the meaning of this rule except to persons properly and directly concerned, including the serviceman himself, and personal representatives of the serviceman, e. g., executors, conservators, etc., who present proper proof thereof. The serviceman, former serviceman, or personal representative may obtain access to health records by applying to the Chief of the Bureau of Medicine and Surgery, Navy Department, Washington 25, D. C., and to other personnel records to the Chief of Naval Personnel, Navy Department, Washington 25, D. C. Application may be made in person or in writing.

(f) Copies of office records or summaries thereof relating to deaths of naval personnel and information relating thereto will ordinarily be furnished upon application to the Judge Advocate

General, Navy Department, Washington 25, D. C., to persons properly and directly concerned.

(g) Access will normally be granted by inspection, at the place where the documents are kept and stored.

(h) If the Secretary determines that one or the other of the principles stated above requires the refusal of a request to make information available, prompt notice of any such refusal will be given to the applicant, together with a simple statement of the grounds for such refusal.

(i) The Secretary has legal custody of all official records of the Navy Department, and no subpoena duces tecum directed to any Navy Department employee or officer other than the Secretary is legally valid or effective to compel such officer or employee to produce any official record of the Navy Department, or other report, paper, or document in its custody. It is hereby declared to be contrary to the public interest to produce in any proceeding or trial any memorandum or document from Navy Department files to which access has not been asked and granted pursuant to this Rule, whether a Public Record or not.

(j) This rule regarding public records has no application to access to records by officers or employees of other agencies or branches of the Government.

(k) This rule regarding public records has no application to any records which by law or policy of the Department are made available to the public generally, to any records which are in the custody of the Archivist of the United States, nor to any records which are disposed of under U. S. Code, Title 44, Secs. 366 and following, as amended.

PART 27—PROCEDURES OF THE NAVAL ESTABLISHMENT

Sec.

27.1 Procedures of the Naval Establishment.
27.2 Procurement of matériel.
27.3 Termination and settlement of war contracts.
27.4 Payment of fair compensation under defective informal and quasi contracts.
27.5 Disposition of property.
27.6 Renegotiations of contracts.
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27.15 Naval Retiring Review Board.
27.16 Board of Review, Discharges and Dismissals.
27.17 Naval courts and certain fact finding bodies.

§§ 27.1 *Procedures of the Naval Establishment.* Set forth below are the procedures which have been established for handling of the public functions of the Naval Establishment.

§§ 27.2 *Procurement of matériel*—(a) *Statutory authority.* Procurement by the Naval Establishment is now based primarily upon the First War Powers Act (55 Stat. 838; 50 U. S. C. 601) except that research and development contracts negotiated by the Chief of Naval Research are based on the Act of August 1, 1946 (Public Law 588, 79th Congress).

Pursuant to the First War Powers Act, the President, in Title 1 of Executive Order 9001 (6 F. R. 6787), conferred authority upon the Navy Department as follows:

(1) The Secretary of the Navy is authorized to enter into contracts and into amendments or modifications of contracts theretofore or thereafter made, and to make advance, progress, and other payments thereon, without regard to the provisions of law relating to the making, amendment, or modification of contracts and to delegate these powers with authority to redelegate them.

(2) The contracts authorized to be made include agreements of all kinds (whether in the form of letters of intent, purchase orders, or otherwise) for all types and kinds of things and services necessary, appropriate or convenient for the prosecution of war, or for the invention, development, or production of, or research concerning any such things, including but not limited to, aircraft, buildings, vessels, arms, armament, equipment, or supplies of any kind, or any portion thereof, including plans, spare parts and equipment therefor, materials, supplies, facilities, utilities, machinery, machine tools, and any other equipment, without any restriction of any kind, either as to type, character, location or form.

(3) The Secretary of the Navy may by agreement modify or amend or settle claims under contracts, may make advance, progress and other payments upon such contracts of any percentum of the contract price, and may enter into agreements with contractors and/or obligors, modifying or releasing accrued obligations of any sort, including accrued liquidated damages or liability under surety or other bonds, whenever, in the judgment of the Secretary of the Navy the prosecution of the war is thereby facilitated. Amendments and modifications of contracts may be with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished, irrespective of the time or circumstances of the making of or the form of the contract amended or modified, or of the amendming or modifying contract, and irrespective of rights which may have accrued under the contract or the amendments or modifications thereof.

(4) Advertising, competitive bidding and bid, payment, performance, or other bonds or other forms of security, need not be required.

(b) *Delegation of purchase responsibility.* (1). The Technical Bureaus. (i) In general: on December 13, 1942, the Secretary of the Navy reorganized the procurement procedures of the Naval Establishment by directing that: The chief of each bureau having technical cognizance of the matériel and services to be procured shall determine, in his discretion, the extent to which written contracts embodying the terms of negotiated deals or arrangements for such procurement will be negotiated, prepared and executed in each such bureau and the extent, if any, to which the services of the Bureau of Supplies and Accounts will be availed of for the negotiation, preparation and execution of such contracts. The chief of each bureau is authorized to negotiate, prepare, and execute all contracts to be negotiated in his bureau and is further authorized to delegate such authority to such person or persons as may be selected by him. Pursuant to this directive, the technical bureaus purchase matériel through contracting officers within the bureaus.

(ii) *Bureau of Aeronautics.* The Bureau of Aeronautics purchases complete aircraft and government furnished component parts for installation therein; complete aircraft engines; catapults and catapult spare parts; arresting gear and arresting gear spare parts; aeronautical equipment and instruments; and other technical items which require close technical liaison between aeronautical engineers and the contractor manufacturers. The Bureau of Aeronautics also purchases for the Deputy Chief of Naval Operations for Air, aerological, photographic and training equipment.

The Aviation Supply Office, Philadelphia, Pa., under the joint direction of the Bureau of Aeronautics and the Bureau of Supplies and Accounts, procures, stores, and distributes aeronautical material including spare parts (except those parts purchased under the original airframes contract).

(iii) *Bureau of Medicine and Surgery.* All purchasing for the Bureau of Medicine and Surgery is handled by the Joint Army-Navy Medical Procurement Office, New York.

(iv) *Bureau of Naval Personnel.* The Bureau of Naval Personnel contracts for the use of quarters and facilities for training purposes and for welfare and recreational requirements. The Bureau of Supplies and Accounts purchases the matériel, equipment, and supplies required by the Bureau of Naval Personnel; non-professional books for use in libraries are purchased by the Navy Purchasing Office, New York.

(v) *Bureau of Ordnance.* The Bureau of Ordnance contracts for ordnance equipment, including guns, gun mounts, rocket launchers, fire control devices (for vessels and aircraft) and aircraft armament (less certain items of non-expendable equipment built into the planes); ammunition, torpedoes, mines, depth charges, projectiles, rockets, bombs and armor; and for services and facilities used in connection with research, development, and production of ordnance matériel and equipment.

(vi) *Bureau of Ships.* The Bureau of Ships contracts for the construction of ships of all types and for the repair, alteration and conversion of naval vessels; for facilities under its cognizance; for technical matérial and equipment required for the construction and outfitting of naval vessels; and for technical services and research and development work. Although the Bureau of Ships usually furnishes the main propulsion machinery and all technical equipment and matériel required for the construction of naval vessels, the "Lead Yard" purchases most of the other matériel

and equipment required by all yards building vessels of the same class. When the "Lead Sard" is a navy yard, such purchases are made by a field purchasing activity of the Bureau of Supplies and Accounts. With Bureau of Supplies and Accounts the Bureau maintains control centers for the procurement and inventory control of repair parts for matériel under the cognizance of the Bureau of Ships.

(vii) *Bureau of Yards and Docks.* The Bureau of Yards and Docks contracts for all matériel and services required for the construction of public works and public utilities at naval shore activities; for the purchase and lease of real property, and for all matériel and equipment under its cognizance when technical plans and nonstandard specifications are involved. Certain designated Public Works Officers are authorized to enter into informal construction, repair, engineering or maintenance contracts not in excess of $5,000 and when payment is to be made in one lump sum. All acquisitions of private and public real property by lease or otherwise, whether directly by the Navy or through the Contractor who is to be reimbursed directly or indirectly with naval funds, are processed through the Bureau of Yards and Docks to the Naval Affairs Committees of the Congress.

(2) *The Bureau of Supplies and Accounts and its field activities.* The Bureau of Supplies and Accounts is responsible, on its own initiative and based upon its own estimates, for the purchase of clothing, provisions, ship's stores stock, fuel and lubricants, and general stores. Upon the initiation of requisitions by the technical bureaus or field activities, the Bureau of Supplies and Accounts and its field purchasing activities also procure services and items for which it has been assigned procurement responsibility.

(3) *Aviation Supply Office.* The Aviation Supply Office, an agency of the Bureau of Aeronautics and the Bureau of Supplies and Accounts, procures, stores and distributes all technical aviation matériel not under the direct control of the Bureau of Aeronautics. All aeronautical spare parts, except those parts purchased under the original airframe contract, are purchased by the Aviation Supply Office.

(4) *Headquarters, Marine Corps.* Headquarters, Marine Corps, contracts for matériel required by the Marine Corps, not procured through Bureaus of the Navy.

(5) *Delegation of authority within a purchasing activity.* Officers in Charge of Navy Purchasing Offices, Supply Offices in Command of Naval Supply Depots, and Supply Officers of ships or shore activities are authorized to sign contractual documents. These officers designate in writing the junior officers who are authorized to sign purchase documents. These authorizations are available for information purposes at all times.

(6) *Field purchasing activities under the cognizance of the Bureau of Supplies and Accounts.* All naval activities having a regularly organized Supply Department are authorized to purchase matériel and services, subject to the limitations established by the Bureau of Supplies and Accounts or the Commandant of the Naval District. These purchasing activities are under the cognizance of the Bureau of Supplies and Accounts which promulagtes purchasing policies and instructions in the field; reviews requisitions and other purchasing documents designated for field action to insure conformance with procurement policies; and acts as liaison between field purchasing activities, the other bureaus and offices of the Navy Department and other Government departments. The maximum dollar limit authorized for purchases by these activities will vary from $25 to an unlimited amount dependent on the size of the activity and proximity to a central procurement office. The latter activities are strategically located throughout the country and are organized to effect any type of procurement assigned them. The major central procurement activities are located in New York, Norfolk, Charleston, Miami, Jacksonville, New Orleans, Chicago, Los Angeles, San Francisco, and Seattle. In addition, the Naval Supply Depot, Mechanicsburg, Pa., procures spare parts for ship hulls and machinery and for all internal combustion engines. Additionally, specific delegations of authority for particular procurements are, from time to time, made by the Bureau of Supplies and Accounts and the technical bureaus. Bureau of Aeronautics representatives, inspectors of naval material, inspectors of machinery, naval inspectors of ordnance, and supervisors of shipbuilding located outside the immediate vicinity of a navy yard or a naval supply depot are authorized to purchase sundry matériel and services costing less than $500. Inspectors are subject to the same policies and limitations in the procurement of supplies and services as other field purchasing officers.

(d) *Methods of purchase.*—(1) *Direct negotiation with a selected supplier.* Direct negotiation with a selected supplier is used as a method of purchase when speed is essential, and the facilities of a given manufacturer are required, or competitive tenders fail or would fail to produce satisfactory prices.

(2) *Solicitation of competitive quotations.* Except when it is necessary to deal directly with a selected supplier, quotations are secured from a reasonable number of qualified suppliers.

(3) *Procedures for soliciting quotations.*—(i) *Solicitation by telephone, telegraph, and mail.* At the discretion of the purchasing officer, competitive quotations are solicited either by telephone, telegraph, or mail. When quotations are solicited by telephone, written confirmation normally is secured on all purchases over $500. When the procurement is complicated or suppliers are located at a great distance, quotations are generally solicited by means of letters or written tenders.

(ii) *Informal solicitation.* With respect to items of relatively small value quotations are secured informally by "over the counter" solicitation or personal shopping.

(4) *Opening and acceptance of bids.*—(i) *Public opening not required.* When written quotations are obtained, it is not necessary to open them in public. As a matter of policy, however, public openings are held when wide competition is secured; when competition is restricted or proprietary purchases are made, public openings are not held.

(ii) *Alternative bids accepted.* Acceptable alternative bids are encouraged when they may provide acceptable quality at a lower price than that obtainable under existing specifications. Purchasing officers are not authorized to buy matériel pursuant to alternative specifications, however, without obtaining the approval of the requisitioning activity.

(iii) *Modification of bids.* Although bidders may withdraw their tenders or alter them at any time before the scheduled hour of opening without the consent of the purchasing officer, subsequent to the opening of bids, suppliers are not permitted to alter their tenders, except when an obvious error has been made or when the proposed changes are in the interest of the Government. If a supplier insists upon improperly modifying or withdrawing his bid after the date of opening, his name may be placed upon the list of Defaulting Contractors. Purchasing officers recommend such action to the Bureau of Supplies and Accounts when a supplier's conduct warrants placing him on their list.

(iv) *Bids to be rejected and direct negotiations employed when the interest of the Government can be served.* When unsatisfactory terms are offered as a result of inadequate competition, possible collusion among suppliers, or for any other reason, all bids may be disregarded and direct negotiation employed to fill requirements. If it is in the interests of the Government to contract with suppliers who have submitted late or improper bids, all tenders may be rejected and direct negotiations conducted with the selected suppliers. Negotiations are not conducted with suppliers who have attempted to secure an unfair advantage by submitting their quotations after the scheduled hour of opening.

(5) *Conditions under which unpriced purchases are authorized.* When the estimated cost of an item or a group of similar items is $5,000 or less, or, in the case of field purchasing activities, other than Aviation Supply Office, Navy purchasing offices, Navy Yards and naval supply depots, $500 or less, and it is impractical to obtain prices before purchasing, unpriced orders may be employed, providing the desired items can be acquired from only one supplier or are sold on the basis of established price lists, and providing only one delivery is made and only one invoice is submitted.

(e) *Acceptable list of approved material.* The Bureau of Supplies and Accounts and the Bureau of Ships maintain lists of items which have been subjected to performance test to determine their suitability for Naval use. Products which must be subjected to test, and the manufacturers whose products have passed these tests are listed in the Acceptable List of Approved Materials of each Bureau. Prospective suppliers whose products meet other requirements of the specifications but have not been tested are encouraged to submit samples for test. Information as to the materials on the lists and as to the requirements

for submitting material for test may be obtained by writing the Purchase Division, Bureau of Ships, Navy Department, Washington 25, D. C. As a general rule contracts are not awarded for items on the Acceptable List to suppliers offering materials which have not been tested or have failed to perform satisfactorily under test.

(f) *Mailing list maintained by the Bureau of Supplies and Accounts and field activities.* The Bureau of Supplies and Accounts and the principal field activities maintain mailing lists of potential suppliers. The persons on the lists are forwarded requests for tenders with respect to matériel which they manufacture or sell. Any manufacturer or regular dealer desiring to be included on the mailing list of the Bureau of Supplies and Accounts or such field activities should address a request to the Purchase Division, Bureau of Supplies and Accounts, Navy Department, Washington 25, D. C., or the Officer-in-Charge of the field activity.

(g) *Standard specifications.* The Purchase Division of the Bureau of Supplies and Accounts maintains copies of all Navy Standard Specifications, Joint Army-Navy Specifications and Federal Specifications. Copies may be obtained by addressing a request to the Purchase Division, Bureau of Supplies and Accounts, Navy Department, Washington 25, D. C.

(h) *Rules of the Board of Contract Appeals.* (1) Each member of the Board, Counsel for the Board and the Secretary thereof is authorized to communicate directly with any person whomsoever in regard to any matter which relates to the business of the Board.

(2) Notices of appeal and other papers to be submitted to the Board should, wherever practicable, be clearly typewritten upon paper of standard letter size (8½ x 11 inches), upon one side only, without covers.

(3) An original and three copies of the notice of appeal and other data should be filed by the Appellant.

(4) The rules relating to the proceedings before the Board, all final opinions and orders in the adjudication of cases shall be available to public inspection at the offices of the Board in the Navy Department, Washington, D. C. Requests for information in connection with proceedings before the Board should be addressed to The Board of Contract Appeals, Navy Department, Washington, D. C.

(5) The Secretary's letter of September 16, 1942 (N. P. D., paras. 11, 601–08) provides that in disposing of disputes concerning questions of fact, contracting officers must adhere to the following procedure:

(a) Whenever any such dispute arises, the contracting officer shall request the contractor to furnish a full statement of the pertinent facts and the reasons in support of the contractor's contention, with reference to the contract provisions relied upon in support of such contention.

(b) The contracting officer shall in each instance decide the dispute and furnish directly to the contractor a statement in writing of his "decision," together with "findings of fact." The decision of the contracting officer must not, however, be in conflict with any provision of the contract. Such "decision" and "findings of fact" shall be accompanied by a copy of the rules of the Board of Contract Appeals.

(c) A contracting officer in the field may, before reaching a decision, submit disputes and questions thereon to the Chief of the Bureau of Supplies and Accounts for advice and recommendation. It is, however, the responsibility of the contracting officer to exercise his own judgment in making his own findings of fact and in reaching his decision.

(6) An appeal from the decision of a contracting officer must be in writing and filed with the officer from whose decision the appeal is taken within the time specified therefor in the contract or allowed by applicable provision of law.

(7) The notice of appeal must indicate clearly that such an appeal is intended and must also indicate the decision from which the appeal is taken with sufficient clarity to allow it to be identified. The notice of appeal should also show the date on which the decision was made, the bureau, the contracting officer, the contract number, and the relief sought. Additional information, including arguments in support of the appeal, may be incorporated in the notice or submitted within thirty days of the filing of such notice unless the Board expressly permits otherwise. A suggested form of notice of appeal is attached hereto, but the notice of appeal may be in the form of a letter or in any other form which clearly presents the necessary information. The notice of appeal must be signed by the contractor making the appeal, personally, or by an officer of a corporation, member of a firm, or an attorney.

(8) When a notice of appeal in any form has been received by the contracting officer he will endorse thereon the date of its receipt and will promptly notify the Board that such an appeal has been filed. Thereafter within a reasonable time he will compile and transmit to the Board two copies of the documents relative to the appeal, which shall include the following:

(i) The notice of appeal and the supporting data specified in § 27.2 (h) (7).

(ii) The findings of fact and the decision from which the appeal is taken.

(iii) The contract and pertinent specifications, amendments, and plans.

(iv) Correspondence and other data relevant to the issue.

(v) A memorandum of counsel for the contracting bureau giving his opinion as to the propriety of the decision from which the appeal is taken. Such memorandum should include a statement with respect to compliance with the applicable contract provisions and directives; the power of the Secretary of the Navy to grant the relief sought; counsel's opinion upon all matters of law involved in the dispute and such comment as counsel for the bureau considers that the Board should have concerning the matter in dispute generally.

(vi) Such additional information as the contracting officer of counsel for the bureau may consider that the Board should have before reaching a decision.

(9) The contractor and the contracting officer may, by a stipulation signed by both, or by their authorized representatives, set forth any agreed facts or matters in dispute, identifying, as exhibits, the contract and other documents necessary to a consideration of the dispute, and documentary evidence on which either of them relies. In the absence of such a stipulation, the contracting officer shall give to the contractor a copy of the material specified in § 27.2 (h) (8) (iv) to (vi), or notice of its proposed inclusion in the documents relative to the appeal, and an opportunity to examine it; and after the receipt of such a copy or notice, the contractor shall have twenty days, or such longer time as the Board may allow, in which to submit additional material and arguments. The contracting officer shall promptly transmit to the Board two of all such additional material, together with any statement or other data relative thereto. No other documents or written matter will be received except by permission of the Board.

(10) Notices of appeal and supporting data which are sent to a contracting officer pursuant to any provisions of these rules shall be deemed to have been sent to or filed with the Secretary of the Navy for the purpose of determining the contractor's compliance with the contract provisions relating to appeals to the Secretary of the Navy.

(11) When the Board has received the completed record in proper form, the Secretary of the Board will notify the contractor, who will have fifteen days from the date of the notice in which to indicate whether he wishes to appear or be represented at a hearing before the Board and any preference he may have for the date of such a hearing. If the contractor states that he wishes to appear or be represented at a hearing, a date for such a hearing will be assigned, of which at least fifteen days' notice shall be given by the Secretary of the Board to the contractor and the contracting officer. If the contractor states that he does not wish to appear or be represented at a hearing, or if he does not reply within fifteen days from the date of the notice first mentioned in this rule, the case will be considered and decided by the Board thereafter at its convenience. The contracting officer, or any person representing him may appear at any hearing held pursuant to a request by the contractor, and shall appear at any hearing or meeting of the Board at its request, but shall not otherwise have a right to appear except by permission of the Board.

(12) The unexcused absence of a party or his counsel at the time and place set for a hearing will not be the occasion for delay, but the hearing will proceed and the case will be regarded as submitted on the part of the absent party or parties.

(13) The parties may file briefs in lieu of personal appearances or in connection therewith. All briefs must be filed at least fifteen days prior to the hearing unless otherwise ordered by the Board.

(14) Hearings will be held at the office of the Board in Washington, D. C., unless otherwise ordered by the Board. Hearings will not ordinarily be held elsewhere, but the Board will consider any such request made by a contractor and received at the office of the Board before notice of

a hearing is sent; but the Board may without such a request order a hearing to be held at another place.

(15) A quorum of the Board shall be a majority of the members of the entire Board, unless the Board shall act in divisions, in which case a quorum shall be a majority of a division. The Board may in any case, with the consent of the contractor, designate one of its members or any other qualified person as an examiner to receive evidence and arguments presented by or on behalf of the contractor, or contracting officer, or both; but in such case the Board shall act on the appeal only after the examiner's report and a stenographic transcript of the proceedings before the examiner have been considered by a quorum of the Board, or of any authorized division thereof.

(16) Hearings before the Board, a division, or an examiner, will be informal, with no fixed form of procedure, the manner in which facts are ascertained and conclusions reached by the Board being, except as otherwise prescribed by these rules, a matter for its discretion. Ordinarily the contractor and contracting officer or their representatives may offer at a hearing such matter by way of evidence or argument as they see fit; but the extent of such evidence or argument, and the manner of its presentation, may be limited or otherwise controlled by the Board, the division, or the examiner, as the case may be.

(17) The Board may but shall not be required to have all or any part of the proceedings before it taken down stenographically, and to the extent that any proceeding before the Board is taken down stenographically the contractor shall be entitled to a transcript thereof upon request.

(18) No oaths shall be required of persons who present matter orally or in writing to the Board, but the Board, any division, thereof, or an examiner may, if it seems expedient, warn persons who make statements in writing or as part of a hearing that such statements may be subject to the provisions of section 35 (A) of the Criminal Code (18 U. S. C. 80), section 19 of the Contract Settlement Act of 1944 (41 U. S. C. 119), and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or within the jurisdiction of any department or agency thereof.

(19) An appellant may be represented by any duly authorized person.

(20) No decision of the Board, or of a division thereof, shall be conclusive or binding unless concurred in by a majority of the members of the Board, or of such division.

(21) When a decision has been reached by the Board, by a division thereof, by the Senior Member, or by the Secretary of the Navy, as the case may be, the Senior Member or the Secretary of the Board will advise the Chief of the Bureau concerned of such decision and of any action to be taken in regard to it. The Chief of the Bureau concerned will notify the parties of the dicision and of the action taken with respect thereto.

(22) Whenever these rules or any order of the Board prescribe a time within which any act must be performed, Sundays and legal holidays in the District of Columbia count the same as other days, except that when the time prescribed for the performance of an act expires on a Sunday or legal holiday in the District of Columbia, such time shall extend to and include the next succeeding day that is not a Sunday or such legal holiday: Provided, that when the time for performing any act is prescribed by statute nothing in these rules shall be deemed to be a limitation or extension of the statutory time period.

(23) The Board may extend or waive any period of time or other limitation upon its action, except as prevented by law, a contract provision, a directive or other regulation.

(24) As used in these rules the term "contracting officer" includes any other authority from whose decision an appeal may be taken to the Secretary of the Navy pursuant to the provisions of a contract a directive or an applicable statute, and also includes any person or persons representing the contracting officer or other authority in the matter covered by the rule.

(i) *Navy procurement directives.*—The principal directives issued by the Secretary to all purchasing activities within the Naval Establishment for their guidance in the procurement of services and matériel have been published and made available to the public by the Commerce Clearing House, Chicago, Illinois. In addition, copies of specific directives may be obtained by addressing a request to the Secretary of the Navy, Washington, D. C.

§ 27.3 *Termination and settlement of war contracts*—(a) *Statutory authority.* The authority of the Navy Department to terminate prime contracts for the convenience or at the option of the Government is based upon its general authority to make contracts and to amend them in the interests of the Government, and upon its authority under Public Law 703, 76th Congress, as extended, (54 Stat. 712; 50 U. S. C. 1171) and the First War Powers Act of 1941 supra. The Contract Settlement Act of 1944 (58 Stat. 649 et seq.; 41 U. S. C. 101 et seq.) confers on the Department express authority to settle termination claims by agreement, by arbitration, and by determination without agreement, in accordance with the provisions of that Act, and authorizes the making and amending of contracts to carry out the provisions of the Act. The Act establishes the Office of Contract Settlement headed by a Director of Contract Settlement who has issued regulations prescribing policies, principles, methods, procedures, and standards governing the exercise, the authority and discretion, and the performance of the duties and functions of all Government Agencies under the Act.

(b) *Joint Termination Regulations.* The War and Navy Departments have issued a Joint Termination Regulation prescribing procedures to be followed in terminating and settling war contracts.

(c) *Delegations of authority.* Pursuant to the Joint Termination Regulation, the bureau, office, or field activity which entered into the contract is generally authorized to terminate and settle that contract. The following are exceptions to this rule:

(1) Field activities not maintaining a contract termination section have been directed to transfer all termination claims, for settlement, to the nearest field activity maintaining a termination section.

(2) Certain companies have been assigned by the Director of Contract Settlement to a given bureau or office which is authorized to act for all the services of the War Department, for the bureaus of the Navy Department and (in some other cases) for other contracting agencies with respect to the settlement of the terminated war contracts of the assigned contractor.

(3) For purposes of convenience delegations of authority have been made by various bureaus to other bureaus and to services of the War Department to settle specific termination claims.

§ 27.4 *Payment of fair compensation under defective informal and quasi contracts*—(a) *Statutory authority.* Section 17 of the Contract Settlement Act of 1944 provides:

a. Where any person has arranged to furnish or furnished to a contracting agency or to a war contractor any materials, services, or facilities related to the prosecution of the war, without a formal contract, relying in good faith upon the apparent authority of an officer or agent of a contracting agency, written or oral instructions, or any other request to proceed from a contracting agency, the contracting agency shall pay such person fair compensation therefor.

b. Whenever any formal or technical defect of omission in any prime contract, or in any grant of authority to an officer or agent of a contracting agency who ordered any materials, services, and facilities might invalidate the contract or commitment, the contracting agency (1) shall not take advantage of such defect or omission; (2) shall amend, confirm, or ratify such contract or commitment without consideration in order to cure such defect or omission; and (3) shall make a fair settlement of any obligation thereby created or incurred by such agency, whether expressed or implied, in fact or in law, or in the nature of an implied or quasi contract.

The Director of Contract Settlement has issued Regulation No. 12 of the Office of Contract Settlement, dated January 24, 1945, prescribing procedures for the preparation, submission and allowance of Section 17 claims.

(b) *Preparation, submission and allowance of claims.* Under Section 17 of the Contract Settlement Act.

(1) Except as hereinafter provided, each claim for relief under section 17 of the Act shall be submitted in writing, and shall be under oath, verified by the claimant or by a principal executive officer of the claimant, and accompanied by affidavits of representatives of the claimant and other persons having knowledge of the relevant circumstances. If the claim is supported by a formal contract which may be invalid because of a formal or technical defect, or ommission therein, or in its authorization, counsel of the bureau having cognizance of the matter may, in his discretion waive

the foregoing requirements with respect to verification and affidavits.

(2) If the claim is not based upon a formal contract, valid or otherwise, it shall be supported by such of the following information as is appropriate:

(i) The original or photostatic copies of any written instructions, and a full statement of any oral instructions, relied on.

(ii) Identification of any officer or agent upon whose authority to bind the Government the claimant relied, together with a statement of (*a*) the circumstances relied on in good faith by the claimant as indicating the existence of such authority, and (*b*) the efforts made by the claimant to obtain a formal contract or, if none was made, the reasons for the failure to make any such effort.

(iii) A full description of the materials, services, or facilities furnished or arranged to be furnished and of their relation to the prosecution of the war.

(iv) A statement of when and to whom such materials, services, or facilities were furnished or were arranged to be furnished, and of the arrangements made for furnishing them, together with a description of any guaranties, warranties, or indemnities customarily furnished or specifically required in connection therewith.

(v) A statement of all other action taken by the claimant with respect to the material, services, or facilities so furnished or arranged to be furnished and of any commitments that have been made to third parties in reliance on the written or oral instructions or other request to proceed, together with documentary evidence of any such commitments and a statement of any payments or settlements made with respect thereto.

(vi) A statement of the amount claimed, with a breakdown in sufficient detail to support the claim and certified by the claimant or its principal financial officer.

(vii) A statement of what steps have been taken to mitigate losses and reduce the claim to a minimum.

(viii) A statement of any payments or credits received or to be received on account of the materials, services, or facilities furnished or arranged to be furnished.

(ix) A statement of the salvage or recovery value of any such materials or facilities so arranged to be furnished but not disposed of.

(x) A statement of whether any other claim for any part or all of the relief requested has been, or is being, submitted to any other Government Agency or war contractor, and if so, of the action taken thereon.

(xi) Any additional information considered appropriate by the claimant.

Representatives of the Department authorized to consider the claim may require such further relevant information as they may deem necessary or appropriate.

(3) If the claim is based upon a formal contract which may be invalid because of a formal or technical defect or omission therein or in its authorization, the claim shall include a full statement of the relevant circumstances and of the relief requested.

(4) A claim which is not supported by a formal contract shall be forwarded to the chief of the bureau which would normally have executed the contract for the materials, services, or facilities, with respect to which relief is being sought. A claim which is based upon a formal contract shall be forwarded to the bureau or office which executed the contract. Such bureau or office will forward the claim, with comments thereon, to the chief of the bureau having cognizance (in doubtful cases, the claim will be forwarded to the Chief of the Bureau of Supplies and Accounts). If the chief of the bureau or the contracting officer determines that a claim should be considered by a contracting agency of the Government other than the Navy Department, he will forward the claim and supporting papers to the Office of Contract Settlement with a statement of his reasons therefor and a statement of any information he may have concerning the facts set forth in or bearing on the claim.

(5) Each claim for relief under Section 17 will be promptly and carefully investigated by the chief of the cognizant bureau or his duly authorized representative. After such investigation, and determination that the facts justify relief if it may be legally granted under the Act, the claim together with a report of such investigation will be referred to counsel for the bureau, or to the Office of the General Counsel for the Department of the Navy if the arrangement or contract was made by the Marine Corps, for an opinion as to the extent to which the requested relief or action may legally be granted or taken under the provisions of Section 17 of the Act.

(6) If the counsel determines that relief may legally be granted, the chief of the cognizant bureau or his duly authorized representative will negotiate with the claimant with a view to settlement of the claim by agreement. Any such agreement involving payment to the claimant of any amount in excess of $25,000 will not become binding upon the Government until it has been reviewed and approved by the head of the Procurement Policy Branch of the Material Division, Office of the Assistant Secretary of the Navy. In forwarding any such agreement to the Material Division, the cognizant bureau will include a statement of the factors bearing upon the determination of the amount agreed upon as fair compensation and a copy of the opinion of counsel.

(7) All relief granted or action taken under Section 17 of the Act must be embodied in a written agreement, executed by the chief or a contracting officer of the cognizant bureau and approved as to form and legality by counsel, which shall release and discharge the Government, its officers, agents and employees from all liability on account of the furnishing of, or the arrangement to furnish, the materials, services, or facilities in question.

(8) In any case where the chief of the cognizant bureau or his duly authorized representative has failed to settle the claim by agreement with the claimant or has so settled only a part of the claim, the dispute will be subject to the provisions of Section 13 of the Act, governing the preparation of written findings and prescribing procedure for review and appeal. All written findings will be submitted to counsel for the bureau, or to the Office of the General Counsel for the Department of the Navy in the case of the Marine Corps, for approval as to form and legality. Following such approval, one copy of such findings will be forwarded to the claimant and two copies to the Office of Contract Settlement.

(9) Where an obligation or commitment created or incurred by a bureau might be invalidated because of a formal or technical defect or omission in a prime contract or in any grant of authority to an officer or agent who ordered materials, services, or facilities related to the prosecution of the war, the chief of the bureau or his duly authorized representative will formalize the obligation or commitment within ninety (90) days after notice of the existence of such formal or technical defect or omission.

(10) The Secretary of the Navy has delegated to the chiefs of the several bureaus the authority to grant relief under section 17 of the Act.

(11) The Secretary of the Navy has authorized the Judge Advocate General to convene a Philippine Contract Settlement Commission to settle pursuant to section 17 of the Contract Settlement Act, supra, claims for services or materials furnished representatives of the Navy in the Philippine Islands.

§ 27.5 *Disposition of property.* The Navy Department, as an "owning agency" under the Surplus Property Act of 1944 (58 Stat. 765; 50 U. S. C. 1611) and Regulations issued thereunder by War Assets Administration, is authorized to dispose of certain of its property in accordance with such Regulations. The Navy Department is also authorized to sell, transfer and otherwise dispose of vessels and other property under statutory authority other than the Surplus Property Act.

The following is set forth for the purpose of indicating the bureaus, offices, or activities of the Navy Department and their general procedures in respect to disposition of naval property.

The Navy Department has found it convenient to issue six comprehensive regulations covering disposition of all naval property as follows: The Army-Navy Joint Termination Regulation, and Navy Property Redistribution and Disposal Regulations Nos. 1 through 5, inclusive. The Navy Material Redistribution and Disposal Administration Handbook has also been published for the guidance of field personnel with particular reference to procedures governing sales of scrap, salvage and waste materials and small lots. All of the publications reflect the rules and requirements of applicable regulations issued by the War Assets Administration and the requirements of statutes covering dispositions other than those authorized pursuant to the Surplus Property Act. Access may be had to these publications through the Office of the Assistant Secretary of Navy, Material Division, Washington 25, D. C., at the Offices of the

Commandants of the several Naval Districts, and at the Material Redistribution and Disposal Offices listed in § 26.20.

The Chief of the Material Division, Office of the Assistant Secretary of Navy, is charged with the over-all responsibility for disposition of naval property and general inquiries for information should be addressed to the Material Division, Office of the Assistant Secretary of the Navy, Washington 25, D. C. Inquiries with respect to specific Navy property may be addressed to the Technical Bureau cognizant thereof or to the pertinent local selling activity referred to below.

(a) *Dispositions under the Surplus Property Act.* Dispositions of surplus property by the Navy Department authorized by the Surplus Property Act of 1944 and the regulations issued thereunder are of the following general types. Such dispositions are in each instance governed by the conditions and limitations imposed by and the procedure established under the applicable regulations of War Assets Administration and the property disposition publications referred to above:

(1) *Waste, scrap, and salvage.* Sales are made by the authorized selling activities listed in § 275 (a) (7) on the basis of competitive bids except in those exceptional cases (such as educational institutions) where it has been determined that it would be in the best interest of the Government to make disposition by negotiated sale, in which case such property may be disposed of at the best price obtainable. Purchasers may be required to warrant against *use* of property to be scrapped where appropriate in the public interest.

(2) *Worthless property.* Navy contractors may be authorized to sell for the account of the Government worthless property resulting from the termination or run-out of war contracts and the Navy Department may itself donate property which has no commercial value, or property the estimated cost of the care, handling and disposition of which would exceed the estimated proceeds of its sale to Federal or State supported agencies or institutions and to non-profit educational or charitable institutions. Except where military necessity or the public health or safety otherwise requires, no naval activity may destroy or abandon property until efforts to donate such property have failed.

(3) *Small lots.* The Navy Department may sell, or permit the retention or sale by a contractor of any item or group of items or property as provided in and constituting "small lots" under Regulation 9 of the War Assets Administration.

(4) *Contractor inventory.* Government-owned property resulting from the termination or run-out of war contracts in the possession of contractors of the Navy Department may be retained or sold by the contractor for the account of the Government.

(5) *Facilities and plant equipment.* The Navy Department may under applicable Regulations of War Assets Administration sell facilities, including improvements to land, and plant equipment which are located in a war contractor's plant to the contractor in possession thereof. Improvements on leased land, both industrial and non-industrial, may be disposed of by sale, transfer, demolition or abandonment.

(6) *Foreign areas.* In foreign areas (outside the continental United States, its territories or possessions), the Navy Department, acting through its Area Commander, is authorized to make direct disposition of scrap, salvage and waste property, and of subsistence and other property whenever such disposition is, in the judgment of the Area Commander, necessary to avoid spoilage or loss through rapid deterioration.

(7) *Conduct of sales.* With respect to facilities, improvements to land and plant equipment, Contracting Officers within the several Bureaus are authorized to negotiate and sell such property to the contractor in possession at prices determined to be fair and reasonable, subject to the review and approval of review boards established within the several Bureaus in cases of sale involving property which cost in excess of $25,000 (excepting items sold under the formula established by War Assets Administration Regulation #13). Sales of other classes of property which the Navy Department as an owning agency has authority to sell under the Surplus Property Act of 1944 are effected by the Supply Officer at authorized selling activities. Such authorized selling activities are as follows:

Naval Shipyards

Portsmouth, N. H.	Boston, Mass.
New York, N. Y.	Portsmouth, Va.
Philadelphia, Pa.	Mare Island, Calif.
Charleston, S. C.	Hunter's Point,
Puget Sound, Wash.	San Francisco, Calif.

Naval Supply Depots

Newport, R. I.	Oakland, Calif.
Bayonne, N. J.	Clearfield, Utah.
Mechanicsburg, Pa.	Spokane, Wash.
San Diego, Calif.	Seattle, Wash.
Scotia, N. Y.	San Pedro, Calif.
New Orleans, La.	Norfolk, Va.

Naval Air Stations

Quonset Point, R. I.	Miami, Fla.
Corpus Christi, Tex.	Pensacola, Fla.
Alameda, Calif.	San Diego, Calif.
Seattle, Wash.	Dallas, Tex.
Lakehurst, N. J.	Ottumwa, Iowa.
Jacksonville, Fla.	Patuxent River, Md.

Authorized Selling Activities Marine Corps

Depot Quartermaster, Depot of Supplies, Marine Corps, Philadelphia, Pa.
Depot Quartermaster, Depot of Supplies, Marine, Corps, San Francisco, Calif.
Post Quartermaster, Marine Barracks, Quantico, Va.
Camp Quartermaster, Camp Lejeune, N. C.
Post Quartermaster, Marine Barracks, Parris Island, S. C.
Base Quartermaster, Marine Corps Base, Naval Operating Base, San Diego, Calif.
Camp Quartermaster, Marine Barracks, Camp Joseph H. Pendleton, Oceanside, Calif.

Marine Corps Air Stations Designated By Commandant of the Marine Corps

Naval Supply Officers, Marine Corps Air Station, Cherry Point, N. C.
Naval Supply Officer, Marine Corps Air Station, El Toro, Calif.

Other Naval Activities

Naval Academy, Annapolis, Md.
Naval Powder Factory, Indian Head, Md.
Naval Training Center, Great Lakes, Ill.
Naval Torpedo Station, Newport, R. I.
Submarine Base, New London, Conn.
Naval Aviation Supply Depot, Oxford Avenue and Martin's Mill Road, Philadelphia, Pa.
Naval Ammunition Depot, Crane, Ind.
Naval Training Center, Bainbridge, Md.
Naval Air Technical Training Center, Memphis, Tenn.
Naval Air Technical Training Center, Norman, Okla.
Navy Supply Storehouse, Naval Station, Portland, Maine.
Naval Repair Base, New Orleans, La.
Advance Base Depot, Port Hueneme, Calif.
Naval Gun Factory, Naval Base, Washington, D. C.
Naval Clothing Depot, Brooklyn, N. Y.
Naval Ammunition Depot, Hastings, Nebr.
Naval Ammunition Depot, McAlster, Okla.
Naval Storehouse, Gulfport, Miss.
Industrial Manager, Eighth Naval District, Federal Office Building, New Orleans, La.
Submarine Base, Key West, Fla.
Administrative and Disestablishment Unit, Davisville, R. I.
Naval Station, Tongue Point, Astoria, Oreg.
Naval Center, Sampson, N. Y.

Sales by the above listed activities are made customarily by competitive bid, invitations being solicited verbally, by sales letter or by sales catalog. A deposit, generally 25% of the amount bid, is required of each bidder. Where, within permissible limits, negotiated sales are conducted, invitations are solicited informally without the preparation of catalogs or the formal opening of bids on a a specified date.

In foreign areas sales are conducted by the Supply Officer of any regularly organized Supply Department or by persons delegated authority by him with the approval of the Area Commander. Ordinarily sales are made by competitive bid although negotiated sales may be made provided that the fair value of the property is obtained. Sales involving less than $100,000 but more than $10,000 must be approved by the Area Commander, and sales involving in excess of $100,000 must in addition be approved by the Material Division of the Office of the Assistant Secretary of the Navy. No local sales in foreign areas may be made of weapons, ammunition, combat material or classified items without prior approval of the Chief of Naval Operations, nor may any material processed, produced or donated by the American Red Cross be disposed of without the approval of the American Red Cross.

(b) *Disposals under special Statutes.* In addition to the authority to dispose of surplus property under the Surplus Property Act of 1944 and the procedures in connection therewith, all as referred to and described in § 27.5 (a), the Navy Department has further authority to make dispositions of its property, including temporary leasing for commercial purposes, transfers to other Government agencies and loans or donations of specified property, under several Acts of Congress. Such dispositions are under the direction of the Chief of the Material Division, Office of the Assistant Secretary of Navy, and inquiries in respect of

such property or types of disposition should be directed to The Material Division, Office of the Assistant Secretary of the Navy, Washington 25, D. C.

Disposals under such special Acts of Congress fall into four main categories: disposition to other Government agencies; disposition in the public interest or in the interest of national defense; disposition of certain vessels, and miscellaneous dispositions.

(1) *Disposition to other Government agencies.* The Navy Department is authorized to transfer such of its property as may be excess to the Veterans Administration, U. S. Soldiers Home, Civil Aeronautics Administration, National Housing Administration, the War Department, Coast Guard and other Federal Agencies within the limitations of and in accordance with applicable statutes. Such transfers are made upon application by the Governmental department or agency concerned and are governed by the appropriate statutory requirements.

(2) *Disposition in the public interest or in the interest of national defense.* The Navy Department is authorized to grant for a monetary rental revocable rights to use real property not needed for the immediate requirements of the Navy Department for periods not exceeding five years under the Act of August 29, 1916, (39 Stat. 559, 34 U. S. C. 522). The Navy Department may also transfer, sell or otherwise dispose of real and personal property where such transfer, sale or other disposition has been determined to be in the interest of national defense, in Title II of the First War Powers Act, 1941 (55 Stat. 838; 50 U. S. C. 611), and the Act of July 2, 1940 (54 Stat. 712; 50 U. S. C. 1171), as made applicable to the Navy Department by Executive Order 9262 dated November 5, 1942 (7 F. R. 9105). Prior to the licensing, or leasing or other disposition of real property by the Navy Department, approval of the Naval Affairs Committee of Congress is required (Public Law 289, 78th Cong; 58 Stat. 189).

(3) *Disposition of certain vessels.* Combatant vessels are excluded from the Surplus Property Act of 1944 and are disposed of only under the Acts of August 5, 1882, and March 3, 1883 (34 U. S. C. 491, 492, 22 Stat. 296, 22 Stat. 599), the Executive Order of the President No. 9641, dated 15 October 1945 (10 F. R. 1), and Article 1897 of Navy Regulation, after a material survey has shown such a vessel to be *unfit* (not merely no longer needed) for further naval service and it has been stricken from the Navy Register. Combatant vessels include battleships, cruisers, aircraft and escort carriers, destroyers and destroyer escorts, and submarines.

When the Secretary of the Navy has determined that a combatant vessel shall be sold, the Navy Material Redistribution and Disposal Administration may offer such vessel for sale for the purposes of *scrapping* or for *use* and on such conditions as may be determined in each case. If sale of the vessel as such is not feasible, arrangements may be made by the Bureau of Ships for demolition of the vessel and sale by an authorized selling activity of the resulting materials as scrap, salvage, or usable property, as may be appropriate.

Surplus non-combatant naval vessels are normally reported by the Navy Department to the appropriate disposal agency for disposition, but the Navy, itself as the *owning agency* disposes of such vessels determined to have scrap or salvage value only, and has been designated the *disposal agency* for frigates and eagles (patrol vessels) located in the continental United States and not subject to Public Law 305, 78th Congress (requiring certain vessels to be reported to War Shipping Administration for return to the former owners on the conditions stated in such law).

(4) *Miscellaneous dispositions* — (i) *Exchange of property.* Under Public Law 49, 79th Cong. the Navy Department is authorized to exchange in part payment for new equipment of the same or similar character certain types of automotive property and equipment and office machines.

(ii) *Disposal of property to Sea Scouts.* Obsolete property may be donated, and other excess property sold at a fair price, to the Sea Scouts under the authority of the Act of March 1, 1929 (45 Stat. 1430; 34 U. S. C. 546b) and the Act of April 10, 1936 (49 Stat. 1195; 14 U. S. C. 43a).

(iii) *Donations to schools, colleges and universities approved by the Federal Security Agency.* The Navy Department is authorized to make donations to properly accredited schools, colleges and universities which, pursuant to War Assets Administration Regulations Nos. 4 and 19 have received the approval of the Federal Security Agency (U. S. Office of Education). Such donations are limited to excess or obsolete boats and boat equipment, obsolete airborne electronics and radar equipment, and excess or obsolete machinery, mechanical equipment or tools common to the manual or mechanical arts or trades or commonly used by schools giving instruction therein. Such donations may be made only for purposes of actual instruction in courses of vocational training, or in aeronautical courses in the case of aeronautical property. In accordance with arrangements effected with the U. S. Office of Education applications for Navy donable property should be directed to the field representative of the U. S. Office of Education (Federal Security Agency) nearest the applicant.

(iv) *Loans or donations of condemned or obsolete material for memorial purposes.* Pursuant to 29 Stat. 133; 34 U. S. C. 546, the Secretary of the Navy is authorized to loan or donate condemned or obsolete ordnance, guns, projectiles, books and other similar condemned or obsolete materials to municipal corporations, soldiers monument associations, posts of war veterans associations, war battle associations, state museums and incorporated non-profit museums intended for educational purposes. Requests for such donations are subject to the approval of the Curator for the Navy.

(5) *Approval by Congress of certain loans and gifts.* Pursuant to Public Law 649, 79th Congress, no transfer, loan or gift of *vessels*, captured, condemned, or obsolete ordnance, guns, projectiles, books, manuscripts, works of art, drawings, plans, models and other condemned or obsolete material, trophies, flags and other material of historical interest which may not be needed in service of the Navy Department, shall take effect until information of the proposal to make such transfer, loan or gift has been transmitted to the Congress and approval received.

§ 27.6 *Renegotiation of contracts.* (See § 26.4 (d) (3) (v).)

§ 27.7 *The Patent Royalty Revision Board.* The organization and functions of this Board, together with its delegations of authority, have previously been discussed in § 26.4 (b) (9). The procedures of the Board are governed by the pertinent provisions of the Royalty Adjustment Act of 1942 (35 U. S. C. 89–96).

The hearing itself is informal and opportunity is afforded the parties involved to be heard in person, by their attorneys, or to present in writing such evidence, memoranda or briefs as have a bearing on the issues involved.

Prior to the hearing itself and wherever practicable every effort will be made to compromise on a voluntary basis any royalty believed to be unreasonable or excessive.

In determining what are fair and just rates and amounts of royalties payable for an invention, the Board takes into consideration the following factors:

(a) The conditions of wartime production.

(b) The production and use of the invention prior to any increase due to wartime procurement, including

(1) any established royalty rate;

(2) the volume on which royalty was paid;

(3) the yearly aggregate royalty paid; and

(4) the circumstances under which the licensing and the establishment of the royalty rate occurred.

(c) The character of the invention and any patent protection therefor, the value of its contribution to the art in which it is used, and the character and expense of research and development that have been devoted to the invention.

(d) The extent of use and proposed use of the invention by other departments or agencies of the Government and the amounts of royalties involved in the aggregate in such use.

(e) All other considerations which are ordinarily and properly taken into account in determining fair and just royalties or which appear to be appropriate to the particular case.

(f) Any person desiring to communicate with the Board should address his letter as follows: Patent Royalty Revision Board, Navy Department, Washington 25, D. C., Attention: Office of Naval Research.

(g) The following form of notice is approved for use subject to such deviations as may be appropriate:

NOTICE

In the Matter of

---------- (et al.)

Licensor(s)

and

---------- (et al.)

Licensee(s)

To: Licensor(s) and Licensee(s): You and each of you will hereby take notice, that:

Pursuant to the Royalty Adjustment Act 1942 (Public No. 768, 77th Congress; 35 U. S. C., 89–96), NOTICE IS HEREBY GIVEN that the royalties which are charged or chargeable directly or indirectly to the Navy Department on account of the manufacture, use or sale to or for the United States of the alleged inventions relating to ---------- (subject-matter) --------, by virtue of the license agreement(s) between ----------, as licensor, and the following licensees, are believed to be unreasonable or excessive:

(Name of all licensees)

This Notice becomes effective upon its receipt by you or five (5) days after the mailing hereof, whichever date is the earlier.

The licensor or any licensee, if he so requests within ten (10) days from the effective date of this Notice, may within thirty (30) days from the date of such request present in writing or in person any facts or circumstances which may, in his opinion, have a bearing upon the rates or amounts of royalties, if any, to be determined, fixed and specified.

From and after the effective date of this notice and until the making of an order under said Act, each licensee is hereby directed (a) not to pay to licensor any royalties under said license(s) which are charged or chargeable directly or indirectly to the Navy Department and (b) to segregate said royalties from licensee's general funds and safely keep the same until such time as the disposition thereof is directed by such order.

(Signature (and title) of delegate)

The foregoing Notice is directed to the following:

(Names and addresses of all licensors and licensees)

The foregoing notice is required to be mailed to the last known address of the licensor and the licensee and to other known interested parties, if any.

(h) The following form of order is approved for use subject to such deviations as may be appropriate:

NAVY DEPARTMENT
WASHINGTON

ROYALTY ADJUSTMENT ORDER NO N–
In the Matter of

(Insert name of each Licensor) Licensor(s),
and
(Insert name of each Licensee) Licensee(s)

Navy Department Contract Nos.

(Insert the identifying number of each Navy Department contract, if ascertained, which it is believed will be affected by the order; if no contract is ascertained, omit the above heading.)

Contractor:

(Insert names of Contractors in respect of each of the above identified contracts; if no contract is identified, omit the above heading.)

Whereas, pursuant to authority contained in the Royalty Adjustment Act 1942, Public No. 768, 77th Cong.; 35 U. S. C., 89–96, written notice was given on or about the--------(Insert date of notice) to--------(Insert name of each licensor)--------(individually and collectively hereinafter called "Licensor") and to----------(Insert name of each licensee)--------(individually and collectively hereinafter called "Licensee") that the royalties, provision for the payment of which by Licensee to Licensor is included in the (license(s) dated--------) (licenses specified in Column 4 of Schedule A annexed hereto and by this reference made a part hereof), and which said royalties are charged or chargeable directly or indirectly to the Navy Department for or on account of the manufacture, use or sale to or for the United States of certain alleged inventions (pertaining to----------) (specified in Columns 1, 2 and 3 of said Schedule A), were believed to be unreasonable or excessive, and that until the making of an order herein no royalties were to be paid by Licensee to Licensor under the license(s) above referred to which are charged or chargeable directly or indirectly to the Navy Department, and

Whereas, Licensor, and Licensee, upon their request, have presented in writing and in person such facts and circumstances as they desired having a bearing upon the rates or amounts of royalties to be determined, fixed and specified by order pursuant to said Act:

Now, therefore, pursuant to the authority of and for the purposes set forth in said Act, and upon taking into account the facts and circumstances presented as aforesaid, the conditions of wartime production, and such other facts and circumstances as are proper to be considered in determining a fair and just rate or amount of royalties in the premises, it is hereby Ordered as follows, viz:

(1) that fair and just rates or amounts of royalties for the manufacture, use, sale or other disposition to or for the Navy Department of the said alleged inventions are hereby determined, fixed and specified to be (----------) (the rates or amounts set forth in Column 5 of said Schedule A);

(2) that until further order, Licensee is hereby authorized to pay to Licensor, on account of the manufacture, use, sale or other disposition of said alleged inventions to or for the Navy Department heretofore occurred, or hereafter occurring while Sections 1 and 2 of said Act remain in force, royalties, if any, at the rates or in the amounts determined, fixed and specified in paragraph (1) hereof, and no more, under

(a) the said license(s) (dated----------) (identified in Column 4 of said Schedule A), (and)

(b) any license between them, entered into on or after the effective date of said notice and so long as Sections 1 and 2 of said Act remain in force, which in any respect continues, supplements, modifies or supersedes (the license) (any of the licenses) referred to in subparagraph (a) hereof, (and

(c) any license between them, entered into on or after the effective date of said notice and prior to the date of this Order, which grants rights to practice the said alleged inventions;)

(Alternate A)

(3) that Licensee is hereby directed to pay over to the Treasurer of the United States (through--------), and at the same time and place to deliver a statement in writing signed by Licensee showing the amount and manner of computation thereof, the balance, in excess of the royalties authorized by paragraph (2) next above, of all royalties specified in the licenses referred to in said paragraph (2) which were due to Licensor and were unpaid on the effective date of said notice, and of all royalties which since said date have become and are now due to Licensor, and of all royalties which may hereafter become due to Licensor as and when the same fall due for payment to Licensor, for or on account of the manufacture, use, sale or other disposition of said alleged inventions to or for the Navy Department heretofore occurred or hereafter occurring while Sections 1 and 2 of said Act remain in force, and demand is hereby made for payment forthwith of the monies now due which are so directed to be paid; and

(Alternate B)

(3) that Licensee is hereby directed

(a) to pay over to the Treasurer of the United States (through --------), and at the same time and place to deliver a statement in writing signed by Licensee showing the amount and manner of computation thereof, the balance, in excess of the payments authorized by paragraph (2) next above, of all royalties specified in the licenses referred to in said paragraph (2) which were due to Licensor and were unpaid on the effective date of said notice, and of all royalties which since said date have accrued or may hereafter accrue in respect of supplies, equipment, materials, or parts thereof delivered to or for the Navy Department prior to the tenth (10th) day next following the receipt of this order by the Licensee, and demand is hereby made for payment forthwith of the monies so directed to be paid; and

(b) to reduce the contract price of all supplies, equipment, materials and parts thereof delivered to or for the Navy Department on and after the tenth (10th) day next following the receipt of this order by the Licensee, to the extent necessary to secure to the Government the full benefit of the reduction in royalties effected by this order; and

(4) that reservation is hereby expressly made of the right to amend, modify, revoke or extend this Order and of the right of the head of any department or agency of the Government, including but not limited to the Navy Department, to take such other, further and different action as may be authorized by any statute of the United States with respect to the subject matter.

Dated:

The foregoing Order is directed to the following: (Here list all parties affected by the Order):

SCHEDULE A

Column 1	Column 2	Column 3	Column 4			Column 5	
Title or short description of invention	Patent numbers or application serial numbers	Issue dates or filing dates	Instrument(s) in which royalties are stipulated			Fair and just royalties	
			Effective date	Licensor	Licensee	Rate	Amount

§ 27.8 *Claims arising under Act of Dec. 28, 1945, Ch. 597 (59 Stat. 662) and Public Law 601, 79th Congress.* Prior to making an analysis of the procedures involved, it is necessary to note that the Act of December 28, 1945, *supra,* has been amended in so far as certain negligence claims are concerned by Public Law 601, 79th Congress. The regulations issued pursuant to the Act of December 28, 1945, supra, are published in the Federal Register of 31 January 1946, Volume 11, pages 1156 to 1172. The Navy Personnel Claims Regulations (11 F. R. 1156–1164) pertain to certain property claims submitted by persons in the naval service or civilians employed by the Navy Department. The section of the statute pertaining to this type of claim was not repealed. The Navy General Claims Regulations (11 F. R. 1164–1172) pertain in part to the section of the statute which was repealed. The enactment of Public Law 601, 79th Congress, will require the publication of new regulations in so far as the currently published regulations are inconsistent therewith. These new regulations will be published in due course. The Secretary of the Navy has promulgated the following interim instructions:

Public Law 601 cited as Legislative Reorganization Act of 1946 was approved 2 August 1946. Pertinent provisions of Title Four thereof cited as the Federal Tort Claims Act, authorize administrative settlement and payment of property damage and personal injury and death claims accruing on and after 1 January 1945 not exceeding one thousand dollars caused by negligent or wrongful act or omission of any employee of Government while acting within scope of his office or employment under circumstances where the United States, if a private person, would be liable to claimant for such damage, loss, injury or death in accordance with the law of the place where the act or omission occurred. Part 3 of Title Four confers exclusive jurisdiction on U. S. district court for district wherein plaintiff is resident or wherein act or omission occurred including the U. S. district courts for the Territories and possessions of the United States, sitting without a jury, over claims for property damage or loss, or personal injury or death, occurring under conditions above described and makes United States liable to same extent as private individual except for interest prior to judgment and punitive damages. Claim is barred unless within one year after claim accrued or within one year after date of enactment of Act, whichever is later, it is presented in writing to the federal agency out of whose activity it arises or court action is instituted.

The JAG (Judge Advocate General) of the Navy; the ASTJAG (Assistant Judge Advocate General) of the Navy; or the Chief of the General Law Division, Office of the JAG (Judge Advocate General) have been appointed designees to administer the Federal Tort Claims Act for the Navy. Pending further instructions the regulations promulgated for the administration of Public Law 277, 79th Congress (Act of Dec. 28, 1945, Ch. 597, 59 Stat. 662), published in Navy Department Bulletin 31 Jan. 1946 (11 F. R. 1156–1172), are applicable except in so far as in conflict with Public Law 601.

Provisions of certain laws authorizing consideration and adjustment of claims now cognizable under Public Law 601 are repealed.

(ALNAV 448–46)

§ 27.9 *Procurement of officers and enlisted personnel*—(a) *Statutory authority.* The Navy Department is authorized by various statutes including the Act of April 18, 1946 (Public Law 347, 79th Congress; 60 Stat. 92; the Act of July 30, 1942, (56 Stat. 730–731; 34 U. S. C. 857–857g) and the Act of May 13, 1908, as amended (35 Stat. 146; 34 U. S. C. 887), to procure officers and enlisted personnel for the Naval Service including the Marine Corps, Marine Corps Women's Reserve, Navy Nurse Corps and the WAVES.

(b) *Method of procurement*—(1) *Enlisted personnel, Regular Navy.*

(i) The Navy Department maintains recruiting stations in various parts of the country which will receive and process applications for enlistment in the Naval Service.

(ii) Information as to the location of the nearest recruiting station may be obtained from any post office or by writing the Director, Recruiting and Induction Division, Bureau of Naval Personnel, Navy Department, Washington 25, D. C.

(2) *Enlisted personnel, Marine Corps.* (i) The Marine Corps maintains recruiting stations in the major centers of population throughout the country which will receive and process applications for the Marine Corps.

(ii) Information as to the location of the nearest recruiting station may be obtained from any post office or by writing the Director of Recruiting, Headquarters U. S. Marine Corps, Washington 25, D. C.

(3) *Officers.* The Navy Department maintains main offices and six branch offices of Naval Officer Procurement in the larger cities throughout the country which will receive and process applications for commissions in the Naval Service, applications for enlistment and appointment in the WAVES and applications for enlistment in Navy Aviation College Program, and in the Naval Reserve Officers Training Corps. Regulations for Administration and Training, Naval Aviation College Program and Regulations for Administration and Training, Naval ROTC, are in process of preparation at the present time.

Information concerning these programs may be obtained by writing to Director of Training, Bureau of Personnel, Washington 25, D. C.

(4) *Naval Academy.* Appointments to the Navy Academy at Annapolis are made by the President, Vice-President, Secretary of the Navy, each Senator, Representative and Delegate to Congress. In addition, appointments are made as a result of competitive examination from the Regular Navy and Marine Corps. Regulations governing the admission of candidates into the U. S. Naval Academy as Midshipmen and sample examination questions may be obtained from the Bureau of Naval Personnel, Navy Department, Washington 25, D. C., and from the U. S. Government Printing Office, Washington 25, D. C.

§ 27.10 *Family Allowances to Servicemen*—(a) *Statutory authority.* The Servicemen's Dependents Allowance Act of 1942, as amended (56 Stat. 381 as amended by 57 Stat. 577; 37 U. S. C. 201–221) provides family allowances for the dependents of enlisted men of the Army, Navy and Marine Corps. Dependents are divided into three classes known as Class A, Class B and Class B–1 dependents. Class A dependents include wives, children, and divorced wives. Children of WAVES are entitled to Class A family allowance benefits if they are in fact dependent on the WAVE for their support. Class B dependents include parents, brothers, and sisters who are found to be dependent upon the enlisted person for a substantial portion of their support, and Class B–1 dependents include parents, brothers, and sisters who are found to be dependent upon the enlisted person for the chief portion of their support.

The Act provides that the determination of all facts, including the fact of dependency, which it shall be necessary to determine in the administration of such Act, shall be made by the Secretary of the Department concerned and such determination shall be final and conclusive for all purposes and shall not be subject to review in any court or by any accounting officer of the Government. The Act further authorizes the Secretaries of the Departments concerned to prescribe jointly or severally such regulations as they deem necessary to enable them to carry out the provisions of the Act and to delegate any of their functions under the Act.

(b) *Regulations of the War and Navy Departments.* Pursuant to the foregoing authority, the Secretary of War and the Secretary of the Navy issued on December 21, 1943, joint regulations under the Servicemen's Dependents Allowance Act of 1942, which are as follows:

(1) Payments of all family allowances shall be for periods of full calendar months.

(2) To insure expeditious payment of the initial family allowance:

(i) payment shall be made on the basis of the statements of the enlisted man in the application, filed within the prescribed period, and to or on behalf of eligible dependents designated therein; and

(ii) eligibility for initial family allowance will be deemed to have existed on and from the date of entry into active service if the application indicates eligibility on the date of application.

Erroneous statements or misrepresentations in applications for initial family allowances may, as determined by the Secretary of the department concerned, be the basis for recovery by charge against the pay of the applicant, or otherwise, and for disciplinary action.

(3) When an initial family allowance is paid to any dependent for the month of an enlisted man's entry into active service in a pay status, no regular monthly family allowance shall be paid to any dependent of such enlisted man for that month. When no initial family allowance is paid, the period of entitlement and payment of the regular monthly family allowance shall begin as hereinafter prescribed.

(4) Except as otherwise provided, the period of entitlement to and payment of regular monthly family allowances, including any increases therein, shall begin as of the first day of the calendar month in which a required written application (or a notice of change in a case of increase) is filed, or the first day of the calendar month in which a dependent is acquired, whichever is later, but in no case earlier than the month of entry of the enlisted man into active service in a pay status. In case of Class B or Class B–1 dependents the period of entitlement and payment may begin as of the first day of any subsequent calendar month that the enlisted man requests.

(5) Any increase in a regular monthly family allowance in effect to a wife, or wife and children, incident to the birth of a child or additional child, shall be effective as of the first day of the calendar month during which the birth occurs notwithstanding that notice or evidence thereof is received in a subsequent month.

(6) Except as otherwise provided, the period of payment of monthly family allowance shall terminate, or payment shall be decreased, as of the end of the calendar month during which any notice is received by the disbursing officer paying the allowance of a change which terminates or limits the entitlement of the dependent or dependents to such allowance. Entitlement to family allowance shall terminate or be modified at the end of the month in which such change occurs. Checks to which there is no entitlement may be permanently withheld.

(7) Insofar as practicable the period of entitlement and payment of any Class B or Class B–1 regular monthly family allowance requested in writing by the enlisted man to be discontinued, other than by reason of change in status of dependents, shall terminate as of the end of the calendar month requested by the enlisted man or the end of the calendar month during which such request is received by the disbursing officer paying the allowance, and in no case later than the end of the next succeeding calendar month.

(8) For the purpose of determining amounts of family allowance to be paid:

(i) in cases in which no family allowance has been granted to a wife or divorced wife, the amount of family allowance payable to children shall be the amount specified in the statute where there is no wife or divorced wife;

(ii) in cases in which no family allowance has been granted to a parent, the amount of family allowance payable to brothers and sisters shall be the amount specified in the statute where there is no parent;

(iii) all children of an enlisted man shall be considered one family entity irrespective of differences in their custody, residence, or parentage;

(iv) parents of an enlisted man, and all his brothers and sisters irrespective of differences in their custody, residence, or parentage, shall be considered one family entity;

(v) the total amount of monthly family allowance payable to or for the benefit, respectively, of two or more children, of two parents, or of two or more brothers and sisters, shall be equally divided among the respective children, parents, or brothers and sisters or shall be otherwise apportioned and paid within the respective groups as the Secretary of the department concerned may direct.

(9) Whenever a court order or decree or written agreement of separation provides a single sum for alimony to a divorced wife or maintenance for a wife and also for the support of a child or children, the proportional share of the wife or divorced wife in such sum shall, for the purpose of carrying out the provisions of section 106 (c) of the Act, be deemed to be sixty per centum thereof in the case of one child and forty per centum thereof in any case of two or more children. Regardless of any limit stated in a court order or decree or written agreement the full statutory amount of family allowance shall be payable to or on behalf of any child or children.

(10) Application of section 106 (c) (1) shall be made in those cases in which there is a lawful wife living separate and apart from the enlisted man and there is also a court order or decree or a written agreement which expressly or impliedly provides for the beginning or continuance of such living separate and apart. In construing a court order or decree or written agreement full consideration shall be given to all the facts and circumstances under which the order, decree or agreement is issued or made. A penal order for marital support or an order in a desertion case is not within this statutory limitation; in such cases the full allowance for a wife is payable.

(11) The payment of any amounts of a family allowance uncollected at the time of death of a dependent shall be made to such payee or payees, including the enlisted man when appropriate, as the Secretary of the department concerned shall deem equitable, subject to the provisions of Section 115 of the Act.

(12) The Secretary of the department concerned may at any time require additional evidence in any family allowance case. Failure to furnish such evidence within a reasonable time after request or any insufficiency of evidence shall constitute good cause for the discontinuance or modification of such family allowance.

(13) These Joint Regulations are effective November 1, 1943; they rescind and supersede the Joint Regulations approved July 19, 1943.

(c) *Regulations of the Navy Department.* The Secretary of the Navy approved certain regulations dated September 14, 1944 with respect to payments to dependents of servicemen involved in cases of desertion or imprisonment pursuant to sentence of general court martial, which regulations are as follows:

In accordance with sub-sections (a) and (b) of section 110 of the Servicemen's Dependents Allowance Act of 1942, approved June 23, 1942 (Public Law 625, 77th Congress), as amended effective November 1, 1943 (Public Law 174, 78th Congress), the following regulations are prescribed in connection with entitlement and payment of family allowance to dependents of enlisted men in cases involving absence without or over leave, desertion and imprisonment. These regulations supersede the prior regulations prescribed on this subject entitled, "Regulations for Administration of the Servicemen's Dependents Allowance Act of 1942 Involving Cases of Desertion or Imprisonment Pursuant to Sentence of General Court Martial", approved October 20, 1942 and amended May 29, 1943.

(1) Neither the enlisted man nor his dependents are authorized to apply for family allowance when any of the following conditions exist:

(i) An enlisted man is absent over or without leave from naval jurisdiction for a period in excess of 30 days and/or is declared a deserter, except when such absence is a result of detention or delivery to civil authorities, in which case, see § 27.10(c)(2).

(ii) The enlisted man is confined as a result of a general court-martial sentence (pursuant to section 622, Naval Courts and Boards).

An application which is filed when any of such conditions exist will not be effective for any purpose under the Act. Entitlement shall be predicated only on the basis of an application filed by the enlisted man (or by his dependents in Class "A" cases) after the man has returned to naval jurisdiction after absence or has returned to duty after confinement. This application will be effective even though the man is being held for trial on account of his absence or, on release from confinement, is returned to duty on probation. Entitlement shall begin as of the first day of the calendar month in which the application is filed. In the case of Class "B" or "B–1" dependents, a subsequent calendar month in which the allowance is to begin may be designated by the man if he so desires.

(2) If an enlisted man is absent from Naval jurisdiction for a period in excess

of 30 days, having been detained or delivered to the custody of civil authorities, an application filed by either the enlisted man or his dependents will be held in suspense pending the outcome of action by the civil authorities. If the action results in an acquittal, or a *nolle pros* is entered on the record, entitlement to family allowance will be considered to have arisen as of the first day of the calendar month in which the application was filed even though such application was filed during the period of detention except that, in case of Class "B" or "B–1" dependents, if so requested by the man, entitlement will be considered to have arisen as of any subsequent calendar month designated. If the action results in a conviction the application will not be effective for any purposes under the Act. In such a case when a man returns to naval jurisdiction he or his dependents (in Class "A" cases) may then apply for family allowance, and entitlement shall begin as of the first day of the calendar month in which such application is filed. In the case of Class "B" or "B-1" dependents, a subsequent calendar month in which the allowance is to begin may be designated by the man if he so desires.

(3) When family allowance has already been authorized, the period of entitlement shall terminate as of the end of the second month following the month that any of the following events occur:

(i) An enlisted man is absent over or without leave from naval jurisdiction for a period in excess of 30 days and/or is declared a deserter (in both of which instances the computation is made on the basis of the first day of unauthorized absence), except when such absence is a result of detention or delivery to civil authorities, in which case, see § 27.10 (c) (5).

(ii) An enlisted man is confined as a result of a general court-martial (pursuant to section 622, Naval Courts and Boards).

In such cases, the period of payment shall terminate after payment for the month prior to the month in which notice of the change in status of the enlisted man is received by the disbursing officer paying family allowance, if possible; otherwise, it shall terminate after payment for the month in which notice of the change in status is received; however, in no event shall the period of payment terminate prior to the termination of entitlement. In appropriate cases recovery may be made of payments to which there has been no entitlement.

(4) In those cases in which the entitlement to family allowance has been terminated on account of any of the reasons set forth in paragraph (3), entitlement shall begin anew only on the basis of a new application filed by the enlisted man (or by his dependents in Class "A" cases) after the man has returned to naval jurisdiction or has been returned to duty. Such application will be effective even though the man is being held for trial on account of his absence or, on release from confinement is returned to duty on probation. Entitlement shall begin as of the first day of the calendar month in which such application is filed. In the case of Class "B" or "B–1" dependents, a subsequent calendar month in which the allowance is to begin may be designated by the man if he so desires.

(5) Where family allowance has already been authorized on account of an enlisted man who is thereafter absent from naval jurisdiction for a period in excess of 30 days, having been detained by or delivered to civil authorities, the period of entitlement will terminate as of the end of the second calendar month following the month in which the change of status of the man occurs. The period of payment shall terminate after payment for the month prior to the month in which notice of the change in status of the enlisted man is received by the disbursing officer paying family allowance, if possible; otherwise, it shall terminate after payment for the month in which notice of the change in status is received; however, in no event shall the period of payment terminate prior to the termination of entitlement. In appropriate cases recovery may be made of payments to which there has been no entitlement. If the action by the civil authorities leads to acquittal, or a nolle pros is entered upon the record, family allowance will be reinstated effective with the first day of the calendar month following the month of termination without necessity for new application. If action by the civil authorities results in a conviction, entitlement may begin anew only on the basis of a new application filed by the enlisted man (or by his dependents in Class "A" cases) after the man has returned to naval jurisdiction and entitlement shall begin as of the first day of the calendar month in which such application is filed. In the case of Class "B" or "B–1" dependents, a subsequent calendar month in which the allowance is to begin may be designated by the man if he so desires.

The Secretary of the Navy has delegated the authority and responsibility for carrying out the provisions of the Act to the Director of the Dependents Welfare Division, Bureau of Naval Personnel, with respect to personnel of the Navy and to the Officer-in-Charge, Casualty Division, Personnel Department, Marine Corps, with respect to personnel of the Marine Corps.

Cognizance of all matters relating to the actual payment of (as distinguished from entitlement to) allowances is vested in the Bureau of Supplies and Accounts with respect to personnel of the Navy and in the Quartermaster General, Disbursing Branch, Marine Corps, with respect to personnel of the Marine Corps. Inquiries concerning payment should be addressed to Field Branch, Bureau of Supplies and Accounts, Family Allowance Division, Cleveland, Ohio, or Quartermaster General, Marine Corps, Washington, D. C., as the case may be.

(d) *Applications.* Applications for benefits under the Servicemen's Dependents Allowance Act may be made by or on behalf of any Class A dependent by written request directed to the Dependents' Welfare Division, Bureau of Naval Personnel, Navy Department, Washington 25, D. C., in the case of personnel of the Navy and to the Officer-in-Charge, Casualty Division, Personnel Department of the Marine Corps, Washington 25, D. C., in the case of personnel of the Marine Corps. The application should state the full name of the serviceman for whose service benefits are being claimed, his rating and service number, if known, his date and place of birth, his date and place of enlistment, and his last known station of duty. A simple request for family allowance benefits, stating the names and relationship to the enlisted man of the dependents for whom benefits are claimed, should be made. No special form of request is required. Informal requests for family allowance benefits from Class A dependents should be accompanied by a certified copy of the public or church record of the marriage, a certified copy of the public or church record of the birth of children, and other essential documentary evidence.

Applications for family allowance benefits on behalf of Class B and Class B–1 dependents may be made only by the serviceman and he must authorize the checkage of his pay which is required in connection therewith. Class B and Class B–1 dependents who desire family allowance benefits should, therefore, communicate directly with the enlisted personnel in this regard. The Secretary of the Navy, however, may authorize Class B and Class B–1 family allowance benefits in certain cases when circumstances prevent the enlisted person from making an application.

§ 27.11 *Missing Persons Act.* Under the provisions of the Missing Persons Act, Public Law 490, 77th Congress (56 Stat. 143; 50 U. S. C. 1001–1018), a finding of presumptive death is made by the Secretary of the Navy when a survey of all available sources of information indicates beyond doubt that the presumption of continuance of life has been overcome. When a finding of presumptive death is made, a man's pay accounts are closed as of the presumptive date of death, that is the day following the expiration of the 12 months' absence, and the various benefits, such as the six months' death gratuity, become payable. A finding of presumptive death concerning an officer or enlisted man of the Navy means simply that as of the date thereof he is for the purposes of Naval administration no longer alive. It does not mean that death occurred on that or on any other certain date. For purposes other than Naval administration, the law does not make these findings binding or conclusive but commercial insurance companies have, almost without exception, accepted them as evidence of the fact of death and have paid insurance claims on the basis thereof.

Findings of presumptive death are never made when the "missing" status has not continued for at least 12 months. Whenever, subsequent to the expiration of the 12 months, cumulative or other evidence establishes beyond doubt that a "missing" person is no longer alive, a prompt finding of presumptive death will be made. Also, such a finding will be made whenever justified by the lapse of time without specific information being received.

Public Law 408, 78th Congress (58 Stat. 679, 50 U. S. C. 1001–1018), amends

Public Law 490, to provide that the head of the department or such subordinate as he may designate, shall have authority to make all determinations necessary in the administration of the Act and for the purposes of this Act determinations so made shall be conclusive as to death or finding of death as to any other status dealt with by this Act and as to any essential date including that upon which evidence or information is received in such department. Further, that when any information deemed to establish conclusively the death of any person is received action shall be taken thereon as an official report of death, notwithstanding any prior action relating to death or other status of such person. The determination of the head of the department concerned or of such subordinate as he may designate shall be conclusive as to whether information received concerning any person is to be construed and acted upon as an official report of death. Under the foregoing provisions a determination of death is made prior to the expiration of 12 months when the evidence received is considered to establish conclusively the fact of death and settlement of accounts is made to the date established as the date of receipt of evidence on which the fact of death is established.

The Secretary of the Navy has delegated to the Director of the Dependent's Welfare Division, Bureau of Naval Personnel, authority to make all determinations as provided by Public Law 408, and as necessary to administer the law, and further to prepare the necessary findings and recommendations where persons are presumed dead under the provisions of the basic Act, Public Law 490.

§ 27.12 *Mustering-out payments*—(a) *Statutory authority.* The Mustering-Out Payment Act of 1944 provides for mustering-out payments for each member of the armed forces who shall have been engaged in active service in the present war, and who is discharged or relieved from active service under honorable conditions on or after 7 December 1941.

(b) *Regulations.* Regulations issued by the Navy Department governing mustering-out payments were published at 10 F. R. 2188–2193 as amended by 10 F. R. 10363–10364.

(c) *Delegations.* (1) The Chief of the Bureau of Personnel has authorized the Officer-in-Charge, Casualties and Allotment Section, Welfare Division, to make such determinations as the Chief of Naval Personnel is authorized to make under the Regulations. Payments, other than initial payments, are made by the Field Branch (Cleveland, Ohio) of the Bureau of Supplies and Accounts.

(2) The Commandant of the Marine Corps has authorized the Officer-in-Charge, Enlisted Performance, Marine Corps, to make such determinations as the Commandant of the Marine Corps is authorized to make under the Regulations. Payments are made by the Supply Department of the Marine Corps, Disbursing Branch.

§ 27.13 *Death gratuity*—(a) *Statutory authority.* The Act of June 4, 1920, as amended (41 Stat. 824 as amended by 45 Stat. 710, 56 Stat. 145, 147 and 58 Stat. 129; 34 U. S. C. 943) and the Act of August 27, 1940 (54 Stat. 864, 865; 56 Stat. 780; 34 U. S. C. 855c–1) and the Act of March 17, 1941 (55 Stat. 43 as amended by 58 Stat. 129; 34 U. S. C. 855c–2) provide for the payment to the widow, child, or dependent relative of a deceased officer, nurse, or enlisted man, who died of wounds or disease not the result of his or her own misconduct, of an amount equal to six months pay at the date of his or her death, on date death is determined to have occurred under the Missing Persons Act, Public Law 490, 77th Congress, (56 Stat. 143; 50 U. S. C. 1001–1008.)

(b) *Delegations.* The Director of the Dependents Welfare Division of the Bureau of Naval Personnel certifies to the Bureau of Supplies and Accounts the person entitled under the Act to receive such gratuity. The Officer-in-Charge of Casualty Division, Personnel Department, Marine Corps, certifies to the Quartermaster General of the Marine Corps, Disbursing Branch, the person entitled to receive such gratuity.

(c) *Preparation, submission, and allowance of claims.* A claim form is ordinarily forwarded by the Bureau of Naval Personnel or by the Marine Corps to the person designated by the decedent as entitled to receive such gratuity. Information required is the name and address of the claimant, the full name of the decedent, the relationship of the claimant to the decedent, and a statement that payment of such gratuity has not already been received. In cases where the Act requires that the beneficiary be dependent upon the decedent at the time of death, proof of such dependency is also required. However, in doubtful cases, proof of relationship to the decedent may also be required.

§ 27.14 *Navy Medical Survey Review Board.* The organization and functions of this Board were previously discussed in § 26.4 (e) (12). It reviews, at the request of any officer retired or released from active service without pay for physical disability pursuant to the decision of a board of medical survey, the findings and decisions of such Board. Such review is based upon all available service records relating to the officer requesting such review and such other evidence as may be presented by such officer. Witnesses are permitted to present testimony either in person or by affidavit and the officer requesting review is allowed to appear before the Review Board in person or by counsel. Such Board has the same powers as were exercised by or vested in the Board whose findings and decisions are being reviewed. The proceedings and decisions of such Board, affirming or reversing the decisions of any board of medical survey, are transmitted to the Secretary of the Navy and laid by him before the President for his approval or disapproval and orders in the case.

§ 27.15 *Naval Retiring Review Board.* Procedures of this Board have been published in 10 F. R. 3981.

§ 27.16 *Board of Review, Discharges and Dismissals.* Procedures of this Board have been published in 10 F. R. 6981–6984.

§ 27.17 *Naval courts and certain fact finding bodies.* (a) Rules of pleading, practice and procedure of naval courts and certain fact-finding bodies are published in Naval Courts and Boards (§ 6.13 (b) (1) (iii)). Certain sections of this volume have been published in the Code of Federal Regulations under substantially similar paragraph titles, with citations as follows:

(1) Section 213, "Same (Deposition): How Taken", 34 CFR, 1943 Supp., 11.213.

(2) Section 238, "Testimony of Husband and Wife", 34 CFR, 1943 Supp., 11.238.

(3) Section 240, "Testimony of Medical Officers and Civilian Physicians", 34 CFR, 1943 Supp., 11.240.

(4) Section 241, "Testimony of Children", 34 CFR, 1943 Supp., 11.241.

(5) Section 244, "Persons Amenable to Service as Witnesses", 34 CFR, 1943 Supp., 11.244.

(6) Section 245, "Summoning Witnesses", 34 CFR, 1943 Supp., 11.245.

(7) Section 247, "Same (Summoning Witnesses): Civilian Witness", 34 CFR, 1943 Supp., 11.247.

(8) Section 248, "Authority of the Judge Advocate in Summoning Civilian Witnesses", 34 CFR, 1943 Supp., 11.248.

(9) Section 253, "Service of Subpoenas", 34 CFR, 1943 Supp., 11.253.

(10) Section 254, "Advance Notice to Witnesses", 34 CFR, 1943 Supp., 11.254.

(11) Section 255, "When Subpoena is Disregarded", 34 CFR, 1943 Supp., 11.255.

(12) Section 256, "Same (When Subpoena is Disregarded): Warrant of Attachment", 34 CFR, 1943 Supp., 11.256.

(13) Section 257, "Fees of Civilian Witnesses", 34 CFR, 1943 Supp., 11.257.

(14) Section 258, "Same (Fees of Civilian Witnesses): Rates for Civilian Witnesses Prescribed by Law", 34 CFR, 1943 Supp., 11.258.

(15) Section 259, "Same (Fees of Civilian Witnesses): Civilian Witnesses in Several Trials on Same Day", 34 CFR, 1943 Supp., 11.259.

(16) Section 261, "Privilege of Witness in not Answering Particular Questions", 34 CFR, 1943 Supp., 11.261.

(17) Section 265, "Rule for Deciding Whether Witness Should Answer the Question When Privilege on the Ground of Self-Incrimination is Claimed", 34 CFR, 1943 Supp., 11.265.

(18) Section 290, "Authority of Naval Courts to Punish Contempts", 34 CFR, 1943 Supp., 11.290.

(19) Section 292, "Procedure When Witness is Charged with Contempt", 34 CFR, 1943 Supp., 11.292.

(20) Section 294, "In Case a Civilian Witness is Adjudged Guilty of Contempt the District Attorney Should be Informed", 34 CFR, 1943 Supp., 11.294.

(21) Section 720, "Purpose" (with regard to informing the convening authority in a preliminary way as to the facts involved in the inquiry and to aid with opinons and recommendations), 34 CFR, 1943 Supp., 11.720.

(b) The exercise of authority to review court-martial proceedings has been delegated by Acts of Congress in the following manner:

(1) The convening authority in each case may remit or mitiagte the sentence of any court-martial, but may not commute it.

(2) The final authority with respect to deck courts and summary courts-martial is vested in the Secretary of the Navy, who may remit, mitigate or commute any sentence imposed by such courts and courts-martial.

(3) Except in cases where the death sentence has been imposed, final authority with respect to general courts-martial is vested in the Secretary of the Navy, who may remit, mitigate or commute any sentence imposed by such courts-martial.

(4) In the event of general courts-martial sentences involving the death penalty, the sentence may not be carried into effect until confirmed by the President of the United States.

W. JOHN KENNEY,
Assistant Secretary of the Navy.

[F. R. Doc. 46–15395; Filed, Aug. 28, 1946; 4:47 p. m.]

INTERIOR DEPARTMENT

OFFICE OF THE SECRETARY

[43 CFR, Subtitle A]

PART 01—ORGANIZATION AND PROCEDURE

SUBPART A—ORGANIZATION

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01.50 Appeals.
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SUBPART A—ORGANIZATION

DEPARTMENT OF THE INTERIOR

§ 01.0 *Creation and functions.* The Department of the Interior was created by the act of March 3, 1849. The Department is responsible for the management, conservation, and development of the natural resources of the United States. These resources include the public lands and the Federal range, water and power resources, oil and gas and other mineral resources, certain forest resources, fish and wildlife resources, and the national park system. In addition, the Department of the Interior has specialized responsibilities to the Indians and to the territories and island possessions of the United States. The Secretary of the Interior is presently charged with special duties concerning solid fuels and coal mines under Government control.

§ 01.2 *Organizations in general.* The Department of the Interior consists of the Office of the Secretary and the various operating bureaus and agencies. The organizations and procedure of the bureaus and agencies are set out under the appropriate titles of this code. The following sections of this part deal with the Office of the Secretary.

OFFICE OF THE SECRETARY

§ 01.10 *Secretary of the Interior.* The Secretary of the Interior is the head of the Department and is charged with the supervision and direction of the functions performed and activities carried on by the offices and employees throughout the Department. All bureaus and offices of the Department are responsible directly to the Secretary.

§ 01.11 *Under Secretary, Assistant Secretaries.* The Under Secretary and the two Assistant Secretaries are the chief administrative officials of the Department under the Secretary of the Interior. In the absence or unavailability of the Secretary, the bureaus and offices of the Department are directly responsible to the Under Secretary. The Under Secretary and the Assistant Secretaries are authorized to exercise the powers of the Secretary with respect to matters which come before them, and, in certain cases, to serve as Acting Secretary of the Interior. See 43 CFR 4.0–4.3 (11 F. R. 8164).

§ 01.12 *Solicitor.* The Solicitor is the chief law officer of the Department and the advisor on legal matters to the Secretary and other Departmental officers. He is charged with the supervision of the legal work and legal staffs of the entire Department. The Solicitor is responsible for patent policies and procedures within the Department, and for the administrative adjustment of tort claims under the Federal Tort Claims Act. See 43 CFR 4.20, 4.21. The Solicitor's immediate staff constitutes the Office of the Solicitor.

§ 01.20 *Administrative Staff Offices.* The following staff offices advise the Secretaries and formulate and execute policies in matters relating to the internal management of the Department:

(a) The Division of Budget and Administrative Management, under a Director, supervises the budget and finance programs of the Department and advises the Secretary and other officials on organization, methods, and administrative management in general.

(b) The Division of Administrative Services has responsibility for providing building space, purchasing, communications, and other such office services. The Chief Clerk is in charge of the Division.

(c) The Division of Personnel Supervision and Management supervises the personnel program of the Department. The Director of Personnel is in charge of the Division.

(d) The Office of Field Representatives conducts investigations of departmental activities as directed by the Secretary. The Supervising Field Representative is in charge of the Office.

(e) The Office of Information formulates the informational program of the Department and prepares and disseminates information concerning its activities and policies. The Director of Information is in charge of the Office.

(f) The Office of Labor Relations under a Special Adviser on Labor Relations advises on labor policy and procedures within the Department.

§ 01.21 *Program staff offices.* The following staff offices coordinate various aspects of the functions performed by the Department and advise the Secretaries on matters of policy:

(a) The Division of Power assists the Secretary in supervising the discharge of the Department's responsibilities in electric power matters. The Division aids in the formulation and coordination of the Department's objectives, policies and programs, advises the various agencies of the objectives and policies and supervises their application and prosecution. A Director is in charge of the Division.

(b) The Division of Territories and Island Possessions is responsible for coordinating the activities of the Department in the territories and possessions, for advising the Secretary on the governments in these areas, for acting as an intermediary between these governments and other Federal agencies, and for furthering certain enterprises in the territories. (See 48 CFR Part 1.) A Director is in charge.

(c) The Office of Land Utilization coordinates all land classification, use, and management programs to insure consistency with departmental policy. It also assists the Secretary in developing departmental policy on land management matters and renders advisory services to the bureaus. An Assistant to the Secretary is in charge of the office.

(d) The Oil and Gas Division is responsible for formulating plans for the coordination of the policies and administration of Federal activities relative to oil, gas and synthetic fuels. The Division administers the Connally "Hot Oil" Act. A Director is in charge of the Division. See 30 CFR Part 400.

§ 01.22 *Location of Office of the Secretary.* The offices of the Secretary of the Interior, the Under Secretary, the Assistant Secretaries, the Solicitor, and all of the staff offices in the Office of the Secretary are located in Washington, D. C.

§ 01.30 *United States Board on Geographical Names.* (a) The United States Board on Geographical names seeks to achieve uniform usage in regard to geographic names and spelling used in the many maps, charts, and other publications issued by the various departments and other agencies of the Federal Government. The Board is composed of the Division of Geography and the interdepartmental Advisory Committee on Geographic Names. A Director is in charge.

(b) Decision lists, brief directions and comprehensive guides for the treatment of geographic names in the United States and in foreign countries or areas for which they have been prepared, and other publications, may be had by addressing the Board. Inquiries should be addressed to the Board on Geographical Names, Department of the Interior, Washington 25, D. C.

SUBPART B—PROCEDURE

§ 01.50 *Appeals.* Appeals to the Secretary from actions taken by the heads

of the various bureaus and agencies of the Department of the Interior are governed by regulations issued by the Secretary. These regulations are indicated in the statements of procedure which relate to the various bureaus and agencies and which appear in the appropriate titles of this Code. See also, 30 CFR, Cum. Supp., 221.66 (Geological Survey); 43 CFR, Part 221 and 43 CFR, Cum. Supp., 501.9 (Bureau of Land Management); 25 CFR 81.35a, 15.6a, 82.0, and 177.19 (Office of Indian Affairs). Appeals to the Secretary are considered by the appropriate division of the Solicitor's Office, which prepares and submits to the Secretary a proposed decision for his consideration and action. In the absence of specific provisions for appeals, the Secretary will consider informal requests for reconsideration of bureau action.

§ 01.51 *Contract appeals.* Appeals to the Secretary from administrative findings made by a contracting officer are considered by the Solicitor's Office. The Solicitor's Office prepares a proposed decision, which is submitted to the Secretary for his consideration and action.

§ 01.52 *Board of Appeals.* The Board of Appeals, in the Office of the Solicitor, is composed of the Associate Solicitor as Chairman, and two of the chiefs of the Divisions of the Solicitor's Office designated by the Solicitor. The Board considers special cases referred to it by the Secretary. Decisions by the Board do not become effective until approved by the Secretary.

§ 01.53. *Committee on Practitioners.* The Committee on Practitioners is composed of the Solicitor, as Chairman, and four members appointed by the Secretary. At present these members are employees in different offices of the Department. The Committee administers all functions relating to the admission of, and practice by, attorneys and agents before the Department, except that decisions suspending or disbarring practitioners are made by the Secretary upon recommendation of the Committee. Disciplinary proceedings against practitioners are investigated and prosecuted before the Committee by a departmental lawyer who is not a member of the Committee and who is specially designated by the Secretary. The applicable regulations are set forth in 43 CFR, Cum. Supp., Part 1.

§ 01.54 *Tort claims.* Claims for personal injury or property damage should be filed with the bureau whose action is involved. Such claims are submitted to the Solicitor with recommendations and are considered by the Solicitor's Office. The Solicitor's Office prepares an opinion on the basis of which the claim is determined.

§ 01.55 *Invention patents and Licenses.* (a) An invention report made by an employee of the Interior Department must be prepared by the employee-inventor (or in some cases by his supervisor) and sent to the head of the employee's bureau or office, who then transmits it to the Solicitor's Office. The relative rights of the United States and of the employee to patent rights in any invention made by such employee are determined by the Solicitor. See Order No. 1763 of November 17, 1942 (7 F. R. 10161); Order No. 1871 of September 7, 1943 (8 F. R. 12523); and 43 CFR 4.20.

(b) Persons desiring a license under patent rights of the United States, represented by the Secretary of the Interior, may file application for such license with the Solicitor. After consultation with the bureau or office most directly interested in the patent or invention involved, the Solicitor, on behalf of the Secretary, approves an appropriate license or denies the application. In particular instances and at the request of the Solicitor, royalty rates are recommended by an Evaluation Committee appointed by the Secretary. See 43 CFR 4.20, and Part 6.

C. GIRARD DAVIDSON,
Acting Secretary.

AUGUST 28, 1946.

[F. R. Doc. 46–15429; Filed, Aug. 28, 1946; 2:24 p. m.]

ALASKA RAILROAD

[48 CFR, Ch. IV]

PART 400—ORGANIZATION AND PROCEDURE

Sec.

400.1 Creation.
400.2 General description.
400.20 Inquiries and requests in general.
400.21 Location of offices.
400.50 Formulation of tariffs and other charges.
400.51 Revision or reexamination of tariffs and other charges.
400.52 Publication of tariffs.

§ 400.1 *Creation.* The Alaska Railroad was established as an agency within the Department of the Interior under Executive Order No. 3861 (48 CFR 5.1) authorizing the Secretary of the Interior to operate railroads acquired or constructed under the act of March 12, 1914 (38 Stat. 305, 48 U. S. C. secs. 301–308), to stimulate settlement and the industrial and agricultural development of the Territory by providing transportation within the Territory, and by developing areas along the lines of the Railroad.

§ 400.2 *General description.* (a) The Alaska Railroad is composed of the Office of the General Manager in Anchorage, Alaska, and a Chicago Office under the supervision of an Assistant General Manager. The General Manager, appointed by the Secretary of the Interior, is in direct charge of all activities of the Railroad in Alaska which include the operation of a railroad line running from Seward to Fairbanks in the interior, and the management of tourist hotels at Curry and in Mt. McKinley Park. The Assistant General Manager in charge of the Chicago Office directs the handling of the Railroad's relationships with other Federal agencies, rail and steamship lines in the States, and the general public. The Division of Territories and Island Possessions is vested with general supervision of all activities and administrative functions of the Alaska Railroad.

§ 400.20 *Inquiries and requests in general.* Information concerning the Alaska Railroad may be secured by addressing the Alaska Railroad, Department of the Interior, Washington 25, D. C. (or Anchorage, Alaska). Information as to tariffs or other charges relating to facilities operated by the Railroad may be obtained, in addition to the above addresses, at any station or agency maintained by the Railroad along its railroad lines in Alaska.

§ 400.21 *Location of offices.* The office of the General Manager of the Alaska Railroad is located in Anchorage, Alaska. The Chicago Office is located at 333 North Michigan Avenue, Chicago, Ill.

§ 400.50 *Formulation of tariffs and other charges.* The General Manager is authorized to set tariffs covering rates, rules and regulations for the movement of freight and passengers over the lines of the Alaska Railroad, and charges to be collected for use of the steamboats or hotel facilities operated by the Railroad. Interested parties are permitted upon request to present their views in writing. Railroad tariffs, except as otherwise specified in a particular tariff, are governed by the Western Classification. To the extent practicable, rates described in the tariffs are made subject to appropriate rules, regulations or orders of the Interstate Commerce Commission, although the Railroad, as a Federal instrumentality, is not under the jurisdictions of the Commission.

§ 400.51 *Revision or reexamination of tariffs and other charges.* There is no established formal procedure for the revision or reexamination of tariffs or other charges of the Alaska Railroad. Such revisions or reexaminations may be initiated by the Railroad from time to time as deemed necessary, or upon request of interested parties in writing. Changes in tariffs are usually issued on thirty days' notice as supplements to or revisions of the existing tariff, to be effective at future dates as specified in the particular tariff.

§ 400.52 *Publication of tariffs.* Tariffs of the Alaska Railroad applicable to the public are placed on file for public inspection at all stations of the Railroad where agencies are maintained, and may be obtained upon request from the General Manager of the Railroad at Anchorage, Alaska.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

AUGUST 28, 1946.

[F. R. Doc. 46–15421; Filed, Aug. 28, 1946; 2:21 p. m.]

BONNEVILLE POWER ADMINISTRATION

[18 CFR, Ch. III]

PART 400—ORGANIZATION AND PROCEDURE

Chapter III is added to Title 18 of the Code of Federal Regulations to read as follows:

SUBPART A—ORGANIZATION

ESTABLISHMENT

Sec.

400.1 Creation.
400.2 Purpose.

Sec.

400.5 General description.
400.6 Advisory boards and committees.

HEADQUARTERS ORGANIZATION

400.10 Office of the Administrator.
400.11 Liaison office.
400.12 Branch of Power Management.
400.13 Branch of Engineering and Operations.

FIELD ORGANIZATION

400.20 District offices.

LIST OF DELEGATIONS OF AUTHORITY

400.30 Purpose of list of delegations of authority.
400.31 Administrator.

PLACES TO OBTAIN INFORMATION AND MAKE REQUESTS

400.50 Inquiries and requests in general.
400.51 Location of headquarters organization.
400.52 Location of district offices.

SUBPART B—PROCEDURE

400.80 Rates.
400.81 Marketing activities.

SUBPART A—ORGANIZATION

ESTABLISHMENT

§ 400.1 *Creation.* The Bonneville Power Administration was established by statute in 1937. The Office of the Administrator is an office of the Department of the Interior.

§ 400.2 *Purpose.* The Bonneville Power Administration is directed by statute to encourage the widest possible use of electric energy and to provide markets therefor by constructing, operating, maintaining and improving such power stations and transmission lines as may be necessary. Power generated at the Bonneville and Grand Coulee projects is distributed throughout Oregon and Washington. The Administration now wholesales power to the extent of approximately 50 per cent of the entire electric power supply of the Pacific Northwest. The Administration also has been designated power marketing agent for new Federal dams to be constructed in the Columbia River Basin.

§ 400.5 *General description.* The Bonneville Power Administration, headed by the Administrator, is composed of a headquarters staff located at Portland, Oregon, and six district offices located at points in the Pacific Northwest. In addition there are several advisory boards and committees established to consult with and advise the Administrator on matters of program and policy, and to coordinate major programs of the Bonneville Power Administration with programs of other Government agencies engaged in related activities throughout the Pacific Northwest.

§ 400.6 *Advisory Boards and Committees.* (a) The Bonneville Act provided that the Administrator "shall act in consultation with an advisory board composed of a representative designated by the Secretary of War, a representative designated by the Secretary of the Interior, a representative designated by the Federal Power Commission, and a representative designated by the Secretary of Agriculture." The Administrator has consulted with the Board during the eight years on matters of Administration policy and programs.

(b) The Federal Inter-Agency River Basin Committee was established in 1943, to facilitate cooperation in the investigation and preparation of reports on multiple-purpose water projects and the correlation of the results of these investigations. The membership of this Committee is identical with the membership of the Bonneville Advisory Board.

(c) The Regional Advisory Council consists of a group of persons selected by the Bonneville Power Administrator by geographical areas in the region on the basis of special technical, planning, and business knowledge and civic leadership.

HEADQUARTERS ORGANIZATION

§ 400.10 *Office of the Administrator.* The Office of the Administrator, which includes the Assistant Administrator and several immediate staff assistants, coordinates and directs the activities of the Bonneville Power Administration. Staff units reporting to the Administrator include the Personnel Division, Information Division, Office of the General Counsel and Branch of Fiscal and Administrative Management.

§ 400.11 *Liaison office.* The Administration maintains a liaison office in Washington which represents the Administration in relationships with other Government agencies.

§ 400.12 *Branch of Power Management.* The Branch of Power Management, under the supervision of the Power Manager formulates and executes policies and activities relating to the sale of electric power and development of markets. It conducts investigations and prepares recommendations on programs relating to regional resources and to needed generation and transmission facilities. The Branch makes broad plans for the Bonneville Power Administration's transmission system, develops and supervises programs to increase agricultural, commercial, and domestic utilization of electric power. It maintains active sales contacts with the Administration's customers and assists them in improving operating efficiency and sales, and develops and establishes rates, terms, and conditions for power sales and exchanges.

§ 400.13 *Branch of Engineering and Operations.* The Branch of Engineering and Operations develops and executes policies relating to the engineering, operation and maintenance of the Bonneville Power Administration's electric transmission facilities. It designs and constructs additions to the Administration's power system. The Branch operates all administration electric power facilities, regulates stream flow by storage and release of waters, dispatches power through Administration and associated facilities in accordance with contractual provisions, and maintains all lines, substations, and other facilities. It coordinates the operation of the Administration's system with interconnected systems, and controls metering, relaying, testing, and communications.

FIELD ORGANIZATION

§ 400.20 *District offices.* The Administration at the present time maintains six District Offices in various parts of the Pacific Northwest. Each office consists of a District Manager and a small staff, who maintain contacts with customers and direct the execution of approved plans and programs within each District in accordance with the policies, objectives, and standards established by the Office of the Administrator. The District Offices initiate power sales contracts and perform related power marketing functions, assist the Administration's customers in management and operating problems, and conduct engineering and other investigations as required. Each District Office represents a cross section of the entire Bonneville Power Administration's activities in its particular area. The District Manager is the direct representative of the Administrator in his district, although he receives technical instruction from the branches and divisions.

LIST OF DELEGATIONS OF AUTHORITY

§ 400.30 *Purpose of list of delegations of authority.* The following sections are not in themselves delegations of authority. The sections are merely a list of delegations and indicate the various matters with respect to which delegations have been made. They are intended merely as an index and outline. For the scope and limitations of delegations of authority the specific regulations and orders to which cross references are made must be consulted.

§ 400.31 *Administrator.* The Bonneville Power Administrator has authority to:

(a) Market power generated at the Grand Coulee Dam project in Washington. See Executive Order No. 8526 (5 F.R. 3390).

(b) Market power generated at the Hungry Horse Dam project in Montana. See Order No. 1994 (9 F.R. 11966).

(c) Market power generated at the Lookout Point, Quartz Creek, Detroit, and Umatilla projects in Oregon and the lower Snake River projects, and the Foster Creek project in Washington. See Order No. 2115 (10 F.R. 14211) and Order No. 2237 (11 F.R. 8830).

PLACES TO OBTAIN INFORMATION AND MAKE REQUESTS

§ 400.50 *Inquiries and Requests in General.* (a) Inquiries of a general nature concerning the administration should be addressed to Bonneville Power Administration, 811 Northeast Oregon Street, Portland, Oregon. Technical information on such matters as wholesale rates, rate policies, power contract procedures, availability of supply, construction plans, relationships with public utility districts, Rural Electrification Administration cooperatives, municipal and other power agencies, also may be secured from the same address.

(b) Inquiries concerning wholesale power contracts with large industries may be addressed to Power Manager, Bonneville Power Administration, 811 Northeast Oregon Street, Portland, Oregon.

(c) Inquiries regarding power contracts, including availability of supply and rates, which concern a particular locality of the Pacific Northwest may be addressed to the appropriate District office listed below.

§ 400.51 *Location of headquarters organization.* The office of the Bonneville Power Administrator and the chiefs of the staff units and Branches are located at 811 Northeast Oregon Street, Portland, Oregon.

§ 400.52 *Location of district offices.* The location of each district office is as follows:

(a) Lower Columbia District Office, 610 Panama Building, Portland, Oreg.

(b) North Central Washington District, Fuller Quigg Building, 103 Palouse Street, Wenatchee, Wash.

(c) Southwestern District Office, New Post Office Building (P. O. Box 1269), Eugene, Oreg.

(d) Mid-Columbia District Office, Breier Building (P. O. Box 118), 55 E. Main Street, Walla Walla, Wash.

(e) Upper Columbia District Office, Title Building, West 614 Sprague Street, Spokane, Wash.

(f) Puget Sound District Office, 1331 Third Avenue Building, Third Avenue and Union Street, Zone 1, Seattle, Wash.

SUBPART B—PROCEDURE

§ 400.80 *Rates.* Proposed rate schedules are initiated by the Division of Power Sales and Service. They are reviewed by the Power Manager, under whose jurisdiction the Division of Power Sales and Service operates, the Controller, the General Counsel, the Executive Committee, and the Assistant Administrator. The proposed rates are then submitted to the Administrator, who, if they meet with his approval, forwards them to the Division of Power, Office of the Secretary. The proposed rates, after being reviewed by the Division of Power, are submitted to the Secretary for approval, and, with respect to the Bonneville project, to the Federal Power Commission for confirmation pursuant to the requirements of the Bonneville Project Act.

§ 400.81 *Marketing activities.* In marketing power, Bonneville Power Administration negotiates power sales contracts with public utility districts, cooperatives, irrigation districts, municipalities, privately owned utilities, large industrial customers who take power in wholesale quantities, and other Federal agencies. Frequent contacts are made with potential industrial customers throughout the United States who might be interested in esablishing power-consuming plants in the Pacific Northwest. Services of varicus types are rendered to customers under sales contracts for the purpose of making their power use more efficient and increasing that use.

Factors other than direct negotiations with customers and potential customers are involved. Surveys must be made to determine both existing and potential power markets as a prelude to the planning and construction of transmission systems. Surveys also are made of the power needs of the Pacific Northwest as a whole and of various portions thereof. Similar investigations are undertaken with respect to proposed power projects to determine their capacity, the cost of transmission and marketing of power, and the ultimate economic feasibility of such projects. Special, as well as long range, studies on the economic, industrial and agricultural resources of the region, particularly as they relate to power sales and programming of power facilities, form a part of such surveys. Many research activities, including power transmission, new uses for power, and economics relating to the development of the area and increased power consumption are performed.

C. GIRARD DAVIDSON,
Acting Secretary of the Interior.

AUGUST 22, 1946.

[F. R. Doc. 46-15040; Filed, Aug. 28, 1946; 10:13 a. m.]

BUREAU OF LAND MANAGEMENT

[43 CFR, Ch. I]

PART 50—ORGANIZATION AND PROCEDURE

SUBPART A—ORGANIZATION

Sec.

ESTABLISHMENT

50.0 Creation.
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HEADQUARTERS ORGANIZATION

50.3 Director.
50.4 Law Division.
50.5 Branch of Administration.
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50.8 Branch of Engineering and Construction.
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FIELD ORGANIZATION

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50.31 Types of field offices.
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50.36 Oregon and California Revested Lands Administration.
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SUBPART A—ORGANIZATION

ESTABLISHMENT

§ 50.0 *Creation.* The President's Reorganization Plan No. III, effective July 16, 1946, created the Bureau of Land Management in the Department of Interior by merging the General Land Office, established in 1812, and the Grazing Service, formed in 1934.

§ 50.1 *Purpose.* The Bureau of Land Management administers the federal laws relating to the public domain, which comprises at this time approximately three-quarters of a billion acres in the continental United States and Alaska. As the manager of the public domain, the Bureau administers the mining, mineral leasing and homestead laws, supervises the federal range, conducts surveys, classifies lands as to proper uses, and in general is responsible for matters involving the public lands. The basic objectives of the Bureau are the conservation, proper utilization and disposal of the natural resources of the public domain. It also has jurisdiction over minerals in certain acquired lands. In addition, the Bureau acts as a disposal agency for surplus real property in the United States and Alaska assigned to it by the War Assets Administration.

§ 50.2 *General description.*[1] The Bureau of Land Management comprises a headquarters organization in Washington, D. C., and seven specialized groups of field offices. The chief executive of the Bureau is the Director.

HEADQUARTERS ORGANIZATION

§ 50.3 *Director.* The Director of the Bureau of Land Management develops and implements land policies expressed in various statutes, and supervises the entire Bureau staff. Information concerning the public lands is disseminated through the Office of the Director.

§ 50.4 *Law Division.* The Law Division, under the Chief Counsel, reviews and advises on all legal matters affecting the Bureau, including legislation and regulations.

§ 50.5 *Branch of Administration.* The Branch of Administration handles matters relating to the budget, finance, personnel and general administrative services. It also is responsible for the issuance and recording of land patents and the posting and maintenance of tract books.

§ 50.6 *Branch of Classification and Planning.* The Branch of Classification and Planning is charged with the development of programs for the most efficient

[1] At time of publication the new organization was still in a formative state with changes, especially in the field organization, in process of development.

classification of lands for agricultural, grazing, mineral and other purposes. It supervises general research on the use of public lands. The Branch establishes policies and procedures for the utilization of all the public lands, including lands in Alaska, through an orderly plan of land settlement and production of natural resources.

§ 50.7 *Branch of Adjudication.* The Branch of Adjudication examines and acts upon all classes of applications and claims involving patents, leases or other instruments relating to mineral resource development, land exchange, withdrawals and restorations, grazing privileges or other forms of land use or disposal. In the main, these matters are initiated in the respective district land offices. In cases involving land in States where no such offices are maintained by the Bureau, the action is filed directly with the Bureau of Land Management in Washington.

§ 50.8 *Branch of Engineering and Construction.* The Branch of Engineering and Construction formulates programs for, and has technical direction of, cadastral engineering surveys and resurveys on the public lands. The Branch designs and supervises construction of facilities for use in the field. It also supervises programs for maximum efficient utilization and improvement of public lands and ranges, including soil and moisture conservation projects.

§ 50.9 *Branch of Range Management.* The Branch of Range Management develops the policy and administers the program with respect to grazing on the public lands both inside and outside of grazing districts. The Branch promotes the economic employment of the Federal range through proper range management and grazing use. Re-seeding, water development, eradication of poisonous plants, destructive rodents, and predatory animals, erosion control, and inspections of grazing lands to stop overgrazing are measures taken by the Branch to achieve this goal.

§ 50.10 *Branch of Timber and Resource Management.* The Branch of Timber and Resource Management formulates policies for, and administers, public land programs involving all surface uses of the land except grazing. The Branch develops standards governing disposal of timber, supervises the protection of forest lands, plans sustained yield forest units, conducts timber marketing studies, establishes mineral development procedures and plans for the protection of public lands against trespass and other unlawful use. In general, the Branch is concerned with the conservation of the valuable natural resources of the public domain.

§ 50.11 *Surplus Real Property Division.* The Surplus Real Property Division is responsible for the handling and disposal of the surplus real property in the continental United States and Alaska for which the Department of the Interior has been designated by the War Assets Administration as the disposal agency. The Chief of the Division is immediately responsible to the Director. The Division operates in the field through the regular organization of the Bureau.

FIELD ORGANIZATION

§ 50.30 *Supervision.* The headquarters organization of the Bureau of Land Management, in addition to formulating policies and programs concerning the public lands, has immediate supervision over the work of the various field offices.

§ 50.31 *Types of field offices.* (a) There are seven specialized types of field offices. The various heads of these offices report to the supervisor, in Washington, D. C., responsible for that particular activity. These supervisors in turn report to the Director of the Bureau of Land Management.

(b) The following are the types of field offices:

(1) Cadastral Engineering Service.
(2) District Land Offices.
(3) Grazing Offices.
(4) Branch of Field Examination.
(5) Oregon and California Revested Lands Administration.
(6) Range Development Service.
(7) Alaska Fire Control Service.

§ 50.32 *Cadastral Engineering Service.* The Cadastral Engineering Service operates through five regional offices with headquarters at Denver, Colorado. It conducts surveys and resurveys, prepares and maintains plats and field notes, and supplies copies of land records. The Office of the Chief Engineer reviews and accepts the plats of surveys, which, upon final acceptance by the Director, become official records. The Service also arranges for mineral surveys.

§ 50.33 *District Land Offices.* There are twenty-two District Land Offices in the United States and three in Alaska, each in the charge of a Manager, who reports to the Director. The Bureau of Land Management at Washington, D. C., serves those States in which no district land office is maintained. The District Land Offices are the local source of information and records relating to the public lands. All applications and claims concerning land in the district and payment of required fees and rentals are filed in these offices. The Managers forward all matters requiring action by the Director or the Secretary. Patents, leases, and decisions are sent to the Managers for delivery to applicants and claimants.

§ 50.34 *Grazing Offices.* There are five Regional Grazing Offices, each in the charge of a Regional Grazier, and thirty-one District Grazing Offices, each under the control of a District Grazier. The Regional and District Graziers receive and act upon applications filed by stockmen for grazing permits, initiate improvements and protect the land from trespass and other violations.

§ 50.35 *Branch of Field Examination.* The Branch of Field Examination maintains a Washington headquarters and five regional offices concerned with the examination and classification of public lands as to present and potential uses. The Branch investigates trespass and other violations of law and handles matters relating to proof under the federal land laws. Problems involved in timber cruises, valuation of lands, and range protection also are handled by this Branch.

§ 50.36 *Oregon and California Revested Lands Administration.* More than two and one-half million acres of valuable forest lands in western Oregon, comprising tracts of revested Oregon and California railroad and reconveyed Coos Bay wagon road grant lands, are administered by the Bureau of Land Management under special Congressional statutes. The Bureau's Oregon and California Revested Lands Administration, with headquarters at Portland, Oregon, maintains five district offices to manage these lands under a sustained yield forestry program. Its responsibilities include land classification, forestry, grazing, fire suppression and prevention, timber sales, timberland exchanges and special land use permits.

§ 50.37 *Range Development Service.* Operating through three regional offices, the Range Development Service executes projects dealing with range protection, pest and poison plant eradication, erosion control, re-seeding, fencing and other measures consonant with sound range management.

§50.38 *Alaska Fire Control Service.* The Alaska Fire Control Service has its headquarters at Anchorage, Alaska. It is the agency primarily concerned with the prevention and suppression of fires on federal public lands in Alaska. The Service also manages and disposes of timber on the public lands in the Territory.

LIST OF DELEGATIONS OF AUTHORITY

§50.75 *Purpose of list of delegations of authority.* The following sections are not in themselves delegations of authority. The sections are merely a list of delegations and indicate the various matters with respect to which delegations have been made. They are intended merely as an index and outline. For the scope and limitations of delegations of authority, the specific regulations and orders to which cross references are made must be consulted.

§50.76 *Secretary of the Interior.* (a) The President has authorized the Secretary to make, modify and revoke withdrawals and reservations, with the approval of fthe Director of the Bureau of the Budget and the Attorney General, and the concurrence of agencies having jurisdiction over the lands involved. See Executive Order No. 9337 (3 CFR, Cum. Supp., p. 1274). Public Land Orders, issued under the authority of E. O. 9337, are published as the appendix to this title.

(b) The Secretary has been authorized by the President to exercise certain powers relating to Alaska Railroad town site reservations made under the act of March 12, 1914 (38 Stat. 305; 48 U. S. C., secs. 301–308). See Executive Order No. 3489 of June 10, 1921 and 43 CFR, Cum. Supp.) 297.3, 297.4, and 297.7.

§50.77 *Director.* (a) All of the functions and powers, of the abolished predecessor agencies and offices, transferred to the Secretary of the Interior by Reor-

ganization Plan No. 3 of 1946, may be exercised by the Director of the Bureau of Land Management. See §4.250 of this title.

(b) The Director is authorized to:

(1) Act on applications for and issuance of various easements for rights-of-way on public land; approve clear lists of State selections and swamplands; authorize issuance of patents for school sections; authorize the survey of islands or omitted lands and the resurvey of public and private land; deny applications for stock-driveway withdrawals or for revocations of such withdrawals; open lands restored from power site withdrawals; issue, consolidate, modify, revoke and cancel various types of mineral leases, permits and licenses, including competitive oil and gas leases and mineral spring leases; act on bonds relating to oil and gas leases; act on applications for and issuance of leases of public lands, including those in Alaska, for various other purposes; accept surrender of all types of leases and permits; eliminate erroneously included land in leases and permits; extend time of and terminate timber patents; act on applications for stock watering reservoir sites; sell isolated tracts; restore national forest lands to homestead entry and revoke such restorations; classify land for disposal, as an isolated tract or Indian allotment, for private exchange, as a homestead or desert entry, a small tract or a public airport, issue special land use permits, negotiate compensatory royalty agreements relating to drainage. See § 4.275 of this title.

(2) With reference to grazing districts: Adjust grazing fees because of range depletion due to severe drought or other causes; act on applications to appropriate water; accept contributions; approve certain leases and cooperative agreements. See § 4.276 of this title.

(3) Permit filming of motion or sound pictures. See Order 2029 (10 F. R. 2522).

(4) Dispose of surplus real property in accordance with the provisions of Order No. 2061 (11 F. R. 5955) and Order No. 2162 (11 F. R. 5956).

§ 50.78 *Associate Director.* The Associate Director may exercise all powers and authority of the Director. See § 4.253 of this title.

§ 50.79 *Managers, District Land Offices.* The Manageres of the District Land Offices possess the functions and powers previously exercised by the Register, See § 4.251 of this title. The Managers are also authorized to:

Act on applications for small tract leases. See § 4.300 of this title.

§ 50.80 *Chief Cadastral Engineer.* The Chief Cadastral Engineer of the Bureau of Land Management executes the former functions and powers of the United States Supervisor of Surveys. See § 4.252 of this title.

§50.81 *Chief Forester, Oregon and California Revested Lands Administration.* The Chief Forester, O & C Lands, may approve contracts for the sale of timber having a stumpage value of $25,000 or less. See § 115.46 of this chapter.

PLACES TO OBTAIN INFORMATION AND MAKE REQUESTS

§ 50.100 *Inquiries and requests in general.* (a) Information concerning the functions and activities of the Bureau of Land Management may be obtained by addressing the Director, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

(b) Inquiries relating to the status of particular tracts of public land should be addressed to the appropriate District Land Office in the State in which the land lies.

(c) The various field offices will furnish information regarding their particular activities and refer inquiries and requests to the proper offices.

§ 50.101 *Location of headquarters organization.* The office of the Director and the chiefs of the Branches and Services are located in Washington, D. C.

§ 50.102 *Locations of District Land Offices.* The locations of the District Land Offices are as follows:

Alaska: Anchorage, Federal Building. Fairbanks, 306 Cushman Street, P. O. Box 110. Nome, P. O. Building.

Arizona: Phoenix, Federal Building.

California: Los Angeles, Federal Building, Los Angeles 12, Calif. Sacramento, Federal Building, Sacramento 5, Calif.

Colorado: Denver, Federal Building, Denver 2, Colo. Pueblo, Federal Building.

Idaho: Blackfoot, Federal Building. Coeur d'Alene, Federal Building.

Montana: Billings, Federal Building. Great Falls, Federal Building.

Nevada: Carson City, Federal Building.

New Mexico: Las Cruces, Federal Building. Santa Fe, Federal Building.

North Dakota: Bismarck, Federal Building.

Oregon: Lakeview, Federal Building. Roseburg, Federal Building. The Dalles, Federal Building.

South Dakota: Pierre, Federal Building.

Utah: Salt Lake City, 313 Federal Building, Salt Lake City 1, Utah.

Washington: Spokane, Federal Building, Spokane 8, Washington.

Wyoming: Buffalo, Federal Building. Cheyenne, Federal Building. Evanston, Federal Building.

§ 50.103 *Locations of Grazing Offices.* The locations of Regional Grazing Offices are as follows:

Idaho-Oregon Region: *Headquarters:* 211 Sonna Building, Boise, Idaho.

Utah-Colorado Region: *Headquarters:* 238 Federal Building, Salt Lake City, Utah.

New Mexico-Arizona Region: *Headquarters:* Gas and Electric Building, Albuquerque, New Mexico.

Montana-Wyoming Region: *Headquarters:* 326 Stapleton Building, Billings, Montana.

Nevada-California Region: *Headquarters:* 15 Hughes-Porter Building, Reno, Nevada.

§ 50.104 *Locations of District Grazing Offices.* The locations of District Grazing Offices are as follows:

Arizona: Phoenix, 503 Heard Building. Safford, 315 Federal Building.

Colorado: Grand Junction, Room 225, Post Office Building. Meeker, Court House. Canon City, 920 Main Street.

Idaho: Burley, Rich Building. Boise, Broadbent Building. Idaho Falls, Federal Building. Shoshone.

Montana: Malta, McLellan-Edward Building. Miles City, Room 11, Strong Building. Billings, 338 Stapleton Building.

Nevada: Elko, Hesson Building. Ely, Bruce-Wallace Building. Las Vegas, Post Office Building.

New Mexico: Albuquerque, 416½ West Central Avenue. Roswell, J. P. White Building.

Oregon: Lakeview, Federal Building. Burns, Post Office Building. Vale, City Hall. Baker, Federal Building.

Utah: St. George. Brigham City, Knudsen Investment Co. Building, 71 South Main. Salt Lake City, 116 Pierpont Avenue. Fillmore, Utah Oil Building. Cedar City, Federal Building. Richfield, Home Acceptance Corp. Building, 46 South Main Street. Vernal, Federal Building.

Wyoming: Worland, Court House. Rawland, Post Office Building. Rock Springs, First Security Bank Building.

§ 50.105 *Locations of Regional Survey Offices.* The locations of Regional Survey Offices are as follows:

Region I: States of Colorado, Illinois, Indiana, Iowa, Michigan, Missouri, Minnesota, Montana, North Dakota, Ohio, Kansas, Nebraska, South Dakota, Wisconsin and Wyoming. *Headquarters:* 531 U. S. National Bank Building, Denver 2, Colorado.

Region II: States of Alabama, Arizona, Arkansas, Florida, Louisiana, Mississippi, New Mexico and Oklahoma and Southern California. *Headquarters:* Post Office Building, Santa Fe, New Mexico.

Region III: States of Idaho, Nevada and Utah. *Headquarters:* Post Office Building, Salt Lake City, Utah.

Region IV: States of Oregon and Washington and Northern California. *Headquarters:* Post Office Building, Portland, Oregon.

Region V: Territory of Alaska. *Headquarters:* Juneau, Alaska.

§ 50.106 *Locations of Public Survey Offices.* The locations of Public Survey Offices are as follows:

Alaska: Juneau, Territorial Building.
Arizona: Phoenix, 105 U. S. Court House.
California: Glendale, Box 1231.
Colorado: Denver, 531 U. S. National Bank Building.
Idaho: Boise, Post Office Building.
Montana: Helena, Post Office Building.
Nevada: Reno, Federal Building.
New Mexico: Santa Fe, Post Office Building.
Oregon: Portland, Post Office Building.
Utah: Salt Lake City, Post Office Building.
Washington: Olympia, Post Office Building.
Wyoming: Cheyenne, Federal Building.

§ 50.107 *Locations of Oregon and California Revested Lands Administration Offices.* The O & C Administration functions entirely within the State of Oregon.

Headquarters: 901 Guardian Building, Portland 4, Oregon.

Its field offices are located as follows: New Post Office Building, Eugene, Oregon; City Hall, Medford, Oregon; 424 Pacific Building, Roseburg, Oregon; 307 Masonic Building, Salem, Oregon; Federal Building, Coos Bay, Oregon.

§ 50.108 *Locations of Range Development Service Offices.*

Region I: States of Arizona and New Mexico. *Headquarters:* Federal Building, Santa Fe, New Mexico.

Region II: States of Colorado, Montana, South Dakota and Wyoming. *Headquarters:* 205 Boyd Building, Cheyenne, Wyoming.

Region III: States of California, Idaho, Nevada, Oregon and Washington. *Headquarters:* 714 Spalding Building, Portland, Oregon.

§ 50.109 *Alaska Fire Control Service.* Alaska Fire Control Service maintains its Headquarters at Federal Building,

Box 120, Anchorage, Alaska and information concerning its work may be obtained there.

§ 50.110 *Locations of Field Examination Offices.* The locations of the field offices of the Branch of Field Examinations are as follows:

Region I: States of California, Washington and Oregon and the Coeur d'Alene Land District, Idaho. *Headquarters:* 808 Sharon Building, 55 Montgomery Street, San Francisco 5, California.

Region II: States of Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota and Wyoming. *Headquarters:* 308 Stapleton Building, Billings, Montana.

Region III: States of Arizona north of the Grand Canyon, Colorado, Nevada, and Utah, and the Blackfoot Land District, Idaho. *Headquarters:* 355 Federal Building, Salt Lake City 10, Utah.

Region IV: States of Arizona south of the Grand Canyon, Kansas, New Mexico, and Oklahoma. *Headquarters:* 211½ West Central Avenue, Albuquerque, New Mexico.

Region V: Territory of Alaska. *Headquarters:* Federal Building, P. O. Box 480, Anchorage, Alaska.

SUBPART B—PROCEDURE

§ 50.150 *Regulations.* (a) Regulations relating to the functions of the Bureau of Land Management are prepared in consultation with administrative and technical personnel of the Branches, reviewed by the Chief Counsel, and if approved by the Director, are submitted through the Solicitor's Office to the Secretary for approval.

(b) Proposed amendments to the Federal Range Code (Part 501 of this title) are submitted to the Grazing District Advisory Boards.

§ 50.151 *Grazing Districts.* Hearings are held on proposals to establish or to enlarge grazing districts, pursuant to the act of June 28, 1934 (sec. 1, 48 Stat. 1269; 43 U. S. C., sec. 315), as amended.

§ 50.152 *Withdrawals.* The procedure followed in connection with proposed withdrawals of land by executive order or public land order is set forth in Order No. 2232 of July 24, 1946 (11 F. R. 8168). Also see § 50.76.

§ 50.160 *Applications generally.* Regulations covering particular matters prescribe the office in which applications are to be filed, the information required, and in some cases the form to be used. Regulations dealing with matters administered by the Bureau of Land Management appear in Chapters I and III of this title, and Parts 8305 and 9000 of Title 32, and are classified according to subject matter. For example, the regulations relating to exchanges of privately owned lands within or outside of grazing districts are found in Subchapter G—Exchanges—of this Chapter, Part 146. Similarly, the procedure for filing applications relating to grazing within grazing districts is found in Chapter III of this title, Part 501—Federal Range Code. In the same way, Parts 8305 and 9000 of Title 32 contain information concerning procedures relating to the disposal of surplus real property.

§ 50.161 *Contests and Government contests.* The procedure relating to contests and claims made to public lands is set forth in Parts 220 and 221 of this title. Subchapter P of this title contains procedural information incident to contest and other proceedings.

§ 50.162 *Appeals.* (a) The procedure for appeals to the Director from the action of a Manager of a District Land Office and from the Director to the Secretary is set forth in Part 221 of this title.

(b) The procedure relating to appeals from regional graziers to examiners, and from examiners to the Secretary is covered by § 501.9 of this title.

§ 50.300 *Forms for use by the public.* Copies of forms used by the Bureau of Land Management may be obtained from the Director, Bureau of Land Management, Department of the Interior, Washington, 25, D. C., or from the appropriate district land office or grazing district office. Regulations covering specific subjects contain references to the forms to be used. The following forms are available and must be used in applying for the privileges and rights in connection with particular public land matter:

Subject	Description of form	Form No.
Airports and aviation fields.	Public airport lease	4–445
Alaska	Coal leases:	
	Bond, act of Oct. 20, 1914	4–692
	Lease	4–031a
	Coal permits:	
	Application	4–020
	Permit for free mining	4–020a
	Prospecting permit	4–031b
	Fur farm leases:	
	Gross receipts, report of	4–230a
	Lease	4–230
	Grazing leases:	
	Application	4–469
	Lease	4–470
	Indians and Eskimos, allotments:	
	Application	4–021
	Oil and gas leases:	
	Lease under act of Aug. 21, 1935	4–208h
	Recreational sites:	
	Lease	4–978
	Timber:	
	Application to purchase	4–023
	Notice of intention to cut for free use.	4–023f
	Notice to be posted after filing of application.	4–023c
	Permission to cut, under application to purchase.	4–023b
	Town sites, railroad:	
	Application to purchase town lot of less than two acres.	4–013
	Application to purchase town lot of two acres or more.	4–015
	Town sites, trustee:	
	Application for deed	4–423
	Application for deed by native Indian or Eskimo.	4–231
	Deed of native Indian Eskimo.	4–232a
	Deed to native Indian Eskimo.	4–232
Amendments	Application for amendment of agricultural entry.	4–005
Bonds, bonding companies.	Bond for $5,000, sec. 2b, coal lease, act Feb. 25, 1920.	4–692k
	Bond for mineral claimant, on pending or patented stockraising entry.	4–684
	Bond of coal permittee, act Feb. 25, 1920.	4–692h
	Bond of coal permittee, acts June 22, 1910, and Feb. 25, 1920.	4–692i
	Bond of mineral surveyor	4–677
	Bond, oil and gas	4–208g
	Bond under secs, 2a and 2b, coal mining lease, act Feb. 25, 1920; for investment of $10,000 or less.	4–692c
Coal permits, leases, and licenses.	Application for license to mine coal.	4–694a
	Coal mining lease	4–696
	Coal prospecting permit	4–694
Contests	Affidavit of stenographer as to correctness of transcript of notes.	4–084a
	Answer by contestee	4–072d
	Certificate of officer before whom testimony is taken.	4–084
	Notice of contest (personal service).	4–072a
	Notice of contest (publication).	4–072c
	Personal service of notice	4–095
	Publication of notice, affidavit and order for.	4–072b
	Stipulation of parties, agreeing to waive signature of witnesses.	4–083
Desert land entries.	Affidavit of assignee	4–274c
	Declaration of applicant	4–274
	Final proof, deposition of witness.	4–373
	Final proof, testimony of claimant.	4–372a
	Second entry, application	4–007c
	Yearly proof, testimony of claimant and witness.	4–074b
	Notice of intention to make proof.	4–348
Exchanges of lands.	Application for exchange of privately owned lands, sec. 8, Taylor Grazing Act.	4–728
	Indian reservation:	
	Affidavit for lieu selection.	4–089
	Application for lieu selection.	4–088
Grazing district administration.	Application and affidavit for transfer of grazing privileges and action of regional grazier under sec. 7 (b) or (c) of the Federal Range Code.	GrS–62
	Application and transfer of grazing privileges based on owned, leased or controlled water under sec. 7 (b) of the Federal Range Code.	GrS–62A
	Application for exchange of use license based on private lands owned or controlled.	GrS–116
	Application for grazing permit (long form).	1–291
	Application for permit to construct and maintain improvements on public lands in a grazing district.	1–275
	Cooperative agreement	1–377
	Exchange of use grazing license.	GrS–106
	Free use permit for grazing privileges.	GrS–89
	Grazing permit	1–292
	License for grazing privileges and fee notice.	1–402
	Agreement to maintain range improvements.	GrS–32
	Notice for district advisers only.	1–269
	Sec. 4 permit to construct and maintain range improvements.	1–276
	Short-form application for grazing permit.	1–195
Grazing leases	Agreement of assignee to include additional provisions in grazing lease.	4–724a
	Application for lease	4–721
	Assignment of lease	4–724
	Lease	4–722a
	Lease renewal	4–722b
	Petition for renewal of lease.	4–725
Homesteads	Additional homesteads: Application, sec. 2, Kinkaid Act.	4–018
	Adjoining farm homesteads:	
	Affidavit	4–066
	Final affidavit	4–067
	Application for amendment of entry, selection or location of agricultural lands.	4–005
	Application under R. S. 2289.	4–007
	Cultivation: Application for reduction of required area.	4–007a

Subject	Description of form	Form No.
Homesteads	Enlarged homesteads:	
	Additional, sec. 3, application and affidavit.	4-004
	Additional, sec. 7, apption and affidavit.	4-004a
	Original, application and affidavit.	4-003a
	Final proof, testimony of claimant, other than stockraising.	4-369
	Final proof, testimony of witness, other than stockraising.	4-369a
	Instructions for submitting proof.	4-327
	Leave of absence:	
	Application	4-519
	Notice of beginning and notice of termination of absence.	4-519b
	Notice of beginning of absence from settlement claim.	4-519
	Notice of intention to make proof.	4-348
	Reclamation homesteads: Final affidavit.	4-073
	Residence requirements: Application for change.	4-017
	Second entries: Application.	4-007c
	Soldiers and Sailors: Apcation under R. S. 2306.	4-008a
	Declaratory statements:	
	By agent	4-545
	In person	4-546
	Stockraising homesteads:	
	Final proof, testimony of claimant.	4-369b
	Final proof, testimony of witnesses.	4-369c
Isolated tracts	Application and affidavit, R. S. 2455, second proviso.	4-008d
	Notice for publication (register), public sale, preference right.	4-348k
	Notice for publication (publisher), public sale, preference right.	4-348L
Kinkaid Act	Application for additional homestead, sec. 2, act Apr. 28, 1904.	4-018
Military service	Notice in connection with public land claim.	4-975
Mineral surveys	Application for survey of mining claim.	4-689
	Application for repayment, survey deposit.	4-109a
	Final oath for assistant mineral surveyor.	4-685
	Final oath of mineral surveyor.	4-686
	Oath of mineral surveyors, as to examination of placer claims.	4-695
Nevada	Development and utilization of underground water:	
	Final proof, testimony of claimant.	4-383
	Final proof, testimony of witness.	4-383a
	Notice of intention to make final proof.	4-364
	Notice for publication (publisher).	4-364b
	Notice for publication (register).	4-364a
	Permit to develop underground water.	4-212
Nonmineral affidavit.	Showing that land is nonmineral.	4-062
Oil and gas leases	Application for permit to cut timber on oil and gas prospecting permit or lease.	4-142
	Bond	4-208g
	Lease, under act August 21, 1935.	4-208f
	Letter of transmittal from lessee or permittee, transmitting remittance.	4-974
	License to cut timber on oil and gas lease.	4-142a
Oregon and California revested lands.	Grazing:	
	Application for grazing lease.	4-986
	Lease	4-987
	Right of way for logging road:	
	Agreement and permit	4-988a
	Application for permit	4-980
Potassium	Prospecting permits	4-128
	Lease	4-126
Public sale	Applicatiuo and affidavit R. S. 2455	4-008b
Public sale	Application and affidavit R. S. 2455, second proviso.	4-008d
	Notice for publication (publisher), rough or mountainous tract	4-348d
	Notice for publication (register) isolated tract, preference right clause	4-348k
	Notice for publication (publisher), isolated tract, preference right clause	4-348L
Range development service	Range-development agreement	4-241
Relinquishments	Of claims	4-621
	Of right-of-way grants	4-621a
Reservoirs	Declaratory statements	4-548
Small holding claims	Final certificate	4-204
	Proof	4-074
Small tracts	Application for classification and lease	4-775
	Lease	4-776
Sodium	Prospecting permit	4-701
	Application	4-972
Special land-use permits	Application for permit for advertising displays	4-972b
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GIRARD DAVIDSON,
Acting Secretary.

AUGUST 28, 1946.

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BUREAU OF MINES

[30 CFR, Ch. I]

SUBCHAPTER A—ORGANIZATION AND PROCEDURE

Subchapters A, B, C, and D, respectively, are redesignated as Subchapters B, C, D, and E, and a new Subchapter A — Organization and Procedure, is added:

PART 01—ORGANIZATION

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01.1 Purpose.
01.5 General description.

HEADQUARTERS ORGANIZATION

01.10 Director.
01.11 Office of Mineral Reports.
01.12 Administrative Service.
01.20 Economics and Statistics Branch.
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01.100 Inquiries and requests in general.
01.101 Location of headquarters organization.
01.102 Locations of field offices and laboratories.

ESTABLISHMENT

01.0 *Creation.* The Bureau of Mines was established in the Department of the Interior by statute on May 16, 1910. The Bureau was transferred to the Department of Commerce in 1925 and was returned to Interior by Executive Order, effective April 24, 1934, under statutory authority for reorganization of the executive branch.

01.1 *Purpose.* The Bureau, a "bureau of mining, metallurgy, and mineral technology", promotes safety in the mineral industries, aids conservation of mineral resources, and conducts investigations on the mining, preparation, and utilization of minerals. By developing and introducing safe practices and improvements in mining and in the use of mineral substances, the Bureau seeks to promote the progress of the industry through scientific, technical and economic studies in laboratory, office and field.

01.5 *General description.* The Bureau of Mines consists of a national headquarters in Washington, D. C., with a Director in charge and various activities outside of Washington. The national headquarters, known as the Office of the Director, is composed of five principal branches, one administrative service, and one information office. A field geophysical exploration unit also is attached to the office of one of the assistant directors. The five branches deal with health and safety, fuels and explosives, mining, metallurgy, and economics and statistics. The investigative and research work of these branches is conducted in the field (outside of Washington, D. C.) at special offices and installations designed to carry out this work.

HEADQUARTERS ORGANIZATION

01.10 *Director.* The Director of the Bureau of Mines is responsible for the formulation of policies and for the overall direction of programs.

01.11 *Office of Minerals Reports.* The Office of Minerals Reports directs informational activities.

01.12 *Administrative Service.* The Administrative Service is responsible for the administrative management functions of budget, finance, property, reorganization, personnel, and office services, and also is responsible for all general business phases of field stations and offices.

01.20 *Economics and Statistics Branch.* The Economics and Statistics Branch conducts statistical canvasses and economic studies on domestic minerals production, distribution, consumption, stocks, trends, employment, and kindred factors which are essential to industrial and governmental planning and operating. The Branch publishes the Minerals Yearbook and many weekly, monthly, annual, and incidental reports on minerals. It maintains a foreign-minerals fact-finding service for domestic mineral producers and consumers and for agencies concerned with this country's international economic relations.

01.21 *Health and Safety Branch.* The Health and Safety Branch is responsible for the conduct of health, and safety inspections of mines, for the conduct of scientific studies on health conditions in mining, and for the conduct of engineering investigations of safety factors in the mining industry.

01.22 *Fuels and Explosives Branch.* The Fuels and Explosives Branch is responsible for all research on the composition, handling, manufacture, and use of fuels and explosives, for engineering services dealing with coal, petroleum, natural gas, synthetic liquid fuels, mine explosions, and military high explosives, and for the production of helium. The Fuels and Explosives Branch conducts explorations for deposits of coal.

01.23 *Mining Branch.* The Mining Branch conducts engineering examinations of mineral deposits, explores and samples deposits, and studies new mining and milling methods. The Branch conducts experimental work on methods of exploration and mining, investigates the mining possibilities of individual districts as they relate to the minerals industry, and demonstrates the most effective methods for extracting previously unused ores. Operations are controlled through divisional field offices.

01.24 *Metallurgical Branch.* The Metallurgical Branch conducts fundamental and applied research on the conservation, preparation, and utilization of metals and non-metals, develops new metallurgical methods dealing with beneficiation processes, new techniques, and special equipment, and analyzes and tests ore samples. Operations are controlled through divisional field offices.

FIELD ORGANIZATION

01.40 *Functions.* Each of the field activities is in the charge of an engineer or specialist who is responsible for the conduct of the technical work assigned to him and who reports directly to his branch chief in Washington, D. C.; except in the case of the geophysical exploration head who reports to one of the assistant directors.

01.41 *Types of offices in the field.* There are eight basic types of offices in the field. Some types are grouped by region, some by district, and others operate by "function" and do not observe geographical boundaries.

(a) *Field headquarters.* All geophysical work for the Nation is carried on from the Bureau's one "field headquarters" office on geophysical exploration.

(b) *Division.* The divisional offices supervise and direct the work of their respective branches having such offices.

(c) *Field office.* Usually small installations, field offices perform specialized technical work on limited subjects.

(d) *Plant.* Pilot, production, and demonstration plants produce specific mineral products such as helium and synthetic liquid fuel.

(e) *Station.* Established by law as "experiment stations" of the Bureau, this type of office is larger than a field office and has several specialized lines of endeavor.

(f) *Laboratory.* Equivalent to experiment stations.

(g) *District.* The district offices carry out work of the Health and Safety Branch.

(h) *Sub-district.* The sub-district offices are under the Health and Safety district offices and their location is determined on an economic basis as to work load and proximity to certain coal fields.

LIST OF DELEGATIONS OF AUTHORITY

01.60 *Purpose of list of delegations of authority.* The following sections are not in themselves delegations of authority. The sections are merely a list of delegations and indicate the various matters with respect to which delegations have been made. They are intended merely as an index and outline. For the scope and limitations of delegations of authority regulations and orders to which cross references are made must be consulted.

01.61 *Director, Bureau of Mines.* The Director has authority to:

(a) Inspect mines on public domain and Indian land for safety. See Order 1940 (9 F.R. 3748).

(b) Approve certain helium contracts. See 30 CFR 1.2, 1.3.

PLACES TO OBTAIN INFORMATION AND MAKE REQUESTS

01.100 *Inquiries and requests in general.* Information concerning the policies and programs of the Bureau of Mines, including such publications as reports and bulletins dealing with activities and investigations that are issued for free distribution, can be secured by addressing the Director, Bureau of Mines, Department of the Interior, Washington 25, D. C.

Requests for copies of publications that are for sale should be directed to the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

Requests for loan copies of motion picture films in the Bureau's library should be sent to the Supervising Engineer, Graphics Service Section, Bureau of Mines Experiment Station, 4800 Forbes Street, Pittsburgh, Pennsylvania.

Coal Mine Inspection reports are available for inspection at the appropriate district and sub-district offices in the vicinity of the mine inspected.

Limited supplies of publications on specific subjects are sometimes available at the office or source of origin in the field.

01.101 *Location of headquarters organization.* The Office of the Director of the Bureau of Mines, the facilitating offices (Administrative Service and Office of Minerals Reports), and the offices of the chiefs of the Branches are in Washington, D. C.

01.102 *Locations of field offices and laboratories.* The locations of the principal field offices and laboratories of the Bureau of Mines are listed below alphabetically by states with the following symbols given to identify them as to Branch supervision:

Economics and Statistics Branch	(E)
Health and Safety Branch	(H)
Fuels and Explosives Branch	(F)
Mining Branch	(MA)
Metallurgical Branch	(MB)

State	City	Office and jurisdiction	Branch
Alaska	Anchorage	District I (Alaska)	H.
	Juneau	Alaska Division	MA.
		do	MB.
Alabama	Birmingham	District D (Tenn., N. C., S. C., Miss., Ala., Ga., and Fla.)	H.
	Tuscaloosa	Tusc. Div. (La., Miss., Ala., and Fla.)	MA and MB.
		Coal Preparation and Carbonization (Experiment Station).	F.
Arizona	Phoenix	Subdistrict, H (Ariz.)	H.
	Tucson	Tucson Division (Ariz., N. Mex. and Tex.).	MA and MB.
Arkansas	(See "Dallas, Tex. H" & "Rolla, Mo. MB".)		
California	Berkeley	Subdistrict, H (Calif., and Nev., W of and SW of Austin to Wash-Ariz. Boundary).	H.
		Experiment station (under Boulder City Div.).	MB.
	Los Angeles	Field Office	E
	Redding	Ferroalloy Pilot Plant	MB.
	San Francisco	Field office	E.
		Petroleum field office	F.
		Field Office (under Reno, Nev. Div.).	MA.
Colorado	Denver	Subdistrict, H	H.
		Oil-shale mining (field office).	F.

State	City	Office and jurisdiction	Branch
Colorado	Denver	Field office (S. L. C. Div.)	MA.
		Field office	E.
	Golden	Subbituminous coal and lignite (field office).	F.
	Rifle	Oil-shale dem. plant	F.
Connecticut	(See "Md.", "Pa." and "N. Y.") Md., *MA* & *MB* & Pa., and Albany, N. Y., *H.*		Wilkes- Barre
Delaware	(See "Md." and "Pa.").		
Florida	(See "Ala.").		
Georgia	(See "N. C." and "Ala.").		
Idaho	(See "Oreg." and "Utah").		
Illinois	(See "Mo." and "Ind.")		
Indiana	Vincennes	District E (Nebr.–E, of N. Platte, Iowa, Ill., Ind., Mo., and Ky.–W of Frankfort).	H.
Iowa	(See "Minn." and "Ind.")		
Kansas	Cunningham	Helium Plant (under "Amarillo, Tex.").	F.
	Otis	do	F.
Kentucky	(See "N. C." and "W. Va.")		
Louisiana	(See "Tex.")		
Maine	(See "Md." and "N. Y.")		
Maryland	Baltimore	Field headquarters	Geophysical Exploration Division of Dir. Off.
	College Park	College Park Div. (Maine, N. H., Vt., Mass., Conn., R. I., N. Y., N. J., Pa., Ohio, W. Va., Md., and Del.)	MA and MB.
	College Park	Field office	E. & H.
Massachusetts	(See "Md." and "N. Y.")		
Michigan	(See "Minn.")		
Minnesota	Minneapolis	Minneapolis Div. (N. Dak., S. Dak., Nebr., Minn., Iowa, Wis., and Mich.).	MA and MB.
	Duluth	District F (N. Dak., S. Dak., E of Pierre, Minn., Wis. Mich.).	H.
Mississippi	(See "Ala.")		
Missouri	Joplin	Field office	E.
	Louisiana	Synthetic Liquid Fuels Lab.	F.
	Rolla	Rolla Div. (Kans., Okla., Mo., Ark., Ill., and Ind.).	Ma and MB.
Montana	Helena	Field office (under "Albany, Oreg.").	MA.
Nebraska	(See "Minn." and "Utah.")		
Nevada	Boulder City	Boulder City Div. (Nev. and Calif.).	MB.
	Reno	Reno Div. (Nev. and Calif.).	MA.
New Hampshire	(See "Md." and "N. Y."		
New Jersey	(See "Md." and "Pa.")		
New Mexico	Shiprock	Helium plant (under "Amarillo, Tex.").	F.
	Silver City	Field Office (under "Tucson, Ariz.")	MA.
New York	Albany	Subdistrict, B (N. Y., Maine, N. H., Vt., Mass., Conn., and R. I.)	H.
North Carolina	Raleigh	Raleigh Div. (Va., Ky., Tenn , N C., S. C., and Ga.)	MA and MB.
North Dakota	Grand Forks	Lignite gasification pilot plant (under "Golden, Colo.")	F.
Ohio	(See "Md." and "Pa.")		
Oklahoma	Bartlesville	Petroleum experiment station.	F.
	McAlester	Field Office	OF.
Oregon	Albany	Albany Div. (Wash., Oreg., Idaho, and Mont.)	MA and MB.
Pennsylvania	Bruceton	Explosives Testing Station	F.
		Experimental Coal Mine (Experiment Station)	F.
		Synthetic Oil Laboratory	F.
	Franklin	Petroleum Field Office	F.
	Johnstown	Field Office	H.
	Pittsburgh	District A (Pa.—W. of Harrisburg, Ohio, W. Va.—N. of Mason, Kanawha, Clay, Nicholas and Pocahontas counties, Md., and D. C.)	H.
		Field Headquarters	H.
		Field Office (Under "College Park, Md.")	MB.
		Mining Experiment Station Lab.	F.
	Wilkes-Barre	Anthracite mechanical mining (field office)	F.
		District B (N. Y., Pa.—E. of Harrisburg, N. J., Del., Maine, N. H., Vt., Mass., Conn., and R. I.)	H.
Rhode Island	(See "Md." and "Pa.")		
South Carolina	(See "N. C." and "Ala.")		
South Dakota	Rapid City	Field Office (under "Minneapolis, Minn.")	MB.
Tennessee	Norris	Experiment Station (under "Raleigh, N. C.")	MB.
	Jellico	Field Office	H.
Texas	Amarillo	Helium plant headquarters.	F.
	Austin	Field office (under "Tucson, Ariz.").	MA.
	Dallas	Petroleum field office	F.
		District G (Kans., Okla., Ark., Tex., and La.).	H.
	Excell	Helium plant (under "Amarillo, Tex.").	F.
Utah	Salt Lake City	Salt Lake City Div. (Utah, Wyo., & Colo.).	MA and MB.
		Field office	E.
		District H (Wash., Mont., Oreg., Idaho, Wyo., S. Dak.—W. of Pierre, Calif., Nev., Utah, Colo., Nebr.—W. of N. Platte, Ariz. and N. Mex.).	H.
Vermont	(See "Md." and "Pa.")		
Virginia	Mt. Weather	Field office (under "College Park, Md.").	MA.
	Norton	Subdistrict, C. (Ky.—E. of Frankfort, and Va.).	H.
Washington	Pullman	Field office (under "Albany, Oreg.").	MB.
	Seattle	Coal research (experiment station).	F.
		Experiment station (under "Albany, Oreg.").	MB.
		Subdistrict, H (Wash. and Oreg.).	H.
	Spokane	Field office (under "Albany, Oreg.").	MA.
	Fairmount	Field Office	H.
West Virginia	Morgantown	Synthetic Liquid Fuels Lab.	F.
	Mount Hope	District C (W. Va.—S. of Jackson, Roane, Braxton, Webster, Randolph, and Pendleton Counties, Ky.—E. of Frankfort, and Va.).	H.
Wisconsin	(See "Minn.")		
Wyoming	Laramie	Petroleum and oil-shale experiment station.	F.
		Sponge iron pilot plant	MA.

PART 02—PROCEDURE

Sec.

02.1 Federal Explosives Act.
02.2 Sale of helium gas.
02.3 Tests and investigations.
02.4 Mine inspections.
02.5 Mineral investigations.

02.1 *Federal Explosives Act.* (a) The Federal Explosives Act of December 26, 1941 (55 Stat. 863; 50 U. S. C. 121–142), as amended, is an act administered by the Bureau of Mines regulating the manufacture, sale and use of explosives and ingredients thereof in time of war or national emergency. The regulations under the act are to be found in 32 CFR, Part 301. However, since funds to enforce the act have not been appropriated since the fiscal year of 1945, on October 5, 1945, General License No. 8, (32 CFR, 1945 Supp., Part 303), was issued by the Director of the Bureau of Mines and approved by the Secretary of the Interior, substantially abrogating the major portions of the regulations. All actions under the act are now taken through, and all inquiries concerning the act should be addressed to, the Chief of the Health and Safety Branch, Bureau of Mines, Washington 25, D. C.

(b) No forms relating to this act are now used by the public.

02.2 *Sale of helium gas.* (a) The manner in which applications for the purchase of helium are made, the way in which the price is determined, the method of payment, and shipping specifications are set forth in 30 CFR, Part 1.

(b) Regulations on the sale of helium gas are drafted by the Fuels and Explosives Branch of the Bureau of Mines, and are reviewed by the Solicitor's Office before they are signed by the Director of the Bureau of Mines. They must thereafter be approved by the Secretary of the Interior and by the President before they become effective.

(c) The forms used in applying for the purchase of helium and the purchase contract itself are set forth in 30 CFR, Part 1.

02.3 *Tests and investigations.* (a) The various types of tests of mineral substances, use of explosives and electricity, and safety appliances conducted by the Bureau of Mines, the conditions under which tests are made, the manner of

applying for tests, the schedules of fees, and the issuance of certificates of approval or permissibility, are set forth in 30 CFR Chapter I, Subchapters B, C, D, and E.

(b) The regulations for such tests are drafted by the appropriate technical divisions of the Bureau, reviewed by the Branch chief and by the Office of the Solicitor, signed by the Director of the Bureau of Mines and finally approved by the Secretary of the Interior.

(c) Forms for applications or approval plates or other devices to be used by manufacturers are set forth in the appropriate Subchapters of 30 CFR, Chapter I.

02.4 *Mine inspections.* (a) Under the act of May 7, 1941 (55 Stat. 177; 30 U.S.C., Supp., 4f–4o), Federal coal mine inspectors of the Bureau of Mines, make periodic inspections of all coal mines the products of which regularly enter commerce or the operations of which substantially affect commerce. Conditions affecting health and safety found in these mines form the basis for mine inspection reports transmitted to the mine operators by the Chief of the Health and Safety Branch, for the Director. Copies of the reports are sent to representatives of the mine workers and the State mine inspection authorities.

The standards used by the Federal coal mine inspectors in making inspections are drafted by the Health and Safety Branch and issued by the Director of the Bureau of Mines. Prevailing standards are contained in the Bureau's publication I. C. 733 dated July 1945 covering underground mines, I. C. 7350 dated March 1946 covering strip mines, and I. C. 7282 dated May 1944 covering anthracite mines.

(b) The Bureau of Mines makes mine safety inspections on the public domain and Indian lands, and other Government lease mining operations. For coal mines, the standards used are those referred to in paragraph (a) of this section, but any violations of the "Coal-Mining Operating and Safety Regulations" of the Geological Survey, Department of the Interior (30 CFR, Part 211) are also noted. For mining operations other than coal mines, the inspection standards are based upon standards formulated during the war by the Mineral Production Security Division ,Health and Safety Branch, of the Bureau of Mines, but violations of the "Operating and Safety Regulations Governing the Mining of Potash; Oil Shale, Sodium, and Phosphate; Sulphur; and Gold, Silver, and Quicksilver" of the Geological Survey (30 CFR, Part 231) are also noted. In addition to the usual copies of mine inspection reports, copies of reports based upon inspections under this order are also furnished to the Geological Survey, in order that compliance with its regulations may be enforced.

(c) The Director of the Bureau of Mines, after consultation with an advisory committee consisting of representatives of industry, labor, and the Coal Mines Administrator, on July 24, 1946, pursuant to an agreement between the Secretary of the Interior, acting as Coal Mines Administrator under the authority of Executive Order No. 9728 of May 21, 1946 (11 F.R. 5593), and the United Mine Workers of America, issued a "Federal Mine Safety Code for Bituminous-Coal and Lignite Mines of the United States" (32 CFR, Part 304; 11 F.R. 9017). This code, approved by the Secretary of the Interior on the same date, was made effective by the Coal Mines Administrator as of July 29, 1946, in all mines in the possession and under the control of the Government pursuant to Executive Orders 9728 and 9758. The Director of the Bureau of Mines may review and revise the code upon request of the Coal Mines Administrator or the United Mine Workers.

Inspections of mines pursuant to this code are made by the Federal coal mine inspectors. Failures to comply therewith are reported to the Coal Mines Administrator, who is responsible for the enforcement of the code, through the Chief of the Coal Mine Inspection Division of the Bureau of Mines.

(d) The Federal Mine Safety Code requires the nearest office of the United States Bureau of Mines and the proper State inspection authorities to be notified promptly after the occurrence of a disaster in any mine operating subject to the code, and all facilities of the mine to be made available for recovery operations.

02.5 *Mineral investigations.* (a) Exploration on private land with respect to certain minerals needed for defense and industry is done under an agreement between the landowner and the local contracting officer of the Bureau of Mines, following a preliminary investigation by the Geological Survey or, in certain instances, a request by the landowner. The Director will make suitable arrangements with owners of private property for exploration or development work with respect to coal upon payment by such owners of a reasonable percentage, as determined by the Secretary of the Interior, of the total value of the minerals thereafter produced from such property.

(b) No particular form of application for mineral exploration is required. There must, however, be sufficient evidence of minerals being on the property before exploration will be undertaken.

C. GIRARD DAVIDSON,
Acting Secretary.

AUGUST 22, 1946.

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BUREAU OF RECLAMATION

[43 CFR, Ch. II]

PART 400—ORGANIZATION AND PROCEDURE

SUBPART A—ORGANIZATION

ESTABLISHMENT

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400.1 Purpose.
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HEADQUARTERS ORGANIZATION

Sec.
400.3 Commissioner.
400.4 Management planning.
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400.8 Personnel.
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400.12 Branch of Project Planning.
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FIELD ORGANIZATION

400.20 Regions.
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LIST OF DELEGATIONS OF AUTHORITY

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400.41 Commissioner.
400.42 Regional Directors.
400.43 Director, Branch of Design and Construction.
400.44 Director of Supply.
400.45 Regional Supply Officers.
400.46 Regional Procurement Officers.
400.47 Project heads.

PLACE TO OBTAIN INFORMATION AND MAKE REQUESTS

400.70 Inquiries and requests in general.
400.71 Location of headquarters organization.
400.72 Location of Regional Offices.
400.73 Locations of project and field offices.

SUBPART B—PROCEDURE

400.100 Regulations generally.
400.101 Land settlement, public notices.
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400.106 Applications for water.
400.108 Amendment of farm units.
400.110 Unproductive land.
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SUBPART A—ORGANIZATION

ESTABLISHMENT

§ 400.0 *Creation.* The Bureau of Reclamation was established in 1902 to administer the Federal Reclamation Laws in 17 western states west of the 100th meridian.

§ 400.1 *Purpose.* The Bureau of Reclamation, through the utilization of land and water resources, promotes the development of agricultural and industrial economies. The Bureau constructs and operates multiple purpose projects providing water for irrigation, hydroelectric energy, control of floods, aids to navigation, water for domestic and industrial uses, and other purposes.

§ 400.2 *General description.* The Bureau of Reclamation is composed of a headquarters staff located in Washington, D. C., and in Denver, Colorado, seven regional offices and a number of project and other field offices. The Commissioner of Reclamation is the chief executive of the Bureau, and has direct supervision over the headquarters staff and the regional offices. The heads of project offices report to the respective regional directors.

HEADQUARTERS ORGANIZATION

§ 400.3 *Commissioner.* The Commissioner of Reclamation is responsible for

irrigation and power programs intended to develop arid areas in the west. To assist him in developing and planning programs and effective standards of operations and in judging the effectiveness of operations, the Office of the Commissioner is divided into twelve main units. Each technical branch is responsible for coordinating its phase of the regional programs with other plans and programs.

§ 400.4 *Management Planning.* The Office of Management Planning coordinates the plans and procedures governing administrative operations.

§ 400.5 *Engineering Assistant.* The Office of the Engineering Assistant deals with special engineering problems.

§ 400.6 *Chief Counsel.* The Office of the Chief Counsel reviews and advises on all legal matters of the Bureau.

§ 400.7 *Finance.* The Office of the Director of Finance is charged with budgetary, accounting, cost and financial functions.

§ 400.8 *Personnel.* The Office of the Chief Personnel Officer is responsible for all matters concerning personnel of the Bureau, including recruiting, classification, training, labor relations, and safety.

§ 400.9 *Supply.* The Office of the Director of Supply handles all matters concerning procurement, property management and office services.

§ 400.10 *Progress control.* The Office of the Chief Progress Control Officer is responsible for recording the progress of work programs.

§ 400.11 *Infomation.* The Office of the Chief Information Officer is responsible for the informational program of the Bureau.

§ 400.12 *Branch of Project Planning.* The Branch of Project Planning is responsible for river basin developmental plans and for determining the engineering and economic feasibility of potential projects.

§ 400.13 *Branch of Design and Construction.* The Branch of Design and Construction is responsible for the design and construction work of the Bureau. The Branch conducts and supervises engineering research, and supervises and coordinates the execution of construction programs.

§ 400.14 *Branch of Power Utilization.* The Branch of Power Utilization is responsible for planning the development of hydroelectric power resources, for the operation and maintenance of power facilities, and for the disposal of electric power produced on Bureau projects.

§ 400.15 *Branch of Operation and Maintenance.* The Branch of Operation and Maintenance is responsible for the operation, maintenance, and development of Bureau projects. The Branch recommends overall policies for land use, settlement, prevention of speculation, use of irrigation water, and the protection of the Federal investment.

FIELD ORGANIZATION

§ 400.20 *Regions.* There are seven regional offices, each under the direction of a Regional Director, responsible directly to the Commissioner of Reclamation. The Regional Director supervises all Bureau activities in his region.

§ 400.21 *Project Offices.* Project Offices are established as needed. There are, at present, approximately 125 project offices in operation. A Superintendent or Engineer heads each office and is responsible to the Regional Director for all local activities. The Project Office serves as the principal point of contact for irrigation and power users. The project organization performs the actual and basic work in planning, constructing, operation and maintenance.

LIST OF DELEGATIONS OF AUTHORITY

§ 400.40 *Purpose of list of delegations of authority.* The following sections are not in themselves delegations of authority. The sections are merely a list of delegations and indicate the various matters with respect to which delegations have been made. They are intended merely as an index and outline. For the scope and limitations of delegations of authority the specific regulations and orders to which cross references are made must be consulted.

§ 400.41 *Commissioner.* The Commissioner has authority, including redelegation of authority, to:

(a) Act with respect to appraisals and purchases of land, relocation of properties, water rights, cooperative investigations, leases, licenses, and permits, sales of land, excess land appraisals, issuance of public notices, inclusion and exclusion of district lands, reclassification of lands, amendments to farm unit plats. See Order No. 2018 (10 F. R. 258), as amended by Order No. 2197 (11 F. R. 5872); Order No. 2017 (10 F. R. 258).

(b) Act upon certain power sale contracts. See Order No. 2034 (10 F. R. 3142).

(c) Approve selection in certain cases of officials of water users' organizations. See Order No. 2118 (10 F. R. 13646).

(d) Approve certain construction, supply, and equipment contracts. See Order No. 2151 (11 F. R. 1053).

(e) Appoint examiners and examining boards on project settlement. See Order No. 2179 (11 F. R. 3484).

(f) Dispose of electric energy. See Order No. 2177 (11 F. R. 4097).

(g) Permit filming of motion or sound pictures. See Order No. 2029 (10 F. R. 2522).

(h) Dispose of property acquired by transfer under the Act of July 1, 1946 (P. L. 478—79th Congress). See Order No. 2241.

§ 400.42 *Regional Directors.* The Regional Directors are authorized to:

(a) Appraise and purchase land. See 43 CFR, Part 406.

(b) Act with respect to water rights. See 43 CFR, Part 406.

(c) Act with respect to power sale contracts. See 43 CFR, Part 406.

(d) Act with respect to construction, supply and equipment contracts. See 43 CFR, Part 406.

§ 400.43 *Director, Branch of Design and Construction.* The Director, Branch of Design and Construction may:

(a) Act with respect to construction, supply, and equipment contracts. See 43 CFR, Part 406.

§ 400.44 *Director of Supply.* The Director of Supply may:

(a) Act with respect to supply, equipment, and service contracts. See 43 CFR, Part 406.

§ 400.45 *Regional Supply Officers.* The Regional Supply Officers of Regions I, II, and V may act with respect to supply, service, repair and equipment contracts. See 43 CFR, Part 406.

§ 400.46 *Regional Procurement Officers.* The Regional Procurement Officers of Regions I, II, and V may act with respect to supply, service, repair and equipment contracts. See 43 CFR, Part 406.

§ 400.47 *Project heads.* The officer in charge of a project (or projects) may:

(a) Act with respect to construction, supply, equipment and service contracts. See 43 CFR, Part 406.

(b) Act with respect to disposition of crops grown on experimental farms. See 43 CFR, Part 405.

PLACE TO OBTAIN INFORMATION AND MAKE REQUESTS

§ 400.70 *Inquiries and requests in general.* (a) Inquiries relating to the Bureau's operating projects or to projects under construction or investigation may be directed to the Commissioner, Bureau of Reclamation, Department of the Interior, Washington 25, D. C., or to the Regional Director in the area where the project is located. The address of these Regional Directors and the areas in which they supervise Bureau activities will be found in § 400.72.

(b) Inquiries concerning notices of public land openings on Bureau projects, settlement opportunities, sale of power from hydroelectric plants operated by the Bureau, requests for pamphlets and other printed material issued by the Bureau for free distribution may likewise be directed to the Commissioner or Regional Directors.

(c) Requests for copies of non-technical publications of the Bureau which are for sale should be directed to the Superintendent of Documents, Government Printing Office, Washington, D. C., or to the Commissioner.

(d) Requests for technical publications or engineering phases of the Bureau's operations, some of which are for sale and some of which are available at no cost, should be addressed to the Commissioner, Bureau of Reclamation, Department of the Interior, Washington 25, D. C., or to the Chief Engineer, Bureau of Reclamation, Department of the Interior, Denver, Colorado.

(e) Requests for the loan of Bureau of Reclamation motion picture films should be sent to the Commissioner or the Regional Directors.

§ 400.71 *Location of headquarters organizations.* The Office of the Commissioner of Reclamation is located in Washington, D. C., except the Branch of Design and Construction, which is located in Denver, Colorado.

§ 400.72 *Location of Regional Offices.* The regions of the Bureau of Reclamation are defined to embrace river basins and do not follow State lines. The description of the regions given below is, therefore, approximate.

Region 1—Washington; Oregon; Western Montana; Jackson Lake Area, Wyoming; Idaho. Regional Director: P. O. Box 937, Reclamation Building, Fairgrounds, Boise, Idaho.

Region 2—Central and Northern California; Klamath Lake Area, Oregon. Regional Director: P. O. Box 2511, Sacramento, California.

Region 3—Southern California; Southern Nevada; Southwestern Utah; Arizona; Western New Mexico. Regional Director: Administration Building, Boulder City, Nevada.

Region 4—Lake Tahoe Area, California; Nevada; Utah; Southwestern Wyoming; Western Colorado; Northeastern Arizona; Northwestern New Mexico. Regional Director: P. O. Box 360, 32 Exchange Place, Salt Lake City, Utah.

Region 5—New Mexico; San Luis Valley Area, Colorado; Southern Kansas; Texas; Oklahoma. Regional Director: P. O. Box 1609, Old Post Office Building, Amarillo, Tex.

Region 6—Montana; North Dakota; South Dakota; Northern Wyoming. Regional Director: P. O. Box 2130, Billings, Mont.

Region 7—Southeastern Wyoming, Eastern Colorado, Nebraska, Northern Kansas. Regional Director: 501 Continental Oil Building, Denver 2, Colo.

§ 400.73 *Locations of Project and Field Offices.* The locations of project and field offices are as follows:

State and city	Official in charge	Name of office
Arizona:		
Holbrook	Engineer	Holbrook (County Fair Bldg., P. O. Box 608).
Kingman	Construction engineer	Davis Dam.
Phoenix	Engineer	Phoenix (under Parker Dam, Calif.).
Do	do	Phoenix substation (under Parker Dam, Calif.).
Do	Assistant registered planning engineer.	Phoenix (313 N. 3d Ave., Security Bldg.).
Yuma	Acting district engineer	Lower Colorado River District.
Do	Acting construction engineer.	All-American Canal.
Do	Engineer	Imperial Division.
Do	Acting construction engineer.	Gila (construction).
Do	Superintendent	Gila (O & M).
Do	do	Yuma.
Arkansas: Barstow	Engineer	Barstow (fire station).
California:		
Antioch	Construction engineer	Delta Division.
Bakersfield	Field office superintendent.	Bakersfield, (2510 M St.)
Blythe	Engineer	Blythe (under Parker Dam, Calif.).
Chico	Acting district engineer	Sacramento Valley District (P. O. Box 302).
Coachella	Construction engineer	Coachella (under Yuma, Ariz.).
Colusa	Engineer	Colusa (P. O. Box 30, 114 2d St.).
Escondido	do	Escondido (P. O. Box 357-414 W. 3d St.).
Do	do	San Diego.
Fresno	District engineer	Tulare Basin District.
Friant	Construction engineer	Friant Division (under Central Valley project).
Merced	Acting district engineer	Merced District. (P. O. Box 1270).
Modesto	F. O. superintendent	Modesto (P. O. Box 1372, 1115 Eye St.).
Needles		Needles (under Parker Dam, Calif.).
Orland	Superintendent	Orland.
Parker Dam	Construction engineer	Parker Dam Power (Metropolitan Water District Exchange).
Redding	Acting construction engineer.	Kennett Division (under Parker Dam, Calif.).
Do	Engineer	Redding (1739 Yuba St.).
Santa Barbara	do	Santa Barbara (201 La Arcada Bldg., 1114 State St.).
Tracy	Engineer	Tracy (under Antioch, Calif.).
Visalia	F. O. superintendent	Visalia (P. O. Box 1269, E. Acequia and South Bridge Sts.).
Do	Geologist	Visalia (Bank of America Bldg.).
Colorado:		
Bayfield	Reservoir Superintendent.	Pine River (Vallecito Dam).
Denver	Engineer	Blue River-South Platte (331 U. S. National Bank Bldg.).
Durango	Area Engineer	Durango (P. O. Box 640, Masonic Bldg.).
Estes Park	Project Engineer	Colorado-Big Thompson.
Grand Junction	Superintendent	Grand Valley (P. O. Bldg.).
Do	Engineer	Grand Junction (P. O. Box 87, 310 P. O. Bldg.).
Grand Lake	do	Grand Lake (under Estes Park, Colo.).
Loveland	do	Loveland (under Estes Park, Colo.).
Gunnison	do	Gunnison (P. O. Box 508, Quinn Bldg., 108 W. Tomichi).
Kremmling	General electrical foreman.	Green Mountain Dam (under Estes Park, Colo.).
Mancos	Construction engineer	Mancos.
Monte Vista	Project engineer	San Luis Valley (117 Jefferson St.).
Montrose	Economist	Uncompahgre (P. O. Box 157, 601 N. Park Ave.).
Pueblo	Engineer	Pueblo (P. O. Box 515, 201 Fed. Bldg.).
Idaho:		
Anderson Dam	Construction engineer	Anderson Ranch Dam (under Boise, Idaho).
Boise	District engineer	Central Snake River District (P. O. Box 2298, 214 Broadway).
Burley	Superintendent	Minidoka.
Caldwell	Engineer	Cadlwell (under Boise, Idaho).
Cascade	do	Cascade (under Boise, Idaho).
Coeur d'Alene	do	Rathdrum Prairie (P. O. Box 831, Post Falls Unit).
Emmett	Power superintendent	Black Canyon Dam (under Boise, Idaho).
Idaho Falls	Project engineer	Palisades (P. O. Box 1259).
Notus	Irrigation manager	Notus (under Boise, Idaho).
Kansas:		
Hays	Engineer	Hays (P. O. Box 616, Room 6, City Hall).
Phillipsburg	do	Phillipsburg (P. O. Box 163, c/o Courthouse).
Topeka	do	Topeka (505 New England Bldg.).
Montana:		
Billings	Project development superintendent.	Missouri Basin Development (P. O. Box 1282).
Fairfield	Superintendent	Sun River.
Fort Peck	Resident engineer	Fort Peck (P. O. Box 1245).
Great Falls	Acting project engineer	Marias Unit (P. O. Box 1729, 1015 1st Ave. N.).
Hamilton	Construction engineer	Bitterroot.
Montana:		
Hamilton	Construction engineer	Missoula Valley.
Hardin	Engineer	Hardin (P. O. Box 516).
Helena	do	Helena (P. O. Box 1164, 412 Federal Bldg.).
Kalispell	do	Kalispell (P. O. Box 97).
Do	Project engineer	Hungry Horse (P. O. Box 710).
Malta	Superintendent	Milk River.
Miles City	Engineer	Miles City (P. O. Box 720).
Missoula	Construction engineer	Bitterroot-Missoula Valley (P. O. Box 1463).
Terry	do	Buffalo-Rapids.
Do	do	Intake.
Wolf Point	Engineer	Wolf Point (P. O. Box 971).
Nebraska:		
Grand Island	do	Grand Island (P. O. Box 596, 401 Masonic Bldg.) (215 N. Locust St.).
Hay Springs	do	Hay Springs (under Hemingford, Nebr.).
Hemingford	Construction engineer	Mirage Flats.
McCook	Project engineer	McCook (P. O. Box 737, city auditorium).
Nevada:		
Boulder City	Director of power	Boulder Canyon.
Carson City	Engineer	Carson City (P. O. Box 179, Post Office Bldg.).
Overton	do	Overton (Johnson Bldg.).
New Mexico:		
Albuquerque	Acting area planning engineer.	Albuquerque (P. O. Box 95, 723 N. 2d St.).
Carlsbad	Acting project superintendent.	Carlsbad.
Elephant Butte	Superintendent of power.	Elephant Butte Power.
Las Cruces	Division superintendent.	Las Cruces.
Tucumcari	Acting construction engineer.	Tucumcari.
North Dakota:		
Bismarck	Engineer	Bismarck (P. O. Box 328, First National Bank Bldg.).
Minot	do	Minot (P. O. Box 1869).
Oklahoma:		
Altus	Construction engineer	Altus.
Oklahoma City	Acting area planning engineer.	Oklahoma City (P. O. Box 495, 316 Key Bldg.).
Oregon:		
Bend	Construction engineer	Deschutes.
Klamath Falls	Superintendent	Klamath.
Medford	Engineer	Medford (P. O. Box 1389).
Nyssa	Irrigation manager	Nyssa (under Boise, Idaho).
Pendleton	Reservoir superintendent.	Umatilla (McKay Dam).
Salem	Engineer	Salem (460 N. High St.).
Vale	Superintendent	Vale.
Klamath Falls	District engineer	Klamath District Office.
South Dakota:		
Hot Springs	Acting project engineer	Angostura Unit (P. O. Box 812).
Newell	Superintendent	Belle Fourche.
Pierre	Engineer (acting)	Pierre.
Rapid City	Construction engineer	Rapid Valley.
Texas:		
Austin	Acting area planning engineer.	Austin (Littlefield Bldg., P. O. Box 649).
McAllen	Engineer	Colorado River Project.
Balmorhea	Construction engineer	Balmorhea.
El Paso	Project superintendent	Rio Grande (U. S. Courthouse).
McAllen	Area planning engineer	Valley Gravity.
Ysleta	Division superintendent	Ysleta.
Utah:		
Logan	Engineer	Newton (P. O. Box 294, 46 East Center).
Do	do	Logan (P. O. Box 294, 46 East Center.)
Spanish Fork	do	Scofield City Hall.
Provo	Project Engineer	Provo River (P. O. Box 77, 303 Knight Block).
St. George	Engineer	St. George (P. O. Box 605, 53 N. Main St.).
Vernal	do	Vernal (P. O. Box 313, County Courthouse).
Washington:		
Coulee Dam	Superintendent engineer.	Columbia Basin Project.

State and city	Official in charge	Name of office
Washington—Con.		
Ephrata	Engineer	Ephrata (under Coulee Dam, Washington).
Yakima	Assistant construction engineer.	Yakima-Roza (7½ N. 2d St.).
Do	Superintendent	Yakima.
Walla Walla	Engineer	Walla Walla (P. O. Box 718).
Wyoming:		
Casper	District engineer	Kendrick.
Do	do	North Platte.
Wyoming—Con.		
Cheyenne	Engineer	Cheyenne (P. O. Box 658).
Cody	Construction engineer	Shoshone-Heart Mountain.
Kemmerer	Engineer	Kemmerer (Fitzpatrick Bldg.).
Powell	Superintendent	Shoshone.
Rock Springs	Chief clerk	Eden (P. O. Box 838, BPOE Bldg.).
Seminoe Dam	General foreman	Seminoe Dam (under Casper, Wyo.).
Thermopolis	Project engineer	Boysen Owl Creek (P. O. Box 1111).
Riverton	Superintendent	Riverton.

SUBPART B—PROCEDURE

§ 400.100 *Regulations generally.* In general, regulations relating to the functions of the Bureau of Reclamation are promulgated by the Secretary of the Interior after preparation by the technical personnel of the Bureau, legal review by the office of the Chief Counsel, and approval by the Commissioner.

§ 400.101 *Land settlement, public notices.* (a) Under subsection C of section 4 of the act of December 5, 1924 (43 Stat. 672), the Secretary of the Interior is authorized to establish, by regulation, qualification standards for applicants for public land farm units on Federal reclamation projects. By Order No. 2195 (11 F. R. 6142), the Secretary provided that such qualification standards should be recommended by Boards of Examiners appointed by the Commissioner of Reclamation.

(b) After review by the Regional Director having supervision over the area, by the Commissioner's Office where the administrative phases are checked over by operation and maintenance technicians and the legal phases by the Office of the Chief Counsel, and by the Commissioner, the proposed standards are submitted to the Secretary of the Interior for approval and promulgation. Promulgation of the qualification standards is made by means of a public notice which is published in the FEDERAL REGISTER and which also includes an announcement of the acreage for which entry may be made or water rental obtained, of the availability of water, and of the charges per acre to made therefor.

§ 400.102 *Water charges.* Subsequent to the promulgation of a public notice, charges of an annual nature for operation and maintenance and water rental, are computed and recommended by the officer in charge of the project, reviewed by the Regional Director, and submitted to the Commissioner for approval and promulgation, and may be found in 43 CFR, Part 402, as amended from time to time.

§ 400.105 *Applications for entry.* Application forms for entry on public lands in Federal reclamation projects may be obtained from the project office or the regional office. Instructions for completion of such applications, the procedure for filing them, and information as to decisions thereon and appeals therefrom are set out in detail in 11 F. R. 6142.

§ 400.106 *Applications for water.* Application forms for permanent water rights on Federal reclamation projects may be obtained from and filed with project offices. Form A-7-272 is used by applicants who are entrymen under the reclamation law (act of June 17, 1902, 32 Stat. 388, as amended and supplemented) and Form B-7-273 is used by others. Application form (7-289) for temporary water service may be obtained from and filed with project offices. Forms for requesting delivery of water (7-307) and for requesting excess water (7-336) may be obtained from the project office.

§ 400.108 *Amendment of farm units.* Application forms (7-503) for amendment of farm units may be obtained from and filed with project offices.

§ 400.110 *Unproductive land.* Procedures and requirements in connection with the elimination or exchange of unproductive land are found in 43 CFR, Part 403.

§ 400.111 *Boat and wharf privileges.* Procedures and requirements relating to boat and wharf privileges are covered by 43 CFR, Part 451.

C. GIRARD DAVIDSON,
Acting Secretary.

AUGUST 28, 1946.

[F. R. Doc. 46-15420; Filed, Aug. 28, 1946; 2:21 p. m.]

COAL MINES ADMINISTRATION

[30 CFR, Ch. VIII]

PART 800—ORGANIZATION AND PROCEDURE

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SUBPART A—ORGANIZATION

ESTABLISHMENT

§ 800.1 *Creation and purpose.* The Coal Mines Administration was established by the Secretary of the Interior in order to carry out the President's direction in Executive Order No. 9726 (11 F. R. 5593), dated May 21, 1946, to take possession of certain mines producing bituminous coal. Pursuant to said order the Secretary of the Interior by Order No. 2200 (11 F. R. 5603) took possession of the mines of certain bituminous coal companies set forth in Appendix A of the order. This order was supplemented by Order No. 2200-A (11 F. R. 5957), which took possession of the mines of five companies, and by Order No. 2200-B (11 F. R. 8492), which took possession of the mines of seventy-one companies. Subsequently, the President by Executive Order No. 9758 (11 F. R. 7927) directed the Secretary of the Interior to take possession of the mines of the Carter Coal Company in McDowell County, West Virginia. Pursuant to said order the Acting Secretary of the Interior issued Order No. 2230½ (11 F. R. 7941) taking possession of said mines.

§ 800.2 *General description.* The Coal Mines Administration is composed of a Headquarters Office in Washington, D. C., headed by the Coal Mines Administrator, and area and sub-offices in the field.

HEADQUARTERS ORGANIZATION

§ 800.5 *Coal Mines Administrator.* The Secretary of the Interior has delegated to the Coal Mines Administrator all of the powers, authority and discretion conferred upon the Secretary by Executive Orders Nos. 9728 and 9758, subject to such supervision and direction as the Secretary shall from time to time determine. See Orders Nos. 2208 (11 F. R. 6238) and 2231½ (11 F. R. 7940).

The Coal Mines Administration's principal function is that of directing the operation of bituminous coal mines in government possession and carrying out the provisions of certain collective bargaining agreements entered into with the United Mine Workers of America and its affiliate the United Clerical, Technical and Supervisory Employees of the Mining Industry, Division of District 50, as bargaining representative of employees at such mines.

§ 800.6 *Deputy Coal Mines Administration.* The Executive Officer of the Coal Mines Administration functions as Deputy Coal Mines Administrator in the absence of the Administrator. The Administrator has delegated to the Deputy Administrator all of the powers delegated by the Secretary of the Interior to the

Administrator. See Order dated July 20, 1946, approved by Acting Secretary (11 F. R. 7941).

§ 800.7 *Headquarters office.* Under the supervision of the Coal Mines Administrator, the Headquarters Office directs the operations of the Coal Mines Administration. The functions of the Headquarters Office are performed by the following officers and divisions:

(a) *Executive Officer.* The Executive Officer and Assistant Executive Officer are charged with general supervision of all headquarters and field office activities with particular emphasis upon administrative matters.

(b) *Director of Medical Survey.* The Director of Medical Survey is in charge of a nation-wide survey of hospital and medical facilities, medical treatment, and sanitary and housing conditions in the coal mining areas. The Director is assisted by a civil engineer and designates medical survey teams to conduct surveys in particular areas.

(c) *Safety Engineer.* The Safety Engineer acts as consultant and advisor to the Coal Mines Administrator in matters pertaining to the promulgation, issuance, and enforcement of the Federal Mine Safety Code, issued by the Administration.

(d) *General Counsel.* The General Counsel acts as advisor to the Coal Mines Administrator on legal matters, supervises the work of the legal division and serves as Chairman of the Union Contract Interpretation Committee.

(e) *Army Liaison Officer.* A representative of the United States Army acts as liaison between the Coal Mines Administrator and the United States Army relative to any matters which may arise involving the furnishing of protection to employees or persons seeking employment in the mines or property in the possession of the Government.

(f) *Production and Operation Division.* The Production and Operation Division handles all matters relative to the production of coal and is charged with the responsibility for taking such actions as will encourage the maximum production of coal and the elimination of any factors impeding such production.

(g) *Legal Division.* The Legal Division is responsible under the general supervision of the General Counsel, for furnishing legal advice to the Coal Mines Administrator and Officers-in-Charge of Area Offices; drafting of orders, interpretations, and bulletins; performing legal research on questions arising from the operation of coal mines in Government control; liaison with the Department of Justice in connection with the operation of the Coal Mines Administration and any litigation involving the Coal Mines Administrator arising from the operation of the coal mines, and handling of other legal matters.

(h) *Fiscal Division.* The Fiscal Division handles all matters relating to operating expenses of the Administration, pay and allowances of personnel, headquarters office administration, preparation of budgets and liaison with other government agencies and bureaus as they relate to such matters.

(i) *Statistical Division.* The Statistical Division is responsible for the accumulation and dissemination of production data and data relative to mines in Government possession, and accumulation of material for and preparation of weekly reports to the Secretary of the Interior.

(j) *Labor Relations Division.* The Labor Relations Division is responsible for liaison between the Coal Mines Administrator and United Mine Workers of America headquarters officials; formulation and application of general labor relations policies; furnishing labor relations advice and assistance to the Coal Mines Administrator and Officers-in-Charge of Area Offices; maintenance of liaison with the National Labor Relations Board and cooperation with that agency in effecting expeditious handling of cases before it in which such handling may be in the interest of maximum coal production; and granting or withholding, on behalf of the Coal Mines Administrator, authorization of fines or penalties under section #10 of the Agreement of May 29, 1946 between the Coal Mines Administrator and the United Mine Workers of America.

(k) *BuAer Liaison Officer.* The BuAer Liaison Officer arranges transportation both by rail and by air for headquarters staff members traveling to the field and returning.

FIELD ORGANIZATION

§ 800.15 *Areas.* The field organization of the Coal Mines Administration is grouped under five areas. Each area embraces several bituminous coal producing districts and is in charge of an Area Officer.

§ 800.16 *Area offices.* The area offices act as liaison between the Headquarters Office and the mines in Government possession within their respective areas, as well as the United Mine Workers of America, and the general public. The area offices are to accumulate information relative to the operation of mines in their area and forward such information to the Headquarters Office.

§ 800.17 *Area officers, functions and authority.* (a) Upon receipt of instructions from the Coal Mines Administrator, an area officer-in-charge is charged with the responsibility of carrying out such instructions and also with seeing that operating managers of mines within their respective areas carry out the instructions of the Coal Mines Administrator. Questions of policy are determined by the Coal Mines Administrator but where a policy has been enunciated, the officer-in-charge of an area office has full responsibility for seeing that such policy is carried into effect subject to such specific directions as may be issued by the Coal Mines Administrator.

(b) No area officer has the authority to issue interpretations of the contract of May 29, 1946 between the Coal Mines Administrator and the United Mine Workers of America or of any subsequent contract between such parties. Each area officer, subject to instructions from the Coal Mines Administrator, has complete authority with regard to administrative detail and complete authority over persons subject to his jurisdiction. The officer-in-charge of each area has authority to enter into preliminary and informal negotiations between representatives of employees and operators of mines in Government possession which may lead to a mutual agreement between the parties, to forestall or end a threatened or actual labor disturbance so long as any such agreement reached does not contravene the terms of the Agreement of May 29 or any order issued by the Coal Mines Administrator. Attention is also directed to the duties of area officers-in-charge as outlined in § 801.12, Revised Regulations for the Operation of Coal Mines Under Government Control. (30 CFR, Part 801.)

(c) Operators, their employees, representatives of such employees and the general public having business with the Coal Mines Administrator are urged to communicate first with the nearest area officer-in-charge, who will furnish all available information, and if the problem involved is beyond his jurisdiction, he will forward the communication together with a report and recommendations to the Coal Mines Administrator.

§ 800.18 *Sub-offices.* The sub-offices are field offices of the Coal Mines Administration within areas. Each sub-office is in the charge of an officer who reports to the officer-in-charge of the area in which the sub-office is located.

PLACE TO OBTAIN INFORMATION AND MAKE REQUESTS

§ 800.20 *Inquiries and requests in general.* Inquiries and requests with respect to the operations of coal mines under Government control may be addressed to the Coal Mines Administrator, Department of the Interior, Washington 25, D. C. Requests and inquiries concerning the Coal Mines Administration may also be made at the nearest area office or sub-office.

§ 800.21 *Location of area and sub-offices.* The area and sub-offices of the Coal Mines Administration are as follows:

Area I. Bituminous coal producing districts 1, 2, 3, 4, and 6—Address: 311 Old Post Office Building, Smithfield Street and Fourth Avenue, Pittsburgh 22, Pa. Court 5121, 5122, 5123.

SUB-OFFICES

Fairmont, W. Va.—Address: Jacobs Building, Monroe and Meridth Streets, Fairmont, W. Va. Phone—Fairmont 3203.

Cleveland, Ohio—Address: 501 Buckley Building, 1501 Euclid Avenue, Cleveland, Ohio. Phone—Maine 9480 Ext. 3.

Altoona, Pa.—Address: Post Office Building, 11th Avenue and Twelfth Street, Altoona, Pa. Phone—Altoona 31177.

Area II. Bituminous coal producing districts 7, 8, 9, and 13—Address: Ashland Oil & Refining Building, 1409–13 Winchester Avenue, Ashland, Ky. Phone—3003, 3502, 3503.

SUB-OFFICES

Bluefield, W. Va.—Address: Law and Commerce Building, 307 Federal Street, Bluefield, W. Va. Phone—6114.

Madisonville, Ky.—Address: 125 South Main Street, Dulin Building, Madisonville, Ky. Phone—233.

Birmingham, Ala.—Address: 706 Chamber of Commerce Building, 1829 First Avenue North, Birmingham, Ala. Phone—3-7176.

Area III. Bituminous coal producing districts 5, 10, 11, and 12—Address: Suite 1123, Merchandise Mart Building, 222 West Bank Drive, Chicago 54, Ill. Phone—Whitehall 5925 Ext. 34.

SUB-OFFICES

Springfield, Ill.—Address: State Register Building, 613 East Monroe Street, Springfield, Ill. Phone—2-1870.

Terre Haute, Ind.—Address: Room 208, Post Office Building, Terre Haute, Ind. Phone—Crawford 5759.

Des Moines, Iowa—Address: Federal Office Building, Room 121, Fifth and Courts Avenue, Des Moines, Iowa. Phone—Des Moines 3-2424.

Area IV. Bituminous coal producing districts 14 and 15—Address: P. O. Box 647, Kansas City, Mo. Phone—Delmar 3500 Ext. 475, 497, 412, and 413.

SUB-OFFICES

Camp Chaffee, Ark.—Address: Coal Mines Administration, Camp Chaffee, Ark. Phone—Camp Chaffee 22011 Ext. 22.

Pittsburg, Kans.—Address: 503 North Pine Street, P. O. Box 336, Municipal Auditorium, Pittsburg, Kans. Phone—4140.

McAlester, Okla.—Address: Naval Ammunition Depot, McAlester, Okla. Phone—MCA 2300 Ext. 265.

Area V. Bituminous coal producing district 16, 17, 18, 19, 20, 22, and 23—Address: General I and Office c/o Supervisor of Surveys, 534 U. S. National Bank Building, Denver 2, Colo. Phone—Keystone 4151 Ext. 8295.

SUB-OFFICES

Casper, Wyo.—Address: U. S. Post Office, Room 315, Casper, Wyo. Phone—2604.

Salt Lake City, Utah—Address: 224 Federal Building, Salt Lake City, Utah. Phone—4-2552 Ext. 263.

Billings, Mont.—Address: U. S. Navy Recruiting Station, Billings, Mont. Phone—811.

Seattle, Wash.—Address: 237 White-Henry-Stuart Building, Seattle, Wash. Phone—Elliott 4900 Ext. 131.

SUBPART B—PROCEDURE

§ 800.50 *Policies.* In general, policies for the operation of coal mines under Government control are formulated by the Coal Mines Administrator after consultation with representatives of operators, representatives of the United Mine Workers of America, and representatives of the Bureau of Mines and after considering the recommendations of members of the staff directly concerned with the particular problem. The Coal Mines Administrator may, however, in appropriate circumstances, formulate policies without such consultation.

§ 800.51 *Mine Operation.* Matters involving actual operation of mines including labor relations problems are handled in the first instance by the area officer-in-charge in a manner consistent with statements of policy and orders issued by the Coal Mines Administrator. Where new problems arise or where there is a question of the application of established policy to particular situations, a report of the matter setting forth all pertinent facts and details is prepared by the area officer-in-charge and forwarded to the Headquarters Office. The matter is then referred to the Division having cognizance of the problem involved and its recommendations together with the recommendations of the area officer are submitted to the Coal Mines Administrator, who then determines what action should be taken.

§ 800.52 *Regulations.* Regulations for the operation of coal mines under Government control (30 CFR, Part 801) are drafted in the Headquarters Office and promulgated by the Coal Mines Administrator.

§ 800.53 *Federal Mine Safety Code.* The Federal Mine Safety Code (32 CFR, Part 304) was prepared in pursuance of the Agreement of May 29, 1946, by the Director of the Bureau of Mines after consultation with representatives of the United Mine Workers of America, representatives of the operators and representatives of the Coal Mines Administrator, and was approved by the Secretary of the Interior. Suggestions for review and revision of the Code may be submitted to the Coal Mines Administrator or the United Mine Workers of America who may then submit a request for review or revision of the Code to the Director of the Bureau of Mines.

§ 800.54 *Determinations.* Determinations and decisions which the Coal Mines Administrator is authorized to make under the Agreement of May 29, 1946 or regulations involving such classes of matters as misuse of authority of a Safety Committee (as provided for in such agreement), discipline or replacement of operating managers, directions as to grievance procedure, removal of operating manager, mine shut-downs, are made (except in the event of an emergency) only after consultation with all persons who may be involved and after a reasonable opportunity has been given to such persons to present their views in full.

Authorizations for the imposition of fines and penalties are made after receipt of reports from the field of investigation of the facts during which interested parties are heard and the recommendation of the Chief of the Labor Relations Division.

§ 800.55 *Orders, regulations, bulletins, memoranda.* (a) The Coal Mines Administrator in carrying out the powers and functions of his office utilizes the following types of documents:

(1) CMAN orders which are numbered consecutively (for example, CMAN-1, CMAN-2) and which apply to and direct operating managers for the United States to put into effect at mines in Government possession specific policies and directions of the Administrator; and CMAN-T Orders which are also numbered consecutively (for example, CMAN-T1, CMAN-T2) and which terminate Government possession and control of mines.

(2) Regulations for the Operation of Coal Mines Under Government Control (30 CFR, Part 801) governing the operation of all coal mines under government possession and control pursuant to Executive Order No. 9728. They describe the policy and purposes of the operation in general, and the manner in which the owners and operators shall function under government control, and financial and other relations between the owners and operators and the administrator. Such Regulations are subject to change by the Administrator at any time.

(3) Administrator's Interpretative Bulletins which are numbered consecutively (for example, Administrator's Interpretative Bulletin No. 1, Administrator's Interpretative Bulletin No. 2) and which ar the Administrator's interpretation of the meaning and effect of the language contained in the Agreement dated May 29, 1946 between the Coal Mines Administrator and the United Mines Workers of America and in any subsequent agreements between those parties. Such Interpretative Bulletins are binding upon operating managers for the United States insofar as action on their part purports to be by direction of the Administrator but any question involved in such an interpretation may be submitted to the grievance procedure established by the Agreement of May 29, 1946 by the United Mines Workers of America or a member of that organization. Such Bulletins do not preclude action by owners or operators of mines in government possession where such action is not, or does not purport to be, taken pursuant to orders or directions of the Administrator and such action is not inconsistent with such Bulletins or other orders and directions of the Administrator.

(4) Administrator's Memoranda which are numbered consecutively (for example, Administrator's Memorandum No. 1, Administrator's Memorandum No. 2) and which are designed to advise operating managers for the United States of actions taken which directly affect the operating manager and which will aid such managers in the performance of their duties. Such Memoranda are intended to be advisory and informative but do not constitute orders or directions from the Administrator as those terms are used in the regulations.

(b) The Coal Mines Administrator will continues to publish in the Notices Section of the FEDERAL REGISTER all CMAN Orders and all orders in the CMAN-T series.

Inasmuch as Administrator's Interpretative Bulletins and Administrator's Memoranda are binding only upon or for the information of operating managers for the United States, such documents will not be published in the FEDERAL REGISTER but will be available to any interested person upon application to the Coal Mines Administrator, Department of the Interior, Washington 25, D. C. or to any area office of the Coal Mines Administration.

§ 800.56 *Official records.* (a) The following official records are deemed not to be confidential in character and may upon application be inspected by any person or a copy of such records may be obtained either from any area officer-in-charge or from the Headquarters Office:

(1) Written published agreements between the Coal Mines Administrator and the United Mine Workers of America.

(2) Delegations of authority from the Secretary of the Interior to the Coal Mines Administrator and from the Coal Mines Administrator to any member of his staff.

(3) Orders issued by the Coal Mines Administrator either in the series CMAN or series CMAN–T.

(4) Administrator's Interpretative Bulletins.

(5) Administrator's Memoranda.

(6) Decisions of the Administrator upholding or refusing the impositions of fines or penalties.

(7) Production reports released by the Administrator.

(8) Revised Regulations for the Operation of Coal Mines Under Government Control.

(9) Federal Mine Safety Code for Bituminous and Lignite Coal Mines of the United States.

(10) Any published report made of the survey of medical and sanitary facilities.

(11) Any published report of the trustees of the Welfare and Retirement Fund or the Medical and Hospital Fund, provided for by the Agreement of May 29, 1946.

(b) Information as to total payments into the Welfare and Retirement Fund or the Medical and Hospital Fund are not considered confidential and may be obtained upon application to the Coal Mines Administrator but information as to the payments of individual companies into said fund are considered confidential and will not be released to the public.

(c) Correspondence between the Coal Mines Administrator, or any member of his staff and any other person is considered confidential and may not be revealed to the public.

(d) With respect to applications for copies of any official book or record within custody of the Coal Mines Administrator and in a determination as to the availability of such documents for copy or inspection, the Coal Mines Administrator will be governed by 43 CFR, 2.1–26.

§ 800.57 *Forms and reports.* (a) When possession is taken of the mines of a company pursuant to an order of the Secretary of the Interior, the president or other chief officer of the company is designated as operating manager for the United States and is required to complete and forward to the Headquarters Office the form designated "Statement of Operating Manager", setting forth the name of the mining company, the name or number of each mine and its address and the bituminous coal producing district in which such mine is located.

(b) In accordance with Section 25 of Revised Regulations the Operation of Coal Mines Under Government Control (R. 7567) an Instrument of Agreement and Certification is forwarded to each company which may be executed by said company and returned to the Coal Mines Administrator.

(c) Upon the termination of Government possession and control and in accordance with the provisions of section 40 of said regulations, the company is furnished with three copies of either Instrument No. 1 or Instrument No. 2. Instrument No. 1 operates as a mutual release of claims by the Government and by the mining company; Instrument No. 2 is a conditional release by the company reserving the right to submit a claim for damages during the period of Government possession resulting from specific directions or orders issued by the Coal Mines Administrator. Copies of these instruments may be obtained from the Headquarters Office of the Coal Mines Administration.

C. GIRARD DAVIDSON,
Assistant Secretary.

AUGUST 28, 1946.

[F R. Doc. 46—15428; Filed, Aug. 28, 1946; 2:45 p. m.]

DIVISION OF TERRITORIES AND ISLAND POSSESSIONS

[48 CFR, Ch. I]

PART 1—ORGANIZATION AND PROCEDURE

Sec.
1.1 Functions.
1.2 Alaska insane.
1.3 Alaska Purchasing and Shipping Office.
1.4 Alaska Road Commission.
1.5 Surplus property.

§ 1.1 *Functions.* The Division of Territories and Island Possessions was established in the Department of the Interior by Executive Order No. 6726, dated March 29, 1934. The Division is in the Office of the Secretary of the Interior. (See 43 CFR 01.21.) The Division discharges the responsibilities of the Department of the Interior toward the territories and possessions. To this end it acts as an intermediary between the territorial areas and the Federal government as a whole, reviews legislation affecting those areas, serves as an information clearing-house, and provides various administrative services for the territorial governments. In addition, the Division performs operating functions with respect to surplus property in the territories, the care of the Alaska insane, supervision of the Alaska Road Commission and purchasing for Alaska. The Division supervises the Puerto Rico Reconstruction Administration, The Virgin Islands Company, and the Alaska Railroad.

§ 1.2 *Alaska insane.* (a) The Division of Territories and Island Possessions has general responsibility for the care and custody of persons legally adjudged insane in Alaska in accordance with the act of October 14, 1942 (56 Stat. 782; 48 U. S. C., Supp., 46).

(b) In the exercise of its functions with respect to the care and custody of Alaskan insane patients, the Division makes recommendations to the Secretary of the Interior as to the making of contracts with institutions for the care of such insane patients. The Division ascertains the legal residence of Alaskan insane patients and recommends to the Secretary the return of those who are not legal residents of Alaska to their legal residence or to their friends. The Division also recommends to the Secretary the manner and proportions in which an insane patient, or his legal representative, or relatives, must contribute to the payment of the charges for the care or treatment of such insane patients, and makes investigations to determine the ability of such persons to make such payments.

§ 1.3 *Alaska Purchasing and Shipping Office.* The Alaska Purchasing and Shipping Office of the Department of the Interior is located in Seattle, Wash., and is under the general supervision of the Division of Territories and Island Possessions. This office purchases supplies for the Alaska Railroad and other agencies of the Federal Government in Alaska, and ships such supplies from point of origin to destination in Alaska. It also acts as agent for the native cooperative stores, buying their supplies, and selling for their benefit such items as reindeer meat and hides, furs and ivories.

§ 1.4 *Alaska Road Commission.* The Division of Territories and Island Possessions has general supervision over the activities and administrative functions of the Alaska Road Commission pertaining to the construction, repair and maintenance of roads, landing fields, tramways, ferries, bridges and trails in Alaska. A Chief Engineer with offices in Juneau, Alaska, is in immediate charge of the activities of the Commission. Rules and regulations governing the use of roads, trails and other works, including the fixing and collecting of tolls are recommended by the Commission for issuance by the Secretary of the Interior with the approval of the President (sec. 3, 47 Stat. 446; 48 U. S. C. 321b).

§ 1.5 *Surplus property.* (a) The Department of the Interior is designated, under 32 CFR, Part 8301, as the disposal agency for all real and personal property (except aircraft, property peculiar to aircraft, merchant vessels, vessels capable of conversion to merchant use and marine industrial real property) located in the territories and island possessions. The Division of Territories and Island Possessions is authorized to perform these functions.

(b) The disposition of such surplus property is immediately carried on by the Surplus Property Office of the Division. A Director, in Washington, D. C., is in charge of the Office. Territorial surplus property officers are in charge of offices in San Juan, Puerto Rico; Honolulu, Hawaii; and Anchorage, Alaska. The Director of the Surplus Property Office is authorized to approve certain sales. (See 48 CFR 21.10.)

(c) Requests for information or applications should be addressed to:

(1) Director, Surplus Property Office, Division of Territories and Island Possessions, Department of the Interior, Washington, D. C.

(2) Territorial Surplus Property Officer, Surplus Property Office, Department of the Interior, Box 4307, San Juan 21, Puerto Rico.

(3) Territorial Surplus Property Officer, Surplus Property Office, Department of the Interior, Box 3288, Honolulu, Hawaii.

(4) Territorial Surplus Property Officer, Surplus Property Office, Department of the Interior, Box 2466, Anchorage, Alaska.

(d) The procedures under which disposition is made of surplus property in the territories and island possessions are set out in 48 CFR, Part 21.

(e) Forms for veterans' priority certificates and certification of commercial

purchase of surplus property are set out in 48 CFR 21.6, 21.7.

(f) All regulations relating to the disposal of surplus property by the Department of the Interior are prepared by the legal staff of the Surplus Property Office of the Division of Territories and Island Possessions, and are submitted for approval to the Director of the Surplus Property Office. Regulations so approved are submitted for final approval and promulgation by the Secretary of the Interior after review by the Office of the Solicitor.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.
AUGUST 28, 1946.

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FISH AND WILDLIFE SERVICE

[50 CFR, Ch. I]

PART 01—ORGANIZATION AND PROCEDURE

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SUBPART A—ORGANIZATION

ESTABLISHMENT

§ 01.0 *Creation.* The Fish and Wildlife Service consists of the former Bureau of Fisheries, established in 1871 in the Department of Commerce, and the Bureau of Biological Survey, established in 1885 in the Department of Agriculture, which in 1939 were transferred to the Department of the Interior, and in 1940 were consolidated as the Fish and Wildlife Service.

§ 01.1 *Purpose.* The predecessor bureaus originally were established for research purposes, but in the course of years were also charged with carrying out the provisions of laws designed to increase the stocks of fish and wildlife, resist depletion, disseminate knowledge and extend the use of these living resources, and with the enforcement of protective laws relating to fish and game and the commercial fisheries of Alaska.

§ 01.2 *General description.* The Fish and Wildlife Service is composed of a headquarters office in Chicago and a liaison office in Washington, D. C., six regional offices, and various types of individual field offices and stations.

HEADQUARTERS ORGANIZATION

§ 01.3 *Director.* The Director of the Fish and Wildlife Service supervises and directs all the activities of the Service. He exercises immediate supervision over the branches and divisions of the headquarters staff as well as administrative supervision of the regional directors.

§ 01.4 *Chief Counsel.* The Office of the Chief Counsel reviews and advises on all legal matters affecting the activities of the Service.

§ 01.5 *Division of Information.* The Division of Information prepares and disseminates information on wildlife and fishery management, and on the regulatory work of the Fish and Wildlife Service. It handles general inquiries concerning fish and wildlife matters.

§ 01.6 *Branch of Management.* The Branch of Management is responsible for the conduct and coordination of all fish and wildlife management activities of the Fish and Wildlife Service. It plans and directs the program under which financial aid is granted the states for wildlife restoration. It supervises the operation of field stations in the propagation of food and game fish through collecting eggs and hatching fingerlings and fry for distribution to suitable waters, and works with State and other Federal agencies to coordinate such distribution. The Branch administers and enforces Federal statutes for the protection and conservation of wild birds, mammals and black bass, and the Alaska Game Law. It manages the more than 17,000,000 acres of land used for wildlife refuges, fish hatcheries and research stations, and acquires new lands. It plans and directs protective measures against coyotes, wolves, mountain lions, bob cats and other predators, and measures against destruction of range forage crops and stored feed by rodents.

§ 01.7 *Branch of Commercial Fisheries.* The Branch of Commercial Fisheries plans and directs the Fish and Wildlife Service's program for increasing through educational means the utilization of commercial fisheries in the United States, Alaska and the Caribbean. The Branch conducts investigations to improve methods for catching, handling, preserving, storing and transporting fishery products and by-products, and for cookery and canning. It directs the collection and dissemination of data and operates a Fishery Market News Service relating to fishery commodities. The Branch regulates salmon and other fisheries of Alaska, manages the fur-seal herds on the Pribilof Islands (Alaska), and plans for the education and maintenance of the natives of these Islands.

§ 01.8 *Office of River Basin Studies.* The Office of River Basin Studies investigates the probable effects on fish and wildlife of the construction of dams planned both by the Bureau of Reclamation and the U. S. Corps of Engineers. The Office makes data resulting from such studies available to interested agencies and makes appropriate recommendations for modification of construction plans in order to moderate or prevent damage to fish and wildlife in the river basins.

§01.9 *Office of Foreign Activities.* The Office of Foreign Activities studies and advises on matters relating to international agreements concerning fish and wildlife, including the Whaling Treaty Act. With the cooperation of other parts of the Fish and Wildlife Service, the Office trains foreign students in fish and wildlife management, and conducts and coordinates liaison with respect to activities of the Fish and Wildlife Service with the territorial governments, except Alaska. In the course of these activities the Office maintains constant liaison with the Department of State and other Federal agencies.

§ 01.10 *Branch of Research.* The Branch of Research conducts technical research in the management and development of fish and wildlife resources. Its research includes studies on commercial fisheries, the stocking of inland waters and the improvement of conditions in these waters for fish propagation, the cultivation and improvement of oysters and other shellfish, and the protection of fish in connection with construction of reclamation and flood-control projects. Recommendations resulting from these studies are made to agencies involved in these projects. Also included are studies on the distribution, migration, restoration, and protection of wildlife in cooperation with land-grant colleges, State conservation commissions and the American Wildlife Institute. Damage caused by birds, rodents and predators is studied and control methods recommended.

§ 01.11 *Branch of Administration.* The Branch of Administration conducts all phases of business management of the Fish and Wildlife Service including budgetary control, administrative man-

agement, finance, procurement, and personnel.

FIELD ORGANIZATION

§ 01.20 *Functions.* In general, the headquarters of the Fish and Wildlife Service in Chicago is concerned with the formulation of policies and programs while the actual conduct of activities of the Service is performed by various types of field offices and stations.

§ 01.21 *Regions.* (a) There are six regional offices, each in the charge of a regional director. Each regional director has general responsibility for the execution of approved programs by field organizations under his authority. Each regional director also formulates and recommends to the Director of the Fish and Wildlife Service proposals for more effective administration and performs public relations functions within his region concerning the Fish and Wildlife Service.

(b) The following field offices, stations, and areas within a region are responsible to the regional director:

(1) Field offices of the Branch of Management.

(2) Field offices of the Office of River Basin Studies.

(3) Fish hatcheries.

(4) Game management stations.

(5) Wildlife refuges.

(6) Predator and rodent control activities.

(c) The programs of the Division of Alaska Fisheries, Branch of Commercial Fisheries, are conducted through nine field offices in Alaska, under the regional director at Juneau, Alaska.

§ 01.22 *Field Offices Not Under Regions.* The following field offices and stations are not under the authority of regional directors and report directly to the Director of the Fish and Wildlife Service:

(a) Field stations of the Division of Commercial Fisheries, Branch of Commercial Fisheries, carrying on technological research, market development, collection of fishery statistics, and Fishery Market News Service.

(b) Field stations of the Branch of Research. These stations are of the following types:

(1) Commercial fishery investigations—21 stations and substations.

(2) Fresh-water fishery management studies—8 stations and substations.

(3) Shell-fishery investigations—7 stations and substations.

(4) Wildlife research laboratories—2 laboratories.

(5) Cooperative wildlife research units—10 units.

(6) Wildlife on public lands—4 stations.

(7) Distribution and migration of birds—4 stations.

(8) Wildlife disease—2 stations.

(9) Production of wild furs—2 stations.

(10) Refuge habitat improvement—4 stations.

§ 01.23 *Special Offices.* The Office of River Basin Studies maintains a special office at Billings, Montana, for the Missouri River Valley. This Office reports directly to the Director of the Fish and Wildlife Service.

§ 01.30 *Alaska Game Commission.* (a) The Alaska Game Commission is a statutory body created in 1925. The Commission is concerned with the enforcement of the Alaska Game Law and seeks to promote the conservation of game and fur animals, bird, and game fishes. Regulations relating to these wildlife resources are recommended by the Commission to the Secretary for adoption, and the Commission may prescribe certain special regulations.

(b) The Alaska Game Commission is composed of four resident citizens of Alaska appointed by the Secretary of the Interior and the executive officer of the Commission, a representative of the Fish and Wildlife Service. The executive officer is designated by the Director of the Service and is responsible for the administrative aspects of the Commission's functions.

LIST OF DELEGATIONS OF AUTHORITY

§ 01.50 *Purpose of list of delegations of authority.* The following sections are not in themselves delegations of authority. The sections are merely a list of delegations and indicate the various matters with respect to which delegations have been made. They are intended merely as an index and outline. For the scope and limitations of delegations of authority, the specific regulations and orders to which cross references are made must be consulted.

§ 01.51 *Director.* The Director has authority:

(a) To act with respect to permits for the taking of destructive migratory birds. (See 50 CFR, Part 1.)

(b) In refuge areas, to issue, limit and revoke various kinds of permits; remove injurious objects; determine and dispose of surplus animals and products; designate recreational areas. (See 50 CFR, Part 12.)

(c) To act with respect to changes in contracts, suitability of materials, request reports under the Federal Aid To Wildlife Restoration Act. (See CFR, Part 41.)

(d) To issue and regulate permits for the taking of mammals, birds, and fish in Alaska. See Regulatory Announcement 16 (9 F. R. 5720), as amended May 20, 1946 (11 F. R. 5787).

(e) To post notices prohibiting commercial fishing operations and determine intensity of run of fish in Alaska. (See 50 CFR, Part 201.)

(f) In specific areas, to regulate the taking of fish and game through such measures as issuance, revocation and suspension of privilege permits, designation of areas, fix season, limit and size; determine necessity for guides; fix guide fees; permit certain groups to operate public use areas; review administrative action of Alaska regional director. (See 50 CFR, Parts 21–30, inclusive.)

(g) Permit filming of motion and sound pictures. (See Order 2029 (10 F. R. 2522).)

§ 01.52 *Regional Directors.* The Regional Directors have authority:

(a) To issue permits for the taking of migratory birds injuring crops. (See 50 CFR, Part 1.)

(b) In specific areas, to issue, limit and cancel various kinds of permits; fix and collect fees for land use; grant additional time for property removal. (See 50 CFR, Parts 22, 23 and 30.)

(c) In refuge areas, to issue, limit and cancel various kinds of permits. (See 50 CFR, Part 12.)

(d) To give notice when more than one permit is held on single site in Alaska. (See 50 CFR, Part 201.)

§ 01.53 *Officers in Charge.* The Officers in Charge have authority:

(a) In specific areas, to issue, suspend or revoke various kinds of permits; designate and restrict fishing season; close areas for waterfowl protection; permit hunting and prescribe routes of travel; designate recreational areas, designate (and revoke designation for cause) guides and approve fees; designate areas for use of non-motor boats; assign trappers to units; designate launching points. (See 50 CFR, Parts 21–29, inclusive.)

(b) In refuge areas, to issue and revoke various kinds of permits; designate routes of travel and speed limits; direct removal of disorderly persons; impound animals. (See 50 CFR, Part 12.)

§ 01.54 *Refuge Managers.* The Refuge Managers have authority:

To issue permits for economic utilization of refuge resources and private operations on refuge area lands. (See 50 CFR, Part 12.)

PLACES TO OBTAIN INFORMATION AND MAKE REQUESTS

§ 01.70 *Inquiries and Requests in General.* (a) General information on the functions and activities of the Fish and Wildlife Service may be obtained and request may be made by addressing the Director, Fish and Wildlife Service, Department of the Interior, Merchandise Mart, Chicago 54, Illinois, or the Assistant Director, Washington Liaison Office, Fish and Wildlife Service, Department of the Interior, Washington 25, D. C.

(b) Inquiries concerning migratory waterfowl hunting regulations may be addressed to the regional directors of the Fish and Wildlife Service.

(c) Inquiries concerning wildlife refuge, fish propagation, and predator and rodent control, likewise may be addressed to the regional directors.

(d) Inquiries concerning game, fur and fishery regulations for Alaska should be addressed to the Fish and Wildlife Service, Department of the Interior, Regional Office, Juneau, Alaska, or the Director, Fish and Wildlife Service, Department of the Interior, Merchandise Mart, Chicago 54, Illinois.

(e) Applications for permits for the importation of foreign birds and animals should be addressed to the Director, Fish and Wildlife Service, Department of the Interior, Merchandise Mart, Chicago 54, Illinois.

(f) Commercial fisheries information may be had by addressing the Assistant Director, Washington Liaison Office, Fish and Wildlife Service, Department of the Interior, Washington 25, D. C.

(g) Federal Migratory Bird Stamps may be obtained at all post offices.

(h) Permits to obtain timber, cut hay, remove sand and gravel and otherwise exploit resources on wildlife refuge areas may be obtained either from the regional office or from the local manager of the wildlife refuge concerned.

§ 01.71 *Location of Headquarters Organization.* The office of the Director, including the Offices of Chiefs of the Branches, is located in the Merchandise Mart, Chicago 54, Illinois. There is a Liaison Office, in which an Assistant Director is stationed, in Washington, D. C.

§ 01.72 *Locations of Regional Offices.* The location of the regional offices of the Fish and Wildlife Service are as follows:

Region 1. All Pacific Coast States, and in addition, Nevada, Idaho, and Montana. Headquarters, 600 Weatherly Building, Portland, Oregon.

Region 2. The States of Wyoming, Utah, Colorado, Arizona, New Mexico, Kansas, Oklahoma, and Texas. Headquarters, 220 West Copper Ave., Albuquerque, New Mexico.

Region 3. The States of North and South Dakota, Nebraska, Minnesota, Wisconsin, Michigan, Missouri, and Indiana. Headquarters, 828 Plymouth Building, Minneapolis, Minnesota.

Region 4. The States of Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, North and South Carolina, Tennessee, and Kentucky. Headquarters, 316 Glenn Building, Atlanta, Georgia.

Region 5. The New England States, and in addition, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, and Ohio. Headquarters, 1105 Blake Building, Boston, Massachusetts.

Region 6. Alaska, Headquarters, Federal Building, Juneau.

§ 01.73 *Location of Wildlife Refuges.* The location of offices administering wildlife refuges, and the refuges administered by such offices and by regional offices are listed below by regions.

(a) *Region 1.* (1) Refuge administrative offices and refuges administered therefrom:

Brawley, Calif.: Salton Sea.
Cedarville, Calif.: Sheldon (Nevada).
Tule Lake, Calif.: Tule Lake, Clear Lake, Lower Klamath, and Upper Klamath (Oregon).
Willows, Calif.: Sacramento, Colusa, and Sutter.
Hamer, Idaho: Camas and Minidoka.
Nampa, Idaho: Deer Flat and Snake River.
Fort Peck, Mont.: Fort Peck, Hailstone, Halfbreed Lake, Lake Mason, and Lamesteer.
Malta, Mont.: Bowdoin, Black Coulee, Creedman Coulee, Hewitt Lake, and Lake Thibadeau.
Medicine Lake, Mont.: Medicine Lake.
Moiese, Mont.: National Bison Range, Benton Lake, Nine-Pipe, Pablo, Pishkun, and Willow Creek.
Monida, Mont.: Red Rock Lakes.
Las Vegas, Nev.: Desert Bame Range.
Las Vegas, Nev.: Boulder Canyon.
Ruby Valley, Nev.: Ruby Lake and Railroad Valley.
Burns, Oreg.: Malheur.
Lakeview, Oreg.: Hart Mountain.
Cheney, Wash.: Turnbull, Columbia River, Conconully, Lenore Lake, Cold Springs, McKay Creek and Columbia.
Colville, Wash.: Little Pend Oreille.
Ilwaco, Wash.: Willapa.

(2) The following refuges are not in administrative units and information concerning them may be obtained from the Regional Office:

Farallon (Marin), Calif.
Fort Keogh (Custer), Mont.
Fallon (Churchill), Nev.
Winnemucca (Pershing, Washoe), Nev.
Cape Meares (Tillamook), Oreg.
Oregon Islands (Curry), Oreg.
Thief Valley (Baker, Union), Oreg.
Three Arch Rocks (Tillamook), Oreg.
Copalis (Grays Harbor), Wash.
Dungeness (Clallam), Wash.
Flattery Rocks (Clallam), Wash.
Jones Island (San Juan), Wash.
Matia Island (San Juan), Wash.
Quillayute Needles (Clallam, Jefferson), Wash.
Skagit (Skagit), Wash.
Smith Island (Island), Wash.

(b) *Region 2.* (1) Refuge administrative offices and refuges administered therefrom:

Parker, Ariz.: Havasu Lake.
Yuma, Ariz.: Kofa, Cabeza Prieta, and Imperial.
Las Cruces, N. Mex.: San Andres and Mesilla.
Roswell, N. Mex.: Bitter Lake and Carlsbad.
San Antonio, N. Mex.: Bosque del Apache and Rio Grande.
Cache, Okla.: Wichita Mountains.
Jet, Okla.: Salt Plains.
Tishomingo, Okla.: Tishomingo.
Austwell, Tex.: Aransas and Santa Ana.
Denison, Tex.: Hagerman.
Muleshoe, Tex.: Muleshoe.
Brigham, Utah: Bear River, Locomotive Springs, and Strawberry Valley.
Jackson, Wyo.: National Elk, Bamforth, Evanston, Hutton Lake, and Pathfinder.

(2) The following refuges are not in administrative units and information concerning them may be obtained from the Regional Office:

Apache (Apache), Ariz.
Safford (Graham), Ariz.
Salt River (Gila), Ariz.
Kit Carson (Cheyenne), Colo.

(c) *Region 3.* (1) Refuge administrative offices and refuges administered therefrom:

Havana, Ill.: Chautauqua.
Algona, Iowa: Union Slough and Talcot.
Germfask, Mich.: Seney.
East Lake, Minn.: Rice Lake and Mille Lacs.
Holt, Minn.: Mud Lake.
Rochert, Minn.: Tamarac.
Winona, Minn.: Upper Mississippi River and Trempealeau.
Mound City, Mo.: Squaw Creek.
Sumner, Mo.: Swan Lake.
Ellsworth, Nebr.: Crescent Lake, Rox Butte, and North Platte.
Valentine, Nebr.: Fort Niobrara, Eagle Creek (S. Dak.), Lake Andes (S. Dak.), and Lake Arconge (S. Dak.)
Valentine, Nebr.: Valentine.
Dawson, N. Dak.: Slade, Appert Lake, Canfield Lake, Flickertail, Florence Lake, Hutchinson Lake, Lake Moraine, Little Lake, Lost Lake, Painted Woods, Springwater, Sunburst Lake, Wildfang Lake, and Yanktonai.
Fort Totten, N. Dak.: Sullys Hill, Ardoch, Billings Lake, Buffalo Lake, Johnson Lake, Kellys Slough, Lac Aux Mortes, Lambs Lake, Little Goose, Minnewastena, Pioneer Lake, Pleasant Lake, Prairie Lake, Rose Lake, Sibley Lake, Silver Lake, Stump Lake, and Wood Lake.
Foxholm, N. Dak.: Upper Souris.
Kenmare, N. Dak.: Des Lacs, Charles Lake, Hiddenwood, Lake Ilo, Lake Oliver, Lake Patricia, Legion Lake, McLean, Pretty Rock, Stewart Lake, and White Lake.
Kensal, N. Dak.: Arrowwood, Bone Hill, Chase Lake, Half-Way Lake, Hobart Lake, Lake George, Stoney Slough, and Tomahawk.
Lostwood, N. Dak: Lostwood, Clearwater, Lake Zahl, and Shell Lake.
Mendora, N. Dak.: Theodore Roosevelt.
Moffit, N. Dak.: Long Lake.
Upham, N. Dak.: Lower Souris, Brumba, Camp Lake, Cottonwood, Lake Nettie, Lords Lake, Rabb Lake, Rock Lake, School Section Lake, Sheyenne Lake, Snyder Lake, Willow Lake, and Wintering River.
Columbia, S. Dak.: Sand Lake (S. Dak.), Dakota Lake (N. Dak.), Lake Elsie (N. Dak.), Lake Tewaukan (N. Dak.), Maple River (N. Dak.), Storm Lake (N. Dak.), Twin Lakes (N. Dak.), and Wild Rice Lake (N. Dak.).
Martin, S. Dak.: Lacreek, Bear Butte, and Belle Fourche.
Waubay, S. Dak.: Waubay.
Necedah, Wis.: Necedah.
Waupun, Wis.: Horicon.

(2) The following refuges are not in administrative units and information concerning them may be obtained from the Regional Office:

Mingo (Wayne, Stoddard), Mo.
Gravel Island (Door), Wis.
Green Bay (Door), Wis.
Long Tail Point (Brown), Wis.

(d) *Region 4.* Refuge administrative offices and refuges administered therefrom:

Decatur, Ala.: Wheeler.
Manila, Ark.: Big Lake.
St. Charles, Ark.: White River.
Coconut Grove, Fla.: Everglades, Anclote, Brevard, Caloosahatchee, Cedar Keys, Chassahowitzka, Chinsegut, Great White Heron, Indian Key, Island Key, Istokpoga, Key West, Matlacha Pass, Palma Sola, Passage Key, Pelican Island, Pine Island, and Sanibel.
St. Marks, Fla.: St. Marks.
Round Oak, Ga.: Piedmont.
Savannah, Ga. (P. O., Port Wentworth): Savannah, Blackbeard, Tybee, Wilson, and Wolf Island.
Waycross, Ga.: Okefenokee.
Golden Pond, Ky.: Kentucky Woodlands.
Lake Arthur, La.: Lacassine and Shell Keys.
Pilottown, La.: Delta, Breton, East Timbalier, and Petit Bois.
Sulphur, La.: Sabine.
Starkville, Miss.: Noxubee and Yazoo.
Manteo, N. C.: Pea Island.
New Holland, N. C.: Mattamuskeet and Swanquarter.
McBee, S. C.: Carolina Sandhills.
McClellanville, S. C.: Cape Romain.
Manning, S. C.: Santee.
Hornbeak, Tenn.: Reelfoot and Lake Isom.
Paris, Tenn.: Tennessee.

(e) *Region 5.* (1) Refuge administrative offices and refuges administered therefrom:

Smyrna, Del.: Bombay Hook and Cape Henlopen.
Milltown, Maine: Moosehorn.
Cambridge, Md.: Blackwater and Susquehanna.
Newburyport, Mass.: Parker River and Great Meadows.
Oceanville, N. J.: Brigantine and Killcohook (Del. and N. J.).
Seneca Falls, N. Y.: Montezuma.
Swanton, Vt.: Missisquoi.
Chincoteague, Va.: Chincoteague and Fisherman's Island.
Pungo, Va.: Back Bay.

(2) The following refuges are not in administrative units and information concerning them may be obtained from the Regional Office:

Widows Island (Knox), Maine.
Monomoy (Barnstable), Mass.
Fort Tyler (Suffolk), N. Y.
Shinnecock (Suffolk), N. Y.
West Sister Island (Lucas), Ohio.
Morgan (Addison), Vt.

(f) *Region 6.* (1) Refuge administrative offices and refuges administered therefrom:

Kodiak, Alaska: Aleutian Islands.

(2) The following refuges are not in administrative units (locations given are territorial judicial division) and information concerning them may be obtained from the Regional Office at Juneau, Alaska:

Alaska Railroad (Third and Fourth).
Bering Sea (Second).
Bogoslof (Third).
Chamisso (Second).
Curry (Third).
Forrester Island (First).
Hazen Bay (Fourth).
Hazy Islands (First).
Kenai (Third).
Kodiak (Third).
Kunivak (Second).
Pribilof (Third).
St. Lazaria (First).
Semidi (Third).
Tuxedni (Third).

(3) The following refuges are in island possessions (not in administrative units) and information concerning them may be obtained from the Director, Fish and Wildlife Service, Department of the Interior, Merchandise Mart, Chicago 54, Illinois:

Hawaiian Islands.
Johnston Island.
Culebra (Puerto Rico).

§ 01.74 *Division of Alaska Fisheries.* The location of the regional office and field offices of the Division of Alaska Fisheries is as follows:

Regional Office—Juneau, Alaska.
Field Offices—Anchorage, Chignik, Cordova, Craig, False Pass, Juneau, Ketchikan, Kodiak, Naknek, Wrangell.

§ 01.75 *Alaska Game Commission.* The executive offices of the Alaska Game Commission are in the Federal Building, Juneau, Alaska.

§ 01.76 *Pribilof Islands.* The General Manager for the Pribilof Islands maintains an office in Seattle, Washington. Agents are located on St. Paul Island and St. George Island.

Subpart B—Procedure

Specific Wildlife Resources

§ 01.100 *Migratory birds: certain game mammals.* (a) Regulations relating to migratory birds and certain game mammals protected under international agreements originate in a draft of proposed regulations prepared by a committee composed of personnel of the Fish and Wildlife Service particularly concerned with the conservation of these species of wildlife. Although hearings are not held, the draft regulations are based on annual inventories of the status of the protected species, the recommendations of the game departments of every State throughout the nation, and the recommendations of representative conservation organizations, sportsmen, individuals, and groups interested in the conservation of these species of wildlife. The draft of proposed regulations is reviewed by the majority of the divisions of the Fish and Wildlife Service, the Office of the Chief Counsel and, if approved by the Director, is submitted through the Solicitor's Office to the Secretary of the Interior for signature and to the President of the United States for approval and promulgation.

(b) In addition to prescribing means and methods by which such species of wildlife may be taken, as well as seasons and bag limits, such regulations generally provide for the issuance and cancellation of special permits for the taking and transportation of protected wildlife for scientific, propagation, or other purposes. Applications for such permits should be submitted to the Director of the Fish and Wildlife Service, Department of the Interior, Merchandise Mart, Chicago 54, Illinois. The procedure for filing applications for such special permits, the information required, and information as to action upon applications are set out in detail in 50 CFR, Part 1.

§ 01.101 *Alaska game fish and animals.* Regulations relating to the game and fur animals, birds, and game fishes in Alaska are prepared in draft form by the Division of Game Management of the Fish and Wildlife Service in accordance with the recommendations of the Alaska Game Commission. Following review by several divisions of the Fish and Wildlife Service, the Office of the Chief Counsel, and approval by the Director, the draft regulations are submitted for further review by the Office of Indian Affairs, the Division of Territories and Island Possessions, the Office of the Solicitor, and to the Secretary of the Interior for approval and promulgation.

§ 01.102 *Alaska Game Law.* The Alaska Game Law as amended (57 Stat. 301; 48 U. S. C., Sup., 192 et seq) requires the filing of periodic reports by hunters, fur dealers, and others handling game. Forms may be obtained from the Alaska Game Commission, Juneau, Alaska. The Alaska Game Law also requires that certain licenses be obtained from the Alaska Game Commission, and that records of the sale of poison be kept. Regulations of the Alaska Game Commission provide for the licensing of guides and the keeping of records of the sale or disposition of poison. (See 48 CFR 92.2, 92.3)

§ 01.106 *Alaska commercial fisheries.* (a) Alaska commercial fisheries regulations are prepared annually following hearings after notice at various places in Alaska and the United States with respect to proposed changes in seasons and related matters by personnel of the Division of Alaska Fisheries of the Fish and Wildlife Service. The draft of proposed regulations is reviewed by the Chief Counsel and if approved by the Director is reviewed by the Office of Indian Affairs, the Division of Territories and Island Possessions, and the Solicitor's Office and is submitted to the Secretary of the Interior for approval and promulgation.

(b) The regulations provide for reports by fisheries operators, hearings regarding native fishing rights, filing of trap site locations, and determinations and closing of competing trap operations at single sites. (See 50 CFR, Part 201)

§ 01.107 *Whales: Alaska fur seals.* (a) Regulations governing the taking of whales, Alaska fur seals, sea-lions, and certain other specifically protected species of wildlife originate in a draft of proposed regulations prepared by administrative personnel of the Fish and Wildlife Service engaged in that particular function (and, where specified by law, in cooperation with the administrative personnel of such other department or agency as may be concerned therewith). After review by such divisions of the Fish and Wildlife Service particularly concerned therewith (and of such other agency as may be concerned), including the Office of the Chief Counsel of the Fish and Wildlife Service and the Director, the draft of proposed regulations is submitted through the Solicitor's Office to the Secretary of the Interior (and the head of any other department or agency specifically concerned) for approval and promulgation.

(b) The act of May 1, 1936 (49 Stat. 1246; 46 U. S. C. 901 et esq) requires licenses for whaling and the furnishing of certain information. Certain reports and information are required by regulations. (See 50 CFR, Cum. Supp., Part 251)

Conservation Areas

§ 01.120 *Regulations.* (a) Regulations relating to conservation areas usually originate in a draft prepared by field or administrative personnel of the Fish and Wildlife Service engaged in that particular function. The draft of proposed regulations is reviewed by each branch of the Fish and Wildlife Service concerned, including the Office of the Chief Counsel, and is approved by the Director if the matter falls within the scope of an authority delegated to the Director, or is submitted by the Director to the Secretary of the Interior for approval and promulgation, if not within the scope of authority delegated to the Director.

(b) Special regulations with respect to specific portions of conservation areas are made by field personnel within the scope of authorized delegation or sub-delegation, in accordance with the state of facts existent at the time of such action and in accordance with the scope of delegation or sub-delegation.

§ 01.121 *Permits.* (a) Specific use by the general public or individuals of areas utilized for the conservation of wildlife resources is governed by the various regulations and by the terms of permits issued pursuant to such regulations, the provisions of both of which may authorize the termination in the discretion of the officer in charge, the Regional Director, the Director of the Fish and Wildlife Service, or the Secretary of the Interior for violation of the terms of such permits or, following the determination by such personnel or the Secretary, that the exercise of the privilege is not consistent with the primary use of the area for conservation purposes. While there is no set procedure for appeal from the action of an officer in terminating a priv-

ilege, such appeals generally should be directed to the Director of the Fish and Wildlife Service or the Secretary of the Interior.

(b) The procedure for filing applications for special use permits or for the exercise of specific privileges on conservation areas, the information required, terms of the permits, and information as to action upon applications are set out in detail in 50 CFR, Parts 12–29.

AID TO STATES

§ 01.130 *Wildlife restoration.* Regulations relating to Federal aid to States in wildlife restoration generally originate in a draft of proposed regulations prepared by administrative personnel engaged in that particular function. The draft of proposed regulations is reviewed by each branch of the Fish and Wildlife Service concerned, including the office of the Chief Counsel, and, if approved by the Director, is submitted through the Solicitor's Office to the Secretary of the Interior for approval and promulgation. The procedure for filing applications for participation in the program covered by these regulations, the information required, and information as to action upon applications are set out in detail in 50 CFR, Part 41.

C. GIRARD DAVIDSON,
Acting Secretary.

AUGUST 28, 1946.

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GEOLOGICAL SURVEY

[30 CFR, Ch. II]

PART 200—ORGANIZATION AND PROCEDURE

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SUBPART A—ORGANIZATION

ESTABLISHMENT

§ 200.0 *Creation.* The Geological Survey was established in the Department of the Interior, in 1879, by statute.

§ 200.1 *Purpose.* The Geological Survey is primarily a fact-finding agency which collects, distributes, and makes available, information about the mineral and water resources of the Nation. The Geological Survey conducts research in geology and related fields, prepares and distributes topographic maps, and supervises the technical mineral operations on leased public and Indian lands, and on the naval petroleum reserves.

§ 200.2 *General description.* The Geological Survey has a headquarters in Washington, D. C. The field offices report to the Branch in charge of the respective activity. The Director as the Chief executive of the Survey has charge of all of its activities.

HEADQUARTERS ORGANIZATION

§ 200.3 *Office of the Director.* The Director and the Assistant Director formulate bureau policy and exercise general control over the activities of the Geological Survey and its programs of scientific and engineering work.

§ 200.4 *Administrative Geologist.* The Administrative Geologist serves as advisor to the Director and the Branch Chiefs. He is in charge of the administrative and service groups which handle personnel, finance, correspondence, records, publications, library, field equipment, and map reproduction.

§ 200.5 *Chief Counsel.* The Office of the Chief Counsel reviews and advises on legal matters affecting the Geological Survey.

§ 200.6. *Conservation Branch.* The Conservation Branch examines and classifies the public lands of the United States, territories and possessions as to their mineral character and water power and water storage values. This Branch, in cooperation with the Bureau of Land Management, also supervises technical operations under oil and gas and other mineral leases on the public lands and Indian lands, and on naval petroleum reserves.

§ 200.7 *Geologic Branch.* The Geologic Branch investigates the geology of the United States, territories and possessions and prepares, from its findings, maps and reports as to geologic formations, including distribution, structure, composition, and history. It also conducts detailed research investigations of mineral resources with respect to location, quality and potential reserve supplies. The Branch carries on research in other sciences as they relate to geology.

§ 200.8 *Topographic Branch.* The Topographic Branch is charged with the execution of topographic field surveys in the United States, territories and possessions. It prepares and issues the results of its work in the form of maps and various engineering bulletins.

§ 200.9 *Water Resources Branch.* The Water Resources Branch investigates the quantity, quality and availability of surface and underground waters in the United States, territories and possessions. Its results appear as water supply of the Geological Survey papers or reports by cooperating States.

FIELD ORGANIZATION

§ 200.20 *General description.* The Geological Survey is organized in the field along the lines of the functions performed by each of its four Branches. Regional organization is related to the particular Branches. In § 200.72, regional and field offices of all Branches are grouped by States and Territories. The sections immediately following give the field organization of the Branches.

§ 200.21 *Conservation Branch.* The Mineral Classification, Mining, Oil and Gas Leasing, and Water and Power Divisions each have regional areas. The sub-offices within each region report to the regional office. (In the case of the Mining Division, the regional areas are called districts.)

§ 200.22 *Geologic Branch.* Three regional offices assist in coordinating the field work of this Branch. The regional offices report directly to the Branch.

§ 200.23 *Topographic Branch.* The field work of this Branch is directed by field division offices which report directly to the Branch. There is one additional field office, a photogrammetric unit organized for cooperative work with the Tennessee Valley Authority.

§ 200.24 *Water Resources Branch.* The entire work of this Branch is supervised directly through the four Divisions of the Branch: Ground Water, Quality of Water, Surface Water, and Water Utilization. Field offices and laboratories under each Division report directly to the Division.

LIST OF DELEGATIONS OF AUTHORITY

§ 200.50 *Purpose of list of delegations of authority.* The following sections are not in themselves delegations of authority. The sections are merely a list of delegations and indicate the various matters with respect to which delegations have been made. They are intended merely as an index and outline. For the scope and limitations of delegations of authority, the specific regulations and orders to which cross references are made must be consulted.

§ 200.51 *Director.* The Director has authority to:

(a) Determine boundaries of geological structures. (See 43 CFR 192.3)

(b) Classify certain land for prospective oil or gas value. (See 43 CFR 192.44.)

(c) Classify public land as to coal content. (See 30 CFR, Part 201.)

(d) Determine that certain land is non-mineral. (See 43 CFR 102.25.)

(e) Determine interference of non-mineral public land laws with leasing laws. (See 43 CFR 102.38.)

(f) Fix terms of phosphate leases. (See 43 CFR 196.8.)

(g) Fix terms of sodium leases. (See 43 CFR 195.16.)

(h) Determine certain water values. (See 30 CFR 241.5.)

(i) Determine existence of deposits of fissionable material. (See Order No. 2188 (11 F. R. 4705).)

§ 200.52 *Oil and Gas Supervisors.* The Oil and Gas Supervisors have authority to:

(a) Act with respect to operations on oil and gas leases. (See 30 CFR, Cum. Supp., Part 221.)

(b) Terminate drilling on oil and gas leases. (See 43 CFR 191.10.)

(c) Act with respect to operations on oil and gas leases on Indian lands. (See 30 CFR, Cum. Supp., Part 221.)

§ 200.53 *District Mining Supervisors.* The District Mining Supervisors have authority to:

(a) Act with respect to operations on coal-mining leases. (See 30 CFR, Part 211.)

(b) Act with respect to operations on potash, oil shale, sodium, phosphate, sulphur, gold and quicksilver mining leases. (See 30 CFR, Part 231.)

(c) Regulate mining operations on Indian lands. (See 25 CFR, Parts 183, 186, 189, 192, 195, and 210.)

PLACES TO OBTAIN INFORMATION AND MAKE REQUESTS

§ 200.70 *Inquiries and requests in general.* Information of specialized technical import and concerning the policies and programs of the Geological Survey, including reports and bulletins, may be obtained by addressing the Director, Geological Survey, Department of the Interior, Federal Works Agency Building, Washington 25, D. C. Information centers, with files of Survey reports and maps for consultation by the public, are maintained at 429 F, U. S. Post Office and Court House Bldg., Los Angeles 12, Calif.; 625 Market St. Bldg., San Francisco 5, Calif.; 320 Denham Bldg., Denver 2, Colo.; and 303 Federal Bldg., Salt Lake City, Utah. Questions as to local water resources and mineral or geologic problems may be submitted to the appropriate Branch's regional or field office nearest the area concerned.

§ 200.71 *Location of headquarters organization.* The headquarters of the Geological Survey is located in the Federal Works Building, Washington 25, D. C.

§ 200.72 *Location of regional and field offices.* Locations of regional and field offices, listed alphabetically by States and Territories and by towns within each State and Territory, appear below. The Branch of which the regional and field offices are a part is shown by the following symbols:

Conservation Branch, C; Geologic Branch, G; Topographic Branch, T; Water Resources Branch, W.

State	Town	Local address	Officer in charge	Branch
Alabama	Montgomery	P. O. Box 56 (507 Post Office Bldg.)	District engineer	W
	Tuscaloosa	P. O. Box 2033 (Smith Hall, University of Alabama)	Resident geologist	W
Arizona	Phoenix	420 Arizona Title Bldg	Engineer in charge	W
	Tucson	P. O. Box 1311 (210 Post Office Bldg.)	District engineer, surface water	W
	Tucson	408 North 4th Ave	District engineer, ground water	W
Arkansas	Fayetteville	Hill Hall	Geologist in charge	W
	Fayetteville	28 Chemistry Bldg., University of Arkansas	Resident chemist	W
	Fort Smith	P. O. Box 149 (6 Post Office Bldg.)	District engineer	W
California	Bakersfield	2510 M St	District engineer	C
	Long Beach	5373 East 2d St	Geologist in charge	W
	Los Angeles	429–F, U. S. Post Office and Courthouse Bldg	Engineer in charge	W
		429 Federal Bldg	District geologist	W
		533 Post Office and Courthouse Bldg	Regional geologist	C
		533 Post Office and Courthouse Bldg	Supervisor, California region	C
	North Sacramento	1464 Del Paso Blvd	District hydraulic engineer	C
	Sacramento	P. O. Box 346	Division engineer, Pacific Division	T
	San Francisco	625 Market Street Bldg	District engineer	W
	Santa Barbara	218 Benjamin Franklin Bldg	Geologist in charge	W
	Taft	P. O. Box CC	District supervisor	C
Colorado	Denver	310 Denham Bldg	District engineer	W
		351 Equitable Bldg	District geologist	W
		425 Denham Bldg	Regional geologist, Rocky Mountain region	C
		413 Denham Bldg	District hydraulic engineer, Denver district	C
		416 Denham Bldg	District engineer, oil and gas	C
		413 Denham Bldg	District mining supervisor, Denver district	C
		Bldg. 2–B, Denver Federal Center	Division engineer, Rocky Mountain division.	T
		Bldg. 12–B, Denver Federal Center	Chief, section eng. geology	G
Connecticut	Hartford	P. O. Box 715 (203 Federal Bldg.)	District engineer	W
Delaware[1]				
District of Columbia	Washington	3229 Federal Works Bldg	Supervisor, eastern region	C
		Federal Works Bldg	Division engineer, Atlantic division	T
Florida	Miami	P. O. Box 2529 (318–A Dade County Courthouse)	Engineer in charge	W
		P. O. Box 2529 (318–A Dade County Courthouse)	Geologist in charge	W
	Ocala	P. O. Box 607	District engineer	W
	Tallahassee	P. O. Drawer 631 (Old Lower Dining Hall, F. S. C. W.)	Engineer in charge	W
Georgia	Atlanta	410 Grand Theater Bldg	District engineer	W
		425 State Capitol	Geologist in charge	W
Idaho	Boise	429 Federal Bldg	District engineer	W
		429 Federal Bldg	Resident geologist	W
	Idaho Falls	P. O. Box 697 (204 Federal Bldg.)	District engineer	W
Illinois	Urbana	14 Post Office Annex, Elm St	District engineer	W
Indiana	Indianapolis	205 Underwriters Bldg., 445 North Pennsylvania St	District engineer	W
		205 Underwriters Bldg., 445 North Pennsylvania St	District geologist	W
Iowa	Iowa City	508 Hydraulics Laboratory	District engineer	W
		Geology Annex	District geologist	W
Kansas	Lawrence	Care of University of Kansas	Engineer in charge	W
	Topeka	305 Federal Bldg	Engineer in charge	W
Kentucky	Lexington	P. O. Box 680	Resident geologist	W
	Louisville	531 Federal Bldg	District engineer	W
		531 Federal Bldg	Engineer in charge	W
Louisiana	Baton Rouge	P. O. Box 8877, University Station (124 Geology Bldg.)	District engineer	W
		P. O. Box 8315, University Station (Room 16, Geology Bldg.)	Geologist in charge	W
Maine	Augusta	Care of Public Utilities Commission, State House	District engineer	W
Maryland	Baltimore	103 Latrobe Hall, Johns Hopkins University	District geologist	W
	College Park	P. O. Box 37 (Engineering Bldg.)	District engineer	W
Massachusetts	Boston	939 Post Office Bldg	District engineer	W
Michigan	Houghton	P. O. Box 407 (305 New England Bldg., care of Michigan College of Mining and Technology).	Engineer in charge	W
	Lansing	211 Capitol Savings and Loan Bldg., 112 East Allegan St	Engineer in charge, surface water	W
		211 Capitol Savings and Loan Bldg., 112 East Allegan St	Engineer in charge, ground water	W
Minnesota	St. Paul	1427 New Post Office Bldg	District engineer	W
Mississippi	Jackson	P. O. Box 2052 (208 Millsaps Bldg.)	Engineer in charge	W
	Oxford	P. O. Drawer 157 (Geology Bldg., University of Mississippi)	District geologist	W
Missouri	Rolla	P. O. Box 138 (Missouri Geological Survey Bldg.)	Regional engineer	W
		P. O. Box 138 (Missouri Geological Survey Bldg.)	District engineer	W
		P. O. Box 133	Division engineer	T
	St. Louis	1004 New Federal Bldg	Engineer in charge	W
Montana	Billings	P. O. Box 1435	District engineer	C
		P. O. Box 2127	District mining supervisor, Billings district	C
	Great Falls	P. O. Box 1827	Regional geologist, Northwestern region	C
		P. O. Box 1215 (255 Federal Bldg.)	District engineer	C
	Helena	408 Federal Bldg	District engineer	W

[1] See Washington, District of Columbia, for addresses of regional, division, or district offices serving Delaware in their respective activities.

State	Town	Local address	Officer in charge	Branch
Nebraska	Lincoln	Box 142 State House Station (349 State House)	District engineer, surface water	W
		616 Rudge-Guenzel Bldg	District geologist	W
		616 Rudge-Guenzel Bldg	Ground water engineer for Missouri River Basin.	W
		514 Rudge-Guenzel Bldg	District engineer, quality of water	W
		Box 142 State House Station (345 State House)	Hydraulic engineer, utilization of water	W
Nevada	Carson City	c/o State Engineer, P. O. Box 327	District engineer	W
New Jersey	Trenton	P. O. Box 967 (228 Federal Bldg.)	District engineer, surface water	W
		714 Trenton Trust Co. Bldg	District engineer, ground water	W
New Mexico	Albuquerque	309 Federal Bldg	District geologist	W
		P. O. Box 443 (723 North 2d St., rear)	District chemist	W
	Artesia	221 Ward Bldg	District engineer	C
	Carlsbad	Reclamation Service Bldg., 201 South Canal St	District mining supervisor	C
	Roswell	P. O. Box 997 (Federal Bldg.)	Supervisor, southwestern region	C
	Santa Fe	P. O. Box 277 (204 Courthouse)	District engineer	W
New York	Albany	P. O. Box 948 (526 Federal Bldg.)	District engineer	W
		444 Broadway	Geologist in charge	W
	Jamaica	226 Post Office Bldg	District geologist	W
North Carolina	Asheville	220 Post Office Bldg	Engineer in charge	W
	Raleigh	P. O. Box 2719 (242 Education Bldg.)	District engineer	W
		P. O. Box 2719 (244 Education Bldg.)	Geologist in charge	W
		P. O. Box 5065 (Room 15, Chemical Engineering Bldg., North Carolina State College).	District chemist	W
North Dakota	Bismarck	P. O. Box 750	District engineer	W
		P. O. Box 750	Engineer in charge	W
	Grand Forks	Care of North Dakota Geological Survey, University Station	District geologist	W
Ohio	Columbus	404 Engineering Experiment Station, Ohio State University	District engineer	W
		404 Engineering Experiment Station, Ohio State University	Engineer in charge	W
Oklahoma	Drumright	P. O. Box 947	District engineer	C
	Holdenville	P. O. Box 789	District engineer	C
	McAlester	509 South 3d St	District mining supervisor	C
	Miami	Federal Bldg	Deputy mining supervisor	C
	Norman	Care of Oklahoma Geological Survey	Geologist in charge	W
	Oklahoma City	Box 3095, State Capitol Station (535 State Capitol)	Engineer in charge	W
		P. O. Box 976	Deputy supervisor	C
	Stillwater	307 Chemistry Bldg., Oklahoma Agricultural and Mechanical College	Resident chemist	W
	Tulsa	239 Federal Bldg	Regional geologist	C
		P. O. Box 311 (Federal Bldg.)	Supervisor, midcontinent region	C
Oregon	Portland	P. O. Box 3418 (606 P. O. Bldg.)	District engineer	W
		603 P. O. Bldg	District geologist	W
		306 Old Courthouse	Regional supervisor	C
		206 Old Courthouse	District hydraulic engineer	C
Pennsylvania	Harrisburg	P. O. Box 421 (490 Education Bldg.)	District engineer	W
	Philadelphia	Academy of Natural Sciences, 19th St. and Parkway	Geologist in charge	W
		2d Floor, Administration Bldg., N. E. Sewage Disposal Plant, Wheatacheaf and Richmond Sts.	District chemist	W
	Pittsburgh	515 Plaza Bldg., Corner 5th and 6th Ave	Engineer in charge	W
Rhode Island	Providence	Industrial Trust Bldg	Resident geologist	W
South Carolina	Columbia	207 Creason Bldg	District engineer	W
South Dakota	Pierre	P. O. Box 216 (Hyde Block Bldg., 101½ S. Pierre St.)	Engineer in charge	W
Tennessee	Chattanooga	442 P. O. Bldg	District engineer	W
		107 Old P. O. Bldg	Engineer	T
	Jefferson City	Box 432	Regional geologist	G
	Memphis	Memphis General Depot, U. S. Army	Engineer in charge	W
Texas	Austin	302 W. 15th St	District engineer, surface water	W
		302 W. 15th St	District engineer, ground water	W
		P. O. Box 1682, University Station ("B" Hall, University of Texas)	District chemist	W
	Houston	Care of U. S. Weather Bureau	Engineer in charge	W
		704 City Hall	Geologist in charge	W
Utah	Salt Lake City	506 Federal Bldg	Regional geologist	G
		303 Federal Bldg	District engineer, surface water	W
		303 Federal Bldg	District geologist	W
		303 Federal Bldg	District engineer, utilization of water	W
		306 Federal Bldg	Geologist in charge	C
		306 Federal Bldg	District engineer	C
		306 Federal Bldg	District mining supervisor, Salt Lake City district.	C
Vermont [1]				
Virginia	Charlottesville	P. O. Box 1338, University Station (House G, Dawson Row, University of Virginia).	District Engineer	W
		P. O. Box 1836, University Station (Brooks Museum, University of Virginia).	Geologist in charge	W
		P. O. Box 1488 (14–B Cobb Chemical Laboratory, University of Virginia)	District chemist	W
Washington	Spokane	707 Peyton Bldg	Regional geologist	G
	Tacoma	207 Federal Bldg	District engineer, surface water	W
		207 Federal Bldg	District engineer, utilization of water	W
		410 Federal Bldg	District hydraulic engineer, Tacoma district	C
West Virginia	Charleston	408 Union Bldg	District engineer	W
	Morgantown	P. O. Box 854 (309 Mineral Industries Bldg.)	Resident geologist	W
Wisconsin	Madison	Care of Public Service Commission of Wisconsin, 666 State Office Bldg	District engineer	W
		Science Hall, University of Wisconsin	Geologist in charge	W
		Care of University of Wisconsin	Regional geologist	G
Wyoming	Casper	P. O. Box 400	Geologist in charge	C
		P. O. Box 400	Supervisor, northwestern region	C
	Cheyenne	Care of State Engineer's Office, State Capitol	Resident geologist	W
	Midwest	P. O. Box 428	District engineer	C
	Thermopolis	P. O. Box 590	District engineer	C
	Worland	Washakie County Courthouse	Engineer in charge	W
TERRITORIES				
Alaska	Fairbanks	P. O. Box 1088	Geologist in charge	G
	Juneau	P. O. Box 2811	Mining engineer	C
		P. O. Box 2659	Geologist in charge	C
Hawaii	Honolulu	225 Federal Bldg	District engineer	W
		333 Federal Bldg	District geologist	W

[1] See Washington, D. C., for addresses.

SUBPART B—PROCEDURE

§ 200.100 *Regulations.* Regulations usually are drafted by scientific and technical personnel in the field or in Washington, D. C., engaged in the performance of the mineral classification and mineral lease supervisory functions of the Geological Survey. Industry advice is sought when warranted by the novelty or unusual complexity of a particular problem. The draft of proposed regulations is reviewed by each division of the Geological Survey concerned, by the Office of the Chief Counsel, and, if approved by the Director of the Geological Survey,

is submitted, after review by the Solicitor's Office, to the Secretary of the Interior for approval and promulgation.

§ 200.101 *Exercise of supervisory functions.* The regulations provide in detail the manner in which oil and gas and mining lessees or their operators may effect compliance therewith and also set forth the manner in which, in proper cases and upon application, relief may be obtained under the regulations or specific provisions may be modified, suspended or waived. The procedure for filing such applications, the forms to be used, the information required to be submitted, notice as to the action taken upon such applications, and the manner in which appeals from denials or rejections of applications may be taken are set forth in 30 CFR, Parts 201, 211, 216, 221, 231, and 241. The applications referred to in this section must be submitted to the supervisor for the district in which the leased lands are situated. The address of the appropriate supervisor will be found in Subpart A of this part.

§ 200.104 *Forms and reports.* Under regulations, the following reports are required to be filed on the forms listed:

(a) *Coal.* (1) Prospecting, production, royalty reports on coal prospecting permits on Forms 9–367, Alaska; 9–374 Billings, Montana; 9–374a, Denver, Colorado; 9–374b, Salt Lake City, Utah; 9–374c, Carlsbad, New Mexico. These forms require information each month relating to the amount of coal mined, amount disposed of and royalty thereon, work done and cost thereof, and results of prospecting. (See 30 CFR 211.6.)

(2) Production and royalty reports on coal leases on Forms 9–373a, continental United States; 9–519, Alaska. These forms require information each calendar quarter relating to the amount of coal mined, amount sold, royalty, sales price, and receipts. (See 30 CFR 211.6.)

(3) Production reports on coal licenses in continental United States and on mining permits, Alaska, on Form 9–370. This form requires information semiannually relating to the amount of coal mined, amount disposed of, wages, opertaing costs, sales, and income. (See 30 CFR 211.6.)

(4) Annual reports on coal leases on Form 9–372. This form requires information on the amount of coal mined, amount sold, amount produced from fee land connected with the lease, receipts, costs of improvements and other works placed on the leased land. (See 30 CFR 211.6.)

(b) *Potassium and sodium.* (1) Production reports on potassium and sodium prospecting permits on form 9–128, Carlsbad, New Mexico; 9–128c, Salt Lake City, Utah; 9–128d, all other districts. These forms require information each calendar quarter relating to prospecting operations, including the nature thereof, extent, cost, and amount removed for experimentation and research. (See 30 CFR 231.3 (c).)

(2) Production and royalty reports on potassium and sodium leases on form 9–128a. This form requires information each month relating to the output from the leased land, the amount in storage, amount disposed of, unit and total value, and royalty thereon. (See 30 CFR 231.3 (c).)

(3) Annual production reports on potassium and sodium leases on form 9–128B. This form requires information relating to the output from the leased land, the amount in storage, amount disposed of and gross value thereof, total amount of products, and cost of production. (See 30 CFR 231.3 (c).)

(c) *Phosphate.* (1) Production and royalty reports on phosphate leases on form 9–368. This form requires information each calendar quarter relating to the amount of phosphate rock mined, its character and quality, amount in storage, products and byproducts disposed of, unit and gross value, and royalty. (See 30 CFR 231.3 (c).)

(2) Annual reports on phosphate leases on form 9–369. This form requires information on the output from leased land, the amount in storage, amount disposed of and gross value thereof, total amount of products, and cost of production. (See 30 CFR 231.3 (c).)

(d) *Silica sands.* Production and royalty reports on silica sand leases on form 9–1146. This form requires information each calendar quarter on the production from leased land, unit and gross value at point of shipment to market, and royalty. (See 30 CFR 231.3 (c).)

(e) *Oil shale and sulphur.* Production and royalty reports on the above-described potassium and sodium forms.

(f) *Logs of prospect bore holes drilled for coal, potassium, sodium, phosphate, silica sands, sulphurs, and oil shale on form 9–1147.* This form requires, not later than 15 days after the completion of each bore hole, a complete and accurate log and history, in chronological order, of all operations conducted on the bore hole. (See 30 CFR 211.16, subsections (a) and (b), and 231.3 (c).) Form 9–331a, Sundry Notices and Reports on Wells (30 CFR 211.58) shall be used in connection with form 9–1147.

(g) *Oil and gas.* (1) Log and history of well on oil and gas leases on form 9–330. This form requires complete information, in chronological order, of all operations conducted on the well. (See 30 CFR 221.59.)

(2) Sundry notices and resports on wells on oil and gas lease on form 9–331A, Public lands; form 9–331B, Indian lands. These forms cover all notices of intention and all subsequent reports on individual wells except those for which special forms are prescribed. (See 30 CFR 221.58.)

(3) Monthly report of operations on oil and gas lease on form 9–329, Public lands; form 9–329A, Indian lands. These forms require complete information on all operations conducted on each well during each calendar month. (See 30 CFR 221.60.)

(4) Daily report of gas-producing wells on oil and gas lease on form 9–352. This form requires the submission to the oil and gas supervisor daily of the readings of all meters showing production of natural gas and meter charts. (See 30 CFR 221.61.)

(5) Statement of oil and gas runs and royalties on oil and gas lease on form 9–361, Public lands; form 9–361A, Indian lands. These forms require a monthly report of each run of oil, all sales, and royalty accruing therefrom. (See 30 CFR 221.62.)

(6) Royalty and rental remittance on oil and gas lease on form 9–614A, Indian lands. This form is required to be submitted with each remittance of royalty or rental payments. (See 30 CFR 221.63.)

(7) Loyalty and rental remittance on oil and gas lease on form 11 ND Naval Petroleum Reserves. This form is required to be submitted with each remittance of royalty and rental payments on naval petroleum reserves. (See 30 CFR 221.64.)

C. GIRARD DAVIDSON,
Assistant Secretary.

AUGUST 28, 1946.

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NATIONAL PARK SERVICE

[36 CFR, Ch. I]

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SUBPART A—ORGANIZATION

ESTABLISHMENT

§ 01.0 *Creation.* The National Park Service was established in the Department of the Interior by statute on August 25, 1916.

§ 01.1 *Purpose.* The National Park Service promotes and regulates the use of national parks, monuments, and similar reservations in conformity with the

statutory mandate "to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

§ 01.5 *General description.* The National Park Service is composed of a headquarters staff in Chicago, Illinois, and a liaison office in Washington, D. C., four regional offices and eleven types of field activities, such as national parks, monuments, and historical sites. Each activity is under the supervision of a superintendent or custodian who reports to the regional director. Regional directors in turn report to the Director of the Service.

HEADQUARTERS ORGANIZATION

§ 01.6 *General description.* The Director of the National Park Service is in charge of the Service. The headquarters organization consists of the Director and several assistants, staff divisions, and seven technical branches. Under the supervision of the Director, the headquarters staff formulates policies for the protection, preservation and use of the national park areas. It directs the interpretive services in natural sciences, history and archeology rendered for the public, provides for museum developments, and investigates proposed additions to the national park system. The headquarters organization, through an Office of National Capital Parks, maintains the Executive Mansion and Grounds in Washington, D. C.

Staff offices and divisions consist of the Office of Chief Counsel, which supervises legal matters, the Office of Information, which supervises informational work, the Office of Chief Clerk, the Personnel Division, and the Safety Division, which supervises building fire protection and accident prevention programs.

§ 01.7 *Branch of Concessions.* The Branch of Concessions supervises matters pertaining to concessioners' affairs, including the initiation of concession policies; plans and negotiates for new concessions and the improvement of existing facilities to provide adequate and proper accommodations for the public; and consults with and advises concessioners concerning their operations.

01.8 *Branch of Engineering.* The Branch of Engineering supervises engineering (except major road construction), sanitation control and water rights projects in park areas; has charge of surveys, maps, land description, planning, design and construction, road maintenance and minor road construction, hydraulic structures, materials research, radio installation and research, and the formulation of engineering codes and standards.

01.9 *Branch of Forestry.* The Branch of Forestry supervises fire protection work, and the preservation and protection of park and monument forests from injurious insects and diseases and from preventable damage. The Branch cooperates with other bureaus and agencies in fire protection and insect and tree disease control, and supervises forest planting, wood preservation and utilization, and forest studies.

§ 01.10 *Branch of History.* The Branch of History supervises technical matters pertaining to historic and archeologic sites and buildings, including their preservation and protection. It coordinates research, planning, and interpretive programs for such sites, and carries on investigations for the purpose of developing a comprehensive long-time plan for the acquisition, preservation and use of such sites and buildings.

§ 01.11 *Branch of Lands.* The Branch of Lands supervises and coordinates the investigation and acquisition of lands and the adjustment of boundaries. It maintains land status and land use records and prepares data and maps for inclusion in reports and publications. The Branch handles proposals for naming geographical features within the national park system, and supervises recreational studies of other Federal lands and cooperative work on behalf of states and communities under the Park, Parkway and Recreational Study Act of 1936.

§ 01.12 *Branch of Natural History.* The Branch of Natural History supervises the study and interpretation of natural history, coordinates protective work pertaining to wildlife and to geological and biological features in scenic and scientific sites and prepares conservation and other scientific information. It plans, prepares and installs museum exhibits, and exercises general direction over museum programs. The Branch coordinates grazing studies and range and wildlife management.

§ 01.13 *Branch of Plans and Design.* The Branch of Plans and Design supervises architectural and landscape design and construction and prepares master plans for the control of physical developments. It collaborates with the Public Roads Administration in the location, design and construction of major roads and parkways. The Branch reviews concessioners' development plans, directs the Historic American Building Survey, and recommends proposed park sites.

§ 01.14 *Washington Liaison Office.* The headquarters office was transferred from Washington, D. C., to Chicago, Illinois, in 1942. Since that time a small liaison office has remained in Washington to carry out special assignments for the Director, to contact and maintain liaison with officials of the Department of the Interior as well as other Government agencies, to attend Congressional committee hearings and to handle other matters requiring special attention there. The Associate Director of the Service is in charge of the Washington Liaison Office.

FIELD ORGANIZATION

§ 01.30 *Regional Offices.* Each Regional Office consists of a Regional Director and a staff of regional, technical and administrative employees. A regional director serves as the representative of the Director of the National Park Service concerning matters within his region, and is responsible for seeing that the policies of the Department of the Interior and the Service are understood and uniformly applied in the individual activities under his jurisdiction. The staff renders technical advice and assistance to the superintendents and custodians under the Regional Director's supervision.

§ 01.31 *Field Activities.* There are eleven classifications of field activities. The work of a field activity logically falls into administrative, protection, maintenance and construction, and research and interpretive divisions. A superintendent or custodian is in direct charge of his activity and supervises all operations. He is responsible for maintaining the policies and rules and regulations of the National Park Service.

§ 01.32 *Office of National Capital Parks.* The Office of National Capital Parks is a field office of the National Park Service and is located in Washington, D. C. This Office is charged with administrative jurisdiction over the National Capital Parks in the District of Columbia and its environs embracing 750 reservations, including the George Washington Memorial Parkway and the Chopawamsic Recreational Area in Virginia, and the Chesapeake and Ohio Canal in Maryland. This Office also has administrative jurisdiction over the Lee Mansion National Memorial and the Battleground National Cemetery in Virginia, the House Where Lincoln Died, the Lincoln Memorial, the Lincoln Museum, the Thomas Jefferson Memorial, and the Washington Monument in Washington, D. C. The Office of the National Capital Parks is under the immediate supervision of a Superintendent, and the general supervision of the Associate Director of the National Park Service.

LIST OF DELEGATIONS OF AUTHORITY

§ 01.50 *Purpose of list of delegations of authority.* The following sections are not in themselves delegations of authority. The sections are merely a list of delegations and indicate the various matters with respect to which delegations have been made. They are intended merely as an index and outline. For the scope and limitations of delegations of authority, the specific regulations and orders to which cross references are made must be consulted.

§ 01.51 *Director.* The Director has authority:

(a) To perform various functions at Hot Springs National Park; approve construction and concession contracts. See Order No. 1815 (8. F. R. 6552).

(b) To act in connection with concessioners and concession contracts. See Order No. 1932 (9 F. R. 3040).

(c) In specific areas, to authorize disposition of carcasses of birds or animals; to designate areas where dogs and cats may not be admitted; to issue, limit, or revoke various types of permits and licenses for use of areas within the National Park System or the conducting of approved types of commercial or other activities thereon; suspend or waive collection of fees; to prescribe periods of park operation; to authorize the building

of fences or other structures; to approve regulations for use of sport facilities; to authorize exemption of certain employees from operation of regulations governing hours of labor and wages. See 36 CFR, Parts 2, 3, 28, 34.

(d) To permit filming of motion or sound pictures. See Order No. 2029 (10 F. R. 2522).

§ 01.52 *Superintendents.* The Superintendents have authority, in specific areas, to:

(a) Issue, limit or revoke various kinds of licenses and permits for the use of lands within the National Park System and the conduct of certain types of activities thereon; permit cutting dead or down timber; designate fruits which may be taken; regulate use of picnicking facilities, use of camp sites, bathing, smoking, and building of fires; permit carrying of firearms, use of public address systems, mountain climbing in certain parks or monuments, and the collection of scientific specimens in certain instances; require delivery of archaeological objects found or purchased; regulate visitation to ancient ruins; permit saddle horse operations; restrict use of spring waters; remove disorderly persons; receive and return lost articles; authorize posting of private notices; close roads or trails; prescribe load and weight limitations for use of roads; establish hours and direction of travel on roads; determine commercial vehicles to be admitted; issue special trucking permits; regulate use of trailers; determine hours during which entrances and exits shall be open; permit carrying of inspected parcels, dumping, storage of vehicles; regulate boating and use of boating facilities; designate places to be used for various kinds of recreation; give examinations, supervise service and prescribe rates of guides. See 36 CFR, Parts 2, 3, 20, 21, 23, 25–28, inclusive.

§ 01.53 *Park Rangers.* The Park Rangers have authority to:

(a) Permit digging or leveling for camp sites; issue permits for building fires. See 36 CFR, Part 2.

§ 01.54 *Superintendent, National Capital Parks.* The Superintendent has authority within National Capital Park areas in the District of Columbia and its environs to:

(a) Issue, limit, and revoke various kinds of licenses and permits; designate and regulate the use of camp sites, campfires, and picnic groves; regulate dumping or storage of materials, advertising and commercial soliciting, excavations and the stringing of wires, use of athletic grounds, hunting, fishing; permit parades and ceremonies; regulate use of roads or trails and the parking of automobiles; prescribe load and weight limitations; establish hours and direction of travel; regulate or prohibit the use of park roads by commercial trucks; establish taxicab stands; regulate or prohibit bicycling, roller skating, and coasting; permit boating; designate places to be used for various kinds of recreation; receive and return lost articles found in park areas; permit the filming of motion pictures and the collecting of scientific specimens. See 36 CFR, 1945 Supp., Part 3.

PLACES TO OBTAIN INFORMATION AND MAKE REQUESTS

§ 01.80 *Inquiries and requests in general.* General information concerning the functions, policies, program and activities of the National Park Service, or concerning the National Park System as a whole, may be obtained by addressing The Director, National Park Service, Merchandise Mart, Chicago 54, Illinois.

Inquiries concerning a specific park, monument or other area within the National Park System should be addressed to the superintendent or custodian in charge, who can also supply free informational literature. Inquiries concerning areas under the jurisdiction of the Office of the National Capital Parks should be addressed to the Superintendent, National Capital Parks, National Park Service, Department of the Interior, Washington 25, D. C.

Requests for reservations for overnight accommodations in national park, monument or other National Park Service areas, should be addressed to the authorized concessioner within such area, if known; otherwise, the request may be addressed to the superintendent or custodian in charge of the area. Applications for permits with respect to activities on, or use of, National Park Service areas should be submitted to the superintendent or custodian in charge of the area, subject to certain exceptions as outlined in 36 CFR 01.102.

Prospective visitors to National Park Service areas should consult the rules and regulations (see 36 CFR, Chapter I) for information regarding the requirements to be observed.

The National Park Service publishes free information publications relating to most of the areas in the National Park System. In addition, there are a number of publications for sale, dealing with historical areas, the geology, fauna and flora of the parks, etc., which may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D. C., from whom lists of such publications may also be obtained. Lists of publications, both free and for sale, are also obtainable from the Director, National Park Service.

§ 01.81 *Location of Headquarters Organization.* The Office of the Director of the National Park Service, the staff offices, and the offices of the chiefs of the Branches are in Chicago, Illinois.

§ 01.82 *Locations of Regional Offices and Field Activities.* Locations of the Regional Offices, with alphabetical listing of the States comprising the region and alphabetical listing of the field activities by States, appear below. The classification of the field activities is:

National Parks; National Historical Parks; National Military Parks; National Monuments; National Battlefield Sites and Parks; National Historic Sites; National Memorials; National Cemeteries; Recreational Areas; National Parkways; National Capital Parks.

The locations and post office addresses of the regional offices and field activities are as follows:

REGIONAL OFFICES AND FIELD ACTIVITY

(A) REGION ONE: THE MOSQUE, LAUREL AND MAIN STREETS, RICHMOND 20, VA.

Comprises States of:

(1) Alabama: (No field activity).
(2) Connecticut: (No field activity).
(3) Delaware: (No field activity).
(4) Florida:
- Castillo de San Marcos National Monument, St. Augustine.
- Fort Jefferson National Monument, Key West.
- Fort Matanzas National Monument, St. Augustine.

(5) Georgia:
- Atlanta Campaign National Historic Site.
- Superintendent, Chickamauga and Chattanooga National Military Park, Fort Oglethorpe, Ga.
- Chickamauga and Chattanooga National Military Park, Fort Oglethorpe.
- Fort Frederica National Monument, St. Simon's Island.
- Fort Pulaski National Monument, Savannah.
- Kennesaw Mountain National Battlefield Park, Marietta.
- New Echota Marker National Memorial, Calhoun.
- Ocmulgee National Monument, Macon.

(6) Kentucky:
- Abraham Lincoln National Historical Park, Hodgenville.
- Mammoth Cave National Park, Mammoth Cave.
- Otter Creek Recreational Demonstration Area, Rock Haven.

(7) Louisiana: Chalmette National Historical Park, Arabi.
(8) Maine:
- Arcadia National Park, Bar Harbor.
- Camden Hills Recreational Demonstration Area, Camden.

(9) Maryland:
- Antietam National Battlefield Site, Sharpsburg.
- Antietam National Cemetery, Sharpsburg.
- Catoctin Recreational Demonstration Area, Thurmont.
- Fort McHenry National Monument and Historic Shrine, Baltimore.

(10) Massachusetts: Salem Maritime National Historic Site, Salem.
(11) Mississippi:
- Ackia Battleground National Monument, Superintendent, Natchez Trace Parkway, Tupelo, Miss.
- Brices Cross Roads National Battlefield Site, Superintendent, Natchez Trace Parkway, Tupelo.
- Natchez Trace Parkway, Tupelo.
- Tupelo National Battlefield Site, Superintendent, Natchez Trace Parkway, Tupelo.
- Vicksburg National Cemetery, Vicksburg.
- Vicksburg National Military Park, Vicksburg.

(12) New Hampshire: (No field activity).
(13) New Jersey: Morristown National Historical Park, Morristown.
(14) New York: Father Millet Cross National Monument, Superintendent, Morristown National Historical Park, Morristown, N. J.
- Federal Hall Memorial National Historic Site, Superintendent, Morristown National Historical Park, Morristown, N. J.
- Home of Franklin D. Roosevelt National Historic Site, Hyde Park.
- Saratoga National Historical Park, Stillwater.
- Statue of Liberty National Monument, Station P, Bedloe's Island, N. Y.
- Vanderbilt Mansion National Historic Site, Hyde Park.
- White Plains National Battlefield Site, Superintendent, Statue of Liberty National Monument, Station P, Bedloe's Island, N. Y.

(15) North Carolina:
Fort Raleigh National Historic Site, Manteo.
Guilford Courthouse National Military Park, Greensboro.
Kill Devil Hill Monument National Memorial, Kill Devil Hills.
Moores Creek National Military Park, Currie, Pender County.
(16) Ohio:
Mound City Group National Monument, Chillicothe.
Perry's Victory and International Peace Memorial National Monument, Put-in-Bay.
(17) Pennsylvania:
Fort Necessity National Battlefield Site, Farmington.
Gettysburg National Cemetery, Gettysburg.
Gettysburg National Military Park, Gettysburg.
Hopewell Village National Historic Site, Birdsboro.
Old Philadelphia Custom House, Superintendent, Morristown National Historical Park, Morristown, N. J.
(18) Rhode Island: (No field actfvity.)
(19) South Carolina:
Castle Pinckney National Monument, Superintendent, Castillo de San Marcos National Monument, St. Augustine, Fla.
Cowpens National Battlefield Site, Superintendent, Kings Mountain National Military Park, Kings Creek.
Kings Mountain National Military Park, Kings Creek.
(20) Tennessee:
Andrew Johnson National Monument, Greenville.
Fort Donelson National Cemetery, Dover.
Fort Donelson National Military Park, Dover.
Great Smoky Mountains National Park, Gatlinburg.
Meriwether Lewis National Monument, Hohenwald.
Shiloh National Cemetery, Pittsburg Landing.
Shiloh National Military Park, Pittsburg Landing.
Stones River National Cemetery, Murfreesboro.
Stones River National Military Park, Murfreesboro.
(21) Vermont: (No field activity.)
(22) Virginia:
Appomattox Court House National Historical Monument, Appomattox.
Blue Ridge Parkway, Roanoke.
Colonial National Historical Park, Yorktown.
Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park, Fredericksburg.
Fredericksburg National Cemetery, Fredericksburg.
George Washington Birthplace National Monument, Washington's Birthplace, Westmoreland County.
Manassas National Battlefield Park, Manassas.
Petersburg National Military Park, Petersburg.
Poplar Grove National Cemetery, Petersburg.
Richmond National Battlefield Park, Richmond.
Shenandoah National Park, Luray.
Yorktown National Cemetery, Yorktown.
(23) West Virginia: (No field activity).

(B) REGION TWO, KEELINE BUILDING, OMAHA 2, NEBR.

Comprises States of—

(1) Colorado (see also Region Three):
Holy Cross National Monument, Superintendent, Rocky Mountain National Park, Estes Park.
Rocky Mountain National Park, Estes Park.
(2) Illinois: (No field activity).
(3) Indiana: (No field activity).
(4) Iowa: (No field activity).
(5) Kansas: (No field activity).
(6) Michigan: Isle Royale National Park, Houghton.
(7) Minnesota: Pipestone National Monument, Pipestone.
(8) Missouri:
Cuivre River Recreational Demonstration Area, Troy.
Jefferson National Expansion Memorial, St. Louis.
Lake of the Ozarks Recreational Demonstration Area, Kaiser.
Montserrat Recreational Demonstration Area, Knob Noster.
(8a) Montana:
Big Hole Battlefield National Monument, Superintendent, Yellowstone National Park, Yellowstone Park, Wyo.
Custer Battlefield National Monument, Crow Agency.
Glacier National Park, Belton.
(9) Nebraska:
Homestead National Monument, Beatrice.
Scotts Bluff National Monument, Gering.
(10) North Dakota:
Verendrye National Monument, Sanish.
(11) South Dakota:
Badlands National Monument, Interior.
Custer Recreational Demonstration Area, Superintendent, Wind Cave National Park, Hot Springs.
Fossil Cycad National Monument, Superintendent, Wind Cave National Park, Hot Springs.
Jewell Cave National Monument, Superintendent, Wind Cave National Park, Hot Springs.
Mount Rushmore Naitonal Memorial, Superintendent, Wind Cave National Park, Hot Springs.
Wind Cave National Park, Hot Springs.
(12) Utah (see also Region Three):
Dinosaur National Monument, Jensen.
(13) Wisconsin:
(No field activity).
(14) Wyoming:
Devils Tower National Monument, Devils Tower.
Fort Laramie National Monument, Fort Laramie.
Grand Teton National Park, Moose, Teton County.
Jackson Hole National Monument, Moose, Teton County.
Shoshone Caverns National Monument, Superintendent, Yellowstone National Park, Yellowstone Park.
Yellowstone National Park, Yellowstone Park.

(C) REGON THREE, BOX 1728, SANTA FE, N. MEX.

Comprises States of—

(1) Arizona:
Canyon de Chelly National Monument, Box 8, Chinle.
Casa Grande National Monument, Coolidge.
Chiricahua National Monument, Dos Cabezos.
Grand Canyon National Monument, Superintendent, Grand Canyon National Park, Grand Canyon.
Grand Canyon National Park, Grand Canyon.
Montezuma Castle National Monument, Camp Verde.
Navajo National Monument, Tonalea.
Organ Pipe Cactus National Monument, Ajo.
Petrified Forest National Monument, Holbrook.
Pipe Spring National Monument, Mocassin.
Saguaro National Monument, Route 2, Box 544, Tucson.
Sunset Crater National Monument, Tuba Star Route, Wuptaki National Monument, Flagstaff.
Tonto National Monument, Roosevelt.
Tumacacori National Monument, Nogales Star Route, Nogales.
Tuzigoot National Monument, Box 36, Clarkdale.
Walnut Canyon National Monument, Box 400, R. R. No. 1, Flagstaff.
Wupatki National Monument, Tuba Star Route, Flagstaff.
(2) Arkansas: Hot Springs National Park, Hot Springs.
(3) Colorado (see also Region Three):
Black Canyon of the Gunnison National Monument, Superintendent, Mesa Verde National Park.
Colorado National Monument, Fruita.
Great Sand Dunes National Monument, Regional Director, National Park Service, Box 1728, Santa Fe, N. Mex.
Hovenweep National Monument, Superintendent, Mesa Verde National Park.
Mesa Verde National Park, Mesa Verde.
Wheeler National Monument Regional Director, National Park Service, Box 1728, Santa Fe, N. Mex.
Yucca House National Monument, Superintendent, Mesa Verde National Park.
(4) Nevada (see also Region Four):
Boulder Dam National Recreational Area, Boulder City.
Lehman Caves National Monument, Baker.
(5) New Mexico:
Aztec Ruins National Monument, Aztec.
Bandelier National Monument, Box 1321, Santa Fe.
Capulin Mountain National Monument, Capulin.
Carlsbad Caverns National Park, Carlsbad.
Chaco Canyon National Monument, Blanco Trading Post, Bloomfield.
El Morro National Monument, Ramah.
Gila Cliff Dwellings National Monument, Silver City.
Gran Quivira National Monument, Gran Quivira.
White Sands National Monument, Box 231, Alamogordo.
(6) Oklahoma: Platt National Park, Sulphur.
(7) Texas:
Big Bend National Park, Marathon.
Lake Texoma Recreational Area, Denison.
(8) Utah (see also Region Two):
Arches National Monument, Moab.
Bryce Canyon National Park, Springdale.
Capitol Reef National Monument, Superintendent, Zion National Park, Springdale.
Cedar Breaks National Monument, Superintendent, Zion National Park, Springdale.
Natural Bridges National Monument, Regional Director, National Park Service, Box 1728, Santa Fe, N. Mex.
Rainbow Bridge National Monument, Regional Director, National Park Service, Box 1728, Santa Fe, N. Mex.
Timpanogos Cave National Monument, Pleasant Grove.
Zion National Monument, Superintendent, Zion National Park, Springdale.
Zion National Park, Springdale.

(d) REGION FOUR, 601 SHELDON BUILDING, SAN FRANCISCO 5, CALIF.

Comprises States and Territories of—

(1) California:
Cabrillo National Monument, Superintendent, Sequoia National Park.
Channel Islands National Monument, Superintendent, Sequoia National Park.
Death Valley National Monument, Death Valley.
Devil Postpile National Monument, Superintendent, Yosemite National Park.
Joshua Tree National Monument, Box 289, Twentynine Palms.
Lassen Volcanic National Park, Mineral.
Lava Beds National Monument, Tulelake.
Millerton Lake Recreational Area, Friant.
Mendocino Woodlands Recreational Demonstration Area, Mendocino.
Muir Woods National Monument, Mill Valley.

Pinnacles National Monument, Pinnacles.
Sequoia-Kings Canyon National Parks, Sequoia National Park.
Shasta Lake Recreational Area, Redding.
Yosemite National Park, Yosemite National Park.
(2) Idaho: Craters of the Moon National Monument, Arco.
(3) Nevada (see also Region Three): (No field activity.)
(4) Oregon:
Crater Lake National Park, Medford.
Oregon Caves National Monument, Superintendent, Crater Lake, National Park, Medford.
Silver Creek Recreational Demonstration Area, R. F. D. No. 1, Sublimity.
(5) Washington:
Mount Rainier National Park, Longmire.
Olympic National Park, Port Angeles.
Whitman National Monument, Superintendent, Mount Rainier, National Park, Longmire.
(6) Alaska:
Glacier Bay National Monument, Regional Director, National Park Service, 601 Sheldon Building, San Francisco 5, Calif.
Katmai National Monument, Superintendent, Mount McKinley National Park, McKinley Park.
Mount McKinley National Park, McKinley Park.
Old Kasaan National Monument, Superintendent, Mount McKinley National Park, McKinley Park.
Sitka National Monument, Sitka.
(7) Hawaii: Hawaii National Park, Hawaii National Park, Hawaii, T. H.

(e) NATIONAL CAPITAL PARKS, 1228 INTERIOR BUILDING, WASHINGTON 25, D. C.

NOTE: All areas listed below have the address shown above

(1) District of Columbia:
Battleground National Cemetery.
House Where Lincoln Died.
Lincoln Memorial.
Lincoln Museum.
National Capital Parks (750 reservations).
Thomas Jefferson Memorial.
Washington Monument.
(2) Maryland: Chesapeake and Ohio Canal.
(3) Virginia: George Washington Memorial Parkway, Lee Mansion.

SUBPART B—PROCEDURE

§ 01.100 *Regulations.* Regulations usually originate in a draft of proposed regulations prepared by field personnel, administrative personnel in the Director's Office engaged in a particular function, or legal personnel in the Director's Office utilizing information supplied by administrative personnel. The draft of proposed regulations is reviewed by each branch of the National Park Service which may be concerned, and if approved by the Director, is submitted, after review by the Solicitor's Office, to the Secretary of the Interior for approval and promulgation.

§ 01.102 *Applications.* (a) Applications for permits with respect to activities on, or the use of, National Park Service area should be submitted to the National Park Service officer in charge of the area in question, subject to the following exceptions:

(1) Applications for permits made pursuant to §§ 2.16 (a) and 5.5 of this chapter should be submitted to the Secretary of the Interior.

(2) Applications for permits made pursuant to §§ 2.13 (a), 2.20 (a), 2.31 (a), 2.31 (c), 2.31 (d), 20.53 and 34.1–34.4 of this chapter should be submitted to the Director of the National Park Service.

(3) Applications for permits made pursuant to §§ 2.3 (h), 2.8 (g), and 20.26 (c) of this chapter should be submitted to a National Park Service ranger for the area in question.

In general, applications for permits are of an informal nature and may be submitted in the form of a letter, or, in the case of those listed in subparagraph (3), orally.

Applicants are notified by letter of the action taken in connection with their applications. Applicants may secure reconsideration of action taken by rangers by presenting the case to the appropriate officer in charge of the National Park Service area, and may secure reconsideration of action taken by officers in charge of National Park Service areas by writing to the appropriate Regional Director or to the Director. Actions of the Director are subject to review by the Secretary of the Interior upon request.

§ 01.104 *National Monuments.* The National Park Service prepares reports for submission by the Secretary of the Interior to the President on proposals to create national monuments under the act of June 8, 1936 (34 Stat. 225; 16 U. S. C. 431).

§ 01.105 *Recreational Demonstration Projects.* The President approves transfers of recreational demonstration projects by the Secretary of the Interior to States, or political subdivisions thereof, and to Federal agencies under the act of June 6, 1942 (56 Stat. 326; 16 U. S. C., Sup., 459r).

C. GIRARD DAVIDSON,
Acting Secretary.

AUGUST 28, 1946.

[F. R. Doc. 46-15424; Filed, Aug. 28, 1946; 2:22 p. m.]

OFFICE OF INDIAN AFFAIRS

[25 CFR, Ch. I]

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SUBPART A—ORGANIZATION

ESTABLISHMENT

§ 01.0 *Creation.* The Bureau of Indian Affairs was created in the War Department in 1824 and transferred to the Department of the Interior at the time of its establishment in 1849.

§ 01.1 *Purpose.* The purpose of the Bureau of Indian Affairs is to carry out the provisions of nearly 5,000 statutes and treaties in order to protect the interests and promote the welfare of more than 417,000 Indians, including more than 30,000 natives (Indians, Aleuts, and Eskimos) of Alaska. Its main objectives are the economic and social rehabilitation of the Indian, the organization of Indian tribes so that they may manage their own affairs, and the adaptation of native Indian institutions and culture to modern conditions.

§ 01.2 *General description.* The Bureau of Indian Affairs is composed of a headquarters staff in Chicago, Illinois, a liaison office in Washington, D. C., five district offices, the Alaska Native Service, which has the same organizational status as a district office, and several score field jurisdictions which are the operating units in the field. The field jurisdictions include Indian agencies, schools, sanitoria, and irrigation projects, each of which is supervised by a Superintendent. Superintendents report to a District Director, who in turn reports to the Commissioner of Indian Affairs.

HEADQUARTERS ORGANIZATION

§01.5 *General description.* The headquarters organization is called the Office of the Commissioner, and is made up of the Commissioner of Indian Affairs,

two Assistant Commissioners, two staff offices and five technical branches.

§ 01.6 *Commissioner.* The Commissioner of Indian Affairs is the chief executive of the Bureau. The Office of the Commissioner develops, interprets, and implements national policy on Indian affairs. It establishes objectives and standards of performance, develops integrated programs designed to accomplish the Bureau's objectives, and exercises general direction and control over all field operations.

§ 01.7 *Office of the chief counsel.* The office of the chief counsel, under general supervision of the Solicitor of the Department, reviews and advises on legal matters and is responsible for the probate of Indian estates.

§ 01.8 *Office of Information.* The office of Information directs the informational work of the Bureau of Indian Affairs; handles requests from the public for information relating to Indians and Bureau activities; and supervises the publication of material dealing with Bureau activities.

§ 01.10 *Branch of Administration.* The Branch of Administration is responsible for all phases of administrative management, including budget, finance, personnel, property, and office services.

§ 01.11 *Branch of Education.* The Branch of Education develops curricula for Indian schools. It provides education facilities through the operation of about 400 day schools, boarding schools, and community centers, and through Federal aid for the education of Indian children attendin gpublic and mission schools. The Branch arranges and provides education loans for Indians desiring to attend vocational schools, colleges and universities. It provides guidance to aid Indians in receiving maximum benefits from education. The Director of Education also supervises welfare, and law enforcement.

§ 01.12 *Branch of Engineering.* The Branch of Engineering prepares plans and specifications, and develops engineering standards for construction and maintenance programs. It directs field activities related to the construction, maintenance and operation of roads, buildings, utilities, communications systems, and irrigation projects, including incidental power systems.

§ 01.13 *Branch of Health.* The Branch of Health develops and supervises health programs, undertakes to prevent and to lower the incidence and severity of tuberculosis, trachoma and other communicable diseases, and to reduce infant mortality. The Branch provides medical services to Indians through 70 hospitals and sanatoria and more than 100 clinics.

§ 01.14 *Branch of Resources.* The Branch of Resources develops plans for the conservation and improvement of 56,000,000 acres of Indian lands, water, minerals, forests, wildlife, and other resources to better the economic status of the Indian. It provides agricultural and industrial guidance, handles oil, gas, and mineral leases and mining permits, rights-of-way and boundary disputes, and provides credit facilities to assist Indians in establishing themselves in income-producing enterprises related to the utilization of resources.

§ 01.15 *Indian Arts and Crafts Board.* (a) The Indian Arts and Crafts Board is a statutory body established in the Department of the Interior in 1935. The Board is charged with the promotion of the economic welfare of the Indians through the development of Indian arts and crafts and the expansion of markets for the products of Indian arts and craftsmanship.

(b) The Board is composed of five Commissioners appointed by the Secretary of the Interior. The Board appoints a manager with the approval of the Secretary.

FIELD ORGANIZATION

§ 01.20 *District Offices.* Each District Office consists of a District Director, a District counsel, and a small staff of District supervisors who direct the execution of approved plans and programs for field jurisdictions within the District in accordance with the policies, objectives and standards established by the Office of the Commissioner, and provide expert technical and professional assistance to the field jurisdictions. The District Offices conduct programs which are beyond the capacity or responsibility of the field jurisdictions.

§ 01.21 *District Director.* The District Director is responsible for directing and controlling all activities in his District to the end that objectives and programs established by the Office of the Commissioner are executed promptly and effectively by the field jurisdictions comprising the District.

§ 01.22 *Alaska Native Service.* The Alaska Native Service has the same status as a District Office. It provides educational, health and welfare services for the Alaskan natives, and carries out programs for the development of their resources.

§ 01.23 *Field jurisdictions.* (a) Each field jurisdiction is under the immediate direction of a Superintendent, but the organization of a jurisdiction varies considerably depending upon the particular unit and the scope of activities involved. The Superintendent is responsible for directing all local activities and for serving as the primary point of contact between the Government and the Indians.

(b) The four types of field jurisdictions are:

(1) *Agencies.* An agency conducts all activities of the Bureau of Indian Affairs on a particular reservation, in contrast to the other three types of field jurisdictions whose activities are specialized.

(2) *Detached boarding schools.* Such schools are Federal schools conveniently located to serve students from agencies in the area. The schools offer high school and vocational training courses.

(3) *Detached hospitals and sanatoria.* These hospitals and sanatoria provide institutional medical services to Indians in the area. Some serve as the center of district-wide health programs, particularly those concerned with tuberculosis.

(4) *Detached irrigation projects.* These projects are similar to their reservation counterparts but are larger and more complex. They serve a mixed clientele of Indians and non-Indian settlers.

LIST OF DELEGATIONS OF AUTHORITY

§ 01.100 *Purpose of list of delegations of authority.* The following sections are not in themselves delegations of authority. The sections are merely a list of delegations and indicate the various matters with respect to which delegations have been made. They are intended merely as an index and outline. For the scope and limitations of delegations of authority the specific regulations and orders to which cross references are made must be consulted.

§ 01.105 *Functions relating to credit—*(a) *Commissioner.* The Commissioner of Indian Affairs has authority to approve applications for loans to Indians, Indian tribes, cooperatives, and credit associations. (See 25 CFR, Part 21.)

(b) *Superintendents.* Superintendents of Indian agencies have authority to:

(1) Approve chattel mortgages and assignments of income from trust property, assist in seizure or repossession of property, release Government's interest in trust or restricted property. (See 25 CFR 30.2.)

§ 01.110 *Functions relating to Indian education—*(a) *Commissioner.* The Commissioner of Indian Affairs has authority to:

(1) Execute contracts with State Boards of Education. (See 43 CFR 4.712.)

(b) *Superintendents.* The superintendents of Indian agencies have authority to:

(1) Authorize entry of state officers to enforce school laws. (See 25 CFR 47.6.)

§ 01.115 *Functions relating to forestry—*(a) *Commissioner.* The Commissioner of Indian Affairs has authority to:

(1) Approve contracts for timber sales. (See 25 CFR 61.20)

(b) *Superintendents generally.* The superintendents of Indian agencies have authority to:

(1) Seize timber unlawfully cut, compromise civil trespass claims, approve timber permits and contracts. (See 25 CFR, Part 61)

(c) *Superintendents of Specific Agencies—*(1) *Red Lake, Minnesota.* The superintendent may advertise timber products and approve sales. (See 25 CFR, Part 63)

(d) *Manager, Menominee Indian Mills, Wisconsin.* The Manager may advertise and sell timber products. (See 25 CFR, Part 62)

(e) *Manager, Red Lake Indian Sawmill, Minnesota.* The Manager may sell timber products. (See 25 CFR, Part 63)

§ 01.120 *Functions relating to grazing—*(a) *Commissioner.* The Commissioner of Indian Affairs has authority to act with respect to various grazing matters. (See 25 CFR, Parts 71, 72)

(b) *Superintendents generally.* The superintendents of Indian agencies have authority to:

(1) With concurrence of Regional Foresters, to divide range areas into units and issue permits. (See 25 CFR 71.6, 71.16)

(2) Grant grazing privileges, act on bonds, approve stock crossing permits, compromise delinquent fees and damages. (See 25 CFR, Part 71)

(c) *Superintendents of specific agencies*—(1) *Navajo, Arizona.* The Superintendent may act with respect to brands, grazing rights and permits, stock reduction, trespass, disease, fencing, wells and springs. (See 25 CFR, Part 72)

§ 01.125 *Functions relating to irrigation*—(a) *Commissioner.* The Commissioner of Indian Affairs has authority to:

(1) Fix operation and maintenance assessments against lands included in Indian Irrigation projects. (See 43 CFR 4.714.)

(2) Approve purchase price of lands within San Carlos Irrigation Project, Arizona. (See 43 CFR 4.714.)

(3) Approve contracts for the sale of water in organized towns on the Crow Irrigation Project. (See 43 CFR 4.714.)

(b) *Superintendents of specific agencies.* Superintendents of the following Indian agencies have authority to certify the inability of Indians to pay irrigation charges required to obtain water delivery:

Ahtanum, Washington (Yakima Reservation).
Colorado River, Arizona.
Crow, Montana.
Granado, New Mexico (Navajo Reservation).
Pine River, Colorado (Consolidated Ute).
Toppenish-Simcoe, Washington (Yakima).
Uintah, Utah.
Wapato, Washington (Yakima).
Wind River, Wyoming.
Zuni, New Mexico.

(See 25 CFR, Part 130.)

(c) *Project engineers of specific projects*—(1) *Blackfeet, Montana.* The Project Engineer may act with respect to water delivery, obstructions, permits for construction. (See 25 CFR, Part 91.)

(2) *Colorado River, Arizona.* The Project Engineer may act with respect to power service and loads, power consumers contracts. (See 25 CFR, Part 132.)

(3) *Crow, Montana.* The Project Engineer may act with respect to water delivery, permits for construction, obstructions. (See 25 CFR, Part 94.)

(4) *Duck Valley, Western Shoshone Indian Reservation, Nevada.* The Project Engineer may act with respect to water delivery, concession permits. (See 25 CFR, Part 128.)

(5) *Flathead, Montana.* The Project Engineer may act with respect to water delivery, construction permits, obstructions, enforcement of regulations and notices relating to power, power applications and contracts, concession permits. (See 25 CFR, Parts 97, 100, 128, 130, 131.)

(6) *Fort Belknap, Montana.* The Project Engineer may act with respect to water deliveries, construction permits, obstructions. (See 25 CFR, Part 103.)

(7) *Fort Hall, Idaho.* The Project Engineer may act with respect to water deliveries, construction permits, obstructions, concession permits. (See 25 CFR, Parts 106, 128.)

(8) *San Carlos, Arizona.* The Project Engineer may act with respect to enforcement of power regulations and public notices, power consumer contracts, types of power service and power loads, concession permits. (See 25 CFR, Part 132.)

(9) *Uintah, Utah.* The Project Engineer may act with respect to water deliveries, construction permits, obstructions. (See 25 CFR, Part 121.)

(10) *Wapato, Yakima Reservation, Washington.* The Project Engineer may act with respect to water deliveries, obstructions, construction permits, assessments for irrigation costs. (See 25 CFR, Parts 124, 130.)

(11) *Wind River, Shoshone and Arapahoe Indian Reservation, Wyoming.* The Project Engineer may act with respect to water deliveries, construction permits, obstructions. (See 25 CFR, Part 127.)

§ 01.130 *Functions relating to Indian lands*—(a) *Commissioner.* The Commissioner of Indian Affairs has authority to:

(1) Approve and regulate leases of Indian lands for agricultural farming, and business. (See 25 CFR, Part 171; 43 CFR 4.713.)

(2) Approve applications for certificates of competency or patents in fee, partitions of trust or restricted lands, sales or conveyances of allotments and inherited lands, exchanges, applications for allotments, sales of encumbered restricted lands, allotment exchanges, correction of patent descriptions, cancellation of multiple allotments, rights-of-way, transfers of Osage headrights; release Osage mortgages; remove restraints against alienation; issue tax exemption certificates; cancel fee patents. (See 25 CFR, Part 241; 43 CFR 4.713.)

(b) *Superintendents generally.* The superintendents of Indian agencies have authority to (1) approve agricultural farming and business leases and permits, execute leases for undetermined heirs, waive lessees' bonds, extend time for rental payments, compromise rental claims. (See 25 CFR, Part 171.) (2) Confiscate antiquities illegally obtained. (See 25 CFR 11.6.) (3) Grant temporary permission to construct oil and gas pipe lines. (See 25 CFR 256.26.) (4) Deny patents in fee. (See 25 CFR 241.2.)

(c) *Superintendents of specific agencies*—(1) *Osage, Oklahoma.* The Superintendent may approve agriculture, grazing and business leases. (See 25 CFR, Part 177.)

(2) *Five Civilized Tribes, Okalahoma.* The Superintendent has authority to fix minimum sales prices for lands. (See 25 CFR 241.37.)

§ 01.135 *Functions relating to minerals.*—(a) *Commissioner.* The Commissioner of Indian Affairs has authority to:

(1) Approve leases for oil, gas, or other minerals on restricted allotted Indian lands. (See 43 CFR 4.713.)

(b) *Superintendents generally.* The superintendents of Indian agencies have authority to:

(1) With respect to tribal lands, require additional information from applicants or lessees, approve exceptions to drilling location regulations. (See 25 CFR, Parts 186, 192, 195.)

(2) With respect to allotted lands grant extensions of time, execute leases for minors and incompetents, permit negotiations for leases, require additional information. (See 25 CFR, Part 189.)

(c) *Superintendents of specific agencies.*—(1) *Osage, Oklahoma.* The Superintendent has authority (i) with respect to oil and gas, to approve leases and assignments, and to enforce compliance with operating and conservation regulations. See 25 CFR, Part 180; 11 F. R. 1440; (ii) with respect to minerals other than oil and gas, negotiate leases, require additional information, hold hearings and make findings of violations of leases or regulations, determine site locations, approve prospecting, operations, abandonment, determine disputes between lessees. (See 25 CFR, Part 204.)

(2) *Five civilized tribes, Oklahoma.* The Superintendent has authority to: (i) require additional information from mineral lessees and applicants, fix bonds, withhold payment of royalties and rentals, waive development expenditures, approve exceptions to drilling location rules. See 25 CFR, Part 183; (ii) fix amount of bonds for coal and asphalt leases, and authorize strip or surface pit mining. (See CFR, 207.3, 210.2.)

(3) *Quapaw, Oklahoma.* The Superintendent may execute leases and renewals for minors and incompetents, pay advertising costs, pay gross production taxes, require sealing of shafts. (See 25 CFR, Part 201.)

(c) *Oil and gas supervisors.* Supervisors have authority to act on division orders, permit operations, hold hearings and make findings of violations of leases or regulations. (See 25 CFR, Part 186, 189.19. See also 25 CFR, Parts 183, 192, 195.)

(d) *Oil and gas inspectors.* Inspectors at the Osage Reservation have authority with respect to compliance with regulations, operations, safety, unit operations and areas. (See 25 CFR, Part 180)

§ 01.140 *Functions relating to Indian funds and fiscal matters*—(a) *Commissioner.* The Commissioner of Indian Affairs has authority to:

(1) Approve per capita payments from and applications for pro rata shares of tribal funds, expenditures of individual Indian moneys, bonds, employment of attorneys, make statements of accounts with tribes under reimbursable appropriations, approve applications for Sioux benefits; incur certain obligations in advance of appropriations for Alaskan natives. (See 43 CFR 4.711)

(b) *Superintendents generally.* The superintendents of Indian agencies have authority to take certain actions with respect to individual Indian moneys, relating to monthly allowances, school expenses, farming operations, taxes, insurance, necessities, inactive accounts, es-

tates of decedents, expenses involving written agreements to repay. (See 25 CFR, Part 221)

(c) *Superintendents of specific agencies*—(1) *Klamath, Oregon.* The Superintendent may approve plans for disbursement of shares in Klamath Judgment Fund, expend funds for various purposes, approve family plans, pay monthly allowances, pay expenses for education and medical care. (See 25 CFR, Part 223)

(2) *Wind River, Wyoming.* The Superintendent may approve plans for disbursement of shares in Shoshone Judgment Fund, expend funds for family programs, support, medical care, educational needs, fee patent Indians. (See 25 CFR, Part 223)

(d) *Disbursing agents.* Disbursing agents have authority to turn over funds to competent adult and fee patented Indians; pay for medical care, improvements on allotments, funeral and probate expenses, expenses of boarding school pupils; disburse funds for benefit of minors. (See 25 CFR, Part 221)

§ 01.145 *Functions relating to Indian health and welfare*—(a) *Commissioner.* The Commissioner of Indian Affairs may commit insane Indians, enforce quarantine to control disease, extend State health laws and regulations to reservations, contract for medical, nursing, or hospital services, contract for social service, relief and child welfare. (See 43 CFR 4.710)

PLACES TO OBTAIN INFORMATION AND MAKE REQUESTS

§ 01.200 *Inquiries and requests in general.* Information concerning the policies and programs of the Bureau of Indian Affairs, including reports and bulletins dealing with its activities, may be secured by addressing the Bureau of Indian Affairs, Department of the Interior, Washington 25, D. C. (or Merchandise Mart, Chicago 54, Illinois).

Free publications relating to the history and languages of the Indians are issued by the Bureau of American Ethnology, Smithsonian Institution, Washington 25, D. C.

Requests for information concerning any aspect of programs and activities of the Bureau of Indian Affairs may be addressed to the Office of the Commissioner, the District Offices or to Field Jurisdictions.

§ 01.201 *Location of headquarters organization.* The headquarters of the Commissioner of Indian Affairs in Washington, D. C., but he divides his time between Washington and Chicago, Illinois, where the offices of the Chiefs of the Branches are located in the Merchandise Mart building. One Assistant Commissioner is stationed in Washington and one in Chicago, Illinois. The Indian Arts and Crafts Board is located in Chicago, Illinois.

§ 01.205 *Location of district offices of field jurisdictions.* Locations of the District Offices, with alphabetic listing of the States comprising the Districts and alphabetic listing of the Field Jurisdictions by States, appear below:

DISTRICT OFFICES AND FIELD JURISDICTION

DISTRICT ONE: 214 FEDERAL OFFICE BUILDING, MINNEAPOLIS, MINN.

Comprises States of—

(1) Florida: Seminole Agency, Fort Myers.
(2) Iowa: (No field jurisdictions).
(3) Michigan: (No field jurisdictions).
(4) Minnesota: Consolidated Chippewa Agency, Cass Lake, Pipestone School, Pipestone. Red Lake Agency, Red Lake.
(5) Mississippi: Choctaw Agency, Philadelphia.
(6) New York: New York Agency, Buffalo.
(7) North Carolina: Cherokee Agency, Cherokee.
(8) Wisconsin: Great Lakes Agency, Ashland; Menominee Agency, Neopit; Tomah Agency, Green Bay.

DISTRICT TWO: 315 FEDERAL BUILDING, BILLINGS, MONT.

Comprises States of—

(1) Montana: Blackfeet Agency, Browning; Crow Agency, Crow Agency; Flathead Agency, Dixon; Flathead Irrigation Project, St. Ignatius; Fort Belknap Agency, Harlem; Fort Peck Agency, Poplar; Rocky Boy's Agency, Rocky Boy; Tongue River Agency, Lame Deer.
(2) Nebraska: Winnebago Agency, Winnebago.
(3) North Dakota:
Fort Berthold Agency, Elbowoods.
Fort Totten Agency, Fort Totten.
Standing Rock Agency, Fort Yates.
Turtle Mountain Agency, Belcourt.
Wahpeton School, Wahpeton.
(4) South Dakota:
Cheyenne River Agency, Cheyenne River.
Crow Creek Agency, Fort Thompson.
Flandreau School, Flandreau.
Pierre School, Pierre.
Pine Ridge Agency, Pine Ridge.
Rosebud Agency, Rosebud.
Sioux Sanatorium, Rapid City.
Sisseton Agency, Sisseton.
(5) Wyoming:
Wind River Agency, Fort Washakie.

DISTRICT THREE: BUILDING 34, SWAN ISLAND, PORTLAND, OREG.

Comprises States of—

(1) California:
Hoopa Valley Agency, Eureka.
Mission Agency, Riverside.
Sacramento Agency, Sacramento.
Sherman Institute, Riverside.
(2) Idaho:
Fort Hall Agency, Fort Hall.
North Idaho Agency, Lapwai.
(3) Nevada:
Carson Agency, Stewart.
Western Shoshone Agency, Owyhee.
(4) Oregon:
Chemawa School, Chemawa.
Grande Ronde-Siletz Agency, Salem.
Klamath Agency, Klamath Agency.
Umatilla Agency, Pendleton.
Warm Springs Agency, Warm Springs.
(5) Washington:
Colville Agency, Nespelem.
Tacoma Indian Hospital, Tacoma.
Taholah Agency, Hoquiam.
Tulalip Agency, Tulalip.
Yakima Agency, Toppenish.
Yakima Irrigation Project, Wapato.

DISTRICT FOUR: 4100 RHOADS CIRCLE, PHOENIX, ARIZ.

Comprises States of—

(1) Arizona:
Colorado River Agency, Parker.
Fort Apache Agency, Whiteriver.
Hopi Agency, Keams Canyon.
Navajo Agency, Window Rock.
Papago Agency, Sells.
Phoenix Sanatorium, Phoenix.
Phoenix School, Phoenix.
Pima Agency, Sacaton.
San Carlos Agency, San Carlos.
San Xavier Sanatorium, Tucson.
Truxton Canon Agency, Valentine.
(2) Colorado:
Consolidated Ute Agency, Ignacio.
(3) New Mexico:
Jicarilla Agency, Dulce.
Mescalero Agency, Mescalero.
United Pueblos Agency, Albuquerque.
(4) Utah: Uintah and Ouray Agency, Fort Duchesne.

DISTRICT FIVE: 311 COUNCIL BUILDING, OKLAHOMA CITY, OKLA.

Comprises States of—

(1) Kansas:
Haskell Institute, Lawrence.
Potawatomie Agency, Horton.
(2) Louisiana: (No field jurisdictions)
(3) Oklahoma:
Cheyenne and Arapaho Agency, Concho.
Chilocco School, Chilocco.
Five Civilized Tribes Agency, Muskogee.
Kiowa Agency, Anadarko.
Osage Agency, Pawhuska.
Pawnee Agency, Pawnee.
Quapaw Agency, Miami.
Sequoyah Training School, Tahlequah.
Shawnee Agency, Shawnee.
Shawnee Sanatorium, Shawnee.
(4) Texas: (No field jurisdictions)
Alaska Native Service; Juneau, Alaska.

SUBPART B—PROCEDURE

§ 01.300 *Regulations.* (a) There are three general categories of regulations relating to the functions of the Bureau of Indian Affairs:

(1) Those relating to the acquisition, utilization and disposition of trust or restricted real and personal Indian property, both tribally owned and individually owned.

(2) Those relating to the personal rights and duties of Indians and others.

(3) Those relating to the acquisition, maintenance and disposition of Government property held for the purpose of Indian administration and the rendition of Government services to Indians, including the construction and operation of schools, hospitals, roads and irrigation systems, and the furnishing of credit to Indians.

(b) Regulations usually originate in a draft of proposed regulations prepared by field personnel or by administrative personnel in the Office of the Commissioner charged with the particular functions dealt with. When the draft is initiated in the Office of the Commissioner it is usually sent to the field unit or units for consideration and comments. Consultation is had in some cases in the field with tribal councils and other representative bodies of the Indians. The draft of proposed regulations prepared is reviewed by each Division of the Office of the Commissioner affected thereby and by the Chief Counsel's Office, and, if approved by the Commissioner, is submitted after review by the Solicitor's Office to the Secretary of the Interior for approval. After aproval it is returned to the Bureau of Indian Affairs for promulgation.

(c) With respect to matters falling within the second category—those relating to personal rights—general notice of the proposed regulations will be given by publication in the FEDERAL REGISTER.

§ 01.310 *Applications.* Applications for oil and gas or other mineral leases, for agricultural, farm pasture, and grazing leases, business leases and permits, for rights-of-way, and for traders' licenses and timber contracts, should be submitted to the superintendent or other officer in charge of the particular reservation on which the land and improvements are located. Where disposition of tribal resources may be made by an Indian tribe itself, applications may be made directly to the tribe. The procedure for filing such applications, the information required as to action with respect to applications, permits, leases, and licenses, and appeals from such action are set out in detail in 25 CFR, Subchapter I, Parts 71 and 72; Subchapter Q, Parts 171, 174 and 177; Subchapter R, Parts 180, 183, 186, 189, 192, 195, 201, 204, 207, 210 and 213; Subchapter Y, Parts 276 and 277.

§ 01.341. *Indian arts and crafts.* Regulations relating to licensing by the Indian Arts and Crafts Board to use certificates of genuineness appears in 25 CFR, Parts 307, 308.

§ 01.350 *Extension of trust periods.* The Bureau of Indian Affairs prepares drafts of executive orders for submission to the President by the Secretary of the Interior for the extension of trust or restricted periods on lands patented to Indians, pursuant to the act of February 8, 1887 (secs. 5, 6, 24 Stat. 389, 390; 25 U. S. C. 348, 349), as amended, section 3 of the act of March 2, 1917 (39 Stat. 969, 976), the act of June 21, 1906 (34 Stat. 326; 25 U. S. C. 391), and the act of December 24, 1942 (56 Stat. 1081; 25 U. S. C., Sup., 348a).

§ 01.351 *Osage royalties.* The Bureauof Indian Affairs submits to the Secretary of the Interior for transmission to the President recommendations for the fixing under the act of June 28, 1906 (sec. 3, 34 Stat. 543) of royalties under mineral leases executed by the Osage Tribe.

§ 01.352 *Attorneys' contracts.* The Bureau of Indian Affairs submits to the Secretary for transmission to the President for approval under the act of March 3, 1911 (sec. 17, 36 Stat. 1070) contracts with attorneys for the Choctaw and Chickasaw Indians.

§ 01.353 *Indian governors and chiefs.* The Bureau of Indian Affairs transmits to the Secretary for submission to the President recommendations for appointment of the Governors of the Chickasaw Tribe and the Principal Chiefs of the Choctaw, Cherokee, Creek, and Seminole Tribes, under the act of April 26, 1906 (sec. 6, 34 Stat. 139).

§ 01.354 *Coal and asphalt trustees.* The Bureau of Indian Affairs transmits to the Secretary for submission to the President recommendations for the appointment of coal and asphalt trustees of the Choctaw and Chickasaw nations, under the act of June 28, 1898 (sec. 29, 30 Stat. 510).

§ 01.400 *Courts of Indian offenses forms.* The following forms are used in the courts of Indian offenses:

Form No.:
1. Criminal complaint.
2. Civil complaint.
3. Subpoena.
4. Warrant to apprehend.
5. Search warrant.
6. Bond.
7. Temporary commitment.
8. Final commitment.
9. Judgment order.
10. Probation pledge.
11. Parole agreement.
12. Release.

§ 01.403 *Educational activity forms.* The following forms are used in connection with educational activities:

Form 5-261—Revocable permit—for use of Government property by Public School District.

Form 5-144—Application for public school tuition.

Unnumbered—Contract between Commissioner of Indian Affairs and State for education of Indian children.

Unnumbered—Contract between Commissioner of Indian Affairs and Mission or other schools for education of Indian children.

Unnumbered—Contract between Commissioner of Indian Affairs and Mission or other schools for care of Indian children.

§ 01.406 *Forestry forms.* The following forms are used in connection with forestry functions:

Form 5-481—Timber contract (for sale of logs cut by Indians).

Form 5-487—Timber contract (unallotted lands).

Form 5-488—Bond.

Form 5-489—Timber contract (allotted land).

Form 5-499—Proposal to purchase timber.

Form 5-924—Timber cutting permit (allotted lands and tribal lands of unorganized tribes).

Unnumbered—Timber cutting permit for organized tribes.

Form 5-502—General timber sales regulations which form a part of each timber contract.

§ 01.409 *Grazing forms.* The following forms are used in connection with the sale of grazing privileges:

Form 5-510—Advertisement for competitive bids for grazing privilege.

Form 5-511—Proposal for grazing privileges.

Form 5-512—Grazing permit (tribal and allotted lands).

Form 5-512a—Grazing permit for organized tribes.

Form 5-512b—Free grazing permit—tribal lands (limited to Indian users).

Form 5-513—Authority to grant grazing privileges on allotted lands—authorizing Superintendent to issue permits.

Form 5-514—Range control stipulations—made a part of each permit.

Form 5-515—Bond for corporate surety.

Form 5-516—Bond for individual sureties.

Form 5-516a—Cash penal bond.

Form 5-516b—Power of attorney—pledging United States bonds or notes as security.

Form 5-520—Affidavit of grazing permittee—showing number of livestock grazed under permit.

Form 5-929—Crossing permit—authorizing permittee to drive livestock across Indian lands.

§ 01.412 *Indian traders forms.* The following forms are used in licensing persons to trade with Indians:

Form 5-052—Application for license as Indian trader (used for all reservations except Navajo, Hopi, and Zuni).

Form 5-077—Information concerning applicant for trader's license.

Form 5-054—Application for renewal of license as Indian trader.

Unnumbered—Application for license as Indian trader—Hopi, Zuni and Navajo Reservations.

Form 5-071—License.

Form 5-021—Bond.

§ 01.415 *Land leasing forms.* The following forms are used in the leasing of Indian lands for farming, grazing and business purposes:

Form 5-180c—Advertising Indian trust land for lease.

Form 5-137—Application to lease (allotted lands).

Form 5-180—Lease.

Form 5-180d—Application for lease.

Form 5-180f—Notice to applicant of approval of lease.

Form 5-180g—Notice to applicant of disapproval of lease.

Form 5-180h—Acceptance of lessor—to be attached to lease.

Form 5-180k—Justification of sureties on bond.

Form 5-180L—Notification of lessee to complete lease.

Form 5-138—Notice to lessee of delinquent rental.

Form 5-180m—Cancelation agreement (to terminate lease before its expiration date).

Form 5-180n—Modification of lease.

Form 5-180-O—Assignment of agricultural or business lease.

Form 5-371a—Agricultural lease of tribal lands.

Form 5-181—Business lease.

§ 01.424 *Probate forms.* The following forms are used in connection with probate functions:

Form 5-109—Will.

Form 5-109a—Approval of will for form.

Form 5-108—Notice of hearing.

Form 5-110a—Certificate of appraisement.

Form 5-107—Summary of report on heirs.

Form 5-107-C—Order determining heirs.

Form 406—Notice to heirs.

§ 01.427 *Rights-of-way forms.* The following forms are used in connection with the granting of rights-of-way:

Unnumbered—Certificate that organization of company is complete.

Unnumbered—Certificate of president of company as to officers of company.

Unnumbered—Affidavit of engineer regarding correctness of survey.

Unnumbered—Certificate of president of company that survey was authorized and that survey has been adopted as definite location of right-of-way to be acquired.

Unnumbered—Certificate of engineer that project has been completed and that construction conforms to location approved by Secretary of the Interior.

Unnumbered—Certificate of president of company that project has been completed.

Unnumbered—Affidavit of engineer that plat represents surveyed limits.

Unnumbered—Certificate of president that survey was authorized and that officers of company are authorized to present the plat to the Secretary of the Interior for approval.

Unnumbered—Stipulation required of applicants for railroad rights-of-way, ballast pits, etc.

Unnumbered—Certificate required of applicants for drainage projects in Oklahoma.

Unnumbered—Certificate of county commissioners, Oklahoma, that survey of drainage ditch was authorized and is accurately shown on map.

Unnumbered—Schedule of damages for allotted lands.

Unnumbered—Schedule of damages for tribal lands.

Form 14-5-104—Application for public highway.

Form 15-5-104a—Report on application for public highway.

Form 5-104b—Statement of owners of allotted land to accompany application for right-of-way.

Form "I" Roads—Right-of-way easement—permission to Government from allottees or owners of land to use rights-of-way for the opening of roadways, trails, or telephone lines.

§ 01.430 *Restricted Indian property forms.* The following forms are used in connection with miscellaneous activities affecting restricted Indian property:

Form 5-105—Application for patent in fee.

Form 5-110—Petition for sale of restricted Indian land by original allottee.

Unnumbered—Certificate of competency—issued under the act of June 25, 1910 (36 Stat. 855).

Form 5-110g—Note for deferred payment—sale of allotted land.

Form 5-110j—Petition for sale of inherited Indian land.

Form 5-110o—Memorandum of sale of allotted land.

Form 5-183—Deed used in sale of inherited Indian land.

Form 5-183a—Deed used in sale of lands held by original allottees.

Form 5-183b—Special form of deed conveying only the equitable interest of the grantee.

Form 5-185—Special deed in which Indian reinvests proceeds of sale in other lands.

Unnumbered—Order removing restrictions unconditionally from lands belonging to members of the Five Civilized Tribes.

Unnumbered—Order removing restrictions conditionally from lands belonging to members of the Five Civilized Tribes.

Unnumbered—Certificate of competency issued to Kansas or Kaw Indian under the act of July 1, 1902 (32 Stat. 636).

Unnumbered—Certificate of competency issued to Osage Indians under the act of June 28, 1906 (34 Stat. 542).

Unnumbered—Certificate designating property exempt from taxation pursuant to act of June 20, 1936 (49 Stat. 1542), as amended by the act of May 19, 1937 (50 Stat. 188).

L. A. No. 7—Offer to sell lands to the United States for Indian purposes.

Unnumbered—Grant of standard assignment—to assign use and occupancy rights in tribal lands.

Unnumbered—Application for standard assignment of tribal agricultural lands.

Unnumbered—Revocable permit.

Form 5-367g—Bill of sale.

Form 5-930—Permit to sell livestock.

Unnumbered—Grant of Exchange Assignment.

§ 01.433 *Soil conservation forms.* The following forms are used in connection with soil conservation activities:

S. C. Form 101—Individual cooperative agreement.

SMCO Form 501—Field agreement—between Office of Indian Affairs and Soil Conservation District for carrying on simultaneous conservation programs within a Soil Conservation District.

SMCO Form 502—Field agreement—between Office of Indian Affairs and Soil Conservation District for compensatory use of personnel, equipment and supplies.

SMOC Form 503—Field agreement—providing for the making of cash payments to Soil Conservation District.

§ 01.435 *Loan forms.* The following forms are used in connection with loan agreements:

Forms 5-553 to 5-573, inc., (Revised)—Chattel, crop, and livestock mortgages for use in Arizona, California, Colorado, Florida, Idaho, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming, respectively.

Forms 5-576 to 5-578, inc., (Revised)—Real estate mortgages for use in Michigan, Minnesota, and Wisconsin, respectively.

Forms 5-588 to 5-593, inc. (Revised)—Chattel mortgage papers for use in Montana, Colorado, North Dakota, and Alaska, respectively.

Unnumbered—Extension agreement—used in connection with loans by tribal organizations or the United States to extend the period of time within which payments may be made.

Form 5-806 (Revised)—Application of Indian Chartered Corporation, Unincorporated Tribe or Credit Association for loan of Revolving Credit Fund—used in applying for loans from the United States.

Form 5-807 (Revised)—Commitment order for a loan of Revolving Credit Funds from the United States.

Form 5-808 (Revised)—Promissory note for loans from Revolving Credit Fund.

Form 5-809—Loan voucher—used to support payment of funds by disbursing officer to borrower.

Form 5-810 (Revised)—Application for release of mortgaged property or permit to sell trust property.

Form 5-815 (Revised)—Permit to sell trust property—used to show approval of Indians application on Form 5-810, Revised.

Form 5-551 (Revised)—Partial release of chattel mortgage—for use by Corporations, Tribes, and Credit Associations.

Form 5-551a (Revised)—Partial release of chattel mortgage—for use by the United States.

Form 5-552 (Revised)—Satisfaction of chattel mortgage—for use by Corporations, Tribes and Credit Associations.

Form 5-552a—Satisfaction of chattel mortgage—for use by United States.

Form 5-816 (Revised)—Promissory note for a loan of Revolving Credit Funds.

Form 5-818 (Revised)—Acknowledgment of 3% deposit on loan of Revolving Credit Funds—issued by tribal lending agency.

Form 5-819 (Revised)—Request for repayment of 3% deposit on loan of Revolving Credit Funds—made after loans have been paid in full.

Form 5-821 (Revised)—Purchase order—issued to vendor for delivery of items authorized in loan contract.

Form 5-821a (Revised)—Purchase order—for use in Alaska.

Form 5-822 (Revised)—Bill of sale to the United States for purchases made with Credit Funds.

Form 5-825 (Revised)—Receipt for repayment to the Revolving Credit Fund.

Form 5827 (Revised)—Authority to sell restricted land—used in case of default.

Form 5-840 (Revised)—Agreement for voluntary liquidation of loan agreement—authorizing lending agency to take possession of and sell property purchased with loan funds to be applied on borrower's loan indebtedness.

Form 5-841—Release of interests of the United States.

Form 5-843—Promissory note for loan from the United States.

Form 5-845—Assignment of income from trust property—as security for repayment of the loan.

Form 5-846—Assignment of trust property and power to lease.

Form 5-847—Assignment—executed to transfer title of tribal lending agency when borrower has repaid loan.

Form 5-848—Application for release of interests of the United States.

Form 5-860 (Revised)—Mortgage of nontrust real estate—used in Oklahoma in connection with loans under Oklahoma Welfare Act.

Form 5-864 (Oklahoma)—Waiver and agreement executed by lien holder to subordinate its lien on property of mortgagor in favor of tribal lending agency or the United States in consideration of a loan to be made under the Oklahoma Welfare Act.

Form 5-865 (Revised)—Chattel, crop and livestock mortgage—used in Oklahoma in connection with loans under Oklahoma Welfare Act.

Form 5-866 (Revised)—Application for loan—when approved forms loan agreement between individual borrower and lending agency—used particularly for loans over $500 which are not fully secured.

Form 5-866a (Revised)—Application for loan—used for fully secured loans or loans up to $500 not fully secured.

Form 5-866b (Alaska)—Application for loan—when approved forms loan agreement contract.

Form 5-866c—Individual's application for fully secured loan or unsecured loan up to $500.

Unnumbered—Agreement to reimburse for cattle—used in lending cattle to individual Indians by United States.

IR&R-2(b)—Assignment of improved land—unorganized tribe.

IR&B-2—(f)—Temporary assignment and occupancy permit.

IR&R-2 (g)—Agreement for loan from a tribe to an individual.

IR&R-2(h)—Agreement for grant from a tribe to an individual.

IR&R-2 (j)—Assignment and occupancy permit.

Form 5-814 (Revised)—Cooperative's application for loan.

Form 5-574 (Revised)—Chattel mortgage renewal affidavit.

§ 01.440 *Mineral leasing forms.* The following forms are used in oil and gas and other mineral leasing of Indian lands:

Form 5-154h—Oil and gas mining lease (allotted Indian lands).

Form 5-157—Oil and gas mining lease (tribal Indian lands).

Form 5-154—Mining lease allotted Indian lands (for minerals other than oil and gas).

Form 5-157b—Mining lease—tribal Indian lands (for minerals other than oil and gas).

Form B—Oil mining lease, Osage Reservation, Oklahoma.

Unnumbered—Oil and gas mining lease—Crow Reservation, Montana.

Form 5-154b—Bond—to accompany mining leases.

Form 5-154f—Collective bond—tribal and allotted lands.

Form 5-154a—Lessee's bond supported by Government securities.

Form 5-154m—Bond (covering obligations of assignees and drillers).

Form 5-154e—Assignment of mining lease.

Form 5-154d—Evidence of authority of officers to execute papers.

Form 5-154g—Affidavit of surety.

Form 5-154i—Certificate as to sufficiency of security on personal bond.

C. GIRARD DAVIDSON,
Acting Secretary.

AUGUST 28, 1946.

[F. R. Doc. 46-15425; Filed, Aug. 28, 1946; 2: 23 p. m.]

OIL AND GAS DIVISION

[30 CFR, Ch. IV]

PART 400—ORGANIZATION AND PROCEDURE

Part 400 is added to Chapter IV, Federal Regulations to read as follows:

SUBPART A—ORGANIZATION

PURPOSE

Sec.
400.1 Functions.
400.2 Functions under the Connally "Hot Oil" Act.
400.5 General description.

HEADQUARTERS ORGANIZATION

400.6 Director.

FIELD ORGANIZATION

400.15 Federal Petroleum Board.

DELEGATIONS OF AUTHORITY

400.25 Purpose of list of delegations of authority.
400.26 Secretary of the Interior.
400.27 Oil and Gas Division.
400.28 Federal Petroleum Board.

PLACES TO OBTAIN INFORMATION AND MAKE REQUESTS

400.50 Inquiries and requests in general.
400.51 Location of Oil and Gas Division.
400.52 Location of Federal Petroleum Board.

SUBPART B—PROCEDURE

400.100 Regulations.
400.101 Violations of "Hot Oil" Act.
400.104 Shippers' reports.
400.105 Monthly reports.
400.107 Filing and inspection of documents.
400.115 Official records.

SUBPART A—ORGANIZATION

PURPOSE

§ 400.1 *Functions.* The Oil and Gas Division has the function of assisting the Secretary of the Interior in the execution of Presidential instructions to review, coordinate and unify policy and administration in respect to Federal activities relative to oil, gas and synthetic hydrocarbon fuels. In this connection the Division is charged with developing proposals for the centralization of such Federal functions. The Division assists the Secretary in serving as the channel of communication between the Federal Government and the petroleum industry, and as liaison agency of the Federal Government with the State oil and gas bodies. It gathers and analyzes information as to oil and gas matters and serves as the central Federal clearing house for statistics, technical data, and other information relating to oil and gas. It keeps the Secretary informed and recommends action with respect to significant developments in the petroleum field. The Division cooperates with the oil and gas-producing States in the prevention of waste in oil and gas production and in the adoption of uniform oil and gas-conservation laws and regulations. (See 43 CFR 01.21.)

§ 400.2 *Functions under the Connally "Hot Oil" Act.* The Division administers the Connally "Hot Oil" Act (49 Stat. 30; 15 U. S. C. 715 et seq.) which is designed to prevent the shipment or transportation in interstate commerce of oil produced in violation of State law or regulation. It is the purpose of the act to encourage the conservation of deposits of crude oil within the United States.

§ 400.5 *General description.* The Oil and Gas Division is composed of a headquarters staff in Washington, D. C., and of a subordinate field organization, the Federal Petroleum Board.

HEADQUARTERS ORGANIZATION

§ 400.6 *Director.* The Director of the Oil and Gas Division supervises and directs all of the activities of the Division, and formulates plans and programs for carrying out the work of the Division.

FIELD ORGANIZATION

§ 400.15 *Federal Petroleum Board.* The enforcement of the Connally "Hot Oil" Act is essentially a field activity which is carried on by the Federal Petroleum Board under the supervision of the Oil and Gas Division. The Federal Petroleum Board administers the regulations promulgated under the act and makes the necessary investigations to accomplish the purposes of the act.

DELEGATIONS OF AUTHORITY

§ 400.25 *Purpose of list of delegations of authority.* The following sections (except insofar as orders are set forth) are not in themselves delegations of authority. The sections are merely a list of delegations and indicate the various matters with respect to which delegations have been made. They are intended merely as an index and outline. For the scope and limitations of delegations of authority the specific regulations and orders to which cross references are made must be consulted.

§ 400.26 *Secretary of the Interior.* (a) Executive Order No. 7756 (30 CFR 401.1, 401.2) delegated to the Secretary of the Interior certain of the powers and functions of the President under the Connally "Hot Oil" Act (49 Stat. 30; 15 U. S. C. 715 et seq) and authorized the formation of a Petroleum Conservation Division in the Department of the Interior.

(b) On March 14, 1936, the Secretary of the Interior issued Order No. 1054, creating a Petroleum Conservation Division. Order No. 1054 reads as follows:

Effective April 1, 1936 there is hereby set up under the Office of the Secretary a Petroleum Conservation Division, under the immediate charge of a Director.

This Division will assist the Secretary of the Interior in administering the Act of February 22, 1935 (49 Stat. 30), and under his direction is authorized to discuss the work of any agency dealing with oil and gas, recommend action on any case brought to its attention, coordinate information, and through appropriate channels, act as the contact agency with the Interstate Oil Compact Commission, present required data to the Congress, attend oil and gas conferences in which the Department is interested, cooperate with the oil producing States in the study of physical waste and the enactment of uniform oil and gas conservation laws, and contact other departments of the Government whose work deals in any measure with oil and gas.

By Executive Order No. 9732 (11 F.R. 5985) and Order No. 2193 (see § 400.27) the functions of the Petroleum Conservation Division were transferred to the Oil and Gas Division.

(c) The President, in a letter dated May 3, 1946, instructed the Secretary of the Interior to perform certain functions with respect to oil and gas. The relevant parts of the letter read as follows:

* * * * *

To the extent possible one agency must bear the primary responsibility for providing a focal point for leadership and information for the numerous agencies of the Federal Government dealing with petroleum. I, therefore, request that you undertake the initiative in obtaining coordination and unification of Federal policy and administration with respect to the functions and activities relating to petroleum carried on by the various departments and agencies. Where practicable and appropriate governmental activities relating to petroleum should be centralized and I ask that from time to time you submit to me for consideration proposals looking to the accomplishment of this objective.

You should, through such office as you designate, serve as the channel of communication between the Federal Government and the petroleum industry, and as the liaison agency of the Federal Government in its relations with appropriate State bodies concerned with oil and gas. I have been impressed with the great contribution of government-industry cooperation to the success of the war petroleum program, and feel that the values of such close and harmonious relations between Government and industry should be continued. I, therefore, suggest that you establish an industry organization to consult and advise with you.

* * * * *

I need not emphasize to you the importance of petroleum in the life of the Nation and the consequent necessity for assuring the adequate and continuous availability of this vital resource. You are requested to keep me informed concerning significant developments in the petroleum field, and to consider and recommend such steps as may be necessary appropriately to safeguard our petroleum future.

* * * * *

§ 400.27 *Oil and Gas Division.* On May 6, 1946, the Secretary of the Interior issued Order No. 2193 establishing the Oil and Gas Division. Order No. 2193 reads as follows:

Pursuant to the President's letter of May 3, 1946, to the Secretary of the Interior, there is hereby established in the Department of the Interior an Oil and Gas Division under the immediate charge of a Director.

The Oil and Gas Division with a view to the conservation of the oil and gas resources of the Nation and the achievement of petroleum security, shall:

1. Assist the Secretary in the execution of the President's instructions to:

(a) Coordinate and unify policy and administration in respect to the functions and activities relative to oil and gas carried on by the several departments and agencies of the Federal Government;

(b) Serve as the channel of communication between the Federal Government and the petroleum industry;

(c) Serve as liaison agency of the Federal Government in its relations with the appropriate State oil and gas bodies; and

(d) Review technological developments in the field of petroleum and synthetic hydrocarbon fuels and coordinate Federal policy with respect thereto.

2. Obtain and analyze information as to oil and gas matters in which the Federal Government has a proper interest and, in this connection, serve as the central Federal clearing house for statistics, technical data, and other information relating to oil and gas.

3. Keep the Secretary informed with respect to the adequacy and availability of supplies of petroleum and its products to meet the current and future needs of the Nation, and with respect to significant developments in the petroleum field, and make recommendations with respect thereto.

4. Develop proposals looking to the centralization of Federal functions and activities relating to oil and gas in keeping with the President's letter.

5. Coordinate all oil and gas policies and activities in the Department of the Interior.

"Pursuant to the Executive Order of May 3, 1946, terminating the Petroleum Administration for War, the personnel, records, property and funds of the Administration are transferred to the Oil and Gas Division which Division shall proceed to wind up and liquidate the affairs of the Administration.

Upon the issuance of an Executive order amending Executive Order No. 7756, dated December 1, 1937, and the regulations and amendments, approved October 27, 1942, for the administration and enforcement of the act of February 22, 1935, as amended, to designate the Oil and Gas Division in lieu of the Petroleum Conservation Division, the Oil and Gas Division shall assume all the authority and duties of the Petroleum Conservation Division, funds, personnel, equipment and records of the Petroleum Conservation Division shall be transfered to the Oil and Gas Division, and the Petroleum Conservation Division shall cease to exist.

§ 400.28 *Federal Petroleum Board.* (a) On October 27, 1942, the Secretary by Order No. 1753–A established the Federal Petroleum Board to enforce, under the supervision of the Petroleum Conservation Division, the Connally Act and the regulations issued under that act. Order No. 1753–A reads as follows:

Pursuant to the authority contained in R.S. 161 (5 U.S.C. sec. 22), the act of February 22, 1935 (49 Stat. 30, 15 U.S.C. secs. 715–715 *l*), as amended, Executive Order No. 6979, dated February 28, 1935, and Executive Order No. 7756, dated December 1, 1937, I hereby establish the Federal Petroleum Board (hereinafter referred to as the Board) to enforce the act of February 22, 1935, as amended, and to administer the regulations promulgated pursuant thereto, subject to the supervision of the Secretary of the Interior. The Petroleum Conservation Division, created by my Order No. 1054, dated March 14, 1936, under the supervision of the Secretary of the Interior, wil supervise the operations of the Board. The Board shall consist of three members, one of whom shall be designated the Chairman. * * * The principal office of the Board shall be at Kilgore, Texas.

By Executive Order No. 9732 (and Order No. 2193), the supervision of the Federal Petroleum Board was transferred from the Petroleum Conservation Division to the Oil and Gas Division.

PLACES TO OBTAIN INFORMATION AND MAKE REQUESTS

§ 400.50 *Inquiries and requests in general.* (a) General information on the functions and activities of the Oil and Gas Division may be obtained by addressing the Director, Oil and Gas Division, Department of the Interior, Washington 25, D. C.

(b) Copies of the regulations issued for the enforcement of the Connally "Hot Oil" Act may be obtained by addressing the Federal Petroleum Board, Kilgore, Texas.

(c) See §§ 400.104, 400.105 for the places at which the forms prescribed in the administratiton of the Connally "Hot Oil" Act may be obtained.

§ 400.51 *Location of Oil and Gas Division.* The Oil and Gas Division is located in Washington, D. C.

§ 400.52 *Location of Federal Petroleum Board.* (a) The principal office of the Federal Petroleum Board is located at Kilgore, Texas.

(b) Suboffices of the Board are located as follows: 817–818 Nixon Building, Corpus Christi, Texas; Federal Building, Houston, Texas; 316–317 Petroleum Building, Midland, Texas; Montgomery Building, Lafayette, Louisiana.

SUBPART B—PROCEDURE

§ 400.100 *Regulations.* Proposed regulations concerning the administration of the Connally "Hot Oil" Act (49 Stat. 30; 15 U. S. C. 715 et seq. usually originate in the Federal Petroleum Board (except for proposed regulations concerning the reports to be filed with the Oil and Gas Division, which usually originate in that Division) and are reviewed by the Oil and Gas Division and by the Solicitor's office. If approved by the Secretary, the regulations are submitted to the President. Rules not requiring Presidential approval pursuant to Executive Order No. 7756 (30 CFR 401.1) are promulgated by the Secretary. The rule-making procedure specified in section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong.) is followed with respect to proposed rules under the Connally "Hot Oil" Act, as far as applicable.

§ 400.101 *Violations of "Hot Oil" Act.* The Federal Petroleum Board, operating under the supervision of the Oil and Gas Division, enforces the Connally "Hot Oil" Act. If a possible violation of the Connally Act or of a regulation issued thereunder is discovered, an examiner of the Federal Petroleum Board is directed to conduct an investigation. After investigation, the examiner presents the case to the Federal Petroleum Board for action and the Board holds a hearing. If it considers action appropriate, the Board submits the record of the case to the Oil and Gas Division with its recommendation. After review by the Division and the Solicitor's office, if action appears warranted, the record is transmitted by the Secretary to the Department of Justice with a recommendation for instituting legal action.

§ 400.104 *Shippers' reports.* Shippers, or their agents, of any petroleum or petroleum products loaded at any port in Texas, Louisiana, Arkansas, or Mississippi for interstate waterborne transportation are required to file reports pursuant to 30 CFR 403.11 on Form OCR–1. Form OCR–1 requires information as to port of departure, sailing date, vessel, consignor, consignee, loading, destination. Copies of Form OCR–1 may be obtained from the Director, Oil and Gas Division, Department of the Interior, Washington, D. C.

§ 400.105 *Monthly reports.* (a) The following monthly reports must be filed pursuant to 30 CFR 403.9. The forms listed may be obtained from the Federal Petroleum Board, Kilgore, Texas.

(1) By operators of natural gasoline, cycling, and other similar plants—Form G, requiring information on total intake volume of natural gas, disposition of intake volume, barrels of petroleum and petroleum products produced, delivered, received, and in stock.

(2) By petroleum producers—Form P, requiring information on lease data, lease operations, allowables, production and disposition of petroleum.

(3) By refiners of petroleum—Form R, requiring information on stock on hand, runs to stills, re-runs, products manufactured, plant use and losses, receipts and deliveries.

(4) By transporters and storers—Form I, requiring information on stock on hand, receipts, deliveries, shortages, and overages.

(b) If the Federal Petroleum Board determines that reports required of any person under 30 CFR 403.9, as amended, serve no useful purpose, it may by written notice relieve him of the obligation to submit such reports for any specified period of time or until further notice. See 30 CFR 403.9, as amended. Such determinations are made on the basis of the Board's records, including a report of field examiners. Notices to resume reporting are issued by the Board when it finds that conditions have changed or that the action relieving a person of the reporting obligation was unjustified.

§ 400.107 *Filing and inspection of documents.* Petroleum operators are required to make certain books and records open to inspection by the Federal Petroleum Board and to file with the Board certain diagrams, reports, and other papers. These requirements are set out in 30 CFR 403.3–403.8, 403.9a, 403.10, 403.11.

§ 400.115 *Official records.* Official records to be kept confidential, except when otherwise ordered by the Director of the Oil and Gas Division, shall include the following types of records: reports, diagrams and other papers submitted, and records of inspections made, pursuant to 30 CFR, Part 403; records of investigations and hearings; and recommendations in the enforcement of the Connolly "Hot Oil" Act. See also 43 CFR, Part 2.

C. GIRARD DAVIDSON,
Acting Secretary of the Interior.

AUGUST 22, 1946.

[F. R. Doc. 46–15041; Filed, Aug. 23, 1946; 9:48 a. m.]

PUERTO RICO RECONSTRUCTION ADMINISTRATION

[48 CFR, Ch. II]

PART 201—ORGANIZATION AND PROCEDURE

Sec.
201.1 Creation.
201.2 General description.
201.5 Loans.
201.6 Housing.
201.20 Inquiries and requests in general.
201.21 Location of offices.

§ 201.1 *Creation.* The Puerto Rico Reconstruction Administration was es-

tablished as an agency within the Department of the Interior by Executive Order No. 7057 (48 CFR, Part 200), to administer projects for providing relief and for increasing employment in Puerto Rico, with emphasis on rehabilitation of the Island's agricultural economy.

§ 201.2 *General description.* (a) The Puerto Rico Reconstruction Administration is composed of an office in Washington, D. C., and a number of offices in San Juan, Puerto Rico. The Administrator, appointed by the President, and the General Counsel are in Washington, D. C. By Executive Order 7689 (48 CFR 200.2) the Administrator is authorized to appoint the Assistant Administrator and to delegate to him such of the powers conferred on the Administrator as may be necessary for the efficient operation of the Administration in Puerto Rico. By Executive Order No. 7493, dated November 11, 1936, all administrative acts of the Administrator are subject to the control and supervision of the Secretary of the Interior. The functions of the Administration relating to the Office of the Secretary and the Washington Office of the Administration are handled through the Division of Territories and Island Possessions.

(b) The projects of the Administration consist principally in the management and maintenance of housing projects, the construction of additional rural housing units in distressed areas of the Island, the granting and servicing of loans to cooperatives, and the operation of a demonstration farm and various Central Service Farms for assistance to needy resettlers. The projects are operated in Puerto Rico under the active charge of the Assistant Administrator at San Juan, but subject to the direction of the Administrator. The principal divisions of the Administration, which like the Assistant Administrator have offices in San Juan, are the Offices of Housing Management and Rural Rehabilitation, Finance and Personnel, and Cooperatives.

§ 201.5 *Loans.* (a) The Puerto Rico Reconstruction Administration is authorized to make agricultural loans to cooperatives in Puerto Rico. (See 48 CFR, Part 202.)

(b) The Director of the Division of Territories and Island Possessions has been authorized by the Secretary of the Interior to approve offers of adjustment of Puerto Rico Hurricane Relief loans by Order No. 2176. Order No. 2176 reads as follows:

Pursuant to the provisions of Section 161, Revised Statutes (5 U. S. C. sec. 22), and for the purpose of facilitating and expediting departmental administration, there is hereby delegated to the Director, and in his absence to the Acting Director, Division of Territories and Island Possessions, the authority conferred upon me by the Joint Resolution approved June 3, 1935 (49 Stat. 320), to accept and approve offers of adjustments made by borrowers in settlement of loans granted by the former Puerto Rican Hurricane Relief Commission.

(c) Harley A. Miller, Assistant General Counsel of the Puerto Rico Reconstruction Administration is authorized to release mortgages issued as security for Puerto Rican Hurricane Relief Section Loans. (See 48 CFR 4.520.)

§ 201.20 *Inquiries and requests in general.* Information concerning the programs or operations of the Puerto Rico Reconstruction Administration may be secured by addressing the Puerto Rico Reconstruction Administration, Department of the Interior, Washington 25, D. C. (or San Juan, Puerto Rico).

§ 201.21 *Location of offices.* The office of the Administrator of the Puerto Rico Reconstruction Administration is located in the Department of the Interior, Washington 25, D. C. The office of the Assistant Administrator is located in San Juan 3, Puerto Rico.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

AUGUST 28, 1946.

[F. R. Doc. 46-15421; Filed, Aug. 28, 1946; 2:21 p. m.]

SOLID FUELS ADMINISTRATION FOR WAR

[30 CFR, Ch. VI]

PART 600—ORGANIZATION AND PROCEDURE

SUBPART A—ORGANIZATION

ESTABLISHMENT

Sec.
600.1 Creation.
600.2. Purpose.
600.3 General description.

HEADQUARTERS ORGANIZATION

600.5 Deputy Administrator.
600.6 Central organization.
600.10 Advisory committees.

FIELD ORGANIZATION

600.11 Field offices.

PLACES TO OBTAIN INFORMATION AND MAKE REQUESTS

600.20 Inquiries and requests in general.
600.21 Location of central organization.
600.22 Location of field offices.

SUBPART B—PROCEDURE

600.100 Orders and regulations.
600.101 Exercise of functions.
600.102 Monthly reports.
600.103 Voluntary reports.
600.104 Applications for approval as to availability of coal for export.
600.105 Availability of coal for export.
600.110 Compliance procedure.
600.112 Opinions and orders.
600.113 Official records.

SUBPART A—ORGANIZATION

ESTABLISHMENT

§ 600.1 *Creation.* The Solid Fuels Administration for War was established in the Department of the Interior on April 19, 1943 by Executive Order No. 9332 (3 CFR, Cum. Supp., p. 1270). The Secretary of the Interior was made ex officio Administrator.

§ 600.2 *Purpose.* (a) The Administrator was authorized and directed to establish basic policies and formulate plans and programs to assure the most effective development and utilization of solid fuels for the prosecution of the war, to issue policy and operating directives, and to work in liaison with solid fuels industries and Federal departments and agencies.

(b) By section 3 (e) of Executive Order No. 9332 the President, in respect to solid fuels for direct and indirect military, and essential industrial and civilian requirements, and materials allotted to the solid fuels industries, delegated to the Administrator of the Solid Fuels Administration for War, subject to the direction of the Chairman of the War Production Board, the powers, authority, and discretion of Title III of the Second War Powers Act, 1942, theretofore, by paragraph 1 of Executive Order No. 9125 (3 CFR, Cum. Supp., p. 1156), delegated to the Chairman of the War Production Board. The Administrator has retained these powers under the direction of the Civilian Production Administration (Executive Order No. 9638, 3 CFR, 1945 Supp., p. 125). The Administration now is concerned with the task of effecting an equitable distribution of the available supply of solid fuels in order to facilitate the reconversion program and to avoid industrial shut-downs and hardships incident to a short fuel supply. It also approves or disapproves the availability of solid fuels for export in the light of their necessity in the maintenance of the domestic economy of the United States.

§ 600.3 *General description.* The central organization of the Solid Fuels Administration for War is in Washington, D. C. Field offices are located within designated areas.

HEADQUARTERS ORGANIZATION

§ 600.5 *Deputy Administrator.* Under the direction of the Administrator, the Deputy Administrator directs and supervises the operations of the Solid Fuels Administration for War. Under Order No. 1899, dated November 10, 1943, the Deputy Administrator is authorized to exercise all of the powers, authority, and discretion vested in the Administrator. Order No. 1899 reads as follows:

Pursuant to the provisions of Executive Order No. 9332 of April 19, 1943, 8 F. R. 5355, the Deputy Solid Fuels Administrator for War, subject to such supervision and direction as the Administrator shall from time to time determine, is hereby authorized to exercise any and all power, authority and discretion conferred upon the Solid Fuels Administrator by that Executive Order to the same extent and with the same effect as the said power, authority and discretion may be exercised directly by the Solid Fuels Administrator.

§ 600.6 *Central organization.* The central organization of the Solid Fuels Administration for War consists of the Deputy Administrator and four Assistant Deputy Administrators, respectively, and the following Divisions:

(a) *Legal Division.* The Legal Division handles all legal matters incident to the discharge of the functions of the Solid Fuels Administration for War; drafts orders and regulations and issues interpretations thereof; prepares correspondence relating to legal matters; prepares legal opinions; and collaborates with the Department of Justice in respect to litigation affecting the Solid Fuels Administration for War.

(b) *Anthracite Distribution Division.* The Anthracite Distribution Division handles operating details of distribution of anthracite. Its personnel is composed of experts and specialists who keep currently posted on mine output, industrial stocks, consumption rates, and other related factors, and advise with respect to the direction of anthracite to points of critical need.

(c) *Bituminous Distribution Division.* This division is also composed of expert personnel who perform functions relating to bituminous coal similar to those of the Anthracite Distribution Division relating to anthracite.

(d) *Administrative Division.* The Administrative Division prepares budget estimates; controls disbursements; prepares apportionments and reports required by the Bureau of the Budget; keeps accounting books and reports expenditures to the General Accounting Office, the Treasury, and the Disbursing Office; controls property; and maintains a central filing system.

(e) *Compliance Division.* The Compliance Division checks on the observance or non-observance of the orders, regulations and directions issued by the Administrator and makes recommendation for suitable action.

(f) *Production, conservation, and information.* The Information Division promotes the production and conservation of solid fuels by obtaining and publishing statistics and other data respecting the solid fuels industries and the activities of the Solid Fuels Administration for War. It also provides information requested by other government agencies.

§ 600.10 *Advisory committees.* For the purpose of obtaining industry participation and advice, Bituminous Coal Producers Advisory Boards (30 CFR, 1943 Supp., 601.11–601.14), National and Regional Anthracite Distribution Committees (30 CFR, 1943 Supp., 601.31–601.32), Lake and Tidewater Dock Coal Committees (30 CFR, 1944 Supp., 601.41), National, Area, and Community Advisory Committees (30 CFR, 1944 Supp., 601.51–601.54), and a National Advisory Coke Committee (30 CFR, 1944 Supp., 601.61), were established or continued in existence as established in former orders subsequently revoked. All committees are advisory only.

FIELD ORGANIZATION

§ 600.11 *Field offices.* Field offices, headed by managers having various titles, are maintained in principal areas of production and distribution. The managers compile production data for all mines within their area of jurisdiction, or they supervise the functioning of distribution programs under the Solid Fuels Administration for War orders, regulations and directives, or they do both. Area Distribution Managers are authorized to approve the request of any shipper for transfers of tonnages of coal between retail dealers (§ 602.875 (b) (3) of Revised SFAW Regulation No. 32, 11 F. R. 8575), to require any shipper of coal to furnish him a detailed report of his shipments (§ 602.883 (b)), and to authorize shippers to distribute surplus coal (§§ 602.875 (d) and 602.876 (d)).

PLACES TO OBTAIN INFORMATION AND MAKE REQUESTS

§ 600.20 *Inquiries and requests in general.* Information of a general nature may be secured from any of the Administration's offices throughout the United States.

Requests for rulings concerning the applicability of any Solid Fuels Administration order, regulation, or direction to a specific set of facts; or for interpretations of Solid Fuels Administration orders, regulations, or directives, should be directed to the Solid Fuels Administration for War, Department of the Interior, Washington 25, D. C. Applications for exception to orders, regulations, or directions may be directed to the Solid Fuels Administration for War, Department of the Interior, Washington 25, D. C., or to the Area Distribution Manager for the district in which the coal is produced, as provided in the respective orders, regulations, or directions.

§ 600.21 *Location of central organization.* The office of the Deputy Administrator and the central organization of the Solid Fuels Administration for War is located at Washington, D. C.

§ 600.22 *Location of field offices.* The locations of field offices are as follows:[1]

LOCATION AND OFFICIAL IN CHARGE

Birmingham, Ala. (B), 706 Chamber of Commerce Building, 1829 First Avenue, North: Area distribution manager.

Denver, Colo. (B), % Chief Cadastral Engineer, Bureau of Land Management, 520 U. S. National Bank Building: Acting area distribution manager.

New Haven, Conn. (A), 507 Lincoln Court Building, 151 Court Street: Field distribution representative.

Atlanta, Ga. (B), 294½ Peachtree Street: Area distribution manager.

Chicago, Ill. (B), Room 1160–1162, Merchandise Mart, 222 West North Bank Drive: Area distribution manager.

Indianapolis, Ind. (B), Chamber of Commerce Building, 324 North Meridan Street: Acting area distribution manager.

Des Moines, Iowa (B), % 323 Federal Office Building, Fifth and Court Avenues: Area distribution manager.

Ashland, Ky. (B), 1409–13 Winchester Avenue: Assistant area distribution manager.

Madisonville, Ky. (B), 33 South Main Street: Area distribution manager.

Portland, Maine (A), 350 Commercial Street: Field distribution representative.

Baltimore, Md. (B), 1144 O'Sullivan Building: Assistant area distribution manager.

Baltimore, Md. (A), 1144 O'Sullivan Building: Regional representative.

Boston, Mass. (B), Old State Building, 209 Washington Street: Area distribution manager.

Boston, Mass. (A), Old State Building, 209 Washington Street: Regional representative.

Detroit, Mich. (B), 2210–2212 Penobscott Building, 645 Griswold Street: Area distribution manager.

Minneapolis, Minn. (B), 520 New York Life Building, 125 South Fifth Street: Area distribution manager.

St. Louis, Mo. (B), 914–915 New Federal Building, 1114 Market Street: Area distribution manager.

Kansas City, Mo. (B), 2802 Fidelity Building, Ninth and Walnut Streets: Area distribution manager.

Billings, Mont. (B), % Alexandra Hotel: Compliance officer.

Concord, N. H. (A), 12 Park Street: Acting field distribution representative.

Camden, N. J. (A), Second Floor, 30 North Third Street: Field distribution representative.

Newark, N. J. (A), 826 Industrial Office Building, 1060 Broad Street; Field distribution representative.

Albany, N. Y. (A), 53 State Street: Field distribution representative.

Buffalo, N. Y. (A), Room 214 U. S. Court House Building, Court and Franklin Streets: Regional representative.

New York, N. Y. (A), 5519 Empire State Building: Regional representative.

Syracuse, N. Y. (A), 705–7 Onondaga County, Savings Bank Building, 113 South Salina Street: Assistant regional representative.

Charlotte, N. C. (B), Smith Building, 116½ Church Street: Area distribution manager.

Cincinnati, Ohio (B), 608 Transportation Building, Fourth and Sycamore Streets: Area distribution manager.

Cleveland, Ohio (B), 501 Bulkley Building, 1501 Euclid Avenue: Area distribution manager.

Allentown, Pa. (A), 204 Post Office Building, Fifth and Hamilton Streets: Field distribution representative.

Altoona, Pa. (B), Post Office Building, Eleventh Avenue and Twelfth Street: Area distribution manager.

Harrisburg, Pa. (A), 17 North Front Street: Field distribution representative.

Pittsburgh, Pa. (B), 311 Old Post Office Building, Smithfield Street and Fourth Avenue: Area distribution manager.

Philadelphia, Pa. (A), 526 Stephen Girard Building, 21 South Twelfth Street: Regional representative.

Philadelphia, Pa. (B), 526 Stephen Girard Building, 21 South Twelfth Street: Area distribution manager.

Pottsville, Pa. (A), 313 Schuylkill Trust Building, Center and Market Streets: Assistant regional representative.

Wilkes-Barre, Pa. (A), 313–316 Brooks Building, 15 South Franklin Street: Acting regional representative.

Providence, R. I. (A), 1142 Hospital Trust Building, 15 Westminster Street: Field distribution representative.

Knoxville, Tenn. (B), Room 322, Post Office Building: Field distribution representative.

Salt Lake City, Utah (B), 224 Federal Building: Compliance officer.

Richmond, Va. (B), Room 8, Mutual Building, Ninth and Main Streets: Assistant area distribution manager.

Seattle, Wash. (B), 237 White-Henry-Stuart Building, Fourth Avenue and University Street: Assistant area distribution manager.

Bluefield, W. Va. (B), Law and Commerce Building, 307 Federal Street: Area distribution manager.

Fairmont, W. Va. (B), Jacobs Building, Monroe and Meridith Streets: Acting area distribution manager.

Casper, Wyo. (B), 839 South Grant Street: Compliance officer.

[1] The symbols (A) and (B) following the name of a city and state signify Anthracite and Bituminous, respectively.

SUBPART B—PROCEDURE

§ 600.100 *Orders and regulations.* The currently effective orders and regulations of the Solid Fuels Administration for War, which prescribe rules affecting solid fuels or the solid fuels industries, are as follows:

(a) *Orders.* (1) Order No. 2 (30 CFR, 1943 Supp., 601.11–601.14), establishing a Bituminous Coal Producers Board.

(2) Order No. 3 (30 CFR, 1943 Supp., 602.61–602.64), as amended, requiring the maintenance of records and the filing of reports and other data.

(3) Order No. 6 (30 CFR, 1943 Supp., 601.31–601.32), continuing the National and Regional Anthracite Distribution Committees.

(4) Order No. 11 (30 CFR, 1944 Supp., 601.41), establishing Lake Dock and Tidewater Dock Coal Advisory Committees.

(5) Order No. 12 (30 CFR, 1944 Supp., 601.51–601.54), establishing National, Area, and Community Advisory Committees.

(6) Order No. 15 (30 CFR, 1944 Supp., 601.61), establishing and prescribing functions of the National Advisory Coke Committee.

(7) Revised Order No. 29 (11 F. R. 7937), requiring the maintenance of records and filing of reports concerning anthracite.

(8) Order No. 30 (30 CFR, 1945 Supp., 602.890–602.891), continuing the National and Regional Anthracite Distribution Committees and respective functions.

(b) *Regulations.* (1) Regulation No. 1 (30 CFR, Cum. Supp., 602.1), as amended, authorizing the issuance of specific directions requiring, forbidding, or otherwise providing for the delivery of solid fuels by or to any person or persons.

(2) Regulation No. 14 (30 CFR, 1944 Supp., 602.250–602.255), authorizing the reconsignment or diversion of coal in transit.

(3) Revised Regulation No. 31 (11 F. R. 7894), regulating the allocation of coal for export.

(4) Revised Regulation No. 32 (11 F. R. 8575), allocating and providing for the distribution of coal produced in Districts 1–4, 6–11, and 13.

(c) *Statements of policy.* (1) Statement of policy relating to authorization by SFAW for shipment of bituminous coal on the United States Treasury Department's export program (11 F. R. 7128).

(2) Statement of policy respecting the export of anthracite (11 F. R. 7460).

(3) Statement relating to export of coal on commercial markets (11 F. R. 7505).

(4) Statement of policy concerning the export of coal produced in the Western United States (11 F. R. 8216).

§ 600.101 *Exercise of functions.* (a) The Solid Fuels Administration for War allocates solid fuels of which there is a shortage by means of general regulations and specific directions to shippers. The Administration also acts upon applications for determinations as to the availability of solid fuels for export.

(b) The information upon which the action of the Administration is based is obtained primarily by means of reports from producers, distributors, dealers, and consumers of coal. Periodic reports on the production and distribution of solid fuels are required under the regulations. Whenever the exigencies of the situation permit, full consultation is had with the several industry advisory boards and committees before the issuance of regulations.

§ 600.102 *Monthly reports.* The following monthly reports are required to be filed on forms prescribed by the orders and regulations. Copies of the forms listed may be obtained from the office of the Deputy Administrator, or any field office.

(a) By producers of bituminous coal generally, on Form S. F. A. No. 38, requiring information relating in general to the mine, tonnages, production, preparation, shipment, destination, and use. See Order No. 3 (30 CFR, 1943 Supp., 602.61–602.64).

(b) By producers of lignite coal, on Form S. F. A. No. 56, requiring information relating in general to the mine, shipping point, tonnages, sizes, destination and use. See Order No. 3 (30 CFR, 1943 Supp., 602.61–602.64).

(c) By producers and wholesalers of anthracite coal, on Revised Form S. F. A. No. 378, requiring information relating in general to the production, preparation, sale, and shipment of anthracite monthly and cumulatively from April 1, 1946, to and including the month reported. See Revised Order No. 29 (11 F. R. 7937).

(d) By dock operators on lakes and tidewater, on Form S. F. A. No. 48, requiring information relating in general to monthly inventories, receipts and shipments, with details as to origin, shipment, kind, destination, and use. See Order No. 3 (30 CFR, 1943 Supp., 602.61–602.64).

(e) By producers in Districts 1–13 (except 5 and 12), on Form SFA No. 79, requiring information relating in general to the producer's monthly distribution of coal, with data as to the mine, district of origin, customer, size, shipment, and use of the coal. See Revised SFAW Regulation No. 32 (11 F. R. 8575).

(f) By dock operators on tidewater and river, on Form No. 79–A, requiring information in general relating to the operator's monthly distribution of coal, with data as to the origin of the coal, size, kind, shipment, and use, inventory, receipts and shipments. See Revised SFAW Regulation No. 32 (11 F. R. 8575).

(g) Industrial consumers and utilities are required by Revised Regulation No. 32 (11 F. R. 8575) to file with the shipper on or before the 24th day of the month preceding the month in which shipment is to be made, an order showing data as to uses, inventories and consumption requirements, and a certification as to their right to receive the coal under the Regulation.

(h) In all cases where reports are required, the person making the report is required to maintain, for a period of two years, the data on which the report is based.

§ 600.103 *Voluntary reports.* (a) The Solid Fuels Administration for War solicits certain voluntary reports. Retail dealers are requested to file a monthly report (Form SFA No. 7) showing the location of the yard, inventories, receipts and deliveries. Manufacturers are requested to file a report (Form SFC No. 16) showing the name and location of the plant, inventories and consumption requirements as to anthracite, bituminous, lignite, coke, fuel oil, and gas. Producers are requested to submit a weekly mine production running time report (Form SFC No. 27) showing production days, shifts, and hours worked, time and tons lost due to "No Orders," and the number of employees.

(b) This information obtained by the Solid Fuels Administration for War in the above manner is treated as confidential. However, compilations and composite reports thereof may be prepared and published, where such publication would not disclose individual data.

§ 600.104 *Applications for approval as to availability of coal for export.* (a) Applications for determination as to the availability of coal for export should be made to the Solid Fuels Administration for War, Washington 25, D. C., on Form SFA No. 428 (Revised), requiring information relating in general to the kind, origin and quantity of the coal, destination, Office of International Trade export license number, foreign consumer, and ultimate use of the coal. (See § 602.852 (a) of this chapter.)

(b) If the application is approved, two copies will be returned to the applicant, who within seven days shall return one copy to the Solid Fuels Administration for War, Washington 25, D. C., together with a copy of the cargo manifest, consist report, or dumping sheet, and other information required by SFAW Order No. 3.

§ 600.105 *Availability of coal for export.* A statement of policy (11 F. R. 7128), issued June 24, 1946, provides that any person who has surplus coal for export on the Treasury Department's program may submit, in duplicate, an offer to the Solid Fuels Administration for War. Such offer, respecting coal produced in Districts 1–6, 8–11, and 13–15, shall be submitted to the Area Distribution Manager for the area in which the coal is produced, and, with respect to coal produced in Districts 7, 12, 16–20, and 22–23, to the Solid Fuels Administration for War, Washington 25, D. C.

§ 600.110 *Compliance procedure.* Compliance officers visit persons subject to or affected by the regulations. The officers may not officially interpret any regulations, but are instructed to ascertain the person's familiarity with them. The officers make periodic spot checks and investigate reported violations, interviewing the person reported to be in violation. If irregularities are noted the person involved is requested to make such explanation as the officer desires. The officer may not publicly disclose information obtained by him. A report of each irregularity is made to the manager of the field office, and, if a violation is indicated, the person is requested to appear before the manager and is afforded an opportunity to explain the circumstances of the transaction. The manager then files a report with the Chief of the Compliance Division in Washington, D. C.

It is the policy of the Solid Fuels Administration to permit the manager of the field office to make final disposition in cases of minor and unintentional violations when maldistribution is capable of being corrected. In more serious cases, alleged violators are given an op-

portunity to make such explanations to the central office of SFAW as they desire, and thereafter, the Deputy Administrator may issue a letter of warning or prohibition, or may issue an order suspending the violator from participation in the program of allocation of solid fuels or materials. He may also refer the matter to the Department of Justice for such criminal action as may be deemed necessary, or for the institution of injunctive proceedings, as provided for by Title III of the Second War Powers Act, 1942, as amended.

§ 600.112 *Opinions and orders.* All opinions and orders in the adjudication of cases, and official records, except those required for good cause to be held confidential and not cited as precedents, are available for inspection at the office of the Solid Fuels Administration for War, Department of the Interior, Washington 25, D. C. In some cases permission will be given by the Washington office of SFAW to inspect certain data in the field offices.

§ 600.113 *Official records.* Upon application to the Deputy Administrator, Solid Fuels Administration for War, Department of the Interior, Washington 25, D. C., all except confidential final opinions and orders of Solid Fuels Administration are available for inspection by interested parties at the central office and all except confidential matters of official record are available for examination and inspection at the central office by persons properly and directly concerned. See also 43 CFR, Part 2.

C. GIRARD DAVIDSON,
Acting Secretary.

AUGUST 28, 1946.

[F. R. Doc. 46–15427; Filed, Aug. 28, 1946; 2:24 p. m.]

SOUTHWESTERN POWER ADMINISTRATION

[18 CFR, Ch. IV]

PART 500—ORGANIZATION AND PROCEDURE

SUBPART A—ORGANIZATION

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SUBPART B—PROCEDURE

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SUBPART A—ORGANIZATION

ESTABLISHMENT

§ 500.1 *Creation.* The Southwestern Power Administration was created by the Secretary of the Interior in 1943 to market power from the Denison Dam Project and the Norfork Dam Project. Subsequently the Administration was charged with the responsibility of marketing power produced by projects of the Corps of Engineers, United States Army, in the Southwestern part of the United States.

§ 500.2 *Purpose.* In marketing hydroelectric power the Administration's objectives are to market such power at the lowest possible rates to consumers, to encourage the widest possible use of its power and in so doing to provide market outlets by constructing, inter-connecting, operating, and maintaining such transmissions lines and substations as are necessary. The area of operation is the States of Arkansas and Louisiana, the part of Kansas and Missouri south of the Missouri River Basin and east of the 98th Meridian, and that part of Texas and Oklahoma lying east of the 99th Meridian and north of the San Antonio River Basin.

§ 500.5 *General description.* The Southwestern Power Administration consists of a headquarters staff at Tulsa, Oklahoma, four offices of the Operations Division in Oklahoma and Arkansas, and district offices of the Administration at Little Rock, Arkansas, and Denison, Texas. The headquarters staff is made up of the Administrator, several staff offices and four technical sections.

HEADQUARTERS ORGANIZATION

§ 500.10 *Administrator.* The Administrator of the Southwestern Power Administration is the chief executive. He reports through the Division of Power to the Secretary of the Interior. The Office of the Administrator formulates plans and procedures for carrying out the objectives of the Administration, and directs its operations.

§ 500.11 *Staff offices.* Staff offices include the Legal Section, the Personnel Section, the Administrative Section and the Controller Section, the latter section performing budget, finance, accounting and auditing functions for the entire agency.

§ 500.12 *Operations Section.* The Operations Section directs the operation of the Southwestern Power Administration's electric power facilities, the regulation of stream flow, the transmission of power through its own and associated facilities and the maintenance of facilities.

§ 500.13 *Engineering Section.* The Engineering Section supervises the engineering activities of the Southwestern Power Administration, including the designing and constructing of lines, substations and plants, and renders technical advice on operation and maintenance. The Section prepares studies of an engineering nature in the general field with which the Administration is concerned.

§ 500.14 *Industrial Management and Information Section.* The Industrial Management and Information Section conducts power market surveys of the area, promotes industrial development and potential markets for the sale of power, develops relationships with private and public agencies interested in the expansion of power facilities and directs the informational activities of the Administration.

§ 500.15 *Land Section.* The Land Section performs all work necessary for acquisition of lands, maintains records and maps of land under jurisdiction of the Southwestern Power Administration and handles all claims arising from land acquisition.

FIELD ORGANIZATION

§ 500.20 *Operations Section.* To discharge the functions of operations and maintenance with which it is charged, the Section maintains four field offices. These offices report directly to the Section.

§ 500.21 *District offices.* There are two district offices reporting administratively to the Administrator, and technically to the respective Sections whose functions they perform in the field. The District Offices develop and maintain business and public relationships necessary to the negotiation of power sales contracts and related power marketing functions. They carry on an advisory service to customers, conduct engineering investigations, collect operating data, and assist in the operation of the transmission system.

LISTS OF DELEGATIONS OF AUTHORITY

§ 500.40 *Purpose of list of delegations of authority.* The following sections are not in themselves delegations of authority. The sections are merely a list of delegations and indicate the various matters with respect to which delegations have been made. They are intended as an index and outline. For the scope and limitations of particular delegations of authority, the specific regulations and orders to which cross references are made must be consulted.

§ 500.41 *Administrator.* The Administrator has been delegated authority to:

(a) Carry out the functions and duties assigned to the Secretary of the Interior by Executive Orders Numbers 8944 (3 CFR, Cum. Supp., p. 1026) 9353, 9366, 9373 (3 CFR, 1943 Supp., pp. 26, 35, 39), relating to the Denison Dam Project, the Norfork Dam Project, and the Grand River Dam Project. See Order No. 1865 (8 F. R. 12142).

(b) Carry out the functions of the Secretary of the Interior relating to power generated at certain projects under the control of the War Department. See Order No. 2135 (10 F. R. 14527).

PLACES TO OBTAIN INFORMATION AND MAKE REQUESTS

§ 500.60 *Inquiries and requests in general.* Information concerning the policies and programs of the Administration, including reports and bulletins, may be obtained by addressing the Administrator, Southwestern Power Administration, Kennedy Building, P. O. Drawer 1619, Tulsa 1, Oklahoma. Technical in-

formation on such matters as wholesale power rates, rate policies, power contract procedures, availability of supply, and construction plans also may be obtained from the same address. Inquiries regarding power contracts, including availability of supply and rates, which concern a particular locality in the area may be addressed to the nearest district office listed below.

§ 500.61 *Location of headquarters organization.* The Administrator of the Southwestern Power Administration and his staff are located in the Kennedy Building, Tulsa, Oklahoma.

§ 500.62 *Operations Section.* The field offices of the Operations Section are located as follows:

(a) Pryor, Oklahoma.
(b) Langley, Oklahoma.
(c) Van Buren, Arkansas.
(d) Hot Springs, Arkansas.

§ 500.63 *District offices.* District offices of the Southwestern Power Administration are located as follows:

(a) Little Rock, Arkansas.
(b) Denison, Texas.

SUBPART B—PROCEDURE

§ 500.100 *Rates.* Proposed rate schedules are initiated by the Power Distribution Sales and Contract Unit of the Engineering Section. They are reviewed by the Area Power Managers, Controller, General Counsel, and the Assistant Administrator. Proposed rates are then submitted to the Administrator, who, if they meet with his approval, forwards them to the Secretary through the Division of Power. Proposed rates, after being reviewed by the Division of Power, are submitted to the Secretary for approval. The rates are then submitted by the Administrator to the Federal Power Commission for confirmation and approval pursuant to the requirements of the act of December 22, 1944 (sec. 5, 58 Stat. 890; 16 U. S. C. Sup. 825s).

§ 500.101 *Marketing activities.* In marketing power, Southwestern Power Administration negotiates power sales contracts with public bodies, cooperatives, privately owned utilities, the large industrial customers who take power in wholesale quantities, and other Federal agencies. Contacts are made with potential industrial customers throughout the United States who indicate interest in establishing plants in the southwest. All possible service is rendered to customers or prospective customers, leading to increased and more efficient use of power.

Research activities and coordination of program of power distribution and use are carried on in coordination with other bureaus and agencies of the Department of the Interior, other Federal departments, and particularly with the Rural Electrification Administration.

Initial power marketing contacts are generally made by the District Offices or by Industrial Management and Information Section. On the establishment of the interest of a potential consumer, contact is taken up by the Power Distribution Sales and Contract Unit of the Engineering Section. Power utilization by rural electric cooperatives, public bodies and potential industrial customers is being stressed in every possible way.

C. GIRARD DAVIDSON,
Acting Secretary.

AUGUST 28, 1946.

[F. R. Doc. 46—15426; Filed, Aug. 28, 1946; 2:23 p. m.]

VIRGIN ISLANDS COMPANY

[48 CFR, Ch. III]

PART 300—ORGANIZATION AND PROCEDURE

Sec.
300.1 Creation.
300.2 General description.
300.20 Inquiries and requests in general.
300.21 Location of offices.

§ 300.1 *Creation.* The Virgin Islands Company was created by Ordinance of the Colonial Council of St. Thomas and St. John, Virgin Islands, on April 16, 1934, to aid in effecting the economic rehabilitation of the Virgin Islands and to promote the general welfare of the people of those Islands. The Company's corporate existence has been recognized by the Congress.

§ 300.2 *General description.* (a) The Virgin Islands Company is a non-profit corporation. The total authorized capital stock of the Company is represented by three shares, issued at a fixed rate of $10 each, and held by the stockholders as a board of trustees under a trust agreement for the benefit of the people of the Virgin Islands. The Company operates certain Federal properties in St. Thomas and St. Croix, and a rural electrification project in St. Croix. The annual net profits of the Company, derived from operation of the Federal properties, are turned into the United States Treasury.

(b) The governing body of the Company is a board of seven directors elected by the board of trustees. A President, elected by the Board of Directors, is in immediate charge of the Company's operations. The Division of Territories and Island Possessions has the responsibility of protecting the Federal interests in the Company, and aids in the management of the Company.

(c) Under an operating agreement originally executed in November 1934 with the United States, acting through the Secretary of the Interior, the Company operates and maintains Federal properties in St. Thomas and St. Croix. The principal activity of the Company is the growing of sugarcane, the milling of sugar and distillation of rum. In addition the Company operates a mail, cargo and passenger schooner, supervises the operation of a market and abattoir, and rents out tractors and other equipment and supplies, homes and subsistence plots to its employees. In 1941, the Company formed a Rural Electric Division which supplies electric power to the rural areas of St. Croix.

§ 300.20 *Inquiries and requests in general.* Information concerning The Virgin Islands Company may be secured by addressing The Virgin Islands Company, Department of the Interior, Washington 25, D. C. (or Christiansted, St. Croix, Virgin Islands).

§ 300.21 *Locations of offices.* The principal office of The Virgin Islands Company is located in the Municipality of St. Thomas and St. John. The office of the President of the Company is located in Christiansted, St. Croix, where most of the Company's activities are centered. There is an office of the Company in the Department of the Interior, Washington 25, D. C.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

AUGUST 28, 1946.

[F. R. Doc. 46-15421; Filed, Aug. 28, 1946; 2:21 p. m.]

PART II
Section 2

FEDERAL REGISTER

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DEPARTMENT OF AGRICULTURE

Office of the Secretary

[7 CFR, Subtitle C, Ch. XXI]

PART 2100—OFFICE OF THE SECRETARY

SUBPART A—ORGANIZATION

Sec.
2100.1 The Secretary, Under Secretary, and Assistant Secretary.
2100.2 Judicial Officer.
2100.3 Availability of information and records.

SUBPART B—FUNCTIONS AND PROCEDURES

2100.10 General.
2100.11 Claims based on negligence.
2100.12 Rule-making procedures.
2100.13 Petitions.

SUBPART A—ORGANIZATION

§ 2100.1 *The Secretary, Under Secretary, and Assistant Secretary.* (a) The work of the Department of Agriculture is supervised and directed by the Secretary of Agriculture, who is assisted by an Under Secretary and an Assistant Secretary. The Under Secretary and the Assistant Secretary may perform all the duties and exercise all the powers and functions vested in the Secretary of Agriculture, to the extent they may be delegated, subject to limitations specifically prescribed by the Secretary (6 F. R. 2204).

(b) In the absence of the Secretary, the Under Secretary may perform all the duties of the Secretary. In the absence of both the Secretary and the Under Secretary, the Assistant Secretary may perform all the duties of the Secretary.

§ 2100.2 *Judicial Officer.* By delegation from the Secretary pursuant to statute (5 U. S. C. 516a–516e), the Judicial Officer makes final administrative decisions in all regulatory proceedings of a judicial or quasi-judicial nature conducted by the Department (except proceedings arising under temporary powers existing for the duration of the war or a specified time thereafter), whether license, disciplinary, rate, reparation, or otherwise, in which hearings or opportunities for hearing are given, and he performs any action required or authorized before, after, or in connection with such decisions. All provisions of law are construed as if the powers delagted to the Judicial Officer by the Secretary had been vested by law in the Judicial Officer (5 U. S. C. 516c). Decisions of the Judicial Officer are published monthly in Agriculture Decisions, copies of which may be purchased from the Superintendent of Documents, U. S. Government Printing Office, Washington, D. C.

§ 2100.3 *Availability of information and records.*[1] The following rules shall govern the availability for examination, or the furnishing of copies, of matters of official record of the Department, including those on file with the National Archives:

(a) *Confidential records.* The following records are confidential and shall not be subject to examination, nor shall copies thereof be furnished upon any request except in proper cases from Federal official sources:

(1) All records and reports required by statutes to be held confidential by the Department.

(2) Blueprints of meat slaughtering or meat, poultry or dairy products processing plants and establishments.

(3) Producers' referendum ballots.

(4) Minutes of meetings (except resolutions extracted therefrom) of Boards of Directors of Corporations under administrative supervision of the Department of Agriculture or any of its agencies, State Production and Marketing Administration committees, and county agricultural conservation committees.

(5) Records of audits, other than information with respect thereto authorized by the Secretary of Agriculture or the Boards of Directors of Corporations to be made available.

(6) Reports furnished the Department confidentially by dealers, manufacturers, or associations thereof covering quantities of commodities processed, purchased or sold during prescribed periods and the price paid therefor.

(7) Documents, photographs or maps of other government agencies required to be held confidential under regulations or orders of the other government agency.

(8) Personnel investigation reports, investigation or accounting reports made to determine compliance with law or regulations, or reports of inspection operations.

(9) Records of research, experimentation and physical analysis of samples and other materials in the course of investigations, including patent records, prior to publication, release, or use of the results thereof.

(10) Records, reports and estimates of crops for consideration and release by Crop Reporting Board prior to formal release.

(11) Charges, complaints and other processes in adjudicative proceedings prior to publication or use.

NOTICE

Part II of this issue contains organizational and procedural material submitted pursuant to section 3 (a) (1) and (2) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238). This material is presented by Departments in the order of their establishment, followed by independent agencies in alphabetical order. Placement within the Code of Federal Regulations is indicated by bold face brackets at the head of each unit and by appropriate part and section designations within the unit.

Due to the volume of material presented in Part II it has been necessary to bind the part in several sections and to place the table of contents at the end of the last section.

[1] Supersedes 7 CFR 1.1533.

(b) *Records of limited availability.* The records enumerated below are of limited availability and information contained therein shall not be disclosed, nor shall a copy thereof be furnished, except as specifically provided:

(1) Reports and records which by statute may be made available only in suits or administrative proceedings will be available only under the conditions provided for in the statute.

(2) Upon approval of the head of the bureau, agency or branch concerned, based upon the considerations prescribed in paragraph (d) of this section, the following records shall be available as indicated:

(*a*) Applications, reports, and like records, together with supporting data and documents, other than those under paragraphs (a), (b) (1), (b) (2) (c), or (b) (2) (*d*) of this section, submitted by an applicant for relief, license, certificate, use, loan, grant or other benefit provided by law or by regulations authorized by law, shall be made available to the person who furnished the record, and also under compulsory process.

(*b*) Contractual records and other agreement records, together with supporting data, shall be available to the contractor or person supplying the record, and also under compulsory process.

(*c*) Reports and applications acquired from farmers and handlers of agricultural products, equipment and supplies in connection with conservation programs formulated under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (1936), as amended (16 U. S. C. 590g to 590q), and in connection with control or adjustment programs developed under prior acts of Congress shall be available to the person who furnished the record, and also to other persons properly and directly concerned. When such records are to be used in court or administrative proceedings, an authorized representative of the head of the branch or bureau having custody of the records shall appear and produce such records only if the records remain in the custody of such representative at all times.

(*d*) Records, reports and applications submitted to central and field offices of the Production and Marketing Aministration by farmers, handlers, and processors of the commodities wheat, corn, cotton, tobacco, rice, and peanuts in connection with commodity loan, parity payment, and marketing quota programs pursuant to Title III of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301–1393), shall be available to the person supplying the data, and also to the extent deemed relevant by the administrative head of the Production and Marketing Administration branch concerned, in any suit or administrative hearing under Title III of the above named act.

(3) Inspection certificates of grade, quality or condition shall be available for examination in accordance with the applicable regulations governing such inspection, and copies thereof may be obtained upon the payment of fees, if any, prescribed therefor (7 CFR, Subtitle B, ch. I).

(4) Records obtained pursuant to sec. 4 of Federal Reports Act of 1942 shall be released only with the approval of the agency from which the information is obtained.

(5) Reports received under the Commodity Exchange Act or information contained in such reports are only available where relevant in any suit or administrative proceeding pursuant to subpoena.

(6) Records of Farm Credit Administration and of the various corporations under its supervision that are declared confidential in regulations issued by Farm Credit Administration (6 CFR Part 4) shall be made available to the persons and in the circumstances specified in said regulations.

(7) Personnel records shall not be available except upon the authorization of the Director of Personnel given with due regard for the welfare of the employee concerned and in accordance with the considerations prescribed in paragraph (d) of this section.

(8) Records relating to the business or property of any handler or any person furnished by, or obtained from, such handler or person pursuant to any marketing agreement or marketing order are available as prescribed in 7 CFR 900.200.

(9) Records relating to the business and property of any person obtained pursuant to the requirements of the Perishable Agricultural Commodities Act of 1930, as amended, are available as prescribed in 7 CFR Part 46.

(c) *Records in adjudications and formal rule-making proceedings.* Records in adjudications and formal rule-making proceedings are on file in the office of the Hearing Clerk, Office of the Solicitor, Department of Agriculture, Washington 25, D. C., and shall be made available to persons having a proper interest therein.

(d) *Records available to properly interested persons.* All other records of the Department and of corporations under the administrative supervision of the Department shall be made available if so determined by the administrative head of the bureau, agency, branch, or corporation having custody of same, to persons properly and directly concerned, and in making his determination he shall be guided by the following considerations:

(1) Whether the release of the record will jeopardize future government access to information.

(2) Whether the release of the record at the time is premature and will improperly affect a pending action.

(3) Whether the disclosure of the record will have the effect of hindering free administrative decisions in the same or similar matters in the future.

(4) Whether the purpose for which the record is sought is prejudicial to the public interest.

(5) Whether the record is already otherwise made public, such as reports of public hearings and conferences, recorded maps, plats and documents, records published for the information of the public, and material of a similar public nature.

(e) *Other information.* Any other information expressly or impliedly obtained or received in confidence, or relating to pending cases, or dealing with studies, inspections, or investigations of the Department or its collaborators, or otherwise confidential, shall not be available unless the head of the bureau, agency or branch concerned otherwise determines on the basis of the considerations prescribed in paragraph (d) of this section.

(f) *Application for examination or copy of records.* Except as otherwise provided herein, application for examination of a record or for a copy thereof shall be made to the administrative head of the bureau, agency or branch administering the program relating to the same. Examination of records, where examination is permitted, shall be at times and places convenient to the public business, and copies, when obtainable, shall be furnished at rates established therefor.

(g) *Authenticated copies.* When a request is received for an authenticated copy of a record of the Department which is otherwise available under these rules to the party requesting same, for use as evidence in litigation or otherwise, the administrative head of the bureau having custody thereof shall cause a correct copy to be prepared and sent to the Solicitor who shall certify same and cause the seal of the Department to be affixed.

(h) *Denial of access to record.* The administrative head of the bureau, agency or branch having custody of the record shall give prompt written notice of a denial, in whole or in part, of any written application, petition or other request of an interested party when made in the course of a departmental proceeding, and shall set forth a simple statement of the grounds for such refusal. In any other case, the reasons for refusal shall be available to the applicant.

SUBPART B—FUNCTIONS AND PROCEDURES

§ 2100.10 *General.* The functions of the Department of Agriculture and the methods by which they are channeled to and determined by the Office of the Secretary are described in the succeeding sections of this Subpart B and in the statements of functions and procedures of the various agencies in the Department of Agriculture that are contained in this chapter, in Chapters IV (Federal Crop Insurance Corporation) and VI (Soil Conservation Service) of Title 7, in Chapters I (Farm Credit Administration), II (Production and Marketing Administration—Commodity Credit), III (Farm Security Administration), and IV (Rural Electrification Administration) of Title 6, and in Chapters II (Forest Service) and IV (National Forest Reservation Commission) of Title 36.

§ 2100.11 *Claims based on negligence.* Any person claiming injury or loss alleged to have been caused by the negligence of an employee of any agency of the Department of Agriculture may apply to the local office of such agency for a copy of the appropriate claim form (No. 28 for claims arising out of motor vehicle collisions and No. AD–24 for other claims). The completed claim should be filed with the office from which obtained. Field officials of the Soil Conservation Service and the Forest Service forward each completed form, together with an investigative report and recommendation, directly to the Office of the Solicitor, United States Department of Agri-

culture, Washingon 25, D. C. The field officials of each other agency forward each completed form, together with an investigative report and recommendation, to the Washington office of the agency, which in turn submits the materials to the Solicitor's Office. Upon the basis of the facts and law involved, the Solicitor recommends to the Secretary the allowance or disallowance of the claim. After final determination by the Secretary, the Solicitor notifies the claimant whether his claim has been allowed or disallowed. In the event a claim is allowed, the claimant is advised of the time and the method of payment.

§ 2100.12 *Rule-making procedures.* In all cases where section 4 (a) of the Administrative Procedure Act requires notice to be given of proposed rule-making, the notice shall indicate the procedure to be followed in the rule-making proceeding unless the procedure is prescribed by statute or by published rule of the Department.

§ 2100.13 *Petitions.* Petitions by interested persons in accordance with the provisions of section 4 (d) of the Administrative Procedure Act for the issuance, amendment or repeal of a rule may be filed with the official that issued or is authorized to issue the rule. All such petitions will be given prompt consideration and petitioners will be notified promptly of the disposition made of their petitions.

[SEAL] CLINTON P. ANDERSON,
Secretary.

[F. R. Doc. 46—15788; Filed, Sept. 8, 1946; 11:41 a. m.]

Agricultural Research Administration

OFFICE OF THE ADMINISTRATOR

[7 CFR, Subtitle C, Ch. XXI]

PART 2401—OFFICE OF THE ADMINISTRATOR

SUBPART A—ORGANIZATION

Sec.
2401.1 Central organization.
2401.2 Field organization.
2401.3 Information, submittals and requests.

SUBPART B—FUNCTIONS AND PROCEDURE

SUBPART A—ORGANIZATION

§ 2401.1 *Central organization.* The Office of the Administrator is located at Washington, D. C., and conducts the general planning and coordination of the research and regulatory activities of all the agencies in the Agricultural Research Administration, which are: Bureau of Agricultural and Industrial Chemistry (see Part 2402 of this chapter); Bureau of Animal Industry (Part 2403); Agricultural Research Center (Part 2404); Bureau of Dairy Industry (Part 2405); Bureau of Entomology and Plant Quarantine (Part 2406); Office of Experiment Stations (Part 2407); Bureau of Human Nutrition and Home Economics (Part 2408); and Bureau of Plant Industry, Soils, and Agricultural Engineering (Part 2409). This Office is also responsible for the broad planning and the coordination of the programs of the four regional research laboratories authorized by Sec. 202 of the Agricultural Adjustment Act of 1938 (7 U. S. C. 1281); and for the administration of the Special Research Fund (7 U. S. C. 427b).

§ 2401.2 *Field organization.* The Office of the Administrator is directly responsible for the administration of the Agricultural Research Center (Part 2404) and the U. S. Regional Plant, Soil, and Nutrition Laboratory, Ithaca, New York.

§ 2401.3 *Information, submittals and requests.* Persons desiring information or wishing to make submittals or requests with respect to the activities of the Agricultural Research Administration may do so by communicating with the Agricultural Research Administrator, Washington 25, D. C.

SUBPART B—FUNCTIONS AND PROCEDURE

NOTE: The Office of the Administrator serves as a coordinating office, and its procedures are matters of internal management.

[SEAL] CLINTON P. ANDERSON,
Secretary.

[F. R. Doc. 46-15193; Filed, Aug. 28, 1946; 9:08 a. m.]

AGRICULTURAL RESEARCH CENTER

[7 CFR, Subtitle C, Ch. XXI]

PART 2404—AGRICULTURAL RESEARCH CENTER

SUBPART A—ORGANIZATION

Sec.
2404.1 Central and field organization.
2404.2 Information, submittals and requests.

SUBPART B—FUNCTIONS AND PROCEDURE

SUBPART A—ORGANIZATIONS

§ 2404.1 *Central and field organization.* The Agricultural Research Center is located at Beltsville, Maryland, and is the organization created to provide general supervision of the research plant and the development and operation of the common facilities required by the organizations engaged in research and related activities at that part of the Federal reservation, located near Beltsville, Maryland, for which the Department of Agriculture is responsible. The Center provides certain housing and other overall operating services and management.

§ 2404.2 *Information, submittals and requests.* Persons may obtain information and make submittals and requests by communicating with the Agricultural Research Administration, Agricultural Research Administration, Washington 25, D. C.

SUBPART B—FUNCTIONS AND PROCEDURE

NOTE: The functions and procedures of the Agricultural Research Center are matters of internal management.

[SEAL] CLINTON P. ANDERSON,
Secretary.

[F. R. Doc. 46-15196; Filed, Aug. 28, 1946; 9:08 a. m.]

BUREAU OF AGRICULTURAL AND INDUSTRIAL CHEMISTRY

[7 CFR, Subtitle C, Ch. XXI]

PART 2402—BUREAU OF AGRICULTURAL AND INDUSTRIAL CHEMISTRY

SUBPART A—ORGANIZATION

Sec.
2402.1 Central organization.
2402.2 Field organization.
2402.3 Information submittals and requests.
2402.4 Delegations of final authority.

SUBPART B—FUNCTIONS AND PROCEDURES

SUBPART A—ORGANIZATION

§ 2402.1 *Central organization.* (a) The central organization of the Bureau of Agricultural and Industrial Chemistry is located at Washington, D. C. The Chief of the Bureau, aided by three Assistant Chiefs is responsible for the scientific and administrative direction of all activities of the Bureau. The work of the Bureau is conducted pursuant to Section 520 of the revised statutes, 5 U. S. C. 511, the Act of June 29, 1935 (7 U. S. C. 427 b), and Sec. 202 of the Agricultural Adjustment Act of 1938 (7 U. S. C. 1281).

(b) These activities include research in the fields of chemistry, physics, and other sciences with the object of developing new, wider, and more effective industrial uses for agricultural products as well as improvement of agricultural products as foods, feeds, and other uses.

(c) The central organization includes the Administrative Services Division, Personnel Division, the Information Division, and the Allergen Research Division which Division conducts work relating to the distribution, properties, and chemical composition of allergens present in agricultural products and their immunological properties.

§ 2402.2 *Field organization*—(a) *Regional research laboratories.* Pursuant to section 202 of the Agricultural Adjustment Act of 1938, four regional research laboratories have been established. These laboratories conduct research on the utilization of agricultural commodities, including fundamental, applied, and pilot plant research directed toward the development of new uses of agricultural products and byproducts and the improvement and extension of existing uses, including research on food products. (1) The Southern Regional Research Laboratory, New Orleans, Louisiana, primarily serves the southern producing area, including Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas. Present research work is conducted with respect to cotton, sweetpotatoes, and peanuts. (2) The Western Regional Research Laboratory, Albany, California, primarily serves the western producing area, including Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. Present research work is conducted with respect to fruits, vegetables, poultry, alfalfa, and wheat. (3) The Eastern Regional Research Laboratory, Wyndmoor, Pennsylvania, primarily serves the eastern producing area, including Connecticut,

Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, and West Virginia. Present research work is conducted with respect to apples, vegetables, milk, animal fats and oils, and tanning materials. (4) The Northern Regional Research Laboratory, Peoria, Illinois, primarily serves the northern producing area, including Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. Present research work is conducted with respect to corn, wheat and other cereal crops, soybeans and other oilseed crops, and agricultural residues.

(b) *Agricultural chemical investigations.* Research on the chemistry, technology, processing, and utilization of raw agricultural materials; on the microbiology of agricultural products; on the application of enzymology to agricultural products; on the pharmacological testing of agricultural products and byproducts; and on biologically active chemical compounds in plants is conducted at the following locations: (1) Agricultural Chemical Research Division, New Orleans, Louisiana (chemistry, technology, processing and utilization of organic raw materials, including fruits, vegetables, sugar, tung oil, etc.). (2) Microbiology Research Division, Wyndmoor, Pennsylvania (microbiology of agricultural products). (3) Enzyme and Phytochemical Research Division, Albany, California (Enzymological and phytochemical study of agricultural products). (4) Fruit and Vegetable Laboratories, Los Angeles, California and Pullman, Washington (preservation and processing of fruits and vegetables). (5) Pharmacology Laboratory, Albany, California (pharmacological testing of agricultural products). (6) Biologically Active Chemical Compounds, Beltsville, Maryland (investigations of biologically active chemical compounds present in growing plants).

(c) *Naval stores investigations.* Naval Stores Research Division, New Orleans, Louisiana, conducts research on pine oleoresin, turpentine and resin to develop improved methods of producing, handling, and storage and new and improved derivatives.

(d) *Synthetic liquid fuels investigations.* Synthetic Liquid Fuels Project, Peoria, Illinois, conducts research for the purpose of determining manufacturing steps in the production of synthetic liquid fuels from agricultural residues.

§ 2402.3 *Information submittals and requests.* Public information may be obtained from and submittals and requests may be made to the heads of the various field organizations described above, or to the Chief, Bureau of Agricultural and Industrial Chemistry, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C.

§ 2402.4 *Delegations of final authority.* The heads of the various field units are authorized to exercise limited authority to contract for supplies and services.

SUBPART B—FUNCTIONS AND PROCEDURES

NOTE: The Bureau of Agricultural and Industrial Chemistry is a research organization, and its procedures are matters of internal management.

[SEAL] CLINTON P. ANDERSON,
Secretary.

[F. R. Doc. 46-15194; Filed, Aug. 28, 1946; 9:08 a. m.]

BUREAU OF ANIMAL INDUSTRY

[7 CFR, Subtitle C, Ch. XXI]

PART 2403—BUREAU OF ANIMAL INDUSTRY

SUBPART A—ORGANIZATION

Sec.
2403.1 Central organization.
2403.2 Field organization.
2403.3 Public information, submittals and requests.
2403.4 Delegations of final authority.

SUBPART B—FUNCTIONS AND PROCEDURES

2403.20 Research, service and State cooperation.
2403.21 Eradication of tuberculosis, paratuberculosis, and Bang's disease.
2403.22 Field inspection.
2403.23 Interstate inspection.
2403.24 Virus-serum control.

SUBPART A—ORGANIZATION

§ 2403.1 *Central organization.* (a) The Chief of the Bureau, aided by two assistant chiefs, has general administrative supervision and control over all the work of the Bureau, which generally is concerned with the protection and the development of the livestock industry and animal food resources in accordance with the following statutes: 5 U. S. C. 511; 7 U. S. C. 391–393; 7 U. S. C. 395 (Supp. V); 7 U. S. C. 429–430 (Supp. V); 7 U. S. C. 851–855; 19 U. S. C. 1201, par. 1606; 19 U. S. C. 1306a and c; 21 U. S. C. 101–132; 21 U. S. C. 114a, 129 (Supp. V); 21 U. S. C. 151–158; 46 U. S. C. 466a–b; 46 Stat. 2451; and Public Laws 369 and 522, 79th Congress.

(b) The Bureau's work consists of scientific investigations of the prevalence, cause, prevention, and treatment of livestock, poultry, and fur-bearing animal diseases, and aid in the control and the eradication of such diseases; and of investigations in breeding, feeding, and management of livestock (except dairy cattle), poultry, and fur-bearing animals, including the quality of their products. The work is carried on through nine separate divisions, each operating directly under the Chief of the Bureau, as follows: Animal Husbandry, Pathological, Zoological, Tuberculosis Eradication, Field Inspection, Interstate Inspection, Virus-Serum Control, Information, and Business Administration.

§ 2403.2 *Field organization.* (a) The following is a list of field stations arranged by States engaged in field operations, which consist of hog cholera control; virus-serum control; scabies, dourine, tick, tuberculosis, and Bang's disease eradication; public stockyards inspection; and inspection and quarantine:

ALABAMA: *Montgomery,* 338 New Post Office Building, Zone 4.

ALASKA: *Palmer,* Territorial Veterinarian.

ARKANSAS: *Little Rock,* 529 Waldon Building.

CALIFORNIA: *Berkeley,* 2503 San Pablo Avenue, Zone 2; *El Centro,* Court House; *Sacramento,* 218 Federal Building, Zone 5.

COLORADO: *Denver,* Field Operations, 560 Custom House, Zone 2; Virus-Serum Control, 5030 York Street, Zone 16.

CONNECTICUT: *Hartford,* 207 State Office Building.

FLORIDA: *Jacksonville,* 204 Greenleaf Building, Zone 2.

GEORGIA: *Albany,* 520 Third Avenue; *Atlanta,* 511 New Federal Building, Zone 3.

IDAHO: *Boise,* 628–629 Idaho Building, 8th and Bannock Streets.

ILLINOIS: *Chicago,* 999 Exchange Avenue, Union Stock Yards, Zone 9; *East St. Louis,* 327 Federal Building; *National Stock Yards,* 20 Livestock Exchange Building; *Springfield,* 403 Illinois National Bank Building.

INDIANA: *Indianapolis,* 248 Consolidated Building, 115 N. Pennsylvania Street, Zone 4.

IOWA: *Des Moines,* 1019 High Street; *Fort Dodge,* 34 Post Office Building; *Sioux City,* Public Stockyards Inspection, 323 Livestock Exchange Building, Stockyards Station, Zone 11; Virus-Serum Control, 320 Livestock Exchange Building, Stockyards Station, Zone 11.

KANSAS: *Kansas City,* 19 Federal Building, Zone 10; *Topeka,* Field Operations, 204 Federal Building; Virus-Serum Control, care Johnson Serum Company, Crane and Jefferson Streets.

KENTUCKY: *Frankfort,* 714 McClure Building; *Louisville,* Livestock Exchange Building, Bourbon Stockyards, Zone 6.

LOUISIANA: *Baton Rouge,* 326–327 Post Office and Court Building, Zone 2; *New Orleans,* 303 Pan American Building, 610 Poydras Street, Zone 12.

MAINE: *Augusta,* 316 Water Street; *Calais,* Federal Building; *Houlton,* U. S. Post Office and Customhouse.

MARYLAND: *Baltimore,* 824 Fidelity Building, Zone 1; *Beltsville,* Virus-Serum Control; *College Park,* care University of Maryland.

MASSACHUSETTS: *Boston,* 802 Customhouse Building, Zone 9.

MICHIGAN: *Lansing,* 724 State Office Building, Zone 13.

MINNESOTA: *St. Paul,* 1419 U. S. Post Office and Custom House, Zone 1; *South St. Paul,* 207 Post Office Building.

MISSISSIPPI: *Jackson,* Masonic Temple Building, 835 West Monument Street, Zone 43.

MISSOURI: *Jefferson City,* 202 U. S. Post Office and Court House; *Kansas City,* 800–802 Livestock Exchange Building, Zone 15; *St. Joseph,* 11 U. S. Post Office and Court House, Zone 54; *South St. Joseph,* Livestock Exchange Annex; *West Plains,* care Wilke Laboratories, Lincoln Avenue and Third Street.

MONTANA: *Helena,* Live Stock Building, Capitol Station.

NEBRASKA: *Lincoln,* 303 U. S. Post Office Building, Zone 1; *Omaha,* Public Stockyards Inspection, 120 Livestock Exchange Building, Zone 7; Virus-Serum Control, 203 Federal Building, South Omaha Station, Zone 7.

NEVADA: *Reno,* 324 U. S. Post Office Building.

NEW JERSEY: *Trenton,* 206–208 Post Office Building, Zone 5.

NEW MEXICO: *Albuquerque,* 209 Federal Building Annex.

NEW YORK: *Albany,* Nineteenth Floor, State Office Building, Zone 1; *Buffalo,* Livestock Exchange Building, Zone 6; *La Fargeville,* Animal Quarantine Office; *New York,* Room 2024, 61 Broadway, Zone 6; *Ogdensburg,* Room 220 Customhouse Building; *Pearl River,* care Lederle Laboratories, Inc.; *Rouses Point,* Animal Quarantine Office.

NORTH CAROLINA: *Raleigh,* 320–321 Agricultural Building.

NORTH DAKOTA: *Bismarck,* 337 U. S. Post Office and Court House.

OHIO: *Cincinnati,* Livestock Exchange Building, Cincinnati Union Stockyards, 3129 Spring Grove Avenue; *Columbus,* Field Operations, 502 Hartman Building, 79 East State

Street, Zone 15; Virus-Serum Control, 502 New Post Office Building, Zone 15.

OKLAHOMA: *Oklahoma City*, 507 Cotton Exchange Building, 2d and Harvey Streets, Zone 2; *Okmulgee*, care Fidelity Laboratories, Inc.

OREGON: *Portland*, 614 Post Office Building, Zone 9.

PENNSYLVANIA: *Harrisburg*, 213 South Office Building, State Capitol; *Lancaster*, care Union Stock Yards; *Philadelphia*, Room 15E, U. S. Custom House and Appraiser's Stores Building, 2d and Chestnut Streets, Zone 6; *Pittsburgh*, 303 Livestock Exchange Building, Herrs Island, Zone 22.

PUERTO RICO: *San Juan*, 311 U. S. Post Office and Court House, Zone 4.

SOUTH CAROLINA: *Columbia*, 408 State Office Building, Zone 10.

SOUTH DAKOTA: *Pierre*, 309 Federal Building.

TENNESSEE: *Nashville*, 342 U. S. Court House, Zone 3.

TEXAS: *El Paso*, 501 U. S. Court House; *Fort Worth*, Field Operations, 503 U. S. Court House, Zone 2; Virus-Serum Control, care Globe Laboratories, 116 Commerce Street, Zone 2; *San Antonio*, 290 Federal Building, Zone 6.

UTAH: *Salt Lake City*, 450 Federal Building, Zone 1.

VERMONT: *Montpelier*, care Commissioner of Agriculture, State House; *Newport*, 27 Federal Building; *St. Albans*, 213 Federal Building.

VIRGINIA: *Richmond*, 1102 State Office Building, Zone 19.

WASHINGTON: *Olympia*, 203 Federal Building; *Spokane*, care Old Union Stockyards, Zone 5.

WEST VIRGINIA: *Charleston*, 346-348 Capitol Building, Zone 5.

WISCONSIN: *Madison*, 330-332 Federal Building, Zone 3.

WYOMING: *Cheyenne*, 403 Federal Building.

(b) The Bureau also has research laboratories and stations which are strategically located throughout the United States to study particular problems.

§ 2403.3 *Public information, submittals, and requests.* Public information may be obtained from and submittals and requests may be made to the Inspector in Charge of the various field stations listed above as to the work performed by each station. All other requests and submittals should be sent to the office of the Chief, Bureau of Animal Industry, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C.

§ 2403.4 *Delegations of final authority.* All delegations of final authority are contained in Bureau of Animal Industry orders (9 CFR Parts 51–66, 71–96, 101–131, and 151), except the following:

Officials in charge of field stations are authorized to exercise limited authority to contract for supplies and services.

SUBPART B—FUNCTIONS AND PROCEDURES

§ 2403.20 *Research, service, and State cooperation*—(a) *Research.* The Bureau conducts research in the breeding, nutrition, and management of domestic and foreign animals (except dairy cattle), poultry, and fur-bearing animals, their products, in the technology of the production and chemistry of their feeds, and in the cause, prevention, and treatment of diseases and pests of such livestock (5 U. S. C. 511; 7 U. S. C. 391–393). Results of research are disseminated to the public through the office of the Chief.

(b) *Service and cooperative work.* (1) The Bureau provides expert assistance and advice to producers, breeders, and others interested in livestock and poultry, independently and in cooperation with State and local authorities (5 U. S. C. 511; 7 U. S. C. 391–393; and Public Law 369, 79th Congress), concerning the eradication and control of certain specific diseases and pests affecting animals and poultry, such as scabies and ticks in sheep and cattle, tuberculosis in poultry and swine, etc. Livestock and poultry owners may receive inspections and tests of their animals and advice as to proper treatment and care upon request to the local or State authorities or to the local inspector for the Bureau. The cooperation with the State and local authorities is performed pursuant to cooperative agreements and memoranda of understanding.

(2) The Bureau administers the provisions of the National Poultry Improvement Plan and the National Turkey Improvement Plan (7 U. S. C. 429 (Supp. V)). These plans seek through the application of breeding and other standards of performance, tests for disease, certifications, and the dissemination of scientific information to improve the production and market quality of chickens and turkeys, to minimize losses from diseases, and to provide standards of breeding stock, hatching eggs, and chicks and poults with respect to breeding quality and freedom from pullorum disease. These plans are administered locally through State agencies and industry members within the State under cooperative agreements between an official State agency and the Bureau.

(3) The Bureau also makes diagnosis of rabies specimens for the public on a fee basis (7 U. S. C. 395 (Supp. V)). Persons desiring to avail themselves of this service may communicate with the Chief of the Bureau.

§ 2403.21 *Eradication of tuberculosis, paratuberculosis, and Bang's disease.* (a) The Tuberculosis Eradication Division conducts a program for the eradication of tuberculosis, paratuberculosis, and Bang's disease, in cooperation with the States (21 U. S. C. 111 and 114 and 21 U. S. C. 114a (Supp. V)). The participation of livestock owners in this program is voluntary so far as the Bureau of Animal Industry is concerned, but some State laws have the effect, by requiring testing, or bringing all livestock owners under the program. The work is conducted in accordance with B. A. I. Orders 309 and 375 (9 CFR, Parts 51, 71–77) issued by the Secretary pursuant to said acts.

(b) A livestock owner desiring to participate may make informal application to the State livestock sanitary officials or to the Inspector in Charge. B. A. I. Orders 309 and 375 set forth the procedure with respect to testing and inspection of the cattle, marking and appraisal of reactors, shipment and slaughter of reactors, and payment of indemnity. If the owner of cattle is dissatisfied with the appraisal of his cattle, he may appeal to the Inspector in Charge, then to the Chief of the Bureau, and finally to the Secretary of Agriculture. No special form of appeal is prescribed.

(c) The Bureau, in cooperation with the States, also offers a Bang's disease vaccination service which may be obtained on informal request to the Inspector in Charge or the proper State officials.

§ 2403.22 *Field inspection*—(a) *Inspection and quarantine of import animals.* (1) Under section 306 (a) of the Tariff Act of 1930 (19 U. S. C. 1306a), the importation of domestic ruminants or swine or of fresh, chilled, or frozen beef, veal, mutton, lamb, or pork from countries in which foot-and-mouth disease, or rinderpest, is known to exist is prohibited. The countries to which that prohibition applies are listed in B. A. I. Order 373 (9 CFR, Part 94). The importation of ruminants and swine which are diseased or which have been exposed to such infection within 60 days next prior to their exportation is also prohibited (21 U. S. C. 104).

(2) The regulations provide that such animals or products which reach this country must be returned or destroyed. The owner or his agent is notified of the fact that his property must be destroyed or returned, and if destruction is authorized it must be conducted under the direct supervision of employees of the Bureau. All livestock offered for importation into this country must be inspected to determine their freedom from disease (21 U. S. C. 101–105, 111). Inspectors are assigned along the international borders and at designated ports of entry to inspect the animals, examine accompanying certificates, and release or quarantine such animals. The conditions of inspection, methods of procedure, and other necessary information relating to the inspection of livestock offered for import are contained in B. A. I. Orders 368 and 379 (9 CFR, Parts 92 and 93).

(3) In the case of ruminants and swine, except from Canada, a prior permit is required before such animals may be brought into the United States. Application for a permit must be submitted to the Chief of the Bureau of Animal Industry, Washington 25, D. C., who will inform the importer of the special requirements to be met in making such importation. The general requirements governing such importations are found in B. A. I. Order 379 (9 CFR, Part 92). The permit may be issued or refused depending upon disease conditions in the country of origin at the time of application.

(4) Special regulations are prescribed governing the inspection and quarantine of livestock imported or exported to Mexico by B. A. I. Order 368 (9 CFR, Part 93), pursuant to a treaty with Mexico (46 Stat. 2451).

(5) The importation of animal by-products, hides, skins, hair, wool, glue stock, bones, hoofs, horns, bone meal, hoof meal, horn meal, blood meal, meat meal, tankage, glands, organs, or other parts or products of ruminants and swine unsuitable for human consumption, and hay and straw, is governed by B. A. I. Order 371 (9 CFR, Part 95) issued pursuant to statute (21 U.S.C. 111).

(b) *Importation of purebred animals.* Paragraph 1606 of section 201 of the Tariff Act of 1930 (19 U.S.C. 1201, par. 1606) permits citizens of the United States to import, free of duty, livestock for breeding purposes where found and certified to be purebred by the Department of Agriculture. The regulations governing such importation are prescribed in B. A. I. Order 356 (9 CFR, Part 151).

(c) *Inspection and testing of animals for export.* Freedom from disease of domestic ruminants and swine must be established when such animals are offered for exportation, and the transporting vessels must be equipped to insure their safe and humane handling (21 U. S. C. 80–82, 105, 112–113, 120–122, and 45 U. S. C. 75–76). The provisions of B. A. I. Order 378 (9 CFR, Parts 91 and 93) contain the procedures and methods to be followed.

(d) *Emergency outbreak of diseases.* (1) The Bureau also conducts a program to control and eradicate contagious or infectious diseases of animals which, in the opinion of the Secretary of Agriculture, constitute an emergency and threaten the livestock industry of the country (21 U. S. C. 114 and 21 U. S. C. 114a (Supp. V)). The Secretary is authorized to purchase and destroy diseased or exposed animals or pay indemnities for their destruction. Regulations governing the exercise of this authority are contained in B. A. I. Orders 309, 375, and 376 (9 CFR, Parts 71–77, 51, and 53).

(2) This work is carried on cooperatively with the States. When it is determined that an animal is infected or exposed to a disease under conditions requiring its destruction, an appraisal of the animal is made and reported and a voucher is submitted to the local Inspector in Charge for the Bureau. Copies of forms and detailed instructions as to their use may be obtained from the local field inspector or the local Inspector in Charge in the locality in which the animals are located. Any person dissatisfied with the decision of the Bureau's local employee may request reconsideration of that decision by the Inspector in Charge within the State or the Chief of the Bureau.

§ 2403.23 *Interstate inspection.* (a) The Interstate Inspection Division administers B. A. I. Orders 291 and 309 (9 CFR, Parts 71–77, 81), issued by the Secretary pursuant to statute (21 U. S. C. 111–119 and 123–128), which prescribe regulations for the quarantine of areas affected with contagious, infectious, and communicable diseases and the interstate movement of livestock.

(b) The Secretary may place in quarantine any State or territory or part thereof where he deems such quarantine necessary to prevent the spread of contagious, infectious, or communicable diseases. The order of quarantine is published in the Federal Register, and notice thereof is also published in local newspapers in the affected areas.

(c) The owner or shipper desiring to make interstate shipment of livestock may make application to the local field office of the Bureau or to the Chief of the Bureau at Washington 25, D. C. The conditions under which interstate shipment is permitted are prescribed by rules (9 CFR, Parts 71–77, 81).

(d) If permission is refused the owner or shipper may request review of the decision by the Bureau Inspector in Charge of the area and from his decision may apply for review to the Chief of Bureau. With such request supporting evidence may be included. No form of request is prescribed.

§ 2403.24 *Virus-serum control.* (a) The Division of Virus-Serum Control administers the Virus-Serum Control Act (21 U. S. C. 151–158) which regulates the manufacture, preparation, importation, and sale of viruses, serums, toxins, and analogous products for the control of hog cholera and other animal diseases. The general course and method of procedure are prescribed in regulations which the Secretary has issued pursuant to authority contained in said act (9 CFR, Parts 101–122).

(b) Generally, applications for licenses or permits are submitted through the office of the Inspector in Charge. If the application is denied, the applicant may request review by the Chief of the Bureau, and from his ruling by the Secretary. No form of request is prescribed. The licenses or permits may be suspended or revoked after hearing in accordance with prescribed procedure (9 CFR, Part 101).

(c) Marketing agreements and orders controlling distribution of hog cholera serum and virus may be issued under the provisions of 7 U. S. C. 851–855. The Secretary has issued procedural rules and regulations pursuant to said act (9 CFR, Part 131–132).

[SEAL] CLINTON P. ANDERSON,
Secretary.

[F. R. Doc. 46–151195; Filed, Aug. 28, 1946; 9:08 a. m.]

BUREAU OF DAIRY INDUSTRY

[7 CFR, Subtitle C, Ch. XXI]

PART 2405—BUREAU OF DAIRY INDUSTRY

SUBPART A—ORGANIZATION

Sec.
2405.1 Central organization.
2405.2 Field organization.
2405.3 Public information, submittals and requests.
2405.4 Delegations of final authority.

SUBPART B—FUNCTIONS AND PROCEDURES

2405.20 Process or renovated butter regulations.
2405.21 Dairy herd improvement associations.
2405.22 Loan of dairy sires.

SUBPART A—ORGANIZATION

§ 2405.1 *Central organization.* (a) The central organization of the Bureau of Dairy Industry is located at Washington, D. C. The Bureau conducts research (1) in dairy cattle breeding, feeding, and management to improve the producing efficiency of dairy cows; (2) to determine the nutritional requirements of dairy cattle for maintaining optimum levels of usefulness, and the value of feeds, feed constituents, and feeding regimes as sources of nutrients; the nutritional value of milk and the effect of nutrition of the cow upon the milk produced, and the physiological factors affecting the general economic usefulness of dairy cattle; and (3) to improve the quality of dairy products and to develop methods of manufacturing new dairy products through chemical, bacteriological, and technological research in the production and handling of milk to preserve its palatability and nutritive and sanitary qualities. The Bureau also administers the regulations of the Secretary governing the manufacture, sale and exportation of process or renovated butter (9 CFR, Part 301; 26 U. S. C. 2325).

(b) The Chief of Bureau is aided by an Assistant Chief for Research and an Assistant Chief for Administration. The research work is conducted through the following Divisions: Dairy Cattle Breeding, Feeding and Management; Nutrition and Physiology; Dairy Herd Improvement Investigations; and Dairy Research Laboratories. The regulations concerning process or renovated butter are administered by the staff of the Assistant Chief for Administration.

§ 2405.2 *Field organization.* The Bureau of Dairy Industry maintains an experiment station at Beltsville, Md., where certain phases of its research work are conducted. It also maintains dairy experiment stations for research and for demonstrating dairy practices peculiar to specific regions in Louisiana (address Iberia Livestock Experiment Station, Jeanerette, La.), in South Carolina (address R. F. D. #3, Columbia, S. C.), and at Lewisburg, Tenn., Willard, N. C., Oakwood, Mo., Woodward, Okla., Huntley, Mont., and Mendan, N. Dak.

§ 2405.3 *Public information, submittals and requests.* Persons desiring information or wishing to make submittals or requests in connection with the activities of the Bureau of Dairy Industry should communicate with the Bureau of Dairy Industry, Agricultural Research Administration, U. S. Department of Agriculture, Washington 25, D. C.

§ 2405.4 *Delegations of final authority.* All delegations of final authority are published (9 CFR Part 301) except for the following: The Chief of Bureau and designated field station personnel are authorized to exercise certain functions in the procurement of supplies and services necessary in the conduct of the Bureau's research activities, to sell and loan surplus animals, and to sell animal and other perishable products.

SUBPART B—FUNCTIONS AND PROCEDURE

§ 2405.20 *Process or renovated butter regulations.* Pursuant to authority vested in him by law (26 U. S. C. 2825), the Secretary has promulgated regulations relative to the manufacture, sale and exportation of process or renovated butter (9 CFR Part 301). The regulations include the methods and procedures by which this work is conducted. Any person dissatisfied with the decision of any bureau employee may request reconsideration of such decision by the Chief of Bureau.

§ 2405.21 *Dairy herd improvement associations.* The Bureau provides information to dairymen to enable them to

organize and operate diary herd improvement associations. A dairy herd improvement association consists of approximately 26 dairymen who voluntarily form an organization and employ a person (tester) to determine the quantity of milk produced and its butterfat content. The tester calculates the total production for the test period (about one month) and determines the feed cost and the profit (or loss) for the month. These data are entered in the farmer's herd records and such data are reported to the respective State colleges which, in turn, report them to the Bureau for summarization, tabulation, and analysis. Dairy herd improvement associations operate in the 48 States and in Puerto Rico and Hawaii. The Bureau makes herd record books available to members of dairy herd improvement associations through the respective State colleges without cost.

§ 2405.22 *Loan of dairy sires.* The Bureau loans dairy sires from its several breeding herds to dairymen in the regions served by its experiment stations as a means of augmenting its breeding research data. Information concerning the specific conditions under which dairy sires are loaned is obtainable on request. Generally, the dairyman must be a member of a dairy herd improvement association and must enter into an agreement assuming responsibility for the feeding and care of the sire and for furnishing the Bureau with breeding and production data.

[SEAL] CLINTON P. ANDERSON,
Secretary.

[F. R. Doc. 46-15174; Filed, Aug. 28, 1946; 9:01 a. m.]

BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[7 CFR, Subtitle C, Ch. XXI]

PART 2406—BUREAU OF ENTOMOLOGY AND PLANT QUARANTNE

SUBPART A—ORGANIZATION

Sec.

2406.1 Central and field organization.
2406.2 Public information, submittals, and requests.
2406.3 Delegations of final authority.

SUBPART B—FUNCTIONS AND PROCEDURES

2406.20 Research.
2406.21 Service.
2406.22 Control and prevention of spread of insects and plant diseases.
2406.23 Plant quarantine orders affecting interstate movement.
2406.24 Plant quarantine orders affecting Puerto Rico and Hawaii.
2406.25 Plant quarantine orders affecting the introduction of products into the United States.
2406.26 Movement of vehicles into the United States from Mexico.
2406.27 Terminal inspection of materials regulated by state quarantines.
2406.28 Movement of plants and plant products into and from the District of Columbia.
2406.29 Inportation of honey bees.
2406.30 Transit inspections of materials regulated by quarantines.
2406.31 Sanitary inspection and certification of plants and plant products offered for export.
2406.32 Importation or interstate movement of insect pests.
2406.33 Review of rulings.

SUBPART A—ORGANIZATION

§ 2406.1 *Central and field organization.* (a) The Chief of the Bureau, aided by an associate chief and four assistant chiefs, has general administrative supervision and control over all of the work of the Bureau, which (1) conducts research and disseminates information concerning the utilization of beneficial insects, the means of eradicating and controlling noxious and injurious insects, in order to prevent injury and annoyance to man, and to eliminate the damage and destruction of food, fiber, products, materials, and other possessions; (2) takes steps to eradicate, control, and prevent the spread of insect pests and diseases in plants; (3) administers plant quarantines and regulatory orders issued by the Secretary of Agriculture to prevent the entry and spread of insect pests and plant diseases; and (4) upon request inspects and certifies plants and plant products offered for export to meet the sanitary requirements of the receiving country. The foregoing work is conducted in accordance with the following statutes:

5 U. S. C. 511; 7 U. S. C. 141-149; 7 U. S. C. 151-167; 7 U. S. C. 281-283; 16 U. S. C. 581-581i; and 16 U. S. C. 594a.

The work is conducted through 23 separate divisions, each headed by a leader.

(b) *Divisional and field organization*—(1) *Division of Finance and Business Administration,* with headquarters in Washington, D. C., handles the business and financial operations of the Bureau.

(2) *Division of Personnel,* with headquarters in Washington, D. C., handles the personnel matters of the Bureau.

(3) *Division of Insect Survey and Information,* with headquarters in Washington, D. C., records and analyzes data on the distribution and occurrence of insects, and releases information pertaining thereto.

(4) *Division of Insect Identification,* with headquarters in Washington, D. C., conducts research on the classification and identification of insects.

(5) *Division of Fruit Insect Investigations,* with headquarters in Washington, D. C., conducts research on insects affecting fruits, nuts, and grapes, including the Japanese beetle, the pear psylla, and Hall's scale. The field project for the suppression of the pear psylla has headquarters at Spokane 8, Washington. The field project for the eradication of Hall's scale has headquarters at Chico, California.

(6) *Division of Fruit Fly Investigations,* with headquarters at Laboratorio Entomologico, Apartado Num. 3, Colonia Anahuac, D. F., Mexico, conducts research on fruit flies and certain other insects not prevalent in the United States, under cooperative arrangements with the Government of Mexico. Field laboratories are located in other localities than Mexico, such as the Territory of Hawaii and the Canal Zone.

(7) *Division of Truck Crop and Garden Insect Investigations,* with headquarters at Washington, D. C., conducts research on insects affecting vegetables, greenhouse and outdoor ornamental plants, including bulbs, sugar beets, and tobacco.

(8) *Division of Cereal and Forage Insect Investigations,* with headquarters at Washington, D. C., conducts research on insects affecting cereal and forage crops, including sugarcane, rice, and stored grain and cereal products.

(9) *Division of Cotton Insect Investigations,* with headquarters at Washington, D. C., conducts research on insects affecting the production of cotton.

(10) *Division of Forest Insect Investigations,* with headquarters at Beltsville, Maryland, conducts research on insects attacking forest and shade trees, hardy ornamentals, and forest products; conducts surveys to appraise status of insect pests of forests.

(11) *Division of Insects Affecting Man and Animals,* with headquarters at Washington, D. C., conducts research on insects which affect animals, attack, annoy, or injure man, household supplies, fabrics, drugs, and stored materials.

(12) *Division of Bee Culture,* with headquarters at Beltsville, Maryland, conducts research on the honey bee and its diseases, develops and improves strains of bees, works out improved methods of managing apiaries and of using bees in the pollination of economic plants, and administers the statutes and regulations governing the importation of honey bees (7 U. S. C. 281-283; 7 CFR, Part 322).

(13) *Division of Foreign Parasite Introduction,* with headquarters at Washington, D. C., conducts studies in foreign countries to locate the natural enemies of insect pests within the United States, and imports beneficial parasites. A laboratory for the handling and study of imported parasites is maintained at the plant quarantine inspection house, Hoboken, New Jersey.

(14) *Division of Control Investigations,* with headquarters at Washington, D. C., conducts research on the physiology and toxicology of insects, devises and develops means of killing insects associated with materials regulated by plant quarantines, and tests effectiveness of their application under commercial use.

(15) *Division of Insecticide Investigation,* with headquarters at Beltsville, Maryland, conducts research on the chemical and physical properties of and manufacture of materials used as insecticides.

(16) *Division of Domestic Plant Quarantines,* with headquarters at Washington, D. C., controls and suppresses certain plant diseases and insect pests, including enforcement of Federal quarantines or State quarantines in cooperation with States, administers the Terminal Inspection Act (7 U. S. C. 166); and is responsible for inspections in transit of products regulated by plant quarantines. The field headquarters for certain specific control activities are located as follows: Phony Peach and Peach Mosaic Control, Federal Building, San Antonio, Texas; Sweet Potato Weevil Control, Bureau of Entomology and Plant Quarantine Building, 25th Avenue, City Limits, Gulfport, Mississippi; Dog

Fly Control, Panama City, Florida; and White-Fringed Beetle Control, Gulfport, Mississippi, and Wilmington, North Carolina.

(17) *Division of Plant Disease Control,* with headquarters at Washington, D. C., is responsible for planning technical leadership, surveys, and the coordination of federal and cooperative activities to control White Pine Blister Rust and Black Stem Rust of small grains, including cooperation with federal land-managing agencies and cooperating with states in work done on state and privately owned lands. Field headquarters for operations on White Pine Blister Rust are located at Boston, Massachusetts, Richmond, Virginia, Minneapolis, Minnesota, Spokane, Washington, and Oakland, California.

(18) *Division of Japanese Beetle Control,* with headquarters at East Orange, New Jersey, is responsible for control operations directed against the Japanese beetle and Dutch elm disease and enforces Federal and, in cooperation with the States, State quarantines on the Japanese beetle, Dutch Elm Disease, and Gypsy and Brown-Tail Moths.

(19) *Division of Gypsy Moth Control,* with headquarters at Greenfield, Massachusetts, suppresses and eradicates infestations of the Gypsy Moth, including cooperation with Pennsylvania in enforcement of its quarantine on this pest. Field project headquarters is located at Wilkes-Barre, Pennsylvania.

(20) *Division of Pink Bollworm Control,* with headquarters at San Antonio, Texas, controls and eradicates infestations of pink bollwarm within the United States, enforces Federal and, in cooperation with the States, State quarantines on the pink bollworm and Thurberia weevil, and cooperates with Mexico in the suppression of pink bollworm.

(21) *Division of Mexican Fruitfly Control,* with headquarters at Harlingen, Texas, enforces Federal and, in cooperation with the States, State quarantines on the Mexican fruitfly.

(22) *Division of Grasshopper Control,* with headquarters at Denver, Colorado, conducts cooperative control activities to suppress and prevent losses from grasshoppers, Mormon crickets, and chinch bugs.

(23) *Division of Foreign Plant Quarantines* with headquarters at Washington, D. C., supervises and controls the import of plants, plant products, and other materials, and insects from foreign countries and from Hawaii and Puerto Rico to the mainland; and certifies for export plants and plant products to meet sanitary requirements of receiving countries. Field offices are located at Hoboken, New Jersey (for the issuance of entry permits and for the eastern part of the Canadian border), New York, New York (for the Atlantic Coast), New Orleans, Louisiana (for the Gulf Coast and Florida), Brownsville, Texas (for the Mexican border), San Francisco, California (for California and Hawaii), Seattle, Washington (for Oregon, Washington, Alaska, and the western part of the Canadian border).

(24) *Special field locations.* The foregoing divisions from time to time establish local field offices and laboratories to cope with special local conditions.

§ 2406.2 *Public information, submittals, and requests.* Public information may be obtained from, and submittals and requests may be made to, the officer in charge of the various Divisions or field stations listed in § 2406.1 as to the work performed by each Division or station. All other requests and submittals should be sent to the office of the Chief, Bureau of Entomology and Plant Quarantine, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C. Requests and submittals on matters pertaining to the various plant quarantines may be made to the various field offices listed in the regulations (7 CFR, Chap. III).

§ 2406.3 *Delegations of final authority.* All delegations of final authority are contained in the regulations of the Bureau (7 CFR, Chap. III), except the following: Officials in charge of field stations are authorized to exercise limited authority to contract for supplies and services.

SUBPART B—FUNCTIONS AND PROCEDURES

§ 2406.20 *Research.* The Bureau, independently and in cooperation with Federal, State, local, and private agencies, conducts investigations on insects and pests to determine and develop methods of eradicating and controlling those which are injurious, and develops methods of utilizing beneficial insects (5 U. S. C. 511 and 16 U. S. C. 581–581i). Information obtained as a result of such research is disseminated to the public.

§ 2406.21 *Service.* The Bureau offers the following service, which the public can secure in accordance with § 2406.2: Information and advice on the identification, habits, and means of controlling or using insects, appraisals of insecticides, their composition and use, inspections to determine the status of insect pests destroying forest trees, and advice on the means of control; surveys on the distribution and occurrence of pests and insects, and information concerning patents controlling insecticides and devices for insect control. The Bureau also advises Federal, State, and local authorities with reference to quarantine policies and insect control needs and methods (5 U. S. C. 511; 7 U. S. C. 141–148e; 16 U. S. C. 594a).

§ 2406.22 *Control and prevention of spread of insects and plant diseases.* The Bureau cooperates with Federal, State, and local agencies, private organizations, and the Governments of Mexico and Canada, in carrying out operations to control, suppress, eradicate, and prevent the spread of insect pests and plant diseases (7 U. S. C. 147a, 148–148c, and 151–167). Individual participation in the control work is voluntary as far as the Bureau is concerned, but some State laws require participation. The control work includes such measures as the destruction of diseased plants and trees, surveys to determine distribution of the pests, and applying insecticides and other control measures.

§ 2406.23 *Plant quarantine orders affecting interstate movement.* The Bureau advises the Secretary on the promulgation of all quarantines and restrictive notices affecting the interstate movement of plants, plant products, and other articles, and administers the provisions of those issued by the Secretary pursuant to statute (7 U. S. C. 151–167). The quarantine and restrictive notices describe the procedures followed by the Bureau and to be followed by anyone desiring to make interstate shipments of the plants and articles subject to the quarantines (7 CFR, Part 301).

§ 2406.24 *Plant quarantine orders affecting Puerto Rico and Hawaii.* The Bureau administers the provisions of certain quarantines governing the movement of plants, plant products, and other materials from Puerto Rico and Hawaii to the mainland, issued pursuant to statute (7 U. S. C. 151–167). The quarantine notices prescribe the procedure to be followed (7 CFR, 301.13, 301.30, 301.32, 301.51, and 301.60).

§ 2406.25 *Plant quarantine orders affecting the introduction of products into the United States.* The Bureau advises the Secretary on the promulgation of restrictive and prohibitory orders governing the importation of plants, plant products, and other articles, issued pursuant to statute (7 U. S. C. 151–167). The Bureau also enforces such orders which describe the procedure to be followed (7 CFR, Parts 319, 321, 351, and 352). Enforcement work is conducted in cooperation with other agencies in the Federal Government, such as the Bureau of Customs of the Treasury Department, and the Post Office Department.

§ 2406.26 *Movement of vehicles into the United States from Mexico.* The Bureau makes inspections of railway cars, other vehicles, express, baggage, and other material from Mexico in order to prevent the entry of insect pests and plant diseases, requires cleaning if needed, and when necessary fumigates or disinfects vehicles or materials, for which a fee is collected (7 U. S. C. 149). The procedures are described in the regulations (7 CFR, Part 320).

§ 2406.27 *Terminal inspection of materials regulated by State quarantines.* A State desiring terminal inspection of mails, express, and parcel post may secure the cooperation of the Department of Agriculture and the Post Office Department in the conduct of such an inspection operation in order to prevent the introduction of injurious pests into the State (7 U. S. C. 166). The Postmaster General is authorized to issue the rules and regulations concerning the inspections and the statute states how the assistance of the Department of Agriculture may be obtained.

§ 2406.28 *Movement of plants and plant products into and from the District of Columbia.* The movement of plants and plant products into or out of the District of Columbia is restricted by statute (7 U. S. C. 167) and must be in compliance with the rules and regulations issued by the Secretary of Agriculture which prescribe the procedure to be followed (7 CFR, Part 302).

§ 2406.29 *Importation of honey bees.* A permit for the importation of honey

bees is required by statute (7 U. S. C. 281–282). The Bureau administers this statute and the regulations issued by the Secretary pursuant thereto (7 CFR, Part 322) which prescribe the procedure to be followed in securing a permit.

§ 2406.30 *Transit inspections of materials regulated by quarantines.* In order to assure that plants, plant products, and other materials regulated by Federal plant quarantines are moving in compliance with the regulations, the Bureau inspects at appropriate distribution centers and transfer points, mail, express, and freight, and cooperates with officials of the Post Office Department, express companies, railroads, and State officials in this connection (7 U. S. C. 161). The procedures are prescribed in the regulations (7 CFR, Part 301).

§ 2406.31 *Sanitary inspection and certification of plants and plant products offered for export.* The Bureau, upon request, inspects plants and plant products offered for export and issues certificates showing compliance with the sanitary plant pest requirements of the country to which the articles are to be shipped, and cooperates with State Officials in the issuance of certificates (7 U. S. C. 147a). The procedure is set out in the regulations (7 CFR, Part 353).

§ 2406.32 *Importation or interstate movement of insect pests.* The importation or interstate movement of certain insects is prohibited (7 U. S. C. 141–144), except for scientific purposes. The Bureau issues permits for such movement of insects for scientific purposes upon request of interested persons. No special form of request is prescribed, but the request should recite the particular purpose, the kind of insects, origin, destination, and time and number of shipments. In the issuance of permits, the Bureau cooperates with the Public Health Service of the Federal Security Agency, the Bureau of Customs of the Treasury Department, the Post Office Department, and transportation companies.

§ 2406.33 *Review of rulings.* Any person aggrieved by the ruling of an employee of the Bureau in connection with any work of the Bureau may request a review of that ruling by the Chief of the Bureau and from the Chief's ruling may request review by the Secretary of Agriculture. No form is prescribed for such requests, but they may be accompanied by supporting evidence.

[SEAL] CLINTON P. ANDERSON,
Secretary.

[F. R. Doc. 46—15342; Filed, Aug. 28, 1946; 4:00 p. m.]

BUREAU OF HUMAN NUTRITION AND HOME ECONOMICS

[7 CFR, Subtitle C, Ch. XXI]

PART 2408—BUREAU OF HUMAN NUTRITION AND HOME ECONOMICS

SUBPART A—ORGANIZATION

Sec.
2408.1 Central organization.
2408.2 Field organization.
2408.3 Information, submittals and requests.

SUBPART B—FUNCTIONS AND PROCEDURE

SUBPART A—ORGANIZATION

§ 2408.1 *Central organization.* The central organization of the Bureau is located at Washington, D. C. The Chief of the Bureau plans, formulates, and directs a program of research relating to the utility and economy of agricultural products for food, clothing, and other uses in the home; conducts economic investigations as they relate to the family and the home, including housing and household buying; and disseminates information to help families use their resources advantageously. The work is conducted independently and in cooperation with State and other Federal agencies through the following Divisions: Family Economics; Housing and Household Equipment; Textiles and Clothing; Food and Nutrition; Information; and Administration.

§ 2408.2 *Field organization.* The field work of the Bureau is conducted largely at Beltsville, Maryland. In addition, cooperative projects are carried on with State agricultural experiment stations in a number of States.

§ 2408.3 *Information, submittals and requests.* Persons may obtain information from, or make submittals and requests to, the Chief, Bureau of Human Nutrition and Home Economics, Agricultural Research Administration, U. S. Department of Agriculture, Washington 25, D. C.

SUBPART B—FUNCTIONS AND PROCEDURE

NOTE: This Bureau is a research agency and its procedures are matters of internal management.

[SEAL] CLINTON P. ANDERSON,
Secretary.

[F. R. Doc. 46–15198; Filed, Aug. 28, 1946; 9:09 a. m.]

BUREAU OF PLANT INDUSTRY, SOILS, AND AGRICULTURAL ENGINEERING

[7 CFR, Subtitle C, Ch. XXI]

PART 2409—BUREAU OF PLANT INDUSTRY, SOILS, AND AGRICULTURAL ENGINEERING

SUBPART A—ORGANIZATION

Sec.
2409.1 Central organization.
2409.2 Field organization.
2409.3 Information, submittals and requests.
2409.4 Delegations of final authority.

SUBPART B—FUNCTIONS AND PROCEDURE

SUBPART A—ORGANIZATION

§ 2409.1 *Central organization.* The central organization is located at Beltsville, Maryland. The Chief of the Bureau directs and supervises all activities of the Bureau, which include research on plants, soils, fertilizers, storage, and transportation of crops, agricultural engineering, the breeding of crop varieties superior in yield, in resistance to diseases and insect pests, and in market quality, and in general is engaged in reducing the hazards of production and in improving the quality of all crops. The Bureau is also responsible for the administration of the National Arboretum established under the Act of March 4, 1927 (20 U.S.C. 191–194). The Chief is immediately assisted by five Assistant Chiefs of Bureau, each of which supervises a group of related divisions as follows:

(a) Field Crops Group includes the Divisions of Cereal Crops and Diseases; Cotton and Other Fiber Crops and Diseases; Forage Crops and Diseases; Rubber Plant Investigations; Tobacco, Medicinal and Special Crops.

(b) Fruit, Vegetable, and Special Crops Group includes the Divisions of Fruit and Vegetable Crops and Diseases; Plant Exploration and Introduction; Forest Pathology; Nematology Investigations; Mycology and Disease Survey.

(c) Soils Group includes the Divisions of Soils, Fertilizers, and Irrigation; Soil Survey.

(d) Agricultural Engineering Group includes the Divisions of Farm Power and Machinery; Farm Buildings and Rural Housing; Farm Electrification; Mechanical Processing of Farm Products; Plans and Services.

(e) Business Administration Group includes the Divisions of Business Administration; Information; and the Plant Industry Station.

§ 2409.2 *Field organization.* The Bureau conducts research at State agricultural experiment stations, cooperative field stations, and other points, the location of which can be obtained in accordance with § 2409.3.

§ 2409.3 *Information, submittals, and requests.* Persons may obtain information from, or make submittals or requests to, the Chief, Bureau of Plant Industry, Soils, and Agricultural Engineering, Agricultural Research Administration, Beltsville, Maryland.

§ 2409.4 *Delegations of final authority.* Various officials of the Bureau, both in the central and field organizations, exercise limited authority to procure supplies and services necessary in the conduct of the work of the Bureau.

SUBPART B—FUNCTIONS AND PROCEDURE

NOTE: The Bureau is a research agency and its procedures are matters of internal management.

[SEAL] CLINTON P. ANDERSON,
Secretary.

[F. R. Doc. 46–15176; Filed, Aug. 28, 1946; 9:01 a. m.]

OFFICE OF EXPERIMENT STATIONS

[7 CFR, Subtitle C, Ch. XXI]

PART 2407—OFFICE OF EXPERIMENT STATIONS

SUBPART A—ORGANIZATION

Sec.
2407.1 Central organization.
2407.2 Field organization.
2407.3 Information, submittals, and requests.

SUBPART B—FUNCTIONS AND PROCEDURE

2407.20 Administration of grants to States.

SUBPART A—ORGANIZATION

§ 2407.1 *Central organization.* The Chief of Office of Experiment Stations is responsible for the administration of the

Hatch, Adams, and Purnell Acts, and supplementary acts (7 U. S. C. 361–363, 365–386g), and for that part of Title I of the Bankhead-Jones Act of June 29, 1935, dealing with research grants to the States (7 U. S. C. 427a–427f), which acts authorize appropriations for the conduct of research at the State, Territorial, and Puerto Rican agricultural experiment stations. This office coordinates agricultural research conducted at State agricultural experiment stations both between the State and with similar research conducted by the Department. It acts as a liaison office between agencies of the Federal Government and the States and Territories in matters relating to agricultural research. It is responsible for the supervision of the Federal Experiment Station in Puerto Rico and disseminates informational materials of use to agricultural research workers and to others. The Office is organized into the Divisions of Grant Fund Administration and Administrative Services.

§ 2407.2 *Field organization.* (a) The Federal Experiment Station in Puerto Rico, at Mayaguez, P. R., under the direction of the Chief, operates as an outpost of the Department for conduct of agricultural research under tropical conditions. (b) The Federal grant funds are paid directly to designated officers of the States for use by the State agricultural experiment stations and are utilized by these stations pursuant to plans agreed upon by the stations and this Office.

§ 2407.3 *Information, submittals, and requests.* Persons desiring information or wishing to make submittals or requests should communicate with the Chief, Office of Experiment Stations, Agricultural Research Administration, U. S. Department of Agriculture, Washington 25,

SUBPART B—FUNCTIONS AND PROCEDURE

§ 2407.20 *Administration of grants to States.* The Secretary of Agriculture is charged with the proper administration of the acts affecting the State agricultural experiment stations. These acts are the Hatch Act of March 2, 1887, the Adams Act of March 16, 1906, the Purnell Act of February 24, 1925, the Act of May 10, 1928, extending the benefits of the Hatch, Adams, and Purnell Acts to Hawaii, the act of February 23, 1929, and the act of June 20, 1936, extending the benefits of these acts to Alaska, the act of March 4, 1931, extending the benefits of these acts to Puerto Rico (7 U. S. C. 361–363, 365–386g), and Title I of the Bankhead-Jones Act of June 29, 1935 (7 U. S. C. 427a–427f). The Agricultural Research Administration through the Office of Experiment Stations represents the Secretary of Agriculture in the administration of these Acts. The Office assists in ascertaining whether the agricultural experiment stations in each State, Territory, and Puerto Rico are complying with the acts providing Federal grant funds for research, and as to whether each of the State stations is entitled to receive its share of the annual appropriations for agricultural experiment stations. This work includes the examination of the work and expenditures of the experiment stations and determination of compliance with conditions of the Federal statutes. It also covers the coordination of the research work between stations and with similar work of the Department of Agriculture. The Office of Experiment Stations, under the general direction of the Research Administrator and the Secretary, prescribes the form of the annual financial statement required from the stations and furnishes such forms to each State, approves annual programs of work and individual research projects, assists the States in the development of research and of formal and informal cooperation, and prepares an annual report to Congress on the work and expenditures of the State agricultural experiment stations under the several grant acts.

[SEAL] CLINTON P. ANDERSON,
Secretary.

[F. R. Doc. 46–15197; Filed, Aug. 28, 1946; 9:09 a. m.]

Commodity Credit Corporation

[6 CFR, Ch. II]

PART 200—COMMODITY CREDIT CORPORATION

Part 200, Chapter II of Title 6 is revised to read as follows:

SUBPART A—ORGANIZATION

Sec.
200.1 Creation.
200.2 Office.
200.3 Stock.
200.4 Board of Directors.
200.5 Officers.
200.6 Management.
200.7 Contracting Officers.
200.8 Functions.
200.9 Availability of Information and Records.

SUBPART B—FUNCTIONNS AND PROCEDURES

200.21 Activities.
200.22 Claims by or against Commodity Credit Corporation.

SUBPART A—ORGANIZATION

§ 200.1 *Creation.* The Commodity Credit Corporation was incorporated under the laws of the State of Delaware pursuant to section 2 (a) of the National Industrial Recovery Act of June 16, 1933 and Executive Order 6340 of October 16, 1933, and by Congressional action has been continued as an agency of the United States. The Corporation is a part of the United States Department of Agriculture and its operations are under the supervision and control of the Secretary of Agriculture.

§ 200.2 *Office.* The principal office of the Commodity Credit Corporation in the State of Delaware is in Wilmington, and the resident agent in charge thereof is The Corporation Trust Company. The principal office of the Commodity Credit Corporation outside the State of Delaware is at Washington, D. C., in the South Agriculture Building.

§ 200.3 *Stock.* All the certificates of stock of Commodity Credit Corporation are owned by the United States. The Secretary of Agriculture is authorized to exercise on behalf of the United States all rights arising from the ownership of such stock.

§ 200.4 *Board of Directors.* The Board of Directors consists of the following: The Secretary of Agriculture who serves as Chairman of the Board; the Under Secretary of Agriculture; the Assistant Secretary of Agriculture; the Administrator of the Production and Marketing Administration; the Deputy Administrator of the Production and Marketing Administration; the Assistant Administrators of the Production and Marketing Administration; the Director of Price of the Production and Marketing Administration; and the Director of the Field Service Branch of the Production and Marketing Administration.

§ 200.5 *Officers.* The officers of Commodity Credit Corporation are as follows: The Administrator of the Production and Marketing Administration is the President of the Corporation; the Deputy Administrator of the Production and Marketing Administration is a Vice President of the Corporation; the Assistant Administrators of the Production and Marketing Administration are Vice Presidents of the Corporation; the Director of the Fiscal Branch of the Production and Marketing Administration is Treasurer of the Corporation; and the Director of the Budget and Management Branch of the Production and Marketing Administration is the Secretary of the Corporation.

§ 200.6 *Management.* The property and business of the Commodity Credit Corporation are managed by the Board of Directors. The President of the Commodity Credit Corporation is responsible for the general direction and supervision of all activities of the Commodity Credit Corporation. The Directors of the Branches of the Production and Marketing Administration serve as executives of the Corporation in general charge of the activities of the Corporation carried out through their respective Branches.

§ 200.7 *Contracting officers.* (a) Contracts requiring formal execution by the Commodity Credit Corporation relating to any of its activities may be executed by the President.

(b) Vice Presidents of the Commodity Credit Corporation and the Directors of the Branches of the Production and Marketing Administration may execute Commodity Credit Corporation contracts relating to activities for which they are respectively responsible.

(c) Contracting Officers appointed by the President or by the Vice Presidents and Directors of the Branches of the Production and Marketing Administration with the written approval of the President, may, to the extent authorized by their appointment, execute contracts relating to activities of the Commodity Credit Corporation. The names of such officers may be obtained from the Directors of the respective Branches.

§ 200.8 *Functions.* The functions of the Commodity Credit Corporation are carried out through the facilities and personnel of the Production and Marketing Administration of the Department of

Agriculture. Operations are approved by the Board of Directors of Commodity Credit Corporation and the Secretary of Agriculture before being put into effect by the President through the Branches of the Production and Marketing Administration.

§ 200.9 *Availability of information and records.* Any person desiring information or to make submittals or requests with respect to a Commodity Credit Corporation function should address the Director of the Branch of the Production and Marketing Administration which carries out such functions (7 CFR, Parts 2300–2330). The records of the Branches pertaining to Commodity Credit Corporation activities, including those maintained in field offices, are available for examination in accordance with the rule and designation of records issued by the Secretary (7 CFR, Part 2100).

SUBPART B—FUNCTIONS AND PROCEDURES

§ 200.21 *Activities.* (a) The operations of the Commodity Credit Corporation fall into the following major types of programs; a price support program; a foreign purchase program; a subsidy program; a supply program; a commodity export program, and a loan program for agricultural conservation purposes. Under its price support program the Commodity Credit Corporation through loans, purchases, and other operations supports the price of various agricultural commodities. Purchases are made abroad under the foreign purchase program of such foods, agricultural commodities, and products thereof, and related facilities as are needed to meet emergent requirements. Payments or purchases for resale at a loss are made under the subsidy program for the purpose of maintaining price ceilings established by the Office of Price Administration. Under the general supply program foods, agricultural commodities and products thereof, and related materials are procured for the purpose of supplying the requirements of United States Government agencies, cash paying foreign governments, American Red Cross, UNRRA and other similar organizations. The Commodity Credit Corporation also procures or aids in the procurement of supplies and facilities needed by farmers in connection with the production, handling, and marketing of agricultural commodities and their products, such as feed, seeds, grain bins, cotton bagging, fertilizers, and insecticides. It also procures or aids in the procurement of foods, agricultural commodities, and products thereof in order to facilitate distribution or to meet anticipated requirements during periods of short supply. The Commodity Credit Corporation under the commodity export program exports or causes to be exported agricultural commodities and products at competitive world prices or otherwise. Under the loan program for agricultural conservation purposes the Commodity Credit Corporation pursuant to section 391c of the Agricultural Adjustment Act of 1935, as amended, makes loans to the Secretary of Agriculture to be used in making Federal crop insurance premium advances and advances under the Soil Conservation and Domestic Allotment Act and in payment of administrative expenses of county agricultural conservation associations.

(b) Full information concerning the authorities exercised and the procedures followed by the various Branches of the Production and Marketing Administration in executing the functions of the Commodity Credit Corporation appears in 7 CFR, Parts 2300–2330.

§ 200.22 *Claims by or against Commodity Credit Corporation.* Claims by or against the Commodity Credit Corporation where there is disagreement as to the amount due because of disputed questions of fact or law, except any claims resulting from the termination of war contracts or claims filed under section 17 of the Contract Settlement Act of 1944 (procedure for settlement of which is set forth in 7 CFR, Part 2301) and any indebtedness of a farmer which falls within the purview of 12 USC 1150–1150c (procedure for settlement of which is set forth in 1 CFR, Part 01) are handled as follows:

(a) The Directors of the Branches of the Production and Marketing Administration are authorized to settle and adjust such claims arising out of activities under their jurisdiction when the collectibility thereof is subject to doubt because of disputed questions of fact or law, and the claim is not in excess of $5,000, or, if in excess of $5,000, settlement can be made on the basis of resolving all disputed questions of fact or law in favor of the Commodity Credit Corporation.

(b) Branch Directors may, subject to the written approval of the President of the Commodity Credit Corporation, delegate to Branch personnel, hereinafter referred to as "Claims Officers," in Washington and in the field any part of their claim responsibility, provided that the settlement of any claim in excess of $1,000 shall be approved in writing by the Branch Director and no Claims Officer shall settle or adjust any claim arising under a contract executed by himself.

(c) The Director of each Branch of the Production and Marketing Administration negotiates and recommends the settlement or other disposition of claims other than those specified in paragraph (a) above and forwards such recommendations to the Director of the Fiscal Branch of the Production and Marketing Administration who, in turn, forwards them to the Vice President of the Commodity Credit Corporation who is the Assistant Administrator for Fiscal and Inventory Control of the Production and Marketing Administration. Upon the approval of the recommendation by the Vice President, the claim is settled by the respective Branch in accordance therewith. Upon disapproval of a recommendation, the claim is handled by the respective Branch as directed by the Vice President.

(d) The Contracts Disputes Board, composed of the Vice President who is Assistant Administrator for Fiscal and Inventory Control, Production and Marketing Administration, (and Chairman of the Board), the Treasurer of the Corporation, and the Vice President who is Deputy Administrator, Production and Marketing Administration, or their designees, holds hearings and determines all disputes between the Commodity Credit Corporation and claimants where settlement cannot be otherwise effected and handles all matters, including settlement of claims, relating to renegotiation of Commodity Credit Corporation contracts. Presentations to the Contracts Disputes Board must be in written form and may be supplemented at the discretion of the Chairman of the Board by oral argument and claimant may be represented by legal counsel. Decisions of the Board are final for administrative purposes.

[SEAL] CLINTON P. ANDERSON,
Secretary.

[F. R. Doc. 46-15586; Filed, Aug. 30, 1946; 11:14 a. m.]

Cooperative Extension Service

[7 CFR, Subtitle C, Ch. XXI]

PART 2501—COOPERATIVE EXTENSION SERVICE

SUBPART A—ORGANIZATION

Sec.

2501.1 Central organization.
2501.2 Field organization.
2501.3 Public information, submittals and requests.

SUBPART B—FUNCTIONS AND PROCEDURE

2501.20 Internal management.
2501.21 Determination of prevailing farm wage rates.

SUBPART A—ORGANIZATION

§ 2501.1 *Central organization.* The Director of Extension Work, aided by three assistant directors, represents the Department in the administration, through the State agricultural colleges, of the nation-wide system of cooperative extension work in order that it may function nationally as well as State and locally as an effective educational force which helps rural people to utilize fully all available resources in solving current problems and in meeting the new situations resulting from changing economic, social, and political conditions, to the end that nutrition and health, economic welfare, family and community life may be improved and the general standard of living raised; reviews and analyzes budgets, projects, and plans for State extension work in agriculture and home economics to bring about a coordinated national coperative extension program. Under general direction from the Direction of Extension Work, the Deputy Director of Extension Work administers and supervises all functions relating to domestic labor, except provision of housing, subsistence and medical care of interstate or other migratory labor housed in camps owned or leased by the Department; and all relationships with State agricultural extension services incident to Section 2 (A) of the Farm Labor Supply Appropriation Act, 1944 (58 Stat. 11) as amended and supplemented. The work of the cooperative extension service is conducted by the following Divisions of the central organization: Busi-

ness Administration; Extension Information; Field Coordination; Subject Matter; Field Studies and Training; Recruitment and Placement (Farm Labor Program); Victory Farm Volunteers (Farm Labor Program); and Labor Utilization (Farm Labor Program).

§ 2501.2 *Field organization.* Each of the 48 States, and the Territories of Hawaii, Alaska, and Puerto Rico, has a director of extension who represents jointly the Department of Agriculture and the State Land-Grant College in the administration of cooperative extension work. In each State the organization consists of a State administrative, subject matter, and supervisory staff, with headquarters at the following addresses: Alabama Polytechnic Institute, Auburn, Alabama; University of Alaska, College, Alaska; University of Arizona, Tucson, Arizona; College of Agriculture, University of Arkansas, Fayetteville, Arkansas; College of Agriculture, University of California, Berkeley, California; Colorado Agricultural and Mechanical College, Fort Collins, Colorado; University of Connecticut, Storrs, Connecticut; University of Delaware, Newark, Delaware; College of Agriculture, University of Florida, Gainesville, Florida; Georgia State College of Agriculture, Athens, Georgia; University of Hawaii, Honolulu, Hawaii; College of Agriculture, University of Idaho, Moscow, Idaho; College of Agriculture, University of Illinois, Urbana, Illinois; Purdue University, Lafayette, Indiana; Iowa State College of Agriculture and Mechanic Arts, Ames, Iowa; Kansas State College of Agriculture and Applied Science, Manhattan, Kansas; College of Agriculture, University of Kentucky, Lexington, Kentucky; Louisiana State University and Agricultural and Mechanical College, University Station, Baton Rouge, Louisiana; College of Agriculture, University of Maine, Orono, Maine; University of Maryland, College Park, Maryland; Massachusetts State College, Amherst, Massachusetts; Michigan State College of Agriculture and Applied Science, East Lansing, Michigan; Department of Agriculture of the University of Minnesota, University Farm, St. Paul, Minnesota; Mississippi State College, State College, Mississippi; College of Agriculture, University of Missouri, Columbia, Missouri; Montana State College of Agriculture and Mechanic Arts, Bozeman, Montana; College of Agriculture, University of Nebraska, Lincoln, Nebraska; University of Nevada, Reno, Nevada; University of New Hampshire, Durham, New Hampshire; State College of Agriculture and Mechanic Arts of Rutgers University, New Brunswick, New Jersey; New Mexico College of Agriculture and Mechanic Arts, State College, New Mexico; New York State College of Agriculture, Ithaca, New York; North Carolina State College of Agriculture and Engineering, State College Station, Raleigh, North Carolina; North Dakota Agricultural College, State College Station, Fargo, North Dakota; College of Agriculture, Ohio State University, Columbus, Ohio; Oklahoma Agricultural and Mechanical College, Stillwater, Oklahoma; Oregon State Agricultural College, Corvallis, Oregon; Pennsylvania State College, State College, Pennsylvania; University of Puerto Rico, Rio Piedras, Puerto Rico; Rhode Island State College, Kingston, Rhode Island; Clemson Agricultural College of South Carolina, Clemson, South Carolina; South Dakota State College of Agriculture and Mechanic Arts, Brookings, South Dakota; College of Agriculture, University of Tennessee, Knoxville, Tennessee; Agricultural and Mechanical College of Texas, College Station, Texas; Utah State Agricultural College, Logan, Utah; College of Agriculture, University of Vermont, Burlington, Vermont; Virginia Polytechnic Institute, Blacksburg, Virginia; State College of Washington, Pullman, Washington; College of Agriculture, West Virginia University, Morgantown, West Virginia; College of Agriculture, University of Wisconsin, Madison, Wisconsin; College of Agriculture, University of Wyoming, Laramie, Wyoming.

County extension offices are maintained in almost every county of the United States. Offices are usually at the county seat and located in Post Office buildings or county court houses. Each county office has a county agricultural agent. The number of county offices having home demonstration agents and 4-H Club agents varies.

§ 2501.3 *Public information, submittals and requests.* Requests for information regarding the National program of cooperative extension work, or employment in the central organization, should be addressed to the Director of Extension Work, U. S. Department of Agriculture, Washington 25, D. C. Requests for information regarding State extension programs, or employment in State or county offices, should be addressed to the extension director in the State concerned. Information regarding county extension programs may be obtained from local county extension agents or State extension directors. Submittals and requests should be made in the same manner as requests for information.

SUBPART B—FUNCTIONS AND PROCEDURE

§ 2501.20 *Internal management.* Except for the function of determining prevailing farm wage rates, all administrative functions and procedures of the cooperative extension service are matters of internal management.

§ 2501.21 *Determination of prevailing farm wage rates.* In the administration of Public Law 45, 78th Congress, approved April 29, 1943, and section 2 (A) of the Farm Labor Supply Appropriation Act, 1944 (58 Stat. 11) as amended and supplemented, it is necessary to establish prevailing wage rates for particular crops and areas as an incident to the recruitment of foreign and interstate labor.

A County Farm Wage Board (hereinafter called the "Board") is authorized to be created in each county to act on behalf of the Secretary of Agriculture and the State extension service in the conduct of investigations and hearings for the purpose of making findings of fact and recommendations as to the prevailing wage rates paid agricultural labor with respect to particular crops and areas within each such county. The Board is composed of the County Agent and four members of the County Farm Labor Advisory Committee appointed by the chairman of that committee. The County Agent acts as chairman of the Board and presides at hearings conducted in accordance with the procedure hereinafter set forth. Three members constitute a quorum.

Upon a request for findings and recommendations as to prevailing wage rate, the County Agent immediately arranges for a time and place within the designated employment area for the holding of a public hearing. Public notice of the proposed hearing is given not less than two days in advance of the hearing by posting notices at not less than five appropriate places within the designated employment area. The hearing before the Board is informal and farm operators, agricultural workers, and other interested persons are permitted to present testimony. The Board makes a record of the testimony presented at the hearing, by a verbatim transcript or by a memorandum summarizing the testimony. The hearing should continue no longer than one day and on the basis of the evidence developed at the hearing, and such further investigation as the Board may deem appropriate, the Board makes findings and recommendations as to the prevailing wage rate. Such findings and recommendations and a copy of the record of testimony at the hearings are transmitted by the County Agent not later than two days after the conclusion of the hearing to the State Director of Extension, who determines the prevailing wage rate.

[SEAL] CLINTON P. ANDERSON,
Secretary.

[F. R. Doc. 46-15175; Filed, Aug. 28, 1946; 9:01 a. m.]

Farm Credit Administration

[6 CFR, Ch. I]

PART 2—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF THE FARM CREDIT ADMINISTRATION, WASHINGTON, D. C.

Part 2, including the title thereof, of Title 6 is hereby amended to read as follows:

Sec.
2.1 Organization.
2.2 Functions and procedures.

§ 2.1 *Organization.* All functions and activities of the Farm Credit Administration are conducted under the general supervision of the Secretary of Agriculture. The work of the Farm Credit Administration is directed by the Governor of the Farm Credit Administration, assisted by the Deputy Governors, and is performed by the four Commissioners named in 12 U. S. C. 638, and the several divisions of the Farm Credit Administration as follows:

(a) The Land Bank Commissioner, assisted by the personnel of the Land Bank Division, regulates and supervises the twelve Federal land banks, the national farm loan associations, and the joint stock land banks under 12 U. S. C., Chap. 7, Subchap. I; and regulates and super-

vises the Federal Farm Mortgage Corporation in the discharge of its functions as disposal agency for surplus agricultural and forest real property under the Surplus Property Act of 1944 (50 U. S. C. App., Sup., 1611–1646).

(b) The Intermediate Credit Commissioner, assisted by the personnel of the Intermediate Credit Division, regulates and supervises the twelve Federal intermediate credit banks under 12 U. S. C. Chap. 7, Subchap. III.

(c) The Production Credit Commissioner, assisted by the personnel of the Production Credit Division, regulates and supervises the twelve production credit corporations and the production credit associations under 12 U. S. C., Chap. 7, Subchaps. IV and VI.

(d) The Cooperative Bank Commissioner, assisted by the personnel of the Cooperative Division, regulates and supervises the twelve district banks for cooperatives and the Central Bank for Cooperatives under 12 U. S. C., Chap. 7, Subchaps. V and VI. The Cooperative Bank Commissioner is ex officio the chairman of the board of directors of the Central Bank for Cooperatives and that Bank has its headquarters with the Farm Credit Administration in Washington, D. C., and utilizes the personnel and facilities of the Farm Credit Administration.

(e) The Mortgage Corporation Service Division, headed by the Director of that Division who is also the Executive Vice President of the Federal Farm Mortgage Corporation, performs various functions for that Corporation which conducts its affairs under 12 U. S. C., Chap. 7, Subchaps. II and II A. The Governor and the Land Bank Commissioner, together with the Secretary of the Treasury or an officer of the Treasury designated by him, are ex officio the directors of the Federal Farm Mortgage Corporation, and that Corporation has its headquarters with the Farm Credit Administration in Washington, D. C., and utilizes the personnel and facilities of the Farm Credit Administration. The Land Bank Commissioner makes loans on behalf of the Federal Farm Mortgage Corporation under 12 U. S. C., Chap. 7, Subchap. II.

(f) The Regional Agricultural Credit Division, headed by the Director of that Division, regulates and supervises the Regional Agricultural Credit Corporation of Washington, D. C., under 12 U. S. C., Chap. 7, Subchap. VIII. The Regional Agricultural Credit Corporation of Washington, D. C., has its headquarters with the Farm Credit Administration in Washington, D. C., and utilizes the personnel and facilities of the Farm Credit Administration.

(g) The Revolving Fund Section, headed by the Director of the Revolving Fund, conducts the liquidation of loans made to cooperative associations out of the Revolving Fund created by the Agricultural Marketing Act (12 U. S. C. 1141–1141j), and the liquidation of loans made to individuals to capitalize local agricultural credit corporations under 46 Stat. 1032, as amended by 46 Stat. 1160, and 12 U. S. C. 1401–1404.

(h) The Cooperative Research and Service Division, headed by the Director of that Division, gathers and disseminates information pertaining to cooperatives and promotes the organization and development of cooperative associations, under the Cooperative Marketing Act (7 U. S. C. 451–457) and the Agricultural Marketing Act (12 U. S. C. 1141–1141j).

(i) The Examination Division, headed by the Chief Examiner, conducts examinations of the various institutions supervised by the Farm Credit Administration.

In addition, there are five other staff divisions in the Farm Credit Administration which perform, for the Administration as a whole, the services denoted by their titles as follows: Finance and Accounts; Administrative; Personnel; Information and Extension; and Economic and Credit Research.

Prior to the enactment of the Farmers' Home Administration Act of 1946 (Pub. Law 731, 79th Congress, approved August 14, 1946), the Farm Credit Administration, through the Emergency Crop and Feed Loan Division, made and collected emergency crop, feed, drought, and rehabilitation loans under an Act of Congress approved January 29, 1937 (50 Stat. 5) and a number of earlier statutes and Executive Orders. The Farmers' Home Administration Act of 1946 abolished these functions of the Farm Credit Administration and vested in the Farmers' Home Administration the function of collecting such loans.

§ 2.2 *Functions and procedures*—(a) *Supervision of institutions in farm credit districts.* The Farm Credit Administration regulates and supervises the Federal Land banks and national farm loan associations, the Federal intermediate credit banks, the production credit corporations and production credit associations, and the district banks for cooperatives, through the respective Commissioners under the general direction of the Governor. Such regulation and supervision is exercised in the various respects and by the methods stated in the respective statutes enumerated above in § 2.1 (a) (d). The Farm Credit Administration also conducts examinations of these institutions. The substantive rules and regulations promulgated by the Farm Credit Administration with respect to these institutions are contained in 6 CFR, Chap. I, Subchaps. B, D, E, and F.

(b) *Functions with respect to the Federal Farm Mortgage Corporation.* The Governor of the Farm Credit Administration and the Land Bank Commissioner, together with the Secretary of the Treasury or an officer of the Treasury designated by him, are ex officio the directors of the Federal Farm Mortgage Corporation and as such they direct its affairs. The loans of the Federal Farm Mortgage Corporation are made on its behalf by the Land Bank Commissioner. The Farm Credit Administration conducts examinations of the Federal Farm Mortgage Corporation.

The functions of the Department of Agriculture as disposal agency for surplus agriciultural and forest real property under the Surplus Property Act of 1944 (50 U. S. C. App., Sup., 1611–1646), have been delegated by the Secretary of Agriculture to the Governor of the Farm Credit Administration, and redelegated by the Governor to the Federal Farm Mortgage Corporation, which utilizes the facilities of the Federal land banks in performing these functions. The Farm Credit Administration regulates and supervises the execution of these functions. The regulations issued by the Farm Credit Administration, with the approval of the Secretary of Agriculture, are contained in 6 CFR, Part 5 (11 F. R. 7877).

(c) *Functions with respect to the Central Bank for Cooperatives.* The Cooperative Bank Commissioner is ex officio chairman of the board of directors of the Central Bank for Cooperatives, and the other six directors are appointed by the Governor of the Farm Credit Administration. The Cooperative Bank Commissioner is also the chief executive officer of the Central Bank. The Commissioner, as chairman of the board, and the Governor prescribe rules and regulations governing the activities of the Central Bank and these rules and regulations are contained in 6 CFR, Chap. I, Subchap. F. The Farm Credit Administration conducts examinations of the Central Bank and supervises it in other respects and by the methods stated in 12 U. S. C., Chap. 7, Subchaps. V and VI.

(d) *Functions with respect to the Regional Agricultural Credit Corporation of Washington, D. C.* The Farm Credit Administration prescribes the charter provisions and bylaws of the Regional Agricultural Credit Corporation of Washington, D. C., appoints its directors and officers, prescribes rules and regulations governing its activities, and conducts examinations of its affairs. The rules and regulations governing the Corporation are contained in 6 CFR, Chap. I, Subchap. G.

(e) *Revolving Fund Section.* The Farm Credit Administration, through this Section, conducts the liquidation of loans made to cooperative associations by the Federal Farm Board and the Farm Credit Administration out of the Revolving Fund created by the Agricultural Marketing Act (12 U. S. C. 1141–1141j). Since loans to cooperative associations for the purposes specified in the Agricultural Marketing Act are now available from the banks for cooperatives, loans under that Act are not ordinarily made by the Farm Credit Administration out of the Revolving Fund, except in furtherance of the liquidation of outstanding loans. The requirements for such loans and the terms and conditions thereof are stated in the Agricultural Marketing Act.

The Farm Credit Administration, through the Revolving Fund Section, also conducts the liquidation of loans made to individuals by the Secretary of Agriculture to capitalize local agricultural credit corporations under 46 Stat. 1032, as amended by 46 Stat. 1160, and 12 U. S. C. 1401–1404. No loans under these statutes are now being made.

A cooperative association desiring to apply for a loan from the Revolving Fund should submit an application on a prescribed form to the Director of the Revolving Fund, together with evidence of the association's eligibility under the Act, and of the authority of its officers to execute the loan documents, and state-

ments of its financial condition. Forms for making application for loans may be obtained from the Director of the Revolving Fund upon request.

Real and personal properties acquired by the United States as a result of loans made from the Revolving Fund are leased and sold in accordance with the provisions of 12 U. S. C. 1141b (7). Ordinarily, these properties are advertised and sold on the basis of sealed bids, reserving the right to reject any and all bids. Each bidder is notified of the acceptance or rejection of his bid.

Certain indebtedness of farmers being liquidated by the Farm Credit Administration through the Revolving Fund Section may be compromised, adjusted, or canceled, in appropriate cases, in accordance with Public Law 518, 78th Congress (58 Stat. 836) and the regulations contained in 6 CFR, Part 01. Applications of debtors for compromise, adjustment, or cancelation of their debts should be submitted on prescribed forms which may be obtained from the Director of the Revolving Fund upon request.

(f) *Cooperative Research and Service Division.* The Farm Credit Administration, through this Division, conducts studies and gathers information regarding the organization and operations of agricultural cooperative associations, and disseminates such information and gives technical assistance to cooperative associations and persons and groups interested in the organization or operation of such associations, in accordance with the Cooperative Marketing Act (7 U. S. C., 451–457) and the Agricultural Marketing Act (12 U. S. C., 1141–1141j). The Division prepares various publications and distributes them generally to cooperative associations and other interested persons and groups, and confers and advises with individual associations, persons, and groups on their problems with respect to the organization and operation of particular cooperative associations.

(g) *Liquidation of joint stock land banks.* The Farm Credit Administration supervises and examines the few remaining joint stock land banks which are now in process of liquidation. Plans for the voluntary liquidation of joint stock land banks are subject to approval by the Farm Credit Administration in accordance with 12 U. S. C. 822. In the case of some insolvent joint stock land banks, the Farm Credit Administration has appointed receivers to liquidate them under its supervision in accordance with 12 U. S. C. 963.

PART 4—PUBLIC INFORMATION, SUBMITTALS, AND REQUESTS

Part 4 of Title 6 of the Code of Federal Regulations is hereby amended by changing the title of Part 4 to read "Public Information, Submittals, and Requests", and by adding to Part 4 new §§ 4.50, 4.51, and 4.52, as follows:

§ 4.50 *General information.* Information regarding the Farm Credit Administration or any of its activities, and general information regarding any of the institutions under its supervision (named in 6 CFR, 2.2) may be obtained from the Farm Credit Administration, Washington, D. C., or from the particular institution concerned.

§ 4.51 *Submittals and requests.* Submittals and requests pertaining to the activities of the Farm Credit Administration should be sent to the Farm Credit Administration, Washington, D. C. Submittals and requests pertaining to the activities of any particular institution supervised by the Farm Credit Administration should be sent to that institution.

§ 4.52 *Official records.* The Farm Credit Administration and the several institutions under its supervision keep confidential the classes of records enumerated in 6 CFR, 4.1–4.4. Information contained in other official records in the custody of the Farm Credit Administration or of a particular institution may be made available to persons directly and properly concerned upon written application to the Farm Credit Administration or the particular institution. Such application must identify the specific information sought and must show how the applicant is concerned therewith. Such applications with respect to official records in the custody of the Farm Credit Administration may be granted by the Governor or any Deputy Governor or by the Commissioner or other Division head in charge of the functions to which the records relate. Such applications with respect to official records in the custody of a particular institution may be granted by the chief executive officer of the institution.

PART 8—FARM CREDIT DISTRICTS

Subchapter A, of Chapter I, Title 6, of the Code of Federal Regulations is hereby amended by adding thereto a new Part 8 as follows:

Sec.
8.1 District institutions.
8.2 District organization.

§ 8.1 *District institutions.* The United States is divided into twelve farm credit districts, each served by a Federal land bank, a Federal intermediate credit bank, a production credit corporation, and a bank for cooperatives. These four institutions in each district maintain their offices together. The city in which their offices are located in each district and the area comprising each district are as follows:

District No.	Location of offices	Area in district
1	Springfield, Mass.	Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey.
2	Baltimore, Md. (Branch office at San Juan, P. R.)	Pennsylvania, Delaware, Maryland, Virginia, West Virginia, District of Columbia, and Puerto Rico.
3	Columbia, S. C.	North Carolina, South Carolina, Georgia, and Florida.
4	Louisville, Ky.	Ohio, Indiana, Kentucky, and Tennessee.
5	New Orleans, La.	Alabama, Mississippi, and Louisiana.
6	St. Louis, Mo.	Illinois, Missouri, and Arkansas.
7	St. Paul, Minn.	Michigan, Wisconsin, Minnesota, and North Dakota.
8	Omaha, Nebr.	Iowa, Nebraska, South Dakota, and Wyoming.
9	Wichita, Kans.	Oklahoma, Kansas, Colorado, and New Mexico.
10	Houston, Tex.	Texas.
11	Berkeley, Calif.	California, Nevada, Utah, and Arizona.
12	Spokane, Wash.	Washington, Oregon, Montana, and Idaho.

§ 8.2 *District organization.* The activities of the Federal land bank, Federal intermediate credit bank, production credit corporation, and bank for cooperatives in each district are coordinated through a farm credit board of seven members elected or appointed in acordance with 12 U. S. C. 640b–Z640j. The members of the farm credit board of the district are ex officio the directors of each of the four institutions in the district. Each of the four institutions has its own separate officers and employees, although the same individual may be an officer or employee of more than one institution. In addition, a general agent and other officers and employees appointed by the farm credit board, with approval of the Farm Credit Administration, pursuant to 12 U. S. C. 640 1, serve as joint officers and employees of all four institutions. The general agent and the presidents of the four institutions constitute an advisory committee.

PART 10—FEDERAL LAND BANKS GENERALLY

Part 10 of Title 6, Code of Federal Regulations is hereby amended by adding thereto new § § 10.1 and 10.2 as follows:

§ 10.1 *Organization of Federal land banks.* (a) The twelve Federal land banks, of which there is one in each farm credit district, were organized in 1917 under the Federal Farm Loan Act (12 U. S. C. 641–1012). The location of each bank and the States served by it are given in 6 CFR, 8.1. The activities of the Federal land bank in each district are coordinated with those of the Federal intermediate credit bank, production credit corporation, and bank for cooperatives of the district through the district organization described in 6 CFR, 8.2. The farm credit board in each district elected or appointed under 12 U. S. C. 640b-j is ex officio the board of directors of the Federal land bank. This board appoints the officers of the bank and is responsible for the management of its affairs under the general supervision of the Farm Credit Administration.

(b) Under the provisions of the Act it was contemplated that the capital stock of the Federal land banks ultimately would be owned entirely by borrowers through their national farm loan associations and some few direct borrowers, although provision also has been made for subscriptions to such stock by the United States. At present the United States owns stock in only one of the land banks.

(c) The Federal land banks, together with the national farm loan associations (see §§ 11.1 and 11.2), constitute a cooperative system known as the land bank

system which, since 1934, has been supplemented by the Federal Farm Mortgage Corporation (see §§ 12.1 and 12.2).

§ 10.2 *Functions and procedures of Federal land banks*—(a) *General.* The twelve Federal land banks were established as permanent institutions designed to provide long-term farm mortgage credit for agriculture in accordance with the Federal Farm Loan Act (12 U. S. C. 641–1012). Related thereto is the issuance of farm loan bonds to obtain funds with which to make loans, or obtaining such funds otherwise, and investing in Government securities. As a consequence of the large scale lending by the banks, they have acquired properties through voluntary deeds and foreclosure of mortgages securing loans which have broken down, requiring the management and disposal of such properties. In servicing their loans and acquired properties, the banks have in nearly all instances utilized the services and facilities of national farm loan associations. An important objective of the banks has been the strengthening of the associations both financially and from the standpoint of management.

(b) *Agents for Land Bank Commissioner and Federal Farm Mortgage Corporation.* The Federal land banks also act as agents in making and servicing Land Bank Commissioner loans on behalf of the Federal Farm Mortgage Corporation.

(c) *Loans.* The principal function of the Federal land banks is to make first mortgage loans on farm land to eligible applicants for the purposes and on the terms prescribed in the Federal Farm Loan Act. These bank loans are limited to 65 percent of the normal value of the security and may not exceed $50,000 to any one borrower. The Land Bank Commissioner loans authorized by 12 U. S. C. 1016, which the banks make as agents, may be made up to 75 percent of the normal value of the property, or 75 percent of the prudent investment value under certain conditions, but not to exceed $7,500 to any one farmer. They are made either as a first mortgage loan or as a second mortgage loan supplementing a first mortgage land bank loan. The maximum term for land bank and Commissioner loans is 40 years, but they are commonly made for a shorter period. The present contract interest rate on Federal land bank loans made through national farm loan associations is 4 percent, and the rate on Commissioner loans 1 percent higher.

A joint application for a loan (bank or Commissioner or both), on a prescribed form available from the banks and associations, is filed with the secretary-treasurer of the national farm loan association in the territory in which the property offered as security is located. The application calls for information regarding the amount and purposes of the loan sought, the security offered, and the applicant's financial condition. As a first step, the Federal Farm Loan Act provides for an investigation as to the character and solvency of the applicant and the sufficiency of the security offered, by the association loan committee or its investigator, and for a written report thereon. The association loan committee may also request a written report on the value of the security by a land bank appraiser, who is a public official appointed by the Farm Credit Administration. Where such a report by an appraiser has been obtained, the association may notify the applicant of any loan approved by it, subject to further approval by the Federal land bank.

The application and written report of the association loan committee, as well as any report by a land bank appraiser, are next referred to the Federal land bank; if there has been no report by a land bank appraiser, the bank will then obtain one. No loan may be made by the bank unless the reports of both the association and the land bank appraiser are favorable. On the basis of the association approval and the favorable report by a land bank appraiser, the Federal land bank determines the amount of any loan that can be soundly made. Whether a Land Bank Commissioner loan is to be approved is determined by the bank as agent. The actual passing on applications in each bank is usually done by a loan or executive committee, and notice of its action is duly given to the interested association and the applicant. Loans to livestock corporations in certain circumstances, and land bank loans in excess of $25,000, require the approval of the Land Bank Commissioner which may be given by authorized personnel in the districts (see 6 CFR, 3.12, 3.13, 3.14).

There are certain statutory provisions also for direct loans to borrowers by the Federal land banks and loans through agents, where they cannot be made through an association, but the general plan is for the land bank loans to be made through associations.

(d) *Bonds.* Related to the lending functions of the Federal land banks is the issuance of Federal farm loan bonds to obtain funds with which to make loans. While the Federal Farm Loan Act provides both for Federal farm loan bonds to be issued by the banks individually, with the approval of the Farm Credit Administration (12 U. S. C. 841–844), and for consolidated bonds of the twelve banks to be sold through a common selling agency (12 U. S. C. 875–886), all issues now outstanding are consolidated bonds. The collateral for consolidated bonds is prescribed in 12 U. S. C. 857, 875–899. This collateral is deposited or pledged with the farm loan registrars who are public officials appointed for each district by the Farm Credit Administration. Federal farm loan bonds are not guaranteed by the United States either as to principal or interest.

Such bonds intended for sale to the investing public are generally advertised and a prospectus is prepared as to the details of a particular issue. Further information as to such issues may be obtained from the Fiscal Agent of the Federal Land Banks, 31 Nassau Street, New York City.

(e) *Surplus property disposal.* The services and facilities of the Federal land banks are utilized further by the Federal Farm Mortgage Corporation in discharging its functions as disposal agency for surplus agricultural and forest real property under the Surplus Property Act of 1944. A separate Surplus Property Disposal Manual has been issued to cover this work, 6 CFR, Part 5 (11 F. R. 7877).

PART 11—NATIONAL FARM LOAN ASSOCIATIONS

Part 11 of Title 6, Code of Federal Regulations is hereby amended by adding thereto new §§ 11.1 and 11.2 as follows:

Sec.
11.1 Organization of national farm loan associations.
11.2 Functions and procedures of national farm loan associations.

§ 11.1 *Organization of national farm loan associations.* (a) National farm loan associations are corporations chartered by the Farm Credit Administration and operate under its supervision in accordance with the provisions of the Federal Farm Loan Act (12 U. S. C. 641–1012). All of the stock of a natural farm loan association is owned by the member borrowers. The territory within which an association may transact business is fixed in its charter. Some 1,300 associations now serve the United States. Membership in an association is confined to persons who are borrowers from a Federal land bank.

(b) The members of an association elect its board of directors from its membership. The board appoints its officers and employees, the secretary-treasurer being its executive officer. Each association has a loan committee which considers applications for loans and also may elect applicants to membership if so authorized by the board. The necessary blanks and instructions for the formation of an association may be obtained from the Federal land bank authorized to operate in the particular State. The organization of a new association is not undertaken if an existing association is giving adequate service in the territory.

(c) The office address of the association serving a particular locality may be obtained from the Federal land bank of the district.

§ 11.2 *Functions and procedures of national farm loan associations.* (a) The Federal Farm Loan Act provides, in connection with Federal land bank loans through associations, that the borrower will be elected to membership in the association and subscribe for association stock in the amount of 5 percent of his loan, such stock to be held by the association as collateral security for repayment of the loan; and that the association will in turn endorse and thereby become liable for the loan and subscribe for a similar amount of stock in the bank, which stock will be held by the bank as collateral security for the association's obligations. Unless the capital of the association is impaired, both types of stock ordinarily are retired and paid off at par when the loan is repaid. The further association procedure on applications for loans is indicated under the heading "Loans" in section 10.2 of this Subchapter.

(b) Full information as to the farm loans available from the land banks is obtainable from the local associations.

(c) The Federal land banks also utilize the services and facilities of the associations in servicing land bank and Commissioner loans in their territory, and have delegated certain functions with respect to loans and acquired properties to qualified associations. Among the transactions reserved for decision by the banks is the approving of new loans, calling loans for foreclosure, accepting deeds in lieu of foreclosure, filing suit for judgments, accepting offers for the sale of real estate, and the sale and disposition of minerals. In any event, even though final decision with respect to a transaction is reserved to the bank, initial application therefor should be made to the local association.

(d) Further, the services and facilities of the associations may be utilized, if convenient, by the Federal Farm Mortgage Corporation in discharging its functions as disposal agency for surplus agricultural and forest real property under the Surplus Property Act of 1944.

PART 12—FEDERAL FARM MORTGAGE CORPORATION

Part 12 of Title 6, Code of Federal Regulations is hereby amended by adding thereto new §§ 12.1 and 12.2 as follows:

§ 12.1 *Organization of Federal Farm Mortgage Corporaiton.* (a) The Federal Farm Mortgage Corporation was created in 1934 by the Federal Farm Mortgage Corporation Act (12 U. S. C. 1020–1020h), and has its principal office with the Farm Credit Administration in Washington, D. C. Its entire capital is provided by the United States, and it has the authority, with the approval of the Secretary of the Treasury, to issue bonds fully and unconditionally guaranteed both as to interest and principal by the United States. The administration and management of the Corporation is vested in its board of directors consisting of the Governor of the Farm Credit Administration as chairman, the Secretary of the Treasury or an officer of the Treasury designated by him, and the Land Bank Commissioner. While the board is authorized to appoint such agents, officers, and employees as it deems necessary, it utilizes, on a reimbursable basis, the services and facilities of the Farm Credit Administration and the Federal land banks in discharging its functions, and may utilize the services and facilities of the national farm loan associations, if convenient, in surplus property disposal.

(b) An executive vice president is the active executive officer of the Corporation. Between meetings of the board, an executive committee acts upon matters not specifically requiring initial consideration by the board.

§ 12.2 *Functions and procedures of Federal Farm Mortgage Corporation*—(a) *General.* The main purposes of the establishment of the Corporation were to provide funds for the Land Bank Commissioner loans made on behalf of the Corporation by the land banks as agents, and to assist in providing funds to the Federal land banks for making loans. The Federal Farm Mortgage Corporation is specifically authorized to make loans to the Federal land banks, or otherwise provide them with loanable funds in accordance with 12 U. S. C. 1020c and 1020d.

(b) *Land Bank Commissioner loans.* These loans were first authorized in § 32 of the Emergency Farm Mortgage Act of 1933 (12 U. S. C. 1016) as a temporary measure, but the authority to make them has been extended from time to time, most recently until July 1, 1947. Land Bank Commissioner loans may be made to eligible borrowers and for eligible purposes up to 75 percent of the appraised normal value of the farm property, or 75 percent of the prudent investment value under certain conditions, but not to exceed $7,500 to any one farmer. These loans are made as first mortgage loans or as second mortgage loans supplementing a first mortgage land bank loan which is now limited to 65 percent. The interest rate on Commissioner loans is 1 percent higher than the rate on Federal land bank loans made through associations at the same time. The procedure for applying for Commissioner loans is covered under "Loans" in § 10.2 of this Subchapter.

When the Federal Farm Mortgage Corporation was created in 1934, there was transferred to it the Land Bank Commissioner loans which had already been made, and the Corporation was authorized to invest its funds in such loans to be made thereafter on its behalf. In making and servicing these loans, the land banks act as agents for the Commissioner and the Corporation.

(c) *Surplus property disposal.* The Federal Farm Mortgage Corporation has undertaken the functions of disposal agency for surplus agricultural and forest real property under the Surplus Property Act of 1944. The functions of the Department of Agriculture as such disposal agency were delegated by the Secretary of Agriculture, subject to his general supervision and direction and to regulations approved by him, to the Governor of the Farm Credit Administration. They were redelegated by the Governor, subject to his general supervision and direction, to the Federal Farm Mortgage Corporation. The Corporation in turn utilizes the services and facilities of the Federal land banks in discharging these functions, and may also use the national farm loan associations if convenient. A separate Surplus Property Disposal Manual has been issued to cover this activity, 6 CFR, Part 5 (11 F. R. 7877).

PART 40—GENERAL

Part 40 of Title 6 of the Code of Federal Regulations is hereby amended by adding thereto new §§ 40.1 and 40.2 as follows:

§ 40.1 *Organization of Federal intermediate credit banks.* (a) The twelve Federal intermediate credit banks, of which there is one in each Farm Credit district, are corporations chartered under 12 U. S. C. 1021 et seq. The location of the several Federal intermediate credit banks and the district served by each are stated in 6 CFR, 8.1. All of their capital stock is owned by the United States. The activities of the credit bank in each district are coordinated with those of the Federal land bank, production credit corporation, and bank for cooperatives of the district through the district organization described in 6 CFR, 8.2. The Federal intermediate credit banks discount agricultural paper for eligible lending institutions and make loans to such institutions, and are authorized to make loans to cooperative associations of farmers and stockmen.

(b) The farm credit board of each district, elected or appointed under 12 U. S. C. 640b–640j, is ex officio the board of directors of the Federal intermediate credit bank of the district. The board of directors appoints the officers of the credit bank and is responsible for the management of its affairs under general supervision of the Farm Credit Administration. The president of the credit bank is its chief executive officer.

§ 40.2 *Functions and procedures of Federal intermediate credit banks*—(a) *Discounts for and loans to lending institutions.* The Federal intermediate credit banks are primarily banks of discount for agricultural and livestock lending institutions. The banks are authorized to discount agricultural paper for, to purchase such paper from, and to make loans secured by such paper to, various types of lending institutions including national and State banks, trust companies, agricultural credit corporations, incorporated livestock loan companies, savings institutions, cooperative banks, credit unions, and cooperative associations of agricultural producers. To be eligible for discount or purchase by a Federal intermediate credit bank, or as security for loans from a credit bank, the paper offered by such institutions must represent an obligation the proceeds of which have been advanced or used in the first instance for an agricultural purpose or for the raising, breeding, fattening, or marketing of livestock.

The Federal intermediate credit banks also discount loan paper for, purchase such paper from, and make loans to, the production credit associations and the banks for cooperatives.

The discounts and loans by the Federal intermediate credit banks are made in accordance with 12 U. S. C., Chapter 7, Subchapter III, and the rules and regulations contained in subsequent sections of this Subchapter of the Code of Federal Regulations.

A lending institution desiring to rediscount the obligations of farmers and stockmen with a Federal intermediate credit bank, or to obtain loans from a Federal intermediate credit bank on the security of such obligations, should communicate with the credit bank serving the district in which the lending institution operates. To qualify for discounts and loans from the credit bank, the lending institution is required to submit to the bank, on prescribed forms available from the bank, an "Application for Rediscount Privileges" and related documents, in which the institution gives cer-

tain information and makes certain agreements regarding the types of obligations to be offered by it to the bank for discount or as security for loans, submits evidence of its eligibility and the authority of its officers to rediscount with and borrow from the bank, and sets forths its financial condition.

Applications of lending institutions to qualify for discounts and loans from a Federal intermediate credit bank, and their offerings of paper for discount or as security for loans, are approved or rejected by the bank's executive committee.

(b) *Loans to cooperative associations.* The Federal intermediate credit banks are authorized to make loans to cooperative associations of agricultural or livestock producers secured by staple agricultural products or livestock or by other collateral approved by the Governor of the Farm Credit Administration. Since such loans are available to eligible cooperative associations from the banks for cooperatives (see 6 CFR, Chapter I, Subchapter F), the credit banks do not ordinarily make such loans but refer requests to the banks for cooperatives. Occasionally, however, loans to cooperative associations are made by the Federal intermediate credit banks where extraordinary circumstances make it more advantageous to have the loans made by the credit bank rather than the banks for cooperatives. Applications for such loans from a Federal intermediate credit bank are made on prescribed forms furnished by the credit bank. Cooperative associations desiring to apply to a Federal intermediate credit bank for loans should first communicate with the credit bank regarding the special reasons for requesting that the loans be made by the credit bank rather than the bank for cooperatives.

(c) *Issue and sale of debentures.* The Federal intermediate credit banks finance their discount and lending operations for the most part by issuing consolidated collateral trust debentures which are sold to the general public. These debentures are the joint and several obligations of the twelve Federal intermediate credit banks and are issued and sold in accordance with 12 U. S. C. 1040–1045 and the rules and regulations contained in 6 CFR, Part 45. The debentures are secured by collateral as specified in 12 U. S. C. 1041, and this collateral is deposited or pledged with the farm loan registrars of the several districts who are public officials appointed by the Farm Credit Administration. The United States Government assumes no liability for the payment of these debentures. New issues of debentures are offered for sale, generally each month, through the Fiscal Agent of the Federal intermediate credit banks, and the Fiscal Agent notifies dealers listed with him of debenture offerings. Dealers desiring to be placed on the list should communicate with the Fiscal Agent for the Federal Intermediate Credit Banks, 31 Nassau Street, New York 5, New York. Persons interested in purchasing debentures for investment may communicate with any securities dealer or with the Fiscal Agent.

PART 48—PRODUCTION CREDIT CORPORATIONS

Subchapter E of Chapter I, Title 6, Code of Federal Regulations, is hereby amended by adding thereto new Parts 48 and 49 as follows:

Sec.
48.1 Organization of production credit corporations.
48.2 Functions and procedures of production credit corporations.

§ 48.1 *Organization of production credit corporations.* (a) The twelve production credit corporations, of which there is one in each Farm Credit district, are corporations chartered by the Governor of the Farm Credit Administration under 12 U. S. C. 1131. The location of the several production credit corporations and the district served by each are stated in 6 CFR 8.1. All of their capital stock is held by the Governor of the Farm Credit Administration on behalf of the United States. The activities of the production credit corporation of each district are coordinated with those of the Federal land bank, Federal intermediate credit bank, and bank for cooperatives of the district through the district organization described in 6 CFR, 8.2. The production credit corporations assist in the organization and capitalization of the production credit associations in their respective districts and supervise the associations.

(b) The farm credit board in each district, elected or appointed under 12 U. S. C. 640b–640j, is ex officio the board of directors of the production credit corporation. The board of directors appoints the officers of the corporation and is responsible for the management of its affairs under general supervision of the Farm Credit Administration. The president of the corporation is its chief executive officer.

§ 48.2 *Functions and procedures of production credit corporations.* (a) The production credit corporations assist in the organization of production credit associations by advising with farmers desiring to form an association and by advising the Farm Credit Administration regarding the need and prospects for any proposed new associations. The corporations also consult with associations and make recommendations to the Farm Credit Administration regarding proposals for changing the territories of, consolidating, and liquidating associations.

(b) The production credit corporations assist in the capitalization of production credit associations by purchasing their class A stock in accordance with 12 U. S. C. 1131c.

(c) The corporations supervise the associations by prescribing rules and regulations which are contained in 6 CFR, Part 51, by reviewing their activities and records and consulting and advising with them, and otherwise in accordance with 12 U. S. C. 1131d–1131g, the rules and regulations (6 CFR, Parts 50 and 51), and the bylaws of the associations.

PART 49—PRODUCTION CREDIT ASSOCIATIONS

Sec.
49.1 Organization of production credit associations.
49.2 Functions and procedures of production credit associations.

§ 49.1 *Organization of production credit associations.* (a) The production credit associations, of which there are about 500, are corporations organized by ten or more farmers and chartered by the Governor of the Farm Credit Administration pursuant to 12 U. S. C. 1131d.

(b) The farmer members of each association own some or all of its capital stock. Non-voting class A stock of the associations is purchased by the production credit corporations subject to retirement in accordance with 12 U. S. C. 1131c, and the aggregate amount of stock owned by the corporations is being progressively reduced.

(c) The farmer members of an association elect its board of directors from its membership. The board of directors appoints its officers and employees and manages its affairs under general supervision of the production credit corporation and the Farm Credit Administration. The secretary of the association is its managing officer. The association's executive committee, consisting generally of two directors and the secretary, acts as a loan committee and passes on loan applications.

§ 49.2 *Functions and procedures of production credit associations.* The production credit associations make loans to farmers and stockmen for general agricultural purposes, principally short-term loans for production purposes. The regulations prescribing the general terms and conditions on which such loans may be made are contained in 6 CFR, Parts 50 and 51. Applications for loans should be made to the production credit association serving the territory in which the applicant's farming operations are conducted. Loan applications should be made on prescribed forms, which may be obtained from the association, in which the applicant gives information regarding the amounts and purposes of the loan sought, his farming facilities, the anticipated sources of repayment, the security offered, and his financial condition. Each borrower from an association is required to own stock in the association as provided in 12 U. S. C. 1131g. The executive committee of the association has authority to approve or reject loan applications except that further approval is required for loans in excess of certain amounts (see 12 U. S. C. 1131g) and for loans to certain officials of the Farm Credit Administration, the production credit corporation, or the association (see 6 CFR, 51.2 (f)).

PART 69—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF BANKS FOR COOPERATIVES

Subchapter F of Chapter I, Title 6 of the Code of Federal Regulations is hereby amended by adding thereto new Part 69, as follows:

Sec.
69.1 Organization of Central Bank for Cooperatives.
69.2 Organization of district banks for cooperatives.
69.3 Functions and procedures of banks for cooperatives.

§ 69.1 *Organization of Central Bank for Cooperatives.* The Central Bank for Cooperatives is a corporation chartered by the Governor of the Farm Credit Administration under 12 U. S. C. 1134f. Its offices are located in Washington, D. C., with the Farm Credit Administration, and it serves the entire United States. Its capital stock is held partly by cooperative associations that borrow from it and partly by the Governor of the Farm Credit Administration on behalf of the United States. The Central Bank makes loans to large regional-type cooperative associations of farmers and assists in financing the district banks for cooperatives. The board of directors of the Central Bank consists of the Cooperative Bank Commissioner, who is ex officio chairman of the board, and six other directors appointed by the Governor of the Farm Credit Administration of whom three are appointed from among individuals nominated by cooperative associations borrowing from the Central Bank. The Cooperative Bank Commissioner, as charman of the board, is the executive officer of the Central Bank and prescribes the terms and conditions of its loans. The business of the Central Bank is managed by its vice president and general manager under the direction of the Commissioner, subject to general supervision by the Governor of the Farm Credit Administration.

§ 69.2 *Organization of district banks for cooperatives.* (a) The twelve district banks for cooperatives, of which there is one in each farm credit district, are corporations chartered by the Governor of the Farm Credit Administration under 12 U. S. C. 1134. The location of the several district banks and the district served by each are stated in 6 CFR 8.1. The capital stock of each district bank is held partly by cooperative asociations that borrow from it and partly by the Governor of the Farm Credit Administration on behalf of the United States. The activities of the district bank for cooperatives in each district are coordinated with those of the Federal land bank, Federal intermediate credit bank, and production credit corporation of the district through the district organization described in 6 CFR 8.2. The district banks for cooperatives make loans to farmers' cooperative associations.

(b) The farm credit board of each district, elected or appointed under 12 U. S. C. 640b–640j, is ex officio the board of directors of the district bank for cooperatives. The board of directors appoints the officers of the corporation and is responsible for the management of its affairs under general supervision of the Farm Credit Administration. The president of the district bank is its chief executive officer.

§ 69.3 *Functions and procedures of banks for cooperatives.* (a) The Central Bank and the twelve district banks for cooperatives make loans to eligible farmers' cooperative associations, as defined in 12 U. S. C. 1141j, for the purposes and subject to the conditions specified in the Agricultural Marketing Act (12 U. S. C. 1141–1141j). Such loans are made in accordance with the rules and regulations contained in subsequent sections of this Subchapter of the Code of Federal Regulations.

(b) The amount of loans that a district bank may make to any one borrower is limited by regulation (6 CFR, 71.3), but a district bank may receive applications for loans in excess of such limit and offer the excess amount to the Central Bank for participation in the loan. A cooperative association desiring to apply for loans should apply to the district bank serving the State in which the association's principal office is located (see 6 CFR, 8.1). However, an association whose operations extend over several farm credit districts may apply to the Central Bank. In appropriate cases, applications submitted to a district bank may be referred by it to the Central Bank and vice versa.

(c) Loan applications should be made on prescribed forms furnished by the banks, in which the applicant gives information as to the amount and purposes of the loan desired, the security offered, the proposed method of repayment, and the association's eligibility as a cooperative. The association should submit with its application certified copies of its articles of incorporation, bylaws, and board resolution authorizing the application, and audit reports or financial and operating statements for the preceding three years. Each borrower from a bank for cooperatives is required to own stock in the bank in the amounts stated in 6 CFR, 70.78.

(d) Loan applications are approved or rejected, and matters relating to loans are determined, on behalf of the Central Bank by its vice president and general manager with the concurrence of the Cooperative Bank Commissioner; and on behalf of a district bank by its executive committee composed of its president and other officers, except that loans in excess of $500,000 to any one association require further approval by the Cooperative Bank Commissioner.

PART 90—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF REGIONAL AGRICULTURAL CREDIT CORPORATION OF WASHINGTON, D. C.

Part 90, including the title thereof, of Title 6 of the Code of Federal Regulations is hereby amended to read as follows:

Sec.
90.1 Organization.
90.2 Functions and procedure.

§ 90.1 *Organization*—(a) *Central organization.* The Regional Agricultural Credit Corporation of Washington, D. C., is a corporation chartered by the Farm Credit Administration under 12 U. S. C. 1148c. Originally there were twelve regional agricultural credit corporations created under 12 U. S. C. 1148, but all of them have been consolidated or merged into the Regional Agricultural Credit Corporation of Washington, D. C., pursuant to 12 U. S. C. 1148c. The principal office of the Corporation is located in Washington, D. C., with the Farm Credit Administration. All of the capital stock of the Corporation is held by the Secretary of the Treasury on behalf of the United States. The Corporation is empowered to make loans to farmers and stockmen for agricultural purposes. The directors and officers of the Corporation are appointed by the the Farm Credit Administration. The board of directors of the Corporation has general management of its affairs, and the president of the Corporation is its chief executive officer. The Corporation's loan committee passes on applications for loans and related matters referred to the principal office.

(b) *District offices.* When the Regional Agricultural Credit Corporation is engaged in a loan program in any particular area, it utilizes the farm credit district office serving that area (see 6 CFR, 8.1 and 8.2) as its district office, and utilizes the personnel and facilities of the farm credit district institutions. The district office of the Corporation is under the direction of a district vice president who is aided by an assistant district vice president and by local representatives as needed. Persons interested in learning the name and location of the local representative serving any particular county may obtain this information by writing to the district office of the Corporation serving the State in which the county is located, or by writing to the Regional Agricultural Credit Corporation of Washington, D. C., Farm Credit Administration, Washington, D. C.

(c) *Wenatchee branch office.* The Corporation has a branch office in Wenatchee, Washington, which makes loans to fruit growers in Chelan, Okanogan, Douglas, and Grant Counties in the State of Washington. The Wenatchee office is managed by a manager under the general direction of a branch committee.

§ 90.2 *Functions and procedures.* (a) The Regional Agricultural Credit Corporation of Washington, D. C., is empowered to make loans to farmers and stockmen for agricultural purposes in accordance with 12 U. S. C. 1148. Loans from the Corporation are made available from time to time in areas where adequate credit for agricultural purposes is not then available from other sources. Accordingly, new loans from the Corporation are made available only in specified areas and for specified purposes designated from time to time, and are made only to applicants who are unable to obtain suitable financing from other sources. New loans have been made available during 1946 in the following areas for the following purposes:

Area and purposes

(1) Chelan, Okanogan, Douglas, and Grant Counties, State of Washington (Wenatchee Branch Office): Fruit production.
(2) Accomac and Northampton Counties, State of Virginia (Baltimore, Md., District Office): Production of certain vegetable crops.

The Corporation is also engaged in liquidating loans previously made

throughout the United States. Where necessary, additional loans may be made to assist in the liquidation of outstanding loans.

(b) Applications for loans in the area served by the Wenatchee Branch Office should be submitted to that office. Such applications are approved or rejected by the branch committee of that office. Applications for loans in other areas where loans are made available should be submitted to the local representative of the Corporation or to its district office. The district vice president is authorized to approve or reject loan applications, except those in excess of specified amounts which require further approval by the principal office, and he may delegate such authority to the assistant district vice president.

(c) Loan applications are made on prescribed forms in which the applicant gives information as to the purposes and amounts of the loan desired, his farming facilities, the security offered, the anticipated sources of repayment, and his financial condition. The applicant must also submit evidence of his inability to obtain suitable financing from other local sources. The terms and conditions on which loans are made are prescribed or approved by the Farm Credit Administration and are contained in subsequent Parts of this Subchapter of the Code of Federal Regulations.

(d) Requests for cancelation of obligations for special war crop advances made in 1943 (see 6 CFR, 96.200 (b)) should be submitted to the local representative of the Corporation or to its district office. The district vice president has authority to approve or disapprove such requests for cancelation and he may delegate this authority to the assistant vice president. Such requests for cancelation are made on prescribed forms in which the applicant gives information regarding his fulfillment of the conditions required for cancelation.

[SEAL] A. T. ESGATE,
Acting Governor.

[F. R. Doc. 46—15341; Filed, Aug. 28, 1946; 4:00 p. m.]

Farm Security Administration

[6 CFR, Ch. III]

PART 300—GENERAL

Section 300.1 of Title 6, of the Code of Federal Regulations, is amended and modified to read as follows:

§ 300.1 *General functions and organization of the Farm Security Administration*—(a) *General functions.* To assist veterans, and farm tenants, farm laborers, share croppers and other individuals who are eligible under the Bankhead-Jones Farm Tenant Act, (50 Stat., 522; 7 U. S. C. 1000), to become farm owners through long-term loans; to carry on a rural rehabilitation program for low-income farmers, in accordance with the item "Loans, Grants and Rural Rehabilitation" in the Department of Agriculture Appropriation Act, including the making of short-term agricultural loans, practical guidance on farm and home methods, equitable farm-debt adjustment, tenure improvement, and health and group services; to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization in accordance with the Water Facilities Act, as amended (50 Stat., 869, 54 Stat., 1124); to liquidate, as expeditiously as possible, resettlement projects and rural rehabilitation projects for resettlement purposes; and to provide emergency rural relief. The Farmers' Home Administration Act of 1946 (P. L. 731, 79th Congress, 2d Session, approved August 14, 1946) abolished the Farm Security Administration and its functions, powers and duties and provides for the administration of similar functions, powers and duties by the Farmers' Home Administration. Under section 2 (g) of the act, the Secretary of Agriculture, by order dated August 14, 1946 (11 F. R. 9007 and 9183), postponed, for a period not exceeding 90 days, the effective date of the transfers provided for by the act. Pending consummation of the transfer of the functions, powers, and duties transferred or abolished by the act, and in order to permit continuance of functions pending transfer to the Farmers' Home Administration, the functions, powers, and duties of the Farm Security Administration are to be carried on in the same manner as carried on prior to the effective date of the act. The Secretary's order also established the Farmers' Home Administration as an agency within the Department of Agriculture.

(b) *Central organization.* The National Headquarters of the Farm Security Administration, located in the U. S. Department of Agriculture, Washington, D. C., is under the direction of an administrator, who is assisted by an associate administrator, three assistant administrators, and two special assistants. The Administrator is also assisted by 14 divisions, each under the direction of a director or chief, consisting of the following nine service divisions: Administrative Analysis, Administrative Services, Audit-Investigation, Budget, Engineering, Finance, Information, Personnel, and Statistical Analysis; and the following five program divisions:

(1) *Farm Ownership Division.* Advises and assists in developing, planning and applying, and observes compliance with, FSA policies and procedures for the making, supervising and servicing of loans made in accordance with Title I and related provisions of Title IV of the Bankhead-Jones Farm Tenant Act.

(2) *Rural Rehabilitation Division.* Advises and assists in developing, planning, and applying, and observes compliance with, FSA policies and procedures for the making, supervising and servicing of Rehabilitation, Water Facilities and Group Service loans and for Farm Debt Adjustment and Tenure Improvement.

(3) *Project Sales Division.* Advises and assists in developing, planning and applying, and observes compliance with, FSA policies and procedures for the liquidation and interim management of of those FSA projects or properties designated for liquidation by law.

(4) *Cooperative Division.* Advises and assists in developing, planning and applying, and observes compliance with, FSA policies and procedures for utilizing services available through existing FSA-financed associations in the rehabilitation of low-income farm families. Provides technical guidance to such associations.

(5) *Health Services Division.* Advises and assists in developing, planning and applying, and observes compliance with, FSA policies and procedures for medical care, dental care, hospitalization, nursing, physical rehabilitation, physical examination, environmental sanitation and health education for low-income farm families.

(c) *Field Organization.* For purposes of administering the FSA program, the continental United States, it territories and possessions are divided geographically into regions, finance areas, states, districts, and units or counties.

(1) *Regions.* The continental United States, its territories and possessions are divided into 12 regions, each under the supervision of a regional director responsible directly to the Administrator for the prosecution of the FSA program within the region. The Regional Director is aided by his Assistant Regional Directors in charge of Rural Rehabilitation and Farm Ownership, Executive Assistant, Information Advisor, Engineer, and Administrative Services and Personnel Divisions. The following is a list of states, territories, and possessions within each region, and the location of the regional headquarters thereof:

Region I—Cunard Building, 229 South 16th Street, Philadelphia 2, Pennsylvania. Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, and Maryland;

Region II—County Court House, Milwaukee 1, Wisconsin. Michigan, Wisconsin and Minnesota;

Region III—342 Massachusetts Avenue, Indianapolis 7, Indiana. Ohio, Indiana, Illinois, Iowa and Missouri;

Region IV—Raleigh Building, S. W. Hargett Street, Raleigh, North Carolina. West Virginia, Virginia, Kentucky, Tennessee and North Carolina;

Region V—Farm Security Building, Montgomery 4, Alabama. South Carolina, Georgia, Alabama, and Florida;

Region VI—Waldon Building, 7th and Main Streets, Little Rock, Arkansas. Arkansas, Louisiana and Mississippi;

Region VII—13th & N Streets, Lincoln A, Nebraska. North Dakota, South Dakota, Nebraska and Kansas;

Region VIII—Parry Avenue at Commerce Street, Dallas 1, Texas. Oklahoma, Texas, and New Mexico;

Region IX—30 Van Ness Avenue, San Francisco 2, California. Arizona, Utah, Nevada, California and Hawaii;

Region X—950 Broadway, Denver 3, Colorado. Wyoming and Montana;

Region XI—Terminal Sales Building, Portland 5, Oregon. Oregon, Washington, Idaho and Alaska;

Region XIII—Box 4269, San Juan 21, Puerto Rico. Puerto Rico and Virgin Islands.

(2) *Finance Area Offices.* Four finance area offices, each under the supervision of a finance area manager, are responsible to the Administrator for serving the 12 FSA regions in the installation and maintenance of prescribed accounting systems to reflect financial condition and transactions within the area. Their headquarters and the regions served are as follows: Indianapolis, Indiana—Regions I, II, III; Montgomery, Alabama—Regions IV, V and XIII; Dallas, Texas—Regions VI and VIII; and Denver, Colorado—Regions VII, IX, X, and XI.

(3) *States.* Forty-five state and two territorial offices, each under the supervision of a state or territorial director, are responsible to the Regional Directors for coordinating the FSA program in the districts and counties within the limits of their respective states or territories. The states or territories and their headquarters are as follows:

Alabama—Auburn, Ala.; Arizona—Los Angeles, Calif.; Arkansas—Little Rock, Ark.; California, South—Los Angeles, Calif.; California, North—Sacramento, Calif.; Colorado—Denver, Colo.; Connecticut—Hartford, Conn.; Delaware—Baltimore, Md.; Florida—Gainesville, Fla.; Georgia—Athens, Ga.; Idaho—Boise, Idaho; Illinois—Champaign, Ill.; Indiana—Lafayette, Ind.; Iowa—Des Moines, Iowa; Kansas—Topeka, Kans.; Kentucky—Lexington, Ky.; Louisiana—Baton Rouge, La.; Maine—Bangor, Maine; Maryland—Baltimore, Md.; Massachusetts—Hartford, Conn.; Michigan—East Lansing, Mich.; Minnesota—St. Paul, Minn.; Mississippi—Jackson, Miss.; Missouri—Columbia, Mo.; Montana—Bozeman, Mont.; Nebraska—Lincoln, Nebr.; Nevada, Sacramento, Calif.; New Hampshire—Concord, N. H.; New Jersey—New Brunswick, N. J.; New Mexico—Albuquerque, N. Mex.; New York—Ithaca, N. Y.; North Carolina—Raleigh, N. C.; North Dakota—Bismarck, N. Dak.; Ohio—Columbus, Ohio; Oklahoma—Oklahoma City, Okla.; Oregon—Portland, Oreg.; Pennsylvania—Harrisburg, Pa.; Rhode Island—Hartford, Conn.; South Carolina—Columbia, S. C.; South Dakota—Huron, S. Dak.; Tennessee—Nashville, Tenn.; Texas—Dallas, Tex.; Utah—Logan, Utah; Vermont—Montpelier, Vt.; Virginia—Richmond, Va.; Washington—Olympia, Wash.; West Virginia—Morgantown, W. Va.; Wisconsin—Milwaukee, Wis.; Wyoming—Laramie, Wyo.; Territorial Office—Hilo, T. H.; Territorial Office—Anchorage, Alaska.

(4) *Districts.* The 48 States are divided into 163 geographic districts which are delineated insofar as possible on the basis of types of agricultural and economic problems. The District FSA Supervisor, in charge of the District Office, is responsible to the State Director for training and supervising the local office employees within the district in the conduct of the FSA program.

(5) *Counties.* A local (unit or county) FSA office under the direction of an FSA Supervisor, is assigned to serve each county. Usually this office is located in the county seat; however, depending upon the volume of business in certain counties, the local office located in the county seat of one county may also serve one or more adjoining counties. The local office is the normal channel through which the public is expected to seek information, make application for assistance, and conduct business with the Farm Security Administration. County FSA Committees, composed of three farmers residing in the county, examine applications, appraise farms, and certify to the eligibility of applicants and reasonable value of farms in connection with the making of farm ownership loans. County FSA Committees also determine the eligibility and need of applicants for Rural Rehabilitation loans and review the progress of borrowers who have received FSA assistance for a period of three years.

NOTE: The general course, procedures, and methods by which the FSA functions are channeled and determined (except with respect to the Project Liquidation and Water Facilities programs which are hereinafter set out), including the delegations of final authority, are codified in 6 CFR, chapter III.

PART 353—SALES OF REAL PROPERTY

Part 353 of Title 6, the Code of Federal Regulations, is amended to add the following section:

§ 353.1 *Project liquidation.* Pursuant to the directive from the Congress in the "Loans, Grants, and Rural Rehabilitation" item of the Department of Agriculture Appropriation Act of 1947 (Pub. Law 442), and the provisions of Public Law No. 563, 79th Cong., 2nd Session, the Farm Security Administration is engaged in a program of liquidating, as expeditiously as possible, its resettlement projects or rural rehabilitation projects for resettlement purposes, and other similar type enterprises. It is the present policy of the Farm Security Administration to utilize the following methods of disposal:

(a) Economic farm units are being sold at earning-capacity values to veterans of World War II and present project occupants to whom previous commitments to purchase have been made or who have existing contracts to purchase, who meet the requirements of eligibility specified in Title I of the Bankhead-Jones Farm Tenant Act.

(b) Subsistence units are being sold, wherever practicable, to low-income families and veterans, at the fair-market value of such units.

(c) Wherever practicable, project facilities and utilities, other than land for farming purposes, are being sold, at the fair-market value thereof, to present operators who have demonstrated an ability, financial and otherwise, to operate such type of property successfully.

(d) Other property is offered for sale directly by Farm Security Administration by means of notices published in newspapers and posted at public places in the area surrounding the property. The property is then sold for the highest offer if that offer is deemed to represent the fair-market value of the property and to be consistent with the best financial interest of the Government.

(e) Applications to acquire project units or facilities may be made through the local FSA office in the same manner as applications are made for farm ownership loans.

Section 353.21 paragraph (d) of Title 6 of the Code of Federal Regulations is hereby revoked and the following is inserted in lieu thereof:

§ 353.21 *Sale of management projects by deed, note and mortgage.* * * *

(d) *Minerals.* No minerals will be reserved in the conveyance of project properties.

PART 391—WATER FACILITIES LOANS

Subchapter J of Title 6, Chapter III of the Code of Federal Regulations is amended to add the following part:

§ 391.1 *General.* (a) Water Facilities loans are made under the authority of the Water Facilities Act, as amended (50 Stat. 869, 54 Stat. 1124), to individual farm owners, tenants, and ranchers, or to groups or associations, in order to promote the conservation and adequate use of water resources on farm, grazing, and forest lands. Loans are made in the arid and semiarid areas of the United States, which include the following 17 Western States: Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. Eligibility is determined by County FSA Committees, and applicants must show that they are unable to secure adequate credit on reasonable terms from other sources to provide needed facilities. Loans are made for those types of water facilities which will enable farmers and ranchers to store or utilize water for domestic use, livestock, farm gardens, crop and haylands, ranges and pastures, or other lands used for agricultural purposes. Loans are also made for the purchase of water stock in companies or associations, or for the purchase of needed water rights if the transfer of the water privileges or water rights will result in better use of land.

(b) No loan may be made in excess of $50,000 in connection with a single project or facility. Regional Directors are authorized to approve Water Facilities loans to individuals in amounts not to exceed $5,000 and to associations in amounts not to exceed $7,500. Loans may be made for the expected life of the facility or for twenty years, whichever is less, and bear interest at the rate of three percent per annum. Generally a first mortgage on the facility, and additional security, when available, and when needed to protect its interests, are required.

(c) Before a loan is approved, a determination is made, based on technical investigations, as to the effect of the facility upon the whole drainage basin. Facilities must not be located where encouragement will be given to farmers to operate submarginal land areas, which, in the public interest, should be devoted to other uses.

(d) Applications for loans may be filed on Form FSA197, "Application for FSA Services," with the local FSA office. Assistance in planning and constructing the facility is furnished. The individual, or association, assumes the responsibility for the completion of the installation. Representatives of the FSA give technical assistance and engineering service as needed.

Done at Washington, D. C., this 28th day of August 1946.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 46–15344; Filed, Aug. 28, 1946; 4:04 p. m.]

Federal Crop Insurance Corporation

[7 CFR, Ch. IV]

PART 400—FEDERAL CROP INSURANCE CORPORATION

SUBPART A—ORGANIZATION

Sec.
400.1 Creation.
400.2 Office.
400.3 Stock.
400.4 Board of Directors.
400.5 Officers.
400.6 Management.
400.7 Functions.
400.8 Availability of information.

SUBPART B—FUNCTIONS AND PROCEDURES

400.10 Functions and procedures.

SUBPART A—ORGANIZATION

§ 400.1 *Creation.* The Federal Crop Insurance Corporation was created February 16, 1938, by the Federal Crop Insurance Act (7 U. S. C. 1940 ed. 1501 et seq.). The Corporation is a part of the United States Department of Agriculture and its operations are under the supervision and control of the Secretary of Agriculture.

§ 400.2 *Office.* The principal office of the Federal Crop Insurance Corporation is located at Washington, D. C., in the South Agriculture Building.

§ 400.3 *Stock.* All capital stock of the Federal Crop Insurance Corporation is owned by the United States.

§ 400.4 *Board of Directors.* The Board of Directors consists of three persons employed in the Department of Agriculture who are appointed by and hold office at the pleasure of the Secretary of Agriculture, and are as follows: The Secretary of Agriculture, who serves as Chairman of the Board; the Under Secretary of Agriculture; and the Administrator of the Production and Marketing Administration.

§ 400.5 *Officers.* The Board of Directors, subject to the approval of the Secretary of Agriculture, selects a manager who is the chief executive officer of the Federal Crop Insurance Corporation with such power as may be conferred by the Board.

§ 400.6 *Management.* The management of the Federal Crop Insurance Corporation is vested in a Board of Directors subject to the general supervision of the Secretary of Agriculture. Under the general supervision of the Board of Directors and the Administrator of the Production and Marketing Administration the manager of the Corporation is responsible for the general direction and supervision of all the activities of the Corporation. His duties and responsibilities have been published (7 CFR, Part 2323).

§ 400.7 *Functions.* The functions of the Federal Crop Insurance Corporation are carried out through the facilities and personnel of the Production and Marketing Administration of the Department of Agriculture. The programs and operations are approved by the Board of Directors of the Corporation and the Secretary of Agriculture before being put into effect by the manager.

§ 400.8 *Availability of information and records.* Any person desiring information with respect to a function of the Corporation should address his request to the Federal Crop Insurance Corporation, United States Department of Agriculture, Washington (25), D. C., except as to matters with respect to a request for insurance on an individual farm or farms in a local area (7 CFR, Part 2323). The records of the Corporation, including those maintained in field offices, are available for examination in accordance with rules and designation of records issued by the Secretary (7 CFR, Part 2100).

SUBPART B—FUNCTIONS AND PROCEDURES

§ 400.10 *Functions and procedures.* The functions and procedures of the Federal Crop Insurance Corporation have been published (7 CFR, Part 2323).

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 46–15588; Filed, Aug. 30, 1946; 11:14 a. m.]

Forest Service

[36 CFR, Ch. II]

PART 200—ORGANIZATION, FUNCTIONS AND PROCEDURES

SUBPART A—ORGANIZATION

Sec.
200.1 Central organization.
200.2 Field organization.
200.3 Offices to which applications or requests should be submitted.

SUBPART B—FUNCTIONS AND PROCEDURES

200.21 General; Forest Service.
200.22 Timber management.
200.23 Range management.
200.24 Wildlife management.
200.25 Watershed management.
200.26 Special uses and minerals.
200.27 Power transmission lines and easements.
200.28 Recreation use.
200.29 Fire control.
200.30 Forest roads, trails and highways.
200.31 Land acquisition.
200.32 Land classification.
200.33 Flood control.
200.34 Settlement of civil trespass cases.
200.35 Forest fire cooperation.
200.36 Farm and other private forestry cooperation.
200.37 Land utilization projects.
200.38 Naval stores conservation program.
200.39 Forest research.

SUBPART A—ORGANIZATION

§ 200.1 *Central organization* — (a) *Central Office.* The central office of the Forest Service is at Washington, D. C. in the South Agriculture Building. This consists of the office of the Chief and six Branches, each headed by an Assistant Chief, and the Division of Fiscal Control headed by a Division Chief.

(b) *Chief of the Forest Service.* The Chief of the Forest Service under the general direction of the Secretary of Agriculture formulates, directs and supervises the execution of the Forest Service policies, programs and activities.

(c) *Branches.* The branches are as follows:

(1) *Administrative Management and Information Branch.* Is responsible for general administration and management activities of the Forest Service.

(2) *National Forest Administration Branch.* Formulates national policies and plans for the protection, development, administration, and utilization for all national forest resources; and administers a program for the production of guayule rubber.

(3) *State and Private Forestry Branch.* Stimulates, coordinates and exercises leadership in State and private forestry cooperative work and other programs; and cooperates with other Federal departments and with States and private agencies in the advancement of forest management on non-federally-owned lands; and administers the Naval Stores Conservation Program.

(4) *Forest Research Branch.* Obtains basic technical information and scientific data necessary to insure adequate supplies of timber and other forest products for the people of the United States and to promote the full use for timber-growing and other purposes of forest lands in the United States, including farm woodlots and abandoned areas not suitable for agricultural production; obtains similar information for range lands; provides national leadership in forest research; correlates within the Department of Agriculture research in reforestation, timber-growing, protection, and utilization, forest economics, range rehabilitation and utilization, water and soil vegetation relationships, and related subjects.

(5) *Lands Branch.* Promotes the establishment of a system of national forests adequate to national needs when correlated with forest programs of other public and private agencies; formulates objectives with respect to forest land status and economy; and develops policies and procedures for land planning and acquisition.

(6) *Program Planning Branch.* Is responsible for planning forestry programs in the light of national social, economic and cultural conditions related to forestry.

(7) *Fiscal Control Division.* Is responsible for all phases of fiscal management and performance of all fiscal work.

§ 200.2 *Field organization.* (a) The field organization of the Forest Service (except for Research activities) is divided into 10 regions for the continental United States and Alaska. A Regional Forester is responsible to the Chief for all activities except research within each region. A Forest Supervisor is responsible to the Regional Forester for all activities pertaining to management, protection and utilization of national forest lands within the boundaries of each national forest. Most national forests are divided into from 2 to 10 Ranger Districts. A Forest Ranger is responsible to the Forest Supervisor for all activities pertaining to management, protection and utilization of national forest lands within the boundaries of each Ranger District.

(b) A Director of Tropical Forestry is responsible to the Chief for activities in Puerto Rico.

(c) The field organization of the Forest Service for research activities comprises 11 Forest and Range Experiment Stations and the Forest Products Laboratory. A Director is responsible to the Chief for all research activities in the territory assigned each station. The Director of the Forest Products Laboratory is responsible to the Chief for research conducted in connection with wood and wood products.

(d) The Regional Forester for Region 8 is responsible to the Chief for the operation of the Naval Stores Conservation Programs; a Program Supervisor is responsible to the Regional Forester; and Inspectors are responsible to the Program Supervisor.

(e) The addresses of Regional Foresters, Directors of Experiment Stations, and Forest Supervisors and the Naval Stores Conservation Program Supervisor are given below. Location of specific Ranger District headquarters may be obtained from Forest Supervisors. Location of specific Naval Stores Inspectors may be obtained from the Program Supervisor.

National Forests by Regions

Region 1, Northern Region

(Montana, northeastern Washington, northern Idaho, and northwestern South Dakota) Regional Forester, Federal Building, Missoula, Mont.

State in which forest is located	National forest	Headquarters of supervisor
Idaho	Clearwater	Orofino.
	Coeur d'Alene	Coeur d'Alene.
	Kaniksu	Sandpoint.
	Nezperce	Grangeville.
	St. Joe	St. Maries.
Montana	Beaverhead	Dillon.
	Bitterroot	Hamilton.
	Cabinet	Thompson Falls.
	Custer	Billings.
	Deerlodge	Butte.
	Flathead	Kalispell.
	Gallatin	Bozeman.
	Helena	Helena.
	Kootenai	Libby.
	Lewis and Clark	Great Falls.
	Lolo	Missoula.
Washington	Colville	Colville.

Region 2, Rocky Mountain Region

(Colorado, Kansas, Nebraska, South Dakota, and Wyoming) Regional Forester, Post Office Building, Denver 2, Colo.

Colorado	Arapaho	Idaho Springs.
	Grand Mesa	Grand Junction.
	Gunnison	Gunnison.
	Montezuma	Cortez.
	Pike	Colorado Springs.
	Rio Grande	Monte Vista.
	Roosevelt	Fort Collins.
	Routt	Steamboat Springs.
	San Isabel	Pueblo.
	San Juan	Durango.
	Uncompahgre	Delta.
	White River	Glenwood Springs.
South Dakota	Black Hills	Deadwood.
	Harney	Custer.
Nebraska	Nebraska	Custer, S. Dak.
Wyoming	Bighorn	Sheridan.
	Medicine Bow	Laramie.
	Shoshone	Cody.

Region 3, Southwestern Region

(Arizona and New Mexico) Regional Forester, Post Office Building, Albuquerque, N. Mex.

State in which forest is located	National forest	Headquarters of supervisor
Arizona	Apache	Springerville.
	Coconino	Flagstaff.
	Coronado	Tucson.
	Crook	Safford.
	Kaibab	Williams.
	Prescott	Prescott.
	Sitgreaves	Holbrook.
	Tonto	Phoenix.
New Mexico	Apache	Springerville, Ariz.
	Carson	Taos.
	Cibola	Albuquerque.
	Gila	Silver City.
	Lincoln	Alamogordo.
	Santa Fe	Santa Fe.

Region 4, Intermountain Region

(Utah, southern Idaho, western Wyoming, and Nevada) Regional Forester, Forest Service Building, Ogden, Utah

Idaho	Boise	Boise.
	Caribou	Pocatello.
	Challis	Challis.
	Minidoka	Burley.
	Payette	McCall.
	Salmon	Salmon.
	Sawtooth	Hailey.
	Targhee	St. Anthony.
Nevada	Humboldt	Elko.
	Nevada	Ely.
	Toiyabe	Reno.
Utah	Ashley	Vernal.
	Cache	Logan.
	Dixie	Cedar City.
	Fishlake	Richfield.
	La Sal	Moab.
	Manti	Ephraim.
	Uinta	Provo.
	Wasatch	Salt Lake City.
Wyoming	Teton	Jackson.
	Bridger	Kemmerer.

Region 5, California Region

Regional Forester, 630 Sansome St., San Francisco 11, Calif.

California	Angeles	Los Angeles.
	Cleveland	San Diego.
	Eldorado	Placerville.
	Inyo	Bishop.
	Klamath	Yreka.
	Lassen	Susanville.
	Los Padres	Santa Barbara.
	Mendocino	Willows.
	Modoc	Altures.
	Plumas	Quincy.
	San Bernardino	San Bernardino.
	Sequoia	Porterville.
	Shasta	Mount Shasta.
	Sierra	Northfork.
	Stanislaus	Sonora.
	Tahoe	Nevada City.
	Trinity	Weaverville.

Region 6, North Pacific Region

(Washington and Oregon) Regional Forester, Post Office Building, Portland 8, Oreg.

Oregon	Deschutes	Bend.
	Fremont	Lakeview.
	Malheur	John Day.
	Mount Hood	Portland.
	Ochoco	Prineville.
	Rogue River	Medford.
	Siskiyou	Grants Pass.
	Siuslaw	Corvallis.
	Umatilla	Pendleton.
	Umpqua	Roseburg.
	Wallowa	Enterprise.
	Whitman	Baker.
	Willamette	Eugene.
Washington	Chelan	Okanogan.
	Columbia	Vancouver.
	Mount Baker	Bellingham.
	Olympia	Olympia.
	Snoqualmie	Seattle.
	Wenatchee	Wenatchee.

Region 7, Eastern Region

(Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, Virginia and Kentucky) Regional Forester, Bankers Securities Building, Walnut and Juniper Sts., Philadelphia 7, Pa.

State in which forest is located	National forest	Headquarters of supervisor
Kentucky	Cumberland	Winchester.
New Hampshire-Maine	White Mountain	Laconia, N. H.
Pennsylvania	Allegheny	Warren.
Vermont	Green Mountain	Rutland.
Virginia	George Washington	Harrisonburg.
	Jefferson	Roanoke.
West Virginia	Monongahela	Elkins.

Region 8, Southern Region

(Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee and Texas) Regional Forester, Glenn Building, Spring and Marietta Sts., Atlanta 3, Ga.

Alabama	William B. Bankhead	Montgomery.
	Conecuh	Do.
	Talladega	Do.
Arkansas	Ouachita	Hot Springs National Park.
	Ozark	Russellville.
Florida	Apalachicola	Tallahassee.
	Ocala	Do.
	Osceola	Do.
Georgia	Chattahoochee	Gainesville.
Louisiana	Kisatchie	Alexandria.
Mississippi	Bienville	Jackson.
	Delta	Do.
	Desoto	Do.
	Holly Springs	Do.
	Homochitto	Do.
North Carolina	Nantahala	Franklin.
	Pisgah-Croatan	Asheville.
South Carolina	Sumter	Columbia.
	Francis Marion	Do.
Tennessee	Cherokee	Cleveland.
Texas	Angelina	Houston.
	Davy Crockett	Do.
	Sabine	Do.
	Sam Houston	Do.

Region 9, North Central Region

(Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, North Dakota, Ohio and Wisconsin) Regional Forester, 623 North Second St., Milwaukee 3, Wis.

Illinois	Shawnee	Harrisburg.
Indiana	Hoosier Purchase Units.	Bedford.
Michigan	Lower Michigan.	Cadillac.
	Ottawa	Ironwood.
	Upper Michigan.	Escanaba.
Minnesota	Chippewa	Cass Lake.
	Superior	Duluth.
Missouri	Clark	Rolla.
	Mark Twain	Springfield.
Ohio	Wayne Purchase Unit.	Columbus.
Wisconsin	Chequamegon	Park Falls.
	Nicolet	Rhinelander.

Region 10, Alaska Region

Regional Forester, Federal and Territorial Building, Juneau, Alaska

Alaska	Chugach National Forest:	
	Kenai Division.	Seward.
	Prince William Sound Division.	Cordova.
	Tongass National Forest:	
	Admiralty Division.	Juneau.
	Petersburg Division.	Petersburg.
	Southern Division.	Ketchikan.

FOREST AND RANGE EXPERIMENT STATIONS

Name of station and headquarters of director.

California: Giannini Hall, University of California, Berkeley 4, Calif.

Central States: Old Federal Building, State and Third Streets, Columbus, Ohio.

Intermountain: Forest Service Building, Ogden, Utah.

Lake States: University Farm, St. Paul 8, Minn.

Northwestern: Bankers Securities Building, Walnut and Juniper Streets, Philadelphia 7, Pa.

Northern Rocky Mountain: Federal Building, Missoula, Mont.

Pacific Northwest: United States Court House, Portland 5, Oreg.

Rocky Mountain: Colorado State College of Agriculture and Mechanic Arts, Fort Collins, Colo.

Southeastern: Federal Building, Asheville, N. C.

Southern: McFadden Place, City Park, R. R. 8, New Orleans, La.

Southwestern: Tumamoc Hill, Tucson, Ariz.

TROPICAL FORESTRY UNIT

Director, Tropical Forestry Unit, United States Forest Service, Agriculture Experiment Station, Rio Piedras, P. R.

Tropical Forest Experiment Station, Rio Piedras, P. R.

Caribbean National Forest, Rio Piedras, P. R.

FOREST PRODUCTS LABORATORY

Madison, Wis.

EMERGENCY RUBBER PROJECT

315 West Ninth Street, Los Angeles 15, Calif.

NAVAL STORES CONSERVATION PROGRAM SUPERVISOR

Valdosta, Ga.

§ 200.3 *Offices to which applications or requests should be submited.* (a) Any person desiring information about any national forest activity may submit his request to the Chief, the Regional Forester for the region involved in the request, the Forest Supervisor or District Ranger of the national forest with which the request is concerned.

(b) Any person desiring information about research activities may submit his request to the Chief, or to the Director of the Experiment Station in the area with which the request is concerned.

(c) Any person desiring information about other activities for which the Forest Service is responsible may submit his request to the Chief, or to the Regional Forester for the region with which the request is concerned.

SUBPART B—FUNCTIONS AND PROCEDURES

§ 200.21 *General*—(a) *Work of the Forest Service.* Broadly, responsibilities of the Forest Service are: (1) To initiate and apply, locally and nationally, forestry action programs in the interest of public welfare and help with action programs initiated by county, State and Federal agencies; (2) to protect, develop, and administer the national-forest system; (3) to conduct research in problems involving protection, development, management, renewal, and continuous use of all resources, products, values, and services of forest lands; (4) to make research and administrative findings and results available to individuals, industries, and public and private agencies generally.

The national-forest system comprises approximately 179 million acres of Government land. On these public properties forestry methods are applied in growing and harvesting timber. Grazing by livestock and big game is scientifically regulated. Sustained and, where possible, increased yields of timber, forage, and wildlife are obtained. Watersheds are managed to safeguard the supply of water for domestic, agricultural, and industrial purposes. Simple, democratic, and inexpensive forms of recreation are encouraged. Provision is also made for other forms of land and resource use.

(b) *Legislative authority.* The basic laws authoriizng the activities of the Forest Service are set forth in 16 U. S. C. 471–582; 33 U. S. C. 701, and 7 U. S. C. 1010, 1011, and 1018.

(c) *Where information and forms generally may be obtained.* Information regarding activities and forms, when required, may be obtained from the Chief of the Forest Service, Regional Foresters, Forest Supervisors, and Forest Rangers; and from Directors of Experiment Stations where research activities are involved.

(d) *Appeals from administrative action.* Appeals from administrative actions or decisions made by officers of the Forest Service may be made under regulations issued by the Secretary (36 CFR, Part 211).

(e) *Claims.* Claims for property damage should be presented to the local forest officer, who in turn will submit them through channels to the Secretary for approval (16 U. S. C. 502, 574; 31 U. S. C. 215); except that claims for damage to private property hired or rented to the Forest Service not exceeding $50 may be approved by the area Regional Forester.

(f) *Cooperative activities.* The Forest Service cooperates with individuals, organizations and other governmental agencies in reforestation, in protection or administration of lands within or near the national forests (16 U. S. C. 572), in protection and improvement of national forests, and in forest investigations (16 U. S. C. 498). Contributions of money, supplies, services, etc. pursuant to written cooperative agreements may be accepted to accomplish such work. Regulations governing cooperation with groups of users of like resources of national forests are published (36 CFR, part 211).

§ 200.22 *Timber management*—(a) *General.* The Forest Service directs the growing, utilization and protection from insects and disease of timber on national forest lands. This includes sales or removal of timber and other forest products, improvement of forest stands, nurseries and tree planting, surveys and management plans, and disease and insect control. The latter are handled by the Forest Service in cooperation with the Bureau of Entomology and Plant Quarantine.

(b) *Sales of and removal of timber.* The sale of and removal of timber or other forest products from national forest land is governed by regulations of the Secretary of Agriculture (36 CFR, part 221).

Timber up to an appraised value of not more than $500 may be sold without advertising. For larger amounts notices of offerings of the sale of timber or other forest products are publicized in the general locality where the timber is located. These notices indicate the minimum acceptable prices, where bid forms may be obtained and submitted, and where samples of the timber sale agreement covering conditions of cutting and other requirements for the proposed sale may be obtained.

Applications or requests for sale, cutting or removal of timber or other forest products may be addressed to any regularly maintained office of the Forest Service, but, preferably, to the officer in charge of the area where the timber is located. Applications may be sent in any form but should specify the amount and location of the material desired.

(c) *Sustained yield units.* Sustained yield units may be established (16 U. S. C. 583) by the Chief of the Forest Service (36 CFR, part 221 and 11 F. R. 8650).

(d) *Cooperative work.* Deposits may be received from timber purchasers for disposing of brush and debris resulting from cutting operations on national forest lands (16 U. S. C. 490).

(e) *Reforestation and stand improvement.* Purchasers of timber from national forest land may be required to deposit the cost of reforestation or stand improvement not in excess of the cost of planting other national forest areas (16 U. S. C. 576).

(f) *Cooperative scaling.* The Forest Service may accept money from timber purchasers and use it to defray scaling costs in excess of those required by the Forest Service (16 U. S. C. 572).

§ 200.23 *Range management.* (a) The Forest Service allocates grazing privileges and supervises grazing of domestic livestock on the national forests (16 U. S. C. 471). This includes the issuance of grazing permits, the determination of grazing capacities by conducting range inventories and other field studies; preparation of management plans; installation of range improvements; range reseeding; range inspection and supervision; cooperation with permittees, advisory boards, and livestock associations; and controlling range-destroying rodents and insects. The latter are handled by the Forest Service in cooperation with the Fish and Wildlife Service and the Bureau of Entomology and Plant Quarantine.

(b) *Authority to permit and regulate grazing.* The Secretary has authorized the Chief of the Forest Service to permit grazing or refuse permission to graze livestock on the national forests and to prescribe the conditions and requirements under which permits will be issued or terminated (36 CFR, Part 231) (10 F. R. 15269). This authorization has been delegated to Regional Foresters, and in general to Forest Supervisors. District Rangers are ordinarily authorized to issue crossing permits and free permits within the limitations set forth in Secretary's Regulations.

(c) *Applications and permits.* Application forms for grazing permits may be obtained from and applications may

be submitted to any regularly maintained office of the Forest Service, but, preferably, to the officer in charge of the area upon which grazing privileges are desired. Permits specify the kind and number of livestock to be grazed, period, area to be grazed, and other conditions.

Where national-forest ranges are used seasonally, holders of term or annual permits are required to own improved ranch property, capable of supporting the livestock during a specified period of time when they are off the national forests. Where yearlong grazing is permitted, water supply, headquarters, and ranch improvements may be substituted for crop-producing lands and privately-owned range lands as commensurate property. Full information on the land ownership requirements for any given area can be obtained from the Forest Ranger in charge of the area, the Forest Supervisor, or the Regional Forester.

(d) *Preferences and limits.* (1) A permittee who meets all requirements for holding a term or annual permit may be allowed "preference" in the use of national-forest range under conditions set forth in published regulations (11 F. R. 2535).

(2) Grazing preferences of a holder who is willing to waive his preference may be transferred in accordance with established rules to the heirs of a preference holder or to the purchaser of permitted livestock or base ranch property. A prospective purchaser of permitted livestock or base ranch property who desires to have the preference transferred to him, or permittees who desire to consolidate permitted operations into partnerships or corporations, should discuss the transaction in advance with the local Forest Supervisor who will be able to advise him of the status of the preference and the conditions under which it will be renewed to the purchaser or the circumstances under which consolidations of preferences will be allowed.

(3) A regulation provides for the establishment of lower and upper limits for each national forest or portion thereof. Upper limits, ordinarily, represent the optimum number of livestock for a range enterprise, and lower limits the minimum number of livestock required for a reasonably stable enterprise for the support of a family.

(e) *Appeals.* Appeals from a decision of a Forest Supervisor may be made under the standard procedure (36 CFR, Part 211), or by filing a complaint with the chairman of a recognized local advisory board (10 F. R. 15270). If the latter procedure is followed the appeal should be filed within 20 days after the original decision is rendered. After notice and hearing, and investigation if necessary, the board will submit its recommendation to the Regional Forester. Exceptions to the proposed report of the Board may be filed by the appellant with the chairman of the Board within 20 days. An appeal from the decision of the Regional Forester may be taken in the regular manner.

§ 200.24 *Wildlife management.* The Forest Service determines the extent to which national forests will be devoted to wildlife production, directs the management of the wildlife habitat and cooperates with the States in the protection and utilization of wildlife on the national forests. This includes improving food and cover conditions, coordinating wildlife needs with other authorized activities of the national forests, stocking areas with fish and game, and aiding in enforcement of State game laws (16 U. S. C. 551, 553; 36 CFR, Parts 241, 261). Regional Foresters are authorized to enter into cooperative agreements with the proper State fish and game authorities.

Permits for taking of game, carrying or having firearms, or camping on federal game refuges must be secured from the Forest Supervisor. Permits for hunting, fishing, or trapping on certain other national-forest lands are sometimes required in addition to State licenses and may either be sold or given free depending upon the area within or conditions under which issued.

§ 200.25 *Watershed management—*(a) *General.* The Forest Service is responsible for preventing the loss of top soils from national-forest lands. Vegetative and mechanical processes of control are used for this purpose. In addition, timber sale contracts and permits require the contractor or permittee to conduct operations so as to prevent erosion.

(b) *Municipal watersheds.* By authority of the Secretary (36 CPR, Part 251) the Forest Service may enter into agreements with municipalities and irrigation districts to restrict use of national-forest land from which water supplies are derived.

(c) *Snow surveys.* Depth and content of snow fall is measured by the Forest Service on surveyed courses. These data on water yield are furnished to water users, flood control authorities, and to the public.

§ 200.26 *Special uses and minerals—*(a) *General.* The Forest Service prescribes conditions for occupancy of national-forest land. Ordinarily, all occupancy and use that involves exclusive use of an area, the construction of improvements, the disturbance of the land surface, or the removal of stone or gravel for noncommercial purposes, must be authorized by a special use permit, lease, or easement (36 CFR, Part 251). Unauthorized occupancy or use is prohibited (36 CFR, Part 261). Persons desiring to obtain a special use permit, lease, or easement should submit an application to the Forest Supervisor or Forest Ranger responsible for the area concerned.

(b) *Issuance of special use permits, leases, or easements.* Special use permits are ordinarily issued by Forest Supervisors; but in some cases they are issued by Forest Rangers. Leases or easements are issued by the Chief or by specifically designated officials. Applications for uses not consistent with national forest objectives will be rejected and the applicant informed of the reasons.

(c) *Minerals.* The removal of minerals, including oil and gas, from national-forest lands is authorized by several laws. On certain national-forest lands the General Mining Laws (30 U. S. C. 21 et seq.) apply, while on other lands, leases or permits must be obtained as provided by the Mineral Leasing Act (30 U. S. C. 181) (16 U. S. C. 520), or certain other statutes. The Bureau of Land Management of the Department of the Interior is the administrative agency responsible for issuing commercial mineral permits and oil and gas leases on most national-forest lands. The Forest Supervisor is familiar with the several types of land and will inform all applicants whether the Bureau of Land Management or the Forest Service is the agency authorized to issue permits. Stipulations for the protection of the surface may be required in all cases, and, where the lands were acquired for forestry or other specific purposes, the consent of the Secretary of Agriculture must be obtained before a lease may be issued. Special use permits may be required for use or occupancy of the surface for related purposes.

The owners of private land or valid claims inside national-forest boundaries have certain rights of egress and ingress to those lands, but must obtain a special use permit before constructing roads.

§ 200.27 *Power transmission lines and easements.* Forms to be used by applicants, detailed information required, and types and specifications of rights-of-way for power transmission lines on national-forest land are governed by statute and published regulations (16 U. S. C. 522, 523, 792 et seq.; 36 CFR, Part 251).

§ 200.28 *Recreation use.* Published regulations govern the use of national forests for recreation purposes, the procedure for issuing permits, when required, and the conditions of such permits (36 CFR, Parts 251, 261).

§ 200.29 *Fire Control.* The Forest Service formulates general policies for and directs fire control activities on all national-forest land (16 U. S. C. 471, 551; 36 CFR, Part 261). It promotes investigations in all fields of fire control, sponsors local and national campaigns to prevent man-caused fires on forested lands, assumes leadership in the development and testing of new or improved fire fighting equipment and methods, and publishes forest fire statistics.

Fire protection activities are limited to national-forest land, to private land intermingled with or adjacent to national-forest land that presents a fire hazard to national-forest land, and to private lands within or near the boundaries of national forests on which the owners pay the costs of protection under cooperative agreements (16 U. S. C. 572). Control of fires is handled through field organizations under the direction of District Rangers.

§ 200.30 *Forest roads, trails and highways.* Roads primarily for heavy use by the public are usually designed and constructed by the Public Roads Administration of the Federal Works Agency. The Forest Service usually plans and constructs the roads that are of primary importance for the protection, administration and utilization of the national forests. Both types of roads may be constructed and maintained in cooperation

with local agencies and the cost may be shared. Trails are planned, constructed and maintained by the Forest Service.

§ 200.31 *Land Acquisition*—(a) *General.* The Forest Service may acquire lands for national forests through purchase, donation, or exchange of lands for timber as authorized by Acts of Congress.

(b) *National Forest Reservation Commission.* This Commission was established by law (16 U. S. C. 513) to consider and authorize the acquisition of certain lands and to fix the price at which they may be acquired.

(c) *Offers to sell, donate, or exchange; negotiations.* Informal offers to sell, donate, or exchange lands may be filed with Forest Rangers, Forest Supervisors or the Regional Foresters and may be by letter or upon forms available at these offices. Examination and appraisal of the lands so offered generally are under the direction of the Forest Supervisor. Appraisals are subject to review by the Regional Forester and Chief of the Forest Service. Negotiations with the land owner as to consideration and conditions of purchase or exchange are usually carried on by the Forest Supervisor or his representatives. Reservations by venders of minerals, timber, rights of occupancy, or easements must be exercised in accordance with published regulations (36 CFR, Part 251).

(d) *Adjustment of lands erroneously acquired or to which title is rejected.* The Secretary of Agriculture may quitclaim to the rightful owner, lands acquired through error or inadvertence or to which title is unacceptable (5 U. S. C. 567). Applications for such reconveyances may be made to Forest Rangers, Forest Supervisors or Regional Foresters.

§ 200.32 *Land classification*—(a) *Agricultural areas.* All national-forest lands found to be chiefly valuable for agriculture have been listed with the Secretary of the Interior (16 U. S. C. 506, 507, 509).

Persons who believe that any national-forest lands are chiefly valuable for agriculture and, therefore, are suitable for listing under the Forest Homestead Act should make application directly to the Forest Supervisor of the national forest involved. If the lands applied for are subject to the laws mentioned above, the Supervisor will have the lands reexamined by agricultural experts in the light of existing conditions. If such lands are found to be in fact chiefly valuable for agriculture, they will be listed with the Secretary of the Interior for entry. If the Forest Supervisor finds the lands not chiefly valuable for agriculture he will advise the applicant with reasons.

(b) *Lands in Alaska* upon which certain improvements have been made while under special use permit, upon request of permittee and approval of the Secretary, may be excluded from national-forest boundaries for entry (48 U. S. C. 461). Application should be made to Forest Supervisor of forest on which permit was issued (36 CFR, Part 251).

§ 200.33 *Flood control.* The Forest Service is authorized by the Flood Control Act, as amended (33 U. S. C. 701) to make investigations of water flow and soil erosion on specified drainage basins and initiate action program to prevent erosion and retard runoff on designated watersheds in cooperation with other Federal agencies and the States.

Ordinarily, upper basin drainages are handled by the Forest Service and the Soil Conservation Service and of these, certain drainages, chiefly agricultural, are included within the scope of the Soil Conservation Service while drainages largely timbered are the responsibility of the Forest Service.

All investigations and work programs must have specific authority of Congress. Examinations are first made followed by surveys, if justified by the preliminary report. Survey reports outline specific plans of action for watershed flood control which become work programs when approved by Congress.

§ 200.34 *Settlement of civil trespass cases.* Civil trespass cases involving national-forest lands may be settled by field officers of the Forest Service, designated in Secretary's Regulations, upon payment into the Treasury of the United States of the full amount of the claim (36 CFR, Part 261).

§ 200.35 *Forest fire cooperation.* The Forest Service cooperates with States and Territories in protecting non-federally-owned land from fire (16 U. S. C. 564). Legislation authorizes Federal participation up to one-half the total cost of protection, subject to appropriation limitations.

To receive assistance under this Act, a State must first pass an enabling Act to permit acceptance of federal contributions or payments, and submit an application to the Secretary. On receipt of the application, the Chief of the Forest Service directs an examination to be made of the State's forest fire problem, its contemplated plan of protection, and the State's ability to cooperate.

Fire protection activities under the above Act are handled by the State forestry departments. The Federal Government periodically reimburses the States for part of the cost of such activities; furnishes leadership, technical advice and assistance. The Forest Service approves State forest fire protection systems and annual budgets for that purpose and through inspection and audit assures that expenditures are properly made and are in accordance with mutually approved work plans.

§ 200.36 *Farm and other private forestry cooperation.*—(a) *General.* The Forest Service is authorized to furnish advice to owners of timberland on reforestation and forest management (16 U. S. C. 568). This includes advice on improvement of timber stands, determining when and what timber should be sold, logging methods and marketing.

(b) *Farm woodland management.* The farm woodland management program is conducted in cooperation with States and is jointly financed by the States and the Federal Government. Project areas consisting of an average of four counties are established with a project forester in charge. Farmers desiring assistance with management of their timberland or disposition of timber should apply to their local county agent, the State Forester, State Extension Forester or the Regional Forster for the area in which the timberland is located.

(c) *Farm land reforestation.* The production, procurement and distribution of forest tree planting stock for use in reforesting farm lands is authorized by law (16 U. S. C. 568). To encourage farmers to plant waste areas and to improve existing timber stands, the Secretary of Agriculture cooperates with the States in a program which makes planting stock available to farmers at low cost. Part of the cost of production, procurement and distribution of this stock is paid by the Federal Government. Farmers who wish to secure stock for these purposes should apply to their local county agents or State Foresters.

(d) *Advice in management of commercial nonfarm timber lands* is furninshed under authority of current appropriation acts. A complete plan usually is prepared. For large areas, a sample plan may be made for only a portion of the area which may be used by the owner in preparing plans for the rest of his lands. Applications for assistance should be made to the Regional Forester for the area in which the land is located. No particular form of application is required.

§ 200.37 *Land utilization projects.* Certain areas of land acquired pursuant to statutory authority (7 U. S. C. 1010, 1011) have been turned over to the Forest Service for custody and leasing to States for operation and management (36 CFR, Part 203). Information concerning any Land Utilization Area leased to a State as described above, can be obtained from the State Forester of that State.

§ 200.38 *Naval Stores Conservation Program.* The Soil Conservation and Domestic Allotment Act, as amended (16 U. S. C. 590g to 590q) authorizes payments to producers of gum naval stores for carrying out on their farms practices designed to conserve and restore turpentine trees. The programs promulgated under this authority are known as the Naval Stores Conservation Programs and are administered by the Forest Service in accordance with regulations issued annually by the Secretary (7 CFR, Part 706). These regulations contain detailed information relating to participation in the program, the conservation practices for which payment is offered, the specifications and rates of payment for such practices, and the procedure governing appeals from decisions of the Program Supervisor or Regional Forester with respect to payments. Bulletins, instructions and forms relating to the program are available at the offices of the Regional Forester, the Program Supervisor, and local Inspectors of the Forest Service.

§ 200.39 *Forest research.* Forest research is authorized by 16 U. S. C. 581 to obtain basic technical information for and demonstrate methods of management, improvement, protection from fire and utilization of products from forest and range lands and dissemination of

this information to interested persons. Much of this work is conducted by the Forest Service in cooperation with State Experiment Stations and educational institutions. The Forest Service also cooperates with individuals and may accept contributions to pay the cost of such work. Persons interested in entering into cooperative arrangements may direct their inquiries to the Chief of the Forest Service or to a Director of an Experiment Station. Results of investigations are available to the public through issuance of publications, or by consultation with Directors of Experiment Stations.

[SEAL] GLINTON P. ANDERSON,
Secretary.

[F. R. Doc. 46—15343; Filed, Aug. 28, 1946; 4:04 p. m.]

Production and Marketing Administration

[7 CFR, Subtitle C, Ch. XXI]

Part

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2329 Materials and Equipment Branch.
2330 Shipping and Storage Branch.

PART 2300—PRODUCTION AND MARKETING ADMINISTRATION

§ 2300.1 *Production and Marketing Administration.* The Production and Marketing Administration formulates and administers all programs of the Department of Agriculture involving the production, processing, marketing and distribution of agricultural products. These include programs authorized by the Soil Conservation and Domestic Allotment Act of 1935, and by the Agricultural Adjustment Act of 1938; programs involving farm labor supply, wage stabilization, the improvement of farm incomes by price support and subsidies, the publication of market news, and the furnishing of school lunches; regulatory programs involving the inspection, grading and standardization of agricultural products; programs involving food allocation and conservation orders, the agricultural utilization of surplus material, equipment and facilities, the improvement of nutritional standards, and the determination of national and international food requirements; price support, loan, purchase, sales and other programs of the Commodity Credit Corporation; programs of the Federal Crop Insurance Corporation; and the liquidation of the Federal Surplus Commodity Corporation.

PART 2301—OFFICE OF THE ADMINISTRATOR

SUBPART A—ORGANIZATION

Sec.

2301.1 Central Office.
2301.2 Field Offices.
2301.3 Availability of Information and Records.

SUBPART B—FUNCTIONS AND PROCEDURES

2301.10 General.
2301.11 Commodity Assignments to Branches.
2301.12 Special Functional Assignments to Branches.
2301.13 Procedures.

SUBPART A—ORGANIZATION

§ 2301.1 *Central Office*—(a) *General.* The principal office of the Production and Marketing Administration is at Washington, D. C., in the Administration Building, United States Department of Agriculture. It consists of the offices referred to in the succeeding paragraphs of this section.

(b) *Office of the Administrator*—(1) *The Administrator.* Under the general direction of the Secretary, the Administrator is responsible for the formulation and administration of all programs assigned to the Production and Marketing Administration. Authority is delegated to the Assistant Administrators to act on behalf of and for the Administrator except with respect to authorities which are restricted from redelegation.

(2) *Assistant Administrators.* (i) Assistant Administrators, in addition to their general responsibilities, coordinate and have final authority to resolve major problems of policy and procedure arising under programs of the Cotton, Fats and Oils, Grain, Sugar, Tobacco, Dairy, Fruit and Vegetable, Livestock, Poultry, and Special Commodities Branches, including authority to take final action with respect to appeals for relief under War Food Orders.

(ii) An Assistant Administrator in addition to his general responsibilities, coordinates and has final authority to resolve major problems of policy and procedure arising under activities of the Budget and Management, Compliance and Investigation, Food Distribution Programs, Field Service, Materials and Equipment, and Labor Branches, the Federal Crop Insurance Corporation, and all staff offices except the Office of Foreign Programs Coordination.

(iii) An Assistant Administrator for Fiscal and Inventory Control, in addition to his general responsibilities, coordinates and has final authority to resolve major problems of policy and procedure arising under activities of the Fiscal, Marketing Faciilties and Shipping and Storage Branches, the Office of Foreign Programs Coordination, and operaions by all branches under the Surplus Property Act of 1944 and the Contract Settlement Act of 1944.

The Assistant Administrator has final authority to approve sales of excess commodities of Commodity Credit Corporation; to authorize dispositions of surplus property and contractor inventory under the Surplus Property Act of 1944; to approve or disapprove claims not in excess of $50,000 submitted under section 17 of the Contract Settlement Act of 1944; and to disapprove claims for more than $50,000 submitted under section 17 of that act. A Settlement Review Board, of which the Assistant Administrator is Chairman, has final authority to approve, but not to disapprove, settlement agreements for contracts terminated under the Contract Settlement Act of 1944 that provide for payment of more than $50,000 to a prime contractor or $5,000 to a subcontractor.

(3) An Assistant to the Administrator is responsible for coordinating the administration and enforcement of regulatory laws, which include the issuance of marketing agreements and orders, War Food Orders, and the furnishing of marketing services, and for the coordination of industry relationships. He also serves as Chairman of a Petition Review Committee, which hears all appeals to the Assistant Administrators for relief under War Food Orders.

(c) *Staff Offices.*—(1) *Office of Audit* is responsible for planning, directing and controlling commercial type audits and examination activities of the Administration.

(2) *Office of Foreign Programs Coordination* assists in the formulation of programs for meeting the agricultural commodity requirements of United States governmental agencies and agencies of foreign governments and international organizations.

(3) *Information Service* formulates, coordinates and directs programs for furnishing regular, general and trade information, markeing news, and materials for periodicals, radio and educational and popular publications.

(4) *Office of Price Administration* collaborates with other staff officers and with branch directors in developing programs for price support, price stabilization and marketing agreements and orders, and any other programs that involve price problems.

(5) *Office of Requirements and Allocations* formulates for the approval of the Administrator or the Secretary policies with respect to national and international food requirements and allocations, participate in the activities of the International Emergency Food Council and coordinates the rationing policies of the Administration with those of the Office of Price Administration.

(6) *Transportation Officer* furnishes advice on all matters of policy and procedure with respect to transporation matters and maintains liaison with other governmental and private transportation agencies with respect to the transportation of farm products.

(d) *Branch Offices.* Responsibility for the formulation and administration of the programs assigned to the Administration is vested in the following branches in Washington:

(1) Cotton Branch.
(2) Dairy Branch.
(3) Fats and Oils Branch.
(4) Fruit and Vegetable Branch.
(5) Grain Branch.
(6) Livestock Branch.
(7) Poultry Branch.
(8) Special Commodities Branch.
(9) Sugar Branch.

(10) Tobacco Branch.
(11) Budget and Management Branch.
(12) Compliance and Investigation Branch.
(13) Federal Crop Insurance Corporation.
(14) Field Service Branch.
(15) Fiscal Branch.
(16) Food Distribution Programs Branch.
(17) Labor Branch.
(18) Marketing Facilities Branch.
(19) Materials and Equipment Branch.
(20) Shipping and Storage Branch.

§ 2301.2 *Filed Offices*—(a) *State and County Offices.* Within each State there are a Production and Marketing Administration State Office and various County Offices that are responsible for specifically assigned programs of the Administration. The functions and the locations of these offices are set forth in the description of the organization, functions and procedures of the Field Service Branch (7 CFR Part 2324).

(b) *Regional Offices, Area Offices, Market Centers and Branch Field Offices.* The functions and the locations of the regional offices, most of the area offices, the market centers and the branch field offices are set forth in the descriptions of the organization, functions and procedures of the Branches of the Administration (7 CFR Parts 2302–2330). In addition, the Information Service has area offices at 449 West Peachtree Street, Atlanta, Georgia; 5 South Wabash Avenue, Chicago, Illinois; Wilson Building, Dallas, Texas; 150 Broadway, New York, New York; and 821 Market Street, San Francisco, California. They are responsible primarily for furnishing information regarding programs not administered through the Production and Marketing Administration State offices.

§ 2301.3 *Availability of information and records.* The places where information regarding the activities of the Administration may be obtained are indicated in the description of the organization of each branch (7 CFR Parts 2302–2330). The records of the Administration are available for examination in accordance with the rules and the designation of records issued by the Secretary (7 CFR Part 2100).

SUBPART B—FUNCTIONS AND PROCEDURES

§ 2301.10 *General.* Each branch has the initial responsibility for the formulation of programs relating to commodities or activities assigned to it by the Administrator. Thereafter, the programs are transmitted to the Administrator for his approval, and then to the Secretary for approval if the statutes so require. Upon approval, programs are administered by the branches of the Administration, which issue the necessary instructions, procedures, and forms.

§ 2301.11 *Commodity assignments to branches.* (a) Programs involving the following commodities are assigned to the various branches as indicated below:

CN Abaca.
SC Abietic acid.
SC Acids (citric, Tartaric, phosphoric).
SC Acetic acid.
GR Alfalfa.
GR Alimentary paste.
SC Anchovy paste.
SC Annato seed.
GR Animal feed.
LS Army rations, canned.
SC Arrowroot.
SC Arsenate of Calcium.
FV Baby food (canned fruit and vegetables and soup).
SC Baby food (other than canned fruits, vegetables, soups, and milk formulas).
DA Baby milk formulas (liquid or dry).
GR Bakery products.
SC Baking soda and powder.
SC Banana powder.
FV Bananas.
GR Barley, including roasted barley.
FV Beans (canned).
GR Beans, dry edible.
LS Beef; canned, dried, fresh, dehydrated.
SC Beer.
FV Berries (fresh, frozen, canned).
SC Bees and beeswax.
GR Beet pulp.
SU Beet sugar.
SC Beverages (alcoholic and nonalcoholic).
SC Bicarbonate of Soda.
GR Bird Food.
GR Biscuits (Army type).
LS Bologna.
GR Bone meal.
SC Bouillion (cubes, granulated).
GR Bran.
GR Bread.
GR Breakfast foods.
SC Brewer products.
GR Broom corn.
GR Buckwheat (including flour and cereal).
DA Butter, butter oil, and butter products.
DA Buttermilk (fluid, dry).
FV Butters, fruit.
GR Cake, pressed.
GR Cakes (bakery products).
FV Calf's foot jelly.
SC Canary seed.
SC Candles.
SC Candied popcorn.
SC Candied fruits and fruit peel.
SC Candy.
SU Cane sugar.
SU Sane syrup.
SC Canned fish and fish roe, shellfish, fish pastes.
FV Canned fruits and fruit juices.
LS Canned meats.
FV Canned vegetables and vegetable juice.
FV Canned soups.
SC Carbon bisulphate.
DA Casein.
LS Casing, sausage, meat.
SC Cassava.
FV Catsup and chili sauce.
SC Caviar and other fish roes.
GR Cerelose.
GR Cereals and cereal preparations.
DA Cheese (natural, processed, cottage).
SC Chewing Gum.
TB Chewing Tobacco.
PY Chicken (fresh, frozen, canned).
SC Chicle.
SC Chicory.
GR Chicory seed.
LS Chile con carne.
SC Chili pepper or powder.
SC Chocolate and chocolate products.
FV Chow Chow.
SC Chow mein.
SC Chutney.
FV Cider.
TB Cigars.
TB Cigarettes.
SC Citric acid.
GR Citrus pulp feed.
FV Citrus fruit—fresh, canned, pomace, including juices and concentrates.
SC Clams and clam products.
GR Clover and grass seed.
SC Cocoa and cocoa products.
SC Cocoa butter.
SC Coconuts and coconut products (except copra and coconut oil).
FO Coconut oil.
SC Cod liver oil.
SC Coffee (also coffee concentrates, flavorings, syrups, and substitutes).
SC Concentrated desserts.
SC Concentrated food drinks (ovaltine, postum).
DA Condensed milk.
SC Confectionery.
FO Cooking oils and compounds.
SC Copper sulphate.
FO Copra oil.
GR Copra meal.
GR Corn.
GR Corn grits and corn meal.
GR Corn starch.
GR Corn sugar.
GR Corn syrup.
CN Cotton (raw, lint, Mill waste).
FO Cotton linters (except for phases performed by the Cotton Branch upon request).
FO Cotton seed (except for phases performed by the Cotton Branch upon request).
GR Cottonseed meal, cakes, pellets.
FO Cottonseed oil.
SC Coumarin.
SC Crabs and crabmeat.
GR Cracked wheat.
GR Crackers and cracker meal.
GR Cracked corn.
DA Cream (fluid and dry).
SC Cream of tartar.
FV Crushed fruits.
SC Cured fish (brined, dried, salted, other).
LS Cured meats.
DA Custard (frozen).
SC Custard powders.
SC Dates (chocolate covered, stuffed).
FV Dehydrated fruits.
LS Dehydrated meats.
FV Dehydrated soup.
FV Dehydrated vegetables.
SC Desserts (ready-to-mix).
GR Dextrin.
GR Dextrose.
SC Diacetone—gulosonic acid.
SC Diapintene.
SC Disinfectants.
GR Distillers dried grains.
GR Dog biscuits.
LS Dog food (dry, mixed, dehydrated).
LS Dog food (canned—containing meat).
GR Dog food (canned—other than meat).
PY Dried eggs (whole yolks, albumin).
LS Dried beef.
FV Dried fruits.
DA Dried milk (whole, skim, whey, buttermilk).
LS Dried sausage.
SC Drink powders (not containing milk).
GR Dry powder soups (grain).
LS Edible animal fats (while in packing plant).
FO Edible animal fats (outside packing plant).
GR Edible starch.
LS Edible tallow (while in packing plant).
FO Edible tallow (outside packing plant).
PY Eggs (frozen, shell, dried).
SC Enzymes (diastatic, pectinal).
SC Essential oils.
DA Evaporated milk.
SC Extracts, flavoring.
GR Farina.
FO Fatty acids.
FO Fatty alcohols.
GR Feed and grain products.
FO Feeding oil (except vitamin oils).
FS Fertilizers (except ammonium nitrate).
CN Fertilizers, ammonium nitrate.
CN Fibers, vegetable.

SC Filling (cake).
SC Fish and shellfish (fresh, frozen, cured, canned).
FO Fish and marine animal oils.
SC Fish liver oil.
SC Fish liver oil concentrate.
SC Fish meal.
SC Fish roe (fresh and canned).
SC Flavoring extract.
SC Flavorings (except syrup).
SC Flavoring concentration.
CN Flax.
FO Flaxseed (except for phases performed by Grain Branch)
SC Food colors.
GR Flour.
SC Fountain and bottlers' syrup.
LS Frankfurters.
FV Fruits (fresh, canned, dried, frozen, pickled, processed).
SC Fruits (candied, glace).
FV Fruit butters.
SC Fruit extracts.
FV Fruit jams, jellies, preserves.
FV Fruit juices (concentrated, canned).
SC Fruit-peel products (except when used as animal feed).
SC Fungicides.
GR Garbanzos (chick peas).
FV Garlic.
SC Gelatin.
GR Glucose.
FO Glycerine (crude, refined).
DA Goats milk.
GR Graham flour.
GR Grain sorghums.
GR Granite grits and meal.
FO Grease (lard) oils.
FO Grease stearine.
GR Grits.
GR Hard bread.
GR Hay.
LS Head cheese.
CN Hemp.
FO Hemp seed.
CN Henequen.
SC Herbs (seasoning).
GR Hominy (including grits).
SC Honey.
FV Hops.
FV Horse radish.
SC Ice.
DA Ice cream and mix (liquid, dry).
DA Ices, sherbets, frappes.
FO Inedible animal fats.
FO Inedible grease.
FO Inedible tallow.
SC Insecticides.
SU Invert syrup.
FV Jams.
FV Jellies.
CN Jute.
CN Kapok.
FV Ketchup.
SC Ketogulonic acid.
SC Kola nuts.
FV Kumquat.
SC Labels, fish.
LS Lamb.
FO Lanolin.
LS Lard, (except allocations).
FO Lard (allocations only).
GR Laundry starch.
SC Leavening compounds.
SC Lecithin.
GR Lentils.
SC Licorice candy.
FO Linseed, linseed oil (edible, boiled).
GR Linseed meal and oilcake.
GR Liver and glandular meal.
FV Loquats.
SC Lozenges, candy.
GR Lupines, (seed and hay).
GR Macaroni and macaroni products.
SC Malt, malt syrup, malt diastose, bakers' malt.
SC Malt, vinegar.
SC Maple sugar, syrup.
SC Maraschino cherries.
FO Margarine.
FO Marine animal oils.
FV Marmalades.
SC Marmite and Vegex (hydrolized Yeast).
SC Marshmallows and marshmallow products.
SC Matches.
SC Mate.
GR Matzoth (bread).
FO Mayonnaise and salad dressing.
GR Meal.
LS Meat and bone meal.
LS Meat and meat products (fresh, canned, dehydrated, pickled, cured, frozen).
FV Meat broth.
LS Meat extracts.
SC Meat and vegetable sauce.
FV Melons.
GR Milk feeds (prepared, for animals).
DA Milk formulas, baby.
DA Milk sugar.
DA Milk (cultured, fluid, dry, condensed, evaporated, malted).
FV Mincemeat.
LS Mohair.
SU Molasses.
SC Mustard (prepared and dry).
LS Mutton.
SC Naval stores.
FO Neatsfoot oil, stock stearine.
SC Niacin.
TB Nicotine (alkaloid, sulphate, bentonite).
SC Nicotinic acid.
GR Noodles.
FV Nursery stocks.
FV Nuts, edible, tree.
SC Nutmeg.
GR Oats, rolled oats and oat cereal.
FO Oil-bearing materials.
FO Oils, cooking.
GR Oilseed cakes, meals, and pellets (except for phases performed by Fats and Oils Branch upon request).
FO Oils, vegetable and nut.
FO Oleo oil (outside packing plant).
LS Oleo oil (while in packing plant).
FO Oleomargarine.
FV Olives (fresh, canned).
FO Olive oil.
SC Onion salt.
SC Ovaltine.
GR Oyster shells (flour, grits, ground).
SC Paprika.
SC Paris green.
GR Pea meal, precooked.
FO Peanut butter.
GR Peanut cake and meal.
GR Peanut flour.
GR Pearl barley.
GR Peas, dried.
FO Peanuts and peanut products (except for phases performed by Grain Branch upon request).
FV Pectin, apples, citrus.
SC Pemmican, canned.
SC Pepper.
SC Pharmaceuticals.
SC Phosphoric acid.
FV Pickles.
SC Pine oil, pine tar, pine pitch.
FV Pomace, fruit.
GR Popcorn seed.
SC Popcorn (candied).
SC Poppy seed.
GR Pork and beans, canned.
LS Pork.
FV Potato chips.
FV Potato starch.
PY Poultry (fresh, frozen, canned).
SC Poultry seasoning.
GR Prepared feeds.
FV Preserves.
GR Protein feeds—concentrates.
SC Puddings (except fruit).
FV Pulp, fruit.
GR Pulp (beet, etc, used for animal feed).
FV Quince.
PY Rabbits and hares.
CN Ramie.
LS Rations (meat).
SC Rations, K.
GR Ravioli.
FV Relishes.
LS Rendered pork fat.
DA Rennet (tablets, powdered, liquid).
SC Resin.
GF Rice, rice flour, meal.
GR Rye flour.
GR Rolled barley and oats.
SC Rosin.
SC Saccharine.
FO Salad oil.
SC Salt.
DA Sandwich spreads (dairy products base).
LS Sandwich spreads (meat products base).
SC Sauces, meat, vegetable.
LS Sausage.
FV Sauerkraut.
LS Scrapple.
SC Seafood (canned, fresh, frozen).
SC Seasoning.
FO Seed oil.
GR Seed oil, by-products.
SC Seeds (spice).
GR Seeds.
GR Semolina.
SC Shellfish (fresh, frozen, canned).
DA Sherbet.
FO Shortenings.
CN Sisal.
DA Skim milk powder.
TB Snuff.
FO Soaps.
FO Soap stock (foots).
SC Soft drinks.
SC Sorbose.
SU Sorghum.
FV Soups, canned.
FO Soy beans and soy bean products.
GR Soy flour and grits.
SC Soy sauce.
GR Spaghetti.
SC Spices.
SC Spirits, distilled.
GR Split peas, dry.
GR Starch: corn, root, wheat (except tapioca).
GR Sugar, corn.
SU Sugar: cane, beet.
SU Sugar syrup.
FO Sulphate soap.
FO Sulfonated fats, oils and fatty acids.
DA Sweetened condensed milk.
SC Syrups, flavoring.
SU Syrups, blended, maple.
SU Syrups, sorgo.
SU Syrup, sugarcane.
SC Tall Oil (crude).
SC Tall Oil (refined).
FO Tallow oil.
FO Tallow stearines.
LS Tankage (meat).
SC Tapioca.
SC Tarene.
SC Tartaric acid.
SC Tartaric Raw Materials.
SC Tea.
TB Tobacco, leaf.
TB Tobacco, seed.
TB Tobacco by-products.
FV Tomato products.
SC Tonka bean.
PY Turkey (fresh, canned, frozen).
SC Turpentine.
SC Turtles.
LS Tushonka.
SC Vanilla beans.
SC Vanillin.
LS Veal.
FV Vegetables (canned, frozen, dehydrated, fresh, pickled, processed).
FV Vegetable juices.
GR Vegetable seeds.
GR Vegex.
GR Vermicelli.
FV Vinegar.
SC Vitamins A & D oil.
SC Vitamins.
GR Wheat.
GR Wheat cereal, including bran.
GR Wheat flakes.
GR Wheat flour: white, graham.
GR Wheat—meal (farina).
DA Whey (liquid, dry).
SC Wine products.

LS Wool.
FO Wool grease.
SC Yeast.
GR Zwieback and rusks.

(b) Branch symbols precede each commodity listed above. The key to these branch symbols is as follows:

CN—Cotton.
DA—Dairy.
FO—Fats and Oils.
FS—Field Service.
FV—Fruit and Vegetable.
GR—Grain.
LS—Livestock.
MF—Marketing Facilites.
PY—Poultry.
SC—Special Commodities.
SU—Sugar.
TB—Tobacco.

§ 2301.12 *Special functional assignments to branches.* The programs listed below are specially assigned on a functional rather than a commodity basis:

(a) Agricultural Conservation Programs are assigned to the Field Service Branch.

(b) School Lunch Programs are assigned to the Food Distribution Programs Branch.

(c) Activities under the United States Warehouse Act are assigned to the Marketing Facilities Branch.

(d) Activities under the 28-hour Act are assigned to the Marketing Facilities Branch.

(e) Activities under the Commodity Exchange Act are assigned to the Compliance and Investigation Branch.

(f) Activities under the Insecticide Act of 1910 are assigned to the Livestock Branch.

(g) Activities under the Packers and Stockyards Act are assigned to the Livestock Branch.

(h) Activities under the Standard Container Acts are assigned to the Fruit and Vegetable Branch.

(i) Activities involving freight rate adjustments under section 201 of the Agricultural Adjustment Act of 1938 are assigned to the Marketing Facilities Branch.

§ 2301.13 *Procedures*—(a) *General.* The nature and requirement of all procedures, except those described in succeeding paragraphs of this section, and the places for obtaining forms and instructions in connection with the administration of the programs assigned to the Production and Marketing Administration are indicated in the statements with reference to each branch (7 CFR Parts 2302-2330).

(b) *Surplus property.* The disposal of surplus property under the provisions of the Surplus Property Act of 1944 is governed by the rules and regulations of the War Assets Administration (32 CFR Part 8300 et seq.). Additional policies and procedures governing the disposal of surplus agricultural commodities and surplus foods processed therefrom have been issued by the Secretary of Agriculture (7 CFR Part 1700). Property declared to the Department of Agriculture by other governmental agencies for disposal by the Production and Marketing Administration is disposed of by the commodity branches of the Administration pursuant to specific authority from the Assistant Administrator for Fiscal and Inventory Control, or his designee, covering each declaration of surplus property. Notices of proposed sales are given the widest practicable distribution. Announcements are made by the use of priority announcements, sales announcements, special announcements, and press releases. Mailing lists are maintained for this purpose. Any person desiring to have his name placed on a mailing list for one or more specific commodities should address the request therefor to the Assistant Administrator for Fiscal and Inventory Control, Production and Marketing Administration, Department of Agriculture, Washington, D. C. Sales may be made either through the branch in Washington or through branch field offices. Information regarding consummated sales is available on request to the Office of the Director, Information Service, Production and Marketing Administration, Department of Agriculture, Washington, D. C.

(c) *Contract settlement.* Terminations of war contracts and settlements of claims under the provisions of the Contract Settlement Act of 1944 are subject to the rules and regulations of the Office of Contract Settlement (32 CFR Part 8000 et seq.) and regulations of the Department of Agriculture (7 CFR Part 6) and (11 FR 1461). Each Branch Director, Associate Branch Director, and Assistant Branch Director is a "terminating officer", and, with respect to contracts within the jurisdiction of his branch, is authorized to terminate contracts, order the cessation or suspension of work, and to negotiate settlement agreements under terminated contracts. No settlement agreement involving the payment to a prime contractor of more than fifty thousand dollars, or the payment to a subcontractor of more than five thousand dollars, will be binding upon the Department of Agriculture until it has been reviewed and approved by the Settlement Review Board for the Production and Marketing Administration, or has not been disapproved by the board within thirty days after submission of the proposed settlement to the board, or, if disapproved by the board, has been approved by the Administrator. All claims under Section 17 of the Contract Settlement Act of 1944 should be filed directly with the Assistant Administrator for Fiscal and Inventory Control, who will either take final action with respect to the claims or submit them to the Administrator for final action.

(d) *War Food Orders.* War Food Orders designed to assure conservation and an equitable distribution of agricultural commodities are issued by the Secretary pursuant to the provisions of Title III of the Second War Powers Act (56 Stat. 177). Petitions for relief from the provisions of such orders should be filed with the appropriate order administrator. If disapproved by him, they will upon request of the petitioner be forwarded through the Petition Review Committee for final action by an Assistant Administrator. The Petition Review Committee hears all oral arguments in connection with such appeals and makes recommendations to the Assistant Administrator.

PART 2302—COTTON BRANCH

SUBPART A—ORGANIZATION

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2302.1 Central Office.
2302.2 Field Offices.
2302.3 Availability of information and records.

SUBPART B—FUNCTIONS AND PROCEDURES

2302.10 Commodity loans.
2302.11 Sales program.
2302.12 Purchase programs.
2302.13 Official standards.
2302.14 Classification and grading.
2302.15 Market news reports.
2302.16 Cotton fiber testing service.
2302.17 Cotton Quality Statistics Act.
2302.18 New use cotton diversion programs.

SUBPART A—ORGANIZATION

§ 2302.1 *Central Office*—(a) *General.* The principal office of the Branch is at Washington, D. C., in the Department of Agriculture and consists of the Office of the Director; the Cotton Loan and Utilization Division; the Standards and Futures Division; the Quality Estimates and Market Reports Division; the Research and Testing Division; and the Hemp and Fiber Flax Division.

(b) *The Director.* Under the general supervision of the Administrator the Director formulates, directs and supervises the execution of the policies, programs and activiites of the Production and Marketing Administration and the Commodity Credit Corporation relating to cotton and other commodities for which the Branch is responsible, and serves as a Contracting Officer and executive of the Commodity Credit Corporation in general charge of the activities of the Corporation carried out through the Branch. The Director has final authority to:

(1) Execute purchase, sales, loan and diversion contracts on behalf of the Production and Marketing Administration or Commodity Credit Corporation relating to programs for which the Branch is responsible.

(2) Settle and adjust claims by and against the Commodity Credit Corporation relating to programs for which the Branch is responsible, within the limitations established by the Corporation (6 CFR Part 200 et seq.).

(3) Calculate or determine rates and prices within the limitations of authorized loan, purchase, price support, subsidy, sales and other programs assigned to the Branch.

(4) Contract for sales of property under the provisions of the Surplus Property Act of 1944 pursuant to authorization from the Assistant Administrator for Fiscal and Inventory Control.

(5) Terminate, under the provisions of the Contract Settlement Act of 1944, contracts relating to programs for which the Branch is responsible and approve settlement agreements under terminated contracts that do not provide for the payment of more than $50,000 to a prime contractor or $5,000 to a sub-contractor. (This authority may also be exercised by Associate and Assistant Branch Directors.)

(6) Under the cotton sales for export program, to determine and announce approved countries to which cotton may be exported; to determine and anounce

the export differential subject to the limitations contained in the authorization of program; and to determine where necessary whether exporters have acted in good faith under the offer and to deny to the extent determined to be appropriate the right to register export sales or file declarations of intent to consign and apply for payments in connection therewith, and the right to apply for payments in connection with any previously registered sales.

(7) Take all action necessary or appropriate in the administration of the United States Cotton Standards Act (7 U. S. C. 51–65), the United States Cotton Futures Act, as amended (26 U. S. C. 1920–1935), and the Cotton Quality Statistics Act, as amended (7 U. S. C. 471–476), subject to limitations contained in said Acts and in rules and regulations promulgated with respect thereto. (7 CFR 28.1 et seq.; 7 CFR 27.1 et seq.; 7 CFR 28.901 et seq.; 7 F. R. 1251.)

(c) *Contracting and Claims Officers.* (1) Contracting officers are appointed by the Director with approval of the President, Commodity Credit Corporation, and may, to the extent authorized by their appointment, execute contracts relating to the activities of the Production and Marketing Administration or the Commodity Credit Corporation for which the Branch is responsible. The names of such officers may be obtained from the Director.

(2) Claims officers are appointed by the Director with approval of the President, Commodity Credit Corporation, and may settle certain types of claims by and against Commodity Credit Corporation in accordance with the procedure set forth in 6 CFR 200. The names of such officers may be obtained from the Director.

(d) *Divisions.* The Divisions are as follows:

(1) *Cotton Loan and Utilization Division.* Plans and administers loan, purchase and sales programs; determines and makes recommendations on quotas for cotton; plans and administers cotton and cotton products export programs; formulates contracts for storage of cotton held by Commodity Credit Corporation; approves certificates submitted by exporters for reentry of American cotton in accordance with Presidential Proclamation; plans and administers programs designed to maintain present uses for cotton and cotton products and to encourage the consumption thereof, and in connection with new and extended uses for cotton and cotton products; establishes specifications for inspecting cotton products under the utilization and diversion programs.

(2) *Standards and Futures Division.* Develops, formulates and recommends standards for cotton, cotton linters, cottonseed, hemp and other plant fibers; conducts meetings with representatives of industry relating to the proposed establishment of new standards and proposed revisions of existing standards; prepares for public distribution copies of standards in physical form; administers the international cotton standards agreements; directs all classing and grading of cotton, cotton linters, and cottonseed; supervises the handling of certificated cotton for delivery on futures contracts; directs examination, bonding, licensing and technical supervision of classers, graders and samplers; and maintains in Washington a Cotton Appeal Board of Review Examiners and a Board of Cotton Linters Examiners.

(3) *Quality Estimates and Market Reports Division.* Compiles and issues statistics on the grades and staple lengths of cotton in the annual carryover, and in the crop each year at intervals during the ginning season; collects market information and releases market news reports on cotton, cotton linters, and cottonseed; administers the Act of April 13, 1937, hereinafter cited (except classing), which provides for furnishing free cotton classing and market news services to farmers organized to promote the improvement of cotton, and cooperates with producers, ginners and state and federal agencies in connection therewith; analyzes relationships between prices for various qualities of cotton and participates with other agencies in formulating loan and purchase and other programs; prepares and releases reports on the qualities of cotton consumed and qualities exported; and issues other reports as required.

(4) *Research and Testing Division.* Conducts research and developmental work to effect improvements in ginning, packaging, sampling, handling, marketing, standardization and processing of cotton and cottonseed, and cooperates with processors, marketing agencies and others in these activities; collects and analyzes information on manufacturers' preferences for the various kinds, qualities and varieties of cotton and the effects of such preferences on outlets, consumption and production; collects and analyzes information on ginning, processing and warehousing facilities as they affect spinning quality of cotton and costs of marketing; compiles and analyzes data on market prices and spreads between prices in various types of markets and on marketing margins and costs of various marketing services; collects and analyzes fiber and spinning test data to establish relationships between properties of fiber and qualities of manufactured products; and administers the Cotton Fiber Testing Service Act, hereinafter cited, and determines from laboratory tests the kinds, varieties and types of cotton suitable for specific uses, disseminating such information to breeders, producers, manufacturers, state and federal agencies and others.

(5) *Hemp and Fiber Flax Division.* Directs and carries out the government hemp program for the production, processing and sale of hemp fiber; develops and administers price support programs for processed hemp fiber designed to offset for both growers and processors violent market fluctuations caused by excessive government produced stocks of fiber; develops and administers programs of financial aid to fiber flax growers through established growers cooperatives for the production, processing and marketing of fiber flax; currently is engaged in final stages of liquidating the milkweed floss program developed during the war.

§ 2302.2 *Field Offices*—(a) *Area Manager Offices.* Four area managers of the Cotton Branch in the field have jurisdiction over field offices in their respective territories, which handle the cotton quality statistics work, cotton and cottonseed market news, cotton classing, and the administration of the free cotton classing service for farmer-members of organized cotton improvement groups. The area manager at 441 West Peachtree Street, Atlanta, Georgia, has administrative jurisdiction over the field offices in the southeastern States east of Mississippi and Tennessee; the area manager at 1117 Falls Building, Memphis, Tennessee, has jurisdiction over field offices in the south central area including the States of Tennessee, Mississipi, Missouri, Arkansas and Louisiana; the area manager at 1104 South Ervay Street, Dallas, Texas, has jurisdiction over field offices in Oklahoma and Texas excluding El Paso, Texas; and the area manager at 212 Progressive Building, Bakersfield, California, has jurisdiction over field offices at Bakersfield, California; Phoenix, Arizona, and El Paso, Texas.

(b) *Field Cotton Classing Offices.* Offices are located at 1265½ North Second Street, Abilene, Texas; City Park, Alexandria, Louisiana; 105½ West Commerce, Altus, Oklahoma; 441 West Peachtree Street, Atlanta, Georgia; Building K, Little Campus, Austin, Texas; 210 Progressive Building, Bakersfield, California; 28½ South 20th Street, Birmingham, Alabama; 12 Adgers North Wharf Office Building, Charleton, South Carolina; 918½ Main Street, Columbia, South Carolina; 1104 South Ervay Street, Dallas, Texas; 517 U. S. Court House, El Paso, Texas; 701 Post Office Building, Galveston, Texas; Wright Building, Greenwood, Mississippi; Court House Building, Hayti, Missouri; 406 Main Post Office Building, Houston, Texas; 207 South State Street, Jackson, Mississippi; 317 West Fifth Street, Little Rock, Arkansas; 1701 Avenue H, Lubbock, Texas; 1111 Falls Building, Memphis, Tennessee; Hudson Building, Dexter and South Lawrence Streets, Montgomery, Alabama; 940 Perido Street, New Orleans, Louisiana; 700½ West Grand, Oklahoma City, Oklahoma; 311 West Jefferson Street, Phoenix, Arizona; Northwest Corner Caswell Square, Raleigh, North Carolina; and 9 East Bay Street, Savannah, Georgia. A temporary field office is maintained during the marketing season at Corpus Christi, Texas. These field offices provide cotton classing service for farmers, merchants, manufacturers, and others.

(c) *Market News Field Offices.* Offices are maintained at 441 West Peachtree Street, Atlanta, Georgia; 1117 Falls Building, Memphis, Tennessee; 1104 South Ervay Street, Dallas, Texas; 212 Progressive Building, Bakersfield, California. These offices collect and compile data on cotton prices and market conditions and issue market news reports for dissemination by radio, through the press and mailing lists.

(d) *Supervision of Classing and Grading Office, Memphis, Tennessee.* This office is located at 1132 Falls Building and is responsible for the technical supervision of cotton classing work in the

field; for supervising spot cotton quotations in designated markets; for activities of the field committee of the cotton appeal board; for development work in cottonseed standardization; and for the examination of applicants for licenses as cotton classifiers, cottonseed chemists and samplers and the supervision of their work.

(e) *Research Offices in the Field.* Cotton fiber and spinning laboratories are maintained at Clemson College, Clemson, South Carolina, and Texas Agricultural and Mechanical College, College Station, Texas, and a cotton ginning and fiber research laboratory is located at Stoneville, Mississippi. These offices conduct research work on the properties of cotton fiber and in cotton spinning and manufacturing; on ginning, packaging, handling, marketing, standardization and processing of cotton and cottonseed; and make tests for the public under the Cotton Fiber Testing Service Act (7 U. S. C. 473d).

(f) *New Orleans office, Cotton Loan and Utilization Division.* This office is located in the Masonic Temple Building, New Orleans, Louisiana, and is responsible for the execution in the field of loan, purchase, subsidy, diversion, export, price support, processing, distribution, sale, surplus disposal, commodity handling and shipping and storage programs assigned to it.

(g) *War Hemp Industries, Inc.* This corporation has its office at 135 South La Salle Street, Chicago, Illinois. It is a corporation which, under a non-profit contract with Commodity Credit Corporation acts as the agent of Commodity Credit Corporation in the purchase, care and preservation, sale and shipment of hemp fiber.

§ 2302.3 *Availability of information and records.* Any person desiring information or to make submittals with respect to the functions of the Branch should address: The Director, Cotton Branch, Production and Marketing Administration, United States Department of Agriculture, Washington, 25, D. C. The records of the Branch, including those maintained in field offices, are available for examination in accordance with the rules and designation of records issued by the Secretary (7 CFR Part 2100.)

SUBPART B—FUNCTIONS AND PROCEDURES

§ 2302.10 *Commodity loans.* The Agricultural Adjustment Act of 1938, as amended, and supplemented by the Stabilization Act of 1942, as amended, (7 U. S. C., 1302 (c); 50 U. S. C. App. sec. 968) authorizes and directs the Commodity Credit Corpporation to make loans on cotton under certain conditions, and the Act of July 1, 1941, as amended by the Stabilization Act of 1942 (15 U. S. C., 713 a–8; 50 U. S. C. App. 969), requires that commodities on which the Secretary has made a public announcement be suported by loans or otherwise at not less than specified levels. American-Egyptian cotton was included in a public announcement made by the Secretary on November 28, 1942 (available for examination in the office of the Branch). Announcements and rules relating to loan programs approved by the Secretary and the Board of Directors of the Commodity Credit Corporation are issued annually. The announcement and rules for the 1946 program may be obtained from the Director on request. The operation of loan programs is under the supervision of the Cotton Loan and Utilization Division and field administration is handled by the New Orleans office of that Division located in the Masonic Temple Building, New Orleans, Louisiana.

§ 2302.11 *Sales program.* (a) Stocks of cotton have been acquired by Commodity Credit Corporation through purchase programs, and through failure of farmers to repay loans (§ 2302.10). (Announcement and rules for the 1946 purchase program may be obtained from the Director on request.) These stocks are marketed by the Branch, through various domestic and export sales programs, under arrangements made by the Cotton Loan and Utilization Division. This Division also prepares for issuance by the Director announcements of proposed sales of cotton and cotton waste declared surplus by the various Departments and agencies of the government and handles the sales of such products. Announcements of these sales are published through mailing lists and otherwise.

(b) Stocks of hemp fiber are acquired by Commodity Credit Corporation from its processing mills. Additional stocks are acquired through purchases under price support programs. Currently, these stocks are offered to the trade at prices established by Commodity Credit Corporation or by advertised bid.

(c) Any person desiring to have his name placed on the Director's mailing lists should address a request to Director, Cotton Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

§ 2302.12 *Purchase Programs.* (a) With the approval of the Board of Directors of the Commodity Credit Corporation and the Secretary, cotton is purchased for the account of other government agencies on request. Requests are transmitted to the Loan and Utilization Division of the Branch, which prepares for issuance by the Director announcements of the qualities and quantities to be purchased. These announcements are published and sent to persons whose names appear on a mailing list.

(b) Under programs approved by the Board of Directors of the Commodity Credit Corporation and by the Secretary, the Commodity Credit Corporation has made open offers to purchase at specified prices and under specified conditions hemp fiber processed from hemp grown for eligible mills in 1946 and 1947. The programs are administered by the Hemp and Fiber Flax Division.

(c) Any person desiring to have his name placed on the Director's mailing lists should address a request therefor to the Director, Cotton Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

§ 2302.13 *Official standards.* (a) The United States Cotton Standards Act (7 U. S. C. 51–65) and the United States Cotton Futures Act, as amended (26 U. S. C. 1920–1935), authorize the Secretary to develop official standards for lint cotton, and the Cotton Standards Act also authorizes the standardization of cotton linters. The Standards and Futures Division studies the kinds of cotton and linters produced and prepares for transmittal to the Secretary drafts of announcements for promulgating modifications of existing standards and for establishing new standards as may be required to differentiate the grades and staples of cotton and the qualities of linters produced. Standards have been promulgated for cotton and linters as follows: Official cotton standards of the United States for the grade of American upland cotton, known as the universal standards (11 F. R. 4777); official cotton standards of the United States for grades of American-Egyptian cotton, Pima and SXP (7 CFR 27.251 et seq.); standards for grades of sea-island cotton (7 CFR 28.351 et seq.); official cotton standards of the United States for length of staple (7 CFR 27.201 et seq.), as amended; tentative standards for the preparation of long staple cotton (7 CFR 28.301 et seq.); official standards of the United States for American cotton linters (7 CFR 28.201 et seq.); and standards for color for American cotton linters (7 CFR 28.251 et seq.).

(b) Permissive standards for grades of cottonseed (7 CFR 28.401 et seq.) and for American hemp line and tow are promulgated under the authority contained in the item "Marketing Farm Products" that is included from year to year in the Agricultural Appropriation Acts. A copy of the order promulgating the standards for American hemp line and tow may be obtained on request from the Director, Cotton Branch, Production and Marketing Administration, United States Department of Agriculture, Washington, 25, D. C.

(c) Copies of standards in physical form for cotton, cotton linters and hemp line and tow are prepared in Washington for sale to the public. Order blanks may be obtained on request from the Director, Cotton Branch, Production and Marketing Administration, United States Department of Agriculture, Washington, 25, D. C.

§ 2302.14 *Classification and grading.* The United States Cotton Futures Act, as amended (26 U. S. C., 1920–35) requires that all cotton delivered on futures contracts shall have been classed by employees of the government; and the United States Cotton Standards Act (7 U. S. C., 51–65) authorizes the maintenance of a general public cotton and cotton linters classing service. The Cotton Standards Act also authorizes the licensing and supervision of cotton and linters classifiers in private employment. The Act of April 13, 1937 (7 U. S. C., 473a), commonly known as the Smith-Doxey Act, authorizes the maintenance of a free cotton classing service for members of organized cotton improvement groups. The following regulations issued

by the Secretary prescribe the methods for the classing of cotton and cotton linters, the inspection of cottonseed, and the licensing and supervision of cotton and linters classifiers and cottonseed samplers and chemists; and prescribe the procedure to be followed by interested parties in obtaining such services and in appealing classifications and gradings: Regulations under the United States Cotton Futures Act, as amended (7 CFR 27.1 et seq.), as amended; regulations under United States Cotton Standards Act (7 CFR 28.1 et seq.), as amended; regulations under the Act of April 13, 1937 providing for a free cotton classing and market news service for farmer-members of organized cotton improvement groups (7 CFR, 28.901 et seq.); regulations governing the inspection, sampling and certification of cottonseed sold or offered for sale for crushing purposes (7 CFR 61.1 et seq.), as amended.

§ 2302.15 *Market news reports.* The Act of April 13, 1937 (7 U. S. C. 473b) authorizes and directs the Secretary to collect, authenticate, publish and distribute timely information on the market supply, demand, location, condition and market prices of cotton. The data are obtained and compiled under the direction of the Quality Estimates and Market Reports Division and released through the field market news offices.

§ 2302.16 *Cotton fiber testing service.* The Cotton Fiber Testing Service Act of April 7, 1941 (7 U. S. C. 473d), authorizes the Secretary to make analyses of fiber properties, spinning tests and other tests of the quality of cotton samples submitted by cotton breeders and others. The cotton fiber and spinning laboratories maintained at Clemson, South Carolina, and College Station, Texas, and the cotton ginning and fiber laboratory at Stoneville, Mississippi, furnish the testing service under this act. The regulations under the act (9 F. R. 1251) prescribe the procedure to be followed by interested parties in obtaining the service.

§ 2302.17 *Cotton Quality Statistics Act.* The Cotton Quality Statistics Act of March 3, 1927 (7 U. S. C. 471–476) directs the Secretary to collect and publish annually statistics or estimates concerning the grades and staple lengths of cotton known as the carry-over on hand on the first of August each year; and following such publication each year to publish at intervals estimates of the grades and staple lengths of cotton of the current crop. Data are collected, compiled and published as required by this Act but the statute forbids the disclosure without the written authority of the Secretary of any information given by any individual establishment. It has not been necessary to promulgate any regulations with respect to these activities.

§ 2302.18 *New use cotton diversion programs.* Under Section 32, Public Law 320, 74th Congress, as amended (7 U. S. C., 612c), there are conducted programs designed to maintain present uses for cotton and cotton products and to encourage the consumption thereof; to develop new and extended uses for cotton and cotton products and to establish properties required in new products in order to ascertain the useability of such products; and to develop specifications for and directions for coordinating the inspection of cotton products under such programs. Dockets are prepared for approval, and the Cotton Loan and Utilization Division is responsible for general administration and operating details. All required forms are furnished to participants in the programs. Information regarding such participation may be obtained by addressing the Director, Cotton Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

PART 2303—DAIRY BRANCH

SUBPART A—ORGANIZATION

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SUBPART B—FUNCTIONS AND PROCEDURES

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SUBPART A—ORGANIZATION

§ 2303.1 *Central Office*—(a) *General.* The principal office of the Branch is at Washington, D. C., in the South Agriculture Building, and consists of the Office of the Director, Dairy and Poultry Inspection and Grading Division, Dairy and Poultry Market News Division, Fluid Milk Division, Manufactured Dairy Products Division, Purchase and Sales Division, and Research and Analysis Division.

(b) *The Director.* Under the general supervision of the Administrator, the Director formulates, directs and supervises the execution of the policies, programs and activities of the Production and Marketing Administration and the Commodity Credit Corporation assigned to the Branch and serves as a Contracting Officer and executive of the Commodity Credit Corporation in general charge of the activities of the Corporation carried out through the Branch. In addition he directs the inspection and grading and market news activities for the Poultry Branch (Part 2308). The Director has final authority to:

(1) Execute purchase, sale, and diversion contracts on behalf of the Production and Marketing Administration or Commodity Credit Corporation relating to programs for which the Branch is responsible.

(2) Settle and adjust claims by and against the Commodity Credit Corporation relating to programs for which the Branch is responsible, within the limitations established by the Corporation (6 CFR, Part 200).

(3) Contract for sales of property under the provisions of the Surplus Property Act of 1944 pursuant to authorization from the Assistant Administrator for Fiscal and Inventory Control.

(4) Take all action necessary or appropriate in the administration of war food orders assigned to the Branch, that have been approved by the Secretary under title III of the Second War Powers Act (56 Stat. 177, except with respect to the settlement of appeals to the Assistant Administrators (7 CFR Part 2301).

(5) Terminate, under the provisions of the Contract Settlement Act of 1944, contracts relating to programs for which the Branch is responsible and approve settlement agreements under terminated contracts that do not provide for the payment of more than $50,000 to a prime contractor or $5,000 to a subcontractor. (This authority may also be exercised by Associate and Assistant Branch Directors.)

(6) Take all action necessary or appropriate in the administration of marketing agreements and marketing orders, relating to the handling of milk and its products, approved by the Secretary in accordance with the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq), subject to limitations contained in the agreements and orders themselves, and in rules and regulations applicable thereto. Such action includes, but is not limited to, the following:

(i) To supervise the operations and activities of any market administrator, committee member, or other agent or employee of any agency established under a marketing agreement or marketing order, and to require such agents or agencies to submit, from time to time, such reports or other data as the Director determines to be necessary or appropriate.

(ii) To direct such agents or agencies to take any action, not inconsistent with the provisions of such marketing agreements or marketing orders, as the Director determines to be necessary or appropriate to effectuate the purposes and to secure the lawful and successful administration of any such marketing agreement or marketing order.

(iii) To exchange information with State officials pursuant to memoranda of understanding between the Secretary and State officials under Section 10 (i) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 610 (i)).

(iv) To review the suspension of reserve pool plant designations, to make determinations, and to issue orders pursuant to § 927.3 (a) (4) (iii) (*b*) of the order regulating the handling of milk in the New York metropolitan marketing area (7 CFR Part 927).

(v) To exercise the following powers of the Secretary under section 8d of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608d):

(*a*) To find and determine what information is necessary to be furnished by handlers subject to regulatory orders to enable the Secretary to ascertain and determine the extent to which such regulatory orders have been carried out or have effectuated the declared policy of said act;

(*b*) To prescribe the forms of reports on which such information shall be furnished;

(c) To request handlers subject to regulatory orders to furnish the information determined to be necessary under (a) hereof; and

(d) To authorize and to direct other agents and employees of the Department of Agriculture to examine such books, papers, records, copies of income-tax reports, accounts, correspondence, contracts, documents, or memoranda, as he deems relevant and which are within the control of any such party to such marketing agreement, or any such handler, from whom such report was requested, or of any person having, either directly or indirectly, actual or legal control of or over such party or such handler, or of any subsidiary of any such party, handler, or person.

(7) Calculate or determine rates and prices within the limitations of authorized purchase, price support, subsidy, sales and other programs assigned to the Branch.

(8) Consider and approve the maximum prices of fluid milk as established or adjusted, from time to time, by the Regional Offices of the Office of Price Administration.

(e) *Contracting and Claims Officers.* (1) Contracting officers are appointed by the Director with approval of the President, Commodity Credit Corporation, and may, to the extent authorized by their appointment, execute contracts relating to the activities of the Production and Marketing Administration or the Commodity Credit Corporation for which the Branch is responsible. The names of such officers may be obtained from the Director.

(2) Claims officers are appointed by the Director with approval of the President, Commodity Credit Corporation, and may settle certain types of claims by and against Commodity Credit Corporation in accordance with the procedure set forth in 6 CFR 200. The names of such officers may be obtained from the Director.

(d) *War Food Order Administrators.* Under war food orders approved by the Secretary, order administrators have final authority, under the general direction of the Director, to take all action necessary or appropriate in the administration of orders assigned to them, except with respect to the settlement of appeals to the Assistant Administrators (7 CFR Part 2301).

(e) *Office of the Director.* This office formulates export-import programs for dairy products and recommends approval or disapproval of applications for import of dairy products and contracts for the sale of dairy products by the Department of Agriculture to foreign governments and to other United States governmental agencies.

(f) *Divisions.* The Divisions are as follows:

(1) *Dairy and Poultry Grading and Inspection Division.* Plans, supervises and directs the program for investigating and certifying upon application, the grade, quality or condition of dairy and poultry products. The Chief of the Division has final authority to exercise the powers and functions vested in the Administrator by §§ 55.9, 55.11, 55.13, 55.15, 55.18, 55.22, 55.24, 55.25, 55.28, 55.33, 55.34, 55.39, 55.52, 55.53, 55.54, 55.59, and 55.66 of the regulations (7 CFR Part 55) governing the sampling, grading, grade labelling, and supervision of packaging of butter, cheese, eggs, poultry and dressed domestic rabbits. The following officers and employees of this Division have been delegated final authority to act with reference to the administration of those sections of the rules and regulations (7 CFR 56) governing the inspection and certification of dressed poultry and dressed domestic rabbits and edible products thereof for conditions and wholesomeness which appear opposite their titles:

Chief of the Division—all sections of said regulations, except as to §§ 56.13, 56.14, 56.15, 56.19, and 56.20.

Chief, Poultry Inspection Section—§§ 56.12, 56.16, 56.18, 56.22, 56.29, 56.31, 56.42, 56.43, 56.44, 56.46, and 56.51.

Poultry Pathologist—§§ 56.43, 56.44, 56.46 and 56.51.

(2) *Dairy and Poultry Market News Division.* Directs the collection and dissemination of daily or weekly information on market stocks, movements, receipts, prices, sales, and marketing conditions of milk and dairy and poultry products, and prepares and distributes periodic reports containing market information.

(3) *Fluid Milk Division.* Administers the Agricultural Marketing Agreement Act of 1937, as amended, as it relates to milk and its products, develops policies and procedures with respect thereto, formulates marketing agreements and orders, and supervises the agencies administering such agreements and orders; prepares and recommends war food orders relating to fluid milk or cream and supervises their administration; participates in the development of subsidy, price support, and diversion program for milk; and recommends action on maximum price regulations affecting fluid milk markets.

(4) *Manufactured Dairy Products Division.* Develops, standards and grades for dairy products; prepares, recommends and supervises the administration of war food orders relating to dairy products; participates in the development of subsidy, price support and diversion programs for milk products; develops plans to encourage new uses or processes for the manufacture of dairy products; recommends priorities for the construction and equipment of dairy plants and the disposition of dairy plants built under contracts or leases approved by the Government; recommends action on maximum price regulations affecting dairy products; and develops plans for the utilization of milk in dairy products in accord with demand and necessary postwar readjustments.

(5) *Purchase and Sales Division.* Develops and executes the purchases, sales, and contract termination and settlement adjustment activities of the Dairy Branch; acts as point of referral within the Branch on labor, transportation, supply, or special operating problems; and plans and schedules commitments on purchases or sales in accordance with allocation, inventory, or docket controls.

(6) *Research and Analysis Division.* Provides the necessary operational research and analysis of various phases of the dairy economy; prepares statistical data and information for hearings and consultations; cooperates in the preparation of production goals; and develops studies of costs, wages, prices, production, market structures and market conditions for administrative use.

§ 2303.2 *Field Offices*—(a) *Dairy and Poultry Grading and Inspection; Field Offices.* Offices are located in Little Rock, Arkansas, Los Angeles, California, San Francisco, California, Chicago, Illinois, Des Moines, Iowa, Topeka, Kansas, Baton Rouge, Louisiana, Boston, Massachusetts, Lansing, Michigan, Minneapolis, Minnesota, Kansas City, Missouri, St. Louis, Missouri, Omaha, Nebraska, New York, New York, Columbus, Ohio, Oklahoma City, Oklahoma, Portland, Oregon, Philadelphia, Pennsylvania, Aberdeen, South Dakota, Dallas, Texas, Houston, Texas, Seattle, Washington, and Milwaukee, Wisconsin. Under the immediate supervision of the Grading and Inspection Division, these offices provide inspection and grading sevices, including laboratory analysis of dairy and poultry products. Regional supervisors are located as follows:

(1) Dairy products—San Francisco, California, Chicago, Illinois, and New York, New York.

(2) Poultry products—San Francisco, California, Chicago, Illinois, Des Moines, Iowa, New York, New York, and Dallas, Texas.

(3) Poultry Inspection Service—San Francisco, California, Chicago, Illinois, Omaha, Nebraska, and Philadelphia, Pennsylvania. Laboratory facilities are maintained in San Francisco, California and Chicago, Illinois.

The addresses of these offices may be ascertained by inquiry of the Chief, Dairy and Poultry Grading and Inspection Division, South Agriculture Building, Washington, D. C.

(b) *Market News Field Offices.* Offices are located in Los Angeles, California, San Francisco, California, Denver, Colorado, Atlanta, Georgia, Chicago, Illinois, New Orleans, Louisiana, Baltimore, Maryland, Boston, Massachusetts, Detroit, Michigan, New York, New York, Cincinnati, Ohio, Portland, Oregon, Philadelphia, Pennsylvania, Pittsburgh, Pennsylvania, Fort Worth, Texas, and Seattle, Washington. The addresses of these offices may be obtained from the Chief, Dairy and Poultry Market News Division, South Agriculture Building, Washington, D. C. Under the supervision of the Division, these offices collect and compile the data utilized for the production of daily, weekly and seasonal reports giving dairy and poultry market information.

(c) *Market Administrators Offices.* The office addresses of agencies administering marketing agreements or orders regulating the handling of milk and the areas involved are as follows:

Address and market areas

1731 Eye Street NW., Washington 6, D. C. Washington, D. C.

135 South LaSalle Street, Chicago 3, Ill. Chicago, Ill.
135 South LaSalle Street, Chicago 3, Ill. Suburban Chicago, Ill.
335 Federal Building, Sixteenth Street and Second Avenue, Rock Island, Ill. Clinton, Iowa.
335 Federal Building, Sixteenth Street and Second Avenue, Rock Island, Ill. Quad Cities (Iowa-Ill.).
701–2 Gettle Building, Fort Wayne 2, Ind. Fort Wayne, Ind.
116 South William Street, South Bend 24, Ind. La Porte County, Ind.
116 South William Street, South Bend 24, Ind. St. Joseph County, Ind.
337 Federal Building, Dubuque, Iowa. Dubuque, Iowa.
1137 Badgerow Building, Sioux City, Iowa. Sioux City, Iowa.
1235 Starks Building, Louisville 2, Ky. Louisville, Ky.
1421 Carondelet Building, New Orleans 12, La. New Orleans, La.
National Bank Building, 21 Main Street, Andover, Mass. Lowell-Lawrence, Mass.
80 Federal Street, Boston 10, Mass. Greater Boston, Mass.
103 Pleasant Street, Fall River, Mass. Fall River, Mass.
2002–4 West Superior Street, Duluth 2, Minn. Duluth-Superior (Minn.-Wis.).
100 Seventh Street North, Minneapolis 3, Minn. Minneapolis-St. Paul, Minn.
512 Porter Building, 406 West Thirty-fourth Street, Kansas City 2, Mo. Greater Kansas City.
512 Porter Building, 406 West Thirty-fourth Street, Kansas City 2, Mo. Topeka, Kans.
512 Porter Building, 406 West Thirty-fourth Street, Kansas City 2, Mo. Wichita, Kans.
4030 Chouteau Avenue, St. Louis 10, Mo. St. Louis, Mo.
418 Post Office Building, Omaha 2, Nebr. Omaha-Council Bluffs (Nebr.-Iowa).
205 East Forty-second Street, New York 17, N. Y. New York Metropolitian.
152 East Fourth Street, Cincinnati 2, Ohio. Cincinnati, Ohio.
2163 East Second Street, Cleveland 15, Ohio. Cleveland, Ohio.
Rm. 41, Old Post Office Building, Columbus, Ohio. Columbus, Ohio.
434 Third National Bank Building, Dayton 2, Ohio. Dayton-Springfield, Ohio.
Room 19, Old Federal Building, Toledo, Ohio. Toledo, Ohio.
11 North Juniper Street, Philadelphia 7, Pa. Philadelphia, Pa.
527 First Huntington National Bank Building, Box 1149, Huntington 1, W. Va. Tri-State (Ohio-W. Va.-Ky.)

§ 2303.3 *Availability of information and records.* With respect to the functions and programs of the Branch information may be obtained from and submittals and requests may be made to the Director, Dairy Branch, Production and Marketing Administration, U. S. D. A., Washington, D. C. The records of the Branch, including those maintained in the field offices, are available for examination in accordance with the rules and designation of records issued by the Secretary (7 CFR, Part 2100) and the general regulations (7 CFR 900.200) issued under the Agricultural Marketing Agreement Act of 1937, as amended.

SUBPART B—FUNCTIONS AND PROCEDURES

§ 2303.10 *Dairy and poultry grading and inspection.* Pursuant to the authority vested in the Secretary by the annual Department of Agriculture appropriation acts (7 U. S. C. 414) the Secretary has issued regulations governing the grading and inspection of dairy and poultry products (7 CFR, Part 55), and the inspection of poultry to determine its condition and wholesomeness (7 CFR, Part 56). The grading and inspection work is performed by licensed graders, samplers, inspectors, and supervisors of packaging upon application by shippers and other interested parties in accordance with such rules.

§ 2303.11 *Official standard grades for dairy products.* The annual Department of Agriculture appropriation acts authorize the Secretary of Agriculture to develop, issue and promote the use of official standard grades for farm products. The Manufactured Dairy Products Division develops tentative standards, official standards, and modifications of existing official standards for dairy products. Official standards for dairy products may be obtained from the Director.

§ 2303.12 *Publication of market news reports.* The annual Department of Agriculture appropriation acts authorize the collection, compilation, and distribution by telegraph, mail or otherwise, of information on the market supply and demand, commercial movement, location, disposition, quality, condition, and market prices of dairy and poultry products. Under the direction of the Marketing Services Division, principal activities pertaining to the collection, publication, and distribution of such data are conducted through field offices, and such information is dispersed daily, weekly, and periodically for the benefit of producers, distributors, and consumers. Persons desiring such information may request the Chief of the Market News Division to be placed on the mailing list for the receipt of publications issued by the Division.

§ 2303.13 *Marketing agreements and orders.* (a) Marketing agreements and marketing orders regulating the handling of milk and its products are issued by the Secretary under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). The Secretary has issued general regulations pursuant to said act which contain (1) the rules of practice and procedure governing proceedings to promulgate marketing agreements and marketing orders, (2) rules of practice governing proceedings on petitions to modify or to be exempted from marketing order, (3) procedure governing meetings to arbitrate and mediate disputes relating to sales of milk or its products, and (4) miscellaneous regulations. These general regulations are published (7 CFR 900).

(b) Proceedings leading to the promulgation of a marketing agreement or a marketing order, or an amendment thereto, regulating the handling of milk in a specified area, may be initiated by the Department or at the request of any interested person. Proposals for the institution of such proceedings should be addressed to the Director. These proposals should contain economic and factual data showing the existence of the conditions prerequisite to the establishment of Federal regulation under the standards prescribed in the Agricultural Marketing Agreement Act, as amended. Action on such proposals is taken in accordance with the procedures set forth in the general regulations mentioned above.

(c) Marketing agreements and orders are published (7 CFR 901 et seq.). Each marketing agreement or order specifies the agency for the administration thereof and prescribes such agency's powers and duties. The Branch supervises and reviews the activities of these marketing agencies.

(d) Except as the method or manner of making submittals or requests may be specifically provided for in the general regulations (7 CFR, Part 900) or in the agreement or order involved, submittals or requests concerning the administration of an agreement or order for milk may be made to the administrative agency for such agreement or order at the address indicated in § 2303.2 of this title.

§ 2303.14 *War food orders.* The Secretary has issued and published in the Federal Register war food orders relating to milk or its products. These war food orders are administered by order administrators under the supervision of the Director. Reference should be made to each war food order for information relating to the commodities regulated, the manner and extent of such regulation, and the authorities exercised thereunder by the various officials of the Department. Additional information may be obtained from the order administrator of the order involved or the Director.

§ 2303.15 *Purchase programs.* Purchases of milk products, approved by the Board of Directors of the Commodity Credit Corporation and the Secretary, are made by the Branch in the name of the Commodity Credit Corporation, to meet the requirements of requisitioning Federal agencies and foreign governments, or for price support purposes (15 U. S. C. 713a–8). Purchases of milk products are also made by the Branch, with the approval of the Secretary, for the purpose of encouraging domestic consumption of such commodities (7 U. S. C. 612c). Purchase announcements containing instructions are prepared and made available to all persons known to be interested in offering such commodities for sale. Any person desiring to receive announcements relative to the purchase of milk products by the Branch should address his request to the Director.

§ 2303.16 *Sales Programs.* The Branch markets excess milk products acquired by the Commodity Credit Corporation through purchase and price support programs and the stocks of milk products declared as surplus and referred to the Department of Agriculture for disposition by various agencies of the Federal Government (32 CFR 8300 et seq.). The Branch prepares and sends announcements containing the terms and conditions of sale to persons who have so requested. Bids in response to such announcements are received by the Branch and successful bidders are notified. Persons may request the Director to be placed on the mailing list for the receipt of sales announcements.

§ 2303.17 *Diversion programs.* Milk products may be diverted from the normal channels of trade and commerce into manufactured or industrial products, livestock feed or other products by means of indemnity payments, benefit payments, or other means approved by the Secretary (7 U. S. C. 612c). Any person desiring information concerning any of these programs should address his inquiry to the Director.

PART 2304—FATS AND OILS BRANCH

SUBPART A—ORGANIZATION

Sec.
2304.1 Central Office.
2304.2 Field offices.
2304.3 Availability of information and records.

SUBPART B—FUNCTIONS AND PROCEDURES

Sec.
2304.11 Price support.
2304.12 Sales programs.
2304.13 Purchase programs.
2304.14 War Food Orders.

SUBPART A—ORGANIZATION

§ 2304.1 *Central Office*—(a) *General.* The principal office of the Branch is at Washington, D. C., in the South Agriculture Building, consisting of the Office of the Director, Oilseeds Division, Peanut Division, Processed Oils Division, and Procurement-Import Division.

(b) *The Director.* Under the general supervision of the Administrator, the Director formulates, directs, and supervises the execution of Production and Marketing Administration's and Commodity Credit Corporation's policies, programs, and activities relating to fats and oils, carried out by the Branch, and serves as a Contracting Officer and executive of the Commodity Credit Corporation in general charge of the activities of the Corporation carried out through the Branch. The Director has final authority to:

(1) Execute purchase, sale and other contracts on behalf of the Production and Marketing Administration or Commodity Credit Corporation relating to programs for which the Branch is responsible.

(2) Settle and adjust claims by and against the Commodity Credit Corporation relating to programs for which the Branch is responsible, within the limitations established by the Corporation (6 CFR 200 et seq.)

(3) Contract for sales of property under the provisions of the Surplus Property Act of 1944 pursuant to authorization from the Assistant Administrator for Fiscal and Inventory Control.

(4) Calculate or determine rates and prices within the limitations of authorized loan, purchase, price support, subsidy, sales and other programs assigned to the Branch.

(5) Take all action necessary or appropriate in the Administration of War Food Orders assigned to the Branch, that have been approved by the Secretary under Title III of the Second War Powers Act (56 Stat. 177), except with respect to the determination of appeals to the Assistant Administrators (7 CFR 2301.1 (b) (2) (i)).

(6) Terminate, under the provisions of the Contract Settlement Act of 1944, contracts relating to programs for which the Branch is responsible and approve settlement agreements under terminated contracts that do not provide for the payment of more than $50,000 to a prime contractor or $5,000 to a sub-contractor. (This authority may also be exercised by Associate and Assistant Branch Directors.)

(c) *Contracting and claims officers.* (1) Contracting officers are appointed by the Director with the approval of the President of Commodity Credit Corporation and may, to the extent authorized by their appointment, execute contracts relating to the activities of the Commodity Credit Corporation for which the Branch is responsible. The names of such officers may be obtained from the Director.

(2) Claims officers are appointed by the Director with the approval of the President of Commodity Credit Corporation and may settle certain types of claims by and against Commodity Credit Corporation in accordance with the procedure set forth in 6 CFR 200.22. The names of such officers may be obtained from the Director.

(d) *War Food Administrators.* Under War Food Orders approved by the Secretary, Order Administrators have final authority under the general direction of the Director, to take all action necessary or appropriate in the administration of Orders assigned to them, except with respect to the settlement of appeals to the Assistant Administrators (7 CFR 2301.1 (b) (2) (i)).

(e) *Divisions.* The divisions are as follows:

(1) *Oilseeds Division.* Develops price support programs for oilseeds, such as soybeans, flaxseed, and other similar commodities, for submittal to the Secretary and the Board of Directors of the Commodity Credit Corporation, and administers such programs as may be authorized by them; initiates and develops recommendations with respect to maximum price regulations affecting oilseeds; assists in research and development related to new and substitute products and processes and new uses; cooperates in the formulation of production goals; recommends programs related to production, distribution, and disposal of oilseeds.

(2) *Peanut Division.* Develops price support programs for peanuts for submittal to the Secretary and the Board of Directors of the Commodity Credit Corporation, and administers such programs as may be authorized by them; initiates and develops recommendations with respect to maximum price regulations affecting peanuts; assists in research and development related to new and substitute products and processes and new uses; cooperates in the formulation of production goals; recommends programs related to production, distribution, and disposal of peanuts; formulates and administers through the Field Service Branch peanut marketing quota programs when in effect.

(3) *Processed Oils Division.* Performs a continuing analysis of supply, demand, and other market factors, and, on the basis of such analyses, initiates and administers programs, including war food orders, designed to assure conservation and an equitable distribution of such supplies, initiates and conducts meetings of advisory committees.

(4) *Procurement - Import Division.* Executes all purchase programs in connection with fats, oils, and imported oilseeds; collaborates in preparing directives for the importation of food to be acquired through public purchase; consults with the trade on the establishment and application of import programs; conducts all stock pile sales and sales of declared surplus oilseeds, fats and oils, and products; makes specific allocations of stock pile supplies of fats and oils among refiners, processors, industrial users, and others.

§ 2304.2 *Field offices.* (a) The Sugar, Fibers and Fats and Oils Office, Production and Marketing Administration, 150 Broadway, New York, New York, handles settlements with respect to sales and purchases of foreign vegetable oils and bulk domestic vegetable oils.

(b) The Chicago office of the Grain Branch, Production and Marketing Administration, 208 South La Salle Street, Chicago, Illinois, handles settlements in connection with processor contracts under the soybean price support program, and handles loans and purchases of soybeans.

(c) The G F A Peanut Association, Camilla, Georgia, the Growers Peanut Cooperative, Franklin, Virginia, and the Southwestern Peanut Growers Association, Gorman, Texas, act as agents of Commodity Credit Corporation in administering peanut purchase and loan programs.

(d) The regional offices of the Grain Branch at the following locations handle loans and purchases of flaxseed: 208 South La Salle Street, Chicago, Illinois; Dwight Building, 1004 Baltimore Avenue, Kansas City 13, Missouri; McKnight Building, Minneapolis, Minnesota; Eastern Building, Southwest Tenth and Washington Streets, Portland 5, Oregon.

§ 2304.3 *Availability of Information and Records.* Any person desiring information or to make submittals or requests with respect to the programs and functions of the Branch, should address: The Director, Fats and Oils Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. The records of the Branch, including those maintained in the Field Offices, are available for examination in accordance with the rules and designation of records issued by the Secretary (7 CFR Part 2100).

SUBPART B—FUNCTIONS AND PROCEDURES

§ 2304.11 *Price support*—(a) *Peanuts.* The Stabilization Act of 1942, as amended (50 U. S. C. App. 968) authorizes and directs the Commodity Credit Corporation to make loans on peanuts for nuts under the terms and conditions set forth in the act. The act of July 1, 1941 (15 U. S. C. 713a–8), requires the Secretary to support during the war and for a period of two years beginning the first of January following the year in which the cessation of hostilities is declared, the prices for farm commodities for which an increase in production has been re-

quested. Increased production has been requested for peanuts for oil. Prices for peanuts are currently supported by nonrecourse loans made through lending agencies to producers. The announcement and rules relating to peanut loan programs approved by the Secretary and the Board of Directors of the Commodity Credit Corporation are set forth in 6 CFR 275. Prices are also supported by the making of purchases of peanuts through designated agencies. Full recourse loans are made through dealer lending agencies to dealers in order to encourage them to purchase peanuts at not less than support prices.

(b) *Other commodities.* Under the authority of the Act of July 1, 1941, referred to above, price support programs are in effect for flaxseed for oil and soybeans for oil. Prices for flaxseed and soybeans are supported by means of loans made available to farmers through lending agencies upon application to county offices of the Field Service Branch (7 CFR, Part 2324). Purchases of flaxseed and soybeans are made by Commodity Credit Corporation where necessary to support such prices.

§ 2304.12 *Sales programs.* Stocks of oilseeds, fats and oils, and products are acquired by Commodity Credit Corporation through purchase and price support programs. These stocks are marketed by the Branch through the facilities of the Procurement-Import Division. The Procurement-Import Division also prepares for issuance by the Chief of the Division announcements of proposed sales of fats and oils declared surplus by the various departments and agencies of the Government (7 CFR, Part 1700; 32 CFR, Part 8300 et seq.) and handles the sales of such products. Announcements of sales of surplus property are mailed directly to interested persons by the Chief of the Procurement-Import Division. Any person desiring to have his name placed on this mailing list should address a request therefor to the Chief.

§ 2304.13 *Purchase programs.* Purchases of domestic and foreign fats and oils and their products approved by the Board of Directors of the Commodity Credit Corporation and the Secretary are made in the name of Commodity Credit Corporation by the Procurement-Import Division of the branch for the accounts of requesting agencies of the Government and foreign governments. Foreign purchases and sales are made in accordance with recommendations of the International Emergency Food Council. Requests for the purchase of fats and oils to be procured domestically are also handled by the Procurement-Import Division. Announcements are prepared stating the types, grades and quantities of fats and oils to be purchased, and indicating the packaging requirements to be met. These announcements are mailed directly to processors, brokers and others who might have such commodities for sale. Any person desiring to have his name placed on this mailing list should address a request therefor to the Chief of the Division, indicating the commodities for which he desires announcements.

§ 2304.14 *War Food Orders.* Orders necessary to assure conservation and an equitable distribution of oilseeds, fats and oils, and products are recommended, and when issued by the Secretary, pursuant to Title III of the Second War Powers Act (50 U. S. C. App., 1152) are administered by Order Administrators. Information concerning any War Food Order may be obtained from the Order Administrator by writing to the Director of the Branch.

PART 2305—FRUIT AND VEGETABLE BRANCH

SUBPART A—ORGANIZATION

Sec.

2305.1 Central Office.
2305.2 Field offices.
2305.3 Availability of information and records.

SUBPART B—FUNCTIONS AND PROCEDURES

2305.10 Marketing agreements and orders.
2305.11 Official standards for fresh and processed fruits and vegetables.
2305.12 Fresh and processed fruit and vegetable inspection.
2305.13 Market news reports.
2305.14 Purchase programs.
2305.15 Sales programs.
2305.16 Diversion programs.
2305.17 Perishable Agricultural Commodities Act.
2305.18 Produce Agency Act.
2305.19 Export Apple and Pear Act.
2305.20 Standard Container Acts of 1916 and 1928.
2305.21 War Food Orders.
2305.22 Commodity loans.

SUBPART A—ORGANIZATION

§ 2305.1 *Central office*—(a) *General.* The principal office of the Branch is at Washington, D. C., in the South Agriculture Building, consisting of the Office of the Director, Regulatory Division, Processed Products Standardization and Inspection Division, Fresh Products Standardization and Inspection Division, Market News Division, Vegetable Division, Potato Division, Citrus Fruit Division, Desiduous Fruit Division, Dried Fruits and Nuts Division, and Contracts and Records Division.

(b) *The Director.* Under the general supervision of the Administrator, the Director formulates, directs and supervises the execution of the policies, programs and activities of the Production and Marketing Administration and the Commodity Credit Corporation assigned to the Branch and serves as a Contracting Officer and executive of the Commodity Credit Corporation in general charge of the activities of the Corporation carried out through the Branch. The Director has final authority to:

(1) Execute purchase, sale, loan and diversion contracts on behalf of the Production and Marketing Administration or Commodity Credit Corporation relating to programs for which the Branch is responsible.

(2) Settle and adjust claims by and against the Commodity Credit Corporation relating to programs for which the Branch is responsible, within the limitations established by the Corporation (6 CFR Part 200 et seq.).

(3) Contract for sales of property under the provisions of the Surplus Property Act of 1944 pursuant to authorization from the Assistant Administrator for Fiscal and Inventory Control.

(4) Take all action necessary or appropriate in the administration of War Food Orders assigned to the Branch, that have been approved by the Secretary under Title III of the Second War Powers Act (56 Stat. 177), except with respect to the settlement of appeals to the Assistant Administrators (7 CFR Part 2301).

(5) Terminate, under the provisions of the Contract Settlement Act of 1944, contracts relating to programs for which the Branch is responsible and approve settlement agreements under terminated contracts that do not provide for the payment of more than $50,000 to a prime contractor or $5,000 to a sub-contractor. (This authority may also be exercised by Associate and Assistant Branch Directors.)

(6) Take all action necessary or appropriate in the administration of the Perishable Agricultural Commodities Act (7 U. S. C. 499a et seq.), Produce Agency Act (7 U. S. C. 494), Export Apple and Pear Act (7 U. S. C. 581–589), and the Standard Container Acts of 1916 (1 U. S. C. 251–256) and 1928 (15 U. S. C. 257–257i), subject to limitations contained in said Acts and in rules and regulations with respect thereto (7 CFR 46 and 47, 48, 33, and 41, respectively).

(7) Take all action necessary or appropriate in the administration of marketing agreements and marketing orders, relating to the handling of fruits, vegetables, and related products, approved by the Secretary in accordance with the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), subject to limitations contained in the agreements and orders themselves, and in rules and regulations applicable thereto. Such action includes, but is not limited to, the following:

(i) To issue, amend, modify, or terminate any volume, grade, or size regulation and make any finding or determination requisite to the issuance, amendment, modification, or termination of any such regulation, as may be deemed necessary or proper by the Director under and pursuant to the provisions of any marketing agreement or marketing order effective in accordance with the provisions of the aforesaid act, but the Director is not authorized to amend, suspend, or terminate any marketing agreement or marketing order or any provision thereof.

(ii) To supervise the operations and activities of any market administrator, committee member, or other agent or employee of any agency established under a marketing agreement or marketing order, and to require such agents or agencies to submit, from time to time, such reports or other data as the Director determines to be necessary or appropriate.

(iii) To direct such agents or agencise to take any action, not inconsistent with the provisions of such marketing agreements or marketing orders, as the Director determines to be necessary or appropriate to effectuate the purposes and to secure the lawful and successful administration of any such marketing agreement or marketing order.

(8) To calculate or determine rates and prices within the limitations of authorized loan, purchase, price support,

subsidy, sales and other programs assigned to the Branch.

(c) *Contracting and claims officers.* (1) Contracting officers are appointed by the Director with approval of the President, Commodity Credit Corporation, and may, to the extent authorized by their appointment, execute contracts relating to the activities of the Production and Marketing Administration or the Commodity Credit Corporation for which the Branch is responsible. The names of such officers may be obtained from the Director.

(2) Claims officers are appointed by the Director with approval of the President, Commodity Credit Corporation, and may settle certain types of claims by and against Commodity Credit Corporation in accordance with the procedure set forth in 6 CFR 200. The names of such officers may be obtained from the Director.

(d) *War Food Order administrators.* Under war food orders approved by the Secretary, order administrators have final authority, under the general direction of the Director, to take all action necessary or appropriate in the administration of orders assigned to them, except with respect to the settlement of appeals to the Assistant Administrators (7 CFR 2301). The names of order administrators may be obtained from the Director.

(e) *Divisions.* The Divisions are as follows:

(1) *Regulatory Division.* Under the provisions of the Perishable Agricultural Commodities Act, Produce Agency Act, Export Apple and Pear Act, and the Standard Container Acts of 1916 and 1928, the Division develops for publication standard specifications for, and conducts an inspection service on, fresh fruit and vegetable containers; issues licenses to and collects license fees from commission merchants, dealers, and brokers handling perishable agricultural commodities; investigates alleged violations of the Acts and audits the books and records of licensees to determine compliance with the terms of the Acts; and directs the field activities of the Division.

(2) *Processed Products Standardization and Inspection Division.* Develops for publication U. S. Standards for and regulations governing the grading and certification of canned, dried, dehydrated, and frozen fruits and vegetables and miscellaneous commodities; performs research on and demonstrates standards for such commodities; formulates purchase specifications; maintains an inspection service on processed fruits and vegetables and miscellaneous commodities; develops and enters into cooperative inspection agreements; and directs the field activities of the Division.

(3) *Fresh Products Standardization and Inspection Division.* Develops for publication U. S. Standards for and regulations governing the grading and certification of fresh fruits and vegetables and miscellaneous commodities; performs research on and demonstrates standards for such commodities; develops purchase specifications; maintains an inspection service on fresh fruits and vegetables and miscellaneous commodities; develops and enters into cooperative inspection agreements; and directs the field activities of the Division.

(4) *Market News Division.* Conducts, through a system of field offices and leased-wire facilities, the collection and dissemination of market news on fruits and vegetables and miscellaneous commodities; compiles daily, weekly, and annual reports of market receipts, prices, unloads, and related data on fruits and vegetables; compiles daily reports and periodic summaries of shipments of such commodities; and directs the field activities of the Division.

(5) *Vegetable, Potato, Citrus Fruit, Deciduous Fruit, and Dried Fruits and Nuts Divisions.* Plan and recommend production goals; analyze current supply and demand and the effectiveness of marketing systems and adequacy of marketing facilities; plan and execute supply purchase programs, price support, subsidy, and sales programs; develop and administer marketing agreements, marketing orders, and war food orders approved by the Secretary; and exercise technical direction over programs of the Divisions conducted in the field.

(6) *Contracts and Records Division.* Assists commodity divisions in the development of contracts, agreements, and related documents; prepares abstracts of offers and acceptances; maintains control of commodity program performance; and compiles and issues periodic and special reports of purchase, sales, price support, subsidy, loan, and related program operations.

§ 2305.2 *Field Offices*—(a) *Marketing Field Offices.* Under the immediate supervision of the Director, Marketing Field Offices assist in the development and execution of programs of the commodity divisions of the central office. These offices are located as follows:

California—2288 Fulton Street, Berkeley; 704 South Spring Street, Los Angeles; 220 Federal Building, Sacramento;
Colorado—810 14th Street, Denver;
Florida—311 East Main Street, Lakeland;
Georgia—449 West Peachtree Street, Atlanta;
Illinois—610 South Canal Street, Chicago;
New York—641 Washington Street, New York;
Oregon—203 Terminal Sales Building, Portland;
Texas—556 U. S. Terminal Annex, Dallas.

(b) *Market News Field offices.* Under the immediate supervision of the Market News Division, Market News Field Offices collect, compile, and issue reports on supplies, market conditions, and prices of fresh fruits and vegetables, honey, and peanuts; and issue daily, monthly, and seasonal reports on prices, sales, supply, and related data. Permanent offices are located as follows:

California—784 South Central Avenue, Los Angeles; 630 Sansome Street, San Francisco;
Colorado—19th and Stout Streets, Denver;
Georgia—78 Marietta Street, Atlanta;
Illinois—1421 South Aberdeen Street, Chicago;
Louisiana—612 Cotton Exchange Building, New Orleans;
Maryland—801 Appraisers' Stores Building, Baltimore;
Massachusetts—408 Atlantic Avenue, Boston;
Michigan—27 Detroit Union Produce Terminal, Detroit;
Minnesota—302 Gorham Building, Minneapolis;
Missouri—8th and Grand Streets, Kansas City, 1114 Market Street, St. Louis;
New York—641 Washington Street, New York;
Ohio—505 U. S. Post Office and Court House, Cincinnati; 4000 Orange Avenue, Cleveland;
Oregon—S. W. Broadway and Main Streets, Portland;
Pennsylvania—501 Bessemer Building, Pittsburgh; 2d and Chestnut Streets, Philadelphia;
Texas—Tenth and Lamar Streets, Fort Worth;
Washington—228 Federal Office Building, Seattle; 310 Old Court House, Yakima.

Temporary Market News Field Offices are established from time to time to issue market news reports concerning seasonal fruits and vegetables. The location of any such offices may be obtained from the Director.

(c) *Regulatory field offices.* Under the immediate supervision of the Regulatory Division, Regulatory Field Offices investigate alleged violations of the Perishable Agricultural Commodities Act, Produce Agency Act, Export Apple and Pear Act, and the Standard Container Acts of 1916 and 1928; audit the books and records of licensees to determine compliance with the terms of the Acts; examine and investigate complaints of violations; and collect fees, arrearages, and penalties. These offices are located as follows:

California—294 Wholesale Terminal Building, Los Angeles;
Florida—7 Postal Arcade Building, Winter Haven;
Illinois—1421 South Aberdeen Street, Chicago;
New York—204 Franklin Street, New York.

(d) *Fresh and processed products standardization and inspection field offices.* Standardization and Inspection Field Offices provide inspection service for fruits, vegetables, nuts and miscellaneous commodities at processing plants and at storage, shipping, transit, and receiving points; conduct training courses for inspectors; in cooperation with Federal and State agencies, agricultural schools and consumer organizations; conduct educational and demonstrational programs on the use of U. S. Standards; collect inspection fees; and issue, suspend and recommend revocation of licenses to inspectors. District supervisory offices are maintained at 821 Market Street, San Francisco, California; 1421 S. Aberdeen Street, Chicago, Illinois; and 641 Washington Street, New York, New York. Standardization and Inspection Field Offices are located throughout the United States. Their addresses may be obtained by writing to the Director.

§ 2305.3 *Availability of information and records.* Any person desiring information or to make submittals or requests concerning the programs or functions of the Branch should address: The Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington, D. C. The records of the Branch, including those maintained in the field offices, are available for ex-

amination in accordance with the rules and designation of records issued by the Secretary (7 CFR Part 2100) and in accordance with the general regulations (7 CFR 900.200 et seq.) issued under the Agricultural Marketing Agreement Act of 1937, as amended.

SUBPART B—FUNCTIONS AND PROCEDURES

§ 2305.10 *Marketing agreements and orders.* Marketing agreements and marketing orders regulating the handling of fruits, vegetables, and related products are issued by the Secretary under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). The Secretary has issued general regulations pursuant to said Act which contain (1) the rules of practice and procedure governing proceedings to promulgate marketing agreements and marketing orders, (2) rules of practice governing proceedings on petitions to modify or to be exempted from marketing orders, (3) procedure governing meetings to arbitrate and mediate disputes relating to sales of fruits and vegetables, and (4) miscellaneous regulations. These general regulations are published (7 CFR 900).

Proceedings leading to the promulgation of a marketing agreement or a marketing order, or an amendment thereto, regulating the handling of fruits, vegetables, and related products, in a specified area, may be initiated by the Department or any interested person. Proposals for the institution of such proceedings should be addressed to the Director. Such proposals should contain economic and factual data showing the existence of the conditions prerequisite to the establishment of Federal regulation under the standards prescribed in the Agricultural Marketing Agreement Act of 1937, as amended. Action on such proposals is taken in accordance with the procedures set forth in the general regulations mentioned above.

Marketing orders are published (7 CFR, Part 901 et seq.). Each marketing agreement or order specifies the agency for the administration thereof and prescribes such agency's powers and duties. The Branch supervises and reviews the activities of such marketing agencies.

§ 2305.11 *Official standards for fresh and processed fruits and vegetables.* The Department of Agriculture Appropriation Acts authorize the Secretary to develop, issue, and promote the use of, U. S. Standards for fresh and processed fruits and vegetables. The purpose of the standards is to obtain uniformity in grading. The standards are developed in the Branch and are issued by the Administrator. Producers and handlers usually cooperate in the development of standards for specific commodities. Any person desiring information concerning grades for fresh or processed fruits and vegetables should address his request to the Director.

§ 2305.12 *Fresh and processed fruit and vegetable inspection.* The Department of Agriculture Appropriation Acts authorize the Department to provide an inspection service for fresh and processed fruits, vegetables, and other products. The Secretary is authorized to inspect and certify the grade, quality, and condition of fruits, vegetables, and other products and to make a charge for the service performed. Rules and regulations governing the inspection and certification of fruits and vegetables and other products are published (7 CFR Parts 51 and 52). Any person who desires to have fruits and vegetables inspected, or who wishes to obtain information relating thereto, should address his request to the Director.

§ 2305.13 *Market news reports.* The Department of Agriculture Appropriation Acts authorize the Secretary to collect and disseminate by mail, radio, and press, information concerning supplies, distribution, movement, prices, shipments, market receipts, track holdings, and other information relating to fresh fruits and vegetables. Such information is obtained primarily from wholesalers, dealers and others operating at shipping points and in the terminal markets. Shipment information is obtained from the various railroads. Daily reports are issued and mailed free of charge by each Market News Field Office, and monthly and annual reports in summary form are likewise issued. In addition, the Market News Division issues weekly market reports on peanuts and semi-monthly reports or information on honey. Any person desiring market reports or information relating thereto should address his request to the nearest Market News Field Office (§ 2305.2 (b)).

§ 2305.14 *Purchase programs.* Purchases of fruits, vegetables, and products thereof, approved by the Board of Directors of the Commodity Credit Corporation and the Secretary, are made by the Branch in the name of the Commodity Credit Corporation, to meet the requirements of requisitioning Federal agencies and foreign governments, or for price support purposes (15 U. S. C. 713a–8). Purchases of fruits and vegetables and products thereof are also made by the Branch, with the approval of the Secretary, for the purpose of encouraging domestic consumption of such commodities (7 U. S. C. 612c). Purchases of potatoes and sweet potatoes (unprocessed) are handled through the County Agricultural Conservation Office of the Field Service Branch (7 CFR Part 2324). Purchase announcements containing instructions are prepared and made available to all persons known to be interested in offering such commodities for sale. Any person desiring to receive announcements relative to the purchase of any fruits and vegetables or products thereof by the Branch should address his request to the Director.

§ 2305.15 *Sales programs.* The Branch markets excess stocks of fruits, vegetables, and related products acquired by the Commodity Credit Corporation through purchase and price support programs and the stocks of fruits and vegetables declared as surplus and referred to the Department of Agriculture for disposition by various agencies of the Federal Government (32 CFR, Part 8300 et seq.). The Branch prepares and sends announcements containing the terms and conditions of sale to persons who have so requested. Bids in response to such announcements are received by the Branch and successful bidders are notified. Persons may request the Director to be placed on the mailing list for the receipt of sales announcements.

§ 2305.16 *Diversion programs.* Fruits and vegetables may be diverted from the normal channels of trade and commerce into manufactured or industrial products, livestock feed or other products by means of indemnity payments, benefit payments, or other means approved by the Secretary (7 U. S. C. 612c). Any person desiring information concerning any of these programs should address his inquiry to the Director.

§ 2305.17 *Perishable Agricultural Commodities Act.* The Perishable Agricultural Commodities Act (7 U. S. C. 499a et seq.) provides for the licensing of all commission merchants, dealers and brokers handling perishable agricultural commodities in interstate and foreign commerce. The Secretary is authorized to investigate complaints of violations, hold hearings and issue reparation orders awarding damages, and to issue disciplinary orders requiring publication of the facts or suspension or revocation of licenses. Rules and regulations relating to such proceedings and the administration of the Act are published (7 CFR, Parts 46 and 47). Any person desiring information concerning the Perishable Agricultural Commodities Act should address his request to the nearest Regulatory Field Office (§ 2305.2 (c)).

§ 2305.18 *Produce Agency Act.* The Produce Agency Act (7 U. S. C. 494) makes it a misdemeanor, punishable by fine or imprisonment, or both, for any person receiving fruits, vegetables, melons, dairy or poultry products, or any perishable farm product of any kind or character, in interstate commerce or in the District of Columbia, for or on behalf of another, to destroy, abandon, discard or dump such products without good and sufficient cause; to make any false report or statement to the shipper concerning the handling, condition, quality, quantity, sale or disposition of the products, knowingly and with intent to defraud; or, knowingly and with intent to dafraud fail to account truly and correctly therefor. The act is administered in accordance with rules and regulations issued by the Secretary (7 CFR Part 48). Any person desiring information relative to the Produce Agency Act should address his request to the nearest Regulatory Field Office (§ 2305.2 (c)).

§ 2305.19 *Export Apple and Pear Act.* The Export Apple and Pear Act (7 U. S. C. 581–589) undertakes to promote the foreign trade of the United States in apples and pears, to protect the reputation of American-grown apples and pears in foreign markets, to prevent deception or misrepresentation as to the quality of such products moving in foreign commerce, and to provide for the commercial inspection of such products entering foreign commerce. The act is administered in accordance with rules and regulations issued by the Secretary (7 CFR Part 33). Any person desiring information concerning the Export Apple and Pear Act should address his request

to the nearest Regulatory Field Office (§ 2305.2 (c)).

§ 2305.20 *Standard Container Acts of 1916 and 1928.* The Standard Container Acts of 1916 (15 U. S. C. 251–256) and 1928 (15 U. S. C. 257–257i) prescribe standard dimensions for containers for certain fruits and vegetables. These acts regulate the manufacture, sale, or shipment of containers, filled or unfilled. Provision is made for seizure or confiscation of containers deemed to be illegal. Regulations governing the administration of the acts have been issued by the Secretary (7 CFR Part 41). Any person desiring information relative to the Standard Container Acts should address his inquiry to the nearest Regulatory Field Office (§ 2305.2 (c)).

§ 2305.21 *War Food Orders.* The Secretary has issued and published in the FEDERAL REGISTER, war food orders relating to fruits, vegetables and nuts. These war food orders are administered by order administrators under the supervision of the Director. Reference should be made to specific war food orders for information relating to the commodities regulated, the manner and extent of such regulation, and the authorities exercised thereunder by the various officials of the Department. Additional information may be obtained from the order administrator of the order involved or the Director.

§ 2305.22 *Commodity loans.* The Commodity Credit Corporation is authorized to make loans on certain agricultural commodities to growers, associations of growers, and others (7 U. S. C. 713, 713a–8). The branch develops rules and regulations governing such loan transactions. Any person desiring information concerning commodity loans on fruits and vegetables or products thereof, should address his request to the Director.

PART 2306—GRAIN BRANCH

SUBPART A—ORGANIZATION

Sec.
2306.1 Central Office.
2306.2 Field offices.
2306.3 Availability of information and records.

SUBPART B—FUNCTIONS AND PROCEDURES

2306.10 Commodity loans.
2306.11 Purchase programs.
2306.12 Sales programs.
2306.13 Commodity services and facilities.
2306.14 United States Grain Standards Act.
2306.15 Inspection of beans and peas, hay and straw, hops, rice, and seed.
2306.16 Federal Seed Act.
2306.17 Permits for ex-quota importation of wheat and flour.

SUBPART A—ORGANIZATION

§ 2306.1 *Central office*—(a) *General.* The principal office of the Branch is at Washington, D. C., in the South Agriculture Building. It consists of the Office of the Director, Feed and Food Grains Division, Food Grains Division, Inspection Division, Market News and Services Division, Peas and Beans Division, Rice Division, Seed Act Division, Seed Marketing Division, and Standardization Research and Testing Division.

(b) *The Director.* Under the general supervision of the Administrator, the Director formulates, directs, and supervises the execution of the policies programs and activities of the Production and Marketing Administration and the Commodity Credit Corporation assigned to the Branch, and serves as a Contracting Officer and executive of the Commodity Credit Corporation in general charge of the activities of the Corporation carried out through the Branch. The Director has final authority, as well as the power to redelegate such authority, to take the following actions with respect to—

(1) *Commodity Credit Corporation programs.* Calculate or determine rates and prices within the limitations of authorized loan, purchase, price-support, subsidy, sales and other programs; contract and terminate contracts for the purchase, sale, storage, movement or other service or facility required to carry out authorized programs; and negotiate and settle claims up to $5,000 in amout arising out of Commodity Credit Corporation contracts.

(2) *Surplus property sales.* Contract for sales of property under the provisions of the Surplus Property Act of 1944 pursuant to authorization from the Assistant Administrator for Fiscal and Inventory Control.

(3) *United States Grain Standards Act.* Designate districts and district headquarters; constitute Boards of Grain Supervisors; designate officers to examine applicants for license; countersign and issue licenses; approve place of posting license; approve form of certificates of grade and statements that may appear thereon; issue instructions and procedures; examine inspectors' records; suspend, cancel, or reinstate inspectors' licenses for other than disciplinary reasons; complete findings of the Secretary on appeals; determine items of charges in addition to published fees; fix time and place of hearings and designate officer to conduct hearings; authorize the taking of depositions; and request information from shippers provided for by the regulations (7 CFR 26.87).

(4) *Inspection services.* Establish and amend standards of class, quality, quantity, and condition; issue instructions and procedures; execute cooperative agreements; countersign and issue licenses to inspectors; approve forms of certificates and statements that may appear thereon; authorize seed dealers to issue verified-origin certificates; assign symbols to seed dealers; and issue schedules of fees and charges.

(5) *Federal Seed Act.* Examine records of origin, germination, and purity; issue instructions and procedures; determine costs and charges for services; execute cooperative agreements with States or agencies thereof; issue notice or warning for minor violations; issue notices of opportunity to present views before prosecution; fix time and place of hearings and designate officer to conduct hearings; determine media for publication of judgments and orders; and issue permits for mixing and blending.

(6) *War Food Orders.* Take all action necessary or appropriate in the administration of War Food Orders assigned to the Branch, that have been approved by the Secretary under Title III of the Second War Powers Act (56 Stat. 177), except with respect to the determination of appeals to the Assistant Administrators. (7 CFR 2301.1 (b) (2) (i)).

(7) *Research and market news.* Execute cooperative agreements with States, organizations, and other persons for purposes of conducting standardization research and to provide market news services in connection with commodities assigned to the Branch.

(8) *Contract inspection.* Enter into agreements and fix fees for the inspection and certification as to compliance with contract specifications of grain products and miscellaneous commodities being acquired, owned, or offered for sale by Government agencies.

(9) *Import permits.* Issue import permits for seed wheat and wheat and flour for experimental purposes (Proclamation 2550).

(c) *Contracting and claims officers.* (1) Contracting officers are appointed by the Director with approval of the President, Commodity Credit Corporation, and may, to the extent authorized by their appointment, execute contracts relating to the activities of the Production and Marketing Administration or the Commodity Credit Corporation for which the Branch is responsible. The names of such officers may be obtained from the Director.

(2) Claims officers are appointed by the Director with approval of the President, Commodity Credit Corporation, and may settle certain types of claims by and against Commodity Credit Corporation in accordance with the procedure set forth in 6 CFR, Part 200. The names of such officers may be obtained from the Director.

(d) *War Food Order Administrators.* Under War Food Orders approved by the Secretary, Order Administrators have final authority under the general direction of the Director, to take all action necessary or appropriate in the administration of Orders assigned to them, except with respect to the determination of appeals to the Assistant Administrators. (7 CFR, Part 2301.)

(c) *Divisions.* The divisions are as follows:

(1) *Feed and Feed Grains Division, Food Grains Division, Peas and Beans Division, Rice Division, and Seed Marketing Division.* Formulate and administer production, adjustment, loan, purchase, subsidy, diversion, export, import, price-support, marketing-quota, processing, storage, transportation, distribution, sale, and surplus disposal programs for grains and other commodities assigned; analyze supply and demand factors and make recommendations for the allocation of available supplies of these commodities; make recommendations of action with respect to maximum price regulations; make recommendations to effect economies and improvements in the storage, transportation, processing, and marketing of these commodities; work with and represent the Branch on advisory committees; administer food orders; cooperate with industry and other

agencies of the Department in developing new and substitute products and processes and new uses; render assistance in labor supply and utilization in commodity processing and distribution industries; develop and present program information; and render technical advice and assistance on storage and warehouse services and facilities, charges and priorities.

(2) *Inspection Division.* Supervises the inspection of grain under the United States Grain Standards Act; conducts the appeal service on grain; inspects and supervises the inspection of hay and straw, beans and peas, rice, hops, and other authorized agricultural products; negotiates cooperative agreements with other Federal agencies, State agencies, and trade organizations for the establishment and operation of inspection services; organizes and conducts demonstrations to insure the correct and uniform application of grades and standards; cooperates with producers and handlers in developing improved marketing practices designed to avoid waste and degrading of crops when presented for inspection at market centers; conducts courses of training for hay-inspector applicants; conducts examinations incident to the licensing of inspectors; issues or recommends the issuance of licenses; directs investigations of violations of the act and regulations, and recommends appropriate action to be taken; and in cooperation with the Food and Drug Administration develops programs designed to prevent the mixing of out-of-condition grain with grain of higher quality intended for human consumption.

(3) *Market News and Services Division.* Issues weekly, monthly, quarterly, and yearly and special reports on market supplies, distribution, and prices of grain, hay, seed, rice, hops, and dry beans; issues market reviews of feeding ratios, and the relationship of grain and feed prices; develops and carries out cooperative agreements with other Government agencies, and State, local, and commercial concerns in the collection and dissemination of market news; and compiles and keeps current, historical and basic data in connection with the commodity activities of the Branch.

(4) *Seed Act Division.* Plans, develops, and directs the sampling and testing of agricultural and vegetable seed imported and in interstate commerce to determine compliance with the provisions of the Federal Seed Act and the handling of seed rejected for importation; directs the inspection of the labeling of agricultural and vegetable seeds to determine compliance with the provisions of the Federal Seed Act; based on a review of evidence of alleged violations, recommends and initiates action to be taken; prepares and issues warnings; performs analyses and tests to determine the identity of seed, purity content, and variety and germination of seed; in cooperation with seed dealers and seed associations verifies, by maintenance, supervision and inspection of records, the origin of alfalfa and red clover seed to assist shippers, dealers, and consumers in the purchase of kown origin seed; performs a sampling and testing service to determine the dockage in forage seeds to assist dealers in arriving at a fair and equitable value of the seed; develops new or improved methods, techniques, and equipment for the purpose of determining germination, purity, and variety of agricultural and vegetable seed for seeding purposes and the quality of screenings and unclean seed; maintains contacts and working relationships with the various States, associations, colleges and other Federal agencies to promote uniformity of State seed laws and inspection, noxious-weed-seed restriction, seed-certification procedure, etc.; and cooperates with associations, the seed industry, other Government bureaus, States, and foreign governments in conducting schools and disseminating information to develop uniformity in seed analyses and testing methods.

(5) *Standardization Research and Testing Division.* Conducts research on the standardization of all commodities except seed assigned to the Branch; develops additional or improved standards; develops equipment for testing or grading commodities assigned to the Branch; tests equipment and methods developed by others and evaluates such equipment and techniques; develops specifications for use in procurement by Federal agencies; conducts cereal research; in cooperation with other agencies develops additional or improved testing methods for new varieties of grain or new marketing practices; tests and analyzes all factors used in the standardization research and regulatory work of the Branch; and performs, directs and supervises technical work of testing commodities purchased by this Branch and as assigned by other branches.

§ 2306.2 *Field offices*—(a) *Merchandising offices.* Offices are located at 208 South La Salle Street, Chicago 4, Illinois; 212 West 14th Street, Kansas City 8, Missouri; 328 McKnight Building, Minneapolis 1, Minnesota; and 515 SW. Tenth Street, Portland 5, Oregon. These offices handle field work connected with loan, purchase, subsidy, diversion, export, price-support, processing, distribution, sale, surplus-disposal, commodity-handling, shipping and storage programs on grains. Information on the programs of each office is available on request from the Director of each office or from the Director, Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

(b) *United States Grain Standards Act field offices.* (1) A General Field Headquarters office is located at 1108 Post Office Building, Chicago 7, Illinois, and a Pacific Coast Headquarters office at 345 U. S. Court House, Portland 5, Oregon. These offices direct the operations of the district field headquarters offices in supervising the inspection of grain by licensed inspectors; maintain efficiency records of the licensees; check the inter-market uniformity of inspections; and investigate irregularities in the inspection and merchandising of grain under the act and recommend appropriate action. There is located at each of these offices a Board of Grain Supervisors which interprets the official standards and handles appeals from decisions by district supervisors on the grade of grain by licensed inspectors. (2) Field offices are maintained as headquarters of districts comprising defined areas (10 F. R. 7839). The location of these offices, by States, together with suboffices where indicated, is as follows:

California: 1534 Post Office Building, Los Angeles 12; and 749 New Appraisers Building, 630 Sansome Street, San Francisco, 11; *Colorado:* 573 U. S. Custom House, Denver 2; *Illinois:* 1204 Post Office Building, Chicago 7, with suboffice 3025 E. 92d Street, Chicago; and 355 Post Office Building, Peoria 2, with suboffice 324 Standard Office Building, Decatur; *Indiana:* 523 Federal Building, 201 North Meridian Street, Indianoplis 4; *Iowa:* 200 Post Office Building, Cedar Rapids; and 208 Post Office Building, Sioux City 16; *Kansas:* 507 Wheeler-Kelly-Hagny Building, Wichita 2, with suboffice 200–A Post Office Building, Hutchinson; *Kentucky:* 301 Post Office Building, Louisville 2; *Louisiana:* 333 St. Charles Street, Room 1401, New Orleans 12; *Maryland:* 801 U. S. Appraisers Stores Building, Baltimore 2; *Massachusetts:* 701–A U. S. Custom House, Boston 9; *Minnesota:* 338 Post Office Building, Duluth 2; and 116 Federal Office Building, Minneapolis 1; *Missouri:* 325 U. S. Court House, Kansas City 6; 331 Post Office Building, St. Joseph 54; and 1001 U. S. Court and Custom House, St. Louis 1; *Montana:* 251 Post Office Building, Great Falls; *Nebraska:* 506 Omaha Grain Exchange Building, Omaha 2; *New York:* 340 Post Office Building, Buffalo 3; and 225 Broadway, Room 3703, New York 7, with suboffices 342 New Post Office Building, Albany 1, and 225 Post Office Building, Hoboken, New Jersey; *Ohio:* 509 Post Office Building, Cincinnati 2; and 639 Edison Building, Madison and Superior Streets, Toledo 4; *Oklahoma:* 319 Post Office Building, Enid; *Oregon:* 525 Post Office Building, Portland 9, with suboffice Vancouver, Washington; *Pennsylvania:* 1002 U. S. Custom House, Philadelphia 6; *Tennessee:* 104 DeSoto Post Office Building, Memphis 3; and 319 Chamber of Commerce Building, 311 4th Avenue North, Nashville 3; *Texas:* 404 U. S. Court House, Fort Worth 2; and 216 Post Office Building, Galveston; *Utah:* 314 Post Office Building, Ogden; *Washington:* 622 Federal Office Building, Seattle 4, with suboffice 412 Post Office Building, Tacoma 2; and 415 Post Office Building, Spokane 8; *Wisconsin:* 642 Post Office Building, Milwaukee 2.

These offices supervise the inspection of grain by inspectors licensed by the Secretary and handle appeals from inspections made by the licensees. They also assist in enforcing the provisions of the act which are designed to prevent fraud and misrepresentation in the merchandising of grain and serve as a source of information regarding the requirements of the act, the regulations thereunder, and the official grain standards of the United States.

The licensed inspectors are located at important grain-marketing centers. Their names and addresses and the kinds of grain for which they are licensed may be obtained from the district field offices.

(c) *Market Inspection of Farm Products Field Offices.* The inspection of beans and peas, hay and straw, hops, rice, and seeds for (1) dockage and (2) verification of origin is performed upon request of interested parties. Inspections are made by authorized employees of the Department of Agriculture or by qualified persons licensed by the Secretary for this purpose. Licensed inspectors are employed under cooperative agreements

with States and trade organizations. Field offices where inspections are made, from which licensed inspectors are supervised, and where information regarding the location of licensees may be obtained by commodities are as follows:

Beans and Peas. In California, Colorado, Illinois, Indiana, Iowa, Maryland, Minnesota, Missouri, Montana, Nebraska, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Texas, Utah, Washington, and Wisconsin at one or more of the United States Grain Standards Act field offices in each of these States as described in paragraph (b) above. Field headquarters offices at 1108 Post Office Building, Chicago 7, Illinois, and 345 U. S. Court House, Portland 5, Oregon, interpret the standards and handle appeals from original inspections.

Hay and Straw. In California, Colorado, Illinois, Maryland, Minnesota, Missouri, Montana, Nebraska, New York, Oregon, Texas, and Washington at one or more of the United States Grain Standards Act field offices in each of these States as described in paragraph (b) above. In *Georgia:* 449 W. Peachtree Street, Atlanta 3.

Hops. Oregon: 345 U. S. Court House, Portland 5.

Rice. In California and Louisiana at the United States Grain Standards Act field offices as described in paragraph (b) above, and in Louisiana at suboffices, Railroad Avenue and S. Main Street, Abbeville; Duson Building, Crowley; and 102 Mill Street, Lake Charles.

Seeds for Dockage and Verification of Origin. In Illinois, Minnesota, and Missouri at one of the United States Grain Standards Act field offices in each of these States as described in paragraph (b) above.

(d) *Federal Seed Act field offices.* Offices are located at 515 Dexter Avenue, Montgomery 1, Alabama; State Office Building No. 1, Sacramento 14, California; 116 Federal Office Building, Minneapolis 1, Minnesota; 325 U. S. Court House, Kansas City 6, Missouri; Agricultural Experiment Station, Corvallis, Oregon (import work only).

Under the immediate supervision of the Seed Act Division these field offices enforce the interstate provisions of the act by receiving and investigating complaints involving interstate shipments of seed and enforce the import provisions of the act by receiving from customs officials for testing samples representing imports and then issuing admission or rejection notices.

(e) *Market News Service field offices.* Offices are located at 304 Wholesale Terminal Building, Los Angeles 21, California, for hay, feed, and beans; 630 Sansome Street, 731 New Appraisers Building, San Francisco 11, California, for grain, hay, feed, hops, beans, and rice; 449 W. Peachtree Street N. E., Atlanta 3, Georgia, for grain, hay, and feed; 1204 Post Office Building, Chicago 7, Illinois, for grain and feed; 116 Federal Office Building, Minneapolis 1, Minnesota, for grain, feed, and flaxseed; 325 U. S. Court House, Kansas City 6, Missouri, for grain, hay, and feed; 345 U. S. Court House, Portland 5, Oregon, for grain, hay, feed, hops, and seed.

Under the immediate supervision of the Market News and Services Division, acting in accordance with authority contained in the Agricultural Appropriation Act, these offices collect, compile and analyze data on stocks, production, movement and utilization of grain, grain byproduct feeds, oilseed meals, animal protein feeds, alfalfa meal, alfalfa and prairie hay, rice, beans, hops, and cover-crop seeds. This material is incorporated in daily, weekly, monthly, quarterly, and seasonal market reviews or summaries which are released for radio and press dissemination and for distribution in mimeographed form to farmers, feeders, and other agricultural interests.

§ 2306.3 *Availability of information and records.* Any person desiring information or to make submittals or requests with respect to the programs and functions of the Branch should address: The Director, Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. The records of the Branch, including those maintained in the field offices, are available for examination in accordance with the rules and designation of records issued by the Secretary (7 CFR, Part 2100).

SUBPART B—FUNCTIONS AND PROCEDURES

§ 2306.10 *Commodity loans.* The Agricultural Adjustment Act of 1938 (7 U. S. C. 601 et seq.) authorizes and directs the Commodity Credit Corporation to make loans on the basic commodities of wheat, rice, and corn. The making of loans on nonbasic commodities is also authorized (15 U. S. C. 713a–8). The announcement and rules relating to loan programs, approved by the Secretary and Board of Directors of Commodity Credit Corporation, are issued annually. Loans are available to eligible producers on application to County Agricultural Conservation offices of the Field Service Branch (7 CFR, Part 2324) in the areas where loans are available, and the borrower may obtain from such offices the names of local lending agencies (local banks, cooperative marketing associations, corporations or others) which will make disbursements on his loan papers. Producers who wish to make a loan direct with Commodity Credit Corporation may do so by writing to the Director of the merchandising office of the Grain Branch nearest to him. The addresses of these offices are listed in § 2306.2.

§ 2306.11 *Purchase programs.* With the approval of the Board of Directors of the Commodity Credit Corporation and the Secretary, grain and its products are purchased either to support prices and/or to fill requisitions of requesting agencies and governments. Purchases may be made on the basis of announcement and offer to buy, by bid, by direct negotiation, by open-market purchases or on such other basis as may best achieve the desired result. The type and character of purchase operation varies with the programs, and additional information may be obtained from the Director, Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

§ 2306.12 *Sales programs.* Sales programs fall in two general classes: surplus sales and regular program sales.

(a) *Surplus sales.* Commodities referred to the Branch for disposal as surplus are sold in accordance with the regulations governing the disposal of surplus commodities and on the basis of public announcement and offer to sell in the order of priority classification.

(b) *Regular program sales.* Commodities are acquired through purchase programs specifically authorizing the acquisition of commodities for subsequent sale, through price-supporting operations, or through default of borrowers on loans. Commodities purchased to fill requisitions of requesting agencies are sold on the basis of the agreement covering such purchase and sale. Other commodities are sold on the basis of public announcement or on the open market.

§ 2306.13 *Commodity services and facilities.* Services and facilities required to carry out program operations are procured in accordance with custom and usage governing the particular transaction. Storage is contracted for on the basis of a Uniform Warehouse Agreement; commodities are moved through the use of commercial billing; drayage, weighing, handling, sampling, and inspection services are all procured in the usual manner. Information on any of these activities may be obtained from the Director of any of the four merchandising offices (§ 2306.2).

§ 2306.14 *United States Grain Standards Act.* (a) The United States Grain Standards Act (7 U. S. C. 71 et seq.) provides for service and regulatory activities. Under its terms the Secretary of Agriculture is authorized to fix and establish standards for grains. Official standards (7 CFR, Part 26) have been promulgated under the act for wheat, corn, barley, oats, feed oats, mixed feed oats, rye, grain sorghums, flaxseed, soybeans, and mixed grain.

(b) Following the promulgation of standards for any grain, the act requires that such grain must be inspected, graded, and certificated according to the official standards when it is merchanised by grade in interstate or foreign commerce from or to an inspection point. The primary inspection of grain is performed by inspectors who are employees of State and trade association inspection departments and in some cases by independent inspectors who work on a fee basis, all of whom are licensed by the Secretary of Agriculture.

(c) Regulations under the act have been promulgated by the Secretary (7 CFR, Part 26) which outline the procedure for licensing inspectors, the method of obtaining appeals, the fees charged for appeals and restrictions on the merchandizing of grain under the act.

§ 2306.15 *Inspection of beans and peas, hay and straw, hops, rice, and seed.* The inspection and grading of these commodities is conducted under authority contained in the Market Inspection of Farm Products item of the appropriation act for agriculture. Inspections under this authority are performed

upon request of interested parties. Standards have been issued under this authority for (1) beans, peas, split-peas and lentils; (2) the principal kinds of hay and straw; and (3) rough rice, brown rice, and milled rice. Instructions and procedure have been issued in lieu of standards (1) for the inspection of hops for leaves and stems and for seeds; (2) for the determination of dockage in timothy and sweet clover seed; and (3) for the verification of the origin of alfalfa and red clover seed. Rules and regulations governing each of these services have been promulgated by the Secretary (7 CFR, Parts 57–60, 62, 66). These regulations are the guide to the development and use of these services including the training and licensing of inspectors, handling of appeals, and the establishment and collection of fees.

§ 2306.16 *Federal Seed Act.* (a) The Federal Seed Act of August 9, 1939 (7 U. S. C. 1551 et seq.) provides for the regulation of interestate and foreign commerce in agricultural and vegetable seeds; requires labeling and prohibits misrepresentation of seeds in interstate commerce; requires that imported seeds meet certain standards. Rules and regulations are promulgated by the Secretary of Agriculture under certain provisions of the act and joint regulations by the Secretary of Agriculture and the Secretary of the Treasury under the import provisions of the act.

(b) The act requires specified labeling, prohibits false advertising, and incorporates requirements of State seed laws with respect to noxious-weed seeds. The import provisions of the act provide for limitations on the percentage of pure live seed, the weed-seed percentage, and the number of noxious-weed seeds present in seed before allowing its entry into the United States. The act also requires the staining of alfalfa and red clover seed of foreign origin.

(c) The act provides for administrative proceedings and criminal action against violators and seizure of seed found to be falsely labeled. The act requires that notice of judgments and cease and desist orders be published.

§ 2306.17 *Permits for ex-quota importation of wheat and flour.* Proclamation 2550 of April 13, 1942, authorizes the importation of certified seed wheat and of wheat and wheat flour for experimental and scientific purposes upon written approval of the Secretary or his designated representative. Applications for such importation of wheat or wheat flour for experimental or scientific purposes should be addressed to the Chief, Standardization Research and Testing Division, Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. Application for importation of certified seed wheat should be addressed to the Chief, Seed Act Division, Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

PART 2307—LIVESTOCK BRANCH

SUBPART A—ORGANIZATION

Sec.

2307.1 Central Office.
2307.2 Field offices.
2307.2 Availability of information and records.

SUBPART B—FUNCTIONS AND PROCEDURES

2307.10 Insecticide Act.
2307.11 Market news.
2307.12 Standards for grades of livestock and meats.
2307.13 Meat inspection.
2307.14 Packers and Stockyards Act.
2307.15 Purchase programs for meat products.
2307.16 Sales programs for meat products.
2307.17 Standards for grades of wool.
2307.18 Meat grading.
2307.19 Horse and dairy cattle procurement.
2307.20 Secretary certification of packing plants.
2307.21 Meat set-aside.
2307.22 Wool purchase program.

SUBPART A—ORGANIZATION

§ 2307.1 *Central Office*—(a) *General.* The principal office of the Branch is at Washington, D. C., in the South Agriculture Building, consisting of the Office of the Director, Distribution Division, Insecticide Division, Market News Division, Meat Inspection Division, Meat Merchandising Division, Packers and Stockyards Division, Standardization and Grading Division, and Wool Division.

(b) *The Director.* Under the general supervision of the Administrator, the Director formulates, directs and supervises the execution of policies, programs, and activities of the Production and Marketing Administration and Commodity Credit Corporation assigned to the Branch and serves as a Contracting Officer and executive of the Commodity Credit Corporation in general charge of the activities of the Corporation carried out through the Branch. The Director has delegated to Chiefs of Divisions final authority to take all action necessary or appropriate in the discharge of their assigned functions.

(c) *Contracting and Claims Officers.* (1) Contracting officers are appointed by the Director with approval of the President, Commodity Credit Corporation, and may, to the extent authorized by their appointment, execute contracts relating to the activities of the Production and Marketing Administration or the Commodity Credit Corporation for which the Branch is responsible. The names of such officers may be obtained from the Director.

(2) Claims officers are appointed by the Director with approval of the President, Commodity Credit Corporation, and may settle certain types of claims by and against Commodity Credit Corporation in accordance with the procedure set forth in 6 CFR Part 200. The names of such officers may be obtained from the Director.

(d) *War Food Order Administrators.* Under War Food Orders approved by the Secretary, Order Administrators have final authority under the general direction of the Director, to take all action necessary or appropriate in the administration of orders assigned to them, except with respect to the settlement of appeals to the Assistant Administrators (7 CFR 2301).

(e) *Divisions.* The divisions are as follows:

(1) *Distribution Division.* Establishes set-aside requirements for specified amounts of meat which apply to meat packers, and establishes minimum prices which are permitted to be paid for food animals under War Food Orders approved by the Secretary pursuant to Title III of the Second War Powers Act (56 Stat. 177), acts as agent of Commodity Credit Corporation in purchasing horses and dairy cattle for procurement by UNRRA, administers orders and regulations issued by the Secretary and Administrator under the Stabilization Act of 1942 (50 U. S. C. App. 961 et seq.) providing for certification of non-federally inspected packing plants.

(2) *Insecticide division.* Takes all action necessary or appropriate in the administration of the Insecticide Act (7 U. S. C. 121–134) which is designated to protect farmers, livestock growers, and other users of insecticides, and fungicides including disinfectants, against losses resulting from the use of misbranded and adulterated products.

(3) *Market news division.* Under authority contained in the Agriculture Appropriation Act for 1917 (39 Stat. 473), the division directs, through a system of field offices and leased wire facilities, the collection and dissemination of market news on livestock, meats, and wool.

(4) *Meat inspection division.* Takes all action necessary or appropriate in the administration of the Meat Inspection Act, as amended and extended (21 U. S. C., 71–92), which provides for the production of a wholesome meat supply in interstate and foreign commerce through the maintenance of inspection at meat packing plants engaged in such commerce, the import meat provision of the Tariff Act of 1930 (19 U. S. C., 1306 (b), 1306 (c)), which provides for the inspection of meats offered for importation into the United States and its possessions, the Horse Meat Act (21 U. S. C., 96), which contemplates the production of a wholesome horse meat supply in interstate and foreign commerce through the maintenance of inspection at horse meat plants engaged in such commerce. Arranges for the examination and certification concerning specification compliance of meat and meat products intended for Government purchase and for others according to the terms of agreement with the agencies requesting the service.

(5) *Meat Merchandising Division.* Acts as agent of the Commodity Credit Corporation in purchasing and selling meat products under authorized programs. Disposes of surplus meat products under provisions of the Surplus Property Act of 1944 as authorized by the Assistant Administrator for Fiscal and Inventory Control.

(6) *Packers and Stockyards Division.* Takes all action necessary or appropriate in the administration of the Packers and

Stockyards Act, as amended (7 U. S. C. 181–231) which provides that facilities and services furnished by stockyards be adequate and that there be no unfair trade practices involving the purchase and sale of livestock at public stockyards. The provisions of the act as they relate to livestock have also been applied to live poultry handlers in certain designated cities.

(7) *Standardization and Grading Division.* Prepares standards for livestock and meat and demonstrates such standards to the trade (45 Stat. 539). Conducts a Federal meat grading service which is a permissive service not mandatory on the industry (7 U. S. C. 414). Arranges for the examination and certification concerning specification compliance of meat, meat products, dairy cattle, and horses intended for Government purchase and for others according to terms of agreements with the agency requesting the service.

(8) *Wool Division.* Develops and executes wool purchase and sales programs as an agent of Commodity Credit Corporation. Plans and develops programs and procedures for appraisal of domestic wool and conducts tests and studies designed to develop and improve marketing and utilization of wool, wool top, other wool products, and mohair as an agent of Commodity Credit Corporation. Prepares standards for wool and wool top under authority vested in the Secretary by statute (45 Stat. 593).

§ 2307.2 *Field offices.* (a) Distribution Division, procurement and quota offices are located at 5 South Wabash St., Chicago, Ill., and 150 Broadway, New York, N. Y.

(b) Insecticide Division, investigation offices are located at Room 529, Federal Office Bldg., San Francisco 2, Calif.; 441 West Peachtree St., N. E., Atlanta 3, Ga.; 1205 Post Office Bldg., Van Buren and Canal Sts., Chicago 7, Ill.; Room 800 U. S. Appraisers Stores Bldg., Gay and Lombard Sts., Baltimore 2, Md.; 902 U. S. Court and Customhouse Bldg., 1114 Market St., St. Louis 1, Mo.; Room 830 Federal Bldg., 641 Washington St., New York 14, N. Y.; Room 509 Post Office Bldg., Cincinnati 2, Ohio; and laboratories are located at Room 529 Federal Office Bldg., San Francisco 2, Calif.; Box 532 Bradenton, Florida; 1205 Post Office Bldg., Van Buren and Canal Sts., Chicago 7, Ill.; Beltsville Research Center, Beltsville, Md.; 320 Ninth Ave., Haddon Heights, N. J.; Room 830 Federal Bldg., 641 Washington St., New York 14, N. Y.; 8 No. 27th St., Corvallis, Oregon; Kenard, Texas.

(c) Market News Division offices are located at 515 Dexter Ave., Montgomery, Ala.; 206 Live Stock Exchange, Los Angeles, Calif.; 729 Appraisers Bldg., San Francisco, Calif.; 214 Live Stock Exchange, Denver, Colo.; 402 Upchurch Bldg., Thomasville, Ga.; 992 Exchange Ave., Union Stock Yards, Chicago, Ill.; 59 Live Stock Exchange, National Stock Yards, Ill.; Union Stock Yards, Peoria, Ill.; 244 Live Stock Exchange, Indianapolis, Ind.; 306 Old Colony Bldg., Des Moines, Iowa; 103 Live Stock Exchange, Sioux City, Iowa; 22 Live Stock Exchange, Wichita, Kansas; 231 Live Stock Exchange, Louisville, Ky.; Room 3, Claremont Hotel, Union Stock Yards, Baltimore, Md.; 256 Summer St., Boston, Mass.; 204 Live Stock Exchange, Detroit, Mich.; 203 Federal Bldg., So. St. Paul, Minn.; 964 Live Stock Exchange, Kansas City, Mo.; 321 No. 15 St., So. St. Joseph, Mo.; Union Stock Yards, Billings, Mont.; 309 Live Stock Exchange, Omaha, Nebr.; Room 824, 641 Washington St., New York, N. Y.; 108 Live Stock Exchange, Cincinnati, Ohio; 200 Live Stock Exchange, Oklahoma City, Okla.; 207 Live Stock Exchange, No. Portland, Oregon; 406 Tennessee State Office Bldg., Nashville, Tenn.; 233 Live Stock Exchange, Fort Worth, Texas; 209 Live Stock Exchange, Houston, Texas; 215 Live Stock Exchange, San Antonio, Texas; 210 Live Stock Exchange, Ogden, Utah.

(d) Meat Inspection Division offices are located throughout the United States. The addresses of any of these offices may be obtained from the Livestock Branch, Meat Inspection Division, South Agriculture Building, Washington, D. C.

(e) Meat Merchandising Division procurement office is located at 5 South Wabash Avenue, Chicago, Ill.

(f) Packers and Stockyards Division offices are located at 332 New Post Office Building, Montgomery 2, Ala.; 206 Live Stock Exchange Building, Union Stock Yards, Los Angeles 11, Calif.; 414 Live Stock Exchange Building, Denver 16, Colo.; 241 Stock Yards Station, 4101 South Halsted Street, Chicago 9, Ill.; 12–A Live Stock Exchange Building, National Stock Yards, Ill.; 238 Live Stock Exchange Building, Indianapolis, Ind.; 322 Live Stock Exchange Building, Sioux City, Iowa; 431 Post Office Building, Lexington 6, Ky.; 703 Appraisers Stores Building, 408 Atlantic Avenue, Boston 10, Mass.; 208 Post Office Building, South St. Paul, Minn.; 801 Live Stock Exchange Building, Kansas City 16, Mo.; Billings Public Stock Yards, Billings, Mont.; 733 Live Stock Exchange Building, Omaha 7, Nebr.; 418–B, 641 Washington Street, New York 14, N. Y.; Live Stock Exchange Building, Stock Yards Station, Cincinnati 25, Ohio; 3200 West Sixty-fifth Street, Cleveland 2, Ohio; 214 Live Stock Exchange Building, North Portland, Oreg.; 214 Live Stock Exchange Building, Nashville 3, Tenn.; 206 Live Stock Exchange Building, Fort Worth 6, Tex.

(g) Standardization and Grading Division offices are located throughout the United States. The addresses of any of these offices may be obtained from the Livestock Branch, Standardization and Grading Division, South Agriculture Building, Washington, D. C.

(h) Wool Division offices are located at Room 564, Pacific Building, 821 Market Street, San Francisco, Calif.; Room 308, 605 North Michigan Avenue, Chicago 11, Ill.; 256 Summer Street, Boston, Mass.; Room 209, U. S. Custom House, Second and Chestnut Streets, Philadelphia 7, Pa.; Room 16, City Hall, P. O. Box 1470, San Angelo, Tex.

§ 2307.3 *Availability of information and records.* Any person desiring information or to make submittals or requests with respect to the programs and functions of the Branch should address: The Director, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. The records of the Branch including those maintained in the field offices are available for examination in accordance with the rules and designations of records issued by the Secretary (7 CFR, Part 2100).

SUBPART B—FUNCTIONS AND PROCEDURES

§ 2307.10 *Insecticide Act.* The Insecticide Act (36 Stat. 331) authorizes the Secretary to take such action as is necessary to protect farmers, livestock growers and other users of insecticides and fungicides, including disinfectants, against losses resulting from use of misbranded and adulterated products. Regulations governing the enforcement of the Act have been issued (7 CFR, Part 161). Investigators make collections of samples of insecticides and fungicides including disinfectants from interstate shipments. These samples are sent to laboratories of the Insecticide Division to determine conformity with the requirements. Action is taken through seizure of misbranded products or criminal action against the shipper.

§ 2307.11 *Market news.* There is maintained a system of field offices and leased wire facilities through which is collected and disseminated market news on livestock, meats, and wool. Weekly and monthly records are compiled of prices, receipts, slaughter and shipments of livestock, and shipments of meat and wool for the leading markets and areas of the United States.

§ 2307.12 *Standards for grades of livestock and meats.* Tentative standards for grades of livestock and meats are first formulated and, when experience gained through their use indicates that changes are necessary, additional tentative standards are developed and subsequently published as U. S. standards. These standards provide the basis for the conduct of the Meat Grading Service, and the uniform reporting of livetock and meats according to grades by the Market News service. Also, the standards are used as specifications in contracts involving both private and governmental purchase. In conjunction with developing standards, research is performed in cooperation with the trade and educational institutions. Also, demonstrations of standards are made to the trade, trade associations, growers, and other interested parties. Standards for grades of slaughter cattle, vealers, and slaughter calves, beef, veal and calf carcasses, and lamb carcasses, yearling mutton and mutton carcasses have been published.

§ 2307.13 *Meat Inspection.* The Meat Inspection Act (21 U. S. C., 71–92, 96) requires meat packers engaged in interstate commerce to operate under Federal meat inspection. The law contains certain specified limited exceptions for farmers and retail dealers. Examinations are made of all food animals including cattle, calves, sheep, swine, goats, and horses prior to slaughter at packing plants engaged in interstate commerce to eliminate diseased animals. Post mortem examinations are made of each animal at the time of slaughter to search

out and eliminate diseased and otherwise unfit meat which is destroyed for food purposes. The preparation of meat is supervised to assure its cleanly handling and wholesomeness and freedom from harmful preservatives or other deleterious materials. Labels must be approved before their use is permitted. Inspected meats are certified for export. Meats offered for importation must pass inspection before entry is permitted (19 U. S. C., 1306 (b), 1306 (c)). Meats are examined for specification requirements of governmental purchasing agencies and others. The Federal meat inspection regulations (9 CFR, Parts 251–279; 11 F. R. 7718) govern this program.

§ 2307.14 *Packers and Stockyards Act.* The Secretary is charged with responsibility for enforcement of the Packers and Stockyards Act (7 U. S. C., 181–231), a regulatory statute which gives him jurisdiction over public stockyards and the operations of marketing agencies, dealers and packers engaged in selling and buying livestock at those markets. An amendment of the Act in 1935 makes the provisions of the act governing the selling and buying of livestock and public stockyards applicable to operations of live poultry handlers in designated cities. In general, it is required that facilities and services furnished to livestock producers shall be adequate, that the charges assessed for stockyard and market agencies' service shall be reasonable, that the consigned livestock shall be sold under open competitive conditions, that the weighing of such livestock shall be accurate, that full and correct accountings shall be furnished consignors and buyers for whom the commission firms act as selling or buying agents, and that the stockyard companies, market agencies, dealers and packers shall not engage in unfair, deceptive, or discriminatory practices. The work of this program is governed by the "Regulations Under the Packers and Stockyards Act, as Amended" (9 CFR, Part 201) and "Rules of Practice Governing Proceedings Under the Packers and Stockyards Act" (9 CFR, Part 202; 11 F. R. 2630).

§ 2307.15 *Purchase programs for meat products.* With approval of the Board of Directors of the Commodity Credit Corporation and the Secretary meat products are purchased for the accounts of UNRRA and foreign claimants. Requests are transmitted to the Meat Merchandising Division of the Branch which makes purchases based upon standard contract conditions and specifications for the product. Requests for offers are mailed directly to meat processors. Examinations are made by the Standards and Grading Division and the Meat Inspection Division of meat products offered for purchase to determine compliance with contract conditions and specifications.

§ 2307.16 *Sales programs for meat products.* The Meat Merchandising Division prepares for issuance by the Director announcements of proposed sales of meat products declared surplus by the various departments and agencies of the Government (32 CFR, Part 8300 et seq.) and Commodity Credit Corporation owned products and handles the sales of such products. Announcements of these sales are made directly to the packing industry and other interested parties by the Director.

§ 2307.17 *Standards for grades of wool.* Under authority conferred on the Secretary by the Agriculture Appropriation Act of May 17, 1928 (45 Stat. 593), standards for grades of wool and wool top are formulated and established. Practical forms of the official standards for grades of wool and wool top are furnished to any person upon request and prepayment of the cost thereof. The practical forms illustrate the grades of wool and wool top, each certified under the seal of the Department and the signature of the Secretary or other official duly authorized by him. Demonstrations are held before wool producers, extension representatives and others to show ways of determining grades of wool with a view to stimulating more efficient marketing of wool and wool products.

§ 2307.18 *Meat grading.* The Standardization and Grading Division maintains the Federal meat grading service in grading carcass meats of beef, veal, lamb, and mutton on a nationwide scale for commercial organizations, municipalities, counties, States, and Federal institutions. The U. S. Quality Standards for class and grade which are promulgated by this Division are applied by its meat grading service. The Division maintains contact with commercial concerns, organizations, cooperative groups, and individual applicants for the grading service to promote mutual understanding of grade interpretations and working relations. The rules and regulations of the Secretary of Agriculture governing the grading and certification of meats, prepared meats and meat products (7 CFR, Part 53) govern in the administration of this program.

§ 2307.19 *Horse and dairy cattle procurement.* As an agent of Commodity Credit Corporation, horses and dairy cattle are purchased for UNRRA. Requests for offers are published. Offers are analyzed and successful bidders notified of acceptance. Inspections of the animals are made by a representative of the Branch to determine their compliance with contract specifications. Conditions of purchase are specified in the requests for offers.

§ 2307.20 *Secretary certification of packing plants.* Provision is contained in the Stabilization Act of 1942, as amended (56 Stat. 177) for the Secretary to specify the conditions under which certification is given to non-federally inspected plants to permit shipment of the products of the certified plants in interstate commerce. Managements of plants interested in the certification apply for the certification to the Chief of the Distribution Division. A survey is conducted to determine the acceptability of the plant and the inspection conducted therein. Certification is extended or withheld depending on the findings. Inspections of the certified plant are made from time to time by supervisors employed by the Division.

A War Food Order, containing the regulations governing this program, has been published.

§ 2307.21 *Meat set-aside.* In order that the needs of the armed forces and other governmental claimants for meat product and edible animal fats and oils may be met the Meat Merchandising Division issues orders requiring meat packers to set aside for Government purchase specified portions of their production of identified products. War Food Orders have been published in the FEDERAL REGISTER establishing the set aside requirements under this program.

§ 2307.22 *Wool purchase program.* (a) The wool purchase program assures to growers a market for all domestic wool at established prices, less specified transportation and marketing cost. The Branch, acting as an agent for Commodity Credit Corporation, enters into wool agreements with wool dealers, cooperative associations, and banks. Under these agreements, wool is purchased, handled, and sold for the account of the Corporation by established wool dealers and cooperative associations. The agreements specify the maximum fee handlers can obtain under the program. Country dealers (secondary handlers) may also sell wool to Commodity Credit Corporation, provided such wool is hendled in accordance with the wool handler's agreement.

(b) The procedure for delivering wool to Commodity Credit Corporation is on consignment to a handler. Upon receipt of the wool from a producer or secondary handler, the handler grades the wool if necessary, and prepares it for appraisal. The appraisal, to determine grade, quality, type and shrinkage of each lot of wool, is made by appraisers employed by the Branch. After this appraisal is made, the handler prepares an account sale for the grower and forwards to the grower his check in settlement. After settlement is made, the handler requests reimbursement for the purchase value of the wool from one of the banks operating under a banker's wool agreement with the Corporation. The handlers request for reimbursement is supported by (1) a copy of the appraisal certificate, (2) copy of the grower's account sale, and (3) a warehouse receipt representing the wool. The banks, in effect, are acting as fiscal agents for the Corporation. Upon the sale of wool in the usual channel of trade, the handler remits to the bank the sales proceeds which are applied by the bank against its Commodity Credit Corporation wool loan account.

PART 2308—POULTRY BRANCH

SUBPART A—ORGANIZATION

Sec.
2308.1 Central Office.
2308.2 Field offices.
2308.3 Availability of information and records.

SUBPART B—FUNCTIONS AND PROCEDURES

2308.10 Sales programs.
2308.11 Purchase programs.
2308.12 Tentative U. S. standards and grades.

SUBPART A—ORGANIZATION

§ 2308.1 *Central Office*—(a) *General.* The principal office of the Branch is at Washington, D. C., in the South Agricultural Building, consisting of the Office of the Director, Program Division, Operations Division and Market Practices Division.

(b) *The Director.* Under the general supervision of the Administrator, the Director formulates, directs and supervises the execution of the policies, programs and activities of Production and Marketing Administration, Commodity Credit Corporation assigned to the Branch and serves as a Contracting Officer and executive of the Commodity Credit Corporation in general charge of the activities of the Corporation carried out through the Branch. The Director has final authority to:

(1) Execute purchase, sale, and diversion contracts on behalf of the Production and Marketing Administration or Commodity Credit Corporation relating to programs for which the Branch is responsible.

(2) Settle and adjust claims by and against the Commodity Credit Corporation relating to programs for which the Branch is responsible, within the limitations established by the Corporation (6 CFR, Part 200 et seq.)

(3) Contract for sales of property under the provisions of the Surplus Property Act of 1944 pursuant to authorization from the Assistant Administrator for Fiscal and Inventory Control.

(4) Establish tentative standard grades for poultry, eggs and their products. Take all action necessary or appropriate in the Administration of War Food Orders assigned to the Branch, that have been approved by the Secretary under Title III of the Second War Powers Act (56 Stat. 177), except with respect to the settlement of appeals to the Assistant Administrators. (7 CFR 2301.1 (b) (2) (i)).

(5) Terminate, under the provisions of the Contract Settlement Act of 1944, contracts relating to programs for which the Branch is responsible and approve settlement agreements under terminated contracts that do not provide for the payment of more than $50,000 to a prime contractor or $5,000 to a sub-contractor. (This authority may also be exercised by Associate and Assistant Branch Directors.)

(6) Calculate or determine rates and prices within the limitations of authorized purchase, price support, subsidy, sales and other programs assigned to the Branch.

(c) *Contracting and claims officers.* (1) Contracting officers are appointed by the Director with approval of the President of Commodity Credit Corporation and may, to the extent authorized by their appointment, execute contracts relating to the activities of the Production and Marketing Administration or the Commodity Credit Corporation for which the Branch is responsible. The names of such officers may be obtained from the Director.

(2) Claims officers are appointed by the Director with approval of the President of the Commodity Credit Corporation and may settle certain types of claims by and against Commodity Credit Corporation in accordance with the procedure set forth in 6 CFR, Part 200. The names of such officers may be obtained from the Director.

(d) *Divisions.* The divisions are as follows:

(1) *Program Division.* Develops comprehensive economic research and analysis of the various phases of poultry economy. Develops programs for acquisition, distribution, sale; diversion and disposal of poultry products. Plans and recommends production goals and the methods for achieving those goals. Participates in the preparation of national and international allocations. Develops and recommends production adjustment in line with goals. Conducts surveys and analyses processing and marketing costs; reviews proposed price regulations. Proposes the issuance of set-aside orders, priority rating and requisitioning; takes necessary action to requisition supplies to meet allocations. Develops programs for importation and exportation of poultry products. Develops dockets for price support of poultry and eggs.

(2) *Operations Division.* Carries out authorized purchase and sales programs including sales of excess or surplus poultry products. Develops commodity quality and container specifications. Administers the quality control program for dried and frozen eggs and in this connection maintains a field force which surveys processing and drying operations and inspects plant equipment and practices. Processes claims by and against the Administration and the Commodity Credit Corporation. Administers orders applicable to the marketing, or federal purchase of poultry, eggs and their product.

(3) *Market Practices Division.* Develops improved and uniform standards and grades for poultry and eggs, conducts programs demonstrating the use of federal standards and grades; assists in developing container specifications for use in contracting operations; reviews and recommends action on priority applications for materials and equipment; develops programs to improve market practices and quality conservation of poultry, eggs and their products; cooperates with processors and marketing and research agencies in developing new products or byproducts and new uses for poultry and eggs.

§ 2308.2 *Field Offices*—(a) *Poultry Branch Field Offices.* Offices are located at 821 Market Street, San Francisco 3, California; 440 West Peachtree Street, N. E., Atlanta, Georgia; 5 South Wabash Avenue, Chicago 3, Illinois; 307 Wilson Building, Dallas 1, Texas. Under immediate supervision of the Director of the Branch, these field offices assist in the execution of price support operations, supply purchase, sales, quality conservation and other programs of the Branch.

§ 2308.3 *Availability of information and records.* Any person desiring information or to make submittals or requests with respect to the programs and functions of the Branch should address: The Director, Poultry Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. The records of the Branch, including those maintained in the field offices, are available for examination in accordance with the rules and designation of records issued by the Secretary (7 CFR, Part 2100).

SUBPART B—FUNCTIONS AND PROCEDURES

§ 2308.10 *Sales programs.* Excess stocks of poultry and eggs and their products are acquired by the Commodity Credit Corporation through purchase or price support programs or by transfer to United States Department of Agriculture by other Government agencies as surplus for disposal. Such stocks are marketed by the Branch under approved arrangements of its Operations Division. This Division prepares for issuance of the Director announcements of such proposed sales. Announcements are mailed to members of the trade and trade associations. Any person desiring to have his name placed on the mailing list should address a request to the Director of the Poultry Branch.

§ 2308.11 *Purchase programs.* With the approval of the Board of Directors of the Commodity Credit Corporation and the Secretary, poultry, eggs and their products are purchased for price support and for the accounts of requesting agencies and foreign governments. The development of programs for such purchases is done by the Program Division of the Branch, which prepares announcements for issuance by the Director. Concurrently with the issuance of such announcement a press release is prepared and issued by the Office of Information. The announcements are mailed to members of the trade and trade associations. Any person desiring to have his name placed on the mailing list to receive such announcements should address a request to the Director.

§ 2308.12 *Tentative U. S. standards and grades.* On authority given the Secretary (56 Stat. 664) tentative standards and grades for poultry, eggs and their products are developed by the Market Practices Division of the Branch. The use of such U. S. Standards by the trade is entirely voluntary except when purchases are made by the Branch. Tentative U. S. Standards and specifications have been issued for shell eggs, live poultry, dressed chickens, turkeys, ducks, geese, guineas, and squabs and for eviscerated federally inspected chickens and turkeys. Copies of these tentative standards may be obtained without charge on request to the Director.

PART 2309—SPECIAL COMMODITIES BRANCH

SUBPART A—ORGANIZATION

Sec.

2309.1 Central Office.
2309.2 Field offices.
2309.3 Availability of information and records.

SUBPART B—FUNCTIONS AND PROCEDURES

2309.10 Commodity loans.
2309.11 Sales programs.
2309.12 Purchase programs.
2309.13 Official standard grades for naval stores.
2309.14 War Food Orders.

SUBPART A—ORGANIZATION

§ 2309.1 *Central Office*—(a) *General.* The principal office of the Branch is at Washington, D. C., in the South Agriculture Building, consisting of the Office of the Director, Beverage and Miscellaneous Foods Division, Chemicals and General Products Division, Fish and Fish Products Division, Naval Stores Division, and Special Services Division.

(b) *The Director.* Under the general supervision of the Administrator, the Director formulates, directs and supervises the execution of the policies, programs and activities of the Production and Marketing Administration and Commodity Credit Corporation relative to the special commodities assigned to the Branch, and serves as a Contracting Officer and executive of the Commodity Credit Corporation in general charge of the activities of the Corporation carried out through the Branch. A list of the special commodities assigned to the Branch is published (7 CFR, Part 2301). The Director has final authority to:

(1) Execute purchase, sale, loan and diversion contracts on behalf of the Production and Marketing Administration or Commodity Credit Corporation relating to programs for which the Branch is responsible.

(2) Settle and adjust claims by and against the Commodity Credit Corporation relating to programs for which the Branch is responsible, within the limitations established by the Corporation (6 CFR, Part 200, et seq.).

(3) Contract for sales of property under the provisions of the Surplus Property Act of 1944 pursuant to authorization from the Assistant Administrator for Fiscal and Inventory Control.

(4) Take all action necessary or appropriate in the Administration of War Food Orders assigned to the Branch, that have been approved by the Secretary under Title III of the Second War Powers Act (56 Stat. 177), except with respect to the settlement of appeals to the Assistant Administrator (7 CFR 2301.1 (b) (2) (i)).

(5) Terminate, under the provision of the Contract Settlement Act of 1944, contracts relating to programs for which the Branch is responsible and approve settlement agreements under terminated contracts that do not provide for the payment of more than $50,000 to a prime contractor or $5,000 to a sub-contractor. (This authority may also be exercised by Associate and Assistant Branch Directors.)

(6) Take all action necessary or appropriate in the Administration of the Naval Stores Act (7 U. S. C. 94), subject to limitations contained in said act and in rules and regulations promulgated with respect thereto.

(7) Calculate or determine rates and prices within the limitations of authorized loan, purchase, price-support, subsidy, sales and other programs assigned to the Branch.

(c) *Contracting and claims officers.* (1) Contracting officers are appointed by the Director with approval of the President, Commodity Credit Corporation, and may, to the extent authorized by their appointment, execute contracts relating to the activities of the Production and Marketing Administration or the Commodity Credit Corporation for which the Branch is responsible. The names of such officers may be obtained from the Director.

(2) Claims officers are appointed by the Director with approval of the President, Commodity Credit Corporation, and may settle certain types of claims by and against Commodity Credit Corporation in accordance with the procedure set forth in 6 CFR, Part 200. The names of such officers may be obtained from the Director.

(d) *Food Order Administrators.* Under War Food Orders approved by the Secretary, Order Administrators have final authority under the general direction of the Director to take all action necessary or appropriate in the administration of Orders assigned to them, except with respect to the settlement of appeals to the Assistant Administrators (7 CFR, Part 2301).

(e) *The divisions.* (1) Each of the four commodity divisions performs the following functions for the commodities assigned: Performs a continuing analysis of supply, demand, and other marketing factors related to existing or projected Division programs; plans, recommends and executes all authorized purchase programs in connection with commodities under the jurisdiction of the Branch, and for other commodity branches as assigned; plans, recommends and conducts all authorized inventory turnover and surplus sales of foods under the jurisdiction of the Branch, and for other commodity branches as assigned; plans, recommends and carries out all authorized loan, subsidy, and diversion operations related to the price support and surplus removal programs under the jurisdiction of the Branch and for other commodity branches as assigned; based on current operating purchases, sales and program requirements data, makes a continuing review of age, condition and location of stocks; determines and recommends consignment of appropriate stocks to particular programs; plans purchases and sales of such commodities in line with program needs; determines and directs sale or other disposition of commodities which are out-of-position, are in odd lots, or are necessary to move on account of age; develops safe storage criteria for use in appraising the commodity position; initiates and recommends programs to effect economies and improvements in the processing, packaging, and marketing of assigned commodities; initiates and cooperates with other research groups in the development of research for new and substitute products and new uses for assigned commodities and in improving existing commodity standards; directs and participates with other groups in the formulation of production goals; initiates and promotes programs to assist producers in the achievement of these goals; on the basis of comprehensive supply, demand, and other data, determines, in cooperation with other agencies, inventory, production, and import potentialities of each commodity and formulates recommendations for national and international allocations of strategic commodities in short supply in order to assure equitable division among the various claimants; provides the Chairman for sub-committees of the Food Requirements and Allocations Committee and the U. S. Representative on Commodity Committees of the International Emergency Food Council; provides inspection and grading services; prepares and disseminates market news; establishes grades and standards for government purchases; recommends and assists in the establishment of Advisory Committees, which present the views of industry and agriculture concerning programs; develops recommendations with respect to maximum price regulations; recommends the time and extent of rationing for the commodities assigned; develops and recommends food orders; administers approved orders; recommends action in cases of violation; and provides assistance to agriculture and industry in connection with applications for materials and equipment priorities.

(2) In addition, the Naval Stores Division administers the Naval Stores Act; directs the work and reviews the findings of inspectors and analysts, makes appropriate recommendations in cases of violations and makes determinations as to propriety of labels, invoices, and other sales records.

(3) The Special Services Division administers war food orders relating to the importation of food under private purchase; consults with the trade on the establishment and application of import programs; assists the commodity divisions and other branches in the formulation of program policies governing the granting of import licenses; in collaboration with commodity divisions, prepares standard and negotiated contracts and amendments thereto, and related documents for the purchase and sales operations; processes surplus sales declarations, and performs other services to prepare referred commodities for sale; assists operating officials in conducting termination and renegotiation proceedings in accordance with prescribed regulations; and serves as the point of contact between the Divisions and other branches and agencies on matters pertaining to inventories, requisitions, inspections, compliance with food orders, and all matters requiring investigations.

§ 2309.2 *Field offices*—(a) *Naval Stores Field Offices.* A laboratory office is located at Room 830, 641 Washington Street, New York 14, New York, and field inspectors are located at Daphne and Mobile, Alabama; Savannah, Valdosta and McRae, Georgia. Under the immediate supervision of the Naval Stores Division these field inspectors and the New York laboratory office provide inspection and grading service of naval stores and related products held by farmer cooperatives or associations under loan agreements or for private account, and perform other functions as assigned by the Naval Stores Division.

§ 2309.3 *Availability of information and records.* Any person desiring information or to make submittals or requests with respect to special commodities or the programs and functions of the Branch should address: The Director, Special Commodities Branch, Production

and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. The records of the Branch, including those maintained in the field, are available for examination in accordance with the rules and designation of records issued by the Secretary. (7 CFR, Part 2100.)

SUBPART B—FUNCTIONS AND PROCEDURES

§ 2309.10 *Commodity loans.* Loans on gum naval stores are made under authority of the Agricultural Adjustment Act of 1938 (7 U. S. C. 1302; 50 U. S. C. App. 968) and section 4 (b) of the Act of July 1, 1941 (15 U. S. C. 713a-8). The Gum Naval Stores program provides for a loan by Commodity Credit Corporation to the American Turpentine Farmers Association Cooperative, Valdosta, Georgia, to enable such Association to make price support loans on eligible gum rosin, gum turpentine, and the turpentine and rosin content of oleoresin pledged by its eligible producer members. The program is implemented by the "1946 Naval Stores Loan Agreement" between Commodity Credit Corporation and the Association. Loan operations are conducted as follows:

(a) The Association enters into agreements with producers under which the latter pledge eligible naval stores to the Association as a basis for loans by the Association. Producers agree that such naval stores may be pooled and pledged by the Association as a basis for loans by Commodity Credit Corporation to the Association.

(b) The Association enters into agreements with warehousemen and processor warehousemen under which the latter receive and store for the account of the Association and Commodity Credit Corporation eligible naval stores tendered by producers and, for and on behalf of the Association, makes loans on such naval stores by drawing drafts on Commodity Credit Corporation payable at the Federal Reserve Bank of Atlanta (Jacksonville Branch).

(c) Upon proper certification by the Association, and providing all required documents are attached in proper form, the Federal Reserve Bank of Atlanta (Jacksonville Branch) pays the draft to the producer or his named designee.

§ 2309.11 *Sales programs.* Stocks of special commodities are acquired by Commodity Credit Corporation through purchase programs. These stocks are marketed by the Branch either through the issuance of announcements and acceptance of bids, or through negotiated agreements with industry. The Branch is also responsible for sales of assigned commodities declared surplus by the various departments and agencies of the Government (32 CFR Part 8300 et seq.) and handles the sales of such products. Announcements of these sales signed by the Director are mailed directly to the industry involved and others who indicate an interest in the commodity. Any person desiring to have his name placed on the mailing list should address a request therefor to the Director.

§ 2309.12 *Purchase programs.* With approval of the Board of Directors of the Commodity Credit Corporation and the Secretary, special commodities are purchased for the accounts of requesting agencies and governments. Requests are transmitted to the commodity divisions. The Special Services Division prepares announcements for issuance by the Director or contracting officer of the commodities to be purchased. These announcements are mailed directly to the industry handling the particular commodity, requesting that offers be forwarded to the Branch. Any person desiring to have his name placed on the mailing list should address a request therefor to the Director.

§ 2309.13 *Official standard grades for naval stores.* The Naval Stores Act (7 U. S. C. 94) authorizes the Secretary to develop official standard grades for the several kinds of naval stores. Certain standards and grades for naval stores and regulations pertaining thereto have been issued (7 CFR Part 160). The Naval Stores Division studies the several kinds of naval stores being produced and prepares for transmittal to the Secretary for issuance, such modifications of existing standards, or the establishment of new standards, as may be required to differentiate the grades of naval stores being produced. With respect to kinds of naval stores for which Official standards have not been issued, the division prepares proposed new standards. Hearings are held at which all interested persons are entitled to speak concerning the proposed new standards. Upon conclusion of hearings the Director recommends to the Secretary adoption or rejection. If the Secretary concurs, an order is issued by the Secretary establishing and promulgating the new standards to be effective not sooner than three months from date of issuance.

§ 2309.14 *War Food Orders.* The Branch administers War Food Orders, which have been published in the Federal Register. These War Food Orders are administered by Order Administrators in the Special Commodities Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. Requests for information concerning these orders and all petitions and requests for relief, relating thereto, should be addressed to the Order Administrator of the commodity involved.

PART 2310—SUGAR BRANCH

SUBPART A—ORGANIZATION

Sec.

2310.1 Central Office.
2310.2 Field Offices.
2310.3 Availability of information and Records.

SUBPART B—FUNCTIONS AND PROCEDURES

2310.10 Excell costs and price support payments.
2310.11 Purchase and importation of raw sugar.
2310.12 Purchase and sale of refined sugar.
2310.13 Restriction on use and delivery of edible molasses.
2310.14 Administration of Sugar Act of 1937, as amended.

SUBPART A—ORGANIZATION

§ 2310.1 *Central Office*—(a) *General.* The principal office of the Branch is at Washington, D. C., in the South Agriculture Building, consisting of the Office of the Director, Distribution Division, Purchase and Price Support Division, Sugar Act Division, and Program Analysis Division.

(b) *The Director.* Under the general supervision of the Administrator, the Director formulates, directs, and supervises the execution of Production and Marketing Administration and Commodity Credit Cooperation policies, programs, and activities relating to sugar carried out by the Branch and serves as a Contracting Officer and executive of the Commodity Credit Corporation in general charge of the activities of the Corporation carried out through the Branch. The Director has final authority to:

(1) Contract with foreign and domestic producers, processors, refiners, distributors, and importers for the purchase and sale of raw and refined sugar, edible molasses, blackstrap molasses, and any commodity strategically related to the purchase and sale of sugar required to meet United States requirements.

(2) Contract with growers and processors of sugar beets and sugarcane for payment of incentive and price support payments offered in order to stimulate the production of sugar.

(3) Contract with refiners, beet sugar processors, and importers of direct-consumption sugar for payment of excess costs of transportation involved in the movement of sugar into deficit areas.

(4) Contract for sales of property under the provisions of the Surplus Property Act of 1944 pursuant to authorization from the Assistant Administrator for Fiscal and Inventory Control.

(5) Terminate, under the provisions of the Contract Settlement Act of 1944, contracts relating to programs for which the Branch is responsible and approve settlement agreements under terminated contracts that do not provide for the payment of more than $50,000 to a prime contractor or $5,000 to a subcontractor. (This authority may also be exercised by Associate and Assistant Branch Directors.)

(6) Take all action necessary or appropriate in the Administration of War Food Orders assigned to the Branch, that have been approved by the Secretary under Title III of the Second War Powers Act (56 Stat. 177), except with respect to the settlement of appeals to the Assistant Administrators (7 CFR 2301.1 (b) (2) (i)).

(7) Take all action necessary or appropriate in the administration of the Sugar Act of 1937, as amended (7 U. S. C. 1100-1183), subject to limitations contained in said Act and in rules and regulations promulgated with respect thereto.

(8) Calculate or determine rates and prices within the limitations of authorized loan, purchase, price support, subsidy, sales and other programs assigned to the Branch.

(9) Settle and adjust claims by and against the Commodity Credit Corporation relating to programs for which the Branch is responsible, within the limitations established by the Corporation (6 CFR, Part 200 et seq.).

(c) *Contracting and claims officers.* (1) Contracting officers are appointed by the Director with the approval of the President, Commodity Credit Corporation, and may, to the extent authorized by their appointment, execute contracts relating to the activities of the Production and Marketing Administration or the Commodity Credit Corporation for which the Branch is responsible. The names of such officers may be obtained from the Director.

(2) Claims officers are appointed by the Director with approval of the President, Commodity Credit Corporation, and may settle certain types of claims by and against Commodity Credit Corporation in accordance with the procedure set forth in 6 CFR 200. The names of such officers may be obtained from the Director.

(d) *War Food Order Administrators.* Under War Food Orders approved by the Secretary, Order Administrators have final authority under the general direction of the Director to take all action necessary or appropriate in the administration of Orders assigned to them, except with respect to the settlement of appeals to the Assistant Administrators (7 CFR 2301.1 (b) (2) (i)).

(e) *Office of the Director.* This Office renders assistance on problems involving the processing, handling, distribution, storage, and merchandising of sugar; developing production goals, supply estimates, and domestic and international allocation recommendations; and renders assistance to industry on material and equipment priorities and on labor supply and utilization problems. This office also assists in the formulation and execution of programs or activities not readily allocable to the established divisions of the Branch.

(f) *The Divisions.* The Divisions are as follows:

(1) *Distribution Division.* Develops and administers programs relating to (a) importation of direct-consumption sugar and its distribution pursuant to Office of Price Administration instructions; (b) purchase and sale of refined sugars, domestic and off-shore, to supply needs of government and certain foreign claimants, and the designation of sources of supply for authorized commercial exports to certain other foreign claimants; and (c) facilitation of the movement of sugar into designated deficit areas by making reimbursement for certain excess costs. Makes recommendations with respect to time, extent, and conditions of sugar rationing. The Chief of the Distribution Division has authority to enter into contracts for the Commodity Credit Corporation relating to the purchase or sale of refined sugar.

(2) *Purchase and Price Support Division.* Develops and administers programs for (i) government purchase of Cuban, Puerto Rican, Virgin Islands, and other offshore raw sugar, and, within allotments, control of the sale, transportation and delivery of sugar to refineries in Continental United States; (ii) encouraging the production of beet and cane sugar in the United States, including Hawaii, Puerto Rico, and the Virgin Islands by making price support payments; (iii) reimbursing processors of sugar beets and sugarcane (relating primarily to sugar not obtained through Government purchase) for specified excess costs; and (iv) regulating the use and delivery of edible molasses.

(3) *Sugar Act Division.* Develops and administers programs under the provisions of the Sugar Act of 1937, as amended.

(4) *Program Analysis Division.* Conducts research needed to formulate and administer sugar programs; develops procedures for reporting the current status of program operations and for analysis and appraisal of programs; and complies, analyzes, and interprets statistical, economic, accounting, and other data in connection therewith.

§ 2310.2 *Field Offices*—(a) *New York.* Sugar, Fibers, Fats and Oils Office, Production and Marketing Administration, 150 Broadway, New York 7, New York, arranges for importations under contracts executed by Commodity Credit Corporation for purchase of Cuban, Puerto Rican, Virgin Islands, and other off-shore raw sugar; offers specific cargoes of sugar to refiners under sales contract with Commodity Credit Corporation and in fulfillment of allotments; authorizes specific importations of direct-consumption sugar; arranges for movement of specific purchases and sales of sugar to foreign and certain other claimants of sugar; performs disbursing and collection functions for all Sugar Branch programs except those carried out under the Sugar Act of 1937, as amended.

(b) *Havana, Cuba.* The Special Representative of the Sugar Branch, Production and Marketing Administration, and the Office of Defense Supplies, U. S. Embassy, Havana, Cuba, facilitates the operation of contracts for Cuban sugar, molasses and industrial alcohol, and settlement of claims.

(c) *San Juan, Puerto Rico.* The Special Representative, Sugar Branch, Production and Marketing Administration, P. O. Box 4512, San Juan, Puerto Rico, facilitates the operation of contracts for Puerto Rican and Virgin Islands sugar and settlement of claims.

§ 2310.3 *Availability of information and records.* Any person desiring information or to make submittals or requests with respect to the programs and functions of the Branch should address: The Director, Sugar Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. The records of the Branch, including those maintained in the field offices, are available for examination in accordance with the rules and designation of records issued by the Secretary (7 CFR Part 2100).

SUBPART B—FUNCTIONS AND PROCEDURES

§ 2310.10 *Excess costs and price support payments*—(a) *General procedure.* Reimbursement is made to processors and producers for specified excess costs and to support prices under programs approved by the Board of Directors of the Commodity Credit Corporation. Offers for such reimbursement to the processors for their own account or the accounts of their producers as the case requires are made by the Sugar Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. Upon acceptance by the processors these contracts are the basis for application for payments submitted to Sugar Division, Sugar, Fibers, Fats and Oils Office, 150 Broadway, New York, New York, which examines such claims and makes payments thereon.

(b) *Excess costs payments* which are currently authorized are as follows:

(1) Excess cost of transporting sugar beets to an operating factory over that normally incurred in transporting to a factory which now is closed, in order to encourage production and insure processing of all sugar beets raised.

(2) Part of the cost of transporting molasses from the 1945 crop of sugar beets from sugar beet factories not equipped with Steffens plants to others having such equipment, in order to get maximum extraction of crystalline sugar.

(3) Part of the increase since 1941 in operating costs of sugar beet factories and sugarcane mills in order to maintain operations necessary for maximum sugar extraction.

(4) Cost of transporting raw cane sugar to refineries in excess of stated costs.

(5) Excess costs incurred in the movement of off-shore direct-consumption sugar to continental United States markets, and excess transportation costs for movement of direct-consumption sugar into deficit sugar supply areas.

(c) *Price support.* Growers of sugar beets are guaranteed a minimum price per ton of beets of average quality and growers of sugarcane are provided certain payments in order to encourage maximum production. Payments are made to the processor for the account of his growers by the procedure outlined in paragraph (a) above.

§ 2310.11 *Purchase and importation of raw sugar.* (a) Under a program approved by the Board of Directors of the Commodity Credit Corporation, a contract has been executed with the Cuban Sugar Stabilization Institute as single seller for the Cuban sugar crop with the exception of quantities for local consumption and for sale by Cuba to other countries. Likewise, contracts have been made with individual producers for the Puerto Rican and Virgin Islands crops except for quantities needed for local consumption. Ships are offered by the War Shipping Administration and Sugar Division, New York, to the Cuban Sugar Stabilization Institute and Puerto Rican and Virgin Islands Shippers. Under the purchase contracts, advances are made on the purchase price of the raw sugar unshipped at the end of the harvest and grinding season.

(b) Under regulations relative to the distribution of raw sugar (8 F. R. 10605), the Order Administrator or Alternate Order Administrator is authorized to grant or deny exemptions, and to issue specific authorizations with respect to the importation, purchase and acceptance of delivery of raw sugar.

(c) The Director, Chief of the Sugar Division, and Assistant Chief of the Sugar Division, Sugar, Fibers, Fats and

Oils Office, New York, are empowered to issue specific authorizations with respect to the importation, purchase, and acceptance of delivery of raw sugar. Any correspondence concerning this Order should be addressed to the Order Administrator, Sugar Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C.

§ 2310.12 *Purchase and sale of refined sugar.* Under a program authorized by Commodity Credit Corporation, refined sugar is procured to meet allocation requirements of certain claimants. Announcements of terms and conditions of procurement are made and purchases are consummated upon the submission of bids in accordance with such announcements. Sales of such sugar to various claimants are made at the price set forth in the schedule of Commodities and Sales Price Quotations in effect for the month during which delivery of the sugar is made. The Sugar Division, New York, makes arrangements for deliveries involved in the purchase and sale of such sugar, as well as payment of the purchase price, and invoicing of claimants for the sales price.

§ 2310.13 *Restriction on use and delivery of edible molasses.* Under regulations governing the distribution and use of edible molasses (8 F. R. 5430, 12731), the Order Administrator and Alternate Order Administrator are authorized to grant or deny exemptions, and to issue specific authorizations with respect to the use, processing, delivery, or acceptance of delivery of edible molasses. Applications are made to and information obtained from the Order Administrator, Sugar Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C.

§ 2310.14 *Administration of the Sugar Act of 1937, as amended.* (a) Title II of the Act providing for quotas for various sugar producing areas and marketing allotments for persons marketing or importing sugar is in suspense. Reports and recommendations are made to the President under section 509 relating to the restoration or continued suspension of the quota provisions.

(b) Under Title III, Conditional Payments Provisions, determinations are made of the conditions of payment and other factors relating thereto, and issued upon approval by the Secretary (7 CFR, Chap. VIII). Forms and instructions are prepared in the Sugar Branch, but the work of determining performance and making payments is done by the Field Service Branch (7 CFR, Part 2324).

(c) Under section 512, the Sugar Branch, in cooperation with other governmental agencies, conducts surveys, investigations, and research relating to the conditions and factors affecting the methods of accomplishing most effectively the purposes of the Sugar Act.

(d) Section 507 authorizes the collection of information from persons engaged in the manufacturing, marketing or transportation of sugar which the Secretary deems necessary to enable him to administer the Act. The Sugar Branch summarizes and publishes data on entries, stocks, production, receipts, meltings, and deliveries of sugar.

PART 2311—TOBACCO BRANCH

SUBPART A—ORGANIZATION

Sec.
2311.1 Central Office.
2311.2 Field offices.
2311.3 Availability of information and records.

SUBPART B—FUNCTIONS AND PROCEDURES

2311.10 Tobacco seed and plant exportation.
2311.11 Marketing quotas.
2311.12 Commodity loans.
2311.13 Sales programs.
2311.14 Purchase programs.
2311.15 Tobacco standards and grades.
2311.16 Tobacco inspections.
2311.17 Publication of marketing news reports.
2311.18 Tobacco Stocks and Standards Act.

SUBPART A—ORGANIZATION

§ 2311.1 *Central Office*—(a) *General.* The principal office of the Branch is at Washington, D. C., in the South Agriculture Building, consisting of the Office of the Director, Marketing Programs Division, Production Programs Division, Marketing Services Division, Standards and Research Division, and Statistical and Economic Services Division.

(b) *The Director.* Under the general supervision of the Administrator, the Director formulates, directs and supervises the execution of the policies, programs and activities of the Production and Marketing Administration and Commodity Credit Corporation assigned to the Branch and serves as a Contracting Officer and executive of Commodity Credit Corporation in general charge of the activities of the Corporation carried out through the Branch. The Director has final authority to:

(1) Issue tobacco seed and plant export permits (7 CFR 34).

(2) Execute purchase, sale, loan and diversion contracts on behalf of the Production and Marketing Administration or Commodity Credit Corporation relating to programs for which the Branch is responsible.

(3) Settle and adjust claims by and against the Commodity Credit Corporation relating to programs for which the Branch is responsible, within the limitations established by the Corporation (6 CFR Part 200 et seq.).

(4) Contract for sales of property under the provisions of the Surplus Property Act of 1944 pursuant to authorization from the Assistant Administrator for Fiscal and Inventory Control.

(5) Calculate or determine rates and prices within the limitations of authorized loan, purchase, price support, subsidy, sales, and other programs assigned to the Branch.

(6) Establish tentative standard grades for tobacco for which official standard grades have not been issued.

(7) Establish fees for tobacco grading services performed upon request (7 CFR 29.1–29.54).

(8) Terminate, under the provisions of the Contract Settlement Act of 1944, contracts relating to programs for which the Branch is responsible and approve settlement agreements under terminated contracts that do not provide for the payment of more than $50,000 to a prime contractor or $5,000 to a sub-contractor. (This authority may also be exercised by Associate and Assistant Branch Directors.)

(9) Determine the grade of any lot of tobacco for which appeal has been taken from the grade assigned by the inspector (7 CFR 29.1–29.54).

(c) *Contracting and claims officers.* (1) Contracting officers are appointed by the Director, with approval of the President, Commodity Credit Corporation, and may, to the extent authorized by their appointment, execute contracts relating to the activities of the Production and Marketing Administration or the Commodity Credit Corporation for which the Branch is responsible. The names of such officers may be obtained from the Director.

(2) Claims officers are appointed by the Director, with approval of the President, Commodity Credit Corporation, and may settle certain types of claims by and against Commodity Credit Corporation in accordance with the procedure set forth in 6 CFR Part 200. The names of such officers may be obtained from the Director.

(d) *Office of the Director.* This office prepares, recommends, and administers allocation orders relating to tobacco; and examines and recommends approval or disapproval of applications for tobacco seed and plant export permits.

(e) *Functions of the Divisions.* The divisions and their functions are as follows:

(1) *Marketing Programs Division.* Develops tobacco loan, purchase, sale, export, and diversion programs for submittal to the Secretary and the Board of Directors of the Commodity Credit Corporation, and administers such programs as may be authorized by them; conducts sales of Government surplus tobacco products; develops and recommends methods of effecting economies in the marketing of tobacco and of improved systems of marketing; directs and supervises the storage, shipping, care, and preservation of stocks of leaf or unmanufactured tobacco acquired by the Department.

(2) *Production Programs Division.* Formulates tobacco marketing quota programs and has general responsibility for their administration; develops and recommends production goals and correlates the goals with marketing quota operations.

(3) *Marketing Services Division.* Prepares necessary procedures and supervises mandatory and permissive tobacco inspections; prepares proclamations with respect to mandatory inspection referenda and conducts such referenda among growers; supervises collection of sales and price data and the daily, weekly, and seasonal publication and distribution of this information; supervises demonstrations and similar training programs to aid growers in sorting and preparing tobacco for market.

(4) *Standards and Research Division.* Develops, formulates, and recommends

standards and grades for tobacco; directs and conducts investigations and studies of tobacco, including laboratory research in connection therewith.

(5) *Statistical and Economic Services Division.* Prepares for publication the "Annual Report on Tobacco Statistics"; conducts economic and statistical analyses with respect to supply, disappearance, production, imports, exports, domestic and foreign consumption, and prices of tobacco and tobacco products; prepares the quarterly Tobacco Stocks Reports; and makes economic studies and statistical analyses for use by the other divisions in connection with their program operations.

§ 2311.2 *Field offices*—(a) *Tobacco Inspection Field Offices.* Offices are located at: *Kentucky*—620 South Broadway, Lexington; *North Carolina*—604 Capital Club Building, Raleigh; *Tennessee*—Clarksville; and *Virginia*—Farmville. Temporary field offices are maintained during the marketing season at; *Georgia*—Valdosta; *Kentucky*—Bowling Green, Franklin, and Mayfield; *North Carolina*—Durham and Wilson; *South Carolina*—Florence; *Tennessee*—Greene ville; and *Virginia*—Danville. Under the immediate supervision of the Marketing Services Division these field offices provide inspection and grading service of farm tobacco on auction markets, dealers' tobacco, and tobacco held by farmer cooperatives or associations under loan agreements; conducts referenda among tobacco growers to determine whether markets shall be designated for mandatory inspection and grading; and performs other functions as assigned by the Marketing Services Division.

(b) *Tobacco Market News field offices.* Offices are located at: *Kentucky*—440 Post Office Building, Louisville and *North Carolina*—504 Capital Club Building, Raleigh. Temporary offices are maintained during the marketing season at *Georgia*—Statesboro, Valdosta, and Waycross; *Kentucky*—Lexington; *Maryland*—Baltimore; *Missouri*—Weston; *North Carolina*—Whiteville and Wilson; *Ohio*—Cincinnati; *South Carolina*—Florence; *Tennessee*—Greeneville and Nashville; and *Virginia*—Danville. In addition there are approximately 44 recording points. Under the immediate supervision of the Marketing Services Division these offices collect and compile data on market sales and prices and issue daily, weekly, and seasonal reports on average prices of tobacco according to official standard grades.

§ 2311.3 *Availability of information and records.* Any person desiring information or to make submittals or requests with respect to the programs and functions of the Branch should address: The Director, Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. The records of the Branch, including those maintained in the field offices, are available for examination in accordance with the rules and designation of records issued by the Secretary (7 CFR Part 2100).

SUBPART B—FUNCTIONS AND PROCEDURES

§ 2311.10 *Tobacco seed and plant exportation.* The Tobacco Seed and Plant Exportation Act prohibits the exportation of tobacco seed or tobacco plants except for experimental purposes (7 U. S. C. 516–517). Application for such permits shall be sent to the Director, who has authority to issue such permits in accordance with rules of procedure issued by the Secretary (7 CFR Part 34).

§ 2311.11 *Marketing quotas.* (a) The Agricultural Adjustment Act of 1938 provides for marketing quotas with respect to the several kinds of tobacco (7 U. S. C. 1311–1314, 50 Stat. 21). The kinds of tobacco for which quotas have been in effect are Burley, flue-cured, fire-cured, and dark air-cured. Proclamations of quotas, notices of referenda, results of referenda, and rules governing the apportionment of the national quota, the establishment of farm quotas, the identification of tobacco as being subject to or not subject to penalty, the collection and accounting for penalties, and the records and reports to be kept and submitted by farmers and tobacco handlers are issued annually by the Secretary (7 CFR Parts 724, 725 (Burley); 725, 727 (flue-cured); 726 (dark-air-cured); 726 (fire-cured)). Additional rules issued by the Secretary relate to the holding of referenda (7 CFR Part 717), administrative review of farm quotas (7 CFR Part 711), and refunding of penalties erroneously, illegally, or wrongfully collected (7 CFR Part 714). The Secretary delegates to the Director authority to prepare and issue the necessary instructions and forms for carrying out the rules (7 CFR Parts 724, 725, 726, 727), which state the duties and responsibilities of tobacco growers, dealers, and warehousemen and describe the nature of forms required to be executed or handled by them.

(b) The Production Programs Division prepares the various proclamations and rules which the Secretary is required to issue with respect to tobacco marketing quotas and the instructions and forms for use by tobacco warehousemen, dealers, farmers, and the Field Service Branch.

(c) The quota programs are administered in the field by the Field Service Branch through the State PMA Offices and the county committees. Reports and records submitted by dealers and warehousemen to the State PMA Offices are consolidated in a State PMA Office centrally located within the area in which each kind of tobacco under quotas is grown. The Production Programs Division supervises the summarization of these records and reports and any action taken on the basis of information developed in the course of this operation.

§ 2311.12 *Commodity loans.* The Agricultural Adjustment Act of 1938 (7 U. S. C. 1302; 50 App. U. S. C. 968), authorizes and directs the Commodity Credit Corporation to make loans on the several kinds of tobacco if producers have not disapproved marketing quotas for such kind of tobacco for the marketing year. The announcement and rules relating to loan programs approved by the Secretary and the Board of Directors of the Commodity Credit Corporation are issued annually. Loans generally are made available at auction warehouses or other places where farmers normally offer their tobacco for sale. The cooperative or other organizations operating under contract with Commodity Credit Corporation are responsible for making the loans to the grower and having the tobacco redried, packed and placed in acceptable storage, and for marketing such tobacco. Wet gains accruing through the final marketing of the tobacco are distributed to the growers who placed the tobacco under loan. The Marketing Programs Division exercises supervision required to insure performance by cooperatives and other contracting organizations with the terms of the contracts. Names and addresses of cooperatives and other contracting organizations may be obtained from the Division.

§ 2311.13 *Sales programs.* Stocks of tobacco have in prior years been acquired by Commodity Credit Corporation through purchase programs (§ 2311.14), and are acquired through failure of cooperatives and other organizations to repay loans (§ 2311.12). These stocks are marketed by the Branch under arrangements made by the Marketing Programs Division. The Marketing Programs Division also negotiates the sale of or prepares and issues announcements of proposed sales of tobacco products declared surplus by the various Departments and agencies of the Government (32 CFR, Part 8300 et seq.) and handles the sales of such products. Announcements of these sales are mailed directly to tobacco dealers, manufacturers, and others. Any person desiring to have his name placed on the mailing list should address a request therefor to the Division.

§ 2311.14 *Purchase programs.* As directed by the Secretary on recommendation by the Board of Directors of the Commodity Credit Corporation, the Marketing Program Division operates tobacco purchase programs in lieu of loan operations in areas where loans are not practicable as a price supporting measure due to lack of inspectors or other special market conditions. In addition, the Division negotiates purchases of tobacco by-products for insecticide purposes for the account of requesting agencies and governments.

§ 2311.15 *Tobacco standards and grades.* The Tobacco Inspection Act (7 U. S. C. 511–511q) authorizes the Secretary to develop official standard grades for the several classes, types and groups of tobacco. Standard grades have been issued for the following kinds of tobacco: Flue-cured tobacco (7 CFR 29.151–29.157), Fire-cured tobacco (7 CFR 20.101–29.108), Burley tobacco (7 CFR 29.201–29.207), Dark air-cured tobacco (7 CFR 29.251–29.258). Pursuant to the Tobacco Stocks and Standards Act (7 U. S. C. 501–508) the Secretary has issued "Classification of Leaf Tobacco" (7 CFR, Part 30).

The Standards and Research Division carries on field investigations and laboratory research and based thereon prepared for issuance by the Secretary modifications of existing standards and new standards. Prior to the issuance by the Secretary of official standards proposed standards are developed by the Division and issued by the Director for a

trial period. At present such proposed standards have been prepared and used for Maryland air-cured, type 32; Pennsylvania seed leaf, type 41; Ohio cigar leaf, types 42, 43, and 44; Connecticut Valley broad leaf, type 51; Connecticut Valley Havana seed, type 52; Wisconsin cigar leaf, types 54 and 55; Connecticut Valley shade-grown, type 61; and Georgia and Florida shade-grown, type 62.

Another publication relating to tobacco standards is "United States Standard Tobacco Sizes" (Miscellaneous memorandum No. 83). This publication will be furnished upon request to the Tobacco Branch.

§ 2311.16 *Tobacco inspection.* The Tobacco Inspection Act (7 U. S. C. 511–511q) authorizes the Secretary to inspect and grade tobacco free of charge on any market for which growers have indicated in a referendum that they favor mandatory inspection, and also authorizes inspection service to be performed, with charge, to any person who requests the service with respect to particular tobacco which he owns or in which he has a financial interest. The rules issued by the Secretary (7 CFR 29.1–29.54) contain the procedure for conducting the referendum, the manner in which tobacco is graded, the procedure to be followed by interested parties in appealing the grade assigned to tobacco by the inspector, and, in connection with requested inspections, the establishment and collection of fees.

§ 2311.17 *Publication of market news reports.* The Tobacco Inspection Act (7 U. S. C. 511h), authorizes the collection of the necessary data with respect to tobacco sales and prices for the publication of reports of this information to tobacco growers and other interested persons. Under the direction of the Marketing Services Division, the data are obtained and compiled by the field market news offices, which issue daily, weekly, and seasonal reports. The Division prepares and issues season market reviews for the various kinds of tobacco.

§ 2311.18 *Tobacco Stocks and Standards Act.* The Tobacco Stocks and Standards Act (7 U. S. C. 501–508) authorizes and directs the Secretary to obtain quarterly reports from dealers and manufacturers in the United States and Puerto Rico of their stocks of leaf tobacco. These reports are made on a form prescribed by the Secretary and are held confidential except that the information contained therein is authorized to be used in published form provided the identification of the dealer or manufacturer cannot be determined therefrom. The Statistical and Economic Services Division compiles the data supplied in these reports and publishes quarterly "Stocks of Leaf Tobacco in the Hands of Dealers and Manufacturers in the United States and Puerto Rico." The Division also publishes the "Annual Report on Tobacco Statistics," which contains pertinent statistical and factual information relating to the various phases of the tobacco industry.

PART 2321—BUDGET AND MANAGEMENT BRANCH

SUBPART A—ORGANIZATION

Sec.
2321.1 Central office.
2321.2 Field offices.

SUBPART B—FUNCTIONS AND PROCEDURES

SUBPART A—ORGANIZATION

§ 2321.1 *Central Office*—(a) *General.* The principal office of the Branch is located in the South Agriculture Building, Washington, D. C. It consists of the Office of the Director, the Administrative Services Division, the Budget and Organization Division, and the Personnel Division.

(b) The Branch is responsible for providing budgetary, personnel, and administrative services for the Production and Marketing Administration.

§ 2321.2 *Field offices.* Budget and Management Branch Area Offices are located at 150 Broadway, New York, New York; 5 South Wabash Avenue, Chicago, Illinois; 449 W. Peachtree Street NE., Atlanta, Georgia; 821 Market Street, San Francisco, California; and Wilson Building, Dallas, Texas. They perform for the various field offices of the Administration the general functions described for the Central Office except that all functions of the Budget and Organization Division are performed in Washington. The officials in charge of the area offices and persons designated by them have limited authority to contract for supplies and services.

SUBPART B—FUNCTIONS AND PROCEDURES

NOTE: The functions and procedures of the Branch relate to the internal management of the Administration.

PART 2322—COMPLIANCE AND INVESTIGATION BRANCH

SUBPART A—ORGANIZATION

Sec.
2322.1 Central Office.
2322.2 Field offices.
2322.3 Availability of information and records.

SUBPART B—FUNCTIONS AND PROCEDURES

2322.10 Commodity Exchange Act.
2322.11 Compliance and investigational activities.

SUBPART A—ORGANIZATION

§ 2322.1 *Central Office*—(a) *General.* The principal office of the Branch is at Washington, D. C., in the South Agriculture Building, and consists of the Office of the Director, Accounting Investigations Division, Commodity Exchange Supervision Division, Cost Investigations Division, and General Investigations Division. The Director, in his capacity as Administrator of the Commodity Exchange Act, and the officers and employees designated by him to perform duties in connection with the administration of the act, comprise the Commodity Exchange Authority.

(b) *The Director.* Under the general supervision of the Administrator, the Director formulates, directs, and supervises the execution of the policies, programs, and activities of the Production and Marketing Administration assigned to the Branch. The Director has final authority to issue calls and requests for information in connection with the administration of the Commodity Exchange Act, as provided in regulations promulgated thereunder (17 CFR, Parts 1–11).

(c) *Divisions.* The divisions are as follows:

(1) *Accounting Investigations Division.* Plans, directs, and conducts audits of books and records (i) in connection with alleged or apparent violations of War Food Orders; (ii) of contractors and other vendors, other than fiscal audits incident to the disbursement of Federal funds; (iii) of food processors for the purpose of determining eligibility for, or fraud in connection with, payments made or to be made under subsidy programs; and (iv) of futures commission merchants to assure proper segregation of customers' funds and of futures commission merchants, floor brokers, and traders to assure compliance with reporting requirements, position and trading limits, and with other requirements of the Commodity Exchange Act and the regulations thereunder.

(2) *Commodity Exchange Supervision Division.* Performs general operating functions incident to the administration of the Commodity Exchange Act and the rules and regulations issued pursuant thereto (17 CFR Parts 1–11).

(3) *Cost Investigations Division.* Examines books and records of Government contractors and other processors and manufacturers to obtain cost data and determine factors affecting costs and profits; conducts general analytical and interpretative surveys of manufacturers' operating and accounting data and vendors' reports; and analyzes Government contractors' statements with respect to contracts involving modification, renegotiation, and termination, and conducts cost investigations in connection therewith.

(4) *General Investigations Division.* With respect to the functions of the Production and Marketing Administration relating to War Food Orders, procurement, sales, subsidy, price support, school lunch, surplus property disposal, crop insurance, agricultural adjustment and conservation, and regulatory programs: Receives, analyzes, and evaluates complaints and assigns apparent violations for investigation; plans and directs compliance surveys and spot checks to determine character and extent of compliance with orders and regulations; and conducts investigations of alleged or apparent violations incident to the operation of Production and Marketing Administration programs.

§ 2322.2 *Field offices*—(a) *Compliance field offices.* Offices are located at 261 Fifth Avenue, New York, New York; 5 South Wabash Avenue, Chicago, Illinois; 1013 Glenn Building, Atlanta, Georgia; 200 Southland Life Annex, Dallas, Texas; and 461 Market Street, San Francisco, California. Under the general direction

of the Director, these field offices direct, coordinate, and conduct all compliance and investigational activities of the Branch within the respective field-office areas.

(b) *Commodity Exchange Authority field offices.* Offices are located at 602 New York Cotton Exchange Building, New York, New York; 1200 Chicago Board of Trade Building, Chicago, Illinois; 854 Board of Trade Building, Kansas City, Missouri; 510 Chamber of Commerce Building, Minneapolis, Minnesota; and 306 New Orleans Cotton Exchange Building, New Orleans, Louisiana. Under the general direction of the Director, these field offices direct, coordinate, and conduct all activities of the Branch incident to the administration of the Commodity Exchange Act within the respective field-office areas.

§ 2322.3 *Availability of information and records.* Any person desiring information or desiring to make submittals or requests with respect to the programs and functions of the Branch should address: The Director, Compliance and Investigation Branch, Production and Marketing Administration, Washington 25, D. C. The records of the Branch are available for examination subject to the restrictions set forth in the rules and designation of records issued by the Secretary (7 CFR, Part 2100).

SUBPART B—FUNCTIONS AND PROCEDURES

§ 2322.10 *Commodity Exchange Act.* (a) The basic objective of the Commodity Exchange Act (7 U. S. C. 1–17a) is to protect and facilitate commerce in commodities designated by the act that are the subject of transactions involving the sale thereof on boards of trade (commodity exchanges) for future delivery and known as "futures." These commodities are: wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, millfeeds, butter, eggs, Irish potatoes, wool tops, fats and oils (including lard, tallow, cottonseed oil, peanut oil, soybean oil and all other fats and oils), cottonseed meal, cottonseed, peanuts, soybeans, and soybean meal.

(b) The functions and procedures of the branch under this statute are designed to prevent price manipulation and corners on commodity exchanges; prevent dissemination of false and misleading crop and market information to influence prices; protect hedgers and other users of the commodity futures markets against cheating, fraud, and manipulative practices; insure the benefits of membership privileges on contract markets to cooperative associations of producers; insure trust-fund treatment of margin moneys and equities of hedgers and other traders and prevent the misuse of such funds by brokers; and provide information to the public regarding trading operations on contract markets.

(c) The branch receives and considers applications of commodity exchanges for designation as contract markets preliminary to final decision by the Secretary. Applicants denied designation by the Secretary may appear to the Commodity Exchange Commission (7 U. S. C. 8). Inquiries concerning procedures to be followed by commodity exchanges in filing applications for designation as contract markets should be addressed to the Director.

(d) The Branch reviews rules of contract markets to determine conformity with statutory requirements; receives and considers applications for registration as futures commission merchants and as floor brokers, and prepares certificates of registration issued by the Secretary (7 U. S. C. 6f; 17 CFR, Parts 1.7–1.16). Application forms may be procured from the central office of the Branch or from any Commodity Exchange Authority field office.

(e) The Branch enforces limits on speculative transactions and commitments established by the Commodity Exchange Commission; reviews crop and market news and reports; analyzes cash-commodity transactions; cooperates with control committees of contract markets; observes floor trading; investigates alleged and apparent violations of the act; conducts special trade practice audits and surveys; investigates contract market delivery practices and procedures; audits books and records of futures commission merchants, floor brokers, and traders; analyzes futures commission merchants' financial statements; conducts analyses and appraisals of futures trading, cash-futures relationships, and price movements; and compiles and publishes reports and other informational material relating to operations on commodity exchanges.

(f) Substantive rules promulgated pursuant to the Commodity Exchange Act are set forth in parts 1 to 11, chapter I, title 17 of the Code of Federal Regulations. Procedural rules are published as part O, Chapter I, Title 17, CFR.

§ 2322.11 *Compliance and investigational activities.* With respect to War Food Order, procurement, sales, subsidy, price support, school lunch, crop insurance, surplus property disposal, agricultural adjustment and conservation, and regulatory programs administered by the Production and Marketing Administration, the Branch conducts investigations (including accounting investigations) of alleged or apparent violations; conducts audits of books and records of food processors and other claimants in connection with subsidy programs, and of war contractors and other vendors (other than fiscal audits incident to the disbursement of Federal funds); examines books and records of war contractors and other processors and manufacturers to obtain cost data and determine factors affecting costs and profits; conducts general analytical and interpretative surveys of manufacturers' operating and accounting data and vendors' reports; analyzes contractors' statements with respect to contracts involving modification, renegotiation, and termination, and conducts cost investigations incident thereto.

PART 2323—FEDERAL CROP INSURANCE CORPORATION

SUBPART A—ORGANIZATION

Sec.
2323.1 Central Office.
2323.2 Field offices.
2323.3 Availability of information and records.

SUBPART B—PRODUCTION AND PROCEDURES

2323.10 Federal crop insurances.

SUBPART A—ORGANIZATION

§ 2323.1 *Central Office*—(a) *General.* The principal office of the Federal Crop Insurance Corporation is at Washington, D. C., in the South Agriculture Building, consisting of the Office of the Manager of the Corporation, Program Development Division, Underwriting Division, Finance Division, Sales Promotion Unit, and Loss Adjustment Unit.

(b) *Manager.* Under the general supervision of the Board of Directors (7 CFR 400) and the Administrator of the Production and Marketing Administration, and within established policies, the manager has final authority for the executive direction of the Corporation's programs and activities both in Washington and in the field. He determines or approves methods and procedures to be used, coordinates the activities of the Corporation with that of cooperating agencies and is responsible for commodity operations of the Corporation. In the office of the manager there are area directors who assist in the supervision of the field activities.

(c) *Divisions and units.* The divisions and units are as follows:

(1) *Program Development Division.* Develops plans for annual program changes on each commodity and plans for insurance on new commodities; develops insurance contracts and regulations, procedures for writing of insurance, determination of acreage and other contract terms, adjustment of losses and collection of premiums; makes economic and statistical analysis of the program and proposals for changes; develops and maintains current information on the volume of insurance.

(2) *Underwriting division.* Estimates the amount of risk to which the Corporation may be subjected for the amounts of insurance and other terms of the contract; develops the actuarial basis for the insurance and prepares the official actuarial tables; prepares procedures for field determination of the amount of insurance and premium rates for individual farms; gives technical assistance to state directors in connection with actuarial and underwriting phases of the crop insurance program in their states.

(3) *Finance division.* Plans and directs or performs the fiscal activities of the Corporation relative to receipt of premiums and payment of indemnities and for administrative funds and their expenditure. Plans and directs or performs the necessary accounting. Prepares financial reports.

(4) *Sales promotion unit.* Plans, coordinates, promotes and assists in sales and public informational activities.

(5) *Loss adjustment unit.* Plans, directs and coordinates loss adjustment work and reviews unusual claims for loss. Devises policies and procedures for selection and training of loss adjusters.

§ 2323.2 *Field offices*—(a) *Branch offices.* (1) The addresses of and States served by these offices are as follows:

1224 South 27th Place, Birmingham 5, Alabama (Florida, Alabama, Georgia, Mississippi, Louisiana, Arkansas, Tennessee, South Caro-

lina, North Carolina, Kentucky, Virginia, West Virginia, Maryland, Delaware); New Post Office Building, Chicago 7, Illinois (North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, Missouri, Illinois, Indiana, Michigan, Ohio, Pennsylvania, New York, New Jersey, Connecticut); Cooper Building, Denver 2, Colorado (Washington, Oregon, California, Nevada, Arizona, New Mexico, Texas, Oklahoma, (Washington, Oregon, California, Nevada, Arizona, New Mexico, Texas, Oklahoma, Kansas, Colorado, Utah, Idaho, Montana, Wyoming, Nebraska).

(2) Under the immediate supervision of the Manager these offices perform the audit and accounting functions relative to crop insurance contracts, receiving and maintaining files of the insurance contracts and related documents, receiving premiums and processing indemnity claims. Branch office managers have final authority to determine amount of premium due, approve indemnity claims and cancel or adjust debts (6 CFR, Part 01).

(b) *State Crop Insurance directors.* (1) These directors are located as follows and serve the state where located except where additional states are listed:

AAA Building, Auburn, Alabama, for Alabama and Florida; 415 First Street, S., Phoenix, Arizona; 108½ West 3rd Street, Little Rock, Arkansas; 2288 Fulton Street, Berkeley, California, for California and Nevada; 225 West Oak Street, Ft. Collins, Colorado, for Colorado and Wyoming; Old Post Office Building, Athens, Georgia; Room 317 Yates Building, 103 South 9th Street, Boise, Idaho; Second Floor Standard Building, 124 South Water Street, Decatur 12, Illinois; 105 South Meridian Street, Room 300 Big Four Building, Indianapolis 9, Indiana; 1101 Walnut Street, Des Moines 7, Iowa; 417–519 Humboldt Street, Manhattan, Kansas; Mill and Maxwell Streets, Lexington, Kentucky; P. O. Box 8597, University Station, Baton Rouge, Louisiana; Rossborough Inn, University of Maryland, College Park, Maryland, for Maryland, Delaware and West Virginia; 200 North Capitol Avenue, Lansing 4, Michigan; Room 1130 Main P. O. Building, Box 3110, St. Paul 1, Minnesota, for Minnesota and Wisconsin; 1130 West Capitol Street, Box 1251, Jackson, Mississippi; IOOF Building, 10th and Walnut Streets, Columbia, Missouri; Armory Building, 24 West Mendenhall Street, Bozeman, Montana; 205 Terminal Building, 10th and O Streets, Box 793, Lincoln 1, Nebraska; Regulatory Building, State College, New Mexico; AAA Building, College Station, Raleigh, North Carolina; 304 deLendrecis Building, Fargo, North Dakota; Room 224 Old Federal Building, South State and East Third Streets, Columbus 15, Ohio; 6th and Main Streets, Stillwater, Oklahoma; 6th Floor, Eastern Building, 515 SW. 10th Street, Portland 5, Oregon; 928 North Third Street, Harrisburg, Pennsylvania, for Pennsylvania, New Jersey, New York and Connecticut; Knowlton Building, 1615 Hampton Street, Columbia, South Carolina; 56 Third Street, SE, Huron, South Dakota; 152 Fourth Avenue North, Nashville, Tennessee; AAA Building, College Station, Texas; Old Terminal Building, 222 S. W. Temple Street, Salt Lake City, Utah; FCIC, c/o AAA, Blacksburg 14, Virginia; Room 208, Great NW. Life Building, 1023 West Riverside, Spokane, Washington.

(2) Under the immediate supervision of the office of the manager of the Corporation, the state crop insurance director reviews and accepts or rejects applications for crop insurance, supervises and reviews the adjustment of losses, provides information concerning crop insurance and in general represents the Corporation in the state. The state director is assisted by district supervisors who in turn supervise part-time adjusters. State directors have final authority to approve listing sheets and to accept or reject applications for insurance.

(c) Field work on crop insurance relative to establishing amounts of insurance per acre and premium rates for individual farms, sale of insurance, obtaining reports of insured acreage and collecting premiums is performed by the Field Service Branch (7 CFR Part 2324).

§ 2323.3 *Availability of information and records.* Any person desiring information as to making submittals or requests with respect to crop insurance for a farm in any particular county should request such information from the county agricultural conservation committee of the Field Service Branch (7 CFR Part 2324). Other requests for information should be addressed to the state director for the particular state involved, or the Manager, Federal Crop Insurance Corporation, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C. Records of the Corporation, including those maintained in the field offices, are available for examination in accordance with the rules and designation of records issued by the Secretary (7 CFR Part 2100).

SUBPART B—FUNCTIONS AND PROCEDURES

§ 2323.10 *Federal Crop Insurance*—(a) The Federal Crop Insurance Act (7 U. S. C. 1501–1519) authorizes the corporation to insure producers of wheat, cotton, and flax, against loss in yields due to unavoidable causes and for the purpose of determining the most practical plans, terms and conditions of insurance to insure on a trial basis any other agricultural commodity, if sufficient actuarial data are available as determined by the Board. Not more than three commodities may be added each year. Trial insurance for each commodity is limited to a period of three years and to 20 representative counties. Trial insurance is not limited to insurance against loss of yield but may be against loss of investment in the crop with the amount of insurance not to exceed 75 percent of the investment in the crop.

(b) Regulations governing the wheat, cotton, flax, corn and tobacco programs may be found as follows: Cotton (7 CFR Part 419), Flax (7 CFR Part 415), Corn (7 CFR Part 416), Tobacco (7 CFR Part 417), Wheat for contracts covering 1945, 1946, and 1947 (7 CFR Part 414), Wheat for contracts covering 1946, 1947, and 1948 (7 CFR Part 418), Wheat for contracts covering 1947, 1948, and 1949 (7 CFR Part 418).

PART 2324—FIELD SERVICE BRANCH

SUBPART A—ORGANIZATION

Sec.
2324.1 Definitions.
2324.2 Central office.
2324.3 Field offices.
2324.4 Availability of information and records.

SUBPART B—FUNCTIONS AND PROCEDURES

2324.11 Agricultural conservation program.
2324.12 Other programs.
2324.13 Aerial photographs.
2324.14 Settlement of debts.

SUBPART A—ORGANIZATION

§ 2324.1 *Definitions*—(a) *State PMA offices.* "State PMA offices" means the State offices of the Production and Marketing Administration.

(b) *County ACA offices.* "County ACA offices" means the county offices of the county Agricultural Conservation Associations.

(c) *Regional office.* "Regional office" means the offices of the Insular, East Central, North Central, Northeast, Southern, or Western Regions of the Field Service Branch located in Washington, D. C.

§ 2324.2 *Central office*—(a) *General.* The principal office of the Branch is at Washington, D. C., in the South Agriculture Building, consisting of the Office of the Director and six Regional offices.

(b) *The Director.* Under the general supervision of the Administrator, the Director formulates, directs, and supervises the execution of the policies, programs, and activities of the Production and Marketing Administration and the Commodity Credit Corporation assigned to the Branch, and serves as a member of the Board of Directors and executive of the Commodity Credit Corporation in general charge of the activities of the Corporation carried out through the Branch. The Director has final authority to take all action necessary or appropriate in the administration of programs authorized by sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, (16 U. S. C. 590g–590q), subject to the limitations contained in said act and in the rules and regulations promulgated with respect thereto.

(c) *Office of the Director.* In addition to the administration of programs formulated under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, this office coordinates and integrates such programs and activities of all Branches of the Production and Marketing Administration as are assigned to the Field Service Branch, and cooperates with the Forest Service in carrying out the Naval Stores Conservation Program.

(d) *Regional directors.* Programs are administered through six Regional offices (which are parts of the central office), each of which is headed by a Regional Director who has general responsibility for carrying out such programs through the State PMA offices and county ACA offices within the region assigned to him. The names of the States, Territories, and Possessions assigned to each Region have been published (7 CFR Part 701, 702). Each of the six Regional offices plans, directs, and supervises within the Region the operation of conservation programs, performs services in connection with crop insurance programs and production goals, and plans, directs and supervises within the Region the operational phases of commodity loan, purchase, sales subsidy payments, marketing quota, and other programs as assigned.

§ 2324.3 *Field Offices*—(a) *State PMA Offices.* There is a State PMA office in each of the 48 States and an Area PMA office in Alaska, Hawaii, and Puerto Rico.

These offices are responsible for the execution of all programs of the Production and Marketing Administration which deal directly with farmers. In each State there is a PMA State Committee composed of not less than three and not more than five farmers, who are appointed by the Secretary, pursuant to section 8 of the Soil Conservation and Domestic Allotment Act, as amended. The State Director of the Agriculture Extension Service is ex officio a member of the State Committee. In adition to its responsibility under the Act for developing and recommending to the Branch the practices to be included in the Agricultural Conservation Program, the Committee determines policies to be followed in connection with PMA programs assigned to the State. The State Director of PMA is responsible for carrying out the policies so determined, and is responsible for the operations of the State PMA office. The addresses of the State PMA offices are as follows:

Alabama: Alabama Polytechnic Institute, Auburn.
Arizona: 415 South First Street, Phoenix.
Arkansas: 108½ West 3rd Street, Little Rock.
California: 2288 Fulton Street, Berkeley.
Colorado: 225 W. Oak Street, Ft. Collins.
Connecticut: 95 Washington Street, Hartford.
Delaware: University of Delaware, Newark.
Florida: Seagle Building, Gainesville.
Georgia: Old Post Office Building, Athens.
Idaho: 103 South Ninth Street, Boise.
Illinois: Standard Office Building, Decatur.
Indiana: 105 S. Meridian Street, Indianapolis.
Iowa: 1101 Walnut Street, Des Moines.
Kansas: 417-419 Humboldt Street, Manhattan.
Kentucky: Mill and Maxwell Streets, Lexington.
Louisiana: University Station, Baton Rouge.
Maine: University of Maine, Orono.
Maryland: University of Maryland, College Park.
Massachusetts: Massachusetts State College, Amherst.
Michigan: Cahill Building, 200 North Capitol Avenue, Lansing.
Minnesota: 210 Main Post Office Building, St. Paul.
Mississippi: 1130 West Capitol Street, Jackson.
Missouri: I. O. O. F. Building, 10th & Walnut Streets, Columbia.
Montana: Armory Building, Bozeman.
Nebraska: 2nd Floor, Terminal Building, Lincoln.
Nevada: University of Nevada, Reno.
New Hampshire: University of New Hampshire, Durham.
New Jersey: College Farm, New Brunswick.
New Mexico: State College.
New York: Byrne Building, 236-240 W. Genesse Street, Syracuse, New York.
North Carolina: State College Station, Raleigh.
North Dakota: deLendrecie Building, P. O. Box 2017, Fargo.
Ohio: 202 Old Federal Building, Columbus.
Oklahoma: Etherton Building, 6th & Main Streets, Stillwater.
Oregon: 64 Eastern Outfitting Building, 515 S. W. 10th Street, Portland.
Pennsylvania: 928 North Third Street, Harrisburg.
Rhode Island: R. I. State College, Kingston.
South Carolina: Palmetto State Life Building, Columbia.
South Dakota: 56 Third Street, S. E., Huron.
Tennessee: 152 Fouth Avenue, North, Nashville.
Texas: College Station.
Utah: Old Terminal Building, S. W. Temple Street, Salt Lake City.
Vermont: 102 Adams Street, Burlington.
Virginia: Virginia Polytechnic Institute, Blacksburg.
Washington: 1023 W. Riverside Avenue, Spokane.
West Virginia: 480 Spruce Street, Morgantown.
Wisconsin: Oxford Building, 14 E. Dayton Street, Madison.
Wyoming: Tip Top Building, 345 E. Second Street, Casper.
Alaska: University of Alaska, College.
Hawaii: 418 Dillingham Building, Honolulu.
Puerto Rico: LaCollectiva Building, San Juan.

(b) *County Offices.* Local administration of the programs of all Branches of the Production and Marketing Administration which deal directly with farmers is carried out through the county ACA offices. A county committee, elected annually by farmers in accordance with Articles of Association issued by the Secretary, is in charge of the county ACA office. The committee selects a Secretary, who may be the County Agent. If not selected as Secretary, the County Agent is ex-officio a member of the committee without vote. Copies of the Articles of Association may be obtained at any county ACA office. There is a county ACA office and county committee serving each agricultural county in the United States.

Because of their size and number of farms, the following counties are served by two county ACA offices and county committees:

Iowa: Pottawattamie.
Minnesota: Otter Tail, Polk, St. Louis.

Groups of counties where one county ACA office and one county committee serve more than one county are as follows:

Georgia: Camden and Charlton.
Illinois: Alexander and Pulaski, Hardin and Pope, Marshall and Putnam.
Michigan: Crawford and Otsego, Houghton and Keweenaw, Missaukee and Roscommon.
Nebraska: Arthur, Logan, and McPherson, Blaine, Grant, Hooker, and Thomas, Brown Keya Paha, and Rock, Garfield, Loup, and Wheeler.
South Dakota: Brule and Buffalo, Hughes and Stanley, Jackson and Washabaugh, Ziebach and Armstrong.
Virginia: Arlington and Fairfax.

Most county ACA offices are located at the county seat; however, the exact address of any office may be obtained from the State PMA office for the State in which the county is located.

§ 2324.4 *Availability of information and records.* Any person desiring information with respect to the applicability of the several programs administered by the Branch to a particular farm or ranch should contact the county ACA office for the county in which the farm or ranch is located. Likewise, submittals or requests should be addressed to such county ACA office. General information concerning the programs and functions of the Branch may be obtained from county ACA offices, State PMA offices, Regional offices, or the Director, Field Service Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. The records of the Branch, including those maintained in the field offices, are available for examination in accordance with the rules and designation of records issued by the Secretary (7 CFR Part 2100).

SUBPART B—FUNCTIONS AND PROCEDURES

§ 2324.11 *Agricultural conservation program*—(a) *Authority.* The Soil Conservation and Domestic Allotment Act, as amended (16 U. S. C. 590g to 590q), authorizes payments to farmers for carrying out on their farms soil-building and soil and water conservation practices. These programs are known as the Agricultural Conservation Programs.

(b) *Regulations and procedures.* The regulations for these programs are issued annually by the Secretary (7 CFR Parts 701, 702). Regional, State, and county bulletins, based upon the Secretary's regulations and adapting the programs to local needs are also issued annually, and copies may be obtained from State PMA or county ACA offices.

(c) *Method of making payments.* (1) In most States farmers must sign a farm plan indicating their intention to participate in the program and obtain prior approval for the practices they wish to perform if they expect partial reimbursement from the Government.

(2) After practices are carried out, farmers report the extent of practices performed to the local community committeeman or the local county ACA office, which is responsible for checking the practices performed to determine whether they have been carried out in accordance with approved specifications.

(3) Applications for payment are prepared on the basis of the performance report and must be signed by each person on the farm who claims payment for practices, and by a member of the county ACA committee on behalf of the committee. The application is computed to determine the amount of payment due each applicant by the county ACA office or the State PMA office, is audited by the General Accounting Preaudit Office; scheduled and certified for payment by the State PMA office, and payment thereon is issued by the Regional Disbursing Office serving the area. Checks are mailed directly to applicants by the Disbursing Office.

(d) *Closing Dates.* Prescribed closing dates are established and published for filing farm plans, performance reports, and applications for payment, to assist in keeping within appropriated funds. These dates may be obtained from county ACA or State PMA offices.

(e) *Practice Specifications.* Practices must meet prescribed specifications to qualify for payment. These are published in State or county bulletins and may be obtained from county ACA or State PMA offices.

(f) *Rates of Payment.* Rates for practices are published in State or county bulletins. These are available in county ACA and State PMA offices.

(g) *Death, Incompetency or Disappearance.* In case of death, incompetency, or disappearance of any producer, his share of the payment is paid to his successor, determined in accordance with provisions of ACP-122 (7 CFR Part 716).

(h) *Conservation Materials and Services.* Conservation materials and services are furnished to farmers to assist them in carrying out approved practices. Deductions for these materials and services are made from the payments earned at rates prescribed by the Field Service Branch. The farmer is required to pay a portion of the cost of such materials and services in advance, since the payment offered by the Government for practices covers only a portion of the cost. It is the policy of the Government to furnish materials and services for this purpose through regular trade channels where possible under the purchase order plan. Rules for determining fair prices under the purchase order plan are issued by the Secretary (7 CFR, Part 734). Information in respect to the kinds of material and type of services available, the applicable deduction and credit rates therefor, and the conditions under which they are furnished, may be obtained from the county ACA or State PMA office.

(i) *Assignments.* Payment may be assigned as security for cash loaned or advance made for the purpose of financing the making of a crop. The assignment must be made on a prescribed form (ACP-69) and must be prepared and filed in accordance with instructions (ACP-70) in order to be valid. These forms and instructions are on file with county ACA and State PMA offices.

(j) *Signatures and Authorizations.* Required forms must be signed in accordance with prescribed instructions (ACP-16). Copies of these instructions are on file with county ACA and State PMA offices.

(k) *Set-offs.* Set-offs from payments for debts to the U. S. Government are authorized by the Secretary of Agriculture. Copies of the Secretary's order are on file with county ACA and State PMA offices.

(l) *Appeals and Claims.* Appeals from decisions affecting the right to payment or claims for additional payment may be filed with the county ACA offices. Successive appeals may be made to the State PMA office and the Director of the appropriate regional office within 15 days following decisions. The decision of the Director of the Regional office is final.

§ 2324.12 *Other programs.* County ACA and State PMA offices make recommendations through the Field Service Branch to the other Branches of the Production and Marketing Administration with respect to the provisions, operations, and effects of all programs of the Administration which deal directly with farmers. They are also responsible for carrying out these programs in accordance with the Secretary's regulations and instructions issued by the appropriate Branches. These programs include those relating to (1) marketing quotas; (2) Federal crop insurance; (3) commodity loans (where loans are made to farmers); (4) price support purchases (where purchases are made from farmers); (5) subsidies (where payments are made directly to the farmers); (6) sugar payments under the Sugar Act of 1937; (7) food distribution (school lunch, direct distribution of surplus crops, industrial feeding, abundant foods, distributive trades, and fat salvage); and (8) materials and equipment (farm construction, farm supplies, and equipment). Information on participation in any of these programs is available at county ACA offices.

§ 2324.13 *Aerial photographs—(a) Authority.* Pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1387), the Field Service Branch furnishes reproductions of aerial or other photographs, mosiacs, and maps, as have been obtained in connection with its authorized work at the estimated cost of furnishing the reproductions.

(b) *To whom furnished.* Reproductions may be furnished to agencies of the Federal Government; State, county, municipal, or other non-Federal governmental agencies; farmers; corporations; or other persons.

(c) *Conditions.* Photographs will not be furnished to (1) purchasers outside the United States; (2) purchasers that intend to use them in suits against the United States Government, unless approval is obtained from the Solicitor of the Department of Agriculture; (3) purchasers other than Federal agencies if the photographs cover classified areas and approval of the War or Navy Departments is not secured, and (4) purchasers who intend to use the photographs for advertising, or otherwise to indicate directly or by implication that the Department endorses any commercial product. Photographs made from materials of other Federal agencies will not be furnished without their approval.

(d) *Terms of sale.* Standard Form 1080 is used in securing collections from Federal agencies. Collections in advance will not be required from non-Federal agencies where legislative requirements prohibit advance payment by the ordering agencies. All other collections are made prior to delivery of the materials.

(e) *Obtaining aerial photographic reproductions.* Prices and other information regarding aerial photographs will be furnished upon request by county ACA or State PMA offices. Orders for photographs of any areas in the following States should be addressed to Western Aerial Photographic Laboratory, Field Service Branch, Production and Marketing Administration, U. S. Department of Agriculture, 145 Motor Avenue, Salt Lake City, Utah: Washington, Oregon, California, Idaho, Nevada, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, North Dakota, and Kansas. Orders for photographs of any areas in the remaining States should be addressed to Eastern Aerial Photographic Laboratory, Field Service Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C.

§ 2324.14 *Settlement of debts.* Under authority contained in Public Law 518, 78th Congress (12 U. S. C. 1150-1150e), the Secretary has issued regulations governing the settlement of certain debts of farmers (6 CFR, Part 01). The debts covered by these regulations include those incurred in connection with programs administered by the Production and Marketing Administration. Applications for relief under these regulations may be filed with county ACA offices.

PART 2325—FISCAL BRANCH

SUBPART A—ORGANIZATION

Sec.
2325.1 Central Office.
2325.2 Field offices.

SUBPART B—FUNCTIONS AND PROCEDURES

SUBPART A—ORGANIZATION

§ 2325.1 *Central office.* The principal office of the Branch is at Washington, D. C., in the South Agriculture Building. It consists of the Office of the Director, a technical staff on fiscal management, a field supervision staff, and various operating divisions.

The Branch is responsible for the fiscal, accounting, certifying, and related fiscal activities of the Administration, and the Commodity Credit Corporation, including the maintenance of the official inventory control records thereof. These functions are performed for all organizational units of the Production and Marketing Administration, except:

(1) The Federal Crop Insurance Corporation and Field Service Branch; and except that:

(2) The administrative supervision of the fiscal work in the field for the Cotton, Fats and Oils, Grain, and Sugar Branches is by the directors of these branches, with technical direction and control of summary accounts maintained by the Fiscal Branch.

The Director serves as Treasurer of the Commodity Credit Corporation and the Federal Surplus Commodities Corporation, in liquidation.

§ 2325.2 *Field offices.* Branch Area Offices are located at 449 Peachtree Street, Atlanta, Georgia; 5 South Wabash Avenue, Chicago 3, Illinois; 423 Wilson Building, Dallas 1, Texas; 821 Market Street, San Francisco 3, California; 150 Broadway, New York City. Area Sub-Offices are located at Southwest 10th and Washington, Portland 5, Oregon; 1005 Market Street, Philadelphia, Pennsylvania. These offices perform fiscal services for the Labor Branch only.

SUBPART B—FUNCTIONS AND PROCEDURES

NOTE: The functions and procedures of the Branch relate to the internal management of the Administration.

PART 2326—FOOD DISTRIBUTION PROGRAMS BRANCH

SUBPART A—ORGANIZATION

Sec.
2326.1 Central Office.
2326.2 Field offices.
2326.3 Public information, submittals, and requests.

SUBPART B—FUNCTIONS AND PROCEDURES

2326.10 National School lunch program.
2326.11 Direct distribution of agricultural commodities and other foods.
2326.12 Food preservation.
2326.13 Industrial feeding.
2326.14 Cooperative programs with distributive trades groups.

SUBPART A—ORGANIZATION

§ 2326.1 *Central Office*—(a) *General.* The principal office of the Branch is at Washington, D. C., in the South Agriculture Building, consisting of the Office of the Director, the School Lunch Division, the Direct Distribution and Food Preservation Division, the Distributive Trades Division, the Industrial Feeding Division, and the Program Planning and Analysis Division.

(b) *The Director.* Under the general supervision of the Administrator, the Director formulates, directs, and supervises the execution of the policies, programs, and activities of the Production and Marketing Administration and the Commodity Credit Corporation assigned to the Branch, and serves as a Contracting Officer and executive of the Commodity Credit Corporation in general charge of the activities of the Corporation carried out through the Branch. The Director has final authority to:

(1) Enter into contracts by and on behalf of the Commodity Credit Corporation, in accordance with the bylaws of the Corporation carried out by the Branch.

(2) Settle and adjust claims by and against the Commodity Credit Corporation relating to programs for which the Branch is responsible, within the limitations established by the Corporation (6 CFR, Part 200 et seq.).

(3) Enter into agreements with State Educational Agencies and non-profit private schools pursuant to the National School Lunch Act, approved June 4, 1946 (Pub. L. 396, 79th Cong., 2d Sess.).

(4) Enter into agreements with public and non-profit private schools and institutions for the distribution of agricultural commodities purchased pursuant to section 32 of the Act of August 24, 1935, as amended.

(c) *Office of the Director.* Coordinates activities of various agencies affecting the supply of foodstuffs produced or consumed at home; maintains liaison with public and private agencies in order to obtain participation in this program both in urban and rural areas, and cooperates with National, State, and local officials in developing and conducting studies and educational programs on nutrition.

(d) *The divisions.* The divisions and their functions are as follows:

(1) *School lunch division.* Plans, directs, and supervises the School Lunch Program pursuant to the National School Lunch Act, approved June 4, 1946 (Pub. L. 396, 79th Cong., 2d Sess.).

(2) *Direct distribution and food preservation division.* Plans, directs, and supervises operation of the direct distribution and food preservation programs approved by the Secretary and the Board of Directors of the Commodity Credit Corporation, as the case may be, and administers such programs as may be authorized by them.

(3) *Distributive trades division.* Plans, directs, and supervises cooperative programs with distributive trade groups in meeting distribution problems which may be interfering with wider marketing of agricultural commodities.

(4) *Industrial feeding division.* Plans and directs, in cooperation with industry, labor, and Governmental agencies, programs to encourage the extension of the practice of industrial feeding, to improve the nutritional status of workers and their families, and to achieve the maximum consumption of abundant and surplus foods by industrial food services.

(5) *Program planning and analysis division.* Analyzes general policies and programs of food production and distribution and recommends the adoption of policies and programs designed to give maximum encouragement to domestic food consumption; formulates domestic food distribution programs, and conducts studies of methods of operation and economic effects of such programs.

§ 2326.2 *Field Offices*—(a) *State PMA Offices.* This Branch maintains no field offices but utilizes the services of State PMA offices described by the Field Service Branch (7 CFR Part 2324) in carrying out its programs in the field. The State PMA Directors have authority to enter into agreements, pursuant to instructions of the Director of the Food Distribution Programs Branch, with State educational agencies in connection with the School Lunch Program and with public and non-profit private institutions and schools with respect to the distribution of agricultural commodities.

(b) *Technical Specialists.* This Branch maintains technical specialists at the following locations:

449 West Peachtree Street, Atlanta 3, Georgia; 5 South Wabash Avenue, Chicago 3, Illinois; 321 Market Street, San Francisco 3, California; 539 U. S. Terminal Annex Building, Dallas 1, Texas; 641 Washington Street, New York 14, New York. Under the general supervision of the Direct Distribution and Food Preservation Division, these specialists assist state officials and others in planning and developing food preservation programs and, through workshops, in training food preservation center supervisors and workers. They also provide technical information and service in regard to equipment needs, plant layout, plant operation and management, and food processing techniques.

§ 2326.3 *Public information, submittals, and requests.* Any person desiring information or to make submittals or requests with respect to the programs and functions of the Branch should address:

The Director, Food Distribution Programs Branch Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., or the PMA office in the State wherein he resides.

The records of the Branch, including those maintained in field offices, are available for examination in accordance with the rules and designation of records issued by the Secretary (7 CFR, Part 2100).

SUBPART B—FUNCTIONS AND PROCEDURE

§ 2326.10 *National school lunch program.* The National School Lunch Act, approved June 4, 1946 (Pub. L. 396, 79th Cong., 2d Sess.) provides for a National School Lunch Program to be carried out in cooperation with the State educational agencies and non-profit private schools. Under authority of the Secretary, this program is formulated and administered in this Branch. The funds appropriated for this program for each fiscal year are apportioned by the Secretary pursuant to the formula set forth in the Act which takes into consideration the number of school children in the State and the need for assistance in the State as indicated by the relation of the per capita income in the United States to the per capita income in the State. In the case of a State wherein the State educational agency is not permitted to disburse funds paid to it under the National School Lunch Act to nonprofit private schools, or is not permitted to match Federal funds made available for use by such non-profit private schools, the Department disburses funds directly to such non-profit private schools in accordance with the Act. Agreements are entered into by the Department with State educational agencies (Form FDM–5, SL–4) and with non-profit private schools in States where the State agency cannot enter into agreements with such schools (Form FP–2). State PMA offices of the Field Service Branch have authority to execute such agreements. However, if any departures are to be made from the forms in connection with a particular State educational agency or a non-profit private school, the State PMA office is authorized to enter into all negotiations with the State educational agency or the non-profit private school with respect to the execution of the agreement but the agreement with the changes to be made must be submitted by the State PMA office to the Director for approval on behalf of the Department. Upon the certification by the Secretary to the Secretary of the Treasury of the amount to be paid to the State and the time when such amount is to be paid the Secretary of the Treasury will pay the State, at the time fixed by the Secretary, the amount so certified. In the case of funds withheld for payment to non-profit private schools under the circumstances mentioned above, the Department shall disburse the funds so withheld directly to such non-profit private schools in accordance with the act.

§ 2326.11 *Direct distribution of agricultural commodities and other foods.* From time to time supplies of agricultural commodities in abundance and other foods are distributed to public and non-profit private schools participating in the National School Lunch Program and to other public and non-profit private schools and institutions. The Direct Distribution and Food Preservation Division of this Branch determines which agencies are eligible to receive and distribute available agricultural commodities and other foods and the conditions under which such commodities may be donated; and agreements are entered into with such eligible agencies on Form FP–51 by State PMA offices of the Field Service Branch. Copies of these forms may be obtained by writing to the State PMA office or to the Director. From time to time, the Direct Distribution and Food Preservation Division makes allocation of commodities available to these distributing agencies, and notification thereof is given on Form FD–305 through the

State PMA office to the distributing agency.

2326.12 *Food preservation.* Under the general supervision of the Direct Distribution and Food Preservation Division, food preservation specialists conduct workshops in different parts of the country to train supervisors of community, school, and institutional food preservation centers. These food specialists also provide technical assistance with respect to food preservation plant lay-out, facilities equipment, operating methods, and processing techniques. Anyone acting on behalf of a community, school, or institutional food preservation center may make application for securing these services by applying to the State PMA office of the Field Service Branch or to the Director.

§ 2326.13 *Industrial feeding.* The Industrial Feeding Division of the Branch furnishes upon the request of interested parties, informational material designed to assist plant management in the operation of industrial food services; encourages the maximum consumption of abundant and surplus foods by industrial food services for industrial workers and their families; determines nutritional requirements of industrial workers; develops standards for food preparation and service in industrial feeding establishments; prepares menu-planning guides, recipes, and similar materials; renders assistance on food supply problems; advises on training of food service personnel; assists industrial plant management with feeding facilities and equipment problems; prepares basic layouts and facilities and equipment standards for food services; consults on types of equipment to meet sanitation standards; and cooperates on disposal of surplus food service equipment. Anyone desiring to secure these services should apply to the State PMA office of the Field Service Branch or to the Director.

§ 2326.14 *Cooperative programs with distributive trades groups.* The Distributive Trades Division of the Branch conducts programs to alleviate conditions arising from an unbalanced supply and demand situation. In order to accomplish this, the Division establishes liaison with the distributive trades in meeting distribution problems which may be interfering with wider marketing of agricultural commodities; establishes and serves local and national food distribution advisory committees; encourages the distribution of abundant or surplus commodities through normal channels of trade, and plans, directs, and supervises the operation of special merchandising programs for such commodities; alleviates the effects of maldistribution of available supplies on specific communities or trading areas; assists vulnerable groups in obtaining minimum requirements of essential foods in periods of short supply; and provides assistance to veterans engaged in processing and distributing foodstuffs in obtaining minimum quantities of scarce foods.

PART 2327—LABOR BRANCH

SUBPART A—ORGANIZATION

Sec.
2327.1 Central Office.
2327.2 Field organization.
2327.3 Availability of information and records.

SUBPART B—FUNCTIONS AND PROCEDURES

2327.10 Farm labor supply program.
2327.11 Wage stabilization.

SUBPART A—ORGANIZATION

§ 2327.1 *Central Office*—(a) *General.* The principal office of the Branch is at Washington, D. C., in Temporary Building, 20th Street and East Capitol Avenue, consisting of the Office of the Director, Program Division, Operations Division, Health Services Division, and Wage Stabilization Division.

(b) *The Director.* (1) The Director of the Branch, aided by two Assistant Directors, has general administrative supervision and control over all of the work of the Production and Marketing Administration which is generally concerned with the recruitment of foreign agricultural workers and the transporting, housing, and supplying of medical care to these workers, together with the housing of domestic migratory workers in camps operated by the Labor Branch. The Branch's work also consists of advising and assisting the Administrator and his staff on the labor, manpower, and wage stabilization programs of the PMA and in the general supervision of the agricultural wage stabilization program of the Secretary in accordance with the following statute and regulations: Supply and Distribution of Farm Labor, Public Law 229, 78th Congress (58 Stat. 11) (8 F. R. 11960, 8 F. R. 16702, 9 F. R. 6035, 11 F. R. 2517).

(2) The Director collaborates in negotiating contracts with foreign governments relative to the importation of foreign agricultural workers and in collaboration with the commodity branches, collects and presents information concerning the interests of the Administration and the Department in assuring that food processing, storing and distribution activities are not interrupted.

(3) In connection with the Wage Stabilization program the Director has final authority to:

(i) Establish State USDA Wage Boards.

(ii) Establish Specific Agricultural Wage Ceilings.

(iii) Determine whether or not salary or wage payments have been made in contravention of the act, impose sanctions, and certify the amount determined to any executive department or other agency of the Federal Government.

(iv) Issue interpretations of the definition of Agricultural labor when necessary to clarify jurisdiction between the Department of Agriculture and other governmental agencies.

(v) Determine and promulgate weekly, hourly, daily or piece-work rates equivalent to $2,400 per annum for specific areas or crops.

(vi) Approve or disapprove applications for wage or salary increases or decreases in conformity with the applicable regulations.

(vii) Redelegate any delegated final authorities relative to wage stabilization to State USDA Wage Boards.

(4) The Director of Labor has final authority to determine and pay claims of workers recruited in foreign countries submitted pursuant to section 3 (a) 4, title 1, Public Law 229, 78th Congress.

The work is carried on through four separate divisions in the central office and five divisional operations offices, and through State USDA wage boards, all being directly responsible to the Director of the Branch.

(c) *The Divisions.* The Divisions in the central office are as follows:

(1) *Program Division.* Coordinates the development and planning of programs for meeting farm labor and allied problems of P. M. A. Analyzes all certifications of need for foreign workers received from State extension directors and other pertinent data from the field; rejects the certifications or makes an allotment of laborers, specifying the source of workers and the condition of employment.

(2) *Operations Division.* Is responsible for the execution of a program to recruit foreign workers for importation to areas with domestic worker shortages. Obtains railroad, boat, or other transportation facilities to transport agricultural workers from their country of origin to destinations in the United States, between assignments in this country, and ultimately to their country of origin, including the provision of necessary meals in transit. Develops programs to provide shelter, feeding, and necessary community services for agricultural workers. Directs negotiations with imported workers and growers contracting for workers in order that agreements may be executed outlining fully the responsibilities of all parties. Develops, and technically supervises the application of procedures governing contract performance in workers agreements and growers contracts. Plans and formulates the activities of field offices concerning the maintenance and repair of farm labor supply center facilities, also the preparation of specifications, and contracts in connection therewith.

(3) *Health Services Division.* Develops and recommends medical care programs for the examination and treatment of eligible agricultural workers. Arranges for medical examinations on recruitment of foreign workers. Develops policies for the conduct of a dental program and the organization of dental clinics and the provision of dental services on a referral basis. Plans and develops procedures for the provision of nursing services and supervises the establishment of nurses clinics for preventive services and field and home nursing services. Develops sanitation standards for the maintenance and operation of farm labor supply centers. Develops

policies and operating procedures governing the activities of agricultural workers health associations under contract with the Branch to provide medical care to agricultural workers. Collaborates with Federal, State and other agencies engaged in health, safety and sanitation activities, enlisting their cooperation on behalf of agricultural workers under the program.

(4) *Wage Stabilization Division.* Develops programs and procedures to stabilize agricultural salaries and wages, including the establishment of specific ceiling rates in accordance with Directives of the Office of Economic Stabilization. Directs activities of state wage boards in approving wage increases and analyzes individual requests for agricultural wage and salary increases where authority has not been delegated to wage boards and takes appropriate action. Directs activities of state wage boards in obtaining compliance with board determinations; requests investigation of indicated cases of noncompliance; certifies economic sanctions growing out of violations to other agencies and refers violations to appropriate governmental agencies for action.

§ 2327.2 *Field organization*—(a) *Divisional offices.* Divisional operations offices covering the States indicated are located as follows:

Northeastern Division, 1005 Market Street, Philadelphia, Pennsylvania: Maine, Maryland, Massachusetts, Rhode Island, New Hampshire, New Jersey, New York, Vermont, West Virginia, Pennsylvania, Delaware, Connecticut.

Southeastern Division, 449 W. Peachtree Street, Atlanta 3, Ga.: Alabama, Florida, Georgia, Mississippi, North Carolina, Tennessee, Virginia, South Carolina.

Central Division, 226 West Jackson Boulevard, Chicago 6, Ill.: Arkansas, Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Oklahoma, Texas, Wisconsin.

Northwestern Division, Terminal Sales Building, Portland 5, Oreg.: Colorado, Idaho, Montana, Oregon, Utah, Washington, Wyoming.

Southwestern Division, 2180 Milvia, Berkeley 4, Calif.: Arizona, California, Nevada, New Mexico.

Under the supervision of the Director, the Chief of Operations in the Divisional office directs the execution of the imported labor program and the operation of facilities incident to the domestic migratory agricultural labor program in accordance with established policies and procedures.

(b) *Area offices.* Under the supervision of a Divisional Chief of Operations, area offices supervise the execution of all phases of the farm labor supply program of the Labor Branch within an assigned area. Area offices are located as follows:

P. O. Box 1951, Wilmington, Del.
48 Chambersburg Street, Gettysburg, Pa.
Cornell University, Warren Hall, Ithaca, N. Y.
436 Capitol Ave., Hartford, Conn.
P. O. Box 710, Raleigh, N. C.
P. O. Box 1671, West Palm Beach, Fla.
P. O. Box 134, Blacksburg, Va.
P. O. Box 365, College Station, Tex.
905 University Ave., Madison, Wis.
119 East Grand River Ave., East Lansing, Mich.
226 West Jackson Blvd., Chicago, Ill.
Ohio State University, Columbus, Ohio.
514 Terminal Building, Lincoln, Nebr.
510 Mercantile Building, Denver, Colo.
621 Idaho Building, Boise, Idaho.
412 Security Building, Billings, Mont.
532 Federal Courts Bldg., St. Paul, Minn.
City Hall, Corvallis, Oreg.
220 Boston Building, Salt Lake City, Utah.
239 Liberty Building, Yakima, Wash.
Daly Building, 219 South Center Street, Casper, Wyo.
357 South Hill Street, Los Angeles 13, Calif.
221 Rowell Building, Fresno 1, Calif.
145 South American Street, Stockton 7, Calif.
2132 Center Street, Berkeley, Calif.
222 South First Avenue, Phoenix, Ariz.
129 North Center Street, Lunsford Building, Reno, Nev.

(c) *Temporary field offices.* Temporary field offices are maintained at such locations and for such periods of time as may be necessary for the operation of the program during various periods of the year. The addresses of these temporary field offices may be obtained from the Divisional offices or by making inquiry to the Director of the Labor Branch in Washington.

(d) *Offices of USDA Wage Boards.* State USDA Wage Boards, appointed under the agricultural wage stabilization program are located in the following cities:

222 S. First Avenue, Phoenix, Ariz.
108½ W. Third Street, Little Rock, Ark.
2181 Bancroft Way, Berkeley 4, Calif.
Colorado State College, Ft. Collins, Colo.
University of Delaware, Newark, Del.
Lake Wales, Fla.
Room 521 Idaho Building, Boise, Idaho.
608 Dearborn Street, Chicago, Ill.
Kansas State Agricultural College, Manhattan, Kan.
c/o Federal Land Bank of Springfield, Perham, Maine.
Sherwood Building, Baltimore, Md.
c/o Michigan State College, East Lansing, Mich.
c/o County Agricultural Agent, Ada, Minn.
Masonic Temple, Jackson 45, Miss.
Room 113, Waters Hall, Columbia, Mo.
c/o State Department of Agriculture, Lincoln, Nebr.
20 Washington Place, Newark 2, N. J.
716 7th South, Fargo, N. Dak.
Ohio State University, Columbus, Ohio.
318 P. O. Building, Oklahoma City, Okla.
710 Pittock Block, Portland, Oreg.
c/o Soil Conservation Service, Rapid City, S. Dak.
AAA Building, College Station, Tex.
235 Liberty Building, Yakima, Wash.

§ 2327.3 *Availability of information and records.* (a) Public information may be obtained from and submittals and requests made to the Director, Labor Branch, Production and Marketing Administration, United States Department of Agriculture, Washington, D. C. The records of the Branch are available for examination (7 CFR, Part 2100).

SUBPART B—FUNCTIONS AND PROCEDURES

§2327.10 *Farm labor supply program.* Public Law 229, 78th Congress (53 Stat. 11), as amended and extended, provides for the Secretary to assist in providing an adequate supply of workers for the cultivation, harvesting and preparation for markets of agricultural commodities essential to the orderly transition from war to peace. The Director, operating through Chiefs of Divisions in the Central office and through Chiefs of Divisional Operations offices, recruits foreign workers from countries of the western hemisphere; transports them to areas of need as certified by the Directors of the several State Extension Services; provides, where necessary, shelter for foreign workers and for migratory domestic workers in camps operated for that purpose; provides necessary health and medical service for foreign agricultural workers imported under the program and to domestic migratory agricultural workers and their families housed in camps operated by the Labor Branch, or who have entered the area serviced by any such labor supply centers and to whom adequate health and medical services are not otherwise available. In order to carry out these responsibilities, the Director of the Labor Branch executes agreements with foreign governments setting forth the conditions under which agricultural workers may be recruited; enters into agreements with the workers covering the conditions under which they are transported to the United States for employment; enters into agreements with employers covering the employment of foreign agricultural workers and setting forth the terms under which such workers are employed; and enters into agreements with agricultural workers' health associations whereby the health associations provide medical care to agricultural workers within the limitations of the Act. The delegated authority of the Director to enter into agreements with agricultural workers and to execute agreements with employers is redelegated to the Division Chiefs of Operations with authority for them to redelegate to other employees in the Labor Branch. Under the Act, the authority to place transported agricultural wrokers is vested exclusively in the Agricultural Extension Services of the Land Grant Colleges. The Labor Branch supplies workers only upon certification of need from the State Extension Directors to the Labor Branch, which then enters into agreements for the employment of such workers with employers specified by the Agricultural Extension Services. The Act provides that when authorized by the Secretary, workers under the program may be used in the packing, canning, freezing, drying, and other processing of perishable or seasonable agricultural commodities. Workers are placed in such occupations only upon certification of need from the Agricultural Extension Services.

The Director has entered into agreements with the Land Grant Colleges in the States of New York, Maine, Rhode Island, New Hampshire, Vermont, Connecticut, Delaware, Ohio, and South Dakota to carry out portions of the foreign labor program delegated to him by the Secretary.

§ 2327.11 *Wage stabilization.* The function of the program is to stabilize wages and salaries of agricultural labor as a means of controlling inflationary tendencies affecting the cost of living. Under authority of Regulations of the Economic Stabilization Director (8 F. R. 11960, 8 F. R. 16702, 9 F. R. 6035, 11 F. R. 2517), based on the Stabilization Act of

1942 (Public Law No. 729, 77th Congress, 2nd Sess.), as amended and extended, the Secretary of Agriculture has jurisdiction to stabilize wages of agricultural labor and salaries of agricultural laborers which do not exceed $5,000 per annum. Employers of agricultural labor may increase salaries and wages up to $2,400 per annum, $200 per month, or the equivalent weekly, hourly, or piece-work rate without approval unless a specific wage ceiling order setting a different maximum rate has been promulgated. Employers of agricultural labor may not decrease salary or wage rates below the highest rates paid for the particular work between January 1, 1942 and September 15, 1942 without approval. Application for approval of adjustments above rates promulgated in specific ceiling orders shall be made to the State USDA Wage Board in the State to which the order applies. These applications should be made on form LR–1701–2 which may be secured from the State Wage Boards. Application for approval to increase payments above the equivalent of $2,400 per annum or to decrease payments below the rates paid between January 1, 1942, and September 15, 1942, shall be made to State USDA Wage Boards in the States of California, Idaho, Oregon, Texas and Washington. For all other states such application shall be made to the Director, Labor Branch. Such applications may be made by letter or on Form LR–1701–1 which may be secured from the Director or the Wage Boards. If application is by letter the rates paid in 1941, 1943 and present and proposed rates should be indicated and the reasons for the proposed increase or decrease. The burden of justifying the proposed changes rests on the applicant. (10 F. R. 7609, 10 F. R. 3177, 10 F. R. 9581, 11 F. R. 5903.

PART 2328—MARKETING FACILITIES BRANCH

SUBPART A—ORGANIZATION

Sec.

2328.1 Central Office.
2328.2 Field offices.
2328.3 Availability of information and records.

SUBPART B—FUNCTIONS AND PROCEDURES

2328.20 Transportation rates on agricultural commodities.
2328.21 Warehouses.
2328.22 Twenty-eight hour law enforcement.
2328.23 Research.
2328.24 War Food Order.

SUBPART A—ORGANIZATION

§ 2328.1 *Central Office*—(a) *General.* The principal office of the Branch is at Washington 25, D. C., in the Agriculture Administration Building.

(b) *The Director.* Under the general supervision of the Administrator, the Director formulates, directs, and supervises the execution of the policies, programs, and activities of the Production and Marketing Administration assigned to the Branch. The Director has final authority to:

(1) Take all action necessary or appropriate in the administration of War Food Orders assigned to the Branch, that have been approved by the Secretary under Title III of the Second War Powers Act (56 Stat. 177), except with respect to the determination of appeals, to the Assistant Administrators. (7 CFR 2301.1 (b) (2) (i)).

(2) Take all action necessary or appropriate in the administration of the U. S. Warehouse Act (7 U. S. C. 241) and the 28-Hour Law (45 U. S. C. 71–76), subject to limitations contained in said Acts and in rules and regulations promulgated with respect thereto (7 CFR, Parts 101–114, 151).

(c) *Functions of the Divisions.* The Divisions and their functions are as follows:

(1) *Transportation Rates and Services Division.* Protects the interests of farmers and the Department in matters involving rates, charges, tariffs, and practices relating to the transportation of farm products and departmental shipments by rail, motor carrier, water carrier and air, and cooperates with various other Government agencies and farm organizations in the solution of their transportation problems.

(2) *Market Organization and Facilities Division.* Investigates and studies the marketing of agricultural products, the supply and demand of storage space, including refrigerated storage space, storage methods used for agricultural and food products, and administers War Food Order 111 relating to the storage of food.

(3) *Transportation Facilities Division.* Collects and assembles data, develops and promotes plans for conserving transportation facilities, in which connection it assists Office of Defense Transportation and other governmental agencies in the compilation of transportation priority lists, and advises on prospective transportation requirements of agricultural products.

(4) *Warehouse Supervision Division.* Administers regulations pertaining to the Federal inspection and operation of warehouses, and the licensing of warehousemen, inspectors, graders, weighers, and samplers of agricultural products, under the U. S. Warehouse Act. The Chief of this Division has final authority to grant licenses, under the facsimile signature of the Secretary, to warehousemen, inspectors, graders, weighers, and samplers; to cancel or suspend the licenses of warehousemen, inspectors, graders, weighers, and samplers where such cancellation or suspension does not involve disciplinary action, to approve warehousemen's bonds and increases in the amounts of such bonds and extensions thereof, and to approve increases in the capacities of warehouses.

§ 2328.2 *Field offices*—(a) *Warehouse supervision field offices.* Offices are located at 139 Post Office Building, Little Rock, Arkansas; 22 Marietta Street Building, Atlanta, Georgia; 103 East Washington Building, Indianapolis, Indiana; 1015 Central Building, Wichita, Kansas; 607 Cotton Exchange Building, New Orleans, Louisiana; 533 Grain Exchange Building, Omaha, Nebraska; 406 Agriculture Building, Raleigh, North Carolina; 435 United States Court House, Portland, Oregon; 212 United States Customhouse, Memphis, Tennessee. Under the immediate supervision of the Warehouse Supervision Division, the above field offices inspect warehouse facilities and investigate and examine persons applying for licenses under the Warehouse Act, check irregularities of warehousemen involving violations of the Act, and perform such other functions as are assigned by the Warehouse Supervision Division.

(b) *Field inspection offices for warehouses storing Government-owned products.* Offices are located at Room 553 Pacific Building, 821 Market Street, San Francisco, California; Room 1815, 5 Wabash Avenue, South, Chicago, Illinois; Room 504, Dun Building, 110 Pearl Street, Buffalo, New York; Room 956, 641 Washington Street, New York City; 435 United States Court House, Portland, Oregon; 910 Falls Building, Memphis, Tennessee; 4126 Wilson Building, Dallas, Texas. Under the immediate supervision of the Warehouse Supervision Division, these offices make periodic examinations of warehouses in which Government-owned products are stored or to be stored to determine that such warehouses have proper and adequate facilities and equipment for safe storage.

(c) *Administrative office for War Food Order 111,* 956 Washington Street, New York City, New York. This office handles the administration of War Food Order 111, subject to the direction and supervision of the Order Administrator.

§ 2328.3 *Availability of information and records.* Any person may obtain information from and make submittals and requests to the officer in charge of the various field stations listed above as to the work performed by each station. All other requests and submittals should be addressed to: The Director, Marketing Facilities Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. The records of the Branch, including those maintained in the field offices, are available for examination in accordance with the rules and designations of records issued by the Secretary (7 CFR, Part 2100).

SUBPART B—FUNCTIONS AND PROCEDURES

§ 2328.20 *Transportation rates on agricultural commodities.* The Branch studies rates, charges, tariffs and practices relating to the transportation of agricultural commodities, animals and animal products, and supplies by rail, motor carrier, water carrier, and air, and appears, on behalf of farmers, farm cooperatives, and in the public interest before carrier adjustment committees, and formally before the Interstate Commerce Commission, the Maritime Commission, Civil Aeronautics Board, and State Public Utility Commissions as a party in administrative proceedings to secure just and reasonable freight rates on such traffic, and represents agricultural interests before such bodies in connection with transit arrangements, abandonment of facilities and related services. Appearances before such agencies are governed by rules of practice promulgated by the agency before which appearance is made. Farmers and other agricultural interests desiring the assistance of the Department of Agriculture in making complaints to such agencies

with respect to rates, charges, tariffs, and practices, and operations relating to the transportation of farm products should address such complaints to the Director, as indicated in § 2328.3.

§ 2328.21 *Warehouses.* The Branch administers the United States Warehouse Act (7 U. S. C. 241–273) and the regulations of the Secretary issued pursuant thereto (7 CFR, Parts 101–114 and 151). The procedure for securing licenses under the Warehouse Act and for the suspension or revocation of such licenses is set out in said regulations. The Branch also cooperates with the warehousing trade, and State and Federal agencies in developing and promoting sound and improved warehousing methods and financial structures.

§ 2328.22 *Twenty-eight hour law enforcement.* The Branch investigates and reports violations of the so-called 28-Hour Law (45 U. S. C. 71-76), which provides that animals shipped in interstate commerce shall not be confined for more than 28 hours without unloading for rest, watering and feeding. Complaints of violations of this act should be reported to the Director. If the investigation and the collected evidence discloses a violation, the Chief of the Transportation Rates and Services Division refers the matter to the Solicitor's Office for review and further action.

§ 2328.23 *Research.* The Branch makes studies and investigations relating to all aspects of the marketing, transporting, and storage of agricultural commodities in order to acquire and diffuse useful information to the public (7 U. S. C. 612c and Annual Department Appropriation for "Marketing Farm Products"). The information so obtained is disseminated through the Director's office and other agencies within the Department of Agriculture.

§ 2328.24 *War Food Order.* The Branch administers War Food Order No. 111 (9 F. R. 10762) relating to the storage of foods and perishable items in refrigerated storage. The procedures and methods of operation are set out in said order.

PART 2329—MATERIALS AND EQUIPMENT BRANCH

SUBPART A—ORGANIZATION

Sec.

2329.1 Central Office.
2329.2 Field Offices.
2329.3 Availability of information and records.

SUBPART B—FUNCTIONS AND PROCEDURES

2329.10 Veterans' preference for farm machinery and equipment.
2329.11 Farm construction program.
2329.12 Conservation of can manufacturing materials.
2329.13 Surplus property program.
2329.14 Agricultural equipment and supplies and containers and packaging programs.

SUBPART A—ORGANIZATION

§ 2329.1 *Central Office*—(a) *General.* The principal Office of the Branch is at Washington, D. C., in the South Agriculture Building, consisting of the Office of the Director, Surplus Property Division, Agriculture Equipment and Supplies Division, Containers and Packaging Division.

(b) *The Director.* Under the general supervision of the Administrator, the Director formulates, coordinates, directs and executes the policies, programs and activities of the Production and Marketing Administration assigned to it. The Director has final authority to:

(1) Decide appeals relating to issuance of certificates to veterans for preference in the purchase of farm machinery and to grant relief to farm implement dealers and other persons in hardship cases (7 CFR, Part 1202).

(2) Hear and determine appeals by manufacturers and users of food containers (32 CFR, Part 3270).

(3) Approve applications for nondwelling farm construction where expenditures will exceed $50,000, and for farm dwelling applications where expenditure will exceed $10,000 for a single family structure or $17,000 for a two-family structure, and decide appeals on applications for all farm construction (32 CFR, Parts 903.155, 903.156; 24 CFR, Part 705).

(c) *Office of the Director.* This office coordinates work of the Department relating to materials and equipment required to grow, harvest and process agricultural commodities, and, in connection therewith, maintains liaison with the Civilian Production Administration, Veterans' Administration, War Assets Administration, disposal and owning agencies, other Government agencies, members of agricultural and related industries and farm organizations. The administrative Management Section plans and carries out administrative policies and procedures essential to Branch operations through determining requirements and recommending appropriate action to be taken on organization, budgetary, personnel, fiscal and other management services.

(d) *The Divisions.* The divisions are as follows:

(1) *Surplus Property Division.* In cooperation with disposal agencies, formulates policies, procedures and rules to assure farmers and farmers cooperative associations equal opportunity with others to purchase surplus property; develops, coordinates and administers programs for the sale of surplus property in the field; develops and administers programs for emergency sales and distribution of trucks, machinery and equipment necessary to prevent impairment or threatened impairment of farm production; conducts investigations to determine availability of equipment and requests owning agencies to declare, as surplus, equipment needed by farmers, farmers cooperative associations and allied agricultural industries; promotes the production of needed agricultural machinery, equipment and supplies by assisting manufacturers and suppliers of these items in securing necessary surplus machine tools and materials; and assists in obtaining surplus equipment for the determination of alternate uses of surplus property by agriculture and agricultural industries.

(2) *Agricultural Equipment and Supplies Division.* Determines and directs formulation of requirements for farm equipment and supplies, food processing machinery, equipment and facilities, packaging machinery, chemicals and fertilizers necessary to accomplish the food production goals of the Department, and present claims for priorities on such requirements in the Civilian Production Administration; develops programs for and administers allocations, authorizations, limitations, rationing and issuance of priorities for agricultural materials, equipment and supplies whenever these functions are delegated to the Department by the Civilian Production Administration, War Assets Administration and other Government agencies, recommends to the Civilian Production Administration action to be taken on requests for priorities assistance, and advises and aids applicants and the Civilian Production Administration in connection with priorities; formulates policies and administers the granting of preference to veterans for the purchase of farm machinery, reviews appeals on applications for such preferences; administers the issuance of permits for construction of farm dwellings and other farm construction.

(3) *Containers and Packaging Division.* In cooperation with the Civilian Production Administration, formulates and administers programs for the production, distribution and use of all types of containers, closures, packaging materials, agricultural textiles, cordage and related materials for the food production and distribution programs of the Department; and determines the agricultural requirements and specifications of all critical materials needed for containers, packaging, closures, textiles and cordage; develops programs for and administers allocations, authorizations, limitations, rationing and issuance of priorities for agricultural containers, closures, packaging, textiles and cordage whenever these functions are delegated to the Department by the Civilian Production Administration, recommends to the Civilian Production Administration action to be taken on requests for priority assistance, advises and aids applicants and the Civilian Production Administration in connection with priorities; and formulates policies and administers orders under which the use of tinplate for food containers is limited, and reviews appeals arising under such orders.

§ 2329.2 *Field offices.* The programs and functions of this Branch which require direct contact with farmers are carried out in the field by the Field Service Branch (7 CFR Part 2324).

§ 2329.3 *Availability of information and records.* Any person desiring information or to make submittals or requests with respect to the program and functions of the Branch should address his request to: The Director, Materials and Equipment Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. The records of the Branch are available for examination in accordance with the rules and designation of records

issued by the Secretary (7 CFR, Part 210).

SUBPART B—FUNCTIONS AND PROCEDURES

§ 2329.10 *Veterans preference for farm machinery and equipment.* War Food Order 135 (7 CFR Part 1292) provides priority assistance in the purchase of farm machinery and equipment by World War II veterans who wish to establish or re-establish themselves in farming. The order contains the conditions under which certificates are issued, the applicable procedures, and the method by which appeal may be taken from action on applications by the field offices of the Field Service Branch (7 CFR, Part 2324).

§ 2329.11 *Farm construction program.* Under authority delegated to the Department by the Civilian Production Administration (32 CFR 903.155, 903.156) and the National Housing Administration (24 CFR, Part 705), permits are issued to farmers for construction of farm dwellings and other farm buildings. Applications for such permits are filed with the county agricultural conservation committees of the Field Service Branch (7 CFR, Part 2324). The forms on which application is made are CPA–4386 and FC–1 for farm dwellings, and CPA–4423 and FC–1 for farm construction other than dwellings. Copies of these forms and instructions for their execution are available at the offices of the county committes. Applications are reviewed by the county committee and forwarded to the State committee with recommendations for approval or disapproval. The State committee is authorized to approve or disapprove applications involving dwellings having a cost of not more than $10,000 in the case of a single family house or $17,000 in the case of a two-family structure, and non-housing construction having a cost of not more than $50,000. The applicant and the county committee are notified by the State committee of its action on an application. The applicant may appeal the decision of the State committee to the Director.

§ 2329.12 *Conservation of can manufacturing materials.* Order M–21 of the Civilian Production Administration (32 CFR Part 3270), establishes the sequence of manufacture of and delivery; and limits the use of cans made of tin plate, terne plate or blackplate. Under authority delegated to the Department by the Civilian Production Administration, the Branch administers that part of the order relating to food containers. Applications for quotas are filed with the Containers Division, Civilian Production Administration, Washington 25, D. C., as are appeals in connection with quotas. Appeals involving containers for food are referred to the Branch by the Civilian Production Administration and relief is granted within limits of tin and steel available, and in accordance with the food program requirements of the Department.

§ 2329.13 *Surplus property program.* In accordance with the authority vested in the Department under section 17 of the Surplus Property Act of 1944, the Branch has the responsibility of attempting to secure for farmers and farmer cooperative associations an equitable opportunity to purchase surplus property. This function is accomplished by collaboration and cooperation between the Branch, the War Assets Administration, War and Navy Departments and other owning and disposal agencies in the development of policies and procedures necessary for the disposal program. The Secretary is empowered by the Surplus Property Act to certify cases of agricultural impairment to the War Assets Administration. The Branch, for the Department, is authorized to make such certifications on cases of impairment or threatened agricultural impairment, and, assisted by the Field Service Branch, administers programs for emergency surplus and distribution of surplus property to prevent impairment to farm production. In the event it is believed that in an area agricultural production is impaired or threatened and can be relieved through surplus property, the Director of this Branch should be advised.

§ 2329.14 *Agricultural equipment and supplies and containers and packaging programs.* The Branch is the staff office of the Department responsible for the formulation of requirements for farm equipment and supplies, food processing machinery, equipment and facilities, packaging machinery, chemicals, fertilizer, container and packaging materials, agricultural textiles, cordage, closures and related materials to accomplish the food production, distribution and conservation programs of the Department. In doing this work the Branch coordinates requirements of the various commodity Branches and other Bureaus of the Department. The Branch is the designated representative of the Department on all of the above matters with the Civilian Production Administration, War Assets Administration, other Government agencies, members of agricultural and related industries and farm organizations.

PART 2330—SHIPPING AND STORAGE BRANCH

SUBPART A—ORGANIZATION

Sec.
2330.1 Central office.
2330.2 Field offices.
2330.3 Availability of information and records.

SUBPART B—FUNCTIONS AND PROCEDURES

2330.10 Sales of corporation commodities.
2330.11 Special contracts.
2330.12 Claims adjudication and settlement.

SUBPART A—ORGANIZATION

§ 2330.1 *Central Office*—(a) *General.* The principal office of the Branch is at Washington, D. C., in the South Agriculture Building, consisting of the Office of the Director, Administrative Division, Claims Division, Field Operations Division, Inventory Accounting Division, Maintenance Division, Program Operations Division, and Shipping Division.

(b) *The Director.* Under the general supervision of the Administrator, the Director formulates, directs, and supervises the execution of the policies, programs, and activities of the Production and Marketing Administration and the Commodity Credit Corporation assigned to the Branch, and serves as a Contracting Officer and executive of the Commodity Credit Corporation in general charge of the activities of the Corporation carried out through the Branch. The Director has final authority to:

(1) Enter into contracts by and on behalf of the Corporation, including orders for services relating to: (i) The handling, shipping, and storage of Corporation commodities under authorized programs of the Branch, and (ii) the purchase of packaging, working materials, and supplies in connection with reconditioning commodities.

(2) Settle and adjust claims by and against the Commodity Credit Corporation relating to programs for which the Branch is responsible, within the limitations established by the Corporation (6 CFR, Part 200 et seq.).

(3) Allocate tonnage to provide the most economical and expeditious transportation of Corporation commodities assigned to the Branch.

(4) Dispose of commodities in excess of, or not applicable to, program requirements.

(5) Contract for sales of property under the provisions of the Surplus Property Act of 1944 pursuant to authorization from the Assistant Administrator for Fiscal and Inventory Control.

(6) Terminate, under the provisions of the Contract Settlement Act of 1944, contracts relating to programs for which the Branch is responsible and approve settlement agreements under terminated contracts that do not provide for the payment of more than $50,000 to a prime contractor or $5,000 to a sub-contractor. (This authority may also be exercised by Associate and Assistant Branch Directors.)

(c) *Contracting and claims officers.* (1) Contracting officers are appointed by the Director with approval of the President of the Commodity Credit Corporation and may, to the extent authorized by their appointment, execute contracts relating to the activities of the Production and Marketing Administration or the Commodity Credit Corporation for which the Branch is responsible. The names of such officers may be obtained from the Director.

(2) Claims officers are appointed by the Director with approval of the President of the Commodity Credit Corporation and may settle certain types of claims by and against Commodity Credit Corporation in accordance with the procedure set forth in 6 CFR 200. The names of such officers may be obtained from the Director.

(d) *The divisions.* The divisions are as follows: (1) *Administrative Division.* Conducts activities essential to Branch operations by determining requirements and recommending appropriate actions to be taken on budgetary, personnel, fiscal organization, and other management services.

(2) *Claims Division.* Determines and settles claims arising out of contracts negotiated by the Branch and claims involving losses and damages to commodities in the custody of the Branch

occurring while they are in transit or storage.

(3) *Field Operations Division.* Develops and installs operating procedures and examines and reviews operations of Branch Field Offices; performs operational cost analysis studies, establishes standards of performance, and compiles workload and other control information for use within the Branch.

(4) *Inventory Accounting Division.* Establishes, maintains, and verifies perpetual inventories of commodities in the custody of the Branch; and furnishes reports and information regarding such commodities purchased, shipped, stored, and delivered for use in the management of the Corporation's inventory of foodstuffs.

(5) *Maintenance Division.* Provides for special handling of stocks in warehouses, including fumigation, recoopering, repackaging, and general reconditioning of commodities; and sells commodities in the custody of the Branch or arranges for such sales.

(6) *Shipping Division.* Directs and issues general instructions to guide the Field Offices in the routing of commodities to be shipped, the application of proper protective services, and the use of special rail or transportation equipment required; maintains and furnishes tariff and rate information; and develops and carries out coordinated programs in conjunction with other Federal agencies for controlling export commodities to port areas.

(7) *Program Operations Division.* Develops commodity delivery schedules in connection with commitments to claimant agencies; directs Field Offices to effect shipment or to store commodities; and plans effective and economical storage programs.

§ 2330.2 *Field offices.* (a) Field Offices are located at:

150 Broadway, *New York 7, New York,* with Suboffices at Bronx, New York, Baltimore, Maryland and Philadelphia, Pennsylvania; Falls Building, *Memphis 3, Tennessee,* with Suboffices at Mobile, Alabama, Norfolk, Virginia, and Savannah, Georgia; Wilson Building, *Dallas 1, Texas,* with Suboffices at Houston, Texas, and New Orleans, Louisiana; 5 South Wabash Avenue, *Chicago 3, Illinois;* and 821 Market Street, Pacific Building, *San Francisco 3, California,* with Suboffices at Los Angeles, California, and Portland, Oregon. Field Offices are primarily responsible for all operations of the Branch within their respective jurisdictions, in accordance with policies established in the Washington office.

(b) *Natural cooler storage.* The Branch is responsible for the operation of the Natural Cooler Storage at Atchison, Kansas. This facility is utilized for the temporary storage of some agricultural commodities owned by the Corporation and, under certain conditions, it is utilized for the storage of privately-owned commodities of a nature not generally stored by warehouses in private industry.

§ 2330.3 *Availability of information and records.* Any person desiring information or to make submittals or requests with respect to the programs and functions of the Branch should address his request to the Director, Shipping and Storage Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. The records of the Branch, including those maintained in the Field Offices, are available for examination in accordance with the rules and designation of records issued by the Secretary (7 CFR Part 2100).

SUBPART B—FUNCTIONS AND PROCEDURES

§ 2330.10 *Sales of corporation commodities.* Under existing Corporation authority the Shipping and Storage Branch engages in contracts to sell part-lot, out-of-condition, and salvaged commodities in addition to packaging, bagging, and other container materials. The sale of part-lot and out-of-condition commodities is limited to a value of $300.00 and sales are on a competitive-bid basis. Salvage items up to any value are sold on a bid or fair-market-value basis. The sale of new packaging materials is on a competitive-bid basis and limited to a value of $300.00. Used packaging materials are sold on a competitive-bid basis without limitation. All other corporation commodity stocks in excess of the limitations enumerated above are referred for sale to the appropriate commodity branch in the Production and Marketing Administration.

§ 2330.11 *Special contracts.* Contracting Officers, both in Washington and the Field Offices, contract for reconditioning, recoopering, trucking, lighterage, storage, and related services for commodities in the custody of the Branch.

§ 2330.12 *Claims adjudication and settlement.* Claims by and against Commodity Credit Corporation, arising out of contracts negotiated by the Branch, and claims involving losses and damages to commodities in the custody of the Branch while they are in transit or storage may be submitted to the Chief, Claims Division, Shipping and Storage Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

[SEAL] CLINTON P. ANDERSON,
Secretary.

[F. R. Doc. 46–15589; Filed, Aug. 30, 1946; 11:15 a. m.]

Rural Electrification Administration

[6 CFR, Ch. IV]

PART 400—ORGANIZATION, FUNCTIONS AND PROCEDURES

SUBPART A—ORGANIZATION

Sec.
400.1 Central organization.
400.2 Field organization.
400.3 Availability of information and records.
400.4 Delegations of final authority.

SUBPART B—FUNCTIONS AND PROCEDURES

400.21 Loans pursuant to section 4 of Rural Electrification Act.
400.22 Loans pursuant to section 5 of Rural Electrification Act.
400.23 Studies, investigations and reports.
400.24 Assistance to borrowers.

SUBPART A—ORGANIZATION

§ 400.1 *Central organization.* — (a) *General.* The principal office of the Rural Electrification Administration is at Washington, D. C. The function of the agency is the carrying out of a program of rural electrification, as provided for by the Rural Electrification Act of 1936, as amended (7 U.S.C. 901–915).

(b) *The Administrator.* The Administrator is appointed by the President with the advice and consent of the Senate, for a term of ten years. He functions as the chief administrative official of the agency under the general supervision and direction of the Secretary of Agriculture. He is aided directly by a Deputy Administrator and an Assistant Administrator. The work is carried on through the divisions and the staff described in the succeeding paragraphs of this section.

(c) *Applications and Loans Division.* Assists loan applicants in organizing and preparing loan applications. Receives, reviews, evaluates and processes all loan applications. Makes recommendations to Administrator concerning allocations. Advises and assists borrowers in effective use of electricity and development of rural industries and makes policy recommendations to Administrator in respect thereof.

(d) *Engineering Division.* Gives advice and assistance to borrowers concerning the design, construction and technical operation of rural electric systems and related facilities. Gives general management advice and assistance in respect of central generation and transmission systems. Makes recommendations to Administrator for approval of proposed and completed construction.

(e) *Finance Division.* Is responsible for accounting relationships between the Administration and its borrowers, the Treasury, and the Reconstruction Finance Corporation. Controls and approves advances and expenditures in relation to the budget. Designs and installs borrowers' accounting system. Audits borrowers' accounts. Gives advice and assistance to borrowers concerning accounting matters.

(f) *Management Division.* Advises and assists borrowers in the handling of general problems involving policy, plans, programs, business management and operation of their systems.

(g) *Technical Standards Division.* Develops basic technical engineering standards relating to materials, equipment and construction, for the use of members of the staff and of borrowers.

(h) *Information Division.* Disseminates information to borrowers and general public concerning status and progress of rural electrification. Prepares and disseminates material designed to assist cooperative borrowers.

(i) *Personnel Division.* Supervises all matters relating to personnel employed by the agency.

(j) *Administrative Services Division.* Provides all intra-agency office services.

(k) *Pole Requirements Staff.* Gives technical advice and assistance to borrowers and makes recommendations to Administrator concerning pole procurement.

§ 400.2 *Field organization.* (a) The only office maintained outside of Washington is located at Portland, Oregon. It performs liaison with the Bonneville Power Administration and REA borrowers in the Bonneville Service area. Its address is: REA Liaison Office, 701 Bedell Building, Portland 4, Oregon.

(b) The Applications and Loans, Engineering, Finance and Management Divisions perform their functions in relation to applicants for loans, and borrowers, on a regional basis. Each of these divisions has travelling field representatives who function directly under and are responsible to the central office.

§ 400.3 *Availability of information and records.* Any person desiring information or wishing to make submittals or requests, concerning the loans available through the Rural Electrification Administration, or concerning any of its activities, should address: Rural Electrification Administration, U. S. Department of Agriculture, Washington 25, D. C. The records of the agency are available for examination in accordance with the rules and designations of records issued by the Secretary (7 CFR, Part 2100).

§ 400.4 *Delegations of final authority.* (a) In the absence of the Administrator, the Deputy Administrator exercises any of the powers of the Administrator as Acting Administrator. In the absence of both the Administrator and the Deputy Administrator, the Assistant Administrator exercises any of the powers of the Administrator.

(b) Power to finally approve contracts between borrowers and parties other than the United States "for Claude R. Wickard, Administrator" has been delegated to "William J. Neal, Deputy Administrator", and to "Carl Hamilton, Assistant Administrator".

(c) Authority has been delegated to the Deputy Administrator and the Assistant Administrator:

(1) To make requisitions from Reconstruction Finance Corporation.

(2) To make certifications to Reconstruction Finance Corporation on collateral.

(3) To authorize transfers of budget where purpose of an allocation is changed.

(4) To place and release stop orders.

(5) To authorize transfers of material, including instructions to borrowers and certifications where necessary.

(6) To authorize substantial purchases of equipment or services for Rural Electrification Administration.

(7) To approve salaries of managers of borrowers' systems.

(8) To approve depositories for the funds of borrowers.

(9) To approve construction contract amendments.

(10) To approve service entrance contracts.

(11) To approve agreements involving less than three hundred dollars ($300) to move poles to avoid physical interference with telephone lines.

(12) To approve selection by borrower of engineer.

(13) To approve selection by borrower of architect.

(14) To certify Rural Electrification Administration purchase vouchers.

(d) Authority to perform the following acts has been delegated to the Deputy Administrator, the Assistant Administrator and the Associate Solicitor in Charge of Rural Electrification.

(1) To execute certificate concerning a borrower's status.

(2) To make affidavit in respect of recording and filing of mortgages and deeds of trust and renewal of the liens thereof.

(3) To execute certificate regarding borrower's incorporation.

(e) Authority to perform the following acts has been delegated to Chief, Finance Division (in addition to Deputy Administrator and Assistant Administrator).

(1) To make endorsements on consumers' installment notes.

(2) To make assignments of consumers' installment notes.

(3) To certify requisitions for loan funds.

(4) To approve depositories for the funds of borrowers.

(f) Authority has been delegated to Chief, Engineering Division (in addition to Deputy Administrator and Assistant Administrator).

(1) To approve construction contract amendments.

(2) To approve service entrance contracts.

(3) To approve agreements involving less than three hundred dollars ($300) to move poles to avoid physical interference with telephone lines.

(4) To approve borrower's selection of engineer.

(5) To approve borrower's selection of architect.

(g) Authority to perform the following act has been delegated to Chief, Administrative Services Division (in addition to Deputy Administrator and Assistant Administrator).

(1) To certify Rural Electrification Administration purchase vouchers.

(h) Authority to perform the following act has been delegated to Chief, Electrification Loans Division, Office of the Solicitor (in addition to Deputy Administrator, Assistant Administrator, Associate Solicitor in Charge of Rural Electrification).

(1) To make affidavit in respect of filing and recording of mortgages and deeds of trust and renewals of the liens thereof.

(i) Authority to perform the following act has been delegated to the Associate Solicitor in Charge of Rural Electrification and to Chief, Electrification Loans Division, Office of the Solicitor.

(1) To execute releases of liens upon motor vehicles, and all other documents or instruments relating to such liens or releases thereof, including, without limitation, notices that the United States of America has such liens upon such motor vehicles.

SUBPART B—FUNCTIONS AND PROCEDURES

§ 400.21 *Loans pursuant to section 4 of Rural Electrification Act—(a) General.* These loans are made to finance the construction and operation of generating plants, electric transmission and distribution lines or systems. They must be amortized within a maximum of thirty-five years, must be found to be self-liquidating within the period of the loan, and must be reasonably secured in the judgment of the Administrator. They bear interest at two per centum per annum. They may be made to persons, corporations, public bodies, and to cooperative, nonprofit, or limited dividend associations.

(b) *Applications.* There is no prescribed or standard form of application for such loans. The Applications and Loans Division gives interested persons making inquiry specific advice as to their eligibility, the terms and conditions of the loans, the information that they should furnish and the further steps they should take to perfect application. The Applications and Loans Division receives and processes all loan applications. If the Administrator approves a loan proposal and makes an allocation of funds the applicant is immedaitely notified. Loan papers are then prepared for the signatures of the Administrator and the borrower.

(c) *Construction.* Under the loan agreements, certain controls over construction by the borrower are exercised by the agency. These include approval of the consulting engineer selected and hired by the borrower, approval of the plans and specifications for the construction, approval of materials and equipment used, and approval of contracts with third parties for engineering services, for construction, and for purchase of materials, equipment and wholesale power. There is also provision for progress reports to the agency on construction, for inspection of construction by the agency and for audits of the borrower's records relating to construction.

(d) *Advance of loan funds.* Loan funds are advanced on the basis of requisitions and public vouchers submitted by the borrowers. Borrowers may requisition up to ninety percent of the cost of construction prior to the completion of the project. The balance is withheld until construction has been finally approved.

§ 400.22 *Loans pursuant to section 5 of Rural Electrification Act—(a) General.* These loans are made to finance the wiring of the premises of persons in rural areas and the acquisition and installation of electrical and plumbing appliances and equipment. They bear interest at two per centum per annum. They may be made to any of the borrowers of funds under section 4 of the act or to any person, firm, or corporation supplying or installing the wiring, plumbing, or appliances.

(b) *Applications.* There is no standard or prescribed form of application for this type of loan. The information submitted in support of an application should set forth the purposes for which the loan is requested and the amount required for each purpose. The Applications and Loans Division receives and processes all such applications. If the Administrator approves the loan proposal and makes an allocation of funds the applicant is immediately notified and loan documents are prepared for the sig-

natures of the Administrator and the borrower.

(c) *Advances of loan funds.* Loan funds are advanced on the basis of requisitions and public vouchers submitted by the borrower. Before any funds are advanced the borrower must satisfy the agency that the installations financed comply with minimum standards established by the agency.

§ 400.23 *Studies, investigations and reports.* Pursuant to section 2 of the act the agency may make, or cause to be made, studies, investigations, and reports concerning the condition and progress of the electrification of rural areas in the several States and territories and may publish and disseminate information with respect thereto.

§ 400.24 *Assistance to borrowers.* In carrying out the program of rural electrification provided for by the act, the agency provides specialized and technical assistance to borrowers in respect of their organization, the construction of their facilities, and the technical and managerial operation of their completed systems. Persons or associations seeking an initial loan from the Rural Electrification Administration for the construction of a rural power system, are assisted in perfecting their organization and in the conduct of their surveys and in the preparation of loan applications, by the Applications and Loans Division. Similar services are rendered when necessary to existing borrowers. The same Division furnishes assistance in the formulation of programs designed to enable consumers to obtain the maximum benefits of electric power. The Engineering Division assists borrowers in the solution of all types of technical engineering problems through a staff of field engineers and by correspondence. The Management Division, through its field representatives and by correspondence, furnishes borrowers with assistance on all types of general management problems. The Finance Division, through its field representatives and by correspondence, assists borrowers in their accounting problems, in training of accounting personnel, and keeps borrowers informed concerning their financial condition by periodic audits.

[SEAL] CLINTON P. ANDERSON,
Secretary.

[F. R. Doc. 46-15189; Filed, Aug. 28, 1946; 9:06 a. m.]

Soil Conservation Service

[7 CFR, Ch. VI]

PART 600—ORGANIZATION, FUNCTIONS AND PROCEDURE

By virtue of the authority vested in the Secretary of Agriculture by, and pursuant to the provisions of, section 3 of the Administrative Procedure Act (Public Law 404, 79th Congress) I hereby make and publish the following description of the central and field organization of the Soil Conservation Service and statement of the general course and method by which its functions are channeled and determined:

SUBPART A—ORGANIZATION

Sec.
600.1 Central office.
600.2 Field.
600.3 Availability of information.
600.10 Final authorities.

SUBPART B—FUNCTIONS AND PROCEDURE

600.15 Soil and water conservation.
600.20 Flood control.
600.25 Land conservation and utilization.
600.30 Water conservation and utilization.
600.35 Appeals from Administrative action.

SUBPART A—ORGANIZATION

§ 600.1 *Central office*—(a) *General.* The Soil Conservation Service was established by the Secretary of Agriculture pursuant to the Soil Conservation Act (16 U. S. C. 590a–590f). The central office of the Service is in the South Agriculture Building, Washington, D. C. The work of the Service consists of carrying out the program of soil and water conservation and land use provided for in the Soil Conservation Act; functions under the Flood Control Act (33 U. S. C. 701 et seq.); the land conservation and utilization program under Title III of the Bankhead-Jones Farm Tenant Act (7 U. S. C. 1010–1013) and the program for the construction and development of water conservation and utilization projects under the Water Conservation and Utilization Acts (16 U. S. C. 590y–590z–10; 53 Stat. 685).

(b) *The Chief.* Under the general direction of the Secretary, the Chief, assisted by the Assistant Chief, the Chief of Research and the Chief of Operations, directs all phases of the programs referred to in subsection (a) of this section and coordinates Service activities with those of cooperating agencies. A small staff of division chiefs assists the Chief.

(c) *Office of the Assistant Chief in Charge of Research.* The Assistant Chief of the Service, serving as Chief of Research, and assisted by a small staff of research specialists and research division chiefs, directs research and investigations into the character, cause, extent, history, and effects of erosion, soil and moisture depletion and methods of soil and water conservation.

(d) *Office of the Assistant Chief in Charge of Operations.* The Assistant Chief of the Service, serving as Chief of Operations, assisted by a small staff of technical division chiefs, formulates national policies and procedures for the operations phases of Service work; develops standards for soil and water conservation and land use practices and measures; assists field staffs with complex problems and examines field operations to assure adherence to broad standards, policies, and procedures; prepares and reviews proposals and procedures involving Service assistance to soil conservation districts and other areas; and consults with research agencies on conservation problems.

§ 600.2 *Field.* The Soil Conservation Service maintains 7 regional offices, 48 State offices, and approximately 2,800 small field offices. Each regional office is directed by a Regional Conservator, who is responsible for all activities of the Service within the region (except research) relating to soil and water conservation and sound land use. For each State there is a State Conservationist, who is responsible for general administration of all Service work within the State (with the exception of research, directed from Washington, and nurseries and water conservation and utilization projects, directed from the Regional Office). Location and jurisdiction:

(a) Region 1, comprising the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, West Virginia, Maryland, and Delaware; has regional headquarters at 6816 Market Street, Upper Darby, Pennsylvania.

(b) Region 2, comprising the States of Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Florida, and Puerto Rico; has regional headquarters at Montgomery Building, Spartanburg, South Carolina.

(c) Region 3, comprising the States of Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, and Missouri; has regional headquarters at 4650 N. Port Washington Road, Milwaukee, Wisconsin.

(d) Region 4, comprising the States of Arkansas, Louisiana, Oklahoma, and Texas, has regional headquarters at P.O. Box 1898, Fort Worth 1, Texas.

(e) Region 5, comprising the States of North Dakota, South Dakota, Nebraska, Kansas, Wyoming, and Montana; has regional headquarters at P. O. Box 713, Lincoln 1, Nebraska.

(f) Region 6, comprising the States of Utah, Colorado, Arizona, and New Mexico; has regional headquarters at P. O. Box 1348, Albuquerque, New Mexico.

(g) Region 7, comprising the States of Idaho, Washington, Oregon, Nevada, and California; has regional headquarters at P. O. Box 671, Portland 7, Oregon.

(h) The locations of the State offices are as follows: Auburn, Alabama; Phoenix, Arizona; Little Rock, Arkansas; Berkeley, California; Ft. Collins, Colorado; Storrs, Connecticut; Newark, Delaware; Gainesville, Florida; Athens, Georgia; Salina, Kansas; Lexington, Kentucky; Boise, Idaho; Urbana, Illinois; Lafayette, Indiana; Ames, Iowa; Baton Rouge, Louisiana; Orono, Maine; College Park, Maryland; Amherst, Massachusetts; East Lansing, Michigan; St. Paul, Minnesota; Jackson, Mississippi; Columbia, Missouri; Boseman, Montana; Lincoln, Nebraska; Albuquerque, New Mexico; Reno, Nevada; Durham, New Hampshire; New Brunswick, New Jersey; Ithaca, New York; Raleigh, North Carolina; Bismarck, North Dakota; Columbus, Ohio; Oklahoma City, Oklahoma; Corvallis, Oregon; Harrisburg, Pennsylvania; Kingston, Rhode Island; Columbia, South Carolina; Huron, South Dakota; Nashville, Tennessee; Temple, Texas; Salt Lake City, Utah; Burlington, Vermont; Blacksburg, Virginia; Pullman, Washington; Morgantown, West Virginia; Madison, Wisconsin; Laramie, Wyoming; and San Juan, Puerto Rico.

(i) Information concerning the location and jurisdiction of field offices below the State offices, such as nurseries, offices serving districts, research projects,

land utilization projects and water conservation and utilization projects, can be obtained from the appropriate State or regional office.

§ 600.3 *Availability of information.* Requests for information concerning the programs and functions of the Service (except research) should be addressed to the Regional Conservator for the region, as listed above, as to the work performed in each region. All other requests should be sent to the Chief, Soil Conservation Service, United States Department of Agriculture, Washington 25, D. C.

§ 600.10 *Final authorities.* The Chief of the Service has final authority in all matters relating to the administration of the Soil Conservation Act (16 U. S. C. 590a–590f), except that the function of signing memoranda of understanding between the Department and soil conservation districts is exercised by the Secretary. The delegations of final authority to the Chief relating to the administration of Title III of the Bankhead-Jones Farm Tenant Act (7 U. S. C. 1010–1013) are set out in §§ 601.11 and 601.20 of this Title. The Chief has final authority in all matters concerning those phases of the programs under the Water Conservation and Utilization Acts (16 U. S. C. 590y-590z-10; 53 Stat. 685) and the Flood Control Acts (33 U. S. C. 701 et seq.) assigned to the Soil Conservation Service for administration.

SUBPART B—FUNCTIONS AND PROCEDURE

§ 600.15 *Soil and water conservation*—(a) *Cooperation with soil conservation districts.* (1) The Soil Conservation Service furnishes assistance to soil conservation districts in accordance with policies and procedures set out in "A Statement by the Secretary of Agriculture concerning Departmental cooperation with Soil Conservation Districts", dated September 21, 1940. Copies of that statement and forms and information relating to cooperation with districts may be obtained from the respective State Soil Conservationists.

(2) The Service, in accordance with the Secretary's statement, makes assistance available to a district pursuant to a supplemental memorandum of understanding between the district and the Service, after (1) the district has entered into a memorandum of understanding with the Department, (2) the district has formulated a district work plan outlining how it will carry on its activities, and (3) the Regional Conservator determines that the district program and work plan constitute a satisfactory basis for making assistance available, and that such assistance is available. The Service may also give the district certain preliminary assistance in connection with the formulation of the district's conservation program and work plan.

(3) Requests by district governing bodies for Service assistance may be submitted to the State Conservationist, with an explanation of the district's needs on the basis of its work plan. If the Regional Conservator determines that assistance is available, the State Conservationist furnishes copies of the form of supplemental memorandum of understanding to the district governing body for execution, after which he forwards them to the Regional Conservator for execution on behalf of the Service. A Service representative prepares and furnishes to the district a schedule of the specific assistance that the Service can make available for the remainder of the current fiscal year. Thereafter, schedules are made annually covering the period ending June 30 of the following year.

(4) Assistance to districts includes: (1) technical services, together with clerical assistance, transportation, and other facilities required by staff technicians; (2) field equipment; (3) materials; (4) labor.

(b) *Soil conservation research.* In cooperation with State Agricultural Experiment Stations, Federal Research Agencies, and interested organizations and persons, the Service conducts a practical research program designed to develop, refine and improve soil and water conservation practices in support of field operations. Small field stations and laboratories are maintained at selected locations for the purpose of conducting research on specific problems of immediate concern in the program of operations. Information regarding research work may be obtained from the Chief or the Assistant Chief in charge of Research.

(c) *Other assistance.* The Service assists State and local educational agencies in the preparation of material for teaching soil conservation. It also assists organized groups and individuals in preparing informational material concerning soil and water conservation and in preparing and applying demonstrations of soil and water programs. Information regarding the availability of this assistance may be obtained from the Chief or from the respective Regional Conservators.

§ 600.20 *Flood control.* (a) The Soil Conservation Service and the Forest Service have responsibility for carrying out on watersheds designated by Congress, the investigations of and measures for runoff and water flow regardation and soil erosion prevention provided for in the Flood Control Acts. Information regarding the areas for which the Soil Conservation Service is responsible may be obtained from the regional offices.

(b) The Service makes preliminary examinations to determine whether watershed treatment programs appear to be justified and whether surveys of the watersheds should be made, and recommends to the Secretary the action that should be taken. Surveys are made upon designated areas after approval by the Secretary. Survey reports describe the watersheds, their condition, flood history, and flood damages, and outline remedial watershed programs, together with estimates of their benefits and costs. They are prepared by the regional offices and submitted to the central office for ultimate consideration by Congress.

(c) After watersheds have been authorized for operations, work is carried out primarily in cooperation with State and local agencies and organizations. Flood control work plans are prepared to provide water management patterns for individual and groups of farmers on a subwatershed basis, in order to develop flood control conservation farm plans and designs for water control measures. Procedures for cooperating with soil conservation districts in carrying out flood control operations are generally similar to those described in § 600.15 of this Title.

§ 600.25 *Land conservation and utilization.* (a) Activities of the Service in carrying out the program under Title III of the Bankhead-Jones Farm Tenant Act include the retirement of lands which are submarginal or not primarily suitable for cultivation so as to correct maladjustments in land use. Such lands are acquired and developed by the Service in accordance with their physical capabilities, primarily for pasture, range, woodland or wildlife use. Project lands are administered either directly by the Service or by State agencies or local organizations under agreements or leases.

(b) Some of this land is available for use by the public, under prescribed conditions, for grazing, haying, seed harvesting, timber harvesting, recreation and other purposes when determined to be suitable for such use by Regional Conservators upon the recommendation of Project Conservationists. Use permits are generally for periods of from one to ten years. Except for certain limited recreational and other special uses, an applicant must be a citizen of the United States or a person who has filed a declaration of intention to become a citizen, and preference is given to applicants living within or near the project area.

(c) In granting grazing permits, preference or priority will be given to qualified applicants on the basis of (1) dependency on supplemental grazing to establish and maintain a minimum operating unit, (2) applicant's ability to carry stock on private land under his control when not on Government land during approved grazing season, and (3) in certain areas, past use of project lands.

(d) Unless otherwise designated and posted, land and water within the projects is open to the public for hunting, fishing, and trapping, subject to Federal and State laws. Certain project lands have been made State game refuges by agreement with State game conservation agencies, or declared closed or controlled areas by the Chief of the Service for wildlife protection. In general, intensive recreational facilities are operated by concessionaires selected after competitive bidding, under agreements the maximum periods of which are 10 years. These agreements are executed by the Regional Conservators. Permits for the construction of recreational facilities in designated areas, may be obtained from Regional Conservators.

(e) Special use permits for harvesting woodland products may be issued to local applicants by Project Conservationists in amounts not exceeding $500 during one year. Regional Conservators may award contracts on the basis of competitive bidding for amounts in excess of $500.

(f) Rock and gravel may be removed from project lands for roads or domestic purposes upon application to and approval by Project Conservationists.

(g) Easements, licenses, and leases for the construction and maintenance of

highways, power, telephone and telegraph lines, etc., may be obtained from Regional Conservators.

(h) Project lands may be exchanged with private owners or State agencies for other lands.

(i) The Secretary has promulgated rules and regulations for the protection of Title III lands, any violation of which is punishable (7 CFR 601.20–601.22).

(j) Information concerning the availability of project lands for use by the public, the conditions governing such use, the qualifications of applicants and fees charged for various use privileges, and forms of applications for use privileges are available at project, State, or regional offices.

§ 600.30 *Water conservation and utilization.* (a) The Service, within the limits of project authorizations issued pursuant to the Water Conservation and Utilization Acts, is carrying out functions in connection with the construction and development of water conservation and utilization projects in the 17 Western States. This Department's participation is concerned with the acquisition, development, and settlement, on a sound agricultural basis, of project lands, and includes technical guidance and advice to settlers thereon in agricultural matters.

(b) In acquiring land, when determined necessary by the Regional Conservator, he will have the land in question appraised on the basis of its normal earning capacity. Land will be acquired only if it can be obtained at not more than the appraised price, with title satisfactory to the Secretary.

(c) Project Supervisors will determine the extent of land development to be carried out on acquired land, which work may be done either by contract after competitive bids have been received, or by force account, with the Service hiring the labor and purchasing the materials. Project lands and irrigation distribution systems in private ownership likewise may be developed or improved under contract with the owner upon his request to the Project Supervisor, who will furnish information regarding the conditions under which the work will be prosecuted. Contracts for development and improvement work, costing $5,000 or less when paid for in cash upon contract completion, and $500 or less when payments are made in installments, may be executed by Project Supervisors. Contracts under $20,000 may be executed by Regional Conservators; all others must be executed by the Chief.

(d) Acquired project lands will be sold, insofar as practicable, in family-size farm units, as determined by Regional Conservators. Prior to sale the land may be leased, at the prevailing rental rate in the area, in limited acreages to qualified farmers or ranchers upon application to the Project Supervisor. After the project lands have been developed and irrigation water is available Regional Conservators will advertise the number of family-size farm units on projects which will be available for sale at any specified time. For a period of 90 days after such advertisement, preference will be given to qualified veterans of the present war as defined in the Surplus Property Act of 1944, Public Law 457, 78th Congress, and present project occupants who have been approved by the Family Selection Committee and to whom commitments to purchase have been made. Application forms, for showing the applicant's qualifications, and information concerning the purchase of project farms may be obtained from the respective Project Supervisors or Regional Conservators. Prospective tenants and purchasers must, insofar as practicable, be in need of a family-type farm; be citizens of the United States; have had previous experience in farming where the major portion of the family income was from the farm; have a satisfactory credit reputation; and own or be in a position to secure necessary equipment and livestock to operate the land for which application is being made. In addition, prospective purchasers must be free from permanent infectious diseases or disabilities that are likely to obstruct the fulfillment of their obligations incident to the purchase of the farm. Applicants will be considered and passed upon by a Family Selection Committee composed of seven persons residing in the community or county in which the project is located. The applicants will be notified of the action taken by the Family Selection Committee.

(e) Farm units will be sold for cash or credit, at prices determined by appraisal on the basis of the normal earning capacity of the land, with quitclaim deed. In the case of credit sales, a promissory note and real estate mortgage must be executed by the purchaser. Deed, promissory note, and mortgage forms may be inspected at the project or regional office.

§ 600.35 *Appeals from administrative action.* In the case of any administrative action taken or decision made pursuant to authority delegated by the Chief, any member of the public may make an appeal by filing with the officer who made the decision a written request for reconsideration thereof or a notice of appeal. A decision of such officer shall be final unless an appeal is taken therefrom within a reasonable length of time by the person aggrieved. The decision appealed from shall be reviewed by the immediate superior of the officer by whom the decision was made; that is, in the following order: By State Conservationists, Regional Conservators, and the Chief. Unless a written notice of appeal contains an acceptable reason for allowing a longer time for the preparation of the case, the appellant shall file immediately a statement setting forth in detail the respect in which the action or decision from which the appeal is being taken is contrary to or in conflict with the law, Departmental or Federal regulation, or the determined facts. Upon receipt of such statement the officer from whose decision or action the appeal is taken shall prepare a statement presenting the facts and considerations upon which the decision or action was taken. The appellant's statement, together with the officer's statement and all papers comprising the records of the case, shall be then transmitted to the officer to whom the appeal is taken, who will thereupon review the case and notify both the appellant and the officer of the decision.

[SEAL] CLINTON P. ANDERSON,
Secretary.

[F. R. Doc. 46-15182; Filed, Aug. 28, 1946; 9:04 a. m.]

Staff and Service Offices

BUREAU OF AGRICULTURAL ECONOMICS

[7 CFR, Subtitle C, Chapter XXI]

PART 2201—BUREAU OF AGRICULTURAL ECONOMICS

SUBPART A—ORGANIZATION

Sec.
2201.1 Central organization.
2201.2 Field organization.
2201.3 Public information, submittals and requests.

SUBPART B—FUNCTIONS AND PROCEDURE

SUBPART A—ORGANIZATION

§ 2201.1 *Central organization.* The Bureau of Agricultural Economics under the general direction and responsibility of the Chief, aided by an Associate Chief, is the primary agency in the Department of Agriculture for the collection and dissemination of agricultural statistics, for economic research, and for the dissemination of the results thereof. As a staff agency of the Secretary, it coordinates the statistical work and economic research of the Department, and supplies the Secretary's Office and other agencies with statistical data and economic analyses relating to current problems and proposed activities. It acts as the Department's liaison agency with other Government agencies having an interest in statistics or economic research relating to agriculture. The Bureau is directly responsible for acquiring, analyzing, interpreting, and diffusing useful economic information relative to agricultural production and distribution, land utilization and conservation in their broadest aspects. Direct responsibility is also placed in this Bureau for collecting, compiling, abstracting, analyzing, summarizing, interpretating, and publishing economic and statistical data relating to agriculture and food. The work is conducted through divisions responsible to Assistant Chiefs as follows: (a) Assistant Chief for Agricultural Estimates directs the Divisions of Field Corps Statistics; Fruit and Vegetable Statistics; Livestock and Poultry Statistics; Dairy Statistics; Agricultural Price Statistics; and Special Farm Statistics. (b) Assistant Chief for Prices and Marketing directs the Divisions of Marketing and Transportation Research, and Statistical and Historical Research. (c) Assistant Chief for Production Economics directs the Divisions of Agricultural Finance; Farm Management and Costs; and Land Economics. (d) Assistant Chief for Farm Population directs the Divisions of Farm Population and Rural Welfare, and Special Surveys. (e) The Divisions of Administration and Economic In-

formation are responsible directly to the Chief.

§ 2201.2 *Field organization.* The Bureau's field organization is comprised of offices engaged in collecting statistics usually under cooperative arrangement with the Department of Agriculture in the State where located or the Land-Grant college of the State. There are a total of 41 field offices all engaged in collecting statistics. These are known as "State Statisticians' Offices". In addition, there are a special dairy statistics office in Chicago and two cooperative statistical research laboratories located at Iowa State College and North Carolina State College.

§ 2201.3 *Public information, submittals and requests.* Persons desiring to obtain information or wishing to make submittals or requests should communicate with the Bureau of Agricultural Economics, United States Department of Agriculture, Washington 25, D. C.

SUBPART B—FUNCTIONS AND PROCEDURE

NOTE: The Bureau is a staff agency of the Department and its procedures are matters of internal management.

[SEAL] CLINTON P. ANDERSON,
Secretary.

[F. R. Doc. 46-15173; Filed, Aug. 28, 1946; 9:01 a. m.]

LIBRARY

[7 CFR, Subtitle C, Ch. XXI]

PART 2205—LIBRARY

SUBPART A—ORGANIZATION

Sec.

2205.1 Central organization.
2205.2 Field organization.
2205.3 Delegations of final authority.
2205.4 Information, submittals and requests.

SUBPART B—FUNCTIONS AND PROCEDURES

SUBPART A—ORGANIZATION

§ 2205.1 *Central organization.* The Department of Agriculture Library is located at Washington, D. C. and the Department Librarian is responsible for the operation of all libraries and of all units of the Department providing library and bibliographical services. The Library operates under the following divisions: Division of Administration, Division of Bibliography, Division of Technical Processes, Division of Reading and Reference Services, Division of Field Services.

§ 2205.2 *Field organization.* The Department of Agriculture provides library and bibliographical services to the field through Branches and Sub-branches. Although organized primarily for use of Department of Agriculture personnel, these field offices are available to the public for reading and reference work. Branch collections, which consist of books and periodicals on general agriculture, are located at Albuquerque, New Mexico; Atlanta, Georgia; Beltsville, Maryland; Lincoln, Nebraska; Little Rock, Arkansas; Milwaukee, Wisconsin; Philadelphia, Pennsylvania; Portland, Oregon and San Francisco, California. Each Sub-branch serves a Department of Agriculture agency in a specific location and its collection conforms to the special subject interest of that agency. These are located at Albany, California; Asheville, North Carolina; Beltsville, Maryland; Madison, Wisconsin; Missoula, Montana; New Orleans, Louisiana; Ogden, Utah; Peoria, Illinois; Philadelphia, Pennsylvania.

§ 2205.3 *Delegations of final authority.* The Librarian is authorized to sell photographic reproductions of library materials and bibliographies.

§ 2205.4 *Information, submittals, and requests.* The Library provides the Department of Agriculture and the Nation with Library and bibliographical services in the field of agriculture. Persons interested in securing information, making submittals and requests, interagency loans of published material in the general field of agriculture, should contact the Department of Agriculture Library, Washington 25, D. C. Information regarding the sale of photographic reproductions of library material and bibliographies, pursuant to 5 U.S.C. 522 (a), or order blanks for the above service may be obtained by addressing Bibliofilm Service, Department of Agriculture, Washington 25, D. C.

SUBPART B—FUNCTIONS AND PROCEDURES

NOTE: The Library is a staff agency and its procedures are matters of internal management.

[SEAL] CLINTON P. ANDERSON,
Secretary.

Certified to be a true copy of the original.

By direction of the Secretary:

JOHN B. STENINGER,
Chief, Secy. Records Section,
Office of Plant and Operations.

[F. R. Doc. 46-15179; Filed, Aug. 28, 1946; 9:03 a. m.]

OFFICE OF BUDGET AND FINANCE

[7 CFR, Subtitle C, Ch. XXI]

PART 2202—OFFICE OF BUDGET AND FINANCE

SUBPART A—ORGANIZATION

Sec.

2202.1 Central organization.
2202.2 Field organization.
2202.3 Public information, submittals and requests.
2202.4 Delegations of final authority.

SUBPART B—FUNCTIONS AND PROCEDURE

2202.20 Procurement and sales.

SUBPART A—ORGANIZATION

§ 2202.1 *Central organization.* The Office of Budget and Finance is a staff agency of the Department of Agriculture supervised by the Director of Finance who is also the Budget officer. It exercises, through appropriate divisions within the Office, general direction and supervision of budgetary and financial operations of the Department, including acquisition and distribution of funds, accounting, auditing, fiscal, and procurement and supply management, purchasing, warehousing, and related activities; formulates and promulgates departmental budgetary, financial, and procurement policies and, in cooperation with staff and program agencies, develops improvements in the management and operation of departmental activities; acts as liaison office on budgetary, fiscal, procurement, and legislative matters with other Government agencies, including the congressional Committees on Appropriations; the procurement and sales functions of the Office are conducted through the Division of Purchase, Sales and Traffic.

§ 2202.2 *Field organization.* The Office of Budget and Finance has no field organization other than seven field representatives who assist in the coordination of surplus property administration among bureaus and agencies of the Department, in cooperation with interbureau committees.

§ 2202.3 *Public information, submittals and requests.* Persons seeking information with regard to matters within the authority of the Office should communicate with the Director of Finance, United States Department of Agriculture, Washington 25, D. C.

§ 2202.4 *Delegations of final authority.* The purchasing authority for the Department, with the exception of the exclusions specified in § 2202.20, has been delegated by the Secretary to the Director of Finance. The Director has delegated to field offices of Departmental agencies limited authority to make purchases in the open market, and by contract after public advertising, of equipment, materials and supplies, construction, repairs and alterations and other non-personal services, subject to a monetary limitation of generally not to exceed $10,000 for each purchase, except for construction and repair contracts which are usually limited to $2,000 per contract. The sales authority with the exception of the exclusions specified in § 2202.20 has also been delegated by the Secretary to the Director of Finance. The Director has delegated to field offices of Departmental agencies limited authority to make such sales and to exchange or rent equipment, materials and supplies, and other property subject to a monetary limitation for individual sales and the regulations of the War Assets Administration with respect to surplus property disposals.

SUBPART B—FUNCTIONS AND PROCEDURE

§ 2202.20 *Procurement and sales*—(a) *General.* The procurement and sales functions of the Office of Budget and Finance do not include the procurement or sale of real property, commodity stocks or capital fund items in connection with commodity programs.

(b) *Procurement.* The Office of Budget and Finance receives requests from bureaus to contract for supplies or services, except where procurement authority has been delegated. Specifications and invitations to bid, are submitted to firms and other individuals and otherwise advertised in compliance with section 3709, Revised Statutes (41 U. S. C. 5). In specific cases, bureaus are authorized to solicit the bids but the award is made in the Office of Budget and Finance. Lists of prospective bidders are main-

tained in the Office of Budget and Finance. Prospective bidders may have their names placed on appropriate lists upon request in accordance with §2202.3. The following U. S. Standard Forms are used for contracting as indicated: No. 20—Invitation for Bids (Construction Contract); No. 21—Form of Bid (Construction Contract); No. 22—Instructions to Bidders (Construction and Supplies); No. 23—Form of Contract (Construction); No. 24—Form of Bid Bond (Construction or Supply); No. 25—Form of Performance Bond (Construction or Supply); No. 25a—Form of Payment Bond (Construction); No. 30—Invitation for Bids (Formal Supply Contract); No. 31—Form of Bid (Formal Supply); No. 32—Form of Contract (Formal Supply); No. 33—Short Form Contract (Combination of Invitation, Bid and Acceptance); No. 34—Form of Annual Bid Bond (Supplies); No. 35—Form of Annual Performance Bond (Supplies); No. 36—Continuation Schedule (For Forms No. 31 and 33, Supplies); No. 40—Contracts for Telephone Service; No. 41—Form of Contract (Coal); No. 42—Instructions to Bidders (Coal); No. 43—Purchase Conditions (Coal).

(c) *Sales.* The Office of Budget and Finance solicits bids on Form AD–224—Invitation, Bid, and Acceptance. These forms with accompanying specifications and other conditions are furnished interested bidders. Prospective bidders may have their names placed upon appropriate lists upon request in accordance with § 2202.3.

(d) *Procedure upon receipt of bid.* Each bid envelope which must be sealed, is time stamped and placed in a locked container until the time set for opening of the bids. At the designated time specified in the invitation to bid, the bids are opened, read in public and recorded. After opening, determination of the award is made and the Departmental agency concerned is notified and informs the successful bidder.

[SEAL] CLINTON P. ANDERSON,
Secretary.

[F. R. Doc. 46–15191; Filed, Aug. 28, 1946; 9:06 a. m.]

OFFICE OF FOREIGN AGRICULTURAL RELATIONS

[7 CFR, Subtitle C, Ch. XXI]

PART 2203—OFFICE OF FOREIGN AGRICULTURAL RELATIONS

SUBPART A—ORGANIZATION

Sec.
2203.1 Central organization.
2203.2 Field organization.
2203.3 Public information, submittals and requests.

SUBPART B—FUNCTIONS AND PROCEDURE

SUBPART A—ORGANIZATION

§ 2203.1 *Central organization.* (a) The Office of Foreign Agricultural Relations is charged with the responsibility of investigating and reporting upon agricultural and related developments abroad, upon competition with and demand abroad for agricultural products, and with the coordination of the activities of the Department of Agriculture in the foreign field in accordance with the following Statutes: 7 U. S. C. 541, 19 U. S. C. 1354, 5 U. S. C. 118e, 5 U. S. C. 133, and 22 U. S. C. 501–502. The offices are located in the South Agriculture Building, Washington, D. C.

(b) Through the Director, this Office advises the Secretary of Agriculture concerning problems and policies relating to foreign agricultural commodities and areas, and represents agriculture in inter-departmental formulation of foreign economic policy insofar as it relates to the agriculture of the United States; also represents the Department on consideration of international commodity and reciprocal trade agreements. In addition, the Office is responsible for the dissemination of information to the public concerning the agriculture of foreign areas and of agricultural commodities in foreign trade in relation to competition with and demand for American farm products. The work is conducted through the following branches and divisions responsible to chiefs: (1) The International Commodities Branch; (2) the Regional Investigations Branch; (3) the Technical Collaboration Branch; (4) the Division of Foreign Information and Statistics, and (5) the Division of Administration.

§ 2203.2 *Field organization.* There are no field offices but representatives are maintained in cooperative experiment stations in the following countries of Latin America: Bolivia, Colombia, Cuba, Brazil, Ecuador, Guatemala, El Salvador, Peru, Nicaragua, Panama Canal Zone. Agricultural reporting services are maintained through officers of the Foreign Service, Department of State, located throughout the world at United States diplomatic missions.

§ 2203.3 *Public information, submittals and requests.* Public information may be obtained and submittals and requests may be made to: The Director, Office of Foreign Agricultural Relations, United States Department of Agriculture, South Building, Washington 25, D. C.

SUBPART B—FUNCTIONS AND PROCEDURE

NOTE: The office is a staff agency of the Department and its procedures are matters of internal management.

[SEAL] CLINTON P. ANDERSON,
Secretary.

[F. R. Doc. 46–15180; Filed, Aug. 28, 1946; 9:03 a. m.]

OFFICE OF INFORMATION

[7 CFR, Subtitle C, Ch. XXI]

PART 2204—OFFICE OF INFORMATION

SUBPART A—ORGANIZATION

§ 2204.1 *Central and field organization.* The Office of Information plans, coordinates and directs the informational activities of the Department in order to report and interpret for farmers, consumers, and others interested the total program of the Department by reporting current departmental activities through press and radio, by editing, illustrating, indexing, printing and distribution of publications, and by producing and distributing exhibits and motion pictures. The only field office is the Western Radio Office, San Francisco, California.

SUBPART B—FUNCTIONS AND PROCEDURES

NOTE: The Office of Information is a staff office of the Secretary and its procedures are matters of internal management.

[SEAL] CLINTON P. ANDERSON,
Secretary.

[F. R. Doc. 46–15177; Filed, Aug. 28, 1946; 9:01 a. m.]

OFFICE OF PERSONNEL

[7 CFR, Subtitle C, Ch. XXI]

PART 2206—OFFICE OF PERSONNEL

SUBPART A—ORGANIZATION

Sec.
2206.1 Central organization.
2206.2 Field organization.
2206.3 Public information, submittals and requests.
2206.4 Delegations of final authority.

SUBPART B—FUNCTIONS AND PROCEDURES

SUBPART A—ORGANIZATION

§ 2206.1 *Central organization.* The Office of Personnel is a staff agency of the Secretary, located at Washington, D. C., and engaged in the administration of personnel laws, regulations and procedures. The Director of Personnel and Assistant Directors of Personnel are generally authorized to take action with respect to classification, employment, organization, training, personnel relations and safety, investigations, and related matters. The Office plans, organizes and carries out a comprehensive program of personnel management, develops and promulgates Department personnel policies, and establishes and directs the maintenance of standards for organization, position classification, salary administration, recruitment and selection, transfer and promotion, training, employee relations, safety, health, and investigations. This Office represents the Department in its relations with the U. S. Civil Service Commission and, where personnel matters are concerned, acts as the liaison office with all governmental or private agencies concerned with the work of this Department.

§ 2206.2 *Field organization.* The Office of Personnel has no field organization.

§ 2206.3 *Public information, submittals, and requests.* Persons seeking information or employment should communicate with the Director of Personnel, U. S. Department of Agriculture, Washington 25, D. C.

§ 2206.4 *Delegations of final authority.* Control of personnel is vested in the Secretary who has delegated to the Director of Personnel general authority for the administration of his phase of management. The Director of Personnel has delegated employment authority up to and including grades CAF–12, P–5, and DA–19 positions to bureau officials in Washington and the field.

SUBPART B—FUNCTIONS AND PROCEDURES

NOTE: This Office is a staff agency and its procedures are matters of internal management.

[SEAL] CLINTON P. ANDERSON,
Secretary.

[F. R. Doc. 46-15178; Filed, Aug. 28, 1946; 9:03 a. m.]

OFFICE OF PLANT AND OPERATIONS

[7 CFR, Subtitle C, Ch. XXI]

PART 2207—OFFICE OF PLANT AND OPERATIONS

SUBPART A—ORGANIZATION

Sec.
2207.1 Central organization.
2207.2 Field organization.
2207.3 Public information, submittals and requests
2207.4 Delegation of authority.

SUBPART B—FUNCTIONS AND PROCEDURES

Sec
2207.20 Acquisition of real property by lease.
2207.21 Sale of photographic reproductions.

SUBPART A—ORGANIZATION

§ 2207.1 *Central organization.* The Chief of the Office, aided by two assistant chiefs, is responsible for departmental housing, records and communications management, and engineering advisory services and for certain centralized department operations in the District of Columbia. The work is carried on through the following Divisions: Administrative; Central Supply; Communications; Equipment and Engineering Services; Motor Transport Service; Photographic and Duplicating Services; and Real Estate.

§ 2207.2 *Field organization.* None.

§ 2207.3 *Public information, submittals and requests.* Public information concerning the work of the Office may be obtained from, and submittals and requests made to, the Chief, Office of Plant and Operations, U. S. Department of Agriculture, Washington 25, D. C.

§ 2207.4 *Delegations of final authority.* The Chief of the Office, the Chief, Real Estate Division, and the Chief, Lease and Real Property Section, are authorized to accept bids covering the leasing of real property to the Department, and the Chief of the Office and the Chief, Real Estate Division, are authorized to sign leases on such property.

SUBPART B—FUNCTIONS AND PROCEDURES

§ 2207.20 *Acquisition of real property by lease.* In accordance with the provisions of section 3709 of the Revised Statutes (41 U. S. C. 5) invitations to bid are issued to interested persons and publicly posted. The invitations to bid, prepared on U. S. Standard Form No. 33 (Invitation, Bid and Acceptance), give the minimum requirements of the Government, contain reference to applicable laws and regulations, and are issued by local officials of the Departmental agencies interested in leasing premises. After the public opening of the bids and inspection of the premises to determine compliance with the requirements of the invitation, the bids are forwarded to appropriate officials of such agency for review and transmittal to the Office of Plant and Operations for acceptance. After acceptance, a formal lease is prepared on U. S. Standard Form No. 2 (Revised) for execution by the lessor and the Government.

§ 2207.21 *Sale of photographic reproductions.* Reproductions of photographs, mosaics and maps which have been obtained in connection with the authorized work of the Department of Agriculture may be purchased from the Department.

(a) *Where obtainable.* Photographs and maps, other than aerial, may be obtained, upon request, from the Office of Information, U. S. Department of Agriculture, Washington 25, D. C., or if known, from the agency which has such material.

Aerial Photographs, mosaics and maps may be obtained from the county or state offices of the Production and Marketing Administration (Field Service Branch) 7CFR2324, and local or regional offices of the Forest Service and Soil Conservation Service. If the material desired cannot be obtained locally, orders or inquiries should be addressed to the Office of Plant and Operations, U. S. Department of Agriculture, Washington 25, D. C.

(b) *Payment and prices.* A schedule of prices may be obtained from the Office of Plant and Operations or the Departmental agency concerned, and payment for photographic reproductions shall be made by check, money order, or draft payable to the Treasurer of the United States. Material will not be furnished until payment has been received, and if the Department is unable to furnish the material, all moneys received for items not furnished will be refunded.

[SEAL] CLINTON P. ANDERSON,
Secretary.

[F. R. Doc. 46-15192; Filed, Aug. 28, 1946; 9:08 a. m.]

OFFICE OF THE SOLICITOR

[7 CFR, Subtitle C, Ch. XXI]

PART 2208—OFFICE OF THE SOLICITOR

SUBPART A—ORGANIZATION

Sec.
2208.1 Central office and organization.
2208.2 Field organization.
2208.3 Public information, submittals and and requests.
2208.4 Delegations of final authority.

SUBPART B—FUNCTIONS AND PROCEDURE

2208.20 Hearing Clerk.

SUBPART A—ORGANIZATION

§ 2208.1 *Central office and organization*—(a) *The Solicitor.* The Solicitor is the legal counsel for the Department and the legal adviser of the Secretary, in accordance with the requirements of the Act of May 26, 1910 (5 U.S.C. 518). The office functions as a staff agency. The Solicitor is assisted by several Associate Solicitors, who supervise specific phases of the work of the office as assigned through divisions each of which is headed by a Chief, and an Associate Solicitor on Litigation.

(b) *Hearing Clerk.* The Hearing Clerk within the Office of the Solicitor has responsibility for receiving all formal pleadings in and the records of administrative proceedings and serving all formal documents in connection with such proceedings.

§ 2208.2 *Field organization.* The field work of the Office of the Solicitor is under the supervision of regional attorneys who perform legal services for the Department in the field. The offices are located in the following cities: Atlanta, Ga., Dallas, Tex., Lincoln, Nebr., Philadelphia, Pa., Raleigh, N. C., Chicago, Ill., Denver, Colo., Little Rock, Ark., Portland, Oreg., San Francisco, Calif., San Juan, P. R.

§ 2208.3 *Public information, submittals and requests.* Requests for information relating to legal matters affecting the Department may be made to the Solicitor, United States Department of Agriculture, Washington 25, D. C.

§ 2208.4 *Delegations of final authority.* The Solicitor and the Associate Solicitors, or persons acting in their stead, are authorized to certify documents as true copies of those on file in the Department pursuant to Section 882, Revised Statutes of the United States (28 U.S.C. 661). The same officers are authorized to sign releases of claims of the United States against private persons for damage to or destruction of personal property of the Department.

SUBPART B—FUNCTIONS AND PROCEDURE

§ 2208.20 *Hearing Clerk.* The functions of the Hearing Clerk are performed in conformance with procedures prescribed in rules of practice promulgated under statutes pursuant to which administrative proceedings are conducted.

[SEAL] CLINTON P. ANDERSON,
Secretary.

[F. R. Doc. 46-15181; Filed, Aug. 28, 1946, 9:04 a. m.]

DEPARTMENT OF COMMERCE

OFFICE OF THE SECRETARY

[15 CFR, Subtitle A]

PART 10—GENERAL ORGANIZATION AND FUNCTIONS

Sec.
10.1 Creation.
10.2 General purpose and functions.
10.3 General organization.

§ 10.1 *Creation.* The Department of Commerce was created by the act of February 14, 1903 (32 Stat. 826; 5 U. S. C. 591), as the Department of Commerce and Labor. By the act of March 4, 1913 (37 Stat. 736; 5 U. S. C. 611), labor activities of the Department were transferred to the newly established Department of Labor, and the Department of Commerce and Labor was designated as the Department of Commerce.

§ 10.2 *General purpose and functions.* The general purpose of the Department is to foster, promote, and develop the

foreign and domestic commerce, mining, manufacturing, shipping, and fishing industries, and the transportation facilities of the United States. In carrying out this purpose the Department is responsible for the taking of population, agricultural and other censuses; collection, analysis, and dissemination of commercial statistics; promotion of foreign and domestic commerce; conduct of coastal and geodetic surveys; establishment of commodity weights, measures, and standards; supervision of the issuance of patents and the registration of trade-marks; the establishment and maintenance of aids to air navigation, the certification of airmen, the inspection and registration of aircraft; supervision of the issuance of weather forecasts and warnings; development of inland waterway transportation; supervision of the operation of Government-owned barge lines; declassification and dissemination of scientific and technical data; and stimulation of the advance of technological productivity.

§ 10.3 *General organization.* The general organization of the Department is as follows:

(a) Office of the Secretary, including the—
(1) Office of the Solicitor.
(2) Office of Program Planning.
(3) Office of Information.
(4) Office of Budget and Managment.
(5) Office of Personnel Administration.
(6) Office of Administrative Services.
(b) Office of Technical Services (see Ch. VI).
(c) Bureau of the Census (see Ch. I).
(d) Coast and Geodetic Survey (see Title 33, Ch. V).
(e) Bureau of Foreign and Domestic Commerce (see Ch. III).
(f) Inland Waterways Corporation (see Title 49, Ch. III).
(g) National Bureau of Standards (see Ch. II).
(h) Patent Office (see Title 37, Ch. I).
(i) Weather Bureau (see Ch. V).
(j) Civil Aeronautics Administration (see Title 14, Ch. I).
(k) Civil Aeronautics Board (see Title 14, Ch. II).

PART 11—ORGANIZATION AND FUNCTIONS OF THE OFFICE OF THE SECRETARY

Sec.
11.1 Immediate Office of the Secretary.
11.2 Office of the Solicitor.
11.3 Office of Program Planning.
11.4 Office of Information.
11.5 Office of Budget and Management.
11.6 Office of Personnel Administration.
11.7 Office of Administrative Services.

§ 11.1 *Immediate Office of the Secretary.* The Office of the Secretary is responsible for the general planning, direction, supervision, coordination, and control of the activities of the Department. Also, the Secretary is Incorporator and Governor, Inland Waterways Corporation; Chairman of the Foreign-Trade Zones Board; ex-officio General Chairman of the Business Advisory Council; and Vice Chairman of the Publications Board. He is a member of the Commodity Exchange Commission, Foreign Service Buildings Commission, Migratory Bird Conservation Commission, National Archives Council, U. S. Council of National Defense, National Munitions Control Board, Interdepartmental Committee on the Proclaimed List, Smithsonian Institution, Textile Foundation, Economic Stabilization Board, and National Advisory Council on International Monetary and Financial Problems; and ex-officio member of the Federal Advisory Board for Vocational Education. The Under Secretary acts as principal business adviser to the Secretary. The Assistant Secretary supervises the activities of the Civil Aeronautics Administration, the Coast and Geodetic Survey, and the Weather Bureau. The Executive Assistant to the Secretary serves as the general assistant to the Secretary on all executive matters, and is responsible for the over-all administrative management of the Department, including the coordination of the functions of the several offices and bureaus, and the supervision of the Offices of Budget and Management, Personnel Administration, and Administrative Services.

§ 11.2 *Office of the Solicitor.* The Solicitor is the chief law officer of the Department of Commerce. As such, he acts as legal adviser to the Secretary of Commerce, the Under Secretary, the Assistant Secretary, and the chiefs of the various bureaus.

§ 11.3 *Office of Program Planning.* The Office of Program Planning is responsible for developing for the Secretary long-range plans and programs for the Department and for advising the Secretary and other officers of the Department concerning the policy and program of the Department.

§ 11.4 *Office of Information.* The Office of Information is responsible for seeing that business, industry, and the general public is made cognizant of the activities and policies of the Department. The Office establishes the policy for the preparation and issuance of all departmental publications, operates the Department press room, and furnishes information concerning the Department's activities to the press and the public.

§ 11.5 *Office of Budget and Management.* The Office of Budget and Management advises and assists the Secretary and other officials of the Department in developing broad management and budget policies and programs necessary to achieve the various objectives, and develops the organization through which the Secretary can most effectively direct and coordinate the activities of the Department of Commerce; develops budget programs designed to assure the provision of funds necessary effectively to discharge the functions and responsibilities of the Department; develops and coordinates all administrative practices and procedures of the Department; develops systems to insure the most economical use of manpower, equipment, travel, communications, and printing services and other facilities of the Department.

§ 11.6 *Office of Personnel Administration.* The Office of Personnel Administration is responsible for establishing the personnel policies, standards, and criteria for the Department as a whole and within which the personnel offices of the primary organization units of the Department operate. The Office is also responsible for the recruitment, placement, and appointment of personnel; the classification of positions; hearing of grievances; the supervision of efficiency rating and safety and health programs; and related functions for the Office of the Secretary, the Office of Technical Services, and the Bureau of Foreign and Domestic Commerce and for furnishing such of these services to the primary organization units as authority for the performance of which has not been delegated to the primary units.

§ 11.7 *Office of Administrative Services.* The Office of Administrative Services directs the application of administrative service policies and procedures throughout the Department of Commerce, furnishes all administrative services required by the Office of the Secretary, the Office of Technical Services, and the constituent units of the Bureau of Foreign and Domestic Commerce, and provides for all other primary organization units of the Department all administrative services which such offices and bureaus have not been authorized by law or administrative regulation to furnish themselves or which they furnish themselves through agreements reached with the Office of the Secretary. The Administrative Officer is the Chief Clerk and Superintendent of the Department and uses the title of Chief Clerk or the title of Chief Clerk and Superintendent in connection with all actions required by law to be taken under such title. The Administrative Officer is the contracting officer for the Department (excluding the Inland Waterways Corporation and the Civil Aeronautics Administration and excluding contracts for research for the Office of Technical Services) for contracts, leases, or renewals thereof in the amount of $10,000 or more and for supplemental contracts thereto in the amount of $500 or more and for contracts entered into pursuant to Executive Orders 9001 and 9264.

PART 12—DELEGATION OF AUTHORITY

Authority has been delegated by the Secretary of Commerce as follows:

Sec.
12.1 Appointing authority.
12.2 Contracting authority.
12.3 Inland Waterways Corporation.
12.4 Approval of Nebraska Municipal Airport Specifications.
12.5 Authority to act as Secretary.
12.6 Executive Order 9630.
12.7 Executive Orders 9568 and 9604.
12.8 Executive Order 9665.
12.9 Executive Order 9673.
12.10 Executive Order 9709.

§12.1 *Appointing authority.* (a) The Director of Personnel of the Department of Commerce is delegated, in accordance with section 12 of Public Law 600 (79th Congress, 2nd Session) the authority vested by law in the Secretary of Commerce to take final action on matters pertaining to the employment, direction, and general administration of personnel of the Department. In case of the absence of the Director of Personnel, the Acting Director may exercise this authority.

(b) Pursuant to R. S. 161 (5 U. S. C. 22) and the Act of June 26, 1930 (46 Stat. 817, 5 U. S. C. 43) (1) Regional Supervisors of the Coast and Geodetic Survey are authorized, subject to such limitations as the Director of the Coast and Geodetic Survey may prescribe, to make appointments of personnel in the field service up to, but not including, Grade CAF–12 or P–5;

(2) The Director and the Executive Officer of the National Bureau of Standards are authorized to make appointments of personnel in the field service up to, but not including, Grade CAF–12 or P–5; and

(3) Regional Directors of the Weather Bureau are authorized, subject to such limitations as the Director of the Weather Bureau may prescribe, to make appointments of personnel in the field service up to, but not including, Grade CAF–12 or P–5.

(c) Pursuant to R. S. 161 (5 U. S. C. 22) the European Director and the Chief of Operations of the Technical Industrial Intelligence Branch are authorized to make appointments of alien and native personnel employed locally and to establish rates of compensation for such employees according to prevailing local practice but not in excess of rates prescribed for similar positions under the salary schedule established by the Classification Act of 1923, as amended.

(d) Pursuant to the Act of June 26, 1930 (46 Stat. 817; 5 U. S. C. 43) and Section 404 of Reorganization Plan No. 2 (5 U. S. C. 133t) (1) The Administrator and the Executive Officer of the Civil Aeronautics Administration are authorized to make appointments of personnel in the field service of the Civil Aeronautics Administration up to, but not including, CAF–14 or P–7;

(2) Regional Managers of the Civil Aeronautics Administration, the Chief of the Standardization Center, the Manager of the Washington National Airport, and the Superintendent, Central Depot of the Civil Aeronautics Administration, are authorized to make appointments of personnel in the field service up to, but not including, Grade CAF–12 or its equivalent;

(3) The Director of the Census is authorized to make appointments of personnel in the field service of the Bureau of the Census up to, but not including, Grade CAF–14 or P–7. (This authorization does not limit the authority of the Director of the Census to employ personnel in accordance with the Act of June 18, 1929 (46 Stat. 21; 13 U. S. C. 203) or other statutory authorization to employ personnel without regard to the Civil Service Act or Rules or without regard to the Classification Act, as Amended, or Schedule A of the Civil Service Rules).

(e) Pursuant to 15 CFR 1.16 (d), the Director of the Coast and Geodetic Survey and officers and employees serving as chiefs of party, are authorized to employ contract employees on ships, tide observers, seismograph tenders and temporary employees required in connection with surveying operations of the field service.

§ 12.2 *Contracting authority.* (a) Pursuant to section 161 R. S. (5 U. S. C. 22) authority is delegated to the head of each primary organization unit (except the Civil Aeronautics Administration and the Inland Waterways Corporation), with authority to redelegate, to approve or execute all contracts (except research contracts of the Office of Technical Services and except supplemental contracts in the amount of $500 or more), accompanying bonds, leases or renewals thereof when the amount in any instance is less than $10,000 and is payable from funds available to such primary organization unit for this purpose.

(b) Authority is delegated, with power to redelegate, to the Administrator of Civil Aeronautics to approve and execute contracts, accompanying bonds, leases or renewals thereof, and contracts supplemental thereto or changes in contracts without regard to limitations established for other primary organization units.

(c) Authority is delegated to the Chief of the Division of Accounting Control, Office of the Secretary, to execute contracts and accompanying bonds for research to be conducted for the Office of Technical Services.

§ 12.3 *Inland Waterways Corporation.* Pursuant to the Act of June 3, 1924 (43 Stat. 360; 49 U. S. C. 151) and Section 6 of Reorganization Plan No. 2 of 1939, the President and the Secretary-Treasurer, or those designated by the President of the Inland Waterways Corporation are authorized to sign leases or contracts for the Corporation. The President of the Inland Waterways Corporation is also authorized to formulate rules and regulations for the conduct of the business of the Corporation and to incur obligations and disburse money within the limits of the budget of the Corporation as approved by the Secretary of Commerce.

§ 12.4 *Approval of Nebraska Municipal Airport Specifications.* The Administrator of the Civil Aeronautics Administration, or such officer or officers as he may designate, is authorized to approve on behalf of the Department of Commerce the location and specifications of any municipal airport located in the State of Nebraska when such approval is required by Section 19–803, Compiled Statutes of Nebraska, 1929.

§ 12.5 *Authority to act as Secretary.* Under Executive Order No. 8541 the Assistant Secretary of Commerce is authorized to perform the duties of the Secretary of Commerce in case of the absence, sickness, resignation, or death of the Secretary of Commerce and of the Under Secretary of Commerce and the Solicitor of Commerce is authorized to perform the duties of the Secretary of Commerce in case of the absence, sickness, resignation, or death of the Secretary of Commerce, the Under Secretary of Commerce, and the Assistant Secretary of Commerce.

§ 12.6 *Executive Order 9630.* (a) Those functions of the Foreign Economic Administration transfered to the Department of Commerce by Executive Order 9630, except the functions of the Technical Industrial Intelligence Committee and the functions of the Clearing Office of Foreign Transactions and Reports, are assigned to the Office of International Trade.

(b) Pursuant to that order authority is delegated to the Director of the Requirements and Supply Branch, Office of International Trade, (1) To exercise and perform all powers and functions contained in Section 6 of the Act of July 2, 1940 (54 Stat. 714) as amended and extended, and to issue such rules and regulations as may be necessary or proper to carry out the provisions of said Act; and

(2) To exercise and perform such powers and functions as are contained in the Act of October 10, 1940 (54 Stat. 1090) as amended and extended, and the Act of October 16, 1941 (55 Stat. 742) as amended and extended, heretofore conferred upon the Administrator of the Foreign Economic Administration by Executive Order No. 8942 dated November 19, 1941 as amended, and thereafter conferred upon the Secretary of Commerce by Executive Order No. 9630 dated September 27, 1945, except the power to sign and issue subpoenas.

(c) The functions of the Technical Industrial Intelligence Committee transferred to the Department of Commerce by Executive Order 9630 are assigned to the Office of Technical Services.

(d) The functions of the Clearing Office of Foreign Transactions and Reports are assigned to the Office of Business Economics.

§ 12.7 *Executive Orders 9568 and 9604.* The Office of Technical Services is assigned responsibility for performing those operating functions contained in Executive Orders 9568 and 9604 responsibility for which is delegated to the Secretary of Commerce by letters from the Director of War Mobilization and Reconversion.

§ 12.8 *Executive Order 9665.* Those functions of the Smaller War Plants Corporation transferred to the Department of Commerce by Executive Order 9665 are assigned as follows: (a) The functions of the Office of Reports in the Smaller War Plants Corporation dealing with economic and statistical analysis of business conditions and prospects to the Office of Business Economics;

(b) The field functions of the Smaller War Plants Corporation together with the functions performed in Washington relating to the supervision of such field activities transferred to the Department of Commerce Field Service; and

(c) All other functions to the Office of Small Business. The Director of the Office of Small Business shall act as Accountability and Liquidation Officer for the Smaller War Plants Corporation and as such may execute necessary instruments in the name of said Corporation. The Director shall also be responsible for preparation of those reports required by section 5 of Public Law 603 (77th Congress) which the Secretary of Commerce is required to submit by paragraph 5 of Executive Order 9665.

§ 12.9 *Executive Order 9673.* Those functions of the Office of Production Research and Development of the Civilian Production Administration transferred

to the Department of Commerce by Executive Order 9673 are assigned to the Office of Technical Services.

§ 12.10 *Executive Order 9709.* The Weather Bureau is designated as the agency of the Department of Commerce through which the functions relating to meteorological facilities transferred to the Department of Commerce by Executive Order 9709. The Civil Aeronautics Administration is designated as the agency of the Department through which all other functions transferred to the Department by that order are performed. The authority vested in the Department of Commerce by Executive Order 9709, including the authority set forth in Paragraph 2 to arrange for the interim custody, operation, and maintenance of facilities transferred to the Department under the provisions of the order, is delegated to the Chief of the Weather Bureau and the Administrator of Civil Aeronautics with respect to the functions assigned to their respective organization units.

[SEAL] H. A. WALLACE,
Secretary of Commerce.

[F. R. Doc. 46-15528; Filed, Aug. 29, 1946; 4:42 p. m.]

BUREAU OF THE CENSUS

[15 CFR, Ch. I]

PART 40—GENERAL ORGANIZATION AND FUNCTIONS

Sec.
40.1 Creation.
40.2 General statement of the purpose and functions.
40.3 General statement of organization.
40.4 General statement on procedure.
40.5 General statement on information.

§ 40.1 *Creation.* The Census Office was established by the act of March 6, 1902 (32 Stat. 51, 13 U. S. C. 1) to take the decennial census required by Article 1, section 2, of the Constitution and to perform related functions.

§ 40.2 *General statement of the purpose and functions.* The Bureau of the Census collects, collates, tabulates, and publishes data on the characteristics and activities of the people of the United States in the fields of population, housing, agriculture, manufactures, business, mineral industries, State and local government, cotton and oils, foreign trade, and other subjects. The Bureau also renders statistical services to other Government agencies, as well as to private business and research agencies, individuals, and State and local governments, as requested, and as the regular work of the Bureau permits. Whenever additional cost is involved, this work is done on a reimbursable basis.

§ 40.3 *General statement of organization.* The work of the Bureau of the Census in compiling and publishing data is performed at the seat of government. For purposes of collecting information by direct canvass of householders, business establishments, etc., there are area offices and district offices appropriately located throughout the country. The location of these offices is given in § 41.6.

In addition, a New York Office of the Foreign Trade Division is located at Room 434, Customs House, New York City, to perform certain operations on foreign trade documents which are the source of statistics on foreign trade (see § 41.7 and 15, CFR, Part 30).

The Washington Office consists of:

Office of the Director ..... (41.1)

Twelve divisions as follows:

Administrative Service ..... (41.2)
Agriculture ..... (41.3)
Budget Office ..... (41.4)
Business ..... (41.5)
Field ..... (41.6)
Foreign Trade ..... (41.7)
Geography ..... (41.8)
Governments ..... (41.9)
Industry ..... (41.10)
Machine Tabulation ..... (41.11)
Personnel ..... (41.12)
Population ..... (41.13)

§ 40.4 *General statement on procedure.* The information to be gathered by censuses and surveys for which the Bureau is responsible is determined through consideration of needs expressed through experience with similar work in the past, requests for information currently received and needs for information as expressed by representatives of respondents, such as trade associations and business firms, as well as private individuals, and of other users of the information, such as other governmental agencies, business and industry and the public generally. All Census surveys conducted by the Bureau of the Census are cleared with the Bureau of the Budget in accordance with the requirements of the Federal Reports Act of 1942 (56 Stat. 1078; 5 U. S. C. 139).

A list of the schedules used in the various censuses and surveys conducted by the Bureau of the Census and copies of instructions and procedures for completing these schedules are available upon written request to the Director, Bureau of the Census, Washington 25, D. C.

§ 40.5 *General statement on information.* All information on individual persons and establishments is treated as strictly confidential by the Bureau of the Census and is made available in the form of statistical totals only. This information relates to subjects mentioned in §§ 41.1 to 41.13.

Information published by the Bureau can be obtained from the Director, Bureau of the Census, Washington 25, D. C., or from the Department of Commerce Field Offices. Copies of Census publications are sent to Government depository libraries, as well as to other libraries, where they may be consulted. A catalog of publications is available on request.

Unpublished data and special tabulations can be obtained from the Bureau of the Census at cost whenever the work of the Bureau permits. A request for data not shown in published volumes should be addressed to the Director, Bureau of the Census, Washington 25, D. C. The request will be carefully studied, and the reply will include a description of the available material, an estimate of the cost involved, and the conditions under which the information will be furnished. If the available material is acceptable, a certified check or money order for the full amount, made payable to the Treasurer of the United States, must be received by the Bureau of the Census before the work can begin.

PART 41—DETAILED STATEMENT OF FUNCTIONS BY MAJOR ORGANIZATION UNIT (DOWN TO THE OPERATING LEVEL)

Sec.
41.1 Office of the Director.
41.2 Administrative Service Division.
41.3 Agriculture Division.
41.4 Budget Office.
41.5 Business Division.
41.6 Field Division.
41.7 Foreign Trade Division.
41.8 Geography Division.
41.9 Governments Division.
41.10 Industry Division.
41.11 Machine Tabulation Division.
41.12 Personnel Division.
41.13 Population Division.

§ 41.1 *Office of the Director.* The Office of the Director coordinates the economic, social and statistical research in the Bureau; integrates the Bureau's statistics with those of other countries; and is responsible for the general administration of the Bureau.

§ 41.2 *Administrative Service Division.* The Administrative Service Division adminsters the program of fiscal accounting within the Bureau, including cost accounting, bookkeeping, auditing, leave and retirement records, pay rolls, and the like; provides for the acquisition, assignment, maintenance, and distribution of supplies and equipment; provides various centrally performed clerical, administrative, fiscal, and graphic services for the several operating divisions of the Bureau; conducts searches of old Census records, known as Personal Census Service or Age Searches, and furnishes transcripts of such searches upon signed request of the person covered by the record or his heirs.

§ 41.3 *Agriculture Division.* The Agriculture Division collects, processes and prepares for publication statistical data relating to the general characteristics of agriculture and agricultural products, irrigation and drainage enterprises, and cotton ginnings; conducts special tabulations and research projects and prepares special reports, monographs, and studies on selected phases of these problems.

§ 41.4 *Budget Office.* The Budget Office is responsible for developing and prescribing budgetary and accounting procedures for the Bureau, the preparation of budget estimates, conducting continuous studies of expenditures and obligations, and making analyses of work methods and procedures employed throughout the Bureau.

§ 41.5 *Business Division.* The Business Division collects, processes and prepares for publication current and bench mark statistical data relating to the characteristics and operations of business enterprises engaged primarily in the distribution of goods and services in domestic trade; conducts special tabulations and research projects and prepares special reports, monographs, and studies on distribution problems; conducts

special current surveys providing information on the volume of domestic trade.

§ 41.6 *Field Division.* The Field Division is responsible for the collection of data through field enumeration for complete coverage as well as sample surveys. A list showing the geographic coverage of each area, and the location of the area and district offices follows:

AREA I

Connecticut
Maine
Massachusetts
New Hampshire
Northeast New Jersey
New York
Rhode Island
Vermont

AREA OFFICE

New York City, 512 Federal Building, 641 Washington Street, New York 14, N. Y.

DISTRICT OFFICES

Connecticut: Hartford, 125 Trumbull Street, Room 412, Hartford 3, Conn.

Maine: Biddeford, Paquin Building, Room 5, 5 Washington Street, Biddeford, Maine.

Massachusetts: Boston, 2100 U. S. Post Office and Courthouse Building, Boston 9, Mass.

New Jersey: Newark, 1060 Broad Street, Room 560, Newark, N. J.

New York: Buffalo, 335 Post Office Building, Buffalo 3, N. Y. Middletown, 24 Middletown Merchants Building, 24–26 North Street, Middletown, N. Y. New York City, 434 Federal Building, 641 Washington Street, New York 14, N. Y. Rochester, 332 Powers Building, Rochester, N. Y.

Rhode Island: Providence, 514–515 Federal Building, Providence 3, R. I.

Vermont: Barre, 162 North Main Street, Barre, Vt.

AREA II

Delaware
District of Columbia
Maryland
New Jersey (Western Part)
Pennsylvania
Virginia

AREA OFFICE

Washington, D. C.: Tempo-T Room 2007–2009, Washington 25, D. C.

DISTRICT OFFICES

District of Columbia: Washington, Tempo-T Room 2001–2013, Washington 25, D. C.

Maryland: Baltimore, 803 Cathedral Street, Third Floor, Baltimore 1, Md.

Pennsylvania: Easton, 6 South Third Street, Room 206, Easton, Pa. Lancaster, 433–435 Breneman Building, Lancaster, Pa. Philadelphia, 805 U. S. Custom House, 2nd and Chestnut Streets, Philadelphia 6, Pa. Pittsburgh, 502F New Federal Building, Pittsburgh 19, Pa.

Virginia: Norfolk, 619 New Monroe Building, 254 Granby Street, Norfolk 10, Va.

AREA III

Alabama
Florida
Georgia
North Carolina
South Carolina
Tennessee

AREA OFFICE

Atlanta, Ga.: 416 Bona Allen Building, Atlanta, Ga.

DISTRICT OFFICES

Alabama: Birmingham, 201 Martin Building, Fourth Avenue and 23rd Street, North, Birmingham 3, Ala. Clanton, 111½ Seventh Street, Clanton, Ala.

Florida: Sarasota, U. S. Post Office, Room 202 (P. O. Box 1570), Sarasota, Fla.

Georgia: Atlanta, 416 Bona Allen Building, Atlanta, Ga. Cochran, Post Office Building, Room 10, Cochran, Ga.

*North Carolina: Asheville, 301 Legal Building (P. O. Box 7183), South Pack Square, Asheville, N. C.

South Carolina: Greenwood, 420 Textile Building, Greenwood, S. C.

Tennessee: Johnson City, 102 Miller-Arts Building, Johnson City, Tenn.

*FOREST PRODUCTS OFFICE

North Carolina: Asheville, 209 Federal Building, P. O. Box 252, Asheville, N. C.

AREA IV

Ohio
Michigan (Excluding upper peninsula)
West Virginia

AREA OFFICE

Detroit, Mich.: Room 673, Federal Building, Detroit 26, Mich.

DISTRICT OFFICES

Michigan: Battle Creek, 429–430 Post Building, Battle Creek, Mich. Boyne City, Post Office Building, Room 200, Boyne City, Mich. Detroit, 1209 Francis Palms Building, 2111 Woodward Avenue, Detroit 26, Mich.

Ohio: Chillicothe, Phillips Building, Second Floor, 10 East Main Street, Chillicothe, Ohio. Cleveland, 4258 New Post Office Building, Cleveland 13, Ohio. Eaton, Old Armory Building, West Main Street, Eaton, Ohio. Portsmouth, 844 Sixth Street, Room 28, Portsmouth, Ohio.

West Virginia: Welch, 309 First National Bank Building, (P. O. Box 804), Welch, W. Va.

AREA V

Illinois
Indiana
Kentucky
Michigan (Upper peninsula only)
Missouri (South Eastern part only)
Wisconsin

AREA OFFICE

Chicago, Ill.: 433 West Van Buren Street, Room 718A, Chicago 7, Ill.

DISTRICT OFFICES

Illinois: Chicago, New Post Office Building, Room 718, 433 West Van Buren Street, Chicago 7, Ill. Pittsfield, Zimmerman Building, Second Floor, 118–122 North Monroe Street, Pittsfield, Ill.

Indiana: Fort Wayne, 225 Cooper Building, 124 West Wayne Street, Fort Wayne 2, Ind. Indianapolis, Federal Building, Room 460A, Indianapolis, Ind.

Kentucky: Hopkinsville, Elks Building, West Ninth Street, Hopkinsville, Ky. Louisville, Federal Building, Room 607, Louisville, Ky. Paducah, 414 Guthrie Building, 517 Broadway (Box 435), Paducah, Ky.

Wisconsin: Fond du Lac, 40 South Main Street (P. O. Box 566), Fond du Lac, Wis. Milwaukee, Room 700, Federal Building, Milwaukee 2, Wis.

Missouri: Fredericktown, Ferguson Building, Second Floor, Fredericktown, Mo. St. Louis, New Federal Building, Room 410, St. Louis 1, Mo.

AREA VI

Iowa
Kansas
Minnesota
Missouri (North and Western part only)
Nebraska
North Dakota
Oklahoma
South Dakota

AREA OFFICE

Kansas City, Kans.: 645½ Minnesota Avenue, Room 242, Kansas City, Kans.

DISTRICT OFFICES

Iowa: Dubuque, 16 Postoffice Building (Box 476), Dubuque, Iowa.

Kansas: Kansas City, 220 Stubbs Building, 645½ Minnesota Avenue, Kansas City 10, Kans.

Minnesota: Brainerd, Northern Pacific Depot, P. O. Box 121, Brainerd, Minn. St. Paul, Room 304, Newton Building, St. Paul, Minn.

Missouri: Springfield, New Postoffice Building, Room 225 (Box 589), Springfield, Mo.

Nebraska: Fremont, Room 1, Petrow Cafe Building, 544 North Main Street, Fremont, Nebr.

North Dakota: Fargo, Room 3, 55½ Broadway, (P. O. Box 1898), Fargo, N. Dak.

Oklahoma: Woodward, Old Courthouse (Box 30), Woodward, Okla.

AREA VII

Arkansas
Louisiana
Mississippi
Texas

AREA OFFICE

Fort Worth, Tex.: 507 Petroleum Building, 210 West Sixth Street, Fort Worth, Tex.

DISTRICT OFFICES

Arkansas: El Dorado, New Federal Building, Room 317, El Dorado, Ark. Hot Springs, Dodson Building, Second Floor, 623–25 Central Avenue, Hot Springs, Ark.

*Louisiana: New Iberia, Box 278, Parish Court House Basement, New Iberia, La. New Orleans, 1539 Jackson Street, New Orleans, La.

Mississippi: Clarksdale, McWilliams Building, Room 309, Yazoo Avenue, Clarksdale, Miss. Gulfport, Colonial Hotel, Gulfport, Miss.

Texas: Beaumont, 125 City Hall, P. O. Box 2510, Beaumont, Tex. Fort Worth, 509 Petroleum Building, 210 West Sixth Street, Fort Worth, Tex. Gilmer, County Building (P. O. Box 484), Gilmer, Tex. Houston, 603 Federal Building, (P. O. Box 4029), Houston 14, Tex. Pleasanton, First National Bank Building, Pleasanton, Tex.

*FOREST PRODUCTS OFFICE

Louisiana: New Orleans, McFadden Place, City Park, R. F. D. 3 (P. O. Box 7295, Mid-City Station), New Orleans, La.

AREA VIII

Idaho
Montana
Oregon
Washington
Wyoming

AREA OFFICE

Seattle, Wash., 5523 White-Henry-Stuart Building, Seattle, Wash.

DISTRICT OFFICES

Idaho: Payette, County Courthouse, Payette, Idaho.

Montana: Glendive, 3 Post Office Building, (P. O. Box 993), Glendive, Mont.

Oregon: La Grande, West Jacobson Building, Room 18, Adams and Elm Streets, P. O. Box 787, La Grande, Oreg. Portland, 214 Old United States Courthouse, 520 Southwest Morrison Street, Portland, Oreg.

Washington: Seattle, 5523 White-Henry-Stuart Building, Seattle 1, Wash.

AREA IX

Arizona
California
Colorado
Nevada
New Mexico
Utah

AREA OFFICE

Los Angeles, Calif.: 1212 Commercial Exchange Building, 416 West Eighth Street, Los Angeles 14, Calif.

DISTRICT OFFICES

California: Oakland, 405 Bank of Commerce Building, 1540 San Pablo Avenue, Oakland 12, Calif. Los Angeles, 1209 Commercial Exchange Building, 416 West Eighth Street, Los Angeles, Calif. Sacramento, 719 K Street, Room 414, Sacramento 14, Calif. San Diego, Room 360, City Hall, San Diego, Calif.

Colorado: Longmont, Longmont Drug Building, 385 Main Street, Longmont, Colo.

New Mexico: Roswell, Room 210 City Hall Building, Roswell, N. Mex.

Utah: Salt Lake City, 32 Exchange Place, Room 301, Salt Lake City, Utah.

§ 41.7 *Foreign Trade Division.* The Foreign Trade Division collects, processes, analyzes and prepares for publica-

tion statistical data relating to the foreign trade of the United States, including weekly, monthly and annual tabulations of information on imports and exports of merchandise and gold and silver, vessels entered and cleared, and statistics of the trade of Continental United States with its territories and possessions. The tabulations contain information on the net quantity of each type of commodity shipped, the dollar value of the shipments and the shipping weight; information is also provided on export and import shipments by method of transportation (vessel, air, etc.); on trade with each individual foreign country; trade through individual United States Customs Districts, etc. Prepares special tabulations and reports, monographs and studies on selected phases of these problems. (See 15 CFR, Part 30, for a statement of requirements for filing papers from which information is obtained.)

§ 41.8 *Geography Division.* The Geography Division maintains a comprehensive collection of maps for all governmental and administrative areas in the territory of the United States; establishes administrative areas (enumeration districts) for the collection of Census data; prepares graphic materials for assistance in the presentation of complex statistical data.

§ 41.9 *Governments Division.* The Governments Division collects, processes, and prepares for publication current and bench mark statistical data relating to the characteristics and functions of State and local governments and their administration in the United States, including public finances, public employment, elections, and operating activity. Conducts special tabulations and research projects and prepares reports and monographs on selected phases of these problems.

§ 41.10 *Industry Division.* The Industry Division collects, processes, and prepares for publication current and bench mark statistical data relating to the characteristics and operations of manufacturing, minerals, electric light and power, communications, transit, and related industries, conducts research projects and prepares special tabulations and reports, monographs, and other studies on selected problems of these industries; compiles special statistical data and reports.

§ 41.11 *Machine Tabulation Division.* The Machine Tabulation Division transfers processed information to punch cards and tabulates statistical data for analysis and distribution by the divisions of the Bureau, and for public and private agencies; consults with operating officers of the several divisions on problems relating to the scope and method of particular surveys in the light of the capacities of equipment and techniques of machine tabulation.

§ 41.12 *Personnel Division.* The Personnel Division administers the program of personnel management within the Bureau, including the functions of organization, classification, pay administration, recruitment, personnel utilization, training, service ratings, changes of assignment and of status, separations, employee relations, services and welfare, hours of duty and leave, personnel research, and the preparation of personnel records, reports, and correspondence.

§ 41.13 *Population Division.* The Population Division collects, processes, analyzes, and prepares for publication current and bench mark statistical data relating to the people of the United States and their social institutions, including general characteristics of the population, employment and income, occupational and industrial affiliations of the population, Negro statistics, housing, religious bodies, and institutional population; conducts current surveys, research projects and prepares special tabulations and reports, monographs, and studies on selected problems in this field.

[SEAL] J. C. CAPT,
Director, Bureau of the Census.

Approved by:

H. A. WALLACE,
Secretary of Commerce.

[F. R. Doc. 46-15527; Filed, Aug. 29, 1946; 4:42 p. m.]

BUREAU OF FOREIGN AND DOMESTIC COMMERCE

[15 CFR, Ch. III]

OFFICE OF BUSINESS ECONOMICS

PART 320—GENERAL ORGANIZATION AND FUNCTIONS

Sec.
320.1 Creation.
320.2 General purpose and functions.
320.3 Organization.

§ 320.1 *Creation.* The Office of Business Economics was established by Department of Commerce Order No. 10 dated December 18, 1945, by transferring and consolidating the Division of Research and Statistics, the Balance of Payments Analysis Unit of the Division of International Economy, the Clearing Office for Foreign Transactions and Reports, and certain other functions of the Bureau of Foreign and Domestic Commerce.

§ 320.2 *General purpose and functions.* The general purposes and functions of the Office of Business Economics are to provide basic economic measures of the national economy, current analyses of the economic situation and business outlook, and general research on the functioning of the economy; to develop basic economic and statistical indicators; and to provide a basis for policy formulation of the Department with respect to Government operations insofar as they affect economic movements and tendencies.

§ 320.3 *Organization.* The Office of Business Economics consists of the Office of the Director, National Income Division, Current Business Analysis Division, Regional Economics Division, Business Structure Division, International Economics Division, and Clearing Office for Foreign Transactions.

PART 321—FUNCTIONS OF DIVISIONS

Sec.
321.1 Office of the Director.
321.2 National Income Division.
321.3 Current Business Analysis Division.
321.4 Regional Economics Division.
321.5 Business Structure Division.
321.6 International Economics Division.
321.7 Clearing Office for Foreign Transactions.

§ 321.1 *Office of the Director.* The Office of the Director is responsible for planning, supervising, coordinating, and directing the work of the Office of Business Economics. Personnel, fiscal and administrative services are obtained for the divisions of the Administrative Management Staff of the Office of the Director from the appropriate units of the Office of the Secretary. The Economic Reports Staff of the Office of the Director is responsible for developing a coordinated publications program for the Office of Business Economics, for reviewing speeches, press releases, and the like to be issued by the Office and for coordinating and arranging informational material and economic data into form suitable for release.

§321.2 *National Income Division.* The National Income Division conducts containing studies of national income, gross national product and related aggregates, and their components in order to supply current and historical measures and analyses of changes in income and output. The Division prepares regular reports of the position of the economy and economic tendencies as revealed by its analyses of national income, gross national product, and income flow; compiles analytical data on national income by industries and distributive shares indicating the origins and components of income produced, and the flow of production from the basic resources to finished products; prepares estimates of income size distribution so as to describe the sources of income of recipients in different income classes, and the use of funds for taxes, consumption, and savings; and provides breakdowns of the significant income data by states, regions, and industrial areas, adapting these data for marketing and other purposes.

§ 321.3 *Current Business Analysis Division.* The Current Business Analysis Division is responsible for preparing current analyses of business conditions and for developing basic economic indicators for business and Government. It conducts a continuing study of business activity; prepares analyses of current economic developments and trends and of the forces influencing and contributing to such movements; develops quantitative indexes and basic measures of changes in the economy; develops techniques for the projection of economic series and magnitudes in order to provide quantitative extensions and translates these into qualitative evaluations of the tendencies for expansion and contraction of the economy; measures the influences determining expenditures by individuals in the aggregate and for particular types of goods and develops relationships to the flow of total income and

to expenditures out of a given volume of income; and analyses the fluctuations of the capital goods industries, and the amount of capital put in place in relation to the flow of business and personal savings available for investment.

§ 321.4 *Regional Economics Division.* The Regional Economics Division integrates and analyzes economic and statistical data relative to the fundamental economic characteristics of the various regions of the United States or subdivisions thereof; determines the major factors bearing upon their economic development, and evaluates current and potential regional programs for maximum utilization of resources in relation to trends in the national economy. Analyses are made in terms of markets, market potentialities, resource use, and methods of promoting regional economic progress.

§ 321.5 *Business Structure Division.* The Business Structure Division establishes functional relationships within and among major segments of the national economy and analyzes the nature of the prevailing organization and use of productive and distributive resources. It analyzes the effects of structural organization upon the economy and the volume of business operations; this embraces the organization and structure of production and distribution, including the influence of size or concentration, location, and markets, the structure of wages as a cost factor, the structure of the materials flow, and the institutional set-up as determined by market laws and regulations.

§ 321.6 *International Economics Division.* The International Economics Division compiles, analyzes, and interprets data on the international payments and international investments of the United States and on their influence on the domestic economy, and collaborates with other Offices of the Department in the analysis of the international position of other countries and of their needs for American investment and their capacity to utilize effectively and service such capital. It analyzes proposed international programs to determine their probable effect on the domestic economy and reviews domestic industrial developments affecting the magnitude or pattern of foreign trade.

§ 321.7 *Clearing Office for Foreign Transactions.* The Clearing Office for Foreign Transactions ascertains the needs of Government agencies for information concerning foreign transactions of the United States, arranges for detailed quarterly reports on such transactions; compiles, analyzes and disseminates data on all foreign transactions of Government agencies; and receives reports from all Government agencies of their cash transactions abroad, their property owned abroad, and civilian supplies and relief and rehabilitation items furnished for distribution abroad. The circulation of these quarterly reports is restricted.

PART 322—SERVICES AVAILABLE

§ 322.1 The Office of Business Economics prepares regular statistical reports on the economic activities of the nation, the more important of these being: quarterly estimates of national income and national product; quarterly estimates of corporation profits; quarterly estimates of plant and equipment expenditures; annual estimates of indebtedness in the United States; monthly estimates of income payments to individuals; annual estimates of income payments by States; monthly industry survey of new orders, shipments, and inventories in manufacturing; monthly estimates of retail sales and consumer expenditures; monthly estimates on transportation activity; quarterly estimates of business births, deaths and total business population; quarterly and annual statements of the balance of international payments of the United States. Most of these reports and statements are printed in the monthly Survey of Current Business and its weekly supplements, which is concerned with economic highlights, the business situation and business statistics, providing a continuing series of business indexes covering over 2,200 items. The subscription price of the Survey of Current Business is $2.00 per year for domestic subscribers and $2.75 per year for foreign subscribers. Subscriptions should be mailed to the nearest Department of Commerce Field Office or to the Superintendent of Documents, Washington 25, D. C. Most of the special reports appearing in the Survey of Current Business are reprinted as separates and can be obtained without charge by addressing the Office of Business Economics, Department of Commerce, Washington 25, D. C.

[SEAL] H. A. WALLACE,
Secretary of Commerce.

[F. R. Doc. 46-15525; Filed Aug. 29, 1946; 4:41 p. m.]

OFFICE OF DOMESTIC COMMERCE

PART 330—GENERAL ORGANIZATION AND FUNCTIONS

Sec.
330.1 Creation.
330.2 General purpose and functions.
330.3 General organization.

§ 330.1 *Creation.* The Office of Domestic Commerce was established by Department Order No. 10 of December 18, 1945, by consolidating functions formerly carried on by certain organizational units of the Bureau of Foreign and Domestic Commerce as follows: (a) the functions of the Trade Association Unit, (b) the functions of the Division of Industrial Economy, except those concerned with foreign trade, (c) the functions of the Distribution Division, except those concerned primarily with small business, and (d) the functions of the Construction Division.

§ 330.2 *General purpose and functions.* It is the purpose of the Office of Domestic Commerce to promote domestic commerce and industry. This objective is to be attained by means of (a) stimulating the profitable operations of manufacturing, distribution, transportation and service industries to achieve full and efficient production and employment, (b) providing factual and analytical, and interpretative data on commodities, industry, transportation, and marketing as basic guides to industry and business in trade maintenance and expansion programs, and (c) assisting industry and trade in its relations with other Government departments and agencies. These activities are carried on in cooperation with other offices and bureaus of the Department of Commerce, with industry and trades and other Government agencies. Liaison is maintained with other units of the Department of Commerce especially with the Office of Small Business for the development of data and information of an industrial or commodity nature that will be useful to small business; with the Office of International Trade on matters of common interest in the international field; with the Office of Business Economics in the preparation of selected data on full employment, analyses of industrial trade developments and similar projects. The Department Field Offices are utilized to insure the application to local conditions and demands of the research data, analysis and studies, and all other information developed by the Washington office, and for the collection of information, statistics and other data which reflect local business conditions.

§ 330.3 *General organization.* Within the Office of Domestic Commerce are the (a) Office of the Director, (b) Construction Division, (c) Industry Division, (d) Marketing Division, (e) Trade Association Division, and (f) Transportation Division.

PART 331—FUNCTIONS OF DIVISIONS

Sec.
331.1 Office of the Director.
331.2 Construction Division.
331.3 Industry Division.
331.4 Marketing Division.
331.5 Trade Association Division.
331.6 Transportation Division.

§ 331.1 *Office of the Director.* The Office of the Director is responsible for planning, supervising, coordinating, and directing the work of the Office of Domestic Commerce. Personnel, fiscal and administrative services are obtained from the divisions by the Administrative Management Staff of the Office of the Director from the appropriate offices of the Office of the Secretary. The Information Staff of the Office of the Director is responsible for developing a coordinated publications program for the Office of Domestic Commerce for reviewing speeches, press releases, and the like, to be issued by the Office, and for coordinating and arranging informational material into form suitable for release.

§ 331.2 *Construction Division.* The activities of the Construction Division are directed toward the formation of a body of factual data to provide a basis for the development of government policy relating to the construction industry and to foster the potentially great role which the construction and building materials industries may assume in achieving high levels of employment.

Operations are divided along three main functional lines, (a) reduction of building costs as a contribution to full employment, (b) maintenance of statistics on the dollar volume of construction

on a national and regional basis and the assembly of information on the production and availability of building materials, and (c) analysis, interpretation, and publication of data relating to factors influencing the demand for the products of the construction and building materials industries. The Division has initiated studies of the revision, modernization and eventual standardization of building codes; of restrictive practices which limit production and increase costs; of technological improvements involving new materials and construction methods; and of improved winter building methods as a means of avoiding construction unemployment in bad weather.

§ 331.3 *Industry Division.* The functions of the Industry Division are to provide comprehensive, detailed and timely data of an industrial or commodity nature for use by manufacturers, processors of materials and other businesses dependent upon or related to manufacturing; to prepare basic economic and statistical surveys of important industries as a guide to trade promotion efforts and meeting industrial problems; to prepare and issue periodic reports on industrial developments and trends for specific industries and of a general character; in close cooperation with industry groups to develop projections of future trends, industry by industry, and serve as focal point for industry in the study of forward planning to maintain maximum employment, high output, and high consumption.

§331.4 *Marketing Division.* The objective of the Marketing Division is to promote and activate a high level of the sale and distribution of goods and services to take up the increased production capacity of the Country's manufacturers and producers. It seeks to promote greater operating efficiencies in distribution, to develop comprehensive market data by geographical areas, to foster lower distribution costs and prices, and to attain a maximum consumption of goods and services.

Operations are divided along three main functional lines (a) those relating to distribution costs, including determination of the cost of distribution in total, by channels, commodities and functions; development of methods for reducing the cost of distribution by individual and trade action; analyses of cost allocation procedures by commodities, customers and functions; exploration of inter-firm competition costs; preparation of price analysis studies; (b) those relating to market research including analyses and reports on market data by geographical areas for establishing sales potentials and trading area delineations; preparation of manuals on applying market data to sales potenial problems and source books on market data and market research agencies; and (c) those relating to market operations, including providing the individual members of whole trades with methods for more proficient and profitable performance in a competitive market. This is done by making case studies in separate wholesale and retail trades; making studies to aid management in determining policies and procedures in the performance of separate marketing functions, such as selecting a location, store layout and modernization, cooperative buying, warehousing, stock control, advertising and sales promotion; and by making available to business generally tested methods of gaining a strong position for a product in a local or national market.

§ 331.5 *Trade Association Division.* The Trade Association Division acts as liaison between the Department and trade associations, chambers of commerce, boards of trade and community development organizations to insure the mutual exchange of ideas between Government and business. In that capacity it encourages close cooperation between the Department of Commerce and the various industry association groups; maintains up-to-date information concerning the activities of these groups and publishes directories and summaries of such information; analyzes the problems and services of representative associations in major geographical areas and in each commodity field; endeavors to raise the standards of efficiency and public service objectives of such organizations; and promotes national conferences and arranges for Department of Commerce participation at leading conventions of businessmen.

§ 331.6 *Transportation Division.* The general objectives of the work of the Transportation Division are to (a) determine the needs of the commerce of the United States for transportation and public utility services; (b) ascertain the adequacy and economy of transportation and public utility services in terms of national and regional requirements; and (c) promote the commerce of the United States through reporting, analyzing and recommending improvements in transportation and public utility facilities, practices, rates, services, and policies.

To further these objectives, the Transportation Division represents the Department in its relationship with shippers, carriers, and other Government agencies regulating and promoting transportation and public utilities; conducts research in each of the transportation and public utility fields designed to ascertain the needs of commerce, the adequacy and economy of present facilities and services for those needs, the effects of rates, services, and public transport policies upon commerce and national and regional industrial development, and to suggest the improvements and economies in transportation and public utility services that can be made; supplies shippers, carriers, Government agencies and others with information regarding transportation and public utility rates, services, and practices; and takes action before regulatory bodies, Congressional committees, and other agencies toward obtaining improved services and lower rates, more adequate transportation and public utility data, and progressive public transport policies.

PART 332—RESOURCES AVAILABLE TO PUBLIC

Sec.
332.1 Services available.
332.2 Published material.

§ 332.1 *Services available.* The resources of the Office of Domestic Commerce are made available to the public through answers to inquiries received by mail, through personal interviews, and through the publication of reports and articles. Inquiries may be addressed to the Office of Domestic Commerce, Department of Commerce, Washington 25, D. C., or to the nearest field office of the Department. (See Parts 350–359 for the location and addresses of the field offices.) Personal interviews may be had at the Washington Office or in the field offices.

§ 332.2 *Published material.* The Office of Domestic Commerce disseminates material, information and analyses of a commodity or industry nature through the medium of the following publications:

(a) *Industry reports.* These reports are designed to give periodic analyses of significant current trends in specific industries and services. They are free to the public upon request to the Bureau of Foreign and Domestic Commerce, Department of Commerce, Washington 25, D. C., or to the nearest Department Field Office.

(b) *Industrial reference service.* This service consists of a series of eleven parts in commodity groups and one part called the Commodity Reference Series. The commodity groups cover important commodity and industrial developments relating to markets, technology, production, sales potential, and the like, in the United States and foreign countries. The Commodity Reference Series provides concise basic information on important raw materials and finished products and are designed to serve as a reference manual. The Industrial Reference Service is a subscription publication, available from the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.

(c) *Domestic commerce.* This is a monthly publication of the Department of Commerce. The Office of Domestic Commerce contributes special articles of current interest on a wide variety of subjects of industrial and commercial interest.

(d) *Industrial and economic series.* This medium is used for special booklets giving complete and detailed statistical and other background information on specific industries, trades and services.

A complete list of these publications together with specific instructions for requesting them is available in a publication entitled List of Selected Publications Copies may be obtained upon request addressed to Printing and Publications, Department of Commerce, Washington 25, D. C.

[SEAL] JOHN L. HAYNES,
Acting Director, Office of Domestic Commerce.

Approved by:

[SEAL] H. A. WALLACE,
Secretary of Commerce.

[F. R. Doc. 46–15522; Filed, Aug. 29, 1946; 4:4 p. m.]

OFFICE OF SMALL BUSINESS

PART 340—GENERAL FUNCTIONS AND ORGANIZATION

Sec.
340.1 Creation.
340.2 General functions.
340.3 Organization.

§ 340.1 *Creation.* The Office of Small Business was established by Department of Commerce Department Order No. 10, dated December 18, 1945, as the focal point through which all of the Department's services for the small business segment of the national economy would be made available.

§ 340.2 *General functions.* The Office of Small Business is generally responsible for ascertaining the needs of small business and assisting small business in supplying those needs. It represents small business with other Government agencies, assists in developing and protecting small business opportunities, furnishes small businessmen with information as to business opportunities and methods of operation obtained from public and private sources which would not normally be available to businessmen of limited resources.

The functions of the Smaller War Plants Corporation which were transferred to the Department of Commerce by Executive Order 9665 have been assigned to the Office of Small Business.

§ 340.3 *Organization.* The Office of Small Business is headed by a Director who reports to the Secretary of Commerce through the Assistant to the Secretary for Small Business. The Office consists of the Office of the Director, the Management Division, the Industrial Production Division, the Finance and Tax Division, and the Business Practices Division.

PART 341—FUNCTIONS OF ORGANIZATION UNITS

Sec.
341.1 Office of the Director.
341.2 Management Division.
341.3 Industrial Production Division.
341.4 Finance and Tax Division.
341.5 Business Practices Division.

§ 341.1 *Office of the Director.* The Office of the Director is responsible for formulating the policies and programs of the Office of Small Business and for supervising, directing, and coordinating its operations.

§ 341.2 *Management Division.* The basic objective of this Division is to promote greater economy and efficiency in the management of small business and particularly to assist veterans desiring to establish new small businesses or to acquire going small business enterprises. In the accomplishment of this objective, this office will assemble, classify, and disseminate information on the management problems involved in establishing a new business, taking over a business already in operation, and operating a going concern and provide a service to small business to assist particular businesses in the solution of specific management problems.

§ 341.3 *Industrial Production Division.* The Industrial Production Division is responsible for assisting small businesses in obtaining contracts and subcontracts from Federal, State, and local governments and private firms; in obtaining allocations of scarce materials and products; in obtaining Federal surplus property; for representing the interests of small business with the Government agencies; and for assembling and disseminating information on particular production problems.

§ 341.4 *Finance and Tax Division.* The basic objectives of the Finance and Tax Division are: (a) to assist small business in improving its financial structure and position; and (b) to work for improvements in such tax laws and regulations as may be found unnecessarily burdensome to or definitely contrary to the best interests of small business. The Division furnishes information to small businesses concerning the types of taxes which must be paid under various types of business organizational structures and concerning basic requirements for complying with Federal tax laws, and refers businessmen to public and private sources for specific instructions relating to technical tax questions. It also attempts to determine what tax laws and regulations are burdensome or harmful to small business and to obtain, in collaboration with the various taxing agencies, corrective measures and legislation.

§ 341.5 *Business Practices Division.* The basic responsibility of the Business Practices Division is to discover and eliminate trade practices, regulations, and laws which, in their operation, tend to restrict small business unfairly. The Division maintains active liaison and cooperative arrangements with Governmental regulatory bodies such as the Federal Trade Commission and the Food and Drug Administration. The Division, in collaboration with such regulatory bodies, sponsors specific legislation or revisions of enforcement procedures, when such action is required to correct trade practices which are having an adverse effect on small business enterprises. Information will be made available to small businessmen concerning the types of service available to them from the several Government agencies having an impact on the trade practices of small business.

PART 342—AVAILABILITY OF SERVICES

§ 342.1 *Availability of services.* All of the programs and objectives indicated in the foregoing section are planned and directed by the Washington staff of the Office of Small Business, and are implemented by and put into active operation through the field offices of the Department of Commerce. Interested persons obtain the assistance available through the activities of the Office of Small Business from the central office, located at 101 Indiana Avenue, NW, Washington, D. C., or from the various field offices, listed in Parts 350–359 of this chapter. Requests for assistance received in the field offices which cannot be adequately rendered, or which indicate problems of interest to the entire small business economy, are referred to the Washington staff for solution. All information of national significance to small business, regardless of where it is developed, is given wide dissemination to small business interests through the various field offices of the Department.

[SEAL] H. A. WALLACE,
Secretary of Commerce.

AUGUST 28, 1946.

[F. R. Doc. 46-15807; Filed, Sept. 4, 1946; 9:48 a. m.]

DEPARTMENT OF COMMERCE FIELD SERVICE

PART 350—GENERAL STATEMENT

Sec.
350.1 Creation.
350.2 General purpose and functions.
350.3 General organization.

§ 350.1 *Creation.* The Department of Commerce Field Service was created by Department Order No. 10 effective December 18, 1945, by transferring and consolidating the Field Service Division and field offices of the Bureau of Foreign and Domestic Commerce and the field offices of International Trade Operations in the continental United States. On January 28, 1946, the field functions of the Smaller War Plants Corporation, transferred to the Department of Commerce by Executive Order 9665, were assigned to the Department of Commerce Field Service.

§ 350.2 *General purpose and functions.* The purpose of the field organization is to provide a link between the Department of Commerce and the business and industrial communities of the nation in order to make the programs of the Department of Commerce effective in achieving higher levels of trade, employment, sales and investment within the framework of an expanding domestic economy based on free enterprise.

§ 350.3 *General organization.* The Department of Commerce Field Service will consist of the Office of the Director of Field Service located in Washington and a total of seventy-five field offices grouped into fourteen regions and serviced administratively by three area administrative service offices. (See Part 356 for a list of Field offices which are open at present.) Other offices will be opened in the near future.

PART 351—OFFICE OF THE DIRECTOR OF FIELD SERVICE

§ 351.1 *Functions.* The Office of the Director of Field Service in Washington is responsible for:

(a) Supervising the operation of the Department Field Offices;

(b) Coordinating the programs assigned to the field offices to avoid duplications and to insure most effective utilization of personnel;

(c) Representing the field offices at the Washington level to insure that the experience and opinions of field personnel and their knowledge of local conditions are brought to bear upon policy deliberations at the Washington level;

(d) Advising the Secretary and his staff regarding the needs of business and industrial establishments for services rendered by the Department, and assisting and advising the heads of primary

organization units of the Department in the development of policies and programs which will enable the field offices to more adequately meet those needs.

PART 352—REGIONAL OFFICES

§ 352.1 *Location.* Regional Offices are located in the following cities:

Boston	Kansas City
New York	Dallas
Philadelphia	Minneapolis
Cleveland	Denver
Chicago	San Francisco
Atlanta	Seattle
St. Louis	Los Angeles

§ 352.2 *Organization and function.* Each Regional Office operates under the supervision of a Regional Director who acts as representative of the Secretary in relationships between the Department and the representatives of business and industry throughout the Region. Each Regional Director is responsible to the Director of Field Service for the accomplishment of all field programs assigned to the Regions and the efficient administration of all activities within the Region. Each Regional office includes a Deputy Regional Director and other assistants responsible for the following activities:

(a) World trade promotion.
(b) Small business service.
(c) Domestic commerce.
(d) Area development.
(e) Technical advisory service.
(f) Business economics.
(g) Business and economic information.

PART 353—DISTRICT OFFICES

§ 353.1 *General.* District Offices report through and are responsible to their appropriate Regional Director with the exception of Baltimore, Richmond, and Norfolk, which will report directly to the Washington Office of Department Field Service. Each District Office is responsible for carrying on the activities indicated in § 352.2 above.

PART 354—MAJOR ACTIVITIES

Major activities of the field offices are as listed below.

§ 354.1 *World trade promotion.* Field offices provide foreign traders with advice regarding the techniques and opportunities in the world trade field, advising exporters and importers with reference to markets and general or specific economic conditions abroad, including quotas and other trade controls established by foreign governments; and furnish export and import statistics for all types of commodities and market and production information on individual commodities and industries abroad. Trade lists and world trade directory reports, as well as other available services are used to assist in placing exporters and importers in touch with agents and producers abroad. The field offices also furnish world traders with information and assistance regarding export licenses and other trade controls in the United States and supply exporters and importers with information and assistance in connection with insurance, travel, transportation and communications abroad. The New York office is authorized without prior clearance with the Office of International Trade in Washington to extend and amend licenses under specified conditions and to approve transfers of licenses in accordance with export regulations. It is authorized, after clearance with the Office of International Trade in Washington, to validate, amend, and extend licenses covering urgently needed commodities and to validate duplicate licenses in cases of emergency.

§ 354.2 *Small business services.* Field offices are equipped to assist small businessmen in the solution of their problems, including methods for the control of operating costs, reduction of overhead expenses, development of operating methods, determination of the cost of distribution and the evaluation of specific trade practices of small businesses. This work includes assistance to Veterans and others in evaluating new business opportunities and furnishing independent small businesses with other available information for the purpose of strengthening and perpetuating small business in a free enterprise system.

§ 354.3 *Regional development.* The Regional field offices include a staff which represents the Regional Director in negotiating with State Planning Boards, State Departments of Commerce or other organizations within the region with the objective of industrial and commercial improvement of underdeveloped areas.

§ 354.4 *Technical advisory service.* The field offices are responsible for assisting and advising small manufacturers and others concerned with industrial processes in the solution of technological problems, including problems on machine tool utilization, plant layout, the development of new products and processes, the utilization of alternate types of raw material, etc. This work is carried on in collaboration with the Office of Technical Services in Washington in the development of technological research projects to be carried on by universities, libraries and other institutions.

§ 354.5 *Business economics.* A small staff in each Regional Office conducts a continuous study of economic conditions throughout the region, analyzing trends and supply and demand factors for principal goods produced in the region, analyzing marketing opportunities and sources of supply, accumulation of inventories, utilization of labor forces, plans for construction of new production facilities, public works, housing, etc. This staff also prepares each month reports on current economic conditions on certain subjects.

§ 354.6 *Business and economic information.* Personnel of the Regional field offices are responsible for disseminating through the local press, radio, trade associations, trade journals, etc., news stories and articles prepared by the Department of Commerce in Washington designed to acquaint the public with the published reports and business data prepared by the Department and to acquaint them with the business services rendered by the Department and to interest local business leaders in regional or area programs. Each field office maintains a business library which is supplied with appropriate books, periodicals, and other printed material of value to the businessmen in the community. They also maintain a supply of Department of Commerce publications for sale and for official distribution and prepare a domestic news letter and a foreign commerce news letter to be distributed periodically to a mailing list of local businessmen.

§ 354.7 *Domestic commerce.* The Department Field Service advises and assists businessmen and manufacturers for the purpose of stimulating and obtaining profitable operations of manufacturing, construction, distribution, and transportation. This is done by providing factual, analytical, and interpretative data on commodities, industries, transportation, and marketing for use by businessmen and manufacturers as basic guides in trade maintenance and expansion programs; and by maintaining close contact with trade associations and other groups representing industry, and advising such groups of activities and programs of the Department. The field offices also gather such factual information and data as may be required from time to time by the Office of Domestic Commerce. The broad field programs of the Office of Domestic Commerce are adopted by the individual field offices in such ways as will best serve the needs of the particular regions.

PART 355—SERVICES OF FIELD OFFICES

The services of the Department Field Service field offices are made available to businessmen through a number of channels. Primarily through local newspapers, trade journals, trade associations, and the radio, businessmen are made familiar in a general way with the information and services available for their use in the field offices. Domestic commerce news letters and foreign commerce news letters are periodically prepared and distributed to a mailing list of local businessmen. Individual inquiries are received in the field offices by mail, telephone, or personal interviews.

PART 356—LOCATION OF FIELD OFFICES

§ 356.1 *Location.* Field offices are located in the following cities:

Albany 7, N. Y., Room 409 County Court House, Eagle Street.
Atlanta 3, Ga., P. O. Box 1595, 207 Rhodes Building, 78 Marietta Street.
Baltimore 1, Md., 803 Cathedral Street.
Boston 9, Mass., 1800 Customhouse.
Buffalo 3, N. Y., 242 Federal Building, 117 Ellicott Street.
Charleston 3, S. C., 310 Peoples Building, 18 Broad Street.
Charleston 1, W. Va., 612 Atlas Building, 1031 Quarrier Street.
Chattanooga 2, Tenn., 924 James Building.
Charlotte, N. C., 112½ East Fourth Street.
Chicago 4, Ill., 357 United States Court House, 225 South Clark Street.
Cincinnati 2, Ohio, 1204 Chamber of Commerce Building, Fourth and Race Streets.
Cleveland 14, Ohio, 1286 Union Commerce Building, Euclid Avenue at East Ninth Street.
Columbus 1, Ohio, 1037 North High Street.
Dallas 2, Tex., 602 Santa Fe Building, 1114 Commerce Street.

Denver 2, Colo., 302 Midland Savings Building, 444 Seventeenth Street.

Des Moines 9, Iowa, 518 Grand Avenue, Room 300.

Detroit 26, Mich., 1028 New Federal Building, 230 West Fort Street.

Duluth 5, Minn., 310 Christie Building, Fourth Avenue West.

El Paso 7, Tex., 12 Chamber of Commerce Building.

Fargo, N. Dak., 207 Walker Building, 621 First Avenue North.

Grand Rapids 2, Mich., 736 Keeler Building, Division Avenue at Fountain Street.

Hartford 6, Conn., 436 Capitol Avenue.

Houston 14, Tex., 603 Federal Office Building, Corner Fannin and Franklin Streets.

Jacksonville 1, Fla., 425 Federal Building, 311 West Monroe Street.

Kansas City 6, Mo., 600 Interstate Building, 417 East Thirteenth Street.

Little Rock 5, Ark., 312 Pyramid Building, 221 West Second Street.

Los Angeles 12, Calif., 1540 United States Post Office and Court House, 312 North Spring Street.

Louisville 1, Ky., 631 Federal Building, Sixth and Broadway.

Manchester, N. H., 814 Elm Street, Beacon Building.

Memphis 3, Tenn., 229 Federal Building, Madison at Front Street.

Miami 32, Fla., 701 Congress Building, 111 NE. Second Avenue.

Minneapolis 1, Minn., 1234 Metropolitan Life Building, Second Avenue South and Third Street.

Mobile 5, Ala., City Hall Annex (Second Floor), 121 South Royal Street.

New Haven 10, Conn., 152 Temple Street.

New Orleans 12, La., 1508 Masonic Temple Building, 333 St. Charles Avenue.

New York 1, N. Y., Sixtieth Floor, Empire State Building, 350 Fifth Avenue.

Oklahoma City 2, Okla., 901-905 Petroleum Building.

Omaha 2, Nebr., 918 City National Bank Building, 405 South Sixteenth Street.

Peoria 2, Ill., 531 First National Bank Building, 410 Main Street.

Philadelphia 3, Pa., 1407 Fox Building, 1612 Market Street.

Phoenix 8, Ariz., 234 North Central Street.

Pittsburgh 19, Pa., 1013 New Federal Building, Seventh Avenue and Grant Street.

Portland 4, Oreg., 520 SW. Morrison Street.

Portland 3, Maine, 142 High Street.

Providence 3, R. I., 631 Industrial Trust Building, 111 Westminster Street.

Richmond 19, Va., Room 2, Mezzanine, 801 East Broad Street.

St. Louis 1, Mo., 107 New Federal Building, 1114 Market Street.

Salt Lake City 1, Utah, 321 Atlas Building, 36½ West Second Street.

San Diego 1, Calif., 906 Columbia Street.

San Antonio 5, Tex., 101 Transit Tower Building.

San Francisco 11, Calif., 307 Customhouse, Washington and Battery Streets.

Savannah, Ga., Room 6, United States Courthouse and Postoffice Building.

Seattle 4, Wash., 809 Federal Office Building, First and Marion Streets.

Sioux Falls 6, S. Dak., 310 Policyholders National Building, 513 South Main Avenue.

Syracuse 2, N. Y., 224 Harrison Street.

Texarkana 5, Tex., 817 Texarkana National Bank Building, Corner Broad and Pine Streets.

Wichita 2, Kans., 205 K. F. H. Building, 209 East Williams Street.

Worcester 8, Mass., 340 Main Street.

[SEAL] H. A. WALLACE,
Secretary of Commerce.

[F. R. Doc. 46-15526; Filed, Aug. 29, 1946; 4:42 p. m.]

OFFICE OF INTERNATIONAL TRADE

PART 360—ORGANIZATION, FUNCTIONS AND PROCEDURE OF THE OFFICE OF INTERNATIONAL TRADE

SUBPART A—ORGANIZATION AND FUNCTIONS

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SUBPART A—ORGANIZATION AND FUNCTIONS

§ 360.1 *Creation.* The Office of International Trade was established by Department Order No. 10, issued and effective December 18, 1945, and its organization and functions are defined in Department Order No. 11, issued and effective December 26, 1945. It represents a consolidation of the foreign trade functions of the Bureau of Foreign and Domestic Commerce with the export control and corresponding trade relation functions which were transferred from the Foreign Economic Administration to the Department of Commerce pursuant to Executive Order No. 9630 (10 F. R. 12245) dated September 27, 1945, and it also includes certain additional functions arising from participation of the Secretary of Commerce in formulation of the economic and commercial foreign policy of the United States.

§ 360.2 *General purpose and function.* The basic purpose and function of the Office is to promote the foreign trade of the United States, both export and import, with the view to maintaining full production and employment, facilitating the expansion and balanced growth of international trade, and stabilizing international economic relations. In pursuing this objective the Office represents the interests of the foreign trade community, not only in supplying its continuing need for factual information, analysis and advice concerning world commerce, but also in providing it with a channel and voice in the formulation of this country's foreign economic policy, and, in turn, interpreting that policy to business men.

§ 360.3 *Informational and promotional functions.* The Office is charged with execution of the Department's statutory responsibilities of collecting, analyzing, and disseminating statistics and other information as to the foreign trade of this and other countries, as to present and potential sources of supply for imports and markets for exports, and as to foreign business concerns, trade opportunities and available channels of distribution. These responsibilities include the compiling, analyzing and publishing of information concerning laws, regulations, and business practices affecting foreign trade at home and abroad and involve active efforts to secure adoption of those which are beneficial and modification or elimination of those which are detrimental to the advancement of world trade. The Office thus makes investigations and recommendations concerning such matters as tariffs, preference systems, and subsidy arrangements; trade restricitons based on quota systems, bilateral trade agreements, and exchange controls; State trading, government monopolies, and cartels; restoration of private trade with ex-enemy countries and other war areas; simplification of customs regulations, standardization of business codes and practices, and equitable revision of tax laws; and elimination of restrictive or discriminatory conditions or measures generally.

In connection with its promotional responsibilities, the Office also administers the China Trade Act of 1922, as amended (42 Stat. 849; 43 Stat. 995; 49 Stat. 1921; 53 Stat. 1432), under which companies may secure Federal incorporation pursuant to regulations issued by the Secretary of Commerce, provided that they will in his judgment aid in developing markets in China for goods produced in the United States. Corporations organized and operated in accordance with the Statute and regulations, doing business solely in China, enjoy certain tax exemptions under the internal revenue laws.

The administrative functions of the Secretary of Commerce under the Foreign Trade Zone Act of 1934 (48 Stat. 998), as well as those of the Executive Secretary of the Foreign Trade Zones Board, likewise fall within the Office of International Trade. The organization, functions and procedure of the Board are separately stated in Chapter IV of this Title and Subtitle.

§ 360.4 *Foreign trade policy functions.* It is the further function of the Office of International Trade to participate with the State Department and other interested agencies in formulating the foreign commercial and economic policy of the United States; representing the Department of Commerce on the President's Executive Committee for Economic Foreign Policy, the interdepartmental Trade Agreements Committee and the Committee for Reciprocity Information, as well as other interdepart-

mental committees, such as the Board of the Foreign Service. Through the membership of the Secretary of Commerce on the National Advisory Council, the Office also participates in the foreign lending and investment policy and program of this country, as carried out by the International Monetary Fund, the World Bank, the Export-Import Bank, and otherwise. The Department's responsibilities in connection with the activities of the United Nations, particularly with respect to the Economic and Social Council, the Food and Agriculture Organization, and the proposed International Trade Organization, are likewise borne by this office.

§ 360.5 *Administration of export control.* The export licensing powers conferred on the President by section 6 of the act of July 2, 1940 (54 Stat. 714), as amended and extended by Public Law 389, 79th Cong., approved May 23, 1946, which were formerly exercised by the Foreign Economic Administration, have been transferred to this Office, as stated above, along with responsibility for liquidating certain other parts of the Foreign Economic Administration.

§ 360.6 *Basic organization.* The Office of International Trade is composed of four main organizational units, viz., (a) Office of the Director, (b) Areas Branch, (c) Commodities Branch, and (d) Special Services and Intelligence Branch.

§ 360.7 *Office of the Director.* The Office of the Director, which exercises general supervision over, and furnishes certain staff services to, the three operating Branches, consists of a Director, a Deputy for Trade Policy, a Deputy for Trade Promotion, an Assistant for Occupied Areas and Reparations, a Legal Staff, an Administrative Management Staff, and a Foreign Service Liaison Staff. It also includes the Executive Secretary of the Foreign Trade Zones Board, his functions, as well as the administrative functions of the Secretary of Commerce under the Foreign Trade Zone Act, being vested in the Office of the Director.

The Deputy for Trade Policy has primary responsibility for direction, review and coordination of policy formulation and execution of the three operating Branches. It is also his function to coordinate the Department's representation on interdepartmental and other committees and its relations with international organizations, conferences, etc., dealing with international economic and commercial policy.

The Deputy for Trade Promotion has primary responsibility for directing, reviewing, and coordinating operations of the three Branches relating particularly to promotional work, including formation and use of industry advisory committees, relations with the Foreign Service, and all plans or programs for stimulating exports or imports or for rendering specialized services to exporters or importers. He also supervises relations with Department field offices insofar as concerns foreign trade. In addition, he represents the Secretary on the Committee of Alternates of the Foreign Trade Zones Board.

The Assistant for Occupied Areas and Reparations has primary responsibility for coordinating all activities relating to trade and reparations with respect to Germany, Japan and other occupied areas and for providing representation of the Department on interdepartmental and other committees dealing with these subjects.

The staff operations centralized in the Office of the Director are carried on by a Legal Staff, which provides all legal advice and services to the Office; an Administrative Management Staff, which handles all matters of budget, personnel, office space and equipment, and related subjects; and a Foreign Service Liaison Staff which provides liaison with the State Department in connection with the Foreign Service, coordinates Department participation in selection, training and assignment of Foreign Service personnel engaged in commercial reporting, surveys needs for foreign commercial reporting and undertakes to secure necessary changes or improvements in such reporting, and serves as a channel for communications between the operating branches and the Foreign Service.

§ 360.8 *Areas Branch.* The Areas Branch, which is organized on a geographical basis, compiles, analyzes and disseminates foreign trade information with respect to particular countries or regions and represents the Department on committees or other groups dealing with world trade problems on an area basis. It is also responsible for preparing basic information for use in negotiating reciprocal trade agreements, administers the China Trade Act, and maintains liaison with economic staffs of foreign governments in this country and with economic representatives of this country abroad.

§ 360.9 *Commodities Branch.* The Commodities Branch is organized along commodity lines, one Division having jurisdiction over foodstuffs, another over machinery, etc. This Branch, however, serves two distinct functions, each under the direction of a Deputy: (a) It compiles, analyzes and disseminates foreign trade information with respect to particular commodities or industries, (b) it administers the export licensing and control program. It also represents the Department on committees dealing with commodities, and maintains liaison with other agencies, including foreign government missions, with regard to world requirements and supply situations. The Director of the Commodities Branch also has responsibility for determining ownership of, and compensation for, property requisitioned during the war by predecessors of the Office of International Trade, viz., the Foreign Economic Administration, the Office of Economic Warfare, the Board of Economic Warfare, the Economic Defense Board, the Office of Export Control, or the Administrator of Export Control, pursuant to the act of October 10, 1940 (54 Stat. 1090), as amended. This act authorized the requisitioning of any property the exportation of which was prohibited or curtailed in accordance with the act of July 2, 1940 (54 Stat. 714), as amended. This is a residual war function and will terminate with the settlement of outstanding claims. Reference of disputed claims is made to a Compensation Commissioner, before whom the dispute may be heard, but ultimate decision rests with the Director. This authority is exercised under delegation from the President. (E. O. 8942, 3 CFR (Cum. Supp.) 1024; E. O. 9361, 8 F. R. 9861; E. O. 9380, 8 F. R. 13081; E. O. 9360, 10 F. R. 12245)

§ 360.10 *Special Service and Intelligence Branch.* The Special Services and Intelligence Branch consists of three Divisions, viz., Transportation and Communications Division, Commercial Intelligence Division, and Special Services Liaison Division. As these titles suggest, there are combined in this Branch the functions of compiling, analyzing disseminating information as to foreign business establishments, export and import connections abroad, activities of foreign trade associations, etc., making studies and recommendations relating to the removal of obstructions to development of transportation and communications, and providing personalized services to exporters and importers, particularly in planning selling or buying operations abroad. This Branch issues various publications, such as foreign buyers lists, reports on particular foreign establishments, surveys of conditions abroad in particular countries or affecting particular commodities, aids and guides to exporters and importers, and other material helpful to the trade.

§ 360.11 *Field offices.* The Office of International Trade utilizes the regular field offices of the Department of Commerce at which any publications or services of the Office may be secured. These field offices are listed in the statement published by the Office of Field Operations in Parts 350 and following of this chapter. Forms and information concerning export control may also be secured from such offices.

Field offices, however, have not been delegated any rule-making or adjudicatory authority with respect to export licensing or otherwise except that the New York office is authorized to amend or extend licenses issued in Washington. Applications for licenses must be filed with, and licenses must be issued by, the Washington Office. Field offices have no responsibilities with respect to the granting of compensation for requisitioned property or relating to the China Trade Act or the Foreign Trade Zone Act.

SUBPART B—PROCEDURE

§ 360.12 *Functions involving administrative procedure.* The preceding description of organization and functions demonstrates that, except with respect to the administration of export control, the granting of compensation for requisitioned property and the administration of the China Trade Act and the Foreign Trade Zone Act, the Office of International Trade exercises no regulatory or adjudicatory functions and consequently does not employ procedures through which rights are asserted or obligations are enforced. The procedure applicable to the Foreign Trade Zone Act is stated in chapter IV of this title. The other

three exceptions do, however, call for a statement of procedure.

§ 360.13 *Procedure relating to the China Trade Act.* The procedure and forms governing organization and operation of corporations under the China Trade Act are set forth in regulations duly issued by the Secretary of Commerce and published as Parts 300 and 301 of this chapter (15 CFR 581). They are administered jointly by the Secretary and the China Trade Act Registrar, the latter being a Foreign Service Officer in China, but the Registrar is subject to supervision by the Secretary and his actions may be appealed to the Secretary for review.

Three or more persons, a majority of whom must be citizens of the United States, may file an application in duplicate on Form 1 for a certificate of incorporation as a China Trade Act corporation. It may be filed with either the Secretary or the Registrar, as may any other documents required to be filed, but must be transmitted to the Secretary, who alone may issue the certificate. The application must be accompanied by articles of incorporation in quintuplicate and, before a certificate of incorporation may be issued (Form 2), at least 25% of the authorized capital stock must have been paid for in cash or property. Where payment is made in property, a statement (Form 6) must be filed by the directors within six months certifying as to the value of such property, and a supporting certificate of property value (Form 7) by two disinterested persons must also be filed—both in duplicate. The articles must name an accredited agent in the District of Columbia, be accompanied by a letter of consent and a power of attorney, and must designate the location of the corporation's principal office in the District of Columbia.

Provision is also made for the securing of certificates of amendment of the articles (Form 3), certificates of authorization for voluntary dissolution (Form 4), and certificates of authorization for extension (Form 5)—all of which are to be filed in quintuplicate with either Secretary or Registrar. Minutes of stockholders' meetings, certified copies of by-laws, annual reports (Form 8), and certificates of distribution of special tax-saving dividends (Form 9) must also be filed. The last named certificates furnish the Secretary with the necessary data on the basis of which he in turn certifies to the Commissioner of Internal Revenue as to the tax status of the corporation.

The Registrar is authorized to investigate the affairs of China Trade Act corporations to ascertain whether they are operating within the law; to issue subpoenas, order depositions taken, etc., for that purpose; and, in the event that he finds an evasion of the law, to institute proceedings for revocation of the certificate of incorporation.

Appeals to the Secretary may be taken from action of the Registrar within six months thereafter, the procedure being for the appellant to file his appeal and a full statement of the facts with the Registrar, the latter then certifying as to his action and the facts, and forwarding the documents to the Secretary. In the event of failure of the Registrar to certify, the appeal may be taken directly to the Secretary, but the Registrar must furnish the Secretary with a statement of his action and the reasons therefor.

§ 360.14 *Procedure relating to requisitioned property.* Insofar as concerns the requisitioning functions, the only remaining activities involve determination of ownership and compensation, hence only the procedure applicable to claims is of any present significance. Any claimant may petition the Office of International Trade, Department of Commerce, Washington 25, D. C., for compensation for property in which he asserts an interest, which was requisitioned by one of the above-named predecessors of the Office of International Trade. Each petition must be filed in duplicate and must fully identify the claimant, describe the property and claimant's alleged interest therein, state the fair value of the property when requisitioned, specify the nature and amount of the claim, set forth the facts establishing ownership, and indicate any other outstanding interests in the property in the nature of lien, pledge, contract of purchase, or otherwise. The petition must be verified. It may be signed by an attorney-in-fact if accompanied by power of attorney in duplicate original. The petition must also be accompanied by a list and description of the property requisitioned, copies of any purchase orders or contracts covering the property, originals of all documents of title, including warehouse receipts, bills of lading, etc., evidencing or affecting claimant's ownership, and evidence of any payment for such property and a statement of any discount or rebate—all such documents to be filed in duplicate.

Determinations of ownership and compensation are made by the Director of the Commodities Branch pursuant to recommendations made by the Compensation Commissioner. The Compensation Commissioner reviews the claims and all related documents, may hold oral hearings where he deems them necessary, may require any person to appear or file claim within the limited time or else be bound by any determination made against him, and makes his recommendations on the evidence submitted. All hearings are public and are held at such times and places as the Compensation Commissioner may prescribe upon reasonable notice. Witness may be examined orally and under oath and depositions or other documentary evidence may be taken and received.

Provision is made by statute for resort to the courts by claimants who are dissatisfied with an award of compensation made according to the above procedure.

§ 360.15 *Procedure relating to export control.* The export licensing functions of the Office of International Trade are administered in accordance with rules and regulations published in the FEDERAL REGISTER under Title 32, Chapter VIII, Subchapter B. The general scheme of export control is that all countries to which exportation is permitted are divided into two classes, viz., Group K and Group E; a list of commodities, known as the "Positive List", indicates those commodities which can be exported to Group K countries only when so authorized by an export license issued by the Office; other commodities may be exported to Group K countries under general license requiring no application and no issuance of any document of license; but all commodities shipped to Group E countries require application for and issuance of specific licenses. There are certain exceptions to the foregoing, viz., no commodities shipped to Canada or a territory or possession of the U. S. require a license; no specific licenses are required, the general license being sufficient, where the value of the shipment is under prescribed amounts, or where the property constitutes personal baggage, or a gift parcel, or is going to a member of the U. S. armed forces or other U. S. representative abroad, etc.; there are special provisions applicable to certain commodities such as textiles, nylon hosiery, new tires and tubes, penicillin, building materials, etc. There are also some situations in which, instead of using individual licenses applicable only to particular shipments of specified commodities to specified consignees, exporters may use blanket licenses applicable to several consignees in the same country, or may secure other specialized types of licenses, as described below.

An individual license, where necessary, is secured by filing an application with the Office of International Trade, Department of Commerce, Washington 25, D. C., on Form IT–419. This application, when validated by stamp or other writing on its face, constitutes a license authorizing shipment of specified quantities of designated commodities from a designated consignor to a designated consignee, and is returned to the applicant. If it is denied, it is so marked and returned; if it is insufficient in some material respect, it is returned without action, but with instructions. It may, however, be granted in part and denied in part. Licenses are valid, subject to certain exceptions especially with respect to foodstuffs, for one year from the date of validation. If not used, or upon expiration, they must be returned to the Office of International Trade.

The application (Form IT–419) must state the name and address of the applicant, the consignor (if different from applicant), the foreign purchaser, the foreign consignee (if different from foreign purchaser), the party for whose account the applicant is exporting (if not for his own account), and the supplier of the goods (if the applicant is not the manufacturer and is not shipping from stock) as well as the character of the supplier as manufacturer, distributor, etc.; must fully describe the goods to be exported, listing quantities, the Department of Commerce Schedule B numbers, and prices; and must indicate how prices charged are computed in terms of basic domestic price and export premium so as to show compliance with applicable price regulations.

The exporter, when making shipment, is required to present the license to the Collector of Customs at the port of exit or, where shipment is by mail, to the postmaster at the point of mailing, who retains and returns it to the Office of International Trade (except where partial shipments are made, in which case the license is returned to the exporter, with the amount of shipment noted thereon, for further use and later retention and return to the Office).

Most commodities which may not be exported to a particular destination under general license may nevertheless be exported under blanket license which permits shipment of specific commodities by a named exporter to two or more specifically named consignees located in a designated Group K or Group E country. Applications for blanket licenses are submitted on Form IT–419, with attached lists of consignees, purchasers, and other parties in interest, and with total values and quantities shown. The holder of such a license need not present it to the Collector of Customs at the port of exit, but must certify on the export declaration that the shipment is made pursuant to blanket, license, furnishing the number thereof and the date of validation, and must endorse the facts regarding the shipment on the back of the license.

Limited production licenses may be used in lieu of individual licenses by manufacturers of 1945 and 1946 passenger cars, trucks, bus chasses, and truck-tractors, provided such manufacturers have been authorized by the Civilian Production Administration to produce these vehicles for export. Application must be made on Forms IT–48, which requires merely that the applicant identify himself and the products (including quantity), but must be accompanied by a proposed schedule of distribution by countries, or, if the applicant has not been notified of his permitted exports for the specified period, the Office of International Trade will inform him thereof by letter and, upon receipt of his proposed distribution schedule, will furnish him (on Form IT–38 or IT–43) with an approved schedule indicating his permitted exports of each product to each country during the specified period. This license need not be submitted to Collectors of Customs but its number must be endorsed on the export declaration.

Limited distribution licenses may be secured for certain commodities, such as nylon hosiery, new tires and tubes, and penicillin, authorizing exportation of specified quantities to specified destinations within stated periods. Application must be made on Form IT–43 and the appropriate application for distribution schedule (Form IT–41, IT–554 or IT–555) showing quantities proposed to be exported during the stated period to each of the specified countries. The procedure is similar to that relating to limited production licenses—the difference being mainly that the latter are confined to manufacturers whereas limited distribution licenses are not so limited.

Consolidated licenses may be secured for the export of certain building materials and broad woven cotton textiles. Such licenses, for which application is made on Form IT–419, permit shipment of a designated quantity of the products to specified countries during a stated period—thus avoiding the necessity for submission of individual license applications. They must be submitted to Collectors of Customs at the time of shipment and, when shipment against them is completed, must be returned to the Office of International Trade.

Provision is also made for issuance of special licenses covering specific foreign projects or programs, authorizing export of all items needed for such projects or for one year's operation of such programs. These projects or programs must be of an essential character, as determined by standards specified in the regulations, and applications for these special licenses (on Forms IT–419 and FEA 375) must be accompanied by statements showing that such standards have been met.

The Office of International Trade also serves as the certifying agency for manufacturers who wish to establish their eligibility to participate in the "British Token Import Plan". Under this plan, the United Kingdom permits importation from the United States of certain branded products in yearly amounts not exceeding 20% of the average annual shipments of each producer during the years 1936, 1937 and 1938. Applications may be submitted in triplicate on Form IT–553, furnishing data as to pre-war exports to the United Kingdom of applicants' branded products which are subject to the plan, on the basis of which the applications will be certified and returned to the applicants, together with token scrip in an amount proportional to the pre-war exports so certified. This scrip may be forwarded to the British importer and used by him to secure an import license from the British Board of Trade.

License application forms, unless otherwise stated, must be filed in duplicate and must be accompanied by an acknowledgement card on Form IT–116. Copies of each may be secured in Washington, at any field office of the Department of Commerce, or from any Collector of Customs. The acknowledgement card is returned to the applicant, serving to inform him of receipt of the application and also of the case number assigned to it, this number becoming the license number if and when a license is issued.

Licenses may be amended or transferred, upon application, by the Office of International Trade in Washington or at the New York office—or, upon special instructions and authorization from Washington, they may be amended by Collectors of Customs. Licenses may also, upon cause shown, be renewed or extended beyond their original expiration date.

An appeal may be taken from denial of an application for a license or from denial of a request for transfer or extension, provided such appeal is filed within 60 days after denial, and provided other required data is furnished. Such appeals are to be filed with the Office of International Trade in Washington and are subject to final action by the Director of the Commodities Branch.

Violations of export licenses or regulations, as well as the giving of any false information, is punishable as a crime under the laws of the United States. In addition, violations may result in the institution of administrative proceedings leading to a suspension for a stated period of the right to secure or use export licenses. Such proceedings are begun by filing formal charges, the accused being given an opportunity to answer in writing or at oral hearing before a Compliance Commissioner, the latter then making findings of fact as to whether or not a violation has occurred, together with recommendations to the Deputy Director of the Commodities Branch, who makes final disposition of the matter. An appeal to the Director is allowed from adverse action.

SUBPART C—SUBSTANTIVE RULES, POLICY STATEMENTS AND INTERPRETATIONS

§ 360.16 *Functions involving rule-making.* The only substantive rules, policy statements or interpretations issued by the Office of International Trade for the guidance of the public are those which, as indicated above, relate to administration of export control, the granting of compensation for requisitioned property, and administration of the China Trade Act and the Foreign Trade Zone Act. They have been published in the manner and places specified above and all future action of this character will be published under appropriate titles in the FEDERAL REGISTER.

§ 360.17 *Publication of export regulations.* Attention is called to the fact that these rules, statements and interpretations, insofar as they relate to the principal administrative activity of the Office, viz., export control, are not only published in the FEDERAL REGISTER but also are summarized and explained in less technical language in the Comprehensive Export Schedules issued every three months and the Current Export Bulletins issued intermittently by the Office of International Trade. Copies may be secured from the Superintendent of Documents, Washington 25, D. C., either individually or on a subscription basis.

SUBPART D—FINAL OPINIONS AND ORDERS

§ 360.18 *Action on export license applications held confidential.* The Office of International Trade has found and hereby declares that all action taken upon applications for export licenses is required to be held confidential and accordingly has not been and will not be published or made available to public inspection. Such applications and action upon them contain or constitute information which, for competitive reasons, the licensee and other parties to the transaction are entitled to have withheld from the trade and the general public. Action is taken on such applications in accordance with published rules and is not cited as precedent.

§ 360.19 *Other adjudicatory action.* Orders imposing penalties for violation of export regulations or approving or disapproving claims for compensation for

requisitioned property are available to public inspection on working days and during working hours upon request at Room 2047, Temporary Building "T", 14th Street and Constitution Avenue, N. W., Washington 25, D. C. Action taken with reference to China Trade Act corporations is similarly available to public inspection at Room 3525, Commerce Building, 14th Street and Constitution Avenue, N. W., Washington 25. D. C.

SUBPART E—OFFICIAL RECORDS

§ 360.20 *Availability for public inspection.* Persons properly and directly concerned may inspect any official records of the Office of International Trade, except those required for good cause to be held confidential, upon request on working days and during working hours at Room 2047, Temporary Building "T", 14th Street and Constitution Avenue, N. W., Washington 25, D. C., if such records pertain to export control or compensation for requisitioned property; at Room 3525, Commerce Building, 14th Street and Constitution Avenue, Washington 25, D. C., if such records pertain to China Trade Act corporations; or at Room 3733, Commerce Building, if such records pertain to any other matter.

Issued this 29th day of August 1946.

[SEAL] ARTHUR PAUL,
Director.

H. A. WALLACE,
Secretary of Commerce.

[F. R. Doc. 46-15795; Filed, Sept. 3, 1946; 1:33 p. m.]

CIVIL AERONAUTICS ADMINISTRATION

[14 CFR, Ch. II]

Acting pursuant to the authority vested in me by the Air Commerce Act of 1926 (44 Stat. 568-576, as amended 45 Stat. 1404, 48 Stat. 933), the Civil Aeronautics Act of 1938, as amended (52 Stat. 977-1030, 54 Stat. 1233, 1235, 1236), an Act to provide for the Administration of the Washington National Airport (54 Stat. 686-688), and the Federal Airport Act (Public Law 377, 79th Congress, 2nd Session), and in accordance with the Administrative Procedure Act (Public Law 404, 79th Congress, 2nd Session), I hereby adopt Part 650 of the Regulations of the Administrator to read as follows:

PART 650—ORGANIZATION OF THE CIVIL AERONAUTICS ADMINISTRATION

SUBPART A—GENERAL PROVISIONS

Sec.
650.1 General.

SUEPART B—ADMINISTRATIVE OFFICES

650.11 Office of the Administrator.
650.12 Staff offices.
650.13 Office of Airports.
650.14 Office of Safety Regulation.
650.15 Office of Federal Airways.
650.16 Office of Business Management.
650.17 Office of Field Operations.
650.18 Office of Foreign Operations.

SUBPART C—WASHINGTON NATIONAL AIRPORT

650.31 Office of the Airport Administrator.

SUBPART D—AERONAUTICAL CENTER

Sec.
650.41 General.

SUBPART E—REGIONAL OFFICES

650.51 General.
650.52 Organization.
650.53 Location.

SUBPART F—FOREIGN OFFICES

650.61 General.
650.62 Organization.
650.63 Location.

SUBPART A—GENERAL PROVISIONS

§ 650.1 *General.* Under Reorganization Plans III and IV of the Reorganization Act of 1939, certain functions of the Civil Aeronautics Act of 1938 are performed by the Civil Aeronautics Board, while others are performed by the Civil Aeronautics Administration. Accordingly, persons desiring information with respect to civil aviation should also consult the rules and regulations of the Civil Aeronautics Board. The organization of the central office of the Civil Aeronautics Administration, which is located in the Commerce Building, Washington, D. C., is as follows:

SUBPART B—ADMINISTRATIVE OFFICES

§ 650.11 *Office of the Administrator*—(a) *The Administrator.* The Administrator of the Civil Aeronautics Administration:

(1) Adopts and promulgates the Regulations of the Administrator with respect to the designation of civil airways, the registration of aircraft and the recordation of conveyances affecting the title to, or interest in, civil aircraft of the United States, notices of construction or alteration of structures on or near a civil airway. Aeronautical Rules for the Washington National Airport, and such other rules and regulations which may be necessary to properly effectuate the powers and duties vested in him under the Civil Aeronautics Act of 1938, as amended, the Act to provide for the Administration of the Washington National Airport, and the Federal Airport Act.

(2) Recommends to the Civil Aeronautics Board the adoption or revision of rules and regulations with respect to safety in air commerce.

(3) Apportions the money made available for grants for airport among the several states, determines grants made to sponsors of airport development and exercises discretionary authority in the determination of the rules and conditions of any offer of such funds to the sponsor of airport development.

(4) Accepts compromise offers of civil penalties resulting from violations of Titles V and VI of the Civil Aeronautics Act of 1938 as amended.

(5) Designates medical examiners.

(6) In an over-all capacity directs, supervises and coordinates all functions and activities of the Civil Aeronautics Administration.

(b) *Deputy Administrator.* (1) The Deputy Administrator of Civil Aeronautics assists the Administrator in the duties and functions set forth in § 650.11 of this subpart.

(2) During the absence of the Administrator acts for the Administrator.

(c) *Assistants to the Administrator*—(1) *Assistant to the Administrator for Personal Flying Development.* Advises and assists the Administrator in formulating and determining over-all policies in matters pertaining to the development of personal flying and aircraft development.

(2) *Assistant to the Administrator for Investigations.* (i) Investigates cases of fraud, collusion, violations of law and regulations and other malpractices and actions contrary to the public interest alleged to have been committed by Civil Aeronautics Administration employees or by other individuals, partnerships, corporations or agencies in connection with any phase of the Administration's programs and activities. (ii) Collaborates with investigative agents of other Federal organizations or of State and local governments where matters pertaining to the Administration's programs, activities, or interest are involved.

(3) *Assistant to the Administrator for State Relations.* (i) Develops, recommends and coordinates a broad program for establishing and maintaining a satisfactory and uniform understanding and working relationship between the Administration and the several States with respect to legislation and the promotion and development of civil aviation. (ii) Serves on, and acts as, secretary to the Department of Commerce—Civil Aeronautics Administration Committee on State Legislation.

§ 650.12 *Staff offices*—(a) *Director of plans and performance.* (1) Is a member of the Secretariat of the Air Coordinating Committee.

(2) Coordinates the Administration's activities and relationships with international bodies concerned with, or related to civil aviation including the Provisional International Civil Aviation Organization.

(3) Coordinates engineering and related standardization pertaining to the various activities of the Administration in relationship to other agencies or groups active in such fields.

(b) *General counsel.* (1) Directs and is responsible for the performance of all work of a legal nature of the Civil Aeronautics Administration; is responsible for the development and establishment of all legal policies and legal procedures of the Civil Aeronautics Administration, directs and coordinates the rendering of legal counsel and other legal services to the Administrator and other officials of the Administration in all matters pertaining to the functions of the Civil Aeronautics Administration.

(2) Directs and coordinates the legal aspects of the work of the Regional Attorneys.

(3) Renders legal interpretations of the safety provisions of the Civil Air Regulations and the regulations of the Administrator of Civil Aeronautics.

(4) Directs the initiation and negotiation of the compromise of civil penalties for violations of Titles V and VI of the Civil Aeronautics Act of 1938 and the rules and regulations issued thereunder.

(5) Directs the initiation of action and prosecution of cases before the Civil

Aeronautics Board relating to the suspension or revocation of any type certificate, production certificate, airworthiness certificate, airman certificate, air carrier operating certificate, air navigation facility certificate, or air agency certificate.

(6) Represents the Administration in all cases before the Board arising out of the denial of airman certificates.

(7) Represents the Administration in all legal proceedings involving violations under Title V and VI of the Act and other cases arising out of the Civil Aeronautics Act of 1938, as amended, the Act to provide for the Administration of the Washington National Airport, and the Federal Airport Act.

(c) *Assistant Administrator for aviation information.* (1) Formulates, directs and coordinates the aviation information program with respect to the world-wide collection, correlation and dissemination of publications, current information and statistics for the use of airmen and others concerned with aviation. Lists of the various publications issued by the Civil Aeronautics Administration may be obtained by addressing a request to the Civil Aeronautics Administration, Washington 25, D. C.

(2) Represents the Civil Aeronautics Administration in governmental and private fact-finding committees concerned with the gathering, evaluation and publication of aeronautical data.

(3) Serves as the official channel of contact with the press, radio and other media of public expression for all offices of the Administration.

(d) *Assistant Administrator for aviation training.* (1) Plans, coordinates and guides the Administration's program of fostering and encouraging the development of civil aviation through schools and colleges, public and private; cooperates with and provides professional and technical assistance to such schools and Federal agencies, state and local governments, organizations and individuals interested in aviation education, including audio-visual training.

(2) Maintains liaison with appropriate state agencies on matters pertaining to the flight training of veterans in connection with Federally sponsored programs.

§ 650.13 *Office of Airports.* The Office of Airports shall be under the direction of the Assistant Administrator for Airports. The Office of Airports formulates broad policies, develops, directs and fosters the coordination of a national system of airports, and directs the Federal Aid Airport Program.

(a) *Airport Requirements Service.* (1) Develops and recommends policies, requirements and procedures governing the participation of states, municipalities and other public agencies in federal aid airport projects and the securing of adherence to such policies, requirements and procedures.

(2) Directs and coordinates the fostering of state and local legislation required to permit or facilitate airport development, regulation and protection of approaches through zoning or property acquisition.

(3) Secures compliance with statutory policy and contractual requirements relative to airport operation practices, conditions and arrangements.

(4) Develops, recommends and interprets policies, procedures and requirements governing CAA participation in programs for the disposal of surplus Government airports, and in connection therewith it advises and assists State and local representatives with respect to public use or acquisition of Federal airport property.

(b) *Airport Planning Service.* (1) Directs, formulates and keeps current a national plan for the development of an adequate system of airports in cooperation with Federal, State and local agencies, and determines and recommends the extent to which portions or units of that system should be developed or improved.

(2) Directs the collection and maintenance of current information pertaining to all civil airport facilities, management, operation and maintenance, and collaborates with the Office of Aviation Information in the preparation of bulletins and other media for the dissemination of such information to the public.

(3) Cooperates with and assists State and local officials, planning boards and commissions in the development of plans for all types of airport facilities and systems. Develops planning standards, methods and procedures for their guidance.

(4) Consults with and advises airport owners and operators in matters pertaining to airport management, operation and maintenance.

(c) *Airport Engineering Service.* (1) Develops and establishes standards governing the engineering aspects of airport and seaplane base design and construction, including layout, grading, drainage, paving, turfing, lighting and airport building design.

(2) Disseminates current airport design standards and provides consulting advisory assistance to governmental, professional, industrial and other individuals, and agencies concerned with airport design and construction problems.

§ 650.14 *Office of Safety Regulation.* The Office of Safety Regulation shall be under the direction of the Assistant Administrator for Safety Regulation. The functions of the offices of the principal subdivisions thereof are as follows:

(a) *Aircraft and Components Service.* (1) Directs the issuance of aircraft registration certificates and provides for the registration of such aircraft with the Civil Aeronautics Administration.

(2) Maintains the records of all conveyances affecting the title to, or interest in, civil aircraft of the U. S.

(3) Directs the issuance of type, production and airworthiness certificates.

(4) Maintains the register and records of all such aircraft certificates.

(5) Directs the approval of the issuance and amendment of the "aircraft" and "maintenance" portions of the air carrier operating certificates.

(6) Directs and coordinates the development, recommends for adoption, and interprets from a technical standpoint, new and revised safety standards governing the airworthiness of aircraft, aircraft components and aircraft equipment; and prepares and disseminates information on matters pertaining to the design, engineering, production and maintenance of aircraft, components and equipment.

(7) Establishes fundamental policy and procedures governing examination and testing of design, engineering, manufacturing and maintenance of aircraft, components and equipment to determine compliance with the Civil Air Regulations and other airworthiness standards.

(b) *Airman Service.* (1) Directs and coordinates the issuance of pilot certificates and flying school certificates and other airman or air agency certificates issued in the field. (See Part 651, Procedure of CAA for application and issuance of airman certificates.)

(2) Directs the preparation of written examinations and establishes flight and other practical tests given in the field to determine the competence of airmen and air agencies applying for certification.

(3) Directs the interpretation from a technical standpoint of safety standards governing the certification and rating of airmen and air agencies.

(4) Assists and provides consulting assistance to the aviation industry and the public in the development of improved training methods and techniques for airmen and air agencies.

(c) *Flight Operations Service.* (1) Directs and coordinates the issuance and amendment in the field of appropriate operating certificates for scheduled and non-scheduled air carriers.

(2) Issues air navigation facility certificates and certificates for the operation of a true light. (For procedure for application and issuance of such certificates see Part 651, Procedure of Civil Aeronautics Administration.)

(3) Directs, coordinates or assists in the examination, inspection, and investigation of flight operations given in the field to determine compliance with the Civil Air Regulations.

(4) Directs and coordinates the interpretation from a technical standpoint of the safety standards governing flight operations.

(5) Assists and provides consulting assistance to industry and the public in the development of improved operating methods and practices.

(d) *Aviation Medical Service.* (1) Directs and coordinates the issuance to airmen of appropriate medical certificates by designated medical examiners of the Civil Aeronautics Administration in the United States and foreign countries. (There are approximately 2,000 designated medical examiners in the U. S. and foreign countries. A list of those examiners in a particular area may be obtained by mailing a request to the Director, Aviation Medical Service, Civil Aeronautics Administration, Washington 5, D. C.)

(2) Prescribes special medical examinations in difficult or controversial cases. Determines the adequacy of other evidence of physical examinations given in lieu of examinations by designated medical examiners of the Administration.

(3) Directs and coordinates the conduct of a broad program of study and

analyses of developments in the field of aviation medicine for the purpose of advising and recommending with respect to the Administration's medical policies.

(4) Directs and coordinates the interpretation from a medical standpoint of the physical standards governing the issuance and competency of airmen.

(5) Serves as consultant to the industry and the public in the formulation and conduct of medical research programs pertaining to physical fitness of airmen, medical criteria for aircraft and equipment design, and sanitary and hygienic measures necessary to maximum performance, safety, and comfort of pilots, crews, and passengers in civil aviation.

§ 650.15 *Office of Federal Airways.* The Office of Federal Airways shall be under the direction of the Assistant Administrator for Federal Airways. The functions of the office of the principal subdivisions thereof are as follows:

(a) *Air Navigation Facilities Service.* (1) Directs the planning, survey, design, construction, improvement, and maintenance of the Federal Airways in the United States, its territories and possessions.

(2) Inspects such facilities, during and after construction.

(3) Collaborates with representatives of foreign governments, through established channels, in developing international airway systems and services.

(b) *Airways Operations Service.* (1) Coordinates and directs the development and operations of air navigation facilities, both foreign and domestic.

(2) Establishes fundamental policy and procedure for the operation of communications and air traffic control systems and services for aircraft engaged in air commerce in the United States, its territories and possessions.

(3) Inspects such facilities to determine compliance with established procedures and practices.

(4) Collaborates with representatives of foreign governments, through established channels, in developing international communications and air traffic control systems and services.

(c) *Technical Development Service.* (1) Conducts applied research, both by contracts with industrial organizations, educational institutions, and other agencies of the Government, and by direct participation of service personnel, leading toward new and improved radio and radar aids to air navigation, communication, traffic control and landline communication; improved methods of airport surfacing, drainage, lighting and marking; improved aircraft structural and power plant components, instruments, appliances, safety devices, and flight analysis instrumentation and methods; and new and improved aeronautical charts, navigational and cartographic instruments, devices and techniques.

§ 650.16 *Office of Business Management.* The Office of Business Management shall be under the direction of the Assistant Administrator for Business Management. The functions of the offices of the principal subdivisions thereof which affect the public are as follows:

(a) *Budget Service.* (1) Assists in the formulation and control of the Administration's budgetary matters.

(b) *Management Analysis Service.* (1) Plans and directs studies of organization and provides for the development and coordination of procedures and forms used, or issued by the Civil Aeronautics Administration.

(c) *Personnel Service.* (1) Provides for personnel services such as recruitment, placement, classification, and in-service training as required by the personnel program of the Administration.

(d) *Contract and Requirements Service.* (1) Formulates policies and standards relating to, and directs procurement of property, materials, and services in Washington; reviews field office procurement activities.

(e) *General Accounts Service.* (1) Plans, organizes, directs, and maintains fiscal accounts and records of the Administration; and establishes standards, practices and procedures governing the fiscal operations of the field offices.

(f) *Aircraft Control Service.* (1) Provides for the control and maintenance of aircraft assigned to or owned by the Civil Aeronautics Administration.

§ 650.17 *Office of Field Operations.* The Office of Field Operations shall be under the direction of the Assistant Administrator for Field Operations, who shall direct and coordinate the continuous survey and appraisal of the activities of the domestic field offices of the Administration.

§ 650.18 *Office of Foreign Operations.* The Office of Foreign Operations shall be under the direction of the Assistant Administrator for Foreign Operations. The functions of the offices of the principal subdivisions thereof are as follows:

(a) *Foreign Office Operations Service.* With respect to the Civil Aeronautics Administration's foreign operations, except where matters relating to the Provisional International Civil Aviation Organization, are concerned the Foreign Office Operations Service:

(1) Develops policies, plans, and procedures to encourage and foster the development of United States Civil Aeronautics and air commerce abroad.

(2) Establishes and directs foreign field offices for the efficient safety regulation inspection of United States flag air carriers engaged in international air transportation and provides local administrative control over civil aviation technical assistance missions to foreign governments.

(3) Conducts periodic inspections of all Civil Aeronautics Administration foreign field offices for the purpose of determining efficiency of operation in compliance with established policies, plans and procedures.

(4) Conducts continuous studies of international civil aviation problems to determine the need for new or revised policies, plans or procedures.

(b) *International Activities Service.* With respect to the Civil Aeronautics Administration's international activities, except matters relating to the Provisional International Civil Aviation Organization, the International Activities Service is responsible for:

(1) Promoting U. S. air commerce abroad through the development of cooperative relations between the aeronautical industry and foreign countries, the interchange of aviation information by detailing CAA technical missions abroad to serve as advisors to foreign governments, the indoctrination and training of foreign civil aviation representatives in U. S. civil aviation standards, procedures, and techniques.

(2) Formulating plans and programs in cooperation with States and aviation industry, designed to remove unreasonable barriers to international air travel.

(3) Collecting and arranging for the dissemination of data to the aviation industry, foreign aviation representatives and governments dealing with international duties and functions of the Civil Aeronautics Administration, U. S. requirements for navigation of foreign civil aircraft in the United States, and U. S. civil aircraft abroad.

(4) Arranging for cooperation of industry in the preparation of CAA technical documents to be used at international civil aviation meetings.

(5) Formulating policies for the issuance of U. S. airmen, air agency, and aircraft certificates to foreign nationals.

(6) Coordinating international aviation problems with interested State and political subdivisions thereof, and the aviation industry in order to create a uniform U. S. policy.

SUBPART C—WASHINGTON NATIONAL AIRPORT

§ 650.31 *Office of the Airport Administrator.* The Office of the Airport Administrator is located in the Terminal Building of the Washington National Airport, Gravelly Point, Virginia, and is under the direction of the Airport Administrator. The functions of the Office of Airport Administrator and the offices of the principal subdivisions thereof are as follows:

(a) *Airport Administrator.* (1) Administers, controls, and provides for the care, operations, maintenance, and protection of the airport in conformance with the general policies, rules, and standards established by the Administrator of Civil Aeronautics.

(2) Negotiates with air carriers and others for use of the airport and its facilities, and with concessionnaires to provide proper services required by air carriers, the public, and airport users.

(3) Provides consulting advice, exchanges information with foreign and domestic visitors to the airport and maintains liaison with State, municipal and other public officials, private and civic aeronautical organizations and others concerned with, or interested in, airports.

(b) *Traffic Control Tower.* (1) Controls air traffic at the airport and operates approach control of air traffic.

(2) Reports alleged violations of air traffic regulations and irregularities resulting from non-observance of standard procedures.

(c) *Protection Services.* (1) Maintains records and reports of accidents and injuries to persons on the airport premises.

(2) Guards and polices the airport buildings and grounds.

(3) Operates fire, crash and rescue vehicles, boats and aircraft.

(d) *Business Management Branch.* (1) Maintains accounting records, performs administrative audits, receives and deposits collections, and other receipts.

(2) Procures materials, supplies, and services for the airport.

(3) Provides information service to the public.

(e) *Engineering and Maintenance Branch.* (1) Directs the handling, placing and movement of itinerant aircraft, other than at landing and take-off; and provides various service facilities for public and private aircraft, including flight clearance service.

(f) *Operations Service.* (1) Maintains records of itinerant aircraft arrivals and departures; collects fees for aircraft parking and for services furnished by the airport.

(2) Assists pilots in filing or flight plans and in securing flight clearances.

(3) Makes inspections of all runways, taxiways, and apron surfaces, to assure their safe condition for use.

SUBPART D—AERONAUTICAL CENTER

§ 650.41 *General.* The aeronautical center of the Civil Aeronautics Administration is located at Will Rogers Field, Oklahoma City, Oklahoma, and is under the direction of the Director of the Aeronautical Center. The functions of this center are primarily the standardization and training of CAA employees and other individuals in whose training and standardization the Administration is concerned. The center maintains liaison with the aeronautical and manufacturing industries and other organizations with respect to the development of the latest technological advancements.

SUBPART E—REGIONAL OFFICES

§ 650.51 *General.* There are 9 regional offices of the Administration covering prescribed areas of the United States, Alaska, and the Hawaiian Islands. Each of the Regional Offices maintains district offices in every state or territory in its area. Information and advice with respect to technical matters relating to civil aviation, or applications for and the issuance of, airman, aircraft and air agency certificates may be obtained by corresponding with, or personally contacting the Regional Office, or district office thereof, in your area.

§ 650.52 *Organization.* Each of the Regional Offices of the Civil Aeronautics Administration is under the direction of a Regional Administrator. The functons of each of the principal subdivisions of such regional offices is as follows:

(a) *Regional Attorney.* (1) Renders legal counsel and service to the Regional Administrator and other officials of the regional office.

(2) Initiates and negotiates the compromise of civil penalties for violations of Titles V and VI of the Civil Aeronautics Act of 1938, as amended, and the rules and regulations issued thereunder, except violations by scheduled air carriers. Violations involving scheduled air carriers are handled in the General Counsel's Office, Washington, D. C.

(3) Initiates action and prosecutes cases before the examiners of the Civil Aeronautics Board relating to the suspension or revocation of airman, aircraft and air agency certificates, except where such cases involve air carriers or their personnel.

(4) Renders legal interpretations of the safety provisions of the Civil Air Regulations and the regulations of the Administrator in accordance with the decisions and opinions of the General Counsel. If the question involved is one of first instance, the interpretation is subject to review and confirmation by the General Counsel at the Central Office of the Administration.

(b) *Air Navigation Facilities Plant and Structure Branch.* (1) Directs and inspects planning, engineering, and construction of air navigation aids and facilities (except radio and other electronic and communication equipment) for civil airways.

(2) Promotes the use of air marking as an aid to air navigation in collaboration with public and private agencies.

(c) *Air Navigation Facilities Communication Branch.* (1) Directs and inspects the planning, engineering, and construction in the development and improvement of radio and other electronic and communication equipment used on civil airways and in air navigation aids.

(d) *Air Navigation Facility Operations Branch.* (1) Directs the operation of air navigation aids and facilities under Federal jurisdiction.

(2) Directs and coordinates the control of air traffic along the civil airways and at airports having control towers under the jurisdiction of the Civil Aeronautics Administration.

(3) Directs the training of air traffic control and communications personnel.

(4) Directs the inspection and improvement of air traffic control and communications facilities procedures and operations.

(e) *Airports Branch.* (1) Advises and informs civic and other public officials with respect to airport sites selection and development, airport approach protection, and the operation and management of airports.

(2) Consults on, or conducts the preparation of, engineering plans and specifications for airport construction.

(f) *Airman Branch.* (1) Directs the issuance of certificates and the examination and inspection of applicants for pilot, mechanic, parachute rigger, dispatcher, air-traffic control-tower operator, ground instructor, and other airman and air agency certificates issued by the representatives and officials of the Civil Aeronautics Administration in the field. (For the procedure respecting application and the issuance of such certificates see Part 651, Procedure of Civil Aeronautics Administration.)

(2) Directs the inspection of such airmen and air agencies for compliance with, and the enforcement of, the requirements of the Civil Air Regulations and other regulations, rules or orders issued under the safety regulation provisions of the Civil Aeronautics Act of 1938, as amended.

(3) Directs and coordinates the investigation of alleged violations of such regulations, rules, or orders by airmen and in cases of an emergency, the emergency suspension of an airman certificate.

(g) *Flight Operations Branch.* (1) Directs the issuance, and amendment of, air carrier operating certificates for air carriers engaged in scheduled and nonscheduled operations, certificates for airmeets, waiver of air traffic rules, temporary air navigation facility certificates, and certificates for the operation of a true light. (For the procedure respecting application and the issuance of such certificates see Part 651, Procedure of Civil Aeronautics Admiinstration.)

(2) Directs and coordinates the inspection of air carriers including their facilities, equipment, and operating practices to determine compliance with, and the enforcement of, the safety requirements of the Civil Air Regulations and other rules, regulations, and orders issued pursuant to the Civil Aeronautics Act of 1938, as amended.

(3) Directs the investigation of alleged violations of such safety requirements including aircraft accidents.

(h) *Aircraft and Components Branch.* (1) Directs the issuance of production and airworthiness certificates, registration certificates, and ferry permits. (For the procedure respecting application and the issuance of such certificates, see Part 651, Procedure of the Civil Aeronautics Administration.)

(2) Directs and coordinates the inspection and testing of aircraft and components and manufacturing facilities of such aircraft and components to determine compliance with, and the enforcement of, the safety requirements of the Civil Air Regulations and other rules, regulations, and orders issued pursuant to the Civil Aeronautics Act of 1938, as amended.

(3) Directs the investigation of alleged violations of such safety requirements including aircraft accidents and, in cases of an emergency, the emergency suspension of aircraft and air agency certificates.

§ 650.53 *Location.* The designation of the Regional Offices, their location, and the areas over which they have jurisdiction are as follows:

Regional office, location, and area

(a) Region 1—385 Madison Avenue, New York 17, N. Y. Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, Delaware, West Virginia, and Virginia.

(b) Region 2—84 Marietta Street NW., Atlanta 3, Ga. Tennessee, North Carolina, South Carolina, Mississippi, Alabama, Georgia, and Florida.

(c) Region 3—608 South Dearborn Street, Chicago 5, Ill. North Dakota, Illinois, Minnesota, Wisconsin, Michigan, Indiana, Ohio, and Kentucky.

(d) Region 4—P. O. Box 1689, Fort Worth 1, Tex. Arkansas, Louisiana, Texas, Oklahoma, and New Mexico.

(e) Region 5—City Hall Building, Kansas City 6, Mo. Colorado, Kansas, Nebraska, South Dakota, Wyoming, Iowa, and Missouri.

(f) Region 6—1500 Fourth Street, Santa Monica, Calif. Arizona, Utah, Nevada, and California.

(g) Region 7—P. O. Box 3224, Seattle 14, Wash. Oregon, Idaho, Montana, and Washington

(h) Region 8—P. O. Box 440, Anchorage, Alaska. Alaska.
(i) Region 9—P. O. Box 4009, Honolulu 12, Territory of Hawaii. Hawaiian Islands.

§ 650.54 *District Offices.* The District Offices of the Civil Aeronautics Administration, the Regional Offices to which they pertain, and their locations are as follows:

(a) *Region 1:*
(1) Albany, N. Y. Albany Airport.
(2) Alexandria, Va. Beacon Field.
(3) Allentown, Pa. Allentown-Bethlehem Airport.
(4) Buffalo, N. Y. Municipal Airport.
(5) Camden, N. J. Central Airport.
(6) Concord, N. H. Municipal Airport.
(7) Harrisburg, Pa. Harrisburg-State Airport.
(8) Mineola Long Island, N. Y. Roosevelt Field.
(9) Norwood, Mass. Municipal Airport.
(10) Pittsburgh, Pa. Allegheny County Airport.
(11) Richmond, Va. P. O. Box 183, Sandston.
(12) Roanoke, Va. Woodrum Field.
(13) Rochester, N. Y. Municipal Airport.
(14) Syracuse, N. Y. Syracuse Airport.
(15) Teterboro, N. J. Teterboro Air Terminal.
(16) Westfield, Mass. Barnes-Westfield Airport.

(b) *Region 2:*
(1) Atlanta, Ga. Municipal Airport, P. O. Box 738.
(2) Birmingham, Ala. Municipal Airport.
(3) Charlotte, N. C. 1315 Independence Building.
(4) Columbia, S. C. Municipal Airport, P. O. Box 1085.
(5) Jackson, Miss. 206 Masonic Building, P. O. Box 1727.
(6) Jacksonville, Fla. 705 Lynch Building.
(7) Memphis, Tenn. Municipal Airport, Route 1, Box 668.
(8) Miami, Fla. 310 American Title & Insurance Co. Building.
(9) Nashville, Tenn. Berry Field.
(10) Raleigh, N. C. 916 Insurance Building, P. O. Box 1858.
(11) Tampa, Fla. Peter O'Knight Airport, P. O. Box 2112.
(12) Mobile, Ala. Bates Field, Spring Hill, Ala.

(c) *Region 3:*
(1) Bismarck, N. Dak. Municipal Airport.
(2) Chicago 38, Ill. 6200 South Cicero Avenue, Municipal Airport.
(3) Cincinnati 26, Ohio. Lunken Airport.
(4) Cleveland, Ohio. Municipal Airport.
(5) Columbus, Ohio. Port Columbus Airport.
(6) E. St. Louis, Ill. Parks Airport.
(7) Escanaba, Mich. Municipal Airport.
(8) Fargo, N. Dak. 621 First Avenue North, Room 209, Walker Building.
(9) Grand Rapids, Mich. Kent County Airport.
(10) Indianapolis, Ind. Municipal Airport.
(11) Louisville, Ky. Bowman Field, Administration Building.
(12) Milwaukee, Wis. Gen. Mitchell Field RR2.
(13) Minneapolis, Minn. Room 215 Administration Building, Wold Chamberlain Field.
(14) Rochester, Minn. Municipal Airport.
(15) Romulus, Mich. Wayne County Airport.
(16) South Bend 8, Ind. 508 Odd Fellows Building.
(17) Springfield, Ill. Municipal Airport.
(18) Toledo, Ohio. Municipal Airport.

(d) *Region 4:*
(1) Albuquerque, N. Mex. 2910 East Central Avenue.
(2) Amarillo, Tex. Amarillo Building, Room 333.
(3) Brownsville, Tex. Municipal Airport, c/o Air Carrier Office, P. O. Box 1712.
(4) Dallas, Tex. Love Field, Room 241.
(5) El Paso, Tex. Municipal Airport.
(6) Fort Worth, Tex. Meacham Field.
(7) Houston, Tex. Municipal Airport.
(8) Little Rock, Ark. 612 Union Life Building, P. O. Box 426.
(9) New Orleans, La. New Orleans Airport.
(10) Oklahoma City, Okla. 913 Colcord Building.
(11) San Antonio, Tex. 1706 Transit Tower.
(12) Shreveport, La. Municipal Airport.
(13) Tulsa, Okla. Municipal Airport, P. O. Box 2527.

(e) *Region 5:*
(1) Cheyenne, Wyo. Municipal Airport.
(2) Denver, Colo. Municipal Airport.
(3) Des Moines, Iowa. 311 Old Federal Building.
(4) Huron, S. Dak. Municipal Airport.
(5) Kansas City, Mo. Municipal Airport.
(6) Lincoln, Nebr. 726 Terminal Building, 19th and O Streets.
(7) St. Louis, Mo. Box 127, Lambert Field.
(8) Wichita, Kans. Municipal Airport.
(9) Omaha, Nebr. Municipal Airport.

(f) *Region 6:*
(1) Burbank, Calif. Hangar 4, Lockheed Air Terminal.
(2) Fresno, Calif. Room 8, P. O. Building.
(3) Long Beach, Calif. Administration Building, Municipal Airport.
(4) Los Angeles, Calif. 306 North Vermont Avenue.
(5) Oakland, Calif. Municipal Airport.
(6) Phoenix, Ariz. Sky Harbor Airport, P. O. Box 992.
(7) Reno, Nev. 450 Gazette Building, P. O. Box 499.
(8) Sacramento, Calif. Chamber of Commerce Building, P. O. Box 1228.
(9) Salt Lake City, Utah. Municipal Airport No. 1.
(10) San Diego, Calif. Administration Building, Lindbergh Field.

(g) *Region 7:*
(1) Billings, Mont. David Fratt Building.
(2) Boise, Idaho. Municipal Airport.
(3) Helena, Mont. Municipal Airport.
(4) Portland, Oreg. Troutdale Airport, Troutdale, Oreg.
(5) Redmond, Oreg. Roberts Field.
(6) Seattle, Wash. Boeing Field.
(7) Spokane, Wash. Felts Field.
(8) Yakima, Wash. 1016 Larson Building.

(h) *Region 8:*
(1) Anchorage, Alaska. P. O. Box 440.
(2) Fairbanks, Alaska.

(i) *Region 9:*
None.

SUBPART F—FOREIGN FIELD OFFICES

§ 650.61 *General.* The Civil Aeronautics Administration maintains Foreign Field Offices in those countries listed in § 650.63 of this subpart. Information and advice with respect to technical matters relating to civil aeronautics and application for the issuance of certificates may be obtained by corresponding with, or personally contacting the foreign field office in the area concerned. Aircraft and airman certificates are issued by the Foreign Field Offices.

§ 650.62. *Functions and Authority.* The functions performed by each of the foreign field offices are as follows:

(a) Issues certificates and examines and inspects applicants for pilot, mechanic, parachute rigger, dispatcher, and other airman certificates.

(b) Issues airworthiness and other aircraft certificates.

(c) Inspects airmen and aircraft of U. S. flag air carriers engaged in international air transportation to determine compliance with, and the enforcement of, the applicable safety rules, regulations, and orders issued pursuant to the Civil Aeronautics Act of 1938, as amended.

(d) Directs the investigation of alleged violations of such safety requirements including accidents when such violations or accidents involve civil aircraft of the United States.

(e) Provides liaison between United States technical personnel, including those assigned to the foreign field office and those performing special mission activities, and the Embassies, Legations, Consulates, or other appropriate Department of State offices.

(f) Promotes United States civil aviation interests through familiarization of foreign officials with United States standards, procedures, and techniques and with related international standards, procedures, and techniques as set forth in the Provisional International Civil Aviation Convention or other international agreements to which the United States is a party.

§ 650.63 *Location.* The location of the foreign field offices of the Civil Aeronautics Administration and the mailing address of such offices are as follows:

(a) Paris, France; c/o U. S. Embassy, Paris, France.
(b) Balboa, Canal Zone; c/o U. S. Embassy, Panama City, Panama.
(c) Rio de Janeiro, Brazil; c/o U. S. Embassy, Rio de Janeiro, Brazil.
(d) Lima, Peru; c/o U. S. Embassy, Lima, Peru.

T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 46-15462; Filed, Aug. 29, 1946; 10:51 a. m.]

PART 651—PROCEDURE OF THE CIVIL AERONAUTICS ADMINISTRATION

Acting pursuant to the authority vested in me by the Air Commerce Act of 1926 (44 Stat. 568-576, as amended 45 Stat. 933), the Civil Aeronautics Act of 1938, as amended (52 Stat. 977-1030, 54 Stat. 1233, 1235, 1236), Act to provide for the administration of the Washington National Airport (54 Stat. 686-688), and the Federal Airport Act (Public Law 377, 79th Congress, 2d Session), and in accordance with the Administrative Procedure Act (Public Law 404, 79th Congress, 2d Session), I hereby adopt Part 651 of the Regulations of the Administrator to read as follows:

SUBPART A—GENERAL PROVISIONS

Sec.
651.1 General.

SUBPART B—REGULATIONS AND INTERPRETATIONS

651.11 Regulations of the Administrator.
651.12 Safety regulation releases and manuals.

SUBPART C—ENFORCEMENT PROCEDURE

651.21 Violations of Titles V and VI of the Civil Aeronautics Act of 1938.
651.22 Denial of safety certificates.

SUBPART D—ISSUANCE OF CERTIFICATES

651.30 General.
651.31 Aircraft certificates.
651.32 Airman certificates.
651.33 Medical certificates.
651.34 Air carrier operating certificates.
651.35 Air agency certificates.
651.36 Air navigation facility certificates.
651.37 Designation of representatives of the Civil Aeronautics Administration.

SUBPART E—RECORDATION OF AIRCRAFT CONVEYANCES

651.51 General.
651.52 Forms of conveyance.
651.53 Application.
651.54 Requirements.

SUBPART A—GENERAL PROVISIONS

§ 651.1 *General.* Under Reorganization Plans III and IV of the Reorganization Act of 1938, certain functions of the Civil Aeronautics Act of 1938 are performed by the Civil Aeronautics Board, while others are performed by the Civil Aeronautics Administration. Accordingly, persons desiring information with respect to the procedure, or the general course and method for the discharge of a particular function pertaining to civil aviation should also consult the rules and regulations of the Civil Aeronautics Board.

SUBPART B—REGULATIONS AND INTERPRETATIONS

§ 651.11 *Regulations of the Administrator.* (a) Regulations of the Administrator of Civil Aeronautics are prepared and drafted by the technical offices of the Administration and submitted to the Administrator for final adoption and promulgation. Such regulations may result from recommendations from the industry or research and experimentation of the technical offices of the Administration. The Administration may, prior to the adoption of a regulation issue a draft of the proposed regulation to the industry requesting its views and comments respecting the merits of the proposed regulation.

(b) The Regulations of the Administrator are set forth in Parts 500 to 699 of the Code of the Federal Regulations.

§ 651.12 *Safety regulation releases and manuals.* Safety regulation releases and manuals are prepared and drafted by the Office of Safety Regulation and are issued by the Assistant Administrator for Safety Regulation. These releases and manuals contain informative and explanatory material respecting the pertinent safety provisions of the Civil Air Regulations. Copies of the releases and manuals are available to all persons concerned and interested in civil aviation. Requests should be addressed to The Civil Aeronautics Administration, Washington 25, D. C.

SUBPART C—ENFORCEMENT PROCEDURE

§ 651.21 *Violations of Titles V and VI of the Civil Aeronautics Act of 1938.* Any violation of the safety provisions of the Civil Aeronautics Act, or the regulations issued thereunder may be reported by any person to a representative of the Civil Aeronautics Administration at any Regional or District office of the Administration. The violation is then investigated by an appropriate representative of the Civil Aeronautics Administration and the results of such investigation, together with all obtainable evidence, are submitted to the Regional Attorney in charge of the area in which the violation occurred. If the violation involved an air carrier or air carrier personnel the report of investigation is submitted directly to the Office of the General Counsel in the Central Office of the Administration. The General Counsel, or the Regional Attorney, as the case may be, then determines the action, if any, which will be taken. Such action may be:

(a) *Letter of reprimand.* A letter of reprimand is sent to the violator, which calls attention to the fact that a violation has occurred and will be taken into consideration in the event of a repetition of any offense by the violator.

(b) *Civil penalty.* In the event a civil penalty is determined and it is considered advisable to compromise the amount of such civil penalty, pursuant to Section 901 of the Act, the Regional Attorney, or an official of the General Counsel's Office sends a letter to the alleged violator advising him of the provisions of the Act or the regulations alleged to have been violated and suggests the submission by the alleged violator of an offer of compromise in a specified amount. If such an offer of compromise is made, the offer is then submitted to the Administrator of Civil Aeronautics with a recommendation respecting its acceptance. The Administrator, or the Deputy Administrator, may accept or refuse the offer of compromise.

(c) *Filing of complaint with the Civil Aeronautics Board.* Such action may be taken with a view toward the suspension or revocation of a safety certificate issued by the Administrator to the alleged violator, or the imposition of a civil penalty pursuant to the provisions of section 901 of the Civil Aeronautics Act of 1938, or both. If such action is determined, the Complaint is prepared by the General Counsel's Office, or the Regional Attorney, and filed with the Docket Section of the Civil Aeronautics Board. The proceeding is then conducted in accordance with the procedure of the Civil Aeronautics Board, which is set forth in Part 302 of this title.

§ 651.22 *Denial of safety certificates*—(a) *Denial of airman certificates.* Any applicant for an airman certificate who has been denied the issuance or renewal thereof, by the Civil Aeronautics Administration, may petition the Civil Aeronautics Board for a reconsideration of his application pursuant to the provisions of section 602 (b) of the Civil Aeronautics Act of 1938, as amended.

(b) *Denial of aircraft, air agency and air carrier operating certificates.* Any applicant for an aircraft, air agency, or air carrier operating certificate, who has been denied the issuance or renewal thereof, may appeal the order of denial by the Administrator to the Circuit Courts of Appeals of the United States, or the United States Court of Appeals for the District of Columbia, upon petition, filed within 60 days after the entry of such order, pursuant to the provisions of section 1006 of the act.

SUBPART D—ISSUANCE OF CERTIFICATES

§ 651.30 *General.* (a) Except where hereinafter stated, applications for certificates may be obtained from, and submitted to, representatives of the Civil Aeronautics Administration, and the Regional, District, and Foreign offices of the Civil Aeronautics Administration. The requirements for the issuance of each type of certificate are set forth in the pertinent parts of the Civil Air Regulations or the Regulations of the Administrator of Civil Aeronautics. These regulations are found in the 14 CFR, Chapter II.

(b) In order to obtain an airman certificate the applicant is required to accomplish a medical, written, and, where applicable, a flight or practical examination. Medical examinations are given by designated medical examiners. Written examinations are given by Civil Aeronautics Administration inspectors, except student pilot tests on the Civil Air Regulations, which are given by any certificated flight instructor. For the convenience of the applicants, the inspectors conduct written examinations at all recognized airports. The itinerary of the inspectors is posted in such airports.

§ 651.31 *Aircraft certificates.* The types of aircraft certificates issued by the Civil Aeronautics Administration are as follows:

(a) *Type certificates.* A type certificate (Form ACA 311) certifies that an aircraft, aircraft engine, propeller, or any appliance specified in the Civil Air Regulations as eligible for a type certificate is of proper design, material, specification and construction for safe operation, and meets the minimum requirements of the Civil Air Regulations.

(1) *Application.* Application for a type certificate shall be made on the Form "Application for Type Certificate" (ACA 312). This form is obtained from and submitted to The Director, Aircraft and Components Service, Civil Aeronautics Administration, Washington 25, D. C.

(2) *Requirements.* For the evidence required for the issuance and the general rules pertaining to the type certification of aircraft, see Part 02 of this title.

(3) *Reports*—(i) *Semiannual Production Report (ACA 503)* is required on January 1 and July 1 of each year, of every holder of a type certificate or a current right to the benefits of a type certificate under a licensing arrangement.

(ii) *Statement of Conformity (ACA 317).* Upon the initial transfer of any aircraft not manufactured for United States registry under the terms of a production certificate, the holder of a type certificate or of a current right to the benefits of a type certificate under a licensing arrangement submits a Form "Statement of Conformity" to The Director, Aircraft and Components Service, Washington 25, D. C., or to the nearest Regional Office.

(b) *Production Certificate (Form ACA 333).* A production certificate authorizes the manufacture, at designated places, of duplicates of a product for

which a type certificate has been issued. The type certificate is set forth in a production limitation record (Form ACA 332) which constitutes a part of the production certificate.

(1) *Application.* A single application for the production certificate and production limitation record is made on Form ACA 332 "Application for a Production Certificate". This form is obtained from, and is submitted to, the Aircraft and Components Branch of the Regional Office in the area in which the manufacturer's plant is located. If an amendment is desired, application should also be made to such Regional Office.

(2) *Requirements.* For further information with respect to production certificates and requirements, see Part 02 of the Regulations of the Civil Aeronautics Board and Manual 02, Production Certificates, issued by the Civil Aeronautics Administration.

(3) *Reports*—(i) *Changes.* The holder of a production certificate is required to notify the Regional Office, which issued such certificate, of any change of methods, procedures, facilities, or location of the manufacturing facilities which affect the product for which the certificate was issued.

(ii) *Production report.* Form ACA 503 "Semi-Annual Production Report" is required on January 1 and July 1 of each year, of the holder of a production certificate.

(c) *Aircraft registration certificate.* An aircraft registration certificate (Form ACA 500) is conclusive evidence of the nationality of the aircraft for international purposes, but not in any proceeding under the laws of the United States. The registration of the aircraft by the Civil Aeronautics Administration is not evidence of ownership in any proceeding in which ownership by a particular person is, or may be, in issue. Form ACA 1160, which is also issued together with the aircraft registration certificate, certifies that the aircraft is entered in the Civil Aeronautics Administration's record of conveyances as owned by the person or persons named thereon subject to such liens as are recorded by the Administration and described on the face of the certificate.

(1) *Application and fee.* A single application for both certificates is made by the owner of the aircraft on Form "Application for Registration of Aircraft" (ACA 501). This form should be submitted to The Director, Aircraft and Components Service, Civil Aeronautics Administration, Washington 25, D. C. A money order or check, payable to the Treasurer of the United States, in the amount of $5.00, should accompany such application.

(2) *Requirements.* For the evidence required for the issuance and the general rules pertaining to registration of aircraft, see Part 501 of the Regulations of the Administrator of Civil Aeronautics and Form ACA 505 "Instructions for Registration and Recording". This form may be obtained by mailing your request to the Civil Aeronautics Administration, Washington 25, D. C.

(d) *Aircraft airworthiness certificates and aircraft operation record.* An aircraft airworthiness certificate (Form ACA 308) authorizes the operation of a civil aircraft of the United States within the United States, its territories and possessions. However, there shall be attached to this certificate an aircraft operation record (Form ACA 309), which sets forth the limitations for safe operations prescribed and set forth by the Administrator in such record.

(1) *Application.* A single application for the certificate and record shall be made on Form "Application for Aircraft Airworthiness Certificate" (ACA 305). Usually the manufacturer obtains the airworthiness certificate, which thereafter remains with the aircraft. If no airworthiness certificate has been issued for the aircraft, or if it has expired, the application for an airworthiness certificate is made by the registered owner of the aircraft. An application for registration and airworthiness of an aircraft may be made simultaneously.

(2) *Requirements.* For further information with respect to airworthiness certificates and requirements, see Parts 01, 03, and 04 of the Regulations of the Civil Aeronautics Board and Manual 04, Airplane Airworthiness, issued by the Civil Aeronautics Administration.

(3) *Inspections and reports*—(i) *Annual inspection.* An annual inspection of the aircraft, given by a designated representative of the Administrator is required for all aircraft. A copy of such inspection report (ACA 305a) is attached to the aircraft operation record.

(ii) *Aircraft and engine log books.* An aircraft and engine log book is required in accordance with Part 01 of the Civil Air Regulations.

(e) *Ferry permits*—(1) *A "Letter of authority for ferry flight"* authorizes the the flight of a civil aircraft of the United States between two specified points for the purpose of repair or to obtain certification of the aircraft. The applicant will be required to furnish evidence of the identification of the aircraft, the points between which the aircraft will be flown, duration of the flight, name of the mechanic certifying with respect to the airworthiness of the aircraft and a statement as to the reasons why the aircraft airworthiness certificate is not applicable.

(2) *Ferry permit, temporary registration and airworthiness certificate.* This permit authorizes the flight of a surplus military aircraft from the base of purchase to the owner's home base. An application for this permit may be made to the representative of the Civil Aeronautics Administration station at the surplus depot or by making application to the Regional or District Office having jurisdiction over the area in which the depot is located.

(f) *Foreign aircraft permit (Form ACA 1452).* This certificate authorizes flight in the United States, its territories, and possessions, of foreign aircraft with foreign markings.

(1) *Application.* Application is made on Form ACA 776A "Application for Foreign Civil Aircraft Flight Permit", which requires identification of the owner and evidence of his citizenship, identification and markings of the aircraft, requested itinerary, estimated duration of flight in the United States, and an indication as to whether certain equipment is installed or carried in the aircraft. This form is obtained from, and submitted to, the Regional or District Office of the Administration which is nearest to the port of entry, except where the itinerary is to, or through, the Panama Canal Zone, in which case submit the application to the Director, Aircraft and Components Service, Civil Aeronautics Administration, Washington 25, D. C.

(g) *Certificate of Airworthiness for Export (Form ACA 306).* A certificate of airworthiness for export certifies that the type certificated product involved meets certain general and special requirements for export to particular foreign countries.

(1) *Application.* Application is made on Form ACA 306 "Application for Certificate of Airworthiness for Export".

§ 651.32 *Airman certificates.* The types, grades, and ratings of airman certificates issued by the Civil Aeronautics Administration are as follows:

(a) *Student pilot certificates.* A student pilot certificate (Form ACA 340) authorizes the holder to pilot in solo flight an aircraft of a specified type, class and model.

(1) *Application.* Application for such certificate is made on Form ACA 355 "Application for Airman Certificate".

(2) *Requirements.* For further information with respect to student pilot certificates and requirements, see Parts 20, 22 and 43 of the Regulations of the Civil Aeronautics Board, which are set forth in Title 14 of the Code of the Federal Register.

(b) *Private, commercial, and airline transport pilot certificates.* An airman pilot certificate (Form ACA 348) and airman rating record (Form ACA 545) issued for a private, commercial, airline transport, or instructor rating authorizes the holder to pilot aircraft within the prescribed limitations of the applicable ratings.

(1) *Application.* Application for such certificates is made on Form ACA 355 "Application for Airman Certificate or Instrument Rating".

(2) *Requirements.* For further information with respect to, private, commercial, and airline transport pilot certificates, see Parts 20, 21, 22, and 43 of the Regulations of the Civil Aeronautics Board, 14, CFR, Ch. I.

(c) *Mechanic certificates.* A mechanic certificate (Form ACA 348) authorizes the holder to inspect, maintain or repair aircraft and aircraft engines and appliances in accordance with the limitations set forth on Form ACA 545 "Airman Rating Record", which is attached to such certificate.

(1) *Application.* A single application for such certificate and rating is made on Form ACA 363 "Application for Airman (Mechanic) Certificate".

(2) *Requirements.* For further information with respect to mechanic certificates and requirements, see Part 24 of the Regulations of the Civil Aeronautics Board, Title 14, Code of the Federal Register.

(3) *Reports.* A Form ACA 1130 "Periodic Activity Report" is required to be submitted to the Administration, annually, during the month of January.

(d) *Parachute technician certificate.* A Form ACA 348 "Airman (Parachute Technician) Certificate" authorizes the holder to inspect, pack, repair, construct, or jump and instruct in jumping, in accordance with the limitations prescribed on the form ACA 545 which is attached to such certificate.

(1) *Application.* A single application for the certificate and rating desired is made on Form ACA 363 "Application for Airman (Parachute Technician) Certificate".

(2) *Requirements.* For further information with respect to parachute technician certificates and requirements, see Part 25 of the Regulations of the Civil Aeronautics Board. 14 CFR. Ch. I.

(3) *Reports.* A Form ACA 1130 "Periodic Activity Report" is required to be submitted to the Administration, annually, during the month of January.

(e) *Traffic control tower operator.* An "Airman (Traffic Control Tower Operator) Certificate" (Form ACA 348) authorizes the holder to control air-traffic in accordance with the limitations prescribed on the Form ACA 545 "Airman Rating Record", which is attached to the certificate.

(1) *Application.* A single application is made on Form ACA 372 "Air-Traffic-Control-Tower-Operator Application".

(2) *Requirements.* See Part 26 of the Regulations of the Civil Aeronautics Board set forth in Title 14, Code of the Federal Register.

(3) *Reports.* A Form ACA 1130 "Periodic Activity Report" is required.

(f) *Aircraft dispatcher.* An "Airman (Aircraft Dispatcher) Certificate" (Form ACA 348) authorizes the holder to act as a dispatcher for a certificated air carrier in accordance with the limitations prescribed on the airman rating record (Form ACA 545).

(1) *Application.* A single application for the certificate and rating is made on Form ACA 374 "Application for Airman (Aircraft Dispatcher) Certificate".

(2) *Requirements.* See Part 27 of the Regulations of the Civil Aeronautics Board, 14 CFR, Ch. I.

(3) *Reports.* A Form ACA 1130, "Periodic Activity Report" is required to be submitted annually, during the month of January.

§ 651.33 *Medical certificates.* A medical certificate is required for the issuance of an airman certificate. Original applicants for a medical certificate may obtain such certificate by undergoing the required physical examination by a designated medical examiner of the Civil Aeronautics Administration. Any competent licensed physician may conduct the physical examination for a student or private pilot certificate or any airman certificate requiring a medical certificate of the third class. A list of the designated medical examiners in your area may be obtained by addressing a request to The Director, Aviation Medical Service, Civil Aeronautics Administration, Washington 25, D. C. The three classes of medical certificates and the types and grades of airmen certificates included in each class are as follows:

(a) *First class.* A first class medical certificate includes an airline transport pilot. The examination is conducted by a designated airline medical examiner.

(b) *Second class.* A second class medical certificate includes, commercial pilots and air-traffic-control-tower operators. The examination is conducted by a designated medical examiner.

(c) *Third class.* A third class medical certificate includes, students and private pilots and free balloon pilots. This examination is conducted by a designated medical examiner or a competent licensed physician. If the examination is performed by a non-designated physician, the report of the examination is made on Form ACA 1345.

(d) *Waiver of physical standards.* Airmen with considerable aeronautical experience who do not meet the prescribed physical requirements may apply for a "Waiver of Physical Standards" (Form ACA 779), by making application to The Director, Medical Service, Civil Aeronautics Administration, Washington 25, D. C. In such instances a waiver may be issued if the applicant successfully demonstrates through a flight test that his physical deficiency is compensated for by his experience, ability and judgment. For further information with respect to the standards and requirements, see Part 29 of the Regulations of the Civil Aeronautics Board, set forth in Title 14, of the Code of the Federal Register.

3 651.34 *Air carrier operator certificates.* (a) An air carrier operating certificate is required for all air carriers engaged in scheduled and non-scheduled operations. This certificate describes the operations authorized and prescribes such operating specifications and limitations as may be reasonably required in the interest of safety.

(1) *Application.* (i) An application for a scheduled air carrier operating certificate is made by letter to the Regional Office in the area in which the headquarters of the air carrier is located.

(ii) An application for a nonscheduled air carrier operating certificate is made on Form ACA 1602, "Application for Non-Scheduled Air Carrier Operating Certificates."

(2) *Requirements and reports.* See Parts 40 and 42 of the Regulations of the Civil Aeronautics Board set forth in 14 CFR, Ch. I.

§ 651.35 *Air agency certificates.* An air agency certificate (Form ACA 390) is issued for:

(a) Airman schools.

(b) Ground instructors (Form ACA 545 is issued for this certificate).

(c) Repair stations.

(d) Mechanic schools.

(e) Parachute lofts.

The requirements for such certificates are set forth in Parts 50 to 54 inclusive, of the Regulations of the Civil Aeronautics Board, as set forth in 14 CFR, Ch. I.

§ 651.36 *Air navigation facility certificates*—(a) *An "Air Navigation Facility and Lawful Authority to Operate a True Light"* certificate authorizes the operation of an aeronautical light as a "true light" in the identification of a landing area suitable for use by civil aircraft and in marking hazards to air navigation.

(1) *Application.* Application is made on Form ACA 114. The Regional Office issues a temporary certificate for a period of 60 days, but the permanent certificate is issued by the Office of the Director, Flight Operations Service, Washington, D. C.

(b) *Notice of Construction or Alteration of Structures Along or Near Civil Airways (Form 117).* This Form is required to be submitted to the Administration in order to give proper notice to airmen of the construction or alteration of a structure located along or near a civil airway. Further information may be obtained by referring to Part 525 of the Regulations of the Administrator of Civil Aeronautics.

§ 651.37 *Designation of representatives of the C. A. A.* The Civil Aeronautics Administration designates the following representatives to perform the activities indicated below. The certificates required for the performance of such activities are:

(a) *Certificate of Authority—Flight Examiner (Form ACA 1382).* This certificate authorizes the holder to act as a flight examiner for the Civil Aeronautics Administration and to conduct flight examinations for issuance of pilot certificates and ratings.

(1) *Application* is made on a Form "Pilot Examiner Qualification Record and Recommendations" (ACA 914).

(2) *Reports.* A report on Form "Pilot Examiner or Flight School Activity Report" (ACA 857) must be executed and submitted to a Civil Aeronautics Administration inspector when requested.

(b) *Designation of Airline Transport Pilot Flight Examiner (Form ACA 997).* This certificate authorizes the holder to conduct under the general supervision of the Flight Operations Service, within local limits, flight tests of applicants for airline transport pilot certificates and aircraft class, horsepower and instrument ratings and to recommend to the local inspector the issuance or denial of such certificates and ratings.

(1) *Application.* Application is made on a Form "Application for Designation as Airline Transport Pilot Flight Examiner" (ACA 993).

(c) *Authorized Medical Examiner and Letter of Designation (Form ACA 1668).* This certificate and letter authorizes a member of the medical profession to perform physical examinations as required to issue medical certificates.

(1) *Application.* Application is made on Form "Application for Designation as Medical Examiner" (ACA 861) and is submitted to any regional medical officer of the Civil Aeronautics Administration.

(2) *Reports.* A report on Form "Report of Physical Examination for Airman Certificate" (ACA 353) is required to be submitted within forty-eight hours to the Medical Director, Civil Aeronautics Administration, Washington 25, D. C., for each applicant examined. A copy of this report must be retained in the file of the

designated medical examiner for three years.

(d) *Certificate of Authority—Designated Mechanic Examiner (Form ACA 1382).* This certificate certifies that the holder is authorized by the Civil Aeronautics Administration to conduct oral and practical examinations for the issuance of aircraft mechanic and aircraft engine mechanic certificates.

(1) *Application.* Application is made on a Form "Statement of Qualifications and Recommendations for Designated Mechanic Examiner" (ACA 1618).

(e) *Certificate of Authority (Form ACA 1382).* Certificates of authority are issued by the Civil Aeronautics Administration to qualify persons for the designation of:

(1) *Designated Manufacturing Representative.* This certificate authorizes the holder to determine the conformity and quality of articles produced under the production certificate listed on his authorization and to issue airworthiness certificates for aircraft and a certificate of airworthiness for export with respect to aircraft and components under the production certificate listed on his authorization.

(i) *Application.* Application is made on Form ACA 1381 "Statement of Qualifications and Recommendations for Designated Manufacturing Representatives".

(2) *Designated engineering representative.* This certificate authorizes the holder to certify that the technical data pertaining to a particular aircraft structure or power plant proves compliance with the Civil Air Regulations.

(i) *Application.* Application is made on Form ACA 1599 "Statement of Qualifications of Designated Engineering Representatives".

(3) *Designated aircraft maintenance inspector.* With respect to scheduled and non-scheduled air carrier aircraft this certificate authorizes the holder to determine the airworthiness of aircraft or to inspect repairs and alteration of aircraft for compliance with approved methods and practices, material and pertinent regulations; and approve the repair and alteration form and return the aircraft to service.

(i) *Application.* Application is submitted on Form ACA 751 "Statement of Qualifications and Recommendation for Designated Aircraft Maintenance Inspector".

§ 651.38 *Flight plan and Control Record (Form ACA 398).* Serves as authorization for an aircraft to fly in a controlled area, an airport approach zone, or an airport traffic zone under instrument flight rules. A flight plan may also be filed for flight under contact flight rules.

(a) *Application.* Application may be made by telephone, radio, or in person to any Civil Aeronautics Administration Airway Communications Station, or Airway Traffic Control Center giving such information as aircraft identification, type of aircraft, pilot's name, route of flight and cruising altitudes, cruising airspeed, radio frequencies available, proposed time of departure, estimated time enroute, fuel supply in hours, and alternate airport(s). The approval to proceed together with any amending instructions are issued by an airway traffic controller. Such approval is usually oral and is delivered to the pilot through the radio facilities of an airport traffic control tower or airway communications station.

(b) *Requirements.* Regardless of whether the flight plan is filed under contact or instrument flight rules, the pilot in command of the flight files an arrival or completion notice with the nearest Civil Aeronautics Administration Communication Station or control tower upon landing or completion of the flight. For further information with respect to flight plans, see respectively Part 60 of the Regulations of the Civil Aeronautics Board set forth in 14 CFR Chapter I.

SUBPART E—RECORDATION OF AIRCRAFT CONVEYANCES

§ 651.51 *General.* All conveyances which affect the title to, or interest in, any aircraft registered under the provisions of the Civil Aeronautics Act are eligible for recordation with the Civil Aeronautics Administration. Upon receipt of any such conveyance, it is entered upon the Administration's record of conveyances and the person submitting such conveyance is furnished the docket number of the record for identification and future reference. If the conveyance acts as a lien or encumbrance upon the aircraft, a notation is made upon the Form ACA-1160 which is attached to, and made part of, the Aircraft Registration Certificate.

§ 651.52 *Forms of conveyance.* The following forms have been prepared by the Administrator for use in recording of conveyances and are available upon request to the Certificate and Record Section, Civil Aeronautics Administration, Washington 25, D. C.

(a) Form ACA 502—Bill of Sale.

(b) Form ACA 506—Release (This form appears on the back of a letter acknowledging receipt of a chattel mortgage and should be in the possession of the mortgage or his assignee to be used when the mortgage is cleared.)

(c) Form ACA 818—Release Contract of Conditional Sale (This form appears on the back of a letter acknowledging receipt of a contract of conditional sale and should be in the possession of the seller or his assignee to be used when all conditions of the contract have been met.)

(d) Form ACA 905—Aircraft Chattel Mortgage.

(e) Form ACA 906—Aircraft Conditional Sale Contract.

(f) Form ACA 909—Supplemental Affidavit to Application for Registration for All Types of Aircraft (To be filled in and submitted with Application for Registration (Form ACA 501) when the aircraft has been repossessed pursuant to the provisions of a chattel mortgage or contract of conditional sale and the person repossessing desires registration of the aircraft in his name).

§ 651.53 *Application.* A conveyance may be recorded by submitting the original document together with a check or money order in the amount of $5.00, payable to the Treasurer of the United States, to the Director, Aircraft and Components Service, Washington 25, D. C. No fee is required for the recording of a satisfaction of a lien.

§ 651.54 *Requirements.* For further information with respect to the requirements and instructions for the recordation of aircraft conveyances, see Part 503 of the Regulations of the Administrator of Civil Aeronautics and Form ACA 505, "Instructions for Registration and Recording." This form may be obtained by mailing your request to The Director, Aircraft and Components Service, Civil Aeronautics Administration, Washington 25, D. C.

T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 46-15463; Filed, Aug. 29, 1946; 10:51 a. m.]

COAST AND GEODETIC SURVEY

[33 CFR, Ch. V]

PART 510—ORGANIZATION AND FUNCTIONS

Sec.
510.1 Creation and statutory authority.
510.2 General purpose and functions.
510.3 Organization.

§ 510.1 *Creation and statutory authority.* A survey of the coast of the United States was authorized by act of Congress of February 10, 1807 (2 Stat. 413; 33 U. S. C. 881-82). The act of March 3, 1871 (16 Stat. 508), provided for the extension of geodetic work across the country, and the act of June 20, 1878 (20 Stat. 206, 215), changed the name of this agency from Coast Survey to Coast and Geodetic Survey. The act of January 31, 1925 (43 Stat. 802; 33 U. S. C. 866), charged the agency with investigations and reports on earthquakes, an activity previously conducted by the United States Weather Bureau.

§ 510.2 *General purpose and functions.* The Coast and Geodetic Survey has been established for the purpose of providing, for the United States and its possessions, information required for the safe navigation of coastal waters; basic geodetic control data (geographic positions of monumented stations and elevations of bench marks); and information concerning earthquakes. It has also been assigned the duty of producing aeronautical charts for use in civil aviation. In accomplishing this purpose it conducts various classes of field surveys and disseminates the resulting data.

§ 510.3 *Organization.* The Coast and Geodetic Survey consists of the Office of the Director, the Office of the Chief Clerk, and the following divisions: (a) Personnel and Accounts, (b) Instruments, (c) Geodesy, (d) Tides and Currents, (e) Geomagnetiem and Seismology, (f) Coastal Surveys, (g) Photogrammetry, and (h) Charts. In addition to the offices located in Washington, D. C., the Coast and Geodetic Survey maintains field stations at the following locations:

Boston, Mass., Tenth Floor, Customhouse.
New York, N. Y., Room 631, Federal Office Building, 90 Church Street.
Norfolk, Va., Room 418, United States Post Office Building.

New Orleans, La., Room 314, Customhouse, 423 Canal Street.
Los Angeles, Calif., Room 1426, Post Office and Courthouse.
San Francisco, Calif., Room 114, Customhouse.
Portland, Oreg., Room 502, Panama Building.
Seattle, Wash., Room 400, Insurance Building.
Honolulu, Hawaii, Room 244, Federal Building.
Manila, P. I., O'Racca Building.

In addition there are latitude observatories at Gaithersburg, Md., and Ukiah, Calif.; magnetic and seismological observatories at Cheltenham, Md., San Juan, P. R., Tucson, Ariz., Sitka, Alaska, and Honolulu, T. H.; a number of primary tide stations along the coasts and other stations maintained for various purposes by the Survey in cooperation with other Federal and private agencies. Surveys are carried on by ships and other mobile field units.

PART 511—METHODS OF OPERATIONS AND INFORMATION AVAILABLE

Sec.
511.1 Collection of data.
511.2 Analysis and issuance of data.
511.3 Purchase of charts and publications.

§ 511.1 *Collection of data.* Each of the operating divisions indicated in § 510.3 above conducts surveys and studies relating to the functions assigned it as indicated by its title. The field stations collect data for the correction of local charts, and cooperate with field parties and survey ships in their areas, as well as with local engineers and organizations engaged in operations requiring specialized data of the sort obtained by the Coast and Geodetic Survey.

§ 511.2 *Analysis and issuance of data.* The data obtained by surveys and studies are analyzed in the Washington office and are issued in various forms, including nautical and aeronautical charts, annual tables of predicted tides and currents, charts showing magnetic declination, results of observations at magnetic observatories, annual lists of United States earthquakes, publications of geographic positions and elevations, annual and special publications (including comprehensive manuals), and Coast Pilots. The Coast Pilots supplement the nautical charts, furnishing such information as descriptions of the coasts, recommended sailing directions, port, harbor, and anchorage information, and emphasizing any conditions that may be hazardous to water-borne traffic.

§ 511.3 *Purchase of charts and publications.* Nautical charts and related publications (Coast Pilots, tide and current tables, and distance tables) of the Coast and Geodetic Survey can be purchased at its Washington Office and field stations and from various sales agencies at the principal seaports of the United States and possessions. Aeronautical charts can be purchased from the Washington Office and from authorized dealers throughout the country, generally at airports. (See § 501.24 for information as to distribution of charts to dealers.) Other publications of the Bureau are available on a sales basis from the Superintendent of Documents, Government Printing Office, Washington, D. C.

[SEAL] LEO OTIS COLBERT,
Director.

Approved by:

H. A. WALLACE,
Secretary of Commerce.

[F. R. Doc. 46—15529; Filed Aug. 29, 1946; 4:44 p. m.]

INLAND WATERWAYS CORPORATION

[49 CFR, Ch. III]

PART 600—PURPOSE AND FUNCTIONS

Sec.
600.1 Creation.
600.2 General purpose and functions.
600.3 Operation of barge service.

§ 600.1 *Creation.* The Inland Waterways Corporation was created as a corporation in the District of Columbia by the Act of June 3, 1924 (43 Stat. 360; 49 U. S. C. 151–157).

§ 600.2 *General purpose and functions.* The purpose and functions of the Corporation are to conduct a common carrier service until such time as the system can be transferred to private operation to the best advantage of the Government, and to carry out the policy of Congress to promote, encourage and develop water transportation, service and facilities in connection with the commerce of the United States and to foster and preserve in full vigor both rail and water transportation, and in so doing to demonstrate the feasibility of water transportation on the inland rivers and to extend the benefits of this service to the people of the United States. It is the duty of the Secretary of Commerce, exercised through the Corporation, to investigate the appropriate types of boats suitable for different classes of such waterways, investigate the subject of water terminals, both for inland waterway traffic and for through traffic by water and rail, including the necessary docks, warehouses, apparatus, equipment, and appliances in connection therewith, and also railroad spurs, and switches connecting with such terminals, with a view to devising the types most appropriate for different locations and for the more expeditious and economical transfer of traffic between carriers by water and carriers by rail; to advise with communities, cities and towns regarding the appropriate locations of such terminals and to cooperate with them in the preparation of plans for suitable terminal facilities; to investigate the existing status of water transportation upon the different inland waterways with a view to determining whether such waterways are being utilized to the extent of their capacity and to what extent they are meeting the demands of traffic and whether the water carriers utilizing such waterways are interchanging traffic with the railroads; and to investigate any other matter that may tend to promote and encourage inland water transportation.

The Corporation is not a regulatory agency. In performance of its statutory functions it operates as a common carrier of freight and is subject to the provisions of the Interstate Commerce Act, as amended, the Shipping Act, 1916, as amended, in the same manner and to the same extent as if such facilities were privately owned and operated.

§ 600.3 *Operation of barge service.* The Corporation operates a common carrier barge service between the following points:

From Minneapolis, Minnesota, to New Orleans, Louisiana, on the Mississippi River; from Kansas City, Missouri, to St. Louis, Missouri, on the Missouri River; from Chicago, Illinois to St. Louis, Missouri, on the Illinois River; from New Orleans, Louisiana, via the Mississippi Sound to Mobile, Alabama, thence via Warrior River to Port Birmingham, Alabama. It also owns and operates the Warrior River Terminal Company, an Alabama corporation which is its switching and terminal facility, from Port Birmingham, Alabama, to connecting rail lines at Ensley, Alabama. Terminals and rail-water connections are operated by the Corporation at Minneapolis, Minnesota, St. Paul, Minnesota, Dubuque, Iowa, Clinton, Iowa, Rock Island, Illinois, Burlington, Iowa, St. Louis, Missouri, East St. Louis, Illinois, Kansas City, Missouri, Chicago, Illinois, Peoria, Illinois, Cairo, Illinois, Memphis, Tennessee, Helena, Arkansas, Greenville, Mississippi, Vicksburg, Mississippi, Baton Rouge, Louisiana, New Orleans, Louisiana, Mobile, Alabama, Port Birmingham, Alabama.

PART 601—ORGANIZATION

Sec.
601.1 Officers.
601.2 Principal divisions.

§ 601.1 *Officers.* The incorporator and head of the Inland Waterways Corporation is the Secretary of Commerce (Washington, D. C.). The administration of the Corporation is directed by the President (St. Louis, Mo.) under the general supervision of the Chairman of the Advisory Board (Washington, D. C.). Under the general direction of the President the following officials supervise the functions stated:

Vice President (St. Louis, Mo.): Operation of vessels and terminals, engineering, design and construction, traffic (solicitation and rates) personnel.

Vice President (New Orleans, La.): Warrior River Terminal Company: Claims and liability insurance, purchasing.

Secretary-Treasurer (new Orleans, La.): Fiscal, accounting, disbursing and revenue.

§ 601.2 *Principal divisions.* The principal Divisions of the Corporation are as folliows:

Marine Superintendent; St. Louis, Mo.: In charge of all marine activities.

Superintendent of Terminals; St. Louis, Mo.: In charge of terminal operations.

Traffic Manager, Solicitation; St. Louis, Mo.: In charge of solicitation.

Traffic Manager, Rates; New Orleans, La.: In charge of rates and divisions.

Traffic Manager, Transportation; St. Louis, Mo.: In charge of vessel and barge movement.

Personnel Officer; St. Louis, Mo.: In charge of personnel functions and procedures.

PART 602—DELEGATED AUTHORITY

Sec.
602.1 The Chairman.
602.2 The President.
602.3 General agents and local agents.
602.4 Purchasing agents.
602.5 Freight claim agent.
602.6 Chief freight accounts.

§ 602.1 *The Chairman.* The Chairman of the Advisory Board presides at meetings of the Board and has been delegated to exercise any of the functions vested in the Secretary of Commerce by the Act of June 3, 1924.

§ 602.2 *The President.* The President is delegated responsibility for the general administrative direction of the business of the Corporation including authority to enter into contracts subject to such general limitations as may be prescribed in the by-laws or enjoined upon him by the Secretary of Commerce.

§ 602.3 *General agents and local agents.* General and local agents are authorized to issue bills of lading.

§ 602.4 *Purchasing agents.* Purchasing agents have general purchasing authority.

§ 602.5 *Freight claim agent.* Freight claim agents have authority for settlement of loss and damage claims.

§ 602.6 *Chief freight accounts.* Chief freight accounts has authority for settlement of overcharge claims.

PART 603—INFORMATION

§ 603.1 *Availability of information.* Information may be obtained by inquiry as follows:

(a) Services offered and rates applicable, from:

Traffic Manager, Solicitation, St. Louis, Mo.
Traffic Manager, Rates, New Orleans, La.
General Agents at Minneapolis, Minn.; St. Paul, Minn.; St. Louis, Mo.; Chicago, Ill.; Memphis, Tenn.; New Orleans, La.; New York, N. Y., Mobile, Ala.; Birmingham, Ala.

(b) Information regarding all other matters not specifically listed herein may be obtained from Vice-President, St. Louis, Mo.

PART 604—ORDERS, RULES, AND PUBLIC RECORDS

Sec.
604.1 Orders and rules.
604.2 Public records.
604.3 General course and methods.

§ 604.1 *Orders and rules.* The Corporation issues no orders or rules binding on the public in general and has no adjudicative function. The general policies are set forth in the by-laws (Part 605).

§ 604.2 *Public records.* The public inspection of records is governed by the provisions of the Interstate Commerce Act, as amended, the Shipping Act, as amended, and the regulations of the Department of Commerce.

§ 604.3 *General course and methods.* The general course and method by which the Corporation functions are channelled and determined are set forth in the by-laws (Part 605).

PART 605—BY-LAWS

Pursuant to the provisions of an Act of Congress, entitled, "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the Transportation Act of 1920, and for other purposes," approved June 3, 1924, as amended, the following amended by-laws for the Inland Waterways Corporation are hereby promulgated to become effective Sept. 1, 1946.

Article I

SECTION 1. Basic purposes of the Corporation are those defined and promulgated by the Congress in the Act of June 3, 1924, as amended (49 U. S. C. 151 et seq.).

SEC. 2. The basic policies of the Governor and Incorporator of the Inland Waterways Corporation, controlling the administration of the concerns and functions of the Corporation, are declared to be:

a. Compliance with the purposes of the Congress as provided in Section 1, Article I of these by-laws.

b. That the Corporation was organized for the purpose of demonstrating through a Government owned transportation system the economy and feasibility of inland water transportation; that carrying on the operation of this system until such demonstration is completed and the business can be advantageously, and in accordance with the Statute, turned over to private capital and private enterprises, is paramount; but that, meanwhile, reasonable measures will be taken to promote and encourage private operation by common carrier barge service on the rivers upon which the Corporation operates.

SEC. 3. (a) In connection with the extension of the service of the Corporation to new lines, the President of the Corporation shall cause to be made such surveys for the purpose of ascertaining the amount of traffic, terminal facilities, and other pertinent factors as are required by Section (3–b) of Act of June 3, 1924, as amended (49 U. S. C. 153), and report thereon to the Secretary of Commerce with his recommendations, and no extension of the service of the Corporation on such new lines shall be made except upon the order of the Secretary of Commerce in accordance with the foregoing and the provisions of the Statutes.

b. From, and after the effective date of these by-laws, no new or additional terminals shall be operated nor shall operations be discontinued at present regularly operated terminals of the Corporation except upon the approval of the Secretary of Commerce.

c. No contract or agreement shall be entered into for the purpose of operation of any new terminal that may be authorized by the Secretary of Commerce in accordance with the provisions of Section 3–b above, except upon the inclusion in such contract or agreement of a clause providing that the payment to be made by the Corporation for the use of such terminal shall be upon the basis of a stated rate per ton for freight handled in or through such terminal.

d. No expenditure of funds of the Corporation shall be made for the following purposes, except upon the approval of the Secretary of Commerce:

1. Complete replacement of old or acquisition of new wharf or track barges at terminals.

2. Complete replacement or acquisition of any new unit of floating equipment.

e. All contracts or leases shall be made in the name of the Corporation and shall be signed by the President or by those authorized by the President.

f. All funds and securities of the Corporation shall with the approval of the Secretary of Commerce be deposited in such depositories and under such conditions as may be designated by the Secretary of the Treasury.

g. All checks and drafts on the Corporation's bank accounts and all bills of exchange and promissory notes and all acceptances, obligations and other instruments, authorizing the payment of money, shall be signed by at least two (2) officers or agents as shall be thereunto authorized from time to time by the President of the Corporation and the Secretary of Commerce.

h. Borrowing of money or the issuance of notes shall only be done when specifically authorized and approved by the President of the Corporation and the Secretary of Commerce.

i. No purchase, sale or transfer of real estate shall be made except upon the approval of the President of the Corporation and the Secretary of Commerce.

j. No equipment owned by the Corporation shall be leased or chartered for a period of longer than six (6) months except upon the approval of the President of the Corporation and the Secretary of Commerce.

k. No lease of real estate, covering a period of longer than one (1) year, shall be entered into without the approval of the President of the Corporation and the Secretary of Commerce, nor shall any real estate owned by the Corporation be leased to others for a period in excess of one (1) year except upon the same approval.

l. No sale or transfer of equipment or other capital assets having a book value of $5,000.00 or more shall be made except upon the approval of the President of the Corporation and the Secretary of Commerce. However, no direct obligation of the United States or obligation guaranteed by it as to principal or interest, or both, in excess of $100,000.00 may be sold or purchased without the approval of the Secretary of the Treasury.

m. All questions of the legal rights or responsibilities of the Corporation, involving its status as an agency of the United States in its relations to the Congress or other Government departments, shall be referred by it and determined by the Solicitor of the Department of Commerce, providing that this clause shall not be construed to affect or include legal questions involved in the Corporation's ordinary and usual relations with its customers.

n. The President of the Corporation shall make an annual report on a fiscal year basis as of June 30 and such other reports to the Secretary of Commerce, in such form and of such kind, as the Secretary of Commerce may from time to time direct.

o. All personnel, budget and administrative service activities will be conducted in accordance with existing or future applicable laws, Executive Orders and regulations issued by agencies of the Federal Government which have application to the Corporation and policies and regulations of the Department of Commerce relating to the Inland Waterways Corporation.

Article II

SEC. 1. The Secretary of Commerce shall appoint all general officers; prescribe their duties; fix their compensation, and, if considered advisable, remove them or any of them and appoint others in their places.

SEC. 2. The general officers of the Corporation shall be a President, such Vice-Presidents as may be determined by the Secretary of Commerce, a Secretary-Treasurer, an Executive Assistant, and such others as the Secretary of Commerce may from time to time deem proper.

SEC. 3. (a) The President of the Corporation shall have general administrative direction of the business of the Corporation, subject to such general limitations as are prescribed in Sections 1, 2 and 3 of Article I hereof, or in any other of these by-laws or as may be from time to time enjoined upon him by the Secretary of Commerce. Within such limitations as are defined in these by-laws, or amendments thereto, he shall formulate such rules and regulations as may be necessary for the proper and efficient management and operation of the business and affairs of the Corporation. He shall have prepared for the Secretary of Commerce an annual budget estimate for submission to the President (of the United States) through the Bureau of the Budget. The President is authorized to incur such obligations, disburse such monies and employ such personnel as may be authorized by law, subject to such limitations as may be included in these by-laws or the directives of the Secretary of Commerce.

(b) In the absence of the President of the Corporation, or a vacancy in that office, a Vice President, or such other officer as may be designated by the Secretary of Commerce, may be authorized to exercise any or all of the powers or duties of the President of the Corporation. Subject to such limitations as the Secretary of Commerce may, from time to time prescribe by amendment to these by-laws or through the issuance of rules, regulations or orders, the general officers of the Corporation shall have such powers and duties as generally and usually pertain to such officers.

(c) The Treasurer and Assistant Treasurer, and such other officers and employees as are designated by the President of the Corporation, shall be required to give bond for the faithful discharge of their duties in such sums and with such surety or sureties as he may from time to time prescribe.

Article III

ADVISORY BOARD

SEC. 1. The Advisory Board shall be constituted and shall have such powers and duties as are provided by law.

SEC. 2. It shall be the duty of the Chairman of the Advisory Board to preside at its meetings; give to members full advance information on subjects scheduled for discussion and transmit its recommendations to the Secretary of Commerce. The Chairman may exercise any of the functions vested in the Secretary of Commerce.

SEC. 3. Meetings of the Advisory Board shall be held at such times and places as may be determined by the Secretary of Commerce.

SEC. 4. The order of proceedings at the meetings of the Advisory Board shall be:

a. Reading of minutes.

b. Reports of committees.

c. Consideration of and recommendations on special matters submitted to it by the Secretary of Commerce.

d. Consideration of matters respecting the management and operation of existing facilities or the development and operation of new lines, on which it deems advice and recommendations should be furnished to the Secretary of Commerce.

e. Miscellaneous business.

SEC. 5. Members of the Advisory Board shall receive no salary for their services on said board, but shall be paid by the Corporation $25.00 per diem compensation for attending meetings of said board and for time spent on special service of the Corporation when assigned thereto by the Secretary of Commerce, and their traveling expenses to and from such meetings, or when assigned as aforesaid to such special service. The time necessarily spent by members in proceeding from the places of their respective residences to any meetings of the Advisory Board, and in returning thereto by the most expeditious and practical route, shall be deemed to have been spent on special service. In determining per diem compensation, a day shall be considered as beginning at midnight and a quarter day will be allowed for each period of six hours or portion thereof.

Article IV

SEC. 1. The seal of the Corporation shall be a circle in the center of which shall appear the coat of arms of the United States and upon the outer margin of which shall appear the words, "Inland Waterways Corporation, Act of June 3, 1924."

SEC. 2. These by-laws and amendments thereto shall be binding upon the Corporation, its officers, agents and employees, including attorneys, and upon all persons dealing with it.

SEC. 3. These by-laws, or any of them, may be amended or repealed by the Secretary of Commerce at any time. (43 Stat. 360, 44 Stat. 1261, 45 Stat. 978, 48 Stat. 968, 49 Stat. 958, 50 Stat. 304, 53 Stat. 1434, 54 Stat. 950; 49 U. S. C. 151–157)

Issued this 1st day of September, 1946.

[SEAL] H. A. WALLACE,
Secretary of Commerce.

[F. R. Doc. 46–15808; Filed, Sept. 4, 1946; 9:48 a. m.]

NATIONAL BUREAU OF STANDARDS

[15 CFR, Ch. II]

PART 250—ESTABLISHMENT OF THE NATIONAL BUREAU OF STANDARDS

§ 250.1 *Establishment.* The National Bureau of Standards was established by Act of Congress dated March 3, 1901 (31 Stat. 2449: 15 U. S. C. 271.)

PART 251—THE PURPOSE AND FUNCTIONS OF THE NATIONAL BUREAU OF STANDARDS

Sec.
251.1 Basic functions.
251.2 Research associate plan.
251.3 Federal specifications.
251.4 Weights and measures.

§ 251.1 *Basic functions.* (a) The National Bureau of Standards is the principal agency of the Federal Government for fundamental research in physics, chemistry, and engineering. It has the custody of the national standards of physical measurement in terms of which all working standards in research laboratories and industry are calibrated, and carries on necessary research leading to improvement in such standards and methods of measurement. It also has a general responsibility for basic research in physics, chemistry, and engineering, and for development of improved methods for testing materials and equipment. It determines physical constants and properties of materials, tests and calibrates standard measuring apparatus and reference standards, and studies technical processes.

(b) A large part of the work of the Bureau is concerned with the development of specifications for the purchase of supplies (other than foods and drugs) for the Federal Government and with rendering advisory service to Government agencies on scientific and technical matters. Cooperation is extended to States, industries, and national organizations in the development of specifications and engineering and safety codes.

(c) The services to the public include the furnishing of information regarding Bureau research and testing activities which is available for publication, furnishing of standard samples of chemicals, metals, and other materials, and the testing of materials and equipment and calibration of instruments when such services are in the public interest and are not available of sufficient accuracy elsewhere.

§ 251.2. *Research Associate Plan.* Many research projects at the Bureau originate in requests from industrial groups and are carried on in cooperation with the organizations primarily interested. The Research Associate Plan, inaugurated soon after World War I, was devised to further this cooperation, and provides a satisfactory method for assisting an industrial group in the solution of a problem of interest directly to that industry and directly or indirectly to the general public, but in which the Government is not sufficiently concerned to bear the entire cost. Under this plan an industrial or technical group may send to the Bureau one or more research men or women to work on the group's problem under the technical direction of Bureau staff members, the supporting group paying the salaries of these "Research Associates"; the results of their work become public property and are published in the Bureau's Journal of Research or in the technical press. As many as 100 Research Associates, sponsored by 20 or more groups, have been stationed at the Bureau at one time. Current sponsors and projects are listed following the organization charts.

§ 251.3 *Federal specifications.* The Federal Specifications Board, under the chairmanship of the Director of the National Bureau of Standards, acting in conjunction with the staff of the Procurement Division of the Treasury Department, is charged with the responsibility of the preparation, revision, and amendment of purchase specifications promulgated by the Procurement Division for supplies used by the Executive departments and agencies. This function is discharged through the operation of 72 Federal Specifications Technical Committees. One hundred and five members of the staff of the National Bureau of Standards currently held membership on these Technical Committees; in the case of 37 Committees the Chairmen are staff members of the Bureau.

§ 251.4 *Weights and measures.* The United States was a signatory to the treaty under which the International Bureau of Weights and Measures was created in 1875. The National Bureau of Standards has participated in the affairs of the International Bureau, the International Conference on Weights and Measures, and the International Committee which is an executive agency for the International Conference. It assists and advises State and local authorities responsible for the administration of laws and regulations relating to weights and measures. As a part of this activity the Bureau conducts an annual National Conference on Weights and Measures.

PART 252—ORGANIZATION OF THE NATIONAL BUREAU OF STANDARDS

§ 252.1 *Organization.* The organization of the National Bureau of Standards consists of the Office of the Director and 14 scientific and technical divisions which are further subdivided into more than 100 sections.

The following tabulation lists the major organizational subdivisions within the Bureau, all of which are located in Washington, D. C.

Office of the Director.
Division I—Electricity.
Division II—Meteorology.
Division III—Heat and Power.
Division IV—Optics.
Division V—Chemistry.
Division VI—Mechanics and Sound.
Division VII—Organic and Fibrous Materials.
Division VIII—Metallurgy.
Division IX—Clay and Silicate Products.
Division X—Simplified Practice.
Division XI—Trade Standards.
Division XII—Codes and Specifications.
Division XIII—Ordnance Development.
Division XIV—Central Radio Propagation Laboratory.

Field stations and laboratories are maintained in 15 localities, as set forth in the following tabulation showing briefly the type of work being carried on at each location:

Master Railway Track Scale Depot, Clearing, Ill.
Materials Testing Laboratory, Permanente, Calif.
Materials Testing Laboratory, Riverside, Calif.
Materials Testing Laboratory, San Francisco, Calif.
Materials Testing Laboratory, Denver, Colo.
Materials Testing Laboratory, Allentown, Pa.
Materials Testing Laboratory, Seattle, Wash.
Radio Transmitting Station, Beltsville, Md.
Radio Propagation Laboratory, Sterling, Va.
Radio Propagation Field Station, Adak, Alaska.
Radio Propagation Field Station, Hawaii.
Radio Propagation Field Station, Christmas Island.
Radio Propagation Field Station, Trinidad.
Radio Propagation Field Station, Guam.
Radio Propagation Field Station, Manila, P. I.

PART 253—MAJOR ORGANIZATION UNITS

Sec.

253.1 Office of the Director.
253.2 Scientific and technical divisions.

§ 253.1 *Office of the Director*—(a) *Purpose and functions.* The Director is appointed by the President and is responsible for administering the affairs of the Bureau under the general direction of the Secretary of Commerce, in accordance with the statutes, executive orders, rules and regulations of the Department of Commerce, and rules and regulations of the regulatory agencies of the Federal Government. Specifically, he is responsible for development and coordination of Bureau policies within the scope of existing laws and regulations, the establishment of necessary organization units and facilities for discharging the responsibilities of the Bureau as provided by law and regulations, and issuance of directives for the performance of these functions.

(b) *Organization.* The Office of the Director consists of the Director, Associate Directors, Executive Officer, Assistants to the Director, and the necessary administrative and secretarial assistants.

(c) *Procedures.* Authority and responsibilities of the Director are discharged through the issuance of Bureau Orders, Administrative Procedural Memoranda, Bureau Memoranda, and other directives and oral instructions as may be given from time to time by conferences, meetings, and interviews.

§ 253.2 *Scientific and technical divisions*—(a) *Purpose and functions.* Generally speaking, each Division of the Bureau is engaged in basic research, in testing, in instrument calibration, in aiding in the preparation of specifications and codes, in rendering advisory service to other government agencies, and in supplying information to the public. These activities are conducted by each Division with relation to the particular field or branch of science with which the Division is concerned. There are listed below the several Divisions and the fields of activity covered by each:

(1) *Division I; electricity*—(i) *Resistance measurements.* The unit of resistance (the ohm); resistance standards, bridges, potentiometers, conductor materials; measurement of resistances and resistivities; correlation of ohm with units of length, mass, and time.

(ii) *Inductance and capacitance.* Standards of inductance and capacitance; formulas for calculation of inductance; correlation of electrical units with units of length, mass, and time; electrical properties of insulating materials.

(iii) *Electrical instruments.* Instruments for measuring electric voltage, current, power, and energy; high voltages; electrical surges; dielectric strength of materials.

(iv) *Magnetic measurements.* Magnetic properties of materials, their variation with temperature, and their relation to composition and other physical properties.

(v) *Underground corrosion.* The corrosive action of soils on metals underground (particularly cables and pipe lines), and the properties and effectiveness of pipe coatings.

(vi) *Electrochemistry.* Standard cells; development of storage batteries, dry cells, and other primary cells; determination of electrochemical constants.

(2) *Division II; metrology*—(i) *Length.* Line standards of length (bars and tapes); sieves and sieve cloth; haemacytometer counting chambers; measurement of length intervals; graduation and calibration of precision circles; tables of weights and measures.

(ii) *Mass.* The national standards of mass; scientific and reference weights; precision balances.

(iii) *Time.* Time-indicating and time-recording apparatus (watches, clocks, chronometers); the classification of imported watches (cooperation with Custom Service); standardization of watch repairing (cooperation with Horological Institute of America).

(iv) *Capacity and density.* Glass volumetric apparatus (pipettes, flasks, burettes, graduates, Babcock test bottles); hydrometers; metal capacity measures; density and thermal expansivity of liquids; preparation of tables of densities and volumes.

(v) *Gas measuring instruments.* Gas-measuring instruments (meters); meter-testing equipment; laws of fluid flow through pipes and metering devices.

(vi) *Thermal expansion.* Thermal expansivity of metals, alloys, glass, plastics, and other solids.

(vii) *Dental materials.* Physical properties and clinical service of restorative dental materials (amalgams, cements, gold, plastics).

(viii) *Scales.* Weighing scales; force-measuring devices; test-weight cars; portable testing equipment for commercial-type weighing scales.

(ix) Gage-master and limit gages; gage blocks; gaging methods; precision screws; screw threads; surface finish.

(3) *Division III; heat and power*—(i) *Temperature measurements.* The International Temperature Scale; temperature measuring devices (thermometers, thermocouples, pyrometers); thermometric fixed points.

(ii) *Thermodynamics.* Thermodynamic properties of substances (specific heats, enthalpies, entropies, free energies); calorimetric measurements; phenomena accompanying changes in heat energy.

(iii) *Heat transfer.* Heat transfer measurements; heating and ventilating systems and appliances; thermal conductivity; insulating, refrigerating, and air conditioning systems and devices.

(iv) *Cryogenic laboratory.* Production, application, and control of low-temperature refrigeration; liquid hydrogen, liquid helium, low-temperature research. (Supplies low-temperature refrigerants for Bureau use).

(v) *Fire resistance.* Fire resistance of building constructions and methods; fire hazard properties of materials; fire tests; fire detecting and extinguishing equipment; fire prevention.

(vi) *Automotive.* Performance of automotive engines, motor vehicles, and accessories, carburetion, and fuel quality requirements; special fuels and additives; coolants.

(vii) *Lubricants and liquid fuels.* Lubrication requirements for machinery; friction, wear, and seizure in parts; qualities of lubricants; viscometers; oil filters; voltatility of liquid fuels; vapor lock.

(viii) *Aircraft engines.* Performance and maintenance of aircraft engines and accessories; aviation fuels and lubricants; ignition and combustion in aircraft engines; aircraft electrical equipment.

(4) *Division IV; optics*—(i) *Spectroscopy.* Standard wave lengths; optical emission spectra; atomic energy states; spectrochemical analysis.

(ii) *Polarimetry.* Polarized light; polarimetric constants; formation, growth, and properties of crystals; development and grading of sugars; sugar control measurements; annealing of glasses.

(iii) *Photometry and colorimetry.* Fundamental candlepower unit, photometric, spectrophotometric, and colorimetric measurements; measurements of light, lamps, and signaling devices; aviation lighting; transmittance, reflectance, opacity, and gloss of materials; color standards; phenomena of color vision.

(iv) *Optical instruments.* Design and construction of optical components and instruments; refractometric standards; optical properties of glass and other transparent media; photogrammetric standards. (Supplies optical-shop services for the Bureau).

(v) *Radiometry.* Standards and constants of radiation; protective glasses; ultraviolet lamps; properties of materials for ultraviolet and infrared radiation; infrared absorption and emission spectra.

(vi) *Atomic physics.* Optical and electrical study of fundamental atomic processes associated with electric discharges; mass spectrograph research.

(vii) *Photographic technology.* Standards for photography, including photographic reproduction of records; performance and physical properties of photographic materials; photographic illumination; photochemical processes; special cameras. (Supplies photographic service for the Bureau.)

(viii) *Interferometry.* Interferometric determination of thermal expansion, dimensions, planeness, and size of small bodies; ruling of line standards and diffraction gratings; micro-hardness; jewel bearings and diamond dies.

(ix) *Radioactivity.* Radioactive materials; radioisotopes; standards of neutron intensities; measurement of alpha, beta, and gamma radiations; standard radiation sources.

(x) *X-Ray.* X-Ray standards, phenomena, measurements, generators, instruments, protective materials, and medical and industrial hazards.

(5) *Division V; chemistry*—(i) *Paints, varnish, and bituminous materials.* Chemical and physical properties of nonmetallic coatings (paints and paint materials, varnish, lacquer, and bituminous materials); roofing materials; standard samples of colored pigments.

(ii) *Detergents and miscellaneous materials.* Chemical analysis of detergents, boiler waters, and miscellaneous materials.

(iii) *Organic chemistry.* Chemical microscopy; purification and synthesis of organic compounds; coated fabrics; inks, typewriter ribbons, carbon paper, and other office supplies.

(iv) *Analytical chemistry and standard samples.* Standards of acidimetry, oxidimetry, and composition; analysis of inorganic materials; standard samples; extraction of alumina from clay.

(v) *Reagents and platinum metals.* Inorganic and analytical chemistry of the platinum metals; analytical reagents; preparation of pure substances; criteria of purity.

(vi) *Electrochemistry.* Principles and methods of electrodeposition; electroplating processes; properties of solutions and deposits; thickness of plated coatings.

(vii) *Gas chemistry.* Standards for gas service; gas analysis; properties of gases and gas mixtures; preparation of pure gases; gas appliances.

(viii) *Physical chemistry and pH standards.* Physico-chemical constants (electrode potentials; activity coefficients, dissociation, dielectric and polarographic constants, conductivities of solutions, dipole moments, boiling points, vaper pressures); standard scale of pH acidity and basicity in inorganic media.

(ix) *Thermochemistry and hydrocarbons.* Thermochemistry; chemical thermodynamics; analysis, purification, purity, and properties of hydrocarbons; compilation of data on physical, thermodynamic, and spectrographic properties.

(x) *Uranium and related materials.* Analysis of uranium ores and related materials.

(6) *Division VI; mechanics and sound* — (i) *Engineering instruments.* Engineering instruments and mechanical appliances, including pressure gauges, water current meters, master beer meters, fire extinguishers, postage meters, stamp vending machines, elevator interlocks and similar devices.

(ii) *Sound.* Standards for absolute measurement of sound intensity; acoustic measurements; transmission of sound and vibrations; microphones; acoustic properties of materials and structures; loud speakers; noise meters; audiometers; hearing aids.

(iii) *Aeronautic instruments.* Aeronautic and aerologic instruments, including flight-test instruments, altimeters, compasses; radio sondes; barometers; oxygen instruments for aircraft personnel, instrument lubricants.

(iv) *Aerodynamics.* Aerodynamics, including turbulence and boundary layer phenomena; wind pressure on structures; aerodynamic characteristics of military missiles; anemometers and other instruments for measuring air velocities.

(v) *Engineering mechanics.* Mechanical properties of structural and engineering materials and of structural elements and structures; testing machines; measurement of strain distribution, displacements, and accelerations in structures; apparatus for determining hardness of metals.

(vi) *Hydraulics.* Hydraulics and hydrodynamics; model studies of hydraulic structures; flow in plumbing systems; water wave phenomena; diffusion and evaporation; transport of sand and sediment.

(vii) *Special projects.* Design of guided missiles.

(7) *Division VII; organic and fibrous materials*—(i) *Rubber.* Physical and chemical propertes of synthetic and natural rubbers and their ingredients; crystallization and vitrification of rubbers; rubber products.

(ii) *Textiles.* Physical properties and performance characteristics of fibers, yarns, cords, and fabrics; deterioration of fibers, spectrophotometric properties of dies; standards of color fastness to light; quantitative determination of fabric components.

(iii) *Paper.* Quality standards for paper; improvements in paper-manufacturing methods; development of new and improved papers; utilization of new raw materials for papers.

(iv) *Leather.* Properties, deterioration, and life expectancy of leathers and leather and allied products, tanning methods and materials.

(v) *Testing and specifications.* Testing of rubber, leather, paper, textiles, plastics, and flooring materials for Federal and State governments, and preparation of specifications for such materials; safety of walking surfaces.

(vi) *Mass spectrometry.* Development of mass spectrometers; analysis of hydrocarbons, gases, soils, leaf, ashes, rubbers and plastics; separation of isotopes and measurement of isotope ratios.

(vii) *Organic plastics.* Physical and chemical properties, constants, formulation, and molecular structure of organic plastics; protective coatings, films, and adhesives.

(8) *Division VIII, metallurgy*—(i) *Optical metallurgy.* Metallographic techniques (microscopic and X-ray); relation between metal structure and properties and service performance; corrosion and corrosion protection.

(ii) *Thermal metallurgy.* Properties of metals at high and low temperatures; changes in structure and properties with temperature and thermal treatment; thermal analysis and methods of heat treatment.

(iii) *Mechanical metallurgy.* Determination and measurement of mechanical properties of metals; effects of mechanical working, fabrication, and distribution of mechanical stresses on properties and service performance.

(iv) *Chemical metallurgy.* Metals and alloys of high purity; rare metals and their alleys; powder metallurgy; relation between chemical composition and properties; effect and determination of gases in metals and alloys.

(v) *Experimental foundry section.* Founding materials and processes; properties of cast metals and of molding sands; preparation of special castings.

(9) *Division IX; clay and silicate products*—(i) *Porcelain and pottery.* Development of and standards for industrial insulators and chemical porcelains, and for household sanitary ware, table china, and pottery.

(ii) *Glass.* Development of new optical glasses and improved manufacturing methods; properties of commercial glasses.

(iii) *Refractories.* Properties of and performance standards for fire clay and special refractories.

(iv) *Enameled metals.* Vitreous enameled articles, fixtures, and structural units; effects of chemical composition and production methods on properties and service performance; preparation of calibrated enameled panels for use as standard samples.

(v) *Cement and concreting materials.* Performance standards for cements and concrete-making materials; effects on concrete properties and service performance of design of mixtures and methods of placement; routine testing of cements and concreting materials for Federal Government.

(vi) *Masonry construction.* Strength, stability, and durability of masonry

products and structures; standards of quality, performance, and practice.

(vii) *Lime and gypsum.* Physico-chemical characteristics of limes, gypsum, and related cementing materials used in plasters, mortars, and concretes.

(viii) *Stone.* Physical properties of building stones; materials for exterior waterproofing, preserving, pointing, calking and cleaning stone masonry.

(10) *Division X, simplified practice*—

(i) Wood, textiles, paper, and rubber.

(ii) Metal and mechanical products.

(iii) Containers and miscellaneous products.

(iv) Materials-handling equipment and ceramic.

(v) Electrical products.

(vi) Construction materials.

(vii) Metal and woodworking tools.

The Division serves as an impartial centralizing agency through which individual producers, distributors, and users cooperate in furthering a nationwide program for the elimination of avoidable wastes through the formulation of Simplified Practice Recommendations which identify and list those sizes, types, dimensions, and varieties of manufactured products that satisfy major demand. The names of the several sections indicate their respective fields of activity.

(11) *Division XI, trade standards*—

(i) Wood, wood products, paper, and leather section.

(ii) Metal products.

(iii) Textiles.

(iv) Apparel.

(v) Chemical and miscellaneous products.

(vi) Export standards.

(vii) Petroleum and rubber products.

The Division cooperates, upon request, with business and consumer groups in the development and establishment of commercial standards for manufactured products, as a basis for factual labeling, grading, testing, advertising, specifying, marketing, guaranteeing, and accepting products moving in domestic or export trade. The names of the several sections indicate their respective fields of activity.

(12) *Division XII; codes and specifications*—(i) *Safety codes.* Safety standards and codes; safety of Federal Government installations, especially of elevators and other electrical equipment.

(ii) *Building codes.* Building and plumbing codes and ordinances.

(iii) *Building Practice and Specifications.*—Construction of and materials for buildings and dwellings; prefabrication and factory assembly; care and maintenance, including service equipment and fixtures.

(iv) *Producer contacts and certification.* Information service to tax-supported purchasing agencies on available sources of commodities guaranteed to conform to Federal specifications, and to manufacturers on current changes in Federal specifications and commercial standards.

(v) *Consumer contacts and labeling.* Classified and indexed library of commodity specifications; directory of specifications and testing laboratories; labeling plan for identification of commodities guaranteed to comply with recognized standards.

(13) *Division XIII; ordnance development*—(i) *Instrumentation, Tests, and Evaluation.* Laboratory and proving-ground testing of electronic ordnance devices, and methods and equipment therefor.

(ii) *Ordnance research.* Fundamental studies on methods and components for new types of electronics ordnance devices.

(iii) *Electrical engineering.* Electronic designs, including electrical components for electronic ordnance devices.

(iv) *Mechanical engineering.* Mechanical designs, including components and materials, for electronic ordnance devices.

(v) *Pilot engineering.* Development of engineering releases on production designs for electronic ordnance devices; model shop production; quality control of mass production.

(vi) *Electronics.* Development and standardization of electron tubes and electronic measuring and control equipment, including special adaptation to guided missiles; electronic radiators and collectors.

(vii) *Interior ballistics.* Interior ballistics of cannon, including stresses in barrel and mount, gas presures and temperatures, displacement, velocity, acceleration of projectile and gun, and barrel temperatures during firing.

(14) *Division XIV; central radio propagation laboratory*—(i) *Basic ionospheric research.* Ionospheric effects on radio propagation; survey of ionospheric field intensity, and radio noise measurements; methods for analysis, prediction, and application of radio propagation data.

(ii) *Basic microwave research.* Propagation at VHF and microwave frequencies; survey of tropospheric propagation and allied meteorological measurements; methods for analysis, prediction, and application of VHF and microwave propagation data.

(iii) *Regular propagation services.* Predictions of ionospheric and radio propagation conditions; publication of reports, handbooks, bulletins, and training manuals.

(iv) *Frequency utilization research.* The utility for specific application, of various portions of the radio-frequency spectrum.

(v) *Experimental ionospheric research section.* Design of new equipment for radio propagation measurements and research at ionospheric frequencies; measurements and experimentation at ionospheric frequencies.

(vi) *Experimental microwave research section.* Design of new equipment for radio propagation measurements and research at VHF and microwave frequencies; measurements and experimentation at VHF and microwave frequencies.

(vii) *Regular propagation measurements.* Design of equipment for regular propagation measurements; operation of radio propagation field stations; supervision of technical operations of associated laboratories.

(viii) *Ionospheric measurement standards section.* Radio measurement methods and standards at frequencies below 300 megacycles per second; means for providing radio standards; measurement of frequency, voltage, impedence, and field intensity at ionospheric and VHF frequencies; broadcast service for frequencies and time signals.

(ix) *Microwave measurement standards.* Microwave radio measurement methods and standards including frequency, power, voltage, current, impedence, field intensity, attentuation, dielectric and magnetic characteristics, inductance, capacitance, Q interference; random electrical noise.

(b) *Organization.* Each division is subdivided into sections, in which research is conducted relating to one or more phases of the branch of science or field activity assigned to the Division.

PART 254—PROCEDURES

Sec.

254.1 Information.
254.2 Tests for Government agencies.
254.3 Tests for the public.
254.4 Research for Government agencies.
254.5 Research associate plan.

In general no formal procedures are prescribed for obtaining service from the National Bureau of Standards.

§ 254.1 *Information.* Information on technical and scientific subjects within its field of work is supplied by the bureau by means of publications, by correspondence, and by personal interviews with inquirers. All such service is given without charge, except that publications can be supplied free only to reference libraries or in answer to requests for information on specific problems. The regular method of distributing publications is through sales by the Superintendent of Documents, Government Printing Office, Washington, 25, D. C.

§ 254.2 *Tests for Government agencies.* So far as the Bureau's means permit, tests of materials and equipment are made for government agencies without charge. Requests for such tests should be made in writing but no special form is required. When the amount of work desired by a particular agency is greater than can be done under the Bureau's direct appropriations, arrangements can sometimes be made to carry it on by using funds transferred by the requesting agency.

§ 254.3 *Tests for the public.* The bureau is authorized by law to perform services within its field "for any scientific society, educational institution, firm, corporation, or individual within the United States engaged in manufacturing or other pursuits requiring the use of standards or standard measuring instruments," provided that in each case of such service a fee shall be charged sufficient to cover the cost of the service rendered as set forth in 15 CFR, Supps., Part 200. The policy of the Department of Commerce, however, has been to undertake testing for the public only when satisfactory service cannot be obtained from other laboratories. Tests for the public are therefore limited almost en-

tirely to these involving comparison of laboratory standards or instruments with the national standards.

Requests for such tests should be made in writing, with sufficient information about the instruments or standards to enable the bureau to determine whether they fall within classes which the bureau can appropriately accept for test.

§ 254.4 *Research for Government agencies.* On request from any Government agency the Bureau will carry out needed investigations which are within its field of work and for which it has facilities. When the bureau is unable to perform such work within the limits of its direct appropriations any department or independent establishment having funds available for scientific investigations may transfer to the bureau such sums as may be necessary to carry on such investigations.

§ 254.5 *Research associate plan.* Arrangements for carrying on an investigation under the Research Associate plan (see § 251.2) are made by conference with the organizations supporting the project and recorded by an exchange of letters. Funds contributed for such projects are not handled by the Bureau but are usually deposited with some appropriate organization, such as the National Research Council, which disburses them on the basis of vouchers certified by the Bureau.

[SEAL] E. C. CRITTENDEN,
Acting Director,
National Bureau of Standards.
By H. A. WALLACE,
Secretary of Commerce.

[F. R. Doc. 46–15530; Filed, Aug. 29, 1946; 4:45 p. m.]

OFFICE OF TECHNICAL SERVICES

[15 CFR, Ch. VI]

PART 600—GENERAL ORGANIZATION AND FUNCTIONS

Sec.
600.1 Creation.
600.2 General purposes and functions.
600.3 General statement of organization.

§ 600.1 *Creation.* The Office of Declassification and Technical Services was established by Departmental Order No. 5, September 18, 1945. The name of the Office was changed to Office of Technical Services by Departmental Order No. 5 (Amendment No. 1), July 1, 1946.

§ 600.2 *General purposes and functions.* The Office of Technical Services was established to assist in increasing the technological productivity of the nation by aiding manufacturers and industries in contacting Federal, State and private agencies which can help them in the solution of specific technical problems; by furnishing industry and the public with information on available methods, processes, products, devices, and the like; and by developing and furthering the use of new methods, processes, products and devices. In discharging this responsibility, the Office of Technical Services may:

(a) Initiate, sponsor, and arrange for the conduct of research and development work on such mechanisms, materials, processes, and inventions as will create employment and advance the technological productivity of the nation;

(b) Counsel and assist inventors in order to facilitate the development and utilization of new discoveries, inventions, processes, and products;

(c) Collect, and disseminate to business and industry technical and scientific industrial intelligence not now available to manufacturers and business for the purpose of promoting economic expansion and development. This applies to technical and industrial information obtained through investigators in Germany and other occupied countries; and

(d) Arrange for the exchange of technical and scientific information between the United States Government and foreign governments.

§ 600.3 *General statement of organization.* The Office of Technical Services consists of the Office of the Director, which has an Administrative Staff and an Information Staff, and the following divisions:

Industrial Research and Development Division.
Inventions and Engineering Division.
Technical Industrial Intelligence Division.
Technical Advisory Service Division.
Bibliographic and Reference Division.

PART 601—FUNCTIONS OF THE ORGANIZATION UNITS

Sec.
601.1 Office of the Director.
601.2 Industrial Research and Development Division.
601.3 Inventions and Engineering Division.
601.4 Technical Industrial Intelligence Division.
601.5 Technical Advisory Service Division.
601.6 Bibliographic and Reference Division.

§ 601.1 *Office of the Director.* The Office of the Director is responsible for the general direction, guidance, and coordination of the activities of the Office of Technical Services.

The Administrative Staff is under the direction of an Executive Officer, who serves as the principal adviser to the Director on matters of organization, budgeting, personnel management, and procedural planning. He is responsible for liaison with central administrative offices of the Department, for obtaining services from such offices, and for providing internal administrative services for the Office of Technical Services.

The Information Staff, under the general policy guidance of the Director of the Office of Information of the Department of Commerce, is responsible for developing and executing a coordinated information and publications program for the Office of Technical Services; for reviewing speeches, press releases, articles, and other public statements to be released by the Office of Technical Services; for negotiating with publishing companies for the private publication of documents in the possession of the Office of Technical Services, so that they may be made available to industry in economical and convenient form; and for writing, editing, and publishing a semi-popular magazine reporting the scientific and technical activities of the Department of Commerce, other Federal agencies, and cooperating foreign governments.

§ 601.2 *Industrial Research and Development Division.* The Industrial Research and Development Division is generally responsible for the performing of those functions of the Office of Technical Services relating to the selection, organization, negotiation, and administration of research projects on such mechanisms, processes, inventions, and the construction of pilot models therefor, which are entered into by the Office of Technical Services for the purpose of benefiting the technological and industrial productivity of the nation, creating new enterprises, and adding to employment. In performing these functions the Industrial Research and Development Division will:

(a) Review and analyze ideas for technological or scientific research to determine whether the undertaking of a research project is technically justified and whether the results of such a project are likely to justify the expenditure of public funds on the project;

(b) Initiate investigation of the feasibility of undertaking such research;

(c) Develop research programs and estimate the cost of projects proposed;

(d) Recommend to the Director the undertaking of research projects;

(e) Select the organizations with which research contracts are to be placed;

(f) Negotiate and administer research contracts;

(g) Handle patent problems arising out of projects and analyze the industrial applicability of research results;

(h) Encourage the industrial application and adoption of the results of research projects; and

(i) Within the limits of available funds, carry technical development through to a production stage, when advisable to do so, by arranging for the construction of prototypes of new products or for the building and operation of pilot plants.

§ 601.3 *Inventions and Engineering Division.* The Inventions and Engineering Division is generally responsible for performing those functions of the Office of Technical Services relating to counselling and assisting inventors, stimulating invention by indicating areas and situations in which invention is needed, and in general encouraging the development of inventiveness as a national resource. In addition the Inventions and Engineering Division serves the Office of Technical Services as a central pool of engineers available for interpretations and analyses. In performing these functions the Inventions and Engineering Division will:

(a) Systematically analyze and evaluate the technical merits of inventions and ideas, comment on their possibilities for the creation of new employment opportunities, and recommend to the Industrial Research and Development Division, prospective manufacturers, or the armed services those which appear to justify research and further development;

(b) Provide inventors with information as to the functions and procedures of the patent system; their rights and interests in inventive ideas; research, development, and test facilities available from public and private sources; and financing, exploiting, and marketing problems; and

(c) Compile and make available to inventors information on problems needing solution through new inventions.

§ 601.4 *Technical Industrial Intelligence Division.* The Technical Industrial Intelligence Division is responsible for those functions of the Office of Technical Services relating to collecting and disseminating technical and scientific industrial intelligence. In performing these functions the Technical Industrial Intelligence Division will:

(a) Conduct intensive searches in enemy and other foreign countries to locate personnel, documents, and material from which technical and scientific industrial information may be obtained, and study processes, methods, and techniques for the purpose of obtaining such information; and

(b) Analyze and appraise the information obtained to determine its possible usefulness to American business and industry.

§ 601.5 *Technical Advisory Service Division.* The Technical Advisory Service Division is responsible for those functions of the Office of Technical Services relating to providing technical information to business to aid in solving specific technical problems. In performing these functions the Technical Advisory Service Division will:

(a) Provide an advisory service to businesses and industrial firms and state and local governments requesting aid in the solution of their technical problems; and

(b) Direct applicants for technical assistance to appropriate public and private agencies conducting technical industrial research.

§ 601.6 *Bibliographic and Reference Division.* The Bibliographic and Reference Division is responsible for providing a pool of knowledge as to the existence and location of scientific and technical information, for developing improved methods of reference to such material, and for making such material available for use. In performing these functions the Division will:

(a) Acquire scientific and technical reports and publications for distribution to the general public.

(b) Effect the declassification of scientific and technical data that can be released for public benefit and make such data available to business and industry;

(c) Catalogue and index all scientific and technical reports available;

(d) Select the reports which appear to be most useful to business and industrial firms and prepare abstracts and other copy for publication in the *Bibliography of Scientific and Industrial Reports;* and

(e) Prepare special subject lists for general distribution.

PART 602—INFORMATION AND SERVICES AVAILABLE TO THE PUBLIC

Sec.
602.1 General policy.
602.2 Manner of dissemination.

§ 602.1 *General policy.* It is the policy of the Office of Technical Services to aid in the development of valuable new products and processes, to make scientific and technical information available in the most readily usable form, and to distribute such information as widely as possible to the maximum benefit of business, industry and the general public.

§ 602.2 *Manner of dissemination.* The Office of Technical Services aids in the dissemination of scientific and technical information to business and industry in the following ways:

(a) Through sale of the reports listed in the weekly *Bibliography of Scientific and Industrial Reports.* All material made available through the Office of Technical Services is listed and abstracted in the *Bibliography.* The material includes hitherto secret or otherwise restricted wartime research data, the results of investigations in Germany and other foreign countries, as well as reports on current Government research projects. Copies of all reports are sold at the cost of reproduction by the Office of Technical Services. A complete card index to the information contained in these reports is open to the public in the Office of Technical Services, Department of Commerce, Washington, D. C.

(b) By assisting industry in the solution of specific technical problems. All the divisions are available to help in the solution of such problems submitted through correspondence or in person.

(c) By helping inventors develop new materials, processes, and products for commercial production. The staff of the Inventions and Engineering Division solicits and evaluates ideas submitted to the Office of Technical Services, provides informed advice on patents and inventions, and serves as a general information bureau on technical data in the possession of the Government. The Industrial Research and Development Division will assist in research programs, including the construction and operation of pilot plant facilities where necessary, for the development of new ideas which promise to increase industrial productivity and to create new business and employment opportunities.

(d) By making it possible for companies, trade and scientific groups, and individuals to conduct investigations of German and other foreign industrial technology under the sponsorship of the Technical Industrial Intelligence Division. The results of these investigations are made available to all industry through the Office of Technical Services.

(e) By obtaining samples of foreign equipment, products, and other matériel and making arrangements for research, testing, and inspection of these samples by Government, industrial, and scientific laboratories. Reports on the results of these investigations are made available to the public by the Office of Technical Services.

(f) By preparing public exhibits of foreign and comparable domestic materials and products of interest to American industry and by cooperating with other agencies and groups in preparing such displays.

(g) Through the issuance of press releases and through cooperation with the press in the preparation of articles for magazines, newspapers, and other public sources of information. Emphasis is placed on informing industry of new technological developments which may be of wide interest and commercial value.

[SEAL] JOHN C. GREEN,
Director.

H. A. WALLACE,
Secretary of Commerce.

AUGUST 30, 1946.

[F. R. Doc. 46-15796; Filed, Sept. 3, 1946; 1:33 p. m.]

PATENT OFFICE

[37 CFR, Ch. I]

PART 10—ORGANIZATION AND FUNCTIONS

Sec.
10.1 Establishment.
10.2 Functions.
10.3 Organization.
10.4 Commissioner of Patents.
10.5 Assistant Commissioners.
10.6 Solicitor and Law Examiners.
10.7 Supervisory Examiners.
10.8 Board of Appeals.
10.9 Examining Divisions.
10.10 Trade-Mark Division.
10.11 Classification Division.
10.12 Interference Division.
10.13 War Division.
10.14 Chief Clerk.
10.15 Mails and Files Division.
10.16 Financial Division.
10.17 Application Division.
10.18 Drafting Division.
10.19 Issue and Gazette Division.
10.20 Docket Division.
10.21 Assignment Division.
10.22 Manuscript Division.
10.23 Publications Division.
10.24 Scientific Library.
10.25 Search Room.
10.26 Register of patents available for license or sale.
10.27 Publications of the Patent Office.
10.28 Outline of procedure in obtaining patents.
10.29 Outline of procedure in registering trade-marks.
10.30 Records and information.

§ 10.1 *Establishment.* The Patent Office was established to administer the patent laws enacted by Congress in accordance with Article I, section 8, of the Constitution. The first of these laws was enacted April 10, 1790 (1 Stat. 318), but the Patent Office as a distinct bureau in the Department of State dates from the year 1802, when an official who became known as the Superintendent of Patents was placed in charge. The general revision of the patent laws enacted July 4, 1836 (5 Stat. 117), reorganized the Patent Office and designated the official in charge as Commissioner of Patents. Another general revision of the patent laws was made in 1870, and since that date numerous acts of Con-

gress relating to patents have been passed. The present patent laws are set forth in title 35 of the United States Code. The administration of the Federal trade-mark laws (title 15, sections 81 to 108 of the United States Code and Public Law 489, 79th Congress) is also in the Patent Office. The Patent Office was transferred from the Department of the Interior, in which Department it had been since 1849, to the Department of Commerce by Executive Order on April 1, 1925, in accordance with the authority contained in the act of February 14, 1903, (32 Stat. 830). The Patent Office is located in Washington, D. C., but some of its examining divisions are temporarily located in Richmond, Virginia.

§ 10.2 *Functions.* The chief functions of the Patent Office are to administer the patent laws as they relate to the granting of letters patent for inventions, and to perform other duties relating to patents. It examines applications for patents to ascertain if the applicants are entitled to patents under the law, and grants the patents when they are so entitled; it publishes issued patents and various publications concerning patents and the patent laws, records assignments of patents, maintains a search room for the use of the public to examine issued patents and records, supplies copies of records and other papers, supplies information concerning patents, and the like. Analogous and similar functions are performed with respect to the registration of trade-marks.

§ 10.3 *Organization.* The Patent Office is organized broadly in the office of the Commissioner of Patents and associated offices, including the Assistant Commissioners, a Solicitor and Law Examiners, Supervisory Examiners, a Chief Clerk, and executive and administrative officers; the examining and associated divisions which carry on the technical and legal work leading to the grant or refusal of a patent or a trade-mark registration; and service and clerical divisions. Various officers and divisions are described in greater detail in the following sections but those dealing with purely administrative or internal matters, and such functions in the named divisions, are omitted.

§ 10.4 *Commissioner of Patents.* The head of the Patent Office is the Commissioner of Patents, who superintends or performs all duties respecting the granting and issuing of patents and the registration of trade-marks. He exercises general supervision over the entire work of the Patent Office, prescribes rules, subject to the approval of the Secretary of Commerce, for the conduct of proceedings in the Patent Office and for the recognition of attorneys and agents, decides various questions brought before him by petition as prescribed by the rules, and performs other duties necessary and required for the administration of the Patent Office and the performance of its functions. The Commissioner also prescribes the rules governing the registration of trade-marks and hears appeals in trade-mark cases.

§ 10.5 *Assistant Commissioners.* The Commissioner of Patents is assisted by three Assistant Commissioners of Patents, one of whom is designated First Assistant Commissioner of Patents, who perform such duties relating to the office of the Commissioner of Patents as are assigned by the Commissioner, with the same authority as the Commissioner. One of them acts as Commissioner of Patents in the temporary absence of the latter.

§ 10.6 *Solicitor and Law Examiners.* The Solicitor and Law Examiners constitute the legal staff of the Commissioner. They have charge of litigation in which the Patent Office is a party, acting as counsel in appeals to the United States Court of Customs and Patent Appeals and in suits against the Commissioner, investigate legal and legislative matters for the Commissioner, edit the legal portions of the Official Gazette, and perform such other duties with respect to matters coming before the Commissioner as he may from time to time assign.

§ 10.7 *Supervisory Examiners.* The Supervisory Examiners aid the Commissioner in the administration of the Patent Office with respect to the examining of patent applications and the examining personnel, and in coordinating the formal procedures and practices among the examining divisions; they instruct new examiners, investigate complaints, investigate or decide for the Commissioner such petitions on matters relating to examining procedure as may be referred or delegated by the Commissioner; pass upon certain actions proposed to be taken by examiners; and perform such other duties as may be assigned by the Commissioner.

§ 10.8 *Board of Appeals.* The Commissioner, Assistant Commissioners and nine Examiners-in-Chief constitute a Board of Appeals whose duty is to hear and decide appeals from adverse decisions of examiners upon applications for patents. Each appeal is heard and considered by at least three members of the Board of Appeals. Their decisions are reviewable by the courts. The temporary designation of additional members of the Board of Appeals from examiners of the Principal Examiner grade or higher is authorized by Public Law 620, 79th Congress.

§ 10.9 *Examining Divisions.* The work of examining applications for patents is divided among 66 Examining Divisions, each having jurisdiction over certain assigned fields of invention. The Examining Divisions are numbered from 1 to 65 and the remaining division is the Design Division, which handles applications for patents for design inventions. Each of these divisions is in charge of a Principal Examiner and is staffed by a number of examiners, one of whom is assistant chief of the division and acts as chief in the absence of the Principal Examiner. The examiners perform the work of examining applications for patents and determine whether patents can be granted. An appeal can be taken to the Board of Appeals from their decisions refusing a patent and a review by the Commissioner of Patents may be had on other matters by petition. The examiners also determine when an interference exists between pending applications, or a pending application and a patent, institute interference proceedings in such cases and hear and decide certain preliminary questions raised by the contestants.

§ 10.10 *Trade-Mark Division.* The Trade-Mark Division similarly handles the examining and some of the other work relating to applications for the registration of trade-marks.

§ 10.11 *Classification Division.* The Classification Division supervises the existing classification of issued patents, revises unclassified and obsolete classes and makes new classes when necessary. The Classification Examiners review requirements for division in applications improperly claiming more than one invention before they can be made final.

§ 10.12 *Interference Division.* (a) The Interference Division deals with questions of priority between rival claimants for patents. Interferences are decided by a board of three Interference Examiners and their decisions are reviewable by the courts.

(b) An Examiner of Trade-Mark Interferences decides trade-mark interferences and trade-mark opposition and cancellation proceedings.

§ 10.13 *War Division.* The War Division was established to have charge of the administration of temporary wartime legislation relating to preserving inventions in secrecy, and to issuing licenses to file applications abroad. Rules relating to such licenses are published in the Code of Federal Regulations, 37 CFR, Part 3.

§ 10.14 *Chief Clerk.* The Chief Clerk, who is required by law to have the qualifications of a Principal Examiner, has direct supervision over service and clerical divisions of the Patent Office. He is also in charge of the general correspondence of the Office and the register of attorneys and agents admitted to practice before the Patent Office, and supplies information of a general nature.

§ 10.15 *Mails and Files Division.* The Mails and Files Division receives, opens and distributes all official mail and sees to it that all remittances are properly applied, recorded and deposited with the Financial Officer. It has custody of the general correspondence not relating to particular applications for patents. Some routine inquiries are answered by circular letter sent out by this division.

§ 10.16 *Financial Division.* The Financial Division is in charge of a Financial Officer and receives and accounts for all fees paid into the Patent Office and deposits them in the United States Treasury. Coupons redeemable for copies of patents and other papers are sold, and deposit accounts for the payment of certain charges are maintained. This Division also has charge of refunding money paid by mistake or in excess.

§ 10.17 *Application Division.* The Application Division receives, records and acknowledges all applications for patents when they are filed. Upon receipt of an application, the papers are scru-

tinized to see if the application is complete in all its parts and complies with certain formal requirements. If the papers are not sufficiently complete to be accepted as an application for patent, the applicant is notified of the deficiencies and the papers are held for completion. If it is complete, the application (the papers being placed in a jacket or file) is given a serial number and filing date, indexed, and (after the drawing has been inspected by the Drafting Division) sent to the particular Examining Division having charge of the subject matter of the application.

§ 10.18 *Drafting Division.* The Drafting Division inspects the drawings accompanying applications for patents and for registration of trade-marks to insure compliance with the formal rules relating to drawings and minimum standards of execution. It also prepares new drawings from sketches or models when ordered by an applicant, and makes corrections in drawings on file.

§ 10.19 *Issue and Gazette Division.* This division has the duty of attending to the details of issuing the patents after the applications have been allowed by the examiner. It prepares the specifications for printing and supervises the printing which is done at the Government Printing Office. It also prepares the drawings for photolithographing and supervises this work. It takes care of the numbering, dating, indexing and recording of patents when granted, and prepares and mails the formal grants. The same work is done in the case of trade-mark registrations. The preparation for printing of the Official Gazette of the United States Patent Office, with its indexes, the annual volumes of Decisions of the Commissioner of Patents, and other publications, are also functions of this division.

§ 10.20 *Docket Division.* The Docket Division has custody of patent and trade-mark dockets for the Commissioners, the files in interference cases except when they are in use by the examiners, and papers in cases appealed to the Court of Customs and Patent Appeals. Papers filed in such cases go to the Docket Clerk who enters them and is responsible for their custody and distribution. This division also handles correspondence relating to the revocation of powers of attorney or authorization of agents.

§ 10.21 *Assignment Division.* The Assignment Division receives and records all assignments transferring property rights in patents and trade-marks, and applications for the same. After the assignments are recorded, and the records compared, they are returned to the owners. The division also makes searches of the titles of patents and trade-marks and furnishes abstracts of titles. Digests and indexes are made of all assignments in order to facilitate title searches. These are available to the public.

§ 10.22 *Manuscript Division.* The Manuscript Division has charge of furnishing to the public copies of records of the Patent Office. It makes photostat and photographic copies of records, books, patents, etc., and also typewritten copies of manuscripts. It also prepares copies of patents and other papers to be certified under the signature of the Commissioner and the seal of the Patent Office.

§ 10.23 *Publications Division.* This division has charge of the storage and distribution and sale of the printed copies of patents and trade-mark registrations.

§ 10.24 *Scientific Library.* The Scientific Library contains over 35,000 volumes of scientific and technical books in various languages, about 40,000 bound volumes of periodicals devoted to science and technology, the official journals of foreign patent offices and over 6,000,000 copies of foreign patents in bound volumes. In many cases there are two sets of foreign patents, one set arranged in numerical order and one set classified according to the classification of the country of origin of the patents.

§ 10.25 *Search Room.* (a) The Search Room is maintained for the benefit of the public in searching and examining United States patents and their records. It contains a complete set of United States patents granted since 1836 arranged according to the Patent Office classification. By searching in these classified patents, it is possible to determine, before actually filing an application, whether an invention has been anticipated by a United States patent, and it is also possible to obtain the information contained in the patents relating to any field of endeavor. A file of registered trade-marks is also available in the Search Room for searching purposes.

(b) Attached to the Search Room is a Record Room in which the public may inspect the records and files of issued patents and registered trade-marks. The Record Room contains a set of United States patents arranged in numerical order, in bound volumes, and complete sets of the Official Gazette, the Patent Office Reports, the Annual Indexes, and copies of registered trade-marks.

(c) The Scientific Library, Search Room and Record Room are in immediate charge of the Librarian and are under the supervision of the Chief Clerk. They are all open to the public.

§ 10.26 *Register of patents available for license or sale.* The Patent Office maintains a register on which patentees who are offering their patents for licensing or sale may have them listed.

§ 10.27 *Publications of the Patent Office*—(a) *Patents.* The specifications (including the claims) and drawings of all patents are published on the day they are granted and copies are sold to the public by the Patent Office. The specifications are initially printed at the Government Printing Office and the drawings photolithographed by contractors. When the supply is exhausted, reproductions are made by photolithography.

(b) *Trade-marks.* Copies of trade-mark registrations are also printed and sold by the Patent Office.

(c) *Official Gazette of the United States Patent Office.* (1) The Official Gazette of the United States Patent Office is the official journal relating to patents and trade-marks. It has been published weekly since January 1872, and is now issued each Tuesday, simultaneously with the weekly issue of the patents. It contains a selected figure of the drawings and one claim of each patent granted on that day, an illustration of each trade-mark published for opposition, a list of trade-marks registered, and other trade-mark information; decisions in patent and trade-mark cases rendered by the courts and the Patent Office; notices of patent and trade-mark suits; indexes of patents and patentees; disclaimers filed; lists of patents available for license or sale; and much general information such as orders, notices, changes in rules, changes in classification, etc.

(2) The Official Gazette is sold, by annual subscription and in single copies, by the Superintendent of Documents. The pages containing the decisions and other information, and those containing trade-mark material, are separately bound and may be purchased independently of the remainder of the Gazette.

(d) *Annual index.* The annual index to the Official Gazette contains alphabetical indexes of the names of patentees, the subject matter of the patents granted, the names of trade-mark registrants, the names of the goods to which the trade-marks are applied, and the disclaimers filed, during the calendar year. Copies are sold by the Superintendent of Documents. At present it is issued in two volumes, one for patents and one for trade-marks.

(e) *Decisions of the Commissioner of Patents.* This volume is issued annually, reprinting the decisions which have been published weekly in the Official Gazette. Copies are sold by the Superintendent of Documents.

(f) *Manual of classification.* The present manual of classification is a loose leaf booklet containing a list of all the classes and subclasses of inventions in the Patent Office classification of patents, a subject matter index, and other information relating to classification. Substitute pages are issued from time to time. The manual and subscriptions for the substitute pages are sold by the Superintendent of Documents.

(g) *Classification bulletins.* The various changes and advances in classification made during each six months period are collected and published in a bulletin which gives all these changes as well as the definitions of new and revised classes and subclasses. These bulletins are sold by the Superintendent of Documents.

(h) *Patent laws.* This compliation of the patent laws in force is furnished free of charge by the Commissioner of Patents, revised editions being published from time to time.

(i) *Rules of practice of the United States Patent Office.* This publication contains the rules in force governing the procedure in the Patent Office which have been adopted by the Commissioner under the authority of the patent statutes and approved by the Secretary of Commerce, and which are also published in the Code of Federal Regulations, Title 37, Chapter I, Part 1. It also contains an appendix of forms. It is issued for free distribution by the Commissioner and

revised editions are published from time to time.

(j) *United States statutes concerning registration of trade-marks and the rules of the Patent Office relating thereto.* This pamphlet is also distributed free of cost by the Commissioner of Patents. It contains the text of the trade-mark laws, the rules of the Patent Office governing the registration of trade-marks (which are also published in the Code of Federal Regulations, 37 CFR, Part 5), and forms.

(k) *General information concerning patents.* This pamphlet contains a large amount of general information concerning the granting of patents expressed in non-technical language for the layman. It is distributed free on request.

(l) *General information about protection of trade-marks.* This pamphlet serves the same purpose with reference to trade-marks as the preceding does with respect to patents.

(m) *Other publications.* The publications listed are those published regularly and currently, those no longer published and those only issued on occasion not being listed. Circulars of information on particular subjects are also issued to answer particular inquiries.

§ 10.28 *Outline of procedure in obtaining patents.* (a) The obtaining of a patent is initiated by the filing of an application in the Patent Office. The application includes a complete description of the invention, claims defining the invention, a drawing in each case admitting of a drawing, an oath, and a filing fee, and must comply with various requirements. The application must be made by the inventor with the papers signed and the oath sworn to by him (unless he is dead or insane). The application is forwarded to the appropriate examining division where, when its turn is reached, it is examined. The application is studied and a search is made through all prior United States patents, and also through patents of foreign countries and publications to find out if the invention is new. A decision is reached, in the light of the study and the results of the search, as to the patentability of the invention or the claims presented and also as to various formal matters. The decision is communicated to the applicant. If adverse, the applicant may ask for reconsideration with or without amending. The application is then re-examined and reconsidered and the result again communicated to the applicant. Further reconsideration of the application may be given.

(b) If the final decision of the examiner is adverse to the granting of a patent, or any of the claims presented, the applicant may appeal to the Board of Appeals and is entitled to an oral hearing. From the decision of the Board of Appeals an appeal may be taken to the United States Court of Customs and Patent Appeals or a civil action may be brought against the Commissioner of Patents in the United States District Court for the District of Columbia. Matters of form and procedure may be reviewed on petition to the Commissioner.

(c) The various responses and actions which an applicant may take are governed by time limits fixed by or under the statute and rules and an application is abandoned by failure to reply or take appropriate action within the specified times. An abandoned application may be revived as a pending application by the Commissioner if the delay was unavoidable.

(d) If there are two or more applications for a patent for the same invention, an interference proceeding to determine who is the prior inventor and entitled to the patent is instituted by the examiner, who also decides certain preliminary questions relating to the interference. An interference may also be declared between a pending application and an unexpired patent under certain conditions. The question of priority of invention is determined by a board of three interference examiners and their decision is reviewable by the courts, either by an appeal to the United States Court of Customs and Patent Appeals or by a civil action in a United States District Court.

(e) When it has been decided that a patent is to be granted, the applicant is sent a notice of allowance and if the final fee, due within six months, is paid, the patent is granted in due course. If the final fee is not paid, the patent is not granted, but the fee may be accepted late upon petition to the Commissioner accompanied by a petition fee and a verified statement proivded the delay does not exceed one year.

(f) The prosecution of an application for patent must be conducted in writing and the personal attendance of applicants is not required and is unnecessary. Applicants may arrange for interviews with examiners at such times within office hours as the examiners may designate.

(g) An applicant for a patent may prosecute his own case, but he is entitled to be, and usually is, represented by an attorney or agent. No person may represent applicants before the Patent Office unless he is registered in the Patent Office as an attorney or agent, or authorized and recognized to prosecute a particular case. The registration of attorneys and agents is conducted by a committee on enrollment and disbarment.

(h) The Rules of Practice, setting forth the requirements and the procedure in detail are published separately and also as 37 CFR, Part 1.

§ 10.29 *Outline of procedure in registering trade-marks.* (a) The procedure in trade-mark cases before the trade-mark examiner generally follows that in patent cases. An application for registration must be filed in accordance with the requirements of the statute and rules and the application is then examined to determine if the trade-mark can be registered under the law. Interferences are declared between conflicting applications to register substantially the same mark. When a trade-mark is found registrable, it is published in the Official Gazette and any person who believes he would be damaged thereby may oppose the registration. Any person deeming himself injured by a registered trade-mark may apply to cancel the registration. Interference, opposition and cancellation proceedings are decided by an Examiner of Trade-Mark Interferences. Appeal may be taken to the Commissioner from the decision of the examiner refusing to register a trade-mark and from the decision of the Examiner of Trade-Mark Interferences. The decision of the Commissioner is subject to review by the courts either by appeal or by a civil action.

(b) Rules of Practice, setting forth the requirements and the procedure in detail are published separately and also as 37 CFR, Part 5.

§ 10.30 *Records and information.* Applications for patent are not open to the public and information concerning them is not given except on authority of the applicant, or when necessary to the conduct of business as provided by the rules, or when required or made necessary by a statute. Selected decisions rendered by the Commissioner or the Board of Appeals in applications may be made public. Patents and trade-mark registrations and the records relating to the same including any decisions therein, the records of assignments, books, and other records and papers in the office are open to the public and may be inspected in the Patent Office or copies may be ordered. Printed copies of patents and trade-mark registrations are sold by the Patent Office, some publications are sold by the Superintendent of Documents, and other publications are distributed free on request by the Patent Office. When information is requested it is furnished either by answering the inquiry or by providing or calling attention to an appropriate publication. The office can not respond to inquiries concerning the novelty and patentability of an invention or the registrability of a trade-mark in advance of the filing of an application, nor to inquiries propounded with a view to ascertaining whether any alleged invention has been patented or trade-mark registered, and, if so, to whom. All letters and other communications for the Patent Office must be addressed to the Commissioner of Patents. A schedule of fees and prices in cases where they are required is set out in § 1.191 of Part 1 and § 5.82 of Part 5 of this title.

[SEAL] THOMAS F. MURPHY,
Acting Commissioner of Patents.

Approved:

H. A. WALLACE,
Secretary of Commerce.

[F. R. Doc. 46–15258; Filed, Aug. 28, 1946; 12:16 p. m.]

WEATHER BUREAU

[15 CFR, Ch. V]

PART 500—CREATION OF AGENCY

§ 500.1 *Creation of the Weather Bureau.* The National Weather Service, now known as the Weather Bureau of the Department of Commerce, was created as a branch of the Signal Service of the Army by Joint Congressional Resolution approved February 9, 1870. It was reorganized as a civilian agency by Act of October 1, 1890, and transferred to the Department of Agriculture. On June 30, 1940, the Bureau was transferred to the Department of Commerce

by Reorganization Plan No. IV (16 Stat. 369; Sec. 1, 26 Stat. 653; 15 U. S. C. 311–313; Reorg. Plan IV, Sec. 8, eff. June 30, 1940; Fed. Reg. 2421; Sec. 8, 54 Stat. 1236).

PART 501—PURPOSE

§ 501.1 *Purpose and functions.* The basic purpose of the Weather Bureau is to collect, process and disseminate weather information required for the public safety and national welfare. The Bureau's functions include numerous authorized services in applied meterology. Specific laws enacted by the Congress require the Weather Bureau to make such observations, measurements, investigations, and studies of atmospheric phenomena, and establish such meteorological offices and stations, as are necessary and best suited for ascertaining, in advance, information concerning probable weather conditions; furnish such reports, forecasts, warnings, and advices in such manner and with such frequency as will meet the needs of agriculture, commerce, industry, and navigation, and will result in safety, especially to aviation; gage and forecast the occurrence of floods in rivers; collect and transmit marine intelligence for the benefit of commerce and navigation; report temperature and rainfall conditions for agricultural interests; display frost and cold-wave warnings; establish and record climatic conditions of the United States; cooperate with other public agencies, societies and institutions of learning, persons engaged in air commerce, or employees thereof, in meteorological service, establish and maintain reciprocal arrangements, and collect and disseminate weather reports from aircraft in flight; establish and coordinate international exchanges of meteorological information; participate in the development of an international basic meteorological reporting network, including the establishment, operation and maintenance of reporting stations on the high seas, in polar regions, and in foreign countries in cooperation with other governmental agencies of the United States and the meteorological services of foreign countries and with persons engaged in air commerce; coordinate meteorological requirements in the United States in order to maintain standard observations, promote efficient use of facilities and avoid needless duplication of services; and promote and develop meteorological science and foster and support research projects in meteorology through the utilization of private and governmental research facilities and provide for the publication of the results of such research projects.

(Sec. 3, 26 Stat. 653; 15 U. S. C. 311–313; Sec. 803, 52 Stat. 1014; 49 U. S. C. 603; Reorg. Plan IV, Sec. 7, 8, eff. June 30, 1940; 5 Fed. Reg. 2421; Secs. 7, 8, 54 Stat. 1235, 1236; P. L. 296, Feb. 12, 1946; P. L. 370, April 30, 1946; P. L. 691, Aug. 8, 1946)

PART 502—ORGANIZATION

Sec.

502.1 Chief of Bureau and employees.
502.2 General organization.
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502.4 Chief of Bureau.
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502.10 Division of Station Operations.
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502.13 Division of Climatological and Hydrologic Services.
502.14 Division of Special Scientific Services.
502.15 Weather Bureau station at Washington National Airport.
502.16 Regional offices.
502.17 Field stations.

§ 502.1 *Chief of Bureau and employees.* The Weather Bureau consists of such civilian employees as Congress may annually provide for and as may be necessary to properly perform the duties devolving on said Bureau by law; and the Chief of said Bureau shall be appointed by the President, by and with the advice and consent of the Senate (sec 4, 26 Stat. 653; 15 U. S. C. 312).

§ 502.2 *General organization.* The organization consists of administrative and scientific services in Washington and a comprehensive field service with stations throughout the United States, in territorial possessions, and in foreign countries. Most of the public service functions of the Bureau, including the taking of meteorological observations, the issuance of forecasts and warnings, and the dissemination of advises to agriculture, aviation, industry, and the general public, are conducted by the field service. Administration of the field service is channeled through eight regional offices. Coordination and supervision of the technical services of the Bureau, general administrative supervision, and research activities are functions conducted by the Central Office in Washington.

ORGANIZATIONAL BREAKDOWN

§ 502.3 *Washington office.* The Central Office in Washington consists of the following principal subdivisions:

§ 502.4 *Chief of Bureau,* who directs, supervises and coordinates the activities of the Weather Bureau.

§ 502.5 *Assistant Chief for Administration,* who supervises the general administrative functions of the Bureau, and provides leadership in program planning, budgeting, and overall management.

§ 502.6 *Assistant Chief for Technical Services,* who is responsible for coordination and follow-up in established Weather Bureau service projects.

§ 502.7 *Assistant Chief for Scientific Services,* who plans, coordinates, and directs scientific investigations in meteorological subjects and other research activities of the Bureau.

§ 502.8 *Division of Administrative Services,* which is responsible for the administration of such services as fiscal, matériel, mails and files, printing, and general maintenance activities.

§ 502.9 *Division of Personnel Management,* which is responsible for the administration of personnel matters within the Bureau, including appointments, classifications, records, and safety and health of employees.

§ 502.10 *Division of Station Operations,* which supervises all operations and procedures involved in the taking of observations, and which is responsible for planning and organization of the station network and observational activities of the field stations.

§ 502.11 *Division of Synoptic Reports and Forecasts,* which is responsible for the general supervision and administration of forecasting services, including all actions from transmission of basic reports to the final public distribution of all types of reports, forecasts, and warnings.

§ 502.12 *Instrument Division,* which is responsible for the general administration of matters pertaining to meteorological equipment, including the determination of requirements, preparation of specifications, and the testing, installation, and repair of instruments.

§ 502.13 *Division of Climatological and Hydrologic Services,* which administers the climatological and hydrologic programs of the Bureau, including the compilation and publication of climatological data, the tabulation of meteorological observations taken by several thousand cooperative stations, and the forecasting of river stages and floods.

§ 502.14 *Division of Special Scientific Services,* which is responsible for the basic work in improving methods of forecasting, and for investigations in the physical and dynamical aspects of atmospheric problems.

§ 502.15 *Weather Bureau station at Washington National Airport,* which provides weather services, including forecasts and warnings for the public, aviation weather forecasts, and transoceanic aviation weather forecasts for the Washington area.

§ 502.16 *Regional offices.* The immediate supervision of field stations is the function of eight regional offices. Under the leadership of Regional Directors, these offices are responsible for the regional administration of fiscal, matériel, and personnel activities, and for the immediate operational supervision of field stations.

The regional offices are:

New York City—Region 1.
Atlanta, Ga.—Region 2.
Chicago, Ill.—Region 3.
Ft. Worth, Tex.—Region 4.
Kansas City, Mo.—Region 5.
Los Angeles, Calif.—Region 6.
Seattle, Wash.—Region 7.
Anchorage, Alaska—Region 8.

§ 502.17 *Field stations.* In addition to the regional offices, the field service consists of approximately 450 public weather service stations and about 10,000 purely subordinate weather observation reporting stations. The public weather service stations are located as follows:

Region 1

Albany, N. Y.	Baltimore, Md.
Albany, N. Y., Airport	Baltimore, Md., Airport
Allentown, Pa.	Bangor, Maine
Altoona, Pa.	Bear Mountain, N. Y.
Atlantic City, N. J.	Binghamton, N. Y.
Augusta, Maine	

Binghamton, N. Y., Airport
Block Island, R. I.
Boston, Mass.
Boston, Mass., Airport
Buffalo, N. Y.
Burlington, Vt.
Canton, N. Y.
Caribou, Maine
Columbiaville, N. Y.
Concord, N. H.
Curwensville, Pa.
Eastport, Maine
Elkins, W. Va., Airport
Elkins, W. Va.
Erie, Pa.
Erie, Pa., Airport
Fort Plain, N. Y.
Frederick, Md.
Gordonville, Va.
Harrisburg, Pa.
Harrisburg, Pa., Airport
Hartford, Conn.
Lynchburg, Va.
Martinsburg, W. Va.
Mercer, Pa.
Millinocket, Maine
Milton, Mass.
Mt. Pocono, Pa.
Mt. Washington, N.H.
Nantucket, Mass.
Newark, N. J.
New Haven, Conn.
New York, N. Y. (Reg. Ofc.)
New York, N. Y.
New York, N. Y., Airport
Norfolk, Va.
Norfolk, Va., Airport
Oswego, N. Y.
Parkersburg, W. Va.
Park Place, Pa.
Petersburg, W. Va.
Philadelphia, Pa.
Philadelphia, Pa., Airport
Philipsburg, Pa.
Pittsburgh, Pa.
Pittsburgh, Pa., Airport
Pittsfield, Mass.
Portland, Maine
Providence, R. I.
Providence, R. I., Airport
Putnam, Conn.
Reading, Pa.
Richmond, Va.
Richmond, Va., Airport
Roanoke, Va.
Rochester, Va., Airport
Scranton, Pa.
Syracuse, N. Y.
Ticonderoga, N. Y.
Trenton, N. J.
Urbanna, Va.
Westfield, Mass.
Whiteface Mountain, N. Y.
Wilkes-Barre, Pa.
Williamsport, Pa.
Woodward, Pa.

Region 2

Albany, Ga.
Apalachicola, Fla.
Asheville, N. C.
Athens, Ga.
Atlanta, Ga. (Reg. Ofc.)
Atlanta, Ga.
Atlanta, Ga., Airport
Augusta, Ga.
Augusta, Ga., Airport
Birmingham, Ala.
Bristol, Tenn.
Butler, Ga.
Charleston, S. C.
Charleston, S. C., Airport
Charlotte, N. C.
Charlotte, N. C., Airport.
Chattanooga, Tenn.
Chattanooga, Tenn., Airport
Columbia, S. C.
Columbia, S. C., Airport
Crestview, Fla.
Daytona Beach, Fla.
Dunnellon, Fla.
Florence, S. C.
Ft. Myers, Fla.
Greensboro, N. C.
Greenville, S. C.
Hatteras, N. C.
Jacks Creek, Tenn.
Jackson, Miss.
Jacksonville, Fla.
Jacksonville, Fla., Airport
Jasper, Fla.
Key West, Fla.
Key West, Fla., Airport
Knoxville, Tenn.
Lakeland, Fla.
Lakeland, Fla., Airport
Macon, Ga.
Macon, Ga., Airport
Melbourne, Fla., Airport
Memphis, Tenn.
Memphis, Tenn., Airport
Meridian, Miss.
Meridian, Miss., Airport
Miami, Fla.
Miami, Fla., Airport
Mobile, Ala.
Mobile, Ala., Airport
Montgomery, Ala.
Montgomery, Ala., Airport
Monteagle, Tenn.
Nashville, Tenn.
Nashville, Tenn., Airport
Orlando, Fla.
Pensacola, Fla.
Raleigh, N. C.
Raleigh, N. C., Airport
Rome, Ga.
San Juan, P. R.
Savannah, Ga.
Savannah, Ga., Airport
Spartanburg, S. C.
Tallahassee, Fla.
Tampa, Fla.
Vicksburg, Miss.
Warrenton, N. C.
West Palm Beach, Fla.
Wilmington, N. C.

Region 3

Akron, Ohio
Alpena, Mich.
Bismarck, N. D.
Bowling Green, Ky.
Cairo, Ill.
Centerville, Ind.
Chicago, Ill. (Reg. Ofc.)
Chicago, Ill.
Chicago, Ill., Airport.
Cincinnati, Ohio
Cincinnati, Ohio, Airport
Cleveland, Ohio
Cleveland, Ohio, Airport
Columbus, Ohio
Columbus, Ohio, Airport
Davenport, Iowa
Dayton, Ohio
Detroit, Mich.
Detroit, Mich., Airport
Devils Lake, N. D.
Duluth, Minn.
Duluth, Minn., Airport
East Liverpool, Ohio
Effingham, Ill.
Escanaba, Mich.
Evansville, Ind.
Fargo, N. D.
Fort Wayne, Ind.
Goshen, Ind.
Grand Rapids, Mich.
Grand Rapids, Mich., Airport
Green Bay, Wisc.
Huntington, W. Va.
Indianapolis, Ind.
Indianapolis, Ind., Airport
International Falls, Minn.
Joliet, Ill.
La Crosse, Wisc.
La Crosse, Wisc., Airport.
Lafayette, Ind.
Lansing, Mich.
Lansing, Mich., Airport.
Lexington, Ky.
Louisville, Ky.
Louisville, Ky., Airport
Madison, Wisc.
Madison, Wisc., Airport
Marquette, Mich.
Milwaukee, Wisc.
Milwaukee, Wisc., Airport.
Minneapolis, Minn.
Minneapolis, Minn., Airport
Moline, Ill.
Muskegon, Mich.
Peoria, Ill.
Rochester, Minn.
St. Cloud, Minn.
St. Paul, Minn.
Sandusky, Ohio
Sault Ste. Marie, Mich.
South Bend, Ind.
Springfield, Ill.
Springfield, Ill., Airport.
Terre Haute, Ind.
Terre Haute, Ind., Airport
Toledo, Ohio
Toledo, Ohio, Airport.
Williston, N. D.
Youngstown, Ohio

Region 4

Abilene, Tex.
Albuquerque, Tex.
Amarillo, Tex.
Austin, Tex.
Baton Rouge, La.
Big Spring, Tex.
Brinkley, Ark.
Brownsville, Tex.
Burrwood, La.
Corpus Christi, Tex.
Corpus Christi, Tex., Airport
Dallas, Tex.
Del Rio, Tex.
El Paso, Tex.
Fort Smith, Ark.
Forth Worth, Tex. (Reg. Ofc.)
Forth Worth, Tex., Airport
Galveston, Tex.
Galveston, Tex., Airport
Houston, Tex.
Houston, Tex., Airport
Lake Charles, La.
Laredo, Tex.
Little Rock, Ark.
New Orleans, La.
New Orleans, La., Airport
Oklahoma City, Okla.
Oklahoma City, Okla., Airport
Palestine, Tex.
Pampa, Tex.
Port Arthur, Tex.
Port Arthur, Tex., Airport
Raton, N. Mex.
Roswell, N. Mex.
San Antonio, Tex.
Shreveport, La.
Swan Island, W. I.
Texarkana, Ark.
Tulsa, Okla.
Tulsa, Okla., Airport
Tyler, Tex.
Waco, Tex.
Waynoka, Okla.
Wichita Falls, Tex.

Region 5

Alamosa, Colo.
Burlington, Iowa.
Casper, Wyo.
Cheyenne, Wyo.
Columbia, Mo.
Columbia, Mo., Airport
Concordia, Kans.
Denver, Colo.
Denver, Colo., Airport
Des Moines, Iowa
Des Moines, Iowa, Airport
Dodge City, Kans.
Dubuque, Iowa
Garden City, Kans.
Goodland, Kans.
Grand Island, Nebr.
Grand Junction, Colo.
Huron, S. D.
Huron, S. D., Airport
Joplin, Mo.
Kansas City, Mo. (Reg. Ofc.)
Kansas City, Mo., Airport
Lander, Wyo.
Lincoln, Nebr.
Lincoln, Nebr.
Norfolk, Nebr.
North Platte, Nebr.
North Platte, Nebr., Airport
Omaha, Nebr.
Pueblo, Colo.
Rapid City, S. D.
Rock Springs, Wyo.
St. Joseph, Mo.
St. Joseph, Mo., Airport
St. Louis, Mo.
St. Louis, Mo., Airport
Sheridan, Wyo.
Sioux City, Iowa
Sioux Falls, S. D.
Springfield, Mo.
Topeka, Kans.
Topeka, Kans., Airport
Valentine, Nebr.
Vichy, Mo.
Wichita, Kans.

Region 6

Auburn, Calif.
Bakersfield, Calif.
Beaumont, Calif.
Buffalo Springs, Calif.
Burbank, Calif.
Burney, Calif.
Coalville, Utah
Elko, Nev.
Ely, Nev.
Eureka, Calif.
Flagstaff, Ariz.
Fresno, Calif.
Honolulu, T. H.
King City, Calif.
Las Vegas, Nev.
Los Angeles, Calif. (Reg. Ofc.)
Los Angeles, Calif.
Los Angeles, Calif., Airport
Modena, Utah.
Mt. Shasta, Calif.
Montague, Calif., Airport
Newhall, Calif.
Oakland, Calif.
Ogden, Utah
Palmdale, Calif.
Paso Robles, Calif.
Phoenix, Ariz.
Phoenix, Ariz., Airport
Pomona, Calif.
Prescott, Ariz.
Red Bluff, Calif.
Reno, Nev.
Sacramento, Calif.
Sacramento, Calif., Airport
Salt Lake City, Utah
Salt Lake City, Utah, Airport
Sandberg, Calif.
San Diego, Calif.
San Francisco, Calif.
San Francisco, Calif. Airport
San Pedro, Calif.
Santa Maria, Calif.
Tucson, Ariz.
Winnemucca, Nev.
Winslow, Ariz.
Yuma, Ariz.

Region 7

Baker, Oreg.
Baker, Oreg., Airport
Billings, Mont.
Boise, Idaho
Burley, Idaho
Burns, Oreg.
Butte, Mont.
Coeur d'Alene, Idaho
Ellensburg, Wash.
Eugene, Oreg.
Glasgow, Mont.
Great Falls, Mont.
Havre, Mont.
Helena, Mont.
Kalispell, Mont.
La Crosse, Wash.
Meacham, Oreg.
Medford, Oreg.
Missoula, Mont.
Missoula, Mont., Airport
North Head, Wash.
Olympia, Wash.
Pendleton, Oreg.
Pocatello, Idaho
Portland, Oreg.
Portland, Oreg., Airport
Port Townsend, Wash.
Roseburg, Oreg.
Salem, Oreg.
Seattle, Wash. (Reg. Ofc.)
Seattle, Wash.
Seattle-Tacoma Airport, Wash.
Sexton Summit, Oreg.
Siskiyou Summit, Oreg.
Stampede Pass, Wash.
Spokane, Wash.
Tacoma, Wash.
Tatoosh Island, Wash.
Troutdale, Oreg.
Walla Walla, Wash.
Yakima, Wash.

Region 8

Anchorage, Alaska (Reg. Ofc.)
Anchorage, Alaska, Airport
Barrow, Alaska
Bethel, Alaska
Cordova, Alaska
Fairbanks, Alaska
Gambell, Alaska
Juneau, Alaska
Ketchikan, Alaska
Kotzebue, Alaska
McGrath, Alaska
Nome, Alaska
Northway, Alaska
St. Paul, Island, Alaska
Summit, Alaska

PART 503—OPERATIONAL PROCEDURE

Sec.
503.1 Delegations of final authority.
503.2 Procedures for performing service functions.

§ 503.1 *Delegations of final authority.* No regulatory functions are exercised by the Weather Bureau. However, authority is delegated by the Chief of Bureau to chiefs of divisions and sections in Washington and to field regional directors and through them to officials in charge of field stations to furnish applicants with weather information already

processed in usable form and to make arrangements for the processing of data in other forms required to meet special needs of the applicants.

§ 503.2 *Procedures for performing service functions.* The Bureau makes weather observations at its approximately 450 airport and city offices, has about 5,000 substations for observing weather conditions for the benefit of airways, river and flood, crop-weather, fruit-frost, and other miscellaneous services, and more than 5,600 cooperative climatological stations. The airways weather stations make observations and transmit reports by wire or radio at frequent times throughout the day; others make observations daily and report by wire or mail. Collective synoptic reports are exchanged with the meteorological centers of other nations. These observations include all surface weather elements, river and flood stages, and upper air conditions.

The observational data collected forms the basis of all weather maps and bulletins of the United States and its Territories. After being plotted on suitable map bases these data provide the necessary information for preparing forecasts of future weather occurrences for all purposes. Compiled in statistical form the data become the record of the climate of the Nation. Published in this form extremely useful information is provided to economic and social interests far and wide. Observational data in a variety of forms provide material for the conduct of meteorological research into the causes of weather and climate, and for special studies devoted to improvement in methods of forecasting and to the development of forecasts covering a longer period of time.

Close liaison is maintained with the Army and Navy to coordinate civil and military meteorological operations. The Bureau also cooperates closely with Civil Aeronautics, the National Advisory Committee for Aeronautics, the Department of Agriculture, the U. S. Engineers, the Reclamation Service, and other interested agencies in order to serve their meteorological needs.

PART 504—WEATHER SERVICE

Sec.

504.1 Weather forecasts and warnings distributed publicly.
504.2 Daily weather forecasts.
504.3 Aviation weather forecasts (domestic).
504.4 Aviation weather forecasts for trans-oceanic flying.
504.5 Flight advisory weather service.
504.6 Airport terminal weather forecasts for aviation.
504.7 Weather forecasts for marine purposes including ships on high seas and on Great Lakes.
504.8 Storm, hurricane, flood and other special warnings.
504.9 Forest fire weather forecasts.
504.10 Fruit-frost forecasts.
504.11 Specialized weather forecasts.
504.12 Extended weather forecasts.
504.13 Records available to the public.
504.14 General information and publications.
504.15 Consultant weather service and hydrologic problems related to meteorology.

GENERAL FORECASTS AND WARNINGS

§ 504.1 *Weather forecasts and warnings distributed publicly.* The Weather Bureau prepares weather forecasts several times daily and issues when necessary, warnings of storms, hurricanes, heavy rains and snows, freezing rain, sleet or glaze, cold waves, frost, floods, freezing temperatures and dangerous forest fire weather conditions as applicable to the United States, its possessions, and adjacent waters of the North Atlantic and Pacific Oceans, the Gulf of Mexico and Caribbean Sea. These daily forecasts together with warnings, whenever issued, are given intensive distribution to the general public, domestic and transoceanic aviation, agricultural, business, industrial, transportation and maritime interests, including ships on the high seas, and also on the Great Lakes as a protection against loss of life and property.

Weather Bureau field offices also issue specialized forecasts containing specific weather advices for plowing, planting, cultivating, irrigating, spraying, harvesting and fruit drying for agricultural operations; livestock protection, including the slaughtering of animals for market; shipping forecasts for protection of livestock and produce in transit; winter sports activities in season; ice conditions on the navigable rivers and the Great Lakes in season; advices to safeguard navigation of small craft and numerous other activities supporting our national economy. In addition, industrial forecasts are prepared and issued with particular reference to humidity, daylight intensities, maximum, minimum and average temperatures expected and thunderstorms to estimate quantities of gas, electricity and other fuels which must be made available to meet day-to-day requirements of power consumption essential for manufacturing, heating and lighting uses.

Arrangements to furnish additional specialized weather forecasts and advices to serve new industries and activities will be made, when possible, on request to Weather Bureau offices.

Weather forecast and warning services indicated above are provided by Weather Bureau offices located in cities shown in the list of field stations under the heading "Part 502—Organization."

LOCALIZED FORECASTS AND WARNINGS

§ 504.2 *Daily weather forecasts.* Forecasts for individual localities and states are broadcast several times daily by over 900 government and commercial radio stations; published in numerous daily newspapers and on the daily weather map mailed from Washington, D. C., and also daily weather bulletins issued from several field stations. They may also be obtained by personal visit, or by telephone direct to the nearest Weather Bureau office, and also by telegraph when the recipient assumes the cost of forecast messages; by automatic telephone service (WE. 1212) in Baltimore, Md., Chicago, Ill., Detroit, Mich., New York, N. Y., and Washington, D. C.; by leased wire service of press associations and telegraph companies; by Civil Aeronautics Administration teletype and from numerous local automobile, business and civic clubs, associations and Chambers of Commerce.

§ 504.3 *Aviation weather forecasts (domestic).* These forecasts may be obtained by telephone and personal visit to nearest Weather Bureau airport station and Civil Aeronautics Administration teletype offices.

§ 504.4 *Aviation weather forecasts for trans-oceanic flying.* Information may be obtained from selected Weather Bureau airport offices located at airports serving transoceanic aircraft; Civil Aeronautics Administration teletype communication stations and radio.

§ 504.5 *Flight advisory weather service.* This service is provided at 26 Weather Bureau stations throughout the United States and forecasts are prepared 24 hours daily for the guidance and use of Civil Aeronautics Administration Airway Traffic Controllers in giving advices to planes in flight. This information is also available to planes in flight on request to the nearest Civil Aeronautics Administration radio communication station.

§ 504.6 *Airport terminal weather forecasts for aviation.* These forecasts are prepared four times daily at 18 Weather Bureau airway forecast offices and give expected weather conditions at 265 separate airports located throughout the United States. Terminal forecasts can be obtained by telephone or personal visit to Weather Bureau airport stations and selected Weather Bureau city offices; by planes in flight on request to Civil Aeronautics Administration radio communication.

§ 504.7 *Weather forecasts for marine purposes including ships on the high seas and on the Great Lakes.* Information can be obtained from nearest Weather Bureau office by telephone or personal visit; from broadcasts by several government and commercial radio stations located along the Atlantic, Pacific, Gulf of Mexico Coasts, including the Great Lakes, and Civil Aeronautics Administration teletype offices.

§ 504.8 *Storm, hurricane, flood and other special warnings.* This information is invariably given intensive and prompt distribution by government and commercial radio stations and can also be obtained as indicated under the above sub-paragraph entitled, "Daily Weather Forecasts."

§ 504.9 *Forest fire weather forecasts.* This service is rendered by selected Weather Bureau offices which are located in or near national and state forests, lands and parks, as a rule. For information relative to obtaining these forecasts, requests should be directed to the nearest Weather Bureau office.

§ 504.10 *Fruit-frost forecasts.* Special fruit-frost forecast service is provided mainly for the fruit and truck growing localities in California, Florida, southern Arizona and the Rio Grande Valley of Texas, during the critical winter months. Information is available by radio broad-

cast, newspapers, and by telephone or personal visit to Weather Bureau offices in the localities mentioned. Further information concerning these advices can be obtained on request to the nearest Weather Bureau office.

§ 504.11 *Specialized weather forecasts.* These special forecasts serve a variety of agricultural, commercial and industrial interests and may be obtained by telephone or personal visit to the nearest Weather Bureau office. Owing to the numerous types of specialized weather forecasts issued by the Weather Bureau, distribution of such information by radio and press is limited to those types of forecasts which will serve the greatest number of interests.

§ 504.12 *Extended weather forecasts.* These weather forecasts are issued on Tuesdays and Fridays and contain indicated temperature and precipitation trends as well as the expected average values as compared with normal for the ensuing five days.

Five-day forecasts are available on the days mentioned at Weather Bureau field offices and may be obtained by telephone or personal visit; by telegraph, provided the recipient assumes charges for the telegrams; from broadcasts by selected radio stations; and are published in certain daily newspapers and also in weather bulletins issued by a few Weather Bureau field offices.

CLIMATOLOGICAL AND HYDROLOGIC SERVICES

§ 504.13 *Records available to the public.* Original records of meteorological observations or other records of the condition of the weather, stages of the rivers and other data that are in the nature of records of natural conditions, are accessible at field stations and at Washington to persons desiring to consult them under arrangements which are required to protect the records from loss or damage. It is also permissible to compile information from the records in forms that meet special or legitimate needs of those consulting them.

Reports of current weather conditions based on observations that are taken at hourly intervals at points located along established airways and at some points off the airways, and less frequently at other field stations, may also be obtained by telephone or personal visit to Weather Bureau field stations; and from radio telephone broadcasts by radio range stations at fifteen and forty-five minutes after the hour.

§ 504.14 *General information and publications.* The Weather Bureau has available for public distribution numerous bulletins, charts, maps and pamphlets containing statistical information recording the weather which has occurred throughout the country. These publications provide weekly, monthly and annual summaries for specific cities, States and for the country as a whole, including contiguous ocean areas. Printed lists of the publications are available from the Superintendent of Documents, Government Printing Office, Washington, D. C., or samples may be inspected at the nearest Weather Bureau office.

§ 504.15 *Consultant weather service and hydrologic problems related to meteorology.* Requests for data and advice on these problems affecting all types of business, industry, farming and other interests may be made by telephone, personal visit or letter to the nearest Weather Bureau office or to the Chief, U. S. Weather Bureau, Washington 25, D. C.

PART 505—RULES FOR GUIDANCE OF THE PUBLIC

Sec.

505.1 Authority for teletype connections on weather communications lines.
505.2 Certified data for court use.
505.3 Appearance in court of Weather Bureau employees.
505.4 Time of release of weather information affecting crops.
505.5 Counterfeiting weather forecasts.

§505.1 *Authority for teletype connections on weather communication lines.* (a) To protect current weather information transmitted over Federal Airway Communication Circuits of the Civil Aeronautics Administration against uses that would be detrimental to the National interest, it has been necessary to set up a formalized agreement procedure for authority for individuals or organizations to be connected with these teletype circuits by means of teletype drops.

(b) Five classes of teletype agreements are recognized. In case the same individual desires to operate under more than one category, separate agreements are necessary. The five categories are:

(1) Other government agencies, for their own use, but not for general publication or broadcast.

(2) Educational and research institutions, for their own use, but not for commercial purposes, general publication, or broadcast.

(3) Clubs and associations, chartered, not for profit, which confine weather service to their members.

(4) Business organizations, for their own use, but not for general publication or broadcast.

(5) Responsible, qualified, private consulting meteorologists, providing a specialized service which the Weather Bureau is not in a position to provide, but not for general publication or broadcast.

(c) Applications should be made by letter addressed to the Chief, Weather Bureau, Washington 25, D. C., stating in detail the purpose to be served, which should be accompanied by Form No. 3031 Mis., prepared in duplicate.

§ 505.2 *Certified data for use in court.* Section 882 of the Revised Statutes provides that authenticated copies of any books, records, papers, or other documents in any of the executive departments shall be admitted in evidence in courts of law equally with the originals thereof.

All field stations and the Washington office are prepared to furnish applicants with duly certified copies of original or published weather records that are necessary for legal purposes. (R. S. sec. 882; sec. 6a, 48 Stat. 1109.)

§ 505.3 *Appearance in court of Weather Bureau employees.* In all cases of private litigation where it is required that an employee interpret records, or testify as an expert, it is necessary that he be duly subpoenaed to appear in court as an official of the Bureau. As the Federal Government will be deprived of his services while so testifying, the employee will collect the authorized witness fees and allowances for expenses of travel and subsistance, all of which he is required to account for to the Bureau. Arrangements should be made with the court to set a time for the appearance of an employee that will not interfere with important duties that would result in injury to interests of the community by delay in issuing important weather forecasts and danger warnings (15 Comp. Gen. 196).

§ 505.4 *Time of release of weather information effecting crops.* Bulletins containing a synopsis of weather conditions and their effects on crops and farming operations throughout the Nation (some of which show snow and ice conditions during the winter season) are released simultaneously at 10:00 a. m. 75th meridian time on the day of issue, or as directed by special instructions.

The weekly crop-weather bulletins which are published at Washington, D. C., and at approximately 45 field stations, are issued each Wednesday, or on Thursday if either Tuesday or Wednesday is a holiday. Daily bulletins or radio broadcasts specializing on the cotton, corn and wheat crop, are issued at 10:00 a. m., on each workday in the areas affected during the growing season.

Because of the influence that might be exerted upon the market value of the products of the soil by the information contained in the weather and crop bulletins, the law provides a fine of $10,000 or imprisonment of ten years, or both, for any responsible Government official who wilfully imparts any information contained in the bulletins before the times of release to the public (sec. 123, 35 Stat. 1110; 18 U. S. C. 214).

§ 505.5 *Counterfeiting weather forecasts.* Whoever shall knowingly issue or publish any counterfeit forecast or warning of weather conditions falsely representing such forecast or warning to have been issued or published by the Weather Bureau, * * * shall be fined not more than $500, or imprisoned not more than 90 days, or both (sec. 61, 35 Stat. 1100; 18 U. S. C. 117; Criminal Code, sec. 61).

[SEAL] F. W. REICHELDERFER,
Chief, U. S. Weather Bureau.

Approved by:

H. A. WALLACE,
Secretary of Commerce.

[F. R. Doc. 46–15524; Filed, Aug. 29, 1946; 4:41 p. m.]

LABOR DEPARTMENT

[29 CFR, Subtitle A]

OFFICE OF THE SECRETARY

PART 2—GENERAL REGULATIONS OF THE DEPARTMENT OF LABOR

§ 2.6 *Opinions and orders; availability for inspection.* All final opinions or orders in the adjudication of cases (except

those required for good cause to be held confidential and not cited as precedents) and all rules, as defined in the Administrative Procedure Act (Public Law 404, C. 324, 79th Cong., 2nd Session), issued by the Department of Labor will be made available for public inspection at reasonable times during business hours. Persons desiring to inspect such material may communicate with the Solicitor of Labor or the Director of Information, Department of Labor Building, Washington 25, D. C., or the regional attorney at the nearest regional office of the Department of Labor.

§ 2.7 *Official records; availability for inspection.* All papers and documents made a part of the official record in agency proceedings conducted by the Department of Labor in connection with the issuance, amendment or repeal of regulations or determinations having general or industry-wide effect, shall be made available for public inspection at reasonable times during business hours, upon request addressed to the issuing bureau or agency of the Department or to the Office of the Solicitor, Department of Labor Building, Washington 25, D. C.

Papers and documents made a part of the official record in connection with the making of determinations addressed to named persons, except insofar as such materials are made available to public inspection pursuant to Part II, Sec. 2.6 above, and reports and returns required to be filed with the Department of Labor, shall be made available for inspection at reasonable times during business hours, upon written request therefor, addressed to the Secretary of Labor, Department of Labor Building, Washington 25, D. C., to persons properly and directly concerned. Such request must set forth (1) the interest of the applicant in the subject matter, and (2) a description of the specific materials desired to be inspected. Any such request will be denied as to any papers, documents, reports, or returns for good cause found by the Secretary or his duly authorized representative to be confidential.

When permission to inspect records is granted, arrangements will be made where practicable for inspection of such records at regional offices of the Department.

ORGANIZATION OF THE DEPARTMENT OF LABOR

Sec.

2.001 Office of the Secretary.
2.002 Office of the Solicitor.
2.003 Wage and Hour and Public Contracts Divisions.
2.004 Bureau of Labor Statistics.
2.005 Division of Labor Standards.
2.006 United States Conciliation Service.
2.007 Women's Bureau.
2.008 National Wage Stabilization Board.
2.009 Wage Adjustment Board for the Building Construction Industry.
2.010 Retraining and Reemployment Administration.
2.011 Apprentice Training Service.
2.012 United States Employment Service.
2.013 Shipbuilding Stabilization Committee.

§ 2.001 *Office of the Secretary*—(a) *Functions*—(1) *Secretary of Labor.* The Secretary is primarily responsible for the formulation of governmental policy in all matters affecting labor. He serves on the following interdepartmental bodies:

Federal Interdepartmental Safety Council, of which he is chairman (Executive Order 8071, March 31, 1939);

Economic Stabilization Board (Executive Order 9250, October 3, 1942);

National Archives Council (U. S. C., Title 44, secs. 300f, 367);

Interdepartmental Publication Board (Executive Order 9568, June 8, 1945).

Under the Foreign Service Act of 1946, effective August 13, 1946, he designates a representative of the Department of Labor to serve as a member of the Board of the Foreign Service.

The Secretary has general responsibility for the administration of the Department of Labor, which he exercises through his aides and assistants, and has the duty of reporting annually to Congress on the Department's activities. He directs and supervises the work of the constituent bureaus, offices and other agencies in the Department. In addition, he has functions under particular statutes, some of which are delegated to officers in the Department, as indicated:

(i) Mediation, and appointment of commissioners of conciliation, in labor disputes (U. S. C., Title 29, sec. 51).

This function is ordinarily exercised through the United States Conciliation Service, under the general supervision of the Secretary. From time to time, however, the Secretary personally participates in mediation of disputes, or appoints fact-finding boards.

(ii) General direction of collection of labor statistics required to be collected by the Bureau of Labor Statistics, publication of the results thereof and reporting the findings of the Bureau to Congress (U. S. C., Title 29, secs. 2, 2b); authorization of, and promulgation of regulations with respect to, the making of special studies by the Bureau of Labor Statistics for private persons (U .S. C., Title 29, secs. 9, 9a, 9b).

(iii) Predetermination of prevailing wage rates for laborers and mechanics employed in the performance of government construction contracts subject to the following statutes: Davis-Bacon Act, as amended (U. S. C., Title 40, sec. 276a), which also empowers the Secretary to issue necessary rules and regulations; section 212a of the National Housing Act, as amended (U. S. C., Title 12, sec. 1715c); section 3 of the Tennessee Valley Authority Act (U. S. C., Title 16, sec. 831b), which provides for predetermination by the Secretary of Labor only in cases of disputes; section 15 (b) of the Federal Airport Act, approved May 13, 1946 (Pub. No. 377, ch. 251, 79th Cong., 2d sess.).

The functions of the Secretary under these statutes are delegated to an Assistant Secretary and the Solicitor of Labor severally, subject to Part 1 of this subtitle.

(iv) Administration of the "Copeland Anti-Kickback Act" (U. S. C., Title 40, sec. 276c; Reorganization Plan No. IV, effective June 30, 1940).

Administrative functions under this Act are delegated to the Office of the Solicitor of Labor.

(v) Advisory interpretation of the requirements of the Eight-Hour Law (U. S. C., Title 40, secs. 321-326) upon the request of interested parties and agencies.

This function is delegated to the Solicitor of Labor.

(vi) Receipt of dispute notices under section 8 of the War Labor Disputes Act (U. S. C., Title 50, sec. 1508) and making findings that certain activities are contracted for in the prosecution of the war, pursuant to section 2 (b) (3) of the act (U. S. C., Title 50, sec. 1502(b)(3); Presidential Directive dated August 10, 1943, 8 P. R. 11281).

A Docket Officer in the United States Conciliation Service acts as agent of the Secretary of Labor, the National Labor Relations Board and the National Wage Stabilization Board to maintain records and handle correspondence under section 3 of the War Labor Disputes Act.

(vii) To pass upon the issuance of certificates of merit requested by national organizations of railway employees to enable them to present their claims concerning their right to participate in selection of labor members to the National Railroad Adjustment Board, under section 3 First (f) of the Railway Labor Act, as amended (U. S. C., Title 45, sec. 153 First (f)).

(viii) Administration and enforcement of the Walsh-Healey Public Contracts Act (U. S. C., Title 41, secs. 35–45).

This act is administered by the Secretary through the Wage and Hour and Public Contracts Divisions, whose functions are described in Part 500 of this Title. Certain final authority under the act, including promulgation of regulations, granting of exemptions, issuance of complaints and final decisions and orders in proceedings pursuant thereto, and making determinations as to the application of the blacklist sanction under section 3, is exercised directly by the Secretary.

(ix) Administration and enforcement of the child labor provisions of the Fair Labor Standards Act of 1938 (U. S. C., Title 29, secs. 201–219; Reorganization Plan No. 2, effective July 16, 1946).

The powers to issue regulations and orders under section 3 (1) of the Fair Labor Standards Act, to institute injunction proceedings under section 17 and to compel the production of testimony and evidence under section 9 are exercised directly by the Secretary. The Division of Labor Standards, through its Child Labor and Youth Employment Branch, acts as agent for the Secretary for the performance of administrative and enforcement functions under the child labor provisions of the act. (See § 2.005.)

(x) Administration of the "Wagner-Peyser Act," as amended, providing for a United States Employment Service (U. S. C., Title 29, secs. 49–491; Executive Order 9617, September 19, 1945).

This act is administered by the United States Employment Service under the general supervision of the Secretary.

(xi) Exercising general supervision over the activities of the Retraining and Reemployment Administration, pursuant to the War Mobilization and Reconversion Act of 1944 (U. S. C., Title 50, War App., sec. 1661) and Executive Order 9617, dated September 19, 1945.

(xii) Administration of the Apprentice Training Service (U. S. C., Title 29, secs.

50–50b; Executive Order 9617, September 19, 1945).

These functions are described in § 2.011.

(2) *Under Secretary of Labor.* The Under Secretary performs such duties as may be prescribed by the Secretary of Labor or required by law. He is authorized by statute to perform the duties of the Secretary in his absence or, in case of the Secretary's death, resignation or removal, to perform the duties of the Secretary until a successor is appointed (Act of April 17, 1946, Pub. No. 346, ch. 140, 79th Cong., 2d Sess.).

(3) *Assistant secretaries.* Three assistant secretaries of equal rank are provided by statute to perform such duties as the Secretary may assign or as may be required by law (Act of April 17, 1946, Pub. No. 346, 79th Cong., 2d Sess.).

(4) *Special assistants.* Special assistants in the immediate Office of the Secretary are available for special or confidential assignments by the Secretary, the Under Secretary or the assistant secretaries.

(5) *Divisions within the Secretary's Office—(a) Library.* The Librarian is responsible for the effective organization and administration of the library services of the Department. The three divisions of the Library consist of the Readers' Services Unit, the Periodicals Unit and the Cataloging Unit.

(b) *Information.* The Director of Information is responsible for the dissemination of information concerning the activities of the Department of Labor and its constituent bureaus, offices and agencies.

(1) *Office of Director of Personnel.* The Director of Personnel supervises all matters of personnel management within the Department.

(2) *Office of Chief Clerk and Budget Officer.* The Chief Clerk and Budget Officer supervises all business management functions of the Department of Labor.

(c) *Field organization of the Department of Labor.* The Department of Labor has thirteen regional offices, with headquarters and geographical coverage as follows:

Region	Headquarters office	Coverage
1	Boston, Mass.	Massachusetts, New Hampshire, Maine, Vermont, Rhode Island, Connecticut.
2	New York, N. Y.	New York and New Jersey.
3	Philadelphia, Pa.	Pennsylvania and Delaware.
4	Richmond, Va.	Virginia, West Virginia, Maryland, District of Columbia.
5	Atlanta, Ga.	North Carolina, South Carolina, Georgia, Florida.
6	Birmingham, Ala.	Alabama, Mississippi Louisiana.
7	Nashville, Tenn.	Tennessee and Kentucky.
8	Cleveland, Ohio.	Ohio and Michigan.
9	Chicago, Ill.	Illinois, Indiana, Wisconsin.
10	Minneapolis, Minn.	North Dakota, South Dakota, Minnesota, Montana.
11	Kansas City, Mo.	Kansas, Nebraska, Iowa, Missouri, Colorado, Wyoming.
12	Dallas, Tex.	Texas, Oklahoma, Arkansas, New Mexico.
13	San Francisco, Calif.	California, Arizona, Nevada, Washington, Oregon, Idaho, Utah, Hawaii, Alaska.

The Regional Offices whose coverage includes Puerto Rico and the Virgin Islands are shown in connection with the descriptions of the organization of individual bureaus and divisions of the Department. The functions of the Department carried on in Regional Offices are set forth in connection with the description of the functions of specific bureaus and divisions of the Department performed by their field staffs. Specific locations of Regional Offices are also set out in connection with the description of the field organizations of the bureaus and divisions having such organizations.

(d) *Information and requests.* Requests for general information concerning the activities of the Department of Labor should be addressed to the Director of Information, United States Department of Labor, Washington 25, D. C.

Requests for information concerning the notice and waiting-period provisions of the War Labor Disputes Act should be addressed to The Docket Officer, United States Department of Labor, Washington 25, D. C.

Requests for a determination as to the merit of a claim by a national organization of railway employees to participate in selection of members of the National Railroad Adjustment Board should be addressed to the Secretary of Labor, United States Department of Labor, Washington 25, D. C.

Information as to the officer to whom and the manner in which other requests for information, applications, petitions, etc., should be made is set forth in connection with the description of functions of the individual bureaus, divisions and other operating units within the Department.

§ 2.002 *Office of the Solicitor—(a) Functions.* The Solicitor serves as legal adviser to the Secretary of Labor and other officials of the Department and with the aid of his staff handles all legal proceedings arising under the statutes entrusted to the Department of Labor for administration and enforcement.

(b) *Organization.* The Solicitor is assisted by an Associate Solicitor who participates in policy and administrative matters, and acts as Solicitor in his absence, and by Assistant Solicitors who assist him in matters of administration and policy. Each Assistant Solicitor is in charge of a Branch of the Solicitor's Office. The branches and the other operating units carrying out the functions of the Solicitor are as follows:

(1) *The Litigation Branch.*

(2) *The Appellate Branch.*

(3) *The Interpretations and Administrative Services Branch.* The Interpretations and Administrative Services Branch includes the Interpretation Section which prepares advisory opinions on interpretative questions arising under the statutes and executive orders administered by the Department.

(4) *The Legislative and Trial Examining Branch.* The Legislative and Trial Examining Branch includes the Trial Examining Section which consists of trial examiners who, at the designation and direction of the Secretary in specific cases, preside over administrative hearings and recommend decisions in proceedings based on complaints of violation of contracts subject to the Walsh-Healey Public Contracts Act. In the performance of these functions they act independently, subject to the requirement that they comply with the precedents and policies of the Department under the act. They are avilable also to preside over any other hearings authorized to be conducted by the Secretary or by bureaus, offices and other agencies in the Department. The Legislation and Bureau Service Section prepares advisory letters in response to inquiries from members of the public with respect to labor laws with which the Department is concerned.

(5) *The Wage Determination and Wage Adjustment Branch.* The Wage Determination and Wage Adjustment Branch includes the Wage Determination Section which, under authority delegated by the Secretary, is responsible for work arising in the Department under the Davis-Bacon Act (40 U. S. C. sec. 276a), section 15 (b) of the Federal Airport Act (Pub. No. 377, c. 251, 79th Cong., 2nd Sess.), section 212 (a) of the National Housing Act (12 U. S. C. sec. 1715 (c)), and section 3 of the Tennessee Valley Authority Act (16 U. S. C. sec. 831 (b)). Under authority delegated by the Secretary it also performs administrative functions under the Copeland Anti-kickback Act (40 U. S. C. sec. 276–b–c; 5 U. S. C. sec. 133u).

(6) *The Retraining and Reemployment Administration Branch.* The Retraining and Reemployment Branch renders legal advice to and performs legal services for the Administrator of the Retraining and Reemployment Administration, whose functions are set forth in § 2.010.

(7) *The United States Employment Service Branch.* The United States Employment Service Branch renders legal advice to, and performs legal services required by the United States Employment Service, whose functions are set forth in section 2.012 of this part.

(8) *The Wage and Hour Headquarters Section.* The Wage and Hour Headquarters Section which is located in New York City, renders legal advice and assistance to the Administrator of the Wage and Hour and Public Contracts Divisions, and prepares advisory opinions on interpretative questions arising under the Fair Labor Standards Act and the Walsh-Healey Public Contracts Act.

(9) *The Regional Offices.* The Regional Offices headed by Regional attorneys, under the supervision of the Solicitor, act as legal advisers to the 13 regional offices of the Department of Labor in the continental United States and a regional office in Puerto Rico. The attorneys in these offices prepare, try, or assist in the trial of cases, provide legal services in connection with administrative proceedings, and prepare advisory opinions on interpretative questions arising under the statutes and executive orders administered by the Department. The regional offices and their addresses are listed above at § 2.001 (c).

§ 2.003 *Wage and Hour and Public Contracts Divisions.*

NOTE: Statements of the functions and organization, and procedural and substantive rules of the Wage and Hour Division, are set forth in Parts 500, 501 and 502 of this

Title. Statements of the functions and organization, and procedural and substantive rules of the Public Contracts Division are set forth in Chapter II of Title 41.

§ 2.0004 *Bureau of Labor Statistics*—(a) *Functions.* The Bureau of Labor Statistics gathers and publishes information on all matters connected with labor, in the broadest sense of that term. Under the general supervision and direction of the Secretary of Labor, it collects factual information on a wide variety of questions relating to labor, and publishes the results of its investigations in periodic reports and in the Monthly Labor Review, a general survey of labor conditions in the United States and abroad. (U. S. C., Title 29, secs. 1, 2, 2b, 4, 5, 6, 7.) The Bureau is authorized, under regulations prescribed by the Secretary of Labor, to make statistical studies on request and payment of the cost thereof by private persons. (U. S. C., Title 29, secs. 9, 9b.)

(b) *National organization.* The Commissioner of Labor Statistics is responsible for the policies and the administration of the Bureau. He is assisted by an Executive Officer and an Assistant Commissioner.

The Bureau is divided into branches, each of which conducts research in a particular field of study:

The Prices and Cost of Living Branch conducts research in matters relating to prices of consumers' and industrial goods and services and rents, maintains the various price indices issued by the Bureau and prepares special studies on cost of living problems.

The employment and Occupational Outlook Branch conducts research on matters relating to employment, pay rolls, hours worked and average hourly earnings, the employment outlook in various trades and occupations and the effects of technological developments on productivity employment and labor costs.

The Working Conditions Branch conducts research on matters relating to working conditions in industry, including their effects on production and on physical well-being of workers.

The Industrial Relations Branch maintains files of current collective bargaining agreements and directories of local and national unions, and conducts research on matters relating to employer-employee relationships, industrial disputes and similar matters.

In addition, special staffs within the Bureau conduct research on matters relating to foreign and domestic labor problems occurring outside the field of study of the various branches of the Bureau.

(c) *Field organization.* The Regional and Branch Offices of the Bureau of Labor Statistics are as follows:

Region address and geographical jurisdiction

1. Old South Building, 294 Washington Street, Boston 8, Mass.: Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island.

2. 1000 Parcel Post Building, 341 Ninth Avenue, New York 1, N. Y.: New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia. Branch office (wage work): 1516 Widener Building, Chestnut and Juniper Streets, Philadelphia 7, Pa.: New Jersey (southern counties), Pennsylvania, Delaware, Maryland, District of Columbia.

5. Sixth floor, Silvery Building, 114 Marietta Street NW., Atlanta 3, Ga.: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.

8. 420 Williamson Building, Public Square, Cleveland 14, Ohio: Indiana (except wage work), Kentucky, Michigan, Ohio, West Virginia.

9. 312 National War Agencies Building, 226 West Jackson Boulevard, Chicago 6, Ill.: Illinois, Indiana (wage work only), Iowa (except wage work), Minnesota, Nebraska (except wage work), North Dakota, South Dakota, Wisconsin.

11. 406 Burns Vault Building, 1536 Welton Street, Denver 2, Colo.: Colorado, Idaho, Montana, New Mexico, Utah, Wyoming.

12. 522 Irwin-Keasler Building, Commerce and Ervay Streets, Dallas 1, Tex.: Arkansas, Iowa (wage work only), Kansas, Louisiana, Missouri, Nebraska (wage work only), Oklahoma, Texas. Branch Office (wage work): 1408 Fidelity Building, Kansas City 6, Mo.: Arkansas, Kansas, Missouri, Iowa, Nebraska.

13. 643 Furniture Mart, 1355 Market Street, San Francisco 3, Calif.: Arizona, California, Nevada, Oregon, Washington.

(d) *Information and requests.* Requests for general information concerning the work of the Bureau and its publications should be addressed to the Commissioner of Labor Statistics, United States Department of Labor, Washington 25, D. C. Requests for the technical assistance of the Bureau in conducting special studies to be paid for by the party requesting the assistance, should be addressed to the Secretary of Labor or the Commissioner of Labor Statistics, United States Department of Labor, Washington 25, D. C. No special form is required.

Requests for statistical information and other data on labor matters of local interest should be addressed to the Regional Director of the appropriate Region.

§ 2.005 *Division of Labor Standards*—(a) *Functions.* The Division of Labor Standards, under the supervision and direction of the Secretary, performs three principal functions: (1) furnishing interested persons and groups and governmental agencies and officials with information and technical assistance in the fields of industrial safety, labor legislation and labor education; (2) rendering advisory services to the public and to governmental agencies in connection with promoting the welfare and advancement of opportunities for suitable employment of children and young workers in industry; and (3) administration and enforcement of the child labor provisions of the Fair Labor Standards Act of 1938, as amended. (U. S. C., Title 29, secs. 201 *et seq.*; Reorganization Plan No. 2, effective July 16, 1946, pursuant to Reorganization Act of 1946, Pub. No. 263, 79th Cong., 1st sess.)[1]

(b) *National organization.* The Division is administered by a Director, with the assistance of two Assistant Directors.

[1] Final authority to issue regulations and orders under section 3 (1) of the act, to institute injunction proceedings under section 17 and to require the production of evidence and testimony under section 9 is exercised by the Secretary. See § 2.001, *supra.*

The Division's functions in connection with industrial safety, labor legislation and labor education are performed through an Industrial Safety and Health Unit, a Promotion of Labor Standards Unit and a Visual Information Unit.

The Child Labor and Youth Employment Branch of the Division, under an Assistant Director, performs all of the Division's functions with respect to the employment of children and young people. The Child Labor Administration Service, in this Branch, performs those functions which relate to the enforcement of the child labor provisions of the Fair Labor Standards Act.

(c) *Field organization.* The Child Labor and Youth Employment Branch maintains Child Labor Consultants at the Regional Offices of the Wage and Hour Division and utilizes the field staffs of the Wage and Hour Division and the Office of the Solicitor to carry out its inspection and other enforcement functions under the child labor provisions of the Fair Labor Standards Act. In some States, inspection staffs of State or local agencies are utilized, pursuant to agreement between the State agencies on the one hand and the Branch and the Wage and Hour Division on the other. (See 29 CFR, Cum. Supp., Part 431) The Branch maintains field representatives in Idaho, Mississippi, South Carolina and Texas for the purpose of issuing Federal certificates of age. (See 29 CFR, Cum. Supp., Parts 401 and 402)

(d) *Information, submittals and requests.* Requests for special services which the Division makes available, for publications of the Division, or for information concerning such services or publications should also be addressed to the Director, Division of Labor Standards, United States Department of Labor, Washington, D. C.

Child labor complaints may be filed with the appropriate Regional Office of the Wage and Hour Division or with the Child Labor and Youth Employment Branch of the Division of Labor Standards.

Federal certificates of age in Idaho may be obtained at the following address:

State Superintendent of Public Instruction, Special Agent, Child Labor and Youth Employment, Branch of United States Division of Labor Standards, State House, Boise, Idaho.

Such certificates in Mississippi, South Carolina and Texas may be obtained by addressing the Child Labor and Youth Employment Branch, Division of Labor Standards, United States Department of Labor, at the following places, respectively:

1. 406 Deposit Guaranty Bank Building, Jackson 14, Miss.

2. State Department of Labor, Wade Hampton Building, Columbia, S. C.

3. 304 Nash Building, Austin, Tex.

§ 2.006 *United States Conciliation Service*—(a) *Functions.* The United States Conciliation Service was established pursuant to the power given to the Secretary of Labor by the Act of March 4, 1913 (U. S. C., Title 29, sec. 51) to appoint commissioners of conciliation in labor disputes in the interests of industrial peace. Its functions are to pro-

mote and establish harmonious labor-management relations in industry and to assist in the settlement of labor disputes.

(b) *National organization.* The Director of the United States Conciliation Service, under the direction and supervision of the Secretary of Labor, is responsible for the administration and the policies of the Service. He is assisted by an Associate Director, several Special Assistants, a Technical Advisory Committee and a Labor-Management Advisory Committee appointed by the Secretary, consisting of equal numbers of members and alternates representing labor and industry. The Service is divided into divisions as follows:

The Field Operations Division, under a Chief and two Assistant Chiefs who supervise the work of the Regional Offices and occasionally participate in direct conciliation and mediation, the Program Division and the Technical Services Division assist the Director in coordinating the services rendered to the public through the Regional Offices.

The Arbitration Division maintains a roster of arbitrators, acceptable to management and labor, whose services are available to parties to labor disputes who agree to voluntary arbitration. This Division is frequently named in collective bargaining agreements as the agency to designate an arbitrator should the need for one occur in cases arising under such agreements.

The National Trucking Commission is a tripartite panel, headed by a public member as Chairman, which handles labor disputes in the trucking industry which are voluntarily submitted to it by the parties.

(c) *Field organization.* The largest proportion of the conciliation and mediation activities of the Conciliation Service is performed from the Regional Offices. Each Regional Director is responsible for the policy and administration of his own office, subject to general supervision in matters of national policy. He is assisted by an Assistant Regional Director and a Regional Service Coordinator.

The operating staffs of the Regional Offices consist of Commissioners of Conciliation, who mediate and conciliate labor disputes, and Technical Commissioners, who assist in settling issues involving merit-rating systems, job-evaluation plans and other technical wage-payment problems. All Commissioners are fully responsible for the handling of cases assigned to them.

The Regional Offices of the Conciliation Service are as follows:

Region address and geographical jurisdiction

1. 294 Washington Street, Boston 8, Mass.: Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island.

2. Room 1016, 341 Ninth Avenue, New York 1, N. Y.: New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia.

3. 258 Federal Building, Cleveland 14, Ohio: West Virginia, Ohio, Indiana (except Lake County), Michigan (southern peninsula).

4. 10 Forsyth Street Building, Atlanta 3, Ga: Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Louisiana, Puerto Rico, Virgin Islands.

5. 1408 Fidelity Building, Kansas City 6, Mo.: Iowa, Missouri, Arkansas, Nebraska, Kansas, Oklahoma, Texas (except El Paso and Hudspeth Counties), Illinois (Madison, St. Clair and Monroe Counties only).

6. 222 West Adams Street, Chicago 6, Ill.: Michigan (Northern peninsular), Wisconsin, Illinois (except Madison, St. Clair and Monroe counties), Indiana (Lake County only), Minnesota, North Dakota, South Dakota.

7. 533 Phelan Building, 760 Market Street, San Francisco 2, Calif.: Montana, Wyoming, Colorado, New Mexico, Texas (El Paso and Hudspeth Counties only), Idaho, Utah, Arizona, Nevada, Washington, Oregon, California, Hawaii, Alaska.

(d) *Information and requests.* Requests for general information concerning the work of the United States Conciliation Service should be addressed to the Director, United States Conciliation Service, United States Department of Labor, Washington 25, D. C.

Requests for the services or assistance of Commissioners of Conciliation should be addressed to the Regional Director in the appropriate region.

Requests for the services of an arbitrator should be addressed to the Chief, Arbitration Division, United States Conciliation Service, United States Department of Labor, Washington 25, D. C., or may be made through the Commissioner of Conciliation who has been working with the parties in the dispute in which arbitration is agreed upon.

Requests for the services or assistance of the National Trucking Commission should be addressed to the Chairman, National Trucking Commission, United States Department of Labor, Washington 25, D. C.

No form is prescribed for any requests. They may be made either in writing or orally.

§ 2.007 *Women's Bureau*—(a) *Functions.* The Women's Bureau, under the general direction and supervision of the Secretary of Labor, formulates standards and policies which will promote the welfare of wage-earning women, improve their working conditions, increase their efficiency and advance their opportunities for profitable employment, and investigates and reports upon al matters pertaining to the welfare of women in industry. (Act of June 5, 1920, U. S. C., Title 29, sec. 13.) In this connection, the Bureau participates in interdepartmental programs of cooperation with other American republics by rendering advisory and technical services looking to the welfare of wage-earning women in those countries.

(b) *National organization.* The Director of the Women's Bureau is responsible for the policies and the administration of the Bureau. She is assisted by an Assistant Director.

The work of the Bureau in connection with research on matters relating to the welfare of wage-earning women, publication of materials on the legal and economic status of women and the programs and policies of the Bureau, and rendering advisory services in connection with formulation and administration of legislation to improve the working conditions of women, is carried on through a Research Division, an Editorial and Public Services Division and a Division of Labor Legislation and Administration.

(c) *Field organization.* The Women's Bureau has Regional Representatives who further the program of the Bureau by cooperation with governmental agencies in their own areas and serve to give the Washington office close contact with developments of concern to employed women in their sections of the country.

The location and geographical jurisdiction of Regional Offices in this Bureau are as follows:

Region address and geographical jurisdiction

294 Washington Street, Boston 8, Mass.: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut.

919 Parcel Post Building, 341 Ninth Avenue, New York, N. Y.: New York, New Jersey.

1215 Widener Building, Philadelphia 7, Pa.: Delaware, Pennsylvania. (This Area Representative serves on a part-time basis.)

4317 Glendale, Detroit, Mich.: Michigan. (This Area Representative serves on a part-time basis.)

1200 Merchandise Mart, 222 West North Bank Drive, Chicago, Ill.: Illinois, Indiana, Wisconsin, Minnesota, Iowa.

618 New Federal Building, Twelfth and Market Streets, St. Louis, Mo.: Kansas, Nebraska, Missouri, Colorado, Wyoming, Texas, Oklahoma, Arkansas.

1607 Humboldt Bank Building, 785 Market Street, San Francisco 3, Calif.: California, Arizona, Nevada, Washington, Oregon, Idaho, Utah.

(d) *Information and requests.* Requests for copies of publications and requests for special technical assistance in problems relating to the employment of women should be addressed to the Director, Women's Bureau, United States Department of Labor, Washington 25, D. C.

Requests for information or assistance in matters of local or regional interest may be addressed to the Regional Representative in the appropriate region, or may be addressed to the Director of the Women's Bureau.

§ 2.008 *National Wage Stabilization Board.*

NOTE: Statements of the functions, organization, and procedural and substantive rules of the National Wage Stabilization Board are set forth in Ch. VI of this title.

The location and geographic regions which each of the twelve Regional Boards serves are:

1. 209 Washington Street, Boston 8, Mass.: Maine, New Hampshire, Massachusetts, Vermont, Connecticut, Rhode Island.

2. 165 West Forty-sixth Street, New York 19, N. Y.: New York, the northern part of New Jersey (including the following counties: Sussex, Passaic, Bergen, Warren, Morris, Essex, Hudson, Middlesex, Somerset, Union, Monmouth, Hunterdon).

3. 1303 Stephen Girard Building, 21 South Twelfth Street, Philadelphia, Pa.: Pennsylvania, Maryland, Delaware, District of Columbia, southern part of New Jersey (including following counties: Mercer, Ocean, Burlington, Atlantic, Camden, Gloucester, Salem, Cumberland, Cape May).

4. Federal Loan and Savings Bank Building, 44 Pryor Street, Atlanta, Ga.: Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, Florida, Virginia.

5. Guardian Building, 629 Euclid Avenue, Cleveland 1, Ohio: Ohio, Kentucky, West Virginia.

6. 332 South Michigan Avenue, Chicago, Ill.: Illinois, Indiana, Wisconsin, Minnesota, South Dakota, North Dakota.

7. Room 1100, Fidelity Building, 911 Walnut Street, Kansas City, Mo.: Missouri, Arkansas, Kansas, Iowa, Nebraska.

8. Room 317, Santa Fe Building, Dallas, Tex.: Texas, Oklahoma, Louisiana.

9. 208 Midland Savings Bank Building, Denver 2, Colo.: Colorado, New Mexico, Utah, Wyoming, Idaho, Montana.

10. 1355 Market Street, San Francisco, Calif.: California, Nevada, Arizona, Territory of Hawaii.

11. 230 Penobscot Building, Detroit 26, Mich.: Michigan.

12. 1411 Fourth Avenue, Seattle, Wash.: Washington, Oregon, Territory of Alaska.

Rules for disclosure of official information are set forth in Part 801 of this title.

§ 2.009 *Wage Adjustment Board for the Building Construction Industry.*

NOTE: Statements of the purpose and functions, organization, and procedural and substantive rules of the Wage Adjustment Board for the Building Construction Industry of the National Wage Stabilization Board are set forth in Part 806 of this title.

The Wage Adjustment Board for the Building Construction Industry has no field organization. Rules of the Department of Labor for disclosure of official information, set forth in §§ 2.6 and 2.7 of this title, are also applicable to the Wage Adjustment Board for the Building Construction Industry.

Requests for general information should be addressed to the Executive Secretary, Wage Adjustment Board for the Building Construction Industry, Department of Labor Building, Washington 25, D. C.

§ 2.010 *Retraining and Reemployment Administration*—(a) *Functions.* The Retraining and Reemployment Administration, created by Executive Order 9247 of February 24, 1944, was placed on a statutory basis by Title III of the War Mobilization and Reconversion Act of 1944 (58 Stat. 788; 5 U. S. C. 1661). The Administration was transferred from the Office of War Mobilization and Reconversion to the Department of Labor by Executive Order 9617 of September 19, 1945.

It is the purpose of the Retraining and Reemployment Administration to coordinate activities and eliminate overlapping functions of all existing executive agencies (except the Veterans Administration and the Administrator of Veterans Affairs), relating to retraining, reemployment, vocational education, and vocational rehabilitation; and to coordinate such Federal activities with those of existing State and local agencies.

(b) *Organization.* The national offices of the Administration are located in the Federal Trade Commission Building, Washington 25, D. C. No field offices are maintained.

The Administrator directs and coordinates the activities of the Administration, aided by an Executive Assistant, a Special Assistant to the Administrator, Assistant Administrators, professional and technical advisors and consultants, and a legal staff headed by an Assistant Solicitor of Labor.

The Administration is composed of the following Branches and Divisions:

(1) Reemployment Branch.

(2) Field Service Branch.

(3) Retraining and Vocational Educational Branch.

(4) Vocational Rehabilitation Branch.

(5) Solicitor's Office Retraining and Reemployment Branch.

(6) Program Analysis Division.

(7) Public Information Division.

(8) Office Services Division.

(c) *Information and requests.* Rules of the Department of Labor set forth in §§ 2.6 and 2.7 are also applicable to the Retraining and Reemployment Administration. Requests for general information concerning the work of the Administration should be addressed to the office of the Administrator.

§ 2.011 *Apprentice Training Service*—(a) *Functions.* The Apprentice Training Service was re-established within the Department of Labor under Executive Order 9617 of September 19, 1945. The Service functions pursuant to the Act of August 16, 1937 (50 Stat. 663, 29 U. S. C. 50). Pursuant to the act the Secretary of Labor is authorized and directed to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices.

(b) *Organization.* To carry out these functions, the Secretary of Labor set up the Apprentice Training Service under the supervision of a Director, appointed a Federal Committee on Apprenticeship composed of representatives of management, labor and interested Government agencies to develop nation-wide standards and policies for apprenticeship training, and appointed the General Committee on Apprenticeship in the Construction Industry which takes an active part in encouraging the adoption of standards by this industry.

The Service consists of the following Units:

(1) *Office of the Director.* The Director is responsible for the application of national policies with respect to apprenticeship through direction of the headquarters and field organization of the agency; the encouragement of State apprenticeship activities; and the maintenance of liaison with established state agencies and with national organizations interested in apprenticeship.

(2) The Program Division under an Assistant Director serves as a clearing house for the national apprenticeship program. Its duties include the review of apprenticeship plans with regard to conformity to accepted standards and practices, and the registration of apprentices and apprenticeship programs.

(3) The Management Services Division assists the Director in matters of administrative management.

(4) The Field Service Division consults with Assistant Directors on field operations and organizes uniform field operating procedures for issuance by the Director. The five District Offices, each of which is under an Assistant Director, exercises general supervision over the activities of the regional offices within their respective districts. The Regional Offices operate under regional supervisors. Their function is to extend through area and local offices the standards of apprenticeship to the level where the apprentice is employed. There is at least one area office in each State. The function of these offices is to coordinate the activities of the Apprentice Training Service with State Apprenticeship Councils and supervise the activities of the local offices. The field men, who comprise the local offices, contact local employers who employ apprentices, in regard to the initiation of approved apprenticeship training programs and, in the absence of local or State Apprenticeship Councils, approve apprenticeship training agreements conforming to Federal standards.

A list of the district and regional offices and their addresses appears below:

Office and address

District 1: AD[1] Room 744, 55 Tremont Street, Boston 8, Mass.

Region I—Massachusetts, New Hampshire, Maine, Vermont, Rhode Island, Connecticut: RS[1] Room 744, 55 Tremont Street, Boston 8, Mass.

Region II—New York: RS 617 Old New York State Building, 124 East Twenty-eighth Street, New York, N. Y.

District 2: AD 601 Feller Building, Third and Market Streets, Harrisburg, Pa.

Region III—New Jersey, Pennsylvania, Delaware: RS 811-812 Stephen Girard Building, 21 South Twelfth Street, Philadelphia 7, Pa.

Region IV—Virginia, West Virginia, Maryland, District of Columbia, North Carolina: RS 433 Third Street NW., Washington 25, D. C.

Region V—Michigan, Ohio, Kentucky: RS 674 Union Commerce Building, Cleveland 14, Ohio.

District 3: AD Room 211, 1 West Wilson Street, Madison, Wis.

Region VI—Illinois, Indiana, Wisconsin: RS 222 West Adams Street, Chicago 6, Ill.

Region VIII—Minnesota, Iowa: RS 500 Midland Bank Building, Minneapolis 1, Minn.

District 4: AD Washington 25, D. C.

Region VII—Georgia, Florida, South Carolina, Alabama, Mississippi, Tennessee: RS 622 Grand Theater Building, Atlanta 3, Ga.

Region X—Louisiana, Texas, New Mexico: RS Sixth Floor, Mercantile Bank Building, Dallas 2, Tex.

District 5: AD Room 614, 810 Fourteenth Street, Denver, Colo.

Region IX—Missouri, Kansas, Oklahoma, Arkansas: RS 1509 Fidelity Building, 911 Walnut Street, Kansas City 6, Mo.

Region XI—Colorado, Idaho, Montana, Utah, Wyoming: RS Room 614, 910 Fourteenth Street, Denver, Colo.

Region XII—Washington, Oregon, California, Arizona, Nevada: RS 627 Western Furniture Exchange and Merchandise Mart, 1355 Market Street, San Francisco 3, Calif.

The Apprentice Training Service does not directly engage in the training or placement of apprentices, but seeks only to advise labor and management on the basic standards of apprenticeship and apprenticeship agreements and to advise them on how to put such agreements into operation. Employers or labor organizations, interested in the establishment of an apprenticeship program should communicate with the Federal Committee on Apprenticeship, Department of Labor Building, Washington 25, D. C., or with one of the regional offices listed above.

Applications for employment as apprentices should be made at a local office of the United States Employment Service, or to an employer, or to a local labor organization in the trade.

§ 2.012 *United States Employment Service*—(a) *Functions*—(1) *Employment services available to public.* The United States Employment Service op-

[1] An assistant director (AD) is in charge of each district office, and a regional supervisor (RS) is in charge of each regional office.

erates a nationwide system of public employment offices[1] whose function is to render to workers and employers, through such offices, the following coordinated services:

(i) A placement service.

(ii) An employment counseling service.

(iii) Special services to veterans.

(iv) Personnel management services.

(v) Labor market information service.

(vi) Cooperation with community groups and other government agencies in activities and programs for increasing economic activity and maintaining high levels of stabilized employment.

(2) *Liquidation of Wartime Foreign Worker Programs.* The United States Employment Service administers problems arising in connection with the final termination of wartime programs for the temporary employment of foreign workers brought into the United States from countries in the Western Hemisphere.

(3) *National Roster of Professional, Scientific and Specialized Personnel.*

(4) *Farm Placement Service.* During the period for which the Farm Labor Supply Act of 1944 (Public Law 229, 78th Congress) is continued and extended, the United States Employment Service maintains a farm placement service only in those States in which the United States Employment Service provides such service under contractual arrangements with the State Extension Service.

[Department of Labor Appropriation Act, 1947; Act of June 6, 1933, as amended (48 Stat. 113); Servicemen's Readjustment Act of 1944, Title IV (58 Stat. 284); Farm Labor Supply Appropriation Act, 1944, as amended, and extended (58 Stat. 11) and Public Law No. 229, 78th Congress, Title II (58 Stat. 11)]

(b) *Organization*—(1) *Headquarters Office.* The Director of the United States Employment Service is responsible, subject to the supervision, direction and control of the Secretary of Labor, for the formulation and administration of all policies and activities of the United States Employment Service. The Office of the Director of the United States Employment Service is in the Department of Labor Building, Washington 25, D. C.

(2) *Location and Functions of United States Employment Service Regional Offices.* The United States Employment Service Regional Director is responsible, subject to the supervision of the Director of the United States Employment Service, for the administration of the employment service program within his region. The United States Employment Service maintains twelve regional offices, located as follows:

Region address and States served

I. 55 Tremont Street, Boston 8, Mass.: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

II. 11 West Forty-second Street, New York 18, N. Y.: New York State.

III. Stephen-Girard Building, 21 South Twelfth Street, Philadelphia 7, Pa.: Delaware, New Jersey, and Pennsylvania.

IV. Riggs National Bank Building, 1909 Massachusetts Avenue NW., Washington, D. C.: District of Columbia, Maryland, North Carolina, Virginia, and West Virginia.

V. 450 Union Commerce Building, Euclid Avenue and East Ninth Street, Cleveland 14, Ohio: Kentucky, Michigan, and Ohio.

VI. 1200 Adams Franklin Building, 222 West Adams Street, Chicago 6, Ill.: Illinois, Indiana, and Wisconsin.

VII. Old Post Office Building, Box 1418, Atlanta 3, Ga.: Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee.

VIII. 1030 Metropolitan Life Building, Minneapolis 1, Minn.: Iowa, Minnesota, Nebraska, North Dakota, and South Dakot

IX. 2703–2710 Fidelity Building, 911 Walnut Street, Kansas City 6, Mo.: Arkansas, Kansas, Missouri, and Oklahoma.

X. Santa Fe Building, Post Office Box 1530, Dallas, Tex.: Louisiana, New Mexico, and Texas.

XI. 221 Equitable Building, Denver 2, Colo.: Colorado, Idaho, Montana, Utah, and Wyoming.

XII. 701 Furniture Mart Building, 1355 Market Street, San Francisco, Calif.: Arizona, California, Nevada, Oregon, and Washington.

(3) *Location and Functions of United States Employment Service State Offices.* The United States Employment Service State Director is responsible, subject to the supervision of the Regional Director, for the administration of the employment service program within his State. The United States Employment Service maintains the following State and Territorial offices:

State and address

Alabama: 326 First National Bank Building, Montgomery, Ala.

Arizona: 428 Security Building, Phoenix, Ariz.

Arkansas: 205 Old Post Office Building, Little Rock, Ark.

California (northern): 153 Kearney Street, San Francisco, Calif.

California (southern): 1031 South Broadway, Los Angeles, Calif.

Colorado: 201 Chamber of Commerce Building, Denver, Colo.

Connecticut: 122 Washington Street, Hartford 6, Conn.

Delaware: Customhouse, Sixth and King Streets, Wilmington, Del.

Florida: 315 South McComb Street, Tallahassee, Fla.

Georgia: 68½ Lucky Street, postoffice box 1276, Atlanta 1, Ga.

Idaho: 802 Grove Street, Boise, Idaho.

Illinois: 22 West North Bank Drive, Chicago, Ill.

Indiana: 105 South Meridian Street, Room 212, Indianapolis 4, Ind.

Iowa: 112 Eleventh Street, Des Moines, Iowa.

Kansas: 439 New England Building, Topeka, Kans.

Kentucky: 620 South Fifth Street, Louisville 2, Ky.

Louisiana: 742 Laurel Street, Baton Rouge 1, La.

Maine: 331 Water Street, Augusta, Maine.

Maryland: 935 O'Sullivan Building, Baltimore 2, Md.

Massachusetts: 881 Commonwealth Avenue, Boston, Mass.

Michigan: 800 Boulevard Building, 7310 Woodward, Detroit 2, Mich.

Minnesota: 369 Cedar Street, St. Paul 1, Minn.

Mississippi: 109½ North State Street, Jackson, Miss.

Missouri: 310 East Capitol Avenue, Post Office Box 86, Jefferson City, Mo.

Montana: 332 Fuller Avenue, P. O. Box 1718, Helena, Mont.

Nebraska: 1220 North Street, P. O. Box 1033, Lincoln 1, Nebr.

Nevada: 309 North Virginia Street, P. O. Box 2071, Reno, Nev.

New Hampshire: 32 South Main Street, Concord, N. H.

New Jersey: 219 East Hanover, P. O. Box 170, Trenton, N. J.

New Mexico: 111 South Sixth Street, Post Office Box 1356, Albuquerque, N. Mex.

New York: 11 West Forty-second Street, New York 18, N. Y.

North Carolina: Caswell Building, Box 2209, Raleigh, N. C.

North Dakota: 305½ North Broadway, Bismarck, N. Dak.

Ohio: 427 Cleveland Avenue, Columbus 6, Ohio.

Oklahoma: 600 Colcord Building, Oklahoma City 2, Okla.

Oregon: 300 Central Building, Portland 5, Oreg.

Pennsylvania: 1835 North Third Street, Harrisburg, Pa.

Rhode Island: 901 Union Trust Building, Providence, R. I.

South Carolina: Federal Land Bank Building, 1401 Hampton Street, Columbia, S. C.

South Dakota: 422½ South Main Street, Aberdeen, S. Dak.

Tennessee: 1110 Warner Building, Nashville 3, Tenn.

Texas: 204 Brown Building, Austin, Tex.

Utah: 610 Newhouse Building, Salt Lake City, Utah.

Vermont: 7 School Street, Montpelier, Vt.

Virginia: 306 Broad-Grace, Arcade Building, Richmond, Va.

Washington: 201 Ranke Building, Seattle, Wash.

West Virginia: 614 Chamber of Commerce Building, Charleston, W. Va.

Wisconsin: 121 State Office Building, 1 West Wilson Street, Madison 8, Wis.

Wyoming: P. and R. Building, Post Office Box 760, Casper, Wyo.

Alaska: Goldstein Building, Post Office Box 471, Juneau, Alaska.

Hawaii: Post Office Box 3680, Honolulu 11, T. H.

Puerto Rico: 5 Barbosa Street, Post Office Box 4384, San Juan 22, P. R.

District of Columbia: 1624 H Street NW., Washington 25, D. C.

(4) *Functions and location of United States Employment Service local offices.* (i) The United States Employment Service local office is the point at which all United States Employment Service functions and services are provided for veterans, other workers and employers. Employers may submit their requirements and request the referral of qualified workers or assistance in matters directly related to the filling of job openings. Workers in search of employment may apply and request referral to suitable jobs. Handicapped workers are given special treatment and assistance in finding suitable jobs if they require it.

(ii) Claims arising under the wartime programs of the War Manpower Commission for the temporary migration into the United States of certain foreign workers are filed in United States Employment Service local offices.

(iii) State Unemployment Compensation and Servicemen's Readjustment Allowance claims are filed in the local United States Employment Service offices in those States in which the State Unemployment Compensation agency has so requested. Such claims are made on forms provided by the appropriate State Unemployment Compensation agency.

[1] On November 15, 1946, as of the close of business, all State and local offices, except those in Puerto Rico and the District of Columbia, will be transferred to the several States and the Territories of Alaska and Hawaii.

(iv) Approximately 1,750 United States Employment Service local offices are maintained in cities and towns throughout the Nation. In addition, there are approximately 2,500 itinerant points where part-time employment service is provided by staff traveling from regularly established local offices. The office of each State Director maintains, for the information of the public, a directory of all United States Employment Service local offices and itinerant points within the State. The services of the United States Employment Service are available upon informal request at any United States Employment Service local office. The locations of such local offices may be found in the telephone directory of most cities throughout the country. No formal procedures or forms are prescribed or required.

(c) *Information and requests.* Rules of the Department of Labor on disclosure of official information, set forth in §§ 2.6 and 2.7 are also applicable to the United States Employment Service. Requests for general information concerning the work of the Service should be addressed to the Director, United States Employment Service, Department of Labor Building, Washington 25, D. C., or to the nearest regional office at the locations listed above.

§ 2.013 *Shipbuilding Stabilization Committee*—(a) *Functions.* Pursuant to authority contained in Executive Order 9656 of November 15, 1945, and under the general supervision of the Secretary of Labor, to facilitate production, promote harmonious labor relations and stabilize wages, hours and working conditions in the shipbuilding industry through administering, interpreting and securing compliance with the four Zone Standards Agreements, covering basic wages and working conditions in the shipbuilding industry in the Atlantic, Pacific, Gulf, and Great Lakes Zones. These Agreements are tripartite agreements among shipbuilding labor, shipbuilding management and Government (Navy, War and Labor Departments, and U. S. Maritime Commission).

(b) *National organization.* The Shipbuilding Stabilization Committee has 31 members, as follows:

Labor Department—1 member (the Chairman).

Shipbuilding management—12 members.

AFL Metal Trades Department—6 members.

CIO Industrial Union of Marine and Shipbuilding Workers of America—6 members.

Procurement agencies (1. e.) Navy Department, War Department and U. S. Maritime Commission)—2 members each.

The Committee engages in the following activities:

Develops procedures for annual and, where necessary, special reviews of the wage rates established by the National Shipbuilding Conference of May 16, 1942, and subsequently ratified, by tripartite conferences, referenda of the parties and other appropriate means; and recommends and takes appropriate steps to bring about such changes in wage rates as the review indicates are required.

Conducts tripartite zone conferences for the purpose of amending such terms of individual Zone Standards Agreements as are not national in scope.

Considers and determines, through regular quarterly and special meetings and by other appropriate means, all questions with respect to the interpretation, application, and coverage of the Zone Standards Agreements as amended, and the securing of compliance therewith.

Performs such other activities as are consistent with the Zone Standards Agreements as amended, and with the purpose of the Committee.

(c) *Field organization.* The Shipbuilding Stabilization Committee has no field offices or representatives.

(d) *Requests and information.* All requests for information and interpretations should be addressed to the Chairman, Shipbuilding Stabilization Committee, United States Department of Labor, Washington (25), D. C.

PART 01—PROCEDURES

Sec.

01.1 Predetermining prevailing rates of wages on public works and work financed by the United States.
01.2 Former employees practicing before the Department.
01.3 Deductions from wages on public works and work financed by the United States.

§ 01.1 *Predetermining prevailing rates of wages on public works and work financed by the United States.* The procedures established for the determination of prevailing wage rates, pursuant to the Davis-Bacon Act (40 U. S. C. 276a), section 15 (b) of the Federal Airport Act (Pub. No. 377, c. 251, 79th Cong. 2nd Sess.), and section 212 (a) of the National Housing Act, as amended (12 U. S. C. 1715 (c)), are set forth in Part 1 of this subtitle.

§ 01.2 *Former employees practicing before the Department.* The procedures established for former employees to obtain permission to practice before the Department in particular cases pending during their employment are set forth in Part 1 of this subtitle.

§ 01.3 *Deductions from wages on public works and work financed by the United States.* The procedures established in connection with the making of wage deductions, pursuant to the Copeland Anti-kickback Act (40 U. S. C. 276b–c; 5 U. S. C. 133u), are set forth in Part 3 of this subtitle.

PART 02—SUBSTANTIVE RULES

Sec.

02.1 Predetermining prevailing rates of wages on public works and work financed by the United States.
02.2 Former employees practicing before the Department.
02.3 Deductions from wages on public works and work financed by the United States.

§ 02.1 *Predetermining prevailing rates of wages on public works and work financed by the United States.* The substantive rules established for the determination of prevailing wage rates, pursuant to the Davis-Bacon Act, as amended (40 U. S. C. 276a), section 15 (b) of the Federal Airport Act (Pub. No. 377, c. 251, 79th Cong., 2nd Sess.), and section 212 (a) of the National Housing Act, as amended (12 U. S. C. 1715 (c)), are set forth in Part 1 of this subtitle.

§ 02.2 *Former employees practicing before the Department.* The substantive rules in connection with permitting former employees to practice before the Department in particular cases pending during their employment are set forth in Part 2 of this subtitle.

§ 02.3 *Deductions from wages on public works, and work financed by the United States.* Substantive rules established in connection with the making of wage deductions, pursuant to the Copeland Anti-kickback Act (40 U. S. C. 276b–c; 5 U. S. C. 133u), are set forth in Part 3 of this subtitle.

PART 1—PROCEDURE FOR THE PREDETERMINATION OF PREVAILING RATES OF WAGES ON PUBLIC BUILDINGS AND PUBLIC WORKS AND ON BUILDING AND WORK FINANCED IN WHOLE OR IN PART BY LOANS OR GRANTS FROM THE UNITED STATES, PURSUANT TO THE PROVISIONS OF THE DAVIS-BACON ACT, AS AMENDED, THE NATIONAL HOUSING ACT, AS AMENDED, AND THE FEDERAL AIRPORT ACT

Part 1 is amended as follows:

1. The caption for Part 1 is amended to read as set forth above.

2. The following is substituted for § 1.1:

§ 1.1 *Reference to Solicitor.* Whenever a request by the contracting officer is duly referred to the Secretary of Labor for predetermination of wage rates under the Davis-Bacon Act, as amended (40 U. S. C. 276a), section 212 (a) of the National Housing Act, as amended (12 U. S. C. 1715 (c)), or section 15 (b) of the Federal Airport Act (Pub. No. 377, c. 251, 79th Cong., 2nd sess.), the Solicitor of Labor, in the manner hereinafter provided, shall take the necessary steps to obtain evidence upon which the Secretary may make the requisite predeterminations.

3. A new § 1.23 is added as follows:

§ 1.23 *Delegation to the Assistant Secretary of Labor and to the Solicitor of Labor.* The Secretary of Labor in General Orders No. 16 and 19, dated July 22, 1946, and August 7, 1946, respectively, has delegated to Assistant Secretary of Labor Philip Hannah and the Solicitor of Labor severally the duties with which he is charged by the Davis-Bacon Act, as amended, section 212 (a) of the National Housing Act, as amended, and section 15 (b) of the Federal Airport Act.

PART 3—REGULATIONS APPLICABLE TO CONTRACTORS AND SUBCONTRACTORS ON PUBLIC BUILDING AND PUBLIC WORK AND ON BUILDING FINANCED IN WHOLE OR IN PART BY LOANS OR GRANTS FROM THE UNITED STATES

This part is amended by adding a new § 3.9 as follows:

§ 3.9 *Delegation to the Solicitor of Labor.* The Secretary of Labor, in General Order No. 7, dated December 28, 1945,

has delegated to the Solicitor of Labor his functions in connection with all correspondence, conferences, and matters relative to the administration and interpretation of the Copeland Act.

CHILD LABOR AND YOUTH EMPLOYMENT BRANCH, DIVISION OF LABOR STANDARDS

[29 CFR, Ch. IV]

PART 400—PROCEDURES AND SUBSTANTIVE RULES

SUBPART A—PROCEDURES

Sec.
400.1 Certificates of age.
400.2 Hazardous occupation determinations.
400.3 Determinations of employment as not oppressive child labor.
400.4 Utilization of state agencies.

SUBPART B—SUBSTANTIVE RULES

Sec.
400.001 Certificates of age.
400.002 States authorized to issue age certificates.
400.003 Hazardous occupation determinations.
400.004 Determinations of employment as not oppressive child labor.
400.005 Utilization of state agencies.

SUBPART A—PROCEDURES

§ 400.1 *Certificates of age.* The procedures established for the issuance, suspension, and revocation of certificates of age, pursuant to section 3 (l) of the Fair Labor Standards Act (29 U. S. C. 203 (l)), are set forth in Part 401 of this chapter.

§ 400.2 *Hazardous occupation determinations.* The procedures established for the determination of hazardous occupations, pursuant to section 3 (l) of the Fair Labor Standards Act (29 U. S. C. 203 (l)), are set forth in Part 421 of this chapter.

§ 400.3 *Determinations of employment as not oppressive child labor.* The procedures established for the determination of occupations in which the employment of minors between 14 and 16 years of age shall not constitute oppressive child labor, pursuant to section 3 (l) of the Fair Labor Standards Act (29 U. S. C. 203 (l)), are set forth in Part 441 of this chapter.

§ 400.4 *Utilization of state agencies.* The procedures established for the utilization of state agencies for investigations and inspections, pursuant to section 11 (b) of the Fair Labor Standards Act (29 U. S. C. 211 (b)), are set forth in Part 431 of this chapter.

§ 400.001 *Certificates of age.* The substantive rules established for the issuance of certificates of age pursuant to section 3 (l) of the Fair Labor Standards Act (29 U. S. C. 203 (l)) are set forth in Part 401 of this chapter.

§ 400.002 *States authorized to issue age certificates.* The list of States designated to issue certificates which will be accepted in lieu of age certificates for purposes of section 3 (l) of the Fair Labor Standards Act (29 U. S. C. 203 (l)) is set forth in Part 402 of this chapter.

§ 400.003 *Hazardous occupation determinations.* The list of occupations determined to be hazardous, pursuant to section 3 (l) of the Fair Labor Standards Act (29 U. S. C. 203 (l)), is set forth in Part 422 of this chapter.

§ 400.004 *Determinations of employment as not oppressive child labor.* The substantive rules established for the determination of occupations in which the employment of minors between 14 and 16 years of age shall not constitute oppressive child labor, pursuant to section 3 (l) of the Fair Labor Standards Act (29 U. S. C. 203 (l)), are set forth in Part 441 of this chapter.

§ 400.005 *Utilization of state agencies.* The substantive rules for the utilization of state agencies for investigations and inspections, pursuant to section 11 (b) of the Fair Labor Standards Act (29 U. S. C. 211 (b)) are set forth in Part 481 of this chapter.

PART 401—CERTIFICATES OF AGE

This part is amended as follows:

1. The following is substituted for paragraph (b) of § 401.1:

(b) "Director" means the Director of the Division of Labor Standards of the United States Department of Labor.

2. The second paragraph of footnote 1 is amended:

(a) By inserting after the word "Act," the words, ", as amended by Reorganization Plan No. 2, effective July 16, 1946, pursuant to the Reorganization Act of 1946 (Pub. No. 263, 79th Cong., 1st Sess.),";

(b) By substituting "Secretary of Labor" for "Chief of the Bureau" in two places.

3. "Director" is substituted for "Chief of the Bureau": in § 401.2 (a); in § 401.2 (b); in § 401.3; in § 401.4 (b); in two places in the first paragraph of § 401.5; in two places in § 401.6 (a); in two places in § 401.6 (b) (1); and in three places in § 401.6 (b) (2).

4. "Secretary of Labor" is substituted for "Chief of the Bureau" in two places in § 401.9.

PART 402—ACCEPTANCE OF STATE CERTIFICATES

This part is amended by substituting "Director of the Division of Labor Standards" for "Chief of the Children's Bureau" in § 402.1.

PART 421—PROCEDURE GOVERNING DETERMINATIONS OF HAZARDOUS OCCUPATIONS

This part is amended as follows:

1. "Secretary of Labor" is substituted for "Chief of the Children's Bureau" in the first sentence of § 421.1.

2. "Secretary of Labor" is substituted for "Chief of the Bureau": in the third sentence of § 421.1; in § 421.3; in two places in § 421.4; and in two places in § 421.5.

3. "Division of Labor Standards" is substituted for "Bureau": in the penultimate sentence of § 421.1; in the last two sentences of § 421.2.

4. The following is substituted for the last sentence of § 421.4: "Such orders shall become effective 30 days after publication in the FEDERAL REGISTER or at such time prior thereto as may be provided therein upon good cause found and published therewith, and shall be made available to the public at the office of the Division of Labor Standards."

5. The following is substituted for the second sentence of § 421.2: "Before a proposed finding and order is made final, opportunity to be heard, on notice published in the FEDERAL REGISTER, shall be afforded interested parties as well as opportunity to submit briefs and documentary evidence with respect to such finding and order."

PART 422—OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE OR DETRIMENTAL TO THEIR HEALTH AND WELL BEING

This part is amended by substituting "Secretary of Labor" for "Chief of the Children's Bureau" in § 422.4 (d) (2).

PART 441—EMPLOYMENT OF MINORS BETWEEN 14 AND 16 YEARS OF AGE

This part is amended as follows:

1. "Secretary of Labor" is substituted for "Chief of the Bureau": in § 441.6; in two places in § 441.7; and in § 441.11 (e).

2. The following is substituted for paragraph (e) of § 441.2:

(e) Occupations which the Secretary of Labor may, pursuant to section 3 (l) of the Fair Labor Standards Act and Reorganization Plan No. 2, issued pursuant to the Reorganization Act of 1945, find and declare to be hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being.

PART 481—UTILIZATION OF STATE AGENCIES FOR INVESTIGATIONS AND INSPECTIONS

This part is amended as follows:

1. The following is substituted for paragraph (c) of § 481.1:

(c) *Wage and Hour Division.* The term "Wage and Hour Division" means the Wage and Hour Division of the United States Department of Labor.

2. The following is substituted for paragraph (d) of § 481.1:

(d) *Division of Labor Standards.* The term "Division of Labor Standards" means the Division of Labor Standards of the United States Department of Labor.

3. The following is substituted for paragraph (e) of § 481.1:

(e) *Director.* The term "Director" means the Director of the Division of Labor Standards.

4. The present paragraphs (e), (f), and (g) of § 481.1 are relettered (f), (g), and (h), respectively.

5. "Director" is substituted for "Chief of the Bureau" in the new § 481.1 (h) and in § 481.6.

6. "Division of Labor Standards" is substituted for "Bureau" in § 481.2 (b); in § 481.4 (a); in the introductory paragraph of § 481.4 (d); in § 481.4 (d) (3);

in § 481.4 (e); in § 481.4 (g); in two places in § 481.5 (a); in § 481.5 (b); in § 481.6; and in two places in § 481.7.

7. "Wage and Hour Division" is substituted for "Division" in § 481.2 (b); in § 481.4 (a); in the introductory paragraph of § 481.4 (d); in § 481.4 (d) (3); in § 481.4 (e); in § 481.4 (g); in two places in § 481.5 (a); in § 481.5 (b); in § 481.6; in two places in § 481.7; and in § 481.8.

8. After the words "Wage and Hour Division" in § 481.8 are inserted the words "and the Secretary of Labor."

9. The following is substituted for paragraph (a) of § 481.2:

(a) *Purpose.* The Secretary, the Administrator and the Director may enter into agreements with State agencies for the utilization of services of State and local agencies and their employees in making investigations and inspections under the acts and for reimbursement therefor, when such State agencies have submitted plans of cooperation for such purposes and such plans have been found to be reasonably appropriate and adequate to carry out the respective functions of the Secretary, the Administrator and the Director.

10. The following is substituted for § 481.10:

§ 481.10 *Amendments and repeal.* This part may be amended or repealed by appropriate joint regulations issued by the Secretary of Labor and the Administrator: *Provided, however,* That no such amendment or repeal shall be effective as to any agreement previously entered into by a State agency without its consent thereto.

L. M. SCHWELLENBACH,
Secretary of Labor.

SEPTEMBER 3, 1946.

[F. R. Doc. 46—16029; Filed, Sept. 5, 1946; 1:39 p. m.]

DIVISION OF PUBLIC CONTRACTS

[41 CFR, Ch. II]

PART 200—ORGANIZATION, PROCEDURES, AND SUBSTANTIVE RULES

SUBPART A—ORGANIZATION

Sec.
200.1 Functions.
200.2 National organization.
200.3 Field organization.
200.4 Disclosure of information.

SUBPART B—PROCEDURES

200.01 The making of contracts, exceptions and exemptions, minimum wages, tolerances for handicapped workers, and complaints.
200.02 Rules of practice in complaint cases.

SUBPART C—SUBSTANTIVE RULES

200.001 The making of contracts, exceptions and exemptions, definitions, coverage, overtime, breaches, records.
200.002 Minimum wage determinations.

SURPART A—ORGANIZATION

NOTE: The regulations for this subpart are identical with those set forth for the Wage and Hour Division in Part 500 of Title 29.

SUBPART B—PROCEDURES

§ 200.01 *The making of contracts, exceptions and exemptions, minimum wages, tolerances for handicapped workers, and complaints.* The procedures established in connection with the making of contracts, requesting exceptions or exemptions, determining prevailing minimum wages, obtaining tolerances for handicapped workers, and the filing of complaints are set forth in Part 201 of this chapter.

§ 200.02 *Rules of practice in complaint cases.* The rules of practice in complaint cases are set forth in Part 203 of this chapter.

SUBPART C—SUBSTANTIVE RULES

§ 200.001 *The making of contracts, exceptions and exemptions, definitions, coverage, overtime, breaches, records.* The substantive rules established in connection with the making of contracts, exceptions and exemptions, definitions, coverage, overtime rates, breaches, and the keeping of records, are set forth in Part 201 of this chapter.

§ 200.002 *Minimum wage determinations.* The minimum wage determinations issued for particular industries are set forth in separate sections in Part 202 of this chapter.

PART 201—GENERAL REGULATIONS

NOTE: The heading of this part is amended to read "Part 201—General Regulations."

PART 203—RULES OF PRACTICE

This part is amended as follows:

1. The following is substituted for paragraph (b) of § 203.6:

(b) The Secretary of Labor, the Administrator, or the Examiner shall, upon application by any part, and upon a showing of general relevance and reasonable scope of the evidence sought, issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence under oath, including books, records, correspondence, or documents. Applications for the issuance of subpoenas duces tecum shall specify the books, records, correspondence, or other documents sought.

2. The following is added to paragraph (e) of § 203.7:

However, it shall be the policy to exclude irrelevant, immaterial, or unduly repetitious evidence.

(c) The word "decision" is substituted for the word "report" in paragraph (b) of § 203.12.

L. B. SCHWELLENBACH,
Secretary of Labor.

[F. R. Doc. 46-16028; Filed Sept. 5, 1936; 1:39 p. m.]

WAGE AND HOUR DIVISION

[29 CFR, Chapter V]

PART 500—ORGANIZATION

Sec.
500.1 Functions.
500.2 National organization.
500.3 Field organization.
500.4 Disclosure of information.

§ 500.1 *Functions.* The Administrator of the Wage and Hour Division of the Department of Labor is charged with the function of administering and enforcing the minimum wage and maximum hours standards provided by the Fair Labor Standards Act of 1938 (29 U. S. C., 201 et seq.). For administrative purposes this Division has been combined with the Public Contracts Division established by the Secretary of Labor to administer and enforce the Walsh-Healey Public Contracts Act (41 U. S. C., 35–45),[1] and the two Divisions are commonly and collectively known as the Wage and Hour and Public Contracts Divisions. The Divisions serve also as points of initial contact for the public under the wage stabilization program.

§ 500.2 *National organization.* The principal national office of the Divisions is located at 165 West 46th Street, New York 19, New York.[2] A Washington office is located in the Department of Labor Building, Washington 25, D. C.

(a) The national office of the Wage and Hour and Public Contracts Divisions is organized as follows:

(1) The Administrator plans and directs the administration and enforcement work of the Divisions and issues regulations under the Fair Labor Standards Act pursuant to authority conferred thereby. He is assisted in his executive duties by two deputies who perform the duties set forth below, and by an assistant who performs special assignments at his direction.

(2) The Deputy Administrator at the national office in New York is in administrative charge of the Divisions in the absence of the Administrator; shares with the Administrator the task of considering and acting upon major problems arising under both acts, but particularly the Fair Labor Standards Act; and is the Administrator's assistant in carrying out the functions of his office. He is aided by an assistant. In addition, he exercises direct supervision over the functions of the Exemptions Section, including the preparation and administration of regulations governing all exemptions, regulations in respect to record-keeping, and the determination of the reasonable cost of board, lodging, or other facilities; the holding of hearings in connection with the foregoing; the issuance and cancellations of certificates for the employment of apprentices, learners and messengers, and the supervision of all exemptions work performed in the field. Petitions for record-keeping exceptions, reasonable cost determinations, seasonal industry determinations, amendment of any of the regulations dealing with exemptions and applications for apprentice, learner, or messenger certificates, as well as inquiries generally with regard to exemptions, should be addressed to the Exemptions Section at the national office in New York.

(3) The Deputy Administrator at the Washington office, aided by an assistant, is responsible for the maintenance of liaison with other bureaus, divisions and

[1] The Fair Labor Standards Act and the Walsh-Healey Act are designated herein as the "Acts."

[2] This decentralization is of a temporary nature necessitated by the national emergency.

offices of the Department and other Federal Departments and agencies, and shares with the Administrator the task of considering and acting upon major problems arising under the Acts. He is in charge of such personnel as are maintained in Washington by the Economics and Business Management Branches to assist in the performance of said duties, and supervises the work of the Hearings anod Pay Roll Audit Section of the Field Operations Branch which performs the pay roll transcript and computations involved in formal enforcement proceedings instituted under the Walsh-Healey Public Contracts Act.

(4) The Field Operations Branch, with a Director in charge, performs the functions of directing, coordinating, analyzing, and reviewing for adequate performance the enforcement activities of the Divisions in the field.

(5) The Information and Compliance Branch, with a Director in charge, advises on and participates in policy decisions of the Divisions involving public relations and creates and effectuates a comprehensive information program designed to achieve voluntary compliance with the Acts.

(6) The Economics Branch, with a Director in charge, is responsible for economic research and advice.

(7) The Business Management Branch is responsible for formulation of policies and procedures and the development of all matters pertaining to the business management functions of the Divisions.

§ 500.3 *Field organization.* (a) The inspection work of the Divisions and their enforcement work in the field are conducted through the Regional Offices of the Department of Labor and a Territorial Representative in Puerto Rico. A Regional Director is in charge of each region. Branch offices, operating under the supervision of the regional offices, have been established in some regions. The regional offices are also responsible for carrying on the work of the Divisions in the administration of the wage stabilization program. The Administrator of the Divisions has made the following delegations of authority to Regional Directors, Assistant Regional Directors, the Territorial Representative in Puerto Rico, and the Commissioner of Labor in North Carolina:

(1) Power to grant, deny, or cancel special homework certificates pursuant to the provisions of certain wage orders, issued under the Fair Labor Standards Act, and to hold hearings in connection therewith;

(2) Power to issue, deny, or cancel handicapped workers' certificates; [3]

(3) Power to issue, deny, or cancel certificates for the employment of handicapped clients in sheltered workshops.[4]

Applications in connection with subparagraphs (1), (2), and (3) of this paragraph should be addressed to the respective regional directors.

(4) Power to issue, deny, or revoke special certificates for the employment, under any vocational rehabilitation program administered by the Veterans Administration, at subminimum rates, of veterans handicapped by a service-incurred disability. The issuance of such special certificates follows upon receipts by the regional director from the Veterans Administration of a copy of a temporary certificate athorizing such employment and issued by such representatives of Veterans Administration as have been designated by the Administrator as his authorized representatives to issue, deny, or revoke such temporary certificates.

(b) The regional offices answer questions relative to the application of the Acts in respect to matters on which the Administrator has asserted a position. Requests for such information should be addressed to the regional or branch office nearest the applicant or to the national office of the Divisions.

(c) The enforcement of the Fair Labor Standards Act and the Walsh-Healey Public Contracts Act in North Carolina and in Minnesota has been delegated to the respective State Departments of Labor under agreements entered into pursuant to section 11 (b) of the Fair Labor Standards Act and section 4 of the Walsh-Healey Public Contracts Act. At the same time agreements have been consummated with 20 State Departments of Labor, as well as with the District of Columbia, and the Territory of Hawaii, under which they make safety and health inspections of concerns subject to the Public Contracts Act.

(d) Complaints of violation of the acts may be filed or general information obtained at the nearest regional office or branch office or from the Director of Information at the national office in New York.

A list of the regional and branch offices of the Wage and Hour and Public Contracts Divisions is as follows:

Region and address

I. Massachusetts, New Hampshire, Vermont, Rhode Island, Maine, Connecticut: Old South Building, 294 Washington Street, Boston, Mass.

II. New York, New Jersey: Parcel Post Building., 341 Ninth Avenue, New York 1, N. Y. Branch, Essen Building, 31 Clinton Street, Newark 2, N. J. Branch, 304 State Tower Building, Syracuse 2, N. Y.

III. Pennsylvania, Delaware: 1216 Widener Building, Chestnut and Juniper Streets, Philadelphia 7, Pa. Branch, Clark Building, Liberty Avenue and Seventh Street, Pittsburgh 22, Pa.

IV. Virginia, West Virginia, Maryland, District of Columbia: 219 Richmond Trust Building, Richmond 19, Va. Branch, 408 Old Town Bank Building, Gay and Fallsway Streets, Baltimore 2, Md.

V. Georgia, Florida, South Carolina: 17 North Avenue, Atlanta 3, Ga. Branch, Federal Land Bank Building, Columbia 29, S. C. Branch, 456 New Post Office Building, Jacksonville 1, Fla.

VI. Alabama, Mississippi, Louisiana: 1007 Comer Building, Birmingham 3, Ala. Branch, 1908 Comer Building, Birmingham 3, Ala. Branch, 916 Richards Building, New Orleans 12, La. Branch, 405 Deposit Guaranty Bank Building, Jackson 14, Miss.

VII. Tennessee, Kentucky: 509 Medical Arts Building, Nashville 3, Tenn.

VIII. Ohio, Michigan: 4237 Main Post Office, West Third and Prospect Avenue, Cleveland 13, Ohio. Branch, 1216 Francis Palms Building, 2111 Woodward Avenue, Detroit 1, Mich. Branch, 1312 Traction Building, Cincinnati 2, Ohio.

IX. Illinois, Indiana, Wisconsin: 1200 Merchandise Mart, 222 West North Bank Drive, Chicago 54, Ill.

X. Minnesota, North Dakota, South Dakota, Montana: 406 Pence Building, 730 Hennepin Avenue, Minneapolis, Minn.

XI. Kansas, Nebraska, Iowa, Missouri, Colorado, Wyoming: 911 Walnut Street, Kansas City 6, Mo. Branch, 316 Old Customhouse, 815 Olive Street, St. Louis 1, Mo. Branch, 300 Chamber of Commerce Building, 1726 Champ Street, Denver 2, Colo.

XII. Texas, Oklahoma, Arkansas, New Mexico: Rio Grande National Building, 1100 Main Street, Dallas 2, Tex.

XIII. California, Arizona, Nevada, Washington, Oregon, Idaho, Utah, Hawaii, and Alaska: 501 Humboldt Bank Building, 785 Market Street, San Francisco 3, Calif. Branch, 417 H. W. Hellman Building, Spring and Fourth Streets, Los Angeles 13, Calif. Branch, 305 Post Office Building, Seattle 11, Wash. Branch, 208 Old United States Courthouse, Portland 4, Oreg.

Puerto Rico and Virgin Islands: Banco Popular Building, Tetuan and San Justo Streets. (P. O. Box 112), San Juan 1, P. R.

North Carolina: State Department Building, Salisbury and Edenton Streets, Raleigh, N. C.

§ 500.4 *Disclosure of information.* Rules of the Department of Labor set forth in §§ 2.6 and 2.7 of this title are also applicable to the Wage and Hour and Public Contracts Divisions.

PART 501—PROCEDURES

Sec.
501.1 Industry committees.
501.2 Utilization of State agencies.
501.3 Record-keeping requirements.
501.4 Student learners in vocational training programs.
501.5 Apprentices.
501.6 Learners.
501.7 Messengers.
501.8 Handicapped persons.
501.9 Handicapped clients in sheltered workshops.
501.10 Determinations of seasonal industries.
501.11 Determinations of reasonable cost of facilities.
501.12 Definition of "area of production."
501.13 Definition of "executive," "administrative," "professional," "local retailing," and "outside salesman" capacities.
501.14 Homeworkers in needlework industries in Puerto Rico.
501.15 Homeworkers in other specified industries.

§ 501.1 *Industry committees.* The procedures established to govern industry committees in exercising their functions in connection with the issuance of wage orders pursuant to sections 5 and 8 of the Fair Labor Standards Act (29 U. S. C. 205, 208) are set forth in Part 511 of this chapter.

§ 501.2 *Utilization of state agencies.* The procedures established for the utilization of State agencies for investigations and inspections under section 11(b) of the Fair Labor Standards Act (29 U. S. C. 211(b)) are set forth in Part 515 of this chapter.

[3] In general, the rules applicable to the employment of handicapped workers under the Fair Labor Standards Act are also applicable to the employment of handicapped workers under the Walsh-Healey Public Contracts Act. See § 201.1102 of title 29.

[4] The power to issue, deny, or cancel certificates for the employment of handicapped clients in sheltered workshops has also been delegated to Mr. Raymond G. Garceau and Mr. Jacob I. Bellow of the national office in New York.

§ 501.3 *Record-keeping requirements.* The procedures established in connection with the record-keeping requirements of section 11 of the Fair Labor Standards Act (29 U. S. C. 211) are set forth in Part 516 of this chapter.

§ 501.4 *Student learners in vocational training programs.* The procedures established in connection with the part-time employment of student learners in vocational training programs pursuant to section 14 of the Fair Labor Standards Act (29 U. S. C. 214) are set forth in Part 520 of this chapter.

§ 501.5 *Apprentices.* The procedures established in connection with the employment of apprentices pursuant to section 14 of the Fair Labor Standards Act (29 U. S. C. 214) are set forth in Part 521 of this chapter.

§ 501.6 *Learners.* The procedures established in connection with the employment of learners pursuant to section 14 of the Fair Labor Standards Act (29 U. S. C. 214) are set forth in Part 522 of this chapter.

§ 501.7 *Messengers.* The procedures established in connection with the employment of messengers pursuant to section 14 of the Fair Labor Standards Act (29 U. S. C. 214) are set forth in part 523 of this chapter.

§ 501.8 *Handicapped persons.* The procedures established in connection with the employment of handicapped persons pursuant to section 14 of the Fair Labor Standards Act (29 U. S. C. 214) are set forth in Part 524 of this chapter.

§ 501.9 *Handicapped clients in sheltered workshops.* The procedures established in connection with the employment of handicapped clients in sheltered workshops pursuant to section 14 of the Fair Labor Standards Act (29 U. S. C. 214) are set forth in Part 525 of this chapter.

§ 501.10 *Determination of seasonal industries.* The procedures established for the determination of industries of a seasonal nature, pursuant to section 7 (b) (3) of the Fair Labor Standards Act (29 U. S. C. 207 (b) (3)), are set forth in Part 526 of this chapter.

§ 501.11 *Determinations of reasonable cost of facilities.* The procedures established for the determination of the reasonable cost of facilities furnished employees pursuant to section 3 (m) of the Fair Labor Standards Act (29 U. S. C. 203 (m)) are set forth in Part 531 of this chapter.

§ 501.12 *Definition of "area of production."* The procedures established in connection with defining the term "area of production" pursuant to sections 7 (c) and 13 (a) (10 of the Fair Labor Standards Act (29 U. S. C. 207 (c), 213 (a) (10)) are set forth in Part 536 of this chapter.

§ 501.13 *Definition of "executive," "administrative," "professional," "local retailing," and "outside salesman" capacities.* The procedues established in connection with defining the terms "executive," "administrative," "professional," "local retailing," and "outside salesman" capacities, pursuant to section 13 (a) (1) of the Fair Labor Standards Act (29 U. S. C. 213 (a) (1)) are set forth in Part 541 of this chapter.

§ 501.14 *Homeworkers in needlework industries in Puerto Rico.* The procedures established in connection with the employment of homeworkers in the needlework industries in Puerto Rico, pursuant to sections 6 and 11 of the Fair Labor Standards Act (29 U. S. C. 206, 211) are set forth in Part 545 of this chapter.

§ 501.15 *Homeworkers in other specified industries.* The procedures established in connection with the employment of homeworkers in the Women's Apparel Industry, the Jewelry Manufacturing Industry, the Knitted Outerwear Industry, the Gloves and Mittens Industry, the Button and Buckle Manufacturing Industry, the Handkerchief Manufacturing Industry, and the Embroideries Industry, pursuant to sections 8 and 11 of the Fair Labor Standards Act (29 U. S. C. 208, 211) are set forth in Parts 605, 607, 617, 621, 625, 628, and 633, respectively, of this chapter.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 46-15433; Filed, Aug. 28, 1946; 2:41 p. m.]

AMERICAN BATTLE MONUMENTS COMMISSION

[32 CFR, Ch. V]

PART 500—ORGANIZATION AND PROCEDURE

SUBPART A—ORGANIZATION

Sec.
500.1 Creation and authority.
500.2 Functions.
500.3 Organization.

SUBPART B—PROCEDURE

500.20 Applications, requests, and contributions.

SUBPART A—ORGANIZATION

§ 500.1 *Creation and authority.* The American Battle Monuments Commission was created by act of Congress approved March 4, 1923 (42 Stat. 1509; 36 U.S.C. 121). It derives its authority from this and subsequent acts and Executive orders (36 U.S.C. ch. 8; Executive Orders 6614 of February 26, 1934, 6690 of April 25, 1934, and 9704 of March 14, 1946; Public Law 456, 79th Congress, approved June 26, 1946).

§ 500.2 *Functions.* The principal functions of the Commission are:

(a) Administer and maintain World War I American national cemeteries and memorials in Europe.

(b) Prepare plans and estimates for the erection of suitable memorials to mark and commemorate the services of the American armed forces and to erect and maintain memorials in the United States and at such places outside the United States where the American armed forces have served (World War II) or shall hereafter serve as the Commission shall determine.

(c) Erect and maintain works of architecture and art in such American cemeteries located outside the United States, its Territories and possessions, as the Secretary of War shall declare to be permanent cemeteries.

(d) Control as to materials and design, provide regulations for, and supervise the erection of, all memorial monuments and buildings in American cemeteries located outside of the United States and its Territories and possessions.

(e) Control as to materials and design, provide regulations for, and supervise the erection of, all memorial monuments and buildings commemorating the services of the American armed forces erected in any foreign country or political division thereof which may authorize the Commission to perform such functions, or upon federally owned or controlled property in the United States or in its Territories and possessions, except national cemeteries.

(f) Cooperate with American citizens, States, municipalities, or associations desiring to erect war memorials outside the continental limits of the United States in such manner as may be determined by the Commission.

(g) Receive funds from any State, municipal, or private source to be used in carrying out the Commission's program.

(h) Furnish replicas of any memorial, or any part thereof, to States, municipalities, or interested private persons or associations at actual cost.

§ 500.3 *Organization.* The American Battle Monuments Commission organization is composed of:

(a) *The Commissioners.* Final authority in all matters pertaining to the erection of memorials to commemorate the services of American armed forces and of memorial monuments and buildings in permanent American cemeteries outside of the continental limits of the United States and its Territories and possessions, including the erection of such memorials and memorial monuments and buildings by American citizens, States, municipalities, and associations, rests in the Commission. Inquiries and proposals regarding such matters should be addressed to the Commission at the Central Office.

(b) *The Secretary.* The Secretary acts for the Commission in all administrative matters; formulates for the consideration of the Commission plans and estimates for the carrying out of its duties; carries out the plans adopted by the Commission; and otherwise gives effect to its decisions and policies.

(c) *Central Office.* The Central Office is located in Room 5-A-732, Pentagon Building, Washington 25, D. C. The Central Office is responsible for the conduct of the general administrative work of the organization.

(d) *Field Office.* The Field Office is located at 2 Avenue Gabriel, Paris, France. The Field Office is responsible for the administration and maintenance of World War I cemeteries and memorials in Europe. Information regarding these cemeteries and memorials and individual graves in the cemeteries may be had by addressing the Field Office. The Field Office will, upon request and upon receipt of funds, arrange for the placing of

flowers on individual graves in these cemeteries. Information regarding this service may be had from the Central Office or the Field Office.

SUBPART B—PROCEDURE

§ 500.20 *Applications, requests, and contributions.* (a) All applications, requests, and contributions will be submitted to the Secretary, American Battle Monuments Commission, Room 5–A–732, Pentagon Building, Washington 25, D. C.

(b) American citizens, States, municipalities, or associations desiring to erect war memorials outside the continental limits of the United States should proceed as follows:

(1) Submit general idea of the memorial to the American Battle Monuments Commission, with a request for the tentative allocation of the site desired.

(2) When site is provisionally allocated prepare and submit the design of the monument, together with the inscription, for approval. The design of the monument will then be referred, in accordance with law, by the Commission to the National Commission of Fine Arts for their approval.

(3) After a site is allocated and the design and inscription approved, the American Battle Monuments Commission will take up with the foreign governments concerned the question of securing approval to the erection of the monument.

(4) When the approval of the foreign government is obtained the Commission will cooperate, if the people concerned so desire, in obtaining of ground and the erection of monument.

THE AMERICAN BATTLE MONUMENTS COMMISSION,
ROBERT G. WOODSIDE,
Vice Chairman.

[F. R. Doc. 46–15038; Filed, Aug. 26, 1946; 10:13 a. m.]

BOARD OF WAR COMMUNICATIONS

[32 CFR, Ch. XV]

PART 1750—ORGANIZATION AND PROCEDURE

Sec.
1750.1 Purpose and authority.
1750.2 General description of Board organization.
1750.3 Offices.
1750.4 Regulations, procedure, and orders.
1750.5 Duties of Committees.

§ 1750.1 *Purpose and authority.* The Board of War Communications (formerly the Defense Communications Board) was created by Executive Order No. 8546 on September 24, 1940, (5 F. R. 3817–3827) as amended by Executive Order No. 8960, dated December 6, 1941 (6 F. R. 6325), for the purpose of determining, preparing, and coordinating plans for the most efficient control and use of radio, wire, and cable communication facilities during the national emergency. Thereafter, by Executive Order No. 8964, dated December 10, 1941 (6 F. R. 6367), Executive Order No. 9089, dated March 6, 1942 (7 F. R. 1777), and Executive Order No. 9183, dated June 15, 1942 (7 F. R. 4590), there was delegated to the Board the wartime authority of the President under section 606 (a) of the Communications Act to direct that communications essential to the national defense and security shall have preference or priority and, under sections 606 (c) and (d), to direct the use, control or closure of radio and wire communication stations and facilities.

§ 1750.2 *General description of Board organization.* The Chairman of the Federal Communications Commission is also the Chairman of the Board of War Communications. The other members of the Board are the Chief Signal Officer of the Army, the Chief of Naval Communications, the Assistant Secretary of State in Charge of Economic Affairs, and the Assistant Secretary of the Treasury in Charge of Treasury Enforcement Activities. The Board has no paid personnel, appropriation, or funds. It operates through a coordinating committee and a law committee staffed by personnel from the agencies represented on the Board; through Labor and Industry Advisory Committees and an international Broadcasting Coordinating Committee; and through 11 "numbered committees" for radio amateurs, aviation communications, cable, domestic broadcasting, the Interdepartment Radio Advisory Committee, international broadcasting radio communications, State and municipal facilities, telegraph, telephone, United States Government facilities. The functions of these committees are described in Appendix I hereto.

§ 1750.3 *Offices; submittals and requests for information.* The offices of the Board are the offices of its Chairman and are located in the New Post Office Building, 13th Street and Pennsylvania Avenue, N. W., Washington 25, D. C. Letters, documents, and other submittals and requests should be directed to these offices.

§ 1750.4 *Regulations, procedure, and orders.* The general regulations governing the activities of the Board of War Communications are contained in the Executive Orders referred to in § 1750.1 under which the Board was created and which set forth the authority of the Board. Additional regulations have not been adopted. Matters requiring the attention of the Board of War Communications are considered initially by the Board and referred to the appropriate committees for consideration and recommendations to the Board. Two orders issued by the Board, other than orders cancelling previously issued orders, are now in effect. These two orders are Order No. 20–B, dated July 2, 1946, entitled "Priority for Urgent Telephone Toll Calls Essential to the War Effort or Public Safety" (11 F. R. 7938), and Order No. 27–D dated March 28, 1946, entitled "Precedence for Telegraph Messages Essential to the War Effort or Public Safety" (11 F. R. 5123).

§ 1750.5 *Duties of Committees.* The Board of War Communications has assigned the following duties to its several committees:

(a) *Coordinating Committee.* The duties of the Coordinating Committee include assistance to the Board in planning and coordinating work. It will maintain liaison with the Law Committee, Labor Advisory Committee, and Industry Advisory Committee, for the purposes of advice and consultation and will supervise the work of the other committees, which will report directly to it.

(b) *Law Committee.* The duties of the Law Committee include the furnishing of legal opinions and advice, and the drafting of final reports and recommendations, proposed Executive Orders, proclamations, and legislation. The Law Committee will report directly to the Board but will have liaison, for purposes of advice and consultation, with the Coordinating Committee, and, as may be necessary, with other committees.

(c) *Labor Advisory Committee.* The duties of the Labor Advisory Committee include the submission of expert advice to the Board on all labor problems incident to the proper carrying out of its national defense mission. With the requirements of national defense as a primary consideration, the Labor Advisory Committee will submit recommendations to the Board on such problems as are referred to it by the Board. The Labor Committee will report directly to the Board but will have liaison for the purpose of advice and consultation with the Coordinating Committee and the Industry Advisory Committee.

(d) *Industry Advisory Committee.* The duties of the Industry Advisory Committee include the submission of expert advice to the Board on all problems of general concern to the communications companies incident to the proper carrying out of the Board's national defense mission. With the requirements of national defense as a primary consideration, the Industry Advisory Committee will submit recommendations to the Board on such problems as are referred to it by the Board. The Industry Advisory Committee will report directly to the Board but will have liaison for the purpose of advice and consultation with the Coordinating Committee and the Labor Advisory Committee.

Whenever a problem involving domestic or international broadcasting shall arise, the Chairman of the Industry Advisory Committee shall notify the Chairman of the Domestic Broadcasting Committee or International Broadcasting Committee, as the case may be, and such Domestic or International Broadcasting Committee shall designate a Delegate to act as a member of the Industry Advisory Committee on that problem.

(e) *International Broadcasting Coordinating Committee.* The duties of this Committee include the study of methods of making available necessary physical equipment to provide adequate international broadcast service for psychological warfare purposes. With the requirements of the military services as a primary consideration, it shall consider the problems of manufacturing new equipment as compared with the practicability of diverting the required equipment, all or in part, from other sources and services and make such recommendations as seem desirable from the standpoint of the successful conduct of the war.

(f) *Amateur Radio Committee.* The duties of this Committee include the

study of all phases of amateur radio facilities. With the requirements of national defense as a primary consideration, the Committee shall recommend precautions and restrictions with respect to amateur radio operations under various emergency conditions, and the allocation of such amateur facilities as may be required by the Army or the Navy.

(g) *Aviation Communications Committee.* The duties of this Committee include the study of all phases of domestic and international civil aviation radio facilities and communications services associated therewith. It will have liaison with the U. S. Government Facilities Committee and the State and Municipal Facilities Committee. With the requirements of national defense as a primary consideration, the Committee shall recommend plans for the most efficacious use of all of these facilities in time of military emergency, giving due consideration to the needs of other governmental agencies, of industry, and of other civilian activities.

(h) *Cable Committee.* The duties of this Committee include the study of all phases of submarine cable communications facilities used in the international or overseas service. With the requirements of national defense as a primary consideration, the Committee shall recommend plans for the most efficacious use of all of these facilities in time of military emergency, giving due consideration to the needs of other governmental agencies, of industry, and of other civilian activities.

(i) *Domestic Broadcasting Committee.* The duties of this Committee include the study of the physical aspects of domestic standard broadcasting and formulation of recommendations of such precautions, supplementary facilities and reallocations as it shall deem desirable under foreseeable military conditions. It shall also consider other domestic broadcasting systems including relay broadcasting, high frequency (FM) broadcasting, television, facsimile broadcasting and experimental broadcasting. The Committee's work in all of these fields will include recommendations for the speedy and efficacious use in time of military emergency of all necessary domestic broadcasting facilities and communications services associated therewith, with the requirements of the national defense as a primary consideration.

(j) *Interdepartment Radio Advisory Committee.* This Committee is designated under the provisions of Paragraphs 5 and 7, but without reference to Paragraph 8, of the President's Executive Order of September 24, 1940. The duties of this Committee will include making special studies and recommendations regarding frequency allocations, with the requirements of national defense as a primary consideration but giving due consideration to the needs of governmental agencies, of industry, and of other civilian activities.

(k) *International Broadcasting Committee.* The duties of this Committee include the study of all phases of international broadcasting and the formulation of recommendations concerning such precautions, supplementary facilities and reallocations as it shall deem desirable under foreseeable military conditions. With the requirements of national defense as a primary consideration, it shall also recommend plans for the speedy and efficacious use of all necessary international broadcasting facilities in time of military emergency giving due consideration to the needs of other governmental agencies, of industry, and of other civilian activities.

(l) *Radiocommunications Committee.* The duties of this Committee include the study of all phases of domestic and international radiotelegraph and radio telephone communications facilities (including mobile and fixed services) except aviation, amateur, Federal, State, and Municipal communications facilities. With the requirements of national defense as a primary consideration, the Committee shall recommend plans for the most efficacious use of all of these facilities in time of military emergency, giving due consideration to the needs of other governmental agencies, of industry, and of other civilian activities.

(m) *State and Municipal Facilities Committee.* The duties of this Committee include the study of all phases of State and Municipal communications facilities, including Municipal and State Police Radio Stations, Inter-City Police Radio Stations, State Forestry Radio Stations, Marine Fire Radio Stations, and State and municipally owned or leased wire facilities. With the requirements of national defense as a primary consideration, the Committee shall recommend plans for the most efficacious use of all of these facilities in time of military emergency, giving due consideration to the needs of other governmental agencies, of industry, and of other civilian activities.

(n) *Telegraph Committee.* The duties of this Committee include the study of all phases of landline record communications, both domestic and connecting international and line services and facilities (except federally owned facilities) including leased line, teletypewriter exchange, wirephoto and facsimile services and facilities. With the requirements of national defense as a primary consideration, the Committee shall recommend plans for the most efficacious use of all of these services and facilities in time of military emergency, giving due consideration to the needs of other governmental agencies, of industry, and of other civilian activities.

(o) *Telephone Committee.* The duties of this Committee include the study of all phases of landline telephone communications, both domestic and connecting international landline and submarine cable telephone services and facilities (except federally owned facilities) including leased line telephone services and facilities. With the requirements of national defense as a primary consideration, the Committee shall recommend plans for the most efficacious use of all of these services and facilities in time of military emergency, giving due consideration to the needs of other governmental agencies, of industry, and of other civilian activities.

(p) *United States Government Facilities Committee.* The duties of this Committee include the study of all phases of non-military governmental communications facilities with a view to possible military use and the coordination of these facilities including wire, cable and radio facilities owned or leased for government operation, with communications facilities of the Army, Navy, and Coast Guard. With the requirements of national defense as a primary consideration, the Committee shall recommend plans for the most efficacious use of all of these facilities in time of military emergency, giving due consideration to the needs of other governmental agencies, of industry, and of other civilian activities.

CHARLES R. DENNY,
Acting Chairman.

[F. R. Doc. 46-15916; Filed, Sept. 5, 1946; 8:57 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Ch. I]

[Regulations, Serial No. 374]

PART 285—RULES OF PRACTICE UNDER TITLE IV AND SECTION 1002 (D) TO (I) OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED

At a session of the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of August, 1946. (Revision of Part 285 of the Economic Regulations.)

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 1001 and 1002 and Title IV of said Act, and pursuant to the Administrative Procedure Act, particularly sections 3 and 12 thereof, hereby makes and promulgates the following rules and regulations:

RULES OF PRACTICE UNDER TITLE IV AND SECTION 1002 OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED

Effective September 11, 1946, Part 285 of the Economic Regulations, as amended, is hereby amended in its entirety to read as follows:

Sec.

285.1 Proceedings.
285.2 General requirements as to papers in proceedings.
285.3 Form and filing of documents.
285.4 Appearances and practice requirements.
285.5 Subpoenas and depositions.
285.6 Appearances by third persons and formal interventions.
285.7 Conference procedure.
285.8 Hearings, argument, recommended decisions and proceedings subsequent thereto.
285.9 Exhibits.
285.10 Hearings before the Board and before Boards of Examiners.
285.11 Petition for rehearing, reargument, or reconsideration.
285.12 Memoranda in opposition or support.
285.13 Procedure in rate proceedings.
285.14 Informal complaints.
285.15 Formal complaints.
285.16 Objections to public disclosure of information.

§ 285.1 *Proceedings.* There shall be one form of formal proceeding (to be known as a "proceeding") under Title IV and section 1002 of the act.

A proceeding may be instituted (a) by order to show cause or other process of the Board, (b) by the filing with the Board of a formal application, complaint or petition.

§ 285.2 *General requirements as to papers in proceedings*—(a) *Content of documents.* Any person wishing to institute a proceeding should consult the rules, regulations and orders of the Board under the various sections of the act. In case there is no rule, regulation or order of the Board which prescribes the contents of the formal application, complaint or petition in a given case, the application, complaint or petition should contain a proper identification of the parties concerned, a reference to the statutory authority under which the document is filed, and a concise but complete statement of the facts relied upon and the relief sought.

(b) *Insufficient allegations.* In any case where the Board is of the opinion that a formal application, complaint or petition does not sufficiently set forth the material required to be set forth by any applicable rule, regulation or order of the Board, or is otherwise insufficient, the Board may advise the party filing the same of the deficiency and require that any additional information be supplied by amendment.

(c) *Answers.* Answers to formal complaints, petitions and orders to show cause will not usually be required. In case an answer is deemed desirable, the parties will be notified. The issues of the proceeding will ordinarily be formulated at the prehearing conference.

(d) *Retention of papers by the Board.* When any formal application, complaint or petition is denied, dismissed or permitted to be withdrawn, in whole or in part, said application, complaint or petition, and all documents filed with the Board pertaining thereto shall be retained in the files of the Board. When any proceeding instituted by the Board is dismissed, terminated or rescinded, all documents filed with the Board pertaining thereto shall be retained in the files of the Board; *Provided,* That this paragraph shall not apply to documents filed with the Board in any proceeding on the basis of a stipulation that such documents will be returned to the parties so filing when the purpose for which the documents are filed has been served; and *Provided further,* That the Board in its discretion may permit the withdrawal of original documents upon the submission of properly authenticated copies to replace such documents.

§ 285.3 *Form and filing, of documents*—(a) *Execution, number of copies and service.* Unless otherwise required by applicable rule or regulation, every application, petition and formal complaint relating to any of the provisions of Title IV or section 1002 of the act, and every answer or other formal document in any such proceeding shall be signed by, or on behalf of, the person filing the same, and shall be verified by the person signing the same, in the manner required by paragraph (b) of this section. Proposed findings and conclusions or exceptions and supporting reasons therefor shall be signed but need not be verified. Any general partner may sign on behalf of a partnership. Documents filed by a corporation, business trust or other similar organization must be signed by an officer who is duly authorized to take such action. An executed original copy of each such document, and nineteen true copies thereof, which need not be signed or verified, but which should have typed or facsimile signatures, shall be filed with the Board. Each person filing any such document shall furnish such additional copies and shall make such service of the document on other persons as the Board may at any time require. Such documents shall be delivered in person, through the mails, or otherwise, to the Civil Aeronautics Board in Washington, D. C., and shall be deemed to have been filed on the date on which they are actually received by the Board.

(b) *Verification.* Every verification shall set forth that the person verifying the document has read and is familiar with the contents thereof and the attached exhibits, if any; that he intends and desires that in granting or denying the relief requested, the Board shall place full and complete reliance upon the accuracy of each and every statement therein contained; that he is familiar with the facts therein set forth; that to the best of his information and belief, every statement contained in the instruments is true and no such statement is misleading.

(c) *Formal specifications of papers.* All papers filed in proceedings should be on strong, durable paper not larger than 8½" by 13" in size except that tables, charts and other documents may be larger, folded to approximately that size. The left margin should be at least 1½" wide and, if the document is bound, it should be bound on the left side.

Papers may be reproduced by printing or by any other process, provided the copies are clear and legible. Appropriate notes or other indications should be used, so that the existence of deficits and any other matters normally shown in color will be accurately indicated on photostatic copies.

(d) *Waiver of strict compliance with rule.* The Board may, in its discretion, waive strict compliance with any requirement of this section.

§ 285.4 *Appearances and practice requirements*—(a) *Appearances.* Any party to a proceeding may appear and be heard in such proceeding in person or by attorney. So far as the orderly conduct of business permits, any person may appear and be heard in person or by attorney before the Board or its officers and employees for the presentation, adjustment, or determination of any issue, request or controversy in any proceeding or in connection with any function of the Board.

(b) *Practice requirements.* No register of attorneys who may practice before the Board is maintained and no application for admission to practice is required. Any attorney practicing before the Board or desiring so to practice may, for good cause shown, be disbarred or suspended from so practicing, but only after he has been afforded an opportunity to be heard in the matter.

§ 285.5 *Subpoenas and depositions*—(a) *Subpoenas.* Subpoenas requiring the attendance and testimony of witnesses and the production of books, papers and documents relating to any matter under investigation, may be issued by any member of the Board or any person designated as Examiner in any proceeding or investigation. Application therefor may be made either to the Secretary of the Board or to the Examiner. Such application must be in writing and should specify as exactly as possible the competency, relevancy, and materiality of the evidence sought, and should describe in detail the documents desired.

(b) *Depositions.* Any party desiring to take the deposition of a witness shall make application in writing to the Secretary of the Board or the Examiner in the proceeding or investigation, stating the reasons why such deposition should be taken, the name of the witness, the time and place for taking of such deposition, and a general description of the matter or matters concerning which testimony is requested, or a list of questions or interrogatories to be propounded. Such application shall be accompanied by a proof of service upon all parties to the proceeding. If good cause be shown, an order will be issued authorizing such deposition and specifying the time and place, the subject matter to be covered, and designating, by name or otherwise, the person before whom such deposition is to be taken. After the deposition has been reduced to writing and properly certified, the original and two copies thereof shall be forwarded to the Board at its office in Washington, D. C., where unless otherwise ordered by the Board for good cause shown, it shall be filed in the record in said proceeding or investigation. Depositions shall conform to the requirements of Formal Specifications of Papers contained in § 285.3.

§ 285.6 *Appearances by third persons and formal interventions*—(a) *Appearances by third persons.* Any person, including any state, political subdivision thereof, state aviation commission, or other public body, may appear at any hearing and present any evidence which is relevant to the issues. Such persons may also suggest questions or interrogatories to be propounded by public counsel to witnesses called by other persons. With the consent of the examiner, or of the Board, if the hearing is held before the Board, such persons may also cross-examine witnesses directly.

(b) *Formal interventions.* (1) Any person having a substantial interest in the subject matter of any proceeding may petition for leave to intervene in such proceeding and may become a party thereto upon compliance with the provisions of this paragraph. In general, such petitions will not be granted unless it shall be found:

(i) That such person has a statutory right to be made a party to such proceeding; or,

(ii) That such person will or may be bound by the order to be entered in the proceeding; or,

(iii) That such person has a property or financial interest which may not be adequately represented by existing parties, if such intervention would not un-

duly broaden the issues or delay the proceeding.

However, the denial of such a petition for leave to intervene shall not prevent the petitioner from participating in the proceeding in the manner described in paragraph (a) of this section.

(2) Unless otherwise ordered by the Board every petition for leave to intervene shall be filed with the Board prior to the first prehearing conference, or in the event that no such conference is to be held, not later than 10 days prior to the hearing. Copies of the petition shall be mailed or delivered to each party to the proceeding prior to the filing of the petition. The Board, however, may pass upon any such petition without receiving testimony or argument either from the petitioner or from other parties to the proceeding. The petition shall clearly set forth the interest of the petitioner, and shall otherwise comply with the requirements of § 285.3.

(3) No petition for leave to intervene, not filed within the time limited by the preceding paragraph of this subsection, will be entertained unless the petitioner shall clearly show good cause for his failure to file such petition within the time so limited. In the event that such petition is heard by an examiner, his determination shall be governed by the standards hereinabove set forth, but no decision by an examiner on such petition shall be binding on the Board. Interventions herein provided are for administrative purposes, and no decision to grant leave to intervene shall be deemed to constitute a finding or determination that the intervening party has such a substantial interest in the order that is to be entered in that proceeding as will entitle it to demand court review of such order.

§ 285.7 *Conference procedure*—(a) *Purpose.* In any proceeding, the examiner or any other person designated for the purpose of this section will, unless otherwise ordered by the Board, direct counsel for the parties to such proceeding to appear before him for a conference to consider the following:

(1) The formulation of the issues to be considered at the hearing by:

(i) Agreement of the parties,

(ii) Amendment of the application, complaint, or petition,

(iii) Any other appropriate means;

(2) The position of all parties with respect to the issues so formulated. Unless responsive pleading is required by order of the Board it is intended that the position stated at the conference shall serve in lieu of formal answer or notice of issues controverted in fact or law. The person conducting the conference may order further conference to accomplish this purpose, or may require responsive pleadings from any party failing to give notice at the conference of its position respecting the issues.

(3) The simplification of proof by:

(i) Stipulations concerning matters of which the Board can take notice, the admission in evidence of particular facts or documents or any other appropriate matter,

(ii) Limitation of the number of witnesses,

(iii) The preparation of exhibits, and the use thereof in lieu of oral testimony whenever possible,

(iv) Any other appropriate means:

(4) The exchange prior to the date of the hearing of exhibits proposed to be introduced therein and any other material which will expedite the conduct of the same; and

(5) Such other matters as may, in the opinion of the person conducting the conference, aid in the conduct and disposition of the proceeding.

(b) *Notice.* Notice of the time and place of the conference shall be given by letter or otherwise to all parties to the proceeding.

(c) *Exchange of exhibits.* The person conducting the conference may require exchange of exhibits before the date set for the hearing, and if any exhibits are not exchanged in advance as required, or as agreed upon by counsel at the conference, the hearing shall be subject to postponement until such exchange is completed.

(d) *Conference report.* The person conducting the conference shall prepare a report of the same; which shall be served upon counsel for all of the parties and made of record. Counsel may object to the description of anything which occurred at the conference within five days after the receipt of the report, and such report may, in the discretion of the person preparing the same, be revised in accordance therewith. If revised, the report shall again be served upon counsel and made of record in the same manner as the original report. Exceptions may be taken on the basis of any written objection submitted within the time prescribed which has not been met by a revision of the report. Such report shall constitute the official account of all that transpired at the conference and shall control the subsequent course of the proceeding, but it may be reconsidered and modified at any time to prevent injustice.

§ 258.8 *Hearings, argument, recommended decisions, and proceedings subsequent thereto*—(a) *Oral argument before examiner, proposed findings and conclusions and supporting reasons therefor.* (1) Upon request of any party, an examiner may permit oral argument at the close of the hearing. Oral argument shall be transcribed, but shall not constitute part of the record.

(2) After the close of the hearing, and within the time announced by the Examiner, the parties may submit proposed findings and conclusions and supporting reasons therefor.

(b) *Transcript of hearings and corrections thereto.* (1) Hearings shall be recorded and transcribed by a contract reporter of the Board under supervision of the examiner. Copies of the transcript will be supplied to the parties to the proceeding by the reporter at rates not to exceed the maximum rates fixed by contract between the Board and the reporter.

(2) Changes in the official transcript may be made only when they involve errors affecting substance. Lists of proposed corrections shall be filed with the examiner together with proof of service upon other parties to the proceeding within ten days after receipt of the completed transcript by the Board. If no objections to the proposed corrections are received within ten days after proof of such service, the transcript will, upon the approval of the examiner, be changed to reflect such corrections. If exceptions are received, the proposed corrections will be submitted to the official reporter for comparison with the stenographic record of the hearing. If such record indicates that the transcript is in error, it will be corrected. If the reporter states that the transcript is correct, the request for corrections will be denied.

(c) *Recommended decisions.* In each proceeding heard before an examiner, other than proceedings for the determination of rates, fares or charges, or the determination of compensation for the transportation of mail, unless the Board shall by order in the particular proceeding require the entire record to be certified to it for initial decision, the examiner shall recommend a decision. The examiner will also announce, or state in his recommended decision:

(1) The names of the persons who are to receive copies of the same;

(2) The time within which exceptions are to be filed and exchanged; and

(3) The time thereafter within which supporting reasons relating to such exceptions are to be filed and exchanged, and may give other instructions relating to procedure after the hearing.

(d) *Exceptions to recommended decisions and supporting reasons therefor.* (1) Any party to the proceeding may take exceptions to the recommended decision. Exceptions to findings of fact shall designate, by exact and specific reference, the portions of the record which will be relied upon in support of such exceptions. Exceptions to conclusions of law shall briefly cite the statutory provisions or the principal authorities that will be relied upon in support of the exceptions to the conclusions of law.

(2) After the filing and exchange of exceptions, each party should prepare a single statement supporting its own exceptions and covering any points which it wishes to raise in connection with exceptions filed by others. Exceptions and supporting reasons therefor shall be filed with the Board and not with the Examiner.

(e) *Service and form of proposed findings and conclusions, exceptions and supporting reasons, postponement of date.* (1) Each set of proposed findings and conclusions, exceptions, and reasons in support thereof shall when filed, be accompanied by a proof of service thereof by mail upon all parties to the proceedings and upon such other persons designated by the examiner to receive copies of the report.

(2) Except by special permission of the Board, briefs shall not exceed fifty pages in length and reply briefs will not be received. The number of copies to be filed is governed by § 285.3 (a).

(3) After a date has been set for the submission of proposed findings or conclusions and reasons in support thereof to the examiner, or the filing of exceptions to the recommended decision and

supporting reasons therefor, such date may be postponed upon proper cause shown, but any such postponement shall not be granted by the examiner less than three days prior to the date originally set for the filing thereof except in cases involving unusual circumstances imposing substantial hardship upon the requesting party or parties.

(f) *Oral argument before the Board.* If any person desires to argue a case orally before the Board he must request leave of the Board to make such argument. Such request should be filed with the briefs for the Board in the proceeding. The Board will advise the persons making such request as to its decision and if such argument is to be allowed all persons who have filed briefs in the proceedings will be advised of the date and hour set for such argument and the amount of time allowed to each such person.

§ 285.9 *Exhibits*—(a) *Copies.* Wherever practicable, one copy of each exhibit (in addition to the original offered in evidence at the hearing) should be furnished for the use of each examiner and two copies should be furnished to Public Counsel. One of such copies will be made available for inspection by all persons present at the hearing. One copy should also be furnished to each party and the examiner may, in his discretion, direct that any other person deemed by him to have a sufficient interest shall receive copies of designated exhibits.

(b) *Excerpts from other documents.* Excerpts from lengthy documents or of portions of the record in other proceedings before the Board should be offered in the form of exhibits and copies furnished as above provided. Such exhibits may be received in evidence, subject to objection and rebuttal by Public Counsel or other counsel, after opportunity to examine the exhibit in question and the source from which the same was taken.

§ 285.10 *Hearings before the Board and before Boards of Examiners.* Provisions of this part governing the conduct of hearings before single examiners shall also govern, with necessary changes, in cases where such hearings are held before the Board, a member thereof, or a Board of more than one examiner.

§ 285.11 *Petition for rehearing, reargument, or reconsideration*—(a) *Parties.* Any party may petition for rehearing, reargument, or reconsideration of any final order by the Board in a proceeding, or for further hearing before decision by the Board.

(b) *Contents of petitions.* (1) The matters of record claimed to have been erroneously decided must be specified, and the alleged errors, and the grounds relied upon must be briefly and specifically stated in the petition.

(2) If a final order of the Board is sought to be vacated or modified by reason of matters which have arisen since the hearing, or of a consequence which would result from a compliance therewith, or both, the new matter, the resulting consequence, or both, which are relied upon by the petitioner must each be set forth in the petition. Where the petition is based wholly or in part upon new matter, the petition must contain a statement that the petitioner, with due diligence, could not have known or discovered the new matter prior to the time of the hearing.

(3) The petition must set forth a brief statement of the relief sought by the petitioner and conform to requirements of section 285.3.

(c) *Filing and service of petitions.* Such petition for rehearing, reargument, or reconsideration, must be filed within thirty days after service of the order sought to be vacated or modified. After the expiration of said thirty days, such a petition may be filed only by leave of the Board granted purusant to formal application upon a showing of reasonable grounds for failure to file the petition within the prescribed thirty-day period. Any such petition or application shall be served by the petitioner or applicant upon all parties to the proceeding or their attorneys of record.

(d) *Stay of orders.* No petition for rehearing, reargument, or reconsideration filed in accordance with this section, or the granting thereof, shall operate as a stay of the effective date of the final order sought to be modified or vacated by such petition, unless specifically so ordered by the Board.

§ 285.12 *Memoranda in opposition or support.* Each protest or memorandum of opposition to or in support of the issuance, alteration, amendment, modification, suspension, revocation or abandonment of a certificate of public convenience and necessity or of a foreign air carrier permit which is desired to be filed with the Board pursuant to the provisions of section 401 or 402 of the act, shall conform to the requirements of § 285.3 with respect to size, style and number of copies, shall be signed by the person filing it, and shall be acknowledged before a person authorized to administer oaths. Each such protest or memorandum shall clearly state on its face the particular proceeding in which it is desired to be filed and shall contain a concise but clear statement of the grounds of opposition or support. At the time of filing any such protest or memorandum with the Board, the person filing it shall serve a copy thereof upon each party to the particular proceeding and upon such other persons as the Board may require. No such protest or memorandum will be received as, or be considered to constitute, evidence in the particular proceeding of any fact mentioned or discussed therein. However, evidence in support of any such protest or memorandum may be presented by or on behalf of the person filing it in the manner provided in § 285.6 (a).

§ 285.13 *Procedure in rate proceedings*—(a) *Institution of proceedings.* Proceedings for the determination of rates of compensation for the transportation of mail may be commenced by the filing of a petition by an air carrier or the Postmaster General, or upon the issuance of an order by the Board. Proceedings for the determination of rates, fares, or charges for the transportation of passengers or property may be commenced by the filing of a complaint, the filing of a petition by an air carrier or upon issuance of an order by the Board.

(b) *Order setting tentative rates, fares or charges.* Proceedings commenced by the Board will normally be instituted by the issuance of an order directing the parties to show cause why specified rates, fares, or charges set out in such order should not be fixed and determined by the Board.

(1) In proceedings instituted upon petition or complaint, the Board, before further procedural steps are taken, will normally issue an order directing the parties to show cause why specified rates, fares, or charges set out in such order should not be fixed and determined by the Board.

(2) The rates, fares, or charges specified in any order issued pursuant to this section will represent tentative rates, fares, or charges which appear to the Board to be fair and reasonable on the basis of the carrier's monthly and annual reports and other information available to the Board. Such orders will be accompanied by and incorporate exhibits setting forth the basis upon which the tentative rates, fares, or charges have been formulated.

(3) Rules, orders and notices issued hereunder will be served upon the carrier concerned, and any other parties to the proceeding, and public notices thereof will be given. Copies of rules, orders and notices entered in proceedings for the determination of rates of compensation for the transportation of mail will be transmitted to the Postmaster General.

(c) *Objection and answer to order setting tentative rates, fares, or charges.* (1) After the issuance of an order of the Board pursuant to paragraph (b) of this section, any party having objections to the tentative rates, fares, or charges specified in such order or to the admissibility in evidence of the exhibits accompanying such order and information specified therein shall file with the Board, within such periods of time as may be prescribed in such order notice of the fact that such objections exist and, after such notice, a written answer setting out the objections of the party to the tentative rates, fares, or charges.

(2) Objections stated in an aswer shall be specific, and the answer shall be accompanied by exhibits in support of the objections and by a statement of the effect of such objections upon the tentative rates, fares, or charges.

(d) *Procedure when no answer is filed to order setting tentative rates, fares, or charges.* (1) If no notice, or if after notice no answer, is filed as provided in paragraph (c) of this section within the periods of time prescribed in the order, the proceeding will be assigned for public hearing. The statutory public hearing thus assigned will be expected to require nothing more than the introduction in evidence of the exhibits provided for in paragraph (b) (2) of this section and the information specified therein.

(2) The Board, upon the close of such hearing, will adopt the tentative rates, fares, or charges specified in its order pursuant to paragraph (b) of this section as its tentative decision. If no exceptions are filed to such tentative deci-

sion within 10 days after such decision is published or made available to public inspection, such decision shall without further proceedings become the final decision of the Board.

(e) *Procedure when answer is filed to order setting tentative rates, fares, or charges.* (1) If an answer is filed as provided in paragraph (c) of this section a conference will be held. The conference will be attended by representatives of the Board assigned to the particular case and representatives of the parties, and will be presided over by an examiner of the Board.

(2) If a party desires to introduce evidence in the proceeding he shall file written notice with the examiner at the time of such conference. If a party desires an opportunity to file proposed findings and conclusions with supporting reasons therefor, he shall file written notice thereof with the examiner not later than the close of the hearing hereinafter provided for. If a party desires an opportunity to present oral argument to the Board prior to issuance of a tentative decision, he shall file a written request therefor with the examiner not later than the close of the hearing hereinafter provided for.

(3) The examiner, at the close of the conference, will prepare and serve upon the parties a conference report stating the issues raised by the objections of the parties with respect to the tentative rates, fares, or charges. Any party may file exceptions to such report within such time as may be prescribed by the examiner.

(4) After service of the conference report, the proceeding will be assigned for public hearing before an examiner of the Board.

(5) The exhibits provided for in paragraph (b) (2) of this section and the information specified therein, and any exhibits filed by any party in support of any objections filed pursuant to paragraph (c) of this section shall constitute evidence of record in the proceeding, subject to the right of any party to object to the admissibility of such exhibits and information. Additional evidence may be presented by the parties at such hearing only if the notice provided for in paragraph (e) (2) has been filed, and such evidence shall be limited to evidence relating to the issues as defined in the conference report issued by the examiner and exceptions filed thereto pursuant to paragraph (e) (3). A member (or members) of the Board's staff will be available at the hearing for examination by the parties on the evidence with respect to such issues.

(6) Upon the conclusion of the hearing and the filing of proposed findings and conclusions and reasons in support thereof, the examiner shall certify the entire record to the Board for a tentative decision.

(7) After certification of the record to the Board and completion of any oral argument, the Board will issue a tentative decision. Exceptions to a tentative decision and supporting reasons therefor may be filed within such time as may be prescribed in the tentative decision. Oral arguments to the Board on exceptions to tentative decisions will be permitted only in unusual and exceptional instances for good cause shown, and upon request set forth in the document containing the exceptions and supporting reasons.

(8) If no exceptions to a tentative decision are filed within the prescribed time, the tentative decision shall, without further proceedings, become the final decision of the Board. If exceptions are taken to a tentative decision and oral argument is not entertained, the proceeding will be deemed submitted to the Board for final decision upon the filing of exceptions by the parties, or upon the expiration of the prescribed time for exceptions, whichever first occurs. Proceedings in which oral argument on exceptions to the tentative decision is entertained, will be deemed submitted to the Board for final decision upon the completion of such oral argument.

§ 285.14 *Informal complaints.* Complaints, other than formal complaints, may be made in writing with respect to anything done or omitted to be done by any person in contravention of any provision of the act, or of any requirement established pursuant thereto. Matters so presented may, if their nature warrants, be taken up by correspondence or conference with the person or persons complained of. Any matter not disposed of informally may, in the discretion of the Board, be made the subject of a formal proceeding. The filing of an informal complaint shall not prohibit the subsequent filing of a formal complaint.

§ 285.15 *Formal complaints*—(a) *Form and content of formal complaints.* Formal complaints must conform to the requirements of this Part concerning form and filing of documents in proceedings. They should be so drawn as fully and completely to advise the persons complained against and the Board in what respect anything has been done or omitted to be done in contravention of any provision of the act or of any requirement established pursuant thereto, the facts claimed to constitute such action or omission, and the relief sought. Formal complaints filed with the Board must be accompanied by a proof of service personally or by mail upon the person or persons complained against.

(b) *Satisfaction of formal complaints.* If the person complained against satisfies a complaint at any time prior to final action by the Board on such complaint, a statement to that effect must be filed setting forth when and how the complaint has been satisfied. Upon receipt of satisfactory evidence of settlement, the complaint may be dismissed in the discretion of the Board. Voluntary settlements are encouraged, and in furtherance of such settlement a representative of the Board may attempt settlement by means of correspondence or conference with the parties. No statement, admission or offer of settlement made pursuant to such correspondence or conference shall be admissible in evidence over the objection of either party in any formal proceeding before the Board concerning the complaint.

(c) *Complaints requesting suspension of tariffs.* (1) Formal complaints seeking suspensions of tariffs pursuant to section 1002 (g) of the act shall fully identify the tariff and include reference to the name of the publishing carrier or agent, to the CAB number, and to specific items or particular provisions protested or complained against. In addition to conforming to the requirements of paragraph (a) of this section, such complaint should indicate in what respect the tariff is considered to be unlawful, and state what complainant suggests by way of substitution.

(2) A complaint requesting suspension of any tariff filed under the act ordinarily will not be considered unless made in conformity with this section and filed with the Board at least ten days before the effective date of the tariff. In an emergency satisfactorily shown by complainant, and within the time limits herein provided, a telegraphic complaint may be sent to the Board and to the publishing carrier or agent stating the grounds relied upon, but such telegraphic complaint must immediately be confirmed by complaint filed and served in accordance with this section.

§ 285.16 *Objection to public disclosure of information*—(a) *Information contained in paper to be filed.* Any person who objects to the public disclosure of any information contained in any paper filed in any proceeding, or in any application, report, or other document filed pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, or any rule, regulation, or order of the Board thereunder, shall segregate, or request the segregation of, such information into a separate paper and shall file it, or request that it be filed, with the examiner or the person conducting the hearing or proceeding, as the case may be, or with the person with whom said application, report, or document is required to be filed, separately in a sealed envelope, bearing the caption of the enclosed paper and the notation "Confidential Information." At the time of filing such paper, or, when the objection is made by a person not himself filing the paper, application, report, or other document, within five days after the filing of such paper, the objecting party shall file a motion to withhold the information from public disclosure, in accordance with the procedure outlined in paragraph (d) of this section, except as hereinafter provided in paragraph (c) of this section. Notwithstanding any other provision of this section, copies of the filed paper and of the motion need not be served upon any other party unless so ordered by the Board.

(b) *Information contained in oral testimony.* Any person who objects to the public disclosure of any information sought to be elicited from a witness or deponent on oral examination shall, before such information is disclosed, make his objection known. Upon such objection duly made, the witness or deponent shall be compelled to disclose such information only in the presence of the examiner or the person before whom the deposition is being taken, as the case may be, the official stenographer and such attorneys for and lay representatives of each party as the examiner or person before whom the deposition is being taken, as the case may be, shall desig-

nate, and after all present have been sworn to secrecy. The transcript of testimony containing such information shall be segregated and filed in a sealed envelope, bearing the title and docket number of the proceeding, and the notation "Confidential Testimony Given by (name of witness or deponent)." Within five days after such testimony is given, the objecting person shall file a motion, except as hereinafter provided in paragraph (c) of this section, in accordance with the procedure outlined in paragraph (d) of this section, to withhold the information from public disclosure. Notwithstanding any other provision of this section, copies of the segregated portion of the transcript and of the motion need not be served upon any other party unless so ordered by the Board.

(c) *Objection by governmental departments or representatives thereof.* In the case of objection to the public disclosure of any information filed by or elicited from any governmental department, or representative thereof, under paragraphs (a) or (b) of this section, the department, or person representing said department, making such objection shall be exempted from the provisions of paragraphs (a), (b), and (d) of this section in so far as said paragraphs require the filing of a written objection to such disclosure. However, any department, or person representing said department, if it so desires, may file a memorandum setting forth the reasons on the basis of which it is claimed that a public disclosure of the information should not be made. If such a memorandum is submitted, it shall be filed and handled as is provided by this section in the case of a motion to withhold information from public disclosure.

(d) *Form of motion to withhold information from public disclosure.* Subject to the exception of paragraph (c), no information covered by paragraphs (a) and (b) of this section need be withheld from public disclosure unless written objection to such disclosure is filed with the Board in accordance with the following procedure:

(1) The motion shall be headed with the title and docket number of the proceeding and shall be signed and verified by the objecting person, any duly authorized officer or agent thereof, or by counsel representing such person in the proceeding.

(2) The motion shall include (i) a description of the information sought to be withheld, sufficient for identification of the same, and (ii) a full statement of the reasons on the basis of which it is claimed that a public disclosure of the information would adversely affect the interests of the objecting person and is not required in the interest of the public, or that the information is of a secret nature affecting the national defense.

(3) Such motion shall be filed with the examiner or the person conducting the hearing or proceeding, as the case may be, or with the person with whom said application, report, or document is required to be filed.

If such motion relates to contracts, agreements, understandings, or arrangements filed pursuant to section 412 (a) of the Civil Aeronautics Act of 1938, as amended, and § 251.1 of this chapter, or pursuant to § 251.2 of this chapter, an executed original copy and two copies of such motion shall be filed.

(e) *Motion referred to the Board.* The order of the Board containing its ruling upon each such motion will specify the extent to which, and the conditions upon which, the information may be disclosed to the parties and to the public, which order shall become effective upon the date stated therein, unless, within five days after the date of the entry of the Board's order with respect thereto, a petition is filed by the objecting person requesting reconsideration by the Board, or a written and verified statement is filed indicating that the objecting person in good faith intends to seek judicial review of the Board's order.

(f) *Objection in proceeding before the Board.* Notwithstanding any of the provisions of this section, whenever the objection to disclosure of information shall have been made, in the first instance, before the Board itself, the written motion of objection contemplated by paragraphs (a), (b), and (d) of this section shall not be necessary, but may be submitted if the parties so desire or if the Board, in a particular case, shall so direct.

By the Civil Aeronautics Board:

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 46–15379; Filed, Aug. 28, 1946; 4:28 p. m.]

[Regulations, Serial No. 375]

At a session of the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of August 1946.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 205 (a) thereof, and pursuant to the Administrative Procedure Act, particularly sections 3 and 12 thereof, hereby approves and adopts for publication in the FEDERAL REGISTER, effective September 11, 1946, the following descriptive material concerning the Board's organization, functions, procedures and substantive rules:

PART 301—ORGANIZATION, DELEGATIONS OF AUTHORITY, AND PUBLIC INFORMATION

Sec.
301.1 Description of organization.
301.2 Delegations of authority.
301.3 Public information.

§ 301.1 *Description of organization—* (a) *The Board.* The Civil Aeronautics Board is a five member agency appointed by the President by and with the advice and consent of the Senate. The Civil Aeronautics Act of 1938, which provides the basis for all federal regulation of civil aviation, originally provided for the creation of the Civil Aeronautics Authority, the Administrator, and the Air Safety Board. As originally constituted, the Administrator and the Air Safety Board both were "within" the Authority, and the Authority was an independent agency separate from any other agency or department of the Government. Pursuant to Reorganization Plans Nos. III and IV of 1940, the five member Authority has been renamed the Civil Aeronautics Board, the Administrator transferred to the Department of Commerce, and the Air Safety Board abolished, with transfer of its functions to the Civil Aeronautics Board. For the purposes of "administrative housekeeping", the Board is within the framework of the Department of Commerce. The Board, however, appoints and controls its own staff, authorizes its own expenditures, determines and supports its own budget estimates, and promulgates its policies and decisions as an independent agency. The Board exercises rule making and adjudicative powers in the economic regulation of air transportation and in the safety regulation of air commerce.

Functions of the Board and the Administrator of Civil Aeronautics are closely associated with respect to federal safety regulation of civil aviation. Standards of safety and rules and regulations concerning safety in air commerce are determined and promulgated by the Board as the rule making agency. Responsibility for applying and enforcing such standards and regulations of the Board is vested in the Administrator of Civil Aeronautics as the law enforcement agent. Certain proceedings relating to enforcement of safety requirements are instituted before the Board as the adjudication agency by the Administrator of Civil Aeronautics.

(b) *Principal office and organization.* The principal office of the Board is located in the Department of Commerce Building, Washington, D. C. The Board's staff is composed of Offices, Bureaus and various subdivisions as follows:

(1) *The Office of the Secretary.*
(i) Personnel Section.
(ii) Minutes Section.
(iii) Mail and Messenger Section.
(iv) Publications Section.
(v) Public Information Section.
(vi) Library.
(2) *The Office of the General Counsel.*
(i) Finance Legal Division.
(*a*) Rates Section.
(*b*) Carrier Relationships Section.
(ii) Operations Legal Division.
(*a*) Certificates and Permits Section.
(*b*) Enforcement and Litigation Section.
(*c*) Regulations and Legislation Section.
(iii) Safety Legal Division.
(3) *The Economic Bureau.*
(i) Accounting and Rates Division.
(*a*) Domestic Rates Section.
(*b*) International Rates Section.
(*c*) Accounts and Reports Section.
(*d*) Audits and Investigation Section.
(ii) Analyses Division.
(iii) Foreign Air Transport Division.
(iv) Operations Division.
(v) Tariffs and Service Division.
(4) *The Safety Bureau.*
(i) Safety Rules Division.
(ii) Accident Investigation Division.
(iii) Accident Analysis Division.
(5) *The Office of Trial Examiners.*
(i) Examiners.
(ii) Docket Section.
(iii) Editorial Unit.

(c) *Alaska Office.* A branch office of the Board, under the general supervision of the Director of the Economic Bureau is maintained at Anchorage, Alaska.

(d) *Field offices.* Field offices of the various divisions of the Board are maintained at the following locations:,

(1) An office of the Accounting and Rates Division of the Economic Bureau is maintained at 39 Broadway, New York, N. Y.

(2) Offices of the Accident Investigation Division of the Safety Bureau are maintained at:

(i) 39-01 Main Street, Flushing, N. Y.

(ii) Allegheny County Airport, Pittsburgh, Pa.

(iii) CAA Building, Municipal Airport, Atlanta, Ga.

(iv) 6422 South Central Avenue, Chicago 38, Ill.

(v) Wold Chamberlain Field, Minneapolis 6, Minn.

(vi) Wayne County Airport, Route 1, Romulus, Mich.

(vii) CAA Headquarters, Fort Worth, Tex.

(viii) City Hall Building, Kansas, City, Mo.

(ix) Room 409, City and County Building, Denver 2, Colo.

(x) 1505 Fourth Street, Santa Monica, Calif.

(xi) Administration Building, Oakland Municipal Airport, Oakland 14, Calif.

(xii) King County Airport, Seattle, Wash.

§ 301.2 *Delegations of authority*—(a) *General authority of employees of the Board.* All officers and employees of the Board are authorized to request such information from or make such contact with the public or agencies of government as may be necessary to the proper discharge of duties assigned.

(b) *Examiners and presiding officers.* All persons designated as examiners or presiding officers in any proceeding or investigation of the Board have authority:

(1) to adjourn or postpone hearings;

(2) To administer oaths and affirmations;

(3) To sign and issue subpoenas;

(4) To take or cause depositions to be taken;

(5) To hold conferences for the settlement or simplification of the issues;

(6) To regulate the course of the proceeding and dispose of procedural requests or similar matters arising in the course of the hearing;

(7) To rule upon the admissibility of and receive evidence;

(8) To do any and all other or further acts necessary or incident to the conduct of such proceedings and as are ordinarily entrusted to a presiding judicial officer.

(9) In all proceedings other than those for the determination of rates of compensation for the transportation of passengers or property or mail (in which proceedings tentative decisions will be made by the Board), unless the Board shall by rule or by order in the particular proceeding require the entire record to be certified to it for initial decision, to make the following decisions:

(i) The initial decision in proceedings for the suspension or revocation of airman and other safety ceritficates, and for the review of the Administrator's refusal to issue an airman certificate.

(ii) A recommended decision in all other proceedings.

§ 301.3 *Public information*—(a) *Requests for information.* Requests for information as to any matter falling within the jurisdiction of the Board should be made to the Civil Aeronautics Board, Washington, D. C. Persons residing in Alaska may at their option make such requests to the Civil Aeronautics Board, Alaska Office, Anchorage, Alaska. Requests for information may be made in writing or in person. Offices are open from 8:30 a. m. to 5:00 p. m. Monday through Friday, inclusive, with the exception of legal holidays.

(b) *Opinons, orders, and rules.* All final opinions, orders and rules entered by the Board, unless held confidential or withheld from public disclosure for good cause and not cited as precedents, are available for public inspection at the Board's office in Washington, D. C. Opinions, orders and rules respecting Alaskan Air carriers may also be inspected at the Board's office in Anchorage, Alaska. Copies of opinions, orders, rules, special studies, reports and bulletins ordinarily are obtainable from the Board's Publications Section. Bound volumes of the Board's official reports which are published periodically, printed copies of Civil Air Regulations, and other printed publications of the Board may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D. C. or through the Publications Section of the Board.

(c) *Public records.* Public records and documents are available for inspection at the Board's office in Washington, D. C. Documents and records pertaining to Alaskan Air Carriers may also be inspected at the Board's office in Anchorage, Alaska. The following documents and records, unless held confidential or withheld from public disclosure pursuant to sections 1001 or 1104 of the Civil Aeronautics Act of 1938, as amended, and § 285.16 of the Economic Regulations, are available for public inspection:

(1) All documents authorized or required to be filed with the Board by the Civil Aeronautics Act of 1938, as amended, or any regulation, order or rule of the Board issued thereunder.

(2) The entire record of all formal proceedings or hearings of the Board.

(3) The official record indicating every vote and official act of the Board; except that the information contained in such record as available only to persons properly and directely concerned therewith.

(4) The direct airport-to-airport mileage record.

(5) All opinions, orders, rules, and reports published by the Board, including but not limited to final opinions, orders and rules specified in paragraph (b) of this section.

PART 302—DESCRIPTION OF FUNCTIONS: COURSE AND METHOD BY WHICH FUNCTIONS ARE CHANNELED: SCOPE AND CONTENTS OF DOCUMENTS

Sec.

302.1 Statemeent of functions.
302.2 Functions of offices and bureaus.
302.3 General statement of channels.
302.4 Channeling of certain routine functions.
302.5 Channeling of complaints.
302.6 Public rule making procedure; channeling of proposed substantive rules and regulations and amendments.
302.7 Channeling of formal proceedings.
302.8 Scope and content of documents.

§ 302.1 *Statement of functions*—(a) *Economic regulation.* The Board exercises economic regulatory jurisdiction over air carriers and air transportation. The most important functions of the Board incident to economic regulation include or involve:

(1) The granting or denying of certificates of public convenience and necessity or permits to engage in interstate, overseas or foreign air transportation; and the alteration, amendment, modification, suspension, revocation, or transfer of such certificates or permits;

(2) The furnishing by air carriers of reasonable and adequate service to the public;

(3) The prescription or approval of rates and practices of air carriers, and the prevention of discriminations, preferences, or prejudices;

(4) The fixing of the rate of compensation for the carriage of mail by aircraft;

(5) The prescription of accounts, and records and memoranda to be kept by air carriers, and inspection of property, accounts, records, and memoranda of air carriers;

(6) The prescription of reports required from air carriers.

(7) The approval or disapproval of contracts and agreements between air carriers, or between air carriers, foeign air carriers or other carriers, affecting air transportation;

(8) The appoval or disapproval of interlocking relationships affecting air carriers;

(9) The approval or disapproval of consolidations, mergers, purchases, leases, operating contracts, or acquisitions of control affecting air carriers;

(10) The prevention of unfair or deceptive practices or unfair methods of competition or discrimination in air transportation;

(11) The approval or disapproval of applications for loans or financial aid to air carriers from the United States or any agency thereof;

(12) The classification of air carriers for the purpose of economic regulation according to the nature of the services performed;

(13) The entering of orders exempting air carriers from the requirements of the Act in appropriate cases; and

(14) The investigation upon complaint or upon the Board's own initiative of anything done or omitted to be done by any person in contravention of any provision of the Civil Aeronautics Act, or any requirement established pursuant thereto, and the taking of appropriate action to enforce the Act or requirements established pursuant thereto.

(b) *Safety regulation.* Safety regulations prescribed by the Board, other than those relating exclusively to air carriers, apply to all flight in or affecting air commerce and are thus held to apply to all

aircraft and airmen operating anywhere within the United States, its territories and possessions. The most important functions of the Board incident to safety regulation include or involve:

(1) The prescription and revision of safety standards, rules and regulations as authorized by section 601 of the Civil Aeronautics Act of 1938, as amended;

(2) The prescription and revision of standards governing the issuance by the Administrator of Civil Aeronautics of airman certificates, aircraft certificates, air carrier operating certificates, and other safety certificates authorized pursuant to Title VI of the Civil Aeronautics Act of 1938, as amended; and the revocation or suspension of such certificates;

(3) The review, upon petition, of the refusal by the Administrator of Civil Aeronautics to issue airman certificates;

(4) The investigation of aircraft accidents; and

(5) The granting of exemptions or waivers of rules and regulations in proper cases.

§ 302.2 *Functions of offices and bureaus*—(a) *The Office of the Secretary.* The Secretary to the Board is directly responsible to the Board for the performance of all duties assigned to his office. Most of such duties pertain to administrative, budget and procedural functions and other matters relating solely to internal management. Those functions of the various sections in the Office of the Secretary which directly concern the public are as follows:

(1) *The Personnel Section.* The Personnel Section receives and processes applications for employment and secures certificates of eligibles from the Civil Service Commission and accomplishes the selection and appointment of qualified persons in accordance with the Civil Service rules and practices.

(2) *The Publications Section.* The Publications Section arranges for the printing or reproduction by other means of all publications of the Board, arranges for the distribution of such publications through the medium of established mailing lists and in response to specific requests, and maintains permanent supplies of all publications of the Board.

(3 *The Public Information Section.* The Public Information Section handles inquiries from the press and the public regarding the Board's activities, prepares and distributes press releases concerning the Board's activities, and maintains contact with and obtains requested information for the press, the public, and other agencies of the Government and arranges for interviews by the press with Members of the Board and its staff.

(4) *The Minutes Section.* The Minutes Section compiles agenda of matters presented to the Board for action and processes the formal documents evidencing such action, prepares and maintains the official minutes of the meetings of the Board, and provides upon request certified copies of documents reflecting action of the Board.

(b) *The Office of the General Counsel.* The General Counsel provides legal counsel for the Board and is directly responsible for the Board for the performance of all duties assigned to his office. Functions of the General Counsel's staff which directly concern the public area as follows:

(1) *Public Counsel.* An attorney from the Office of the General Counsel is designated as Public Counsel or Enforcement Attorney, which ever is appropriate, to present the Government's case in all formal proceedings before the Board arising under Title IV and section 1002 of the Civil Aeronautics Act. In the course of such proceedings the attorney so designated performs the following duties:

(i) Participates in the prehearing conference and hearing for the purpose of assisting in the defining of the issues in the case, assisting in the working out of other preliminary steps, and developing an adequate record through the introduction of evidence and the cross examination of witnesses;

(ii) After the close of the hearing and until the final decision is entered by the Board, Public Counsel and Enforcement Attorneys occupy a position similar to that of counsel for any party to the proceeding for the purpose of filing proposed findings and conclusions or exceptions to the recommended or tentative decision and briefs and oral argument in support thereof; except that in proceedings under sections 401 and 402 of the act for the issuance or amendment of certificates of public convenience and necessity and permits involving new services, Public Counsel's participation after the close of the hearing, unless otherwise ordered by the General Counsel and upon notice to other parties of such order, is limited to exceptions to the recommended decision and briefs and oral argument in support thereof concerning those matters which are of a character of which a reviewing court would take cognizance on an appeal from such recommended decision, if such decision were the final decision of the Board. The positions taken by Public Counsel and Enforcement Attorneys prior to final decisions by the Board do not necessarily reflect the views of the Board;

(iii) Following the submission of cases involving applications for certificates of public convenience and necessity or for foreign air carrier permits to the Board for decision, Public Counsel assists the Office of Trial Examiners in drafting opinions pursuant to instructions from the Board, and reviews and comments on draft opinions as they are circulated to the Board from the point of view of their adequacy in the event of judicial review, and prepares and submits for the General Counsel's signature a memorandum to the Board certifying to the legal adequacy of the Board's final opinion.

(2) *The Finance Legal Division.* The Finance Legal Division under the direction of an Assistant General Counsel, is concerned with finance and carrier relationships problems in connection with the economic regulation of air transportation (problems incident to passenger, cargo and mail rates; consolidations, mergers, and acquisition of control, interlocking relationships, contracts affecting air transportation; and related matters) and performs the following duties:

(i) Advises and makes recommendations to the Board and its staff respecting the legal effect of proposed or recommended action;

(ii) Drafts or reviews drafts of orders and regulations;

(iii) Provides Public Counsel in formal proceedings;

(iv) Reviews and participates in disposition of complaints; and

(v) Interprets regulations and requirements and answers correspondence involving legal questions.

(3) *The Operations Legal Division.* The Operators Legal Division under the direction of an Assistant General Counsel, performs the following duties in connection with the economic regulation of air transportation with respect to routes, services and practices of air carriers:

(i) Advises and makes recommendations to the Board and its staff respecting the legal effect of proposed or recommended action;

(ii) Drafts or reviews drafts of orders and regulations;

(iii) Provides Public Counsel for formal proceedings, and provides attorneys to present the Government's case, in all enforcement cases involving the Board's economic regulatory powers and jurisdiction, and to represent the Board in all litigated cases including cases involving finance matters;

(iv) Reviews and participates in the disposition of formal complaints;

(v) Interprets regulations and requirements and answers correspondence involving legal questions; and

(vi) Reviews and analyses pending and proposed legislative matters and advises the Board thereon.

(4) *The Safety Legal Division.* The Safety Legal Division under the direction of an Assistant General Counsel, performs the following duties with respect to safety regulation:

(i) Advises and makes recommendations to the Board and its staff respecting the legal effect of proposed or recommended action;

(ii) Drafts or reviews drafts of orders and regulations;

(iii) Provides Trial Examiners for all formal proceedings involving safety matters other than aircraft accident investigations (The Office of the General Counsel does not perform any investigative or prosecuting functions with respect to safety matters. Such functions are performed by the Office of the Administrator of Civil Aeronautics or the Safety Bureau of the Board. Examiners in safety proceedings make initial decisions without aid or assistance from any persons engaged in investigative or prosecuting functions. Such examiners are designated by the General Counsel or Assistant General Counsel, Safety, from persons holding credentials as a Safety Examiner signed by the Secretary of the Board);

(iv) Drafts or reviews drafts of formal opinions and orders involving safety matters; and

(v) Interprets safety requirements and answers correspondence involving legal questions concerning safety matters.

(c) *The Economic Bureau.* The Economic Bureau collects and analyzes data,

takes certain actions, and makes recommendations to the Board with respect to the economic regulation of air transportation and supervises the Alaska Office. The Director of the Economic Bureau is directly responsible to the Board for the performance of all duties assigned to the Economic Bureau, functions of the various divisions of which are as follows:

(1) *The Accounting and Rates Division.* The Accounting and Rates Division has responsibility for the initiation and administration of the Board's program of financial, accounting and rate regulation. Its principal duties are:

(i) The administration of, and recommending changes in, the Uniform System of Accounts and the Uniform Systems of Periodic Reports of Financial and Operating Statistics; the issuance of letters of interpretation of such systems; and the performance of audits of accounts of certificated air carriers;

(ii) The receipt and analysis of Periodic Reports of Financial and Operating Statistics, and the preparation of recurrent statistical reports based upon such reports;

(iii) The constant review of the financial operations of all certificated air carriers; the recommending to the Board of initiation of mail rate fixing proceedings; the preparation of financial and statistical analyses for introduction into evidence in rate fixing proceedings and providing expert witnesses to appear in such proceedings; and the drafting of statements of tentative findings and conclusions and opinions in rate cases pursuant to instructions by the Board.

(2) *The Analyses Division.* The Analyses Division prepares analyses of economic problems in air transportation currently requiring Board action and makes recommendations thereon; prepares exhibits for introduction into the record in formal proceedings before the Board and supplies expert witnesses to testify concerning such exhibits; analyzes exhibits prepared by parties in formal proceedings; and prepares as directed comprehensive economic and statistical surveys and studies related to the development and regulation of air transportation.

(3) *The Foreign Air Transport Division.* The Foreign Air Transport Division obtains, correlates and analyzes comprehensive information on flight equipment, operating and traffic statistics, and financial and economic data in connection with all foreign airlines. Such information is used as a basis for studies required by the Board in connection with the granting of foreign air carrier permits. The Division also assists the Board in supplying information for use in consultations with the Secretary of State concerning the negotiation of agreements with foreign governments for the establishment or development of air navigation, including air routes and services.

(4) *The Operations Division.* The Operations Division receives, investigates, analyzes, reports and makes recommendations with reference to the following reports or documents required or authorized to be filed with the Board, and conducts informal compliance investigations with respect to related matters:

(i) Contracts affecting air transportation;

(ii) Requests for approval of interlocking relationships;

(iii) Reports of ownership of stock and other interests;

(iv) Reports of affiliates of air carriers;

(v) Agreements between air carriers and foreign governments;

(vi) Agreements submitted to the Provisional International Civil Aviation Organization under the provisions of the Interim Agreement on Interntaional Civil Aviation;

(vii) Reports required from non-certificated air carriers; and

(viii) Complaints arising under Title IV of the Civil Aeronautics Act.

(5) *The Tariffs and Service Division.* The Tariffs and Service Division has responsibility for matters relating to tariffs and the services performed by certificated air carriers. Its principal duties are:

(i) To review all tariffs filed with the Board for conformity to the requirements of the Civil Aeronautics Act and requirements established pursuant thereto, and to make recommendations concerning such tariffs;

(ii) To receive and make recommendations concerning applications by air carriers for special permission to make changes in tariffs upon less than statutory notice;

(iii) To analyze the schedules and other service records of air carriers to determine the conformity of the carriers' service pattern with the certificates or other service authorizations of the Board, and to make recommendations concerning such matters;

(iv) To receive and make recommendations concerning notices and applications of air carriers respecting airport notices, nonstop notices, suspension of service, and exemption orders respecting service;

(v) To investigate through correspondence with the parties complaints concerning rates, fares, charges, transportation practices and service deficiencies and to effect disposition or settlement of such complaints;

(vi) To maintain the official airport-to-airport mileage record; and

(vii) To maintain a file of currently effective and proposed tariffs for public inspection.

(d) *The Safety Bureau.* The Safety Bureau collects and analyzes data, takes certain actions and makes recommendations to the Board with respect to the safety regulation of aircraft and aircraft operation. The Director of the Safety Bureau is directly responsible to the Board for the performance of all duties assigned to the State Bureau, functions of the various divisions of which are as follows:

(1) *The Safety Rules Division.* The Safety Rules Division conducts technical studies and coordinates proposed changes, or deductions concerning the Civil Air Regulations. Such proposals may originate within the Safety Bureau as a result of observation or through aircraft accident investigations or may result from recommendations submitted to the Board by the Administrator of Civil Aeronautics or from recommendations or requests from the aviation industry or the public.

(2) *The Accident Investigation Division.* The Accident Investigation Division is charged with the investigation of accidents involving aircraft, preparation of reports for Board approval concerning such accidents, the holding of public or private hearings in order to ascertain the facts, conditions, circumstances and probable causes of such accidents, and the making of recommendations to the Board for action to prevent recurrence of similar accidents and to insure and promote safety of aircraft and aircraft operation.

(3) *The Accident Analysis Division.* The Accident Analysis Division receives and analyzes all reports of accidents involving aircraft; compiles statistical and analytical reports for the information of the Board and the public; and edits and issues safety bulletins and accident reports.

(e) *The Office of the Trial Examiners.* The Chief Examiner is directly responsible to the Board for the conduct and disposition of all formal proceedings before the Board arising under Title IV and section 1002 of the Civil Aeronautics Act. The following activities within the Office of Trial Examiners are performed under the administrative supervision and direction of the Chief Examiner:

(1) *The Examiners.* The Examiners preside at prehearing conferences and hearings in all formal proceedings. All matters concerning the conduct of a hearing and motions and requests arising in connection with any proceeding are referred to the Examiner assigned to such proceeding. Such Examiner acts upon such matters as may be disposed of by him and prepares recommendations to the Chief Examiner or the Board respecting disposition of such matters as require action by the Chief Examiner or the Board. Recommended decisions are made by the Examiners in all proceedings other than those for the fixing of passenger, cargo and mail rates. The final decision is also drafted by the Examiner pursuant to instructions from the Board.

(2) *The Docket Section.* The Docket Section receives, dockets and maintains all documents in normal proceedings before the Board; makes official service of notices, orders, rules, reports and decisions upon all interested persons; and issues periodic statements and reports respecting the status of all formal proceedings.

(3) *The Editorial Unit.* The Editorial Unit edits reports, decisions and opinions and prepares the same for printings, and prepares the index digest for the bound volumes of the Board's official reports.

(f) *The Alaska Office.* The Director of the Alaska Office is under the general supervision of the Director of the Economic Bureau for the performance of all duties assigned to his office. Such duties include the receipt and investigation of all matters pertaining to the regulation

of air transportation in Alaska, the conduct of proceedings incident thereto, and the forwarding of recommendations and reports to the Economic Bureau of the Board respecting such transportation, the audit and inspection of records, memoranda, accounts, and property of air carriers; and otherwise serving as the Board's representative in Alaska.

§ 302.3 *General statement of channels.* Action initiated pursuant to the Board's own initiative or by any document authorized or required to be filed with the Board originates in or is referred to the office or division of the Board having jurisdiction over the subject matter involved. In all cases other than those in which preliminary action is taken pursuant to specific procedures hereinafter set forth, or specified in the regulations of the Board governing the particular subject, the appropriate office or division prepares a memorandum to the Board setting forth its recommendations for action. If the recommendation involves any legal question or the issuance of an order or regulation, it is referred to the appropriate section of the General Counsel's office before submission to the Board. Final action is determined by the Board.

§ 302.4 *Channeling of certain routine functions*—(a) *Preliminary action and ratification.* Certain definite procedures have been evolved by the Board for the disposition of routine matters. In all instances hereinafter set forth in which preliminary action is taken by subordinates, such action is submitted to the Board for ratification. The Board's action thereon is reflected in the official record indicating every vote and official act of the Board.

(b) *Procedural matters incident to formal proceedings.* The Chief Examiner, with the concurrence of the Assistant General Counsel having jurisdiction over the subject matter of the proceeding, is authorized to take the following preliminary action on behalf of the Board:

(1) Grant intervention in formal proceedings;

(2) Deny intervention in formal proceedings with respect to cities or Chambers of Commerce representing cities which are off-line points;

(3) Dismiss applications when such dismissal is requested by the applicant or where the applicant has failed to prosecute such application; and

(4) Consolidate applications under sections 401 (b) and 401 (h) of the Act into one proceeding for purposes of hearing and decision. Formal motions by parties requesting consolidation together with the Chief Examiner's recommendations thereon are submitted to the Board for action.

(c) *Requests and submissions from air carriers.* The Director of the Economic Bureau, with the concurrence of the Assistant General Counsel having jurisdiction over the subject matter involved, is authorized to take the following preliminary action on behalf of the Board:

(1) To approve all Airport Notices from holders of certificates indicating an intention to serve regularly a point through any airport not then regularly used by such holder, including the granting or denying of requests for an effective date earlier than thirty days subsequent to filing such notice, provided that the granting or permission to use a new airport does not, in the opinion of the Director of the Economic Bureau, involve a new and substantial question of policy;

(2) To approve Non-Stop Notices from holders of certificates indicating an intention to inaugurate a scheduled nonstop service between any two points not consecutively named in the certificate, including the granting or denying of requests for an effective date earlier than twenty days subsequent to the filing of such notice, provided that the granting of non-stop service does not, in the opinion of the Director of the Economic Bureau, involve a substantial deviation from the shortest course between such points as determined by the route described in the certificate, or involve a schedule designated for the transportation of mail and the inauguration of such service on such date would be prohibited pursuant to the provisions of section 405 (e) of the Act; or involve a new and substantial question of policy; or might be adverse to the public interest;

(3) To approve revocation or modification of suspension of service orders in cases in which the carrier concerned requests such revocation or modification, provided that the revocation or modification of such suspension of service order does not, in the opinion of the Director of the Economic Bureau, involve a new and substantial question of policy; and

(4) To approve contracts and agreements, and modifications and cancellations thereof, filed under section 412 of the act, relating exclusively to the following enumerated services and facilities: (i) air conditioning, (ii) oxygen bottles (iii) cleaning machines, (iv) radio site space, (v) office space, (vi) field post offices, (vii) porter, janitor, and guard services, (viii) flight quarters and lounge space, (ix) storage space for cargo, gasoline, or parts, (x) electric power and light, and (xi) other joint facility arrangements involving similar routine matters.

(d) *Requests for extensions of time for filing documents and waivers of contents.* (1) The Chief Examiner may extend the time for filing notices of objection and answers to show cause orders and responsive pleadings upon proper cause shown but any postponement will not be granted less than three days prior to the date originally set for the filing thereof except in cases involving unusual circumstances imposing substantial hardship upon the requesting party or parties.

(2) Individual requests for extensions of time for filing reports or for waiver of the form or content of such reports to conform to the particular operation of the individual requesting such waiver, are referred to the Director of the Economic Bureau or the Director of the Alaska Office, as the case may be, who, upon good cause shown, may grant or deny such request.

§ 302.5 *Channeling of complaints*—(a) *Informal complaints.* Informal complaints are referred to the Economic Bureau for preliminary investigation and handling by the division concerned with the subject matter of the complaint. If the preliminary investigation indicates the need for formal Board action, appropriate recommendation is made to the Board through the General Counsel.

(b) *Formal complaints.* Formal complaints are referred to the General Counsel and assigned to attorneys of the Enforcement and Litigation Section who have legal supervision of or participate in any necessary investigations or negotiations looking toward satisfaction of the complaint, and prepare and present the Government's case in formal proceedings resulting from the filing of such complaints. Dismissals of formal complaints without hearing require order or ratification by the Board upon recommendation of the General Counsel.

§ 302.6 *Public rule making procedure; channeling of proposed substantive rules and regulations and amendments*—(a) *Notice.* Except where the Board for good cause finds that such action is impractical, unnecessary, or contrary to public interest, notice concerning the proposed issuance, amendment, or alteration of Economic Regulations or Civil Air Regulations will be circulated to directly interested persons and to trade associations and published in the Federal Register. Proposed changes in regulations may result from petitions, requests or suggestions submitted to the Board by interested persons or may be initiated by the Board.

(1) The Director of the Safety Bureau is authorized to publish notice of proposed changes in the Civil Air Regulations, provided that such notice shall indicate clearly that the proposed changes are those of the Safety Bureau and have not been approved by the Board.

(2) The Director of the Alaska Office is authorized to publish notice of proposed changes in the Economic Regulations affecting Alaskan Air Carriers, providing that such notice shall indicate clearly that the proposed changes are those of the Alaska Office and have not been approved by the Board.

(b) *Contents of notice.* Such notice shall include reference to the statutory authority under which the regulation is proposed and its purpose, a draft of the proposed regulation or a description of the subject and issues involved, and a statement of the time within which written data, views or arguments respecting such regulation shall be submitted to the Board.

(c) *Procedures.* After expiration of the time fixed for submission of data, the Board after consideration of all relevant matter presented, will act upon the proposed regulation. Public hearing or oral argument ordinarily will not be held, but the Board may in proper cases authorize such hearing or argument.

§ 302.7 *Channelling of formal proceedings*—(a) *Functions involving Presidential powers.* The issuance, denial, transfer, amendment, cancellation, suspension, or revocation of, and the terms, conditions, and limitations contained in any certificate authorizing an air carrier to engage in overseas or foreign air transportation, or air transportation between places in the same territory or possession, or any permit issu-

able to any foreign air carrier to engage in foreign air transportation, are subject to the approval of the President. Copies of all applications in respect of such certificates and permits are transmitted to the President prior to hearing thereon, and all decisions thereon by the Board are submitted to the President before publication thereof.

(b) *Formal economic proceedings.* (1) Any document, application, petition, or complaint seeking to institute a formal proceeding is referred to the Docket Section. Such document is examined for compliance with currently effective requirements governing the form and filing of documents and if conforming thereto, is accepted for filing and assigned a docket number. The person filing is advised by letter of the docket number assigned. Matters which do not require a hearing under the Act are generally referred to the appropriate Office or Division for consideration and written recommendation to the Board. A hearing may be ordered concerning matters not otherwise requiring a hearing but involving special circumstances or new questions of law or policy.

(2) On matters requiring formal hearing, the Chief Examiner or the Director of the Alaska Office, as the case may be, designates a trial examiner to conduct the hearing and issues a notice of a prehearing conference to the party or parties concerned when that docket is reached on the calendar. In proceedings upon applications by air carriers for new routes, it is customary to assign all pending applications for a similar service in the same general area for conference at one time.

(3) The prehearing conference is conducted by the trial examiner. At the conference, applicants and other interested parties state their attitude toward consolidation of the various applications for purposes of hearing and decision, the time and place of hearing and other procedural matters, and indicate the number of witnesses and kind of evidence to be presented. The examiner in charge discusses the procedure to be followed and records the position of each party. It is the purpose of this conference to consider all problems of a procedural nature, arrive at agreed statements of facts, define the issues, and do everything possible to expedite the formal hearing and final disposition of the case.

(4) Following the conference a report is prepared by the examiner and forwarded to all parties setting forth a record of the results of the conference and any rulings which may be necessary on questions arising in connection with the case. The parties may file exceptions with the examiner to point out any disagreement with statements contained in the report. The examiner may supplement his report to revise or clarify statements to which exception is so taken which materially affect the position of any party.

(5) If consolidation of certain applications for hearing and decision was agreed to at the conference, the examiner will recommend an appropriate consolidation order. The Board's subsequent order or notice of hearing, together with the prehearing conference report, will establish the scope of the proceeding.

(6) Hearings are held in accordance with the currently effective rules of practice, set forth in Part 285 of this chapter, and are presided over by a trial examiner.

(7) After the close of hearing, proposed findings and conclusions and reasons in support thereof may be filed with the examiner. The examiner prepares a recommended decision in all cases other than proceedings for the determination of passenger, property or mail rates and other cases in which the Board requires that the entire record be certified to it for initial decision. The parties are afforded an opportunity to file with the Board exceptions to the recommended or initial decision and reasons in support thereof. Oral argument may be granted upon request in the discretion of the Board. In due course the Board renders its decision which is served on all parties in the case.

(c) *Suspension and revocation of safety certificates.* (1) Proceedings for the suspension or revocation of airmen, aircraft and other safety certificates follow the procedure and requirements of Part 97 of this chapter, known as the rules of practice governing suspension and revocation proceedings. A proceeding is instituted by complaint filed with the Board by the Administrator of Civil Aeronautics or by a show cause order issued by the Board.

(2) A copy of the complaint or show cause order is served upon the respondent by registered mail. A letter explaining the procedure followed and respondent's rights, a copy of the rules of practice (Part 97, CAR), a return addressed envelope, and a statement concerning whether a hearing is requested, accompany the complaint. The respondent is requested to indicate whether he desires or will waive a formal hearing.

(3) A trial examiner is designated by the Assistant General Counsel, Safety.

(4) If formal hearing is waived, the Administrator of Civil Aeronautics submits documentary evidence in support of the complaint, and the respondent, if he so desires, may submit documentary evidence in defense. Such evidence is considered by the trial examiner who enters the initial decision in the proceeding. If no exceptions or motion to review are filed, such initial decision becomes the final decision of the Board. If exceptions are filed, the procedure followed is identical to that of a formal hearing case in which exceptions to the initial decision have been filed, as hereinafter described in subparagraph (8) of this paragraph.

(5) If the respondent desires a formal hearing, every effort is made to hold such hearing within ninety days of receipt of the request and such hearings are usually held not further than forty miles from respondent's residence. Respondent may be represented by counsel if he desires. An attorney from the Administrator's Office appears for the purpose of prosecuting the complaint or supporting the show cause order of the Board.

(6) Proceedings of this nature have been held to be civil in character, and the general rules of evidence applicable to civil proceedings are followed. The attorney prosecuting the complaint is required to prove the allegations in such complaint by fair preponderance of the evidence. The issues are predetermined by the complaint and answer.

(7) After hearing, the parties are afforded an opportunity to file proposed findings and conclusions and reasons in support thereof. The trial examiner then makes the initial decision. With the consent of the parties, the examiner may announce his findings of fact and make the initial decision at the close of the hearing. In either event, if no exceptions are filed to the initial decision, such decision becomes the final decision of the Board, unless the Board, on its own motion, within the time allowed for filing exceptions, should determine to review such initial decision.

(8) Exceptions and reasons in support thereof may be made to the initial decision. Oral argument may be granted upon request in the discretion of the Board. In due course the Board renders its final decision which is served on all parties in the case.

(d) *Hearings concerning accidents involving aircraft.* When, in the opinion of the Director of the Safety Bureau, a a hearing is necessary in order to fully ascertain the facts, conditions, circumstances, and the probable cause of an accident involving aircraft, the Director of the Safety Bureau, on behalf of the Board, orders a hearing and designates a Presiding Officer to conduct such hearings. Such hearings do not involve adjudication of essential rights of persons but are in the nature of technical fact finding investigations conducted in a formal manner, with authority to issue subpoenas, administer oaths, and receive and record evidence.

(e) *Settlement procedures*—(1) *Economic proceedings.* Proceedings involving the granting or denying of certificates of public convenience and necessity or permits to engage in air transportation, or the alteration, amendment, modification, suspension, revocation, or transfer of such certificates are not susceptible of settlement or compromise. In proceedings instituted upon complaint, every effort is made to effect satisfaction of the complaint through negotiations with the parties before conducting a formal hearing. If the complaint is satisfied and the action complained against does not represent an unlawful practice or method of doing business affecting the using public, such complaint will ordinarily be dismissed. In all proceedings involving enforcement of the act, whether instituted by complaint or upon the Board's own motion, the only settlement or compromise ordinarily acceptable is a stipulation to cease and desist from the unlawful practice involved. Such stipulations will not be accepted where the Board is of the opinion that such procedure will not be effective in preventing similar unlawful acts or practices on the part of others, or where in its opinion, action should be instituted under the penalty provisions of the act.

(2) *Safety proceedings.* Proceedings for the revocation or suspension of safety certificates are ordinarily instituted by

complaint filed by the Administrator of Civil Aeronautics. The Administrator may also effect a compromise of the civil penalty prescribed by section 901 of the act. The Board will take into consideration any such compromise in connection with any related proceeding for suspension or revocation of a safety certificate.

§ 302.8 *Scope and content of documents.* All forms and instructions as to the scope and contents of all papers, reports, or other documents required or authorized by the Board to be filed or maintained, pursuant to the Civil Aeronautics Act or any rule, regulation, or order of the Board, are contained in the Board's civil air regulations and economic regulations. If the form of any document required to be filed is not prescribed, such document should set forth the matter specified in letter form. If the form of any document authorized to be filed is not prescribed, such document should conform to the currently effective provisions of the rules of practice governing general requirements as to papers in proceedings and form and filing of documents.

PART 303—SUBSTANTIVE RULES

Sec.
303.1 Civil air regulations.
303.2 Economic regulations.

§ 303.1 *Civil air regulations.* Substantive rules, adopted by the Civil Aeronautics Board as authorized by law, relating to the Board's safety regulatory jurisdiction and including statements of general policy and interpretations and rules of practice are separately stated and published in the FEDERAL REGISTER for inclusion in Title 14, Code of Federal Regulations, Chapter I, Parts 01 et sequitur.

§ 303.2 *Economic regulations.* Substantive rules, adopted by the Civil Aeronautics Board as authorized by law, relating to the Board's economic regulatory jurisdiction and including statements of general policy and interpretations and rules of practice are separately stated and published in the FEDERAL REGISTER for inclusion in 14 CFR, Parts 201 et seq.

(Sec. 205 (a), 52 Stat. 984, 49 U. S. C., 425 (a); secs. 3 and 12, Pub. Law 404, 79th Cong.)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 46—15380; Filed, Aug. 28, 1946; 4:28 p. m.]

CIVIL SERVICE COMMISSION

[5 CFR, Ch. I]

PART 60—ORGANIZATION AND OFFICIAL RECORDS OF THE COMMISSION

THE COMMISSION AND STAFF ACTIVITIES

Sec.
60.1 The Commission.
60.2 Executive Director and Chief Examiner.
60.3 Executive Assistant to the Commissioners.
60.4 Chief, Field Operations.
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OPERATING ACTIVITIES

60.9 Examining and Personnel Utilization Division.
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60.15 Regional Offices.
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ADVISORY COMMITTEES

60.17 Council of Personnel Administration.

PUBLIC RECORDS

60.18 Availability of Official Records.

THE COMMISSION AND STAFF ACTIVITIES

§ 60.1 *The Commission.* (a) The Commission is composed of three Commissioners appointed by the President, by and with the consent of the Senate, and removable by him. One member is designated by the President to be President of the Commission. The Commissioners, not more than two of whom may be adherents of the same political party, make final decisions on matters of policy, organization and administration within the Commission. They also serve, through the Liaison Officer for Personnel Management, as advisers to the President in personnel matters.

(b) The Commissioners in some cases act as a quasi-judicial body in reviewing and making final determinations on appeals of individuals and agencies from decisions made by officials of the Commission, and from certain decisions by officials of other agencies.

§ 60.2 *Executive Director and Chief Examiner.* The Executive Director and Chief Examiner is the chief technical and administrative official of the Commission. He has authority to take final action on matters covered by established policy and regulations. On other matters on which the Commissioners themselves make the final determination he reviews the recommendations prepared by the various divisions of the Commission and submits advisory opinions and recommendations. He represents the Commission in conferences and negotiations with representatives of other Government agencies, interpreting the regulations and policies of the Commission to officials and advising them in personnel policies and major personnel problems.

§ 60.3 *Executive Assistant to the Commissioners.* The Executive Assistant to the Commissioners presents to the Commission for action cases handled in the divisions; advises Members of Congress, Government officials and others on civil-service matters; performs special assignments at the direction of the Commission, and handles other administrative functions.

§ 60.4 *Chief, Field Operations.* The Chief, Feld Operations, supervises the operations and procedures of the Commission's regional offices and coordinates their work with the divisions of the central office.

§ 60.5 *Chief Law Officer.* The Chief Law Officer advises the Commission, the Executive Director and Chief Examiner and division chiefs on legal questions pertinent to Commission policies and operations. He is responsible for the enforcement of the statutes and civil service rules relating to political activity of Federal and State employees including investigation of complaints and for drafting or reviewing drafts of legislation, Executive orders and regulations. He adjudicates appeals of veteran preference eligibles that are filed under the Veterans Preference Act of 1944.

§ 60.6 *Information Division.* The Information Division furnishes to newspapers and magazines information regarding the Commission and the Federal civil service; prepares articles on these subjects for encyclopedias and other reference books; reviews manuscripts on these subjects which are submitted by publishing concerns or by individual writers; prepares informational booklets; prepares radio scripts and other public-address material; answers oral and written inquiries from the public regarding (a) the general activities of the Commission and (b) opportunities for employment in the Federal service; compiles the "Official Register of the United States".

§ 60.7 *Veterans Service Section.* The Veterans Service Section serves at the Commission's staff unit concerning policies and procedures with respect to the employment and reemployment of veterans; preferences granted veterans in Federal employment; legislation affecting the employment of veterans in the Federal service; and the maintenance of good public relations with veterans, veterans organizations, government agencies, legislative bodies and the public generally. Information may be obtained from and requests and submittals may be made to the Central Office in Washington or any one of its fourteen regional offices. These matters may be presented in any general written form.

§ 60.8 *Board of Appeals and Review.* (a) The Board of Appeals and Review of the Central Office of the Commission was created by official action of the Commission November 26, 1930. The Board has four members, one of whom, designated the Chairman, is the chief administrative officer of the Board. Only three members act on any one case. The Board has jurisdiction to entertain appeals on any matter adversely affecting eligibility, rights and/or interests arising under any law (except cases arising under sec. 12 (a) of the Hatch Act, Act of August 2, 1939, as amended July 19, 1940, 53 Stat. 1147, 54 Stat. 767, 18 U. S. C. 61 e), rule or regulation administered by the Commission, *Provided,* That the matter previously has been finally acted upon and decided at the highest reviewing level in the division or office (departmental or field) having original jurisdiction. The Board, however, has jurisdiction to entertain appeals from the initial adverse action in ratings in postmaster examinations, adverse decisions on actual residence in postmaster and rural carrier examinations, findings by the Fourth

Regional Branch Office in Washington, D. C., of unsuitability for Federal employment, adverse decisions on claims for benefits under the several retirement acts administered by the Commission, and appeals involving alleged discrimination because of race, creed, color or national origin.

(b) In those cases where the adverse action on appeal was taken by the Executive Director and Chief Examiner or by the Commissioners, and in appeals from the findings and recommendations of the Chief Law Office or a regional director in cases arising under section 14 of the Veterans' Preference Act of 1944, the Board processes, analyzes, and submits the case with its recommendation to the Commissioners who make the final decision on the appeal.

(c) Laws, rules, regulations, matters of Commission policy, examination specifications, standards of rating, and standards of classification are not subject to appeal.

(d) Appeals are not required to be in any particular form and should be directed to the Chairman, Board of Appeals and Review, U. S. Civil Service Commission, Washington 25, D. C.

OPERATING ACTIVITIES

§ 60.9 *Examining and Personnel Utilization Division*—(a) *Organization.* Responsibility for the functions connected with recruitment, examining and certification for positions in the departmental service in Washington, D. C., and for certain field positions, when public announcement to that effect is made, is vested in the Chief of the Examining and Personnel Utilization Division and his staff. The Chief of the Division is also responsible for recommending to the Commission necessary changes in policies and practices regarding recruitment, examining and certification.

The operating sections of the divisions with their responsibilities and functions are as follows:

(1) *The Clerical Placement and Services Section.* This section prepares and distributes publicity for examination announcements on a nation-wide basis, receives and reviews applications for such examinations (except those announced on behalf of Regional Offices or Boards of U. S. Civil Service Examiners in the field), rates machine-scored examinations, prepares and maintains lists of eligibles for all positions in the departmental service in Washington, D. C. (except those handled by Committees of Expert Examiners), issues certificates of eligibles therefrom and audits the agencies' selections from such certificates. It maintains an information center for public inquiries regarding civil service examinations and answers other questions regarding Federal employment. In addition the section arranges for examinations for admission to the United States Military and Naval Academies, when requested, as a courtesy to Members of Congress to aid them in making selections for appointments thereto and administers examinations for the foreign service of the State Department.

This section and the other sections of the division are subdivided into examining units which deal specifically with particular types of examinations. The responsibilities of examining units are as follows:

(i) Surveys agencies for anticipated needs for employees in the occupational fields with which the unit is concerned.

(ii) Plans recruiting programs in advance of needs.

(iii) Prepares standards for examinations for all positions in its field in the Federal service and non-competitive standards for transfer, promotion and reinstatement and for positions under Schedule A and B where necessary. (Schedule A is a list of positions to which departments and agencies may make appointments without competitive examinations; Schedule B is a list of positions to which departments and agencies may make appointments as a result of non-competitive examination.)

(iv) Passes on qualifications for Schedule A and B appointments in its occupational fields if necessary and advises for qualifications for transfer, promotion and reinstatement.

(v) Cooperates with the Commissioners of the District of Columbia in observing the agreement regarding filling of positions in the District of Columbia Government.

(vi) Determines qualifications necessary to fill positions for which no register is appropriate and prepares a certificate of eligibles for such positions.

(vii) Acts or recommends action on agency objections or passing over of veterans, based on qualifications.

(2) *The Physical Science Placement Section.* This section comprises the examining units having responsibilities similar to those set forth above, with respect to positions in the engineering and allied fields, the physics, chemistry and related occupational areas and in the industrial and skilled trades. The Postal Examining Unit of this section performs all the functions of the examination program from the announcement of the examination to the audit of certificate.

(3) *The Social Science and Personnel Management Section.* This section comprises the examination units having responsibilities with respect to positions in the fields of social services, economics, accounting and allied occupations and the various phases of administrative management. The section also maintains a Personnel Management Advisory Service for the benefit of the agencies.

(b) *Delegations of authority*—(1) *To the division.* With respect to the functions set forth above the Examining and Personnel Utilization Division has overall responsibility for the development of plans and programs and for the establishment of procedures and standards applying both to regional offices (including Boards of U. S. Civil Services Examiners) and the Central Office (including Committees of Expert Examiners). It has direct operating responsibility for the recruiting, examining and placement programs in the departmental service in Washington, D. C., except insofar as any functions connected with these activities have been delegated to Committees of Expert Examiners as explained below.

(2) *By the division*—(i) *To Regional Offices.* Development of assembled examination material for field examinations under the jurisdiction of the Regional Offices or Boards of U. S. Civil Service Examiners, in the absence of appropriate standardized examination material; preparation of examining standards (specifications) for field positions, in the absence of approved specifications; modification of examination specifications by agreement with representatives of the agency (in the absence of a specific prohibition).

(ii) *To departments and agencies.* Certain phases of the review of applications involving acceptability from the standpoint of legal requirements for Federal service, for example, proof of citizenship, proof that the requirement limiting the number of members of the same family who may be employed in the Federal service has been met, proof of military service and honorable discharge in case of five point war veterans; audit of declaration of appointees; determination of experience, training or educational qualification for transfer, reinstatement or promotions (under standards and with limitations prescribed by the Commission).

(iii) *To committees of expert examiners.* Where a Committee-type examination is involved, ratings of hand scored assembled or unassembled examination papers; securing of corroborative information regarding experience; handling of appeals on ratings of other than machine scored examinations; preparation and maintenance of registers of eligibles; certification of eligibles and audit of report on certificates (except actions on objections and passing over).

(iv) *To the District of Columbia government by agreement between the District of Columbia Commissioners and the Civil Service Commission.* Authority to effect appointments to lower grade positions in the District of Columbia Government in the absence of local eligibles on the Commission's registers (without audit of qualifications by the Commission).

(c) *Method of securing and source of information.* (1) For positions under the jurisdiction of the central office, whether Commission controlled or committee type, questions may be addressed in writing to the United States Civil Service Commission, Washington 25, D. C. Inquirers may call in person at the Information Office maintained by the Examining and Personnel Utilization Division at 7th & F Streets, N.W. Such inquiries may concern Civil Service examinations, that is, for what positions applicants may apply, how and where to file applications, what qualifications are required, etc.; requirements for veterans' preference, citizenship and age; ratings; employment opportunities in the Federal service during the periods preceding the establishment of appropriate registers for the majority of positions; types of written examinations, methods of rating, contents and form of questions etc. The information available to the general public is restricted to that published in the examination announcement and the accompanying sample questions, if any, so

that the secrecy of the examination materials may be preserved.

(2) Complaints should be in writing and should be addressed to the United States Civil Service Commission, Washington 25, D. C. Examples of types of complaints:

(i) Complaints regarding publicity given, admission to or conduct of central office examinations.

(ii) Complaints with regard to discrimination because of race, color or religious or political affiliations in connection with central office examinations.

(iii) During the period in which agencies are authorized to handle recruiting, examining and placement for positions under their jurisdiction pending establishment of a register appropriate to the particular position, complaints with regards to agency noncompliance with the policy and procedures established by the Commission for agency guidance, so far as positions in the departmental service are concerned.

(iv) Complaints of veterans with regard to agency action in passing over their names for positions in the departmental services. Such complaints may be presented by the veteran or his authorized agent either in writing, addressed to the United States Civil Service Commission, Washington 25, D. C., or to the Commission's Information and Interview Office, 7th & F Streets NW. In either case the Commission's action is limited to the authority granted by the Veterans' Preference Act of 1944 to present to the veteran or his authorized representative a copy of the agency's reasons for passing over his name and the Commission's recommendation to the agency with respect to the sufficiency of the reasons.

(3) Appeals from ratings assigned as a result of examination are handled originally in the unit that assigned the rating. Appeals in writing from Commission-controlled examinations for positions in the departmental service (identified by the name of the United States Civil Service Commission, Washington, D. C. as the issuing agency on the notice of rating (CSC Form 4008 or equivalent form) should be addressed to the United States Civil Service Commission, Washington 25, D. C. Appeals in person should be addressed to the examiner-in-charge of the appropriate examining unit.

Appeals from committee-type examinations for positions in the departmental service (identified by the name of the issuing agency, other than the Commission, preceded by the words "Committee of Expert Examiners" on the Notice of Rating, (CSC Form 4008 or equivalent form) should be presented in writing to the Committee of Expert Examiners concerned at the agency named in the Notice of Rating or equivalent form.

Appeals from the final decisions rendered by the Examining and Personnel Utilization Division or the Committee of Expert Examiners should be submitted in writing to the Board of Appeals and Review, United States Civil Service Commission, Washington 25, D. C.

§ 60.10 *Personnel Classification Division*—(a) *Organization.* The Personnel Classification Division is organized into five sections the functions of which are as follows:

(1) *Washington Section.* (i) Investigates the duties and responsibilities of positions in the departmental service within the scope of the Classification Act of 1923, as amended, (5 U. S. C. 661ff.) and allocates them to services, grades, and classes.

(ii) Conducts classification surveys of organizations in the departmental service.

(iii) Postaudits for compliance with Commission's requirements, reports of vice changes, additional identical positions, and combined position descriptions submitted by Federal Agencies.

(iv) For the duration of the emergency, considers and makes recommendations on position classification appeals in the departmental service.

(v) Processes all classification sheets, appeals and requests for reconsideration before and after allocation decisions have been made.

(2) *Standards and Special Studies Section.* (i) Prepares and issues class specifications and statements of allocation standards under the Classification Act and Executive Order No. 9512; and gives technical supervision to the standards development work of the regional offices.

(ii) Prepares and revises the Handbook of Occupational Groups and Series of Classes.

(iii) Advises on all problems in which classification standards are involved.

(iv) Makes special studies on classification or compensation problems of the Government service.

(v) Prepares Departmental Circulars, Commission Letters and technical memoranda dealing with allocation standards, class titles, and the establishment or revision of classes.

(3) *Efficiency Ratings Administration Section.* (i) Establishes efficiency rating systems applicable to all employees in the field and departmental services compensated under the pay scales of the Classification Act of 1923 as amended and cooperates with agencies in their administration of the uniform efficiency rating system.

(ii) Administers the Board of Review program including the preparation and promulgation of regulations and procedures governing efficiency rating appeals, and provides chairmen for such boards.

(iii) Reviews and recommends decisions on agency requests for approval of proposed action, in the field or departmental service, to reduce in salary, demote, or separate employees on the basis of "Fair" or "Unsatisfactory" efficiency ratings.

(iv) Establishes uniform reduction in force procedures; reviews proposed reductions in force and considers appeals from such action in the departmental service.

(v) Reviews and approves grievance procedures proposed by the Federal agencies.

(vi) Prepares regulations and procedures dealing with (*a*) periodic within-grade salary advancements and (*b*) additional within-grade advancements as rewards for superior accomplishment. Preaudits, for compliance with regulations, proposed rewards submitted by departments or agencies. On the basis of plans approved by the Commission, recommends delegation, and when necessary revocation of delegation, of authority to heads of departments and agencies for prior approval of these rewards. Postaudits all actions by departments to insure compliance with the regulations. Compiles an annual consolidated report for presentation to the Congress.

(4) *Field Section.* (i) Gives technical supervision to the work of regional offices in making postaudit reviews of field allocations for conformance with standards issued by the Commission.

(ii) Inspects the work of the regional classification divisions for compliance with established policies and procedures, understanding of the various classification programs, and operating effectiveness; and follows up on delays or inadequacies.

(iii) Issues instructions to regional offices on classification policies, procedures and practices; assists regional offices in the installation of new classification programs or procedures; develops methods and materials for training field classification staffs; and performs other field supervisory functions assigned by the Chief of Division.

(iv) Advises agencies on general problems relative to classification and compensation of position in the field service.

(v) Under the authority and conditions prescribed in section 401 of the Federal Employees Pay Act of 1945 (59 Stat. 295), conducts studies to recommend the establishment of higher minimum rates of pay for particular classes of positions within the ranges of pay fixed by the Classification Act of 1923.

(vi) Recommends maximum stipends for positions in hospitals, hospital clinics or medical or dental laboratories owned or operated by the Federal Government primarily for training purposes which are excluded from the Classification Act of 1923, as amended, by Executive Order No. 9750.

(vii) Prepares or reviews regulations, Departmental Circulars, Commission Letters, and/or chapters of the Federal Personnel Manual and the Commission's Manual dealing with any phase of Federal position classification or pay administration that does not pertain directly to functions of the Efficiency Ratings Administration Section.

(viii) Conducts studies and recommends other action preliminary to future expansion of classification to the field service in accordance with title II of the act (Ramspeck) of November 26, 1940 (54 Stat. 1212, 5 U. S. C. 681).

(5) *Administrative Section.* (i) Makes continuing studies to eliminate duplication of work, unnecessary procedures and practices and to see that available personnel is being used to best advantage.

(ii) Provides classification information to departmental position classifiers and to the general public.

(iii) Receives all requests for personnel or for other proposed personnel changes within the Division, prepares necessary forms for transmittal to the Budget and Finance and Personnel Divi-

sions; maintains leave records for the Division.

(iv) For administrative purposes within the Division, maintains records of encumbrances from the Division allotment for personnel services and prepares reports on the status of the allotment.

(v) Performs the usual service function for the Division, including supervision of mail and files and the stenographic force, compilation of production reports, timekeeping, furnishing of supplies, equipment, etc.

(vi) Prepares general correspondence not pertaining to the work of the several sections.

(b) *Delegation of authority.* (i) The authority for making initial decisions on matters within the purview of the Personnel Classification Division, except as specified in subparagraph (ii) of this paragraph, is vested in the Chief of Division, subject to appeal to the Commission.

(ii) Final decisions on efficiency rating appeals are, by statute, made by the efficiency rating Board of Review for the agency in which the appeal arises and are not reviewable by the Commission.

(c) *Method of securing and source of information.* (a) Information regarding functions of the Personnel Classification Division, including appeals from allocation actions of the Commission in central government offices, may be obtained in the Washington, D. C., area by writing or calling the Personnel Classification Division. In the field the appropriate regional office of the Commission may be contacted for such information. Inquiries regarding individual field allocations which are finally determined by the agency concerned should be addressed to such agency.

(ii) Requests for review of efficiency ratings should be made in writing to the Chairman, Board of Review of the agency in which the appellant is employed, c/o U. S. Civil Service Commission, Washington 25, D. C.

§ 60.11 *Investigations Division*—(a) *Organization.* The Commission's investigative activities may be divided into three major types:

(1) Investigations of the qualifications of candidates for Federal employment.

(2) Investigations to determine the facts when a preference eligible alleges that he has been denied any of the rights guaranteed him under the Veterans' Preference Act of 1944.

(3) Investigations arising out of the administration of the Merit System involving violations of the Civil Service Act and Rules.

For the purpose of carrying out these investigative functions the Investigations Division is divided into the following sections:

(i) *Field Inspection and Training Section.* This section inspects the work of the regional investigations division and assists regional offices in installing new procedures and in the training of personnel.

(ii) *Rating Section.* This section makes recommendations and renders advisory opinions with respect to cases referred by other divisions of the Commission, regional offices and other departments and agencies. It rates cases at the request of the Executive Director and Chief Examiner or the Chief of the division and develops rating standards and procedures for use of the regional offices.

(iii) *Administrative Section.* This section performs the necessary personnel and administrative work of the division.

(iv) *Procedures and Control Section.* This section prepares and issues instructions of a technical nature for investigators and raters. It maintains a master index and control records of all regional offices cases as well as master bar and flag records.

(v) *Confidential Information Section.* This section maintains confidential files of reports of investigations and makes them available to individuals and agencies that have a legitimate and valid reason for seeking information therein. (For information as to what records are available and to whom they are available see § 60.18 below.)

(b) *Delegation of authority*—(1) *To regional offices.* Regional directors are authorized to initiate investigations into the qualifications of applicants for certain specified positions. Investigations of applicants for all other positions must have the prior approval of the Commission. Regional directors are authorized to handle appeals of veterans under the Veterans' Preference Act of 1944 that arise in their region and to initiate investigations where the facts so warrant. Investigations into alleged violation of the Civil Service Act and rules must have the prior approval of the Commission.

(2) *To departments and agencies.* Authority is delegated to departments and agencies to conduct character and loyalty investigations where the nature of the positions to be filled is such that the agency reasonably requires its own investigations; where the agency maintains investigative facilities established for purposes other than undertaking personnel investigations but finds it desirable to undertake personnel investigations in order to afford maximum use of such facilities; and where the requirements of the agency become so great that the funds or facilities of the Commission are inadequate to meet the needs. Such investigations are to be conducted in accordance with standards set by the Commission. The Commission reserves the right to audit actions taken under this delegated authority and to inspect and review individual cases to determine compliance with the standards that have been established.

(c) *Method of securing and source of information.* Information in the files of the Investigations Division is considered confidential.

§ 60.12 *Retirement Division*—(a) *Organization.* The Retirement Division is charged with responsibility for interpreting and administering the Civil Service Retirement Act of May 22, 1920 (41 Stat. 614), as amended (5 U. S. C. 691–738), The Canal Zone Retirement Act of March 2, 1931 (46 Stat. 1471), as amended (48 U. S. C. 1371) and the Alaska Railroad Retirement Act of June 29, 1936 (49 Stat. 2017), as amended (5 U. S. C. 745). Jurisdiction over the administration of the Act of May 29, 1944 (58 Stat. 257), is also vested in the division. This act provides for the payment of annuities to United States citizen employees (or to their unremarried widows under prescribed conditions) who served on the Isthmus of Panama during the construction period of the Panama Canal from May 4, 1904 to March 31, 1914, inclusive, who were not included in the recognition and the benefits accorded by the act of March 4, 1915 (38 Stat. 1190).

The operating sections of the division are as follows:

(1) *Annuity Section.* This section adjudicates claims for annuity under the acts administered by the Retirement Division. It examines service credit applications and makes decisions with respect to the service credits to which present or former employees are entitled. It examines agency requests for the retention of employees beyond retirement age and makes recommendations thereon to the President. It maintains records of all annuitants retired on disability and orders the annual medical examinations as required.

(2) *Death Claims Section.* This section adjudicates claims filed by the beneficiaries, legal representatives or next of kin of deceased employees or annuitants for the accrued annuities, the unexpended balance or the accumulated deductions in the retirement funds. It adjudicates claims in behalf of former employees who are incompetent for accumulated deductions to their credit, examines designation of beneficiary forms and maintains a file of such forms.

(3) *Refund Section.* This section adjudicates refund claims filed by former employees for the refund of deductions made from their salaries and to their credits in the retirement funds.

(4) *Fiscal Section.* This section prepares schedules and vouchers covering payments on all retirement claims. It prepares periodic financial statements, receives and records cash, check or money order remittances of voluntary deposits, accepts and records payments from employees covering the purchase of service credit or redeposit of amount withdrawn, maintains the individual annuity award accounts and the individual retirement accounts on all separated employees.

(5) *Agency Accounting Section.* This section conducts studies of the procedures used and practices followed by agencies in the maintenance of retirement accounts, makes periodic inspections of the retirement records in the agencies, posts and maintains the retirement accounts for employees of first class post offices, advises and instructs officials and employees in the agencies who are assigned to and are responsible for the agency retirement work.

(6) *Accounting Systems and Report Analysis Section.* This section studies the accounting system in the division and recommends changes and improvements when they are necessary, studies financial statements and reports to determine the adequacy of the accounts and reports the effectiveness of the protection afforded, assists in the installation of retirement accounting systems in the agencies.

(7) *Office of the Legal Adviser.* This office renders advisory decisions and interpretations of the retirement laws and decisions of the Comptroller General and of the Attorney General, prepares cases for submission to the Board of Appeals and Review, to the Attorney General or to the Comptroller General, collaborates in the preparation and trial of suits arising under the retirement laws, prepares drafts of bills and reports on proposed legislation concerning retirement, and drafts rules and regulations with respect to the administration of the Retirement laws.

(8) *Office of the Actuary.* This office conducts actuarial studies, periodic valuations of retirement funds and longevity investigations of annuitants. It recommends improvements and simplifications in retirement systems and policies, prepares the annual retirement report and other special tables and similar types of aids to facilitate the speedy and economical performance of retirement activities.

(9) *Office of the Chief of Technical studies.* This office studies and coordinates the civil service retirement system with other federally administered or public employee systems. It conducts technical insurance studies of the various provisions of the retirement act, prepares analyses of these studies, plans insurance and retirement programs designed to provide for complete protection and conducts long range economic studies of the effect of changing coverage and characteristics of the coverage of retirement systems and their economic and administrative implications.

(10) *Board of Actuaries.* The Board of Actuaries is composed of three actuaries, appointed by the Commission, one of whom is the Government actuary. It is the Board's duty to report annually upon the actual operations of the Retirement Act, to recommend such changes as in their judgment may be deemed necessary to protect the public interest and maintain the system upon a sound financial basis, to make a valuation of the Civil Service, the Canal Zone and the Alaska Railroad Retirement and Disability Funds at intervals of five years or oftener if the Commission deems it necessary and to prepare such tables as may be required by the Commission for the purpose of computing annuities.

(b) *Delegation of Authority.* The Commission with the concurrence of the Comptroller General of the United States (letters B–45488, dated November 11, 1944 and March 24, 1945) has approved a temporary plan for the duration of the emergency, unless terminated prior thereto, whereby local disbursing officers of the War Department, under certain conditions, are authorized to issue checks in payment of amounts due as refunds of civil service retirement deductions to former civilian employees of the War Department. The responsibility for making refunds of retirement deductions so authorized is lodged with local certifying officers of civilian payrolls and applies only when the following conditions exist:

(1) The employee must have received an original appointment in the War Department on July 1, 1942, or subsequent thereto.

(2) The employee must have been officially separated on July 1, 1945 or subsequent thereto.

(3) The employee must have had no prior Federal or military service other than the period of employment in the specific installation and must have had no break in service during the period of employment at the installation for which the local retirement refund is being paid.

(4) The employee must not be indebted to the Federal Government for any reason according to the records of the installation.

Computations of refund payments are made in accordance with instructions approved by the Commission and copies of paid vouchers with supporting documents are transmitted to the Retirement Division for audit recording and filing.

(c) *Method of securing and source of information.* Decisions of the Retirement Division may be appealed to the Board of Appeals and Review through the Retirement Division. Appeals should be in writing and should show the name and post office address of the appellant, his retirement claim number, the date and substance of the action from which the appeal was taken and the full reason for the appeal. They must generally be filed within six months from the date the notice of final action was mailed.

Questions on retirement matters should be submitted by Federal employees to their Personnel Director.

§ 60.13 *Service Record Division*—(a) *Organization.* The Service Record Division has over-all responsibility for the administration and enforcement of rules and regulations governing the reporting of personnel transactions; maintenance of service records; according of classified (competitive) civil service status; determination of status of positions and status of present and former Federal employees and of compliance by Commission or agency officials with the procedural and legal requirements for effective personnel actions under the civil service rules and regulations.

The operating sections of the division are as follows:

(1) *Audit Section.* This section receives and inspects reports of personnel actions. It initiates corrective action on the enforcement of Civil Service Rules and other authorities governing appointments and personnel changes, inspects reports of separation to determine whether the reasons or circumstances shown appear to require debarment or flagging, maintains records showing currently the condition of the apportionment, determines adequacy of proof of date of birth, reports cases of apparent dual employment to the Comptroller General and authorizes extension of suspensions.

(2) *Correspondence Section.* This section replies to inquiries and complaints regarding treatment in the Federal service, promotions, demotions, forced resignations, suspensions or removals, hours of duty, leave, assignment to duty, dual employment, payment for services rendered, overtime, deductions from salary for war bonds, subsistence allowance and travel. It also answers inquiries concerning rights under the Selective Service Act and reemployment benefits provided by regulations of the Commission.

(3) *Postal Section.* This section maintains complete records of employees in the field service of the Post Office Department, audits all personnel actions involving such employees, initiates corrective action where needed, maintains substitute rolls in accordance with the order of seniority of appointment and in general performs the other functions of the Audit Section with reference to employees in the field service of the Post Office Department.

(4) *Records Section.* This section maintains service records of present and former Federal employees and processes and files reports of personnel action.

(5) *Status Section.* This section receives agency recommendations for conferring of classified status on Federal employees, acts on requests for promotion, transfer and reinstatement requiring prior approval of the Commission, post audits reports of reinstatements not requiring prior approval of the Commission, acts on agency recommendations in connection with non-competitive appointments under Schedule B of the Civil Service rules, furnishes information to agencies and individuals regarding their status for reinstatement, transfer, classification.

(b) *Delegation of authority.* Regional directors are authorized to pass on requests for reinstatement, transfer, promotion and reassignment to field positions in cases where the prior approval of the Commission is required. Regional directors are authorized to consider and act upon requests for extension of suspensions when the request is presented by a field officer of an agency who has authority to initiate such action.

(c) *Method of securing and source of information.* Decisions of the Service Record Division may be appealed to the Board of Appeals and Review.

Federal employees should submit questions to their Personnel office. Others may secure information by writing to the Commission or by calling at the Commission's office.

§ 60.14 *Medical Division*—(a) *Organization.* The Medical Division, created by the Commission in 1940 through unification of its previously diversified medical activities is under the immediate supervision of a Medical Director. Primarily, it is charged with responsibility (under the administrative direction and through the office of the Executive Director and Chief Examiner in all cases) for: Advising the Commission, in cooperation with the Examining and Personnel Utilization Division, on all matters pertaining to physical standards for entrance or reinstatement into the Government service. In conjunction with the Retirement Division criteria are set up for separation from the service by reason of disability preventing satisfactory performance of duty. It is also responsible for the processing and disposing of all types of cases in the above

categories which are referred by other divisions for comment or action as well as rendering opinions and advice on any other medical matters pertaining to Federal employment concerning which information may be requested by the Board of Appeals and Review or other officials of the Commission.

Other activities include the conducting of research programs throughout the Civil Service Regions for the purpose of determining appropriate physical standards for the various positions; carrying out studies of the performance of the physically impaired as compared to the able bodied; administering the program recommended by the Coordinating Committee for the Placement of the Physically Handicapped.

The operating sections of the Division are as follows:

(1) *Office of the Medical Director.* This office has the over-all administration of the Division's activities in the central office, including the handling of appeals in connection with certain types of cases. Also, through the offices of the Chief of Field Operations and the Executive Director and Chief Examiner, the Medical Director transmits to the various Regional Directors such information, instructional material and technical advice as may be necessary for the effective functioning of the medical officers assigned to their Regions. A member of the staff is detailed to the function of maintaining liaison with the various regional medical officers which may require travel to the Regional offices.

(2) *Consultative Service Section.* This section formulates physical requirements for entrance into the classified civil service and prepares guides based thereon for the use of the appointing officers in the various agencies; devices schematic outlines for necessary physical examinations of both applicants and employees; reviews medical certificates exhibiting questionable conditions not covered by specific instructions and renders advisory services to appointing officers relative to the employability of applicants and the physical fitness of employees to continue in their post of duty, particularly with respect to nervous and mental conditions, communicable diseases, heart disease and diabetes.

Within the section is a unit for the specialized handling of physically impaired applicants (emphasis on veterans) who offer unusual placement problems. This Unit is charged with the duties of devising broad schemes for the effective utilization of the remaining capabilities of impaired individuals as well as conducting interviews in specific cases.

(3) *Disability Retirement Section.* This section receives from the Retirement Division such applications for retirement as are based on claims of total disability for useful and efficient service; arranges for and authorizes physical examinations of applicants except in cases where sufficient evidence has already been presented by Federal medical officers or establishments; after securing adequate medical evidence, passes on the merits of applications and takes medical action of rejection or allowance; arranges for annual medical examinations or secures pertinent information in lieu thereof, in cases of retired employees (annuitants) whose cases have not been made permanent; supervises, by use of liaison facilities through the office of the Medical Director, the initial medical processing in the regional offices of applicants residing within those areas; furnishes to the Retirement Division, through the office of the Medical Director, such technical advice pertaining to retirement matters in general as may be requested.

(4) *Examining Section.* This section in accordance with general procedures established by the Examining and Personnel Utilization Division, examines and rates applications for professional and subprofessional positions in the medical and related fields in such agencies or establishments as are not otherwise provided for; renders advisory services to agencies regarding educational and experience standards in connection with the above positions; supervises and assists Committees of Expert Examiners in the conducting of examinations and the rating of applications in the medical and related fields; assists the Medical Director in making recommendations to the Personnel Division relative to the filling of medical officer and related positions within the Commission; receives and processes applications from cadet nurses who desire to complete their training in Federal hospitals under the provisions of the Cadet Nurse Act.

(b) *Delegation of authority.* The Commission has delegated to the respective agencies in the classified service authority to approve appointments under the Temporary Civil Service Regulations so far as physical condition is concerned, except that prior approval of the Commission is required when the appointees are recieving disability annuities under the Civil Service Retirement Act, the Canal Zone Retirement Act or the Alaska Railroad Retirement Act. The Commission retains authority to disapprove appointees on grounds of physical condition; whenever the making of an appointment requires a determination that some person is physically disqualified for appointment, the agency must obtain a decision from the Commission.

(c) *Method of securing and source of information.* Information in the files of the Medical Division is available to individuals and agencies in accordance with the regulations of the Commission set out in § 60.18.

FIELD ACTIVITIES

§ 60.15 *Regional Offices*—(a) *Organization.* In the interest of economy and efficiency in administration of the field service, the Commission has divided the United States into fourteen regions. The activities of each region centers in a regional office, located in a principal city within the region. A Regional Director is in charge of each Regional Office.

Each Regional Office supervises civil service activities within its area, in accordance with policies and procedures established by the Commission, furnishes information to the public, and announces regional and local examinations to fill positions under the jurisdiction of the region.

The functions of the regional office are performed under the regional director by Divisions and staff officials such as the following:

Budget and Fiscal Officer.
Personnel Officer.
Regional Examining and Placement Division.
Regional Classification Division.
Regional Investigations Division.
Medical Officer.
Regional Veterans Federal Employment Representative.
Examiner for Appeals under section 14 of the Veterans Preference Act of 1944.
Personnel Management Advisor.

The location of regional offices, branch regional offices, and offices of Commission representatives outside the continental United States are as follows:

Region, Headquarters, and Territory Served

1—Post Office and Courthouse Building, Boston 9, Mass. Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut.

2—Federal Building, Christopher Street, New York 14, N. Y. New York, New Jersey.

3—Customhouse, Second and Chestnut Streets, Philadelphia 6, Pa. Pennsylvania, Delaware.

4—Nissen Building, Winston-Salem 3, N. C. Maryland, Virginia, West Virginia, North Carolina, District of Columbia. Branch Regional Office: Tariff Commission Building, Seventh and F Streets NW., Washington 25, D. C. District of Columbia. Maryland: Counties of Calvert, Charles, Montgomery, Prince Georges, St. Mary's. Virginia: Arlington, Caroline, Clarks, Fairfax, Fauquier, King George, Lancaster, Loudown, Northumberland, Prince William, Richmond, Spottsylvania, Stafford, Westmoreland.

5—New Post Office Building, Atlanta 3, Ga. South Carolina, Georgia, Florida, Alabama, Tennessee, Puerto Rico, Virgin Islands.

6—Post Office and Courthouse Building, Cincinnati 2, Ohio. Ohio, Indiana, Kentucky.

7—New Post Office Building, Chicago 7, Ill. Wisconsin, Michigan, Illinois. Branch Regional Office: 410 Federal Building, Detroit 33, Mich. Wayne County, Michigan.

8—Post Office and Customhouse Building, St. Paul 1, Minn. Minnesota, North and South Dakota, Nebraska, Iowa.

9—New Federal Building, St. Louis 1, Mo. Kansas, Missouri, Oklahoma, Arkansas.

10—Customhouse Building, New Orleans 16, La. Mississippi, Louisiana.

11—437 Central Building, 810 Third Avenue, Seattle 4, Wash. Montana, Oregon, Idaho, Washington, Territory of Alaska.

12—129 New Appraisers Building, 630 Sansome Street, San Francisco 11, Calif. California, Nevada, Arizona, Terirtory of Hawaii. Branch Regional Offices: 506 Post Office and Courthouse Building, Los Angeles 12, Calif. California: Counties of San Diego, Imperial, Riverside, San Bernardino, Orange, Los Angeles, Ventura, Santa Barbara. Federal Building, Honolulu 2, T. H. Territory of Hawaii.

13—New Customhouse Building, Denver 2, Colo. Colorado, New Mexico, Utah, Wyoming.

14—210 South Harwood, Dallas 1, Tex. Texas.

Representatives Outside Continental United States

Hawaii (Subsidiary to Twelth Region) Branch Regional Office, 12th U. S. Civil Service Region, Federal Building, Honolulu 2, T. H.

Puerto Rico (Under supervision of Director, 5th Region, insofar as employment under

U. S. Government is concerned)—Chairman, Puerto Rico Civil Service Commisison, San Juan, P. R.

Canal Zone—Secretary, Board of U. S. Civil Service Examiners, Balboa Heights, C. Z.

In order to provide closer supervision and render more effective service, regional directors may, as necessary from time to time, station representatives in smaller key cities to facilitate administration of civil service activities in areas within the region.

(b) *Delegation of authority.* Regional directors have general authority over civil service matters arising within their region. Specific grants of authority have been referred to in connection with the description of the functions of the divisions of the Commisison set out above. Their decisions may be appealed to the Commission, through the Board of Appeals and Review in the same manner as decisions of the various divisions of the Commission may be appealed.

(c) *Method of securing and source of information.* Individuals residing in the states that are included within any region may secure information by writing to or calling at the Regional or Branch Regional Office. Information is also obtainable at Boards of U. S. Civil Service Examiners. (See § 60.16.)

§ 60.16. *Boards of United States Civil Service Examiners*—(a) *Organization*—(1) *Boards located at Federal establishments other than in the Post Office Department.* Wherever considered administratively advisable, Boards are established by the regional director in agreement with the head of the establishment and are composed of officers and employees of the establishment or establishments served by the board.

For positions under their jurisdiction, such boards announce examinations, receive and rate applications, establish registers, certify names to appointing officers, approve the apopintments made from names submitted, and perform other functions delegated by the regional director.

All activities of these boards are performed in accordance with current standards and instructions of the Commission. The extent of authority to be delegated to individual boards is determined by the regional director and is not uniform for all boards.

(2) *Boards located at first and second class post offices.* Boards of United States Civil Service Examiners have been established in each city which has a first or second class post office.

These boards publicize examinations announced by the Commission's central office, the regional office, and by Boards located at other Federal establishments. They also furnish general information to the public and conduct assembled examinations.

Regional directors may delegate other special functions to these boards within the limits of the policies established by the Commission.

(b) *Delegation of authority.* Boards of Examiners located in Federal establishments other than the post office can take final action on any matters delegated by the regional director. Requests for a review of rating and appeals from the action of any board in any matter properly before it, are first considered and decided by the board. In the event of an adverse decision further appeal may be made to the regional office.

(c) *Method of securing and source of information.* General information on civil service matters and employment opportunities can be secured from the Board of U. S. Civil Service Examiners at any first or second class post office. Such information is available also at the regional or branch office of the Commission or at the offices of its representatives outside continental United States.

Where more detailed and specific information is desired which is not available at the office of a Board of U. S. Civil Service Examiner, this information may be obtained by communicating with the regional or branch office.

Listed below are the places where the public may secure information and submit requests relating to specific civil service matters.

(1) *Open competitive examinations.* (i) To keep informed of pending examinations, the bulletin board and examination announcements at any first or second class post office may be consulted. A copy of any examination announcement may be inspected but extra copies are not always available for distribution. In a city in which there is a regional or branch regional office, that office may also be contacted for information.

(ii) To secure a copy of the announcement the office having immediate jurisdiction over the examination as shown in the announcement under the heading "Where to file application" may be contacted.

(iii) The examination announcement contains full details about the requirements, the specific application forms and the location of the office where the required application forms should be filed. Application forms are available at first and second class post offices, except in cities where regional offices of the Commission are located, in which case they may be obtained from the regional office. In branch office cities, application forms may also be obtained from such offices.

(2) *Examinations under section 10 of the Veterans Preference Act of 1944.* (i) Persons granted ten-point preference under section 2 (1), (2) and (3) of the Veterans Preference Act of 1944 may apply for examination as provided in section 10 of the same act.

(ii) For information concerning examinations which may be reopened, The Executive Secretary of the Board of U. S. Civil Service Examiners at the establishment where employment is desired or the regional or branch office of the Commission may be contacted.

(3) *Acceptance of delayed applications after the closing date.* Persons entitled to five-point military preference under section 2 (4) of the Veterans Preference Act of 1944, and citizens who served beyond the continental limits of the United States with a Federal agency or international organization in which the U. S. Government participates, may, under certain conditions, file delayed applications.

(4) *Restoration to the list of eligibles of honorably discharged veterans under Executive Orders 9733 and 8937.* Requests for restoration should be made to the office which maintained the list of eligibles. The address of this office can be obtained from the notice of rating which the applicant received.

(5) *Requests for a review of examination rating.* A request for a review of a rating received may be made to the office which assigned the original rating as shown on the notice of rating.

(6) *Complaints on discrimination.* Complaints involving alleged discrimination on the grounds of race, creed, color, or national origin may be made to the regional director.

(7) *Reduction in force appeals.* Appeals involving alleged violation of reduction in force regulations based on section 12 of the Veterans Preference Act of 1944 may be made to the regional office of the Commission.

(8) *Suitability appeals.* Appeals from applicants rated ineligible because they were not found suitable for government employment should be addressed to the office which assigned the rating, as shown on the notice of rating.

(9) *Appeals under section 14 of the Veterans Preference Act.* Appeals under section 14 of the Act may be filed with the regional office.

(10) *Classified status under Executive Order 9598 of August 17, 1945.* Requests for the benefits of this order should be submitted individually by letter to the office of the Commission which authorized the basic appointment. Requests are ordinarily submitted by the current employing agency, but may be acted upon if submitted by the agency in which the employee received his basic appointment.

(11) *Passing over preference eligibles.* Records of the Commission's findings in determining the sufficiency of the reasons submittted by an agency for passing over a preference eligible are available at the office of the Commission which maintains the register. The records will be made available to the veteran eligible or his designated representative upon request as provided in Section 8 of the Veterans Preference Act.

(12) *Restoration under section 8 of the Selective Service and Training Act.* Whenever a misunderstanding occurs between a veteran and his former employing agency as to restoration rights, the case may be submitted by the veteran for final determination to the regional office.

(13) *Requests for reinstatement.* Requests should be submitted to the appointing officer of the office in which the vacancy is to be filled.

(14) *Requests for transfer.* Requests should be submitted to the appointing officer of the office in which the vacancy is to be filled.

ADVISORY COMMITTEES

§ 60.17 *Council of Personnel Administration.* The Council of Personnel Administration was established in February, 1939 under Executive Order No. 7916, June 24, 1938. The Council was placed within the Commission under Executive Order No. 8467, July 1, 1940.

The Council is set up to improve Federal personnel administration through common understanding and

effort, to meet the personnel needs of the service by developing standards and practices sufficiently uniform for the Government as a single employer and yet flexible enough to provide for the great differences in the character and conditions of work. The Council serves as a clearing house where directors of personnel develop plans and spread throughout the service information about practices, and where representatives of the Commission and of the Bureau of the Budget meet regularly with the personnel directors to consult with them and to discuss and interpret the policies, programs and procedures which are in the course of development.

The Council's work is carried on by members assisted by a small staff through weekly meetings of the entire Council and by standing and special committees. The actions of the Council are put into effect in various ways. Recommendations are made to the President and to the Civil Service Commission, Bureau of the Budget and other appropriate agencies. Much of the Council's work results in practical suggestions or agreements on improved personnel methods which are carried out by departments and agencies themselves. Field personnel councils have been authorized by the Commission and established under the supervision of the Commission's Regional Directors or their Representatives. The field councils are composed of officers responsible for personnel administration in their agency in the area designated by the regional director. They have the same object and function along similar lines as the Federal Personnel Council.

The Council of Personnel Administration is located at 1626 K Street, NW., Washington 25, D. C.

PUBLIC RECORDS

§ 60.18 *Availability of official records.* (a) Official records of the Commission are generally regarded as confidential except that upon request by any person decision will be made in each case as to the part of the record which may be disclosed or made available to him.

(1) *Examination records.* Under this heading are included application forms filed in connection therewith. When the Commission's work load will permit copies of applications or a resumé of the pertinent information desired will be furnished an applicant.

(2) Medical records. Medical information furnished to the Commission as "fully confidential" is not given out. Instead the inquirer is referred to the source of information.

Medical information not secured in confidence may be disclosed under the following circumstances:

(i) The name of the examining physician is not to be disclosed without his consent.

(ii) An applicant (or his authorized agent) may be informed of the reasons for the action taken on his medical certificate only to the extent necessary to enable him to correct defects or to seek medical advice or treatment. No information is given where it is of such a nature as to make it inadvisable to release it as, for example, in case of mental disability or other serious diseases, the knowledge of which might prove injurious to the physical health of the applicant. Occasionally information that should not be given to the applicant may upon his authorization be given in confidence to his attending physician or to a hospital as an aid in diagnosis or treatment. If the applicant is already aware of the contents of the medical certificate it is not regarded as confidential as far as he or his authorized agent is concerned.

(iii) Information derived from a medical certificate is not disclosed to individuals or organizations (legal firms, insurance companies, employment agencies, etc.) not concerned unless the applicant gives his consent, or unless the Commission finds that it is in the public interest to do so.

(iv) Information officially requested by a Federal agency other than the employing agency, such as the Veterans Administration, may be furnished as confidential, except fully confidential material furnished for the use of the Commission only.

(v) Exact or photostatic copies of medical certificates are usually furnished in confidence to other Federal agencies when requested. They are not furnished to other inquirers or to the applicant himself except under unusual circumstances. In such cases there is furnished a statement of the defects found or a statement that the certificate discloses no defects. The selection of medical facts to be disclosed is made by a medical officer of the Commission.

(vi) Copies of medical surveys that have been obtained from the Veterans Administration are by law confidential. The Veterans Administration reserves the legal right to make decisions regarding the disclosure of information contained in its medical surveys to the veteran concerned. No information is furnished by the Commission except upon authorization in each individual case from the Veterans Administration.

(vii) Information received from State hospitals is treated as fully confidential. Disclosure of information received from other hospitals or private institutions is governed by the condition under which the informaation was furnished to the Commission.

(viii) Medical statements from Selective Service Boards are required only when the Commission's medical director determines that the statement is necessary. Such statements are kept strictly confidential.

(3) *Service records.* Records comprised under this heading are the employment records of present and former Federal employees. Such records are disclosed only to the individuals themselves upon request and to proper agency officials as required in connection with application for or employment in the Federal service.

(4) *Reports of investigations.* (i) Complete information contained in investigative reports is made available to properly identified investigative representatives of the Federal Bureau of Investigation, the Treasury Department, the Office of Naval Intelligence, the Military Intelligence Service, the Provost Marshal General's office, the Post Office Inspection Service, the Immigration and Naturalization Service and the State Department. Such reports are made available with the understanding that the information contained therein will be treated with the same confidence as information developed by representatives of the agencies themselves and that sources of the Commission's information will not be revealed outside the investigative agency.

(ii) Regional Directors, Chiefs of regional investigation divisions, the Chief of the central office Investigations Division, and the Director of Personnel (with respect to requests relating to employees of the Commission) are authorized to permit inspection of reports by properly identified representatives of the above agencies.

(iii) Analytical memoranda and other memoranda indicating actions or decisions reached as the result of the report of investigation are removed from the files before they are made available. Upon request the representatives may be advised of the Commission's final decision.

(iv) Upon showing a legitimate need for information contained in investigative files representatives of other Federal agencies are furnished an oral summary of the facts developed by investigation. Upon request the representatives may be advised of the Commission's final decision.

(v) Regional Directors, Chiefs of regional investigation divisions, the Chief of the central office Investigations Division and the Director of Personnel (with respect to requests relating to employees of the Commission) or officials designated by them are authorized to furnish oral summaries.

(vi) Information regarding cases in which investigative or rating action is pending is not furnished to Federal agencies other than those to which complete investigative reports are available.

(vii) Information contained in bar and flag files is strictly a confidential matter with the Commission and is for the official use of the Commission only. It is the policy of the Commission not to give out publicly any information that a particular individual has a bar or flag record.

(5) *Retirement records.* (i) Disclosure of information from the files, records, reports and other papers and documents pertaining to a retirement claim is made to a claimant or to his duly authorized representative in matters concerning himself alone when such disclosure would not be injurious to the physical or mental health of the claimant or be regarded as a breach of confidence.

(ii) The name or address of a beneficiary designated by an employee or an annuitant will, during the life of the employee or annuitant, be furnished only to the designator when request therefor is made in writing over the signature of the designator.

(iii) Such information as may properly be disclosed to a claimant personally shall in the event of his death be disclosed upon proper request to the duly appointed representative of his estate or to such person as may be designated by such representative or to a duly desig-

nated beneficiary or to the claimant's next of kin.

(iv) Copies of documents or other records desired by or in behalf of parties to a suit may be furnished to the court on an order of the court or subpena duces tecum.

(v) The address of a claimant as shown by the Commission's record may be furnished to duly constituted police or court officials upon proper requests or the submission of a certified copy either of the indictment returned against the claimant or of the warrant for his arrest.

(vi) Disclosure of the amount of annuity or refund to any claimant may be made to anly National State, county, municipal or other publicly recognized charitable or social security administrative agency.

(vii) All records or documents officially required by any department or agency of the United States Government or by Senators and Representatives of the United States in their capacity as Members of Congress may be furnished in response to a proper request.

(viii) Copies of papers, records, etc., the furnishing of which would be prejudicial to the interest of the Government, copies of reports of examining surgeons, reports from the War Department or copies of records of other departments and other confidential matters will not be furnished.

(6) *Personnel classification records.* Classification specifications and statements of allocation standards are available for public inspection at the Commission's central, regional and branch offices.

By The United States Civil Service Commission.

[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 46–15392; Filed, Aug. 28, 1946; 2:06 p. m.]

PART 61—FUNCTIONS OF THE COMMISSION

Sec.
61.1 In general.
61.2 Examining applicants for employment in the classified civil service.
61.3 Retirement.
61.4 Enforcement of the Civil Service Act and Rules.
61.5 Enforcement of other statutes.

§ 61.1 *In general.* The Commission's primary function is to serve as the central personnel agency for the Federal Government. In so doing, it holds examinations to test the fitness of applicants for positions in the classified civil service of the United States; conducts investigations into the character and suitability of successful applicants; certifies the names of qualified persons in response to requests from appointing officers in the various agencies; establishes standards for reinstatement, promotion and transfer of Federal employees; and in general enforces the Civil Service Act and the Civil Service Rules relating to the employment and the conduct of Federal employees. In addition the Commission is charged with the functions of administering the Classification Act of 1923 as amended, which provides for the classification of positions according to duties and responsibilities; of administering an efficiency rating system for Federal employees; of maintaining service records of employees in the executive civil service; of administering the Civil Service Retirement Act, the Canal Zone Retirement Act, the Panama Canal Construction Annuity Act and the Alaska Railroad Retirement Act; of administering the Veterans Preference Act of 1944; and of enforcing the provisions of the Hatch Political Activities Act which prohibits political activity on the part of employees of State or local governments participating in Federally financed projects.

Inasmuch as most of these functions pertain to the internal management of the Federal Government they are not set out in full in this part. Federal employees who are affected by their operations may generally obtain information or answers to their questions from their personnel office. Insofar as their operations affect persons outside the Federal service they are explained in the sections that follow.

§ 61.2 *Examining applicants for employment in the classified civil service—* (a) *Announcement of examinations.* From data on net personnel requirements for positions in Washington, D. C., and in the field which are filled by the central office of the Commission, determination is made by the Commission as to what examinations will be held and which examinations will be given priority in announcement. In preparing to hold an examination the Commission and the agency or agencies in which the positions exist prepare a statement of the duties of the position and reach agreement as to the qualifications required for the satisfactory performance of these duties and the method of examining, including such factors as age, physical requirements, written tests, experience, training or education necessary. (Education may be prescribed only when the Commission has determined and made public its reasons for so doing, that the duties of a position of a scientific, professional or technical nature cannot be satisfactorily performed by an individual who has not met the specific educational requirements prescribed for the position.) The Commission then issues an announcement of the examination in which it incorporates the information needed by the applicant as to the requirements for the position, the method of examination, the location and salary of the position and the conditions of employment. Examination announcements may be given publicity by display and by newspaper publicity in the area from which applicants are accepted for the examination, and, when feasible, by publication in periodicals normally read by persons engaged in the occupations related to the position for which examination is announced.

(b) *Applications.* The examination announcement specifies the application forms to be filed by the applicant and indicates the period during which applications will be accepted. The application forms specified in the announcement may generally be obtained from the Secretary, Board of U. S. Civil Service Examiners, at any first- or second-class post office, or from the Commission's central, regional, or branch regional offices. However, application Form 9, required for rural carrier and fourth class postmaster, and application Form 10, required for first, second, and third-class postmaster, may be obtained only from the post-office for which the examination is announced, during the time an announcement for the position is open, or from the Examining and Personnel Utilization Division, Civil Service Commission, Washington 25. D. C.

Applications for an examination which are received after the closing date specified in the announcement are cancelled and returned to the applicant, unless he is eligible for a reopened or delayed examination or has been granted the privilege of filing for a position for which there is no open announcement, as in the case of displaced career employees or those former status employees who failed of restoration after military service, service in the merchant marine or war transfer.

(c) *Examinations.* Applicants for assembled examinations are notified of the time, place and date to report for examination and are supplied any additional forms necessary. These forms are collected at the time of the written examination and become a part of the examination file. At the time of the written examination each competitor fills in a "declaration sheet" carrying an identifying number which is placed on each answer sheet used by the competitor during the examination. The identity of the competitors is maintained secret by keeping the applications, related forms, and the declaration sheets entirely separate from the answer sheets until the rating has been completed, after which the answer sheets are matched with the declaration sheets and the applications and related forms.

(d) *Ratings.* Examinations are rated on a scale of 100. The examination announcement specifies the relative weights given to each part of the examination. In general nonpreference competitors must obtain a rating of 70 for eligibility, 5-point preference competitors, a rating of 65; and 10-point preference competitors, a rating of 60. After rating of the written examination, the applications of eligibles are reviewed to ascertain that they meet the legal requirements for Federal employment as listed in Section 3 of Rule II of the Civil Service Rules and the age and physical requirements listed in the announcement and have proved legal or voting residence if the position is in the apportioned service. Failure to meet requirements renders the applicant ineligible; failure to prove residence permits the eligible to be considered only for the non-apportioned service. If the announcement of a written examination specifies that the competitors must show prescribed experience or training (which may represent a minimum qualification, or may be rated and incorporated in the final rating, according to the terms of the announcement) the application papers of the acceptable eligibles are reviewed to ascertain that

the experience or training requirements are met, and the competitors failing to meet the minimum requirements are declared ineligible.

Applications filed for unassembled examinations are first reviewed to ascertain that the applicant meets the legal requirements for Federal employment, the age and physical requirements specified in the announcement and has proved legal or voting residence if the position is in the apportioned service. Applications not canceled during this review, are then rated on the basis of experience, training or education shown by the applicant which is pertinent to the position for which he is being examined, in accordance with a predetermined rating schedule which fixes the credit to be assigned for various grades of the required experience. To attain eligibility a competitor must meet the minimum requirements for the position as stated in the examination announcement. When necessary, the Commission may request the applicant to supply the additional detailed information necessary to evaluate his qualifications.

(e) *Register of eligibles.* From the applications and related papers of persons eligible under the terms of the announcement the list of eligibles, known as the register, is prepared. A register card is completed for each eligible and a permanent index card and notice of rating prepared for each competitor.

The register of eligibles is arranged in such manner that the provisions of section 7 of the Veterans' Preference Act of 1944, of Executive Order 9733 and of the apportionment (section 2 of the Civil Service Act, March 3, 1871, 16 Stat. 514; 5 U. S. C. 631) are observed in certification from the top of the register. Existing registers are combined with the newly established register, when, in the judgment of the Commission, it is expedient to do so. Names of persons whose eligibility for probational appointment was restored under the provisions of Executive Order 8937 and Executive Order 9733 are also entered on the new register, if the period of extended eligibility to which they are entitled has not already expired.

Eligibles are requested to inform the Commission of any changes in availability, and may be suspended from the register during a period of unavailability, with the privilege of restoration upon notification to the Commission at any time during the life of the register. Eligibles who decline offers of appointment without a reasonable explanation may be suspended from the register. Eligibles on the central office register may be transferred to a register maintained in a field office of the Commission, and vice versa: *Provided,* The following conditions are met:

(1) An appropriate register is maintained by the receiving office.

(2) The requirements stated in the examination announcement for both offices concerned are the same.

(3) When the transfer is from a register for the non-apportioned service to one for the apportioned service, the eligible must prove legal or voting residence for 1 year prior to the submission of proof.

(4) If the register to which transfer of eligibility is requested is subject to a zone of certification provision, the eligible must be a resident of such zone of certification.

(5) On certain field registers the eligible must be merely a resident of the area in which the examination was publicized.

(6) Transfer is not permitted from a register established from an announcement which closed later than the comparable announcement in the office to which transfer is desired.

(7) Transfer of eligibility is subject to the approval of the receiving office.

(f) *Certification of eligibles.* If an agency desires to fill a vacancy by original appointment and it has been notified by the Commission that a register of eligibles has been established for probational appointment to such position, the Personnel Director of the agency, or his authorized representative, forwards to the Commission a request for the name of eligibles from which to select new personnel. If, upon receipt of the request in the central office, it is decided that the existing register is appropriate, eligibles in sufficient number to permit the appointing officer to consider three eligibles for each vacancy are listed from the top of the register and the list, known as a "certificate of eligibles", is furnished to the agency, together with the applications of such eligibles. If a study of the request indicates that certification in regular order from the register would not provide persons properly qualified to fill the vacancy, selective certification may be made. This can be done in two ways: (1) by reviewing all eligibles on the register to locate those having the special qualifications required to perform the duties of the position; or (2) rerating the eligibles on the most nearly appropriate registers on the basis of a special rating schedule which emphasizes the importance of the special qualifications required. In either case, the resulting eligibles are listed in the order of rating as augmented by veteran preference (and in accordance with the apportionment list if the positions are in the apportioned service) and the certificate forwarded to the appointing officer for his consideration.

(g) *Selections from certificates.* The appointing officer is required to make selection in accordance with the rule of three (See Section 8 of the Veterans' Preference Act of 1944). If the appointing officer passes over a veteran eligible and tentatively selects a non-veteran he is required to furnish to the Commission reasons for his action, which are subject to review by the Commission. (Section 8 of the Veterans' Preference Act of 1944). The appointing officer is not permitted to appoint a non-preference eligible, tentatively selected, in place of a preference eligible passed over, until he has received the Commission's opinion as to the sufficiency of his reasons for passing over the veteran. (If the appointing officer leaves a vacancy open for the selection of the preference eligible passed over, he may appoint the non-preference eligible.) If the Commission disagrees with the agency's reasons it requires the agency to submit any additional evidence in support of its action in passing over the veteran or a statement that there is no additional evidence in the case. In either event, the agency may, upon receiving a response to its second submission, appoint the non-preference eligible. The Commission is not empowered by the Veterans' Preference Act of 1944 to force the agency to appoint a veteran passed over by the agency without sufficient reason; however, it is directed by that act to furnish copies of the agency's reasons and its opinions of such reasons to the veteran or his authorized representative upon request.

The appointing officer, during the course of an interview with an eligible certified by the Commission, or in connection with any pre-employment check of an eligible's references, may receive information about the eligible which he believes would have disqualified the eligible from certification had the Commission been in possession of the information at the time the certificate was issued. In such cases, the appointing officer offers an objection to the eligible, and tentatively selects an eligible who would not have been within reach for consideration otherwise. He may not appoint such eligible selected out of order until the Commission has notified him whether the objection is sustained by the Commission. If the objection is sustained, the agency may appoint the eligible tentatively selected; if the objection is not sustained, the agency must reconsider the eligible to whom objection was offered. If the Commission lowers the rating of an eligible or declares him ineligible as the result of investigation following a sustained objection, the eligible is notified.

Since the regulations of the Commission do not require an appointing officer to give an eligible more than 3 considerations for the same position, a record of the certifications accorded each eligible is maintained on his record card, and, the number of considerations accorded the eligible as a result of each certification is recorded. If an eligible declines an offer of appointment, or fails to reply to the appointing officer's offer of appointment or inquiry as to availability, Form 1078, "Notice of Suspension of Eligibility" is sent to the eligible, informing him that if he does not reply to the questions with regard to the conditions under which he will accept an offer of appointment his name will be suspended from the register until such time as he notifies the Commission of his availability. If the agency's correspondence with the eligible is returned undelivered, the central office records are checked to insure that the correspondence was properly addressed; if so, the eligible is regarded as unavailable until he communicates with the Commission.

§ 61.3 *Retirement*—(a) *Filing death claims.* When an employee or an annuitant dies leaving any amount to his credit in the Retirement and Disability Funds it is the Commission's function to pay such amount to the person or persons who have a rightful claim to it. Such claims are handled as follows:

(1) The claimant must obtain a copy of Civil Service Commission Form 3000

either from the Retirement Division, 916 G Street N. W., Washington 25, D. C. or from the office in which deceased was last employed and complete it in accordance with the instructions contained therein. The completed form and supporting papers must be sent direct to the Retirement Division. There must be submitted with the application a certified copy of the public record showing the death of the employee or annuitant unless such death occurred while the employee was in the armed forces outside the continental United States. In the latter case the branch of the armed forces in which deceased was serving must be stated.

(2) A claim filed by or for a person who was designated by the deceased as beneficiary should be accompanied by the duplicate copy of the form on which such beneficiary was designated (Form 2806–1).

(3) If the application is filed by an executor, administrator, guardian, or committee, a certified copy of the court order showing such appointment must be submitted.

(4) If no beneficiary has been designated by deceased and no executor or administrator has been or will be appointed the claim should be filed by the legal heir or heirs under the laws of the State in which the deceased was domiciled.

(5) The application must be signed in the presence of two witnesses who must certify as to the identity of the person filing the claim.

(6) Upon examination of the application and the supporting documents the Commission adjudicates the claim.

§ 61.4 *Enforcement of the Civil Service Act and rules*—(a) *Discrimination.* Complaints by applicants who have been denied employment because of marital status, race or for political or religious reasons should be submitted in writing with all available evidence to the office of the Commission that has jurisdiction over filling the positions involved. The Commission investigates the allegation and notifies the appellant of the finding made. If a finding of a discrimination is made the Federal agency involved is notified and directed to take appropriate corrective action.

§ 61.5 *Enforcement of other statutes*—(a) *Hatch Political Activities Act.* Section 12 (a) of the Hatch Act prohibits political activity on the part of officers and employees of State and local governments whose principal employment is in connection with an activity financed in whole or in part by Federal funds. In exercising its function of enforcing this prohibition the Commission:

(1) Receives complaints alleging political activity.

(2) If the complaint so warrants, conducts an investigation.

(3) On the basis of the investigation issues a letter of charges.

(4) Reviews the answer to the letter of charges and either closes the case or conducts a formal hearing.

(5) Issues a final order embodying its findings as a result of the hearing.

(6) In the event of an appeal to the United States District Court, prepares the record for certification to the court and by arrangement with the Department of Justice represents the Government in the proceedings before the District Court.

NOTE: For the rules of practice under section 12 (a) of the Hatch Political Activities Act see Part 25 of this chapter.

By the United States Civil Service Commission.

[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 46–15394; Filed, Aug. 28, 1946; 2:06 p. m.]

CIVILIAN PRODUCTION ADMINISTRATION

[32 CFR, Ch. IX]

PART 903—ORGANIZATION AND DELEGATIONS OF AUTHORITY [1]

[Organizational Document 1]

GENERAL DESCRIPTION OF THE CIVILIAN PRODUCTION ADMINISTRATION

Sec.
903.201 Establishment.
903.202 Office of the Administrator.
903.203 Office of the General Counsel.
903.204 Office of Compliance Commissioners.
903.205 Office of Information.
903.206 Office of Labor Requirements.
903.207 Office of Economic Review and Analysis.
903.208 Bureau of International Supply.
903.209 Bureau of Demobilization.
903.210 Bureau of Priorities.
903.211 Bureau of Construction and Field Operations.
903.212 Bureau of Industry Operations.
903.213 Field Office Addresses.

§ 903.201 *Establishment.* (a) The Civilian Production Administration was established by Executive Order 9638, which terminated the War Production Board at the close of business November 3, 1945. By this order the powers and functions vested in the War Production Board by Executive Orders 9024, 9040, 9125, and 9599, were transferred to the Civilian Production Administration.

(b) The Executive Order which created the Civilian Production Administration directed the Agency to utilize its powers to further a swift and orderly transition from wartime production to a maximum peacetime production in industry free from wartime government controls, with due regard to the stability of prices and costs; and more specifically to:

(1) Expand production of materials which are in short supply;

(2) Limit the manufacture of products for which materials or facilities are insufficient;

(3) Control the accumulation of inventories so as to avoid speculative hoarding and unbalanced distribution which would curtail total production;

(4) Grant priority assistance to break bottlenecks which would impede the reconversion process;

(5) Facilitate the fulfillment of relief and other essential export programs; and

(6) Allocate scarce materials or facilities necessary for the production of low-priced items essential to the continued success of the stabilization program of the Federal Government.

(c) The departmental offices of the Agency are located in the Social Security Building at 4th and Independence Avenue, S. W., Washington 25, D. C. Communication may be addressed to the Agency at this address and will be referred to the proper office of the Agency. Visitors to the Agency may obtain information and directions at the Inquiry Section, Room 1501. Regional and District offices are maintained in various cities as shown in § 903.213.

The Agency discharges its functions through the major organizational units which are described in the following sections: Office of the Administrator, Office of the General Counsel, Office of Compliance Commissioners, Office of Information, Office of Labor Requirements, Office of Economic Review and Analysis, Bureau of International Supply, Bureau of Demobilization, Bureau of Priorities, Bureau of Industry Operations, and Bureau of Construction and Field Operations.

§ 903.202 *Office of the Administrator.* (a) The head of the Agency is designated as the Administrator of the Civilian Production Administration and is appointed by the President without limitation as to tenure. The Administrator exercises his authority in accordance with the general policies established by the Director of War Mobilization and Reconversion.

(b) The powers of the Administrator and of the Agency are derived from the following statutes and Executive orders. The powers that were originally granted to the War Production Board or the Chairman of the War Production Board were transferred to the Civilian Production Administration or the Administrator under Executive Order 9638, dated October 4, 1945. 10 F. R. 12591, issued under Title I of the First War Powers Act, Public Law 354, 77th Congress, 55 Stat. 838.

(1) The priority and allocations powers.

(i) Executive Order 8629, January 7, 1941, 6 F. R. 191. Established Office of Production Management

(ii) Executive Order 8875, August 28, 1941, 6 F. R. 4483. Enlarged powers of OPM

(iii) Executive Order 9024, January 16, 1942, 7 F. R. 329. Established War Production Board

(iv) Executive Order 9040, January 24, 1942, 7 F. R. 527. Enlarged powers of WPB

(v) The Second War Powers Act, Title III, March 27, 1942, Public Law 507, 77th Congress, 56 Stat. 176. Contains the statutory priorities and allocations powers. It was amended and extended on December 20, 1944, Public Law 509, 78th Congress, 58 Stat. 827; December 28, 1945, Public Law 270, 79th Congress, 59 Stat. 658; and June 29, 1946, Public Law 475, 79th Congress.

(vi) Executive Order 9125, April 7, 1942, 7 F. R. 2719, Delegated powers of President to the Chairman of WPB under the Second War Powers Act

(vii) Executive Order 9599, August 18, 1945, 10 F. R. 10155. Established reconversion policies

(viii) Executive Order 9638, October 4, 1945, 10 F. R. 12591. Transferred powers and

[1] Formerly Part 903—Delegations of Authority.

functions of WPB to the Civilian Production Administration

(ix) G. I. Bill of Rights, June 22, 1944, Public Law 346, 78th Congress, 58 Stat. 284. Priorities for Veterans Administration.

(x) Flood Control Act, June 5, 1945, Public Law 75, 79th Congress. Priorities to replace farm machinery lost in floods.

(2) Requisitioning powers.

(i) Act of October 10, 1940, Public Law 829, 76th Congress, 54 Stat. 1090. Amended and extended July 2, 1942, Public Law 643, 77th Congress, 56 Stat. 467; June 28, 1944, Public Law 379, 78th Congress, 58 Stat. 624; June 30, 1945, Public Law 101, 79th Congress, 59 Stat. 270. Requisitioning of property whose export has been denied.

(ii) Act of October 16, 1941, Public Law 274, 77th Congress 55 Stat. 742, as amended and extended; March 27, 1942, Public Law 507, 77th Congress, 56 Stat. 181; June 30, 1943, Public Law 104, 78th Congress, 57 Stat. 271; June 28, 1944, Public Law 378, 78th Congress, 58 Stat. 624; June 30, 1945, Public Law 102, 79th Congress, 59 Stat. 271. Provides for requisitioning of property for defense.

(iii) Executive Order 8942, November 19 1941, 6 F. R. 5909; Executive Order 9024, January 16, 1942, 7 F. R. 329; Executive Order 9040, January 24, 1942, 7 F. R. 527; and Executive Order 9138, April 17, 1942, 7 F. R. 2919. Transfer powers of requisitioning to OPM and thence to WPB.

(3) Power over compulsory orders.

(i) Selective Training and Service Act of 1940, Section 9, September 16, 1940, Public Law 783, 76th Congress, 54 Stat. 892; amended June 25, 1943, Public Law 89, 78th Congress, 57 Stat. 164; extended May 9, 1945, Public Law 54, 79th Congress, 59 Stat. 166; May 14, 1946, Public Law 379, 79th Congress; June 29, 1946, Public Law 473, 79th Congress. Provides for seizure of plants.

(ii) Executive Orders 8629, 9024, and 9040 cited above. Transfer of powers under section 9 of Selective Training and Service Act to OPM and WPB.

(4) Suspension of anti-trust laws.

(i) Small Business Mobilization Act, June 11, 1942, Public Law 603, 77th Congress, 56 Stat. 351; amended and extended April 27, 1945, Public Law 42, 79th Congress, 59 Stat. 95. Powers with regard to utilization of small business and suspension of anti-trust laws.

(5) Stockpiling.

(i) Surplus Property Act of 1944 Sec. 22 (b); 34 (b), October 3, 1944, Public Law 457, 78th Congress, 58 Stat. 765. Stockpiling of strategic minerals and metals.

(ii) Strategic and Critical Materials Stockpiling Act, July 23, 1946, Public Law 520, 79th Congress. Exemption of certain material as determined by CPA.

(6) Amortization of emergency facilities.

(i) Internal Revenue Code, Section. 124, 26 USC 124. Establishes rules for amortization of emergency facilities.

(ii) Executive Order 9406, December 17, 1943, 8 F. R. 16955, as amended by Executive Order 9429, March 2, 1944, 9 F. R. 2490. Powers and duties relating to amortization and necessity certificates transfered to Chairman of WPB.

(iii) Executive Order 9486, September 30, 1944, 9 F. R. 11987. Transfer of powers and duties relating to non-necessity certificates to Chairman of WPB.

(iv) Executive Order 9487, September 30, 1944, 9 F. R. 12403, 11987. Regulations governing issuance of non-necessity certificates.

(v) Executive Order 9490, October 20, 1944, 9 F. R. 12707. Transfers all remaining powers relating to issuance of certificates under section 124 including payment certificates.

(vi) Executive Order 9491, October 20, 1944, 9 F. R. 12707. Regulations governing the issuance of payment certificates.

(vii) Proclamation 2669, September 29, 1945, 10 F. R. 12475, Declaration of Emergency at an end.

(viii) Executive Order 9676, January 14, 1946, 11 F. R. 627. Termination data for filing applications for non-necessity certificates.

(7) Contracts.

(i) First War Powers Act, Title II, December 18, 1941, Public Law 354, 77th Congress, 55 Stat. 838. Government contracts.

(ii) Executive Order 9024, January 16, 1942, 7 F. R. 329. Chairman of WPB given power with respect to contracting.

(iii) Contract Settlement Act of 1944, July 1, 1944. Public Law 395, 78th Congress, 58 Stat. 649.

(8) General policies.

(i) War Mobilization and Reconversion Act of 1944, October 3, 1944, Public Law 458, 78th Congress, 58 Stat. 785.

(ii) Executive Order 9599, Executive Order 9638, cited above. State reconversion policies as applied to WPB and then to CPA.

(c) Delegations of final authority to take action in the name of the Civilian Production Administration is made in CPA Regulation 1 (§ 903.0). By this regulation, action not taken in the name of the Administrator may be taken in the name of the Agency, countersigned or attested by the Recording Secretary, except (1) action under Public Law 603, 77th Congress (Smaller War Plants Act), and (2) delegations to Compliance Commissioners of the Civilian Production Administration, and (3) delegations to other agencies and officials of the Government.

(d) The Administrator is assisted in the discharge of his responsibilities and in the direction of the Agency by two Deputy Administrators and is aided by a staff of special assistants and advisors. In addition, he is assisted by:

(1) Deputy Administrator for Small Business who is authorized to exercise the powers and duties under sections 1 and 2 of Public Law 603, 77th Congress and who also is Director of the Office of Small Business, Department of Commerce, where he maintains his office;

(2) The Critical Products Committee, a committee of the CPA top staff delegated by the Administrator the responsibility for determining those products, designated as critical products, which, because of their importance and inadequate supply, require special priorities or other assistance in order to increase production.

§ 903.203 *Office of the General Counsel.* As a staff office of the Civilian Production Administration, the Office of General Counsel advises the officials of CPA in all matters involving questions of law as they relate to the present and proposed activities of the entire organization, including relations with other Government agencies. As part of this general responsibility, the Office performs a number of duties. Its staff drafts all proposed orders and regulations and prepares interpretations of regulations and orders issued by CPA in the manner prescribed in CPA Regulation 3. The Office of General Counsel exercises legal supervision over the formation and functioning of Industry Advisory Committees. The Office also supervises the legal aspects of the compliance activities of CPA designed to secure enforcement of the orders and regulations issued by the Administration. In this connection the legal staff participates in investigations and administrative hearings, drafts, charging letters, and orders, and recommends civil or criminal action to the Department of Justice, collaborating in such action with officials of that Department. The Office has regional attorneys who service the field offices. In addition, the Office is responsible for legislative matters in which the Agency is concerned.

§ 903.204 *Office of Compliance Commissioners.* The functions of the Chief Compliance Commissioner are to consider and determine appeals from the decisions of Compliance Commissioners; to exercise general supervision over the work of the Compliance Commissioners; to establish policies, standards, and procedures to be followed by the Commissioners; to issue rules governing appeals from suspension orders. The Compliance Commissioners' functions are to consider and decide all charges presented by the Compliance Division, Bureau of Priorities, of violations of Civilian Production Administration orders and regulations. The Commissioners preside at hearings held to consider all charges of violation of CPA orders and regulations presented and may administer oaths and affirmations and may require by subpoenas, issued in the name of the Civilian Production Administration, the attendance and testimony of witnesses and the production of any books, records or any other evidence. The Compliance Commissioners are authorized to recommend the administrative action to be taken in cases of violations, including the issuance of suspension orders. The Chief Compliance Commissioner is authorized to issue orders to effectuate his decisions, which are final.

§ 903.205 *Office of Information.* The Office of Information, a staff office of CPA, is responsible for keeping industry, labor, and the public, as well as other governmental agencies and Congress, fully informed about the current activities, programs and policies of CPA, and for describing such matters so they may be clearly understood. The methods used in accomplishing this objective include the preparing of daily press releases, supplying information and answers to specific queries, writing speeches and official statements, and direct contact work with members of the press, radio, trade journals, and magazines. An important aspect of the informational program is the prompt issuance of releases covering Industry Advisory Committee meetings, so that the subject matter of such meetings is available to nonparticipants and the public within a short time thereafter.

§ 903.206 *Office of Labor Requirements.* This staff office is maintained so that a close working relationship may be maintained between CPA and the agen-

cies of the Federal government dealing with labor problems which are often of great importance in achieving maximum industrial production. The Office provides assistance to the Administrator in formulating policy by keeping him advised of the labor-manpower situation in critical areas or industries. It also serves as a channel whereby an interchange of fact and opinion between CPA and representatives of organized labor is maintained so that mutual confidence and cooperation may prevail. The Office assists the Government Presiding Officer at Labor Advisory meetings. It is responsible, through the Occupational Certification Review Committee which it chairmans, for final action on application for certification to the Selective Service System for deferment of essential personnel from military service. The Office also certifies to the Wage Adjustment Board for the Building and Construction Industry and to the National Wage Stabilization Board its interest in wage cases before those Boards, involving critical industries, with a view to obtaining prompt acton.

§ 903.207 *Office of Economic Review and Analysis.* Current economic analysis, research, and statistics required by the CPA as a basis for its policy and action is performed or supervised by this staff office. In cooperation with the program and statistical sections of the Industry Divisions, the Office makes studies for the Administrator as to the effect of existing or proposed regulations and the need for changes in existing controls. The Office prepares the Monthly Report on Civilian Production, a summary of the CPA program progress and the national production picture. It also represents CPA on inter-agency committees dealing with special problems of a statistical nature, and develops information for the use of such committees. Impact of non-residential construction upon the supply of building materials is estimated by this Office from a continuing analysis of applications for non-residential construction.

§ 903.208 *Bureau of International Supply.* This Bureau is responsible for determining the extent to which exports should be controlled, to protect the needs of the domestic economy, to meet the obligations of this country to assist in rehabilitation of war-devasted areas, and to maintain U. S. commercial export trade. Where these objectives conflict, the Bureau must maintain a proper balance among them. The methods used by the Bureau in accomplishing its objectives are: granting priorities assisance to foreign purchasers; recommending the application of export license control to scarce materials and products, and the establishment of export quotas (against which the Office of International Trade, Department of Commerce, issues export licenses). The Bureau is also responsible for controlling imports, issuing recommendations to Reconstruction Finance Corporation for the public purchase of materials in short supply; and participating on behalf of the United States Government, in international commodity committees which have the responsibility for recommending to their constituent countries the equitable distribution of basic materials in global short supply.

§ 903.209 *Bureau of Demobilization.* (a) The Bureau of Demobilization is generally responsible for all internal administrative activities of the Civilian Production Administration, for making and executing plans for the future demobilization of the Agency, and for supervision of functions which are at present in the process of liquidation or which will continue to operate after the Agency expires, such as the writing of historical reports or studies.

This Bureau is composed of an Office of the Bureau Director, Division of Personnel Management, Division of Budget Administration, Division of Administrative Services, Policy Analysis and Records Branch, Recording Secretary Branch, Financial Policy Division, and the Industrial Statistics Division.

(b) The Division of Personnel Management is responsible for all personnel and employment activities of the Agency in Washington, D. C., and in the field offices, except that Regional Administrative Officers have authority to employ certain clerical and stenographic personnel in the field offices.

(c) The Division of Budget Administration is responsible for preparing budget estimates, for controlling the expenditure of funds appropriated by Congress, and for organizational planning as it pertains to current operations or to the liquidation of the Agency.

(d) The Division of Administrative Services is responsible for providing facilities for fiscal operations, such as accounting and auditing for the departmental and field services of the Agency, providing for space, equipment, supplies, printing and distribution of material, the routing and issuance of all communications, and for other related general office services.

(1) This Division also has an Inquiry Section which acts as the contact point between the Agency and the public. This section maintains a supply of official orders and regulations, forms, etc., which it distributes to interested parties on request. Letter requests, telephone requests, or personal requests to the Civilian Production Administration for information relating to the program are handled in this section. The Industrial Advisory Unit of this section interviews visitors to the Agency and advises them on the procedures to be followed under Civilian Production Administration orders and regulations and answers specific questions relating to Agency programs.

(e) The Policy Analysis and Records Branch is responsible for the preparation of historical studies of the Agency and its predecessors, special studies on individual critical materials and products, current studies and annual reports of the progress of reconversion under the present administration, and for the custody and disposition of official records of the Agency. The Historical Records Section of this Branch is in the process of building up a Policy Documentation File which is a collection of policy documents of the Civilian Production Administration and its predecessor agencies. This file is being made available to interested parties within the limits of military security and regulations prohibiting disclosure of confidential business data. A list of publications already available to the public may be obtained by submitting a request to this Branch.

(f) The Recording Secretary Branch is responsible for certifying all official CPA documents, for maintaining the records of all delegations of authority made under orders and regulations, and for acting as the liaison office with the FEDERAL REGISTER. By Civilian Production Administration Regulation No. 1, the Recording Secretary is delegated final authority to attest orders and official actions in the name of the Agency in accordance with the terms of the Regulation.

(g) The Financial Policy Division is responsible for matters pertaining to war contract renegotiation and termination; the requisitioning of property by the War Production Board necessary for the war effort, and the settlement of such cases; processing and approving or denying applications for Necessity, Non-Necessity Certificates, and amendments thereto, as provided under section 124 of the Internal Revenue Code; recommendations to Reconstruction Finance Corporation on Federal financing of facilities, and on manufacturing subsidies (other than building materials); and action on claims arising against the War Production Board or the Civilian Production Administration under the Contract Settlement Act of 1944.

(h) The Industrial Statistics Division is responsible for statistical studies based on records of the War Production Board. The Division is also responsible for the review and approval of all requests for data to be supplied by industry through forms, telegrams, or telephone inquiry and for an analysis of CPA forms to be issued in catalog form for industrial and Government use. The Division prepares, in cooperation with the Department of Commerce, "Facts for Industry", supplying statistical information to industry based on data collected or compiled by the War Production Board or Civilian Production Administration. In addition, the Division is responsible for the organization and analysis of War Production Board statistical material covering wartime material and production controls as a basis for the development of improved statistical methods for use in a future emergency situation.

§ 903.210 *Bureau of Priorities*—(a) *The Bureau of Priorities* is responsible for the development, direction, and supervision of the priorities and allocation systems. In developing the policies, procedures, and techniques to be used the Bureau determines the necessity for the use of priorities to increase production of items where a shortage threatens to impede orderly reconversion and makes the final determinations of the quantities of materials to be allocated for specific purposes. The Bureau also establishes policies and coordinates programs designed to prevent hoarding and pre-

emptive buying through control of inventories, and to direct the flow of surplus goods under certain emergency conditions. The Bureau is also responsible for establishing policies and coordinating the programs of the Agency on priority matters affecting Federal, State and local governments.

The Bureau also administers an impartial Appeals System in order to insure that the use of the priorities powers will not improperly discriminate against, or subject any individual or group to unreasonable hardship.

The Director of the Bureau of Priorities has authority to approve for issuance any action under the priority and allocation powers vested in the Agency, and to so authorize other officials of CPA or other Government agencies.

The Bureau of Priorities discharges its responsibilities through five divisions, two committees, and a review board, described in the following paragraphs:

(b) *The Priorities Policy Committee*, whose chairman is the Director of the Bureau, includes representatives of CPA from the Bureau of Industry Operations, Bureau of Construction and Field Operations, and Bureau of Priorities, the Office of Labor Requirements, the Office of Economic Review and Analysis; and representatives from the Offices of International Trade and Small Business, of the Department of Commerce; the Office of Price Administration; the Army and Navy Munitions Board, and such other staff groups of CPA or other Government agencies whose interest may be affected by proposed considerations. This Committee initially considers and passes on major matters of policy, including orders, regulations, or other subjects dealing with action by the CPA to increase or decrease controls on production or to regulate the use or distribution of materials, products, or services through the priorities or allocations powers. The Committee also takes jurisdiction on appeal by any affected office or agency from decisions of:

(c) *The Clearance Committee*, whose chairman is the Director of the Controls Readjustment Division. This Committee is composed of representatives, at a lower level, of the same groups as those represented on the Priorities Policy Committee. Generally, the Clearance Committee initially considers all policy matters which properly come before either of the committees, unless they are of obviously major importance or assigned by the CPA Administrator or the Chairman of either committee to the higher level.

(d) *The Appeals Board* is an independent group reporting to the Director of the Bureau of Priorities and is responsible for a fair and impartial administration of appeals from administrative actions of the Agency on the grounds of improper discrimination or unreasonable hardship. The Board renders final decision on all appeals from administrative actions taken under priorities orders and regulations of the Agency, with the exception of Compliance action. The appeals procedure under which this Board operates is given in Priorities Regulation No. 16.

(e) *The Controls Readjustment Division* is generally responsible for reviewing orders and regulations prior to issuance; supplying staff assistance to the Priorities Policy Committee, the Clearance Committee and the Appeals Board; developing procedures implementing orders and regulations and other plans and programs of the Agency; and reporting on the effectiveness of adopted programs. The Division is also responsible for delegating authority of the Director of Bureau of Priorities to take administrative action under the specific orders and regulations of the Agency, and has delegated authority to the Industry Divisions of the Bureau of Industry Operations and other organization units to take action contemplated under specific conservation and limitation orders.

(f) *The Inventory Control Division* is responsible for the administration of the orders and regulations controlling the accumulation of industrial and commercial inventories in order to avoid speculative hoarding and unbalanced distribution. The Division also coordinates the Agency's recommendations with respect to the declaration and disposal of surplus property, strategic or critical materials.

(g) *The Special Assistance Division* is responsible with the advice of the appropriate Industry Division for the approval or denial of all preference ratings or other instruments providing preference in delivery schedules, directives, or other special actions except those granted under specific limitation or conservation orders.

(h) *The Inter-Agency Division* deals with problems relating to Federal, State, and local government, and quasi-governmental agencies including prisons, colleges and schools, and other similar institutions, and the Canadian Government. The Division recommends the granting of priorities assistance to such agencies and advises on the effect on such agencies of actions taken by CPA. The Division also assists in remedying fuel and transportation problems delaying plants whose products are urgently needed.

(i) *The Compliance Division* is responsible for conducting investigations and surveys to insure compliance with CPA orders and regulations and has sole authority for such investigations and surveys. Such authority and responsibility has been delegated by the Director of the Compliance Division to Regional Branch Managers of the Compliance Division with authority to redelegate, with the consent of the Director of the Compliance Division, to other regional compliance personnel. Unless otherwise ordered, all employees of the Compliance Division may, in the course of their official duties exercise the authority conferred upon the President by the Second War Powers Act to make inspections and investigations in connection with the enforcement or administration of said Act; such employees include field employees assigned to compliance activities in their respective offices and all employees of other agencies of the United States who may be requested by the Director of the Compliance Division to assist in Civilian Production Administration compliance activities.

The Washington staff of the Compliance Division is responsible for the analysis and review of investigative reports submitted by the field, including the determination whether such cases should be closed or referred to the field for legal action. In addition, the Director of the Compliance Division has authority to effect quota adjustments under priorities orders and regulations in cases where the violator admits his violation and consents to such action.

The Compliance Field Offices are listed in § 903.213 (b). These offices conduct the investigations and surveys in connection with Compliance with the orders and regulations of CPA by audit and examination of documents and records of firms, subject to the orders and regulations, submitting investigative reports to the Washington office. The Field Compliance Offices also prepare cases returned by the Washington Office for presentation to the Regional Attorney for legal action recommended, and cooperate with him in prosecution of the cases.

The Field Compliance Offices also conduct investigations and surveys of compliance with the Emergency Premium Payment Regulations of the Housing Expediter in accordance with directives issued by him.

§ 903.211. *Bureau of Construction and Field Operations.* (a) *The Bureau of Construction and Field Operations* is responsible for the conservation of scarce building materials necessary for the Veterans Emergency Housing Program and other essential construction. The Bureau is also responsible for assisting in increasing the production of critical building materials.

The conservation of building materials is accomplished through the administration of the Veterans' Housing Program Order (VHP–1) which restricts construction. The Bureau of Construction and Field Operations processing applications for all types of construction except housing and farm construction. The National Housing Agency is charged with the responsibility of processing all housing applications, and the Department of Agriculture is charged with the responsibility of approving or disapproving applications for non-housing farm construction.

The Bureau of Construction and Field Operations is comprised of the Office of the Director, the Field Operations Division which directs the Regional and District Construction Offices, the Project Processing Division, the Facilities Review Committee, and the Production Expediting Division.

(b) *The Field Operations Division* directs the activities of the 10 Regional and 71 District Construction Offices listed in § 903.213 (a) that are established in principal cities throughout the country and in Honolulu and Puerto Rico.

(c) *The District Construction Offices* receive all non-housing and non-farm applications submitted under VHP–1. The Managers of the District Construction Offices are authorized to:

(1) Approve applications having a total cost of one million dollars or less;

(2) Deny initial applications without regard to dollar value;

(3) Recommend approval to the Washington Office on applications in

excess of one million dollar valuation; and

(4) Approve or deny amendments to applications approved by the District Construction Manager increasing the total cost to not more than $1,500,000.00.

When requested by the applicant, the District Construction Manager may also reconsider decisions of denial made by him and approve such applications or, if denial is recommended, forward the case to Washington for administrative action.

Certain applications may be referred to the Washington Office for administrative action even though ordinarily within the scope of the District Construction Manager's authority. These include cases where considerations of national policy are involved or where additional special information is available only to the Washington Office.

A District Construction Committee, composed of a group of public advisers representative of the major economic interests, of the locality assists each District Construction Manager in the review of the applications. Each Committee generally includes a representative from an industrial interest, such as manufacturing, mining, lumber, etc., from the construction materials distribution industry, from the construction industry, from construction labor, from commercial interests, from the press, from state or civic government, and a representative of veterans of World War II. The Committee acts in an advisory capacity to the District Construction Manager who has sole authority to approve or deny the applications coming within his jurisdiction. In addition to the regular committee members, a representative of the National Housing Agency may attend the meetings as an observer and may appeal in writing from any decisions rendered by the District Construction Manager on applications considered at a meeting attended by him. Such appeals are forwarded to the Washington Office for final administrative action.

(d) *The Project Processing Division* is responsible for the approval or denial of applications for construction projects under the following circumstances:

(1) When the application is beyond the scope of field authority because the valuation exceeds $10,000,000.

(2) When the application is an appeal from decision rendered by the District Construction Manager; and

(3) When the project requires consideration on a national scale.

The Project Processing Division refers to the Facilities Review Committee appeals on all cases which it has previously denied unless the decision of denial is reversed and the case approved. It may, however, refer any case which it elects to the Facilities Review Committee.

(e) *The Facilities Review Committee,* of which the Director of the Bureau of Construction and Field Operations is the chairman, is composed of a representative of the Housing Expeditor, the CPA Office of Labor Requirements, the CPA Bureau of Priorities, the CPA Bureau of Industry Operations and the Project Processing Division. This Committee reviews applications for construction projects that are referred to it by the Project Processing Division. The committee acts in an advisory capacity to the chairman who has authority to approve or deny applications.

(f) *The Production Expediting Division* supervises and coordinates the activities of the Field Production Specialists. working under direct assignment of this Office in the areas where the most critical shortages occur, promote the productio of critical building materials by:

(1) Rendering production engineering services to the manufacturers;

(2) Expediting shipments of raw materials, component parts, and equipment necessary for urgent programs; and

(3) Aiding plants in adjusting their facilities and manpower to the production requirements established by the Washington office.

In cooperation with the Office of Labor Requirements, the Production Expediting Division prepares instructions for the field labor representatives in their investigation and solution of labor-manpower problems affecting the production of critical building materials.

§ 903.212 *Bureau of Industry Operations.* (a) The Bureau of Industry Operations is responsible for the execution of the policies, plans, and programs of the Civilian Production Administration which are designed to increase the supply, expand the production of materials, especially those in short supply, and for directing their distribution in order to complete the transition from wartime production to a maximum peace-time production in industry free from wartime government controls with due regard to the continued success of the Stabilization Program and assurance of completion of the Veterans Emergency Housing Program.

In carrying out its responsibilities, the Bureau analyzes the supply and requirements of resources, facilities, and materials and recommends appropriate conservation and limitation orders necessary to direct critically short items into the most essential uses. The Bureau also directs the preparation and execution of incentive programs and the development of substitute materials where production shortages indicate the necessity of such action.

The Bureau administers the specific CPA orders which control production and distribution of materials in short supply and recommends the use of priorities to break bottlenecks, expand production of materials in short supply, and assist small business and veterans of World War II in obtaining their business needs. The Bureau also recommends the control of inventories in order to avoid speculative hoarding and unbalanced distribution.

The Bureau has the authority to make allocation of materials in critically short supply to the most essential users where specific allocation programs have been established and to take other administrative actions contemplated under the conservation and limitation orders of the CPA. The Bureau also has authority within CPA for the administration of the Premium Price Plan on copper, lead, and zinc; and to determine the amounts of strategic and critical materials necessary to make up any deficiency of the supply of such materials for the current requirements of industry, for exemption from the stockpiling requirements of Public Law 520 of the 79th Congress.

(b) The Bureau of Industry Operations discharges its responsibilities through the organization described in the following paragraphs:

(1) *The Office of the Director* is responsible for coordinating the activities of the various divisions and for representing the CPA on the Inter-Agency Steering Committee on Premium Payments organized by the Housing Expediter for the purpose of devising production incentive programs to alleviate critical shortages of building materials needed in the Veterans Emergency Housing Program. This office also supervises and coordinates the work of CPA in preparing incentive production program proposals and implementing approved programs.

(2) *The Office of Industry Advisory Committees* is responsible for the formation and operation of Industry Advisory Committees, in accordance with an exchange of letters with the Attorney General. Industry Advisory Committees are carefully selected groups of businessmen, representative of their industry, which may be called on to give expert advice and criticism of proposed policies and programs prior to adoption by CPA.

(c) The eight industry divisions of the Bureau, described in the following paragraphs, serve as the general contact of CPA with the industries which are assigned to their jurisdiction. The divisions are generally responsible for assisting industry to overcome production bottlenecks; to expand production of materials and products, especially those in short supply, to meet the needs of the economy; and to assist in the reconversion of industrial facilities from wartime to full peacetime production. The divisions are also responsible for collecting and analyzing supply and requirements data relating to the materials and products under their jurisdiction, and for recommending new controls or the cancellation or modification of controls exercised over industry to achieve the objectives of the Agency. In addition, the divisions are the point of consultation and reference on all matters within the Agency which relate to the industries under their jurisdiction.

(1) *The Building Materials Division* is responsible for increasing the production

and directing the distribution of construction components in short supply, with the exception of lumber and a few minor ones in order to meet the needs of the Veterans Emergency Housing Program and other construction. The Division administers the specific CPA orders dealing with building materials and has the authority to take action contemplated by those orders. The Division also represents CPA on various Specific Task Committees, appointed by the Housing Expediter's Inter-Agency Committee on Premium Payments, to devise production incentive programs needed to further stimplate production of building materials in short supply. When such programs have been developed and approved, the Division also participates in their administration by assisting the Housing Expediter to establish and adjust production goals, quotas and premium payments, and by performing such other services as the Housing Expediter may direct.

The Division discharges its responsibilities through the following seven branches:

Building Board and Roofing Products.
Clay and Concrete Products.
Electrical Products.
Hardware and Small Tools.
Heating.
Metal Building Materials.
Plumbing.

(2) *The Chemicals Division* is responsible for increasing the production of chemicals, including alcohols, aromatics, intermediates, pharmaceuticals, plastics, and other chemicals and related products which are in short supply and for directing their distribution to the most effective use.

The Division administers the specific conservation and limitation orders of CPA in the chemicals field and has the authority to take actions contemplated by those orders.

The Division discharges its responsibility through the following three branches:

Alcohols, Aromatics and Drugs.
Inorganics.
Plastics and Protective Coatings.

(3) *The Consumers Hard Goods Division* is responsible for increasing production, effecting proper distribution, and assisting manufacturers of consumers hard and durable goods, including furniture, household appliances, housewares, personal goods, and health, safety and technical equipment.

The Division discharges its responsibilities through the following two branches:

Consumers Durable Goods, Health Supplies, Safety and Technical Equipment.

(4) *The Equipment Division* is responsible for production and distribution of machine tools, and general industrial, construction, farm, communications, automotive, and other types of equipment. The Division also administers the Utilities Order, U–2, which establishes the sequence of installation of new telephone service.

The Division discharges its responsibilities through the following nine branches:

Automotive.
Construction Machinery.
Farm Machinery and Equipment.
General Industrial Equipment.
Service Equipment.
Shipbuilding, Tools.
Transportation Equipment.
Utilities.

(5) *The Forest Products Division* is responsible for increasing the supply and directing the distribution of lumber, plywood, pulpwood, paper, paperboard, and other forest products. The Division is also responsible for the containers, printing, and publishing industries in matters dealing with the supply and requirements for machinery and production materials. The Division administers the containers simplification order designed to increase the supply of critically short glass containers and other specific orders dealing with forest products. The Division has authority to take action contemplated by the orders it administers.

The Division represents CPA on various specific Task Committees dealing with forest products, appointed by the Housing Expediter's Inter-Agency Committee on Premium Payments, which develops incentive production programs to further stimulate production of building materials needed in the Veterans Emergency Housing Program. The Division also participates in the administration of approved programs by assisting the Housing Expediter to establish and adjust production goals, quotas, and premium payments and by performing such other services as the Housing Expediter may direct.

The Division discharges its responsibilities through a Program Branch which is responsible for gathering statistics on supply, requirements, and current production on all products handled by the Division and through the following three industry branches:

Lumber and Lumber Products.
Paper and Paperboard (including printing and publishing machinery).
Containers.

The Division also maintains a field office in Portland, Oregon, which assists in the administration of lumber program in the Far Western States.

(6) *The Metals and Minerals Division* is responsible for increasing the production and directing the distribution of basic metals and minerals, such as steel, copper, aluminum, magnesium, tin, lead, zinc, and many others which are in short supply. The Division administers the specific conservation and limitation orders covering metals and minerals, develops program for public purchase and stockpiling of metals and minerals in short supply, and develops recommendations as to the amounts of strategic and critical materials necessary to make up any deficiency of the supply of such materials for the current requirements of industry, for exemption from the stockpiling requirements of Public Law 520 of the 79th Congress. The Division is also responsible for directing the distribution of metals and minerals for which there are specific allocation programs. The Division participates in the Premium Price Plan for copper, lead and zinc, under which premiums are paid by the Office of Metals Reserve for mine production in excess of quotas recommended by a quota committee. The Division supplies the chairman of the committee and three members and the Office of Price Administration supplies three members. The committee's recommendations are subject to the approval of three reviewing offices, one from the Division, one from the Office of Price Administration and one from the Office of Metals Reserve, RFC.

The Division discharges its responsibility through the following six branches:

Aluminum and Magnesium
Copper.
Cork and Asbestos.
Miscellaneous Minerals (including mining machinery and equipment).
Steel.
Tin, lead, and Zinc.

(7) *The Rubber Division* is responsible for the production program for synthetic rubber and for controlling the use of synthetic and natural rubber. The Division is also responsible for controlling the production and distribution of tires, tubes, and other rubber consuming products.

The Division administers Rubber Order, R–1, which controls the use and distribution of synthetic and natural rubber. The Division discharges its responsibility through the following four branches:

Production.
Rubber Supply and Statistics.
Technical Control and Analysis.
Technical Administration.

(8) *The Textile Division* is responsible for increasing the production of textile, clothing, leather, and related products and their raw materials and for the proper distribution of such products and materials in short supply to meet the essential civilian need as well as continuing military and export requirements. The Division administers the specific conservation and limitation orders in these fields and allocates textiles to the production of low cost clothing in order to assist the stabilization program.

The Division discharges its responsibilities through the following branches:

Appeals—considers appeals under orders administered by the Division.
Authorizations—responsible for granting or denying initial applications for assistance under orders administered by the Division.
Programs—responsible for collecting the supply and requirements data on products handled by the Division and recommending production and distribution programs.
Clothing, Knit Goods and Equipage.
Cotton and Synthetic Textiles.
Hide and Leather.
Wool, Cordage and Textile Machinery.

§ 903.213 *Field office addresses.* (a) Following is a list of the Regional and District Construction Offices of the Civilian Production Administration:

State	City	Region	Address
Alabama	Birmingham	4	Dixie Carlton Hotel, 3d Ave. and 23d St.
Arizona	Phoenix	8	614 Goodrich Bldg., Central and Washington.
Arkansas	Little Rock	6	428 Louisiana St.
California	Los Angeles*	8	W. M. Garland Bldg., Room 703.
	San Diego	8	355 Civic Center.
	San Francisco*	9	1355 Market St.
Colorado	Denver	6	523 Continental Oil Bldg.
Connecticut	Hartford	1	115 Broad St.
Delaware	Wilmington	2	Penn. Office Bldg., Room 301.
District of Columbia	Washington	2	1200 15th St., NW.
Florida	Jacksonville	4	George Washington Hotel Annex.
	Miami	4	25 Northeast 3d St.
	Tampa	4	311 Hinson Bldg.
Georgia	Atlanta*	4	619 Peachtree St.
Honolulu	Hawaii	9	Bldg. I, Iolani Palace.
Idaho	Boise	9	119 North 8th St.
Illinois	Chicago*	5	226 West Jackson Blvd.
	Springfield	5	Old High School Bldg., 301 West Adams St.
Indiana	Indianapolis	5	Room 317, Kresge Bldg.
Iowa	Des Moines	6	316 Home Federal Bldg., 518 Grand Ave.
Kansas	Topeka	6	700-02 Kansas Ave.
Kentucky	Louisville	3	1307 Heyburn Bldg.
Louisiana	New Orleans	7	1412 Masonic Temple.
Maine	Bangor	1	8 Harlow St.
Maryland	Baltimore	2	1106 North Charles St.
Massachusetts	Boston*	1	822-40 Broad St.
	Springfield	1	1597 Main St.
Michigan	Detroit	3	800 Blvd. Bldg.
	Grand Rapids	3	730 Keeler Bldg.
Minnesota	Minneapolis*	10	Midland Bank Bldg., Room 447.
Mississippi	Jackson	4	107 South President St.
Missouri	Kansas City*	6	600 Mutual Bldg.
	St. Louis	6	Room 434, Old Customs House.
Montana	Helena	9	Suite 1, Penwell Block.
Nebraska	Omaha	6	Arthur Bldg., 2d floor, 210 South 18th St.
Nevada	Reno	9	56 Boyd Pl.
New Hampshire	Manchester	1	814 Elm St.
New Jersey	Camden	2	Post Office Bldg.
	Newark	2	309 Washington St.
New Mexico	Albuquerque	7	2d floor, City Hall.
New York	Albany	2	75 State St.
	Buffalo	2	17 Court St.
	New York City*	2	43d floor, Empire State Bldg.
North Carolina	Greensboro	4	210 North Green St.
North Dakota	Fargo	10	507 First National Bank Bldg.
Ohio	Cincinnati	3	529 Walnut St.
	Cleveland*	3	4th floor, Union Commerce Bldg.
	Columbus	3	1037 North High St.
	Toledo	3	312 Summit St.
Oklahoma	Oklahoma City	7	215 Colcord Bldg.
	Tulsa	7	Citizens St. Bank Bldg.
Oregon	Portland	9	820 Morgan Bldg.
Pennsylvania	Philadelphia	2	Broad St. Station Bldg.
	Pittsburgh	2	411 Chamber of Commerce Bldg.
Puerto Rico	San Juan		Post Office Box 4387.
Rhode Island	Providence	1	75 Westminster St.
South Carolina	Columbia	4	2065 Blossom St.
South Dakota	Sioux Falls	10	515 S. Main St.
Tennessee	Memphis	4	677 Shrine Bldg.
Texas	Dallas*	7	511 Mercantile Bank Bldg.
	Houston	7	Electric Bldg., Room 1004.
	Fort Worth	7	Chamber of Commerce Bldg.
	San Antonio	7	310 St. Marys St., 203 Transit Tower Bldg.
Utah	Salt Lake City	8	310 Atlas Bldg.
Vermont	Burlington	1	44 Church St.
Virginia	Richmond	4	615 E. Main St.
Washington	Seattle	9	491 Henry Bldg.
	Spokane	9	North 120 Wall St.
West Virginia	Charleston	3	269 State Capitol Bldg., P. O. Box 3027.
Wisconsin	Milwaukee	5	161 West Wisconsin Ave.
Wyoming	Casper	9	116 East 2d St.

(b) Following is a list of the Regional and District Compliance Offices of the Civilian Production Administration:

State	City	Region	Address
California	Los Angeles	10	Room 1101, 1206 Santee St.
	San Francisco [1]	10	1355 Market St.
Colorado	Denver	7	219 Midland Savings Bldg.
Georgia	Atlanta [1]	4	2d floor, Ginn Bldg., 165 Luckie St. NW
Illinois	Chicago [1]	6	226 West Jackson Blvd.
Massachusetts	Boston [1]	1	40 Broad St.
Michigan	Detroit [1]	11	7310 Woodward Ave.
Minnesota	Minneapolis [1]	12	300 Midland Bank Bldg.
Missouri	Kansas City [1]	7	Mutual Interstate Bldg.
	St. Louis	7	410 Old Customs House.
New Jersey	Newark	2	Globe Indemnity Bldg.
New York	New York [1]	2	43d floor, Empire State Bldg.
	Rochester	2	707 Commerce Bldg.
Ohio	Cincinnati	5	407 Strand Bldg., 531 Walnut St.
	Cleveland [1]	5	Union Commerce Bldg.
	Columbus	5	1037 North High St.
Oregon	Portland	9	210 Central Bldg.
Pennsylvania	Philadelphia [1]	3	Broad St., Station Bldg.
	Pittsburgh	3	Chamber of Commerce Bldg.
Texas	Dallas [1]	8	507 Mercantile Bank Bldg.
Washington	Seattle [1]	9	4454 Stuart Bldg.
	Spokane	9	423 Federal Bldg.
Wisconsin	Milwaukee	6	7114 Plankinton Bldg.

[1] Regional Offices.

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CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

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PART 903—ORGANIZATION AND DELEGATIONS OF AUTHORITY

[Organizational Document 2]

AVAILABILITY OF CIVILIAN PRODUCTION ADMINISTRATION RECORDS

Sec.
903.301 Scope.
903.302 Published official records.
903.303 Unpublished official records.
903.304 Retention of official records.

§ 903.301 *Scope.* In accordance with section 3 of the Administrative Procedure Act, the records, including opinions and orders, with which the public may be properly concerned are listed, described, and classified below with respect to their official nature and confidentiality. The location of the records, their availability, and methods of requesting permission to examine them, are given for each type of record. The records, with certain exceptions, will be made available to persons properly and directly concerned. Each request will be considered on its own merits and requests may be denied if the records contain information held confidential for security reasons or disclose confidential business information, if they are found confidential for reasons of administrative privacy, or if the request would delay action on pending cases. Unless otherwise designated, the official to whom the request is made will decide whether to grant it.

§ 903.302 *Published official records.* The following types of records, amendments, interpretations, directions, and similar supplementary documents, are published in the daily issues of the FEDERAL REGISTER, which may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington 25, D. C. By the Federal Register Act, certified copies of orders and regulations are available for public inspection in the Division of the Federal Register, The National Archives, Washington 25, D. C.

(a) Regulations:
(1) Civilian Production Regulations.
(2) Priorities Regulations.
(b) Orders:
(1) "L" Series (Limitation Orders).
(2) "M" Series (Conservation, Allocation and Scheduling Orders).
(3) "R" Series (Rubber Orders).
(4) "S" Series (Suspension Orders).
(5) "U" Series (Utilities Orders).
(6) "VHP" Series (Veterans Housing Program Orders).
(7) Consent Orders.
(c) Directives (Delegations of Authority).
(d) Procedural Documents.
(e) Organizational Documents.

Printed copies of current orders and regulations may be obtained upon request in person or by mail to the Inquiry Section, Civilian Production Administration, Room 1501, Social Security Building, Washington 25, D. C. Current or-

ders relating to construction or housing may be obtained from the field offices of the Civilian Production Administration.

§ 903.303 *Unpublished official records.* (a) Applications are filed by individuals, partnerships, or corporations in accordance with rules set forth in orders and regulations issued by the Administration. They are on file either in the Civilian Production Administration, Washington 25, D. C., or the agency indicated in the governing order. Requests may be made in person or by letter to the Director of the division designated in the governing order. Inquiries respecting the proper source of information may be directed to the Inquiry Section, Civilian Production Administration, Washington 25, D. C.

Construction applications (Form CPA–4423) involving amounts less than $1,000,000 initially, or $1,500,000 including amendments, are generally on file in the District Office to which application was made.

(b) Authorizations and denials often form a part of the applications and are filed with them. Inspection may not be permitted if confidential information is revealed, but information respecting the authorization or denial may be furnished.

(c) Data Request Forms are filed by individuals, partnerships, or corporations in accordance with the provisions of orders and regulations issued by the Administration. The rules governing requests to consult these records are the same as those governing applications.

(d) Appeals Records are documents relating to the filing of appeals, hearings, and findings of the Appeals Board. They consist of the following: (1) Appeal filed by an individual in accordance with provisions of the governing order or regulation; (2) Recommendation of the Civilian Production Administration division having jurisdiction; (3) Verbatim transcript of the hearing before the Appeals Board; (4) Finding of the Appeals Board; (5) Letter to appellant embodying final actions.

These records are filed in the Civilian Production Administration in the Division having jurisdiction. Bequest may be made to the Director of that division in person or by letter, and that official with concurrence of the Chairman of the Appeals Board will determine whether to grant it.

(e) Compliance Records relate to proceedings before Compliance Commissioners. They include: (1) Report of the compliance investigator; (2) Analyses of Compliance Division; (3) Warning or charging letters; (4) Verbatim transcripts of hearings before Compliance Commissioners; (5) Report and recommendations of Compliance Commissioners; (6) Appeals of respondents, answers, and replies; (7) Decision of Chief Compliance Commissioner on appeal; (8) Suspension, Consent, or Probation orders, or revocation thereof.

These records are filed in the Compliance Division, Civilian Production Administration, Washington 25, D. C. Requests may be made in person or by letter to the Director of the Compliance Division.

(f) Priorities Policy Decisions are determinations of the Bureau of Priorities with respect to ratings, allocations, export quotas, etc. These are on file in the Bureau of Priorities and request may be made in person or by letter to the Director.

(g) Industry Advisory Committee Minutes and membership lists are on file in the Office of Industry Advisory Committees, Civilian Production Administration, Washington 25, D. C. Requests may be made in person or by letter to the Director.

(h) Labor Advisory Committee Minutes and membership lists are on file in the Office of Labor Requirements, Civilian Production Administration, Washington 25, D. C. Requests may be made in person or by letter to the Assistant Director of that Office.

(i) Records of Premium Price Plan Quota Committee consist of quota lists and assignments to mine owners issued by the Quota Committee under the Premium Price Plan. These records are on file in the Office of the Executive Secretary of the Committee, Civilian Production Administration, Washington 25, D. C. They are confidential as they contain business information.

(j) Determinations of deficiency of material for civilian production under section 6a of the Strategic and Critical Materials Stockpiling Act (Public Law 520, 79th Congress) are on file in the Civilian Production Administration, Washington 25, D. C., in the division having responsibility for the material concerned. Requests may be made in person or by letter to the Director of the division.

(k) Recommendations to the Reconstruction Finance Corporation to sell from its stockpiles are on file in the Civilian Production Administration, Washington 25, D. C., in the division having responsibility for the material concerned. Requests may be made in person or by letter to the Director of the division.

(l) Directives to the War Assets Corporation relate to the disposal of surplus property to particular assignees, and are on file in the Routing and Issuance Section, Civilian Production Administration, Washington 25, D. C. Requests may be made in person or by letter to the Director of the Special Assistance Division, Civilian Production Administration, Washington 25, D. C.

(m) The following records are on file in the Financial Policy Division, Civilian Production Administration, Washington 25, D. C. and are generally confidential. Requests may be made in person or by letter to the Director of that division. (1) Recommendations to the Reconstruction Finance Corporation to finance plant construction; (2) Records relating to claims under section 17 (except 17b) of the Contract Settlement Act of 1944; (3) Records pertaining to the requisitioning of property for war purposes; (4) Tax Amortization Records.

(n) Records relating to claims under section 6 and 17b of the Contract Settlement Act of 1944 are on file in the Accounts and Audits Branch, Division of Administrative Services, Civilian Production Administration, Washington 25, D. C., and requests may be made in person or by letter to the chief of that branch.

(o) Directives against new production are on file in the Routing and Issuance Section, Division of Administrative Services, Civilian Production Administration, Washington 25, D. C. Requests may be made in person or by letter to the Director of the Special Assistance Division.

§ 903.304 *Retention of official records.* All of the records described will not be retained permanently by the Administration. It is the policy of the Administration to recommend to the Archivist of the United States the disposal of records which are not of permanent value in accordance with the applicable provisions of law. Accordingly in some cases records over two years old may not be available.

Issued this 28th day of August 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

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PART 904—PROCEDURES

[Procedural Document 1]

METHODS AND PROCEDURES FOR ISSUANCE OF CPA ORDERS AND REGULATIONS

Sec.

904.101 Scope.
904.102 Initiation of requests for policy decisions or orders and regulations.
904.103 Procedure.
904.104 Interpretations and explanations of orders and regulations.

§ 904.101 *Scope.* This document describes the general course and method which the Civilian Production Administration uses in the preparation, clearance, and issuance of orders and regulations, issued under the priorities and allocation powers.

§ 904.102. *Initiation of requests for policy decisions or orders and regulations.* (a) Each division of the Bureau of Industry Operations, upon detecting reconversion problems within its industry, proposes remedial measures. These remedial measures may be designed to direct the distribution of available supplies of short materials, or they may be designed to stimulate the production of such materials.

(b) The appropriate division of the Bureau of Priorities initiates priorities regulations, regulations establishing policy, plans, and general methods of implementation of actions under the priorities system and other regulations applicable to more than one industry for controlling the distribution of materials, for scheduling production of deliveries of products when necessary and for controlling inventories.

§ 904.103 *Procedure.* (a) The following steps outline the procedure which is usually followed by CPA in making policy decisions, and in considering whether to issue an order or regulation.

(1) The division or bureau director initiating an order or regulation consults with appropriate officials in CPA and other Federal agencies who can render

useful service and advice. Budget and procedural implications of orders and regulations are considered before the order or regulation is submitted for issuance.

(2) If a proposed order or regulation will result in a substantial change in the rate of operations of an industry and security regulations permit, it is generally submitted to the appropriate industry advisory committee for advice.

(3) The Controls Readjustment Division, to which a draft of the proposed order or regulation is submitted with a full justification of its necessity, distributes copies of the proposal to all interested persons within CPA and within other cooperating Government agencies for examination of its impact on the products or special functions within their jurisdiction.

(4) The Office of Economic Review and Analysis may prepare a report of the production and distribution situation including an analysis of the factors creating the problem and recommendations for action by CPA or other Government agencies.

(5) The initiating division or office studies the suggestions made, incorporating those which it believes relevant, and summarizes all unresolved issues.

(6) The proposal, together with the statement of unresolved issues, is presented to the Clearance Committee or the Priorities Policy Committee whose members represent all parts of CPA and all cooperating Government agencies.

(7) The Clearance or Priorities Policy Committee reviews the proposal for conformity to CPA policy, necessity for the proposed action, and whether the proposed action is the most effective means of accomplishing the desired result.

(8) The Chairman of the Priorities Policy Committee or the Chairman of the Clearance Committee recommends to the Director of the Bureau of Priorities the action CPA should take. If it is decided that a proposed order or regulation should be issued, it is attested by the Recording Secretary, filed and published in the FEDERAL REGISTER.

§ 904.104 *Interpretations and explanations of orders and regulations.* After orders and regulations have been issued as described above, interpretations of them are issued only in accordance with the rules stated in CPA Regulation 3 and have the effect stated in that regulation.

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PART 904—PROCEDURES

[Procedural Document No. 2]

METHODS AND PROCEDURES GOVERNING APPLICATIONS FOR ADMINISTRATIVE ACTION, OR APPEALS FROM SUCH ACTION

Sec.

904.201 Scope.
904.202 Basis for applications.
904.203 Processing of applications.
904.204 Grants and denials of applications.
904.205 Reconsiderations and appeals.

§ 904.201 *Scope.* This document describes the general procedures followed by the Civilian Production Administration in handling applications under priorities and allocation orders and regulations. Other documents may provide rules for special cases.

§ 904.202 *Basis for applications.* The Civilian Production Administration generally exercises its priorities and allocation powers through orders and regulations. These orders which in general restrict or control the use or distribution of materials or products, or provide for the granting of priorities assistance, are designed to accomplish the objective of the Agency in the reconversion program.

The orders or regulations specify the manner in which an individual must apply to obtain the benefits granted by the orders or relief from the restrictions imposed by the orders.

All Civilian Production Administration orders and regulations are published in the FEDERAL REGISTER and in addition Procedural Document No. 4 (§§ 904.401 to 904.406) includes the procedure governing the submission of applications.

§ 904.203. *Processing of applications.* (a) Consideration of applications within the Civilian Production Administration includes a comparison of the applicant's stated position with the criteria of the relevant order or regulation.

(b) An administrator of an order, regulation or program has general responsibility for processing all requests for action under it. The administrator is usually a member of the operating division in the Civilian Production Administration which is responsible for the product, material, or activity covered by the order or regulation. He is advised by other offices having an interest in the material, product requested, or in the activity in which the applicant is engaged. The administrator is responsible for securing uniformity of administrative action under the order, regulation, or program he is administering.

(c) Veterans' Housing Program Order 1, limiting construction, is administered both in Washington and the field and applications under it are handled as follows:

The Civilian Production Administration field construction offices receive all construction applications, except housing and farm ones, which are handled by the National Housing Agency and the Department of Agriculture, respectively. The Civilian Production Administration field construction offices have authority to take action on applications within certain limits. In considering such cases a field office is usually advised by a local construction committee whose chairman is a Civilian Production Administration employee and whose membership is representative of the major interests of the community. Cases which the field offices have no authority to process and appeals from actions taken in the field are forwarded to the Project Processing Division in the Bureau of Construction and Field Operations in Washington. That Division in turn handles certain cases and refers others to the Facilities Review Committee. This committee is advisory to its Chairman and considers all cases referred to it, including appeals not approved by the Project Processing Division. Section 903.211 of Organizational Document No. 1 provides further information on handling of cases under Veterans' Housing Program Order 1.

§ 904.204 *Grants and denials of applications.* As provided in Civilian Production Administration Regulation 1, the grant or denial of any application for administrative action under a priorities order or regulation is valid only when issued by the Administrator of the Civilian Production Administration or in the name of the Civilian Production Administration countersigned or attested by the Recording Secretary.

§ 904.205 *Reconsiderations and appeals.* An applicant may request that a Civilian Production Administration action taken with respect to him be reconsidered. Generally such a request should be filed where the original application was filed except as otherwise provided. When requests are based on a claim of exceptional and unreasonable hardship or discrimination they are handled as appeals under Priorities Regulation 16. That regulation explains when a person may have his case considered by the Appeals Board whose decision is final.

Issued this 28th day of August 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-15403; Filed, Aug. 28, 1946; 5:05 p. m.]

PART 904—PROCEDURES

[Procedural Document 4]

APPLICATIONS, FORMS AND REPORTS

Sec.

904.401 Reporting and application requirements in orders and regulations.
904.402 Other reporting requirements.
904.403 Printed forms.
904.404 Other applications and reports.
904.405 Table I.
904.406 Table II.

§ 904.401 *Reporting and application requirements in orders and regulations.* Orders and regulations of the Civilian Production Administration may provide for the filing of applications and reports. Where a specific CPA printed form is to be used, the order or regulation identifies it by CPA form number. However, in many cases a specific form is not prepared and the order or regulation itself contains the reporting requirements. A frequent example of this is a provision to the effect that where the terms of an order cause unreasonable hardship, a person may request relief by letter.

As explained in Priorities Regulation 8 (§ 944.29) where a published CPA order or regulation requires the filing of a report by a specified class, every person belonging to that class must file the report in accordance with applicable instructions.

§ 904.402 *Other reporting requirements.* The Civilian Production Administration may also require reports which are not specified in an order or a regulation. Priorities Regulation 8 (§ 944.29) provides that such a report must be submitted by a person who receives written notice to do so in either of the following ways: (1) A letter or other written instrument specifically addressed to him issued in the name of the Civilian Production Administration, countersigned or attested by the Recording Secretary, or in accordance with CPA Regulation No. 1 (§ 903.0); or (2) a report form or instruction sheet with an official form number in the "CPA" series bearing his name or enclosed in an envelope specifically addressed to him.

§ 904.403 *Printed forms.* All printed applications or other forms carry on the form (or on separately printed instructions) the form number, the date issued or last revised, the title of the form, the related order or regulation, if any, where and when to file it, the number of copies required and other pertinent items of instruction. All printed CPA forms are stocked in the Washington office of the Civilian Production Administration; selected forms are stocked in the Civilian Production Administration Field Construction Offices and in the Department of Commerce Field Offices. These forms are listed numerically in § 904.406 Table II below.

§ 904.404 *Other applications and reports.* Where an order or a regulation provides for filing an application or a report but not on a printed CPA form, the order indicates the contents of the reporting requirements, the place and date of filing and the number of copies which should be sent. These requirements are listed in § 904.406 Table II below.

§ 904.405 *Table I.*

CIVILIAN PRODUCTION ADMINISTRATION FORMS

Form No.	Date issued or revised	Budget Bureau No.		Related order or regulation	Where to file	When to file	Number of copies
CPA-95	July 24, 1946	12-R029.7	Lead: monthly report of inventory, consumption, and shipments, and application of allocation.	M-38	Tin, Lead, and Zinc	20th of month	2
CPA-95A	May 27, 1946	12-R2705.1	Lead: monthly report of quantity used in the production of storage batteries and lead components of storage batteries.	M-38	Tin, Lead, and Zinc	10th of month	2
CPA-412	July 25, 1946	12-R028.7	Tin: report of inventory, consumption, production, and requirements.	M-43	Tin, Lead, and Zinc	20th of month	3
CPA-541A	Apr. 23, 1946	12-R2560.3	Application for limited priorities assistance	Various	Various	On application	3
CPA-658A	June 14, 1946	12-R093.13	Cotton and rayon mill production shipments Schedule A: duck and tire fabrics.	L-99, M-317	Census Bureau	July 9, 1946	3
CPA-658B	June 14, 1946	12-R094.13	Cotton and rayon mill production and shipments Schedule B: Carded gray goods, colored yarn and napped fabrics and specialties.	L-99, M-317	Census Bureau	July 9, 1946	3
CPA-658C	June 14, 1946	12-R095.13	Cotton and rayon mill production and shipments Schedule C: fine cotton and rayon fabrics, cotton nets and netting.	L-99, M-317	Census Bureau	July 9, 1946	3
CPA-658E	June 14, 1946	12-R784.13	Cotton and rayon mill production and shipments Schedule E: cotton yarns, cordage and twines.	M-317	Census Bureau	July 9, 1946	3
CPA-890	May 9, 1946	12-R659.6	Molasses: producer's importer's or primary distributor's quarterly report of shipments and inventory.	M-54	Chemicals Division	15th of month	1
CPA-892	May 9, 1946	12-R726.6	Molasses: alcohol manufacturer's monthly report of inventory and consumption.	M-54	Chemicals Division	10th of month	1
CPA-1040	June 27, 1946	12-R246.14	Customs transaction certificate on imported strategic materials	M-63	Stock piling and transportation.	As specified	2
CPA-1041	June 27, 1946	12-R321.11	Application for authorization to contract or arrange for importation of strategic materials.	M-63	Stock piling and transportation.	On application	2
CPA-1161	May 14, 1946	12-R290.6	Application for authorization to make specific transactions in materials and products.	PR-13	Inventory Control	On application	6
CPA-1322	July 17, 1946	12-R508.7	Tanners', processors' or contractors' application to purchase calf and kip skins.	M-310	Textile, Clothing, and Leather.	10th of month	1
CPA-1323	July 17, 1946	12-R509.7	Tanner's, processor's or contractor's authorization to purchase hides or skins.	M-310	Textile, Clothing, and Leather.	As specified	1
CPA-1325	July 17, 1946	12-R257.7	Cattlehide: tanners', processors', or contractor's application to purchase.	M-310	Textile, Clothing, and Leather.	10th of month	2
CPA-1420	June 27, 1946	12-R761.14	Woven fabrics made on woolen and worsted looms, felt and hat bodies.	M-328b	Census Bureau	Apr. 12, 1946	2
WPB-1572	Apr. 5, 1945	12-R2484	Information to be used in the revision or establishment of quotas for operating mines.		Tin, Lead, and Zinc	On request	4
CPA-1605A	Aug. 14, 1946	12-R097.10	Lumber: sawmill operator's monthly report of production—Eastern United States.		Lumber, Lumber Products.	Monthly	1
CPA-1605B	Aug. 15, 1946	12-R089.11	Lumber: sawmill operator's monthly report of production—Western United States.		Lumber, Lumber Products.	Monthly	1
CPA-1620	Feb. 27, 1946	12-R1258.5	Merchant's base period record of inventories and sales	L-219	Wholesale and Retail.	As specified	2
CPA-1621	May 21, 1946	12-R049.13	Merchant's report of inventories and sales beginning of 3d quarter, 1946.	L-219	Wholesale, Retail Trade.	As specified	2
CPA-1622	Jan. 7, 1946	12-R1751.2	Work sheet for computing inventories of "consumers goods."	L-219	Wholesale, Retail Trade.		
CPA-1632A	Aug. 14, 1946	12-R098.7	Lumber: sawmill or concentration yard operator's monthly report of stocks on hand—Eastern United States.		Lumber, Lumber Products.	Monthly	1
CPA-1632B	Aug. 15, 1946	12-R091.7	Lumber: sawmill operator's quarterly report of stocks on hand—Western United States.		Lumber, Lumber Products.	Monthly	1
CPA-1768	Mar. 28, 1946	12-R282.12	Farm Machinery and Equipment: monthly report of production.		Farm Machinery and Equipment, General.	10th of Month	1
CPA-1801	July 19, 1946	12-R336.10	Section 1: All small electric motors and generators built in normal frame diameters for less than 1 HP open type at 1,800 RPM. Manufacturer's report of production, shipments, new orders, cancellations and orders on hand and estimated production as of the end of the month. (Plus instructions.)		Industrial Equipment.	15th of month	3
CPA-1801	July 19, 1946	12-R336.10	Section 2: all integral HP electric motors rated 1 to 500 HP and generators rated .75 to 400 KW or KVA including Navy and Maritime shipboard types. Manufacturer's report of shipments, new orders, cancellations, and orders on hand as of the end of the month. (Plus instructions.)		General Industrial Equipment.	15th of month	3
CPA-1801	July 19, 1946	12-R336.10	Section 5: All electric motors over 500 HP and generators over 400 KW or KVA: manufacturer's report of shipments, new orders, cancellations, and orders on hand as of the end of the month. (Plus instructions.)		General Industrial Equipment.	15th of month	3
CPA-1962	Jan. 7, 1946	12-R456.4	Merchants' monthly report of merchandise receipts and sales	L-219	Wholesale, Retail Trade.	25th of month	1
CPA-2117	Aug. 15, 1946	12-R691.13	Appeal from provisions of U-2 (to be filed by telephone operators)	U-2	Office of Operations Vice Chairman.	On appeal	2
CPA-2242	Apr. 30, 1946	12-R795.9	Request for relief	R-1	Rubber Division	On request	4
CPA-2278	July 12, 1946	12-R821.8	Bismuth: application for authorization to accept delivery and/or to use.		Tin, Lead, and Zinc	15th of month	4
CPA-2822	June 27, 1946	08-R453.1	Information to be used in the revision of quotas for operating mines.		Copper	As specified	4
CPA-2842	Aug. 1, 1946	12-R1184.5	Textiles: application for Priorities Assistance	PR-28a	Textiles Division		2
CPA-2901	Apr. 25, 1946	12-R564.9	Processor's monthly report of abaca and agave fibers, cordage, and twine.	M-84	Textile	10th of month	2
CPA-2904 (Suppl.)		12-R2669.1	Letter re: Pig iron				
CPA-2919	July 12, 1946	12-R252.7	Consumption and stocks of scrap and secondary lead and tin	PR-32	Bureau of Mines	10th of month	2
CPA-2920	July 12, 1946	12-R619.6	Secondary lead and antimonial lead in pig form: producers report on production, stocks, shipments.	PR-32	Tin, Lead, and Zinc	10th of month	1

CIVILIAN PRODUCTION ADMINISTRATION FORMS—Continued

Form No.	Date issued or revised	Budget Bureau No.		Related order or regulation	Where to file	When to file	Number of copies
CPA-2931	July 11, 1946	12-R272.9	Antimony: application and monthly report of inventory, consumption, production and requirements.	M-112	Tin, Lead, and Zinc	20th of month	3
CPA-2945	July 19, 1943		Chemical materials: customer's application for deliveries. (Plus tables and continuation sheet.)	Various	Chemicals Division	On application	
CPA-2946	Mar. 18, 1946		Chemicals: supplier's schedule of deliveries	Various	Chemicals Division	As specified	
CPA-2947	Apr. 29, 1946		Chemicals: supplier's schedule of deliveries	Various	Chemicals Division	As specified	1
CPA-3215	May 9, 1946	12-R1505.3	Tapioca: processors' and distributors' quarterly report of receipts	M-333	Chemicals Division	As specified	1
CPA-3410	July 30, 1946	12-R019.14	Rubber: report on stocks, receipts, production, consumption, and shipments. (Plus instructions.)	R-1	Rubber Bureau	10th of month	2
Suppl. 1	July 30, 1946	12-R2725.1	Rubber: Report on consumption by product codes	R-1	Rubber Bureau	10th of month	1
CPA-3438	Mar. 14, 1946	12-R1656.7	Tires, tubes, camel back, and finished mill stock: manufacturer's monthly report on production, shipments, and inventory.	R-1	Rubber Bureau	20th of month	2
CPA-3657A	Aug. 14, 1946	12-R2046.6	Lumber: sawmill operator's report of production during the month and stocks on hand at the end of the month—Eastern United States.		Lumber, Lumber Products.	Monthly	1
CPA-3657B	Aug. 15, 1946	12-R2047.6	Lumber: sawmill operator's report of production during the month and stocks on hand at the end of the month—Western United States.		Lumber, Lumber Products.	Monthly	1
CPA-3662	July 16, 1946	12-R2106.8	Natural and synthetic rubber: request for permission to consume	R-1	Rubber Bureau	10th of month	3
CPA-3682	July 15, 1946	12-R2107.7	Natural and synthetic rubber: request for permission to purchase	R-1	Rubber Bureau	15th of month	4
CPA-3732	July 10, 1946	12-R2119.5	Application for priority assistance for production under M-328B, 2d Quarter 1946 only.	M-328B	Textiles	Apr. 23, 1946	2
CPA-3732.7	July 18, 1946	12-R2596.4	Instructions on use of WPB-3732 pursuant to M-328B, Schedule F: work gloves.	M-328B	Textiles, Clothing, and Leather.	Apr. 23, 1946	3
CPA-3909	July 19, 1946	12-R2250.4	Uranium, uranium compounds, alloys, and mixtures: application to purchase and allocation.	M-285	Miscellaneous Minerals.	20th of month	6
CPA-3910	July 19, 1946	12-R2249.4	Monthly report of uranium ores and residues and tailings	M-285	Miscellaneous Minerals.	10th of month	2
CPA-4231	July 18, 1946	12-R2513.4	Tires; manufacturer's weekly cured production report		Rubber	Weekly	1
CPA-4284	Aug. 23, 1946	12-R2559.4	Copper and copper-base alloy: monthly report of operations		Copper	10th of month	2
CPA-4300	May 20, 1946	12-R2591.2	Automobiles: monthly production, production shipment and production forecast.		Automotive	5th of month	2
CPA-4338	July 25, 1946	12-R2683.1	Production materials and components: manufacturer's inventory, anticipated usage, order position and indicated cancellation.		Compliance	On application	1
CPA-4341	May 20, 1946	12-R2626.2	Trucks: monthly production and production forecast	L-352	Automotive	5th of month	2
CPA-4345	June 10, 1946	12-R2629.2	Steel producer's monthly report	M-21	Steel	10th of month	3
CPA-4351	July 12, 1946	12-R2631.2	Woven textiles; notice of inability to comply, etc	M-328-b	Textile, Clothing, and Leather.		2
CPA-4361	Dec. 26, 1946	12-R2638.2	Pig iron: production data	M-21	Steel	10th of month	1
CPA-4387	Jan. 3, 1946	12-R2680	Supplemental application for preference rating; reconversion housing program.				
CPA-4394	Apr. 17, 1946	12-R2690.3	Rayon twills and serges: weavers' monthly production, deliveries, and inventories 88 to 140 sley.	Dir. 30 to M-328	Textile	10th of month	2
CPA-4395	Aug. 5, 1946	12-R2691.2	Rayon twills and serges: application to participate in rayon lining production program.	M-391, Dir. 2	Textile		
CPA-4406	July 22, 1946	12-R2699.1	Asbestos cement building materials manufacturer's monthly report.		Cork, Asbestos, and Fibrous Glass Branch.	10th of month	1
CPA-4408	Aug. 7, 1946	12-R2701.1	CPA production representative's first report—Lumber Industry				
CPA-4409	Aug. 8, 1946	12-R2702.1	CPA production representative's report—masonry building products.				
CPA-4412	July 8, 1946	12-R2706.1	Civilian apparel: rating extension form for second quarter, 1946	M-328B	Textiles		2
CPA-4413	July 13, 1946	12-R2678.3	Civilian apparel: converter's and jobber's certification to supplier for fabrics for 2d quarter, 1946, delivery to apparel manufacturers.	M-328B	Textiles		2
CPA-4414	Aug. 2, 1946	12-R2677.3	Piece goods: fabric supplier's certification for purchase of fabric for ultimate retail sale as over-the-counter piece goods.	M-328B	Textiles		2
CPA-4415	May 2, 1946	12-R2703.1	Prefabricator's application for priority assistance—Reconversion Housing Program under PR-33, Dir. 8, 2d quarter, 1946.	PR-33, Dir. 8		Apr. 1, 1946	4
CPA-4419	Mar. 13, 1946	12-R2708	Request letter for a base period consumption of rubber used in production of selected items.		Rubber		
CPA-4421	July 2, 1946	12-R2710.1	Softwood plywood: distributors monthly report of receipts, sales and inventory.	PR-33, Dir. 1A	Forest Products		1
CPA-4422	Mar. 22, 1946	12-R2711	House door manufacturers and stock cabinets manufacturers monthly report of production, sales, shipments, and softwood plywood receipts.	PR-33, Dir. 1A	Forest Products	10th of month	1
CPA-4423	June 7, 1946	12-R2712.1	Application for authority to construct (nonhousing) including alterations and repairs to existing structures.			As specified	4
CPA-4425	June 28, 1946	12-R2714.1	Application for producer of critical products for urgency certificate to obtain surplus equipment from WAA.	PR-13, Dir. 16		As specified	1
CPA-4434	June 25, 1946	12-R2719	Monthly report on building paper and building board production.		Census Bureau	8th of month	2
CPA-4435	May 3, 1946	12-R2720	CPA production representative report, plumbing and heating products.		Field Operations	Daily	2
CPA-4444	June 25, 1946	12-R27	Monthly report on finished building board production		Census Bureau	8th of month	2
CPA-4460	June 5, 1946	12-R2737	Low cost clothing	N-328B	Textiles	June 17, 1946	1
CPA-4463	July 24, 1946	12-R2740	Asphalt and Tarred Roofing and Siding Products—Producers Monthly Report.		Census Bureau	10th of month	2
CPA-4466	July 12, 1946	12-R2741.1	Application for Authorization to Place Certified Orders for Steel	M-21, Dir. 12	Steel	As specified	3
CPA-4471	July 11, 1946	12-R2744	Letter to those not filing CPA-1420		Textiles	As specified	2
CPA-4473	July 31, 1946	12-R2747.1	Lumber, millwork, flooring and softwood plywood		FPHA	As specified	2
CPA-4475	July 12, 1946	12-R2748	Application for authorization to place certified orders for merchant pig iron.	M-21, Dir. 13		July 15, 1946	3
CPA-4477	July 22, 1946	12-R2745	Monthly report of gypsum board production		Building Materials	8th of month	2
CPA-4478	July 20, 1946	12-R2750	Farm type wheel and track-laying tractors		Equipment	10th of month	1
CPA-4480	Aug. 9, 1946	12-R2752	Monthly report on Production of critical electrical wiring devices		Building Materials	24th of month	1
CPA-4481	Aug. 8, 1946	12-R2749	Steel producer's and steel distributor's report		Steel	20th of month	2
CPA-4483	Aug. 6, 1946	12-4629	Estimated use of critical building materials nonresidential construction.				5
CPA-4485	July 23, 1946	12-4628	Asphalt and tarred roofing and siding products capacity questionnaire.		Building Materials		2
CPA-4488	Aug. 2, 1946	12-R2757	Scheduled production and rubber requirements		Rubber	Quarterly	2
CPA-4491	July 31, 1946	12-R2758	Application for priorities assistance for iron and iron castings and steel under Dir. 18 to PR-28, 4th quarter 1946.	PR-28, Dir. 18		Aug. 15, 1946	3
CPA-4498	Aug. 27, 1946	12-4637	Lumber, flooring, and millwork questionnaire				1

§ 904.406 *Table II.*

REPORTING REQUIREMENTS IN ORDERS AND REGULATIONS WITHOUT CPA FORMS

Order or regulation and related paragraph	Content of reporting requirement	Where to file	When to file	Number of copies

NOTE: Orders and regulations will be inserted on this table from time to time as they are issued or amended after September 11, 1946.

Issued this 28th day of August 1946.

CIVILIAN PRODUCTION ADMINISTRATION,

By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-15404; Filed, Aug. 28, 1946; 5:05 p. m.]

PART 904—PROCEDURES

[Procedural Document 5]

COMPLIANCE PROCEDURE

Sec.

904.501 Investigations and actions thereon.
904.502 Charging letter.
904.503 Compliance Commissioners.
904.504 Hearings.
904.505 Witnesses; admissions and denials by respondent.
904.506 Matters of defense.
904.507 Recommendations and directives by Compliance Commissioners.
904.508 Review by Director of the Compliance Division and General Counsel.
904.509 Suspension orders.
904.510 Consent orders; exceptions and authorizations under suspension orders.
904.511 Authority of Chief Compliance Commissioner where no appeal is made.
904.512 Appeal.
904.513 Investigatory proceedings.
904.514 Temporary suspension order; special hearing.
904.515 Appearances by former WPB or CPA employees.

§ 904.501 *Investigations and action thereon.* (a) The Compliance Division has sole authortiy within the Civilian Production Administration for authorizing and conducting investigations and surveys relating to compliance with CPA orders and regulations.

(b) Systematic surveys are undertaken by the compliance field staff under all major programs of the Civilian Production Administration to determine violations. These surveys are planned and directed by the Washington compliance staff and are conducted through audit and examination of documents and records of firms subject to the orders and regulations of the agency. When completed the surveys are analyzed and evaluated by the Washington compliance staff and, where necessary, referred to the field for further action. Investigations are also made by the compliance staff of specific complaints of violations which are received by the Agency.

(c) After completion of an investigation which has disclosed a violation, the Director of the Compliance Division may either close the case, issue a warning letter, effect a quota adjustment if the violator admits the violation and agrees to the adjustment, or refer the case to the Office of the General Counsel or Regional Attorney for legal action. The Office of the General Counsel or the Regional Attorney may refer the case to the Department of Justice for criminal or civil action or institute administrative proceedings. In the latter event a charging letter or telegram is prepared for the signature of the Director of the Compliance Division or the Regional Branch Manager advising the respondent of the specific violations charged and the administrative action that may be taken against him.

§ 904.502. *Charging letter.* When a letter charging specific violations has been issued by a Regional Compliance Manager, the respondent is advised that the matter will be presented to a Compliance Commissioner at a hearing. The respondent should write or phone the Regional Compliance Manager to arrange a date for the hearing. In the event the respondent does not communicate with the Regional Compliance Manager prior to the date specified in the letter, the Regional Compliance Manager will set the date and the respondent will be advised.

§ 904.503 *Compliance Commissioners.* The Compliance Commissioners of the Civilian Production Administration are appointed by the Administrator, are attached to his office, and are responsible solely to him. They are not a part of the Office of the General Counsel or the Compliance Division. The duty of Compliance Commissioners is to hear and determine charges of violation of orders and regulations of the Civilian Production Administration which have been brought by the Compliance Division against persons or corporations, who are referred to as respondents.

§ 904.504 *Hearings.* Hearings before Compliance Commissioners are held for the purpose of bringing forth all of the facts and circumstances relevant to the charges which have been made. These hearings are purely voluntary and no respondent is required either to attend or to testify. Violations of Civilian Production Administration regulations and orders are criminal offenses, punishable by imprisonment or a fine under the Second War Powers Act, and respondent is entitled to his constitutional privileges against self-incrimination. The Compliance Division is represented by its attorneys and such investigators or analysts as are necessary to present its side of the case. The respondent may be represented by counsel and should bring to the hearing such other persons as are necessary to present its defense or explanation of the charges. The respondent should be represented by persons thoroughly familiar with its operations and the controls it has established to comply with applicable orders and regulations. If records or reports are to be offered in support of the respondent's explanation or defense, the person offering such records or reports should be familiar with their preparation and factual background. Two copies of any explanatory statement which has been prepared and one copy of every other document to be offered for the Commissioner's consideration should be submitted at the hearing.

§ 904.505 *Witnesses; admissions and denials by respondent.* Witnesses at hearings are not placed under oath unless the Commissioner deems it necessary. At the beginning of each hearing the Commissioner will attempt to determine what facts are in issue. If the respondent admits the facts which constitute the violations charged, the Commissioner will request the respondent to present whatever explanation or defense he has to offer respecting the charges. If, on the other hand, respondent denies any or all of the facts set forth in the charges, the Compliance Division will be called upon to produce proof of the charges. A transcript of the proceedings is made by a court reporter, and a copy of it may be obtained by respondent at his own expense.

§ 904.506 *Matters of defense.* Respondent's explanation or defense should in general be restricted to matters which may excuse, explain, or disprove the violations charged. Respondent will, however, be afforded an opportunity to state by way of explanation any operational difficulties or problems which may have caused or contributed to the violations, including problems of accounting, bookkeeping, production or purchasing, or any other practical difficulties experienced in conforming or attempting to conform to the applicable regulations or orders. The Commissioner may also call upon production or priority experts of the Civilian Production Administration for advice or assistance during the course of the proceeding.

§ 904.507 *Recommendations and directives by Compliance Commissioners.* Compliance proceedings are instituted for the purpose of ascertaining whether or not violations have occurred and, if violations are found, what action, administrative or otherwise, shall be taken, and for the further purpose of determining the reason for the violations and how they can be prevented in the future. After considering the case, the Compliance Commissioner may recommend: (a) That a suspension order be issued against the respondent, withdrawing or withholding priorities assistance and allocations or allotments of scarce materials or otherwise restricting the respondent in the acquisition, production, use or disposition of scare materias or items containing scarce materials, or otherwise regulating the business conducted by respondent in order to assure future compliance; (b) That the case be referred to the Department of Justice with a recommendation for the institution of civil or criminal proceedings; (c) Or the Commissioner may direct: (1) That no final disposition be made of the case for a specified period of time pending a determination of the possibility of continuing violations in the future; (2) That the case be closed.

§ 904.508 *Review by Director of the Compliance Division and General Counsel.* Upon the basis of the facts brought forth at the hearing, the Compliance Commissioner will make a report containing findings of fact and recommendations. In the event the Commissioner recommends the issuance of a suspension order, the report will be forwarded to Washington, where the recommendation will be subject to review by the Director of the Compliance Division and by the General Counsel of the Civilian Production Administration, but only in the following respects:

(a) If either the Director of the Compliance Division or the General Counsel do not concur, no suspension order may be issued, and

(b) The Director of the Compliance Division and the General Counsel may jointly revise the recommended order by reducing the period of suspension or otherwise mitigating the effect of the order, but may not prescribe a more severe order than has been recommended.

§ 904.509 *Suspension orders.* Suspension orders are not ordinarily issued unless the Commissioner finds that the violations were wilful or caused by gross negligence, but where the suspension order is designed to affect a readjustment in cases where the respondent has exceeded his allowable quota or allocation of receipts, use, production or delivery of materials, or to reduce an excessive inventory, or to put a stop to violations, no finding of wilfulness or gross negligence is required.

§ 904.510 *Consent orders; exceptions and authorizations under suspension orders.* The Director or Deputy Director of the Compliance Division may at any time, with the approval of the Office of the General Counsel and a Compliance Commissioner, direct the issuance of a suspension order upon the consent of the respondent and the issuance of specific exceptions or authorizations under suspension orders; this authority may be delegated by the Director to other officials of the Civilian Production Administration.

§ 904.511 *Authority of Chief Compliance Commissioner where no appeal is made.* The Chief Compliance Commissioner may also at any time, with the consent of the Office of the General Counsel, revoke or modify any suspension order by diminishing the period of suspension or the restrictions imposed though no appeal from the order has been taken by the respondent.

§ 904.512 *Appeal.* If the respondent objects to the action taken against him, he may appeal in writing to the Chief Compliance Commissioner, Civilian Production Administration, Washington, D. C., whose decision in the case shall be final. A copy of the "Rules and Procedure Governing Appeals from Suspension Orders" will be given the respondent or his attorney at the time of the Compliance hearing. In all cases in which a suspension order is issued, a copy of the Compliance Commissioner's Report and Final Recommendations will be sent to the respondent with a copy of the suspension order.

§ 904.513 *Investigatory proceedings.* In order to secure evidence which investigators have been unable to obtain, the Regional Attorney and the Regional Compliance Manager may institute investigatory proceedings before a Compliance Commissioner, and subpoenas may be issued by the Commissioner requiring the presence of witnesses or production of documents. Such hearings should never be used as "fishing expeditions", and the evidence sought to be obtained should always be material to the subject of the investigation. No report or recommendation shall be made by the Compliance Commissioner who acts solely as a presiding officer.

§ 904.514 *Temporary suspension order; special hearing.* Subject to the approval of the Office of the General Counsel, the Director or Deputy Director of the Compliance Division may, at any time, direct the issuance of a temporary suspension order with or without notice. In such cases the alleged violator may request a special hearing without the issuance of a formal charging letter and arrangements for such hearing shall be made by the Regional Compliance Manager as speedily as possible. If the alleged violator consents in writing to the terms of the temporary suspension order or waives a hearing, the order will then be made permanent. In all other cases the Regional Compliance Manager shall issue a charging letter as soon as possible in order that the respondent may be informed of the charges against him and a hearing held as soon as practical.

§ 904.515 *Appearances by former WPB or CPA employees.* No person shall represent, or be permitted to represent, a respondent in any hearing before a Compliance Commissioner, or act, or be permitted to act, as agent or attorney for, or representative of, any person, corporation, partnership, association, or organized group of persons in any compliance proceedings in the Civilian Production Administration, if such person (1) is or has been at any time associated with the specific matter involved as an officer or employee of the War Production Board or the Civilian Production Administration or (2) has been within one year an officer or employee of the War Production Board or the Civilian Production Administration.

Issued this 28th day of August 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-15405; Filed, Aug. 28, 1946; 5:05 p. m.]

PART 904—PROCEDURES

[Procedural Document 6]

RULES AND PROCEDURES GOVERNING APPEALS FROM SUSPENSION ORDERS

Sec.
904.601 Appeals by respondents.
904.602 Stays pending appeal.
904.603 Deputy Chief Compliance Commissioner.

The following rules and procedures have been prescribed by the Chief Compliance Commissioner of the Civilian Production Administration.

§ 904.601. *Appeals by respondents.* (a) Any person or corporation affected by the provisions of a suspension order may appeal from any or all of the provisions of such order to the Chief Compliance Commissioner of the Civilian Production Administration.

(b) The appeal shall be made in writing and must be submitted within thirty day from the date of issuance of the suspension order, *Provided, however,* The Chief Compliance Commissioner may in his discretion permit the filing of an appeal at any time during the effective period of the Suspension Order.

(c) The respondent will file a signed original and three copies of the appeal with the Chief Compliance Commissioner, Rm. 4062, Social Security Building, Civilian Production Administration, Washington 25, D. C. The Chief Compliance Commissioner will furnish copies of the appeal to the Director of the Compliance Division and the appropriate Regional Compliance Manager.

(d) The appeal shall set forth the points relied upon by the respondent for relief from the provisions of the Suspension Order together with the arguments advanced in opposition to the findings. The appeal may also set forth the effect of the Suspension Order upon the respondent's operations. The Chief Compliance Commissioner will not consider arguments bearing on the policy embodied in the orders or regulations which the respondent has been found to have violated.

(e) The Director of the Compliance Division or the Regional Compliance Manager who issued the letter charging the violation upon which the suspension order was based may within fifteen days from the receipt of an appeal file with the Chief Compliance Commissioner an original and three copies of an answer to the appeal. A copy of any such answer shall be furnished the respondent, and within five days from the receipt of the answer, respondent may file with the Chief Compliance Commissioner an original and three copies of a reply. The Chief Compliance Commissioner may in his discretion require the filing of an answer within a shorter period of time.

(f) The Chief Compliance Commissioner may, after the filing of an appeal, permit the respondent to appear before him and make an oral presentation of his appeal. The Director of the Compliance Division will be notified of any meeting and a representative of the Compliance Division will be permitted to attend and present the views of the Division.

(g) The Chief Compliance Commissioner, after a review of the record in the case in the light of the appeal, the answer and the reply, will either grant or deny the appeal in whole or in part, and his decision thereon shall be final.

(h) No person shall represent, or be permitted to represent, a respondent in any appeal if such person

(1) is or has been at any time associated with the specific matter involved as an officer or employee of the War Production Board or the Civilian Production Administration; or

(2) has been, within one year, an officer or employee of the War Production Board or the Civilian Production Administration.

§ 904.602 *Stays pending appeal.* Pending the determination of an appeal, the Chief Compliance Commissioner, upon a showing of irreparable harm, may in his discretion stay the provisions of a Suspension Order. An application for a stay must be made in writing to the Chief Compliance Commissioner.

§ 904.603 *Deputy Chief Compliance Commissioner.* The Chief Compliance Commissioner may assign cases to his Deputy who shall be authorized to exercise any and all of the powers of the Chief Compliance Commissioner with respect to the cases so assigned.

Issued this 28th day of August 1946.

CIVILIAN PRODUCTION ADMINISTATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-15406; Filed, Aug. 28, 1946; 5:06 p. m.]

PART 904—PROCEDURES

[Procedural Document 7]

INDUSTRY ADVISORY COMMITTEES

Sec.
904.701 Consultation with Committees.
904.702 Formation.
904.703 Authority for use of Committees.
904.704 Attendance.
904.705 Informal conferences.
904.706 Functions of the Office of Industry Advisory Committees.

§ 904.701 *Consultation with Committees.* The Civilian Production Administration generally consults the appropriate industry advisory committees before taking action which would materially affect production or distribution of a product or material. The Civilian Production Administration industry division having jurisdiction over an industry to be affected is responsible for discussing the plan with the Industry Advisory Committee for that industry. Exceptions to this rule are made where prompt action is imperative or where prior public knowledge of an intended action would defeat its purpose. In such cases the action is customarily discussed with the Industry Advisory Committee soon afterwards.

§ 904.702 *Formation.* Industry Advisory Committees are formed by the Director, Office of Industry Advisory Committees, on the recommendation of the directors of the industry divisions, who submit reasons for formation, proposed membership with statistical data to show its representative character, proposed Government Presiding Officer, and proposed agenda for first meeting.

The membership of Industry Advisory Committees is limited to senior executives from the minimum number of companies necessary to represent a fair cross section of the industry from the standpoints of (a) large, medium and small companies, (b) geographical distribution, (c) trade association membership, and (d) segments of the industry (types of products, degree of integration, etc.). To promote free discussion different levels of production and distribution are regularly represented by separate Industry Advisory Committees rather than by a single Committee consisting of customers and suppliers.

§ 904.703 *Authority for use of Committees.* To assure Industry Advisory Committee members against involuntary violation of the anti-trust laws while attending meetings, the Civilian Production Administration and its predecessor agencies exchanged letters with the Attorney General, which approved the use of Industry Advisory Committees provided certain limitations and restrictions are observed. The members of the committees are given to understand that they defray their own expenses, that their function is solely advisory and that the Government will make no commitments to them. They are warned that any concerted action they take, except to agree on recommendations at meetings officially called and presided over by the Government Presiding Officer, is subject to the normal operation of the anti-trust laws. The membership of the Industry Advisory Committees is checked in relation to the compliance proceedings of the Civilian Production Administration in accordance with the policy to suspend or remove from the Committee members who are found in violation of Civilian Production Administration orders.

§ 904.704 *Attendance.* (a) Any subject which is within the purview of the Civilian Production Administration may be placed on the agenda of an Industry Advisory Committee meeting. Where the subjects are of direct interest to other agencies or concern joint responsibilities of the Civilian Production Administration and other agencies, the Civilian Production Administration seeks to have authorized spokesmen from all responsible Government units attend the meetings and participate in the discussion. Attendance by "observers" is discouraged. Where all participating agencies agree to observe the rules used by the Civilian Production Administration to protect Industry Advisory Committee members from anti-trust violations, the Civilian Production Administration calls jointly sponsored meetings for discussion of interagency problems.

(b) To enable expeditious handling of business, industry attendance is regularly limited to Industry Advisory Committee members or Civilian Production Administration approved alternates. In restricting attendance the Civilian Production Administration accepts the responsibility of making available to companies not represented on the Industry Advisory Committee and to the public the information disclosed to Industry Advisory Committee members. This is accomplished by asking Industry Advisory Committee members to discuss freely with interested persons all proceedings not designated confidential, issuing full press releases on meetings, and making summaries of meetings available to the entire industry and the trade press.

§ 904.705. *Informal conferences.* On technical or specialized problems or preliminary to formation of an Industry Advisory Committee, the appropriate industry division director or the Director, Office of Industry Advisory Committees, may call an informal conference of industry representatives. He may also request a small group of industry representatives to prepare and submit a report based on their knowledge or on information readily available to them. The "task group letter" advises the addresses not to circulate questionnaires or consult their competitors. The Civilian Prodution Administration takes action on recommendations of a "task group" only where an Industry Advisory Committee has previously approved the "task group" for the purpose of making a recommendation, or the recommendation has been discussed with the Industry Advisory Committee.

§ 904.706 *Functions of the Office of Industry Advisory Committees.* In addition to general supervision over Industry Advisory Committees, the Office of Industry Advisory Committee performs the following functions:

(a) Calls a meeting of the Industry Advisory Committee at the request of any 3 members who submit an agenda adjudged within the purview of the Civilian Production Administration;

(b) At the request of interests not represented by an Industry Advisory Committee and who wish to discuss the effects of Civilian Production Administration actions on their operations, arranges for an informal conference with responsible Civilian Production Administration officials, or, cooperates with the appropriate division director in forming an Industry Advisory Committee;

(c) Considers and acts on recommendations for changing the membership of Industry Advisory Committees to increase their representative character, and in particular to increase the representation for small business;

(d) Makes available to persons properly and directly concerned the membership lists and summaries of meetings of Industry Advisory Committees.

Issued this 28th day of August 1946.

CIVILIAN PRODCUTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-15407; Filed Aug. 28, 1946; 5:06 p. m.]

PART 904—PROCEDURES

[Procedural Document 8]

LABOR ADVISORY COMMITTEES

Sec.
904.801 Consultation with committees.
904.802 Meetings.
904.803 Formation.
904.804 Membership.
904.805 Public information.

§ 904.801 *Consultation with committees.* The Civilion Production Administration generally consults the appropriate Labor Advisory Committee in situations in which its actions or proposed actions would have a material affect upon labor or in which the viewpoint of labor is desired before a final decision is reached.

§ 904.802 *Meetings.* Meetings are called at the request of the Government presiding officer in the Industry Division affected or at the request of the Office of Labor Advisory Committees with the approval of the Division Director. Members of the Labor Advisory Committee who wish to suggest a meeting may address their request to the appropriate Industry Division Director or to the Director, Office of Labor Advisory Committees, supplying a proposed agenda.

§ 904.803 *Formation.* Labor Advisory Committees are formed by the Director, Office of Labor Advisory Committees on the recommendation of the Director of the Industry Division who submits information on the purpose for which the Labor Advisory Committee is to be established, the proposed composition of the committee, the date and time of the first meeting and the Government representatives to be notified of the meetings, and the proposed Government presiding officer.

§ 904.804 *Membership.* The membership of Labor Advisory Committees is selected from the labor organizations involved in the industries in question. The labor organizations are requested to nominate members who will represent a fair cross section of employment in the industry. Attendance at meetings is limited to the Committee members or their approved alternates.

§ 904.805 *Public information.* (a) The Civilian Production Administration informs the public of information disclosed to Labor Advisory Committee members by:

(1) Asking Committee members to discuss with all interested parties, proceedings not specifically labeled "confidential",

(2) Issuing press releases on all meetings, and

(3) Making summaries of all meetings available.

(b) The membership of each committee is publicized at the time of its first meeting and the list of Committee members are available at the Office of Labor Advisory Committees to persons properly and directly concerned.

Issued this 28th day of August 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHALEN,
Recording Secretary.

[F. R. Doc. 46—15408; Filed, Aug. 28, 1946; 5:06 p. m.]

PART 904—PROCEDURES

[Procedural Document 9, as Amended Sept. 4, 1946]

CIVILIAN PRODUCTION ADMINISTRATION'S PROCEDURE RELATIVE TO SELECTIVE SERVICE CERTIFICATIONS

Sec.

904.901 General policies.
904.902 Special provisions.
904.903 Civilian Production Administration certification.
904.904 Definitions.
904.905 Civilian Production Administration certification policy.
904.906 Civilian Production Administration certification procedure.

§ 904.901 *General policies.* (a) In compliance with policies and procedures established under Selective Service Local Board Memorandum No. 115, as amended, the Civilian Production Administration will certify applications for occupational deferment of key workers in essential reconversion production and transportation.

(b) In general, a registrant age 19 through 29 may be retained or placed in Class II–A if the local board finds that he is irreplaceable and indispensable to an activity essential to the national existence. An activity essential to the national existence is one of such importance that any disruption thereof would adversely affect the physical well-being, the public safety or economic life of the community or the nation.

§ 904.902 *Special provisions.* In order to meet more adequately the most essential civilian manpower needs of the nation, however, special provision has been made by the Selective Service System permitting the certification of certain registrants by specified governmental agencies. These certifications are to be submitted to Selective Service Headquarters and transmitted by the Director of Selective Service to the local draft boards through the State Directors. The boards are instructed to give the most serious consideration to the occupational deferment of such registrants. The following certifications have been authorized:

(1) Registrants engaged in advanced studies in the physical sciences and engineering will be certified by the Office of Scientific Research and Development.

(2) Registrants engaged in university research in the physical sciences or engineering will be certified by the Office of Scientific Research and Development.

(3) Registrants engaged in industrial and foundational research in the physical sciences or engineering will be certified by the Office of Scientific Research and Development.

(4) Teachers in accredited colleges or universities will be certified by the United States Office of Education.

(5) Production workers in essential reconversion industries and transportation will be certified by the Civilian Production Administration.

(6) Construction workers will be certified by the National Housing Agency.

§ 904.903 *Civilian Production Administration certification.* (a) In accordance with Selective Service policies, the Civilian Production Administration will certify the following registrants engaged in production (Authority to certify for transportation workers has been delegated to the Office of Defense Transportation by Directive 45):

(1) Supervisory, technical, or scientific personnel whose removal would significantly retard production in industries essential to reconversion or otherwise essential to the national existence;

(2) Qualified and irreplaceable production workers in industries designated as critical by CPA. The Civilian Production Administration, from time to time, makes a determination of critical products, in programs such as veterans' housing, public health, and food and famine relief, requiring special Government action. The current List of Critical Materials and Products can be obtained by writing to the Office of Economic Review and Analysis, Civilian Production Administration, Washington 25, D. C.

§ 904.904 *Definitions.* (a) The industries intended to be covered by §904.903 (a)(1) above are those considered by the Civilian Production Administration to be essential, though not necessarily critical, to the present national reconversion and production programs. Supervisory personnel are those responsible for directing and coordinating the activities of a group of workers on a specific job. Technical personnel are employees who by reason of specialized training and/or work experience are particularly qualified to perform work of a highly technical nature (e. g. engineers, metallurgists and journeymen patternmakers). Scientific personnel are those educationally qualified to perform professional work in the physical sciences and whose activities are immediately and directly related to production processes.

(b) It is intended that the industries covered in § 904.903 (a) (2) above will be limited to those listed on the CPA Critical Materials and Products List. By qualified and irreplaceable production workers is meant all categories of workers engaged in the production of "critical products" whose loss would result in a material reduction in the output of such products and for whom no qualified replacements are available.

§ 904.905 *Civilian Production Administration certification policy.* It is expected that CPA certifications will be held to a minimum. Only upon that basis is it possible for Selective Service Headquarters to accept the certifications in good faith and for local boards likewise to honor the certifications. All applications for deferment will therefore be scrutinized very carefully and the above criteria and definitions will be applied in a strict and equitable manner.

§ 904.906 *Civilian Production Administration certification procedure.* Employers or self-employed registrants who seek a CPA certification should send to the Civilian Production Administration, Office of Labor Requirements, Washington 25, D. C., a complete set (original, duplicate and triplicate) of Selective Service Form 42A (Special-Revised). The form can be obtained from the local draft boards. Extreme care should be exercised to furnish adequate details. In addition to a mere description of the registrant's job, there should be a clear indication of the relation between the registrant's work and reconversion, national existence, or critical production, and a showing of the probable effect of the loss of the registrant upon output. The record of the registrant's prior work experience and educational background should present data pertinent to the specific activities described above. Applicants for certification will be advised of Civilian Production Administration action promptly.

Issued this 4th day of September 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46–15409, 46–15917; Filed, Aug. 28, Sept. 5, 1946; 5:06 p. m., 8:57 a. m.]

PART 904—PROCEDURES

[Procedural Document 10]

CLAIMS UNDER THE CONTRACT SETTLEMENT ACT OF 1944

Sec.
904.1001 Claims under section 17.
904.1002 Other claims, including certain claims under section 17b.
904.1003 Approval or denial of claims.
904.1004 Appeals.

§ 904.1001 *Claims under section 17.* All claims asserted against the War Production Board or the Civilian Production Administration or requests made under section 17 of the Contract Settlement Act of 1944 (58 Stat. 649) except as noted below, should be submitted to the Director of the Financial Policy Division. Where the Director finds that a claimant has a valid claim or request, he will certify to the Division of Budget Administration and the Division of Administrative Services the extent to which the claimant is entitled to fair compensation or fair treatment. These reference Divisions will take the necessary administrative action to insure completion of the case.

§ 904.1002 *Other claims, including certain claims under section 17b.* All claims asserted or requests made under section 17b of the Contract Settlement Act of 1944 with respect to contracts entered into on behalf of the Civilian Production Administration or on behalf of the War Production Board and authorized under Congressional appropriations, and with respect to settling claims arising from terminated war contracts so entered into and authorized (such as the contracts which were sponsored by the Office of Production Research and Development) should be directed to the Contract Termination and Settlement Officer of the Division of Administrative Services. This officer has authority to negotiate with claimants. The terms of the proposed settlements under terminated war contracts will be presented to the Civilian Production Administration Settlement Review Board for approval. After approval of the terms by the Board, the Contract Termination and Settlement Officer will take the necessary steps to provide payment. On requests or claims on matters relating to non-terminated contracts made by the Civilian Production Administration or War Production Board, the same official, acting as the Civilian Production Administration Contracting Officer, will decide the case, although the Civilian Production Administration Settlement Review Board may act in an advisory capacity upon request of the Contracting Officer.

§ 904.1003. *Approval or denial of claims.* The appropriate Civilian Production Administration official will, subject to the approval of the Office of the General Counsel, and in conformity with Regulation 12 of the Office of Contract Settlement, approve or deny claims or requests asserted under section 17 of the Contract Settlement Act of 1944, except those section 17b claims which must also have approval of the Civilian Production Administration Settlement Review Board.

§ 904.1004 *Appeals.* Appeals under section 13 (a) of the act should be filed with the Appeal Board of the Office of Contract Settlement in accordance with Regulation 15 of that office.

Issued this 28th day of August 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-15410; Filed, Aug. 28, 1946; 5:07 p. m.]

COMMITTEE FOR RECIPROCITY INFORMATION

[19 CFR, Ch. III]

PART 310—CREATION AND AUTHORITY, ORGANIZATION AND ACTIVITIES

Sec.
310.1 Creation and authority.
310.2 Purpose.
310.3 Organization.
310.4 Activities.

§ 310.1 *Creation and authority.* The Committee for Reciprocity Information was created by Executive Order 6750, issued June 27, 1934, which was amended by Executive Order 8190 issued July 5, 1939, and further amended by Executive Order 9647 issued October 25, 1945. Executive Orders 6750 and 8190 were issued pursuant to the provisions of section 4 of the Act approved June 12, 1934 (48 Stat. 945; 19 U. S. C. (1940) 1354), and Executive Order 9647 was issued pursuant to that section, as amended by Public Law 130, 79th Congress, approved July 5, 1945.

§ 310.2 *Purpose.* The above-mentioned section 4 provides in part that before a trade agreement is concluded with any foreign government reasonable public notice shall be given in order that interested persons shall have an opportunity to present their views to the President or to such agency as the President may designate. The Committee for Reciprocity Information is the agency created for the purpose of receiving such views. The purpose of the Committee is to accord reasonable opportunity to all interested persons to present their views, formally or informally, on any proposed or existing trade agreement or any aspect thereof.

§ 310.3 *Organization.* The Committee consists of members appointed from the personnel of their respective agencies by the Chairman of the United States Tariff Commission, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of Agriculture, the Secretary of Commerce and the heads of such other agencies as the Secretary of State may designate on the recommendation of the Committee. In practice the members of the Committee are the persons most directly concerned with actual trade agreement negotiations and other trade agreement matters in the department or agency which they represent. The Chairman of the Committee is designated from among the members of the Committee by the Secretary of State. The Committee is authorized to designate such subcommittees as it may deem necessary.

§ 310.4 *Activities.* (a) The Committee's work is primarily concerned with receiving, and disseminating to the governmental departments and agencies concerned with the negotiation and administration of trade agreements, information and views presented by interested persons in regard to any proposed or existing agreement, or any aspect thereof.

(b) These views are received in formal briefs filed, and during formal hearings held, at times fixed by the Committee following the public notice by the Secretary of State of intention to conclude a trade agreement, and at other times in connection with formal hearings to consider the operation of a trade agreement. The Committee also receives informal views with respect to the operation of existing trade agreements or the possible conclusion of new agreements.

(c) The rules issued by the Committee provide that formal statements submitted to it in writing shall be in ten copies and that the original shall be under oath. Anyone who has presented a written statement and has requested to be heard may make oral presentation at the formal public hearings. The Committee digests the written and oral views received and transmits the digests to the various departments and agencies concerned with the trade-agreements program; the complete statements received by it are also available to those departments and agencies. Information submitted to the Committee by interested parties, except oral testimony and exhibits in public hearings, is treated as confidential and for the sole use of the governmental departments and agencies concerned. Transcripts of oral testimony adduced at public hearings, including exhibits presented at such hearings, are available for inspection by persons properly and directly concerned upon application to the Executive Secretary of the Committee. Copies of transcripts of the record of oral testimony at public hearings may be obtained by purchase from the official reporter.

(d) Communications should be addressed to the Committee for Reciprocity information, Tariff Commission Building, 8th and E Streets, N. W., Washington 25, D. C.

EDWARD YARDLEY,
Executive Secretary.

[F. R. Doc. 46-15186; Filed Aug. 28, 1946; 9:05 a. m.]

PART 315—SUGGESTIONS AS TO THE METHOD AND CHARACTER OF REPRESENTATIONS TO THE COMMITTEE FOR RECIPROCITY INFORMATION

Sec.
315.1 General.
315.2 Data with respect to import items.
315.3 Data with respect to export items.

§ 315.1 *General.* (a) The Committee for Reciprocity Information is the agency designated by the President, pursuant to section 4 of the Trade Agree-

ments Act, as amended, to receive the views of interested persons on any proposed or existing trade agreement or on any aspect thereof. This obligation naturally carries with it responsibility for seeing that views and information thus received are made available, promptly and in convenient form, to the trade-agreements organization for consideration, along with other available information, in arriving at specific recommendations with reference to tariff or other trade barriers affecting either import or export items. In fact, there are very close working relationships between the Committee for Reciprocity Information and the Trade Agreements Committee, the latter being the Committee which heads up the trade-agreements organization and is responsible for specific recommendations regarding trade-agreement action to the Secretary of State and the President.

(b) The Committee for Reciprocity Information believes it is desirable to offer certain suggestions as to the character of the data to be submitted to it in connection with trade-agreement matters. These suggestions are intended to indicate the types of information and data that are ordinarily most helpful to the interdepartmental trade-agreements organization in the performance of its functions. They apply to the preparation of written briefs and statements and to the presentation of oral views with regard to current trade-agreement negotiations, as well as to the presentation of problems that may arise in connection with existing trade agreements.

(c) It is the Committee's desire to obtain as much information as possible in advance of the negotiation of any trade agreement. The Committee is available for consultation with business and other interests concerning any phase of trade-agreement matters. Arrangements may be made to confer informally with the Committee concerning any special problem that may arise incident to current trade-agreement negotiations or in relation to an agreement already concluded. The Committee also receives suggestions regarding the possibility of initiating trade-agreement discussions with countries with which negotiations have not been announced.

(d) Whenever trade-agreement negotiations are contemplated, public notice of intention to negotiate is issued by the Secretary of State. At the same time there is issued a list of products upon which reductions or bindings in the United States tariff or other import charges may be considered; and no item which is not covered by this list, or by a supplemental announced list, will be a subject for negotiation. The Committee for Reciprocity Information also issues a notice indicating the time and place for the submission of written briefs concerning any matter relating to the proposed negotiations and the time and place of public hearings at which additional information and views may be presented. It is suggested that the text of these announcements be given careful attention in order that interested parties may determine the character of the data which they think may most usefully be conveyed to the Committee.

(e) There is no public announcement of the items on which concessions will be requested from the country or countries with which negotiations are contemplated. With respect to export items, therefore, representations, both in writing and orally, are in order with respect to any item of which the United States is actually or potentially an important source of foreign supply for the country in question.

(f) Written briefs are submitted to the Committee in ten copies (one of which is under oath) and in accordance with a few other simple rules which are stated in the announcements. All information submitted to the Committee by interest parties, except oral testimony and exhibits in public hearings, is treated as confidential and for the use of only the interdepartmental trade-agreements organization.

(g) Arrangements for appearances at public hearings should be made with the Committee within the time indicated in the announcements. The rules provide that only those who have previously filed written statements and have requested to be heard may make oral presentations at public hearings. While it is not the intention to exclude any form of presentation, it is preferable that material presented orally should expand or supplement rather than merely repeat data previously presented in writing, except as relevant to additional views presented. Also, the hearings provide an opportunity to cover developments which have taken place since a brief was submitted, or to present information not easily susceptible of explanation in writing. It is particularly desirable that detailed or voluminous statistical material be presented in writing rather than orally.

(h) Communications should be addressed to the Committee for Reciprocity Information, Tariff Commission Building, Eighth and E Streets, NW., Washington 25, D. C.

(i) Before submitting suggestions of a positive type regarding the kind of information which is ordinarily considered helpful, the Committee desires to call attention to certain negative aspects. It is anxious to discourage, so far as possible, the presentation of unnecessary and irrelevant data. The emphasis should be on presentation of factual information and views pertinent to the specific matters under consideration. All-inclusive requests and general protests are unlikely to prove helpful. There is no point, for example, in protesting against the philosophy and objectives of the Trade Agreements Act or the negotiation of any trade agreement whatsoever with the country under consideration, since these matters lie outside the scope of the Committee's functions.

(j) The following suggestions regarding data to be presented concerning export and import items are offered merely as a guide and are not intended to preclude the submission of other factual information and data that may be considered of importance in a particular case.

§ 315.2 *Data with respect to import items.* (a) As regards possible concessions by the United States on import articles, it is suggested that in any representation in behalf of domestic industry, attention should be given to:

(1) The precise interest which the writer or witness has in the proposed negotiations; the concern which he represents, its location, size, character of output, and importance in the given industry.

(2) The character of the domestic industry concerned; uses of its products; general location of plants; the number and character of the employees, whether skilled or unskilled; the quantity and value of the annual output; the position of the industry in the national business structure; and available information concerning costs in the domestic industry in comparison with costs in the principal competing foreign countries. In the latter connection, comparative data on labor costs should relate primarily to cost per unit of output (resulting from the combination of the productivity of labor and rates of wages). Information regarding wages alone, independent of productivity, is of only limited value.

(3) The extent and character of the competition to which the domestic industry has been or may be subjected by reason of imports, indicating by description and by price brackets, if possible, the precise products in which competition has chiefly been encountered or is to be foreseen. If competition is localized, the markets in which competition is expected might also be indicated. Since there is a possibility that, to a limited extent, existing tariff items may be subclassified with a view to distinguishing those types or classes of the general commodity which differ as regards the extent of foreign competition, suggestions for possible subclassification may also be made. These suggestions should, however, be for subclassification along natural lines recognized in the trade and should not involve excessively fine distinctions.

(4) Data on sources of past imports, and prospective changes in sources if the United States duties should be reduced.

(5) Particularly useful are details of a kind not revealed by official statistics and known only within the trade, such as those relating to types and grades produced or imported, style trends, recent inventions, improvements in processes, and the like.

(6) In those special cases where claim is made that the national security is involved in consideration of the tariff on any item, full substantiating data should be submitted on an industry-wide basis. If either maintenance or education in the tariff is requested, information as to the critical character of the item in wartime, domestic availability, et cetera, should be provided, and in the case of an inexhaustible resource, the effect upon the reserve position of the country from a relatively long-range standpoint should be given. If it is claimed that national security requires maintenance of the existing tariff, data should be furnished to show that the effects of reduction would be such that military and essential civilian requirements for the item could not be

met in the event of another national emergency. It will not be sufficient merely to show deliveries for military or essential civilian purposes during the war just ended, and no useful purpose is likely to be served by claims of national-security interest when the item referred to is essential only in the broad sense that all items needed for military or civilian consumption in wartime are essential.

(7) If the interest of the domestic industry is in securing a reduction of the United States tariff on a product which it utilizes in its operations, it should submit, in addition to such information referred to in the next paragraph below as may be pertinent to its particular situation, full information regarding the nature and extent of the impediment to its operations resulting from the existing tariff on the item under reference.

(b) Importers or others desiring a reduction in the United States duty on any commodity should submit data relating to the domestic industry and to imports similar to that suggested in the preceding paragraphs and should also furnish information, often not readily available from published sources, regarding conditions and trends in the foreign industry as affecting imports into the United States. Where appropriate, information should be submitted with regard to competition between imports and the nearest comparable domestic product, including the extent to which they are actually interchangeable, taking into account grade and quality, consumer preferences for foreign specialties, seasonality in imports or domestic production, and other pertinent factors. The number and character of employees, whether skilled or unskilled, engaged in processing and distributing imports might also be indicated.

§ 315.3 *Data with respect to export items.* Representations concerning concessions to be requested of a foreign government should include information, as far as possible, on the following points:

(a) Brief description of the business of the firm or individual submitting the request, with particular reference to production and sales for export, location of plant, quantity and type of labor employed, et cetera.

(b) Description of commodities for which concessions are sought.

(c) Production of commodities itemized under 2 above and percent exported. (Give figures for the individual firm and the domestic industry as a whole.)

(d) Sales experience of the concern, and of the industry generally, in the foreign country with which a trade agreement is contemplated.

(e) Full information concerning the trade barriers from which relief is requested, with suggestions as to specific changes desired, and with particular reference, where applicable, to the following:

(1) Import duties and other charges. (Give, when possible, tariff classification, item numbers, nomenclature, and approximate ad valorem equivalent of specific duties, methods of valuation, basis of duty, kind of duty, fines, et cetera.)

(2) Tariff preferences. (Indicate nature, extent, and effect of preference.)

(3) Quantitative restrictions (quotas).

(4) Clearing, barter, or other agreements involving discrimination against the United States.

(5) Import licensing requirements.

(6) Exchange control restrictions.

(7) Government monopolies or other forms of state trading.

(8) Customs regulations (marking requirements, documentation, and other formalities).

(f) Supporting data available to the trade, such as:

(1) The competitive situation in the foreign market, both with respect to competition with domestic production and with imports from sources other than the United States.

(2) Peculiar marketing or other conditions such as those involved in cartel organization, government subsidy to domestic production, or other similar factors.

(g) In the case of countries with which our trade was interrupted by the war, it would in general be desirable to base requests for concessions on pre-war trading experience, with such comment as is possible on the current and anticipated post-war situation.

EDWARD YARDLEY,
Executive Secretary.

[F.R. Doc. 46-15187; Filed Aug. 28, 1946; 9:05 a. m.]

COMMITTEE ON PURCHASES OF BLIND-MADE PRODUCTS

[41 CFR, Ch. III]

PART 302—ORGANIZATION AND PROCEDURES

SUBPART A—ORGANIZATION

Sec.

302.1 Committee on Purchases of Blind-made Products.
302.2 Procurement Division of the Treasury Department.
302.3 National Industries for the Blind.
302.4 Delegations of final authority.
302.5 Information, submittals and requests.

SUBPART B—PROCEDURES

302.101 Basic procedures.
302.102 Schedule of blind-made products.
302.103 Violations.

SUBPART A—ORGANIZATION

§ 302.1 *Committee on Purchases of Blind-made Products.* The Committee on Purchases of Blind-made Products consists of seven members appointed by the President, one of whom is a private citizen conversant with the problems of employment of the blind and the others are representatives, respectively, of the Departments of the Treasury, War, the Navy, the Interior, Agriculture and Commerce. The Committee is headed by a chairman designated by the members from among their number. It is the duty of the Committee under the Wagner-O'Day Act of June 25, 1938 (41 U. S. C. 46-48) to determine from time to time the fair market price of products manufactured by the blind and offered for sale to the Federal Government by non-profit-making agencies for the blind, to make rules and regulations relating to specifications, delivery and related procedural matters, and to facilitate the distribution among the blind agencies of purchase orders of Federal agencies, which must place purchase orders for their needs with blind agencies for those blind-made products available within the period specified unless such products are available at Federal Prison Industries, Inc. or are for use outside continental United States. This work is performed by the Committee directly and with the assistance of two coordinating organizations, the Procurement Division of the Treasury Department and the National Industries for the Blind.

§ 302.2 *Procurement Division of the Treasury Department.* The Procurement Division of the Treasury Department, Washington 25, D. C., has been designated by the Committee to coordinate purchases of blind-made products by Federal agencies (41 CFR 301.3). It provides the Committee with an executive secretary and legal and administrative services.

§ 302.3 *National Industries for the Blind.* The National Industries for the Blind, 15 West 16th Street, New York, New York, has been designated by the Committee as the central non-profit-making agency to facilitate the distribution of Federal purchase orders among the agencies for the blind (41 CFR 301.2). It maintains liaison between the Procurement Division and the blind agencies and determines to which blind agency shall be allocated particular orders.

§ 302.4 *Delegations of final authority.* Unless a case assumes serious proportions, determination that a blind agency has or has not violated the regulations of the Committee may be made by the secretary of the Committee with the concurrence of the chairman.

§ 302.5 *Information, submittals and requests.* The public, orally or in writing, may secure information or make submittals or requests concerning the operations of the Committee by addressing the Committee care of the Procurement Division, Treasury Department, 7th and D Streets, S. W., Washington 25, D. C. All final opinions or orders in the adjudication of cases, including those relating to eligibility of blind agencies to participate in the program, suitability for sale of blind-made commodities and violations of Committee regulations, and all rules issued by the Committee are available for public inspection. Matters of official record, pertaining principally to such eligibility, suitability and violations will be made available to persons properly and directly concerned for inspection or copying, and copies will be provided upon payment of their cost.

SUBPART B—PROCEDURES

§ 302.101 *Basic procedures.* The basic procedures prescribed by the Committee for performing operations under the Wagner-O'Day Act (41 U. S. C. 46-48) are published in 41 CFR, Part 301.

§ 302.102 *Schedule of blind-made products.* The Committee issues from time to time through the Procurement Division a schedule of blind-made products, and amendment thereto, describing blind-made products available, fair

prices, specifications, etc. and including the text of the Wagner-O'Day Act (41 U. S. C. 46–48) and the regulations prescribed by the Committee.

§ 302.103 *Violations.* Where an alleged violation of the regulations has occurred, the blind agency concerned is notified by the secretary of the Committee and afforded an opportunity to submit a statement of facts and evidence on the subject. Such statement is generally considered satisfactorily authorized when signed by the manager of the blind agency workshop and attested by an officer of the private organization controling it or, in case of governmental workshops, when signed by an official of the controlling department. In appropriate cases oral testimony may also be taken, particularly when the workshop requests a hearing. The secretary of the Committee with the concurrence of the chairman may ordinarily determine whether a violation has or has not occurred. Where a violation is found, the secretary notifies the National Industries for the Blind to discontinue allocation of orders to the blind agency concerned until the Committee is satisfied its operation is in accord with the regulations.

[SEAL] ROBERT LEFEVRE,
Secretary.

AUGUST 27, 1946.

[F. R. Doc. 46-15257; Filed, Aug. 28, 1946; 12:16 p. m.]

COMMODITY EXCHANGE COMMISSION

[17 CFR, Ch. I]

PART 149—ORGANIZATION, FUNCTIONS AND PROCEDURES OF COMMODITY EXCHANGE COMMISSION

SUBPART A—ORGANIZATION

Sec.
149.1 General.
149.2 Office.
149.3 Availability of information and records.

SUBPART B—FUNCTIONS AND PROCEDURES

149.10 Functions.
149.11 Procedures.

SUBPART A—ORGANIZATION

§ 149.1 *General.* The Commodity Exchange Commission consists of the Secretary of Agriculture, Chairman, the Secretary of Commerce, and the Attorney General (7 U. S. C. 2, 8). The Commission has no employees but operates through employees of the Commodity Exchange Authority, Production and Marketing Administration, United States Department of Agriculture (7 CFR, 2322.1 (a)).

§ 149.2 *Office.* The office of the Commission is at Washington, D. C. Communications should be addressed to the Secretary of Agriculture, Chairman, Washington 25, D. C.

§ 149.3 *Availability of information and records.* Any person desiring information or desiring to make submittals or requests with respect to the functions of the Commission should address: Secretary of Agriculture, Chairman, Commodity Exchange Commission, Washington 25, D. C. The official records of the Commission relating to disciplinary proceedings and proceedings to exclude cooperative associations or corporations from membership in contract markets are available for examination at the Office of the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture. Official records of the Commission relating to rule-making proceedings are available for examination at the office of the Administrator of the Commodity Exchange Act, Production and Marketing Administration, United States Department of Agriculture.

SUBPART B—FUNCTIONS AND PROCEDURES

§ 149.10 *Functions.* Pursuant to the provisions of the Commodity Exchange Act (7 U. S. C. 1–17a), the Commodity Exchange Commission:

(a) Initiates complaints, conducts administrative hearings, and issues cease and desist orders or suspension orders in connection with violations of the Commodity Exchange Act by any board of trade (commodity exchange) designated as a contract market, or any director, officer, agent, or employee thereof (17 CFR, 0.53–0.72; 10 F. R. 9707, 13489).

(b) Conducts hearings and fixes trading limits in connection with the sale of commodities for future delivery made on or subject to the rules of contract markets (17 CFR, 0.73–0.77; 10 F. R. 9707, 13489).

(c) Hears and decides complaints filed by a contract market seeking to exclude from membership therein and privileges thereon any cooperative organization or corporation (17 CFR, 0.78–0.95).

(d) Hears and decides appeals from a refusal by the Secretary of Agriculture of designation of any board of trade as a contract market.

§ 149.11 *Procedures.* The procedure governing proceedings under § 149.10 (a), (b), and (c) may be found in that part of the Code of Federal Regulations cited therein. Inquiries about procedure governing appeals from decisions of the Secretary of Agriculture under § 149.10 (d) should be addressed to the Secretary of Agriculture, Chairman, Commodity Exchange Commission.

[SEAL] CLINTON P. ANDERSON,
Chairman.

[F. R. Doc. 46-15587; Filed, Aug. 30, 1946, 11:14 a. m.]

EXPORT-IMPORT BANK OF WASHINGTON

[12 CFR, Ch. IV]

PART 401—ORGANIZATION

Sec.
401.1 Authority.
401.2 Purpose.
401.3 Organization.
401.4 Official records.

§ 401.1 *Authority.* (a) The Export-Import Bank of Washington was established in 1934 as a banking corporation organized under the laws of the District of Columbia. The Bank was continued as an agency of the United States by acts of Congress in 1935, 1937, 1939, and 1940, and was made an independent agency of Government by the Export-Import Bank Act of 1945, as amended. (59 Stat. 341, 602; 12 U. S. C. 635)

(b) In addition to its capital stock of $1,000,000,000 subscribed by the United States, the Bank is authorized to borrow from the Secretary of the Treasury on the evidence of its own debentures or other acceptable obligations an amount not in excess at any one time of two and one-half times its authorized capital stock. The earnings of the Bank provide an additional source of funds.

(c) The Bank has been given broad powers to do a general banking business and to make practically any type of loan, without limitation as to the amount of loans to any one borrower, in so far as the exercise of these powers is necessary to carry out its fundamental purpose of assisting in the financing of United States foreign trade. (See Part 421 of this chapter for statements of transactions expressly forbidden to the Bank or excluded by reason of its general policies.)

(d) The Bank shall not have outstanding at any one time loans and guaranties in an aggregate amount in excess of three and one-half times its authorized capital stock, or $3,500,000,000. However, over a period of time the Bank can obviously handle a total volume of business larger than this amount because of participations by private banks with the Bank without its guaranty, because of sales by the Bank to private persons of paper from its portfolio without its endorsement or guaranty, and because of the release of funds through repayments.

§ 401.2 *Purpose.* The purpose of the Bank, as laid down by Congress, is to aid in "the financing and facilitating of exports and imports and the exchange of commodities between the United States or any of its Territories or insular possessions and any foreign country (or the Philippine Islands) or the agencies or nationals thereof." (59 Stat. 341,602; 12 U. S. C. 635.) All of the operations of the Bank are and must be related to this fundamental purpose.

§ 401.3 *Organization.* (a) The management of the Bank is vested by the Export-Import Bank Act of 1945 in a Board of Directors consisting of the Secretary of State and four full-time directors appointed by the President of the United States by and with the advice and consent of the Senate, one of whom serves as Chairman. Not more than three of the five members of the Board shall be members of any one political party. Participation by other Government agencies in shaping the policies of the Bank is provided through an Advisory Board consisting of the Chairman of the Bank, the Secretaries of State, Treasury, and Commerce, and the Chairman of the Board of Governors of the Federal Reserve System.

(b) The National Advisory Council created by the Bretton Woods Agreements Act has the same membership as the Advisory Board of the Bank, except that its Chairman is the Secretary of the Treasury. It is responsible for coordinating the policies of the Bank with

those of the United States representatives on the Bretton Woods organizations and with all other agencies of the Government to the extent that they make foreign loans or engage in foreign financial transactions.

(c) The close working relationships between the Bank and the Department of State, Treasury, Commerce, Agriculture, and the Board of Governors of the Federal Reserve System, as the permanent agencies of Government primarily concerned with foreign economic operations, serve to keep them fully informed regarding individual loan projects under consideration by the Bank and give them full opportunity to call attention to any possible conflict between the day-to-day activities of the Bank and their activities in carrying out the international economic program of the United States. They have also facilitated access by the Bank to the information and technical services of these Departments and the Federal Reserve Board and in this way enabled the Bank to limit the size of its own technical staff.

(d) The functions of the Bank are under the supervision of the Board of Directors. Under this supervision those functions are carried out by seven groups: (1) the Economic Advisory Group, (2) the Legal Group, (3) the Technical Banking Operation Group, (4) the Treasurer's Group, (5) the Private Capital Participation Group, and (6) the Secretary's Office. As indicated above, final authority is vested in the Board of Directors of the Bank. By resolutions made available to interested parties authority is delegated in individual instances to the officers or members of the staff of the Bank specified therein.

§ 401.4 *Official records.* Matters of official record of the Bank, except information held confidential for good cause found, will be made available to persons properly or directly concerned at the office of Export-Import Bank of Washington, 734 Fifteenth Street NW., Washington 25, D. C. Information and records will be classified as confidential to the extent that the revelation of the contents thereof might in the opinion of the Bank be a breach of confidence or adversely affect institutions or persons doing business with the Bank or encroach upon their right of privacy or be inimical to the public interest.

PART 402—PROCEDURES

Sec.

402.1 Who may apply for credit.
402.2 How to apply.
402.3 Advance commitments.

§ 402.1 *Who may apply for credit.* (a) The facilities of the Export-Import Bank of Washington are open to United States exporters either of goods or of engineering and other technical services, to United States importers, and to foreign governments, the agencies of foreign governments, and foreign firms and individuals. In brief, the Bank's facilities are accessible to anyone requiring assistance and to whom the granting of assistance will aid in the financing of United States foreign trade.

(b) The Export-Import Bank Act of 1945 released the Bank from the pre-existing prohibition against loans by the Bank to foreign governments in default on their obligations to the United States Government. The Act also permits any individual, partnership, corporation, or association to participate with the Bank in any of its authorized transactions and thus sets aside, with respect to participations with the Bank, the provisions of the so-called Johnson Act prohibiting loans by private persons to such governments.

§ 402.2 *How to apply.* (a) United States exporters, both of goods and of engineering and other technical services, or United States importers who wish to apply to the Bank for credit may do so by writing directly to the Export-Import Bank of Washington, Washington 25, D. C., or, preferably, by seeking assistance from the Bank through their own commercial banks. It is recommended that the applicant consult his bank in any case, since in most instances it will be familiar with the facilities of the Bank and will be able to judge whether or not the assistance of the Bank is necessary and appropriate. Banks may obtain further information with respect to Bank policies and procedures from their local Federal Reserve Banks.

(b) The following information is essential for the consideration by the Bank of applications from domestic exporters (and, with appropriate modifications, also for the consideration of applications from domestic importers):

(1) Description of commodity to be financed.

(2) Name of foreign country to which the exports to be financed are destined and the name of the foreign purchaser.

(3) Justification for seeking the assistance of the Bank, including a statement of the credit terms to be extended to the purchaser and suitable evidence that neither the seller nor his bank is in a position to finance the transaction.

(4) Amount of credit desired and proposed terms of repayment.

(5) Commercial bank and trade references.

(6) Comparative balance sheets and profit-and-loss figures for the preceding three years.

(7) In certain cases, cost sheets or other evidence of cost.

(8) Brief statement of history and experience.

(9) Credit information regarding the purchaser.

(10) Names of possible guarantors, together with an indication as to whether the guaranty of a foreign bank or government has been promised and whether assurances have been obtained that dollars will be made available by the monetary authorities of the foreign country to meet payments of interest and principal by the purchaser.

(11) Any other information which would be useful to the Bank in appraising the credit risk involved.

(c) Authorized representatives of foreign governments may apply directly to the Bank for credits or may initiate discussions through United States embassies and legations in their respective countries. In the consideration of applications from foreign governments or their agencies, the following information is necessary:

(1) Purposes for which the credit is to be used, including lists of materials, equipment, and services to be purchased in the United States and their suppliers (if known) and, when specific projects are involved, engineering and economic surveys.

(2) Justification for seeking the assistance of the Bank, including satisfactory evidence that private credit is not available.

(3) Amount of credit desired and proposed terms of repayment.

(4) Statement of external assets of the country in the form of gold and foreign exchange, showing official holdings separately from private holdings and holdings of dollars separately from holdings of other currencies.

(5) Current and prospective rate of gold production.

(6) Statement of the international investment position of the country at long-term and short-term, including major commitments pending or contemplated, and an estimate of the amounts of interest and amortization due annually over the life of the loan on external fixed-service obligations.

(7) Summary of the record of the country with respect to the payment of external debt and statement of the default status of outstanding external obligations.

(8) Analysis of the capacity of the country to repay on the basis of its current and prospective balance-of-payments position.

(9) Satisfactory assurances that dollars will be made available by the monetary authorities of the country to meet payments of interest and principal to the Bank as they fall due.

(d) Foreign applicants other than governments or their agencies may apply directly to the Bank, but the support of their governments will ordinarily be required before a credit can be negotiated. The information required of such applicants is contained in paragraphs (c) (1), (2), and (3) and (b) (5), (6), (8), (10), and (11) of this section.

§ 402.3 *Advance commitments.* (a) Subject to the requirements set forth in this Part, and particularly to those set forth in § 402.2, above, United States exporters who desire to bid on specific business may apply to the Bank for credit with a view to securing a commitment in principle in advance of the submission of the bid. When more than one United States exporter is interested in obtaining a given order, the Bank will indicate identical or similar terms to all qualified bidders in order that the successful bidder, if a United States exporter, will be determined solely on the basis of price, quality, and proposed delivery schedule, rather than upon any advantage in credit terms created by the Bank.

(b) The Bank does not look with favor upon requests for assistance from exporters who have not consulted it prior to making credit engagements to foreign buyers.

PART 421—EXTENSION OF CREDIT

Sec.

421.1 Basic principles.
421.2 What the Bank finances.
421.3 What the Bank does not do.
421.4 Maturities.
421.5 Interest rates.
421.6 Security.
421.7 Nonrecourse financing.
421.8 Marine transporttion.
421.9 Marine insurance.
421.10 Aid to small business.
421.11 Relations with commercial banks.
421.12 Relationship to International Bank for Reconstruction and Development.

§ 421.1 *Basic principles.* Since its organization in 1934, the Export-Import Bank of Washington has been guided in its lending operations by the following basic principles:

(a) In accordance with the statutes governing its activities, the Bank makes only loans and guaranties which serve to promote the export and import trade of the United States. The Bank promotes foreign trade directly by financing exports and imports as specific transactions and by financing exports in connection with development projects and programs in foreign countries. Loans of the latter type have a further indirect effect upon United States foreign trade; for they assist in building up the economies and raising the levels of income of foreign countries, which thereby become better markets for American products and better suppliers of imports to this country. Thus, the Bank is guided in its lending policies by the demonstrated fact that the best trading partners of the United States are countries which have reached the highest state of economic development.

(b) In accordance with its established practice and as explicitly provided in the Export-Import Bank Act of 1945, the Bank makes loans generally only for specific purposes. A corollary of this principle is that disbursements under a commitment by the Bank are made only upon receipt of evidence satisfactory to the Bank that the purposes of the loan have been carried out by the borrower. Conversely, the Bank does not make lump-sum advances for use as the borrower sees fit.

(c) As a matter of prudent management and as required by law, the Bank makes only loans which offer reasonable assurance of repayment. The restriction of loans to specific purposes is an important means to this end, as is also the spread of maturities over the productive life of a project in order to facilitate repayment. Furthermore, all loan applications are carefully analyzed by the Bank's staff from the legal, engineering, and economic points of view and must be approved by its Board of Directors.

(d) As a general rule, the Bank extends credit only to finance purchases of materials and equipment produced or manufactured in the United States and the technical services of American firms and individuals as distinguished from outlays for materials and labor in the borrowing country or purchases in third countries. The reasons for doing so are principally two: (1) The limited resources of the Bank should be used with rare exceptions solely for the purpose of directly financing and facilitating United States foreign trade; (2) foreign countries should not ordinarily assume external indebtedness to finance expenditures in local currency.

(e) In accordance with its own rule and the express instruction of Congress, the Bank does not compete with private capital but rather supplements and encourages it. The activities of the Bank are confined, therefore, to dealing with certain types of risks which private banks are not in a position to assume without government assistance and with other risks which they are not prepared to assume at all.

(f) The principle of noncompetition with private lending institutions is further carried out by the readiness of the Bank to sell paper which it has acquired, by its readiness to arrange with commercial banks and investment institutions for participation in loans jointly with the Bank, and by arrangements under which the Bank undertakes in advance to purchase from commercial banks notes arising out of specified transactions financed in the first instance by the commercial banks.

§ 421.2 *What the Bank finances.* (a) The Bank is prepared to assist, under proper conditions, in financing exports from the United States and imports into the United States of products of all kinds. It is also prepared to aid in the purchase of engineering and other technical services in the United States. As a matter of practice, however, its assistance is required primarily in facilitating exports of tangible commodities the sale of which involves extended terms of credit. Exports of commodities may be financed on the basis of values f. o. b. the inland point of shipment, f. o. b. the landport or seaport of exit from the United States, or c. i. f. a foreign port.

(b) The Bank's financing of exports is of two general types. The first type consists of credits for the benefit of individual United States exporters to facilitate the sale abroad of specific materials or equipment. The second type consists of a line of credit in favor of a foreign government, a foreign bank, or a foreign firm, to be available during a stipulated period of time, for the purpose of facilitating the purchase in the United States of specific materials, equipment, and services. Although different in form, the two types of credits obviously serve a single purpose. It is often a matter of choice or convenience whether a given transaction or set of transactions is financed by extending credit to American exporters or by making a loan to a foreign country or purchaser. Thus, it is clearly preferable from the point of view of ease of administration to make an arrangement with a foreign government or purchaser rather than separate arrangements with each of several hundred United States suppliers who may be providing equipment for a given project. The difference between the two types of operations is made even smaller by the fact that the guaranty of a foreign bank or government is usually required as a condition of credits extended on the application of individual United States exporters without recourse to them (i. e., credits involving no liability on the part of the exporter in the event of default by the foreign debtor).

§ 421.3 *What the Bank does not do.* There are a number of things which the Bank is expressly prohibited from doing under existing law or which are excluded by its general policies. Thus,

(a) The Bank does not compete with private capital and does not, therefore, extend credits when private credit is available in adequate amounts on reasonable terms.

(b) The Bank is prohibited by its charter from purchasing stock in any corporation. In other words, the Bank is not permitted to engage in equity financing.

(c) The Bank does not make lump-sum advances for use as the borrower sees fit.

(d) The Bank is not authorized by the language of the Export-Import Bank Act of 1945 to finance trade between the United States and its Territories or insular posessions. This means that the Bank may not assist in financing trade between continental United States and Puerto Rico, the Virgin Islands, Alaska, Hawaii or other possessions in the Pacific or between any two of these Territories or possessions. However, the Bank may finance export or import transactions between United States territories or possessions and foreign countries.

(e) The Bank does not ordinarily finance local currency expenditures.

(f) The Bank does not assume any obligation or responsibility for the issuance by any agency of the United States Government of any priority, allocation, permit, or license which may be required by law or regulation for the procurement and export of any commodity which it may finance. Nor does the Bank attempt to give advice to borrowers on possible suppliers of exports which it finances.

(g) The Bank does not undertake to select engineering or other technical firms or individuals whose services may be sought by foreign borrowers in connection with projects financed by the Bank, although it does require competent engineering and other technical direction of such projects and will finance long-term contracts providing for payments for engineering or other technical services.

(h) The funds of the Bank are not available to finance, in whole or in part, the purchase of ships which can be sold on credit terms by the United States Maritime Commission or ships of types similar to those available for sale by the United States Maritime Commission.

(i) The funds of the Bank are generally not available to finance the purchase of goods in the United States of the same types or kinds as are available as United States surplus property whether located in a borrowing country, in other foreign countries or in the United States or its Territories, nor the purchase of surplus property which can be sold on credit terms by the Surplus Property disposal agencies under their existing powers.

§ 421.4 *Maturities.* The maturities of credits granted by the Bank are arranged in accordance with the circum-

stances in each case. Generally speaking, the financing of trade in consumption goods is limited to relatively short-term credits. On the other hand, the financing of trade in durable productive equipment may be on terms extending over a period of years. Where extended terms are involved, principal amounts are ordinarily made payable in equal installments beginning with the first or some subsequent interest date.

§ 421.5 *Interest rates.* The rate of interest charged by the Bank depends upon the type of credit involved in each case, is computed on the outstanding balance, and is usually payable semiannually. The Bank is obliged to charge interest sufficient to cover the cost of its own funds, defray its administrative expenses, and accumulate a reasonable reserve against losses in order that the Bank may be self-sustaining. The Bank is also bound to consider market rates of interest in order to avoid what might be construed as competition on a rate basis with private sources of credit. Interest rates are uniform to all borrowers for any given type of credit.

§ 421.6 *Security.* Loans to domestic exporters, importers, and manufacturers are usually made on the basis of the credit standing of the borrower, supplemented by the guaranty of a foreign bank or government in the case of loans made without recourse to the applicant. Credits to foreign governments and their agencies are made on the basis of the general credit of the country or agency, supplemented when desirable and appropriate by a pledge of specific revenues or specific receipts of dollar exchange. The Bank attempts to arrange the terms and conditions of its loans in accordance with the circumstances in each case and with a view to creating the type of obligation which is most suitable from the point of view of both the borrower and the Bank.

§ 421.7 *Nonrecourse financing.* The percentage of the credit risk involved in any export or import transaction which the Bank will assume without recourse on the exporter or importer depends upon the circumstances in each case. Under present conditions, nonrecourse financing of exports by the Bank almost invariably requires the endorsement or unconditional guaranty of a foreign bank or foreign government.

§ 421.8 *Marine transportation.* Public Resolution No. 17, 73d Congress, requires that exports of agricultural or other products fostered by loans made by any instrumentality of the United States Government shall be carried exclusively in vessels of United States registry unless it is determined by proper authority after investigation that such vessels are not available in sufficient numbers, or in sufficient tonnage capacity, or on necessary sailing schedule, or at reasonable rates.

§ 421.9 *Marine insurance.* The Bank adopted in March 1946 the policy of requiring that goods financed under the credits of the Bank be insured by contracts of insurance payable in United States dollars. The Bank considers waiver or modification of the requirement in those cases in which borrowers prefer to assume all or part of the risk of loss without insurance and in which the circumstances are such as to render this course appropriate.

§ 421.10 *Aid to small business.* As a special aid to small and medium-sized firms engaged in exporting, the Bank extends credit lines to individual firms which are experienced and of good repute, but which are hampered by lack of capital in obtaining adequate accommodation from private sources. These credits are revolving and are available for limited periods, generally from year to year, upon presentation for discount by the Bank through its agent bank of drafts on approved foreign purchasers. These credits are designed especially to help small firms increase their export commitments without the necessity of raising additional capital. Comparable facilities are available to small and medium-sized firms engaged in importing.

§ 421.11 *Relations with commercial banks.* (a) It is a cardinal principle of the Bank's operations that it does not compete with private banks. This principle is carried into effect in a number of ways. As indicated in Part 402 of this chapter, the Bank prefers to receive applications for loans from private firms and individuals through commercial banks to ensure that private credit is not available. The Bank attempts to secure the maximum participation by private banks in credit arrangements to which it is a party. The Bank commonly uses the facilities of commerical banks for making funds available to borrowers under lines of credit, receiving payments of interest and principal, and for handling other matters in connection with the extension and collection of credit. The Bank enters into agreements with commercial banks under which it undertakes in advance to purchase from them notes arising out of specified transactions financed in the first instance by the commercial banks. It stands ready in turn to sell to commercial banks or other private investors paper from its own portfolio.

(b) By using the services of commercial banks and other private organizations to the fullest extent possible, the Bank is able to keep its own operating personnel at a minimum.

§ 421.12 *Relationship to International Bank for Reconstruction and Development.* The Bank will not compete in any sense with the International Bank for Reconstruction and Development. It is true especially with respect to short-term and medium-term credits to United States exporters and importers, because this is a field in which the International Bank will not operate. With respect to long-term loans to foreign governments, the activities of the Bank and the policies of the United States representatives on the International Bank are coordinated by the National Advisory Council on International Monetary and Financial Problems, as provided in the Bretton Woods Agreements Act. The making of long-term loans to private foreign companies by the Bank and the International Bank are coordinated in the same way.

HAWTHORNE AREY,
Vice President.

[F. R. Doc. 46—15512; Filed, Aug. 29, 1946; 11:10 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Ch. I]

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

The Commission on August 27, 1946, adopted for release on September 4, 1946, a new Part 1 of the Rules and Regulations relating to Organization and Practice and Procedure. These rules are designed to meet the requirements of the Administrative Procedure Act. They become effective September 11, 1946. The present Part 1 of the Rules and Regulations of the Commission and Administrative Orders 2 and 3 of the Commission are repealed as of September 11, 1946.

TABLE I—Table showing source of provisions contained in Part 1 of the Rules and Regulations.

TABLE II—Table showing section in former Part 1 corresponding to sections in present Part 1.

TABLE III—Table showing forms currently in effect and where they are referred to in Part 1 of the Rules and Regulations.

SUBPART A—ORGANIZATION OF THE COMMISSION

GENERAL

Sec.
1.1 Statutory authority.
1.2 Commissioners.
1.3 Offices.
1.4 General description of Commission organization.

OFFICE OF THE SECRETARY

1.11 Secretary.
1.12 License Division.
1.13 Service Division.
1.14 Records Division.
1.15 Minute Section.
1.16 Library Section.

ENGINEERING DEPARTMENT

1.21 Chief Engineer.
1.22 Broadcast Branch.
1.23 Standard Broadcast Division.
1.24 FM (Frequency Modulation) Division.
1.25 Television Broadcast Division.
1.26 Safety and Special Services Branch.
1.27 Marine and General Mobile Division.
1.28 Aviation Division.
1.29 Emergency and Miscellaneous Division.
1.30 Common Carrier Branch.
1.31 International Communications Division.
1.32 Domestic Communications Division.
1.33 Rate Division.
1.34 Common Carrier Field Division.
1.35 Field and Research Branch.
1.36 Field Engineering and Monitoring Division.
1.37 Laboratory Division.
1.38 Technical Information Division.
1.39 Frequency-Service Allocation Division.
1.40 Location of Engineering Field Offices and Monitoring Stations.

ACCOUNTING DEPARTMENT

1.51 Chief Accountant.
1.52 Accounts Branch

1.53 Accounting Regulations Division.
1.54 Broadcast Division.
1.55 Field Division.
1.56 Location of accounting field offices.
1.57 Rates Branch.
1.58 Tariffs and Telephone Rates Division.
1.59 Telegraph Rates Division.
1.60 Economics Branch.
1.61 Economics Analysis Divison.
1.62 Statistics Division.

LAW DEPARTMENT

1.71 General Counsel.
1.72 Office of General Counsel.
1.73 Litigation and Administration Division.
1.74 Broadcast Division.
1.75 Common Carrier Division.
1.76 Safety and Special Services Division.

ADMINISTRATIVE DIVISIONS

1.81 The Personnel Division.
1.82 The Budget and Planning Division.
1.83 The Office of Information.

SUBPART B—DELEGATIONS OF AUTHORITY

GENERAL

1.101 Authority for delegation.
1.102 Petitions for reconsideration with regard to action taken under delegation of authority.

DELEGATION TO BOARD OF COMMISSIONERS

1.105 Description of board.
1.106 Authority delegated.

DELEGATION TO MOTIONS COMMISSIONER

1.111 Designation of Motions Commissioner.
1.112 Authority delegated.
1.113 Record of action taken.

DELEGATION TO CHIEF ENGINEER

1.121 Authority delegated to Chief Engineer.
1.122 Action with respect to International Broadcasting.
1.123 Record of actions taken.

DELEGATION TO CHIEF ACCOUNTANT

1.131 Authority delegated to Chief Accountant.
1.132 Authority to issue orders; record of actions taken.

DELEGATION TO SECRETARY

1.141 Authority delegated to Secretary.
1.142 Authority delegated to Secretary upon securing approval of Engineering Department.
1.143 Authority delegated to Secretary upon securing approval of Law Department.
1.144 Authority delegated to Secretary upon securing approval of the Law and Engineering Departments.
1.145 Authority delegated to Secretary upon securing approval of the Law, Engineering and Accounting Departments.
1.146 Record of actions taken.

SUBPART C—PLACES FOR SUBMITTING APPLICATIONS AND OTHER REQUESTS AND SECURING PUBLIC INFORMATION.

1.201 Main offices.
1.202 Other offices in Washington, D. C.
1.203 Field offices.
1.204 Public reference rooms.
1.205 Information office.
1.206 Inspection of records.
1.207 Certified copies; requests for; costs.
1.208 Reports of violations.
1.209 Place of filing of applications for radio authorizations.
1.210 Applications for ship radio inspection.
1.211 Applications for exemptions under Part II of Title III.
1.212 Non-radio common carrier applications.
1.213 Applications for amateur station and operator license and/or commercial operator license.
1.214 Miscellaneous submittals or requests.
1.215 Where to obtain forms.

SUBPART D—RULES RELATING TO APPLICATIONS AND PROCEEDINGS AFFECTING RADIO LICENSES UNDER TITLE III OF THE COMMUNICATIONS ACT.

GENERAL REQUIREMENTS AS TO APPLICATIONS

1.301 Applications required.
1.302 Place of filing and number of copies.
1.303 Subscription and verification of applications.
1.304 Contents of applications.
1.305 Full disclosures.
1.306 Additional statements.
1.307 Form of amendments to applications.
1.308 Amendments of applications ordered.

RULES RELATING TO FILING OF APPLICATIONS AND DESCRIPTION OF APPLICATION FORMS

1.311 Application forms for construction permit or modification thereof; broadcast services.
1.312 Application forms for construction permit or modification thereof; radio services other than broadcast.
1.313 Installation or removal of apparatus; broadcast and non-broadcast.
1.314 Application for extension of construction permit; broadcast and non-broadcast.
1.315 Application for equipment tests; broadcast and non-broadcast.
1.316 Application for service or program test; broadcast and non-broadcast.
1.317 Application for license following construction permit.
1.318 Application for station license where no construction permit is required.
1.319 Application for modification of license; broadcast and non-broadcast.
1.320 Application for renewal of license; broadcast and non-broadcast.
1.321 Application for voluntary assignment or transfer of control; broadcast.
1.322 Application for voluntary assignment or transfer of control; non-broadcast.
1.323 Application for involuntary assignment or transfer of control; broadcast and non-broadcast.
1.324 Application for special temporary authorization; broadcast and non-broadcast.
1.325 Application for special service authorization; broadcast.
1.326 Application for standard broadcast station experimental operation.
1.327 Application concerning programs to be transmitted to foreign radio stations.
1.328 Application to determine operating power by direct measurement of antenna power.
1.329 Application for radio operator license.
1.330 Application for radio ship inspection and certification of ship radio license.
1.331 Application for exemptions under Part II of Title III.
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1.341 Financial report, broadcast licensees.
1.342 Filing of contracts.
1.343 Ownership reports, broadcast licensees.
1.344 Definitions of terms used in Sections 1.341–1.343.
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1.346 Reports in connection with certain Fixed Public Radio Service operations.
1.347 Reports to be filed by international and coastal radiotelegraph carriers.

RULES RELATING TO ACCEPTANCE, AMENDMENT OR DISMISSAL OF APPLICATION

1.361 Defective applications.
1.362 Inconsistent or conflicting applications.
1.363 Repetitious applications.
1.364 Multiple applications; broadcast service.
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1.371 Acceptance of applications.
1.372 Staff consideration of applications which receive action by the Commission.
1.373 Special procedure with respect to processing of standard broadcast applications.
1.374 Staff consideration of applications which do not require action by the Commission.
1.375 Procedure with respect to amateur and commercial radio operator licenses.
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1.381 Failure to prosecute applications.
1.382 Grants without a hearing.
1.383 Partial grants.
1.384 Temporary extension of station licenses.
1.385 Designation for hearing.
1.386 Petition for reconsideration and grant without hearing.
1.387 Procedure when case is designated for hearing.
1.388 Petitions to intervene.
1.389 Motions to enlarge or change the issues.
1.390 Petitions for reconsideration or for rehearing.
1.391 Special procedure relative to waiver of hearing or broadcast applications.

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1.401 Notice of violations.
1.402 Revocation of licenses.
1.403 Modification of licenses.
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SUBPART E—RULES RELATING TO APPLICATIONS, REPORTS AND PROCEEDINGS AFFECTING COMMON CARRIERS UNDER TITLE II OF THE COMMUNICATIONS ACT

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1.501 Subscription and verification of applications.
1.502 Full disclosures.
1.503 Additional statements.
1.504 Form of amendments to applications.
1.505 Amendments of applications ordered.
1.506 Defective applications.
1.507 Amendments and dismissals of applications.
1.508 Failure to prosecute applications.
1.509 Partial grants.

FILING AND PROCESSING OF APPLICATIONS

1.521 Filing and routing of applications.
1.522 Application for extension of time in which to file financial reports.
1.523 Application for special tariff permission; procedure and application form.
1.524 Application for holding interlocking offices or directorates; procedure and application form.
1.525 Application for lines.
1.526 Application for discontinuance, reduction or impairment of service.
1.527 Application for consolidation of telephone companies.
1.528 Application for consolidation of domestic telegraph carriers.
1.529 Application with respect to disposition of debit amounts in account 100.4 "Telephone plant acquisition adjustment," for class A and class B telephone companies and in account 1200, "Plant adjustments" for class C telephone companies.

TARIFFS, REPORTS, AND OTHER MATERIAL REQUIRED TO BE SUBMITTED BY CARRIERS

1.541 Tariffs to be filed.
1.542 Rate increases—filing with Commission of data furnished to Office of Price Administration.
1.543 Contracts to be filed.
1.544 Annual financial reports.
1.545 Monthly financial reports.
1.546 Reports on accounting officers.
1.547 Reports to be filed under Part 31, Rules and Regulations.
1.548 Reports to be filed under Part 33 of the Rules and Regulations.
1.549 Reports to be filed under Part 34 of the Rules and Regulations.
1.550 Reports to be filed under Part 35 of the Rules and Regulations.
1.551 Reports to be filed under Commission Order 100.
1.552 Reports regarding distribution of records.
1.553 Reports regarding pensions.
1.554 Reports regarding foreign telegraph communications charges.
1.555 Reports regarding telegraph carrier services.
1.556 Reports regarding foreign communications negotiations.
1.557 Reports on traffic.
1.558 Reports under section 63.04 of the rules.
1.559 Reports to be filed regarding lines.

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1.571 Formal or informal complaints.
1.572 Informal complaints.
1.573 Action on informal complaints.
1.574 Resubmission; 6 months' rule.
1.575 Formal complaints; requirements.
1.576 Statement of issues; joinder of causes of complaint.
1.577 Notice of complaints.
1.578 Charges, etc.; specific references.
1.579 Separate statement of each provision violated.
1.580 Allegations; certainty.
1.581 Challenge of general rate adjustments; reparation.
1.582 Discrimination specified.
1.583 Preference or prejudice.
1.584 Reparation; prayer for.
1.585 Limitations; damages *pendente lite*.
1.586 Supplemental complaints.
1.587 Cross complaints.
1.588 Answers to complaints and petitions.
1.589 Answers to petitions or amended complaints.
1.590 Requests for suspension of tariff schedules.

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GENERAL

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1.703 Computation of time.

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1.711 Appearances.
1.712 Authority for representation.
1.713 Persons who may be admitted to practice.
1.714 Suspension or disbarment of attorneys.
1.715 Former employees.
1.716 Appearance blanks.

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1.722 Petitions to intervene.
1.723 Request by non-parties to participate in hearings; communications relating to applications.
1.724 Petitions to consolidate.
1.725 Motions to enlarge or change the issues.
1.726 Petitions for reconsideration or rehearing.
1.727 Complaints.
1.728 Declaratory rulings.
1.729 Adverse rulings on petitions.

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1.741 Matters to be heard.
1.742 Time of calling; continuances.
1.743 Time for filing motions.
1.744 Oppositions; right to be heard.
1.745 Adverse ruling.

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1.762. Specifications as to pleadings and documents.
1.763 Briefs.
1.764 Number of copies.
1.765 Subscription and verification.
1.766 Amendments to pleadings.
1.767 Service of documents and proof of service.
1.768 Withdrawal of papers.

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1.801 Classes of hearings.
1.802 Official reporter; transcript.
1.803 Notice of hearing.

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1.812 Postponement or change of place.
1.813 Motions involving delay.
1.814 Prehearing conferences.

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1.821 Request for orders to take; time of filing; contents.
1.822 Record of examination; oath; objections.
1.823 Submission to witness; changes; signing.
1.824 Certification and filing by officers; copies.
1.825 Waiver of objections.
1.826 Time of filing.
1.827 Inclusion in record.

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1.831 Who may sign and issue.
1.832 Requests; verification and content.
1.833 Witness fees.
1.834 Service of subpenas; return.

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1.841 Order of procedure.
1.842 Authority of presiding officer.
1.843 Transcript filed with Secretary.
1.844 Corrections to tranccripts.
1.845 Findings proposed by parties.
1.846 Contents of findings proposed by parties.
1.847 Proposed decisions of Commission.
1.848 Fnal decision of the Commission in lieu of proposed decision.
1.849 Exceptions; reply briefs; request for oral arguments.
1.850 Number of copies.
1.851 Final decision of the Commission after a proposed decision.
1.852 Hearings before more than one person.

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1.871 Rules of evidence.
1.872 Cumulative evidence.
1.873 Further evidence during hearing.
1.874 Documents containing matter not material.
1.875 Documents in foreign language.
1.876 Copies of exhibits.
1.877 Mechanical reproductions as evidence.
1.878 Tariffs as evidence.
1.879 Proof of official record; authentication of copy.
1.880 Proof of lack of record.
1.881 Other proof of official record.

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1.892 Who may file.
1.893 Contents; relief requested.
1.894 Time for filing.
1.895 Opposition.
1.896 Special calendar when granted.

Appendix 1.
Appendix 2.

TABLE I—TABLE SHOWING SOURCE OF PROVISIONS CONTAINED IN PART 1 OF THE RULES AND REGULATIONS

Present sec. No.:	*Old sec. No.*
1.1	New.
1.2	Do.
1.3	1.1; 1.2.
1.4	New.
1.11	1.3; 1.4.
1.12	New.
1.13	Do.
1.14	Do.
1.15	Do.
1.16	Do.
1.21	Do.
1.22	Do.
1.23	Do.
1.24	Do.
1.25	Do.
1.26	Do.
1.27	Do.
1.28	Do.
1.29	Do.
1.30	Do.
1.31	Do.
1.32	Do.
1.33	Do.
1.34	Do.
1.35	Do.
1.36	Do.
1.37	Do.
1.38	Do.
1.39	Do.
1.40	Appendix 3, Part 1.
1.51	New.
1.52	Do.
1.53	Do.
1.54	Do.
1.55	Do.
1.56	Do.
1.57	Do.
1.58	Do.
1.59	Do.
1.60	Do.
1.61	Do.
1.62	Do.
1.71	Do.
1.72	Do.
1.73	Do.
1.74	Do.
1.75	Do.
1.76	Do.
1.81	Do.
1.82	Do.
1.83	Do.
1.101	Administrative Order Nos. 2 and 3.
1.102	Do.
1.105	Administrative Order No. 3.
1.106	Do.
1.111	Administrative Order No. 2.
1.112	Do.
1.113	Do.
1.121	Do.
1.122	Do.
1.123	Do.
1.131	Do.
1.132	Do.
1.141	Do.
1.142	Do.
1.143	Do.
1.144	Do.
1.145	Do.
1.146	Do.
1.201	1.1.
1.202	New.
1.203	Appendix 3, Part 1.
1.204	New.
1.205	Do.
1.206	1.5.
1.207	1.6.
1.208	New.
1.209	1.351.

TABLE I—TABLE SHOWING SOURCE OF PROVISIONS CONTAINED IN PART 1 OF THE RULES AND REGULATIONS—Continued

Present sec. No.:	*Old sec. No.*
1.210	New.
1.211	Do.
1.212	Do.
1.213	1.351.
1.214	New.
1.215	1.71.
1.301	1.71.
1.302	New.
1.303	1.121.
1.304	1.352.
1.305	1.353.
1.306	1.354.
1.307	1.74.
1.308	1.75.
1.311	New.
1.312	Do.
1.313	1.355.
1.314	1.356.
1.315	2.42.
1.316	2.43; 2.44.
1.317	1,357.
1.318	1.358.
1.319	1.359.
1.320	1.360; 1.362.
1.321	1.388; 1.364.
1.322	1.364.
1.323	1.364.
1.324	1.365.
1.325	1.366.
1.326	New.
1.327	Do.
1.328	Do.
1.329	Do.
1.330	Do.
1.331	Do.
1.341	1.301.
1.342	1.302.
1.343	1.303.
1.344	1.304.
1.345	New.
1.346	Do.
1.347	Do.
1.361	1.72.
1.362	1.367.
1.363	1.369; 1.370.
1.364	1.368.
1.365	1.73; Public Notice of Jan. 5, 1946.
1.371	New.
1.372	Do.
1.373	Public Notice of Aug. 16, 1946.
1.374	New.
1.375	Do.
1.376	Do.
1.381	1.77.
1.382	1.381.
1.383	1.382.
1.384	1.363.
1.385	1.383.
1.386	New.
1.387	1.196; 1.384.
1.388	1.385.
1.389	1.386.
1.390	1.387.
1.391	Public Notice of June 21, 1946.
1.401	1.391.
1.402	1.401.
1.403	1.402.
1.404	1.411.
1.501	1.121.
1.502	1.353.
1.503	1.354.
1.504	1.74.
1.505	1.75.
1.506	1.72.
1.507	1.73.
1.508	1.77.
1.509	1.382.
1.521	New.
1.522	Do.
1.523	Do.
1.524	Do.
1.525	Do.
1.526	Do.
1.527	1.452.

TABLE I—TABLE SHOWING SOURCE OF PROVISIONS CONTAINED IN PART 1 OF THE RULES AND REGULATIONS—Continued

Present sec. No.:	*Old sec. No.*
1.528	New.
1.529	Do.
1.541	Do.
1.542	1.482.
1.543	New.
1.544	Do.
1.545	Do.
1.546	Do.
1.547	Do.
1.548	Do.
1.549	Do.
1.550	Do.
1.551	Do.
1.552	Do.
1.553	Do.
1.554	Do.
1.555	Do.
1.556	Do.
1.557	Do.
1.558	Do.
1.559	Do.
1.571	1.421.
1.572	1.422.
1.573	1.423.
1.574	1.424.
1.575 (a)	1.425.
1.575 (b)	Appendix 4, Part 1.
1.576	1.426.
1.577	1.427.
1.578	1.428.
1.579	1.429.
1.580	1.430.
1.581	1.431.
1.582	1.432.
1.583	1.433.
1.584	1.434.
1.585	1.435.
1.586	1.436.
1.587	1.437.
1.588	1.438.
1.589	1.439.
1.590	1.481.
1.591	1.461; 1.462.
1.592	1.471.
1.701	1.21.
1.702	1.81.
1.703	1.9.
1.711	1.31.
1.712	1.32.
1.713	1.33; 1.34; 1.37; Appendix 1, Part 1.
1.714	1.36.
1.715	1.38.
1.716	1.39; Appendix 2, Part 1.
1.721	1.101.
1.722	1.102.
1.723	1.195.
1.724	1.194.
1.725	New.
1.726	Do.
1.727	1.103.
1.728	New.
1.729	Do.
1.741	1.251.
1.742	1.253.
1.743	1.254.
1.744	1.255.
1.745	1.256.
1.761	New.
1.762	1.131.
1.763	1.132.
1.764	1.142; 1.491.
1.765	1.272.
1.766	1.91.
1.767	1.141; 1.491; 1.231 (i); 1.272.
1.768	1.76.
1.801	1.191; 1.192.
1.802	1.7.
1.803	1.197.
1.811	1.201.
1.812	1.202.
1.813	1.203.
1.814	New.
1.821	1.221; 1.222.
1.822	1.223.

TABLE I—TABLE SHOWING SOURCE OF PROVISIONS CONTAINED IN PART 1 OF THE RULES AND REGULATIONS—Continued

Present sec. No.:	*Old sec. No.*
1.823	1.224.
1.824	1.225.
1.825	1.226.
1.826	1.227.
1.827	1.228.
1.831	1.171.
1.832	1.172.
1.833	1.173.
1.834	1.174.
1.841	1.204.
1.842	1.231 (a).
1.843	1.231 (b).
1.844	1.231 (c).
1.845	1.231 (d).
1.846	1.231 (e).
1.847	1.231 (f).
1.848	1.231 (f).
1.849	1.231 (g), (h), (j).
1.850	1.231 (k).
1.851	New.
1.852	1.232.
1.871	1.211.
1.872	1.212.
1.873	1.213.
1.874	1.214.
1.875	1.11.
1.876	1.215.
1.877	1.216.
1.878	1.217.
1.879	1.151.
1.880	1.152.
1.881	1.153.
1.891	New.
1.892	1.271.
1.893	1.271.
1.894	New.
1.895	1.273.
1.896	1.274.
Appendix 1	New.
Appendix 2	Appendix 5, Part 1.

TABLE II—TABLE SHOWING SECTION IN FORMER PART 1 CORRESPONDING TO SECTIONS IN PRESENT PART 1

Old sec.:	*Present sec.*
1.1	1.3: 1.201.
1.2	1.3.
1.3	1.11.
1.4	1.11.
1.5	1.206.
1.6	1.207.
1.7	1.802.
1.8	
1.9	1.703.
1.10	
1.11	1.875.
1.21	1.701.
1.31	1.711.
1.32	1.712.
1.33	1.713.
1.34	1.713.
1.35	
1.36	1.714.
1.37	1.713.
1.38	1.715.
1.39	1.716.
1.51	
1.52	
1.53	
1.54	
1.55	
1.56	
1.57	
1.58	
1.59	
1.60	
1.71	1.215; 1.301.
1.72	1.361; 1.506.
1.73	1.365; 1.507.
1.74	1.307; 1.504.
1.75	1.308; 1.505.
1.76	1.768.
1.77	1.381; 1.508.
1.81	1.702.
1.91	1.766.
1.101	1.721.

TABLE II—TABLE SHOWING SECTION IN FORMER PART 1 CORRESPONDING TO SECTIONS IN PRESENT PART 1—Continued

Old sec.:	*Present sec.*
1.102	1.722.
1.103	1.727.
1.121	1.303; 1.501.
1.122	1.765.
1.131	1.762.
1.132	1.763.
1.141	1.767.
1.142	1.764.
1.151	1.879.
1.152	1.880.
1.153	1.881.
1.171	1.831.
1.172	1.832.
1.173	1.833.
1.174	1.834.
1.191	1.801.
1.192	1.801.
1.193	
1.194	1.724.
1.195	1.723.
1.196	1.387.
1.197	1.803.
1.201	1.811.
1.202	1.812.
1.203	1.813.
1.204	1.841.
1.211	1.871.
1.212	1.872.
1.213	1.873.
1.214	1.874.
1.215	1.876.
1.216	1.877.
1.217	1.878.
1.221	1.821.
1.222	1.821.
1.223	1.822.
1.224	1.823.
1.225	1.824.
1.226	1.825.
1.227	1.826.
1.228	1.827.
1.231	
(a)	1.842.
(b)	1.843.
(c)	1.844.
(d)	1.185.
(e)	1.846.
(f)	1.847; 1.248.
(g)	1.849.
(h)	1.849.
(i)	1.767.
(j)	1.849.
(k)	1.850.
1.232	1.852.
1.251	1.741.
1.252	
1.253	1.742.
1.254	1.743.
1.255	1.744.
1.256	1.745.
1.271	1.892; 1.893.
1.272	1.765; 1.767.
1.273	1.895.
1.274	1.896.
1.301	1.341.
1.302	1.342.
1.303	1.343.
1.304	1.344.
1.351	1.209; 1.213.
1.352	1.304.
1.353	1.305; 1.502.
1.354	1.306; 1.503.
1.355	1.313.
1.356	1.314.
1.357	1.317.
1.358	1.318.
1.359	1.319.
1.360	1.320.
1.362	1.320.
1.363	1.384.
1.364	1.321; 1.322; 1.323.
1.365	1.324.
1.366	1.325.
1.367	1.362.
1.368	1.364.
1.369	1.363.
1.370	1.363.

TABLE II—TABLE SHOWING SECTION IN FORMER PART 1 CORRESPONDING TO SECTIONS IN PRESENT PART 1—Continued

Old sec.:	*Present sec.*
1.381	1.382.
1.382	1.383; 1.509.
1.383	1.385.
1.384	1.387.
1.385	1.388.
1.386	1.389.
1.387	1.390.
1.388	1.321.
1.391	1.401.
1.401	1.402.
1.402	1.403.
1.411	1.404.
1.412	1.404.
1.421	1.571.
1.422	1.572.
1.423	1.573.
1.424	1.574.
1.425	1.575.
1.426	1.576.
1.427	1.577.
1.428	1.578.
1.429	1.579.
1.430	1.580.
1.431	1.581.
1.432	1.582.
1.433	1.583.
1.424	1.584.
1.435	1.585.
1.436	1.586.
1.437	1.587.
1.438	1.588.
1.439	1.589.
1.440	64.1.
1.452	1.527.
1.461	1.591.
1.462	1.591.
1.471	1.592.
1.481	1.590.
1.482	1.542.
1.491	1.764; 1.767.
Appendix 1, Part 1	1.713.
Appendix 2, Part 1	1.716.
Appendix 3, Part 1	1.40; 1.203.
Appendix 4, Part 1	1.575.
Appendix 5, Part 1	Appendix 2, Part 1.

TABLE III—TABLE SHOWING FORMS CURRENTLY IN EFFECT AND WHERE THEY ARE REFERRED TO IN PART I OF THE RULES AND REGULATIONS

Form No.:	*Sec.*
301	1.311 (a).
302	1.317 (b) (1); 1.318 (b) (1).
303	1.320 (c) (1).
303A	1.320 (c) (2).
303B	1.320 (c) (3).
304	1.311 (c); 1.319 (b) (1).
305	1.311 (k).
306	1.328.
308	1.327.
309	1.311 (e).
310	1.317 (b) (2).
311	1.320 (c) (4).
312	1.319 (b) (3).
313	1.320 (c) (5).
314	1.321 (a) (b) (f).
315	1.321 (a) (b) (f).
316	1.321 (f).
317	1.325 (b).
318	1.311 (j).
319	1.311 (d).
320	1.317 (b) (3).
322	1.311 (h); 1.319 (b) (2).
323	1.343 (a).
323A	1.343 (b).
324	1.341.
327	1.345.
328	1.321 (f).
329	1.321 (f).
330	1.311 (g).
333	1.311 (i); 1.319 (b) (4).
335	1.311 (b).

TABLE III—TABLE SHOWING FORMS CURRENTLY IN EFFECT AND WHERE THEY ARE REFERRED TO IN PART I OF THE RULES AND REGULATIONS—Continued.

Form No.:	*Sec.*
336	1.347; 1.557 (a).
337	1.347; 1.557 (b).
340	1.311 (f).
401	1.312 (a).
401A	1.312 (b).
401B	1.312 (c).
401C	1.312 (d).
402	1.318 (b) (2).
403	1.317 (b) (4); 1.319 (b) (5).
404	1.318 (b) (3).
404A	1.318 (b) (4); 1.319 (b) (6); 1.320 (c) (10).
405	1.320 (c) (6).
405A	1.320 (c) (7).
408	1.324 (c) (1).
409	1.324 (c) (2).
455	1.312 (e).
457	1.329 (a).
500	1.318 (b) (5).
501	1.318 (b) (6).
501A	1.318 (b) (7); 1.519 (b) (7); 1.320 (c) (11).
502	1.320 (c) (8).
503	1.319 (b) (8).
602	1.318 (b) (9); 1.320 (c) (9).
610	1.318 (b) (8); 1.320 (c) (9).
701	1.314 (b).
702	1.322 (b) (1).
703	1.322 (b) (2).
756	1.329 (a).
756A	1.329 (a).
759	1.329 (c).
786	1.713 (a).
801	1.330 (a).
808	1.329 (b).
820	1.331.
901	1.545 (a).
903	1.545 (a).
905A	1.545 (a).
905B	1.545 (a).
H	1.544 (a) (1).
M	1.544 (a) (2).
O	1.544 (a) (3).
R	1.544 (a) (4).
Circular No. 1	1.544 (a) (5).
Circular No. 2	1.544 (a) (6).
Circular No. 3	1.544 (a) (7).

SUBPART A—ORGANIZATION OF THE COMMISSION [1]

GENERAL

§ 1.1 *Statutory authority.* The Federal Communications Commission is created by the Communications Act of 1934, as amended. This Act is printed in Title 47 of the United States Code beginning with Section 151. Pamphlet copies of the Act may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D. C., for 15 cents.

§ 1.2 *Commissioners.* (a) The Federal Communications Commission is composed of 7 members appointed by the President, subject to Senate confirmation, one of whom the President designates as Chairman.

(b) From time to time the Commission designates a Vice Chairman who acts as Chairman in the Chairman's absence. In the absence of both the Chairman and Vice Chairman, the Commissioner most senior in terms of service, who is present,

[1] Subpart A is issued pursuant to section 3 (a) (1) of the Administrative Procedure Act.

acts as Chairman, unless otherwise provided by the Commission.

(c) There are two standing committees of Commissioners, the Telegraph Committee and the Telephone Committee, each composed of three Commissioners. Certain telegraph and telephone matters are from time to time referred to these Committees by the Commission for report and study.

§ 1.3 *Offices.* All offices of the Commission unless otherwise hereinafter described are located in the New Post Office Building, 13th Street and Pennsylvania Avenue, N.W., Washington 25, D. C. All meetings of the Commission, unless otherwise directed by the Commission, are held at the above address.

§ 1.4 *General description of Commission organization.* The Commission is divided into the following principal units:

(a) Office of the Secretary.
(b) Engineering Department.
(c) Accounting Department.
(d) Law Department.
(e) Administrative Divisions.

OFFICE OF THE SECRETARY

§ 1.11 *Secretary.* The Secretary of the Commission is custodian of its official records. He is responsible for the preparation of Commission minutes which are the official record of action taken by the Commission, the processing of correspondence and official papers, the administrative examination of applications, and certain functions relating to the internal management of the Commission. All orders, permits, licenses, or other instruments of authorization made, issued, or granted by the Commission are signed by the Secretary in the name of the Commission and authenticated by the seal of the Commission, unless otherwise specifically directed by the Commission. In the Office of the Secretary are the following units:

(a) License Division.
(b) Service Division.
(c) Records Division.
(d) Minute Section.
(e) Library Section.

§ 1.12 *License Division.* The License Division is divided into the following sections:

(a) *Broadcast License Section,* which examines all applications and supporting data relating to all classes of radio stations in the broadcast services; issues orders and authorizations approved by the Commission affecting broadcast stations in non-docket cases; and maintains records of stock ownership of broadcast applicants and licensees.

(b) *Commercial License Section,* which examines all applications and supporting data relating to all classes of non-broadcast radio stations (except amateur), telephone and telegraph extensions or abandonment of facilities, and interlocking directorates; and issues orders, authorizations and certificates approved by the Commission in the above class of cases in non-docket cases.

(c) *Amateur Section,* which examines applications and issues licenses for amateur radio stations and operators; assigns amateur station call letters; and maintains records concerning amateur and commercial radio operators.

(d) *Tabulating Section,* which maintains statistical data and listings for various departments of the Commission.

§ 1.13 *Service Division.* The Service Division consists of the following Sections: Procurement Section, Duplicating Section, Stenographic Section, Telephone Section. These sections perform functions relating only to internal management.

§ 1.14 *Records Division.* The Records Division is divided into the following sections:

(a) *Mail and Files Section,* which receives, opens, dates and time stamps, all incoming mail; summarizes, classifies and indexes such correspondence and routes it to the appropriate department; maintains the Commission's correspondence file; and dispatches outgoing mail.

(b) *Docket Section,* which maintains dockets of all Commission hearings; notifies all parties in interest of action taken by the Commission in docket cases; serves parties in docket cases when service by the Commission is required; and issues orders, notices and decisions approved by the Commission in docket cases.

(c) *Messenger Section.* The functions of this section relate to internal management.

§ 1.15 *Minute Section.* The Minute Section prepares agenda for Commission meetings; takes notes at meetings of actions on all matters notifying appropriate sections of action taken; and prepares minutes of Commission action; and maintains custody of all approved Commission minutes.

§ 1.16 *Library Section.* The Library Section maintains the main library of the Federal Communications Commission.

ENGINEERING DEPARTMENT

§ 1.21 *Chief Engineer.* The Chief Engineer as head of the Engineering Department supervises all Commission activities concerning engineering matters including activities in connection with the North American Regional Broadcasting Engineering Committee. The following units are included in the Engineering Department:

(a) Broadcast Branch.
(b) Safety and Special Services Branch.
(c) Common Carrier Branch.
(d) Field and Research Branch.

§ 1.22 *Broadcast Branch.* The Broadcast Branch is responsible for the activities of the Standard Broadcast, Frequency Modulation, and Television Broadcast Divisions.

§ 1.23 *Standard Broadcast Division.* The Standard Broadcast Division is responsible for all engineering matters pertaining to radio stations in the standard broadcast service. It is divided into the following sections:

(a) *Allocations Section,* which is concerned with the overall allocation of standard broadcast frequencies; maintains complete records of United States and foreign assignments of standard broadcast stations; and prepares maps, charts, tables, and conducts studies regarding frequency allocations for standard broadcast stations.

(b) *Applications I Section,* which reviews and reports on applications to construct or modify standard broadcast facilities; prepares engineering specifications for appropriate authorizations; and formulates recommendations for additions and improvements to the engineering standards concerning standard broadcast stations.

(c) *Applications II Section,* which reviews and reports on applications for renewal of license or for change of ownership of standard broadcast stations, and applications for experimental and developmental stations in the standard broadcast service; studies and coordinates the experimental programs of experimental and developmental stations of the standard broadcast service; and, based upon appropriate data, gives type approval for transmitting and monitoring equipment submitted by manufacturers.

(d) *Hearings Section,* which prepares and presents engineering testimony and exhibits in hearings involving standard broadcast applications and reviews and reports on records in such cases.

§ 1.24 *FM (Frequency Modulation) Division.* The FM (Frequency Modulation) Division is responsible for all engineering matters pertaining to stations in the FM and associated services (remote pickup, facsimile and studio-transmitter). It is divided into the following sections:

(a) *Allocations Section,* which is concerned with the overall allocation of frequencies assigned to FM and associated services; maintains complete records of United States and foreign FM assignments; prepares maps, charts, tables, and conducts studies regarding FM frequency allocations.

(b) *Applications I Section,* which reviews and reports on applications to construct or modify FM stations and stations in the associated services, and prepares engineering specifications for appropriate authorizations.

(c) *Applications II Section,* which reviews and reports on applications for renewal of license or for change of ownership of FM broadcast stations and associated services and applications for experimental and developmental stations in the FM broadcast service; studies and coordinates the experimental programs of experimental and developmental stations of such services; based upon appropriate data, gives type approval for transmitting and monitoring equipment submitted by manufacturers; and formulates recommendation for additions and improvements to the engineering standards concerning these stations.

(d) *Hearings Section,* which prepares and presents engineering testimony and exhibits in hearings involving FM applications and associated services and reviews and reports on records in such cases.

§ 1.25 *Television Broadcast Division.* The Television Broadcast Division is responsible for all engineering matters per-

taining to the television broadcast service, adjunct services, and international broadcast stations. It is divided into the following sections:

(a) *Allocations Section,* which is concerned with the overall allocation of frequencies assigned to the television (commercial and experimental) service, adjunct services, and international broadcast services; maintains complete records of United States and foreign assignments for such services; and prepares maps, charts, tables, and conducts studies regarding frequency allocations for such services.

(b) *Applications I Section,* which reviews and reports on applications to construct or modify television (commercial and experimental) stations, adjunct services, and international broadcast stations, and prepares engineering specifications for appropriate authorizations.

(c) *Applications II Section,* which reviews and reports on applications for renewal of license or for change of ownership of television (commercial and experimental) stations, adjunct services, and international broadcast stations and associated services and applications for experimental and developmental stations in the television broadcast service; studies and coordinates the experimental programs of experimental and developmental stations of such services; based upon appropriate data, gives type approval for transmitting and monitoring equipment submitted by manufacturers; and formulates recommendations for additions and improvements to the engineering standards concerning these stations.

(d) *Hearings Section,* which prepares and presents engineering testimony and exhibits in hearings involving television broadcast, adjunct services, and international broadcast applications and reviews and reports on records in such cases.

§ 1.26 *Safety and Special Services Branch.* The Safety and Special Services Branch is responsible for the activities of the Marine and General Mobile, Aviation, and Emergency and Miscellaneous Divisions.

§ 1.27 *Marine and General Mobile Division.* The Marine and General Mobile Division is divided into the following sections:

(a) *General Mobile Service Section,* which reviews and reports on applications for permits to construct or modify marine and general mobile stations, and prepares and presents engineering testimony and exhibits at hearings.

(b) *Maritime Safety Communications Section,* which makes engineering recommendations and coordinates with other appropriate agencies on all phases of ship radio communications including applications for exemption from Part II, Title III, of the Communications Act, and radio requirements of Safety of Life at Sea Convention; studies ship disasters and distress communications; and prepares recommendations for treaty proposals for ship communication activities on the Great Lakes.

(c) *Allocations and Equipment Section,* which is concerned with the allocation and assignment of frequencies to the various classes of stations in the marine and general mobile services; studies equipment specifications; prepares performance standards and issues type approval; and prepares and presents engineering testimony and exhibits at hearings.

§ 1.28 *Aviation Division.* The Aviation Division is divided into the following sections:

(a) *Domestic and Territorial Section,* which reviews and reports on applications for permits to construct or modify stations in the domestic and territorial aviation service and prepares and presents engineering testimony and exhibits at hearings.

(b) *International Section,* which reviews and reports on applications for permits to construct or modify stations in the international aviation service; prepares and presents engineering testimony and exhibits at hearings; and conducts special studies relating to international aviation.

(c) *Allocations and Equipment Section,* which is concerned with the allocation and assignment of frequencies to the various classes of domestic and international aviation stations; studies equipment specifications; prepares performance standards; and issues type approval for such equipment.

§ 1.29 *Emergency and Miscellaneous Division.* The Emergency and Miscellaneous Division is divided into the following sections:

(a) *Applications and Hearings Section,* which reviews and reports on applications for authorizations to construct, or modify, emergency and miscellaneous radio stations (emergency; railroad, geophysical, special press, intermittent, war emergency), and prepares and presents engineering testimony and exhibits at hearings.

(b) *Allocations and Equipment Section,* which is concerned with the allocation and assignment of various classes of stations in the emergency and miscellaneous serivces; prepares reports on technical equipment used in these services; prepares recommendations for standards of good engineering practice; and makes various studies relating to equipment and frequency allocations.

(c) *Experimental Section,* which is responsible for the development and coordination of experimental programs particularly with respect to proposed new services and prepares and presents engineering testimony and exhibits at hearings.

(d) *Operators and Amateurs Section,* which prepares recommendations for the preparation and promulgation of rules and regulations governing commercial radio, amateur radio and citizen's radio operators and amateur radio stations.

§ 1.30 *Common Carrier Branch.* The Common Carrier Branch is responsible for the activities of the International Communications, Domestic Communications, Rate and Common Carrier Field Divisions.

§ 1.31 *International Communications Division.* The International Communications Division is responsible for all technical matters relating to wire, cable and radio common carrier communication services between the United States and all foreign countries; reviews and makes recommendations on applications for facilities in the fixed public services and with respect to cable landing licenses; makes studies relating to the adequacy of facilities and the speed of service in international telephone and telegraph communications; makes studies of the technical phases of the problems relating to the merger of international communication facilities, international telecommunication treaties, distribution of international telegraph traffic and other matters affecting Commission policy in the international field; cooperates with the Department of State and other departments and agencies of the United States Government in matters relating to international communications; participants in the preparation for international conferences and technical meetings; participates in the preparation for and gives technical testimony at formal hearings on international telecommunications matters.

§ 1.32 *Domestic Communications Division.* The Domestic Communications Division is responsible for all engineering matters, except rates, relating to domestic common carrier communication services by wire, cable and radio; reviews and makes recommendations on applications for domestic common carrier radio relay systems and for mobile common carrier radio service; participates in the preparation for and gives technical testimony at formal hearings on domestic telecommunications matters; reviews and makes recommendations on applications for new facilities and extensions and discontinuance of domestic telephone and telegraph service, and applications for merger and consolidation of these services; makes studies relating to the adequacy of facilities and the speed of service in domestic telephone and telegraph communications.

§ 1.33 *Rate Division.* The Rate Division prepares engineering studies relating to rates and charges for international and domestic communication services, including methods of separation of properties and expenses, determination of the costs of properties and services, annual depreciation rates and depreciation reserve requirements, and methods of making and maintaining continuing property records of common carrier property.

§ 1.34 *Common Carrier Field Division.* The Common Carrier Field Division collects, analyzes, and summarizes information relating to the communications industry for the use of the other divisions of the Common Carrier Branch. It has offices at: Room 631-C, 90 Church Street, New York 7, New York; 411 Federal Annex, Atlanta, Georgia; Room 809, West Coast Life Building, 605 Market Street, San Francisco 5, California.

§ 1.35 *Field and Research Branch.* The Field and Research Branch is responsible for the activities of the Field Engineering and Monitoring, Laboratory, Technical Information and Frequency-Service Allocation Divisions.

§ 1.36 *Field Engineering and Monitoring Division.* The Field Engineering and Monitoring Division directs the activities and formulates policies and procedures for all the Commission's engineering offices, primary monitoring stations and secondary monitoring stations. The addresses of these offices are to be found in § 1.40. The Division is divided into the following sections:

(a) *Administrative Section,* which is responsible for administrative, statistical and clerical duties such as workload statistical reports, personnel records and reports, service functions, distribution and mailing, maintenance and records.

(b) *Inspection and Operator Examination Section,* which directs all engineering activities in connection with the inspection of radio equipment on board United States and foreign passenger and cargo vessels, land radio stations including aircraft; supervises the conduct of examinations, grading and issuance of commercial radio operators' licenses; conducts and grades examinations and issues licenses for commercial radio operators for the Washington district at 316 F Street NE.; supervises the grading of amateur radio operator examinations submitted by all field offices; reviews inspection reports and citations; designs, constructs and distributes code tapes to all field offices and maintains records of inspections, citations and operator examinations.

(c) *Monitoring Section,* which provides surveillance of the radio spectrum to insure compliance with treaties, the Communications Act and Commission standards in operations of radiotelegraph and radiotelephone circuits of all types; maintains complete case records of illegal stations including locations, calls, frequencies, technical characteristics and other significant information, and prepares and presents evidence on illegal operation or other violations in criminal prosecutions.

(d) *Technical Operations Section,* which is responsible for all technical equipment and plant activities of primary and secondary monitoring stations, investigative units, district field offices, field sub-offices, ship offices and mobile laboratories; conducts special technical investigations, field intensity surveys, field intensity recordings; gathers technical data to substantiate proposed rules and decisions of the Commission; studies the needs for new apparatus which may be required for field use for direction finding, monitoring, frequency measurement, radio station inspection and designs and/or writes specifications for manufacturing of such equipment by commercial concerns.

§ 1.37 *Laboratory Division.* The Laboratory Division is responsible for the development, investigation and completion of a variety of field studies, surveys and tests, resulting in the accumulation of engineering data or statistics in any of the broad fields of the communications art; designs and assemblies apparatus for special tests and studies; determines capabilities of newly developed equipment and develops, designs and constructs equipment for use in connection with field and monitoring activities of the Commission; and makes recommendations concerning type approval of diathermy equipment and other types of equipment. It is located near Laurel, Maryland, but all inquiries regarding the division should be addressed to the Secretary of the Commission.

§ 1.38 *Technical Information Division.* The Technical Information Division is composed of a Propagation Expert and Consultant, Routine Information Section, Information Projects Section and Information Analysis Section. This division is responsible for the analysis, coordination and dissemination of information obtained through the Laboratory Division and other sources, and acts as technical consultant to the other divisions and branches of the Engineering Department.

§ 1.39 *Frequency-Service Allocation Division.* The Frequency-Service Allocation Division is divided into the following sections:

(a) *Frequency Utilizations and Requirements Section,* which studies the actual use of frequencies by the various radio services to determine their allocation requirements; keeps informed of the state of the radio art as it pertains to the utilization of frequencies in all parts of the radio spectrum; participates in the preparation for all bilateral, multilateral, regional and world international telecommunication conferences which have to do with the service-allocation of radio frequencies.

(b) *IRAC Section.* which represents the Commission on the Interdepartment Radio Advisory Committee;[1] maintains a continuous study of the relative priority existing between United States and foreign radio frequencies; maintains master record of all frequency assignments made by the Commission; and maintains a record of all frequency assignments and their utilization by foreign governments.

(c) *IRAC Secretariat,* which performs the secretarial work of the Interdepartment Radio Advisory Committee, including taking verbatim notes of meetings, compiling and distributing lists of all government stations; prepares Executive orders which list all frequency assignments to the Federal Government; and maintains a complete file of all application for government frequency assignments.

(d) *International Records and Reports Unit,* which is responsible for maintaining complete records of frequency assignments to authorized radio stations throughout the world and the preparation of various reports for domestic and international use including report to the Bern Bureau.[2]

[1] The Interdepartment Radio Advisory Committee is composed of representatives of various government agencies which use radio in their operation. It makes recommendations to the President with respect to the assignment of frequencies to all federal government radio stations. (See section 305 of the Communications Act.)

[2] The Bern Bureau acts as the Secretariat for the International Telecommunications Union, an organization of countries which are parties to the International Telecommunications Convention (Madrid, 1932). The Bern Bureau maintains the master list of frequency registrations, publishes documents relating to telecommunications, and receives and disseminates information and notifications relating to telecommunications.

§ 1.40 *Location of Engineering Field Offices and Monitoring Stations.*

Radio District	Address of the Engineer in Charge	Territory within district	
		States, etc.	Counties
1	Seventh Floor, Customhouse, Boston, Mass.	Connecticut	All counties.
		Maine	Do.
		Massachusetts	Do.
		New Hampshire	Do.
		Rhode Island	Do.
		Vermont	Do.
2	748 Federal Bldg., 641 Washington St., New York 14, N. Y.	New Jersey	Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren.
		New York	Albany, Bronx, Columbia, Delaware, Dutchess, Green, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Schenectady, Suffolk, Sullivan, Ulster, and Westchester.
3	Room 1200, New U. S. Customhouse, 2d and Chestnut Sts., Philadelphia 6, Pa.	Delaware	Newcastle.
		New Jersey	Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem.
		Pennsylvania	Adams, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northhampton, Perry, Philadelphia, Schuykill, and York.
4	508 Old Town Bank Bldg., Gay St. and Faisway, Baltimore 2, Md.	Delaware	Kent and Sussex.
		District of Columbia	All.
		Maryland	All counties.
		Virginia	Arlington, Clark, Fairfax, Fauquier, Frederick, Loudoun, Page, Prince William, Rappahannock, Shenandoah, and Warren.
		West Virginia	Barbour, Berkeley, Grant, Hamphire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, and Upshur.
5	Room 402, New Post Office Bldg., Norfolk 10, Va.	North Carolina	All except District 6.
		Virginia	All except District 4.

Radio District	Address of the Engineer in Charge	Territory within district	
		States, etc.	Counties
6	411 Federal Annex, Atlanta 3, Ga	Alabama	All except District 8.
		Georgia	All counties.
		North Carolina	Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Cleveland, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Watauga, and Yancey.
		South Carolina	All counties.
		Tennessee	Do.
	Suboffice, P. O. Box 77, 214–218 Post Office Bldg., Savannah, Ga.		
7	P. O. Box 150, 312 Federal Bldg., Miami 1, Fla	Florida	All except District 8.
	Suboffice, 409–410 Post Office Bldg., Tampa 2, Fla		
8	400 Audubon Bldg., New Orleans 16, La	Alabama	Baldwin and Mobile.
		Arkansas	All counties.
		Florida	Escambia.
		Louisiana	All counties.
		Mississippi	Do.
		Texas	City of Texarkana only
9	216 U. S. Appraisers Bldg., 7300 Wingate Ave., Houston, Tex	Texas	Angelina, Aransas, Atascosa, Austin, Bandera, Bexar, Blanco, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, De Witt, Duval, Dimmit, Edwards, Fayette, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonzalles, Grimes, Guadalupe, Hardin, Hays, Harris, Hidalgo, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kenedy, Kendall, Kerr, Kinney, Kleberg, La Salle, Lavaca, Lee, Liberty, Live Oak, Matagorda, Madison, Maverick, McMullen, Medina, Montgomery, Nacogdoches, Newton, Nueces, Orange, Polk, Real, Refugio, San Augustine, San Jacinto, San Patricio, Sabine, Starr, Travis, Trinity, Uvalde, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Williamson, Wilson, Zapata, Zavala, and Tyler.
	Suboffice, 404 Post Office Bldg., Galveston, Tex		
10	P. O. Box 5238, 500 U. S. Terminal Annex, Dallas 2, Tex	New Mexico	All counties.
		Oklahoma	Do.
		Texas	All except District 9 and the city of Texarkana.
11	539 U. S. Post Office and Courthouse Bldg., Temple and Springs Sts., Los Angeles 12, Calif.	Arizona	All counties.
		California	Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura.
		Nevada	Clarke.
	Suboffice, 307 U. S. Customhouse and Courthouse Bldg., Union and F Sts., San Diego 1, Calif.		
12	328 Customhouse, San Francisco 26, Calif	California	All except District 11.
		Nevada	All except Clarke.
13	805 Terminal Sales Bldg., Portland 5, Oreg	Idaho	All except District 14.
		Oregon	All counties.
		Washington	Wahkiakum, Cowlitz, Clark, Skamania, and Klickitat.
14	801 Federal Office Bldg., Seattle 4, Wash	Idaho	Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone.
		Montana	All counties.
		Washington	All except District 13.
15	504 Customhouse, Denver 2, Colo	Colorado	All counties.
		Utah	Do.
		Wyoming	Do.
		Nebraska	Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scottsbluff, Sheridan, Sioux.
		South Dakota	Butte, Custer, Fall River, Lawrence, Meade, Pennington, Shannon, and Washington.
16	208 Uptown Post Office and Courthouse Bldg., 5th and Washington Sts., St. Paul 2, Minn.	Minnesota	All counties.
		Michigan	Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft.
		South Dakota	All counties except District 15.
		North Dakota	All counties.
		Wisconsin	All counties except District 18.
17	838 U. S. Courthouse, Kansas City 6, Mo	Iowa	All except District 18.
		Kansas	All counties.
		Missouri	Do.
		Nebraska	All counties except District 15.
18	246 U. S. Courthouse Bldg., Chicago 4, Ill	Illinois	All counties.
		Indiana	Do.
		Iowa	Allamakee, Buchanan, Cedar, Clayton, Clinton, Delaware, Des Moines, Dubuque, Fayette, Henry, Jackson, Johnson, Jones, Lee, Linn, Louisa, Muscatine, Scott, Washington, and Winneshiek.
		Wisconsin	Brown, Columbia, Calumet, Crawford, Dane, Dodge, Door, Fond du Lac, Grant, Green, Iowa, Jefferson, Keewanee, Kenosha, Lafayette, Manitowoc, Marinette, Milwaukee, Ozaukee, Ocente, Outgamie, Racine, Richland, Rock, Sauk, Sheboygan, Walworth, Washington, Waukesha, and Winnebago.
		Kentucky	All counties except District 19.
19	1029 New Federal Bldg., Detroit 26, Mich	Kentucky	Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Greenup, Kenton, Harlan, Harrison, Jacksonne, Jessamine, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Martin, Mason, McCreary, Menifee, Montgomery, Morgan, Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Wayne, Whitely, Wolfe, and Woodford.
	Suboffice, 541 Old Post Office Bldg., Cleveland 14, Ohio.	West Virginia	All counties except under District 4.
20	328 Federal Bldg., Buffalo 3, N. Y	New York	All except District 2.
21	609 Stangenwald Bldg., Honolulu 1, T. H.	Pennsylvania	All except District 3.
		Territory of Hawaii and outlying Pacific possessions, except Alaska and adjacent islands.	
22	P. O. Box 2987, 322–323 Federal Bldg., San Juan 13, P. R	Puerto Rico	
		Virgin Islands	
23	P. O. Box 1421, 7–8 Shattuck Bldg., Juneau, Alaska	Alaska	

The offices of the Regional Managers of the Field Engineering and Monitoring Division, Engineering Department are located at the following addresses:

North Atlantic Region, 748 Federal Building, 641 Washington Street, Room 506, New York 14, New York.

Great Lakes Region, 1029 New Federal Bldg., Detroit 26, Michigan.

South Atlantic Region, 411 Federal Annex, Atlanta 3, Georgia.

Gulf States Region, Kingsville Monitoring Station, P. O. Box 632, Kingsville, Texas.

North Pacific Region, 808 Federal Office Bldg., Seattle 4, Washington.

Alaskan Region, 13th and K Streets, P. O. Box 644, Anchorage, Alaska.

South Pacific Region, 328 Customhouse, San Francisco 26, California.

Hawaiian Region, 609 Stangenwald Bldg., Honolulu 1, T. H.

Central States Region, 246 U. S. Court House, Chicago 4, Illinois.

The Primary Monitoring Stations of the Engineering Department are located at the following addresses:

Federal Communications Commission, Allegan Monitoring Station, P. O. Box 89, Allegan, Michigan.

Federal Communications Commission, Central Frequency Monitoring Station, P. O. Box 788, Grand Island, Nebraska.

Federal Communications Commission, Kingsville Monitoring Station, P. O. Box 632, Kingsville, Texas.

Federal Communications Commission, Dover Road, P. O. Box 308, Millis, Massachusetts.

Federal Communications Commission, 2700 W. Edinger, P. O. Box 744, Santa Ana, California.

Federal Communications Commission, P. O. Box 31, Laurel, Maryland.

Federal Communications Commission, P. O. Box 116, San Leandro, California.

Federal Communications Commission, 2310 N. E. 148 Avenue, P. O. Box 5165, Portland, Oregon.

Federal Communications Commission, P. O. Box 4, Powder Springs, Georgia.

Federal Communications Commission, Lanipili Place, P. O. Box 3886, Honolulu 12, T. H.

The Secondary Monitoring Stations of the Engineering Department are located at the following addresses:

Federal Communications Commission, Searsport, Maine. (Mail address, P. O. Box 44, Belfast, Maine.)

Federal Communications Commission, P. O. Box 499, Twin Falls, Idaho.

Federal Communications Commission, P. O. Box 3, North Scituate, Rhode Island.

Federal Communications Commission, 2215 Wellesley Avenue, P. O. Box 37, Station "A", Spokane, Washington.

Federal Communications Commission, 27 South Sixth Avenue, P. O. Box 347, South Miami, Florida.

Federal Communications Commission, St. Paul, Minnesota.

Federal Communications Commission, P. O. Box 99, Lexington, Kentucky.

Federal Communications Commission, Broken Arrow, Oklahoma.

Federal Communications Commission, P. O. Box 330, Bay St. Louis, Mississippi.

Federal Communications Commission, P. O. Box 2961, Juneau, Alaska.

Federal Communications Commission, 13th & K Streets, P. O. Box 644, Anchorage, Alaska.

Federal Communications Commission, P. O. Box 73, Hato Rey, Puerto Rico.

ACCOUNTING DEPARTMENT

§ 1.51 *Chief Accountant.* The Chief Accountant as head of the Accounting Department supervises all Commission activities concerning accounting matters. The following units are included in the Accounting Department:

(a) Accounts Branch.
(b) Rates Branch.
(c) Economics Branch.

§ 1.52 *Accounts Branch.* The Accounts Branch is responsible for the activities of the Accounting Regulations, Broadcast and Field Divisions.

§ 1.53 *Accounting Regulations Division.* The Accounting Regulations Division is divided into the following sections:

(a) *Development and Compliance Section,* which is responsible for the accounting activities under sections 215, 219, 220, and 221 of the Communications Act of 1934, an amended, and other related sections which pertain to the formulation, amendment and interpretation of accounting rules and regulations, the revision of annual and other report forms, the classification of carriers, research with respect to accounting principles; and review of annual and other reports filed by carriers to ascertain whether carriers are complying with accounting instructions.

(b) *Original Cost Section,* which is responsible for the accounting activities under sections 213, 219, and 221 of the Communications Act of 1934, as amended, and other related sections which pertain to the original cost requirements to be applied to property of communication carriers, classification of investment accounts and the property of carriers, the maintenance of continuing property records by carriers, all matters involving plant accounting; and analyzes carriers' accounts to determine whether records are being kept in accordance with the original cost regulations of the Commission.

(c) *Depreciation Section* which is responsible for accounting activities as prescribed by section 220 (b) of the Communications Act, which states "the Commission shall, as soon as practicable, prescribe for such carriers the classes of property for which depreciation charges may be properly included under operating expenses, and the percentages of depreciation which shall be charged with respect to each of such classes of property . . ., and related sections of the Act and such orders as may be issued from time to time by the Commission; analyzes depreciation rates and charges, and changes therein filed by carriers in annual reports or in response to special orders; studies classes of property in order to prescribe those which are depreciable, non-depreciable or amortizible; and is concerned with Commission activities relating to pension plans of communication carriers.

§ 1.54 *Broadcast Division.* The Broadcast Division is divided into the following sections:

(a) *Applications Section* which reviews and makes recommendations with respect to applications in the broadcast services, except those for renewal of licenses; analyzes and interprets financial statements and accounts to determine if applicants and licensees are financially qualified to carry out proposals for new facilities, modification of existing facilities, purchase of existing facilities, and changes in ownership or control; plans and conducts field investigations of the accounts and records of broadcast applicants and licensees.

(b) *Renewal and Annual Reports Section* which is responsible for the analysis of annual financial reports of all broadcast stations and networks to ascertain whether their operation complies with Commission financial standards; investigates cases of suspected fraud or misrepresentation, and suspected unlawful monopolies; examines broadcast license renewal applications and prepares recommendations thereon; and designs and revises the financial data portions of annual report and application renewal forms and instructions pertaining thereto.

(c) *Hearing Section* which is responsible for the accounting phases of broadcast applications and cases designated for hearing, including determination of issues, study of petitions, and preparation of accounting testimony and exhibits.

§ 1.55 *Field Division.* The Field Division is responsible for the conduct of continuing investigations, audits and examinations of the accounts and records of communication carriers, holding companies and affiliated manufacturing, supply, servicing and management companies which are subject to the jurisdiction of the Federal Communications Commission as provided for under the Communications Act of 1934, as amended.

§ 1.56 *Location of Accounting Field Offices.* The field offices of the Accounting Department are located at: 299 Broadway, Room 1820, New York 7, New York; 611 Olive Street, Room 1860 Railway Exchange Bldg., St. Louis 1, Missouri; Room 515 First National Bank Bldg., Atlanta 3, Georgia; 605 Market Street, Room 809 West Coast Life Building, San Francisco 5, California.

§ 1.57 *Rates Branch.* The Rates Branch is responsible for the activities of the Tariffs and Telephone Rates and the Telegraph Rates Divisions.

§ 1.58 *Tariffs and Telephone Rates Division.* The Tariffs and Telephone Rates Division handles matters relating to the construction, filing and posting of schedules of charges for interstate and foreign communication services; handles rates and traffic matters concerning telephone services and reports rate changes to the Commission; recommends action with respect to charges and practices of telephone carriers; institutes telephone traffic surveys; participates in recommending disposition of applications for extension of telephone lines or discontinuance of telephone service under section 214 of the Communications Act, for cable landing licenses and for radiotelephone licenses; and participates in handling the technical phases of treaties and agreements with foreign administrations and carriers relating to telephone matters.

§ 1.59 *Telegraph Rates Division.* The Telegraph Rates Division handles rates and traffic matters concerning telegraph services and reports rate changes to the Commission; recommends action with respect to charges and practices of telegraph carriers; institutes telegraph traffic surveys; participates in recommending disposition of applications for extension of telegraph lines or discontinuance of telegraph service under section 214 of the Communications Act, for cable landing licenses and for radiotelegraph licenses; recommends rates for Government telegraph messages; participates in handling the technical phases of treaties and agreements with foreign administrations and carriers relating to telegraph matters; and effects settlements of traffic balances due foreign telecommunication administrations and companies for telegraph messages transmitted between ships of American registry and foreign

coastal stations and for such messages transmitted from offices in the United States to all ships through foreign coastal stations.

§ 1.60 *Economics Branch.* The Economics Branch is responsible for the activities of the Economics Analysis and Statistics Divisions.

§ 1.61 *Economics Analysis Division.* The Economics Analysis Division analyzes and interprets economic data concerning the communications industries; studies trends in, and prepares forecasts of the growth of communications traffic; analyzes needs for various types of communications service and the availability of the services in particular geographic areas; studies economic trends in new uses of radio in broadcasting, safety and carrier services; performs labor relations liaison; and studies industry manpower problems related to Commission functions.

§ 1.62 *Statistics Division.* The Statistics Division receives, examines and prepares published summaries of annual, monthly and special reports filed by communications carriers and holding companies, and by broadcast stations and networks; tabulates data for special analyses required by the Commission and its staff in connection with hearings and other proceedings; and maintains a public reference room in which public reports filed with the Commission by companies subject to its jurisdiction are available for public inspection. This is located in the Champlain Building, 1424 K Street, N. W., Washington, D. C.

LAW DEPARTMENT

§ 1.71 *General Counsel.* The General Counsel as head of the Law Department is responsible for all Commission activities relating to legal matters. In the Law Department are the following units:

(a) Office of General Counsel.
(b) Litigation and Administration Division.
(c) Broadcast Division.
(d) Common Carrier Division.
(e) Safety and Special Services Division.

§ 1.72 *Office of General Counsel.* In the General Counsel's office are the following sections:

(a) *Technical Section,* which serves as professional consultant to the Commission on the value of patents, patent licenses, and related intangible holdings of telephone, telegraph, broadcasting and cable communications companies.

(b) *Administrative Section,* which is responsible for the administrative control and coordination of work assignments, production records, and files of the Law Department.

§ 1.73 *Litigation and Administration Division.* The Litigation and Administration Division is divided into the following sections:

(a) *Litigation and Legislation Section,* which conducts litigation in which the Commission is a party; reviews proposed Commission decisions on petitions for rehearing; prepares drafts of proposed legislation; studies and prepares opinions and comments upon proposed legislation referred to Commission for study; and performs research and study in connection with preparation of testimony for congressional committees.

(b) *Administration Section,* which has special assignments of a legal character in interpreting the Communications Act and Commission regulations, preparing opinions and recommendations thereon; examines network contracts filed by stations with the Commission to determine if they comply with the chain network regulations; and handles legal problems in connection with all matters relating to internal management.

(c) *Field Section,* which supervises the activities of the field offices of the Law Department. The field offices advise the field offices of the other departments concerning legal matters; conduct investigations; and represent the Law Department in the field. These offices are located at: 36 W. 44th Street, New York 18, N. Y.; 110 S. Dearborn Street, Chicago 3, Illinois; 100 McAllister Street, San Francisco, California.

§ 1.74 *Broadcast Division.* The Broadcast Division is divided into the following sections:

(a) *New and Changed Facilities Section (Standard),* which reviews and prepares reports, legal opinions, and recommendations with respect to applications for new standard broadcast stations and changes in the facilities of existing stations; and represents the Commission at hearings affecting such applications and prepares reports thereon.

(b) *New and Changed Facilities Section (FM),* which reviews and prepares reports, legal opinions and recommendations with respect to applications for FM facilities and changes in facilities of existing stations; and represents the Commission at hearings affecting such applications and prepares reports thereon.

(c) *Television Broadcast Section,* which reviews and prepares reports, legal opinions and recommendations with respect to applications for television facilities and changes in facilities of existing stations; and represents the Commission at hearings affecting such applications and prepares reports thereon.

(d) *Renewals and Revocations Section,* which reviews and prepares legal opinions, reports and recommendations with respect to renewal applications for radio station licenses in the broadcast services and proceedings looking toward the revocation of radio station licenses in the broadcast service; investigates complaints; and represents the Commission at hearings affecting such renewal and revocation matters and prepares reports thereon.

(e) *Transfers Section,* which reviews and prepares legal opinions, reports, and recommendations with respect to applications for assignment of licenses or transfer of control of broadcast stations; and represents the Commission at hearings involving such matters and prepares reports thereon.

(f) *Hearing Section,* which has the primary responsibility for coordinating all hearings involving broadcast matters; schedules the time and place for such hearings; and supervises prehearing conferences.

(g) *Motions and Rehearings Section,* which reviews and prepares legal opinions, reports and recommendations with respect to motions and petitions in cases designated for formal hearing in broadcast matters and reviews, prepares reports, legal opinions and recommendations with respect to petitions for rehearing or reconsideration of actions taken by the Commission, and prepares rules and regulations concerning the broadcast services.

§ 1.75 *Common Carrier Division.* The Common Carrier Division is divided into the following sections:

(a) *Rate Section,* which is responsible for all legal matters relating to rate regulation of common carriers subject to the Communications Act; conducts investigations and hearings relating to rate matters; reviews and makes recommendations with respect to formal and informal complaints with regard to rates and charges; prepares Commission reports, orders, rules, and regulations affecting rates; makes studies of rate phases of all common carrier applications; and handles the legal phases of tariff problems and of accounting matters affecting rates.

(b) *International Section,* which is responsible for all legal matters other than rates relating to wire, cable, and radio communication service between the United States and all foreign countries; reviews and makes recommendations with respect to applications relating to international radio and cable circuits; makes studies of the legal phases of problems relating to international merger, international telecommunications treaties, the distribution of international telegraph traffic, and other matters affecting Commission policy in the international field; makes preparations for international telecommunications conferences; analyzes foreign traffic contracts and concessions; drafts instruments of authorization and cable landing licenses; conducts investigations and hearings affecting international services; and prepares Commission reports, orders, rules and regulations relating to such services.

(c) *Domestic Wire Section,* which is responsible for all legal matters, other than rates, relating to regulation of wire telephone and wire telegraph services within the United States; reviews and makes recommendations with respect to applications for extensions and discontinuance of telephone and telegraph service, applications for merger and consolidation of domestic telephone and telegraph companies, applications for interlocking directorates, and petitions for classification of carriers; handles formal and informal complaints relating to domestic telephone and telegraph service.

(d) *Domestic Radio Section,* which is responsible for legal matters, other than rates, relating to all common carrier radiotelephone and radiotelegraph services in the United States (including Alaska) and experimental radio services looking toward common carrier operations, including analysis and review of applications for radio relay systems, common

carrier mobile services, domestic fixed public, coastal and marine relay services, rural telephone and short distance toll radio services, and all common carrier aspects arising in the ship, emergency and miscellaneous services; conducts investigations and hearings affecting such services; and prepares Commission reports, orders, rules and regulations relating to such services.

§ 1.76 *Safety and Special Services Division.* The Safety and Special Services Division is divided into the following sections:

(a) *Aviation Section,* which reviews and prepares legal opinions, reports and recommendations with respect to applications for radio station authorizations in the aviation services (other than those involving common carrier operations), and prepares Commission reports, orders, rules and regulations affecting the aviation services.

(b) *Marine and Operator Section,* which is responsible for all legal matters (other than those involving common carrier operations) relating to radio equipment aboard ships whether such equipment is voluntarily installed or installed in compliance with the International Convention on Safety of Life at Sea and Title III, Part II, of the Communications Act of 1934, as amended; is responsible for all legal matters relating to amateur or commercial radio operators on board ships, planes, or on land; conducts investigations and hearings affecting marine (other than those involving common carrier operations) and operator matters; prepares Commission reports, orders, rules and regulations affecting marine and operator matters; participates in the enforcement of the requirements of the International Convention on the Safety of Life at Sea; and studies and makes recommendations to the Commission with respect to petitions from labor and industry organizations for waiver, amendments, or adoption of rules and policies.

(c) *Emergency, Experimental and Miscellaneous Section,* which reviews and prepares legal opinions, reports and recommendations with respect to applications for radio station authorizations (other than those involving or looking toward common carrier operations) in the Emergency Services (police, fire and forestry and special emergency stations), the Miscellaneous Services (geological, mobile press, relay press, motion picture and provisional radio stations), the Utilities Radio Service, the Railroad Service, the Amateur Radio Service, the Experimental Service (including the proposed Citizens Radio Service and the proposed General Mobile Service), and with respect to radio stations in Alaska (other than broadcast, fixed public and coastal); conducts investigations and hearings affecting these services, reviews and makes recommendations with respect to formal and informal complaints; and prepares Commission reports, orders, rules and regulations affecting these services.

ADMINISTRATIVE DIVISIONS

§ 1.81 *The Personnel Division,* under the supervision of the Director of Personnel, handles all personnel matters for the entire Commission and has the following sections: Classification Section, Employment and Placement Section, Employee Relations Section.

§ 1.82 *The Budget and Planning Division,* under the supervision of the Director, is responsible for all budget, finance and organizational activities and has the following sections: Budget Section, Organization and Procedure Section, Finance Section.

§ 1.83 *The Office of Information,* headed by the Director, is responsible for press and public relations including the preparation and distribution of news releases, periodic reports and general information relating to Commission activities.

SUBPART B—DELEGATIONS OF AUTHORITY [1]

GENERAL

§ 1.101 *Authority for delegation.* (a) Under the authority of Section 5 of the Communications Act that portion of the work, business, or functions of the Federal Communications Commission hereinafter specified is assigned and referred to the respective Board of Commissioners, individual Commissioners, and employees of the Commission, hereinafter designated, for action thereon in accordance with the Communications Act of 1934, as amended, Rules and Regulations, Orders and established policies of the Commission.

(b) Any board or individuals to whom authority is delegated shall have power and authority to consider and determine, order, certify, report, or otherwise act as to any of said work, business, or functions so assigned or referred to it, and in respect thereof shall have all the jurisdiction and power conferred by law upon the Commission, and be subject to the same duties and obligations. Any order, decision, or report made or other action taken in respect to any matters assigned or referred shall have the same force, and effect, and may be made, evidenced and enforced in the same manner as if made or taken by the Commission.

§ 1.102 *Petitions for reconsideration with regard to action taken under delegation of authority.* Any person affected by an order, decision, or report or other action taken or made under any delegation of authority made herein may file a petition for reconsideration within 20 days after public notice is given of the action complained of, and every such petition shall be passed upon by the Commission.

DELEGATION TO BOARD OF COMMISSIONERS

§ 1.105 *Description of Board.* (a) From time to time the Commission may issue an order authorizing, for a period specified in the order, the Chairman or Acting Chairman of the Commission to convene a Board of Commissioners if he determines that a quorum of the Commission is not present.

(b) The Board shall be composed of all Commissioners present and able to act.

§ 1.106 *Authority delegated.* (a) Such Board of Commissioners is authorized to act with respect to all work, business, or functions of the Federal Communications Commission arising under the Communications Act of 1934, as amended, except that portion of the work, business, or functions of the Federal Communications Commission specifically delegated to individual Commissioners or employees. This authority shall not extend to the institution of investigations upon the Commission's own motion, or to rendering a final decision in such matters, or without consent of the parties thereto, to final action in contested proceedings involving the taking of testimony at public hearings, or to investigations specifically required by the Communications Act of 1934, as amended.

(b) Any actions taken by the Board shall be recorded in the same manner as action taken by the entire Commission.

DELEGATION TO MOTIONS COMMISSIONER

§ 1.111 *Designation of Motions Commissioner.* A motions Commissioner will be named from time to time by the Commission to hear and determine, order, certify, report or otherwise act upon the matters set forth in Section 1.112.

§ 1.112 *Authority delegated.* Except as otherwise ordered by the Commission, the Motions Commissioner shall act upon the following matters:

(a) The designation of hearing officers to preside at hearings.

(b) All petitions or motions to reinstate applications theretofore dismissed without prejudice following the filing by applicant of a petition to amend without submitting simultaneously the said amendment, pursuant to § 1.365 (c).

(c) All motions, petitions, or matters in cases previously designated for hearing by the Commission, including motions for further hearing and for consolidation and severance, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission, and those requesting change or modification of a final order made by the Commission.[1] However, when one or more members of the Commission have been designated to preside at a hearing, all such motions, petitions or matters in such case or cases so designated for hearing, shall hereafter be handled by him or them, and such Commissioner or Commissioners shall be authorized and empowered to fix the time and place such hearings shall be held. In the absence of the individual Commissioner designated to preside at a hearing, or his inability to act or pass upon such preliminary matters, they shall be referred to the Motions Commissioner.

(d) All applications or requests for special temporary standard broadcast authorizations except those covered by §§ 1.121 and 1.144 and those cavered by shall be first referred to the Law and Engineering Departments for recommendation thereon, and then referred to the Motions Commissioner.

[1] Subpart B is issued pursuant to section 3 (a) (1) of the Administrative Procedure Act.

[1] For the procedure followed in connection with Motions Docket Matters see §§ 1.741 to 1.745.

§ 1.113 *Records of action taken.* Any action taken by the Motions Commissioner shall be recorded each week in writing and filed in the official minutes of the Commission.

DELEGATION TO CHIEF ENGINEER

§ 1.121 *Authority delegated to Chief Engineer.* The Chief Engineer or, in his absence, the Acting Chief Engineer of the Commission is designated to act upon applications, requests, and other matters as follows:

(a) For temporary operation without specified items of equipment, or with temporary, substitute, or auxiliary equipment as specified below:

(1) For operation without an approved frequency monitor;

(2) For operation without an approved modulation monitor;

(3) For operation without thermometer in automatic temperature control chamber;

(4) For operation without antenna ammeter, plate voltmeter or plate ammeter;

(5) For operation with substitute antenna ammeter, plate voltmeter or plate ammeter;

(6) For operation with temporary antenna system;

(7) For operation with auxiliary transmitter as main transmitter.

(b) For operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application.

(c) For new or modified equipment or antenna system where formal application is not required.

(d) For specification for painting and lighting antenna towers.

(e) For relocation of transmitter at the address specified in the outstanding authorization.

(f) For operation with reduced power or time under §§ 3.57, 3.71, and 3.261 of the Rules and Regulations.

(g) For operation of all classes of broadcast stations except standard broadcast stations on a temporary basis for periods not to exceed the normal license period with reduced power, or to make other changes in operation or authorized equipment for technical reasons.

(h) For approval of types of equipment as to compliance with outstanding rules and standards.

(i) For equipment and program tests, or extensions thereof, except those falling under § 1.141.

(j) For extensions of time within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission.

(k) Representations of compliance with technical requirements specified in authorizations, orders, rules or releases of the Commission (except formal applications).

(l) For operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location.

(m) For special operation necessary to facilitate equipment, program and service tests or to comply with technical requirements specified in authorizations, orders, rules or releases of the Commission.

(n) For special temporary authority in emergency cases, or at times outside of the regular office hours of the Commission and requiring immediate action during those hours.

(o) For operation by broadcast station licensees during daytime for specified periods with their nighttime facilities in order to check measurements and operation which, as a practical matter, may not be accomplished during nighttime.

(p) For assignment from time to time of the frequency or frequencies to be employed by any experimental or developmental radio station, so as to provide the maximum results from the experimentation with the minimum of interference.

(q) For addition, modification or coordination of programs of research or experimentation of any experimental or developmental radio station, so as to provide the maximum results from the experimentation which can be reasonably expected of the licensee or licensees.

§ 1.122 *Action with respect to International Broadcasting.* The Chief Engineer, or, in his absence, the Acting Chief Engineer, acting in coordination with the Commission's representative on the Interdepartment Committee for International Radiobroadcasting Facilities, is authorized to take the following action:

(a) To issue special service authorizations for the use of frequencies assigned to international broacast service to international broadcast stations and to those stations which are being used by the State Department for international broadcasting and for multiple address press and facsimile services.

(b) To prescribe and to change from time to time the hours during which the frequencies assigned by these special service authorizations may be used.

(c) To prescribe and to change from time to time the hours during which each international broadcast station may use the frequencies licensed to it.

(d) To issue a temporary authorization permitting a licensee of an international broadcast station temporarily to substitute another frequency for a frequency specified in the applicant's regular license, where operation on such regularly licensed frequency is subject to serious interference. In authorizing any such substitution of frequencies the Chief Engineer, or, in his absence, the Acting Chief Engineer shall, where feasible, authorize the use of a frequency in the same megacycle band as the frequency specified in the regular license.

§ 1.123 *Record of actions taken.* Action on formal applications taken by the Chief Engineer, or, in his absence, by the Acting Chief Engineer, in accordance with §§ 1.121 and 1.122, shall be recorded each week in writing and filed in the official minutes of the Commission.

DELEGATION TO CHIEF ACCOUNTANT

§ 1.131 *Authority delegated to Chief Accountant.* The Chief Accountant, or, in his absence, the Acting Chief Accountant, of the Commission is designated to act upon:

(a) Administration, interpretation and application of regulations promulgated by the Commission pursuant to section 220 of the Communications Act, relating to accounts, records, and memoranda to be kept by carriers subject to the jurisdiction of the Commission.

(b) Applications for extensions of time in which to file annual, monthly, and special reports required by the Commission pursuant to section 219 of the Communications Act.

(c) Administration, interpretation and application of orders or rules of practice and procedure promulgated by the Commission relating to financial and statistical data of stations in the broadcast service and broadcast networks or chains, including applications for extensions of time in which to file financial and statistical statements and reports.

(d) All matters arising in connection with the administration of tariff regulations promulgated by the Commission pursuant to section 203 of the Communications Act, and in connection with the administration of this section insofar as it relates to the modification of requirements thereof or made pursuant thereto, as authorized in particular instances by subsection (b) thereof, and to the rejection of tariffs as authorized by subsection (d) thereof.

§ 1.132 *Authority to issue orders; record of actions taken.* Where appropriate, in acting upon the matters referred to in § 1.131, the Chief Accountant, or, in his absence, the Acting Chief Accountant, is authorized to make orders in letter form for the signature of the Secretary of the Commission. Action taken on formal applications in accordance with § 1.131 shall be recorded each week in writing and filed in the official minutes of the Commission.

DELEGATION TO SECRETARY

§ 1.141 *Authority delegated to Secretary.* The Secretary of the Commission, or in his absence, the Acting Secretary of the Commission, is designated to act upon the following matters:

(a) Applications for amateur station licenses.

(b) Applications for new, or modified, ship station licenses, or for special temporary authority to operate ship stations[1] except applications which request—

(1) authority to operate on a frequency or frequencies which are not currently available in accordance with the frequency allocation plan of the Commission;

(2) authority to communicate with aircraft stations;

(3) authority to operate a life boat transmitter when no other transmitting equipment is to be authorized in the same license;

(4) authority to use A–4 emission or special emission under the provisions of section 8.69 of the Rules;

(5) authority to operate transmitting equipment on a cable marker buoy pursuant to section 8.65 of the Rules;

(6) authority to communicate with amateur stations;

[1] See §§ 1.142, 1.144, and 1.145 for delegations of authority covering other applications in the Ship Service.

(7) authority to operate for a period in excess of three months transmitting equipment which has not been approved by the Engineering Department;

(8) a license or modification of license where the Law Department or the Engineering Department notifies the Secretary that the applicant is involved in any discrepancy, violation or hearing concerning any treaty, law, or regulation governing radio or wire communications;

(9) authority to operate for a period in excess of three months a station where the applicant is a corporation controlled by another corporation;

(10) authority to operate a ship telephone station open to public correspondence where a charge will be made by the ship station licensee for the service.

(c) Applications for new licenses, modification of licenses, special temporary authorizations for a period not to exceed 3 months, and consent to assignment of licenses for aircraft radio stations on board non-scheduled aircraft[1] where:

(1) the applicant requests only A–1, A–2, or A–3 emission or any combination thereof;

(2) the applicant requests frequencies currently available in accordance with the frequency allocation plan of the Commission;

(3) the equipment involved is listed among types of equipment stated by the Engineering Department to be capable of meeting the pertinent requirements of the Commission's Rules; or

(4) the applicant, if a corporation, is not controlled by another corporation.

(d) Applications by persons, who are already licensees, for new licenses, or modification of licenses and special temporary authorizations for a period not to exceed 3 months, for scheduled aircraft stations where:

(1) the applicant requests only frequencies in accordance with sections 9.72 and 9.73 of the Rules;

(2) the applicant does not request authority to communicate with a station in any other service;

(3) the equipment involved is listed among types of equipment stated by the Engineering Department to be capable of meeting the pertinent requirements of the Commission's Rules; and

(e) Requests by licensees or permittees for cancellation of their station licenses, construction permits or other authorization except those stations which render a common carrier service or standard, FM, television, or international broadcast stations.

(f) Applications for renewal of amateur radio operator licenses or authorizations.

(g) Except for specific applications concerning which the Engineering Department or the Law Department shall notify the Secretary, applications for license or modification of license to cover construction permits, where the permittee has complied with all the terms of the construction permit and no additional authority not covered by the permit is requested, in the following categories of cases:

(1) All classes of stations in the Emergency Services;

(2) All classes of stations in the Aviation Services;

(3) All classes of stations in the Railroad Radio Service;

(4) All classes of stations in the Miscellaneous Services;

(5) All Class 1 Experimental Stations, and Class 2 Experimental Stations operating in established services:

(6) All classes of stations in the Public Coastal and Fixed Public Services in Alaska;

(7) All classes of stations in the Utility Radio Service.

(h) All applications for renewal of licenses, other than those for stations rendering a common carrier service, where the renewal is in accordance with the terms of the previous license, or the sole difference is that the authority requested is less than that previously granted, in the following categories of cases:

(1) All classes of stations in the Emergency Services;

(2) All classes of stations in the Aviation Services;

(3) All classes of stations in the Railroad Radio Service;

(4) All classes of stations in the Miscellaneous Services, except provisional stations in the Intermittent Service;

(5) All classes of stations in the Utility Radio Service.

(6) All classes of stations in the Ship Service.

(i) Applications for consent to assignment of licenses or for consent to transfer of control of remote pickup or ST broadcast stations, when the Commission has on a prior date consented to a like assignment or transfer of control of the standard broadcast station with which the remote pickup stations are affiliated.

(j) Except for specific applications concerning which the Engineering Department or the Law Department shall notify the Secretary, applications for extension of the expiration dates of construction permits and applications for extension of the period of equipment and service tests, in the following categories of cases:

(1) All classes of stations in the Emergency Services;

(2) All classes of stations in the Aviation Services;

(3) All classes of stations in the Railroad Radio Service;

(4) All classes of stations in the Miscellaneous Services;

(5) All Class 1 Experimental Stations, and Class 2 Experimental Stations operating in established services ;

(6) All classes of stations in the Public Coastal and Fixed Public Services in Alaska;

(7) All classes of stations in the Utility Radio Service.

(k) All applications for restricted radiotelephone permits for use by operators of itinerant aircraft radio stations.

(l) Applications for mobile stations (other than those rendering a common carrier service) in the Emergency Services, Miscellaneous Services, Railroad Service and Utility Radio Service, where the applicant already holds licenses or construction permits for stations of the type applied for; provided, however, that such action shall be restricted to cases:

(1) Where there is no question as to the eligibility of the applicant;

(2) Where the applications request frequencies currently available to the particular applicant in accordance with the frequency allocation plan of the Commission.

(m) Requests for assignment of call letters to new radio stations and for changes in the call letters of existing stations.

§ 1.142 *Authority delegated to Secretary upon securing approval of Engineering Department.* The Secretary, or, in his absence, the Acting Secretary, is designated to act upon the following matters upon securing the approval of the Chief Engineer or his nominee, with the exception of applications for restricted radiotelephone permit for use by operators of itinerant aircraft radio stations.

(a) Formal applications for broadcast services as follows:

(1) For construction permit, modification of construction permit, and modification of license, involving only a change in equipment with an additional cost not in excess of $1,000.00;

(2) To install frequency control equipment;

(3) Relating to auxiliary equipment;

(4) For authority to determine operating power of broadcast stations by direct measurement of antenna power;

(5) For construction permit or modification of license involving relocation locally of a control point or transmitter site not involving any substantial change in service area;

(6) For remote pickup and ST broadcast stations.

(b) The following applications for commercial radio operator licenses:

(1) All applications for new licenses except where it appears that the applicant has been convicted of a crime for which the sentence imposed was more than 1 year imprisonment or a $500 fine;

(2) All applications for renewal and modified licenses except where it appears that the applicant has been convicted of a crime for which the sentence imposed is more than 1 year imprisonment or a $500 fine. This exception does not apply to those cases where the same crime or crimes have been disclosed in previous applications for operator license granted by the Commission.

(c) All applications for new or modified amateur radio operator licenses or authorizations.

(d) Applications for new ship station licenses, for modification of ship station licenses, and for special temporary authority to operate a ship station where these applications request authority to operate transmitting equipment on a cable marker buoy pursuant to section 8.65 of the Rules.

(e) Applications for construction permit, modification of construction permit and modification of license which involve only a change in equipment, except applications involving stations in the broadcast services and except applications falling under § 1.141.

(f) All applications for new licenses, modifications of license, special temporary authorizations for a period not to

[1] See §§ 1.142, 1.144 and 1.145 for delegations of authority covering other applications in the aviation services.

exceed three months and consent to assignment of licenses for aircraft stations on board non-scheduled aircraft, except where the applications fall within the provisions of § 1.141, and where the applicant is not a corporation controlled by another corporation.

§ 1.143 *Authority delegated to Secretary upon securing approval of Law Department.* The Secretary, or, in his absence, the Acting Secretary, is designated to act upon the following matters upon securing the approval of the General Counsel or his nominee:

(a) Broadcast service applications for modification of licenses involving only change of the name of the licensee, where ownership or control is not affected.

(b) Requests for inspection of records under the provisions of § 1.206.

(c) All requests for withdrawal of papers in accordance with § 1.768.

(d) Applications filed by attorneys for admission to practice before the Commission.

(e) The execution of contracts or leases in the name of the Commission.

§1.144 *Authority delegated to Secretary upon securing approval of the Law and Engineering Departments.* The Secretary, or, in his absence, the Acting Secretary, is designated to act upon the following matters upon receiving the approval of the General Counsel and Chief Engineer or their respective nominees:

(a) Applications for the utility, railroad, aviation, emergency, ship and miscellaneous services, and for state guard stations in the war emergency radio service, except those rendering a common carrier service and those falling under §§1.141 and 1.142.

(b) Applications for Class 1 and Class 3 experimental stations and all applications for Class 2 experimental stations both in established services and in the proposed General Mobile Service, the proposed Rural Radio Telephone Service, and for radar navigational aid stations, except

(1) Those falling under §§1.121 and 1.141.

(2) Those rendering or proposing to render a common carrier service.

(c) All broadcast service applications as follows:

(1) For extensions of time within which to commence and complete construction;

(2) For authorization to rebroadcast when Commission authorization is required under Parts 3 and 4 of the Commission's Rules and Regulations;

(3) To withdraw authorizations for equipment and service or program tests where subsequent to the issuance of the original authorizations it appears that the terms of the construction permit have not been met.

(d) Applications or requests for emergency and renewal exemptions of ships, and initial exemptons of ships of less than 100 gross tons, pursuant to the provisions of section 352 (b) of the Communications Act and Article 28 of the Safety Convention.

(e) Proposals by FM broadcast stations to deviate from time schedules.

(f) Applications and requests for waiver of Rules, Regulations and Orders of the Commission relating to the proper time for filing of renewals of Commercial and Amateur Radio Operator Licenses.

(g) Applications for new, renewal or modified commercial radio operator licenses except those falling under § 1.141.

(h) Applications or requests for temporary operation by radio station licensees with a licensed operator of lesser grade than normally required or for waiver of other technical requirements for operators.

§ 1.145 *Authority delegated to Secretary upon securing the approval of the law, Engineering and Accounting Departments.* The Secretary, or, in his absence, the Acting Secretary, is designated to act upon the following matters upon securing the approval of the General Counsel, Chief Engineer and Chief Accountant, or their respective nominees;

(a) Applications for experimental class 2 stations both in established services and in the proposed General Mobile Service, the proposed Rural Radio Telephone Service, and the proposed Short Distance Toll Service, which render or propose to render a common carrier service, except those falling under § § 1.121 and 1.141.

(b) Applications for the aviation, ship, miscellaneous, coastal, and marine relay services, except those falling under § § 1.121, 1.141, 1.142 and 1.144.

(c) Applications for special temporary authorizations other than those falling under §§ 1.112, 1.121, 1.141, 1.142, and 1.144.

(d) Applications or requests under section 214 of the Communications Act for a certificate authorizing the construction, acquisition, operation or extension of lines, or for an authorization of temporary or emergency service, or the supplementing of existing facilities, where the total expenditure involved in less than $250,000.

(e) Applications or requests under section 214 of the Communications Act for an authorization for temporary or emergency closures or reductions of hours of telegraph offices, and for any closure, or reduction of hours, of a telegraph office at a military establishment.

(f) Applications from existing licensees for instruments of authorizations for the agriculture, fixed public or fixed public press radio services, except applications involving:

(1) New points of communications not already licensed to a station of the licensee at some other location;

(2) Changes in transmitter location other than local in character;

(3) Assignment of additional frequencies not already assigned to a station of the licensee at some other location;

(4) The establishment of a new type of service.

(g) Applicatons for experimental television, developmental broadcast and experimental facsimile broadcast stations except those specifically mentioned in other sections of Subpart B.

(h) All broadcast service applications involving only a change in equipment with an additional cost in excess of $1,000.00, for construction permit, modification of construction permit, and modification of license.

(i) Applications in the broadcast service for license following construction where the applicant has complied with all the terms of the construction permit.

§ 1.146 *Record of actions taken.* All action taken by the Secretary in accordance with §§ 1.141–1.145 shall be recorded each week in writing and filed in the official minutes of the Commission.

SUBPART C—PLACES FOR SUBMITTING APPLICATIONS AND OTHER REQUESTS AND SECURING PUBLIC INFORMATION [1]

§ 1.201 *Main offices.* The main offices of the Federal Communications Commission are located in the New Post Office Building at 13th and Pennsylvania Avenue NW., Washington 25, D. C., and the public may secure information or make submittals or requests to the Commission by coming in person to these offices (or the offices listed below) or by addressing the Federal Communications Commission, Washington 25, D. C. The hours of the Commission are from 9: 15 a. m. to 5:45 p. m., Monday through Friday, except on legal holidays.

§ 1.202 *Other offices in Washington, D. C.* Other offices of the Commission in Washington, D. C., are maintained at 1319 F Street NW.; 1424 K Street NW.; 601 Pennsylvania Avenue NW.; and 316 F Street NE.

§ 1.203 *Field offices.* The location of the Engineering Department field offices are shown in §§ 1.34 and 1.40, those of the Accounting Department in § 1.56, and those of the Law Department in § 1.73.

§ 1.204 *Public reference rooms.* Five public reference rooms are maintained by the Commission where the public may inspect any material which is available for public inspection in accordance with § 1.206. These rooms are as follows:

(a) *Broadcast and Docket Reference Room* is located in Room 8454, New Post Office Building. Here the public may inspect all broadcast applications and files relating thereto as well as dockets relating to all Commission matters which have been designated for hearing;

(b) *Commercial License Reference Room* is located in Room 1202, New Post Office Building. Here the public may inspect all applications and files relating thereto concerning non-broadcast radio station applications (except amateur and non-radio applications by common carriers;

(c) *Amateur License Reference Room* is located at 316 F Street NE, Washington, D. C. Here the public may inspect all applications and files relating thereto concerning amateur radio station applications. In addition a complete file is maintained relating to commercial and amateur radio operators. More complete information concerning applica-

[1] Subpart C is issued pursuant to section 3 (a) (1) of the Administrative Procedure Act.

tions filed by commercial and amateur radio operators outside of the Washington district may be obtained from the appropriate Engineering Department district offices listed in § 1.40.

(d) *Common Carrier Reference Room* is located at 1424 K Street NW, Washington, D. C. Here the public may inspect all annual and other reports filed by common carriers pursuant to section 219(a) of the Communications Act and the schedules for all charges for interstate and foreign wire or radio communications filed pursuant to Section 203 of the Act.

(e) *Contracts Reference Room* is located in Room 7266, New Post Office Building. Here the public may inspect all contracts, agreements, or arrangements between carriers filed pursuant to section 211(a) of the Communications Act, except those marked confidential.

§ 1.205 *Information office.* The information office is located in Room 7232, New Post Office Building. It maintains a file of current news releases, public notices, proposed decisions and final decisions issued by the Commission which are available for inspection. Extra copies when available are furnished to interested persons upon request.

§ 1.206 *Inspection of records.* Subject to the provisions of sections 4(j), 213(f), 412 and 606 of the Act, the files of the Commission shall be open to public inspection as follows:

(a) Tariff schedules required to be filed under section 203 of the Act; valuation reports, including exhibits filed in connection therewith, unless otherwise ordered by the Commission, with reasons therefor, pursuant to section 213 of the Act; and annual and monthly reports required to be filed under section 219 of the Act.

(b) Contracts, agreements, or arrangements between carriers, filed pursuant to section 211(a) of the Act, except such contracts relating to foreign wire or radio communications which are marked confidential by the Commission: *Provided, however,* That the Commission will give appropriate consideration to a petition filed by any party showing that any such contract, agreement, or arrangement relates to foreign wire or radio communication; that its publication would place American communication companies at a disadvantage in meeting the competition of foreign communication companies; and that public interest would be served by keeping its terms confidential.

(c) All applications and amendments thereto filed under Title II and Title III of the Act, including all documents and exhibits filed with and made a part thereof, and all communications protesting or endorsing any such applications, authorizations and certifications issued upon such applications; all pleadings, depositions, exhibits, transcripts of testimony, reports of examiners or presiding officers, exceptions, briefs, proposed reports, or findings of fact and conclusions; all minutes and orders of the Commission. The information filed under § 1.341 and network and transcription contracts filed pursuant to § 1.342 shall not be open to public inspection. The Commission may, however, either on its own motion, or on motion of an applicant, permittee or licensee, for good cause shown, designate any of the material in this subsection as confidential.

(d) In the discretion of the Commission, other files, including those excepted in subsections (a), (b), and (c) hereof, upon written request describing in detail the documents to be inspected and the reasons therefor.

§ 1.207 *Certified copies; requests for; costs.* Copies of any documents subject to inspection under the provisions of § 1.206 will be prepared and certified by the Secretary, under seal, on written request, specifying the exact documents, the number of copies desired, and the date on which the same will be required. Such request must be made so as to permit a reasonable time for the preparation of such copies and any cost incurred in the preparation of such copies must be prepaid by the person making application therefor.

§ 1.208 *Reports of violations.* Reports of violations of the Communications Act or of the Commission's Rules and Regulations may be submitted direct to the Commission in Washington or to any field office.

§ 1.209 *Place of filing of applications for radio authorizations.*

CLASS OF STATION, MEHOD OF FILING, AND NUMBER OF COPIES

(a) All classes of Alaskan stations, except broadcast and amateur. Via inspector in charge radio district No. 14 Seattle, Washington. 3.

(b) Aircraft. Direct to Washington, D. C. 1.

(c) Geophysical. Direct to Washington, D. C. 1.

(d) Ship. Direct to Washington, D. C. 1.

(e) Standard broadcast, FM broadcast, international broadcast and television. Direct to Washington, D. C. 3.

(f) All other classes of applications for radio stations including portable (except amateur). Direct to Washington, D. C. 2.

§ 1.210 *Applications for ship radio inspection.* Applications for ship radio inspection shall be forwarded to the office of the district in which the ship is located. In order to expedite action for ships docked in Mobile, Alabama, this form may be submitted direct to the Mobile, Alabama, office located at 320 U. S. Courthouse and Customhouse, Mobile 10, Alabama.

§ 1.211 *Applications for Exemptions under Part II of Title III.* Applications for exemption from the requirements of Part II of Title III shall be filed at the Commission's office in Washington, D. C.

§ 1.212 *Non-radio common carrier applications.* All such applications shall be filed at the Commission's office in Washington, D. C.

§ 1.213 *Applications for amateur station and operator license and/or commercial operator license.* (a) Application for amateur station and operator license shall be filed in the appropriate engineering field office listed in § 1.40 if the personal appearance of the applicant for operator examination is required. In all other cases, including examination for class C privileges, the application should be sent to Washington. Only one copy of the application is required.

(b) Application for commercial operator license shall be filed in duplicate with any engineering field office listed in § 1.40 under whose supervision the applicant desires to be examined.

(c) Radio operator examinations are given frequently under announced schedules at the Commission's office at 316 F Street, N. E., Washington, D. C., and at each of the Commission's field offices listed in § 1.40. Examinations are also given frequently, by appointment, at the Commission's offices at the following points:

Cleveland, Ohio.
Savannah, Georgia.
San Diego, California.
Tampa, Florida.
Juneau, Alaska.

Examinations are also given at less frequent intervals at the places named below, which are visited for that purpose by Commission examiners from the district offices for such locations. For current schedules, exact time, place, and other details, inquiry should be addressed to the office conducting examinations at the chosen point.

QUARTERLY EXAMINATIONS

Birmingham, Alabama.
Charleston, West Virginia.
Cincinnati, Ohio.
Columbus, Ohio.
Corpus Christi, Texas.
Davenport, Iowa.
Des Moines, Iowa.
Fort Wayne, Indiana.
Fresno, California.
Grand Rapids, Michigan.
Indianapolis, Indiana.
Little Rock, Arkansas.
Memphis, Tennessee.
Milwaukee, Wisconsin.
Nashville, Tennessee.
Oklahoma City, Oklahoma.
Omaha, Nebraska.
Pittsburgh, Pennsylvania.
St. Louis, Missouri.
Salt Lake City, Utah.
San Antonio, Texas.
Schenectady, New York.
Sioux Falls, South Dakota.
Syracuse, New York.
Tulsa, Oklahoma.
Williamsport, Pennsylvania.
Winston-Salem, North Carolina.

SEMI-ANNUAL EXAMINATIONS

Albuquerque, New Mexico.
Amarillo, Texas.
Bakersfield, California.
Bangor, Maine.
Billings, Montana.
Bismarck, North Dakota.
Boise, Idaho.
Butte, Montana.
Cumberland, Maryland.
El Paso, Texas.
Hartford, Connecticut.
Hilo, T. H.
Jacksonville, Florida.
Klamath Falls, Oregon.
Las Vegas, Nevada.
Lihue, T. H.
Mobile, Alabama,
Phoenix, Arizona.
Portland, Maine.
Reno, Nevada.
Roanoke, Virginia.
Salisbury, Maryland.
Spokane, Washington.
Tucson, Arizona.
Wichita, Kansas.
Wilmington, North Carolina.

ANNUAL EXAMINATIONS

Kaunakakai, T. H.
Lanai, T. H.
Wailuku, T. H.

Arrangements have also been made, with the cooperation of other Federal agencies, for classes A and B examinations in outlying areas as follows:

Alaska: United States Signal Corps stations; at other points by coast guard officers.
Guam: District communications officer, United States naval station.
Hawaii: At not exceeding one point on any island, by the engineer in charge (Honolulu).

(d) Applications for aircraft radiotelephone operator license in connection with itinerant aircraft radio may also be obtained from approximately 2,000 Civil Aeronautics Administration flight examiners; the licenses themselves may under certain conditions be obtained from these flight examiners. For information as to the location of these examiners, inquiry should be made at airports and aviation training schools. Issuing officers are authorized to charge a maximum of $1.00 for issuing each authorization. The authorization may also be issued free of charge in the regular procedure described above in this section.

§ 1.214 *Miscellaneous submittals or requests.* Persons desiring to make requests or submittals of a general nature should communicate with the office of the Secretary of the Commission. Those who wish to apply for employment should communicate with the Director of Personnel. Both offices are in Washington, D. C.

§ 1.215 *Where to obtain forms.* All forms for use in submitting applications for radio authorizations together with instructions and information as to filing such forms may be obtained at the Washington offices of the Commission or at any of the engineering field offices listed in § 1.40.

SUBPART D—RULES RELATING TO APPLICATIONS AND PROCEEDINGS AFFECTING RADIO LICENSES UNDER TITLE III OF THE COMMUNICATIONS ACT [1]

GENERAL REQUIREMENTS AS TO APPLICATIONS

§ 1.301 *Applications required.*[2] Construction permits, modification of construction permits, operator and station licenses, renewal of operator and station licenses, modification of station licenses, special temporary authorizations, special service authorizations, assignment of construction permits or licenses and consent to transfer control of a corporation holding a construction permit or license, shall be granted only upon written, subscribed, and verified application upon forms prescribed by the Commission. A separate application shall be filed for each instrument of authorization requested. In cases of emergency the Commission may issue for a period not in excess of three months licenses, renewal of licenses or modification of licenses for stations on vessels or aircraft of the United States without a formal application. In case of vessels at sea, the Commission may issue by cable, telegraph or radio a permit for the operation of a station until the vessel returns to a port of the continental United States.

§ 1.302 *Place of filing and number of copies.* For places where applications must be filed and number of copies to be filed, see §§ 1.209 to 1.213, inclusive.

§ 1.303 *Subscription and verification of applications.* Each application or amendment thereto shall be personally subscribed and verified or affirmed according to law: (1) By the party filing such application or amendment, or by one of the parties, if there be more than one; (2) by an officer of the party filing the application or amendment if the party be a corporation: *Provided, however,* That subscription and verification may be made by the attorney for the party (1) in case of physical disability of the party, or (2) his absence from the continental United States. If it be made by a person other than the party, he must set forth in the verification the grounds of his belief as to all matters not stated upon his knowledge and the reason why it is not made by the party. Where more than one copy of an application is required to be filed with the Commission, only the original need be signed and verified; the copies may be conformed.

§ 1.304 *Contents of applications.* Each application (unless otherwise directed) shall be specific with regard to frequency or frequencies, power, hours of operation, equipment, location of the station, and other information required by the application forms. An application for broadcast facilities in the standard, FM, or television bands shall be limited to one frequency and an application for radio station construction permit or license requesting alternate facilities will not be accepted.

§ 1.305 *Full disclosures.* Each application shall contain full and complete disclosures with regard to the real party or parties in interest, and their legal, technical, financial, and other qualifications, and as to all matter and things required to be disclosed by the application forms.

§ 1.306 *Additional statements.* The Commission may require an applicant to submit such documents and written statements of fact, under oath, as in its judgment may be necessary.

§ 1.307 *Form of amendments to applications.* Any amendment to an application shall be subscribed, verified, and submitted in the same manner, and with the same number of copies, as was the original application.

§ 1.308 *Amendments of applications ordered.* The Commission may, upon its own motion or upon motion of any party to a proceeding, order the applicant to amend his application so as to make the same more definite and certain.

RULES RELATING TO FILING OF APPLICATIONS AND DESCRIPTION OF APPLICATION FORMS

§ 1.311 *Application forms for construction permit or modification thereof; broadcast services.* Applications for new facilities or modification thereof in the broadcast services including AM (standard), FM (frequency modulation), noncommercial educational, commercial television, commercial facsimile, international, experimental (experimental television, experimental fascimile and developmental), and auxiliary (remote pickup and studio-transmitter) shall be made on the following forms:

(a) FCC Form No. 301, "Application for new standard broadcast station construction permit."
(b) FCC Form No. 335, "Supplement concerning chain broadcasting to application for standard broadcast authorization."
(c) FCC Form No. 304, "Application for construction permit, modification of construction permit or modification of license for an existing standard broadcast station."
(d) FCC Form No. 319, "Application for new FM broadcast station construction permit."
(e) FCC Form No. 309, "Application for Relay, International, Television, Facsimile, Experimental Broadcast Station Construction Permit or Modification Thereof." To be submitted with FCC Form No. 318 for experimental television applications.
(f) FCC Form No. 340, "Application for new noncommercial educational broadcast station construction permit."
(g) FCC Form No. 330, "Application for new television broadcast station construction permit."
(h) FCC Form No. 322, "Application for construction permit, modification of construction permit, or modification of license for an existing FM broadcast station."
(i) FCC Form No. 333, "Application for construction permit, modification of construction permit, or modification of license for an existing television broadcast station."
(j) FCC Form No. 318, "Supplemental application for experimental television broadcast station construction permit, license or modification thereof."
(k) FCC Form No. 305, "Application for authority to install new equipment or to make changes in equipment of an existing standard broadcast station" shall be used in making application for authority:
(1) To install new automatic frequency control equipment;
(2) To install new automatic temperature control equipment;
(3) For any other change affecting the accuracy or stability of the operating frequency of a standard broadcast station where an application for construction permit is not required;
(4) To install new transmitter;
(5) To make changes in existing equipment with respect to system of modulation;
(6) To change type of vacuum tubes in the last radio stage except to tubes of the same rating in accordance with release "Power Rating of Vacuum Tubes";
(7) To change number of vacuum tubes in the last radio stage;
(8) To make any other change affecting the maximum-rated carrier power or type number of equipment.

§ 1.312 *Application forms for construction permit or modification thereof; radio services other than broadcast.* Applications for new facilities or modification thereof in the Fixed Public Radio Services, Experimental Radio Services, Coastal and Marine Relay Services, Avia-

[1] Subpart D is issued pursuant to the provisions of section 3 (a) (2) of the Administrative Procedure Act.

[2] For additional information relative to applications see the respective rules relating to each service.

tion Services, Emergency Radio Services, Miscellaneous Radio-Services, Radio Stations in Alaska, War Emergency Services, Railroad Radio Services and Utility Radio Services shall be made on the following forms:

(a) FCC Form No. 401, "Application for new or modified Radio Station Construction Permit (other than Broadcast)".

(b) FCC Form No. 401A, "Description of Proposed Antenna Structure(s) (services other than Broadcast)".

(c) FCC Form No. 401B, "Application for police, fire or forestry radio station construction permit."

(d) FCC Form No. 401C, "Application for Radio Station Construction Permit in the Utility or Miscellaneous Radio Service."

(e) FCC Form No. 455, "Application for authority to construct and operate radio stations in the War Emergency Radio Service."

§ 1.313 *Installation or removal of apparatus; broadcast and non-broadcast.* Applications for construction permit or modification thereof, involving removal of existing transmitting apparatus and/or installation of new transmitting apparatus, shall be filed at least 60 days prior to the contemplated removal and/or installation.

§ 1.314 *Application for extension of construction permit; broadcast and non-broadcast.* (a) A construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and a notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

(b) Application for extension of time within which to construct a station shall be filed on FCC Form No. 701 at least thirty days prior to the expiration date of such permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than thirty days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

§ 1.315 *Application for equipment tests; broadcast and nonbroadcast.* Upon completion of construction of a radio station in exact accordance with the terms of the construction permit, the technical provisions of the application therefor and the rules and regulations governing the class of station concerned and prior to filing of application for license, the permittee is authorized to test the equipment for a period not to exceed 10 days: *Provided,* That:

(a) The inspector in charge of the district in which the station is located is notified 2 days in advance of the beginning of tests.

(b) In the case of all broadcast stations the Commission also shall be notified 2 days in advance of the beginning of tests, which shall be conducted in the case of standard broadcast stations, only between 1 a. m. and 6 a. m. local standard time unless otherwise specifically authorized. Equipment tests shall not be conducted during the frequency monitoring period when the station is required to remain silent.

(c) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date of beginning for the period of such tests as and when such action may appear to be in the public interest, convenience, and necessity.

§ 1.316 *Application for service or program test; broadcast and non-broadcast.* (a) When construction and equipment tests are completed in exact accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations governing the class of station concerned, and after an application for station license has been filed with the Commission showing the transmitter to be in satisfactory operating condition, the permittee is authorized to conduct service or program tests in exact accordance with the terms of the construction permit for a period not to exceed 30 days: *Provided,* That:

(1) The inspector in charge of the district in which the station is located is notified 2 days in advance of the beginning of such tests.

(2) In the case of all broadcast stations the Commission also shall be notified 2 days in advance of the beginning of tests.

(b) The Commission reserves the right to cancel such tests or suspend, or change the date of beginning for the period of such tests as and when such action may appear to be in the public interest, convenience, and necessity by notifying the permittee.

(c) Service or program tests will not be authorized after expiration date of the construction permit.

(d) The authorization for tests embodied in §§ 1.315 and 1.316 shall not be construed as constituting a license to operate but as a necessary part of the construction.

§ 1.317 *Application for license following construction permit.* (a) In all cases where a construction permit is required for the construction of a station, the application for station license (or for station license or modification thereof, if for station other than broadcasts) shall be filed by permittee prior to service or program tests.

(b) The following application forms shall be used:

(1) FFC Form No. 302, "Application for standard broadcasts station license."

(2) FCC Form No. 310, "Application for Relay, International, Television, Facsimile, Experimental, Broadcast Station License."

(3) FCC Form No. 320, "Application for FM broadcast station license."

(4) FCC Form No. 403, "Application for Radio Station License or Modification thereof (other than broadcasting, amateur, ship and aircraft)."

§ 1.318 *Application for station license where no construction permit is required.* (a) Where a construction permit is not required by the Communications Act or the applicable Rules and Regulations of the Commission, an application for a new station license shall be filed at least 60 days prior to the contemplated operation of the station.[1] In emergency and for good cause shown, the Commission may waive the requirements of this rule.

(b) The following application forms should be used:

(1) FCC Form No. 302, "Application for standard broadcast license"—to be used for all applications for license to use the former main transmitter as the auxiliary transmitter when no new construction is involved, and for regular authorization covering special experimental authorization.

(2) FCC Form No. 402, "Application for Railroad Radio Station License."

(3) FCC Form No. 404, "Application for Aircraft Radio Station License."

(4) FCC Form No. 404A, "Application for Non-Scheduled Aircraft Radio Station License."

(5) FCC Form No. 500, "Ship Radio Station Equipment"—to be filed with FCC Form 501 in triplicate.

(6) FCC Form No. 501, "Appication for New Ship Radio Station License."

(7) FCC Form No. 501A, "Application for Ship Radiotelephone Station License."

(8) FCC Form No. 610, "Application for Amateur Radio Operator and/or Station License."

(9) FCC Form No. 602, "Application for Amateur Station License (under special exception of Commission's Regulations)"—to be used for a station of amateurs in the armed forces when located in public quarters but not operated by the United States Government.

§ 1.319 *Application for modification of license; broadcast and non-broadcast.* (a) An application for modification of license, except amateur, and except as otherwise provided by these rules, may be filed for change in frequency, change in operating power where no construction is necessary, change in hours of operation, and for change in name of licensee where no change in ownership or control is involved. In case of a broadcast station, an application for modification of license may be filed for change in location of main studio. In case of all stations other than broadcast, an application for modification of license may be filed for change in points of communication, change in nature of authorized service, and to cover an outstanding construction permit where the station is already licensed. Except when filed to cover construction permit, each application for modification of license shall be filed at least 60 days prior to the contemplated modification of license: *Provided, however,* That in emergencies and for good cause shown, the requirements hereof may be waived insofar as time for filing is concerned.

(b) The following application forms should be used:

(1) FCC Form No. 304, "Application for construction permit or modification of license for an existing standard broadcast station"—to be used for all applications for modification of any term of an existing regular license of a standard broadcast station:

(a) Change of frequency.

(b) Change of power where the equipment at present installed is capable of satisfactory operation at the proposed power.

(c) Change of time of operation.

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[1] Applications for Amateur Station License need not be filed 60 days prior to the contemplated operation of the station.

(d) Change of location of main studio (See § 3.31).

(e) Change of name of licensee where no change of ownership is involved.

(f) To change location of an existing transmitter or for approval of location previously authorized to be determined subject to Commission approval.

(g) To install directional antenna system.

(h) For modification of any outstanding construction permit which has not been covered by license.

(2) FCC Form No. 322, "Application for construction permit, modification of construction permit, or modification of license for an existing high frequency broadcast station."

(3) FCC Form No. 312, "Application for modification of relay, international, television, facsimile, experimental broadcast station license."

(4) FCC Form No. 333, "Application for construction permit, modification of construction permit or modification of license for an existing television broadcast station."

(5) FCC Form No. 403, "Application for radio station license or modification thereof (other than broadcasting, amateur, ship, or aircraft)."

(6) FCC Form No. 404–A, "Application for Non-Scheduled Aircraft Radio Station License."

(7) FCC Form No. 501–A, "Application for Ship Radiotelephone Station License, New, Modified, or Renewal."

(8) FCC Form No. 503, "Application for modification of ship radio station license." Form 503 should be accompanied by FCC Form No. 500, submitted in triplicate, if there is to be any change in the equipment specification.

§ 1.320 *Application for renewal of license; broadcast and non-broadcast.* (a) Unless otherwise directed by the Commission, each application for renewal of license shall be filed at least 60 days [1] prior to the expiration date of the license sought to be renewed. No application for renewal of license of a broadcast station will be considered unless there is on file with the Commisison, the information currently required by §§ 1.341 to 1.344, inclusive, reference to which by date and file number shall be included in the application.

(b) Whenever the Commission regards an application for a renewal of license as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a date certain, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

(c) The following application forms should be used:

(1) FCC Form No. 303, "Application for renewal of standard broadcast station license."

(2) FCC Form No. 303–A, "Statement of technical information concerning standard broadcast stations using nondirectional antennas," to be filed with FCC Form No. 303.

(3) FCC Form No. 303–B, "Statement of technical information concerning standard broadcast stations using nondirectional antennas," to be filed with FCC Form No. 303.

(4) FCC Form No. 311, "Application for renewal of international, television, facsimile, high frequency, experimental broadcast station license"—to be used for all applications for renewal of licenses of international, television, facsimile, FM, noncommercial educational and experimental broadcast stations.

(5) FCC Form No. 313, "Application for renewal of relay broadcast radio station license"—to be used for all applications for renewal of regular licenses of auxiliary (remote pickup and ST) radio broadcasting stations.

(6) FCC Form No. 405, "Application for renewal of radio station license (other than Broadcasting, Ship and Amateur)."

(7) FCC Form No. 405–A, "Application for waiver of inspection requirement for Aircraft Radio Station"—to accompany FCC Form No. 405 where no inspection has been made.

(8) FCC Form No. 502, "Application for renewal of ship radio station license."

(9) For renewal of an amateur station license, FCC Form No. 610 and No. 602 should be used (see § 1.318).

(10) FCC Form No. 404–A, "Application for Non-Scheduled Aircraft Radio Station License."

(11) FCC Form No. 501–A, "Application for Ship Radiotelephone Station License, New, Modified, or Renewal."

§ 1.321 *Application for voluntary assignment or transfer of control; broadcast.* (a) Applications for consent to the assignment of a construction permit or license for an AM, FM, television or other broadcast station or for consent to the transfer of control of a corporation holding such a construction permit or license shall be filed with the Commission on FCC Form No. 314 (Assignment of License) or FCC Form No. 315 (Transfer of Control). Each application shall be accompanied by a copy of a proposed notice in a form prescribed by the Commission which notice the licensee or permittee shall cause to be published at least twice a week for the 3 weeks immediately following the filing of such application in a daily newspaper of general circulation published in the community in which the station is located. The notice shall state the terms and conditions of the proposed assignment or transfer, the name of the proposed assignee or transferee, and, further, that any other person desiring to purchase the facilities upon the same terms and conditions may file an application to this effect with the Federal Communications Commission within 60 days from the date of the first publication of the notice, which date shall be expressly set forth therein. Upon receipt of the application, the Commission itself will issue a similar public notice stating the terms and conditions of the proposed sale and stating that others may file competing applications for the same facilities upon the same terms and conditions.

(b) No action on any such application will be taken by the Commission for a period of 60 days from the date of first publication, during which time any person desiring to purchase the facilities upon the same terms and conditions may file a competing application. In the case of such competing application, it shall be necessary for the applicant to execute only so much of the application form as relates to the proposed assignee or transferee—F. C. C. Form No. 314, Part II, and Form No. 315, Part III.

(c) If no competing application is filed during this 60-day period, the Commission will consider the original application upon its merits and will grant it if it appears from an examination of the application and supporting data that public interest will be served thereby; otherwise it will be designated for hearing. If, during such 60-day period, any other application is filed, all such applications will then be considered simultaneously upon their merits, and if, upon such consideration, it appears that the proposed assignee or transferee selected by the licensee is the best qualified and that the transfer would otherwise be in the public interest, the Commission will grant the original application without a hearing. If the Commission is unable to make such a determination upon consideration of the several applications, the original application and all competing applicants will be designated for hearing, to be heard in a consolidated proceeding, to determine among other things which of the applicants is best qualified to operate the station in the public interest.

(d) If, at the conclusion of such hearing, the Commission is of the opinion that the proposed assignee or transferee selected by the licensee is the best qualified and that the transfer is otherwise in the public interest an order will be entered granting the original application. However, if the Commission is of the opinion that one of the other applicants is the best qualified and that a transfer is otherwise in the public interest, an order will be entered denying the original application and stating that the Commission's consent to an assignment of the license or construction permit or to the transfer of control of the corporate licensee or permittee to such competing applicant will be given provided the licensee or permittee and such competing applicant enter into and file with the Commission within 30 days from the date of such order a contract for the assignment of the license or construction permit, or the transfer of control of the licensee or permittee, to such competing applicant upon the same terms and conditions as stated in the original application or upon such other terms and conditions as the parties may agree upon and which new terms and conditions the Commission shall find to be in the public interest.

(e) The provisions of this section shall not apply to the following cases:

(1) Where there is a reorganization of a corporation holding a license or construction permit which involves no substantial change in the beneficial ownership of that corporation;

(2) Where there is an assignment from an individual or individuals to a corporation owned and controlled by such individual or individuals without any substantial change in their respective interests or from a corporation to the individual stockholders controlling such corporation when there is no substantial change in their respective interests;

(3) Where there is an assignment or transfer by way of gift or testamentary disposition of a license or construction permit or of a controlling interest in a corporate licensee or permittee, or an assignment or transfer of a license, permit or interest to effect such testamentary disposition. This section shall, however, apply to an assignment or transfer by an administrator or executor to persons

[1] The 60-day requirement does not apply to amateurs.

other than the lawful heirs or legatees of the licensee or permittee or to trustees or beneficiaries other than those designated in the licensee's or permittee's will or other testamentary instrument.

(4) Where the interest being transferred, if acquired by a person other than the proposed assignee, would not result in such person acquiring control. The Commission, however, will scrutinize carefully successive transfers to the same person or persons to determine whether such transfers are for the purpose of evading compliance with this section.

(5) In the case of any other assignments or transfers where the parties are in doubt as to whether the provisions of this section are applicable, or are of the opinion that if the section is applicable, the requirements should be waived, the application may be filed with a request for a ruling as to whether the section is applicable or with a petition for waiver of the rule. The Commission will determine on the facts of each case whether the section is applicable or whether public interest will be served by a waiver of the rule.

(f) The following application forms should be used:

(1) FCC Form No. 314, "Application for consent to assignment of radio broadcast station construction permit or license."

(2) FCC Form No. 315, "Application for consent to transfer of control of corporation holding radio broadcast station construction permit or license."

(3) FCC Form No. 316, "Inventory of station property to be submitted with and as a part of FCC Form 314 or 315."

(4) FCC Form No. 328, "Income statement." Applicant's own form of income statement may be used if he desires.

(5) FCC Form No. 329, "Balance sheet." Applicant's own form of balance sheet may be used if he desires.

§ 1.322 *Application for voluntary assignment or transfer of control; non-broadcast.* (a) Application for consent to voluntary assignment of a construction permit or license or for consent to voluntary transfer of control of a corporation holding a construction permit or license shall be filed with the Commission at least 60 days prior to the contemplated effective date of assignment or transfer of control.

(b) The following application forms should be used:

(1) FCC Form No. 702, "Application for consent to Assignment of Radio Station Construction Permit or License (for stations in services other than Standard Broadcast)."

(2) FCC Form No. 703, "Application for Consent to Transfer of Control of Corporation Holding Construction Permit or Station License (for stations in services other than Standard Broadcast)."

§ 1.323 *Application for involuntary assignment or transfer of control; broadcast and non-broadcast.* In the event of the death or legal disability of a permittee or licensee, or a member of a partnership, or a person directly or indirectly in control of a corporation, which is a permittee or licensee

(a) the Commission shall be notified in writing promptly of the occurrence of such death or legal disability, and

(b) within thirty days after the occurrence of such death or legal disability (except in the case of a ship or amateur station), application shall be filed for consent to involuntary assignment of such permit or license or for involuntary transfer of control of such corporation to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved. The procedure and forms to be followed are the same as those specified in §§ 1.321 and 1.322. In the case of ship and amateur stations, involuntary assignment of licenses will not be made; such licenses shall be surrendered for cancellation upon the death or legal disability of the licensee.

§ 1.324 *Application for special temporary authorization; broadcast and non-broadcast.* (a) Special temporary authority may be granted for the operation of a station for a limited time, or in a manner and to an extent or for service other or beyond that authorized in an existing license upon proper application therefor. No such request will be considered unless full particulars as to the purpose for which the request is made are stated and unless the request is received by the Commission at least 10 days previous to the date of proposed operation. A request received within less than 10 days may be accepted upon due showing of sufficient reasons for the delay in submitting such request.

(b) If the request is for operation of a standard broadcast station, the following additional requirements shall apply:

(1) No such authority may be granted to a person other than the licensee of an existing standard broadcast station.

(2) The request shall be limited to a definite or temporary period or periods for the transmission of programs or events which are not recurrent, and approval thereof will not be granted for a period in excess of 30 days.

(3) The request shall show that it has been seasonably submitted to other stations whose operations may be affected (to be determined as indicated below), and the date on which such request was so submitted, which such stations shall submit direct to the Commission waiver of objection to the granting thereof or a statement of the nature of any objections that such stations may desire to interpose.

(4) If the request is for operation upon a clear channel, showing required above shall be made with respect to the Class I station or stations on the channel.

(5) If the request is made by time-sharing station, the showing required above shall be made with respect to the station or stations with which time is shared.

(6) In any case, the showing required above must be made with respect to any station on the same or adjacent channels when any such station is located within the interference range of the station making the request to be determined by the "Standards of Good Engineering Practice Concerning Standard Broadcast Stations."

(7) Waiver of objections, or statement of objections, when furnished under this rule, shall be forwarded direct to the Commission by the responding station, and in the case of waiver shall show whether the waiver covers simultaneous operation or whether the station is giving up the time sought by the applicant. Where it appears that the proposed operation has been seasonably submitted to the station or stations referred to in subparagraphs (4), (5), and (6), above, and no reply has been received, it will be considered that such stations have waived any objections to the granting of the request.

(c) The following application forms should be used:

(1) FCC Form No. 403, "Application for special temporary or experimental authorization (Fixed Public Radio Services only)" shall be used in appropriate cases.

(2) FCC Form No. 409, "Application for renewal or extension of special temporary or experimental authorization (Fixed Public Radio Services Only)."

(3) In all other cases, informal application may be used.

§ 1.325 *Application for special service authorization; broadcast.* (a) Special service authority may be issued to the licensee of a standard broadcast station or, in connection with the furnishing of facilities for service to the United States Government, to the licensee of an international broadcast station, for a service other or beyond that authorized in its existing license for a period not exceeding that of its existing license.

(b) Application for special service authorization must be made by formal application on FCC Form No. 317—"Application for Standard Broadcast Station Special Service Authorization or Extension Thereof"—and a satisfactory showing must be made in regard to the following, among others:

(1) That the requested operation may not be granted on a regular basis under the existing rules governing the operation of standard broadcast stations;

(2) That experimental operation is not involved as provided for by § 3.32 of the Rules and Regulations;

(3) That public interest, convenience, and necessity will be served by the authorization requested.

§ 1.326 *Application for standard broadcast station experimental operation.* Special experimental authorization may be issued in accordance with § 3.22 to the licensee of a standard broadcast station in addition to the regular license. An informal application should be used in applying for such authorization.

§ 1.327 *Application concerning programs to be transmitted to foreign radio stations.* Application under section 325 (b) of the Communications Act for authority to locate, use or maintain a radio broadcast studio in connection with a foreign radio station should be made on FCC Form No. 308, entitled "Application for permit to locate, maintain, or use studio or apparatus for production of programs to be transmitted or delivered to foreign radio station."

§ 1.328 *Application to determine operating power by direct measurement of antenna power.* Application to determine operating power of broadcast stations by direct measurement of antenna power shall be made on FCC Form No. 306, entitled "Application to Determine Operating Power of Broadcast Station by Direct Measurement of Antenna Power."

§ 1.329 *Application for radio operator license.* (a) Application for a commercial radio operator's license or permit shall be filed in duplicate on FCC Form No. 756, entitled "Application for commercial radio operator license or permit," FCC Form No. 756–A, entitled "Application for Authority to Operate Radiotelephone Equipment on Aircraft," or on FCC Form No. 457, entitled "Application for War Emergency Radio Service Operator Permit."

(b) Application for an amateur radio operator license is included with the application for station license. (See § 1.318.)

(c) FCC Form No. 759 should be used for filing statement relative to the posting of operator license.

§ 1.330 *Application for radio ship inspection and certification of ship radio license.* (a) Applications for ship radio inspection and certification of the ship radio license, in accordance with the requirements of section 360 (b) of the Communications Act, and/or a Safety Convention certificate in accordance with the terms of Article 50 of the Safety Convention, should be submitted on FCC Form No. 801, entitled "Application for Ship Radio Inspection." These forms should be forwarded to the Engineering field office of the district in which the ship is located. (See § 1.40.) In order to expedite action on Form 801 in District 8, a ship docked in Mobile, Alabama, may submit Form 801 direct to the Mobile office, located at 320 U. S. Courthouse and Customhouse, Mobile 10, Alabama.

(b) FCC Form No. 808, entitled "Application for and Certificate of Overtime Service Involving Inspection of Radio Equipment," should be submitted by inspectors of ship stations who work overtime at the request of licensee when making inspections of compulsorily equipped vessels.

§ 1.331 *Application for exemptions under Part II of Title III.* Applications for exemptions from the requirements of Part II, Title III of the Communications Act of 1934, as amended, and Article 27 of the Safety of Life at Sea Convention, London, 1929, shall be submitted on FCC Form No. 820, entitled "Application for Exemption."

§ 1.332 *Informal applications.* (a) Whenever Commission authorization is required by the Communications Act or the Commission's Rules and Regulations in connection with any matter under Title III of the Act and no application form is specified in this Subpart, informal application may be utilized.

(b) A partial list of some of the matters concerning standard broadcast operation as to which informal request may be made is given below:

(1) To operate additional time.

(2) To discontinue operation or services not covered by § 3.71.

(3) To operate with additional power.

(4) To operate with reduced power not covered by § 3.57.

(5) To operate for test purposes (to determine site, etc.).

(6) To rebroadcast programs of stations of other classes.

(7) Other special temporary operation beyond terms of existing license.

(8) Temporary operation without specified items of equipment, or with temporary, substitute, or auxiliary equipment.

(i) Operation without an approved frequency monitor.

(ii) Operation without an approved modulation monitor.

(iii) Operation without thermometer in automatic temperature control chamber.

(iv) Operation without antenna ammeter, plate voltmeter, or plate ammeter.

(v) Operation with substitute ammeter, plate voltmeter, or plate ammeter.

(vi) Operation with temporary antenna system.

(vii) Operation with auxiliary transmitter as main transmitter.

(9) Operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application.

(10) Where formal application is not required, application for new or modified equipment or antenna system.

(11) Change of specifications for painting and lighting antenna towers where formal application is not required.

(12) Relocation of transmitter in same building.

(13) Operation with reduced power or time under §§ 3.57 and 3.71.

(14) Approval of types of equipment as to compliance with outstanding rules or standards.

(15) All authorizations for equipment and program tests, or extensions thereof, where it appears that compliance has been had with the terms of the construction permit.

(16) Extensions of time within which to comply with technical requirements specified in authorizations, orders, and rules or releases of the Commission.

(17) Representations of compliance with technical requirements specified in authorizations, orders, rules, or releases (except formal applications).

(18) Operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location.

(c) Requests for type approval of equipment should be made by informal application. Arrangements should be made through the office of Chief Engineer for inspection and examination of the equipment in question.

RULES RELATING TO OTHER FORMS AND INFORMATION TO BE FILED WITH THE COMMISSION

§ 1.341 *Financial report, broadcast licensees.* Each licensee of a broadcast station (standard, FM, television, and international) shall file with the Commission on or before April 1 of each year on Form 324, together with supporting schedules, a balance sheet showing its financial condition as of December 31 of the preceding calendar year and an income statement for said calendar year.

§ 1.342 *Filing of contracts.* Each licensee of a broadcast station (standard, FM, television, and international) shall file with the Commission within 30 days of execution thereof verified copies of all documents, instruments, contracts (the substance of oral contracts or understandings shall be reported in writing for submission) together with amendments, supplements, and changes therein and cancellations thereof relating to ownership, management or control of licensee of station, or of any of licensee's stock, rights or interests therein; the use, management, or operation of licensed facilities; and agreements relating to network service, transcription service or bulk, time sales (amounting to two hours or more per day); including but not limited to: (a) Articles of partnership, association, or incorporation; (b) By-laws affecting character of organization, control, number or powers of its officers or directors, the classification or voting rights of any stock; (c) Any document, instrument, or contract relating to or affecting ownership of licensee, rights or interests therein, its stock, or voting rights thereto; (d) Management contracts, network contracts, transcription network contracts, and time sales to brokers.

§ 1.343 *Ownership reports, broadcast licensees*—(a) *Annual ownership reports.* The licensee of each broadcast station (standard, FM, television, and international) shall file on or before April 1 of each year on FCC Form 323 an annual ownership report and shall show the following information as of December 31 of the preceding calendar year:

(1) In the case of an individual, the name of such individual.

(2) In the case of a partnership; the names of the partners and the interests of each partner.[1]

(3) In the case of a corporaton or association: (i) Capitalization, with a description of the classes and voting power of stock authorized and the shares of each class issued and outstanding; (ii) the name, residence, citizenship, and stockholdings of officers and directors, and stockholders; (iii) full information with respect to the interest and identity of any person whether or not a stockholder of record, having any interest, direct or indirect, in the licensee or any of its stock;

For example:

(*a*) Where A is the beneficial owner or votes stock held by B, the same information should be furnished for A as is required for B.

(*b*) Where X corporation controls the licensee, or holds 25% or more of the stock of the licensee, the same information should be furnished with respect to X corporation (its capitalization, officers, directors, and the amount of stock in X held by each) as is required in the case of the licensee, together with full information as to the identity and citizenship of the person authorized to vote licensee's stock.

(*c*) The same information should be furnished as to Y corporation of it controls X corporation or holds 25% or more of the stock of X, and as to Z corporation if it controls Y corporation or holds 25% or more of the stock of Y and so on back to natural persons.

(iv) Full information as to family relationship or business association between two or more officials and/or stockholders.

[1] Any change in partners or in their rights will require prior consent of the Commission upon an application for consent to assignment of license.

(4) In the case of all licensees: (i) the name, residence, position and date of appointment of operating personnel determining program policy (such as general manager, program director, etc.); (ii) a list of all contracts still in effect required to be filed with the Commission by § 1.342 showing the date of execution and expiration of each contract; (iii) any interest which the licensee may have in any other broadcast station.

(b) *Interim ownership reports.* An interim ownership report shall be filed by each licensee on FCC Form 323A describing any change in information required in the annual ownership report from that previously reported within 30 days after any such change occurs, including without limitation:

(1) Any change in capitalization or organization.

(2) Any change in officers and directors or in operating personnel determining program policy.

(3) Any transaction affecting the ownership, direct or indirect, or voting rights of licensee's stock, such as (i) a transfer of stock, (ii) issuance of new stock or disposition of treasury stock, (iii) acquisition of licensee's stock by the issuing corporation.

(4) Any change in the officers, directors or stockholders of a corporation other than the licensee such as X, Y or Z Corporation described in the example above.

Provided, however, That in the case of a change in the officers, directors or stockholders of a corporation other than the licensee (such as X, Y or Z corporation described in the example above), such change need not be reported in the interim report unless that corporation directly or indirectly owns 25% or more of the voting stock in the licensee.[1]

(c) *Exceptions.* Where information is required under paragraphs (a) or (b) of this section with respect to a corporation having more than 50 stockholders, such information need be filed only with respect to stockholders having 1% or more of the stock of the corporation.

§ 1.334 *Definitions of terms used in §§ 1.341 to 1.343, inclusive.* As used in §§ 1.341 to 1.343, inclusive:

(a) "Stock" shall include any interest, legal or beneficial in, or right or privilege in connection with stock.

(b) "Officer" and "director" shall include the comparable officials in unincorporated associations.

(c) "Contract" shall include any agreement (including, without limitation, an option, trust, or pledge) or any modification thereof, express or implied, oral or written.

§ 1.345 *Information regarding station equipment filed under section 308 of the Communications Act.* Supplemental statements of fact concerning station equipment required pursuant to section 308 of the Communications Act shall be made on FCC Form No. 327. This form shall be submitted:

(a) Subsequent to the completion of any changes in automatic frequency control or devices.

(b) As may be required on other changes affecting frequency stability provided by § 3.60.

§ 1.346 *Reports in connection with certain Fixed Public Radio Service operations.* Monthly and quarterly reports must be filed with the Commission in connection with certain fixed public radio service operations. No form is prescribed. A complete description of the contents of these reports is contained in §§ 6.31 and 6.53.

§ 1.347 *Reports to be filed by international and coastal radiotelegraph carriers.* Commission Orders Nos. 85 and 86 require international telegraph carriers to file on FCC Form No. 336 and common carriers engaged in radiotelegraph communication with maritime mobile stations (with certain exceptions) to file on FCC Form No. 337 certain traffic information at periodic intervals. A complete description of these reports is set forth in Orders Nos. 85 and 86.

RULES RELATING TO ACCEPTANCE, AMENDMENT OR DISMISSAL OF APPLICATION

§ 1.361 *Defective applications.* (a) Applications which are defective with respect to completeness of answers to required questions, execution or other matters of a purely formal character will not be received for filing by the Commission, unless the Commission shall otherwise direct, and will be returned to the applicant with a brief statement as to the omissions.

(b) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(c) Applications which are not in accordance with the Commission's rules, regulations or other requirements will be considered defective unless accompanied either (1) by a petition to amend any rule or regulation with which the application is in conflict, or (2) by a request of the applicant for waiver of, or an exception to, any rule, regulation or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof.

(d) Applications found to be complete are accepted for filing and are given a file number. Public notice of broadcast applications accepted for filing is given at regular intervals.

§ 1.362 *Inconsistent or conflicting applications.* When an applicant has an application pending and undecided, no other inconsistent or conflicting application filed by the same applicant, his successor or assignee, or on behalf or for the benefit of said applicant, will be considered by the Commission.

§ 1.363 *Repetitious applications.* (a) Where an applicant has been afforded an opportunity to be heard with respect to a particular application for new station, or for an extension or enlargement of service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider a like application involving service of the same kind to the same area by the same applicant, or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order. The Commission may, for good cause shown, waive the requirements of this rule.

(b) Where an appeal has been taken from the action of the Commission in denying a particular application, another application for the same class of broadcast station and for the same area, in whole or in part, filed by the same applicant or by his successor or assignee, or on behalf or for the benefit of the original parties in interest, will not be considered until the final disposition of such appeal.

§ 1.364 *Multiple applications; broadcast service.* In the broadcast service, while there is one application for new or additional facilities pending for a standard, international, television, facsimile, FM, or experimental broadcast station, the Commission will not consider another application for new or additional facilities for a station of the same class (as given above) to serve in whole or in part the same area, by the same applicant or by his successor or assignee, or on behalf or for the benefit of the original parties in interest. Two such applications may not be filed simultaneously.

§ 1.365 *Amendments and dismissals of applications.* (a) Any application may be amended or dismissed without prejudice as a matter of right prior to the designation of such application for hearing. Thereafter, requests to amend or dismiss without prejudice will be considered only upon written motion properly served upon all parties of record.

(b) When leave to amend has been granted after an application has been designated for hearing, the application will not be removed from the hearing docket unless the Motions Commissioner shall determine that the proposed amendment substantially affects the issues upon which the application has been designated for hearing and orders that the application shall be removed from the hearing docket. An amended application which has been removed from the hearing docket will be reexamined by the Commission and when necessary wil be redesignated for hearing at a subsequent time.

(c) When a broadcast applicant seeks removal from the hearing docket by proposing an amendment as to frequency or other matter substantially affecting the issues in the proceeding in which he is involved, and is unable concurrently to specify and submit the desired amendment, his application shall be dismissed without prejudice, subject to the right of reinstatement within a reasonable time. In any proper case of this kind where dismissal without prejudice has

[1] Before any change is made in the organization, capitalization, officers, directors or stockholders of a corporation other than licensee, which results in a change in the control of the licensee, prior Commission consent must be received under section 310 (b) of the Communications Act.

been allowed, the application involved will be reinstated upon the filing of a proper petition, accompanied by the amendment necessary to complete the application.

THE MANNER IN WHICH APPLICATIONS ARE PROCESSED [1]

§ 1.371 *Acceptance of applications.* All applications, other than amateur operator and ship radio inspection, which are tendered for filing by mail are dated upon receipt by Mail and Files Section of the Secretary's Office and are forwarded to Broadcast License Section if a broadcast application, otherwise to Commercial License Section.[2] Applications tendered for filing, in person, in the Secretary's Office are dated and forwarded to the Broadcast or Commercial License Section. An administrative examination is made of all applications by the Broadcast or Commercial License Section to ascertain whether the application is complete. If found to be complete it is accepted and is then routed to the other departments of the Commission.

§ 1.372 *Staff consideration of applications which receive action by the Commission.* (a) Upon acceptance of an application, the complete file is routed to the appropriate Branch of the Engineering Department. The application is there reviewed, from an engineering standpoint. A draft report containing the recommendations of the Engineering Department is prepared. In cases where no engineering problems are involved, the report contains no recommendations as to disposition.

(b) The complete file is then routed to the appropriate Branch of the Accounting Department where it is reviewed from an accounting standpoint. A draft report containing the recommendations of the Accounting Department is prepared. In cases where no accounting problems are involved the report contains no recommendations as to disposition.

(c) The complete file is then routed to the appropriate division of the Law Department where it is reviewed to determine whether the authorization requested will be in accordance with the Commission's policies, Rules and Regulations and any other requirements imposed by law. A joint report containing the recommendations of the Law Department and the other departments and any other documents required is prepared and the entire file routed to the Minute Section of the Secretary's Office which records, mimeographs and distributes necessary papers to the members of the Commission, heads of departments and other interested staff members, and places the matter on the Commission's agenda.

[1] This description is applicable to all applications filed under Title III. However, some of the detailed provisions governing processing are applicable only to applications which are tendered for filing in Washington. Operator and ship radio inspection applications are filed in the field. Their processing in general is substantially similar to that accorded applications filed in Washington.

[2] Applications for Alaskan stations tendered for filing with the Inspector in Charge of Radio District 14, Seattle, Washington, are forwarded to Washington for processing.

§ 1.373 *Special procedure with respect to processing of standard broadcast applications.* (a) When an application for the construction of a new broadcast station, or for a change in the facilities of an existing station, is received in the Commission it is immediately referred to the Broadcast License Section which examines the application to determine whether it is sufficiently complete to permit the Commission to process it. If it is found to be sufficiently complete to be processed—even though it is incomplete in certain minor particulars—it is immediately given a file number and a letter is sent to the applicant requesting the correction of any minor defects that may have been disclosed by the examination. If the examination by the Broadcast License Section discloses that the application is incomplete in major particulars which makes it impossible to process it, the Broadcast License Section then with the advice and concurrence of the Engineering Department and Law Department, returns the application to the applicant with a statement that it cannot be accepted. The reasons for its rejection are specified in the letter returning the application.

(b) Once an application has been given a file number it is referred to a member of the Engineering Department for "classification." This involves two separate functions. First, the application is examined to determine whether it is one which must obviously go to hearing. For example, if the application seeks to use 1240 kc in a particular town and there is already pending an application for that same frequency in that same town, then the two obviously must be consolidated for hearing and steps are set in motion at this stage looking toward an order designating the two applications for a consolidated hearing. At this stage, however, only those cases which are obvious conflicts are sifted out and put into hearing. If an engineering study is necessary in order to determine whether the case must go to hearing, the application is not set for hearing at this stage but is put in line for processing by the Engineering Department and is set for hearing after the engineering study is completed (provided that such a study discloses an engineering conflict requiring a hearing). In view of this, it is to the advantage of an applicant who knows that his case does present a conflict requiring a hearing promptly to point that fact out to the Commission—preferably at the time the application is filed—so that it will be immediately recognized as a hearing case at the time it is classified. This will result in getting the application immediately into line awaiting the assignment of a date on the hearing calendar instead of having the case remain in line awaiting processing by the Engineering Department with the result that some weeks or months later it will be recognized as a hearing case and then put in the hearing line.

(c) The second step performed by the classifier is to determine whether the application presents a relatively simple engineering question or whether it presents an engineering question of some complexity. If it presents a fairly simple engineering problem, such as is presented by 250 watt applications on local frequencies and applications for daytime only operation, it is classified as a case to be put in processing line No. 1. If on the other hand it is found to present engineering questions of some complexity, such as are presented by applications for nighttime operation on regional and clear channels, particularly those involving directional antennas, it is classified as a case to be put in processing line No. 2.

(d) Once it is determined that a case falls into a particular line it is listed in its proper order according to file number. The oldest (lowest file number) is at the front of the line and the newest (highest file number) is at the back of the line. Cases are drawn by the group of engineers working on line 1 from the front of line 1 and similarly cases are drawn by the groups of engineers working on line 2 in order of file number. Thus, the file number strictly determines the order in which the staff's work is begun on a particular application. There is one exception to this. The Broadcast Branch of the Engineering Department is authorized to group together for study cases in Lines 1 and 2 which involve interference conflicts where it appears that by making a simultaneous study of such conflicting applications rather than individual studies of separate applications, a substantial amount of the Engineering Department's time can be saved. Further, such cases would ordinarily require simultaneous consideration by the Commission and preparation of simultaneous reports is, therefore, necessary.

(e) It takes longer to process some applications than it does others, even where both applications are in the same general category and therefore in the same processing line. Also it frequently occurs that when the processing of an application is begun it is discovered that additional information is needed and the staff's work cannot be completed until further word is received from the applicant. Thus, there will be cases where the processing of a particular application may be completed and ready for Commission action prior to another application even though the processing of the latter application began at an earlier date. However, every effort is made, once the processing of an application has begun, to carry its processing through to completion at the earliest possible date in the light of the circumstances involved in the particular case. The Law and Accounting Departments by keeping track of the cases which will be reached next in the processing line are in position to plan their work so that they will be writing reports on the same applications that are being studied by the Engineering Department.

(f) If, as a result of the study by the three departments and the Commission it appears that the application is satisfactory in all respects, it can be granted without a hearing. If, on the other hand, the complete study by the staff and the Commission indicates that a hearing is required, then the application will be designated for hearing.

(g) If a waiver of hearing is requested pursuant to § 1.391, the Commission will, if it determines that a hearing may

properly be dispensed with, take the case out of the hearing line and place it back in the appropriate processing line in its proper position (as determined by the file numbers). However, if any such case involves conflicting applications a decision will not be made prior to the time when the file number of the oldest of such conflicting applications is reached in the proper processing line.

(h) Frequently, when two cases are designated for hearing because they are mutually exclusive, one of the applicants amends and removes the conflict. Where this occurs the appropriate procedure is to petition for leave to amend and remove from the hearing docket. Such motions will be considered promptly and if it appears that the conflict which caused the case originally to be set for hearing has been removed and there is no other obvious conflict, the two cases will be removed from the hearing docket and placed back in their proper position (as determined by the file numbers) in the processing line. Petitions for amendment, removal from the hearing docket, and grant will not be entertained insofar as they request a grant. The Motions Commissioner in acting on such petitions will dismiss the request for a grant. In such a case the matter will simply be put back in its proper place in line.

(i) An application will continue to be carried under the same file number unless major amendment is made which really involves the substitution of a different application. Amendments simply changing the frequency and/or power or changing from fulltime to daytime only will be accepted without changing the file number.

(j) Sometimes it occurs that when an application is reached for processing it is necessary for one of the departments or the Commission itself to address a letter to the applicant asking further information. If the application cannot be processed until the information requested is received, then the application is placed in the pending file to await the applicant's response. Also it sometimes occurs that a particular category of cases is placed in the pending file by Commission action. In such cases the Commission makes a public announcement of its policy and notifies the individual applicant as to why his application is being placed in the pending file.

(k) From time to time the Commission will publish lists given the status of all pending applications in the processing line.

§ 1.374 *Staff consideration of applications which do not require action by the Commission.* Those applications which do not require action by the Commission but which pursuant to the delegation of authority contained in Subpart B may be acted upon by employees designated in that subpart are forwarded to the appropriate heads of departments for necessary action. In those cases where the Secretary may act after securing the approval of the various departments, the applications are forwarded to such appropriate departments. If the application is granted, it is returned to the appropriate License Section for issuance of the formal authorization. In cases where the Secretary acts by himself the appropriate License Section reviews the applications before final decision is made and the authorization issued if the application is granted. In any case where it is recommended that it be set down for hearing, a novel question of policy is presented or where the employee to whom authority is delegated desires instructions from the Commission, the file with necessary recommendations is forwarded to the Minute Section to be placed on the Commission agenda for action by the Commission.

§ 1.375 *Procedure with respect to amateur and commercial radio operator licenses.* (a) After an application for an amateur radio operator license is accepted for filing, and an examination conducted in accordance with Part 12 of the Commission's Rules and Regulations, the examinations are sent to Washington where they are graded in the Amateur License Section of the Secretary's Office and, if the applicant passes, a license is issued by that section.

(b) After an application for a commercial radio operator license is accepted for filing, and an examination conducted in accordance with Part 13 of the Commission's Rules and Regulations, the examination papers are graded by the office supervising the examination which also issues a license, if the applicant is successful. In the case of third class radiotelephone operator permits an examination is not required.

(c) For special optional procedures relating to the processing of applications for authority to operate radiotelephone equipment on aircraft, see § 1.213 (d).

§ 1.376 *Procedure with respect to applications for radio ship inspection and certification of ship radio licenses.* After applications for ship radio inspection and certification of the ship radio license, in accordance with the requirements of section 360 (b) of the Communications Act, as amended, and/or a Safety Convention certificate in accordance with the terms of Article 50 of the Safety Convention, are accepted for filing, the district engineer to whom the application is made makes the necessary examination and issues the appropriate certification.

ACTION ON APPLICATIONS

§ 1.381 *Failure to prosecute applications.* An applicant not desiring to prosecute his application may request the dismissal of same without prejudice. A request of an applicant for the return of an application which has been accepted for filing will be considered as a request to dismiss the same without prejudice. Where an applicant fails to respond to official correspondence or request for additional material, the application will be dismissed without prejudice.

§ 1.382 *Grants without a hearing.* Where an application for radio facilities is proper upon its face and where it appears from an examination of the application and supporting data that (a) the applicant is legally, technically and financially qualified; (b) a grant of the application would not involve modification, revocation, or non-renewal of any existing license or outstanding construction permit; (c) a grant of the application would not cause electrical interference to an existing station or station for which an construction permit is outstanding within its normally protected contour as prescribed by the applicable Rules and Regulations; (d) a grant of the application would not preclude the grant of any mutually exclusive application; and (e) a grant of the application would be in the public interest, the Commission will grant the application without a hearing.

§ 1.383 *Partial grants.* Where the Commission without a hearing grants any application in part, or with any privileges, terms, or conditions other than those requested, or subject to any interference that may result to the station if designated application or applications are subsequently granted, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 20 days from the date on which public announcement of such grant is made, or from its effective date if a later date is specified, file with the Commission a written request rejecting the grant as made. Upon receipt of such request, the Commission will vacate its original action upon the application and set the application for hearing in the same manner as other applications are set for hearing.

§ 1.384 *Temporary extension of station licenses.* Where there is pending before the Commission any application, investigation, or proceeding which, after hearing, might lead to or make necessary the modification of, revocation of, or the refusal to renew an existing license, the Commission may, in its discretion, grant a temporary extension of such license. No such temporary extension shall be construed as a finding by the Commission that the operation of any radio station thereunder will serve public interest, convenience, and necessity beyond the express terms of such temporary extension of license or will in no wise affect or limit the action of the Commission with respect to any pending application or proceeding.

§ 1.385 *Designation for hearing.* Applications will be designated for hearing in the following cases:

(a) Where it does not appear from an examination of the application that the applicant is legally, technically or financially qualified; or

(b) Where a grant of the application would require the modification, revocation, or non-renewal of license of an existing station or of any outstanding construction permit; or

(c) Where a grant of the application would cause electrical interference to an existing station or station for which a construction permit is outstanding within its normally protected contour as prescribed by the applicable Rules and Regulations; or

(d) Where it does not appear from from an examination of the application that a grant of the application will be in the public interest.

(e) Where a grant of the application would preclude the grant of an application or applications mutually exclusive with it. However, the Commission may,

if public interest will be served thereby, make a conditional grant of one of the applications and designate all of the mutually exclusive applications for hearing. Such conditional grant will be made upon the express condition that such grant is subject to being withdrawn if at the hearing it is shown that public interest will be better served by a grant of one of the other applications. Such conditional grants will be issued only where it appears:

(1) That some or all of the applications were not filed in good faith but were filed for the purpose of delaying or hindering the grant of another application; or

(2) That public interest requires the prompt establishment of radio service in a particular community or area; or

(3) That a grant of one or more applications would be in the public interest and that a delay in making a grant to any applicant until after the conclusion of a hearing on all applications might jeopardize the rights of the United States under the provisions of international agreement to the use of the frequency in question; or

(4) That a grant of one application would be in the public interest and that it appears from an examination of the remaining applications that they cannot be granted because they are in violation of provisions of the Communications Act, or of other statutes, or of the Commission's Rules and Regulations.

§ 1.386 *Petition for reconsideration and grant without hearing.* Where the Commission has designated an application for hearing, the applicant may file a petition requesting reconsideration and grant of the application without hearing. If the petition shows that a grant of the application without hearing would be consistent with § 1.382, the petition will be granted. Otherwise it will be denied.

§ 1.387 *Procedure when case is designated for hearing.* (a) When an application has been designated for hearing, the Secretary of the Commission will mail a written notice to the applicant setting forth the action of the Commission designating the application for hearing, together with such statement of the Commission's reasons therefor as shall be appropriate to the nature of the application. In addition, notice of hearing involving matters under Part I of Title III of the Act will be given by publishing the notice of hearing in the FEDERAL REGISTER. The Commission will attempt, when possible, to give at least 30 days advance notice of a hearing. In order to avail himself of the opportunity to be heard, the applicant, in person or by his attorney, shall, within 15 days of the mailing of the notice of designation for hearing by the Secretary, file with the Commission a written appearance stating that he will appear and present evidence on the issues specified in the statement of reasons furnished by the Commission on such date as may be fixed for the hearing. In cases involving applications for facilities other than AM broadcast, FM broadcast, international broadcast, or television, the applicant shall submit with his appearance an additional copy of his application and supporting documents.

(b) The Commission will on its own motion name as parties to the hearing:

(1) Any existing licensee or holder of an outstanding construction permit who, if the application were granted, would suffer electrical interference within his normally protected contour as prescribed by the Commission's Rules and Regulations.

(2) Any existing licensee or holder of an outstanding construction permit whose license or construction permit would have to be modified or revoked, or whose application for renewal of license would have to be denied, if the application in question were granted.

(3) Any person who, prior to the time the application in question was designated for hearing, had filed with the Commission a mutually exclusive application. Persons filing mutually exclusive applications after the application in question has been designated for hearing will be named as parties only if the Commission in its discretion deems such action advisable.

§ 1.388 *Petitions to intervene.* (a) Where the Commission has failed on its own motion to name as parties to a hearing any person specified in § 1.387 (b), such person will be permitted to participate in the proceeding by filing a petition to intervene showing that he comes within the provisions of § 1.387 (b). Where the petition to intervene is based upon a claim that a grant of the application would cause electrical interference to an existing station or a station for which a construction permit is outstanding within its normally protected contour as prescribed by the applicable Rules and Regulations, the petition must be accompanied by an affidavit of a qualified radio engineer which shall show either by reference to the Commission's Standards of Good Engineering Practice or to actual measurements made in accordance with the methods prescribed by the Commission's Standards of Good Engineering Practice that electrical interference will be caused to the existing station or station for which a construction permit is outstanding within the normally protected contour of the station.

(b) Any other person desiring to participate in the hearing may file a petition to intervene. The petition must set forth the interest of the petitioner in the proceedings and must show how such person's participation will assist the Commission in the determination of the issues in question. The Commission in its discretion may grant or deny such petition or may permit intervention by such persons limited to particular issues or to a particular stage of the proceeding.

(c) The granting of any petition to intervene shall not have the effect of changing or enlarging the issues specified in the Commission's notice of hearing unless the Commission shall on motion amend the same.

(d) Petitions to intervene under this section must be filed with the Commission not later than 15 days after the issues in the hearing have first been published in the FEDERAL REGISTER. Any person desiring to file a petition to intervene after the expiration of such 15 days must set forth the reason why it was not possible to file the petition within the prescribed 15 days. Unless good cause is shown for delay in filing, the petition will not be granted.

§ 1.389 *Motions to enlarge or change the issues.* Motions to enlarge or change the issues may be filed by any party to a hearing. Such motions must be filed with the Commission not later than 15 days after the issues in the hearing have first been published in the FEDERAL REGISTER. Any person desiring to file a motion to enlarge or change the issues after the expiration of such 15 days must set forth the reason why it was not possible to file the petition within the prescribed 15 days. Unless good cause is shown for delay in filing, the motion will not be granted.

§ 1.390 *Petitions for reconsideration or for rehearing.* (a) Where an application has been granted without a hearing, any person aggrieved or whose interests would be adversely affected thereby may file a petition for reconsideration of such action. Such petition must be filed with the Commission within 20 days after public notice is given of the Commission's action in granting the application. Such petition will be granted if the petitioner shows that:

(1) Petitioner is an existing licensee or permittee and a grant of the application would require the modification, revocation, or non-renewal of his license or construction permit; or

(2) That petitioner is an existing licensee or permittee and a grant of the application would cause interference to his station within the normally protected contour as prescribed by applicable Rules and Regulations: or

(3) At the time the application was granted, petitioner had a mutually exclusive application pending before the Commission; or

(4) A grant of the application is not in the public interest.

(b) Where an application has been granted or denied after hearing, petitions for rehearing may be filed within 20 days after public notice is given of the Commission's action in granting or denying the application. Petitions for rehearing by persons not parties to the Commission's hearing will not be granted unless good cause is shown as to why it was not possible for such person to participate earlier in the Commission's proceeding.

(c) Where a petition for reconsideration or for rehearing is based upon a claim of electrical interference within the normally protected contour of an existing station or a station for which a construction permit is outstanding, such petition must be accompanied by an affidavit of a qualified radio engineer which shall show either by reference to the Commission's Standards of Good Engineering Practice or to actual measurements made in accordance with the methods prescribed by the Commission's Standards of Good Engineering Practice that electrical interference will be caused to the station within its normally protected contour. If the claim of interference is not based upon actual measurements made in accordance with

the Standards of Good Engineering Practice, it may be controverted by affidavit containing results of actual measurements made in accordance with the Standards of Good Engineering Practice.

(d) Any opposition to a petition for reconsideration or rehearing may be filed within 10 days after the filing of such petition.

(e) Petitions for reconsideration or rehearing filed under this section may request (1) reconsideration, either in cases decided after hearing or in cases of applications granted without hearing; (2) reargument; (3) reopening of the proceeding; (4) amendment of any finding; or (5) such other relief as may be appropriate. Such petition shall state specifically the form of relief sought and, subject to this requirement, may contain alternative requests. Each such petition shall state with particularity in what respect the decision, order or requirement or any matter determined therein is claimed to be unjust, unwarranted, or erroneous, and with respect to any finding of fact must specify the pages of record relied on. Where the petition is based upon a claim of newly discovered evidence, it must be accompanied by a verified statement of the facts relied upon, together with the facts relied on to show that the petitioner, with due diligence, could not have known or discovered such facts at the time of the hearing.

(f) The filing of a petition for reconsideration or rehearing shall not excuse any person from complying with or obeying any decision, order, or requirement of the Commission, or operate in any manner to stay or postpone the enforcement thereof. However, upon good cause shown the Commission may stay the effectiveness of its order or requirement pending a decision on the petition for rehearing.

§ 1.391 *Special procedure relative to waiver of hearing on broadcast applications.* (a) In the case of any broadcast applications designated for hearing, the parties may request the Commission to waive a hearing and to grant or deny the applications upon the basis of the information contained in the applications and other papers on file with the Commission pertaining to the applicants or applications. Any party desiring to waive a hearing in accordance wth this procedure should execute and file with the Commission a waiver in accordance with subsection (f) and serve copies on all other parties, or a joint waiver may be signed by all the parties. Upon the receipt of waivers from all the parties to a proceeding, the Commission will decide whether the case is an appropriate one for determination without a hearing. If it is determined by the Commission that notwithstanding the waiver, a hearing is necessary, the case will be continued on the hearing docket. If the Commission concludes that the case can appropriately be decided without a hearing, the case will be removed from the hearing docket.

(b) In all cases which are removed from the hearing docket in accordance with this procedure, the Commission will be free to proceed to decide the case upon the basis of the information contained in the applications and in any other papers on file with the Commission which pertain to the applicants or applications in question, including any protests filed at any time prior to final decision. The Commission reserves the right to call upon any party to furnish any additional information which the Commission deems necessary to a proper decision. Such information shall be served upon opposing parties.

(c) This procedure does not in any way change the Commission's practice with respect to protests. Any party, or any member of the public, may file with the Commission any information concerning the applicant which bears upon his qualifications to operate a station in the public interest. Where such protest raises a question of substance which might affect the granting of the application a hearing will generally be required. If the protest is not of any substance, the Commission may proceed to act upon the application without hearing.

(d) In all cases where the Commission issues a decision pursuant to this procedure without holding a hearing a brief memorandum opinion will be issued by the Commission stating its reasons for its grant or denial of the individual applications. This decision shall have the same effect as a proposed decision, and the procedure thereafter to be followed shall be the same as in the case of a proposed decision made after a hearing.

(e) The Commission does not construe this procedure as involving any waiver by the parties of the right to appeal to the Courts from any adverse final decision of the Commission.

(f) The waiver of hearing shall be in the following form:

WAIVER OF HEARING

NAME OF APPLICANT_____
CALL LETTERS_____
DOCKET NO._____

The undersigned hereby waives its (their) right to a hearing in the above-entitled docket case and in all other docket cases which have been consolidated for hearing with such case and requests the Commission to decide said case or cases upon the basis of the information contained in the applications and in any other papers on file with the Commission pertaining to the applicants or applications in question. It is expressly understood that the Commission may render a proposed decision based upon such information or such additional information as the Commission may request from any party at any time before such decision and that such decision shall have the same force and effect as though made after a hearing.

PROCEDURE WITH RESPECT TO REVOCATION AND MODIFICATION OF STATION LICENSE AND SUSPENSION OF RADIO OPERATOR'S LICENSE

§ 1.401 *Notice of violations.* Any licensee who appears to have violated any provision of the Communications Act of 1934 or of the Rules and Regulations of the Federal Communications Commission, shall be served with a notice calling the facts to his attention and requesting a statement concerning the matter. Within 3 days from receipt of such notice, or such other period as may be specified, the licensee shall send a written answer direct to the Federal Communications Commission at Washington, D. C., and a copy thereof to the office of the Commission originating the official notice when the originating office is other than the office of the Commission in Washington, D. C. If an answer cannot be sent nor an acknowledgment made within such 3-day period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. If the notice relates to violations that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what steps, if any, have been taken to prevent future violations, and if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given, or if a file number has not been assigned by the Commission such identification shall be given as will permit ready identification thereof. If the notice of violation relates to lack of attention to or improper operation of the transmitter, the name and license number of the operator in charge shall be given.

§ 1.402 *Revocation of licenses.* Whenever it appears that grounds exist for revocation of license, as provided in section 312 (a) of the Act, the Law Department after conferring with the other departments of the Commission prepares a report and other necessary papers which are presented to the Commission for action. If the Commission concludes that a revocation proceeding should be instituted, an order of revocation will be issued effective not less than 15 days after written notice thereof is given the licensee. The order of revocation shall contain a statement of the grounds and reasons for such proposed revocation and a notice of the licensee's right to be heard by filing with the Commission a written request for hearing within 15 days after receipt of said order. Upon the filing of such written request for hearing by said licensee, the order of revocation shall stand suspended and the Commission will set a time and place for hearing and shall give the licensee and other interested parties notice thereof. If no request for hearing on any order of revocation is made by the licensee against whom such an order is directed within the time set forth, the order of revocation shall become final and effective, without further action of the Commission. When any order of revocation has become final, the person whose license has been revoked shall forthwith deliver the station license in question to the inspector in charge of the district in which the station is located.

§ 1.403 *Modification of licenses.* Whenever it appears that public interest, convenience, and necessity would be served, or the provisions of the Communications Act, or of any treaty ratified by the United States will be more fully complied with, by the modification of any radio station construction permit or license, the Law and Engineering Departments prepare a report and other necessary papers which are presented to the Commission for action. If the Commission concludes that proceedings should be instituted, an order will be issued to show cause why such construction permit or license should not be modified. Such order to show cause shall contain a statement of the grounds and reasons for such proposed modification, and shall specify wherein the said construction permit or license is required to be modified. It shall require the license against whom it is directed, to appear at a place and time therein named to show cause why the proposed modification should not be made and the order of modification issued. If the licensee against whom the order to show cause is directed does not appear at the time and place provided in said order, a final order of modification shall issue forthwith.

§ 1.404 *Suspension of operator licenses.* Whenever it appears that grounds exist for suspension of an operator license, as provided in section 303 (m) of the Act, the Law Department after conferring with the other Departments of the Commission prepares a report and other necessary papers which are presented to the Commission for action. If the Commission concludes that suspension proceedings should be instituted, a suspension order will be issued. No order of suspension of any operator's license shall take effect until 15 days' notice in writing thereof, stating the cause for the proposed suspension, has been given to the operator licensee who may make written application to the Commission at any time within said 15 days for a hearing upon such order. The notice to the operator licensee shall not be effective until actually received by him, and from that time he shall have 15 days in which to mail the said application. In the event that physical conditions prevent mailing of the application at the expiration of the 15-day period, the application shall then be mailed as soon as possible thereafter, accompanied by a satisfactory explanation of the delay. Upon receipt by the Commission of such application for hearing, said order of suspension shall be held in abeyance until the conclusion of the hearing which shall be conducted under such rules as the Commission shall deem appropriate. Upon the conclusion of said hearing the Commission may affirm, modify, or revoke said order of suspension. If the license is ordered suspended, the operator shall send his operator license to the office of the Commission in Washington, D. C., on or before the effective date of the order, or, if the effective date has passed at the time notice is received, the license shall be sent to the Commission forthwith.

SUBPART E—RULES RELATING TO APPLICATIONS, REPORTS AND PROCEEDINGS AFFECTING COMMON CARRIERS UNDER TITLE II OF THE COMMUNICATIONS ACT [1]

GENERAL RULES RELATING TO APPLICATIONS

§ 1.501 *Subscription and verification of applications.* Each application or amendment thereto shall be personally subscribed and verified: (a) By the party filing such application or amendment, or by one of the parties, if there be more than one; (b) by an officer of the party filing the application or amendment if the party be a corporation: *Provided, however,* That subscription and verification may be made by the attorney for the party (1) in case of physical disability of the party, or (2) his absence from the continental United States. If it be made by a person other than the party, he must set forth in the verification the grounds of his belief as to all matters not stated upon his knowledge and the reason why it is not made by the party. Where more than one copy of an application is required to be filed with the Commission, only the original need be signed and verified; the copies may be conformed.

§ 1.502 *Full disclosures.* Each application shall contain full and complete disclosures with regard to the real party or parties in interest and as to all matters and things required to be disclosed by the application forms.

§ 1.503 *Additional statements.* The Commission may require an applicant to submit such documents and written statements of fact, under oath, as in its judgment may be necessary.

§ 1.504 *Form of amendments to applications.* Any amendment to an application shall be subscribed, verified, and submitted in the same manner, and with the same number of copies, as was the original application.

§ 1.505 *Amendments of applications ordered.* The Commission may upon its own motion or upon motion of any party to a proceeding, order the applicant to amend his application so as to make the same more definite and certain.

§ 1.506 *Defective applications.* (a) Applications which are defective with respect to completeness of answers to required questions, execution or other matters of a purely formal character will not be received for filing by the Commission, unless the Commission shall otherwise direct, and will be returned to the applicant with a brief statement as to the omissions.

(b) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(c) Applications which are not in accordance with the Commission's rules, regulations or other requirements will be considered defective unless accompanied either (1) by a petition to amend any rule or regulation with which the application is in conflict, or (2) by a request of the applicant for waiver of, or an exception to, any rule, regulation or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof.

(d) Applications found to be complete are accepted for filing and are given a file number.

§ 1.507 *Amendments and dismissals of applications.* (a) Any application may be amended or dismissed without prejudice as a matter of right prior to the designation of such application for hearing. Thereafter, requests to amend or dismiss without prejudice will be considered only upon written motion properly served upon all parties of record.

(b) When leave to amend has been granted after an application has been designated for hearing, the application will not be removed from the hearing docket unless the Motions Commissioner shall determine that the proposed amendment substantially affects the issues upon which the application has been designated for hearing and orders that the application shall be removed from the hearing docket. An amended application which has been removed from the hearing docket will be reexamined by the Commission and when necessary will be redesignated for hearing at a subsequent time.

§ 1.508 *Failure to prosecute applications.* An applicant not desiring to prosecute his application may request the dismissal of same without prejudice. A request of an applicant for the return of an application which has been accepted for filing will be considered as a request to dismiss the same without prejudice. Where an applicant fails to respond to official correspondence or request for additional material, the application will be dismissed without prejudice.

§ 1.509 *Partial grants.* Where the Commission without a hearing grants any application in part, or with any privileges, terms, or conditions other than those requested, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 20 days from the date on which public announcement of such grant is made, or from its effective date if a later date is specified, file with the Commission a written request rejecting the grant as made. Upon receipt of such request, the Commission will vacate its original action upon the application and set the application for hearing in the same manner as other applications are set for hearing.

FILING AND PROCESSING OF APPLICATIONS

§ 1.521 *Filing and routing of Applications.* All applications under Title II of the Act are filed with the Secretary and dated by the Mail and File Section of his office. All applications other than for special tariff permission are then routed to the Commercial License Section, Secretary's Office, where they are given a file number and then routed to the appropriate units of the Law, Ac-

[1] Subpart E is issued pursuant to section 3 (a) (2) of the Administrative Procedure Act.

counting and Engineering Departments. Applications for special tariff permission are routed to the Rates Branch, Accounting Department, where they are numbered and referred to the appropriate divisions of that branch.

§ 1.522 *Application for extension of time in which to file financial reports.* Applications for extensions of time in which to file annual, monthly, and special reports required by the Commission pursuant to Section 219 of the Act should be made in writing.

§ 1.523 *Application for special tariff permission; procedure and application form.* Applications under section 203 (a) of the Act for special tariff permission shall be made in the form and manner and with the number of copies required by §§ 61.151 to 61.153 inclusive of the Rules and Regulations. Final action is taken by the Chief Accountant where Commission policy in the matter has been established, and in other cases the Commission acts upon the recommendation of the Chief Accountant or upon the recommendation of the Law, Accounting and Engineering Departments.

§ 1.524 *Application for holding interlocking offices or directorates; procedure and application form.* Applications under sectiton 212 of the Act for authority to hold the position of officer or director of more than one carrier subject to the Act shall be made in the form and manner and with the number of copies required by §§ 62.1, 62.2, 62.11 and 62.21 to 62.25 inclusive of the rules and regulations. These applications are processed by the Common Carrier Division of the Law Department and a report thereon is made to the Commission which acts on the applications.

§ 1.525 *Application for lines.* (a) Applications under section 214 of the Act for authority to construct a new line, extend any line, acquire or operate any line or extension thereof, or to engage in transmission over or by means of such additional or extended line, to furnish temporary or emergency service or to supplement existing facilities shall be made on the form and manner and with the number of copies required by §§ 63.01 to 63.06 inclusive and §§ 63.51 to 63.54 inclusive. Final action is taken by the Secretary with the approval of the Law, Accounting and Engineering Departments in cases where Commission policy in the matter has been established. In other cases the Commission acts upon the recommendations of the Law, Accounting and Engineering Departments.

(b) In cases requiring a certificate, notice is given to and a copy of the application is filed with the Secretary of War, the Secretary of the Navy, and the Governor of each state involved. Hearing is held if any of these parties desires to be heard or if the Commission determines that a hearing should be held. Copies of applications for certificates are also served upon the state regulatory commissions of the states involved.

§ 1.526 *Application for discontinuance, reduction or impairment of service.* (a) Applications under section 214 of the Act for authority to discontinue, reduce or impair service to a community or part of a community or for the temporary, emergency or partial discontinuance, reduction or impairment of service shall be made on the form and manner and with the number of copies required by §§ 63.51 to 63.54 inclusive, §§ 63.60 to 63.66 inclusive and appendices A to F inclusive of Part 63 of the Rules and Regulations. Posted and published notice shall be given to the public as required by § 63.90 of the Rules and Regulations. Final action is taken by the Secretary with the approval of the Law, Engineering and Accounting Departments in uncontested cases where Commission policy in the matter has been established. In other cases the Commission acts upon the recommendations of the Law, Accounting and Engineering Departments.

(b) In cases requiring a certificate, notice is given to and a coupy of the application is filed with the Secretary of War, the Secretary of the Navy, and the Governor of each state involved. A hearing is held if any of these parties desire to be heard or if the Commission determines that a hearing should be held. Also, copies of all formal applications under this section requesting authorizations are filed with the Governors of the States involved and the Secretary of War and Secretary of the Navy.

§ 1.527 *Application for consolidation of telephone companies.* Applications under section 221 (a) of the Act, by one or more telephone companies for authority to consolidate their properties or a part thereof into a single company or to acquire the whole or any part of the property of another telephone company or other telephone companies or the control thereof by the purchase of securities or by lease or in any other like manner when such consolidated company would be subject to the Communications Act shall be submitted as follows:

(a) *Contents of application.* Each application shall contain in narrative form the following information:

(1) The exact name and address of each applicant;

(2) A statement as to whether each applicant is a carrier subject to the Act and what change or changes in status will result from the consummation of the proposed transaction;

(3) The name, title, and post office address of the officer to whom correspondence in regard to the application should be addressed:

(4) The Government, State, or Territory, under the laws of which each corporate applicant was organized;

(5) Detailed description of the property to be acquired, consolidated, or merged, and a brief history of such property;

(6) In a proposed consolidation or merger, the name of the company resulting therefrom, the capitalization proposed therefor, and the amount and class of capital stock and other securities proposed to be issued;

(7) The manner in which the properties, or control, will be acquired and the consideration, in money and otherwise, to be paid by each applicant;

(8) Statement of action of stockholders and directors of each applicant approving the proposed transaction, giving date and place of each meeting;

(9) Facts as to any intercorporate relations through holding companies, ownership of securities or otherwise, between the applicants, or any of them;

(10) Reasons in general why the proposed transaction will be of advantage to the persons to whom service is to be rendered and in the public interest;

(11) The extent to which the facilities to be acquired or controlled (by purchase, lease, or otherwise) parallel or are competitive with the facilities of the proposed purchaser or others;

(12) A statement as to whether the proposed transaction has been presented to the regulatory authority of each state in which the property is situated, and, if so, with what results.

(b) *Supporting data required with application.* There shall be filed with and made a part of the original of each application under section 221 (a) the following:

(1) One copy of the charter, articles of incorporation and the by laws of each applicant, duly certified (such copies as are already on file with the Commission may be incorporated in the application by reference);

(2) One copy of resolutions of the stockholders or directors of each of the applicants approving the proposed transaction, such resolutions to be properly attested and accompanied by appropriate excerpts from the minutes, showing the number of votes cast for and against each such resolution;

(3) Map or sketch indicating the facilities of each telephone carrier in the area involved, and the location and ownership of exchange and toll properties before and after consummation of the proposed transaction;

(4) A recent balance sheet and an income statement of each party involved;

(5) A statement showing the book cost and related reserve amounts with respect to the plant items to be acquired unless all of the telephone plant is included in the proposed acquisition, consolidation, or merger;

(6) Copy of any contract or contracts, exclusive of right-of-way and attachment contracts, entered into between the applicants, or any of them, with respect to any of the telephone properties or service included in the proposed transaction;

(7) Any additional facts or reasons in support of the application.

(c) *Copies required.* Fifteen copies shall be furnished to the Commission for its use and two additional copies shall be furnished for each additional state in which the property in question is located. In addition a copy should be served on any other party to the proceeding.

(d) *Procedure.* These applications are acted upon by the Commission after a public hearing is held thereon. Reasonable notice of the hearing is given by the Commission to the Governor of each state in which the physical property affected, or any part thereof, is situated, and to the state commission having jurisdiction over telephone companies and to such other persons as the Commission may deem advisable.

§ 1.528 *Application for consolidation of domestic telegraph carriers.* (a) Applications under section 222 of the Act by two or more domestic telegraph carriers for authority to effect a consolidation or merger or to acquire all or any part of the domestic telegraph properties, domestic telegraph facilities, or domestic telegraph operations of any carrier which is not primarily a telegraph carrier shall contain such information as is necessary for the Commission to act upon such application under the provision of section 222 of the Act.

(b) These applications are acted upon by the Commission after public hearing. Reasonable notice in writing of the public hearing and an opportunity to be heard is given by the Commission to the Governor of each of the states in which any of the physical property involved in such proposed consolidation or merger is situated, to the Secretary of State, the Secretary of War, the Attorney General of the United States, the Secretary of the Navy, representatives of employees where represented by bargaining representatives known to the Commission, and to such other persons as the Commission may deem advisable.

§ 1.529 *Application with respect to disposition of debit amounts in accounts 100.4 "telephone plant acquisition adjustment," for class A and class B telephone companies and in account 1200, "Plant adjustments" for class C telephone companies.* Commission Order No. 60 contains provisions relating to the disposition of such debit amounts in whole or in part, or for amortization over a reasonable period, through charges to appropriate income or surplus accounts. If a different disposition is desired, application therefor shall be made to the Commission. Final action, in accordance with established Commission policy, is taken on such applications by the Chief Accountant; or such applications are presented to the Commission for action upon the recommendation of the Chief Accountant.

TARIFFS, REPORTS, AND OTHER MATERIAL REQUIRED TO BE SUBMITTED BY CARRIERS

§ 1.541 *Tariffs to be filed.* Schedules of charges required under section 203 of the Communications Act shall be constructed, filed and posted in accordance with Part 61 of the Commission's Rules and Regulations.

§ 1.542 *Rate increases—filing with Commission of data furnished to Office of Price Administration.* Any common carrier subject to the Communications Act of 1934, as amended, which furnishes any notice or other data to the Office of Price Administration in connection with an increase in rates or charges subject to the Communications Act of 1934, as amended, shall concurrently furnish to this Commission two copies of such notice and other data.

§ 1.543 *Contracts to be filed.* Copies of carrier contracts, agreements, concessions, licenses, authorizations or other arrangements, shall be filed in the form and manner and with the number of copies required by § 43.51 of the Rules and Regulations.

§ 1.544 *Annual financial reports.* (a) Annual financial reports shall be filed by carriers and affiliates as required by § 43.21 of the Rules and Regulations on the following forms:

(1) Form H (holding companies).
(2) Form M (telephone companies, Class A and B).
(3) Form O (telegraph companies, Class A and B).
(4) Form R (radiotelegraph carriers, Class A and B).
(5) Circular No. 1 (annual report of holding companies having nominal interests in the communications industry).
(6) Circular No. 2 (miscellaneous classes of small communication carriers).
(7) Circular No. 3 (Class C telephone carriers).

(b) Reports shall be filed annually by common carriers with respect to operations of separate departments of a holding company, servicing or manufacturing nature in accordance with Commission Order No. 109.

§ 1.545 *Monthly financial reports.* (a) Monthly financial reports shall be filed by carriers as required by § 43.31 of the Rules and Regulations on the following forms:

FCC Form 901 (Revenues, Expenses and Other Items—Telephone).
FCC Form 903 (Revenues, Expenses and Other Items—Radiotelegraph).
FCC Form 905A (Revenues, Expenses and Other Items—Wiretelegraph).
FCC Form 905B (Revenues, Expenses and Other Items—Ocean-Cable).

§ 1.546 *Reports on accounting officers.* Reports by carriers shall be filed in regard to responsible accounting officers in accordance with Commission Order 105.

§ 1.547 *Reports to be filed under Part 31, Rules and Regulations.* Reports shall be filed by carriers under Part 31 of the Rules and Regulations in regard to the following:

(a) 31.01–2 (a) (1) (2) (3): Subaccounts, clearing, temporary and experimental accounts.
(b) 31.01–2 (e): Effecting entries to transfer the balances from the old to the new system of accounts.
(c) 31.01–5 (b): Particulars of relatively large delayed items.
(d) 31.01–9: Interpretation of prescribed accounting.
(e) 31.02–83, 31.138 (a), 31.609: Unprovided-for loss in service value of plant retired for causes not factors in depreciation.
(f) 31.1–13 (b): Amortization of amounts ordinarily includible in surplus and relating to the refinancing of the carrier's securities.
(g) 31.1–15 (f): Amortization of amounts ordinarily includible in surplus and relating to the refinancing of the carrier's long-term debt.
(h) 31.1–16: Exchange of securities.
(i) 31.1–16:1: Issuance of non par capital stock.
(j) 31.1–16:1: Transfer of surplus to non par capital stock account.
(k) 31.100:4 (b): Opening entry (and basis of computations of amounts included) in account 100.4 "Telephone Plant Acquisition Adjustment."
(l) 31.100:4 (c), 31.172 (b), 31.614: Disposition of amounts of plant acquisition adjustments.
(m) 31.138 (c), 31.6–64: Extensive replacement of station apparatus, inside, drop and block wires.
(n) 31.2–21 (b) (3): Acquisition of duplicate or other telephone plant to be retired.
(o) 31.2–21 (e): Substantial acquisition of telephone plant.
(p) 31.2–22 (b) (10) (ii) (iii): Interest for period longer than 6 months prior to commencement of construction, and interest during the suspension of construction.
(q) 31.2–24: Changes in list of units of property.
(r) 31.2–26 (b) (c): Continuing property-record plan.
(s) 31.611 (a): Institution of an employment stabilization program.
(t) 31.672 (d) (f): Changes in (a) pension plan; (b) related matters; and (c) accounting for pension costs.
(u) Standard Practices, CPR: Sec. 1 (b): Continuing property record; list of accounting areas (with descriptions).
(v) Standard Practices, CPR: Sec. 1 (b): Continuing property record: Subsequent change in regard to Item (u).
(w) Standard Practices, CPR: Sec. 4 (a): Continuing property record: Extension of period of construction (prior to 1937) as basis of treatment of subaccounts (or particular accounts) in averaging of unit costs.
(x) Standard Practices, CPR: Sec. 7: Continuing property record: Authorization of treatment in re specific periods or accounts (different from that prescribed) regarding age of property records.
(y) 31.2–26 (a): Delinquencies in regard to completion of continuing property record.

§ 1.548 *Reports to be filed under Part 33 of the Rules and Regulations.* Reports shall be filed by carriers under Part 33 of the Rules and Regulations in regard to the following:

(a) 33.1 (b): Jurisdictional matters: Determination of class.
(b) 33.1 (e): Adoption of accounts prescribed for Class A and Class B telephone companies.
(c) 33.12 (e): Closing of books on other than a calendar-year basis.
(d) 33.14: Interpretation of prescribed accounting.
(e) 33.14: Spreading of relatively large amounts to prevent distortion of accounts.
(f) 33.14: Disposition of relatively large delayed items.
(g) 33.21 (f): Issuance or assumption of no-par capital stock.
(h) 33.21 (f): Transfer of surplus to no-par capital-stock accounts.
(i) 33.32 (b), 33.1200 (b): Distribution of cost of plant acquired to plant and other accounts.
(j) 33.1200 (c), 33.2700 (a), 33.5200: Disposition of amounts of plant acquisition adjustments.
(k) 33.34 (c): Replacements of units of property leased from others.
(l) 33.65 (d), 33.1890 (c), 33.2600 (b): Unprovided-for loss in service value of plant retired for causes not factors in depreciation.
(m) 33.1890 (c): Extensive retirements of station apparatus and inside, drop, and block wires.
(n) 33.2800 (b): Transfer of amounts of plant contributions.
(o) 33.81: Revision of list of units of property.

§ 1.549 *Reports to be filed under Part 34 of the Rules and Regulations.* Reports shall be filed by carriers under Part 34 of the Rules and Regulations in regard to the following:

(a) 34.03–5 (b) (3): Subaccounts, clearing, temporary and experimental accounts.
(b) 34.03–6: Effecting entries to transfer the balances from the old to the new system of accounts.
(c) 34.03–11: Interpretation of prescribed accounting.
(d) 34.03–13: Particulars of relatively large delayed items.

(e) 34.04–4 (b), 34.1910, 34.4925: Unprovided-for loss in service value of plant retired for causes not factors in depreciation.
(f) 34.10–8: Exchange of securities.
(g) 34.10–9 (c): (a) Issuance of no-par capital stock; (b) transfer of surplus to no-par capital stock account; (c) reduction of capital surplus by use of no-par capital stock account; and (d) reduction of capital stock issued.
(h) 34.10–10 (c): Historical and detailed analysis of capital surplus for prior periods (ended January 1, 1940).
(i) 34.10–14 (f): Amortization of amounts ordinarily includible in income accounts and relating to refinancing of carrier's long-term debt.
(j) 34.1510 (e), 34.1520 (b), 34.4920, 34.5255 (a): Disposition of amounts of plant acquisition adjustments.
(k) 34.1515 (b): Relief from mandatory charges to account 6299, "other extraordinary income charges," to create a credit balance (at January 1, 1940) in account 1515, "allowance for depreciation—radiotelegraph plant," equal to sustained depreciation of owned plant.
(l) 34.1520 (c): Relief from mandatory charges to account 6299 to create a credit balance (at January 1, 1940) in account 1520, "Allowance for amortization—radiotelegraph plant," equal to the expired service value of certain intangibles.
(m) 34.1599 (d), 34.5089 (d): Changes in optional procedure adopted for recording foreign investments and foreign income.
(n) 34.1935 (a): Relief from mandatory charges to account 6299 of amounts cleared from account 1935, "Preliminary survey and investigation charges," and applicable to abandoned projects.
(o) 34.2220 (a) (c), 34.4198 (a): Institution of a program for equalization of maintenance expenses.
(p) 34.2225 (c): Relief from mandatory charges to account 6299 to create a credit balance (at January 1, 1940) in account 2225, "Provisions for depreciation and replacement of operated plant leased from other," equal to the expired service value of plant leased from others.
(q) 34.2515 (b): Transfer of amounts of plant contributions.
(r) 34.1–2 (d) (3): Acquisition of duplicate plant to be retired.
(s) 34.1–2 (g): Substantial acquisition of plant.
(t) 34.1–2 (g), 34.91 (b): Clearance date for plant acquisition entries.
(u) 34.1–3 (c) (8): Interest during the suspension of construction.
(v) 34.1–5 (g): Disposition of deferred charges and credits relating to plant leases terminated.
(w) 34.1–6 (f), 34.2225 (d), 34.2230 (c): Disposition of balances in account 2225 and account 2230, "Leased operated plant," relating to each expired lease of plant from others.
(x) 34.1–8: Continuous property-record plan.
(y) 34.4435 (d) (f): Changes in (a) pension plan, (b) related matters, and (c) in accounting for pension cost.
(z) 34.4950, 34.5260: Revenue-contract payments.
(aa) 34.9010 (note): Relief from mandatory charges to account 6299 of amounts cleared from account 9010, "Research and development-undistributed," and applicable to abandoned projects.
(bb) 34.1–6–1 (b): Revision of list of retirement units.
(cc) 34.1–6–1 (b) (d): Changes in list of retirement units (due 45 days after June 30, December 31).

§ 1.550 *Reports to be filed under Part 35 of the Rules and Regulations.* Reports shall be filed by carriers under Part 35 of the Rules and Regulations in regard to the following:

(a) 35.03–5 (b) (3): Subaccounts, clearing, temporary and experimental accounts.
(b) 35.03–6: Effecting entries to transfer the balance from the old to the new system of accounts.
(c) 35.03–11 (b): Interpretation of prescribed accounting.
(d) 35.03–13: Particulars of relatively large delayed items.
(e) 35.04–4, 35.1910, 35.4925 (a): Unprovided-for loss in service value of plant retired for causes not factors in depreciation.
(f) 35.10–8: Exchange of securities.
(g) 35.10–9 (c): (a) Issuance of no-par capital stock; (b) transfer of surplus to no-par capital stock account; (c) reduction of capital surplus by use of no-par capital stock account; and (d) reduction of capital stock issued.
(h) 35.10–10 (c): Historical and detailed analysis of capital surplus for period ended January 1, 1943.
(i) 35.10–14 (f): Amortization of amounts ordinarily includible in income accounts and relating to refinancing of company's long-term debt.
(j) 35.1510 (d), 35.1520 (b), 35.4920 (a), 35.5255 (a): Disposition of amounts of plant acquisition adjustments.
(k) 35.1515 (b): Relief from mandatory charges to account 6120 "Extraordinary current income charges," to create a credit balance in account 1515 "Allowance for depreciation wire-telegraph and ocean-cable plant," equal to the sustained depreciation at January 1, 1943, of owned plant.
(l) 35.1520 (c): Relief from mandatory charges to account 6120 to create a credit balance in account 1520 "Allowance for amortization wire-telegraph and ocean-cable plant," equal to the sustained depreciation at January 1, 1943, of owned plant.
(m) 35.1545 (b): Disposition of amounts of plant adjustments.
(n) 35.1599 (d), 35.5089 (d): Changes in optional procedure adopted for recording foreign investments and foreign income.
(o) 35.1935 (a): Relief from mandatory charges to account 6120 of amounts cleared from account 1935, "Preliminary survey and investigation charges," and applicable to abandoned projects.
(p) 35.2220 (a) (c), 35.4180: Institution of a program for equalization of maintenance expenses.
(q) 35.2225 (c): Relief from mandatory charges to account 6120 to create a credit balance (at January 1, 1943) in account 2225, "Provisions for depreciation and replacement of operated plant leased from others."
(r) 35.2515 (b): Transfer of amounts of plant contributions.
(s) 35.1–1 (f): Reclassification of plant; and statement of amounts in accounts before and after reclassification (at January 1, 1943).
(t) 35.1–2 (e): Acquisition of duplicate plant to be retired.
(u) 35.1–2 (h): Substantial acquisition of plant.
(v) 35.1–2 (h), 35.91 (b): Clearance date for plant acquisition entries.
(w) 35.1–3 (c) (8): Interest during the suspension of construction.
(x) 35.1–5 (g): Disposition of deferred charges and credits relating to plant leases terminated.
(y) 35.1–6 (k): Disposition of balances in account 2225 and account 2230, "Leased operated plant retired," relating to expired leases of plant from others.
(z) 35.1–8 (b): Continuous property-record plan.
(aa) 35.4327 (d) (f): Changes in (a) pension plan, (b) related matters, and (c) accounting for pension costs.
(bb) 35.9011 (b): Relief from mandatory charges to account 6120 of amounts cleared from account 9011, "Research and development clearing account," and applicable to abandoned projects.
(cc) 35.1–6–1 (b): Revision of list of retirement units.
(dd) 35.1–6–1 (b) (d): Permissive Changes in list of retirement units (due 90 days after June 30).

§ 1.551 *Reports to be filed under Commission Order 100.* Carriers subject to the Communications Act shall report all changes made in the depreciation rates applied by such carriers in accordance with Commission Order 100.

§ 1.552 *Reports regarding destruction of records.* Carriers shall file reports relating to the destruction of records as provided in §§ 42.1 to 42.91, inclusive, of the Rules and Regulations.

§ 1.553 *Reports regarding pensions.* Carriers shall file reports of relief and pensions as required by § 43.42 of the Rules and Regulations.

§ 1.554 *Reports regarding foreign telegraph communication charges.* Carriers engaging or participating in foreign telegraph communication shall file statements in regard to charges and divisions of charges as required by § 43.53 of the Rules and Regulations.

§ 1.555 *Reports regarding telegraph carrier services.* Telegraph carriers shall file description of their services as required by § 43.54 of the Rules and Regulations.

§ 1.556 *Reports regarding foreign communications negotiations.* Carriers engaging or participating in foreign communication shall file statements in regard to certain negotiations as required by § 43.55 of the Rules and Regulations.

§ 1.557 *Reports on traffic.* (a) Commission Orders Nos. 85 and 86 require international telegraph carriers to file on FCC Form No. 336 and common carriers engaged in radiotelegraph communication with maritime mobile stations (with certain exceptions) to file on FCC Form No. 337 certain traffic information at periodic intervals. A complete description of these reports is set forth in Orders Nos. 85 and 86.

(b) Monthly and quarterly reports must be filed with the Commission in connection with certain fixed public radio service operations. No form is prescribed. A complete description of the contents of these reports is contained in §§ 6.31 and 6.53.

§ 1.558 *Reports under § 63.04 of the rules.* Radio carriers receiving authority under § 63.04 of the Rules and Regulations shall furnish quarterly reports as required therein.

§ 1.559 *Reports to be filed regarding lines.* Carriers shall furnish reports under § 63.54 of the Rules and Regulations when a line authorized to be constructed, acquired or operated has been put into service.

RULES RELATING TO COMPLAINTS

§ 1.571 *Formal or informal complaints.* Complaints filed under Title II of the Act may be either formal or informal.

§ 1.572 *Informal complaints.* No particular form is prescribed for informal complaints but they must be in writing, subscribed, and verified by the complainant. The complaint shall state the

name and address of the complainant, the name of the carrier against whom the complaint is made, and shall state as definitely as possible the basis or reason for the complaint.

§ 1.573 *Action on informal complaints.* Upon receipt of an informal complaint properly drawn and executed, the Commission will, if its nature warrants, take the question up by correspondence with the carrier complained of in an endeavor to bring about satisfaction. Such correspondence with the carrier shall call upon it either to satisfy the complainant or advise the Commission of its refusal or inability to do so within such time as may be prescribed. If the carrier satisfies the complainant, it shall immediately notify the Commission and file with it proof of satisfaction; whereupon the complaint will be dismissed. If the carrier refuses or is unable to satisfy the complainant within the time prescribed, it shall so notify the Commission, which decision the Commission will forthwith give notice of to the complainant.

§ 1.574 *Resubmission; 6 months' rule.* When an informal complaint has not been satisfied pursuant to the foregoing rule, the complainant may either file a formal complaint or resubmit his informal complaint within 6 months from the date of the Commission's notice: *Provided, however,* That such resubmitted informal complaint must contain new material matter upon the same cause of action. The procedure prescribed herein for handling of informal complaints will be followed in case of resubmitted informal complaints. If such resubmitted informal complaint or a formal complaint is filed with the Commission within the 6-month period, such resubmission or filing will be deemed to relate back to the date of the filing of the original informal complaint. But reference to the original date of the informal complaint must be made in such resubmission or in the formal complaint filed.

§ 1.575 *Formal complaints; requirements.* (a) Formal complaints shall contain the names of all parties complainant and defendant in full, the address of each complainant, and the name and address of his attorney, if represented by attorney, and shall be subscribed and verified by the complainant.

(b) A form of such complaint is as follows:

(This form may be used in cases to which they are applicable, with such alterations as the circumstances may render necessary.)

COMPLAINT

Before the Federal Communications Commission

Washington, D. C.

COMPLAINANT

_____	Docket No. _____
_____	(To be inserted by the Secretary of the Commission)
Complainant	
v.	
_____	
_____	
Defendant	

The complainant (here insert full name of each complainant and if a corporation the corporate title of such complainant) respectfully shows:

(1) That (here state occupation and post-office address of each complainant).

(2) That (here insert the full name, occupation, and post-office address of each defendant).

(3) That (here insert fully and clearly the specific act or thing complained of, together with such facts as are necessary to give a full understanding of the situation).

Wherefore, complainant asks (here state specifically the relief desired).

Dated at _____ this ___ day of ___, 19__.

_____
(Name of each complainant)

_____
(Name and address of attorney, if any)

FORM OF VERIFICATION

_____ being first duly sworn, on oath, deposes, and says:

That he is the complainant (or one of the complainants), in the above-entitled matter; that he has read the within and foregoing complaint and knows the contents thereof, and that the matters and things therein stated are true of his own knowledge, save and except those matters therein stated on information and belief, and as to those he believes them to be true.

_____

Subscribed and sworn to before me this ____ day of ____ 19__.

_____
(Notary public or other proper officer)

§ 1.576 *Statement of issues; joinder of causes of complaint.* Formal complaints shall be so drawn as to advise the Commission and the defendant fully wherein the provisions of the Act, or an order, rule or regulation of the Commission have been violated, the facts claimed to constitute such violation, and the relief sought. Two or more grounds of complaint involving the same principle, subject, or state of facts may be included in one complaint, but should be separately stated and numbered.

§ 1.577 *Notice of complaints.* Upon receipt of any formal complaint against any common carrier subject to the act, the Commission will forward a copy of the same to such carrier together with a notice of the filing thereof, which notice shall contain an order of the Commission calling upon the carrier to satisfy the complaint or answer the same in writing within the time specified in said notice, which in no event shall be less than 30 days.

§ 1.578 *Charges, etc.; specific references.* The several charges, classifications, regulations, or practices complained of shall be set out by specific references to schedules of charges and classifications, and also the particular regulations or practices whenever that is possible.

§ 1.579 *Separate statement of each provision violated.* When a violation of more than one provision of a section of the act is alleged, such violation shall be separately stated with respect to each provision of the act claimed to be violated.

§ 1.580 *Allegations; certainty.* In case recovery of damage is sought, the complaint should contain appropriate allegations showing such data as will serve to identify, with reasonable certainty, the communications or transmissions, or other services, in respect of which recovery is sought, and shall state (a) that the complainant makes claim for reparation; (b) the name and address of each individual claimant asking reparation; (c) the name and address of defendants against which claim is made; (d) the communications, transmissions, or other services rendered, the charge applied thereto, the date when charges were paid, by whom paid, and by whom borne; (e) the period of time within which, or the specific dates when such communications, transmissions, or other services were rendered; (f) points of origin and reception of such communications or transmissions, and if the damages sought to be recovered are for services other than communications or transmissions, then the allegations of the complaint shall state the nature and extent of such services, the date or dates when rendered, when paid for, and by whom borne; (g) nature and amount of injury sustained by each claimant; (h) if reparation is sought on behalf of others than the complainant, in what capacity or by what authority complaint is made in their behalf; and (i) that claimant has not filed suit in any court on the basis of the same claim.

§ 1.581 *Challenge of general rate adjustments; reparation.* If a general rate adjustment is challenged in the complaint, or many communications and transmissions or points of origin and reception are involved, the Commission will find and determine in its report the issues as to violation of the act, injury thereby to complainant, and right to reparation. The Commission will afford the parties opportunity to agree or make proof respecting the communications, transmissions, or other services, and amount of reparation due under its findings, before entering its order awarding reparation. In such cases, authenticated schedules of charges, receipts, statements, and other exhibits bearing on details of such communications, transmissions, or other services, for which reparation is claimed, and the amount claimed (separately stated with respect to each communication, transmission, or other service rendered), need not be produced at the hearing unless called for or needed to develop other pertinent facts.

§ 1.582 *Discrimination specified.* In case unjust or unreasonable discrimination is alleged, the charge, practice, classification, regulation, facility, or service complained of must be clearly specified.

§ 1.583 *Preference or prejudice.* In case undue or unreasonable preference, advantage, or prejudice is alleged, the particular person, company, firm, corporation, locality, or description of traffic affected thereby, and the particular preference or prejudice or disadvantage, relied upon as constituting a violation, shall be clearly specified.

§ 1.584 *Reparation; prayer for.* Reparation will not be awarded upon a complaint unless specifically prayed for, except under unusual circumstances and

for good cause shown. Reparations may be awarded, however, upon a supplemental complaint based upon the finding of the Commission in the original proceeding.

§ 1.585 *Limitations; damages pendente lite.* The Commission will consider as in substantial avoidance of the statute of limitations, a complaint in which the complainant alleges that the matters complained of, if continued in the future, will constitute violations of the act in the particulars and to the extent indicated, and prays reparation accordingly as to charges which shall be paid and borne by complainant on all communications, transmissions, or other services affected thereby occurring during the pendency of the proceeding.

§ 1.586 *Supplemental complaints—*(a) *General.* Supplemental complaints may be tendered for filing by the parties complainant, against the parties defendant, setting forth any causes of action under the act alleged to have accrued in favor of the complainants and against the defendants since the filing of the original complaint.

(b) *Seeking damages.* If recovery of damages is sought by supplemental complaint, it must be filed with the Commission within the statutory periods stated in section 415 of the act.

§ 1.587 *Cross complaints.* Cross complaints alleging violations of the act by other carriers, parties to the proceeding, or seeking relief against them under the act, may be tendered for filing by defendants with their answers and, upon leave granted, will be filed and served by the Commission in the manner provided for serving complaints.

§ 1.588 *Answers to complaints and petitions.* Any party upon whom a copy of a complaint, petition, or cross complaint is filed under this subpart shall file an answer within 30 days after service of the complaint. Such answer shall be subscribed by the party answering and shall be so drawn as to advise the parties and the Commission fully and completely of the nature of the defense, and shall admit or deny specifically and in detail all material allegations of the complaint. Collateral or immaterial issues shall be avoided in answers and every effort shall be made to narrow the issues. Matters alleged as affirmative defense shall be separately stated and numbered. Any defendant failing to file and serve answer within the time and in the manner prescribed will be deemed in default, and the Commission will issue an appropriate order. (Counterclaims and set-offs against users of service supplied by carriers are not within the jurisdiction of the Commission.) This section does not apply to protests or applications seeking suspensions of proposed tariff schedules.

§ 1.589 *Answers to petitions or amended complaints.* Answers to petitions for intervention, or to amended complaints filed and served upon leave granted, need not be separately made unless the defendant so elects, and defendant's answer to the complaint will be deemed its answer to the petition in intervention.

§ 1.590 *Requests for suspension of tariff schedules.* Requests for suspensions of tariff schedules under section 204 of the act will not ordinarily be considered unless made in writing or by telegram at least 10 days before the effective date named in the schedule. Requests for suspensions must indicate the schedule affected by its Federal Communications Commission number and give specific reference to the items against which protest is made, together with a statement of the grounds thereof. If such request is made by telegram, the telegram must be followed and confirmed by request in writing and the telegram should succinctly state the substance of the matters to be set forth in the written request. Sixteen copies of each written request must be furnished to the Commission.

RULES CONCERNING SHOW CAUSE ORDERS AND TENTATIVE VALUATIONS

§ 1.591 *Order to show cause.* (a) Whenever the Commission desires to institute a proceeding within its jurisdiction under Title II of the act against any common carrier, it will commence such action by serving upon the carrier an order to show cause. Said order shall contain a statement of the particulars and matters concerning which the Commission is inquiring, and the reasons for such action, and shall call upon the carrier to appear before the Commission at a place and time therein stated, and answer and give evidence upon the matters specified in said order. The Commission may require in said order, that the carrier file with the Commission its verified answer to the order to show cause, on or before a day certain, prior to the hearing date therein fixed, in no event less than 30 days after service of the order.

(b) Any carrier, upon whom an order to show cause has been served under § 1.591 shall respond to the same by filing its answer within the time specified in said order. Such answer shall be drawn so as specifically to admit or deny the charges or allegations which may be made in said order, and so as to advise the Commission fully and completely upon the matters and things inquired of.

§ 1.592 *Protests of tentative valuations.* Protests in opposition to a tentative valuation shall be subscribed and verified and shall contain a concise statement of the essential elements of the protest with particularity to the matters concerning which protest is made. Each object of protest shall be set up as a separate item in a separately numbered paragraph and the protest shall also include a statement of the protestant's interest in the matter in controversy.

SUBPART F—GENERAL RULES OF PRACTICE AND PROCEDURE [1]

GENERAL

§ 1.701 *Suspension, amendment or waiver of rules.* The rules and Regulations of the Commission may be suspended, revoked, modified, amended, or supplemented, in whole or in part, at any time by the Commission, subject to the provisions of the Administrative Procedure Act. Any provision of the rules may be waived by the Commission, if good cause therefor exists.

§ 1.702 *Petition for amendment or waiver of rules.* Any interested person may petition for issuance, amendment, repeal or waiver of any rule or regulation. Such petition shall show the text of the proposed rule, or its change, and set forth the reason in support of the petition.

§ 1.703 *Computation of time.* In computing any period of time prescribed or allowed by the Commission's rules or by order of the Commission the day of the act, event, or default, after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Sunday or a legal holiday or a Saturday on which the Commission's offices are not open, in which event the period runs until the end of the next day which is not a Sunday, holiday, or Saturday on which the Commission's offices are not opened. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a holiday.

PERSONAL APPEARANCES: PRACTITIONERS

§ 1.711 *Appearances.* Any person appearing before the Commission or any of its representatives may be heard in person and may be accompanied, represented and advised by counsel.

§ 1.712 *Authority for representation.* Any person, in a representative capacity, transacting business with the Commission, may be required to show his authority to act in such capacity.

§ 1.713 *Persons who may be admitted to practice.* (a) The Commission will maintain a register of attorneys admitted to practice before the Commission. Any attorney at law in good standing admitted to practice before any court of the United States, the District of Columbia, or the highest court of any State or Territory, may register by filing with the Commission, an affidavit to this effect on FCC Form No. 786. The Commission may, if it so desires, require additional proof of said attorney's qualifications.

(b) Any attorney at law who has not been admitted to practice before the Commission may, in the discretion of the Commission or the official presiding at any hearing, be admitted for a particular case in which he may be employed.

§ 1.714 *Suspension or disbarment of attorneys.* The Commission may censure, suspend, disbar, or revoke the right of any person who has been admitted to practice before it if it finds that such person has in obtaining admission concealed any material facts with reference to his legal qualifications, professional standing, character or integrity, or has failed to conform to recognized standards of professional conduct. Before any member of the bar of the Commission

[1] Subpart F is issued pursuant to section 3 (a) (2) of the Administrative Procedure Act.

shall be censured, suspended, disbarred, or his right to practice before the Commission revoked, charges shall be preferred by the Commission against such practitioner and he shall be afforded an opportunity to be heard thereon.

§ 1.715 *Former employees.* (a) No member, officer, or employee of the Commission shall, within 2 years after his service with the Commission is terminated, appear as attorney before the Commission in any cause or application which he has handled or passed upon while in the service of the Commission.

(b) No member, officer or employee of the Commission (1) whose active service with the Commission has terminated but who is receiving pay while on annual leave not taken prior to separation from such active service, or (2) who is in any other leave status, shall appear as attorney or participate in the preparation or handling of any matter before, or to be submitted to, the Commission.

§ 1.716 *Appearance blanks.* Each attorney representing a party to any proceeding shall enter his appearance in duplicate on the form prescribed for the purpose by the Commission prior to participating in such proceeding, which appearance shall be made a part of the record.

PETITIONS AND OTHER REQUESTS FOR COMMISSION ACTION

§ 1.721 *General.* Persons desiring to file complaints with the Commission or to request information on file with the Commission or for any other relief under the jurisdiction of the Commission may do so either formally or informally. Formal submissions must be by way of petition which shall set forth clearly and concisely the petitioner's interest and facts supporting the relief sought and must comply with the Commission's rules concerning pleadings. All other submittals will be considered as informal in nature.

§ 1.722 *Petitions to intervene.* (a) Special rules governing petitions to intervene in matters arising under Title III of the Communications Act are set forth in § 1.388.

(b) In all other proceedings persons desiring to intervene must file a petition setting forth the grounds of the proposed intervention, the position and interest of the petitioner, in the proceeding, the facts on which the petitioner bases his claim that his intervention will be in the public interest. If a proper showing is made, the Commission will grant the petition and permit participation in the proceedings. If the facts warrant, the Commission may limit participation by such persons to particular issues or to a particular stage of the proceedings. The granting of a petition to intervene shall not have the effect of changing or enlarging the issues which shall be those specified in the Commission's notice of hearing unless on motion the Commission shall amend the same.

§ 1.723 *Request by non-parties to participate in hearing; communications relating to applications.* (a) There will be maintained in the office of the Secretary of the Commission a record of all communications received by the Commission relating to the merits of any application pending before the Commission requesting the granting, renewal, modification, or revocation of any license or construction permit, certificate of convenience and necessity, or rate schedule. Such record shall show the name and address of the person making the statement and the substance of such statement. When the date of hearing has been set, if the matter is designated for hearing, the Secretary shall notify all persons shown by the records to have communicated with the Commission regarding the merits of such matter in order that such persons will have an opportunity to appear and give evidence at such hearing. In the case of communications bearing more than one signature, notice shall be given to the person first signing unless the communication clearly indicates that such notice should be sent to some one other than such person.

(b) No such person shall be precluded from giving any relevant material and competent testimony at such hearing because he lacks a sufficient interest to justify his intervention as a party in the matter.

(c) No such communication will be considered by the Commission in determining the merits of any such matter, nor shall any such communication be considered by any hearing officer unless it has been introduced into evidence at the hearing and appears as a part of the record. The admissibility of any such communication or the Secretary's record of any such communication shall be governed by the applicable rules of evidence, and no such communication shall be admissible on the basis of a stipulation unless Commission's counsel as well as counsel for all of the parties shall join in such stipulation.

(d) Such communications, however, may be considered by the Commission if circumstances warrant in deciding whether or not a matter shall be set down for hearing in cases where in the absence of such communication no hearing would be required by the Commission.

§ 1.724 *Petitions to consolidate.* The Commission, upon motion, or upon its own motion, will, where such action will best conduce to the proper dispatch of business and to the ends of justice, consolidate for hearing (a) any cases which involve the same applicant or arise from the same complaint or cause, or (b) any applications which by reason of the privileges, terms, or conditions requested present conflicting claims of the same nature.

§ 1.725 *Motions to enlarge or change the issues.* (a) Special rules governing motions to enlarge or change the issues in matters arising under Title III of the Communications Act are set forth in § 1.389.

(b) In all other proceedings, motions to enlarge or change the issues may be filed by any party to a hearing.

§ 1.726 *Petitions for reconsideration or rehearing.* (a) Special rules relating to petitions for reconsideration or rehearing concerning matters arising under Title III of the Communications Act are set forth in §§ 1.386 and 1.390.

(b) Rules governing petitions for rehearing in other cases are set forth in §§ 1.891–1.896.

§ 1.727 *Complaints.* (a) Special rules governing complaints as to matters arising under Title II of the Communications Act are set forth in §§ 1.571 to 1.590, inclusive.

(b) In other matters, formal petitions may be filed complaining of anything done, or omitted to be done, in contravention of provisions of law or of the Commission's Rules and Regulations. Upon the filing of such a petition the Commission will either make an investigation and issue a report or will deny the petition, setting forth the reasons therefor. Persons desiring to submit complaints by informal methods may do so. Such complaints may, in the Commission's discretion, be investigated or otherwise acted upon in any manner the Commission may deem expedient; but such informal complaint shall not be deemed to be a formal complaint within the meaning of these rules, irrespective of any action taken thereon by the Commission.

§ 1.728 *Declaratory rulings.* The Commission may in its discretion on motion or on its own motion issue a declaratory ruling terminating a controversy or removing uncertainty.

§ 1.729 *Adverse rulings on petitions.* (a) Whenever the Commission denies in whole or in part any petition, prompt notice thereof will be given. This notice will contain or be accompanied by a statement of the reasons for the Commission's action unless it is merely an affirmance of a prior denial where reasons were given or the reasons for the denial are self-evident.

(b) The requirements of this section shall apply only to formal petitions as defined in §1.721.

MOTIONS DOCKET

§ 1.741 *Matters to be heard.* All motions, petitions, or matters in cases designated for formal hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission, and those requesting change or modification of a final order made by the Commission, shall be placed upon the motions docket for hearing in accordance with § 1.111 (c).

§ 1.742 *Time of calling; continuances.* The motions docket will be called at the offices of the Commission at such times as the Motions Commissioner may designate, and the presiding officer shall have the authority to continue any motion, petition, or other matter presented to a future date, and may, proper notice having been given, hear any motion at any time.

§ 1.743 *Time for filing motions.* No such motion, petition, or other matter presented shall be called, considered, or determined in the absence of consent by all parties unless the same shall have been on file, accompanied by proof of service upon all interested parties with the Commission for a period of 5 days.

§ 1.744 *Oppositions; right to be heard.* During the time specified in § 1.743, any party in interest shall have the right to file an opposition thereto. Parties filing oppositions shall have the right to be heard on the day designated for hearing of the motion, petition, or other matter against which the opposition is directed. Any party desiring to waive oral argument on any motion, or opposition thereto, may indicate such desire by an appropriate notation or by a statement to that effect upon the call of the docket. In case oral argument is waived by any party, such motion or opposition shall be considered together with any memorandum or briefs which may be filed in support thereof; and the waiving of oral argument by any party shall not preclude the holding of oral argument by any other party desiring same.

§ 1.745 *Adverse ruling.* (a) *Notice thereof and reason therefor.* Prompt notice shall be given of the denial in whole or in part of any written application, petition, or other request of any interested person made in connection with any motion docket proceeding. Except where the denial is self-explanatory or is merely the affirmance of a prior denial where reasons have been given, such notice shall contain or be accompanied by a brief statement of the reasons for the action.

(b) *Exceptions thereto.* Where a ruling on any written application, petition, motion, or other matter is adverse to any interested party, said interested party may except thereto, and when the matter comes on for the hearing of the evidence, he shall state into the record at such hearing that he reseves an exception to the ruling made by the presiding officer of the motions docket and request that such exception be noted and carried forward in the record. In the event such interested party fails to note his exception taken at the time ruling was made by the presiding officer of the motions docket, such exception shall be considered waived. Within 2 days from the date of any ruling on any petition, motion, or other matter by the presiding officer of the motions docket, any interested party may petition for a review of such ruling by a quorum of the Commission. Such petition for review shall not be essential for the preservation of any exception taken.

SPECIFICATIONS AND SERVICE OF PLEADINGS AND OTHER PAPERS

§ 1.761 *Cross reference.* Rules governing applications and reports under Title III of the Communications Act are contained in Subpart D. Rules governing applications, reports and complaints under Title II of the Communications Act are contained in Subpart E.

§ 1.762 *Specifications as to pleadings and documents.* All pleadings and documents (except briefs) filed in any proceeding shall unless otherwise specifically provided herein, be on paper either 8 x 10½ or 8½ by 13 or 14 inches, with lefthand margin not less than 1½ inches wide. This requirement shall not apply to original documents, or admissible copies thereof, offered as exhibits or to specially prepared exhibits. The impression shall be on one side of the paper only and shall be double-spaced, except that long quotations shall be single-spaced and indented. All papers, except charts and maps, shall be typewritten or prepared by mechanical processing methods, other than letter press or printed. The foregoing shall not apply to official publications. All copies must be clearly legible.

§ 1.763 *Briefs.* Briefs may be printed, typewritten, mimeographed, or multigraphed. Printed briefs shall be in 10– or 12-point type, on good unglazed paper, 5⅞ inches wide by 9 inches long, with inside margin not less than 1½ inches wide, and with double-leaded text and single-leaded citations.

§ 1.764 *Number of copies.* Unless otherwise specifically provided, an original and fourteen copies of all petitions, motions, pleadings, briefs and other documents required or permitted to be field under these rules shall be furnished the Commission, and one extra copy for each party to the proceeding when service is made by the Commission.

§ 1.765 *Subscription and verification.* All petitions, motions, pleadings, briefs and other documents filed by any party represented by an attorney, shall be signed by at least one attorney of record in his individual name, whose address shall be stated. A party who is not represented by an attorney shall sign and verify the document and state his address. Except when otherwise specifically provided by rule or statute, documents signed by the attorney for a party need not be verified or accompanied by affidavit. The signature of an attorney constitutes a certificate by him that he has read the document; that to the best of his knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. If a document is not signed or is signed with intent to defeat the purpose of this section, it may be stricken as sham and false and the matter may proceed as though the document had not been filed. For a willful violation of this rule an attorney may be subjected to appropriate disciplinary action. Similar action may be taken if scandalous or indecent matter is inserted.

§ 1.766 *Amendments to pleadings.* Any pleading may be amended as a matter of right if filed with the Commission not less than 30 days prior to the date set for hearing in the proceeding in which the pleading is filed. Thereafter, requests for leave to amend will be considered only upon written motion. Amendments, amended pleadings, or requests for leave to amend must be served upon all parties of record.

§ 1.767 *Service of documents and proof of service.* All pleadings, petitions, motions, briefs, or other documents filed in any proceeding shall be served by the party filing the same upon all parties of record, at or prior to the date fixed by these rules for the filing thereof, as follows:

(a) Service upon common carriers shall be made as provided in section 413 of the Communications Act of 1934, as amended.

(b) In all other cases whenever under these rules service is required or permitted to be made upon a party, and such party is represented by an attorney of record in the proceeding, the service shall be made upon the attorney. Service upon the attorney or upon a party shall be made by delivering a copy to him or by mailing it to him at his last-known address. Delivery of a copy within this rule means: handing it to the attorney or to the party; or leaving it at his office with his clerk or other person in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein, or, if the office is closed or the person to be served has no office, leaving it at his dwelling house or usual place of abode with some person of suitable age and discussion then residing therein. Service by mail is complete upon mailing.

Proof of service as provided in the foregoing shall be made by appropriate affidavit describing the service which shall be attached to the original and copies of which shall be attached to all copies filed with the Commission. If service has been made by delivery of a copy to the attorney, written acknowledgment thereof on the original filed will be considered proof of service; in such case an appropriate notation of such acknowledgment shall be made on all copies filed.

(c) Applications under Title II of the Communications Act, which require service, and formal complaints, supplemental complaints, cross complaints, and amended complaints under Title II will be served by the Commission. Service by the Commission upon common carriers shall be by leaving a copy of any document requiring service with the designated agent of such carrier at his office or usual place of residence in the District of Columbia, and if no such agent is designated, then service may be made by posting such notice, process, order, decision, or pleading in the office of the Secretary of the Commission.

§ 1.768 *Withdrawal of papers.* The granting of a request to dismiss or withdraw an application or a pleading does not authorize the removal of such application or pleading from the Commission's records. No application or other document once officially filed shall be returned unless the Commission shall, for good cause shown, order such return.

SUBPART G—RULES RELATING TO HEARINGS[1]

GENERAL

§ 1.801 *Classes of hearings.* (a) Hearings before the Commission may be formal or informal.

(b) The Commission may upon petition by any person or upon its own motion hold such informal hearings as it may deem necessary from time to time in connection with the investigation of any matter which it has power to investigate under the law, or for the purpose of obtaining information necessary or helpful in the determination of its policies, the carrying out of its duties or the formulation or amendment of its Rules

[1] Subpart G is issued pursuant to section 3 (a) (2) of the Administrative Procedure Act.

and Regulations. For such purposes it may subpena witnesses and require the production of testimony as in formal hearings but the procedure to be followed shall be informal and such as in the opinion of the Commission will best serve the purposes of such hearing.

(c) The rules as to formal hearings are set forth below.

§ 1.802 *Official reporter; transcript.* The Commission will designate from time to time an official reporter for the taking down and transcribing of its proceedings. No transcript of the testimony taken, or argument had, at any hearing will be furnished by the Commission, but will be open to inspection under § 1.206. Such transcript, if desired, must be obtained from the official reporter upon payment of the charges therefor.

§ 1.803 *Notice of hearing.* Reasonable notice of hearing will be given to all parties to a proceeding.

PROCEEDINGS PRELIMINARY TO HEARING

§ 1.811 *Continuances and extensions.* Continuance in respect to any proceeding or hearing pending before the Commission and extensions of time for making any filing or performing any act required or allowed to be done within a specified time may be granted upon motion for good cause shown, except where the time for performance or filing is limited by statute.

§ 1.812 *Postponement or change of place.* The Commission or the presiding officer at a hearing may, after opening any hearing pursuant to notice, recess or adjourn the same for such time as may be necessary, or change the place thereof.

§ 1.813 *Motions involving delay.* Requests for continuance shall show diligence by the moving party and shall be made at such time and in such manner as to avoid unnecessary hardship or expense to the parties to the proceeding.

§ 1.814 *Prehearing conferences.* (a) Whenever time, the nature of the proceeding and the public interest permit, the Commission on motion of any party, or on its own motion may direct the parties or their attorneys to appear before a member of the Commission, or a designated official, at a specified time and place for a conference, prior to or during the course of a hearing, or in lieu of personally appearing to submit suggestions in writing, for the purpose of considering, among other things, the following matter:

(1) The simplification of issues;

(2) The necessity or desirability of amending the pleadings either for the purpose of clarification, amplification, or limitation;

(3) The possibility of making admissions of certain averments of fact or stipulations concerning the use by either or both parties of matters of public record to the end of avoiding the unnecessary introduction of proof;

(4) The procedure at the hearing;

(5) The limitation of the number of witnesses;

(6) The propriety of prior mutual exchange between or among the parties of prepared testimony and exhibits;

(7) Offers of settlement or proposals of adjustment.

(b) Action taken at the conference, including a recitation of the amendments to the pleadings, and agreements made by the parties as to any of the matters considered and defining the issues, may be recorded for appropriate use at the hearing.

DEPOSITIONS

§ 1.821 *Request for orders to take; time of filing; contents.* The Commission, either on its own motion, or on formal notice of a party to a proceeding, will issue an order to take depositions. Motions to take depositions shall be filed with the Commission not less than 15 days before the proposed date for taking of the depositions, and shall set forth the names and addresses of the witnesses, a specific statement as to each witness of the matters and facts concerning which it is expected such witness will testify, the place where, the time when, the officer before whom, and the cause or reason why such deposition should be taken. Such motion shall be accompanied by a proposed order in a sufficient number of copies to be served on all parties. The order shall state the name and address of each witness, the matters and facts concerning which it is expected such witness will testify, the place where, the time when and the designated officer before whom the witness is to testify. If said order is allowed, the secretary shall mail a copy thereof to all parties to the proceeding at least 15 days prior to the date fixed for the taking of testimony.

§ 1.822 *Record of examination; oath; objections.* The officer before whom the deposition is to be taken shall put the witness on oath and shall personally, or by some one acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed, unless the parties agree otherwise. All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections. In lieu of participating in the oral examination, parties served with notice of taking a deposition may transmit written interrogatories to the officer, who shall propound them to the witness and record the answers verbatim.

§ 1.823 *Submission to witness; changes; signing.* When the testimony is fully transcribed the deposition of each witness shall be submitted to him for examination and shall be read to or by him. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver, or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless upon a motion to suppress the Commission holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

§ 1.824 *Certification and filing by officer; copies.* The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness, and that said officer is not of counsel or attorney to either of the parties, nor interested in the event of the proceeding or investigation. He shall then securely seal the deposition in an envelope endorsed with the title of the action and marked "Deposition of (here insert name of witness)" and shall promptly send the original and one copy thereof together with the original and one copy of all exhibits by registered mail to the Secretary of the Commission.

§ 1.825 *Waiver of objections.* Objections to the form of question and answer shall be made before the officer taking the depositions, and if not so made, shall be deemed waived. However, if no representative of the Commission is present at the taking of the deposition of any witness, such deposition shall be received in evidence at the hearing when offered subject to such legal objection by Commission counsel as may be proper.

§ 1.826 *Time of filing.* All depositions shall be filed with the Commisison not later than 3 days before the date of the hearing in which they are to be offered as evidence. The presiding officer at any hearing may, on motion which shall show diligence on the part of the moving party, waive the requirements of this section.

§ 1.827 *Inclusion in record.* (a) No deposition shall constitute a part of the record in any proceeding until received in evidence at a hearing.

(b) The deposition of a principal witness will not be admitted in evidence unless it is shown that the witness is dead or seriously ill or that the requirement to produce the witness at the hearing would cause undue hardship.

SUBPENAS

§ 1.831 *Who may sign and issue.* Subpenas requiring the attendance and testimony of witnesses, and subpenas requiring the production of any books, papers, schedules of charges, contracts, agreements, and documents relating to any matter under investigation or hearing may be signed and issued as follows: (a) Hearings before the Commission en banc or before a Committee of Commissioners: By any Commissioner; (b) hearings before any designated officer: (1) by any Commissioner; (2) the officer designated to hear the case.

§ 1.832 *Requests; verification and content.* Unless directed by the Commission upon its own motion, subpenas will be issued only upon request in writing which shall set forth the general relevance and reasonable scope of the evidence sought. Requests for subpenas

to compel witnesses to produce documentary evidence must be subscribed and verified and must specify with particularity the books, papers, or documents desired, and the facts expected to be proved thereby. Prompt notice will be given by the Commission of the denial in whole or in part of a request for a subpena together with a brief statement of the reason therefor.

§ 1.833 *Witness fees.* Witnesses who are subpenaed and respond thereto are entitled to the same fees including mileage as are paid for like service in the courts of the United States, such fees to be paid by the party at whose instance the testimony is taken at the time the subpena is served.

§ 1.834 *Service of subpenas; return.* (a) A subpena may be served by a United States marshal or his deputy or by any other person who is not a party and is not less than 18 years of age. Service of a subpena upon a person named therein shall be made by delivering a copy thereof to such person and by tendering to him the fees for 1 day's attendance and the mileage allowed by law. When the subpena is issued on behalf of the United States or an officer or agency thereof, fees and mileage need not be tendered.

(b) If service of the subpena is made by a person other than a United States marshal or his deputy, such person shall make affidavit thereof, stating the date, time, and manner of service; and return such affidavit on, or with, the original subpena in accordance with the form thereon. In case of failure to make service the reasons for the failure shall be stated on the original subpena. In making service, the original subpena shall be exhibited to the person served, shall be read to him if he is unable to read, and a copy thereof shall be left with him. The original subpena, bearing or accompanied by the required return, affidavit, or statement, shall be returned forthwith to the Secretary of the Commission, or, if so directed on the subpena, to the presiding officer before whom the person named in the subpena is required to appear.

CONDUCT OF HEARINGS

§ 1.841 *Order of procedure.* At hearings on complaints, petitions, applications, or other proceedings for instruments of authorization which the Commission is empowered to issue, the complainant, petitioner, or applicant as the case may be, shall open and close. At hearings on investigation and suspension proceedings under title II of the act, the respondent whose tariffs are under suspension shall open and close. At hearings in all other investigations, the party to whom the order to show cause was issued shall open and close. At hearings under title III of the act on revocations and suspension of operator licenses or modifications of licenses under section 312 (b) of the act, or other like proceedings instituted by the Commission, the Commission shall open and close. In hearings upon a consolidated record, the Commission or presiding officer shall designate the order of presentation. Interveners shall follow the party in whose behalf intervention is made, and in all cases where the intervention is not in support of an original party, the Commission, or presiding officer, shall designate at what stage such interveners shall be heard.

§ 1.842 *Authority of presiding officer.* The presiding officer at the hearing shall have authority to administer oaths, examine witnesses, and receive evidence at any place in the United States designated by the Commission, and to rule upon the admissibility of evidence and other matters that normally and properly arise in the course of the hearing, but shall have no power to decide any motion to dismiss the proceeding or other motion which involves final determination of the merits of the proceeding.

§ 1.843 *Transcript filed with Secretary.* After the close of the hearing the complete transcript of testimony taken, together with any exhibits and any briefs or memoranda of law filed theretofore on behalf of any party, shall be filed in the office of the Secretary of the Commission.

§ 1.844 *Corrections to transcripts.* Suggested corrections to transcripts of records shall be considered only if offered within 10 days after the date the transcript is filed with the Commission. Suggested corrections shall be served upon all other parties participating in the proceeding prior to the filing with the Commission. The presiding officer at the hearing shall have authority to act upon motions to correct the record.

§ 1.845 *Findings proposed by parties.* Within 20 days from the date when the record in the hearing is closed by the presiding officer each party to the proceeding shall file with the Commission proposed findings of fact and conclusions which shall be served upon all parties participating in the hearing. Failure to file proposed findings of fact and conclusions by any such party within the time so required, shall be deemed a waiver by such party of any right of further participation in the proceeding, including oral argument if any is held.[1]

§ 1.846 *Contents of findings proposed by parties.* Such proposed findings of fact shall be set forth in serially numbered paragraphs and shall set out in detail and with particularity all basic evidentiary facts developed by the evidence (with appropriate citations to the transcript of record or exhibits relied on) supporting the conclusions proposed by the party filing same. Proposed conclusions shall be separately stated. Proposed findings of fact and conclusions submitted by a person other than an applicant may be limited to those issues in connection with the hearing which affect the interests of such person. Such proposed findings and conclusions may be accompanied by briefs or memoranda of law.

§ 1.847 *Proposed decisions of Commission.* The Commission will thereafter enter its proposed report or findings of fact and conclusions.

§ 1.848 *Final decision of the Commission in lieu of proposed decision.* If the proposed findings of fact and conclusions filed by the parties present no substantial conflict, and the Commission is in accord with the ultimate conclusions proposed, it will, if it deems such action will best conduce to the proper dispatch of business and to the ends of justice, issue a final order with or without findings of fact and conclusions in lieu of issuing its proposed findings of fact and conclusions.

§ 1.849 *Exceptions; reply briefs; request for oral argument.* (a) Within 20 days from the filing of the Commission's proposed report or findings of fact and conclusions the parties to the proceeding may file exceptions to the same which shall point out with particularity alleged errors in said report or findings of fact and conclusions and shall contain specific reference to the page of the transcript of hearing or exhibit on which the exception is based; such exceptions shall be accompanied by a memorandum brief in support thereof, and may request oral argument.

(b) Within 10 days after the filing by any party of exception to the Commission's proposed decision, any other party may file a reply memorandum brief. If no request for oral argument is made within said 30-day period all parties shall be considered as waiving any right thereto.

(c) Within 5 days of the filing with the Commission of a request for oral argument by any party to a proceeding all parties to such proceeding shall file written notice of desire to appear and participate in such oral argument. In the absence of the filing of such written notice by any party his right to oral argument will be considered as waived.

§ 1.850 *Number of copies.* Fifteen copies of any proposed findings of fact and conclusions, exceptions, or memorandum briefs filed in connection with any hearing shall be filed with the Commission.

§ 1.851 *Final decisions of the Commission after a proposed decision.* After there has been an opportunity for the filing of exceptions and reply briefs, and for oral argument, as provided above, the Commission will issue its final report, decision, or order, or take such other action as may be appropriate.

§ 1.852 *Hearings before more than one person.* The authority to perform any act in connection with a hearing vested in a "presiding officer" under these rules shall be vested in a majority of the persons conducting the hearing if the hearing is conducted by more than one person.

[1] In broadcast cases, until further notice, parties will not be required to file proposed findings of fact and conclusions of law with the Commission unless they are specifically directed to do so by the Commission. The non-filing of such proposed findings in broadcast cases where there is no direction by the Commission that they be filed will not constitute a waiver by the parties of any rights. Any party not directed to file proposed findings of fact and conclusions of law may do so if he desires by notifying the Commission of his intention before the record is closed.

EVIDENCE

§ 1.871 *Rules of evidence.* Except as otherwise provided herein, the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States shall govern formal hearings before the Commission. Such rules may be relaxed in any case where the ends of justice will be better served by so doing.

§ 1.872 *Cumulative evidence.* The introduction of merely cumulative evidence shall be avoided, and the number of witnesses that may be heard in behalf of a party on any issue may be limited.

§ 1.873 *Further evidence during hearing.* At any stage of a hearing, the presiding officer may call for further evidence upon any issue and may require such evidence to be presented by any party to the proceeding.

§ 1.874 *Documents containing matter not material.* Where material and relevant matter offered in evidence is embraced in a document containing other matter not material or relevant, and not intended to be put in evidence, such document will not be received, but the party offering the same shall present to opposing counsel, and to the Commission, the original document, together with true copies of such material and relevant matter taken therefrom, as it is desired to introduce. Upon presentation of such matter in proper form, it may be received in evidence, and become a part of the record. Opposing counsel will be afforded an opportunity to introduce in evidence, in like manner, other portions of such document if found to be material and relevant.

§ 1.875 *Documents in foreign language.* Every document, exhibit, or other paper written in a language other than English, which shall be filed in any proceeding before the Commission or in response to any order of the Commission unless expressly waived therein, shall be filed in the language in which it is written together with an English translation thereof duly verified under oath to be a true translation. Each copy of every such document, exhibit, or other paper filed, shall be accompanied by a separate copy of the translation.

§ 1.876 *Copies of exhibits.* No documents or exhibit, or part thereof shall be received as, or admitted in, evidence unless offered in duplicate. In addition, when exhibits of a documentary character are to be offered in evidence, copies must be furnished to opposing counsel unless the presiding officer otherwise directs. Whenever practicable the parties should interchange copies of exhibits before or after commencement of the hearing.

§ 1.877 *Mechanical reproductions as evidence.* Unless offered for the sole purpose of attempting to prove or demonstrate sound effect, mechanical or physical reproductions of sound waves shall not be admitted in evidence. Any party desiring to offer any matter alleged to be contained therein or thereupon shall have such matter typewritten on paper of the size prescribed by the rules of the Commission, and the same shall be identified and offered in duplicate in the same manner as other exhibits.

§ 1.878 *Tariffs as evidence.* In case any matter contained in a tariff schedule on file with the Commission is offered in evidence, such tariff schedule need not be produced or marked for identification, but the matter so offered shall be specified with particularity (tariff and page number) in such manner as to be readily identified, and may be received in evidence by reference subject to check with the original tariff schedules so on file.

§ 1.879 *Proof of official record; authentication of copy.* An official record, or entry therein when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having legal custody of the record, or by his deputy, and accompanied with a certificate that such officer has the custody. If the office in which the record is kept is within the United States or within a territory or insular possession subject to the dominion of the United States, the certificate may be made by the judge of a court of record of the district or political subdivision in which the record is kept, authenticated by the seal of the court, or may be made by any public officer having a seal of office having official duties in the district or political subdivision in which the record is kept, authenticated by the seal of his office. If the office in which the record is kept is in a foreign state or country, the certificate may be made by a secretary of embassy or legation, consul general, consul, vice consul, or consular agent or by any officer in the foreign service of the United States stationed in the foreign state or country in which the record is kept, and authenticated by the seal of his office.

§ 1.880 *Proof of lack of record.* The absence of an official record or entry of a specified tenor in an official record may be evidenced by a written statement signed by an officer, or by his deputy, who would have custody of the official record, if it existed, that after diligent search no record or entry of a specified tenor is found to exist in the records of his office accompanied by a certificate as provided in § 1.879. Such statement and certificate are admissible as evidence that the records of his office contain no such record or entry.

§ 1.881 *Other proof of official record.* Sections 1.879 and 1.880 do not prevent the proof of official records or of entry or lack of entry therein by any method authorized by any applicable statute or by the rules of evidence at common law.

REHEARINGS

§ 1.891 *Cross reference.* Special rules relating to petition for reconsideration or rehearing concerning matters arising under Title III of the Communications Act are set forth in §§ 1.386 and 1.390.

§ 1.892 *Who may file.* A petition ofr rehearing may be filed by any party to the hearing. Any person not a party to the hearing desiring to file a petition for rehearing shall state his interest in the proceeding and show good reason why it was not possible for him to participate in the hearing.

§ 1.893 *Contents; relief requested.* (a) Petitions for rehearing shall state with particularity in what respect the decision, order, or requirement or any matter determined therein is claimed to be unjust, unwarranted, or erroneous, and with respect to any finding of fact must specify the pages of record relied on. Where the existence of newly discovered evidence is claimed, the petition must be accompanied by a verified statement of the facts, together with the facts relied on to show that the petitioner, with due diligence, could not have known or discovered such facts at the time of the hearing.

(b) The petition for rehearing may request (1) reconsideration, either in cases decided after hearing or in cases of applications granted without hearing under Title III of the Act; (2) reargument; (3) reopening of the proceeding; (4) amendment of any finding, or (5) other relief. Such petition shall be specific as to the form of relief sought and, subject to this requirement, may contain alternative requests.

§ 1.894 *Time for filing.* Petitions for rehearing shall be filed within 20 days after the date on which public notice is given of the order or action complained of. The Commission for good cause shown may grant an extension of time within which to file such petition for rehearing with respect to matters arising under Title II of the Communications Act.

§ 1.895 *Opposition.* An opposition to any petition for rehearing may be filed within 10 days after the filing of such petition.

§ 1.896 *Special calendar when granted.* In case any petition for rehearing is granted, whether the taking of additional testimony is ordered or otherwise, the case shall be placed upon a special calendar and consideration of the same shall be expedited.

APPENDIX 1—APPLICATIONS UNDER THE CABLE LANDING LICENSE ACT AND EXECUTIVE ORDER NO. 6779

APPLICATIONS UNDER "AN ACT RELATING TO THE LANDING AND THE OPERATION OF SUBMARINE CABLES IN THE UNITED STATES," FOR PRESIDENTIAL LICENSE FOR THE LANDING OR OPERATION OF SUBMARINE CABLES OR FOR CONSENT TO THE TRANSFER OF SUCH LICENSE

These applications should be filed in duplicate with the Secretary of the Federal Communications Commission in accordance with the provisions of Executive Order No. 6779, dated June 30, 1934, and shall contain such information as may be necessary for the Commission to make a recommendation thereon to the President. Each application or amendment thereto shall be personally subscribed and verified (or affirmed according to law): (1) By the party filing such application or amendment, or by one of the parties, if there be more than one; (2) by an officer of the party filing the application or amendment if the party be a corporation: *Provided, however,* That subscription and verification may be made by the attorney for the party (1) in case of physical disability of the party, or (2) his absence from the continental United States. If it be made by a person other than the party, he must

set forth in the verification the grounds of his belief as to all matters not stated upon his knowledge and the reason why it is not made by the party. Only the original copy need be signed and verified, the copy may be conformed.

These applications are acted upon by the President of the United States upon the recommendation of the Federal Communications Commission made after obtaining the approval of the Secretary of State and such assistance from any executive department or establishment of the government as it may require. These applications are processed initially by the Law, Accounting and Engineering Departments and a joint recommendation thereon is made to the Commission.

APPENDIX 2—A PLAN OF CO-OPERATIVE PROCEDURE IN MATTERS AND CASES UNDER THE PROVISIONS OF SECTION 410 OF THE COMMUNICATIONS ACT OF 1934

(Approved by the Federal Communications Commission October 25, 1938, and approved by the National Association of Railroad and Utilities Commissioners on November 17, 1938.)

PRELIMINARY STATEMENT CONCERNING THE PURPOSE AND EFFECT OF THE PLAN

Section 410 of the Communications Act of 1934 authorizes co-operation between the Federal Communications Commission, hereinafter called the Federal Commission, and the State commissions of the several States, in the administration of said Act. Subsection (a) authorizes the reference of any matter arising in the administration of said Act to a board to be composed of a member or members from each of the States in which the wire, or radio communication affected by or involved in the proceeding takes place, or is proposed. Subsection (b) authorizes conferences by the Federal Commission with State commissions regarding the relationship between rate structures, accounts, charges, practices, classifications, and regulations of carriers subject to the jurisdiction of such State commissions and of said Federal Commission and joint hearings with State commissions in connection with any matter with respect to which the Federal Commission is authorized to act.

Obviously, it is impossible to determine in advance what matters should be the subject of a conference, what matters should be referred to a board, and what matters should be heard at a joint hearing of State commissions and the Federal Commission. It is understood, therefore, that the Federal Commission or any State commission will freely suggest co-operation with respect to any proceedings or matter affecting any carrier subject to the jurisdiction of said Federal Commission and of a State commission, and concerning which it is believed that co-operation will be in the public interest.

To enable this to be done, whenever a proceeding shall be instituted before any commission, Federal or State, in which another commission is believed to be interested, notice should be promptly given each such interested commission by the commission before which the proceeding has been instituted. Inasmuch, however, as failure to give notice as contemplated by the provisions of this plan will sometimes occur purely through inadvertence, any such failure should not operate to deter any commission from suggesting that any such proceeding be made the subject matter of co-operative action, if co-operation therein is deemed desirable.

It is understood that each commission, whether or not represented in the National Association of Railroad and Utilities Commissioners, must determine its own course of action with respect to any proceeding in the light of the law under which, at any given time, it is called upon to act, and must be guided by its own views of public policy; and that no action taken by such Association can in any respect prejudice such freedom of action. The approval by the Association of this plan of co-operative procedure, which was jointly prepared by the Association's standing Committee on Co-operation between Federal and State commissions and said Federal Commission, is accordingly recommendatory only; but such plan is designed to be, and it is believed that it will be, a helpful step in the promotion of co-operative relations between the State commissions and said Federal Commission.

NOTICE OF INSTITUTION OF PROCEEDING

Whenever there shall be instituted before the Federal Commission any proceeding involving the rates of any telephone or telegraph carrier the State commissions of the States affected thereby will be notified immediately thereof by the Federal Commission, and each notice given a State commission will advise such commission that, if it deems the proceeding one which should be considered under the co-operative provisions of the Act, it should either directly or through the National Association of Railroad and Utilities Commissioners, notify the Federal Commission as to the nature of its interest in said matter and request a conference, the creation of a joint board, or a joint hearing as may be desired, indicating its preference and the reasons therefor. Upon receipt of such request the Federal Commission will consider the same and may confer with the commission making the request and with other interested commissions, or with representatives of the National Association of Railroad and Utilities Commissioners, in such manner as may be most suitable; and, if co-operation shall appear to be practicable and desirable, shall so advise each interested State commission, directly, when such co-operation will be by joint conference, or by reference to a joint board appointed under said section 410 (a), and, as hereinafter provided, when such co-operation will be by a joint hearing under said section 410 (b).

Each State commission should in like manner notify the Federal Commission of any proceeding instituted before it involving the toll telephone rates or the telegraph rates of any carrier subject to the jurisdiction of the Federal Commission.

PROCEDURE GOVERNING JOINT CONFERENCES

The Federal Commission, in accordance with the indicated procedure, will confer with any State commission regarding any matter relating to the regulation of public utilities subject to the jurisdiction of either commission. The commission desiring a conference upon any such matter should notify the other without delay, and thereupon the Federal Commission will promptly arrange for a conference in which all interested State commissions will be invited to be present.

PROCEDURE GOVERNING MATTERS REFERRED TO A BOARD

Whenever the Federal Commission, either upon its own motion or upon the suggestion of a State commission, or at the request of any interested party, shall determine that it is desirable to refer a matter arising in the administration of the Communications Act of 1934 to a board to be composed of a member or members from the State or States affected or to be affected by such matter, the procedure shall be as follows:

The Federal Commission will send a request to each interested State commission to nominate a specified number of members to serve on such board.

The representation of each State concerned shall be equal, unless one or more of the States affected chooses to waive such right of equal representation. When the member or members of any board have been nominated and appointed, in accordance with the provisions of the Communications Act of 1934, the Federal Commission will make an order referring the particular matter to such board, and such order shall fix the time and place of hearing, define the force and effect the action of the board shall have, and the manner in which its proceedings shall be conducted. The rules of practice and procedure, as from time to time adopted or prescribed by the Federal Commission, shall govern such board, as far as applicable.

PROCEDURE GOVERNING JOINT HEARINGS

Whenever the Federal Commission, either upon its own motion or upon suggestions made by or on behalf of any interested State commission or commissions, shall determine that a joint hearing under said section 410 (b) is desirable in connection with any matter pending before said Federal Commission, the procedure shall be as follows:

(a) The Federal Commission will notify the General Solicitor of the National Association of Railroad and Utilities Commissioners that said Association, or, if not more than 8 States are within the territory a ected by the proceeding, the State commissions interested, are invited to make Co-operating Commissioners to sit with the Federal Commission for the hearing and consideration of said proceeding.

(b) Upon receipt of any notice from said Federal Commission inviting co-operation, if not more than 8 States are involved, the General Solicitor shall at once advise the State commissions of said States, they being represented in the membership of the Association, of the receipt of such notice, and shall request each such commission to give advice to him in writing, before a date to be indicated by him in his communication requesting such advice (1) whether such commission will co-operate in said proceeding (2) if it will, by what commissioner it will be represented therein.

(c) Upon the basis of replies received, the General Solicitor shall advise the Federal Commission what States, if any, are desirous of making the proceeding co-operative and by what commissioners they will be represented, and he shall give like advice to each State commission interested therein.

(d) If more than 8 States are interested in the proceeding, because within territory for which rates will be under consideration therein, the General Solicitor shall advise the President of the Association that the Association is invited to name a Co-operating Committee of State Commissioners representing the States interested in said proceeding.

The President of the Association shall thereupon advise the General Solicitor in writing (1) whether the invitation is accepted on behalf of the Association, and (2) the names of commissioners selected to sit as a Co-operating Committee. The President of the Association shall have authority to accept or to decline said invitation for the Association, and to determine the number of commissioners who shall be named on the Co-operating Committee, provided that his action shall be concurred in by the Chairman of the Association's Executive Committee. In the event of any failure of the President of the Association and Chairman of its Executive Committee to agree, the Second Vice-President of the Association (or the Chairman of its Committee on Cooperation between State and Federal Commissions, if there shall be no Second Vice-President) shall be consulted, and the majority opinion of the three shall prevail. Consultations and expressions of opinion may be by mail or telegraph.

(e) If any proceeding, involving more than 8 States, is pending before the Federal Commission, in which co-operation has not been invited by that Commission; which the Association's President and the First and

Second Vice Presidents, or any two of them, consider should be made a co-operating proceeding, they may instruct the General Solicitor to suggest to the Federal Commission that the proceeding be made a co-operative proceeding; and any State commission considering that said proceeding should be made co-operative may request the President of the Association or the Chairman of its Executive Committee to make such suggestion after consideration with the Executive Officers above named. If said Federal Commission shall assent to the suggestion, made as aforesaid, the President of the Association shall have the same authority to proceed, and shall proceed in the appointment of a Co-operating Committee, as is provided in other cases involving more than 8 States, wherein the Federal Commission has invited co-operation, and the invitation has been accepted.

(f) Whenever any case is pending before the Federal Commission involving 8 States or less, which a commission of any of said States considers should be made co-operative, such commission, either directly or through the General Solicitor of the Association, may suggest to the Federal Commission that the proceeding be made co-operative. If said Federal Commission accedes to such suggestion, it will notify the General Solicitor of the Association to that effect and thereupon the General Solicitor shall proceed as is provided in such case when the invitation has been made by the Federal Commission without State commission suggestion.

APPOINTMENT OF CO-OPERATING COMMISSIONERS BY THE PRESIDENT

In the appointment of any Co-operating Committee, the President of the Association shall make appointments only from commissions of the States interested in the particular proceeding in which the Committee is to serve. He shall exercise his best judgment to select co-operating commissioners who are especially qualified to serve upon Co-operating Committees by reason of their ability and fitness; and in no case shall he appoint a commissioner upon a Co-operating Committee until he shall have been advised by such commissioner that it will be practicable for him to attend the hearings in the proceeding in which the Committee is to serve, including the arguments therein, and the co-operative conferences, which may be held following the submission of the proceeding, to an extent that will reasonably enable him to be informed upon the issues in the proceeding and to form a reasonable judgment in the matters to be determined.

TENURE OF CO-OPERATORS

(a) No State commissioner shall sit in a cooperative proceeding under this plan except a commissioner who has been selected by his commission to represent it in a proceeding involving 8 States or less, or has been selected by the President of the Association to sit in a case involving more than 8 States, in the manner hereinbefore provided.

(b) A commissioner who has been selected, as hereinbefore provided, to serve as a member of a Co-operating Committee in any proceeding, shall without further appointment, and without regard to the duration of time involved, continue to serve in said proceeding until the final disposition thereof, including hearings and conferences after any order or reopening; *Provided*, That he shall continue to be a State commissioner.

(c) No member of a Co-operating Committee shall have any right or authority to designate another commissioner to serve in his place at any hearing or conference in any proceeding in which he has been appointed to serve.

(d) Should a vacancy occur upon any Co-operating Committee, in a proceeding involving more than 8 States, by reason of the death of any co-operating commissioner, or of his ceasing to be a State commissioner, or of other inability to serve, it shall be the duty of the President of the Association to fill the vacancy by appointment, if, after communication with the Chairman of the Co-operating Committee, it be deemed necessary to fill such vacancy.

(e) In the event of any such vacancy occurring upon a Co-operating Committee involving not more than 8 States, the vacancy shall be filled by the commission from which the vacancy occurs.

CO-OPERATING COMMITTEE TO DETERMINE RESPECTING ANY REPORT OF STATEMENT OF ITS ATTITUDE

(a) Whenever a co-operative committee shall have concluded its work, or shall deem such course advisable, the committee shall consider whether it is necessary and desirable to make a report to the interested State commissions, and, if it shall determine to make a report, it shall cause the same to be distributed through the Secretary of the Association, or through the General Solicitor to all interested commissions.

(b) If a report of the Federal Commission will accompany any order to be made in said proceeding, the Federal Commission will state therein the concurrence or non-concurrence of said Co-operating Committee in the decision or order of said Federal Commission.

CONSTRUCTION HEREOF IN CERTAIN RESPECTS EXPRESSLY PROVIDED

It is understood and provided that no State or States shall be deprived of the right of participation and co-operation as hereinbefore provided because of non-membership in the Association. With respect to any such State or States, all negotiations herein specified to be carried on between the Federal Commission and any officer of such Association shall be conducted by the Federal Commission directly with the Chairman of the Commission of such State or States.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-15432; Filed, Aug. 28, 1946; 2:39 p. m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR, Ch. III]

RESOLUTION OF THE BOARD OF DIRECTORS ADOPTED AUGUST 30, 1946, PRESCRIBING RULES AND REGULATIONS OF THE CORPORATION

Resolved, That the proposed draft of Rules and Regulations of this Corporation submitted by the Committee on Administrative Procedure, Regulations and Forms, which is attached hereto, be and the same hereby is adopted in the form attached hereto, as the Rules and Regulations of the Corporation.

[SEAL] FEDERAL DEPOSIT INSURANCE CORPORATION,
By E. F. DOWNEY, *Secretary.*

SUBCHAPTER A—PUBLIC INFORMATION

PART 301—INTRODUCTORY

§ 301.0 *Scope and source of authority.* The rules contained in this subchapter are promulgated pursuant to the provisions of the Administrative Procedure Act (Public Law 404, 79th Cong.), section 12B of the Federal Reserve Act, as amended, and other applicable laws, and, in accordance with the provisions of section 3 (a) (1) of the Administrative Procedure Act, describe the Corporation's central and field organization, including delegations by the Corporation of final authority and the established places at which, and methods whereby, the public may secure information or make submittals or requests; and include appropriate provisions with respect to the information specified in sections 3 (b) and 3 (c) of said act.

PART 302—DESCRIPTION OF ORGANIZATION

Sec.
302.1 Central organization.
302.2 Field organization.

§ 302.1 *Central organization* — (a) *Board of Directors.* Section 12B of the Federal Reserve Act, as amended, creates a Federal Deposit Insurance Corporation (hereinafter referred to as the Corporation) the management of which is vested in a board of directors consisting of three members, one of whom is the Comptroller of the Currency, and two of whom are appointed by the President, by and with the advice and consent of the Senate, for terms of six years. One of the appointive members, designated by the board of directors, acts as its Chairman and presides at all its meetings. The Acting Comptroller of the Currency acts as a member of the board in the place and stead of the Comptroller in the event of a vacancy in the office of the Comptroller, and pending the appointment of his successor, or during his absence from Washington, D. C. In the event of a vacancy in the office of the Chairman, and pending the appointment of his successor, the Comptroller of the Currency acts as Chairman. The board of directors is responsible for the performance of all duties, and exercises all powers, vested by law in the Corporation. The board of directors has assigned certain functions to the several officers, committees, and Divisions of the Corporation for the performance of which they are responsible to the board.

The principal office of the Corporation, and the offices of the members of the board and of the Secretary, are located in the National Press Building, 14th and F Streets, N. W., Washington 25, D. C.

(b) *Secretary.* The Secretary is the chief recording and custodial officer of the board of directors and the Corporation, has legal custody of the seal of the Corporation, and is responsible for the maintenance and custody of the minutes and other official records of, and, except as otherwise directed by the board, the furnishing of notice of matters acted upon by, the board, the certification and ensealing of all resolutions, papers, and documents requiring certification or the affixation of the corporate seal, and the issuance of certificates of membership, or duplicates thereof, to insured banks.

(c) *Committees*—(1) *Board of Review.* A Board of Review, consisting of a member of the board of directors and such other staff members of the Corporation as are thereto appointed by the board of directors, has been established to consider recommendations from the

Division of Examination relative to applications from banks for deposit insurance; for consent to retirement or reduction of capital, change of location of main office, establishment, operation, or change of location, of branches, mergers (including consolidations or assumptions of liabilities) of insured with noninsured banks, extensions by State nonmember insured banks (except District banks) of corporate or charter powers, and other similar requests; and recommendations to terminate the insured status of a bank; and to recommend to the board of directors the action to be taken thereon.

(2) *Committee on Liquidations, Loans, and Purchase of Assets.* A Committee on Liquidations, Loans, and Purchase of Assets, consisting of a member of the board of directors and such other staff members of the Corporation as are thereto appointed by the board, has been established to consider recommendations from the Division of Examination relative to loans to, or purchases of assets from, insured banks, and recommendations from the Division of Liquidation relative to liquidation activities, and to recommend to the board of directors the action to be taken thereon.

(3) *Special Committee.* A Special Committee consisting of a member of the board of directors and such other staff members of the Corporation as are thereto appointed by the board, has been established to consider recommendations from the Legal Division with respect to legal matters requiring action of the board, including applications for exemption from the advertising regulations of the Corporation, compromises or settlements of litigation in which the Corporation is involved, claims by or against the Corporation, and fixing of fees of attorneys employed by the Corporation; recommendations from the several Divisions of the Corporation with respect to all matters requiring board action, except as otherwise prescribed by these rules; and to recommend to the board of directors the action to be taken thereon.

(4) *Committee on Administrative Procedure, Regulations, and Forms.* A Committee on Administrative Procedure, Regulations, and Forms, consisting of such staff members of the Corporation as are thereto appointed by the board of directors, has been established to consider, review, and advise and assist the board with respect to, matters relating to administrative procedure, and the rules, regulations, and forms of the Corporation, including the requirements of the Administrative Procedure Act, section 12B of the Federal Reserve Act, as amended, and other laws; and to recommend to the board of directors the action to be taken thereon.

(d) *Divisions*—(1) *Division of Examination.* The Division of Examination, headed by a Chief, is responsible for the examination of State nonmember banks applying to become insured banks, closed insured banks, and all insured banks which by law, or with the consent of the Comptroller of the Currency or the Board of Governors of the Federal Reserve System, as the case may be, are subject to examination by the Corporation; reviews reports of such examinations as well as reports of examinations made by the office of the Comptroller of the Currency, in the case of National and District banks, and by the Federal Reserve banks, in the case of State member banks; advises, assists, and makes recommendations to, the board of directors with respect to (i) any necessary supervisory action pertaining to insured banks, including termination of insured status; and (ii) applications for deposit insurance from noninsured State banks, proposed new State nonmember banks, and State member banks applying to be insured as State nonmember banks; for consent to the retirement or reduction of capital by State nonmember insured banks (except District banks)[1], the establishment and operation of branches by State nonmember insured banks (except District banks), the change of location of its main office, or any branch, by State nonmember insured banks, the extension by State nonmember insured banks (except District banks) of corporate or charter powers, and the merger (including consolidations or assumptions of liabilities) of insured with noninsured banks.

(2) *Fiscal and Accounting Division.* The Fiscal and Accounting Division, headed by a Fiscal Agent, supervises, is responsible for, and advises and assists the board of directors with respect to, the general accounting records of the Corporation, all disbursements of its funds, and the collection of assessments for deposit insurance from insured banks and other receipts.

(3) *Division of Liquidation.* The Division of Liquidation, headed by a Chief, supervises, is responsible for, and advises, assists, and makes recommendations to, the board of directors with respect to (i) payments to depositors of closed insured banks in the manner, and to the extent that the Corporation is required by law to make such payments; (ii) the liquidation of National banks and insured State banks for which the Corporation is appointed receiver; (iii) the Corporation's interest in the progress of the liquidation of closed insured banks for which the Corporation is not receiver; and (iv) the liquidation of assets acquired through loans or purchases made pursuant to, and in accordance with, applicable provisions of law.

(4) *Legal Division.* The Legal Division, headed by a General Counsel, advises and assists the board of directors and the several Divisions of the Corporation, with respect to all legal matters concerning the functions, activities, and operations of the Corporation, including all litigation, correspondence of a legal or quasi-legal character, interpretation of organic law and Federal and State laws applicable to or affecting the Corporation or its activities, and the preparation of rules, regulations, orders, and opinions, and documents of a legal character.

(5) *Division of Research and Statistics.* The Division of Research and Statistics, headed by a Chief, provides economic counsel to the board of directors; supervises, is responsible for, and advises and assists the board of directors with respect to, (i) continuing and special studies pertaining to deposit insurance, banking, finance, and economic matters; (ii) preparation of security analyses; and (iii) collection, compilation, and interpretation of statistical data relating to the condition and operations of banks.

(6) *Executive Division.* The Executive Division, headed by an Executive Officer, supervises, is responsible for, and advises and assists the board of directors with respect to, the business management functions of the Corporation.

(7) *Personnel Division.* The Personnel Division, headed by a Director of Personnel, supervises, is responsible for, and advises and assists the board of directors with respect to, procedures for personnel matters, including recruitment, appointment, placement, classification, training, payroll, leave, and retirement.

(8) *Audit Division.* The Audit Division, headed by a Chief, conducts and is responsible for, a continuous administrative audit of the books and accounts of the Corporation, the preparation of detailed and summary audit reports to the board of directors, and when and as necessary audits the books and records of insured banks pertaining to certified statements for assessment purposes.

(9) *Service Division.* The Service Division, headed by a Chief, supervises, is responsible for, and advises and assists the board of directors with respect to, the purchase of materials, supplies and equipment for the central and field offices, and general maintenance services for the Corporation.

§ 302.2 *Field organization*—(a) *District offices.* The continental United States is divided into twelve (12) Federal Deposit Insurance Districts. The Corporation maintains an office in each of such Districts, which is headed by a Supervising Examiner, appointed by the board of directors, who functions under the supervision of the Chief of the Division of Examination. Each Supervising Examiner is assisted by a staff of examiners, assistant examiners, and clerical and stenographic employees. The Supervising Examiner supervises the examination of insured banks located within the states and territories comprising the District, makes recommendations to the Chief of the Division of Examination with respect to applications from banks (or proposed banks) for deposit insurance, for consent to capital reduction or retirement, change of location of main office, establishment and operation, or change of location, of branches, extensions of corporate or charter powers, and mergers of insured with noninsured

[1] Section 12B of the Federal Reserve Act, as amended, provides:

"(c) (1) The term 'State bank' means any bank, banking association, trust company, savings bank, or other banking institution which is engaged in the business of receiving deposits and which is incorporated under the laws of any State, Hawaii, Alaska, Puerto Rico, or the Virgin Islands, or which is operating under the Code of Law for the District of Columbia (except a national bank), and includes any unincorporated bank the deposits of which are insured on the effective date under the provisions of this section.

"(c) (2) * * * the term 'State nonmember bank' means any State bank which is not a member of the Federal Reserve System.

"(c) (3) The term 'District bank' means any State bank operating under the Code of Law for the District of Columbia."

banks; and the termination of insured status of banks; and acts as the Corporation's representative in dealing directly with insured banks in his District regarding bank supervisory matters. The location of the District offices and the states and territories comprising each District are as follows:

District No.	Address	States in district
1	Room 765, No. 10 Post Office Sq., Boston 9, Mass.	Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut.
2	Room 1900, 14 Wall St., New York 5, N. Y.	New York, New Jersey, Delaware, Puerto Rico, Virgin Islands.
3	City National Bank Bldg., 20 East Broad St., Columbus 15, Ohio.	Ohio, Pennsylvania.
4	909 State Planters Bank & Trust Co. Bldg., Richmond 19, Va.	District of Columbia, Maryland, Virginia, West Virginia, North Carolina, South Carolina.
5	625 First National Bank Bldg., Atlanta 3, Ga.	Georgia, Florida, Alabama, Mississippi.
6	1059 Arcade Bldg., St. Louis 1, Mo.	Kentucky, Tennessee, Missouri, Arkansas.
7	715 Tenney Bldg., Madison 3, Wis.	Indiana, Michigan, Wisconsin.
8	741 Federal Reserve Bank Bldg., 164 West Jackson Blvd., Chicago 4, Ill.	Illinois, Iowa.
9	1200 Minnesota Bldg., St. Paul 1, Minn.	Minnesota, North Dakota, South Dakota, Montana.
10	901 Federal Reserve Bank Bldg., Kansas City 6, Mo.	Nebraska, Kansas, Oklahoma, Colorado, Wyoming.
11	Federal Reserve Bank Bldg., Station K, Dallas 13, Tex.	Texas, New Mexico, Arizona, Louisiana.
12	Suite 1120, 315 Montgomery St., San Francisco 4, Calif.	Idaho, Utah, Nevada, Washington, Oregon, California, Alaska, Hawaii.

(b) *Agents for service of process.* The board of directors, in accordance with the provisions of section 12B (j) (Fourth) of the Federal Reserve Act, as amended, has designated an agent upon whom service of process may be made in each state, territory, and other jurisdiction in which an insured bank is located. A current list containing the names and addresses of such agents is kept on file in the office of the General Counsel of the Corporation at Washington, D. C.; a current list of such agents in each Federal Deposit Insurance District is kept on file in the office of the Supervising Examiner for the District; and the name and address of such agent for each state, territory, and jurisdiction are on file with the secretary of state or corresponding official in such state, territory, or jurisdiction. Persons desiring to serve process upon the Corporation may obtain the name and address of the proper agent by communicating with such local official, the Supervising Examiner for the District, or the General Counsel of the Corporation at Washington, D. C.

(c) *Liquidators.* The Corporation appoints a Liquidator for each receivership of an insured national bank or District bank or insured State bank for which the Corporation is appointed receiver, as well as for the liquidation of the assets acquired by the Corporation pursuant to a loan or purchase of assets made in accordance with the provisions of applicable law. Under the control of the board directors, and subject to the supervision of the Chief of the Division of Liquidation, the Liquidator is the official representative of the Corporation with respect to the receivership or liquidation entrusted to his charge, and, in general, supervises the liquidation or receivership on behalf of the Corporation. Local field offices are maintained by such Liquidators with respect to such receiverships and liquidations and ordinarily are located in the community in which the closed insured bank was engaged in business. A current list containing the names of such Liquidators, the places at which they maintain offices, and the receiverships and liquidations under their supervision, is kept on file in the office of the Chief of the Division of Liquidation. Persons desiring to communicate or transact business with any such Liquidator may obtain his name and address by communicating with the Chief of the Division of Liquidation, Field Building, Chicago 3, Illinois.

(d) *Claim agents.* Pursuant to the provisions of the second paragraph of subsection (k) of section 12B of the Federal Reserve Act, as amended, the Corporation appoints one or more Claim Agents for each insured bank which shall have been closed under circumstances requiring the Corporation, in accordance with applicable law, to make payment of the insured deposits therein. Under the control of the board of directors, and subject to the supervision of the Chief of the Division of Liquidation, the Claim Agent exercises the powers prescribed by law and is the official representative of the Corporation with respect to the payment of insured deposits in such closed bank and, in general, supervises the pay-off on behalf of the Corporation. Local field offices are maintained by such Claim Agents with respect to each such pay-off and ordinarily are located at the site of the closed insured bank until the pay-off has been fully or substantially completed. A list containing the names of current Claim Agents, the places at which they maintain offices, and the pay-off proceedings under their supervision, is kept on file in the office of the Chief of the Division of Liquidation. Persons desiring to communicate or transact business with any such Claim Agent may obtain his name and address by communicating with the Chief of the Division of Liquidation, Field Building, Chicago 3, Illinois.

(e) *Location of divisions.* The following Divisions are located at the principal office of the Corporation, 14th and F Streets, N. W., Washington 25, D. C.: The Division of Examination, the Legal Division, the Division of Research and Statistics, the Executive Division, the Personnel Division, and the Service Division. The Fiscal and Accounting Division, the Division of Liquidation, the staff of the Legal Division dealing with the activities of the Division of Liquidation, and the Audit Division, are located at the office of the Corporation maintained in the Field Building, Chicago 3, Illinois.

PART 303—DELEGATIONS OF FINAL AUTHORITY

§ 303.1 *Delegations of final authority.* Except as otherwise provided by rule, or with respect to matters which generally involve conditions or circumstances requiring prompt action in the field, and to achieve flexibility and expedition in operations and in the exercise of its functions, such as arise in connection with litigation, liquidation, and the payment of claims for insured deposits, the board of directors does not delegate its authority with respect to any question of general policy, action, or function; and no delegations of final authority within the statutory meaning of that phrase are made by the board of directors. Any person having a proper and direct concern therein may ascertain the scope of authority of any officer, agent, or employee of the Corporation by communicating with the Secretary.[1]

PART 304—SECURING INFORMATION

Sec.

304.1 Published information.
304.2 Unpublished information.
304.3 Securing certain other information.
304.4 Applications, submittals, and requests.
304.5 Opinions and orders.

§ 304.1 *Published information*—(a) *Annual report of the Corporation.* In conformity with the provisions of subsection (r) of section 12B of the Federal Reserve Act, as amended, the Corporations makes an annual report of its operations to the Congress as soon as practicable after the first day of January in each year.

(b) *Semiannual report of assets and liabilities of operating insured commercial and mutual savings banks.* The Corporation publishes for each semiannual period a report of the assets and liabilities of all operating insured commercial and mutual savings banks.

(c) *Statement of assets and liabilities of the Corporation.* The Corporation publishes periodic statements of its assets and liabilities.

(d) *Rules and regulations.* The Corporation, from time to time, publishes, in separate pamphlet form, the rules and regulations issued and prescribed by the board of directors.

(e) *Federal deposit insurance law.* The Corporation publishes, in separate pamphlet form, the provisions of section 12B of the Federal Reserve Act, as amended, constituting the Federal deposit insurance law.

(f) *Insured deposits.* The Corporation publishes a pamphlet entitled "Is my deposit insured?" which contains a brief description of the Corporation and the manner in which it insures deposits.

(g) *List of insured banks.* The Corporation publishes a current list containing the names and locations of all insured banks.

(h) *Others.* From time to time the Corporation issues press releases, and publishes, in disributable form, for the information of the public, other material with respect to banking.

(i) FEDERAL REGISTER. The Corporation publishes in the FEDERAL REGISTER all information specified in paragraph (d) of this section, and such other material as is by law required so to be published.

[1] See § 307.9 of this chapter.

(j) *Securing published information.* Any insured bank and any other person may obtain copies of all published information, within the limits of available copies for distrubution, upon written request therefor addressed to the Secretary at the principal office of the Corporation.[1] Published information may be examined at the principal office of the Corporation, or at any District office, upon request and during regular business hours.

§ 304.2 *Unpublished information*—(a) *Confidential information and records.* All files, documents, reports, books, accounts, and records (hereinafter collectively referred to as "records") pertaining to insured banks, or the internal operations and affairs of the Corporation, in the possession or under the control of the Corporation or any officer, agent, or employee thereof, and all facts or information contained in such records or acquired by said officers, agents, or employees in the performance of their official duties (hereinafter collectively referred to as "information") are confidential, unless prepared for public distribution by order of the board of directors of the Corporation or its Chairman.

(b) *Certain records and information also privileged.* Records and information pertaining to (1) examinations or investigations of insured banks, (2) applications and reports to the Corporation by any bank (exclusive of applications for loans or purchases of assets under 12 U. S. C. 264 (n) (4)), (3) proceedings for the termination of the insured status of any bank, or (4) the internal operations of the Corporation, are conditionally privileged as well as confidential, and are hereinafter sometimes referred to as "privileged."

(c) *Disclosure prohibited.* Officers, agents, and employees of the Corporation are prohibited from allowing any person to inspect, examine, or copy any of said confidential or privileged records, or furnishing copies thereof, or from disclosing any such confidential or privileged information, except as hereinafter provided:

(1) The Chief of any Division having custody thereof, in his discretion, may release or furnish any record or information, not privileged, to any governmental agency, state or federal, for use in the exercise of its official duties; and to any other person upon a verified written application, which shall show that the applicant has a substantial interest therein and the purpose for which it is to be used: *Provided,* That such disclosure, in the opinion of the Division Chief, will not be prejudicial to the Corporation or the public interest.

(2) The Chief of the Division of Examination may furnish to an insured nonmember bank copies of any reports of examination of such bank (except the section designated "confidential") and other information pertaining to its affairs: *Provided,* That copies of such reports of examination and other information so furnished to an insured nonmember bank shall remain the property of the Corporation and under no circumstances shall the bank or any of its directors, officials, or employees disclose or make public in any manner such reports or any portion thereof or other information so furnished.

(3) The Chief of the Division of Examination may furnish to the Comptroller of the Currency, to any Federal Reserve Bank, and to any Commission, Board, or authority having supervision of a State nonmember bank, and to the Reconstruction Finance Corporation, if it owns or holds as pledgee, or has under consideration an application for the purchase of, any preferred stock, capital notes, or debentures in such bank, copies of reports of examination made on behalf of the Corporation and other information pertaining to insured nonmember banks for use in the exercise of their official duties: *Provided,* That such reports of examination and other information so furnished to such officials or agency shall remain the property of the Corporation and under no circumstances shall any such official or agency disclose or make public in any manner such reports or any portion thereof or other information so furnished.

(4) The Chief of the Division of Examination may furnish to any official of the Department of Justice any information regarding defalcations, burglaries, or robberies, affecting insured banks, when, in his opinion, there is urgent need for immediate action to be taken by such Department in the investigation thereof or the apprehension or prosecution of persons responsible therefor.

(5) The Chief of the Division of Research and Statistics may furnish to the Comptroller of the Currency, to any Federal Reserve Bank, and to any commission, board, or authority having supervision of a state nonmember bank copies of reports of condition made by insured banks to the Corporation, including statements of assets, liabilities, and capital accounts, and of earnings, expenses, and distribution of profits, for use in the exercise of their official duties: *Provided,* That under no circumstances shall such state or federal officials make public the contents of such reports or any portion thereof, except in the publication of general statistical reports.

(6) The General Counsel of the Corporation may disclose to the proper federal prosecuting authorities any and all records and information relating to irregularities discovered in open and closed insured banks believed to constitute violations of the federal criminal statutes. The General Counsel may authorize the production of any record, the disclosure of any information, and the giving of any testimony with respect thereto, by any officer or employee of the Corporation, upon any proceeding, hearing, or trial, civil or criminal, in any state or federal court or before any administrative board, commission, or committee. Such authorization may be given only in response to a subpoena or other process duly issued and served upon the Corporation at its principal office, which service may be by registered mail addressed to the Corporation at Washington, D. C., specifying the record requested, the nature and scope of the testimony to be elicited, the name of the witness and the place and time of appearance: *Provided,* That the General Counsel, in his discretion, may waive the requirement of service of subpoena or process when he believes it to be in the interest of justice to do so. Without such prior authorization, any officer or employee required to respond to a subpoena or other legal process shall attend at the time and place therein mentioned and respectfully decline to produce any record or disclose any information or give any testimony with respect thereto, basing his refusal upon this rule: *Provided,* That this prohibition shall not apply to information which may be disclosed pursuant to and in accordance with the provisions of subsection (b), section 22 of the Federal Reserve Act (12 U. S. C. 594) as amended by section 326 of the Banking Act of 1935 and *Provided further,* That when such requested records or information are privileged, the General Counsel shall not authorize their production or disclosure in any of the suits or proceedings hereinbefore mentioned, or otherwise, except where the production of such evidence is requested in behalf of the Corporation, the United States, or the person from whom such privileged documents and information were obtained.

(d) *Application for disclosure.* Applications for disclosure of information or records hereunder should be addressed to the appropriate Division Chief or the General Counsel of the Corporation, as the case may be.

(e) *Service of process on officer, agent or employee.* Any officer, agent, or employee of the Corporation served with a subpena, order, or other process requiring his personal attendance as a witness or the production of records or information upon any proceeding mentioned in paragragph (c) (6) of this section shall promptly advise (1) the court or tribunal which issued the process, and the attorney for the party at whose instance the process was issued, if known, of the substance of this rule, and (2) the General Counsel of the Corporation at Washington, D. C., of such service and of the records and information requested and any facts which may be of assistance to the General Counsel in determining whether such records and information should be made available.

(f) *Authority of Chairman of board of directors.* Notwithstanding any of the foregoing provisions, the Chairman of the board of directors, in his discretion and pursuant to law, may authorize the production, examination, or inspection of any records, or the furnishing of copies thereof, or the disclosure of any information, or may direct the General Counsel or the Chief of any Division to refuse to permit the production, examination, or inspection of any records, or the furnishing of copies thereof, or the disclosure of any information, when in his opinion such action is consistent with the public interest.

§ 304.3 *Securing certain other information.* Information with respect to the operations and functions of the Cor-

[1] The Corporation reserves the right to make a small charge, to cover the cost of printing and handling, for copies of any published information.

poration generally, may be obtained by writing directly to the Secretary at the principal office of the Corporation. Information with respect to the following may be obtained by writing to the designated office:

Division of examination or appropriate district office. Applications for deposit insurance; for consent to the establishment and operation, or change of location of, branches, change of location of main office, capital retirement and reductions, extensions of corporate or charter powers, and mergers of insured with noninsured banks.

Fiscal agent. Assessment for deposit insurance; certified statements; official signs.

Division of liquidation. Liquidations, receiverships, claims, payment of insured deposits in closed insured banks.

Legal division. Litigation, and other legal matters.

Division of research and statistics. Statistical data in general; requirements for reports of condition and reports of earnings and dividends, summary of deposits, and similar reports.

§ 304.4 *Applications, submittals, and requests.* Except as otherwise provided by rule or regulation, all applications, submittals ,and requests should be addressed to the Secretary at the Corporation's principal office. The procedure to be followed in making applications, submittals, and requests is contained in subchapter B of this chapter.

§ 304.5 *Opinions and orders.* A survey and review of the opinions and orders heretofore made by the board of directors of the Corporation in the adjudication of cases, in connection with licensing, supervision, investigation, termination of insured status, payment of insured deposits, and the administration of liquidations and receiverships, discloses that their publication would not be of current interest or importance, they are not cited as precedents, and are required for good cause to be held confidential. Accordingly, they will not be published nor made available to public inspection.

The board of directors will, however, either publish, or, in accordance with published rule, make available for public inspection, final opinions and orders in the adjudication of cases which are cited as precedents and which are not required for good cause to be held confidential.

Subchapter B—Procedures and Rules of Practice

Part 305—Introductory

§ 305.0 *Scope and source of authority.* The rules contained in this subchapter are promulgated pursuant to the provisions of the Administrative Procedure Act (Public Law 404, 79th Cong.), section 12B of the Federal Reserve Act, as amended, and other applicable laws, and in accordance with the provisions of section 3 (a) (2) of the Administrative Procedure Act state the general course and method by which the Corporation's functions with respect to deposit insurance are channeled and determined, including the nature and requirements of formal or informal procedures available as well as forms and instructions as to the scope and contents of papers and reports. This subchapter also includes appropriate provisions with respect to rule making, adjudications, and hearings, as prescribed by law.

Proceedings by the Corporation within the meaning of this subchapter include:

(a) The formulation and promulgation of rules and regulations, including amendments thereto or the repeal thereof;

(b) The disposition of applications, requests, and submittals;

(c) Formal hearings and adjudications.

Part 306—Formulation and Promulgation of Rules and Regulations

Sec.

306.1 Notice.
306.2 Public participation.
306.3 Formulation of rules.
306.4 Petitions.
306.5 Effective date.
306.6 Exceptions.
306.7 Amendment and repeal.

§ 306.1 *Notice.* General notice of proposed rule making, including amendments thereto or repeal thereof, will be published in the Federal Register, except as specified in § 306.6, or otherwise excepted by law. Such notice will include either the terms or substance of the proposed rule or a description of the subjects and issues involved, reference to the authority under which the rule is proposed, and a statement of the time, place, and nature of the public proceedings for making the rule.

§ 306.2 *Public participation.* Interested persons will be afforded an opportunity to participate in the making of any rule, except as specified in § 306.6, or otherwise excepted by law, through the submission of written data, views, or arguments, unless the board of directors shall specifically provide an opportunity for the oral presentation thereof.

§ 306.3 *Formulation of rules.* After consideration of all relevant matter presented, the Committee on Administrative Procedure, Regulations, and Forms will submit its recommendations to the board of directors and, in collaboration with appropriate Divisions, will prepare drafts of any proposed rules or amendments. The board of directors will take such action thereon as it deems appropriate and in any rule adopted will incorporate therein a concise general statement of its basis and purpose.

§ 306.4 *Petitions.* Any interested person may petition the Corporation for the issuance, amendment, or repeal of any rule by submitting such petition in writing together with a complete and concise statement of the petitioner's interest in the subject matter and the reasons why the petition should be granted. Such petition should be submitted to the Secretary.

§ 306.5 *Effective date.* Any rule issued by the Corporation will be published or served not less than thirty (30) days prior to the effective date thereof except as specified in § 306.6 or otherwise excepted by law.

§ 306.6 *Exceptions.* Whenever the Corporation finds that notice of, and public participation in, rule making is impracticable, unnecessary, or contrary to the public interest, or there is good cause why the effective date of any rule should not be deferred for thirty (30) days, the provisions of §§ 306.1, 306.2, and 306.5 shall not apply; and any such rule when published will incorporate the finding and a brief statement of the reasons therefor.

§ 306.7 *Amendment and repeal.* The right to alter, amend, or repeal the whole or any part of any rule except as otherwise provided by law, is expressly reserved.

Part 307—Applications, Requests, and Submittals

Sec.

307.1 Application by nonmember bank for deposit insurance.
307.2 Application by state nonmember insured bank to establish, operate, or move a branch.
307.3 Application by state nonmember insured bank to change location of main office.
307.4 Application by insured state nonmember bank to reduce or retire capital.
307.5 Application by insured bank to merger or consolidate with, or assume deposit liabilities of, or transfer assets to, a noninsured bank.
307.6 Application by state nonmember insured bank to extend its corporate or charter powers.
307.7 Application to continue or resume insured status.
307.8 Applications for exemption from advertising requirements.
307.9 Other applications.
307.10 Procedure on applications.
307.11 Notice of disposition of application.

§ 307.1 *Application by nonmember bank*[1] *for deposit insurance.* Application for deposit insurance by an existing or proposed State nonmember bank should be filed with the Supervising Examiner of the Federal Deposit Insurance District[2] in which the bank or proposed bank is or will be located. Any such application (a) by an existing bank must be accompanied by separate applications for the consent of the Corporation to the continued operation of each branch which it proposes to continue to operate; (b) by a proposed bank must be accompanied by a separate application for the consent of the Corporation to establish and operate each proposed branch. The appropriate forms of application and instructions for completing the same may be obtained upon request from the Supervising Examiner of the District in which the application originates. (See Part 308 of this subchapter for list of forms and instructions.)[3]

§ 307.2 *Application by State nonmember insured bank to establish, operate, or move a branch.*[4] Application for

[1] A nonmember bank is a bank which is not a member of the Federal Reserve System.

[2] For the location of these Districts, see § 302.2 (a) of this chapter.

[3] For information concerning applications for deposit insurance by national nonmember banks, inquiries should be addressed to the Chief of the Division of Examination, Washington, D. C.

[4] "The term 'branch' includes any branch bank, branch office, branch agency, additional office, or any branch place of business located in any State of the United States

the consent of the Corporation to establish and operate a new branch by a State nonmember insured bank (except a District bank),[5] or to move a branch from one location to another by a State nonmember insured bank, should be filed with the Supervising Examiner of the Federal Deposit Insurance District in which the bank is located. The appropriate form of application and instructions for completing the same may be obtained upon request from the Supervising Examiner of the District in which the application originates. (See Part 308 of this subchapter for list of forms and instructions.)

§ 307.3 *Application by State nonmember insured bank to change location of main office.* Application for the consent of the Corporation to change the location of the main office of a State nonmember insured bank (except a District bank) should be filed with the Supervising Examiner of the Federal Deposit Insurance District in which the bank is located. The appropriate form of application and instructions for completing the same may be obtained upon request from the Supervising Examiner of the District in which the application originates. (See Part 308 of this subchapter for list of forms and instructions.)

§ 307.4 *Application by insured State nonmember bank to reduce or retire capital.* Application for the consent of the Corporation to the reduction in the amount, or retirement of any part, of the common or preferred capital stock, or retirement of any part of the capital notes or debentures, of an insured State nonmember bank (except a District bank) should be filed with the Supervising Examiner of the Federal Deposit Insurance District in which the bank is located. The appropriate form of application and instructions for completing the same may be obtained upon request from the Supervising Examiner of the District in which the application originates. (See Part 308 of this subchapter for list of forms and instructions.)

§ 307.5 *Application by insured bank to merge or consolidate with, or assume deposit liabilities of, or transfer assets to, a noninsured bank.* Application for the consent of the Corporation to the consolidation or merger of an insured bank with a noninsured bank, or the assumption by an insured bank of the liability to pay any deposits made in any noninsured bank, or the transfer of assets by an insured bank to any noninsured bank in consideration of the assumption of liability for any portion of the deposits made in such insured bank, together with copies of all agreements, or proposed agreements relating thereto, should be filed with the Supervising Examiner of the Federal Deposit Insurance District in which the insured bank is located. The appropriate form of application and instructions for completing the same as well as instructions concerning notice to depositors, may be obtained upon request from the Supervising Examiner of the District in which the application originates. (See Part 308 of this subchapter for list of forms and instructions.)

§ 307.6 *Application by state nonmember insured bank to extend its corporate or charter powers.* Application for the consent of the Corporation to the extension of the corporate or charter powers of a State nonmember insured bank (except a District bank) should be filed with the Supervising Examiner of the Federal Deposit Insurance District in which the bank is located. The appropriate form of application and instructions for completing the same may be obtained upon request from the Supervising Examiner of the District in which the application originates. (See Part 308 of this subchapter for list of forms and instructions.)

§ 307.7 *Application to continue or resume insured status.* Application under § 327.3 (c) of this chapter by a bank whose insured status has been terminated, to be permitted to continue or to resume its status as an insured bank, should be filed with the Supervising Examiner of the Federal Deposit Insurance District in which the bank is located. Such application should be (a) in writing; (b) signed by the president, or cashier, or other managing officer of the bank; (c) accompanied by a certified copy of the resolution of its board of directors authorizing the submission of such application; and should contain (d) a statement that the bank's insured status has been terminated, the date thereof, and the basis therefor, that the insurance of its deposits has not ceased, and that it applies for permission to continue or resume its status as an insured bank; and (e) the reasons why the continuance or resumption of such status should be permitted by the Corporation.

§ 307.8 *Applications for exemption from advertising requirements*—(a) *Official signs.* Application under § 328.1 (b) of this chapter by an insured bank for approval of its use of a sign other than the official sign should be filed with the Division of Examination of the Corporation at its principal office. Such application should be (1) in writing; (2) signed by the president, or cashier, or other managing officer of the bank; (3) accompanied by a sample of the proposed sign; and (4) in conformity with the provisions of that section, should state the reasons why the application should be granted.

(b) *Official advertising statement.* Application under § 328.2 (a) of this chapter by an insured bank for temporary exemption from the provisions thereof should be filed with the Division of Examination of the Corporation at its principal office. Such application should be (1) in writing; (2) signed by the president, or cashier, or other managing officer of the bank; and (3) in conformity with the provisions of that section, should state with particularity the undue hardship which will result by reason of the requirements of said regulation, and the reasons why the application should be granted.

§ 307.9 *Other applications.* Except as otherwise provided by rule or regulation, all applications, requests, and submittals for which no form of application has been prescribed by the Corporation, should be (a) in writing; (b) signed by the applicant or his duly authorized agent; and (c) should contain a statement of the applicant's interest therein, a complete and concise statement of the action requested and the reasons and facts relied upon as the basis for such requested action; and should be addressed to the Secretary at the principal office of the Corporation. The applicant shall furnish such other pertinent information as may be required by the Corporation.

Whenever applicable the forms specified in Part 308 of this subchapter should be used and the instructions issued with respect thereto should be followed and submission made as therein provided.

§ 307.10 *Procedure on applications.* With respect to applications for deposit insurance under § 307.1, the Division of Examination of the Corporation will cause an investigation to be conducted, and an examination to be made of the bank or proposed bank; and the board of directors will thereafter, in accordance with applicable provisions of law, act upon such application, the report of such investigation and examination, the recommendations thereon of the examiner and Supervising Examiner of the District in which the bank is or will be located, of the Division of Examination and of the Board of Review, and the legal opinion of counsel for the Corporation. The applicant bank will be duly advised of the board's decision upon such application.

With respect to all other applications, requests, or submittals the board of directors will cause such an investigation or examination, or both, to be made by the proper Divisions of the Corporation, as the board shall deem appropriate, and upon the report of such investigation and examination, and the recommendations thereon, will take such action as it shall deem necessary or appropriate in the premises.

§ 307.11 *Notice of disposition of application.* Prompt notice will be given of the grant or denial, in whole or in part, of any written application, petition, or other request of any interested person made in connection with any agency proceeding. In the case of a denial, except in affirming a prior denial, or where the same is self-explanatory, such notice will be accompanied by a simple statement of procedural or other grounds.

PART 308—FORMS, INSTRUCTIONS, AND REPORTS

Sec.
308.1 Certified statements.
308.2 Reports of condition, etc.
308.3 Forms and instructions.

§ 308.1 *Certified statements.* The certified statements required to be filed by insured banks in accordance with the provisions of subsection (h) of section 12B of the Federal Reserve Act, as amended, should be filed with the Fiscal Agent of the Corporation upon the forms,

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or in Hawaii, Alaska, Puerto Rico, or the Virgin Islands at which deposits are received or checks paid or money lent" (subsection (c) (15) of section 12B of the Federal Reserve Act, as amended [12 U. S. C. 264 (c) (15)]).

[5] See footnote 1 to § 302.1 (d) (1) of this chapter for the definition of a District bank.

and in the manner, and pursuant to the instructions, prescribed by the board of directors. The form of certified statement and instructions for completing the same will be furnished to all insured banks by, or may be obtained upon request from, the Fiscal Agent.

§ 308.2 *Reports of condition, etc.* Whenever required by the board of directors pursuant to law, insured State nonmember banks (except District banks) should file reports of condition, reports of earnings and dividends, and summaries of deposits, with the Division of Research and Statistics upon the forms, and in the manner, and pursuant to the instructions, prescribed by the board of directors from time to time. The form of such reports and instructions for completing the same will be furnished to all such banks by, or may be obtained upon request from, the Division of Research and Statistics.

§ 308.3 *Forms and instructions.* The following forms and instructions have been prepared by the Corporation for the use of banks and may be obtained by any person properly and directly concerned therewith upon request at the office designated in these rules:

(a) *Form 82.*[1] *Application of Proposed Bank (Other than Mutual Savings) for Federal Deposit Insurance.* The proposed incorporators are required to make statements and representations and to submit information with respect to the several factors enumerated in subsection (g) of section 12B of the Federal Reserve Act, as amended. The application on Form 82 must be executed in quadruplicate. Three applications signed by the proposed incorporators must be forwarded to the Supervising Examiner and the other application retained by the prospective incorporators. Applications filed on Form 82 must be accompanied by a certified copy of the proposed Articles of Incorporation or Association and the requisite number of properly executed Forms 83. After incorporation is duly effected, the bank must admit a properly executed Form 82 (a).

(b) *Form 82–M*[1] *Application of proposed Mutual Savings Bank for Federal deposit insurance.* Form 82–M, which is substantially the same as Form 82, should be used when the proposed bank is to be a mutual savings bank, and should be prepared and submitted in the same manner as Form 82.

(c) *Form 82 (a) and Form 82 (a)–M. Certificate of adoption of resolution.* Form 82 (a) is a copy of the Resolution of the board of directors (or trustees) of the bank approving the action of the prospective incorporators in preparing and presenting its application for Federal deposit insurance on Form 82, or 82–M certified to be a true and correct copy by the president or vice-president and cashier or secretary. After incorporation has been duly effected and the bank is chartered to do business by the proper state authority, four properly executed Forms 82 (a) must be transmitted to the Supervising Examiner. If not previously submitted, Form 82 (a) must be accompanied by a copy of the bank's Articles of Incorporation or Association and a copy of the bank's license or authorization to engage in the business of receiving deposits.

(d) *Form 84.*[2] *Application for Federal Deposit Insurance by an Existing Noninsured State Bank (Other than Mutual Savings).* The applicant bank is required to submit statements, representations, and information with respect to the several factors enumerated in subsection (g) of section 12B of the Federal Reserve Act, as amended, and a copy of the Resolution of its board of directors authorizing the bank's president or vice-president and cashier or secretary to make the application. The application must be executed in quadruplicate, signed by such officers and the bank's corporate seal affixed thereto. Three signed applications must be forwarded to the Supervising Examiner and the other application retained by the bank as part of its permanent records. Applications filed on Form 84 must be accompanied by the requisite number of properly executed Forms 83 and a certified copy of the Articles of Incorporation or Association including any amendments thereto.

(e) *Form 84–M.*[2] *Application for Federal Deposit Insurance by an Existing Noninsured Mutual Savings Bank.* Form 84–M, which is substantially the same as Form 84, should be used by Mutual Savings Banks, and should be prepared and submitted in the same manner as Form 84.

(f) *Form 83 and Form 83–M. Financial Statement.* Form 83 must be executed in triplicate and certified to be true and correct by each individual director (or trustee) and officer of the bank or proposed bank (who is solely responsible for its contents) for the benefit of the board of directors of the Corporation in determining, with respect to the applicant bank, the general character of its management in accordance with subsection (g) of section 12B of the Federal Reserve Act, as amended. The requisite number of properly executed and signed Forms 83 must accompany each application on Form 82, Form 82–M, Form 84, or Form 84–M.

(g) *Form 85. Application by Banks (Other than Mutual Savings) to Establish and Operate, or Change the Location of, a Branch.* The applicant bank is required to submit statements, representations, and information with respect to the several factors enumerated in subsection (g) of section 12B of the Federal Reserve Act, as amended, and a copy of the Resolution of its board of directors authorizing the bank's president or vice-president and cashier or secretary to make the application. The application must be executed in quadruplicate, signed by the president or vice-president, have the corporate seal of the bank affixed thereto, and be attested by the cashier or secretary. Three signed applications must be forwarded to the Supervising Examiner and the other application retained in the files of the bank as part of its permanent records. The application must be accompanied by a certified copy of the bank's Articles of Incorporation or Association including any amendments thereto unless previously submitted to the Corporation and not subsequently amended.

(h) *Form 85-M. Application to Establish, Operate, or Change the Location of, a Branch by a Mutual Savings Bank.* For 85–M, which is substantially the same as Form 85, should be prepared and submitted in the same manner as Form 85.

(i) *Form 85 (a) Application to Establish a Branch Pursuant to Designation as Depositary and Financial Agent of the United States Government.* Form 85 (a) is similar to Form 85 and should be used by a bank when applying for consent to the establishment of a branch to perform limited banking functions in connection with its designation by the Secretary of the Treasury as a depositary of public money and financial agent of the United States Government. Form 85 (a) should be accompanied by the documents which are required in connection with Form 85.

(j) *Form 100. Application for Consent to Retirement of Common or Preferred Stock, Capital Notes, or Debentures.* The applicant bank is required to submit statements with respect to the nature of proposal, source of funds to effect the proposal, and other steps involved in the retirement. The application contains a statement of assets and liabilities and the disposition of certain assets adversely classified in the preceding Report of Examination made of the bank by examiners of the Corporation. Three applications certified to be true and correct and signed by the president or cashier of the bank must be forwarded to the Supervising Examiner.

(k) *Form 102. Application.* Form 102 should be used by all banks applying for the consent of the Corporation with respect to any application requiring such consent and for which no specific form is prescribed by this section or otherwise. The form contains a copy of the Resolution of the bank's board of directors describing the proposal and authorizing the application, a statement of the action taken upon the proposal by the proper state banking authority, where such action is required, and must be signed by the president or vice-president and attested by the cashier or secretary. The application must be accompanied by a copy of the bank's Articles of Incorporation or Association including any amendments thereto unless previously submitted to the Corporation and not subsequently amended. The application must be executed in quadruplicate. Three signed applications must be submitted to the Supervising Examiner of the District wherein the bank is located and one copy retained in the bank's files.

[1] If the proposed bank contemplates the establishment of a branch or branches, its application on Form 82 must be accompanied by a properly executed Form 85 for each branch. Form 85–M is to be used where the proposed bank is to be a mutual savings bank.

[2] If the bank has a branch or branches, its application on Form 84 must be accompanied by a properly executed Form 85 for each branch. Form 85–M is to be used where the bank is a mutual savings bank.

(l) *Form 64 (Short Form). Report of Condition (From Banks Other Than Mutual Savings).* Form 64, is a report in the form of a standard statement of the Assets and Liabilities of the reporting bank together with additional detailed breakdown of selected items. When special circumstances so require, additional detail with respect to specific asset or liability items may be required. Reports of Condition must be prepared in accordance with the instructions contained in the booklet entitled "Instructions for the Preparation of Reports of Condition on Form 64", copies of which are furnished by the Corporation to all insured State nonmember banks (except District banks) and which may be obtained on request from the Division of Research and Statistics.

(m) *Form 64 (Savings). Report of Condition (From Mutual Savings Banks).* Form 64 (Savings) is substantially the same as Form 64 (Short form) and should be used by mutual savings banks.

(n) *Form 73. Report of Earnings and Dividends (From Banks Other Than Mutual Savings).* Report of Earnings and Dividends, Form 73, is a report in the form of a standard profit and loss statement and a reconciliation of changes in total capital accounts, during the year. When special circumstances so require additional detail with respect to specific income or expense items, charge-offs or recoveries, profits on assets sold, or changes in total capital account may be required. Reports of Earnings and Dividends must be prepared in accordance with the instructions contained in the booklet entitled "Instructions for the Preparation of Report of Earnings and Dividends on Form 73", which is furnished by the Corporation to all insured State nonmember banks (except District banks) and which may be obtained on request from the Division of Research and Statistics.

(o) *Form 73 (Savings). Report of Earnings and Dividends (From Mutual Savings Banks).* Form 73 (Savings) is substantially the same as Form 73 and should be used by mutual savings banks.

(p) *Form 89. Summary of deposits.* Report of Summary of Deposits is a report of the number of deposit accounts and the amount of deposits in such accounts grouped by size of account and type of deposit. Summary of deposit reports must be prepared in accordance with instructions contained in the pamphlet entitled "Instructions for Preparation of Form 89", which is furnished by the Corporation to all insured banks and which may be obtained on request from the Division of Research and Statistics.

(q) *Form 555. Certified Statement—Part 2, Tabulatio, of Assessment Base.* Form 555 is used for the daily tabulation of total deposit liabilities, deductions claimed, and deposits for assessment base in connection with the preparation of Part 1 of the various Certified Statements. The form is prescribed by the board of directors of the Corporation and must be retained by the bank as a permanent record. A supply of these forms, ample for its needs for one year, is mailed annually to each insured bank. Additional supplies of the form may be obtained from the Fiscal Agent upon request on order blank, Form FA-29, or by letter when accompanied by remittance at the rate of fifty cents per package of 25 sheets.

(r) *Form 556. Certified Statement—Part 2, Suggested Form for Schedule Supporting Tabulation of Assessment Base.* Form 556 is designed for the convenient accumulation of data relating to deposit liabilities or deductions claimed as shown on Tabulation of Assessment Base (Form 555). Use of this form is optional and may be obtained upon request on order blank, Form FA-29, or by letter when accompanied by remittance at the rate of fifty cents per package of 25 sheets.

(s) *Form 645. First Certified Statement—Part 1, Based on Deposits for the First 31 Days of Operation as an Insured Bank.* Form 645 must be executed in quadruplicate, by each bank admitted to membership, except banks admitted in June or December. Form 645 contains a summary of the aggregate daily totals of deposit liabilities less authorized deductions by which the submitting bank reports the amount of deposits used in computing its assessment base and the amount of its assessment due the Corporation. Three copies, signed and certified under oath as true by the officer authorized to so certify, must be forwarded to the Fiscal Agent on or before the forty-fifth day after the first day of operation as an insured bank. The fourth copy must be retained in the bank's file. These forms are mailed to newly insured banks with appropriate instructions for the preparation.[3]

(t) *Form 645-A. Second Certified Statement—Part 1.* Form 645-A must be submitted by all banks becoming insured, except those admitted to insurance during the months of June or December. Form 645-A contains a summary of the aggregate daily totals of deposit liabilities less authorized deductions by which the submitting bank reports the amount of deposits used in computing its assessment base and the amount of its assessment due the Corporation. The form must be executed in quadruplicate. Three copies, signed and certified under oath as true by the officer authorized to so certify, must be forwarded to the Fiscal Agent on or before the next succeeding January 15th or July 15th, after the bank became an insured bank. The fourth copy must be retained in the bank's file. They are mailed to the insured banks with an accompanying letter of instructions.[3]

(u) *Form 645-B. Second Certified Statement—Part 1.* Form 645-B must be submitted by each bank admitted to membership in the months of June and December. Form 645-B contains a summary of the aggregate daily totals of deposit liabilities less authorized deductions by which the submitting bank reports the amount of deposits used in computing its assessment base and the amount of its assessment due the corporation. The form must be executed in quadruplicate. Three copies, signed and certified under oath as true by the officer authorized to so certify, must be forwarded to the Fiscal Agent on or before February 15th or August 15th after becoming an insured bank. The fourth copy must be retained in the bank's file. They are mailed to the insured banks with an accompanying letter of instructions.[3]

(v) *Form 545. Certified Statement—Part 1.* A Form 545 must be submitted on or before January 15th and July 15th, based on deposits for the preceding six months ending on December 31st or June 30th, by each insured bank, except newly insured banks which must submit their first and second certified statements on other specified forms. Form 545 contains a summary of the aggregate daily totals of deposit liabilities less authorized deductions by which the submitting bank reports the amount of deposits used in computing its assessment base and the amount of its assessment due the Corporation. The form must be executed in quadruplicate. Three copies, signed and certified under oath as true by the officer authorized to so certify, must be forwarded to the Fiscal Agent, and the fourth copy retained in the bank's file. The forms are mailed to all insured banks each six months, in ample time to permit compliance with the law, but if not received on or before January 1st or July 1st they should be obtained from the Fiscal Agent. Instructions for the preparation of said forms are furnished all insured banks.[3]

(w) *Form 845. Final Certified Statement—Part 1, For an Insured Bank Whose Deposit Liabilities are Assumed by Another Insured Bank.* Form 845 contains a summary of the aggregate daily totals of deposit liabilities less authorized deductions by which the submitting bank reports the amount of deposits used in computing its assessment base and the amount of its assessment due the Corporation. Form 845, accompanied by an appropriate letter of explanation and instructions, is mailed to each insured bank whose deposit liabilities are assumed by another insured bank.[3] The form must be executed in quadruplicate. Three copies, signed and certified under oath as true by the officer authorized to so certify, must be forwarded to the Fiscal Agent and the fourth copy retained in the bank's file.

(x) *Form 845-A. Final Certified Statement—Part 1, For an Insured Bank Whose Deposit Liabilities are Assumed by Another Insured Bank (For Use When the Assuming Bank is Executing the Certified Statement for the Bank Whose Deposit Liabilities Were Assumed).* Form 845-A contains a summary of the aggregate daily totals of deposit liabilities less authorized deductions by which the submitting bank reports the amount of deposits used in computing its assessment base and the amount of its assessment due the Corporation. Form 845-A, accompanied by an appropriate letter of explanation and instructions, is mailed to the insured bank which is assuming the liabilities of another insured bank.[3] The form must be executed in quadruplicate. Three copies, signed and certified under oath as true by the of-

[3] Copies of such instructions may be obtained on request from the Fiscal Agent.

ficer authorized to so certify, must be forwarded to the Fiscal Agent, and the fourth copy retained for the bank's file.

(y) *Form 555.*[4] *Recapitulation of the Monthly Totals of Certified Statement—Part 2.* A Form 555, (Recapitulation) must be submitted with the Certified Statement, Part 1, required of each insured bank, except the first certified statement required of newly insured banks and the second certified statement required of banks becoming insured in June or December. Form 555 (Recapitulation) is a monthly recapitulation of the daily deposit liabilities, deductions claimed, and deposits for assessment base tabulated on Form 555, Certified Statement—Part 2, Tabulation of Assessment Base, and is used in connection with the preparation of Part 1 of the various certified statements. The form must be executed in duplicate, the original to be forwarded to the Fiscal Agent and the duplicate retained in the bank's file.

(z). *Amended and Corrected Certified Statements.* Forms for the amendment or correction of previously submitted certified statements are identical in number and form to the Forms 645, 645-A, 645-B, 545, 845, and 845-A described above except that in the title of the form they carry the additional word "Amended" or "corrected". These forms may be obtained on request from the Fiscal Agent.

PART 309—PAYMENT OF INSURED DEPOSITS

§ 309.1 *Payment of insured deposits in closed banks.* When an insured bank closes under circumstances requiring the Corporation to make payment of the insured deposits therein, as prescribed by law,[1] the board of directors appoints one or more Claim Agents with power and authority as provided by law [2] who maintain a temporary office at the site of the closed bank for the purpose of receiving claims for insured deposits and making payment thereof as soon as possible in accordance with applicable law. Claimants for insured deposits are required to submit to such Claim Agents appropriate proofs of claims, in form and manner prescribed by law or by the board of directors, to deliver up any pass book or other record issued by the bank evidencing the insured deposit, to assign their claims for insured deposits to the Corporation to the extent required by law, and to furnish proper identification. The claimant is required to make proof thereof to the satisfaction of the Claim Agent. Disputed claims which cannot be adjusted in the field are referred to the Chief of the Division of Liquidation for determination and when satisfactory disposition cannot be so made, may be referred to the board of directors for appropriate action. In cases where the Corporation is not satisfied as to the validity of a claim for an insured deposit, it may require the final determination of a court of competent jurisdiction before paying such claim. The Corporation is authorized to make payment of the insured deposits by making available to each depositor a transferred deposit in a new bank in the same community or in another insured bank in an amount equal to the insured deposit of such depositor and subject to withdrawal on demand, which is the equivalent of cash, or in such other manner as the board of directors may prescribe. The Corporation's more recent practice has been to make such payment by issuing its check for the amount of the insured deposit. In making such payments, the Corporation exercises its statutory authority to withhold payment of such portion of the insured deposit of any depositor as may be required to provide for the payment of any liability of such depositor as a stockholder of the bank, or of any liability of such depositor to the closed bank or its receiver, which is not offset against a claim due from the bank, pending the determination and payment of such liability by the depositor or any other person liable therefor.

PART 310—RECEIVERSHIPS AND LIQUIDATIONS

Sec.

310.1 Liquidation of assets acquired through loans and purchases.
310.2 National bank receiverships.
310.3 State bank receiverships.

§ 310.1 *Liquidation of assets acquired through loans and purchases.* Assets acquired by the Corporation pursuant to contracts of loan or purchase from insured banks or receivers of closed insured banks, in accordance with the provisions of section 12B (n) (3) and (n) (4) of the Federal Reserve Act, as amended (12 U. S. C. 264 (n) (3) and (n) (4)), are liquidated by the Corporation through a liquidator appointed in the same manner as in the case of a national bank receivership (see section 310.2 of this part). The liquidator takes possession of the assets and usually maintains a liquidating office in the vicinity of the bank from which the assets were acquired. The liquidator receives collections of debts and claims due, effects sales of assets, compositions and compromises of debts, and otherwise enforces claims and obligations due and owing and arising out of the liquidation. Proposals for the sale of assets, compositions and compromises, and extensions or renewals of debts due or other contracts, are transmitted by the liquidator to the Chief of the Division of Liquidation and are in turn submitted to the Committee on Liquidations, Loans and Purchase of Assets and to the board of directors of the Corporation for approval. Expenses of administration, attorneys' fees, proposals for leasing, engaging brokers or others, independent contractors, and advances to protect assets are likewise submitted by the liquidator for transmission with the recommendation of the Division of Liquidation to the Committee on Liquidations, Loans and Purchase of Assets and to the board of directors of the Corporation for approval. In general, the liquidator is the local representative of the Corporation and proceeds in compliance with the manual of instructions of the Division of Liquidation to liquidate the assets so acquired.

§ 310.2 *National bank receiverships.* Whenever any insured national bank or insured District bank shall have been closed by action of its board of directors, or of the Comptroller of the Currency, on account of inability to meet the demands of its depositors,[1] or whenever the insured status of a national member bank is terminated by action of the board of directors of the Corporation, or it ceases to be a member of the Federal Reserve System,[2] and is unable to meet the demands of its depositors, the Comptroller of the Currency appoints the Corporation as receiver for such bank. Immediately upon appointment the Corporation takes possession of the records, assets and affairs of the bank through one of its agents, usually a liquidator, appointed to represent the Corporation in that receivership. If possession is taken by an agent other than a liquidator, the liquidator, when appointed, is substituted for the agent. The board of directors of the Corporation appoints the agent to take possession, the liquidator, such assistant liquidators, and personnel, as may be necessary, as well as an attorney to furnish the Corporation as receiver with such legal assistance as may be required in the administration of the receivership. The liquidator as local representative of the Corporation proceeds, in compliance with the manual of instructions of the Division of Liquidation, and in conformity with the applicable provisions of the National Bank Act and Section 12B of the Federal Reserve Act, as amended, to liquidate the assets, receive claims of depositors (claiming in excess of $5,000 per depositor)[3] and other creditors, pay the expenses of administration, distribute the proceeds of such liquidation, and otherwise wind up the affairs of the bank subject to the control of the board of directors of the Corporation and under the supervision of the Chief of the Division of Liquidation. After notice by advertisement pursuant to law, depositors having claims in excess of $5,000 per depositor, and other creditors, are permitted to file claims with the liquidator, who transmits such claims to the Division of Liquidation for allowance, classification, and deductions by way of setoffs or counterclaims. Such claims are filed on blanks prescribed from time to time by the Corporation and when allowed are evidenced by receiver's certificates issued by the Division of Liqui-

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[4] This form bears an identifying symbol, distinguishing it from Form 555 described in paragraph (g) of this section.

[1] See subsection (*l*) of section 12B of the Federal Reserve Act, as amended (12 U. S. C. section 264 (*l*)), particularly paragraphs (2), (6), and (7); for definition of the term "insured deposit" see subsection (c) (13) thereof.

[2] See subsection (k) (2) of section 12B of the Federal Reserve Act, as amended (12 U. S. C. section 264 (k) (2)).

[1] Sec. 12B (*l*) (3) of the Federal Reserve Act, as amended, (12 U. S. C. 264 (*l*) (3)).

[2] Section 12B (*i*) (2) of the Federal Reserve Act, as amended, (12 U. S. C. 264 (*i*) (2)).

[3] Claims for insured deposits up to $5,000 for each depositor are filed with a Claim Agent appointed by the board of directors of the Corporation who represents the Corporation in its capacity as insurer of deposits. (See sec. 302.2 (d) and Part 309 of this chapter.)

dation on such forms as are from time to time prescribed by the Corporation. The liquidator receives collections of debts and claims due to the receivership, effects sales of assets, compositions and compromises of debts, and otherwise enforces claims and obligations, owing to the receivership. All proceeds of the liquidation are segregated and are kept separate and apart from the general and other funds of the Corporation. Proposals for the sale of assets, compositions, and compromises are transmitted by the liquidator to the Division of Liquidation, which in turn submits them to the Committee on Liquidations, Loans and Purchase of Assets and to the board of directors of the Corporation as well as to the Comptroller of the Currency for approval; and upon such approval the liquidator, through local counsel, presents the proposals to a court of competent jurisdiction for authorization as provided by 12 U. S. C. 192. Expenses of administration are similarly submitted by the Division of Liquidation for approval by the board of directors and the Comptroller of the Currency. Attorney fees are submitted by the Legal Division to the Special Committee for determination by the board of directors and the Comptroller of the Currency. Proposals for leasing, engaging brokers or others, independent contractors, extensions or renewals of debts due the receivership, or other contracts, and advances to protect assets, are submitted by the liquidator for transmission and recommendation by the Division of Liquidation to the Committee on Liquidations, Loans and Purchase of Assets and to the board of directors for authorization. When sufficient funds have been realized from the liquidation to justify payment of a dividend to creditors, the Division of Liquidation submits a recommendation to the Comptroller of the Currency, who orders a ratable dividend to be paid. Dividend checks are drawn by the Division of Liquidation on receivership funds and transmitted to the liquidator for delivery to the claimants who are required to present their receiver's certificates for endorsement thereon and to execute receipts for such dividends. If such claims are paid in full with interest, receivership certificates must be surrendered. If surplus assets remain after payment of dividends to creditors equal to the principal of their respective claims plus interest thereon a meeting of the shareholders is called pursuant to the provisions of 12 U. S. C. 196, for the purpose of determining whether a shareholders' agent shall be elected or the receivership continued. If the shareholders elect to have a shareholders' agent appointed then the assets are assigned and delivered to the shareholders' agent upon compliance with the requirements of 12 U. S. C. 196.

§ 310.3 *State bank receiverships.* When the Corporation accepts appointment as receiver of an insured State bank[1] the board of directors appoints an agent or liquidator to take possession, on behalf of the Corporation, of the assets, books, and records, and to administer the affairs, of the closed bank. The liquidator as the local representative of the Corporation proceeds, in accordance with the provisions of the applicable law of the state in which the bank is located, and in conformity with the manual of instructions of the Division of Liquidation, to administer the receivership, subject to the control of the board of directors and under the supervision of the Division of Liquidation.

[1] Pursuant to the provisions of section 12 B (*1*) (5) of the Federal Reserve Act, as amended (12 U. S. C. 264 (*1*) (5).)

PART 311—VOLUNTARY TERMINATION OF INSURED STATUS

Sec.

311.1 Steps to be taken and records to be furnished the corporation by an insured nonmember bank in liquidation.

311.2 Steps to be taken and records to be furnished the corporation by a member bank in liquidation (both State and national).

311.3 Steps to be taken and records to be furnished the corporation where deposits are assumed by another insured bank.

§ 311.1 *Steps to be taken and records to be furnished the Corporation by an insured nonmember bank in liquidation.* (a) Whenever a nonmember bank goes into liquidation and its insured status has not been terminated by the board[1] and its deposit liabilities are not assumed by another insured bank, it shall terminate its status as an insured bank in accordance with the provisions of paragraph (1) of subsection (i) of section 12B of the Federal Reserve Act, as amended.[2] To effect such termination the bank shall adopt a resolution in form substantially as follows:

Resolved: (1) That the status of the

(Name of bank) (City or town)

(State)

as an insured bank under the provisions of section 12B of the Federal Reserve Act, as amended, shall terminate ninety (90) days from the date of the receipt by the Federal Deposit Insurance Corporation of a copy of this resolution; [3]

(2) That ---------- is (Cashier or other officer) hereby directed to immediately forward a certified copy of this resolution to the Federal Deposit Insurance Corporation, Washington, D. C., which shall constitute the notice of termination prescribed in paragraph (1) of subsection (i) of said section 12B.

Upon receipt of a certified copy of the aforesaid resolution the Corporation will promptly advise the bank of the date of the receipt thereof, and confirm the date of the termination of its insured status.

Thereupon, and prior to the termination date, the bank shall give notice to its depositors of the termination of its insured status. Such notice shall be (1) mailed to each depositor at his last address of record as shown upon the books of the bank, (2) published in not less than two issues of a local newspaper of general circulation, and (3) in form substantially as follows:

(Date)

Notice to Depositors:

Please be advised that the status of the

(Name of bank) (City or town) (State)

as an insured bank under the provisions of section 12B of the Federal Reserve Act, as amended, will terminate on the ------ day of ----------, 19 ----

You are Further Advised that your insured deposits in this bank on the date of termination will continue to be insured within the limitations provided by law.

(Name of Bank)

(Address)

There may be included in such notice any additional information or advice the bank may deem desirable.

Whenever the bank proposes to pay its depositors and, at the direction of the depositors, effects such payment by transferring the deposits to a noninsured bank, the following information shall be added to the notice to depositors prescribed in the above form:

You are further advised that your deposits may be transferred to the---------- (Name of

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noninsured bank) (City or Town) (State)

upon your direction to this bank and your acknowledgment in writing of the payment of your deposits in full by such transfer.

(Name of noninsured bank)

is not a member of the Federal Deposit Insurance Corporation and deposits made in it, or transferred to it, will not be insured.

(b) The bank shall furnish to the Corporation the following records and information:

(1) An affidavit of the mailing and an affidavit of the publication of the notice to depositors. The affidavit of mailing should be executed by the person mailing the notice and should state (i) the date of mailing, (ii) that it was mailed to each depositor at his last address of record as shown on the books of the bank, and (iii) that a copy of the notice as mailed is attached.

(2) A certified copy of the resolutions pursuant to which the bank was placed in liquidation and/or any other document or instrument required by law to place the bank in liquidation.

(3) The bank shall continue to file certified statements and pay assessments

[1] Board means board of directors of the Federal Deposit Insurance Corporation.

[2] Section 12B (i) (1) of the Federal Reserve Act, as amended (12 U. S. C. 264 (i) (1), provides, in part, as follows: "Any insured bank (except a national member bank or State member bank) may, *upon not less than ninety days' written notice to the Corporation,* and to the Reconstruction Finance Corporation if it owns or holds as pledgee any preferred stock, capital notes, or debentures of such bank, terminate its status as in insured bank. * * * After the termination of the insured status of any bank * * * the insured deposits of each depositor in the bank on the date of such termination, less all subsequent withdrawals from any deposits of such depositor, shall continue for a period of two years to be insured, and the bank shall continue to pay to the Corporation assessments as in the case of an insured bank during such period. * * *" [Italics supplied.]

[3] If the bank desires to fix a later date of termination, it may do so as the law prescribes only the minimum notice period which is ninety (90) days.

thereon for the period its depositors are insured, as provided by the Federal Reserve Act, as amended:[4] *Provided,* That after the bank shall have paid in full its deposit liabilities and the assessment to the Corporation required to be paid for the semiannual period in which its deposit liabilities are paid in full, and after it shall, under applicable law, have ceased to have authority to transact a banking business and to have existence, except for the purpose of, and to the extent permitted by law, for winding up its affairs, it shall not be required to file further certified statements nor to pay further assessments.

(4) When the deposit liabilities of the bank shall have been paid in full, the bank shall furnish to the Corporation an affidavit executed by two of its officers, which affidavit shall state the fact that the deposit liabilities have been paid in full and give the date of the final payment.[5]

(5) Where the bank has unclaimed deposits the affidavit to be furnished pursuant to the preceding subparagraph, shall further state the amount of such unclaimed deposits and the disposition made of the funds to be held to meet such claims. For assesment purposes, the following will be considered as payment of such unclaimed deposits, viz:

(i) the transfer of cash funds in an amount sufficient to pay such unclaimed and unpaid deposits to the public official authorized under the law to receive the same; or

(ii) if no provision is made by law for the transfer of funds to a public official, the transfer of cash funds or compensatory assets to an insured bank in an amount sufficient to pay the unclaimed and unpaid deposits in consideration of such insured bank assuming the payment thereof: *Provided,* That, prior to such transfer, the liquidating bank shall have given notice, as hereinafter provided, to the owners of the unclaimed deposits of the intended transfer and a reasonable time shall have elapsed after the giving of such notice to enable the depositors to obtain their deposits. Such notice shall be mailed to each depositor and shall be published in a local newspaper of general circulation. The notice shall advise such depositors of the liquidation of the bank, shall request them to call for and accept payment of their deposits, and shall state the disposition to be made of their deposits upon their failure to promptly claim the same.

If such unclaimed and unpaid deposits are disposed of as provided in (i) above, a certified copy of the public official's receipt issued for such funds shall be furnished to the Corporation. If such unclaimed and unpaid depositors are disposed of as provided in (ii) above, an affidavit of the publication and of the mailing of the notice to depositors, together with a copy of such notice, and a certified copy of the contract of assumption shall be furnished to the Corporation.

(6) The liquidating bank shall advise the Corporation of the date on which the authority or right of the bank to do a banking business shall have terminated and the method or means whereby such termination shall have been effected, that is, whether such termination has been effected by the surrender of its charter, by the cancellation of its authority or license to do a banking business by the supervisory authority, or otherwise.[6]

§ 311.2 *Steps to be taken and records to be furnished the Corporation by a member bank in liquidation (both state and national).* (a) Whenever a bank which is a member of the Federal Reserve System goes into liquidation and its insured status has not been terminated by the board[7] and its deposit liabilities are not assumed by another insured bank, it shall notify its depositors of the date of the termination of its insured status.[8] Such notice shall be in the form prescribed in the preceding section and shall be given at the time and in the manner therein provided.

(b) The bank shall furnish to the Corporation the records and information mentioned in, and comply with the requirements of, paragraph (b) of the preceding section.

§ 311.3 *Steps to be taken and records to be furnished the Corporation where deposits are assumed by another insured bank.*[9] (a) Whenever the deposit liabilities of an insured bank are assumed by another insured bank, the bank whose deposits are assumed, or the assuming bank as its agent, shall give notice to its depositors of such assumption. Such notice shall be (1) mailed to each depositor at his last address of record as shown upon the books of the bank, (2) published in not less than two issues of a local newspaper of general circulation, and (3) in form substantially as follows:

_____
(Date)

Notice to Depositors:

Please be advised that the deposit liabilities shown on the books of the undersigned bank as of the close of business on _____, 19__ have been assumed by the _____ (Name of assuming bank) _____ (City or town) _____ (State) and that the status of the undersigned bank as an insured bank will therefore terminate as provided in section 12B (i) (4) of the Federal Reserve Act, as amended.

You are further advised that _____ (Name of _____ is an insured bank and assuming bank) that your deposits will continue to be insured by the Federal Deposit Insurance Corporation in the manner and to the extent provided in said Act.

_____[10]
(Name of bank)

_____
(Address)

There may be included in such notice any additional information or advice the bank may deem desirable.

The bank shall furnish to the Corporation an affidavit of mailing and an affidavit of publication of the notice to depositors. The affidavit of mailing should be in the form prescribed in section 311.1 (b).

(b) The liquidating bank shall continue to file certified statements and pay assessments thereon for the period its deposits are insured, as provided by the Federal Reserve Act, as amended: *Provided,* That if the liquidating bank, or the assuming bank as its agent, has given the requisite notice to the depositors of the assumption of the deposit liabilities within thirty days after such assumption takes effect, then the liquidating bank shall file a final certified statement, which statement shall be executed to reflect its average daily deposit liabilities for the semiannual period in which its deposit liabilities are assumed and shall pay to the Corporation the normal assessment thereon.[11]

(c) The Corporation will consider receipt of the following as satisfactory evidence of such assumption:

(1) A certified copy of the resolution (i) duly authorizing the bank's officers to enter into a contract for the sale of the bank's assets to another insured bank

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[4] See footnote 2 to § 311.1. (a).

[5] The issuance of a draft or officer's check does not constitute the discharge of a deposit liability nor relieve the bank of assessment until such draft or other evidence of payment has been duly presented for payment and has been paid.

[6] As the governing law of the various jurisdictions is not uniform in this respect, it is suggested that the applicable statute be consulted and that this Corporation be advised of the manner in which the termination or cancellation of such authority has been effected.

[7] See footnote [1] to § 311.1 (a).

[8] Section 12B (i) (2) of the Federal Reserve Act, as amended, provides, in part, as follows: "Whenever a member bank shall cease to be a member of the Federal Reserve System, its status as an insured bank shall, without notice or other action by the board of directors, terminate on the date the bank shall cease to be a member of the Federal Reserve System, with like effect as if its insured status had been terminated on said date by the board of directors after proceedings under paragraph (1) of this subsection." Section 10, subsection (c) of regulation H of the Board of Governors of the Federal Reserve System provides, in part, as follows: "A bank's withdrawal from membership in the Federal Reserve System is effective on the date on which the Federal Reserve bank stock held by it is duly canceled."

[9] Section 12B (i) (4) of the Federal Reserve Act, as amended, provides, in part, as follows: "Whenever the liabilities of an insured bank for deposits shall have been assumed by another insured bank or banks, the insured status of the bank whose liabilities are so assumed shall terminate on the date of receipt by the Corporation of satisfactory evidence of such assumption with like effect as if its insured status had been terminated on said date by the board of directors after proceedings under paragraph (1) of this subsection: *Provided,* That if the bank whose liabilities are so assumed gives to its depositors notice of such assumption within 30 days after such assumption takes effect by publication or by any reasonable means, in accordance with regulations to be prescribed by the board of directors, the insurance of its deposits shall terminate at the end of 6 months from the date such assumption takes effect, and such bank shall thereupon be relieved of all future obligations to the Corporation, including the obligation to pay future assessments."

[10] If this notice is given by the assuming bank as agent for the liquidating bank, it may add its own name designating itself as agent.

[11] See § 327.3.

upon the consideration of the assumption by it of the deposit liabilities, and (ii) duly placing the bank in liquidation; and

(2) A certified copy of the assumption agreement, provided it contains an express undertaking by an insured bank to pay the deposit liabilities of the bank going into liquidation.

(d) The bank shall furnish to the Corporation the information called for in § 311.1 (b) (6).

PART 312—INVOLUNTARY TERMINATION OF INSURED STATUS

Sec.

312.1 Termination of insured status by the corporation.
312.2 Appearance and practice before the corporation.
312.3 Notice of hearing.
312.4 Conduct of hearings.
312.5 Rules of evidence.
312.6 Proposed findings and conclusions and recommended decision.
312.7 Exceptions.
312.8 Briefs.
312.9 Certification of record to board of directors.
312.10 Consent to termination of insured status.
312.11 Oral argument before board of directors.
312.12 Decision of board of directors.
312.13 Filing papers.
312.14 Service, proof of service.
312.15 Copies.
312.16 Computing time.
312.17 Documents in proceedings confidential.
312.18 Formal requirements as to papers filed.

§312.1 *Termination of insured status by the Corporation.* Under the authority of subsection (i) of section 12B of the Federal Reserve Act, as amended, the board of directors of the Corporation may terminate the insured status of an insured bank. The procedure for terminating the insured status of a bank as therein prescribed will be followed and the hearing required thereunder will be conducted in accordance with the rules and practice set forth in this part.

§ 312.2 *Appearance and practice before the Corporation*—(a) *Power of attorney and notice of appearance.* The Corporation maintains no register of attorneys or agents who may practice before it nor is an application for admission to practice required. Any person desiring to appear before or transact business with the Corporation in a representative capacity may be required to file with the Secretary of the Corporation a power of attorney showing his authority to act in such capacity, and he may be required to show to the satisfaction of the board of directors that he has the requisite qualifications. Attorneys and representatives of parties to proceedings shall file a written notice of appearance with the Secretary or with the trial examiner.

(b) *Suspension and disbarment.* Any person appearing before the board of directors or before a trial examiner in a representative capacity, or desiring so to act, may for cause, sufficient in the judgment of the board of directors, be suspended or disbarred from so doing, provided that charges shall be preferred by the board of directors against such representative and he shall be afforded an opportunity to be heard thereon.

(c) *Summary suspension.* Contemptuous conduct at an argument before the board of directors or at a hearing before a trial examiner shall be ground for exclusion therefrom and suspension for the duration of the argument or hearing.

§ 312.3 *Notice of hearing.* Whenever a hearing is ordered by the board of directors in any proceedings a Notice of Hearing shall be given by the Secretary or other designated officer of the Corporation to the bank involved and the appropriate supervisory authority. Such notice shall designate the time and place of the hearing, the nature thereof, the trial examiner and shall specify the charges against the bank and shall be delivered by personal service, by registered mail to last known address, or other appropriate means, at least 30 days in advance of the hearing.

§ 312.4 *Conduct of hearings.* Any hearing shall be held before a person designated by the board of directors as the trial examiner and, unless otherwise provided in the notice of hearing, shall be conducted as hereinafter provided.

(a) *Authority of trial examiner.* The trial examiner at the hearing shall have authority to administer oaths and affirmations, take or cause depositions to be taken, examine witnesses and receive evidence and rule upon the admissibility of evidence and other matters that normally and properly arise in the course of the hearing, but shall have no power to decide any motion to dismiss the proceedings or other motion which results in a final determination of the merits of the proceedings. Except as authorized by law, the trial examiner shall not consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate, nor be responsible to or subject to the supervision or direction of any officer, employee, or agent engaged in the performance of investigative or supervisory functions. The trial examiner may hold conferences before or during the hearing for the settlement or simplification of issues by consent of the bank and counsel for the Corporation.

(b) *Attendance at hearings.* A hearing shall be private and shall be attended only by the bank and its representatives or counsel, representatives of the Corporation, witnesses, and other persons having an official interest in the proceedings; provided, however, that on the written request of the bank or counsel for the Corporation, or on its own motion, the board of directors when not prohibited by law, may permit other persons to attend or may order the hearing to be public.

(c) *Transcript of testimony.* Hearings shall be reported and transcripts will be available at cost to the bank and, if the board of directors has ordered the hearing to be public, to the public. At the close of the hearing a complete transcript of the testimony taken, together with any exhibits and any briefs or memoranda of law filed theretofore on behalf of the bank or counsel for the Corporation, shall be filed with the Secretary. Requested corrections to a transcript of record shall be considered only if offered within 10 days after the date the transcript is filed with the Secretary (or within 10 days after the bank's receipt of a copy of such transcript, if ordered by the bank before conclusion of the hearing). Requested corrections shall be filed with the Secretary and shall be served upon the other party to the proceedings as provided in § 312.14. The trial examiner shall have authority to act upon motions to correct the record.

(d) *Order of procedure.* The counsel for the Corporation shall open and close.

(e) *Continuances and changes or extensions of time and changes of place of hearing.* Except as otherwise expressly provided by law, the board of directors may by the notice of hearing, or subsequent order, provide time limits different from those specified in these rules, may on its own motion or for cause shown extend any time limits prescribed by these rules or the notice of hearing, and may continue or adjourn any hearing. The trial examiner may continue or adjourn a hearing to such time and place as may be ordered by him.

(f) *Call for further evidence, oral argument and briefs, reopening of hearings.* The trial examiner may call for the production of further evidence upon any issue, may permit oral arguments and submission of briefs at the hearing, and, upon appropriate notice, may reopen any hearing at any time prior to the certification of his recommended decision to the board of directors, or the board of directors may reopen any hearing at any time prior to its order disposing of the proceeding.

(g) *Depositions.* The board of directors or trial examiner may order evidence to be taken by deposition in any proceeding at any stage thereof. Such depositions may be taken by the trial examiner or before any person designated by the board of directors or trial examiner and having power to administer oaths. Unless notice be waived, no deposition shall be taken except after at least 5 days' notice to the bank and counsel for the Corporation.

Any party desiring to take the deposition of a witness shall make application in writing, setting out the reasons why such deposition should be taken, stating the time when, the place where, and the name and post-office address of the person before whom it is desired the deposition be taken, the name and post-office address of the witness, and the subject matter or matters concerning which the witness is expected to testify. If good cause is shown, the board or trial examiner will make and serve upon the bank, or its counsel, and counsel for the Corporation, an order wherein the board of directors or trial examiner shall name the witness whose deposition is to be taken and specify the time when, the place where, and the person before whom the witness is to testify, but such time and place, and the person before whom the deposition is to be taken so specified in the order, may or may not be the same as those named in the application. The testimony of the witness shall be reduced to writing by the person before whom the deposition is taken, or under his direction, after which the dep-

osition shall be subscribed by the witness and certified as a true and complete transcript of the testimony by the person before whom the deposition was taken and by him forwarded as specified in the order with three additional copies thereof made by him or under his direction. A certified copy thereof shall be furnished to the bank, or its counsel, and to counsel for the Corporation. Witnesses whose depositions are taken, and the person taking such depositions, shall severally be entitled to the same fees as are paid for like services in the courts of the United States whih shall be paid by the party upon whose application the deposition was taken.

§ 312.5 *Rules of evidence*—(a) *Evidence.* Every party shall have the right to present his case or defense by oral and documentary evidence, to submit rebuttal evidence and to conduct such cross examination as may be required for a full and true disclosure of the facts. Irrelevant, immaterial or unduly repetitious evidence shall be excluded.

(b) *Objections.* Objections to the admission or exclusion of evidence shall be in short form, stating the grounds of objections relied upon, and the transcript shall not include argument thereon except as ordered by the trial examiner. Rulings on such objections and on any other matters shall be a part of the transcript. Failure to object to admission or exclusion of evidence or to any ruling shall be considered a waiver of such objection.

(c) *Official notice.* All matters officially noticed by the trial examiner shall appear on the record.

§ 312.6 *Proposed findings and conclusions and recommended decision*—(a) *Proposed findings and conclusions and supporting briefs.* Within 15 days after the filing of the transcript with the Secretary (or within 15 days after the bank's receipt of a copy of such transcript, if ordered by the bank before the conclusion of the hearing) the bank or counsel for the Corporation may file with the Secretary for submission to the trial examiner proposed findings and conclusions, which may be accompanied by a brief or memorandum in support thereof. A copy of such proposals and brief or memorandum in support thereof shall be delivered by the Secretary to the trial examiner and a copy shall be served by the Secretary upon the other party to the proceedings. All such proposed findings and conclusions shall be a part of the record.

(b) *Recommended decision.* The trial examiner, within 15 days after the expiration of the time allowed for filing proposed findings and conclusions, shall file with the Secretary his recommended decision in the form prescribed by law.

(c) *Service of recommended decision.* A copy of the recommended decision shall be forthwith served on the bank and on counsel for the Corporation by the Secretary.

§ 312.7 *Exceptions*—(a) *Filing.* Within 15 days after receipt of a copy of the recommended decision of the trial examiner, the bank or counsel for the Corporation may file with the Secretary exceptions to the recommended decision of the trial examiner or any portion thereof or to his failure to adopt a proposed finding or conclusion, or to the admission or exclusion of evidence or to any other ruling. A copy of such exceptions shall be forthwith delivered by the Secretary to the trial examiner and a copy shall be served on the other party to the proceedings. Exceptions shall be argued only if a hearing is ordered before the board of directors.

(b) *Waiver.* Failure to file exceptions to the recommended decision of the trial examiner or any portion thereof, or to his failure to adopt a proposed finding or conclusion, or to the admission or exclusion of evidence, or to any ruling, within the time so required, shall be deemed to be a waiver of the objections thereto.

§ 312.8 *Briefs*—(a) *Filing.* Within the time provided for filing of exceptions, the bank or counsel for the Corporation may file a brief in support of his conclusion and exceptions.

(b) *Contents.* All briefs shall be confined to the particular matters in issue. Each exception or proposed finding or conclusion which is briefed shall be supported by a concise argument or by citation of such statutes, decisions or other authorities and by page reference to such portions of the record or recommended decision of the trial examiner as may be relevant. If the exception relates to the admission or exclusion of evidence, the substance of the evidence admitted or excluded shall be set forth in the brief with appropriate references to the transcript. Exceptions not briefed may be regarded by the board of directors as waived.

(c) *Reply briefs.* Reply briefs may be filed within 10 days after service of briefs and shall be confined to matters in original briefs of opposing parties.

(d) *Service of briefs.* Copies of briefs shall be served by the Secretary on the other party to the proceedings.

(e) *Delays.* Briefs not filed on or before the time fixed in these rules will be received only upon special permission of the board of directors.

§ 312.9 *Certification of record to board of directors.* Within 15 days after expiration of the time required for filing exceptions to his recommended decision, the trial examiner shall file with the Secretary of the Corporation and certify to the board of directors for initial decision the entire record, including the transcrmipt of testimony, exhibits (including on request of party concerned any exhibits excluded from evidence) recommended findings and conclusions, exceptions, any briefs or memoranda filed by any party or counsel for the Corporation in connection therewith and his recommended decision.

§ 312.10 *Consent to termination of insured status.* Unless a bank, which has received notice of intention to terminate its status as an insured bank pursuant to paragraph (1), subsection (i), section 12b of the Federal Reserve Act, as amended, shall appear at the hearing designated in the notice of hearing by a duly authorized representative, it shall be deemed to have consented to the termination of its status as an insured bank. In such event counsel for the Corporation may, but need not, present his case. Within 10 days of the date or close of the hearing the trial examiner shall certify the transcript and exhibits, if any, to the board of directors with his recommended decision.

§ 312.11 *Oral argument before Board of Directors.* Upon written request of the bank or counsel for the Corporation, within the time provided for filing the original briefs, the board of directors may order the matter to be set down for oral argument before the board of directors at the time and place specified in such order.

§ 312.12 *Decision of Board of Directors.* Appropriate members of the staff, who are not engaged in the performance of investigative or prosecuting functions may advise and assist the board of directors in the consideration of the matter and in the preparation of appropriate documents for its disposition. Copies of the decision of the board of directors shall be furnished by the Secretary to the bank, to Counsel for the Corporation and to the appropriate State supervisory authority, in the case of a State bank, to the Board of Governors of the Federal Reserve System, in the case of a State member bank, or to the Comptroller of the Currency in the case of a national bank.

§ 312.13 *Filing papers.* Recommended decisions, exceptions briefs and other papers required to be filed with the board of directors or Secretary in any proceeding shall be filed with the Secretary, Federal Deposit Insurance Corporation, Washington 25, D. C. Any such papers may be sent to the Secretary by mail or express but must be received by the Secretary in the office of the Corporation in Washington, D. C., or post marked by a post office, within the time limit for such filing.

§ 312.14 *Service, proof of service.* All documents or papers required by these rules to be served on the bank, or on counsel for the Corporation shall be served by the Secretary or other designated officer of the board of directors. Such service, except on counsel for the Corporation, shall be made by personal service on, or by registered mail addressed to the last known address of, the attorney or representative of record of any party. If there is no attorney or representative of record, such service shall be made upon the bank.

§ 312.15 *Copies.* Unless otherwise specifically provided in the notice of hearing, an original and 7 copies of all documents and papers required or permitted to be filed or served under these rules except the transcript of testimony and exhibits, shall be furnished to the Secretary.

§ 312.16 *Computing time.* In computing any period of time prescribed or allowed by these rules or by order of the board of directors, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or a

legal holiday in the District of Columbia, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday. Intermediate Saturdays, Sundays and holidays shall be included in the computation. A half-holiday shall be considered as other days and not as a holiday.

§ 312.17 *Documents in proceedings confidential.* Unless and until otherwise ordered by the board of directors, the notice of hearing, the transcript, the recommended decision of the trial examiner, exceptions thereto, proposed findings or conclusions, and briefs in support of such proposals or in support of or in opposition to such exceptions, the findings and conclusions of the board of directors and other papers which are filed in connection with any hearing shall not be made public, and shall be for the confidential use only of the board of directors, the bank and appropriate supervising authorities.

§ 312.18 *Formal requirements as to papers filed—(a) Form.* All papers filed under these rules shall be typewritten, mimeographed, or printed.

(b) *Signature.* All papers must be signed by an officer of the bank filing the same, or its duly authorized agent or attorney, or counsel for the Corporation, and, except in the case of counsel for the Corporation, must show the address of the signer.

(c) *Caption.* All papers filed must include at the head thereof, or on a title page, the name of the Corporation, the names of the bank, and the subject of the particular paper.

Subchapter C—Regulations and Statements of General Policy

Part 325—Introductory

§ 325.0 *Scope and source of authority.* The regulations and statements of general policy contained in this subchapter are promulgated pursuant to the provisions of section 12B of the Federal Reserve Act, as amended, and are published pursuant to the Administrative Procedure Act (Public Law 404, 79th Cong.), and other applicable laws, and, in accordance with the provisions of section 3 (a) (3) of the Administrative Procedure Act, contain rules adopted as authorized by law and statements of general policy or interpretations formulated and adopted by the Corporation for the guidance of the public [1].

[1] These regulations were duly adopted by the Corporation, and were published in the Federal Register in substantially the form herein set forth, prior to the effective date of the Administrative Procedure Act (September 11, 1946). The regulations now appearing in parts 326, 327, 328, 329, 330, and 331 formerly appeared in parts 301, 302, 303, 304, 305, and 307; former parts 306, 308, and 309 now appear as §§ 303.2 (b), 304.2, and part 311 of this chapter respectively. The parts of this chapter published in conformity with the Administrative Procedure Act have been assigned the part numbers of the former regulations. This republication of former regulations is for the convenience and information of the public and in order that they may be conformed to, and made consistent with, the present structure of the Corporation's rules. The effective dates of such former regulations, as heretofore provided, shall not be affected by such republication, nor shall such republication serve to relieve or excuse any bank or person heretofore subject thereto from any prior failure to comply therewith.

Part 326—Bank Obligations Prescribed as Deposits

§ 326.1 *Deposits.* The term "deposit" as used in subsection (c), paragraph (12) of section 12B of the Federal Reserve Act, as amended (12 U. S. C. 264 (c) (12)), shall include the following obligations:

(a) *Outstanding drafts, cashier's checks and other officer's checks.* Outstanding drafts,[1] cashier's checks, and other officer's checks issued under any of the following circumstances:

(1) For money or its equivalent received by the issuing bank; or

(2) For a charge against a deposit account in the issuing bank; or

(3) In settlement of checks, drafts, or other instruments forwarded to the issuing bank for collection.

(b) *Certified checks.* Checks drawn against a deposit account and certified by the drawee bank.

(c) *Traveler's checks and letters of credit.* Outstanding traveler's checks or letters of credit on which the bank is primarily liable issued under either of the following circumstances:

(1) For money or its equivalent received by the issuing bank; or

(2) For a charge against a deposit account in the issuing bank.

(d) *Money or its equivalent.* Under paragraphs (a) and (c) of this section drafts, cashier's checks and other officer's checks, traveler's checks and letters of credit must be regarded as issued for the equivalent of money when issued in exchange for checks or drafts or for promissory notes upon which the person procuring any of the enumerated instruments is primarily or secondarily liable.

[1] Drafts drawn on foreign correspondents or foreign branches and payable only in foreign countries are not included in the term "deposit."

Part 327—Assessments

Sec.

327.1 Classes of uncollected items eligible for deduction.
327.2 Periods of deduction for uncollected items.
327.3 Payment of assessments by banks whose insured status has terminated.

§ 327.1 *Classes of uncollected items eligible for deduction.* The term "item" as used in this part means any instrument providing for the payment of money. In computing the bank's assessment base, items may be deducted by the bank of deposit from the total amount of the bank's liability for deposits during the periods prescribed by § 327.2. *Provided,* That they were included in the bank's liability for deposits and, *Provided further,* That they were received in the usual course of business pursuant to an agreement under which the bank has given or is obligated to give credit to a commercial, checking, savings, time or thrift account, and that the drawee or the payor of the item is a bank or person other than the bank of deposit. The bank may deduct such uncollected item without regard to whether withdrawal has been made against the credit given or agreed to be given therefor. No item shall be deducted except in accordance with the provisions of this section.

§ 327.2 *Periods of deduction for uncollected items—(a) Local item.* A local item shall be eligible for deduction for a period not to exceed one (1) day. The term "local item" does not include items which are not available for two or more days under the current Time Schedules of the Federal Reserve bank or branch thereof for the city in which the bank of deposit is located.

(b) *Out-of-town item.* An out-of-town item shall be eligible for deduction for a period not to exceed the time which would be necessary to send the item in due course to the Federal Reserve bank of the Federal Reserve district or the branch of the sub-district thereof in which the bank of deposit is located, plus the time allowed for collection from the place where the item is payable, as shown on the current Time Schedule of such Federal Reserve bank or branch thereof: *Provided,* That no item shall be deducted after the bank has had advice that the item has been paid or dishonored.

(c) *Items credited to deposit account in bank or branch located outside of any Federal Reserve District.* In the case of an insured bank or branch located outside of any Federal Reserve district an item credited to a deposit account subject to final payment which is drawn on a bank located in a place other than the place where the bank of deposit is located may be claimed as a deduction for the period between the date the item is credited to the deposit account and the date of receipt (in the usual course of business) by the correspondent bank to which the item is forwarded for collection, plus the collection time allowed by the Federal Reserve time schedule for the district in which the correspondent bank is located, or, where collection time is not included in the Federal Reserve time schedule, plus the actual collection time: *Provided,* That the bank of deposit maintains analyses of its accounts and determines periodically the amount of uncollected transit items contained in the credit balance of each deposit account at all times and, *Provided further,* That no deduction for such transit items shall be permitted in an amount in excess of the balance in the individual account to which such items have been credited. If the bank of deposit does not maintain such analyses, it shall be permitted to claim deductions for such items for a period not to exceed the collection time allowed by the current Federal Reserve time schedule for the district in which the correspondent bank is located, the same as if the bank of deposit were located in the same place, plus an allowance of one day for transmission to such correspondent, or, where the collection time is not included in the Federal Reserve time schedule, for the time required

by the correspondent bank to make the collection, plus an allowance of one day for transmission to such correspondent.

(d) *Construction of section.* This section is not to be construed as requiring any bank to clear items through any Federal Reserve bank or branch thereof.

§ 327.3 *Payment of assessments by banks whose insured status has terminated*—(a) *Assumed deposits of terminating banks become deposits of assuming bank.* The deposit liablities of an insured bank, if assumed by another insured bank, will, except to the extent that depositors of the first bank by affirmative action signify their express intention to hold the first bank liable as a debtor, be presumed for assessment purposes to cease being deposit liabilities of the first bank on the date the assumption becomes effective: *Provided,* That the requisite notice of assumption be given to the depositors of the terminating bank.[1] The assumed deposits, for assessment purposes, are deposit liabilities of the assuming bank from the date of assumption, whether or not the requisite notice of assumption has been given to the depositors.

(b) *Payment of assessments by assuming bank on assumed deposits of terminating bank.* Where the deposit liabilities of an insured bank are assumed by another insured bank and the assuming bank agrees to file the certified statement which the terminating bank is required to file, the filing of such certified statement and the payment of the assessment thereon by the assuming bank shall be deemed the acts of the terminating bank: *Provided,* That the requisite notice of assumption [1] be given to the depositors of the terminating bank and, *Provided further,* That such certified statement shall be filed separately from that required to be filed by the assuming bank.

(c) *Resumption of insured status before insurance of deposits ceases.* If a bank whose insured status has been terminated under paragraphs (1) or (2) of subsection (i) of section 12B of the Federal Reserve Act, as amended (12 U. S. C. 264 (i) (1) and (2)), makes application to the Corporation, before the insurance of its deposits shall have ceased, to be permitted to continue or to resume its status as an insured bank and if the board of directors grant the application, the bank will be deemed, for assessment purposes, to continue as an insured bank and must thereafter furnish certified statements and pay assessments as though its insured status had not been terminated. For the procedure to be followed in making such application, see § 307.7 of this chapter.

PART 328—ADVERTISEMENT OF MEMBERSHIP

Sec.

328.0 Scope.
328.1 Mandatory Requirements with Regard to the Official Sign and its display.
328.2 Mandatory Requirements with Regard to the Official Sign and its Display. ment and Manner of Use.
328.3 Approved Emblem and Approved Short Title Which Insured Banks May Use at Their Option.
328.4 Penalties.

§ 328.0 *Scope.* The regulation contained in this part prescribes the requirements with regard to the official sign insured banks must display and the requirements with regard to the official advertising statement insured banks must include in advertisements relating to deposits. It also prescribes an approved emblem and an approved short title which insured banks may use at their option. It imposes no limitations on other proper advertising of insurance of deposits by insured banks and does not apply to advertisements published in foreign countries by insured banks which maintain offices in such foreign countries in which offices the deposits are not insured.

§ 328.1 *Mandatory requirements with regard to the official sign and its display*—

(a) *Insured banks to display official sign.* Each insured bank shall continuously display on and after October 11, 1935, for so long as it continues to be an insured bank, an official sign as hereinafter prescribed at each station or window where insured deposits are usually and normally received in its principal place of business and in all its branches: *Provided,* That no bank becoming an insured bank after October 11, 1935, shall be required to display such official sign until twenty-one (21) days after its first day of operation as an insured bank. The official sign may be displayed by any insured bank prior to the date display is required.

(b) *Official sign.* The official sign referred to in paragraph (a) of this section shall be seven inches by three inches in size, and shall be of the following design:

NOTE: A reproduction of the official sign appears at 12 CFR 303.1.

Any insured bank may procure official signs from the Corporation or may use any other sign of the same size, wording and appearance which shall have been approved in writing by the Corporation as conforming to the requirements of this section. Such approval will be given only in individual cases where the official sign does not harmonize with the bank's counters or fixtures or where it cannot be adequately displayed because of the type of construction of the bank's counters or fixtures. For the procedure to be followed in applying for such approval see § 307.8 (a) of this chapter.

The Corporation shall furnish to banks an order blank for use in procuring the official signs. Any bank which promptly, after receipt of the order blank fills it in, executes it, and properly directs and forwards it to the Federal Deposit Insurance Corporation, Washington, 25, D. C., shall not be deemed to have violated this regulation on account of not displaying an official sign or signs, unless the bank shall omit to display such official sign or signs after the same have been tendered to the bank through the instrumentality of the United States mail or otherwise.

(c) *Insured bank forbidden to receive deposits at same window or stations as noninsured bank.* Where two or more banks receive deposits in the same office or offices, each bank operating as an insured bank and doing business in such office or offices is forbidden on and after October 11, 1935, or, in the case of a bank becoming an insured bank after October 11, 1935, after its first day of operation as an insured bank, to receive deposits at any window or station where any noninsured bank receives deposits.

(d) *Change in wording of official sign.* Pursuant to written notice from the Corporation given to insured banks at least thirty (30) days prior to any date the Corporation specifies, provided on such date special circumstances exist, with regard to particular banks, making a change in the wording of the official sign to be used desirable, each insured bank receiving such notice shall on and after the date specified in such notice change its official sign or signs in accordance with the requirements of this Corporation.

§ 328.2 *Mandatory requirements with regard to the official advertising statement and manner of use*—(a) *Insured banks to include official advertising statement in advertisements of types enumerated.* Each insured bank shall include the official advertising statement, prescribed in paragraph (b) of this section, in advertisements issued or caused to be issued by it after November 20, 1936, of the types enumerated in paragraph (c) of this section as being of the class in which the official advertising statement is required to be included.

No bank which becomes an insured bank after October 26, 1936, is required to include the official advertising statement in such advertisements until sixty (60) days after its first day of operation as an insured bank.

In cases where the board of directors of the Federal Deposit Insurance Corporation shall find the application to be meritorious, that there has been no neglect or wilful violation in the observance of this paragraph, and that undue hardship will result by reason of its requirements, the board of directors may grant a temporary exemption from its provisions to a particular bank upon its written application setting forth the facts. For the procedure to be followed in making such application see § 307.8 (b) of this chapter. In cases where advertising copy not including the official advertising statement is on hand on the date the requirements of this paragraph become operative, the insured bank may cause the official advertising statement to be included by use of a rubber stamp or otherwise.

(b) *Official advertising statement.* The official advertising statement shall be in substance as follows: "Member of the Federal Deposit Insurance Corporation." The word "the" or the words "of the" may be omitted. The words "This bank is a" or the words "This institution is a" or the name of the insured bank followed by the words "is a" may be added before the word "member".

(c) *Types of advertisements requiring official advertising statement.* The following is an enumeration of the types of

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[1] The requisite notice of assumption shall be the notice prescribed in § 311.3 of this chapter.

advertisements which, when issued or caused to be issued by an insured bank, shall, in accordance with the requirements of paragraph (a) of this section, include the official advertising statement:

(1) Statements of condition and reports of condition of an insured bank except those required to be published by State or Federal law;

(2) All calendars;

(3) Institutional advertisements published in a newspaper, magazine, or other periodical, bill board advertisements, posters, street car or bus displays, signs, plates, pamphlets, circular letters, leaflets, novelty and specialty advertisements, pay roll envelopes, display advertisements in directories such as telephone, bank, and city directories, and advertisements made by radio or reproduced on the picture screen in theaters: *Provided*, That of the types of advertisements listed in this subparagraph the following shall be exempt from the requirement of including the official advertising statement:

(i) Bank supplies such as stationery (except when used for circular letters), envelopes, deposit slips, checks, drafts, signature cards, deposit pass books, certificate of deposit, etc.;

(ii) Signs or plates in the banking offices or attached to the building or buildings in which the banking offices are located;

(iii) Listings in directories whether in bold face or other type;

(iv) Advertisements not setting forth the name of the insured bank;

(v) Advertisements not containing any advertising relating to the insured bank in addition to any or all of the following, its name, telephone number, address, announcement of membership in the Federal Reserve System, and subject matter specifically excluded under exemptions (vi) through (xvii);

(vi) Advertisements relating to the making of loans by the bank or loan services;

(vii) Advertisements relating to safe keeping box business or services;

(viii) Advertisements relating to trust business or trust department services;

(ix) Advertisements relating to real estate business or services;

(x) Advertisements relating to armoured car services;

(xi) Advertisements relating to service charges or analysis charges;

(xii) Advertisements relating to securities business or securities department services;

(xiii) Display advertisements in bank directory on a page on which there are bank listings whether in bold face or other type, provided the name of the insured bank appears on some page of the listings in the directory, and provided there appears on each page of the directory containing listings a symbol or other descriptive matter indicating the banks which are members of the Federal Deposit Insurance Corporation;

(xiv) Advertisements relating to travel department business, including traveler's checks on which the bank issuing or causing to be issued the advertisement is not primarily liable;

(xv) Joint or group advertisements of banking service where the names of insured and non-insured banks are listed and form a part of such advertisements;

(xvi) Advertisements relating to Savings Bank Life Insurance;

(xvii) Advertisements by radio which do not exceed thirty (30) seconds in time.

(d) *Other types of advertisements need not include official advertising statement.* Insured banks are not required to include the official advertising statement in any type of advertisements other than those enumerated in paragraph (c) of this section as being of the class in which such statement is required to be included.

(e) *Outstanding bill board advertisements.* Where an insured bank has bill board advertisements outstanding, not excluded under exemptions (i) through (xvii) in paragraph (c) (3) of this section and has direct control of such advertisements either by possession or under the terms of a contract, it shall, if it can do so consistently with its contractural obligations, cause the official advertising statement to be included therein at such time as it would have been required to include the official advertising statement had the advertisement been newly issued rather than previously outstanding.

§ 328.3 *Approved emblem and approved short title which insured banks may use at their option.*—(a) *Emblem.* The only emblem approved for use by insured banks, when reference therein is made to deposit insurance or membership in the Corporation, is the one reproduced below:

NOTE: A reproduction of the emblem appears at 12 CFR 303.3.

(b) *Short title.* The following short title is approved for use by insured banks only on signs or plates attached to the outside of the bank building: "Member of FDIC".

(c) *Use of emblem or short title.* No insured bank is required to use the emblem or short title to any extent whatsoever. If any insured bank desires to use the emblem, it may do so in any of its advertisements and on any of its bank supplies. Since the approved emblem contains the official advertising statement in the outside circle, its use in the type of advertisements listed in § 328.2 (c) will satisfy the mandatory requirements of that section.

Any insured bank may, in addition to the requirements of this part, use any proper advertising of insurance of its deposits. For example, as an addition to the official advertising statement, any insured bank may, at its option, use the following in any of its advertisements:

"Deposits in this bank are insured with maximum insurance of $5,000 for each depositor."

Further, in the case of display signs in the banking offices which, under the provisions of this part, are not required to include the official advertising statement, any insured bank may use, for example, any of the following:

(1) "The Federal Deposit Insurance Corporation insures deposits in this bank with $5,000 maximum insurance for each depositor."

(2) "Deposits in this bank are insured by the Federal Deposit Insurance Corporation with $5,000 maximum insurance for each depositor."

(3) Electric sign or other display reproduction of the official sign.

§ 328.4 *Penalties.* No bank will violate any provision of paragraph (2) of subsection (v) of section 12B of the Federal Reserve Act, as amended (12 U. S. C. 264 (v) (2), or any provisions of this part if it complies with the provisions of §§ 328.1 and 328.2.

PART 329—PAYMENT OF DEPOSITS AND INTEREST THEREON BY INSURED NONMEMBER BANKS

Sec.
329.0 Scope.
329.1 Definitions.
329.2 Demand deposits.
329.3 Maximum rate of interest on time and savings deposits.
329.4 Payment of time deposits before maturity.
329.5 Notice of withdrawal of savings deposits.
329.6 Maximum rates of interest payable on time and savings deposits by insured nonmember banks.

§ 329.0 *Scope.* The regulation contained in this part relates to the payment of deposits and interest thereon by insured nonmember banks. This part is not applicable to banks which are members of the Federal Reserve System. Regulation Q (12 CFR Part 217), prescribed by the Board of Governors of the Federal Reserve System for banks which are members of that System, is not applicable to insured banks which are not members of the Federal Reserve System, except to the extent that the State law of a particular State provides otherwise. The provisions of this part do not apply to mutual savings banks or to any deposit in a bank located outside of, or payable only at a bank's office which is located outside of, the States of the United States and the District of Columbia.

§ 329.1 *Definitions*—(a) *Demand Deposits.* The term "demand deposit" includes every deposit which is not a "time deposit" or "savings deposit", as defined below.

(b) *Time deposits.* The term "time deposit" means "time certificates of deposit" and "time deposits, open account", as defined below.

(c) *Time certificates of deposit.* The term "time certificate of deposit" means a deposit evidenced by a negotiable or nonnegotiable instrument which provides on its face that the amount of such deposit is payable:

(1) On a certain date, specified in the instrument, not less than thirty (30) days after the date of the deposit; or

(2) At the expiration of a specified period not less than thirty (30) days after the date of the instrument; or

(3) Upon written notice to be given not less than thirty (30) days before the date of repayment.[1]

[1] If the certificate of deposit provides merely that the bank reserves the right to require notice of not less than thirty (30) days before any withdrawal is made, the bank must require such notice before permitting withdrawal.

(d) *Time deposits, open account.* The term "time deposit, open account" means a deposit, other than a "time certificate of deposit" or a "savings deposit", with respect to which there is in force a written contract with the depositor that neither the whole nor any part of such deposit may be withdrawn, by check or otherwise, prior to the date of maturity, which shall be not less than thirty (30) days after the date of the deposit,[2] or prior to the expiration of the period of notice which must be given by the depositor in writing not less than thirty (30) days in advance of withdrawals.[3]

(e) *Savings deposits.* The term "savings deposit" means a deposit evidenced by a pass book consisting of funds (1) deposited to the credit of one or more individuals or of a corporation, association, or other organization operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes and not operated for profit,[4] or (2) in which the entire beneficial interest is held by one or more individuals or by such a corporation, association, or other organization and in respect to which—

(i) The depositor is required, or may at any time be required, by the bank to give notice in writing of an intended withdrawal not less than thirty (30) days before such withdrawal is made; or the bank consistently continues to adhere to a practice existing prior to January 23, 1936, of requiring notice of at least fifteen (15) days before permitting withdrawal;

(ii) Withdrawals are permitted in only two ways, either upon presentation of the pass book through payment to the person presenting the pass book, or without presentation of the pass book, through payment to the depositor himself but not to any other person, whether or not acting for the depositor.[5]

The provisions of subparagraphs (1) and (2) of this paragraph, limiting savings deposits to funds of certain classes of persons, shall not be applicable to deposits received and credited on or before February 1, 1936, to accounts evidenced by pass books in insured nonmember banks and these deposits, together with interest subsequently payable on such deposits, less any withdrawals from such accounts, may be classed by insured nonmember banks as savings deposits under the terms of this paragraph, even though such deposits belong to an association, organization, or corporation organized for profit. The said provisions of subparagraphs (1) and (2) of this paragraph, however, shall be applicable to deposits received subsequently to February 1, 1936, whether or not such deposits are credited to an account existing prior to February 1, 1936.

The presentation by any officer, agent or employee of the bank of a pass book or a duplicate thereof retained by the bank or by any of its officers, agents or employees is not a presentation of the pass book within the meaning of this part except where the pass book is held by the bank as a part of an estate of which the bank is a trustee or other fiduciary, or where the pass book is held by the bank as security for a loan. If a pass book is retained by the bank, it may not be delivered to any person other than the depositor for the purpose of enabling such person to present the pass book in order to make a withdrawal, although the bank may deliver the pass book to a duly authorized agent of the depositor for transmittal to the depositor.

Every withdrawal made upon presentation of a pass book shall be entered in the pass book at the time of the withdrawal, and every other withdrawal shall be entered in the pass book as soon as practicable after the withdrawal is made.

§ 329.2 *Demand deposits*—(a) *Interest prohibited.* Except as hereinafter provided, no insured nonmember bank shall directly or indirectly, by any device whatsoever, pay any interest on any demand deposit. Within this part any payment to or for the account of any depositor as compensation for the use of funds constituting a deposit shall be considered interest.[6]

(b) *Exceptions.* The prohibition stated in paragraph (a) of this section does not apply to—

(1) Payment of interest accruing before August 24, 1937, on any deposit made by a "savings bank"[7] as defined in section 12B of the Federal Reserve Act, as amended (12 U. S. C. 264), or by a mutual savings bank;

(2) Payment of interest accruing before August 24, 1937, on any deposit of public funds[8] made by or on behalf of any State, county, school district, or other subdivision or municipality, or on any deposit of trust funds, if the payment of interest with respect to such deposit of public funds or of trust funds is required by State law when such deposits are made in State banks;

(3) Payment of interest in accordance with the terms of any certificate of deposit or other contract which was lawfully entered into in good faith before February 1, 1936 (or, if the bank became an insured nonmember bank thereafter, before the date upon which it became an insured nonmember bank), which was in force on such date, and which may not legally be terminated or modified by such bank at its option and without liability but no such certificate of deposit or other contract may be renewed or extended unless it be modified to eliminate any provision for the payment of interest on demand deposits, and every insured nonmember bank shall take such action as may be necessary, as soon as possible consistently with its contractual obligations, to eliminate from any such certificate of deposit or other contract any provision for the payment of interest on demand deposits.

(c) *Deposits in savings banks.* Deposits in "saving banks"[9] in specifically designated deposit accounts with respect to which withdrawal by checking is permitted in accordance with paragraph (7), subsection (c), section 12B of the Federal Reserve Act, as amended (12 U. S. C. 264 (c) (7)), shall, for the purposes of this part, be classed as demand deposits.

§ 329.3 *Maximum rate of interest on time and savings deposits*—(a) *Maximum rate prescribed from time to time.* Except in accordance with the provisions of this part, no insured nonmember bank shall pay interest on any time deposit or savings deposit in any manner, directly or indirectly, or by any method practice, or device whatsoever. No insured nonmember bank shall pay interest on any time deposit or savings deposit at a rate in excess of such applicable maximum rate as the board of directors of the Federal Deposit Insurance Corporation shall prescribe from time to time; and any rate or rates which may be so prescribed by the board will be set forth in supplements (see § 329.6) to this part, which

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[2] Deposits, such as Christmas club accounts and vacation club accounts, which are made under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than three (3) months, constitute "time deposits, open account" even though some of the deposits are made within thirty (30) days from the end of such period.

[3] If a deposit be made with respect to which the bank merely reserves the right to require notice of not less than thirty (30) days before withdrawal is made, the bank must require such notice to be given before permitting withdrawal.

[4] Deposits in joint accounts of two or more individuals may be classified as savings deposits if they meet the other requirements of the above definition, but deposits of a partnership operated for profit may not be so classified. Deposits to the credit of an individual of funds in which any beneficial interest is held by a corporation, partnership, association or other organization operated for profit or not operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes may not be classified as savings deposits.

[5] Presentation of a pass book may be made over the counter or through the mails; and payment may be made over the counter, through the mails or otherwise, subject to the limitations contained herein as to the person to whom such payment may be made.

[6] The absorption of normal or customary exchange charges by an insured nonmember bank, in connection with the routine collection for its depositors of checks drown on other banks, does not constitute the payment of interest within the provisions of this part.

[7] Sec. 12B (c) of the Federal Reserve Act, as amended (12 U. S. C. 264 (c) (7)), provides:

"The term 'savings bank' means a bank (other than a mutual savings bank) which transacts its ordinary banking business strictly as a savings bank under State laws imposing special requirements on such banks governing the manner of investing their funds and of conducting their business: *Provided*, That the bank maintains, until maturity date or until withdrawn, all deposits made with it (other than funds held by it in a fiduciary capacity) as time savings deposits of the specific term type or of the type where the right is reserved to the bank to require written notice before permitting withdrawal: *Provided further*, That such bank to be considered a savings bank must elect to become subject to regulations of the Corporation with respect to the redeposit of maturing deposits and prohibiting withdrawal of deposits by checking except in cases where such withdrawal is permitted by law on the effective date from specifically designated deposit accounts totaling not more than 15 per centum of the bank's total deposits."

[8] Deposits of moneys paid into State courts by private parties pending the outcome of litigation are not deposits of "public funds", within the meaning of the above provision.

[9] See footnote 7.

will be issued in advance of the date upon which such rate or rates become effective.

(b) *Modification of contracts to conform to regulation.* No certificate of deposit or other contract shall be renewed or extended unless it be modified to conform to the provisions of this part, and every insured nonmember bank shall take such action as may be necessary, as soon as possible consistently with its contractual obligations, to bring all of its outstanding certificates of deposit or other contracts into conformity with the provisions of this part.

(c) *Savings deposits received during the first five days of month.* An insured nonmember bank may pay interest on a savings deposit received during the first five days of any calendar month at the applicable maximum rate prescribed pursuant to the provisions of paragraph (a) of this section, calculated from the first day of such calendar month until such deposit is withdrawn or ceases to constitute a savings deposit under the provisions of this part, whichever shall first occur.

(d) *Continuance of time deposit status.* A deposit which was a time deposit at the date of deposit continues to be such until maturity, although it has become payable within thirty (30) days, and interest at a rate not exceeding that prescribed pursuant to the provisions of paragraph (a) of this section may be paid until maturity upon such deposit. A time deposit or a savings deposit, with respect to which notice of withdrawal has been given, continues to be such until the expiration of the period of such notice, and interest may be paid upon such deposit until the expiration of the period of such notice, and interest may be paid upon such deposit until the expiration of the period of such notice at a rate not exceeding that prescribed pursuant to the provisions of paragraph (a) of this section. Interest at a rate not exceeding that prescribed pursuant to the provisions of paragraph (a) of this section may be paid upon savings deposits with respect to which notice of intended withdrawal has not actually been required or given. No interest shall be paid by an insured nonmember bank on any amount which by the terms of any certificate or other contract or agreement, or otherwise, the bank may be required to pay within thirty (30) days from the date on which such amount is deposited in such bank,[10] except as to savings deposits with respect to which the bank consistently continues to adhere to a practice existing prior to January 23, 1936, of requiring notice of at least fifteen (15) days before permitting withdrawal.

(e) *No interest after maturity or expiration of notice; exception.* No interest shall be paid on any time or savings deposit for any period subsequent to maturity, whether such deposit matures by its terms on a specific date or at the expiration of a notice period pursuant to written notice actually given, except if a time certificate is renewed within ten (10) days after maturity, the renewal certificate[11] may draw interest from the maturity date of the matured certificate.

§ 329.4 *Payment of time deposits before maturity*—(a) *Time deposits payable on a specified date.* No insured nonmember bank shall pay any time deposit, which is payable on a specified date, before such specified date, except as provided in paragraph (d) of this section.

(b) *Time deposits payable after a specified period.* No insured nonmember bank shall pay any time deposit, which is payable at the expiration of a specified period, before such period has expired, except as provided in paragraph (d) of this section.

(c) *Time deposits payable after a specified notice.* No insured nonmember bank shall pay any time deposit, with respect to which notice is required to be given a specified period before any withdrawal is made, until such required notice has been given and the specified period thereafter has expired, except as provided in paragraph (d) of this section.

(d) *Loans upon security of time deposits.* An insured nonmember bank may make a loan to the depositor upon the security of his time deposit, provided that the rate of interest on such loan shall be not less than 2 percent per annum in excess of the rate of interest on the time deposit.

Where a loan to the depositor upon the security of his time deposit upon terms satisfactory to the insured nonmember bank and the depositor cannot be arranged, and where the depositor signs a written statement to be kept in the files of the bank that he is in need of money represented by the time deposit before the maturity thereof, stating the definite amount needed, the time deposit may be paid before maturity to the extent required to meet such need, but the depositor shall forfeit accrued and unpaid interest for a period of not less than three months on the amount withdrawn. When a portion of a time certificate of deposit is paid before maturity, the certificate shall be canceled and a new certificate shall be issued for the unpaid portion of the deposit, with the same terms, rate, date, and maturity as the original deposit.

§ 329.5 *Notice of withdrawal of savings deposits*—(a) *Requirements regarding notice.* An insured nonmember bank shall observe the requirements set forth as follows in requiring notice of intended withdrawal of any savings deposit or part thereof or in permitting withdrawal without requiring such notice.

(1) If an insured nonmember bank pay any amount or percentage of the savings deposit of any depositor without requiring such notice, it shall, upon request, and without requiring such notice, pay the same amount or percentage of the savings deposits of every other depositor, subject to the same notice requirement, except if the bank changes its practice in accordance with paragraph (b) of this section.

(2) If an insured nonmember bank requires such notice before the payment of any amount or percentage of the savings deposits of any depositor, it shall require such notice before the payment of the same amount or percentage of the savings deposits of any other depositor, subject to the same notice requirement, except if the bank changes its practice in accordance with paragraph (b) of this section. Even though the bank's practice is to require notice, an insured nonmember bank is not prevented by this part from paying during the next succeeding interest period without requiring notice of withdrawal interest on a savings deposit which has accrued during the preceding interest period.

(b) *Requirements regarding change of practice.* No insured nonmember bank shall change its practice with respect to the requiring or not requiring of notice of intended withdrawal of savings deposits, except after duly recorded action of its board of directors or of its executive committee properly authorized, and no practice in this respect shall be adopted which does not conform to the requirements of paragraphs (a) (1) and (a) (2) of this section.

(c) *Change of practice for purpose of discrimination.* No change in the practice of an insured nonmember bank with respect to the requiring or not requiring of notice of intended withdrawal of savings deposits shall be made for the purpose of discriminating in favor of or against any particular depositor or depositors.

(d) *Requirements applicable although no interest paid.* An insured nonmember bank shall observe the requirements of this section with respect to savings deposits even though no interest be paid on such deposits.

(e) *Loans upon security of savings deposits.* An insured nonmember bank may make a loan to any of its depositors upon the security of his savings deposits, provided that if the bank's practice is to require notice before permitting withdrawal of any amount or percentage of the savings deposits of any depositor, the rate of interest on such loan shall not be less than 2 percent per annum in excess of the rate of interest on the savings deposit.

§ 329.6 *Maximum rates*[12] *of interest payable on time and savings deposits by insured nonmember banks*—(a) *Maximum rate of 2½ percent.* No insured nonmember bank shall pay interest accruing after February 1, 1936, at a rate in excess of 2½ percent per annum, compounded quarterly,[13] regardless of the

[10] Deposits, such as Christmas club accounts and vacation club accounts, which are made under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than three (3) months, constitute "time deposits, open account" even though some of the deposits are made within thirty (30) days from the end of such period.

[11] Where a time certificate is renewed within ten (10) days after maturity, the renewal certificate may be dated back to the maturity date of the matured certificate.

[12] The maximum rates of interest payable by insured nonmember banks on time and savings deposits as prescribed herein are not applicable to any deposit which is payable only at an insured nonmember bank, or at an office of an insured nonmember bank, located outside of the States of the United States and the District of Columbia.

[13] This limitation is not to be interpreted as preventing the compounding of interest at other than quarterly intervals: *Provided*, That the aggregate amount of such interest so compounded does not exceed the aggregate amount of interest at the rate above prescribed when compounded quarterly.

basis upon which such interest may be computed.

(1) On any savings deposit,

(2) On any time deposit having a maturity date six months or more after the date of deposit or payable upon written notice of six months or more,

(3) On any Postal Savings deposit which constitutes a time deposit, except that an insured nonmember bank may pay interest on any such deposits in accordance with the terms of any certificate of deposit or other contract which was entered into before February 1, 1936 (or, if the bank becomes an insured nonmember bank thereafter, before the date upon which it becomes an insured nonmember bank), which was in force on such date and which may not legally be terminated or modified by such bank at its option and without liability.

(b) *Maximum rate of 2 percent.* No insured nonmember bank shall pay interest accruing after February 1, 1936, at a rate in excess of 2 percent per annum, compounded quarterly, regardless of the basis upon which such interest may be computed.

On any time deposit (except Postal Savings deposits which constitute time deposits) having a maturity date less than six months and not less than ninety days after the date of deposit or which is originally or becomes payable upon written notice of less than six months and not less than ninety days, except that an insured nonmember bank may pay interest on such deposits in accordance with the terms of any certificate of deposit or other contract which was entered into before February 1, 1936 (or, if the bank becomes an insured nonmember bank thereafter, before the date upon which it becomes an insured nonmember bank) which was in force on such date and which may not legally be terminated or modified by such bank at its option and without liability.

(c) *Maximum rate of 1 percent.* No insured nonmember bank shall pay interest accruing after February 1, 1936, at a rate in excess of 1 percent per annum, compounded quarterly, regardless of the basis upon which such interest may be computed.

On any time deposit (except Postal Savings deposits which constitute time deposits) having a maturity date less than ninety days after the date of deposit or which is originally or becomes payable upon written notice of less than ninety days, except that an insured nonmember bank may pay interest on such deposits in accordance with the terms of any certificate of deposit or other contract which was entered into before February 1, 1936, (or, if the bank becomes an insured nonmember bank thereafter, before the date upon which it becomes an insured nonmember bank) which was in force on such date and which may not legally be terminated or modified by such bank at its option and without liability.

(d) *Discontinuance of payments on outstanding certificates of indefinite maturities.* Banks which on January 23, 1936, have outstanding certificates of indefinite maturities representing deposit liabilities drawing interest as savings deposits must within one year from February 1, 1936, discontinue to pay thereon the rate applicable hereunder to savings deposits unless meanwhile the same be converted into savings deposits as defined in this part.

PART 330—RECOGNITION OF DEPOSIT OWNERSHIP NOT ON BANK RECORDS

Sec.

330.1 Deposits Evidenced by Negotiable Instruments.
330.2 Deposit Obligations for Payment of Items Forwarded for Collection by Bank Acting as Agent.
330.3 Deposits of Public Officers.
330.4 Deposits in Custodial Accounts

§ 330.1 *Details evidenced by negotiable instruments.* If any insured deposit obligation of a bank be evidenced by a negotiable certificate of deposit, negotiable draft, negotiable cashier's or officer's check, negotiable certified check, or negotiable traveler's check or letter of credit, the owner of such deposit obligation will be recognized for all purposes of claim for insured deposits to the same extent as if his name and interest were disclosed on the records of the bank provided the instrument was in fact negotiated to such owner prior to the date of the closing of the bank. Affirmative proof of such negotiation must be offered in all cases to substantiate the claim.

§ 330.2 *Deposit obligations for payment of items forwarded for collection by bank acting as agent.* Where a closed bank has become obligated for the payment of items forwarded for collection by a bank acting solely as agent, the owner of such items will be recognized for all purposes of claim for insured deposits to the same extent as if his name and interest were disclosed on the records of the bank when such claim for insured deposits, if otherwise payable, has been established by the execution and delivery of prescribed forms. Such bank forwarding such items for the owners thereof will be recognized as agent for such owners for the purpose of making an assignment of the rights of such owners against the closed insured bank to the Federal Deposit Insurance Corporation and for the purpose of receiving payment on behalf of such owners.

§ 330.3 *Deposits of public officers.* The owner of any portion of a deposit appearing on the records of a closed bank under the name of a public official, state, county, city, or other political subdivision will be recognized for all purposes of claim for insured deposits to the same extent as if his name and interest were disclosed on the records of the bank: *Provided,* That the interest of such owner in the deposit is disclosed on the records maintained by such public official, state, county, city or other political subdivision and, *Provided further,* That such records have been maintained in good faith and in the regular course of business.

§ 330.4 *Deposits in custodial accounts.* The owner of any portion of a deposit apeparing on the records of a closed bank under a name other than that of the claimant, whose name or interest as such owner is not disclosed on the records of the closed bank as part owner of said deposit, will be recognized for all purposes of claim for insured deposits to the same extent as if his name and interest were disclosed on the records of the bank: *Provided,* That the deposit is maintained in a specifically designated deposit account or accounts in such a manner as to disclose the custodial nature thereof and, *Provided further,* That the name and interest of such owner in the deposit is disclosed on the records of the person in whose name the deposit is maintained and such records have been maintained in good faith and in the regular course of business.

PART 331—INSURANCE OF TRUST FUNDS

§ 331.1 *Claim by fiduciary insured bank for insured deposits of trust estates.* In the event of the closing of an insured bank for inability to meet the demands of its depositors, the claim for insured deposits made by a fiduciary insured bank which, in the exercise of its trust powers, had deposited trust funds therein will be determined as follows:

(a) *Allocated funds of a trust estate.* If trust funds of a particular trust estate are allocated by the fiduciary and deposited, the deposit with respect to such estate will be determined by ascertaining the amount of its funds allocated, deposited and remaining to the credit of the claimant as fiduciary in the closed insured bank.

(b) *Interest of a trust estate in unallocated trust funds.* If trust funds of a particular trust estate be mingled [1] with trust funds of other trust estates and deposited by the fiduciary bank in one or more banks to the credit of the depositing bank as fiduciary, without allocation of specific amounts from the particular trust estate to an account in such bank or banks, the deposit with respect to such estate in any closed insured bank will be the amount which will bear the same ratio to all unallocated funds of the estate for which the fiduciary is accountable as the entire unallocated trust funds to the credit of the fiduciary bank in the closed insured bank will bear to the entire amount of such funds so deposited by the fiduciary in all depositories.[2]

(c) *Claims for funds of corporate trusts determined on basis of allocation.* The rule stated in paragraph (b) of this section will not be applied to funds of an insured bank held as fiduciary under a type of trust created to facilitate the issuance, distribution, or servicing of corporate bonds, debentures, or stock issues, commonly known as corporate trusts. The claim of the fiudiciary bank with respect to deposits of such funds will be determined according to allocations of the funds of particular estates to particular deposit accounts.

(d) *Insured deposit of a trust estate.* In arriving at the total insured deposit of an insured fiduciary bank with respect to any trust estate, the deposit of such estate as determined in accordance with any paragraph of this section shall be

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[1] This section is not to be construed as an express or implied approval of such commingling of trust funds as may be involved in the maintaining of general trust accounts.

[2] In determining claims under this paragraph, unallocated trust funds in the insured fiduciary bank will be included in the totals of such funds.

combined with that determined under any other paragraph of this section and the insured deposit shall be the total less any amount thereof in excess of $5,000.

PART 332—POWERS INCONSISTENT WITH PURPOSES OF FEDERAL DEPOSIT INSURANCE LAW

Sec.
332.1 Inconsistent powers.
332.2 Exercise prohibited.

§ 332.1 *Inconsistent powers.* A State nonmember insured bank (except a District bank) which does not have any of the powers hereinafter enumerated, or which, although it has any such power, does not exercise the same, shall not hereafter exercise, take, or assume the power: (a) to do a surety business; (b) to insure the fidelity of others; (c) to engage in insuring, guaranteeing or certifying titles to real estate, or (d) to guarantee or become surety upon the obligations of others.[1]

§ 332.2 *Exercise prohibited.* After the effective date of this regulation, any State nonmember bank (except a District bank) becoming an insured bank shall not thereafter exercise any of the powers enumerated in the preceding section.

PART 333—EXTENSION OF CORPORATE POWERS

Sec.
333.1 Classification of general character of business.
333.2 Change in general character of business.

§ 333.1 *Classification of general character of business.* State nonmember insured banks are divided into six categories for the purpose of classifying their general character or type of business,[2] viz: commercial banks, banks and trust companies, trust companies (without banking powers), savings banks, (including mutual and stock), industrial banks, and cash depositories.

§ 333.2 *Change in general character of business.* No State nonmember insured bank (except a District bank) or branch thereof shall hereafter cause or permit any change to be made in the general character or type of business exercised by it after the effective date of this regulation without the prior written consent of the Corporation.

PART 334—REMOVAL OF PRINCIPAL PLACE OF BUSINESS

§ 334.1 *Removal of principal place of business.* No State nonmember insured bank (except a District bank) shall move its principal place of business without the prior written consent of the Corporation.

PART 350—PUBLIC INFORMATION

Sec.
350.0 Scope and source of authority.
350.1 Description of organization.
350.2 Delegations of final authority.
350.3 Securing information.

[1] The limitations prescribed in clause (d) do not include acceptance or endorsements made in the usual course of the banking business.

[2] A bank's business may include two or more of the general classifications.

SUBCHAPTER D—FEDERAL CREDIT UNIONS

PART 350—PUBLIC INFORMATION

§ 350.0 *Scope and source of authority.* The rules contained in this part are promulgated pursuant to the provisions of the Administrative Procedure Act (Public Law 404, 79th Cong.), the Federal Credit Union Act (12 U. S. C. 1751–1771) as amended, other applicable laws and Executive Order 9148 of April 27, 1942 and, in accordance with the provisions of section 3 (a) (1) of the Administrative Procedure Act, describe the Corporation's central and field organization pertaining to Federal credit unions and the established places at which, and methods whereby, the public may secure information or make submittals or requests, and include appropriate provisions with respect to the information specified in sections 3 (b) and 3 (c) of said Act.

§ 350.1 *Description of organization—*(a) *Central organization—*(1) *Board of Directors.* See § 302.1 (a) of this chapter.

(2) *Federal credit union committee.* A committee on Federal credit unions, consisting of a member of the board of directors and such other staff members of the Corporation as are appointed by the board, has been established to consider recommendations from the Federal Credit Union Section of the Division of Examination relative to Federal credit union matters and to recommend to the board of directors the action to be taken thereon.

(3) *Division of Examination.* In addition to the duties of the Division of Examination enumerated in § 302.1 (d) (1) of this chapter, the Division of Examination is responsible for the examination and supervision of Federal credit unions, and advises, assists and makes recommendations to the Federal credit union committee and the board of directors relative to (i) action on applications for approval of organization certificates; and (ii) all supervisory action pertaining to Federal credit unions.

(b) *Field organization.* In addition to the duties of the Supervising Examiners enumerated in § 302.2 (a) of this chapter, each Supervising Examiner, aided by a staff of credit union examiners, supervises and examines Federal credit unions located within the states and territories comprising the District, makes recommendations to the Chief, Division of Examination with respect to (1) applications from Federal credit unions (or proposed Federal credit unions) for approval of organization certificates or any changes in charters and bylaws, (2) suspensions of charters, appointment of liquidating agents, revocation and cancellation of charters and other matters regarding the supervision of Federal credit unions including Federal credit unions in liquidation, and acts as the Corporation's representative in dealing directly with Federal credit unions in his District. For location of District offices see § 302.2 (a) of this chapter.

§ 350.2 *Delegations of final authority.* Section 303.1 of this chapter applies to all functions, powers and duties of the Corporation relative to the supervision and examination of Federal credit unions and the administration of the Federal Credit Union Act.

§ 350.3 *Securing information—*(a) *Published information—*(1) *Annual report of operations of Federal credit unions.* The Corporation publishes annually a report of operations of Federal credit unions.

(2) *Securing published information.* Published information relative to Federal credit unions may be obtained or examined as provided in § 304.1 (j) of this chapter.

(b) *Unpublished information.* Section 304.2 of this chapter shall apply to "records" and "information" (as defined in that section) relating to Federal credit unions, and such records and information pertaining to (1) examinations or investigations of Federal credit unions, (2) proceedings incidental to the suspension of charters of Federal credit unions and (3) liquidation of Federal credit unions, shall be "privileged" within the meaning of that term as used in said § 304.2.

(c) *Securing certain other information.* Information with respect to Federal credit union matters generally may be obtained by writing to the appropriate District office or to the Division of Examination.

(d) *Opinions and orders.* The provisions of § 304.5 of this chapter shall apply to opinions and orders in adjudication of cases involving Federal credit unions.

PART 351—PROCEDURES AND RULES OF PRACTICE

Sec.
351.0 Scope and source of authority.
351.1 Formulation and promulgation of rules and regulations.
351.2 Applications, requests and submittals.
351.3 Forms, instructions, and reports.
351.4 Liquidation of Federal credit unions.

§ 351.0 *Scope and source of authority.* The rules contained in this part are promulgated pursuant to the provisions of the Administrative Procedure Act (Public Law 404, 79th Cong.), the Federal Credit Union Act, as amended, and other applicable laws and Executive Order 9148 of April 27, 1942, and, in accordance with the provisions of section 3 (a) (2) of the Administrative Procedure Act, state the general course and method by which the Corporation's functions with respect to Federal credit unions are channeled and determined, including the nature and requirement of formal or informal procedures available as well as forms and instructions as to the scope and content of papers and reports. This part also includes, by reference, appropriate provisions with respect to rules making, adjudications, and hearings prescribed by law.

Proceedings by the Corporation as used in this part shall have the meaning ascribed to that phrase in § 305.0 of this chapter.

§ 351.1 *Formulation and promulgation of rules and regulations.* The provisions of Part 306 of this chapter shall apply to the formulation and promulgation of rules and regulations regarding Federal credit unions.

§ 351.2 *Applications, requests and submittals*—(a) *Incorporation of Federal credit unions.* The form of organization certificate for use in organizing a Federal credit union (Form No. F. D. I. C. 697a FCU) and instructions for its use may be obtained from the Division of Examination or the appropriate District office. This form must be executed by not less than seven natural persons who propose to organize a Federal credit union to serve a group having a common bond of occupation, or association, or a group within a well-defined neighborhood, community or rural district, and should be filed with the Supervising Examiner of the District in which the principal office of the proposed Federal credit union will be located. A check or money order in the amount of $25.00, payable to Federal Deposit Insurance Corporation, for the investigation fee of $20.00 and charter fee of $5.00, shall be forwarded with said forms. Upon receipt of this form and such additional information as may be required in connection therewith, the Corporation shall cause an investigation to be made as required by section 4 of the Federal Credit Union Act (12 U. S. C. 1754) and the report thereof together with the Suprising Examiner's recommendations as to whether or not the organization certificate should be approved shall be forwarded to the Division of Examination, which shall make its recommendations to the Federal credit union committee. After action by the credit union committee, the recommendatons of the Supervising Examiner, the Division of Examination and the Federal credit union committee shall be placed before the board of directors of the Corporation. The board shall consider the factors enumerated in said section 4 of the Federal Credit Union Act and shall either approve or disapprove the organization certificate. Upon approval the incorporators shall be notified accordingly and one of the duplicate organization certificates filed by the incorporators shall be returned to them duly certified by the Secretary of the Corporation as approved. The organization certificate as approved by the Corporation shall be the charter of the Federal credit union. A copy of the standard form of bylaws will also be transmitted to the incorporators together with the certified organization certificate. If the organization certificate shall be disapproved, the incorporators shall be so notified and informed of the basis for disapproval, and the charter fee of $5.00 shall be returned to the incorporators. There shall be no refund of the investigation fee of $20.00 in any case.

(b) *Other applications.* Except as otherwise provided by rule or regulation, all applications, requests, and submittals regarding Federal credit unions for which no form of application has been prescribed by the Corporation should be (1) in writing; (2) signed by the applicant or his duly authorized agent; and (3) should contain a statement of the applicant's interest therein, a complete and concise statement of the action requested and the reasons and facts relied upon as the basis for such requested action, and should be addressed to the Supervising Examiner for the appropriate District or to the Division of Examination. The applicant shall furnish such other pertinent information as may be required by the Corporation.

Whenever applicable, the forms specified in § 351.3 should be used and the instructions issued with respect thereto should be followed and submission made as therein provided.

(c) *Procedure on applications.* Unless otherwise provided in this subchapter all applications regarding Federal credit union matters (including matters involving Federal credit unions in liquidation) shall be submitted to the board of directors for consideration and action after action by and upon recommendations from the Supervising Examiner for the appropriate District, the Division of Examination and the Federal credit union committee.

(d) *Notice of disposition of application.* The provisions of § 307.11 of this chapter shall apply to grants or denials relating to Federal credit union matters.

§ 351.3 *Forms, instructions, and reports*—(a) *Report of officials for each year.* This report (Form No. FDIC 695 FCU Rev.) must be filed annually by each operating Federal credit union upon call by the Corporation. The report must be filed in quadruplicate with the Supervising Examiner of the District in which the Federal credit union is located. Copies of this form may be obtained from the District office or the Division of Examination.

(b) *Supervisory committee audit report.* This report (Form CU–110) must be made by the supervisory committee of every Federal credit union to its board of directors for each quarter of the year on the last days of March, June, September and December of each year. The supervisory committee must also submit a report on this form for the quarters ending June 30 and December 31 of each year to the Supervising Examiner of the District in which the Federal credit union is located promptly following said dates. Sample copies of this form may be obtained from the District office or the Division of Examination.

(c) *Financial and statistical report.* This report (Form No. FCU 109 Rev.) made as of June 30 of each year, must be filed by every operating Federal credit union, promptly following said date, with the Supervising Examiner of the District in which the Federal credit union is located. The Corporation may require a Federal credit union to file such report more frequently if in the judgment of the board of directors of the Corporation, the condition of the Federal credit union so requires. Sample copies of this form may be obtained from the District office or the Division of Examination. A similar report on Form 1057 made as of December 31 of each year must be filed by every operating Federal credit union, promptly following said date, with the Division of Research and Statistics. Form 1057 is furnished to all such credit unions by, and may be obtained form, that Division.

(d) *Liquidation forms and reports.* The forms relative to liquidation of Federal credit unions and the requirements for filing the same are described in § 351.4.

(e) *Forms and instructions.* The following forms and instructions have been prepared by the Corporation for the use of Federal credit unions and, unless otherwise indicated, may be obtained upon written request by any person properly and directly concerned therewith by addressing such request to the Supervising Examiner of the appropriate District office or the Division of Examination. These forms must be used wherever applicable in complying with the procedure set forth under this subchapter.

(1) *FDIC 697 (a) FCU. Organization Certificate.* At least seven of the organizers of a proposed Federal credit union must execute and sign, under oath, an organization certificate on Form FDIC 697 (a) FCU. The certificate must be executed and signed in duplicate and forwarded to the Supervising Examiner of the District wherein the proposed Federal credit union will be located.

(2) *FDIC 697 (b) FCU. Standard Bylaws.* Every Federal credit union must adopt bylaws in the standard form prescribed for Federal credit unions on Form FDIC 697 (b) FCU. Copies of the bylaws will be furnished to a newly organized Federal credit union when notice of approval of the organization certificate is sent to the Federal credit union by the Corporation.

(3) *FDIC 695 FCU Rev. Report of Officials.* Each operating Federal credit union must submit an annual report of its officials on Form FDIC 695 FCU Rev. which contains the name and title of each officer, director and committee member. The report must be executed in quadruplicate and filed with the Supervising Examiner of the District wherein the Federal credit union is located.

(4) *CU–110. Supervisory Committee Audit Report.* The supervisory committee of each Federal credit union must prepare and submit a report on Form CU–110 to the board of directors of the Federal credit union with respect to its examination of the affairs of the Federal credit union, including audit of its books, for each quarter of a year ending on the last days of March, June, September and December of each year. Sample copies of Form CU–110 may be obtained from the Supervising Examiner of the District wherein the Federal credit union is located or from the Division of Examination. Copies in quantity may be obtained from commercial sources. The supervisory committee must submit a report on the same form for the quarters ending June 30 and December 31 of each year to the Supervising Examiner of the District wherein the Federal credit union is located.

(5) *FCU–109 Rev. Financial and Statistical Report.* Each operating Federal credit union must file a Financial and Statistical Report as of the close of business on June 30 of each year, or more frequently if requested, on Form FCU 109 Rev., with the Supervising Examiner of the District wherein the Federal credit union is located. Sample copies of Form FCU 109 Rev. may be obtained from the Supervising Examiner of the District wherein the Federal credit union is located or from the Division of Examination. Copies in quantity may be obtained from commercial sources. The report is in the form of a standard statement of Assets and Liabilities and a

standard profit and loss statement. When special circumstances so require additional detail information with respect to specific asset, liability, profit or loss items may be required. The report must be signed and certified as correct by the Treasurer of the reporting Federal credit union. The same report as of the close of business of the last day of each month must be posted in a conspicuous place in each Federal credit union office within seven days after the close of each month.

(6) *FDIC–1057 FCU. Financial and Statistical Report.* Each operating Federal credit union must file a Financial and Statistical Report as of the close of business on December 31 of each year on Form FDIC 1507 FCU which is substantially the same as Form FCU 109 Rev. The Report properly executed and certified as correct by the Treasurer of the reporting Federal credit union, must be forwarded to the Division of Research and Statistics.

(7) *FDIC 952 FCU. Liquidation Request.* Each Federal credit union contemplating dissolution must forward a liquidation request on Form FDIC 952 FCU to the Supervising Examiner of the District wherein the Federal credit union is located whenever it is impossible to obtain a meeting of members at which two-thirds will be present. The request must be signed by at least two-thirds of the members.

(8) *FDIC 952 (a) FCU. Shares and Loan Balances at the Commencement of Voluntary Liquidation.* At the commencement of voluntary liquidation of a Federal credit union the officer or agent conducting the liquidation must file with the Supervising Examiner of the District wherein the Federal credit union is located a schedule of the shares held by members and loans outstanding on Form FDIC 952 (a) FCU.

(9) *(No Number Assigned). Notice to Members and Share and Loan Confirmation.* At the commencement of voluntary liquidation of a Federal credit union a notice of the liquidation must be given to each member together with a request that the member confirm in writing the (1) shares held by him in the Federal credit union and (2) the loans owed by him to the Federal credit union on the standard form prescribed for that purpose for Federal credit unions.

(10) *(No Number Assigned). Request for Final Examination and Distribution of Assets.* When the liquidation of a Federal credit union in voluntary liquidation has proceeded to the point where a final distribution of its assets may be made, the officer or agent conducting the liquidation must submit a request to the Supervising Examiner of the District wherein the Federal credit union is located for a final examination and distribution of assets on the standard form prescribed for that purpose for Federal credit unions. The application must be accompanied by Forms FDIC 952 (b) FCU, FDIC 952 (c) FCU, FCU 108, and a Form FCU 109 Rev. prepared after the Federal credit union's books are closed and prior to final distribution of its assets.

(11) *FDIC 952 (b) FCU. Proposed Distribution to Shareholders.* A Federal credit union in voluntary liquidation must submit a Form FDIC 952 (b) FCU showing the share balances of members at the commencement of liquidation, each member's pro rata share of profit or loss and the amount proposed to be distributed to each member in the final distribution of the Federal credit union's assets. Such Forms must be submitted to the Supervising Examiner of the District wherein the Federal credit union is located at the time it submits its application for final examination and final distribution of assets.

(12) *FDIC 952 (c) FCU. Loan Collections During Liquidation.* A Federal credit union in voluntary liquidation must submit a Form FDIC 952 (c) FCU showing the unpaid loan balances due from members at the commencement of liquidation, the amount paid thereon during liquidation, the amount of shares applied to bad loans and the amount of bad loans charged against reserve accounts. Such forms must be submitted to the Supervising Examiner of the District wherein the Federal credit union is located at the same time it submits its application for final examinations and final distribution of assets.

(13) *FCU–108. Bank Reconciliation.* A Federal credit union in voluntary liquidation must submit a bank reconciliation on Form FCU–108 showing that the cash on the Federal credit union's bank account statement is in agreement with the cash as shown on its books after proper adjustments. Such forms must be submitted to the Supervising Examiner of the District wherein the Federal credit union is located at the same time it submits its application for final liquidation and final distribution of assets.

(14) *FDIC 952, FCU. Certificate of Dissolution.* After the final examination of a Federal credit union in voluntary liquidation and a final distribution of its assets to members have been made, the officer or agent conducting the liquidation must sign, under oath, a Certificate on Form FDIC 952 D FCU that all of the liabilities of the Federal credit union have been paid and that its assets have been equitably distributed to its members. Such certificates must be submitted to the Supervising Examiner of the District wherein the Federal credit union is located as part of the final report of liquidation.

FDIC 952(e) FCU. Federal Deposit Insurance Corporation as Trustee for Unpaid Claims. After the final distribution of the assets of a Federal credit union in voluntary liquidation to members of the officer or agent conducting the liquidation must submit a list of unpaid claims against the credit union to the Federal Deposit Insurance Corporation on Form 952(e) FCU showing the name of the member of other creditor, the original amount of the claim, additions thereto or deductions therefrom, the unpaid balance and the last known address of the member or creditor. Such forms together with a check or money order payable to "Federal Deposit Insurance Corporation, Trustee" for such unpaid claims and the signature cards of members who have not received payment must be submitted to the Supervising Examiner of the District wherein the Federal credit union is located.

§ 351.4 *Liquidation of Federal credit unions*—(a) *Voluntary liquidation*—(1) *Approval of members.* Any Federal credit union may go into voluntary liquidation upon approval of two-thirds of its members in writing or by vote at a regular meeting of members or a special meeting called for that purpose. Where authorization for liquidation is to be obtained at a meeting of members, notice in writing shall be given to each member at least seven days before such meeting and promptly after said meeting a copy of the notice shall be forwarded to the appropriate District office of the Corporation together with a transcript of the minutes of the meeting duly certified by an officer or director of the Federal credit union and a letter stating the reasons for liquidation. If voluntary liquidation is authorized by members in writing two-thirds of the members must execute a Liquidation Request (Form FDIC 952 FCU) and an officer or director of the Federal credit union shall certify to the Supervising Examiner of the appropriate District office of the Corporation that at least two-thirds of the members have executed said Liquidation Request and shall forward such signed request to said District office.

(2) *Effective date of liquidation.* Upon approval of two-thirds of its members and the furnishing of the papers and information to the District office of the Corporation hereinabove required, a Federal credit union shall be deemed to be in voluntary liquidation effective as of the date of transmittal of the minutes of members' meeting or the written request to the said District office of the Corporation and the members of the board of directors of the Federal credit union shall thereupon become trustees for the purpose of liquidation, and through such persons as they may designate, shall proceed to convert its assets to cash, collect obligations owing to it, and wind up its affairs.

(3) *Withdrawal of shares and making of loans prohibited during liquidation.* Immediately upon decision by the board of directors of a Federal credit union to seek approval of members for liquidation, withdrawals of shares and granting of loans shall be suspended pending action by members on the proposal to liquidate, and, upon approval by members of such proposal, withdrawals of shares and the making of loans shall be permanently discontinued.

(4) *Notice to creditors and members.* Upon approval of two-thirds of the members of a Federal credit union of a proposal to liquidate, the board of directors of the Federal credit union shall immediately cause to be prepared and mailed to all creditors a notice to present claims within ninety days. Notice shall also be forwarded to each member informing him that the credit union is in liquidation, advising him as to the amount of his share and loan balances as shown on the

books of the credit union, and requesting submission of his passbook for confirmation of share and loan balances. A form of notice to members and request for share and loan confirmation has been prepared for use by Federal credit unions. (See § 351.3 (e) of this part).

(5) *Financial and statistical reports.* As of the day voluntary liquidation of a Federal credit union becomes effective, its board of directors shall cause its books to be closed in a manner similar to the procedure used in closing books at the end of the year and shall cause a financial and statistical report (Form F. D. I. C. 109 Rev.) to be prepared and forwarded to the appropriate District office of the Corporation, and thereafter such reports shall be forwarded monthly to the said District office within ten days after the close of each month.

(6) *Final examination, distribution and reports.* A Federal credit union in voluntary liquidation shall not make any distribution of funds to members until after final examination has been made by the Corporation and the proposed distribution to members has been approved by the examiner for the Corporation who shall make the final examination. After all assets of the Federal credit union in voluntary liquidation have been converted to cash or found to be worthless and all loans and debts owing to it have been collected or found to be uncollectible, the Federal credit union may file with the appropriate District office of the Corporation a request for final examination and for approval of proposed distribution to members using the form entitled "Request for Final Examination". (See § 351.3 (e).) There shall be forwarded to the said District office together with said Request for Final Examination the following information and forms:

(i) Financial and statistical report after the books are closed prior to final distribution (Form FCU 109 Rev.);

(ii) Schedule of proposed distribution to members (Form FDIC 952b-FCU);

(iii) List of members having loans at the commencement of liquidation showing the amount collected from each and in addition if the loan has been charged off, the amount charged to reserve for bad loans (Form FDIC 952c-FCU);

(iv) Schedule showing in detail the assets which have been disposed of for cash (No special form required);

(v) Bank reconciliation showing that the cash on the credit union's bank account statement is in agreement with the cash as shown on its books after proper adjustments (Form FCU 108);

(vi) Statement indicating the number of passbooks or signed confirmations that have been submitted by the members and are in possession of the Federal credit union. The statement should also indicate where the records are located in order that the examiner may make the final examination. (No special form required.)

As soon as possible after receipt of said request, the Supervising Examiner shall detail a Federal credit union examiner to make said final examination. When the final examination has been completed and the examiner has found that the books and records are in satisfactory order and that the final dividend proposed to be paid by the Federal credit union has been properly computed, a check in payment of the examination fee as computed and billed by the examiner shall be drawn by the Federal credit union payable to "Federal Deposit Insurance Corporation" and delivered to the examiner. Checks shall then be drawn for the amounts to be distributed to each member who has submitted a passbook or a confirmation of his balance and entries shall be made in the members' passbooks on hand to reflect the dividend paid on members' shares. The members' passbooks shall be retained with the books and records of the Federal credit union.

A schedule shall be prepared by the Federal credit union showing the name of each member who has not submitted his passbook or a confirmation in support of his claim. This schedule should contain, in addition to the name, the total original amount of each claim, any additions to or deductions from this amount and the final balance which has not been paid. The original membership application (signature card) of each member listed on said schedule shall be attached thereto. A certified check payable to "Federal Deposit Insurance Corporation, Trustee" in an amount equal to the total of the dividends on the claims listed on said schedule shall be drawn by the Federal credit union and the schedule and check shall be delivered to the examiner for Federal Deposit Insurance Corporation upon completion of the examination. The Corporation will hold said funds as trustee for the individuals named on said schedule. Such individuals or any person claiming on their behalf may submit their claim for such funds to the Fiscal Agent. The charter of the Federal credit union, its bylaws and permit to operate shall also be delivered to said examiner upon completion of the examination. Within sixty days after final distribution has been approved by the examiner the Federal credit union shall complete and forward to the appropriate District office the following papers:

(i) Properly executed Certificate of Dissolution Form FDIC 952D-FCU);

(ii) All cancelled checks which have cleared through the bank since final examination;

(iii) A schedule listing all checks which have not cleared the bank within said sixty day period showing the name of the member or creditor to whom the check was issued and the amount of each check, and a certified check drawn by the Federal credit union in the total amount of all checks listed on the schedule, made payable to "Federal Deposit Insurance Corporation, Trustee". These funds shall be held by the Corporation as trustee for the individuals listed on such schedule.

(iv) All books and records of the credit union not previously surrendered to the examiner.

Further detailed instructions, information, and assistance pertaining to voluntary liquidations may be obtained from the appropriate District office of the Corporation.

(b) *Involuntary liquidation; basis for action.* The Corporation may suspend or revoke the charter of any Federal credit union, or place the same in involuntary liquidation and appoint a liquidating agent therefor upon the finding by the board of directors of the Corporation that the organization is bankrupt or insolvent or has violated any provisions of its charter, its bylaws, the Federal Credit Union Act, or of any regulations issued under authority of said Act.

(1) *Notice of intention to suspend charter.* In any case where the board of directors of the Corporation snall make any of the findings set forth in § 351.4 (b) of this part as to any Federal credit union, it may order that a Notice of Intention to Suspend Charter be served upon said Federal credit union, and that said Federal credit union show cause why its charter should not be suspended. Forthwith upon the issuance of said order, the said Federal credit union shall be notified thereof by mail and furnished with a certified copy of the order and a statement of the findings on which it is based, and, within the period of time specified in said order, the Federal credit union shall show cause why its charter should not be suspended. The order to show cause shall be returnable at the District office of the Corporation for the District in which the Federal credit union is located. No hearings shall be held on such orders but the Federal credit union may forward a statement in writing to the appropriate District office setting forth reasons why its charter should not be suspended, accompanied by a certified copy of a resolution of the board of directors of the Federal credit union authorizing the forwarding of the statement. If no statement is received within the period of time specified in the order, or if the proffered reasons why the charter should not be suspended are deemed insufficient, the board of directors of the Corporation may order that the charter be suspended and that the Federal credit union be ordered to show cause why it should not be placed in involuntary liquidation.

(2) *Suspension of charter, show cause order for involuntary liquidation.* After notice of intention to suspend charter and order to show cause why its charter should not be suspended have been served upon a Federal credit union and it shall fail to file the required statement within the period specified in said order, or the proffered reasons why its charter should not be suspended are deemed insufficient, or if the board of directors of the Corporation shall make any of the findings described in § 351.4 (b), the board of directors of the Corporation may order the suspension of the charter of said Federal credit union and order it to show cause why it should not be placed in involuntary liquidation. Forthwith upon the issuance of said order, the said Federal credit union shall be notified by mail thereof and furnished with a certified copy of the order, and a statement of the findings on which it is based. The order to show cause shall be returnable at the District office of the Corporation for the District in which the Federal

credit union is located. No hearings shall be held on said show cause order, but the Federal credit union may show cause why it should not be placed in involuntary liquidation in the same manner, at the same place, and within the same period of time specified in § 351.4 (b) (1). If no statement is received within the specified time limit, or if the proffered reasons why it should not be placed in involuntary liquidation are not deemed sufficient, the board of directors of the Corporation may order liquidation of the said Federal credit union and appoint a liquidating agent therefor.

(3) *Involuntary liquidation and appointment of liquidating agent.* After order suspending charter of a Federal credit union and ordering it to show cause why it should not be placed in liquidation has been served upon a Federal credit union and it shall fail to file the required statement within the period of time specified in said order or the proffered reasons why it should not be placed in liquidation are deemed insufficient, or if the board of directors of the Corporation shall make any of the findings described in the first sentence of § 351.4 (b), the board of directors of the Corporation may order that a Federal credit union be placed in involuntary liquidation and may appoint a liquidating agent therefor. Forthwith upon the issuance of said order and the appointment of a liquidating agent for a Federal credit union pursuant thereto, a certified copy of the said order shall be served upon the Federal credit union together with a statement of the findings on which said order is based. Upon receipt of said order the officers and directors of the said Federal credit union shall deliver to the said liquidating agent possession and control of all books, records, assets and property of every description of the Federal credit union and said liquidating agent shall proceed to convert said assets to cash, collect all debts due to said Federal credit union and to wind up its affairs in accordance with the provisions of Section 16 of the Federal Credit Union Act, as amended, (12 U. S. C. 1766) and the instructions and procedures issued to said liquidating agent by the District office of the Corporation for the District in which the Federal credit union in liquidation is located.

(4) *Immediate suspension or liquidation.* In any case where the board of directors of the Corporation shall find that a Federal credit union is insolvent and the interests of its members require immediate action or that the issuance of orders to show cause provided for in §§ 351.4 (b) (1) and 351.4 (b) (2) will not serve any purpose, the board of directors of the Corporation may order suspension of the charter of a Federal credit union or may order involuntary liquidation of a Federal credit union and appoint a liquidating agent therefor without advance notice to the Federal credit union and without the prior issuance of the orders to show cause provided for in §§ 351.4 (b) (1) and 351.4 (b) (2).

[F. R. Doc. 46-15709; Filed, Aug. 30, 1946; 5:08 p. m.]

FEDERAL LOAN AGENCY

RECONSTRUCTION FINANCE CORPORATION

[13 CFR, Ch. I]

PART 01—ORGANIZATION

SUBPART A—CENTRAL ORGANIZATION

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SUBPART A—CENTRAL ORGANIZATION

§ 01.1 *In general.* The Reconstruction Finance Corporation was created as a body corporate by the Reconstruction Finance Corporation Act approved January 22, 1932 (47 Stat. 5; 15 U. S. C. 601 et seq.) and has its principal office at Washington, D. C.

§ 01.2 *Board of Directors.* The management of the Reconstruction Finance Corporation is vested pursuant to the provisions of the Reconstruction Finance Corporation Act, as amended, in a Board of Directors, consisting of five members, appointed by the President by and with the advice and consent of the Senate.

§ 01.3 *Executive Committee.* The Executive Committee of the Reconstruction Finance Corporation consists of the Chairman and two other members of its Board of Directors.

§ 01.4 *Divisions.* The principal Divisions of the Reconstruction Finance Corporation are as follows: Secretary's Office, Examining Division, Auditing Division, Self-Liquidating Division, Office of the Comptroller, Office of the Budget Director, Statistical and Economic Division, Division of Information, Railroad Division, Division of Personnel, Legal Division, Small Business Division, the Treasurer's Office, and the Agency Division.

§ 01.5 *Offices*—(a) *In general.* There are established in the Reconstruction Finance Corporation the Office of Metals Reserve, Office of Defense Plants, Office of Rubber Reserve, Office of Defense Supplies, and the Disaster Loan Section, which offices were separate corporations prior to the Joint Resolution approved June 30, 1945 which transferred the functions of Metals Reserve Company, Defense Plants Corporation, Rubber Reserve Company, Defense Supplies Corporation, and Disaster Loan Corporation to the Reconstruction Finance Corporation.

(b) *Office of Metals Reserve.* The Office of Metals Reserve of the Reconstruction Finance Corporation performs functions which were originally performed by Metals Reserve Company, a former subsidiary of the Reconstruction Finance Corporation which was created on June 28, 1940 under authority of section 5d of the Reconstruction Finance Corporation Act, as amended, with its principal office located in Washington, D. C. The Office of Metals Reserve is engaged principally in the production, acquisition, carrying, selling and otherwise dealing in strategic and critical materials, particularly metals and minerals. In the acquisition and distribution of these materials to manufacturers the Office of Metals Reserve works in cooperation with such other Agencies as Civilian Production Administration and the Office of Price Administration.

(c) *Office of Defense Plants.* The Office of Defense Plants performs functions which were originally performed by the Defense Plant Corporation, a former subsidiary of the Reconstruction Finance Corporation which was created on August 2, 1940 under authority of section 5d of the Reconstruction Finance Corporation Act. The Office of Defense Plants is engaged in the establishment of facilities for the production and transportation of materials and supplies, the acquisition of critical items and the operation of facilities constructed by the Office of Defense Plants. The Office of Defense Plants is now engaged in the continuance, in accordance with section 5d of the Reconstruction Finance Corporation Act and the War Mobilization Act of such operations and activities as are deemed essential by Agencies of the Government which had recommended the established programs and by the Office of War Mobilization and Reconversion. In addition to such continuing projects, Office of Defense Plants is engaged in the liquidation and disposition of RFC properties, particularly in relation to clearance of Government property from privately owned and Government owned plants; placing of plants in shut-down or stand-by condition and the protection and maintenance thereof; settlement of termination claims in accordance with the Contract Settlement Act; disposition of property in accordance with contractual operations and in accordance with the provisions of the Surplus Property Act; settlement of the accountability of contractors to whom facilities have been made available; activities necessary for the protection of the Government's investment in Reconstruction Finance Corporation owned properties and declaration of excess property as surplus in accordance with the Surplus Property Act.

(d) *Office of Rubber Reserve.* The Office of Rubber Reserve of Reconstruction Finance Corporation performs functions which were originally performed by Rubber Reserve Company, a former subsidiary of Reconstruction Finance Corporation, which was created on June 28, 1940 under authority of section 5d of the Reconstruction Finance Corporation Act, with its principal office located in Washington, D. C. The Office of Rubber Reserve is engaged in the importation of all natural rubber purchased abroad for consignment to this country; the production of various types of synthetic rubber in government-owned plants which are operated for its account; and in the warehousing and distribution of all natural rubber which it purchases and of all synthetic rubber which it produces.

(e) *Office of Defense Supplies.* The Office of Defense Supplies performs func-

tions which were originally performed by Defense Supplies Corporation a former subsidiary of the Reconstruction Finance Corporation which was created on August 29, 1940 under authority of section 5d of the Reconstruction Finance Corporation Act with its principal office located in Washington, D. C. The business of the Office of Defense Supplies includes the production and acquisition for sale under Government allocation and for storage and stock-pile purposes of strategic and crtical materials necessary in connection with reconversion. The Office of Defense Supplies is also charged with the payment of subsidies on meat, petroleum, coal and other commodities and is engaged in premium payments to producers of building materials and the guarantee of markets for prefabricated houses in connection with the Veterans' Housing Program. In carrying out of the afore-mentioned programs close cooperation is maintained with the Office of War Mobilization and Reconversion, Civilian Production Administration, Office of Price Administration and National Housing Administration.

(f) *Disaster Loan Section.* The Disaster Loan Section of the Reconstruction Finance Corporation performs functions which were originally performed by the Disaster Loan Corporation, a corporation created by an Act of Congress approved February 11, 1937, with its principal office located in Washington, D. C. The Disaster Loan Section, upon such terms and conditions and in such manner as may be prescribed by the Reconstruction Finance Corporation, makes such loans as the Reconstruction Finance Corporation may determine to be necessary or appropriate because of floods or other catastrophes occurring during the period between January 1, 1936 and June 30, 1947.

§ 01.6 *Affiliated organizations*—(a) *Rubber Development Corporation.* Rubber Development Corporation is a Corporation organized and existing under the laws of the State of Delaware, with its principal office located at 811 Vermont Avenue, N. W., Washington 25, D. C. All of its capital stock is owned by Reconstruction Finance Corporation which by Executive Order 9630, dated September 27, 1945, has supervisory control over it. Rubber Development Corporation is engaged in carrying on all activities connected with, arising out of, or in any way related to the exploration, development, and procurement of crude rubber, balata, cryptostegia, guayule, and other gums of similar utility in all areas outside the continental United States for which the United States has assumed responsibility. It is also engaged in the procurement of liquid latex, scrap rubber, and reclaimed rubber and rubber products in foreign countries.

(b) *U. S. Commercial Company.* The U. S. Commercial Company was created March 27, 1942, by the Reconstruction Finance Corporation pursuant to section 5d of the Reconstruction Finance Corporation Act as amended. During the period July 15, 1943 to October 20, 1945, control of the U. S. Commercial Company was vested in the Foreign Economic Administration. Pursuant to Executive Order 9630 the U. S. Commercial Company was returned to Reconstruction Finance Corporation on October 21, 1945 with its principal office located at 811 Vermont Avenue, N. W., Washington 25, D. C. The activities of the Company include facilitating the resumption of American trade with areas with which direct commercial dealings have been cut off or restricted by reason of the war and the operation of certain special projects for the Army, the Navy, the Department of State and other sponsoring agencies in liberated and occupied area.

(c) *Federal National Mortgage Association.* The Federal National Mortgage Association (formerly the National Mortgage Association of Washington) was organized pursuant to the provisions of Title III of the National Housing Act, as amended. The capital stock of the Association is owned by the Reconstruction Finance Corporation. The Association is staffed by Reconstruction Finance Corporation employees and functions through a principal office in Washington with agents stationed in the various Loan Agencies of the RFC. The principal objectives of the Association are (a) to establish a market for first mortgages, insured under Title II of the National Housing Act, as amended, covering properties upon which are located newly constructed houses on housing projects; (b) to facilitate the construction and financing of economically sound rental housing projects, apartment buildings which may be operated at a moderate scale of rentals, and groups of houses or multi-family dwellings for rent or sale, by making loans secured by first mortgages, covering such projects, apartment buildings, or groups of houses or multi-family dwellings; (c) to make available to individual and institutional investors, rates, bonds, or other such obligations issued by the Association pursuant to the provisions of section 302 of title III of the act and the regulations of the Federal Housing Administration. The Association is managed by a Board of Directors.

(d) *The RFC Mortgage Company.* The RFC Mortgage Company was organized under the laws of Maryland on March 14, 1935, to aid in the (a) maintenance of a market for sound mortgages on urban income-producing properties when credit is not otherwise available at reasonable rates and terms, and (b) maintenance of a market for mortgages insured under titles I and II of the National Housing Act, as amended; and to facilitate the construction of war housing by the purchase of mortgages insured under title VI of the National Housing Act, as amended; and by making loans secured by mortgages insured under section 608 of title IV of said act, as amended; also assists in the establishment of a market for veterans' home loans guaranteed or insured by the Veterans' Administration under title II of the Servicemen's Readjustment Act of 1944, as amended, by purchasing such loans from originating institutions.

(e) *RFC Price Adjustment Board.* Information regarding the organization of the RFC Price Adjustment Board is set forth in 32 CFR 822.6.

SUBPART B—FIELD ORGANIZATION

§ 01.7 *Loan agencies and special representatives.* The Reconstruction Finance Corporation maintains Loan Agencies located in the following cities:

Loan agency and address

Atlanta, Ga.: Healey Building, Atlanta 3, Ga.

Birmingham, Ala.: Comer Building, Birmingham 3, Ala.

Boston, Mass.: 10 Post Office Square, Boston 9, Mass.

Charlotte, N. C.: 317 South Tryon Street, Charlotte 2, N. C.

Chicago, Ill.: 208 South LaSalle Street, Chicago 4, Ill.

Cleveland, Ohio: Federal Reserve Bank Building, Cleveland 1, Ohio.

Dallas, Tex.: Cotton Exchange Building, Dallas 1, Tex.

Denver, Colo.: 618 Railway Exchange Building, 17th and Champa Streets, Denver 2, Colo.

Detroit, Mich.: 800 Griswold Building, 1214 Griswold Street, Detroit 26, Mich.

Helena, Mont.: Power Block, P. O. Box 177, Helena, Mont.

Houston, Tex.: Rusk Building, 723 Main Street, Houston 2, Tex.

Jacksonville, Fla.: Western Union Building, Jacksonville 2, Fla.

Kansas City, Mo.: Federal Reserve Bank Building, Kansas City 6, Mo.

Little Rock, Ark.: Pyramid Building, Little Rock, Ark.

Los Angeles, Calif.: Pacific Mutual Building, Los Angeles 14, Calif.

Louisville, Ky.: Hoffman Building, 139 South Fourth Street, Louisville 2, Ky.

Minneapolis, Minn.: Metropolitan Life Building, 125 South Third Street, Minneapolis 1, Minn.

Nashville, Tenn.: Nashville Trust Building, 323 Union Street, Nashville 3, Tenn.

New Orleans, La.: Richards Building, 837 Cravier Street, New Orleans 12, La.

New York, N. Y.: 44 Pine Street, New York 5, N. Y.

Oklahoma City, Okla.: Leonhardt Building, 2nd and Harvey Streets, Oklahoma City 2, Okla.

Omaha, Nebr.: Woodmen of the World Building, Omaha 2, Nebr.

Philadelphia, Pa.: Lincoln-Liberty Building, Philadelphia 7, Pa.

Portland, Oreg.: Pittock Block, Portland 5, Oreg.

Richmond, Va.: Mutual Assurance Society Building, 909 East Main Street, Richmond 19, Va.

St. Louis, Mo.: Victoria Building, 407 North Eighth Street, St. Louis 1, Mo.

Salt Lake City, Utah: Dooly Building, Salt Lake City 1, Utah.

San Antonio, Tex.: Transit Tower, San Antonio 5, Tex.

San Francisco, Calif.: 130 Sutter Street, San Francisco 4, Calif.

Seattle, Wash.: 210 Central Building, 810 Third Avenue, Seattle 4, Wash.

Spokane, Wash.: Columbia Building, Spokane 8, Wash.

The territory of Alaska is served by the Seattle Loan Agency and the Reconstruction Finance Corporation has Special Representatives at the following locations:

Honolulu: Dillingham Building, P. O. Box 3049, Honolulu, T. H.

San Juan: Banco Popular Building, P. O. Box 4512, San Juan 22, P. R.

PART 02—PROCEDURES

Sec.

02.1 Loans to business enterprises.
02.2 Loans to banks and other financial institutions.

Sec.
02.3 Loans to railroads and railroad receivers.
02.4 Banks and trust companies; subscriptions for and loans secured by preferred stock, purchase of capital notes and debentures.
02.5 Loans for agricultural land improvements under Emergency Farm Mortgage Act, 1933.
02.6 Loans to incorporated managing agencies of farmers' cooperative mineral rights pools.
02.7 Loans to fishing industry.
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02.9 Mining loans.
02.10 Defense mining loans.
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02.12 Loans on and purchases of rationed articles and commodities.
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02.14 Small business loans.
02.15 Contract settlements.
02.16 Office of Metals Reserve.
02.17 Office of Defense Plants.
02.18 Office of Rubber Reserve.
02.19 Office of Defense Supplies.
02.20 Disaster Loan Section.
02.21 U. S. Commercial Company.
02.22 Federal National Mortgage Association.
02.23 The RFC Mortgage Company.
02.24 Rubber Development Corporation.
02.25 RFC Price Adjustment Board.

§ 02.1 *Loans to business enterprises*—(a) *Statutory authority.* The authority of Reconstruction Finance Corporation to make, and cooperate with banks or other lending institutions (hereinafter collectively called "banks") in the making of, loans to business enterprises is contained in section 5d of the RFC Act, as amended, and pursuant to the transfer or authority effected by Executive Order 9665, dated December 27, 1945, in section 4 (f) of the SWPC Act of June 11, 1942 (Pub. Law 603, 77th Cong.). Other statutory provisions bearing on such lending authority are found in section 16 (a), (b), and (e) of the RFC Act, as amended, and section 4 of the Act approved June 10, 1933. Pursuant to, and in compliance with such statutory provisions, the Reconstruction Finance Corporation will:

(b) *Direct loans.* Make a direct loan to a business enterprise on application of such business enterprise to the appropriate Reconstruction Finance Corporation Loan Agency.

(c) *Participation loans—administered by RFC.* Authorize the execution of an agreement to sell to a bank a specified participation of a loan to be made by Reconstruction Finance Corporation to a business enterprise on application of the bank to the appropriate Reconstruction Finance Corporation Loan Agency. The business enterprise seeking such loan must make application therefor to the interested bank.

(d) *Participation loans made and administered by banks.* Authorize the purchase of a specified participation, or the execution of an agreement to purchase a specified participation, in a loan to be made by a bank to a business enterprise, on application of the bank to the appropriate Reconstruction Finance Corporation Loan Agency. The business enterprise seeking such loan must apply therefor to the interested bank.

(e) *Blanket participations.* Enter into a Blanket Participation Agreement (under which Reconstruction Finance Corporation agrees to purchase a participation of 75%, or such lesser percentage as may be requested by bank, of each loan approved by bank thereunder) with a bank approved by the Reconstruction Finance Corporation Directors, which bank, after the execution of such Agreement, can make loans to business enterprises of not in excess of $350,000 to any one business enterprise, upon such terms and conditions and for such purposes as the bank may prescribe, provided that all applicable statutory conditions and the provisions of such Agreement, are complied with.

(f) *Terms and conditions.* All loans, participations or agreements to participate, except those referred to in paragraph (e) of this section, are made on such terms and conditions and for such purposes as are satisfactory to Reconstruction Finance Corporation.

(g) *Additional information.* Specific information may be found in Reconstruction Finance Corporation Circuluar No. 15 (Revised), dated January 1942; Reconstruction Finance Corporation Circuar No. 25, dated March 1945; and Reconstruction Finance Corporation Circular No. 13 (Revised), dated May 1946, copies of which Circulars may be obtained from the Reconstruction Finance Corporation Loan Agencies. Further information, if desired, may be procured by direct consultation with members of the Reconstruction Finance Corporation Loan Agencies.

§ 02.2 *Loans to banks and other financial institutions.* Procedures in connection with loans to banks and other financial institutions are set forth in 13 CFR 1.1 et seq.

§ 02.3 *Loans to railroads and railroad receivers.* Procedures in connection with loans to railroads and railroad receivers are set forth in 13 CFR 2.1 et seq., subject to the following modification:

(a) The address of "1825 H Street NW., Washington, D. C." referred to in Section 2.3 should be changed to read "811 Vermont Avenue NW., Washington 25, D. C."

§ 02.4 *Banks and trust companies; subscriptions for and loans secured by preferred stock, purchase of capital notes and debentures.* The procedures for subscriptions for and loans secured by preferred stock, purchase of capital notes and debentures of banks and trust companies are set forth in 13 CFR 6.1 et seq., subject to the following modification:

(a) Paragraph (b) of § 6.2 is amended to read as follows:

"The terms of the articles of association or incorporation of the bank or trust company governing its preferred stock, capital notes, or debentures, and the terms of the capital notes or debentures must comply substantially with standard forms prepared by the Corporation. The following forms have been prepared to cover provisions of articles of association or incorporation authorizing the issue of the following mentioned securities: (1) One class of preferred stock—RFC Form P. S. 1–A (Revised 10–15–34); (2) two classes of preferred stock—RFC Form P. S. 3 (Revised 10–15–34); (3) RFC Form P. S. 2 (Revised (10–15–34) has been prepared to cover the actual provisions of debentures."

§ 02.5 *Loans for agricultural land improvements under Emergency Farm Mortgage Act, 1933.* The procedures in connection with loans for agricultural land improvements under the Emergency Farm Mortgage Act, 1933, are set forth in 13 CFR 7.1 et seq., subject to the following modifications.

(a) Under § 7.11 applications should be sent to 811 Vermont Avenue NW., Washington 25, D. C., and three complete signed copies of each application will be required rather than five as heretofore set forth.

(b) Under § 7.13 the year "1938" should be substituted for the years designated in paragraph (d) subparagraphs (5) and (6); paragraph (h) and paragraph (n) subparagraph (1); paragraph (n) subparagraph (3); paragraph (o) subparagraph (5); and paragraph (p) subparagraph (4) (iv) and (v).

(c) Section 7.14 paragraph (e) should be amended to read as follows:

Quotations or sale prices applying to obligations of the applicant, local or otherwise, beginning with 1928, and each year thereafter, stating sources of quotations and sale prices, if available.

(d) Schedule A under § 7.17 should be amended by substituting the years 1939 and 1940 for the years 1929 and 1930, respectively.

(e) Schedule C contained in § 7.17 is amended by substituting for the years 1928 to 1934 the years 1938 to 1946.

§ 02.6 *Loans to incorporated managing agencies of farmers' cooperative mineral rights pools.* The procedures in connection with loans to incorporated managing agencies of Farmers' Cooperative Mineral Rights Pools are set forth in 13 CFR 16.1 et seq.

§ 02.7 *Loans to fishing industry.* Procedures relating to loans to fishing industries are set forth in 13 CFR 17.1 et seq.

§ 02.8 *Refinancing of indebtedness incurred in connection with public schools.* The procedures for refinancing of indebtedness incurred in connection with public schools are set forth in 13 CFR 20.1 et seq., subject to the following modifications:

(a) The address of the Reconstruction Finance Corporation referred to in § 20.17 should be amended to read "811 Vermont Avenue NW., Washington 25, D. C."; further, three complete signed copies of an application should be submitted rather than six as required heretofore.

(b) In § 20.18 (h) the years 1938 through 1946 should be substituted for the years 1928 through 1935.

(c) In § 20.18 (k) (7) quotations on sale prices should be presented, beginning with 1928, and for each year thereafter.

(d) In Schedule B contained in § 20.20 there should be substituted for the years 1928 through 1935 the years 1938 through 1946.

(e) In Schedule B-1 contained in § 20.20 there should be substituted for the years 1928 through 1934 the years 1938 through 1946.

§ 02.9 *Mining loans*—(a) *In General*—(1) *Statutory provisions.* The Recon-

struction Finance Corporation is authorized to make mining loans under the provisions of section 14, of the act approved June 19, 1934, as amended, Public, No. 784, 76th Congress (54 Stat. Chap. 721, p. 897), which section provides:

The Reconstruction Finance Corporation is authorized and empowered to make loans upon sufficient security to recognized and established corporations, individuals, and partnerships engaged in the business of mining, milling, or smelting ores. The Reconstruction Finance Corporation is authorized and empowered also to make loans to corporations, individuals, and partnerships engaged in the development of a quartz ledge, or vein, or other ore body, or placer deposit, containing gold, silver, or tin, or gold and silver, or any strategic or critical mineral which in the opinion of the Reconstruction Finance Corporation would be of value to the United States in time of war, when, in the opinion of the Reconstruction Finance Corporation, there is sufficient reason to believe that, through the use of such loan in the development of a lode, ledge, or vein, or mineral deposit, or placer gravel deposit, there will be developed a sufficient quantity of ore, or placer deposits of a sufficient value to pay a profit upon mining operations: *Provided*, That not to exceed $20,000 shall be loaned to any corporation, individual, or partnership for such development purposes; except that not in excess of $40,000 in the aggregate may be loaned to any corporation, individual, or partnership for such purposes; if such corporation, individual, or partnership has expended funds previously obtained from the Reconstruction Finance Corporation for such purposes in such manner as to justify an additional loan for such purposes: *Provided further*, That there shall not be allocated or made available for such development loans a sum in excess of $10,000,000.

(2) *Applications.* Application forms may be secured from any Loan Agency or Mining Section Field Office,[1] or by writing to Reconstruction Finance Corporation, 811 Vermont Avenue NW., Washington 25, D. C. Applications are not prepared by the Corporation or its representatives, but advice and information will be given upon request. Applications should be filed in duplicate with the nearest Loan Agency or Mining Section Field Office or may be mailed to Reconstruction Finance Corporation, 811 Vermont Avenue NW., Washington 25, D. C.

(3) *Additional information.* Specific information as to mining loans may be found in Reconstruction Finance Corporation Circular No. 14 (Revised), dated December 1944.

(b) *General mining loans*—(1) *Purposes.* Applications will be considered only in connection with the business of mining, milling, or smelting a native compound from which a metal or metals may be commercially extracted at a profit. Loans may be made for the construction, improvement, or repair of mills, smelters, refineries, dredges, etc., purchase of equipment, etc., and to provide working capital. Loans will not be granted to purchase mineral acreage, to prospect, to develop treatment processes, to make ore accessible for examination, where the loan is promotional, nor to pay outstanding indebtedness, except that an incidental portion of the loan may, under certain circumstances, be used to pay taxes on properties necessary to operation.

(2) *Amount.* Loans will be limited to an amount reasonably required to accomplish the purposes for which they may be authorized.

(3) *Security.* Security may consist of a mortgage on the mining property, or on property not connected with the mining project. The value of mining property offered as security should be established by blocked-out ore accessible for examination. If the applicant does not own the mining property, a mortgage by the owner, assignment and modification of leases or options, and subordination of royalties may be required. Assignment of favorable milling, smelting, sales, or transportation contracts also may be required.

(c) *Development mining loans*—(1) *Eligibility.* The Corporation is authorized to make loans to corporations, individuals, and partnerships engaged in development of an ore body, or placer deposit, containing gold or silver or a strategic or critical mineral of value in time of war, when there is sufficient reason to believe that through the use of such loan there will be developed a sufficient quantity of ore, or placer deposit of a sufficient value to pay a profit upon mining operations. Applicant must be owner or lessee of the property or of the right to remove the ore. Loans will not be made to purchase mineral acreage.

(2) *Purposes.* These loans are made to develop such ore deposits, and not to develop treatment processes, to construct mills, smelters or refineries, to prospect, to make ore accessible for examination, nor where the loan is promotional.

(3) *Amount.* Loans will be limited originally to amounts (not in excess of $20,000) reasonably required to pay for the cost of the contemplated development, including purchase of materials and supplies. Additional development loans will be made solely in the discretion of the Corporation. Development loans to any one applicant cannot exceed in the aggregate $40,000.

(4) *Security.* Except that Applicant must give a chattel mortgage on equipment acquired with loan or operation funds, the loan will be payable only out of proceeds of operation, for which a lien must be given. Cash minimum royalties or property payments must be subordinated and modification of leases and options may be required.

§ 02.10 *Defense mining loans*—(a) *Statutory provisions.* In addition to mining loans above provided for, the Corporation may authorize mining loans under the provisions of section 5d of the Reconstruction Finance Corporation Act, as amended by Public 603, 77th Congress, which provides:

* * * In order to aid the Government of the United States in its national defense program, the Corporation is authorized. * * * (2) To make loans to and purchase the obligations of any business enterprise, including, when requested by the Secretary of Commerce, subscription to the capital stock thereof, for any purpose deemed by the Corporation to be advantageous to the national defense. Such loans, purchases, or subscriptions shall be made under such terms and conditions and with such maturities as the Corporation may determine. * * *

(b) *Purposes.* Applications for defense mining loans will be considered only in connection with the business of mining, milling, and smelting ores of strategic and critical minerals.

Loans to unwater, retimber, and otherwise make ore accessible for examination may not exceed $5,000 to any one borrower, excepting in unusual cases where reliable assay records or similar data clearly show the existence of ore, the development or the mining of which is deemed advantageous to the national defense.

Loans made for the development of mining properties, for the construction, improvement, or repair of mills, smelters, refineries, dredges, etc., purchase of equipment, etc., and to provide working capital will be limited to an amount reasonably required to accomplish the purposes for which they may be authorized.

(c) *Eligibility.* Applicant must be owner or lessee of the property or of the right to remove the ore.

(d) *Unacceptable purposes.* Loans will not be made to purchase mineral acreage, to prospect mineral deposits, to develop treatment processes, nor to pay outstanding indebtedness, except that an incidental portion of the loan may, under certain circumstances, be used to pay taxes on the properties necessary to operation. No loans will be made for purely promotional purposes.

(e) *Technical data.* Applications for loans to make mines accessible should give all available information of mine workings, ore deposits, and assay reports.

Where development is contemplated, the application must contain data to show that there are exposures of ore or mineral within the mining property, either on the surface or in the mine, the development of which is deemed advantageous to the national defense.

If mining, milling, or smelting equipment is to be purchased, or funds are to be used in preparation of a mining property for operation, or loan would be used for working capital, the application must contain data to show that the property contains proven ore reserves, the mining and beneficiation of which is deemed advantageous to the national defense.

(f) *Security.* When the loan does not exceed $30,000, it may be payable only out of proceeds of operation and proceeds of sale of equipment acquired with loan or operation funds, to secure which payment, liens must be given. Cash minimum royalties or property payments must be subordinated and modification of leases and options may be required.

When the loan exceeds $30,000, mortgage of the mining properties and perhaps other assets, and assignment of favorable milling, smelting, sales, and transportation contracts, may be required. If the mining property is to be equipped for operation, its value should be established by blocked-out ore accessible for examination. If the applicant does not own the mining property, a mortgage by the owner, assignment and modification of leases and options, and subordination of royalties may be required.

[1] Mining Section Field Offices created only in emergencies.

(g) *Deposit to cover cost of examination.* When the loan requested is $30,000 or less, the Corporation may, when the application indicates that a loan is warranted, examine the property at its own expense.

When the loan requested is in excess of $30,000 the applicant may, in some cases, be required to make a deposit in an amount to be determined in each case by the Corporation, to cover the cost of any field work which may be necessary in connection with the examination of the property of the applicant.

(h) *Existing indebtedness.* If the properties are encumbered, or the applicant has substantial indebtedness, it may be necessary for the applicant to arrange with credtiors to defer or subordinate their claims.

(i) *Maturities.* Loans will come due in such instalments and at such times as the Corporation in each instance determines.

(j) *Rate of interest.* The rate of interest will be 4%.

(k) *Disbursements.* Loans will be disbursed in instalments as required to defray the cost of carrying on the project, and all expenditures will be subject to the approval of the Corporation. Applicants are required to agree that approval of an application or even partial disbursement of a loan does not necessarily bind the Corporation to make full disbursement. The Corporation reserves the right to suspend loan disbursements and to cancel unexpended parts of a loan, while nevertheless holding any security pledged, at any time the Corporation deems that further disbursement either would fail to accomplish the original purpose of the loan or would not lead to results advantageous to the national defense.

(l) *Fees, commissions, etc.* Reasonable compensation, approved by the Corporation, for actual and necessary services by attorneys, engineers, appraisers, accountants, etc., in connection with obtaining of a loan, may be paid. Percentage or contingent fees will be disapproved.

(m) *Salaries.* The applicant may be required to agree not to pay, without approval by the Corporation, any salary or compensation beyond an amount that will be specified in each case.

(n) *Dividends, etc.* An applicant may be required to agree that, without the consent of the Corporation, applicant will not, if a corporation, pay any dividends, make any distributions to stockholders, or undertake any corporate financing, reorganization, or capital revision; if a partnership, make any distributions to the partners; and if an individual, make any withdrawals. Pledge of the capital stock of corporate applicants may be required.

(o) *Titles.* Applicant may be required to furnish a policy of title insurance, or a legal opinion based upon an abstract.

§ 02.11 *Loans to public agencies*—(a) *Statutory provisions.* Reconstruction Finance Corporation is authorized, under the first paragraph of section 5d of the Reconstruction Finance Corporation Act, as amended, to make loans to public agencies, such as States, municipalities, and other public bodies, to aid in financing public construction and other projects undertaken by such agencies.

(b) *Eligibility of borrowers, projects and securities.* Types of public agencies which may be eligible for such Reconstruction Finance Corporation loans include States, counties, cities, towns, and public corporations, boards, commissions and similar public bodies. Projects which may be eligible for financial aid include the construction, repair or improvement of municipal water, sewer, transit or other utility systems, hospitals, bridges, tunnels, airports, college dormitories or similar public service projects which the borrower must be authorized by State law to carry out. Loans are made through the purchase by Reconstruction Finance Corporation of the bonds or other negotiable securities issued by the borrower directly to Reconstruction Finance Corporation, and the types of such municipal securities which may be eligible for such purchase include general obligation bonds, revenue bonds or other forms of valid obligations which the borrower must be authorized by State law to issue.

(c) *Applications and procedure.* Loan applications should be submitted, in triplicate with supporting engineering, financial and legal data, on forms supplied by Reconstruction Finance Corporation, directly to the Chief of the Self-Liquidating Division of Reconstruction Finance Corporation in the Washington Office. The processing of Reconstruction Finance Corporation loans to public agencies is centralized in the Washington Office of Reconstruction Finance Corporation, and is conducted as to engineering, financial or other matters, other than legal, by the Self-Liquidating Division, and as to legal matters by the Public Loans Section of the Legal Division. Loan application forms are obtainable from the Self-Liquidating Division in Washington or from any Reconstruction Finance Corporation Loan Agency.

(d) *Terms and conditions.* The loan terms and conditions are fixed in each instance and vary primarily according to the ability of the borrower and the project to effect repayment. The security issues purchased by Reconstruction Finance Corporation are fixed accordingly.

(e) *General information.* Inquiries or other requests for information concerning loans to public agencies should be submitted directly to the Chief of the Self-Liquidating Division in Washington. The municipal bonds or other security issues which are acquired by Reconstruction Finance Corporation in making these loans to public agencies, may be available for public purchase from Reconstruction Finance Corporation, usually when the projects are completed, and inquiries or bids regarding such purchase should be submitted to the Treasurer of Reconstruction Finance Corporation, in the Washington Office. Detailed information concerning loans to public agencies is contained in Reconstruction Finance Corporation Circular No. 22 (Revised), dated August 1945, copies of which are obtainable from the Self-Liquidating Division in Washington or from any Reconstruction Finance Corporation Loan Agency in the field.

§ 02.12 *Loans on and purchases of rationed articles and commodities*—(a) *Statutory provisions.* Section 5h of the Reconstruction Finance Corporation Act, as amended, authorizes the Reconstruction Finance Corporation, acting directly or through any of its subsidiary corporations, to purchase, or make loans upon the security of, any article or commodity the sale or distribution of which is rationed under authority of the United States.

(b) *Eligibility.* Applications for loans or purchases of rationed articles or commodities may be made by any dealer, a substantial part of whose business consists of dealing in and servicing any article or commodity the sale or distribution of which is rationed or frozen by Federal authority and which has been rationed or frozen in a manner or under circumstances which have resulted, or are likely to result, in a substantial number of dealers being unable, in an ordinary course of business to sell such articles or commodities they have in stock within a period of six months from the beginning of such rationing or freezing.

(c) *Applications.* Application forms for loans on rationed articles and commodities may be obtained from the Loan Agency or Special Representative of the Reconstruction Finance Corporation serving the district in which the applicant is located. Applications for purchases of rationed articles and commodities should be addressed to the Loan Agency or Special Representative but need not be on any special form and may be in the form of letters.

(d) *Amount of loan.* No loan made on rationed articles or commodities shall exceed the cost of such article or commodity to the dealer (to the extent that such cost is a reasonable cost) plus a reasonable allowance for transportation costs, storage, insurance and other expenses incurred by the dealer in connection with the care and preservation of the rationed articles or commodities against which the loan is made. Provision may be made for additional advances from time to time up to the maturity date of the note in amounts determined reasonable by the Reconstruction Finance Corporation for the payment of the cost of storage, handling, insurance and other expenses incurred by the dealer in connection with the care and preservation of the rationed article or commodity.

(e) *Collateral.* Collateral required for loans on rationed articles and commodities are such instruments as may be deemed necessary by the Reconstruction Finance Corporation to obtain a first lien on the rationed article or commodity in connection with which the loan is being made.

(f) *Interest rate.* All loans on rationed articles or commodities shall bear interest at the stated rate of 4 per cent per annum.

(g) *Terms and conditions.* Loans on or purchases of rationed articles or commodities will be made upon such additional terms and conditions as the Reconstruction Finance Corporation may determine.

(h) *Additional information.* Specific information may be found in Reconstruction Finance Corporation Circular No. 24, dated July 1942, copies of which may be obtained from the Reconstruction Finance Corporation Loan Agencies.

§ 02.13 *Loans and purchases to aid in the national defense program*—(a) *Statutory provisions.* Section 5d of the Reconstruction Finance Corporation Act, as amended, authorizes the Reconstruction Finance Corporation to make loans to or to purchase the capital stock of corporations for the purpose of producing, acquiring, and carrying strategic and critical materials as defined by the President, and for plant construction, expansion and equipment, and for the purchase and processing of materials used in the manufacture of equipment and supplies necessary to the national defense.

(b) *Eligibility.* Applications for such loans or purchases will be received from any corporate enterprise authorized to engage in the business of producing, acquiring or carrying strategic and critical materials as defined by the President, or in the business of manufacturing equipment and supplies necessary to the national defens :.

(c) *Applications.* Application forms may be obtained from the Loan Agency or the Special Representative of the Reconstruction Finance Corporation serving the district in which the applicant is located. With the exception of applications pertaining to the production of strategic and critical minerals, all applications and requests for information (preferably through applicant's bank) must be filed with the Loan Agency or Special Representative serving the applicant's district. All applications and requests for information pertaining to the production of strategic and critical minerals, must be transmitted directly to the Washington Office and such applications must be made on the regular mining loan forms. Applicants should go to their local banks, which will either have or obtain the necessary application forms, and which, if unable to provide all the credit needed, will then assist the applicants in filing applications with the appropriate Loan Agency or Special Representative of the Reconstruction Finance Corporation for part or all of the loan needed.

(d) *Terms and conditions.* Loans or purchases to aid in the national defense program are authorized to be made on such terms and conditions and with such maturities as the Reconstruction Finance Corporation may determine (except that purchases of capital stock may be made only when requested by the Federal Loan Administrator with the approval of the President).

(e) *Additional information.* Specific information with regard to loans and purchases to aid in the national defense program is contained in Reconstruction Finance Corporation Circular No. 23 (Revised), dated January 1942, which Circular may be secured from the Washington Office of the Reconstruction Finance Corporation or from its Loan Agencies.

§ 02.14 *Small business loans*—(a) *Statutory provisions.* The authority of the Smaller War Plants Corporation to make loans or advances to small business and to purchase Government owned surplus property for resale to small business contained in sections 18 (e) and 18 (f) of the Surplus Property Act of 1944, approved October 3, 1944, was transferred to the Reconstruction Finance Corporation as of January 28, 1946 by Executive order of the President.

(b) *Purposes.* The Reconstruction Finance Corporation will consider loans or advances to enable small business concerns to finance plant construction, conversion or expansion, or to finance the acquisition of equipment or supplies, or to supply such concerns with capital to be used in the manufacture of essential civilian products and will consider the purchase of Government owned surplus property for retail to small business; making or guaranteeing loans to small business enterprises in connection with the acquisition, conversion and operation of surplus plants and facilities; and the arrangement for sales of surplus property to small business concerns on credit or time basis.

(c) *Terms and conditions.* Under the SWPC Act, the Reconstruction Finance Corporation may make loans to eligible borrowers on such terms and conditions and with such maturities as the Board of Directors considers proper.

(d) *Additional information.* Inquiries regarding small business loan activities of the Reconstruction Finance Corporation may be addressed to the Reconstruction Finance Corporation Loan Agency serving the territory in which the inquirer is located.

§ 02.15 *Contract settlements.* Procedures of the Reconstruction Finance Corporation relative to termination and settlement of war contracts are set forth in 32 CFR, 1944 Supp., 8000.1 et seq.

§ 02.16 *Office of Metals Reserve.* Inquiries regarding the activities of the Office of Metals Reserve should be addressed to the Reconstruction Finance Corporation, Office of Metals Reserve, 811 Vermont Avenue NW., Washington 25, D. C.

§ 02.17 *Office of Defense Plants.* Any inquiry regarding the activities of the Office of Defense Plants should be addressed to the appropriate Loan Agency or Special Representative of the Reconstruction Finance Corporation.

§ 02.18 *Office of Rubber Reserve.* Inquiries regarding the activities of the Office of Rubber Reserve should be addressed to Reconstruction Finance Corporation, Office of Rubber Reserve, 811 Vermont Avenue NW., Washington 25, D. C.

§ 02.19. *Office of Defense Supplies*—(a) *In general.* Inquiries regarding the activities of the Office of Defense Supplies should be addressed to Reconstruction Finance Corporation, Office of Defense Supplies, 811 Vermont Avenue NW., Washington 25, D. C. or to the appropriate Reconstruction Finance Corporation Loan Agency.

(b) *Petroleum compensatory adjustments.* Procedures relating to petroleum compensatory adjustments are set forth in 32 CFR 7001.1 et seq. and 32 CFR, 1944 Supp., 7001.5.

(c) *Livestock slaughter payments.* Procedures relative to livestock slaughter payments are set forth in 32 CFR, 1944 Supp., 7003.1 et seq.

(d) *Flour production payments.* Procedures relative to flour production payments are set forth in 32 CFR, 1944 Supp., 7004.1 et seq.

(e) *Mid-continent crude compensatory adjustments.* Procedures relative to mid-continent crude compensatory adjustments are set forth in 32 CFR, 1944 Supp., 7005.1 et seq.

§ 02.20 *Disaster loan section.* When it has been determined by the Reconstruction Finance Corporation that a catastrophe has occurred which necessitates the assistance of the Reconstruction Finance Corporation, applications for disaster loans will be received by the Reconstruction Finance Corporation Loan Agency or Regional Office [1] serving that territory. Such loans are made under such terms and conditions as are determined by the Reconstruction Finance Corporation.

§ 02.21 *U. S. Commercial Company.* Any inquiry regarding the activities of the U. S. Commercial Company should be addressed to its Washington Office, 811 Vermont Avenue NW., Washington 25, D. C.

§ 02.22 *Federal National Mortgage Association.* Inquiries regarding the activities of the Federal National Mortgage Association should be addressed to the Reconstruction Finance Corporation Loan Agency serving the territory in which the inquirer is located.

§ 02.23 *The RFC Mortgage Company.* Inquiries regarding the activities of The RFC Mortgage Company should be addressed to the Reconstruction Finance Corporation Loan Agency serving the territory in which the inquirer is located.

§ 02.24 *Rubber Development Corporation.* Inquiries regarding the activities of the Rubber Development Corporation should be addressed to its Washington Office, 811 Vermont Avenue NW., Washington 25, D. C .

§ 02.25 *RFC Price Adjustment Board.* Procedures of the RFC Price Adjustment Board are set forth in 32 CFR 822.6.

[SEAL] LEO NIELSON,
Assistant Secretary.

[F. R. Doc. 46—15806; Filed, Sept. 4, 1946; 9:21 a. m.]

WAR DAMAGE CORPORATION

[13 CFR, Ch. II]

PART 200—ORGANIZATION AND PROCEDURES

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SUBPART A—ORGANIZATION

§ 200.1 *Creation.* War Damage Corporation is a corporation created by Reconstruction Finance Corporation pursuant to sections 5d and 5g of the Reconstruction Finance Corporation Act, as amended, for the purpose of providing reasonable protection against loss of or damage to property, real and personal, resulting from enemy attack (including any action taken by the military, naval or air forces of the United States in resisting enemy attack). The powers of the Corporation are set forth and limited in section 5g of the Reconstruction Finance Corporation Act, as amended, sec. 2, 56 Stat. 175 USC, Sup. 606b–2.

§ 200.2 *Central organization.* The central organization of War Damage Corporation consists of its Board of Directors, its President, two Vice Presidents, a Treasurer, a Secretary, an Assistant Secretary and a General Counsel, all located at 811 Vermont Avenue, N. W., Washington 25, D. C., and an Executive Vice President and a Vice President at 80 Maiden Lane, New York, New York.

§ 200.3 *Field organization.* The field organization consists of:

(a) 532 fire insurance companies that act as fiduciary agents for War Damage Corporation in connection with its General Insurance Program, and 795 subfiduciary agents acting under the authority of individual fiduciary agents. The authority of Fiduciary Agents and Subfiduciary Agents includes the servicing and endorsement of policies, and the receipt of premiums, notices of loss and proofs of loss under policies issued by them. The names and addresses of such fiduciary agents and subfiduciary agents are as follows:

Anchor Insurance Co., P. O. Box 1496, Providence 1, R. I.

American Union Insurance Co. of N. 75 Elm Street, Hartford 2, Conn.

American States Fire Insurance Co., 542 N. Meridian Street, Indianapolis 6, Ind.

American Equitable Assurance Co. of N., 92 William Street, New York, N. Y.

American Mutual Fire Insurance Co of Milwaukee, 135 W. Wells Street, Milwaukee 3, Wis.

The American Mutual Fire Insurance Co., 71 Broad Street, Charleston 3, S. C.

American Motors Mutual Insurance Co., % Pioneer Mutual Insurance Co., 150 State Street, Boston, Mass.

American Merchants Mutual Insurance Co., 730 Foshay Tower, Minneapolis 2, Minn.

American General Insurance Co., Rusk Building, Houston 1, Tex.

The American Insurance Co., 15 Washington Street, P. O. Box 858, Newark 1, N. J.

American Indemnity Co., 2328 Avenue B, Galveston, Tex.

American Home Fire Assurance Co., 111 William Street, New York 7, N. Y.

American & Foreign Insurance Co., 150 William Street, New York 8, N. Y.

The Badger Mutual Fire Insurance Co., 1635 West National Avenue, Milwaukee 4, Wis.

Automobile Mutual Insurance Co. of America, 10 Weybosset Street, Providence 1, R. I.

The Automobile Insurance Co., 151 Farmington Avenue, Hartford, Conn.

Austin Mutual Insurance Co., 809 Andrus Building, Minneapolis 2, Minn.

Attleboro Mutual Fire Insurance Co., 315 Bronson Building, Attleboro, Mass.

Atlas Mutual Insurance Co,, 1700 Fidelity Building, Kansas City 6, Mo.

Atlantic Mutual Fire Insurance Co., 19 Bay Street, Savannah, Ga.

Atlantic Mutual Insurance Co., 49 Wall Street, New York 5, N. Y.

Atlantic Fire Insurance Co., 219 Fayetteville Street, Raleigh, N. C.

Associated General Fire Co., 163 Madison Avenue, Detroit 26, Mich.

Associated Fire and Marine Insurance Co., 332 Pine Street, San Francisco 4, Calif.

Arkwright Mutual Fire Insurance Co., 60 Batterymarch Street, Boston 1, Mass.

Aroostook County Patrons Mutual Fire Insurance, 189 Main Street, Presque Isle, Maine.

Angelica Mutual Fire Insurance Co., R. F. D. 2, Mohnton, Pa.

Burlington Mutual Fire Insurance Co., 174 Maine Street, Burlington, Vt.

Buffalo Insurance Co., 451 Main Street, Buffalo 3, N. Y.

The Buckeye Union Fire Insurance Co., 515 East Broad Street, Columbus 16, Ohio.

British America Assurance Co., 110 William Street, New York 7, N. Y.

Boston Manufacturers Mutual Fire Insurance Co., 60 Batterymarch Street, Boston 1, Mass.

Boston Insurance Co., 87 Kilby St., Boston 2, Mass.

Blackstone Mutual Fire Insurance Co., 10 Weybosset Street, Providence 1, R. I.

Birmingham Fire Insurance Co., 231 North Twenty-first Street, Birmingham 3, Ala.

Berwind Exchange, 3926 Chestnut Street, Philadelphia 4, Pa.

Berkshire Mutual Fire Insurance Co., 111 East Street, Pittsfield, Mass.

The Baltimore American Insurance Company of New York, 59 Maiden Lane, New York 8, N. Y.

Bankers & Shippers Insurance Company of New York, 12 Gold Street, New York 8, N. Y.

Bankers Fire & Marine Insurance Co., 412 Jackson Building, Birmingham 3, Ala.

Bankers' Fire Insurance Co., 707 Fayetteville Street, P. O. Box 851, Durham, N. C.

The Continental Insurance Co., 80 Maiden Lane, New York 8, N. Y.

The Commonwealth Insurance Co. of New York, 150 William Street, New York 8, N. Y.

The Commercial Union Fire Insurance Co. of New York, 1 Park Avenue, New York 16, N. Y.

Commercial Standard Insurance Co., P. O. Box 509, Fort Worth 1, Tex.

Commerce Insurance Co., Bay and Glen Street, Glen Falls, N. Y.

Columbia Insurance Co. of New York, 55 Fifth Avenue, New York 3, N. Y.

The Columbia Fire Insurance Co., 15 Washington Street, P. O. Box 858, Newark 1, N. J.

City of New York Insurance Co., 59 Maiden Lane, New York 8, N. Y.

City Mutual Insurance Co., 916 Cumberland Street, Lebanon, Pa.

Citizens' Mutual Fire Insurance Co., 134 South Eighth Street, Richmond, Ind.

Citizens Mutual Fire Insurance Co., 51 South Jackson Street, Janesville, Wis.

Citizens Mutual Insurance Co., 12 Monument Square, Concord, Mass.

Citizens Insurance Co. of New Jersey, 690 Asylum Avenue, Hartford, Conn.

Citizens Fund Mutual Fire Insurance Co., West Avenue and Fifth Street, Red Wing, Minn.

Employers Mutual Fire Insurance Co., 407 Grant Street, Wausau, Wis.

The Employers' Fire Insurance Co., 110 Milk Street, Boston 7, Mass.

Employees Casualty Co., Dallas 1, Tex.

Empire State Insurance Co., 215 Washington Street, Watertown, N. Y.

Empire Co-operative Fire Insurance Co., Middleburgh, N. Y.

Eliot & Kittery Mutual Fire Insurance Co., Kittery, Maine.

Eastern Shore of Virginia Fire Insurance Co., Inc., Keller, Va.

The East and West Insurance Co. of New Haven, 175 Whitney Avenue, New Haven 5, Conn.

The Eagle Fire Co. of New York, 75 Maiden Lane, New York 7, N. Y.

Dutchess & Columbia Patrons Fire Relief Association, Wassaic, N. Y.

Dubuque Fire & Marine Insurance Co., Roshek Building, Dubuque, Iowa.

Druggists' Mutual Insurance Co. of Iowa, Algona, Iowa.

Dorchester Mutual Fire Insurance Co., 4 Liberty Square, Boston 6, Mass.

Donegal & Conoy Mutual Fire Insurance Co., 43–45 West Market Street, Marietta, Pa.

Dixie Fire Insurance Co., 15 Washington Street, Newark 1, N. J.

Farmers Mutual Fire Insurance Co. of San Joaquin County, P. O. Box 287, Stockton, Calif.

The Farmers' Mutual Fire Insurance Co. of Salem County, 17 New Market Street, Salem, N. J.

The Farmers' Home Mutual Insurance Co., 3801 First Avenue South, Minneapolis 8, Minn.

The Farmers' Fire Insurance Co., 53 East Market Street, York, Pa.

Farmers Elevator Mutual Insurance Association, 28–32 Warden Building, Fort Dodge, Iowa.

Farm Bureau Mutual Insurance Co. of New Hampshire, 28 South Main Street, Concord, N. H.

Farm Bureau Mutual Fire Insurance Co., 246 North High Street, Columbus 16, Ohio.

The Farmers' Alliance Insurance Co. 105½ East Kansas Avenue, McPherson, Kans.

Fall River Manufacturers Mutual Insurance Co., 60 Batterymarch Street, Boston 1, Mass.

Export Insurance Co., 60 Beaver Street, New York 4, N. Y.

Excelsior Insurance Company of New York, 123 Erie Boulevard, East Syracuse Savings Bank Building, Fifth Floor, Syracuse 2, N. Y.

The Eureka-Security Fire & Marine Insurance Co., 19 Rector Street, New York 6, N. Y.

Erie Insurance Exchange, 101–109 East Sixth Street, Erie, Pa.

Equitable Fire & Marine Insurance Co. of Providence, Rhode Island, Hartford 15, Conn.

Equitable Fire Insurance Co., Equitable Building, Charleston H, S. C.

Firemen's Insurance Co. of Washington and Georgetown, 303 Seventh Street NW., Washington 4, D. C.

Fireman's Fund Insurance Co., 401 California Street, San Francisco 20, Calif.

Fire Association of Philadelphia, 401 Walnut Street, Philadelphia 6, Pa.

Fidelity-Phenix Fire Insurance Co., 80 Maiden Lane, New York 8, N. Y.

Fidelity Mutual Insurance Co., 518 North Delaware Street, Indianapolis 4, Ind.

Fidelity & Guaranty Fire Corp., 301 Water Street, Baltimore 3, Md.

Federal Union Insurance Co., 150 William Street, New York 8, N. Y.

Federal Mutual Fire Insurance Co., 260 Tremont Street, Boston 16, Mass.

Federal Insurance Co., 90 John Street, New York 7, N. Y.

The Farmers' Reliance Insurance Co. of New Jersey, Center City Building, Trenton 8, N. J. WDC.

Farmers Mutual Reinsurance Association, 814½ Fourth Avenue, Grinnell, Iowa.
The Farmers' Mutual Insurance Co., 1460 Wells Street, Enumclaw, Wash.
The Farmers' Mutual Hail Insurance Co. of Missouri, 10 Hitt Street, Columbia, Mo.
Farmers Mutual Hail Insurance Co. of Iowa, Valley Bank Building, Des Moines 7, Iowa.
Farmers Mutual Fire Insurance Co. Dug Hill in Carroll County, Md., Manchester, Md.
Furniture Dealers Mutual Fire Insurance Co., 125 East Wells Street, Milwaukee 2, Wis.
Farmers Mutual Reinsurance Co., 608 South Dearborn Street, Chicago 5, Ill.
The Fulton Fire Insurance Co., 111 John Street, New York City 7, N. Y.
Franklin National Insurance Co. of New York, Hartford 15, Conn.
The Franklin Mutual Insurance Co., Branchville, N. J.
The Franklin Fire Insurance Co. of Philadelphia, 59 Maiden Lane, New York 8, N. Y.
Fitchburg Mutual Fire Insurance Co., 781 Main Street, Fitchburg, Mass.
First Reinsurance Co. of California, Fresno 15, Calif.
First National Insurance Co. of America, General Insurance Building, Seattle 5, Wash.
First American Fire Insurance Co., 80 Maiden Lane, New York 8, N. Y.
Fireproof-Sprinklered Underwriters, 261 Fifth Avenue, New York 16, N. Y.
Firemen's Mutual Insurance Co., 10 Weybosset Street, Providence 1, R. I.
Firemen's Insurance Co., 10 Park Place, Newark 1, N. J.
American Fire Insurance Co., 2328 Avenue B, Galveston, Tex.
The American Fire Insurance Co. of the District of Columbia, 511 Seventh Street, NW., Washington, D. C.
American Exchange Underwriters, 261 Fifth Avenue, New York 16, N. Y.
American Eagle Fire Insurance Co., 80 Maiden Lane, New York 8, N. Y.
American Fire & Casualty Co., 6th Floor, Exchange Building, Orlando, Fla.
The American Druggists' Fire Insurance Co., American Building, Cincinnati 2, Ohio.
American Central Insurance Co., One Park Avenue, New York 16, N. Y.
American Automobile Fire Insurance Co., Pierce Building, St. Louis 1, Mo.
American Alliance Insurance Co., One Liberty Street, New York 5, N. Y.
Allstate Fire Insurance Co., 20 North Wacker Drive, Chicago 6, Ill.
Allied Mutual Casualty Co., 709 Hubbell Building, Des Moines 7, Iowa.
Allied Fire Insurance Co. of Utica, 185–191 Genesee Street, Utica 1, N. Y.
Allied American Mutual Fire Insurance Co., 142 Berkeley Street, Boston 16, Mass.
The Alliance Insurance Co. of Philadelphia, 1600 Arch Street, Philadelphia 1, Pa.
The Allemannia Fire Insurance Co. of Pittsburgh, 110 William Street, New York, N. Y.
Albany Insurance Co., 55 Fifth Avenue, New York 3, N. Y.
Farmers Mutual Insurance Co. of Nebraska, 1220 P Street, Lincoln 8, Nebr.
Abington Mutual Fire Insurance Co., 536 Washington Street, Abington, Mass.
Affiliated Underwriters, 261 Fifth Avenue, New York 16, N. Y.
Agricultural Insurance Co., 215 Washington Street, Watertown, N. Y.
The Aetna Insurance Co., 670 Main Street, Hartford, Conn.
Cincinnati Equitable Insurance Co., 218 Dixie Terminal Building, Cincinnati 2, Ohio.
The Church Properties Fire Insurance Corp., 20 Exchange Place, New York 5, N. Y.
The National Union Insurance Co., 918 "F" Street, N. W., Washington 4, D. C.
The Charter Oak Fire Insurance Co., 700 Main Street, Hartford, Conn.
The Century Insurance Co., Ltd., 111 John Street, New York 7, N. Y.
Central Union Insurance Co., 75 Elm Street, Hartford 2, Conn.
Central Surety Fire Corp., Box 207, Kansas City 10, Mo.
Central States Mutual Insurance Association, Mount Pleasant, Iowa.
The Central States Fire Insurance Co., 80 Trinity Street, Hartford 15, Conn.
Central Mutual Fire Insurance Association, 802 Towe Avenue, Superior, Wis.
The Central Manufacturers' Mutual Insurance Co., 800 S. Washington Street, Van Wert, Ohio.
Central Insurance Company of Baltimore, 1600 Arch Street, Philadelphia 1, Pa.
The Catskill Mountain Fire Insurance Company of Greene County, Greenville, N. Y.
Detroit Fire & Marine Insurance Co., 1 Liberty Street, New York 5, N. Y.
Dearborn National Insurance Co., 154 Bagley Avenue, Detroit 26, Mich.
Cumberland Mutual Fire Insurance Co., 12 North Pearl Street, Bridgeton, N. J.
Crop Growers Mutual Hail Insurance Co., Clovis, N. Mex.
The Cream City Mutual Fire Insurance Co., 2200 North Third Street, Milwaukee 12, Wis.
National Union Fire Insurance Co., 139 University Place, Pittsburgh 13, Pa.
County Fire Insurance Co. of Philadelphia, 1 Liberty Street, New York 5, N. Y.
Cotton and Woolen Manufacturers' Mutual Insurance Co. of New England, 60 Batterymarch Street, Box 2015, Boston 6, Mass.
Cottage Grove Farmers Mutual Fire Insurance Co., Newport, Minn.
The Concordia Fire Insurance Co., 10 Park Place, Newark 1, N. J.
Cooperative Fire Insurance Co. of Wyoming and Genesee Counties, 2 Main Street, Batavia, N. Y.
The Cooperative Fire Insurance Co., Catskill, N. Y.
Cooperative Fire Insurance Co. of Sullivan and adjoining counties, Woodridge, N. Y.
The Connecticut Fire Insurance Co., Hartford 15, Conn.
The Carolina Mutual Insurance Co., P. O. Drawer 831, Charleston "A", S. C.
The Carolina Insurance Co., 59 Maiden Lane, New York 8, N. Y.
The Carpenter Mutual Fire Insurance Co., 516–20 State Street, Curwensville, Pa.
The Netherlands Insurance Co., Caledonian Building, Cogswell Street, Hartford 2, Conn.
Capital (Mutual) Fire Insurance Co., 138 North Eleventh Street, Lincoln 8, Nebr.
Capital Fire Insurance Co., of California, 150 William Street, New York, N. Y.
The Canton Co-operative Fire Insurance Co., 93 Main Street, Canton, N. Y.
Canners Exchange Subscribers at Warner Inter-Insurance Bureau, 222 North Bank Drive, Chicago 54, Ill.
The Canadian Fire Insurance Co., 703 Lane Mortgage Building, 208 West Eighth Street, Los Angeles 14, Calif.
The Cambridge Mutual Fire Insurance Co., North Main Street, Andover, Mass.
Camden Fire Insurance Association, Fifth and Federal Streets, Camden 3, N. J.
California Insurance Co., 1 Park Avenue, New York 16, N. Y.
Caledonian Insurance Co., 150 Cogswell Street, Hartford 2, Conn.
Caledonian-American Insurance Co., 150 Cogswell Street, Hartford 2, Conn.
The Mutual Fire Insurance Co. in Harford County, 18 Office Street, Bel Air, Md.
The Mutual Insurance Co., 114 North Market Street, Frederick, Md.
Mutual Fire Insurance Co., 1301 H Street, NW., Washington 5, D. C.
Mutual Fire Insurance Co. of Chester County, Coatesville, Pa.
Mutual Fire Insurance Co., 268 Main Street, Saco, Maine.
The Mutual Fire Insurance Co., 629 Madison Avenue, Covington, Ky.
Mutual Fire Association of Tulare County, 215 South Willis Street, Visalia, Calif.
Mutual Benefit Fire Insurance Co., 409 Penn Street, Huntingdon, Pa.
Municipal Mutual Insurance Co. of West Virginia, 727 Charles Street, Wellsburg, W. Va.
Mount Joy Mutual Insurance Co., 23 South Market Street, Elizabethtown, Pa.
Motors Insurance Corp., General Motors Building, 1775 Broadway, New York 19, N. Y.
Monroe County Patrons' Fire Relief Association, Brockport, N. Y.
Monarch Fire Insurance Co., 19 Rector Street, New York 6, N. Y.
The Minster Mutual Fire Insurance Co., 68 West Fourth Street, Minster, Ohio.
National Jewelers Mutual Fire Insurance Co., 104 East Wisconsin Avenue, Jewelers Insurance Building, Neenah, Wis.
National-Ben Franklin Fire Insurance Co. of Pittsburgh, Pa., Newark, N. J.
Minnesota Farmers Mutual Insurance Co., 816 Andrus Building, Minneapolis 2, Minn.
Minneapolis Fire and Marine Insurance Co. of Minneapolis, Minn., 236 Pere Marquette Building, Minneapolis 2, Minn.
Milwaukee Mechanics' Insurance Co., 10 Park Place, Newark 1, N. J.
Millers National Insurance Co., 137 West Jackson Boulevard, Chicago 4, Ill.
The Millers Mutual Fire Insurance Co., 805 North Front Street, Harrisburg, Pa.
The Millers Mutual Fire Insurance Co. of Texas, 10th and Monroe Streets, P. O. Box 1039, Fort Worth 1, Tex.
National Surety Marine Insurance Corp., 4 Albany Street, New York 6, N. Y.
National Security Insurance Co., Public Ledger Building, Independence Square, P. O. Box 147, Philadelphia 5, Pa., care of North America Cos. Service Office.
National Retailers Mutual Insurance Co., 7450 Sheridan Road, Chicago 26, Ill.
National Reserve Insurance Co., Roshek Building, Dubuque, Iowa.
The National Mutual Insurance Co., 311–315 South Main Street, Celina, Ohio.
National Mutual Church Insurance Co., Room 1533, 11 South La Salle Street, Chicago 3, Ill.
National Mutual Assurance Co., Bethlehem Trust Building, Bethlehem, Pa.
National Liberty Insurance Co. of America, 59 Maiden Lane, New York 8, N. Y.
National Fire Insurance Exchange, 3820 Washington Boulevard, St. Louis 8, Mo.
National Fire & Marine Insurance Co., 25 Cliff Street, New York 7, N. Y.
National Fire Insurance Co. of Hartford, Hartford 15, Conn.
National Commercial Mutual Fire Insurance Co., 2411 North Broad Street, Philadelphia 32, Pa.
National Capital Insurance Co. of the District of Columbia, 336 Pennsylvania Avenue, SE., Washington 3, D. C.
National American Fire Insurance Co., 1817 Douglas Street, Omaha 2, Nebr.
Mutual Implement and Hardware Insurance Co., 129 East Broadway, Owatonna, Minn.
The Mutual Fire, Marine and Inland Insurance Co., 1022 Broad Street Station Building, Philadelphia 3, Pa.
Mutual Fire Insurance Co. of Montgomery County, Maryland, Sandy Spring, Md.
The Mutual Fire Insurance Co. of Carroll County, 249 East Main Street, Westminster, Md.
The Mutual Fire Insurance Co. of Cecil County, 139 North Street, Elkton, Md.
Mutual Fire Insurance Co. of Germantown, 521 Germantown Avenue, Germantown, Philadelphia 44, Pa.
Farmers Mutual Reinsurance Co., 608 South Dearborn Street, Chicago 5, Ill.
Furniture Dealers Mutual Fire Insurance Co., 125 East Wells Street, Milwaukee 2, Wis.
Norwich Union Fire Insurance Society, Ltd., 75 Maiden Lane (U. S. Branch), New York 7, N. Y.

Northwestern National Insurance Co., East Wisconsin Avenue and North Jackson Street, Milwaukee 1, Wis.

Northwestern Mutual Fire Association, Northwestern Mutual Insurance Building, 217 Pine Street, Seattle 1, Wash.

Northwestern Fire & Marine Insurance Co., Hartford 2, Conn.

The Northern Neck Mutual Fire Association of Virginia, Irvington, Va.

Northern Insurance Co. of New York, 83 Maiden Lane, New York 7, N. Y.

The Northern Assurance Co., Ltd. (United States Branch), 135 William Street, New York 7, N. Y.

The North River Insurance Co., 110 William Street, New York 7, N. Y.

New York Reciprocal Underwriters, 261 Fifth Avenue, New York 16, N. Y.

The Norfolk & Dedham Mutual Fire Insurance Co., 4 Pearl Street, Dedham, Mass.

New York Underwriters Insurance Co., 90 John Street, New York 7, N. Y.

Niagara Fire Insurance Co., 80 Maiden Lane, New York 8, N. Y.

North British & Mercantile Insurance Co., Ltd. (United States Branch), 150 William Street, New York 8, N. Y.

New York Fire Insurance Co., 92 William Street, Bronx, N. Y.

New York Central Mutual Fire Insurance Co., Edmeston, N. Y.

Newport Mutual Fire Insurance Co., Fourth and Monmouth Streets, Newport, Ky.

New London County Mutual Fire Insurance Co., 59–61 Broadway, Norwich, Conn.

New Jersey Manufacturers Association Fire Insurance Co., 175 West State Street, Trenton 8, N. J.

New Hampshire Fire Insurance Co., 156 Hanover Street, Manchester, N. H.

New England Fire Insurance Co., 195 State Street, Springfield 1, Mass.

New Castle Mutual Insurance Co., 304 Delaware Avenue, Wilmington 11, Del.

The New Brunswick Fire Insurance Co., 59 Maiden Lane, New York 8, N. Y.

The Newark Fire Insurance Co., 150 William Street, New York 8, N. Y.

The Merchants Fire Insurance Co. of Indiana, 1715 North Meridian Street, Indianapolis 7, Ind.

The Merchants Fire Insurance Co., 630 Gas & Electric Building, Denver 2, Colo.

Merchants Fire Assurance Corp. of New York, 45 John Street, New York 7, N. Y.

Merchants & Farmers Mutual Fire Insurance Co., 314 Main Street, Worcester 8, Mass.

Merchants & Business Men's Mutual Fire Insurance Co., 321 North Second Street, Harrisburg, Pa.

The Mercantile Insurance Co. of America, 150 William Street, New York 8, N. Y.

Mechanics & Traders Insurance Co., Hartford 15, Conn.

Massachusetts Fire & Marine Insurance Co., 1 Liberty Street, New York 5, N. Y.

Maryland Insurance Co. of Delaware, 80 Maiden Lane, New York 8, N. Y.

Market Men's Mutual Fire Insurance Co. of Wisconsin, 735 North Water Street, Milwaukee 2, Wis.

Manufacturers Mutual Fire Insurance Co., 10 Weybosset Street, Providence 1, R. I.

Manufacturers & Merchants Mutual Insurance Co. of New Hampshire, 2 South Main Street, Concord, N. H.

Manufacturers' Fire Insurance Co., Pennsylvania Boulevard at Sixteenth Street, Philadelphia 3, Pa.

The Halifax Insurance Co., 59 John Street, New York 7, N. Y.

Gulf Insurance Co., Thomas Building, Dallas, Tex.

The Guarantee Mutual Fire Insurance Co., 120–124 West High Street, Springfield, Ohio.

The Greene County Mutual Fire Insurance Co., Greenville, N. Y.

Green Mountain Mutual Fire Insurance Co., 99 State Street, Montpelier, Vt.

Great Eastern Fire Insurance Co., 8 Church Street, White Plains, N. Y.

Great American Insurance Co., 1 Liberty Street, New York 5, N. Y.

The Grant County Assessment Fire Insurance Co., 352 North Main Street, Williamstown, Ky.

Granite State Fire Insurance Co., Manchester, N. H.

Granite Mutual Insurance Co., North Main Street, Barre, Vt.

Grangers Mutual Insurance Co., East Main Street, Middletown, Md.

Grange Mutual Fire Insurance Co., 2 North Main Street, Rochester, N. H.

Grain Dealers National Mutual Fire Insurance Co., 1740 North Meridian Street, Indianapolis 7, Ind.

Globe & Rutgers Fire Insurance Co., 111 William Street, New York 7, N. Y.

The Mansfield Mutual Fire Insurance Co., 680 Park Avenue, West, Mansfield, Ohio.

The Manhattan Fire & Marine Insurance Co., 99 John Street, New York 7, N. Y.

Manitowoc Mutual Fire Insurance Co., 807 Jay Street, Manitowoc, Wis.

Maine Canners Mutual Insurance Co., 129 Main Street, Brunswick, Maine.

Lynn Mutual Fire Insurance Co., 12 Monument Square, Concord, Mass.

Lutheran Mutual Fire Insurance Co., 77 West Washington Street, Chicago 2, Ill.

Lumbermen's Underwriting Alliance, R. A. Long Building, Kansas City 6, Mo.

The Lumber Mutual Fire Insurance Co., Beacon and Raleigh Streets., Boston 15, Mass.

The Lumbermens Mutual Insurance Co., Mansfield, Ohio.

Lumbermen's Insurance Co., 401 Walnut Street, Philadelphia 6, Pa.

Lowell Mutual Fire Insurance Co., 53 Central Street, Lowell, Mass.

Los Angeles Mutual Fire Insurance Co., 108 West Sixth Street, Los Angeles, 14, Calif.

London & Scottish Assurance Corp., Ltd., (United States branch) 135 William Street, New York 7, N. Y.

London & Provincial Marine & General Insurance Co., Ltd., 90 John Street, New York 7, N. Y.

The London & Lancashire Insurance Co., Ltd., 20–22 Trinity Street, Hartford 2, Conn.

The London Assurance, United States Branch, 99 John Street, New York 7, N. Y.

Lloyds, New York, 70 Pine Street, New York 5, N. Y.

Lititz Mutual Insurance Co., Broad and Main Streets, Lititz, Pa.

The Litchfield Mutual Fire Insurance Co., South Street, Litchfield, Conn.

Law Union & Rock Insurance Co., Ltd., 20–22 Trinity Street, Hartford 2, Conn.

Lancaster County Mutual Insurance Co., 22 West Orange Street, Lancaster, Pa.

Lafayette Fire Insurance Co., 2123 Magazine Street, New Orleans 13, La.

Knickerbocker Insurance Co. of New York, 92 William Street, New York 7, N. Y.

Keystone Automobile Club Fire Co., 261 North Broad Street, Philadelphia 7, Pa.

Kewaskum Mutual Fire Insurance Co., Kewaskum, Wis.

Kansas City Fire & Marine Insurance Co., 301 West 11th Street, Kansas City 6, Mo.

Jersey Insurance Co. of New York, 12 Gold Street, New York 8, N. Y.

Iowa Mutual Tornado Insurance Association, Hubbell Building, Des Moines 8, Iowa.

Iowa Mutual Insurance Co., 509 Ninth Street, De Witt, Iowa.

Iowa Hardware Mutual Insurance Co., 115 First Street, SE., Mason City, Iowa.

International Insurance Co., 6840 Eastern Avenue, Takoma Park 12, D. C.

The Insurance Co. of the State of Pennsylvania, 111 William Street, New York 7, N. Y.

Insurance Co. of North America, 1600 Arch Street, Philadelphia 1, Pa.

Individual Underwriters, 261 Fifth Avenue, New York 16, N. Y.

Indiana Union Mutual Insurance Co., 2105 North Meridian Street, Indianapolis 7, Ind.

Indiana Retail Merchants Association Mutual Fire Insurance Co., 1715 North Meridian Street, Indianapolis 7, Ind.

Indiana Lumbermens Mutual Insurance Co., 518 North Delaware St., Indianapolis 9, Ind.

Indiana Insurance Co., 340 Consolidated Building, Indianapolis 4, Ind.

Independent Underwriters, Drexel Building, Fourth and Chestnut Streets, Philadelphia 6, Pa.

Implement Dealers Mutual Fire Insurance Co., Clifford Building, Box 900, Grand Forks, N. Dak.

Imperial Assurance Co., 55 Fifth Avenue, New York 3, N. Y.

The Illinois Mutual Fire Insurance Co., 419 South State Street, Belvidere, Ill.

Illinois Fire Insurance Co., 137 West Jackson Boulevard, Chicago 4, Ill.

Houston Fire & Casualty Insurance Co., 1426 Cotton Exchange Building, P. O. Box 2615, Houston 1, Tex.

The Homestead Fire Insurance Co., 59 Maiden Lane, New York 8, N. Y.

The Homeland Insurance Co. of America, 150 William Street, New York, N. Y.

Home Owners Mutual Insurance Co., 7 South Dearborn Street, Chicago 3, Ill.

Home Mutual Insurance Co., Appleton, Wis.

Home Mutual Fire Insurance Co. of Broome County, N. Y., 315 Main Street, Binghamton, N. Y.

Home Insurance Co. of Hawaii, Ltd., P. O. Box 2866. Honolulu 5, T. H.

The Home Insurance Co., 59 Maiden Lane, New York 8, N. Y.

Home Fire & Marine Insurance Co. of California, 401 California Street, San Francisco 20, Calif.

Holyoke Mutual Fire Insurance Co., 39 Norman Street, Salem, Mass.

Hingham Mutual Fire Insurance Co., 49 Main Street, Hingham 135, Mass.

The Hibernian Mutual Insurance Co., 64 Broad Street, Charleston 3, S. C.

The Hamilton County Mutual Fire Insurance Co., 1127 Walnut Street, Cincinnati 10, Ohio.

Hawaiian Insurance & Guaranty Co., Ltd., Hilo, T. H.

Hartford Fire Insurance Co., Inc., 690 Asylum Avenue, Hartford, Conn.

The Hartford County Mutual Fire Insurance Co., 750 Main Street, Hartford 3, Conn.

Hardware Mutual Insurance Co. of Minnesota, 2344 Nicollet Avenue, Minneapolis 4, Minn.

Hardware Mutual Fire Insurance Co. of the Carolinas, 118 East Fourth Street, Charlotte 1, N. C.

Hardware Dealers Mutual Fire Insurance Co., 200 Strongs Avenue, Stevens Point, Wis.

The Hanover Fire Insurance Co., 111 John Street, New York 7, N. Y.

The Hamilton Fire Insurance Co., 25 Cliff Street, New York 7, N. Y.

Millers Mutual Fire Insurance Association of Illinois, 320 Easton Avenue, Alton, Ill.

Mill Owners Mutual Fire Insurance Co., 2015 Grand Avenue, Des Moines 12, Iowa.

Midwestern Fire & Marine Insurance Co., 4120 Lindell Boulevard, St. Louis 8, Mo.

Midland Mutual Fire Insurance, Inc., 2324 University Avenue, St. Paul 4, Minn.

Midland Mutual Fire Insurance Co., 119 West Sixth Street, Newton, Kans.

Middlesex Mutual Fire Insurance Co., 12 Monument Square, Concord, Mass.

Michigan Retailers Mutual Insurance Co., P. O. Box 60, Lansing 1, Mich.

Michigan Millers Mutual Fire Insurance Co., P. O. Box 60, Lansing 1, Mich.

Michigan Fire & Marine Insurance Co., Springfield, Mass.

Metropolitan Inter-Insurers, 261 Fifth Avenue, New York 16, N. Y.

Mercury Insurance Co., 111 West Fifth Street, St. Paul 2, Minn.

The Merrimack Mutual Fire Insurance Co., North Main Street, Andover, Mass.

Transcontinental Insurance Co., Hartford 15, Conn.

Merced County Mutual Fire Insurance Co., P. O. Box 131, Hilmar, Calif.

The Merchants' & Manufacturers' Mutual Insurance Co., Third and Mulberry Streets, Mansfield, Ohio.

Merchants & Manufacturers Insurance Co. of New York, 92 William Street, New York 7, N. Y.

The Gibraltar Fire & Marine Insurance Co., 59 Maiden Lane, New York 8, N. Y.

General Exchange Insurance Corp., General Motors Building, 1775 Broadway, New York 19, N. Y.

The Georgia Home Insurance Co., 59 Maiden Lane, New York 8, N. Y.

General Insurance Co. of America, General Insurance Building, Seattle 5, Wash.

Traders & Mechanics Insurance Co., 53 Central Street, Lowell, Mass.

Genesee County Patrons Fire Relief Association, 74 Main Street, Batavia, N. Y.

Tompkins Co-operative Fire Insurance Co., Ithaca, N. Y.

Transportation Insurance Co., 910 South Michigan Avenue, Chicago 5, Ill.

Transportation Mutual Insurance Co., 226 Walnut Street, Philadelphia 6, Pa.

Traders Mutual Fire Insurance Co., 1822 Main Street, Kansas City 8, Mo.

Town Mutual Dwelling Insurance Co., 906 Hubbell Building, Des Moines 8, Iowa.

Wyoming Valley Fire Insurance Co., Warsaw, N. Y.

Zurich Fire Insurance Co. of New York, 135 South La Salle Street, Chicago, Ill.

The World Fire & Marine Insurance Co., 670 Main Street, Hartford, Conn.

Washington Mutual Fire Insurance Co., 112 North Fourth Street, St. Louis 2, Mo.

What Cheer Mutual Fire Insurance Co., 10 Weybosset Street, Providence 1, R. I.

The Yorkshire Insurance Co., Ltd., 90 John Street, New York 7, N. Y.

Worcester Mutual Fire Insurance Co., 29 Elm Street, Worcester 8, Mass.

Worcester Manufacturers Mutual Insurance Co., 60 Batterymarch Street, Boston 10, Mass.

Westchester Fire Insurance Co., 110 William Street, New York 7, N. Y.

The Western Fire Insurance Co., 104 South Main Street, Fort Scott, Kans.

The West Bend Mutual Fire Insurance Co., 300 South Sixth Avenue, West Bend, Wis.

West Seneca Mutual Fire Insurance Association, 736 Center Road, Ebenezer, N. Y.

Woodstock Mutual Fire Insurance Association, Woodstock, N. Y.

Western Mutual Fire Insurance Co., 121 Miami Street, Urbana, Ohio.

The Western Assurance Co., 110 William Street, New York 7, N. Y.

Virginia Fire & Marine Insurance Co., Box 1437, Richmond 11, Va.

Western Mutual Fire Insurance Co., 827 Grant Avenue, Des Moines 8, Iowa.

Union Mutual Fire Insurance Co., Main and State Streets, Montpelier, Vt.

United Fireman's Insurance Co. of Philadelphia, 55 Fifth Avenue, New York 3, N. Y.

United Mutual Fire Insurance Co., 175 Berkeley St., Boston 17, Mass.

United States Branch of Commercial Union Assurance Co., Ltd., 1 Park Avenue, New York 16, N. Y.

United States Branch of British General Insurance Co., Ltd., 1 Park Avenue, New York 16, N. Y.

United States Branch of Union Assurance Society, Ltd., 1 Park Avenue, New York 16, N. Y.

United States Branch, Thames & Mersey Marine Insurance Co., Ltd., 150 William Street,, New York 8, N. Y.

United States Branch, the British and Foreign Marine Insurance Co., Ltd., 150 William Street, New York 8, N. Y.

Vigilant Insurance Co., 90 John Street, New York 7, N. Y.

Universal Underwriters, 1010 R. A. Long Building, Kansas City, Mo.

Utica Fire Insurance Co. of Oneida County, 329 Genesee Street, Utica 3, N. Y.

Washington Fire & Marine Insurance Co., 4144 Lindell Boulevard, St. Louis 8. Mo.

Western National Insurance Co., 401 California Street, San Francisco 20, Calif.

Washington County Fire Insurance Co., 51 South Maine Street, Washington, Pa.

Ventura County Mutual Fire Insurance Co., 692 Main Street, Ventura, Calif.

Washington Assurance Corp., 45 John Street, New York 7, N. Y.

Western Millers Mutual Fire Insurance Co., 711 Dwight Building, Kansas City 6, Mo.

Utah Home Fire Insurance Co., 20½ South Main Street, Box 1558, Salt Lake City 11, Utah.

The United States Branch of the Marine Insurance Co., Ltd., 90 John Street, New York 7, N. Y.

The United States Branch of the Eagle Star Insurance Co., Ltd., 90 John Street, New York 7, N. Y.

United States Branch of the Alliance Assurance Co., Ltd., 90 John Street, New York 7, N. Y.

United States Fire Insurance Co., 110 William Street, New York 7, N. Y.

United States Branch, Sun Insurance Office, Ltd., 55 Fifth Avenue, New York 3, N. Y.

United States Branch of the Palatine Insurance Co., Ltd., 1 Park Avenue, New York 16, New York.

The United States Branch of the Pacific Coast Fire Insurance Co., 111 John Street, New York 7, N. Y.

United States Branch of the New Zealand Insurance Co., Ltd., 340 California Street, San Francisco 4, Calif.

Underwriters Exchange, 1907 Grand Avenue, Kansas City 8, Mo.

Twin City Fire Insurance Co., Hartford, Conn.

United States Branch, Atlas Assurance Co., Ltd., 55 Fifth Avenue, New York 3, N. Y.

United States Branch of Pearl Assurance Co., Ltd., 19 Rector Street, New York 6, N. Y.

United States Branch of the Sea Insurance Co., Ltd., 90 John Street, New York 7, N. Y.

United States Branch, Royal Insurance Co., Ltd., 150 William Street, New York 8, N. Y.

Vermont Mutual Fire Insurance Co., 114 State Street, Montpelier, Vt.

United States manager, the Liverpool and London and Globe Insurance Co., Ltd., 150 William Street, New York 8, N. Y.

Trinity Universal Insurance Co., Construction Building, Dallas, Tex.

Union Mutual Fire Insurance Co., 10 Weybosset Street, Providence 1, R. I.

Union Mutual Fire & Storm Insurance Co., 500 Swede Street, Norristown, Pa.

Union Marine & Central Insurance Co., Ltd., 55 Fifth Avenue, New York 3, N. Y.

Union Insurance Society of Canton, Ltd., 59 John Street, New York 7, N. Y.

Tri-State Mutual Grain Dealers Fire Insurance Co., Luverne, Minn.

The Travelers Fire Insurance Co., 700 Main Street, Hartford, Conn.

Texas National Mutual Fire Insurance Co., Fort Worth, Tex.

The Standard Fire Insurance Co. of New Jersey, 39 North Clinton Avenue, Trenton 4, N. J.

Sussex County Mutual Insurance Co., 1 Main Street, Newton, N. J. WDC.

Sun Underwriters Insurance Co., 55 Fifth Avenue, New York 3, N. Y.

The Sun Mutual Fire Insurance Co., 914 Main Street, Cincinnati 2, Ohio.

The Stuyvesant Insurance Co., 111 William Street, New York 7, N. Y.

Stonewall Insurance Co., 60 North Royal Street, Mobile 2, Ala.

Sterling Fire Insurance Co., 36 Main Street, Cobleskill, N. Y.

Star Insurance Company of America, 150 William Street, New York 8, N. Y.

The State Farmers Mutual Insurance Co., Waseca, Minn.

State Farm Fire Insurance Co., East & Washington Streets, Bloomington, Ill.

The State Assurance Co., Ltd., 111 John Street, New York 7, N. Y.

Stanislaus County Mutual Fire Insurance Co., 1104–12th Street, P. O. Box 772, Modesto, Calif.

Standard Reliance Insurance Co., P. O. Box 988, Lincoln, Nebr.

Standard Marine Insurance Co., Ltd., 59 John Street, New York 7, N. Y.

Standard Insurance Co. of New York, 670 Main Street, Hartford, Conn.

The Standard Fire Insurance Co. of Hartford, Conn., 151 Farmington Avenue, Hartford, Conn.

Springfield Fire and Marine Insurance Co., 195 State Street, Springfield I, Mass.

Southern Mutual Insurance Co., Southern Mutual Building, Athens, Ga.

Southern Fire and Marine Insurance Co. of Georgia, 1197 Peachtree Street, N. E., Post Office Box 1690, Atlanta 1, Ga.

Southern Fire Insurance Co., 111 Corcoran Street, Durham, N. C.

Southern Farmers Mutual Ins. Co., Conway, Ark.

South Carolina Insurance Co., Box 1199, Columbia G, S. C.

The South British Insurance Co., Ltd., 340 California Street, San Francisco 4, Calif.

Sheboygan Falls Mutual Insurance Co., 504 Broadway, Sheboygan Falls, Wis.

The Service Mutual Insurance Co., Service Mutual Building, Waco, Tex.

Sentinel Fire Insurance Co., 195 State Street, Springfield 1, Mass.

Selected Risks Fire Insurance Co., Main and Broad Streets, Branchville, N. J.

Security National Fire Insurance Co., P. O. Box 5028, Dallas 1, Tex.

Security Mutual Fire Insurance Co., 72 Main Street, Delhi, N. Y.

Security Insurance Co. of New Haven, 175 Whitney Avenue, New Haven 5, Conn.

Security Fire Insurance Co., 217 West Fourth Street, Davenport, Iowa.

The Seaboard Insurance Co., 150 William Street, New York 8, N. Y.

Seaboard Fire & Marine Insurance Co., 90 John Street, New York 7, N. Y.

Scottish Union & National Insurance Co. (United States Branch), 75 Elm Street, Hartford 2, Conn.

Scandinavian Mutual Fire Insurance Association, Fresno 15, Calif.

Santa Clara County Fire Insurance Co., 60 North Second Street, San Jose 18, Calif.

Santa Barbara County Farmers Mutual Fire Association, 206 East Carrillo Street, Santa Barbara, Calif.

Sandy and Beaver Valley Farmers Mutual Insurance Co., Route 5, Lisbon, Ohio.

San Diego County Mutual Fire Insurance Co., 643 Spreckels Theatre Building, San Diego 1, Calif.

Salem Mutual Fire Insurance Co., 77 Washington Street, Salem, Mass.

Safeguard Insurance Co. of New York, 20–22 Trinity Street, Hartford 2, Conn.

St. Paul Mutual Insurance Co., 2267 Como Avenue, St. Paul 8, Minn.

St. Paul Fire & Marine Insurance Co., 111 West Fifth Street, St. Paul 2, Minn.

St. Louis Fire & Marine Insurance Co., 4144 Lindell Boulevard, St. Louis 8, Mo.

Royal Exchange Assurance (United States Branch), 111 John Street, New York 7, N. Y.

The Rocky Mountain Fire Insurance Co., 601 Central Avnue, Great Falls, Mont.

Rockingham Farmers' Mutual Fire Insurance Co., Exeter, N. H.

Rochester American Insurance Co., 1 Liberty Street, New York 5, N. Y.

Richmond Insurance Co. of New York, 1210 Castleton Avenue Staten Island 10, N. Y.

Retail Lumbermen's Mutual Insurance Co., 501 Milwaukee Gas Co. Building, Milwaukee 2, Wis.

Retail Lumbermen's Inter-Insurance Exchange, 730 Foshay Tower, Minneapolis 2, Minn.

Retail Druggists Mutual Fire Insurance Co., 914 Main Street, Cincinnati 2, Ohio.

Republic Mutual Fire Insurance Co., 1706 M Street, Belleville, Kans.

Republic Insurance Co., 3415 Cedar Springs Road, Dallas 5, Tex.

The Reliance Insurance Co. of Philadelphia, 401 Walnut Street, Philadelphia 6, Pa.

The Reliable Fire Insurance Co. of Dayton, Ohio, 46 South Jefferson Street, Dayton 2, Ohio.

Provident Fire Insurance Co., 111 John Street, New York 7, N. Y.

Reciprocal Exchange, Twenty-eighth and Wyandotte, Post Office Box 559, Kansas City 10, Mo.

Quincy Mutual Fire Insurance Co., 57 Washington Street, Quincy 69, Mass.

Queen Insurance Co. of America, 150 William Street, New York 8, N. Y.

Quaker City Fire and Marine Insurance Co., 226 Walnut Street, Philadelphia 6, Pa.

The Providence Mutual Fire Insurance Co., 29 Weybosset Street., Post Office Box 1541, Providence 1, R. I.

Protection Mutual Fire Insurance Co. of Cambria County, Keystone Building, Pittsburgh, Pa.

Protection Mutual Fire Insurance Co., 231 South La Salle Street, Chicago 4, Ill.

Providence Washington Insurance Co., P. O. Box 1496, Providence 1, R. I.

Premier Insurance Co., 458 Montgomery Street, San Francisco 4, Calif.

The Preferred Mutual Fire Insurance Co. of Chenango County, New Berlin, N. Y.

The Preferred Fire Insurance Co., 701 Jackson Street, Topeka, Kans.

The Potomac Insurance Co., War Damage Dept., General Buildings, Philadelphia 5, Pa.

Pioneer Mutual Insurance Co., 20 Kilby Street, Boston 9, Mass.

Pioneer Fire Insurance Co. of America, 303 West Wesley Street, Wheaton, Ill.

Pioneer Equitable Insurance Co. of Indiana, Pioneer Equitable Building, Lebanon, Ind.

The Pioneer Co-Operative Fire Insurance Co., Greenville, N. Y.

Piedmont Fire Insurance Co., 670 Main Street, Hartford, Conn.

The Phoenix Insurance Co., 30 Trinity Street, Hartford 15, Conn.

Phoenix Assurance Company, Ltd., United States Branch, 55 Fifth Avenue, New York 3, N. Y.

Philadelphia National Insurance Co., 401 Walnut Street, Philadelphia 6, Pa.

Philadelphia Manufacturers Mutual Fire Insurance Co., 800 Commercial Trust Building, Philadelphia 2, Pa.

Philadelphia Fire and Marine Insurance Co., 1600 Arch Street, Philadelphia 1, Pa.

The Philadelphia Contributionship for the Insurance of Houses From Loss by Fire, 212 South Fourth Street, Philadelphia 6, Pa.

Phenix Mutual Fire Insurance Co., 2 South Main Street, Post Office Box 514, Concord, N. H.

Perkiomen Valley Mutual Fire Insurance Co., 373 Main Street, Collegeville, Pa.

Pennsylvania Millers Mutual Fire Insurance Co., 72 North Franklin Street, Wilkes-Barre, Pa.

Pennsylvania Lumbermens Mutual Fire Insurance Co., 1172 Public Ledger Building, Philadelphia 5, Pa.

The Pennsylvania Fire Insurance Co., 150 William Street, New York 8, N. Y.

Penn Mutual Fire Insurance Co., 15 East Gay Street, West Chester, Pa.

Pawtucket Mutual Fire Insurance Co., 25 Maple Street, Pawtucket, R. I.

The Paul Revere Fire Insurance Co., 59 Maiden Lane, New York 8, N. Y.

Patrons Mutual Relief Association, Belleville, Ohio.

Patrons Mutual Fire Insurance Co., Glastonbury, Conn.

Patrons Androscoggin Mutual Fire Insurance Co., 11 Turner Street, Auburn, Maine.

Patriotic Insurance Co., 55 Fifth Avenue, New York 3, N. Y.

Paramount Fire Insurance Co., 91 William Street, New York 8, N. Y.

Palmetto Mutual Fire Insurance Co., Sumter, S. C.

Pacific National Fire Insurance Co., 460 Montgomery Street, San Francisco 20, Calif.

Pacific Fire Insurance Co., Platt & Gold Streets, New York 8, N. Y.

Otsego Mutual Fire Insurance Co., Burlington Flats, N. Y.

Orient Insurance Co., 20–22 Trinity Street, Hartford 2, Conn.

Oregon Mutual Fire Insurance Co., Fourth and Davis Streets, McMinnville, Oreg.

Oregon Automobile Insurance Co., 601 Pittock Block, Portland 5, Oreg.

Orange County Farmers Mutual Fire Insurance Co., 1101 North Main Street, Post Office Box 566, Santa Ana, Calif.

Oneida Co-Operative Fire Insurance Association, 154 W. Dominick Street, Rome, N. Y.

Old Dominion Fire Insurance Co., P. O. Box 2281, Roanoke 9, Va.

Old Colony Insurance Co., 87 Kilby Street, Boston 2, Mass.

Old American Mutual Fire Insurance Co., 600 Fidelity Building, Kansas City 6, Mo.

The Ohio Hardware Mutual Insurance Co., 533 Cambridge Street, Coshocton, Ohio.

The Ohio Grain Dealers' Mutual Fire Insurance Co., 22 East Gay Street, Columbus 15, Ohio.

Ohio Farmers Insurance Co., Le Roy, Ohio.

Oklahoma Farmers' Union Mutual Insurance Co., 18 N. Klein Street, Oklahoma City 4, Okla.

The Porto Rican and American Insurance Co., Box # 3752, San Juan 18, P. R.

Globe & Republic Insurance Company of America, 92 William Street, New York 7, N. Y.

Glens Falls Insurance Co., Bay and Glen Streets, Glens Falls, N. Y.

The Girard Fire and Marine Insurance Co., 10 Park Place, Newark 1, N. J.

Michigan Millers Mutual Fire Insurance Co., New York Branch, 111 John Street, New York 7, N. Y.

Michigan Millers Mutual Fire Insurance Co., Mill Mutuals, Columbus Department, 22 East Gay Street., Columbus 15, Ohio.

Michigan Fire & Marine Insurance Co., Pacific Department, 200 Bush Street., San Francisco 4, Calif.

Michigan Fire & Marine Insurance Co., Western Department, 222 W. Adams Street, Chicago 6, Ill.

Walter M. McLaughlin Agents, Citizens Fund Mutual Fire Insurance Co., Billings Branch, 2820 First Avenue North, Billings, Mont.

R. B. McFalls & Son, Inc., Employers Fire Insurance Co., 81 John Street, New York 7, N. Y.

William H. McGee & Co., Sun Underwriters Insurance Co., New York Marine Department, 111 John Street, New York 7, N. Y.

Wm. H. McGee & Co., Inc., Security Insurance Co. of New Haven, 111 John Street, New York 7, N. Y.

Wm. H. McGee & Co., Inc., Agents, St. Paul Fire & Marine Insurance Co., 111 John Street, New York 7, N. Y.

William H. McGee & Co., Marine Department, Patriotic Insurance Co., 111 John Street, New York 7, N. Y.

William H. McGee & Co., Agent, Sun Insurance Office, Ltd., 111 John Street, New York 7, N. Y.

Mercury Insurance Co., Pacific Department, Mills Building, Room 211, San Francisco 4, Calif.

Merchants & Manufacturers Insurance Co. of New York, San Francisco Office, 60 Sansome Street, San Francisco 4, Calif.

Merchants Fire Assurance Corp. of New York, Pacific Coast Branch, 114 Sansome Street, San Francisco 4, Calif.

Mercantile Insurance Co. of America, Philadelphia Department, 508–510 Walnut Street, Philadelphia 5, Pa.

The Mercantile Insurance Co. of America, Michigan Department, National Bank Building, Detroit 26, Mich.

Mercantile Insurance Co. of America, Chicago Department, 175 W. Jackson Boulevard, Chicago 4, Ill.

Mercantile Insurance Co. of America, Pacific Department, 315 Montgomery Street, San Francisco 4, Calif.

Mercantile Insurance Agency, Office of Camden Fire Insurance Association, 111 North 4th Street, St. Louis 2, Mo.

Mechanics & Traders Insurance Co., Pacific Department, 234 Bush Street, San Francisco 20, Calif.

Mechanics & Traders Insurance Co., Western Department 231 Insurance Exchange Building, 175 W. Jackson Boulevard, Chicago 4, Ill.

McCabe & Hengle, Agents, Agricultural Insurance Co., 175 W. Jackson Boulevard, Chicago 4, Ill.

Massachusetts Fire & Marine Insurance Co., Pacific Department, 233 Sansome Street, San Francisco 26, Calif.

Massachussetts Fire & Marine Insurance Co., Western Department, 310 S. Michigan Avenue, Chicago 90, Ill.

Maryland Insurance Co., San Francisco Department, 60 Sansome Street, San Francisco 4, Calif.

Maryland Insurance Co., Western Department, 135 La Salle Street, Chicago 3, Ill.

Maryland Insurance Co., Atlanta Department, 10 Pryor Street, SW., Atlanta 3, Ga.

Manhattan Fire & Marine Insurance Co., Pacific Coast Branch, 369 Pine Street, San Francisco 4, Calif.

E. Malcomb Major, agent, Stuyvesant Insurance Co., Congress Building, Miami 32, Fla.

Lumbermens Insurance Co., New York Department, 100 Maiden Lane, New York 7, N. Y.

Lumbermens Insurance Co., Pacific Coast Department, 425 Montgomery Street, San Francisco 4, Calif.

Lumbermens Insurance Co., Western Department, 222 West Adams Street, Chicago 6, Ill.

Lumbermens Insurance Co., Southeastern Department, Trust Company of Georgia Building, Atlanta, Ga.

Lumber Mutuals, Lumber Mutual Fire Insurance Co., 45 John Street, New York 7, N. Y.

Lumber Mutuals, Indiana Lumbermens Mutual Insurance Co., 333 Montgomery Street, San Francisco 4, Calif.

London Scottish Assurance Corporation, Ltd., Chicago office, Insurance Exchange Building, Room 2168, Chicago 4, Ill.

London Scottish Assurance Corporation, Ltd., San Francisco office, 114 Sansome Street, San Francisco 4, Calif.

London & Lancashire Insurance Co., Ltd. Metropolitan Department, 108 John Street, New York 7, N. Y.

London & Lancashire Insurance Co., Ltd. Pacific Department, 332 Pine Street, San Francisco 4, Calif.

London & Lancashire Insurance Co., Ltd. Western Department, 223 West Jackson Boulevard, Chicago 6, Ill.

The London Assurance, Pacific Coast Branch, 369 Pine Street, San Francisco 4, Calif.

NOTE: The seven paragraphs following are illegible on the original document.

Liverpool & London & Globe Insurance Co., Ltd., San Francisco Branch, Sansome Street, San Francisco 20, Calif.

Liverpool & London & Globe Insurance Co., Chicago Branch, West Jackson Boulevard, Chicago 4, Ill.

C. E. Liebing, Manager, Northwestern National Insurance Co., 2 Midland Bank Building, Minneapolis 1, Minn.

H. Lere, Agent, Citizens Fund Mutual Fire Insurance Co., Rapid City Branch, Joseph Street, Rapid City, S. Dak.

Law Union Rock Insurance Co., Ltd., Metropolitan Department, John Street, New York 7, N. Y.

Law Union Rock Insurance Co., Ltd., Pacific Department, Pine Street, San Francisco 4, Calif.

Law Union Rock Insurance Co., Ltd., Western Department, West Jackson Boulevard, Chicago 6, Ill.

J. C. Larson, Chicago Branch, Eagle Star Insurance Co., 233 Insurance Building, Chicago 4, Ill.

Liard-Hagee Co., Agents, Atlanta Mutual Fire Insurance Co., Post Office Box 142, Harrisburg, Pa.

Lafayette Fire Insurance Co., Insurance Co. of North America, San Francisco Office, 222 Sansome Street, San Francisco 4, Calif.

Knickerbocker Insurance Co. of New York, San Francisco Office, 60 Sansome Street, San Francisco 4, Calif.

Kleinman Insurance Agency, Northwestern Mutual Fire Association, 114 South Central, Phoenix, Ariz.

H. S. Kates, Manager, Office Northwestern National Insurance Co., 3033 Barlum Tower, Detroit 26, Mich.

Jones & Whitlock, General Agents, Hanover Fire Insurance Co., 115 William Street, New York 7, N. Y.

Jones & Whitlock, Inc., Agents, Insurance Co. of the State of Pennsylvania, 115 William Street, New York 7, N. Y.

Insurance Co. of North America, Los Angeles office, 621 South Spring Street, Los Angeles 14, Calif.

Insurance Co. of North America, Seattle office, 508 Colman Building, Seattle 4, Wash.

Insurance Co. of North America, San Francisco office, 222 Sansome Street, San Francisco 4, Calif.

Insurance Co. of North America, P. O. Box 2151, Orlando, Fla.

Insurance Co. of North America, New York office, 99 John Street, New York 7, N. Y.

Insurance Co. of North America, Agents, LaFayette Fire Insurance Co., 1600 Arch Street, Philadelphia 1, Pa.

Improved Risk Mutuals, Michigan Miller Mutual Fire Insurance Co., 60 John Street, New York 7, N. Y.

A. M. Jones, office, Northwestern National Insurance Co., 920 Second Avenue, Seattle 4, Wash.

Jersey Insurance Co. of New York, San Francisco office, Merchants Exchange Building, 465 California Street, San Francisco 4, Calif.

Frank E. Jordan, Agent, Stuyvesant Insurance Co., 111 West Seventh Street, Los Angeles 14, Calif.

E. R. Jacoby, office, Northwestern National Insurance Co., 239 Fourth Avenue, Pittsburgh 22, Pa.

A. F. Irby & Co., Empire State Insurance Co., Trust Co. of Georgia Building, Atlanta 3, Ga.

Insurance Managers, Incorporated, Departmental office, National American Fire Insurance Co., 704 South Spring Street, Los Angeles 14, Calif.

Insurance Managers, Incorporated, National American Fire Insurance Co., 704 South Spring Street, Los Angeles 14, Calif.

New Brunswick Fire Insurance Co., Philadelphia Branch, 421 Walnut Street., Philadelphia 6, Pa.

New Brunswick Fire Insurance Co., Boston Branch, 71 Kilby Street, Boston 9, Mass.

New England Fire Insurance Co., Pacific Department, 200 Bush Street, San Francisco 4, Calif.

New England Fire Insurance Co., Western Department, 222 W. Adams Street, Chicago 6, Ill.

New York Fire Insurance Co., San Francisco Office, 60 Sansome Street, San Francisco 4, Calif.

New Hampshire Fire Insurance Co., Pacific Coast Department, 200 Bush Street, San Francisco 4, Calif.

New Hampshire Fire Insurance Co., Cook County Office, 1845 Insurance Exchange, Chicago 4, Ill.

The New Brunswick Fire Insurance Co., Chicago Branch, 175 West Jackson Boulevard, Room 1723, Chicago 4, Ill.

Newark Fire Insurance Co., San Francisco Office, 201 Sansome Street, San Francisco 20, Calif.

Newark Fire Insurance Co., Chicago Branch, 175 West Jackson Boulevard, Chicago 4, Ill.

Newark Fire Insurance Co., Boston Office, 40 Broad Street, Boston 7, Mass.

Netherlands Insurance Co., Pacific Coast Departments, 351 California Street, San Francisco, Calif.

Netherlands Insurance Co., Pittsburgh Department, Oliver Building, % Tener-Lowry Co., Pittsburgh, Pa.

National Union Fire Insurance Co. of Pittsburgh, Pacific Coast Department, 340 Pine Street, San Francisco 4, Calif.

National Surety Marine Insurance Corporation, Philadelphia Branch, 306 Walnut Street, Philadelphia 6, Pa.

National Security Insurance Co., Seattle Office, 508 Colman Building, Seattle 4, Wash., % North American Co.'s Service Office.

National Security Insurance Co., Los Angeles Office, 621 S. Spring Street, Los Angeles 14, Calif., % North American Co.'s Service Office.

National Security Insurance Co., Washington, D. C., Office, 729 Fifteenth Street NW., Washington, D. C., % North American Co.'s Service Office.

National Security Insurance Co., Syracuse Office, 711 Hills Building, Syracuse, N. Y., % North American Co.'s Service Office.

National Security Insurance Co., St. Louis Office, 815 Pierce Building, St. Louis 2, Mo., % North American Co.'s Service Office.

National Security Insurance Co., Richmond Office, 303 American Building, Richmond, Va., % North American Co.'s Service Office.

National Security Insurance Co., Pittsburgh Office, 587 Union Trust Building, Pittsburgh 19, Pa., % North American Co.'s Service Office.

National Security Insurance Co., San Francisco Office, 222 Sansome Street, San Francisco 4, Calif., % North American Co.'s Service Office.

National Security Insurance Co., Omaha Office, 820 Omaha National Bank Building, Omaha 2, Nebr., % North American Co.'s Service Office.

National Security Insurance Co., New York Office, 99 John Street, New York 7, N. Y., % North American Co.'s Service Office.

National Security Insurance Co., Newark Office, 809 Union Building, Newark 2, N. J., % North America Co.'s Service Office.

National Security Insurance Co., Minneapolis Office, 1029 Plymouth Building, Minneapolis 2, Minn., % North America Co.'s Service Office.

National Security Insurance Co., Indianapolis Office, Consolidated Building, Indianapolis 4, Ind., % North America Co.'s Service Office.

National Security Insurance Co., Hartford Office, 410 Asylum Street, Hartford 3, Conn., % North America Co.'s Service Office.

National Security Insurance Co., Harrisburg Office, 227 North Second Street, Harrisburg, Pa., % North America Co.'s Service Office.

National Security Insurance Co., Detroit Office, 1200 Buhl Building, Detroit 26, Mich., % North America Co.'s Service Office.

National Security Insurance Co., Denver Office, 860 Gas & Electric Building, Denver 2, Colo., % North America Co.'s Service Office.

National Security Insurance Co., Dallas Office, 809 Cotton Exchange Building, Dallas 1, Tex., % North America Co.'s Service Office.

National Security Insurance Co., Cleveland Office, 1101 Union Commerce Building, Cleveland 14, Ohio.

National Security Insurance Co., Cincinnati Office, 1525 Tower Building, Cincinnati 2, Ohio, % North America Co.'s Service Office.

National Security Insurance Co., Chicago Office, 231 South La Salle Street, Room 1080, Chicago 4, Ill., % North America Co.'s Service Office.

National Security Insurance Co., Buffalo Office, 834 Ellicott Square, Buffalo 3, N. Y., % North America Co.'s Service Office.

National Security Insurance Co., Boston Office, 805 Insurance Exchange Building, Boston 9, Mass., % North America Co.'s Service Office.

National Security Insurance Co., Baltimore Office, 704 Mercantile Trust Building, Baltimore 2, Md., % North America Co.'s Service Office.

National Security Insurance Co., Albany office, 90 State Street, Albany 7, N. Y., % North America Co.'s service office.

National Security Insurance Co., Atlanta office, 739 Trust Co. of Georgia Building, Atlanta 3, Ga., % North America Co.'s service office.

National Retailers Mutual Insurance Co., Washington, D. C., branch, 1301 H Street NW., Washington 5, D. C.

National Retailers Mutual Insurance Co., Boston branch, 260 Tremont Street, Boston 6, Mass.

National Retailers Mutual Insurance Co., New York branch, 342 Madison Avenue, New York 17, N. Y.

National Retailers Mutual Insurance Co., Philadelphia branch, Penna. Savings Fund Building, Philadelphia 7, Pa.

National Retailers Mutual Insurance Co., Atlanta branch, Kemper Insurance Building, Atlanta, Ga.

National Retailers Mutual Insurance Co., Seattle branch, 666 Dexter-Horton Building, Seattle 4, Wash.

National Retailers Mutual Insurance Co., 15 Glen Street, Glen Cove, N. Y.

National Liberty Insurance Co. of America, Chicago branch, Room 1723, 175 West Jackson Boulevard, Chicago 4, Ill.

National Retailers Mutual Insurance Co., Los Angeles branch, 2969 Wilshire Boulevard, Los Angeles 5, Calif.

National Liberty Insurance Co., 617 Mercantile Trust Building, Baltimore and Calvert Streets, Baltimore 2, Md.

National Liberty Insurance Co. of America, Philadelphia branch, 421 Walnut Street, Philadelphia 6, Pa.

National Fire Insurance Co. of Hartford, Pacific office, 234 Bush Street, San Francisco 20, Calif.

National Fire Insurance Co. of Hartford, Western Department, 231 Insurance Exchange Building, 175 W. Jackson Boulevard, Chicago 4, Ill.

National-Ben Franklin Fire Insurance Co. of Pittsburgh, Pa., San Francisco Department, 220 Bush Street, San Francisco 6, Calif.

National-Ben Franklin Fire Insurance Co. of Pittsburgh, Pa., Dallas Department, 912 Commerce Street, Dallas, Tex.

National-Ben Franklin Fire Insurance Co. of Pittsburgh, Chicago Department, 120 South La Salle Street, Chicago 3, Ill.

Napa Company Farmers Mutual Fire Insurance Co., Departmental Agents, First Reinsurance Co. of California, 1015 First Street, Napa, Calif.

Mutual Fire Insurance Agency, Michigan Millers Mutual Fire Insurance Co., 951 Starks Building, Louisville 2, Ky.

Motors Insurance Corp., San Francisco Branch, 405 Montgomery Street, San Francisco 4, Calif.

Motors Insurance Corp., Denver Branch, 1755 Glenarm Place, Denver 2, Colo.

Motors Insurance Corp., Chicago Branch, 840 N. Michigan Avenue, Chicago 11, Ill.

Motors Insurance Corp., Dallas Branch, 1704 Main, Dallas 1, Tex.

Motors Insurance Corp., Atlanta Branch, 134 Peachtree Street, N. W., Atlanta 3, Ga.

Monarch Fire Insurance Co., San Francisco Branch, 200 Bush Street, San Francisco 4, Calif.

Monarch Fire Insurance Co., Philadelphia Branch, 525 Chestnut Strreet, Philadelphia 6, Pa.

Minneapolis Fire & Marine Insurance Co., Hartford Department, 30 Trinity Street., Hartford 1, Conn.

Minneapolis Fire & Marine Insurance Co., New York Metropolitan Department, 110 William Street, New York 7, N. Y.

Minneapolis Fire & Marine Insurance Co., Cook County Department, 2133 Insurance Exchange, Chicago 4, Ill.

Minneapolis Fire & Marine Insurance Co., Pacific Department, 220 Montgomery Street, San Francisco 4, Calif.

Milwaukee Mechanics Insurance Co., Dallas Department, 912 Commerce Street, Dallas, Tex.

Milwaukee Mechanics Insurance Co., San Francisco Department, 220 Bush Street, San Francisco 6, Calif.

Milwaukee Mechanics Insurance Co., Chicago Department, 120 South LaSalle Street, Chicago 3, Ill.

Mill Mutuals, Michigan Millers Mutual Fire Insurance Co., Los Angeles Department, 416 West Eighth Street, Los Angeles 14, Calif.

Mill Mutuals, Michigan Millers Mutual Fire Insurance Co., Seattle Department, 802 Securities Building, Seattle 1, Wash.

Millers National Insurance Co., Pacific Coast Department, 340 Pine Street, San Francisco 4, Calif.

Millers Mutual Fire Insurance Association of Illinois, St. Louis Branch, 3615 Olive Street, St. Louis 8, Mo.

Mill Mutuals, Michigan Millers Mutual Fire Insurance Co., Kansas City Department, 560 Board of Trade Building, Kansas City 6, Mo.

C. F. Miesemer, Mgr., Office Northwestern National Insurance Co., 90 John Street, New York 7, N. Y.

Michigan Millers Mutual Fire Insurance Co., Syracuse Branch, 327 Montgomery Street, Syracuse 2, N. Y.

The Automobile Insurance Co. of Hartford, Conn., Western Fire Department, 120 South La Salle Street, Chicago 3, Ill.

Automobile Insurance Co., Southern Department, 10 Pryor Street Building, Atlanta 3, Ga.

Automobile Insurance Co., Metropolitan Department, 151 William Street, New York 7, N. Y.

Atlas Assurance Co., Ltd., 315 Montgomery Street, San Francisco 4, Calif.

Atlas Assurance Co., Ltd., 175 West Jackson Boulevard, Chicago 4, Ill.

American Agency Inc., Agents, Citizens Fund Mutual Fire Insurance Co., Des Moines Branch, 314–316 Twelfth Street, Des Moines, Iowa.

American Home Fire Assurance Co., Pacific Coast Department, 360 Pine Street, San Francisco 4, Calif.

American Central Insurance Co., Chicago Office, 175 West Jackson Boulevard, Chicago 4, Ill.

American Central Insurance Co., New York Office, 123 William Street, New York 7, N. Y.

American Central Insurance Co., San Francisco Office, 315 Montgomery Street, San Francisco 4, Calif.

American International Underwriters Corporations Agents, Milwaukee Mechanics Insurance Co., 111 John Street, New York 7, N. Y.

American Alliance Insurance Co., Pacific Department, 233 Sansome Street, San Francisco 26, Calif.

American Alliance Insurance Co., Western Department, 310 South Michigan Avenue, Chicago 90, Ill.

American Eagle Fire Insurance Co., San Francisco Department, 60 Sansome Street, San Francisco 4, Calif.

American Eagle Fire Insurance Co., Atlanta Department, 10 Pryor Street SW, Atlanta 3, Ga.

American Eagle Fire Insurance Co., Western Department, 135 South LaSalle Street, Chicago 3, Ill.

American & Foreign Insurance Co., San Francisco Branch, 201 Sansome Street, San Francisco 20, Calif.

American and Foreign Insurance Co., Chicago Branch, 175 West Jackson Boulevard, Chicago 4, Ill.

American and Foreign Insurance Co., Boston Office, 40 Broad Street, Boston 7, Mass.

American Union Insurance Co. of New York, San Francisco Department, 201 Sansome Street, San Francisco 4, Calif.

The American Insurance Co., Drawer L, Greensboro, N. C.

American Insurance Co., Metropolitan & Suburban Department, 90 John Street, New York 7, N. Y.

American Insurance Co., New England Department, 61 Batterymarch Street, Boston 10, Mass.

The American Insurance Co., Western Department, Main and Jefferson Streets, Rockford, Ill.

The American Insurance Co., Rocky Mountain Department, Central Savings Bank Building, Denver 2, Colo.

American Insurance Co., Pacific Department, 160 Sansome Street, San Francisco 4, Calif.

Alliance Insurance Co., Harrisburg Office, 227 North Second Street, Harrisburg, Pa., % North America Co.'s. Service Office.

Alliance Insurance Co., Detroit Office, 1200 Buhl Building, Detroit 26, Mich., % North America Co.'s Service Office.

Alliance Insurance Co., Denver Office, 860 Gas and Electric Building, Denver 2, Colo., c/o North America Co's. Service Office.

Alliance Insurance Co., Dallas Office, 809 Cotton Exchange Building, Dallas 1, Tex., c/o North America Co's. Service Office.

Alliance Insurance Co., Cleveland Office, Union Commerce Building, Room 1101, Cleveland 14, Ohio.

Alliance Insurance Co., Cincinnati Office, 1525 Tower Building, Cincinnati 2, Ohio, c/o North America Co's. Service Office.

Alliance Insurance Co., Chicago Office, 231 South La Salle Street, Room 1080, Chicago 4, Ill., c/o North America Co's. Service Office.

Alliance Insurance Co., Buffalo Office, 834 Ellicott Square, Buffalo 3, N. Y., c/o North America Co's. Service Office.

Alliance Insurance Co., Los Angeles Office, 621 South Spring Street, Los Angeles 14, Calif., c/o North America Co's. Service Office.

Alliance Insurance Co., Seattle Office, 508 Colman Building, Seattle 4, Wash., c/o North America Co's. Service Office.

Alliance Insurance Co., Washington, D. C., Office, 729 Fifteenth Street NW., Washington, D. C., c/o North America Co's. Service Office.

Alliance Insurance Co., Syracuse Office, 711 Hills Building, Syracuse, N. Y., c/o North America Co's. Service Office.

Alliance Insurance Co., St. Louis Office, Pierce Building, Room 815, St. Louis 2, Mo., c/o North America Co's. Service Office.

Alliance Insurance Co., Richmond Office, 303 American Building, Richmond, Va., c/o North America Co's. Service Office.

Alliance Insurance Co., Pittsburgh Office, 587 Union Trust Building, Pittsburgh 19, Pa., c/o North America Co's. Service Office.

Alliance Insurance Co., San Francisco Office, 222 Sansome Street, San Francisco 4, Calif., % North America Co.'s Service Office.

Alliance Insurance Co., Omaha Office, 820 Omaha National Bank Building, Omaha 2, Nebr., % North America Co.'s Service Office.

Alliance Insurance Co., New York Office, 99 John Street, New York 7, N. Y., % North America Co.'s Service Office.

Alliance Insurance Co., Newark Office, 809 Union Building, Newark 2, N. J., % North America Co.'s Service Office.

Alliance Insurance Co., Boston Office, 805 Insurance Exchange Building, Boston 9, Mass., % North America Co.'s Service Office.

Alliance Insurance Co., Albany Office, 90 State Street, Albany 7, N. Y., % North America Co.'s Service Office.

Alliance Insurance Co., Minneapolis Office, 1029 Plymouth Building, Minneapolis 2, Minn., % North America Co.'s Service Office.

Alliance Insurance Co., Atlanta Office, 739 Trust Co. of Georgia Building, Atlanta 3, Ga., % North America Co.'s Service Office.

Alliance Insurance Co., Baltimore Office, 704 Mercantile Trust Building, Baltimore 2, Md., % North America Co.'s Service Office.

Alliance Insurance Co., Philadelphia Metropolitan Office, Public Ledger Building, P. O. Box 147, Independence Square, Philadelphia 5, Pa., % North America Co.'s Service Office.

Alliance Insurance Co., Indianapolis Office, Consolidated Building, Indianapolis 4, Ind., % North America Co.'s Service Office.

Alliance Insurance Co., Hartford Office, 410 Asylum Street, Hartford 3, Conn., % North America Co.'s Service Office.

Allemannia Fire Insurance Co., Carolinas Department, 111 Corcoran Street, Durham, N. C.

The Allemannia Fire Insurance Co., Pacific Coast Department, 266 Bush Street, San Francisco 4, Calif.

Boston Insurance Co., San Francisco Office, 340 Pine Street, San Francisco 4, Calif.

Boston Insurance Co., Lansing Office, Hollister Building, Lansing 1, Mich.

Alan H. Bonito & Co. Inc., Agents, East & West Insurance Co., 80 John Street, New York 7, N. Y.

Harold W. Blanchard, Office Northwestern National Insurance Co., 320 Central Bank Building, Oakland 12, Calif.

Talbot Bird & Co. Insurance, New York Branch, Eagle Star Insurance Co., 111 John Street, New York, N. Y.

Biglen & Curran, Managers, Pacific Coast Department New York Underwriters Insurance Co., 720 California Street, San Francisco 20, Calif.

Bernard Froiseth, Honolulu Rep. Firemens Fund Insurance Co., 320 Dillingham Transportation Building, Honolulu 16, T. H.

Bankers & Shippers Insurance Co., of New York, San Francisco Office, Merchants Exchange Building, 465 California Street, San Francisco 4, Calif.

Baltimore American Insurance Co., Boston Branch, 100 Milk Street, Boston 9, Mass.

The Baltimore American Insurance Co., San Francisco Branch, 341 Montgomery Street, San Francisco 4, Calif.

Baltimore American Insurance Co., Philadelphia Branch 421 Walnut Street, Philadelphia 6, Pa.

The Baltimore American Insurance Co., Chicago Branch, 175 West Jackson Boulevard, Room 1723, Chicago 4, Ill.

Automobile Insurance Co., Pacific Department, 220 Montgomery Street, San Francisco 4, Calif.

California Insurance Co., San Francisco Office, 515 Montgomery Street, San Francisco, Calif.

Columbia Insurance Co. of New York, Pacific Department, 360 Pine Street, San Francisco, Calif.

Hartford Fire Insurance Co., Survey Department, 548 South Spring Street, Los Angeles, Calif.

Home Fire & Marine Insurance Co., New York Office, 116 John Street, New York 7, N. Y.

Milwaukee Mechanics Insurance Co., Dallas Department, 912 Commerce Street, Dallas, Tex.

New Brunswick Fire Insurance Co., San Francisco Branch, 341 Montgomery Street, San Francisco 4, Calif.

Northwestern National Insurance Co., George M. Horsburgh, 705 Lane Mortgage Building, Los Angeles 14, Calif.

Phoenix Assurance Co., Ltd., Pacific Department, 360 Pine Street, San Francisco, Calif.

Richmond Insurance Co. of New York, Carolinas Department, 111 Corcoran Street, Durham, N. C.

Southern Fire Insurance Co., Carolinas Department, 111 Corcoran Street, Durham, N. C.

Twin City Fire Insurance Co., Survey Department, 548 South Spring Street, Los Angeles, Calif.

Westchester Fire Insurance Co., Southern Department, 771 Spring Street, Atlanta, Ga.

City of New York Insurance Co., San Francisco Branch, 341 Montgomery Street, San Francisco 4, Calif.

City of New York Insurance Co., Boston Branch, 71 Kilby Street, Boston 9, Mass.

City of New York Insurance Co., Philadelphia Branch, 421 Walnut Street, Philadelphia 6, Pa.

City of New York Insurance Co., Chicago Branch, 175 West Jackson Boulevard, Room 1723, Chicago 4, Ill.

Citizens Insurance Co. of New Jersey, Northwestern Department, 900 New York Life Building, Minneapolis 2, Minn.

Citizens Insurance Co. of New Jersey, Pacific Department, 720 California Street, San Francisco 20, Calif.

Citizens Insurance Co. of New Jersey, Southern Department, P. O. Box 1720, Atlanta 1, Ga.

Citizens Insurance Co. of New Jersey, Western Department, 410 North Michigan Avenue, Chicago 11, Ill.

Chubb & Son, Agents, Federal Insurance Co., Hurt Building, Atlanta 3, Ga.

Chubb & Son, Agents, Federal Insurance Co., 175 West Jackson Boulevard, Chicago, 4, Ill.

Central States Fire Insurance Co., New York Metropolitan Department, 110 William Street, New York 7, N. Y.

R. W. Chandler Agents, National Retailers Mutual Insurance Co., 320 Russ Building, San Francisco 4, Calif.

Central Manufacturers Mutual Insurance Co., Pacific Coast Department, 453 Montgomery Street, San Francisco 4, Calif.

Central Manufacturers Mutual Insurance Co., Metropolitan Department, 90 John Street, New York, N. Y.

The Central States Fire Insurance Co., Hartford Department, 30 Trinity Street, Hartford 1, Conn.

Central States Fire Insurance Co., Cook County Department, 2133 Insurance Exchange, Chicago 4, Ill.

Central Insurance Co. of Baltimore, Cleveland Office, 1101 Union Commerce Building, Cleveland 14, Ohio.

Central Insurance Co. of Baltimore, Dallas Office, 809 Cotton Exchange Building, Dallas 1, Tex., % North America Co.'s Service Offices.

Central Union Insurance Co., San Francisco Department, 201 Sansome Street, San Francisco 4, Calif.

Central Insurance Co. of Baltimore, Denver Office, 860 Gas and Electric Building, Denver 2, Colo., % North America Co's. Service Offices.

Central Insurance Co. of Baltimore, Hartford Office, 410 Asylum Street, Hartford 3, Conn., % North America Co's. Service Offices.

Central Insurance Co. of Baltimore, Indianapolis Office, Consolidated Building, Indianapolis 4, Ind., % North America Co's. Service Office.

Central Insurance Co. of Baltimore, Minneapolis Office, 1029 Plymouth Building, Minneapolis 2, Minn., % North America Co's. Service Office.

Central Insurance Co. of Baltimore, Orlando Office, Florida Bank Building, P. O. Box 2151, Orlando, Fla., % North America Co's. Service Office.

Central Insurance Co. of Baltimore, San Francisco Office, 222 Sansome Street, San Francisco 4, Calif., % North America Co's. Service Office.

Central Insurance Co. of Baltimore, St. Louis Office, 815 Pierce Building, St. Louis 2, Mo., % North America Co's. Service Office.

Central Insurance Co. of Baltimore, Seattle Office, 508 Colman Building, Seattle 4, Wash., % North America Co's. Service Office.

Central Insurance Co. of Baltimore, Los Angeles Office, 621 South Spring Street, Los Angeles 14, Calif., % North America Co's. Service Office.

Central Insurance Co. of Baltimore, Omaha Office, 820 Omaha National Bank Building, Omaha 2, Nebr., % North America Co's. Service Office.

Central Insurance Co. of Baltimore, Detroit office, 1200 Buhl Building, Detroit 26, Mich., % North America Co's. Service Office.

The Central Insurance Co. of Baltimore, Atlanta Office, 739 Trust Co. of Georgia Building, Atlanta 3, Ga., % North America Co.'s Service Office.

The Central Insurance Co. of Baltimore, Boston Office, 805 Insurance Exchange Building, Boston 9, Mass., % North America Co.'s Service Office.

The Carolina Insurance Co., San Francisco Branch, 341 Montgomery Street, San Francisco 4, Calif.

The Central Insurance Co. of Baltimore, Chicago Office, 231 South La Salle Street, Room 1080, Chicago 4, Ill., % North America Co.'s Service Office.

Carolina Insurance Co., Philadelphia Branch, 421 Walnut Street, Philadelphia 6, Pa.

The Cambellsport Mutual Fire Insurance Co., Agents, Furniture Dealers Mutual Fire Insurance Co., Cambellsport, Wis.

Carolina Insurance Co., Boston Branch, 71 Kilby Street, Boston 9, Mass.

The Carolina Insurance Co., Chicago Branch, 175 West Jackson Boulevard, Room 1723, Chicago 4, Ill.

Capital Fire Insurance Co., San Francisco Branch, 201 Sansome Street, San Francisco 20, Calif.

Capital Fire Insurance Co., Chicago Branch, 175 West Jackson Boulevard, Chicago 4, Ill.

Capital Fire Insurance Co. of California, Capital National Bank Building, Seventh and J Streets, Sacramento 14, Calif.

Camden Fire Insurance Association, New England Department, 87 Kilby Street, Boston 2, Mass.

Caledonian American Insurance Co., Wisconsin Department, 611 North Broadway, Milwaukee 2, Wis.

British General Insurance Co., Ltd., Chicago office, 175 West Jackson Boulevard, Chicago 4, Ill.

British General Insurance Co., Ltd., New York office, 123 William Street, New York 7, N. Y.

British General Insurance Co., Ltd., San Francisco office, 315 Montgomery Street, San Francisco 4, Calif.

British General Insurance Co., Ltd., Atlanta office, 10 Prior Street Building, P. O. box 1393, Atlanta I, Ga.

British & Foreign Marine Insurance Co., Ltd., San Francisco branch, 201 Sansome Street, San Francisco 20, Calif.

British & Foreign Marine Insurance Co., Ltd., Chicago branch, 175 West Jackson Boulevard, Chicago 4, Ill.

T. E. Braniff Co., agents, Empire State Insurance Co., Braniff Building, Oklahoma City 2, Okla.

Edward Brown & Sons, Agricultural Insurance Co., 432 California Street, San Francisco 4, Calif.

Edward Brown & Sons, agents, the Travelers Fire Insurance Co., 432 California Street, San Francisco 4, Calif.

British America Assurance Co., Carolinas department, 111 Corcoran Street, Durham, N. C.

British America Assurance Co., southern department, 771 Spring Street, Atlanta 3, Ga.

British America Assurance Co., Allegheny department, 7 Wood Street, Pittsburgh 22, Pa.

British America Assurance Co., western department, 524 West Stephenson Street, Freeport, Ill.

British America Assurance Co., Pacific coast department, 266 Bush Street, San Francisco 4, Calif.

Caledonian Insurance Co., Pacific Coast Department, 351 California Street, San Francisco 4, Calif.

Caledonian Insurance Co., Georgian Department, 10 Pryor Street Building, Atlanta 3, Ga.

Caledonian Insurance Co., Oklahoma Department, % Eberle & Co., General Agents, Midwest Building, Oklahoma City 2, Okla.

Caledonian Insurance Co., Jacksonville, Fla., Department, 502 Lynch Building, Jacksonville, Fla.

Caledonian Insurance Co., Connecticut Department, 242 Trumbull Street, Hartford 1, Conn.

Caledonian Insurance Co., Alabama Department, 30 St. Joseph Street, P. O. Box 1628, Mobile 9, Ala.

Brummel Bros., Agents, Security Fire Insurance Co., 175 West Jackson Boulevard, Room 1501, Chicago 4, Ill.

Caledonian Insurance Co., New York Department, 116 John Street, New York 7, N. Y.

Caledonian American Insurance Co., Second Pacific Coast Department, 240 Sansome Street, San Francisco 4, Calif.

Caledonian American Insurance Co., Pacific Coast Department, 351 California Street, San Francisco 4, Calif.

Caledonian American Insurance Co., Pittsburgh Department, 3607 Law and Finance Building, Pittsburgh 19, Pa.

Caledonian American Insurance Co., North Carolina Department, 111 Corcoran Street, Durham, N. C.

Caledonian American Insurance Co., Florida Department, 206–08 Tampa Gas Building, P. O. Box 951, Tampa 1, Fla.

Caledonian Insurance Co., Second Pacific Coast Department, 345 Sansome Street, San Francisco 4, Calif.

The Allemannia Fire Insurance Co., Allegheny Department, 7 Wood Street, Pittsburgh 22, Pa.

Allemannia Fire Insurance Co., Western Department, 524 West Stephenson Street, Freeport, Ill.

Allemannia Fire Insurance Co., Southern Department, 771 Spring Street, Atlanta 3, Ga.

Albany Insurance Co., Albany Office, 112 State Street, Albany 7, N. Y.

Albany Insurance Co., Chicago Office, 175 West Jackson Boulevard, Chicago 4, Ill.

Albany Insurance Co., San Francisco Office, 315 Montgomery Street, San Francisco 4, Calif.

The Aetna Insurance Co., The Pacific Department, 220 Bush Street, San Francisco 4, Calif.

The Aetna Insurance Co., The Cook County Department, 175 West Jackson Boulevard, Room 1827, Chicago 4, Ill.

The Aetna Insurance Co., The Western Department, 410 North Michigan Avenue, Chicago 11, Ill.

Aetna Insurance Co., North Carolina Department, 218 South Tryon Street, Charlotte 2, N. C.

The Aetna Insurance Co., New York Department, 100 William Street, New York 7, N. Y.

Associated Agencies, Inc., Agents, Empire State Insurance Co., Sixteenth Floor, Insurance Exchange, Chicago 4, Ill.

Associated Mutuals Inc. Agents, Lumber Mutual Fire Insurance Co., Kemper Insurance Building, Atlanta, Ga.

Armstrong General Agency, Northwestern Mutual Fire Association, Buffalo Block, Kalispell, Mont.

Branch Office, Northwestern National Insurance Co., 613 Cuyahoga Building., Cleveland 14, Ohio.

Anchor Insurance Co., Chicago Department, Insurance Exchange, Room 641, Chicago 4, Ill.

Anchor Insurance Co., San Francisco Department, 340 Pine Street, San Francisco 4, Calif.

Anchor Insurance Co., New York Department, 79 John Street, New York 7, N. Y.

American International Underwriters Agents Corp., National Union Fire Insurance Co., 111 John Street, New York 7, N. Y.

American Equitable Assurance Co. of New York, San Francisco Office, 60 Sansome Street, San Francisco 4, Calif.

The Allemannia Fire Insurance Co., 7 Wood Street, Pittsburgh 22, Pa.

Central Insurance Co. of Baltimore, Cincinati Office, 1525 Carew Tower Building, Cincinnati 2, Ohio. Care of North America Co's., Service Offices.

Caledonian Insurance Co., Second New York Department, 111 John Street, New York 7, N. Y.

California Insurance Co., Chicago Office, 175 West Jackson Boulevard, Chicago 4, Ill.

California Insurance Co., New York Office, 123 William Street, New York 7, N. Y.

California Insurance Co., Atlanta Office, 10 Pryor Street, P. O. Box 1383, Atlanta 1, Ga.

Caledonian American Insurance Co., New York Department, 26 Platt Street, New York 7, N. Y.

Home Insurance Co., Philadelphia Branch, 421 Walnut Street, Philadelphia 6, Pa.

The Home Insurance Co., New York, San Francisco Branch, 341 Montgomery Street, San Francisco 4, Calif.

Home Fire & Marine Insurance Co., Seattle Branch, Stuart Building, Seattle, Wash.

Hoover & Diggs Co., General Agents, Globe & Rutgers Fire Insurance Co., Commonwealth Building, Pittsburgh 22, Pa.

H. V. Hoffman-Akey Co., Agents, Merchants Fire Insurance Co., 123 South Broadway, Los Angeles 12, Calif.

Hoey, Ellison & Frost, Inc., Agents, Empire State Insurance Co., 99 William Street, New York 7, N. Y.

Hartford Fire Insurance Co., New York Office, Ocean and Inland Marine Department, 90 John Street, New York 7, N. Y.

Hartford Fire Insurance Co., Brooklyn Branch Office, 160 Montague Street, Brooklyn 2, N. Y.

Hartford Fire Insurance Co., War Damage Department, 104 John Street, New York 7, N. Y.

Hartford Fire Insurance Co., Philadelphia Department, 401 Walnut Street, Philadelphia 6, Pa.

Hartford Fire Insurance Co., Seattle Branch, 711 Dexter Horton Building, Seattle 4, Wash.

Hartford Fire Insurance Co., Pacific Department, 720 California Street, San Francisco 20, Calif.

Hartford Fire Insurance Co., Southern Department, P. O. Box 1720, Atlanta 1, Ga.

Hartford Fire Insurance Co., Western Department, 410 North Michigan Avenue, Chicago 11, Ill.

Hardware Mutual Insurance Co. of Minnesota, San Francisco Department, 417 Montgomery Street, San Francisco 4, Calif.

Firemen's Insurance Co. of Newark, Chicago Department, 120 South LaSalle Street, Chicago 3, Ill.

Fireman's Fund Insurance Co., New York Office, 116 John Street, New York 7, N. Y.

Fireman's Fund Insurance Co., Southern Department, P. O. Box 1701, Atlanta 1, Ga.

Fireman's Fund Insurance Co., Seattle Branch, Stuart Building, Seattle, Wash.

Fireman's Fund Insurance Co., A. 835 Insurance Exchange Building, 175 West Jackson Boulevard, Chicago 4, Ill.

Fireman's Fund Insurance Co., Boston Branch, 10 Post Office Square, Boston 7, Mass.

Fireman's Fund Insurance Co., Los Angeles Branch, 548 South Spring Street, Los Angeles 13, Calif.

Fire Association of Philadelphia, Pacific Coast Department, 425 Montgomery Street, San Francisco 4, Calif.

Fire Association of Philadelphia, Southeastern Department, P. O. Box 1682, Atlanta 1, Ga.

Fire Association of Philadelphia, New York City Department, 100 Maiden Lane, New York 7, N. Y.

Fire Association of Philadelphia, Western Department, 222 West Adams Street, Chicago 6, Ill.

First National Insurance Co. of America, San Francisco Office, Insurance Center Building, San Francisco 4, Calif.

First National Insurance Co. of America, Los Angeles Office, 300 Spreckles Building, Los Angeles 14, Calif.

First National Insurance Co. of America, Dallas Office, 1723 Republic Bank Building, Dallas 1, Tex.

Glens Falls Insurance Co., San Francisco Branch, Sixth Floor, Mills Tower, San Franciso 4, Calif.

Glens Falls Insurance Co., Chicago Branch, 175 West Jackson Boulevard, Chicago 4, Ill.

Glenn County Farmers Mutual Insurance Co., First Reinsurance Co. of California, 432 Colusa Street, Orland, Calif.

Girard Fire & Marine Insurance Co. of Philadelphia, Dallas Department, 912 Commerce Street, Dallas, Tex.

Girard Fire & Marine Insurance Co. of Philadelphia, San Francisco Department, 220 Bush Street, San Francisco 6, Calif.

Girard Fire & Marine Insurance Co. of Philadelphia, Chicago Department, 120 South LaSalle Street, Chicago 3, Ill.

The Gibraltar Fire & Marine Insurance Co., San Francisco Branch, 341 Montgomery Street, San Francisco 4, Calif.

Gibraltar Fire & Marine Insurance Co., Philadelphia Branch, 421 Walnut Street, Philadelphia 6, Pa.

The Gibraltar Fire & Marine Insurance Co., Chicago Branch, 175 West Jackson Boulevard, Room 1723, Chicago 4, Ill.

Georgia Home Insurance Co., Philadelphia Branch, 421 Walnut Street, Philadelphia 6, Pa.

Georgia Home Insurance Co., Boston Branch, 71 Kilby Street, Boston 9, Mass.

The Georgia Home Insurance Co., Chicago Branch, 175 West Jackson Boulevard, Room 1723, Chicago 4, Ill.

General Insurance Co of America, San Francisco Office, Insurance Center Building, San Francisco 4, Calif.

General Insurance Co. of America, Los Angeles Office, 300 Spreckles Building, Los Angeles 14, Calif.

The Standard Fire Insurance Co. of Hartford, Western Fire Department, 120 South La Salle Street, Chicago 3, Ill.

The Standard Fire Insurance Co. of Hartford, Pacific Department, 220 Montgomery Street, San Francisco 14, Calif.

The Standard Fire Insurance Co. of Hartford, Metropolitan Department, 151 William Street, New York 7, N. Y.

The Standard Fire Insurance Co. of Hartford, Southern Department, 10 Pryor Street Building, Atlanta 3, Ga.

Swett & Crawford, San Francisco Office, Sun Underwriters Insurance Co., 100 Sansome Street, San Francisco 4, Calif.

Sun Underwriters Insurance Co., Western Department, 309 West Jackson Boulevard, Chicago 6, Ill.

Sun Insurance Office, Ltd., Western Department, 309 West Jackson Boulevard, Chicago 6, Ill.

Stuart G. Thompson-Elwell Co., Agents, American Central Insurance Co., Securities Building, Seattle 1, Wash.

Standard Marine Insurance Co., Ltd., Pacific Coast Department, 332 Pine Street, San Francisco 4, Calif.

Henry A. Steckler Co., Agricultural Insurance Co., 423 Carondelet Street, New Orleans 4, La.

Strickland & Hardin, Inc., Agent, Northern Assurance Co., Ltd., 1005 Atlantic National Bank Building, Jacksonville 2, Fla.

St. Paul Fire & Marine Insurance Co., Pacific Department, 211 Mills Building, San Francisco 4, Calif.

J. G. Stock, Manager, Office, Northwestern National Insurance Co., 713 Mercantile Trust Building, Baltimore 2, Md.

C. J. Stovel, General Agent, Empire State Insurance Co., 201 Sansome Street, San Francisco 20, Calif.

Swett & Crawford, Agents, Sun Insurance Office, Ltd., 100 Sansome Street, San Francisco 4, Calif.

Twin City Fire Insurance Co., Pacific Department, 720 California Street, San Francisco 20, Calif.

Twin City Fire Insurance Co., Southern Department, P. O. Box 1720, Atlanta 1, Ga.

Twin City Fire Insurance Co., Minneapolis Department, 900 New York Building, Minneapolis 2, Minn.

Trezevant & Cochran, General Agents, Philadelphia National Insurance Co., 1821 Young Street, Dallas 1, Tex.

Trezevant & Cochran, General Agents, The Reliance Insurance Co. of Philadelphia, 1821 Young Street, Dallas 1, Tex.

Trezevant & Cochran, General Agents, Fire Association of Philadelphia, 1821 Young Street, Dallas 1, Tex.

Trezevant & Cochran, General Agents, Lumbermens Insurance Co., 1821 Young Street, Dallas 1, Tex.

Trezevant & Cochran, General Agents, Granite State Fire Insurance Co., Dallas 1, Tex.

Standard Marine Insurance Co. Ltd., Eastern Department, 20 Trinity Street, Hartford 2, Con.

Standard Marine Insurance Co. Ltd., Western Department, 223 W. Jackson Boulevard, Chicago 4, Ill.

The Standard Insurance Co. of New York, Cook County Department, 175 W. Jackson Boulevard, Chicago 4, Ill.

The Standard Insurance Co. of New York, The Pacific Department, 20 Bush Street, San Francisco 4, Calif.

The Standard Insurance Co. of New York, Western Department, 410 N. Michigan Avenue, Chicago 11, Ill.

Swett & Crawford, Patriotic Insurance Co., Pacific Coast Department, 100 Sansome Street, San Francisco 4, Calif.

Swett & Crawford, Agents, Charter Oak Fire Insurance Co., 100 Sansome Street, San Francisco 4, Calif.

Thames & Mersey Marine Insurance Co. Ltd., Chicago Branch, 175 W. Jackson Boulevard, Chicago 4, Ill.

Thames & Mersey Marine Insurance Co. Ltd., San Francisco Branch, 201 Sansome Street, San Francisco 20, Calif.

Transcontinental Insurance Co., Western Department, 231 Insurance Exchange Building, 175 W. Jackson Boulevard, Chicago 4, Ill.

Transcontinental Insurance Co., Pacific Department, 234 Bush Street, San Francisco 20, Calif.

H. E. Trautmann, Office Northwestern National Insurance Co., 203 United States National Bank Building, Denver 2, Colo.

Travelers Fire Insurance Co., Pacific Coast Department, 315 Montgomery Street, San Francisco 4, Calif.

Travelers Fire Insurance Co., Chicago Branch, Insurance Exchange Building, Chicago 4, Ill.

The Travelers Fire Insurance Co., New York Branch, 55 John Street, New York 7, N. Y.

Charles Tredick & Co., Inc., Agents, New Hampshire Fire Insurance Co., 233 S. Fifth Street., Philadelphia 6, Pa.

Trezevant & Cochran, Agents, New Hampshire Fire Insurance Co., Dalas, Tex.

United States Fire Insurance Co., Southern Department, 771 Spring Street, Atlanta 3, Ga.

C. B. Velander, Office Northwestern National Insurance Co., 304 Pioneer Building, 4th and Robert, Saint Paul 1, Minn.

Westchester Fire Insurance Co., Pacific Coast Department, 266 Bush Street, San Francisco 4, Calif.

Westchester Fire Insurance Co., Western Department, 524 W. Stephenson Street, Freeport, Ill.

Westchester Fire Insurance Co., Allegheny Department, 7 Wood Street, Pittsburgh 22, Pa.

Westchester Fire Insurance Co., Carolinas Department, 111 Corcoran Street, Durham, N. C.

Northwestern Fire & Marine Insurance Co., Minneapolis Office, 900 New York Life Building, Minneapolis 2, Minn.

Northwestern Fire & Marine Insurance Co., Survey Department, 548 S. Spring Street, Los Angeles, Calif.

Northern Insurance Company of New York, San Francisco Office, 1317 Mills Tower, San Francisco 4, Calif.

Niagara Fire Insurance Co., Atlanta Department, 10 Pryor Street SW., Atlanta, 3, Ga.

Niagara Fire Insurance Co., San Francisco Department, 60 Sansome Street, San Francisco 4, Calif.

Niagara Fire Insurance Co., Western Department, 135 S. LaSalle Street, Chicago 3, Ill.

North British Mercantile Insurance Co., Ltd., Pacific Department, 315 Montgomery Street, San Francisco 4, Calif.

North British and Mercantile Insurance Co., Ltd., Chicago Department, 175 W. Jackson Boulevard, Chicago 4, Ill.

North British Mercantile Insurance Co., Ltd., Michigan Department, National Bank Building, Detroit 26, Mich.

North British Mercantile Insurance, Ltd., Philadelphia Department, 508–510 Walnut Street, Philadelphia 5, Pa.

The North River Insurance Co., Western Department, 524 West Stephenson Street, Freeport, Ill.

North River Insurance Co., Southern Department, 771 Spring Street, Atlanta 3, Ga.

North River Insurance Co., Carolinas Department, 111 Corcoran Street, Durham, N. C.

The North River Insurance Co., Allegheny Department, 7 Wood Street, Pittsburgh 22, Pa.

Oregon Mutual Fire Insurance Co., Salt Lake City Branch, 605 Walker Bank Building, Salt Lake City 1, Utah.

Oregon Mutual Fire Insurance Co., Los Angeles Branch, 208 Eighth Street, Los Angeles 14, Calif.

Oregon Mutual Fire Insurance Co., Denver Branch, 301–302 United States National Bank Building, Denver 2, Colo.

Oregon Mutual Fire Insurance Co., Boise Branch, 306 Robert Noble Building, Boise, Idaho.

E. K. Oldenburg, Northwestern National Insurance Co., 1104–08 Gloyd Building, Kansas City 6, Mo.

Old Colony Insurance Co., San Francisco Office, 340 Pine Street, San Francisco 4, Calif.

Old Colony Insurance Co., Hollister Building, Lansing Office, Lansing 1, Mich.

Ohio Grain Dealers Mutual Fire Insurance Co., Mill Mutuals Ohio Department, 22 East Gay Street, Columbus 15, Ohio.

Western National Insurance Co., Los Angeles Branch, 548 South Spring Street, Los Angeles 13, Calif.

Western National Insurance Co., Southern Department, P. O. Box 1701, Atlanta 1, Ga.

Western National Insurance Co., Boston Branch, 10 Post Office Square, Boston 7, Mass.

Western National Insurance Co., A. 835 Insurance Exchange Building, 175 West Jackson Boulevard, Chicago 4, Ill.

Western National Insurance Co., New York Office, 116 John Street, New York 7, N. Y.

Western National Insurance Co., Seattle Branch, Stuart Building, Seattle, Wash.

Paramcunt Fire Insurance Co., Boston Branch, 71 Kilby Street, Boston 9, Mass.

Palatine Insurance Co., Ltd., San Francisco Office, 315 Montgomery Street, San Francisco 4, Calif.

Palatine Insurance Co., Ltd., New York Office, 123 William Street, New York 7, N. Y.

Palatine Insurance Co., Ltd., Chicago Office, 175 West Jackson Boulevard, Chicago 4, Ill.

Palatine Insurance Co., Ltd., Atlanta Office, P. O. Box 1383, Atlanta 1, Ga.

Pacific National Fire Insurance Co., Western Department, Insurance Exchange Building, Chicago 4, Ill.

Pacific National Fire Insurance Co., New York Office, 12 Platt Street, New York 7, N. Y.

Pacific National Fire Insurance Co., Eastern Department, Drexel Building, Fifth and Chestnut Streets, Philadelphia 5, Pa.

Pacific Fire Insurance Co., San Francisco Office, Merchants Exchange Building, 465 California Street, San Francisco 4, Calif.

Orient Insurance Co., Western Department, 223 West Jackson Boulevard, Chicago 6, Ill.

Orient Insurance Co., Pacific Department, 332 Pine Street, San Francisco 4, Calif.

Orient Insurance Co., Metropolitan Department, 108 John Street, New York 7, N. Y.

Oregon Mutual Fire Insurance Co., Seattle Branch, 525 Dexter Horton Building, Seattle, Wash.

Oregon Mutual Fire Insurance Co., San Francisco Branch, 1543 Russ Building, San Francisco, Calif.

Pennsylvania Fire Insurance Co., Pacific Department, 315 Montgomery Street, San Francisco 4, Calif.

Pennsylvania Fire Insurance Co., Philadelphia Department, 508–510 Walnut Street, Philadelphia 5, Pa.

Pennsylvania Fire Insurance Co., Michigan Department, National Bank Building, Detroit 26, Mich.

The Pennsylvania Fire Insurance Co., Chicago Department, 175 West Jackson Boulevard, Chicago 4, Ill.

Pearl Assurance Co., Ltd., San Francisco Branch, 200 Bush Street, San Francisco 4, Calif.

Pearl Assurance Company Ltd., Philadelphia Branch, 525 Chestnut Street, Philadelphia 6, Pa.

The Paul Revere Fire Insurance Co., San Francisco Branch, 341 Montgomery Street, San Francisco 4, Calif.

Paul Revere Fire Insurance Co., Philadelphia Branch, 421 Walnut Street, Philadelphia 6, Pa.

The Paul Revere Fire Insurance Co., Chicago Branch, 175 West Jackson Boulevard, Room 1723, Chicago 4, Ill.

Paul Revere Fire Insurance Co., Buffalo Office, Genesee Building, 1 West Genesee Street, Buffalo 2, N. Y.

Patriotic Insurance Co., Western Department, 309 West Jackson Boulevard, Chicago 6, Ill.

Paramount Fire Insurance Co., San Francisco Branch, 341 Montgomery Street, San Francisco 4, Calif.

Paramount Fire Insurance Co., Philadelphia Branch, 421 Walnut Street, Philadelphia 6, Pa.

Paramount Fire Insurance Co., Chicago Branch, 175 West Jackson Boulevard, Chicago 4, Ill.

Richmond Insurance Co. of New York, Carolinas Department, 111 Corcoran Street, Durham, N. C.

Richmond Insurance Co. of New York, Southern Department, 771 Spring Street, Atlanta 3, Ga.

Richmond Insurance Co. of New York, Allegheny Department, 7 Wood Street, Pittsburgh 22, Pa.

Richmond Insurance Co. of New York, Western Department, 524 West Stephenson Street, Freeport, Ill.

Richmond Insurance Co. of New York, Pacific Coast Department, 266 Bush Street, San Francisco 4, Calif.

Republic Insurance Co., Chicago Branch, 175 West Jackson Boulevard, Chicago 4, Ill.

Republic Insurance Co., New York Branch, 110 Fulton Street, New York 7, N. Y.

Republic Insurance Co., Seattle Branch, 1104 American Building, Seattle 4, Wash.

Republic Insurance Co., San Diego Branch, 915 Bank of America Building, San Diego 1, Calif.

Republic Insurance Co., San Francisco Branch, 111 Sutter Street Building, San Francisco 4, Calif.

Republic Insurance Co., Los Angeles Branch, 675 South Park View Street, Los Angeles 5, Calif.

The Reliance Insurance Co. of Philadelphia, Pacific Coast Department, 425 Montgomery Street, San Francisco 4, Calif.

The Reliance Insurance Co. of Philadelphia, Western Department, 222 West Adams Street, Chicago 6, Ill.

O'Brion, Russel & Co., Agents, St. Paul Fire & Marine Insurance Co., 108 Water Street, Boston 6, Mass.

Norwich Union Fire Insurance Society, San Francisco Office, 234 Sansome Street, San Francisco 4, Calif.

Northwestern Mutual Fire Ass'n., Oregon Department, 234 Pacific Building, Portland 4, Oreg.

Northwestern Mutual Fire Ass'n., Southwestern Department, 210 Great National Life Building, Dallas 1, Tex.

Northwestern Mutual Fire Ass'n., Central Department, 150 East Broad Street, Columbus 15, Ohio.

Northwestern Mutual Fire Ass'n., Washington Department, 217 Pine Street, Seattle 1, Wash.

Northwestern Mutual Fire Ass'n., Southern California Department, Box 5090 Metropolitan Station, Los Angeles 55, Calif.

Northwestern Mutual Fire Ass'n, Midwestern Department, Bankers Building, 105 West Adams Street, Chicago 3, Ill.

Northwestern Mutual Fire Ass'n., Northern California Department, 417 Montgomery Street, San Francisco 20, Calif.

Northwestern Mutual Fire Ass'n., New York City Department, 116 John Street, New York 7, N. Y.

Northwestern Mutual Fire Ass'n., Intermountain Department, 515 Judge Building, Salt Lake City 1, Utah.

Northeastern Mutual Fire Ass'n., Southeastern Department, 103 Security Bank Building, Raleigh, N. C.

Northwestern Fire & Marine Insurance Co., Pacific Office, 720 California Street, San Francisco 20, Calif.

Northwestern Fire & Marine Insurance Co., Southern Office, P. O. Box 1720, Atlanta 1, Ga.

J. H. Shannon, Office Northwestern National Insurance Co., 409 Woodward Building, Washington 5, D. C.

Scottish Union and National Insurance Co., San Francisco Department, 201 Sansome Street, San Francisco 4, Calif.

Sentinel Fire Insurance Co., Western Department, 222 W. Adams Street, Chicago 6, Ill.

Sentinel Fire Insurance Co., Pacific Department, 200 Bush Street, San Francisco 4, Calif.

Seibels Bruce & Co., Agents, Glens Falls Insurance Co., Columbia "G", S. C.

Security Insurance Co., San Francisco Office, 250 Sansome Street, San Francisco 4, Calif.

Seaboard Insurance Co., San Francisco Branch, 201 Sansome Street, San Francisco 20, Calif.

Seaboard Insurance Co., Chicago Branch, 175 W. Jackson Boulevard, Chicago 4, Ill.

E. K. Schultz & Co., General Agents, Ohio Farmers Insurance Co., Southeast Corner Fourth & Walnut Streets, Philadelphia 6, Pa.

E. K. Schultz and Co., Eastern Department, Millers National Insurance Co., Manhattan Building, Philadelphia 6, Pa.

E. K. Schultz and Co., Eastern Department, Illinois Fire Insurance Co., Manhattan Building, Philadelphia 6, Pa.

San Bernardino County Mutual Fire Insurance Co., Departmental Agents, First Reinsurance Company of California, 115 West "C" Street, Ontario, Calif.

Safeguard Insurance Co., Western Department, 223 West Jackson Boulevard, Chicago 6, Ill.

Safeguard Insurance Co., Pacific Department, 332 Pine Street, San Francisco 4, Calif.

The Homestead Fire Insurance Co., Chicago Branch, Room 1723, 175 West Jackson Boulevard, Chicago 4, Ill.

Homestead Fire Insurance Co., Baltimore Office, Barrett Building, Baltimore 2, Md.

Homeland Insurance Co. of America, Philadelphia Department, 508–510 Walnut Street, Philadelphia 5, Pa.

NOTE: The two paragraphs below are illegible on the original document.

The Homeland Insurance Co. of America, Chicago Department, West Jackson Boulevard, Chicago 4, Ill.

Homeland Insurance Co. of America, Pacific Department, Montgomery Street, San Francisco 4, Calif.

Homeland Insurance Co. of America, Michigan Department, National Bank Building, Detroit 26, Mich.

National Liberty Insurance Co. of America, San Francisco Branch, 341 Montgomery Street, San Francisco 4, Calif.

Imperial Assurance Co., Pacific Department, 360 Pine Street, San Francisco 4, Calif.

Hurt & Quin, Inc., Agricultural Insurance Co., Standard Building, Box 1689, Atlanta 1, Ga.

Thomas V. Humphreys, General Agent, National Fire & Marine Insurance Co., 609 South Grand Avenue, Los Angeles 14, Calif.

Humboldt Co. Mutual Fire Insurance Association, Departmental Agents, First Reinsurance Co. of California, Ferndale, Calif.

Homestead Fire Insurance Co., Philadelphia Branch, 421 Walnut Street, Philadelphia 6, Pa.

Homestead Fire Insurance Co., Boston Branch, 71 Kilby Street, Boston 9, Mass.

The Homestead Fire Insurance Co., San Francisco Branch, 341 Montgomery Street, San Francisco 4, Calif.

Quaker City Fire & Marine Insurance Co., Western Department, 175 West Jackson Boulevard, Chicago 4, Ill.

Quaker City Fire & Marine Insurance Co., Eastern Department, 55 Fifth Avenue, New York 3, N. Y.

Queen Insurance Co. of America, San Francisco Branch, 201 Sansome Street, San Francisco 20, Calif.

Queen Insurance Co. of America, Chicago Branch, 175 West Jackson Boulevard, Chicago 4, Ill.

Providence Washington Insurance Co., San Francisco Department, 340 Pine Street, San Francisco 4, Calif.

Providence Washington Insurance Co., Chicago Department, Insurance Exchange, Room 641, Chicago 4, Ill.

Providence Washington Insurance Co., New York Department, 79 John Street, New York 7, N. Y.

The Reliance Insurance Co. of Philadelphia, New York City Department, 100 Maiden Lane, New York 7, N. Y.

The Reliance Insurance Co. of Philadelphia, Southeastern Department, Trust Co. of Georgia Building, Atlanta, Ga.

Reitan-Lerdahl & Co., General Agents, Mill Owners Mutual Fire Insurance Co. of Iowa, Pioneer Building, Madison 3, Wis.

Reed & Ellis, General Agents, The Rocky Mountain Fire Insurance Co., 114 Sansome Street, San Francisco 4, Calif.

W. P. Ray & Co., Inc., Office of Camden Fire Insurance Association, 155 East Market Street, Indianapolis 4, Ind.

Rathbone King & Seeley, General Agents, Federal Insurance Co., 114 Sansome Street, San Francisco 4, Calif.

Quaker City Fire & Marine Insurance Co., Pacific Coast Department, 315 Montgomery Street, San Francisco 4, Calif.

The North River Insurance Co., Pacific Coast Department, 266 Bush Street, San Francisco 4, Calif.

The Northern Assurance Co., Ltd., San Francisco Office, 114 Sansome Street, San Francisco 4, Calif.

Northern Assurance Co., Ltd., Chicago Office, Insurance Exchange Building, Room 2168, Chicago 4, Ill.

Zachary General Agency, Agents, The Stuyvesant Insurance Co. of New York, Allen Building, Greenville, S. C.

Zachary General Agency, Lumbermens Mutual Insurance Co. of Mansfield, Ohio, Allen Building, Greenville, S. C.

Zachary General Agency, Agents, Millers Mutual Fire Insurance Co. of Alton, Ill., Allen Building, Greenville, S. C.

The Yorkshire Insurance Co., Ltd., Pacific Coast Department, 340 Pine Street, San Francisco 4, Calif.

The Yorkshire Insurance Co., Ltd., Southern Department, 573 West Peachtree Street, P. O. Box 4989, Atlanta 2, Ga.

Wright & Co., General Agents, Implement Dealers Mutual Fire Insurance Co., 1027 Redick Tower Building, Omaha 2, Nebr.

World Fire & Marine Insurance Co., North Carolina Department, 218 South Tryon Street, Charlotte 2, N. C.

The World Fire & Marine Insurance Co., Cook County Department, 175 West Jackson Boulevard, Room 1827, Chicago 4, Ill.

The World Fire & Marine Insurance Co., Western Department, 410 North Michigan Avenue, Chicago 11, Ill.

The World Fire & Marine Insurance Co., New York Department, 100 William Street, New York 7, N. Y.

World Fire & Marine Insurance Co., Pacific Department, 220 Bush Street, San Francisco 4, Calif.

Mills & Honness, Inc., Agents, Orient Insurance Co., 75 Maiden Lane, New York 7, N. Y.

Mill Mutuals, Michigan Millers Mutual Fire Insurance Co., Minneapolis Department, 800 Flour Exchange, Minneapolis 15, Minn.

State Farm Fire Insurance Co., Pacific Coast Department, University Avenue, Berkeley 4, Calif.

The Standard Insurance Co. of New York, The New York Department, 100 William Street, New York 7, N. Y.

Star Insurance Co. of America, San Francisco Branch, 201 Sansome Street, San Francisco 20, Calif.

Star Insurance Co. of America, Chicago Branch, 175 West Jackson Boulevard, Chicago 4, Ill.

Springfield Fire & Marine Insurance Co., Western Department, 222 West Adams Street, Chicago 6, Ill.

Springfield Fire & Marine Insurance Co., Pacific Department, 200 Bush Street, San Francisco 4, Calif.

Spear & Co., Inc., Agent; Ohio Farmers Insurance Co., 810 South Spring Street, Los Angeles 14, Calif.

Southern Fire Insurance Co., Western Department, 524 West Stephenson Street, Freeport, Ill.

Southern Fire Insurance Co., Southern Department, 771 Spring Street, Atlanta 3, Ga.

NOTE: The three paragraphs below are illegible on the original copy.

Southern Fire Insurance Co., Pacific Coast Department, 266 Bush Street, San Francisco 4, Calif.

Southern Fire Insurance Co., ———— Department, ———— Street, Pittsburgh 22, Pa.

———— idles Agent, Citizens Fund Mutual Fire Insurance Co., ————, ———— ————, Colorado.

Hardware Mutual Insurance Co. of Minnesota, Los Angeles Department, 525 Board of Trade Building, 111 West Seventh Street, Los Angeles 14, Calif.

Hardware Mutual Insurance Co. of Minnesota, Houston Department, 805 Sterling Building, Houston 2, Tex.

Hardware Mutual Insurance Co. of Minesota, Atlanta Department, 527 Hurt Building, Atlanta 3, Ga.

Hardware Mutual Insurance Co. of Minnesota, Newark Department, 18 Washington Place, Newark 2, N. J.

Hanover Fire Insurance Co., Western Department, 1105 Insurance Exchange, Chicago 4, Ill.

Gulf Insurance Co., New Jersey Branch, 910 Bergen Avenue, Jersey City 6, N. J.

Laird Hagee Co., Agents, The Mutual Fire Insurance Co. in Harford County, Keystone Building, P. O. Box 142, Harrisburg, Pa.

Phil Grossmayer Co., General Agent, Granite State Fire Insurance Co., 419 Southwest Sixth Avenue, P. O. Box 1191, Portland 7, Oreg.

Gulf Insurance Co., Central Department, Chamber of Commerce Building, Indianapolis 4, Ind.

Gulf Insurance Co., San Francisco Bay Branch, 114 Sansome Street, San Francisco 4, Calif.

Gulf Insurance Co., Pacific Department, 724 South Spring Street, Los Angeles 14, Calif.

Phil Grossmayer Co., General Agent, New Hempshire Fire Insurance Co., 419 Southwest Sixth Avenue, P. O. Box 1191, Portland 7, Oreg.

Guy E. Greeson, Agents, The Stuyvesant Insurance Co., 717 Market Street, Knoxville 3, Tenn.

Loren H. Green & Co., Inc., Office Camden Fire Insurance Association, 331 West Forsyth Street, P. O. Box 868, Jacksonville 2, Fla.

Great American Insurance Co., Pacific Department, 233 Sansome Street, San Francisco 26, Calif.

Great American Insurance Co., Western Department, 310 South Michigan Avenue, Chicago 90, Ill.

Cravens, Dargan & Co., General Agent, Northwestern National Insurance Co., P. O. Box 1660, Houston 1, Tex.

Fred L. Gray Co., General Agents, Kansas City Fire & Marine Insurance Co., 816 Second Avenue South, Minneapolis 2, Minn.

Granite State Fire Insurance Co., Portsmouth Office, Portsmouth, N. H.

Granite State Fire Insurance Co., Pacific Coast Department, 200 Bush Street, San Francisco 4, Calif.

Grain Dealers National Mutual Fire Insurance Co., Mill Mutuals Southeastern Department, Third National Bank Building, Nashville 3, Tenn.

Grain Dealers National Mutual Fire Insurance Co., 320 Omaha Grain Exchange, Omaha 2, Nebr.

Paul Grace, Agent, Federal Mutual Fire Insurance Co., Syracuse-Kemper Insurance Building., Syracuse 2, N. Y.

Paul Grace, Agent, National Retailers Mutual Insurance Co., Syracuse-Kemper Insurance Building, Syracuse 2, N. Y.

Godchaux and Mayer, Ltd., New Orleans Branch, Eagle Star Insurance Co., 817 Union Street, New Orleans 12, La.

Godchaux & Mayer, Ltd., General Agents, American Central Insurance Co., 817 Union Street, New Orleans 12, La.

Globe & Rutgers Fire Insurance Co., Pacific Coast Department, 360 Pine Street, San Francisco 4, Calif.

Globe & Republic Insurance Company of America, San Francisco Office, 60 Sansome Street, San Francisco 4, Calif.

General Insurance Co. of America, Dallas Office, 1723 Republic Bank Building, Dallas 1, Tex.

General Insurance Co. of America, St. Louis Office, Pierce Building, St. Louis 2, Mo.

General Insurance Co. of America, New York City Office, 111 John Street, New York 7, N. Y.

General Exchange Insurance Corp., Atlanta Branch, 134 Peachtree Street NW., Atlanta 3, Ga.

General Exchange Insurance Corp., Chicago Branch, 840 North Michigan Avenue, Chicago 11, Ill.

General Exchange Insurance Corp., Dallas Branch, 1704 Main, Dallas 1, Tex.

L. W. Gaskill & Co., General Agent, Mill Owners Mutual Fire Insurance Co. of Iowa, 623–24 Kirby Building, Dallas 1, Tex.

Ben E. Garfinkle & Co., General Agent, Merchants Fire Insurance Co., 114 Sansome Street, San Francisco, Calif.

Gaeckle Weidenman Inc., Agents, Implement Dealers Mutual Fire Insurance Co., Madison, S. Dak.

Fulton Fire Insurance Co., General Agents, Western Department, 1105 Insurance Exchange, Chicago 4, Ill.

Fuller & Kern, Metropolitan Manager, Great Eastern Fire Insurance Co., 116 John Street, New York 7, N. Y.

Fuller & Kern, Agents, Security Insurance Co., 116 John Street, New York 7, N. Y.

J. A. Frates, Jr., Citizens Fund Mutual Fire Insurance Co., Tulsa Branch, 619 South Main Street, Tulsa 3, Okla.

Franklin Fire Insurance Co., Baltimore Office, Garrett Building, Baltimore, Md.

Rupley Frates Co. Agents, Citizens Fund Mutual Fire Insurance Co., Dallas Branch, 628 Wilson Building, Dallas, Tex.

Franklin National Insurance Co. of New York, Pacific Department, 234 Bush Street, San Francisco 20, Calif.

Franklin National Insurance Co. of New York, Western Department, 231 Insurance Building, 175 West Jackson Boulevard., Chicago 4, Ill.

The Franklin Fire Insurance Co., Philadelphia, San Francisco Branch, 341 Montgomery Street, San Francisco 4, Calif.

Franklin Fire Insurance Co. of Philadelphia, Philadelphia Branch, 421 Walnut Street, Philadelphia 6, Pa.

The Franklin Fire Insurance Co. of Philadelphia, Chicago Branch, 175 West Jackson Boulevard, Room 1723, Chicago 4, Ill.

Franklin Fire Insurance Co., Buffalo Office, Genesee Building, 1 West Genesee Street, Buffalo 2, N. Y.

Franklin Fire Insurance Co., Boston Branch, 71 Kilby Street, Boston 9, Mass.

Fritz A. Forsets Co., Agents, Implement Dealers Mutual Fire Insurance Co., Aberdeen, S. Dak.

Floyd West & Co., General Agents, Hanover Fire Insurance Co., 1508 Cotton Exchange Building, Dallas 1, Tex.

G. R. Fischer, Office Northwestern National Insurance Co., 1406 First National Bank Building, Cincinnati 2, Ohio.

Firemens Insurance Co. of Newark, American International Underwriters, Corp., Agents, 111 John Street, New York 7, N. Y.

Firemens Insurance Co. of Newark, Dallas Department, 912 Commerce St., Dallas, Tex.

Firemens Insurance Co. of Newark, San Francisco Department, 220 Bush Street, San Francisco 6, Calif.

First National Insurance Co. of America, St. Louis Office, Pierce Building, St. Louis 2, Mo.

First National Insurance Co. of America, New York City Office, 111 John Street, New York 7, N. Y.

First American Fire Insurance C., San Francisco Department, 60 Sansome Street, San Francisco 4, Calif.

First American Fire Insurance Co., Western Department, 135 South LaSalle Street, Chicago 3, Ill.

First American Fire Insurance Co., Atlanta Department, 10 Pryor Street SW., Atlanta 3, Ga.

Finley Tucker & Bro., General Agents, Empire State Insurance Co., 331 Forsythe Street, Post Office Box 868, Jacksonville 2, Fla.

Field & Cowles, New England Marine Manufacturers Insurance Co. of North America, 40 Broad Street, Boston 7, Mass.

Fidelity Phenix Fire Insurance Co., San Francisco Department, 60 Sansome Street, San Francisco 4, Calif.

Fidelity Phenix Fire Insurance Co., Atlanta Department, 10 Pryor Street SW., Atlanta 3, Ga.

Fidelity Phenix Fire Insurance Co., Western Department, 135 South LaSalle Street, Chicago 3, Ill.

Federal Union Insurance Co., San Francisco Branch, 201 Sansome Street, San Francisco 20, Calif.

Federal Union Insurance Co., Chicago Branch, 175 West Jackson Boulevard, Chicago 4, Ill.

Farmers Mutual Fire Insurance Co. of Sacramento County, Departmental Agents, The First Reinsurance Co. of California, 204 Mitau Building, Sacramento 14, Calif.

Fairfield & Ellis, Agents, New Hampshire Fire Insurance Co., 99 Milk Street, Boston 9, Mass.

Export Insurance Co., Houston Office, Cotton Exchange Building, Houston, Tex.

Eureka Security Fire and Marine Insurance Co., Philadelphia Branch, 525 Chestnut Street, Philadelphia 6, Pa.

Eureka Security Fire and Marine Insurance Co., San Francisco Branch, 200 Bush Street, San Francisco 4, Calif.

Equitable Fire and Marine Insurance Co., New York Metropolitan Department, 110 William Street, New York 7, N. Y.

Equitable Fire and Marine Insurance Co., Cook County Department, 2133 Insurance Exchange, Chicago 4, Ill.

Equitable Fire and Marine Insurance Co., Pacific Department, 220 Montgomery Street, San Francisco 4, Calif.

A. H. Enger, Office Northwestern National Insurance Co., 714–15–16 Wainwright Building, St. Louis 1, Mo.

Engelhard, Krogman & Co., Standard Fire Insurance Co. of New Jersey, Insurance Exchange Building, Chicago 4, Ill.

The Employers Fire Insurance Co., Pacific Coast Department, Russ Building, San Francisco 4, Calif.

The Employers Fire Insurance Co., Middle Department, Independence Building, Philadelphia 6, Pa.

Employers Mutual Fire Insurance Co., New York City Office, 60 East 42d Street, Room 920, New York 17, N. Y.

East and West Insurance Co., San Francisco Office, 250 Sansome Street, San Francisco 4, Calif.

Eagle Fire Co. of New York, San Francisco Office, 234 Sansome Street, San Francisco 4, Calif.

R. A. Downes & Co., Agents, Grain Dealers National Mutual Fire Insurance Co., 123 South Broad Street, Philadelphia 9, Pa.

Dixie Fire Insurance Co., Western Department, Main and Jefferson Streets, Rockford, Ill.

The Dixie Fire Insurance Co., Rocky Mountain Department, Central Savings Bank Building, Denver 2, Colo.

The Dixie Fire Insurance Co., Pacific Department, 160 Sansome Street, San Francisco 4, Calif.

The Dixie Fire Insurance Co., New England Department, 61 Batterymarch Street, Boston 10, Mass.

The Dixie Fire Insurance Co., Metropolitan and Suburban Department, 90 John Street, New York 7, N. Y.

The Dixie Fire Insurance Co., Drawer L, Greensboro, N. C.

Detroit Fire & Marine Insurance Co., Pacific Department, 233 Sansome Street, San Francisco 26, Calif.

Detroit Fire & Marine Insurance Co., Western Department, 310 South Michigan Avenue, Chicago 90, Ill.

Detroit Office, Central Insurance Co. of Baltimore, % North America Companies Service Office, Buhl Building, Detroit, Mich.

Deans & Homer, General Agents, Hanover Fire Insurance Co., 340 Pine Street, San Francisco 4, Calif.

Deans & Homer, Agency, Virginia Fire & Marine Insurance Co., 340 Pine Street, San Francisco 4, Calif.

Phil. Grossmayer Co., General Agent, Travelers Fire Insurance Co., 419 Southwest Sixth Avenue, P. O. Box 1191, Portland 7, Oreg.

Charles T. Crockett, Agents, Security Insurance Co., Fifth and Santa Fe Avenue, Pueblo, Colo.

The Connecticut Fire Insurance Co., New York Metropolitan Department, 110 William Street, New York 7, N. Y.

The Connecticut Fire Insurance Co., Cook County Department, 2133 Insurance Exchange, Chicago 4, Ill.

The Connecticut Fire Insurance Co., Pacific Department, 220 Montgomery Street, San Francisco 4, Calif.

Concordia Fire Insurance Co. of Milwaukee, Dallas Department, 912 Commerce Street, Dallas, Tex.

Concordia Fire Insurance Co. of Milwaukee, San Francisco Department, 220 Bush Street, San Francisco 6, Calif.

Concordia Fire Insurance Co. of Milwaukee, Chicago Department, 120 South LaSalle Street, Chicago 3, Ill.

Commonwealth Insurance Co. of New York, Philadelphia Department, 508–510 Walnut Street, Philadelphia 5, Pa.

Commonwealth Insurance Co. of New York, Michigan Department, National Bank Building, Detroit 26, Mich.

The Commonwealth Insurance Co. of New York, Chicago Department, 175 West Jackson Boulevard, Chicago 4, Ill.

Commonwealth Insurance Co. of New York, Pacific Department, 315 Montgomery Street, San Francisco 4, Calif.

Commercial Union Assurance Co., New York City Department, 123 William Street, New York 7, N. Y.

Commercial Union Fire Insurance Co., New York Office, 123 William Street, New York 7, N. Y.

Commercial Union Fire Insurance Co., San Francisco Office, 315 Montgomery Street, San Francisco 4, Calif.

Commercial Union Fire Insurance Co., Atlanta Office, 10 Pryor Street Building, P. O. Box 1383, Atlanta 1, Ga.

Commercial Union Fire Insurance Co., Chicago Office, 175 West Jackson Boulevard, Chicago 4, Ill.

Commercial Union Assurance Co., Ltd., Atlanta Department, 10 Pryor Street Building, Post Office Box 1383, Atlanta 1, Ga.

Commercial Union Assurance Co., Ltd., San Francisco Department, 315 Montgomery Street, San Francisco 4, Calif.

Commercial Union Assurance Co., Ltd., Chicago Department Office, 175 West Jackson Boulevard, Chicago 4, Ill.

Commerce Insurance Co., Chicago Branch, 175 West Jackson Boulevard, Chicago 4, Ill.

Commerce Insurance Co., San Francisco Branch, Sixth Floor, Mills Tower, San Francisco 4, Calif.

Columbia Fire Insurance Co., Drawer L, Greensboro, N. C.

Columbia Insurance Co. of New York, Pacific Department, 360 Pine Street, San Francisco 4, Calif.

Columbia Fire Insurance Co., Western Department, Maine and Jefferson Streets, Rockford, Ill.

Columbia Fire Insurance Co., Rocky Mountain Department, Central Savings Bank Building, Denver 2, Colo.

Cloidt, Gielow & Dudley, Inc., Managers, Cook County Department, Granite State Fire Insurance Co., 1664 Insurance Exchange, Chicago 4, Ill.

The Georgia Home Insurance Co., San Francisco Branch, 341 Montgomery Street, San Francisco 4, Calif.

F. L. Dittig, Office Northwestern National Insurance Co., 167 Bush Street, San Francisco 4, Calif.

Columbia Fire Insurance Co., Pacific Department, 160 Sansome Street, San Francisco 4, Calif.

Charter Oak Fire Insurance Co., Chicago Branch, Insurance Exchange Building, Chicago 4, Ill.

Columbia Fire Insurance Co., Metropolitan and Suburban Department, 90 John Street, New York 7, N. Y.

The Home Insurance Co., Chicago Branch, Room 1723, 175 West Jackson Boulevard, Chicago 4, Ill.

Home Insurance Co., Baltimore Office, 38 South Street, Baltimore 2, Md.

Home Insurance Co., Boston Branch, 71 Kilby Street, Boston 9, Mass.

Home Fire & Marine Insurance Co., Boston Branch, 10 Post Office Square, Boston 7, Mass.

Home Fire & Marine Insurance Co., Chicago Branch, A.835 Insurance Exchange Building, 175 West Jackson Boulevard, Chicago 4, Ill.

Home Insurance Co., Buffalo Office, Genesee Building, 1 West Genesee Street, Buffalo 2, N. Y.

Gibraltar Fire & Marine Insurance Co., Boston Branch, 71 Kilby Street, Boston 9, Mass.

Fuller & Kern, Agents, Chapter Oak Fire Insurance Co., 116 John Street, New York 7, N. Y.

Home Fire & Marine Insurance Co., Southern Department, P. O. Box 1701, Atlanta 1, Ga.

Home Fire & Marine Insurance Co., Los Angeles Branch, 548 South Spring Street, Los Angeles 13, Calif.

Columbia Fire Insurance Co., New England Department, 61 Batterymarch Street, Boston 10, Mass.

Charles T. Crockett, Agents, East & West Insurance Co., Fifth and Santa Fe Avenue, Pueblo, Colo.

Critchell Miller Insurance Agency, Office Camden Fire Insurance Association, 175 West Jackson Boulevard, Chicago, Ill.

Cravens, Dargan & Co., Agents, Houston Office, Camden Fire Insurance Association, Post Office Box 1660, Houston, Tex.

Cravens, Dargan & Co., Agents, San Francisco Office, Camden Fire Insurance Association, 60 Sansome Street, San Francisco 4, Calif.

Cravens, Dargan & Co., San Francisco Branch, Eagle Star Insurance Co., 60 Sansome Street, San Francisco 4, Calif.

Cravens, Dargan & Co., Houston Branch, Eagle Star Insurance Co., Holman Avenue at San Jacinto Street, Houston 1, Tex.

Cravens, Dargan & Co., Agents, Charter Oak Fire Insurance Co., 1205 Holman Street, Houston 1, Tex.

Cravens, Dargan & Co., General Agents, American Central Insurance Co., Holman and San Jacinto Streets, Houston 1, Tex.

Cravens, Dargan & Co., Agents, St. Paul Fire & Marine Insurance Co., Holman and San Jacinto Streets, Houston 1, Tex.

County Fire Insurance Co. of Philadelphia, Pacific Department, 233 Sansome Street, San Francisco 26, Calif.

County Fire Insurance Co. of Philadelphia, Western Department, 310 South Michigan Avenue, Chicago 90, Ill.

Continental Insurance Co., Western Department, 135 South La Salle Street, Chicago 3, Ill.

Continental Insurance Co., San Francisco Department, 60 Sansome Street, San Francisco 4, Calif.

Continental Insurance Co., Atlanta Department, 10 Pryor Street SW., Atlanta 3, Ga.

Union Assurance Society Ltd., New York Department, 123 William Street, New York 7, N. Y.

Union Assurance Society Ltd., Chicago Office, 175 West Jackson Boulevard, Chicago 4, Ill.

Union Assurance Society Ltd., San Francisco Office, 315 Montgomery Street, San Francisco 4, Calif.

Union Marine and General Insurance Co. Ltd., Pacific Coast Department, 360 Pine Street, San Francisco 4, Calif.

Penn-Liberty Insurance Co., Agents Penn Mutual Fire Insurance Co., West Chester, Pa.

Western Assurance Co., Carolinas Department, 111 Corcoran Street, Durham, N. C.

Weatherly Insurance, Agency, Merchants Fire Insurance Co., 413 Weatherly Building, Portland 14, Oreg.

Safeguard Insurance Co., Metropolitan Department, 108 John Street, New York 7, N. Y.

Royal Insurance Co., Ltd., San Francisco Branch, 201 Sansome Street, San Francisco 20, Calif.

Royal Insurance Co., Ltd., Chicago Branch, 175 West Jackson Boulevard, Chicago 4, Ill.

Royal Insurance Co., Ltd., Boston Office, 40 Broad Street, Boston 7, Mass.

Rochester American Insurance Co., Pacific Department, 233 Sansome Street, San Francisco 26, Calif.

Rochester American Insurance Co., Western Department, 310 South Michigan Avenue, Chicago 90, Ill.

Roberts and Rhea, Agents, The Stuyvesant Insurance Co., 604 Fort Worth National Bank Building, Fort Worth 2, Tex.

Potomac Insurance Co. of D. C., San Francisco Office, 206 Mills Tower Building, 220 Bush Street, San Francisco 4, Calif.

Potomac Insurance Co. of D. C., New York Office, 16 Court Street, Brooklyn 2, N. Y.

Piedmont Fire Insurance Co., Cook County Department, 175 West Jackson Boulevard, Room 1827, Chicago 4, Ill.

The Piedmont Fire Insurance Co., Western Department, 410 North Michigan Avenue, Chicago 11, Ill.

The Piedmont Fire Insurance Co., Pacific Department, 220 Bush Street, San Francisco 4, Calif.

Piedmont Fire Insurance Co., North Carolina Department, 218 South Tryon Street, Charlotte 2, N. C.

The Piedmont Fire Insurance Co., New York Department, 100 William Street, New York 7, N. Y.

Phoenix Insurance Co., Pacific Department, 220 Montgomery Street, San Francisco 4, Calif.

The Phoenix Insurance Co., New York Metropolitan Department, 110 William Street, New York 7, N. Y.

The Phoenix Insurance Co., Cook County Department, 2133 Insurance Exchange, Chicago 4, Ill.

Phoenix Assurance Co. Ltd., Pacific Department, 360 Pine Street, San Francisco 4, Calif.

Philadelphia National Insurance Co., Pacific Coast Department, 425 Montgomery Street, San Francisco 4, Calif.

Philadelphia National Insurance Co., Western Department, 222 West Adams Street, Chicago 6, Ill.

Philadelphia National Insurance Co., Southeastern Department, Trust Company of Georgia Building, Atlanta, Ga.

Philadelphia National Insurance Co., New York City Department, 100 Maiden Lane, New York 7, N. Y.

Philadelphia Fire & Marine Insurance Co., Washington, D. C., Office, 729 Fifteenth Street NW., Washington, D. C. % North America Cos. Service Office.

Philadelphia Fire & Marine Insurance Co., Syracuse Office, 711 Hills Building, Syracuse, N. Y. % North America Cos. Service Office.

Philadelphia Fire & Marine Insurance Co., St. Louis Office, 815 Pierce Biulding, St. Louis 2, Mo. % North America Cos. Service Office.

Philadelphia Fire & Marine Insurance Co., Seattle Office, 508 Colman Building, Seattle 4, Wash. % North America Cos. Service Office.

Philadelphia Fire & Marine Insurance Co., San Francisco Office, 222 Sansome Street, San Francisco 4, Calif. % North America Cos. Service Office.

Philadelphia Fire & Marine Insurance Co., Richmond Office, 303 American Building, Richmond, Va. % North America Cos. Service Office.

Philadelphia Fire & Marine Insurance Co., Pittsburgh Office, 587 Union Trust Building, Pittsburgh 19, Pa. % North America Cos. Service Office.

Philadelphia Fire & Marine Insurance Co., Philadelphia Metropolitan Office, Public Ledger Building, Independence Square, Philadelphia 5, Pa. % North America Cos. Service Office.

Philadelphia Fire & Marine Insurance Co., Omaha Office, 820 Omaha National Bank Building, Omaha 2, Nebr. % North America Cos. Service Office.

Philadelphia Fire & Marine Insurance Co., New York Office, 99 John Street, New York 7, N. Y. % North America Cos. Service Office.

Philadelphia Fire & Marine Insurance Co., Newark Office, 809 Union Building, Newark 2, N. J. % North America Cos. Service Office.

Philadelphia Fire & Marine Insurance Co., Minneapolis Office, 1029 Plymouth Building, Minneapolis 2, Minn. % North America Cos. Service Office.

Philadelphia Fire & Marine Insurance Co., Los Angeles Office, 621 South Spring Street, Los Angeles 14, Calif. % North America Cos. Service Office.

Philadelphia Fire & Marine Insurance Co., Cincinnati Office, 1525 Tower Building, Cincinnati 2, Ohio, % North America Cos. Service Office.

Philadelphia Fire & Marine Insurance Co., Chicago Office, 231 South LaSalle Street, room 1080, Chicago 4, Ill., % North America Cos. Service Office.

Philadelphia Fire & Marine Insurance Co., Buffalo Office, 834 Ellicott Square, Buffalo 3, N. Y., % North America Cos. Service Office.

Philadelphia Fire & Marine Insurance Co., Boston Office., 805 Insurance Exchange Building, Boston 9, Mass., % North America Cos. Service Office.

Philadelphia Fire & Marine Insurance Co., Baltimore Office, 704 Merchantile Trust Building, Baltimore 2, Md., % North America Cos. Service Office.

Philadelphia Fire & Marine Insurance Co., Atlanta Office., 739 Trust Company of Georgia Building, Atlanta 3, Ga., % North America Cos. Service Office.

Philadelphia Fire & Marine Insurance Co., Albany Office, 90 State Street, Albany 7, N. Y., % North America Cos. Service Office.

Philadelphia Fire & Marine Insurance Co., Indianapolis Office, Consolidated Building, Indianapolis 4, Ind., % North America Cos. Service Office.

Philadelphia Fire & Marine Insurance Co., Hartford Office, 410 Asylum Street, Hartford 3, Conn., % North America Cos. Service Office.

Philadelphia Fire & Marine Insurance Co., Harrisburg Office, 227 North Second Street, Harrisburg, Pa., % North America Cos. Service Office.

Philadelphia Fire & Marine Insurance Co., Detroit Office, 1200 Buhl Building, Detroit 26, Mich., % North America Cos. Service Office.

Philadelphia Fire & Marine Insurance Co., Denver Office, 860 Gas & Electric Building, Denver 2, Colo., % North America Cos. Service Office.

Philadelphia Fire & Marine Insurance Co., Dallas Office, 809 Cotton Exchange Building, Dallas 1, Tex., % North America Cos. Service Office.

Philadelphia Fire & Marine Insurance Co., Cleveland Office, 1101 Union Commercial Building, Cleveland 14, Ohio.

N. F. Wiley, Mgr., Northwestern National Insurance Co., 175 West Jackson Boulevard, Room A-2148, Chicago 4, Ill.

Western Millers Mutual Fire Insurance Co., Cedar Rapids Department, 308 Third Street SE., Cedar Rapids, Iowa.

Western Millers Mutual Fire Insurance Co., Eastern Department, 225 South Fifteenth Street, Philadelphia 2, Pa.

Western Assurance Co., Southern Department, 771 Spring Street, Atlanta 3, Ga.
Western Assurance Co., Allegheny Department, 7 Wood Street, Pittsburgh 22, Pa.
Western Assurance Co., Western Department, 524 West Stephenson Street, Freeport, Ill.
Western Assurance Co., Pacific Coast Department, 266 Bush Street, San Francisco 4, Calif.
United States Fire Insurance Co., Allegheny Department, 7 Wood Street, Pittsburgh 22, Pa.
United States Fire Insurance Co., Western Department, 524 West Stephenson Street, Freeport, Ill.
United States Fire Insurance Co., Pacific Coast Department, 266 Bush Street, San Francisco 4, Calif.
United Firemen's Insurance Co., Pacific Coast Department, 360 Pine Street, San Francisco 4, Calif.
United States Fire Insurance Co., Carolinas Department, 111 Corcoran Street, Durham, N. C.
Union Insurance Society of Canton, Ltd., Pacific Coast Branch, 340 Pine Street, San Francisco 4, Calif.
Union Assurance Society Ltd., Atlanta Department, P. O. Box 1383, 10 Pryor Street Building, Atlanta 1, Ga.
Harry Peyton, General Agent, Merchants Fire Insurance Co., Insurance Building, Seattle 4, Wash.
W. L. Perrin & Son Inc., Agent, Ohio Farmers Insurance Co., 75 Maiden Lane, New York 7, N. Y.
W. L. Perrin & Son Inc., Agents, New Hampshire Fire Insurance Co., 75 Maiden Lane, New York 7, N. Y.
W. L. Perrin & Son, Inc., Attorney, Agricultural Insurance Co., 75 Maiden Lane, New York 7, N. Y.

(b) 90 insurance companies that act as Fiduciary Agents for War Damage Corporation, in connection with its Money, Securities and Precious Metals Program, their authority including the servicing and endorsement of policies, the receipt of premiums, notices of loss and Proofs of Loss under policies issued by them. The names and addresses of the Fiduciary Agents under the Money and Securities Program are as follows:

American Surety Co. of New York, 100 Broadway, New York 5, N. Y.
American Reinsurance Co., 99 John Street, New York 7, N. Y.
American Motorists Insurance Co., Sheridan Road at Lawrence Avenue, Chicago, Ill.
American Indemnity Co., 2328 Avenue B, Galveston, Tex.
American Guarantee & Liability Insurance Co., 135 South LaSalle Street, Chicago, Ill.
American General Insurance Co., 700 Rusk Building, Houston, Tex.
American Fire & Casualty Co., Orlando, Fla.
American Employers Insurance Co., 110 Milk Street, Boston 7, Mass.
American Casualty Co. of Reading, Pa., 607 Washington Street, Reading, Pa.
American Bonding Co. of Baltimore, Fidelity Building, Baltimore 3, Md.
Accident and Casualty Insurance Co. of Winterthur, Switzerland, 111 John Street, New York 7, N. Y.
The Aetna Casualty & Surety Co., 151 Farmington Avenue, Hartford, Conn.
American Mutual Liability Insurance Co., 142 Berkeley Street, Boston, Mass.
Employers Mutual Liability Insurance Co. of Wisconsin, 407 Grant Street, Wausau, Wis.
Factory Mutual Liability Insurance Co. of America, 10 Weybosset Street, Providence, R. I.
Hardware Mutual Casualty Co., 200 Strongs Avenue, Stevens Point, Wis.
Liberty Mutual Insurance Co., 175 Berkeley Street, Boston, Mass.
Merchants Mutual Bonding Co., Valley Bank Building, Des Moines 9, Iowa.
Security Mutual Casualty Co., 105 South La Salle Street, Chicago, Ill.
Money and Securities War Damage Corp., 111 John Street, New York 7, N. Y.
New York Casualty Co., 100 Broadway, New York 5, N. Y.
New England Casualty Insurance Co., 195 State Street, Springfield, Mass.
New Amsterdam Casualty Co., 227 St. Paul Street, Baltimore 2, Md.
National Surety Corp., 4 Albany Street, New York 6, N. Y.
National Casualty Co., 422 Majestic Building, Detroit, Mich.
Michigan Surety Co., Michigan Theatre Building, Lansing, Mich.
The Metropolitan Casualty Insurance Co. of New York, 10 Park Place, Newark 1, N. J.
Massachusetts Bonding & Insurance Co., 10 Post-office Square, Boston, Mass.
Maryland Casualty Co., 701 West Fortieth Street, Baltimore, Md.
Anchor Casualty Co., 2700 University Avenue, St. Paul, Minn.
Manufacturers' Casualty Insurance Co., Pennsylvania Boulevard at Sixteenth Street, Philadelphia 3, Pa.
Maine Bonding & Casualty Co., 396 Congress Street, Portland, Maine.
Lumbermens Mutual Casualty Co., Mutual Insurance Building, Chicago, Ill.
London & Lancashire Indemnity Co. of America, Hartford 2, Conn.
Hartford Accident & Indemnity Co., 690 Asylum Avenue, Hartford, Conn.
Great American Indemnity Co., 1 Liberty Street, New York 5, N. Y.
London Guarantee & Accident Co., Ltd., of London, 55 Fifth Avenue, New York 3, N. Y.
Indemnity Insurance Co. of North America, 1600 Arch Street, Philadelphia, Pa.
The Home Indemnity Co., 59 Maiden Lane, New York 8, N. Y.
Home Insurance Co. of Hawaii, Ltd., Box 2866, Honolulu 3, T. H.
Globe Indemnity Co., 150 William Street, New York 8, N. Y.
Glen Falls Indemnity Co., Glen Falls, N. Y.
General Reinsurance Corp., 90 John Street, New York 7, N. Y.
General Casualty Co. of America, General Insurance Building, Seattle, Wash.
General Accident, Fire & Life Assurance Corp., Ltd., Fourth and Walnut Streets, Philadelphia, Pa.
Mr. Bernard Froiseth, 320 Dillingham Transportation Building, Honolulu, T. H.
Fireman's Fund Indemnity Co., 116 John Street, New York 7, N. Y.
Fidelity & Deposit Co. of Maryland, northwest corner Charles and Lexington Streets, Baltimore 3, Md.
The Fidelity & Casualty Co. of New York, 80 Maiden Lane, New York 7, N. Y.
Excess Insurance Co. of America, 99 John Street, New York 7, N. Y.
European General Reinsurance Co., 99 John Street, New York 7, N. Y.
Eureka Casualty Co., northeast corner Chester Avenue at Forty-first Street, Philadelphia 4, Pa.
Employers Reinsurance Corp., Insurance Exchange Building, Kansas City 13, Mo.
The Employers' Liability Assurance Corp., Ltd., of London, England, 110 Milk Street, Boston 7, Mass.
Eagle Indemnity Co., 150 William Street, New York 8, N. Y.
Continental Casualty Co., 910 South Michigan Avenue, Chicago, Ill.
Commercial Standard Insurance Co., Commercial Standard Building, Fort Worth, Tex.
Commercial Casualty Insurance Co., 10 Park Place, Newark 1, N. J.
Columbia Casualty Co., 1 Park Avenue, New York 16, N. Y.
The Century Indemnity Co., 670 Main Street, Hartford, Conn.
Central Surety & Insurance Corp., 1737 McGee Street, Kansas City, Mo.
Car and General Insurance Corp., Ltd., of London, England, 111 John Street, New York 7, N. Y.
Bankers Indemnity Insurance Co., 15 Washington Street, Newark 1, N. J.
Auto-Owners Insurance Co., 615 North Capitol Avenue, Lansing, Mich.
Arex Indemnity Co., 261 Fifth Avenue, New York 16, N. Y.
United Pacific Insurance Co., Box 1216, Tacoma 1, Wash.
Zurich General Accident and Liability Insurance Co., Ltd., 135 South LaSalle Street, Chicago, Ill.
Yorkshire Indemnity Co., of New York, 90 John Street, New York 7, N. Y.
Western National Indemnity Co., 401 California Street, San Francisco, Calif.
The Western Casualty & Surety Co., Fort Scott, Kans.
United States Guarantee Co., 90 John Street, New York 7, N. Y.
U. S. Fidelity & Guaranty Co., U. S. Fidelity & Guaranty Building, Baltimore 3, Md.
United States Casualty Co., 60 John Street, New York 8, N. Y.
Trinity Universal Insurance Co., Construction Building, Dallas, Tex.
The Travelers Indemnity Co., Hartford, Conn.
Sun Indemnity Co. of New York, 55 Fifth Avenue, New York 3, N. Y.
Standard Surety & Casualty Co. of New York, 670 Main Street, Hartford, Conn.
Standard Accident Insurance Co., 640 Temple Avenue, Detroit, Mich.
Seaboard Surety Co., 80 John Street, New York 7, N. Y.
St. Paul Mercury Indemnity Co., 111 West Fifth Street, St. Paul, Minn.
Protective Indemnity Co., 80 Maiden Lane, New York 7, N. Y.
Royal Indemnity Co., 150 William Street, New York 8, N. Y.
The Preferred Accident Insurance Co. of New York, 80 Maiden Lane, New York 7, N. Y.
Phoenix Indemnity Co., 55 Fifth Avenue, New York 3, N. Y.
Peerless Casualty Co., 19 Federal Street, Keene, N. H.
Pacific Indemnity Co., 621 South Hope Street, Los Angeles, Calif.
Ohio Farmers Indemnity Co., Le Roy, Ohio.
The Ohio Casualty Insurance Co., 136 North Third Street, Hamilton, Ohio.
The Ocean Accident & Guarantee Corp., Ltd., 1 Park Avenue, New York 16, N. Y.
Norwich Union Indemnity Co., 75 Maiden Lane, New York 7, N. Y.

(c) 358 claims service offices as follows:

City and State, Office Location and Telephone Number

ALABAMA

Birmingham, 213 North Twenty-first Street, 7-1121.
Dothan, J. C. Penny Building., 109 West Troy Street, 695.
Huntville, 104 West Clinton Street, 564.
Mobile, 419 First National Bank Building, 2-6771.
Montgomery, Shepherd Building, 5271.

ALASKA

Seattle, Wash., Colman Building, Main 4244.

ARIZONA

Phoenix, Luhrs Tower Building, 3-3157.
Tucson, 301 East Congress Street, 4838.

ARKANSAS

El Dorado, Marks Building, 1404.
Fort Smith, Kennedy Building, 5161.
Jonesboro, 112½ West Washington Street, 589.

Little Rock, Hall Building, 7125.
Texarkana, Texarkana National Bank Building, 1346.
West Memphis, 403 National Road No. 70, 83.

CALIFORNIA

Bakersfield, Professional Building, 5–5763.
Chico, Morehead Building, 917.
El Centro, Bank of America Building, 173.
Fresno, Brix Building, 3–2191.
Long Beach, Ocean Center Building, 692–39.
Los Angeles, Fidelity Building, Madison 1341.
Oakland, Bank of America Building, Higate 2063.
Riverside, Bonnett Building, 6234.
Sacramento, Farmers & Mechanics Building, 2–5881.
Salinas, Bank of America Building, 5588.
San Bernardino, Citizens National Bank Building, 2157.
San Diego, First National Bank Building, Franklin 3168.
San Francisco, 300 Montgomery Street, Garfield 0332.
San Jose, Bank of America Building, Ballard 6083.
San Luis Obispo, Security-First National, 1968.
Stockton, 11 South San Joaquin Street, 5–5776.
Vallejo, 710 Florida Street, 3–7639.

CANAL ZONE

Balboa, Executive Secretary, Balboa Heights, Balboa 2131.

COLORADO

Colorado Springs, Burns Building, Main 6121.
Denver, Gas and Electric Building, Cherry 5481.
Durango, Burns Bank Building, 450W.
Fort Collins, 645 South Loomis Street, 1827W.
Grand Junction, 246 Grand Avenue, 1339.
Pueblo, Thatcher Building, 6320.
Trinidad, First National Bank Building, 1336.

CONNECTICUT

Hartford, 410 Asylum Street, 7–7118.
New Haven, 205 Church Street, 6–3138.

DELAWARE

Wilmington, Equitable Building, 4–2421.

DISTRICT OF COLUMBIA

Washington, 1518 K Street N.W., National 0870.

FLORIDA

Daytona Beach, 506 Rio Vista Avenue, 2397J.
Fort Lauderdale, P. O. Box 938.
Gainesville, Professional Building, 264.
Jacksonville, 112 West Adams Street, 5–3387.
Miami, 117 Northeast First Avenue, 3–0701.
Orlando, South Orange Avenue, 7126.
Pensacola, Florida National Bank Building, 6179.
Tampa, Wallace S. Building, M–8337.
West Palm Beach Citizens Building, 6478.

GEORGIA

Albany, Albany Theatre Building, 1507.
Atlanta, Trust Co. of Georgia Building, Walnut 3824.
Augusta, Herald Building, 2–5586.
Columbus, Hill Building, 3–6381.
Macon, 910 Bankers Insurance Building, 3336.
Rome, 409 West Building, 7682.
Savannah, 35 Bull Street, 2–3179.
Waycross, Bunn Building, 20.

HAWAII

Honolulu, T. H. Dillingham Building, 2066 or 2016.

IDAHO

Boise, First National Bank Building, 159.
Pocatello, Carlson Building, 40

ILLINOIS

Aurora, Terminal Building, 9168.
Bloomington, 116 North Main Street, 60085.
Carbondale, Carbondale National Bank Building, Main 600.
Centralia, Smith Building, 2485.
Champaign, Lincoln Building, 2400.
Chicago, 175 West Jackson Boulevard, Wabash 6400.
Danville, Temple Building, Main 2287.
Decatur, Citizens Building, 5383.
East St. Louis, Goldman Building, Hemlock 300.
Galesburg, Bondi Building, 1611–6.
Joliet, Morris Building, 5466.
Kankakee, City National Bank Building, Main 339.
La Salle, La Salle State Bank Building, La Salle 680.
Marion, 302 South Market Street, 433.
Peoria, Alliance Life Building, 8139.
Quincy, W. C. U. Building, 285.
Rockford, Rockford Trust Building, Main 4090.
Springfield, Myers Building, 4654.
Waukegan, 210 West Washington Street, Majestic 1410.

INDIANA

Anderson, Anderson Bank Building, 6635.
Bloomington, Citizens Trust Building, 2341.
Evansville, Hulman Building, 5241.
Fort Wayne, Fort Wayne Bank Building, Anthony 1472.
Gary, Gary Trust Building, 5297.
Greensburg, Decatur County National Bank Building, 4341.
Hammond, Yale Building, Sheffield 6030.
Indianapolis, Fletcher Trust Building, Market 1491.
Kokomo, Armstrong-Landon Building, 5173.
Lafayette, Lafayette Loan & Trust Building, 2277.
Muncie, Johnson Block, 5527.
New Albany, Elsby Building, 772
Richmond, Second National Bank Building, 4858.
South Bend, Sherland Building, 3–3126.
Terre Haute, 641 Ohio, Street, Crawford 2317.
Vincennes, LaPlante Building, 740.

IOWA

Burlington, Tama Building, 113.
Cedar Rapids, Merchants National Bank Building, 8352.
Council Bluffs, Council Bluffs Savings Bank Building, 2589.
Davenport, Kahl Building, 2–5371.
Des Moines, Liberty Building, 3–8144.
Dubuque, American Trust Building, 990 and 978.
Fort Dodge, State Bank Building, Walnut 3381.
Mason City, 611 Foresters Building, 548.
Ottumwa, Phoenix Trust Building, 3030.
Sioux City, Davidson Building, 85563.
Waterloo, Marsh Place Building, 3337.

KANSAS

Dodge City, First National Bank Building, 1767.
Great Bend, Cox Building, 289.
Hutchinson, Wolcott Building, 375.
Kansas City, Bennett Building, Atwater 8861.
Leavenworth, Axa Building, 807.
Norton, 611 North Grant Street, 740.
Parson, 115½ South Eighteenth Street, 917.
Salina, National Bank of America Building, 475.
Topeka, Insurance Building, 5684.
Wichita, Petroleum Building, 4–7333.

KENTUCKY

Ashland, Second National Bank Building, 931.
Bowling Green, the Armory, 787.
Covington, First National Bank Building, Hemlock 3313.
Lexington, First National Bank Building, 809.
Louisville, Starks Building, Jackson 5211.
Madisonville, 108 North Main Street, 151.
Middlesboro, Peoples Building, 73.
Paducah, Citizens Savings Bank Building, 3618.

LOUISIANA

Alexandria, Guaranty Bank Building, 7752.
Baton Rouge, Louisiana National Bank Building, 3–1784.
Lake Charles, Weber Building, 5786.
Monroe, Bernhardt Building, 5600.
New Orleans, Maritime Building, MA 6381.
Shreveport, City Bank Building, 2–7151.

MAINE

Bangor, 84 Harlow Street, 7348.
Portland, 415 Congress Street, 3–5695.

MARYLAND

Baltimore, Garrett Building, Lexington 0290.
Cumberland, Liberty Trust Building, 1475.
Hagerstown, 408 Professional Arts Building, 725.
Salisbury, Colonial Building, 2220.

MASSACHUSETTS

Boston, 141 Milk Street, Hancock 6050.
Lawrence, Bay State Building, 6050.
New Bedford, First National Building, 6–8559.
Springfield, Third National Bank Building, 6–1836.
Worcester, Slater Building, 3–8127.

MICHIGAN

Ann Arbor, First National Building, 2–5663.
Battle Creek, Central National Tower, 2–5557.
Bay City, Bay City Bank Building, 4524.
Benton Harbor, 139 Pipestone Street, 6112.
Dearborn, Calvin Theatre Building, Dearborn 4400.
Detroit, National Bank Building, Cadillac 2932.
Flint, F. P. Smith Building, 2–3145.
Grand Rapids, Association of Commerce Building, 93108.
Ishpeming, Bell Building, 467.
Jackson, Jackson City Bank Building, 5657.
Kalamazoo, American National Bank Building, 6163–4.
Lansing, Hollister Building, 5–7283.
Muskegon, Hackley Union National Bank Building, 23–184.
Petoskey, Achenbach Building, 3581.
Pontiac, 410 Community Bank Building, 2–5110.
Port Huron, Michigan National Bank Building, 8141.
Saginaw, Second National Bank Building, 2–2136.
Traverse City, State Bank Building, 412.

MINNESOTA

Brainerd, Citizens State Bank Building, 846.
Duluth, Lonsdale Building, Melrose 863.
Hibbing, Merchants and Miners Bank Building, 2068.
Mankato, Medical Block Building, 4022.
Minneapolis, Northwestern Bank Building, Atlantic 0494.
St. Paul, Pioneer Building, Garfield 7405.
Virginia, First National Bank Building, 500.

MISSISSIPPI

Clarksdale, McWilliams Building, 436.
Greenville, Leyser Building, 321.
Gulfport, Bank of Gulfport Building, 346.
Hattiesburg, Ross Building, 583.
Jackson, Standard Life Building, 3–2446.
Meridian, Threefoot Building, 1840.
Tupelo, City Hall Building, 1071.

MISSOURI

Cape Girardeau, 110 Themis Street, 1488.
Chillicothe, 601 Locust Street, 150.
Independence, First National Bank Building, Clifton 1777.
Jefferson City, Central Trust Building, 2098.

Joplin, Joplin National Bank Building, 4124.
Kansas City, Chambers Building, Harrison 3860.
Springfield, Landers Building, 1401.
St. Joseph, Corby Building, 4–1151.
St. Louis, Pierce Building, Chestnut 9510.

MONTANA

Billings, Treasure State Building, 3101.
Butte, Rialto Building, 3281.
Great Falls, Ford Building, 4329.
Missoula, Montana Building, 5844.

NEBRASKA

Grand Island, Masonic Building, 578.
Hastings, 208 Strand Theatre Building, 1113.
Lincoln, Stuart Building, 2–3367.
Norfolk, Bishop Block, 506.
North Platte, Dickey Building, 1568.
Omaha, Brandeis Theatre Building, Atlantic 6485.
Scottsbluff, Burr Building, 323.

NEVADA

Reno, 25 East First Street, 5124.
Las Vegas, 10 Boggs Building, 1515.

NEW HAMPSHIRE

Manchester, 1008 Elm Street, 5950.

NEW JERSEY

Atlantic City, Guarantee Trust Building, Atlantic 5–0116.
Asbury Park, 601 Bangs Avenue, 8440.
Jersey City, 26 Journal Square, Journal Sq. 2–3664.
Newark, 31 Clinton Street, Market 2–0322.
Paterson, 5 Colt Street, Sherwood 2–7234.

NEW MEXICO

Albuquerque, Sunshine Building, 8838.
Carlsbad, 205 Short Building, 605M.
Hobbs, 406 South Turner Street, 478.
Roswell, J. P. White Building, 238.
Clovis, 200 Barry Building, 899J.

NEW YORK

Albany, 90 State Street, 4–7181.
Binghamton, 19 Chenango Street, 2–4244.
Brooklyn, 26 Court Street, Main 4–8585.
Buffalo, Chamber of Commerce Building, Washington 0726.
Elmira, Hulett Building, 6171.
Jamaica, 161–19 Jamaica Avenue, 6–6292.
Jamestown, Wellman Building, 7185.
Malone, 36 West Main Street, 357.
New York, 99 John Street, Cortlandt 7–4074.
Niagara Falls, United Office Building, 2–3986.
Poughkeepsie, 25 Market Street, 2926.
Rochester, Lincoln Alliance Bank Building, 817.
Syracuse, O. C. S. B. Building, 2–2117.
Utica, First National Bank Building, 2–5151.
White Plains, 31 Mamaroneck Avenue, 9560.

NORTH CAROLINA

Asheville, Jackson Building, 2368.
Charlotte, Commercial Bank Building, 3–3761.
Goldsboro, Bank of Wayne Building, 232.
Greensboro, Dixie Building, 2–0177.
Raleigh, Capital Club Building, 2–2041.
Wilmington, Murchison Building, 4119.
Winston-Salem, Reynolds Building, 3–3316.

NORTH DAKOTA

Bismarck, First National Bank Building, 466.
Fargo, First National Bank Building, 2–2509.
Grand Forks, Widlund Block, 1360.
Minot, First National Bank Building, 851.

OHIO

Akron, Akron Savings & Loan Building, Franklin 4147.
Ashtabula, 4635 Main Avenue, 6565.
Cambridge, Central National Bank Building, 2205.
Canton, Renkert Building, 6361.
Cincinnati, Schmidt Building, Main 4830.
Cleveland, Swetland Building, Cherry 5671.
Columbus, Huntington National Bank Building, Adams 3285.
Dayton, Mutual Home Building, Fulton 5153.
Defiance, Savings & Loan Building, 3647.
Findlay, First National Bank Building, 307.
Hamilton, First National Bank Building, Hamilton 1716.
Lima, Cook Tower, 9–8081.
Lorain, Broadway Building, 6921.
Mansfield, Richland Trust Co. Building, 2467.
Marion, 118 South State Street, 2249.
Portsmouth, Masonic Temple, 1696.
Sandusky, Feick Building, 1407.
Springfield, Tecumseh Building, 3–3727.
Steubenville, National Exchange Bank Building, 21265.
Toledo, Richardson Building, Main 6245.
Youngstown, Mahoning Bank Building, 4–2151.

OKLAHOMA

Ada, Cummings Building, 1420.
Ardmore, Gilbert Building, 499.
Clinton, First National Bank Building, 630.
Lawton, 507 C Street, 3374.
McAlester, Arnote Building, 1276.
Muskogee, Barnes Building, 2420.
Oklahoma City, Mercantile Building, 3–1406.
Ponca City, First National Bank Building, 511.
Tulsa, Hunt Building, 4–4176.

OREGON

Eugene, Miner Building, 2108.
Klamath Falls, First National Bank Building, 4144.
Portland, Yeon Building, Broadway 3545.

PENNSYLVANIA

Allentown, Dime Building, 9585.
Altoona, Central Trust Building, 9411.
Du Bois, Deposit National Bank Building, 304.
Erie, Marine National Bank Building, 26–797.
Harrisburg, 240 North Third Street, 8277.
Philadelphia, 401 Walnut Street, Lombard 0653.
Pittsburgh, Arrott Building, Court 3980.
Reading, Ganster Building, 4–5171.
Scranton, 125 Adams Avenue, 7247.
Wilkes-Barre, Miners National Bank Building, 2–5161.
Williamsport, First National Bank Building, 4035.

PUERTO RICO

San Juan, Belaval Building, 213.

RHODE ISLAND

Providence, Turks Head Building, Gaspee 9721.

SOUTH CAROLINA

Charleston, Peoples Building, 7777.
Columbia, Liberty Life Building, 6945.
Florence, Florence Trust Co. Building, 1775.
Greenville, Woodside Building, 4670.

SOUTH DAKOTA

Aberdeen, Capitol Building, 3405.
Huron, Farmers & Merchants Bank Building, 3434.
Rapid City, Rapid City National Bank Building, 346.
Sioux Falls, National Bank of South Dakota Building, 211
Watertown, Woolworth Building, 524.

TENNESSEE

Bristol, Va., First Federal Building, 5130.
Chattanooga, Provident Building, 6–6434.
Jackson, Commercial Building, 3940.
Knoxville, Hamilton Bank Building, 3–0441.
Memphis, Sterick Building, 5–2781.
Nashville, Nashville Trust Building, 5–2706.

TEXAS

Abilene, Mims Building, 6251.
Amarillo, Oliver-Eakle Building, 2–2234.
Austin, 405 Capitol National Bank Building, 8–6468.
Beaumont, 401–5 New Perlstein Building, 4065.
Bryan, First State Bank Building, 2–8765.
Corpus Christi, Jones Building, 7737.
Dallas, Liberty Bank Building, Riverside 9901.
El Paso, Bassett Tower Building, Main 1172.
Fort Worth, Petroleum Building, 2–3295.
Galveston, 304 Cotton Exchange Building, 29694.
Harlingen, Rio Grande Building, 863.
Houston, Esperson Building, Charter 4–5633.
Lubbock, 1312½ Avenue "J," 7463.
Midland, Thomas Building, 1658.
Paris, First National Bank Building, 1720.
Port Arthur, 317 Adams Building, 2–4231.
San Angelo, San Angelo National Bank Building, 4671.
San Antonio, Gibbs Building, CA–6351.
Texarkana, Texarkana National Bank Building, 1346.
Tyler, Citizens Bank Building, 4726.
Victoria, Goldman Building, none.
Waco, Professional Building, 4456.
Wichita Falls, Waggoner Building, 4107.

UTAH

Ogden, Eccles Building, 7769.
Salt Lake City, Walker Bank Building, 3–3928.

VERMONT

Rutland, 126 Merchants Row, 2025.

VIRGIN ISLANDS

San Juan, P. R., Belaval Building, 213.

VIRGINIA

Bristol, First Federal Building, 5130.
Danville, Masonic Building, 2847.
Harrisonburg, The National Bank Building, 784.
Lynchburg, Allied Arts Building, 4249.
Newport News, 126½ Twenty-sixth Street, 6–1626.
Norfolk, Citizens Bank Building, 4–8331.
Richmond, American Building, 3–3521.
Roanoke, Boxley Building, 5589.

WASHINGTON

Seattle, Colman Building, Main 4244.
Spokane, Mohawk Building, Main 3136.
Tacoma, Washington Building, Broadway 2228.
Walla Walla, 418 Drumbeller Building, 958.
Yakima, 426 Liberty Building, 6109.

WEST VIRGINIA

Beckley, Raleigh County Bank Building, 5941.
Bluefield, Bradmann Building, 8115.
Charleston, Peoples Exchange Building, Capitol 30–161.
Clarksburg, Union Bank Building, 605.
Huntington, West Virginia Building, 28366.
Parkersburg, Richardson Building, 6200.
Wheeling, Riley Law Building, 1856.

WISCONSIN

Appleton, 341 West College Avenue, 7900.
Eau Claire, Market Square Building, 21653.
Fond du Lac, National Exchange Bank Building, 5006.
Green Bay, Columbus Building, Adams 241.
La Crosse, Exchange Building, 2270.
Madison, Insurance Building, Badger 978.
Milwaukee, 611 North Broadway, Daly 0672.
Racine, 423 Main Street, Prospect 2444.
Rhinelander, Merchants State Bank Building, 1122.
Wausau, First American State Bank Building, 7474.

WYOMING

Casper, Henning Hotel, 45.
Cheyenne, Boyd Building, 4011.
Rock Springs, Rock Springs National Bank Building, 32.

Sheridan, First National Bank Building, 624.

Thermopolis, Mountain States Power Building, 271.

(d) A marine claims office conducted by the Marine Office of America for War Damage Corporation on the 26th floor of 116 John Street, New York 7, N. Y., for the purpose of investigating claims of a marine character and advising the Claims Service Offices and the Board of Directors with respect to the adjustment of marine claims that heretofore have been seasonably presented.

SUBPART B—PROCEDURES, RULES AND RATES

§ 200.4 *Regulations under the general program.* Having terminated the issuance of policies of insurance, applications for insurance are no longer being received. Existing policies currently in effect have been issued under and are subject to the following rules and regulations:

EXPLANATION OF TERMS USED HEREIN

Applicant. The term "Applicant" shall mean any person, public or private, including any individual, partnership, corporation, association, State, County, municipality, or other political subdivision, having an insurable interest in property eligible for coverage by policies of insurance issued by the Corporation pursuant to these Regulations and making application to the Corporation for such coverage on the forms of Application prescribed by the Corporation.

Insured. The term "Insured" shall mean any Applicant to whom a policy of insurance is issued by the Corporation in accordance with these Regulations.

Producer. The term "Producer" shall mean (a) any authorized insurance broker or (b) any agent of a fire insurance carrier which has been appointed by the Corporation as its Fiduciary Agent, provided that such insurance broker or such agent is duly licensed in accordance with the legal requirements of the State, Territory or District in which he acts as a Producer.

A direct writing Mutual Company or Reciprocal Exchange appointed by the Corporation as its Fiduciary Agent may also act as a Producer and may also designate another direct writing Mutual Company or Reciprocal Exchange as a Producer, provided any such Producer so designated shall be licensed as an insurer in the jurisdiction where it acts as a Producer.

Fiduciary Agent. The term "Fiduciary Agent" shall mean any insurance carrier (Capital Stock Insurance Company, Mutual Insurance Company or Reciprocal Exchange) which has been specifically appointed by the Corporation to act as its Fiduciary Agent under a "Fiduciary Agent Agreement." Each Fiduciary Agent so appointed is empowered to receive Applications and remittances covering premiums, to issue Policies, and otherwise to transact such business of the Corporation in accordance with these Regulations.

RULES

(Certain rules no longer applicable owing to termination of issuance of policies are omitted.)

EFFECTIVE DATE AND TERM OF INSURANCE

RULE 4. *The producer's acceptance of the application does not constitute a binder.* The insurance applied for shall take effect on the "Effective Date," at noon standard time, at the place where the property is located, and shall terminate 12 months thereafter at the same hour. (For term of transit risk coverage, see Application WDC Form No. 8.) (For cancellation provisions, see Rule 6.) If the Application has been properly completed and is accompanied by full payment of premium, the "Effective Date" shall be the date on which the Application is received and date-stamped by the Fiduciary Agent (but in no event earlier that July 1, 1942), unless a later date is requested in the Application.

POLICY FORM AND COVERAGE

RULE 5. Insurance will be written only on the form of Policy prescribed by the Corporation. (See specimen form of Policy, WDC Form No. 1, appended to these Regulations.) The Policy will cover only direct physical loss of or damage to the property insured. The Policy does not provide consequential coverage, such as use and occupancy, rent and rental value, or coverage for other indirect losses.

CANCELLATION

RULE 6. The Policy may be cancelled, upon the request of the Insured and surrender of the Policy, only in case of change in ownership of the property or the Insured's interest therein. If the Policy is issued in violation of these Regulations, the Policy may be cancelled by the Corporation by delivering or mailing to the Insured and to the loss payee (if any) at the address given in the Application, five days' written notice. In the event of cancellation, the pro rata "Net Premium" shall be returned.

NET PREMIUM

RULE 7. The term "Net Premium" shall mean: the Gross Premium less (a) the Producer's service fee (5%—subject to the minimum and maximum provided in Rule 13), and (b) the Fiduciary Agent's expense reimbursement (3½%—subject to the minimum and maximum allowable in accordance with the "Fiduciary Agent Agreement").

REDUCTION OF OR ADDITION TO POLICY AMOUNT

RULE 8. The Policy may, upon application, be reduced in amount in the event that the Insured disposes of or changes his interest in any of the property covered by the Policy and the return premium due the Insured shall be calculated on a pro rata "Net Premium" basis. The Policy may, upon application, and upon payment of the proper premium, be increased in amount, subsequent to the "Effective Date," to cover property in additional amounts or at additional locations. Reporting forms of policies will not be issued. No Producer's service fee or Fiduciary Agent's expense reimbursement shall be paid on additional premiums. No payment shall be required by or made by the Corporation where the additional or return premium is less than fifty (50) cents. (For application forms covering reductions or additions, see WDC Form Nos. 8 and 9.)

BLANKET INSURANCE

RULE 9. Where more than one property is under the same ownership whether at one or more locations, all such properties may be insured under one Policy for an amount of insurance covering blanket on all such properties, provided the Application (and the Schedule, if any) shall set forth the approximate distribution of the total coverage on all such properties according to the respective States, Territories, possessions, and coded cities of location. The rate for blanket insurance shall be the rate for the highest rated building or location. The "Pro Rata Distribution" clause in the Policy applies with respect to blanket insurance written subject to less than 90% Coinsurance.

"RULE 10. Policies may be issued to mortgagees or other holders of security or financial interests in property eligible for coverage under these Regulations. The rate shall be determined according to these Regulations on the basis of the coded classification of the property and risks covered and the coverage shall be subject to all the conditions of the Policy; except that, with respect to any occupancy classification to which the 'Coinsurance' clause contained in the Policy is applicable, if the Applicant shall so elect, the Applicant may apply for insurance to the full extent of its interest in the property described in the Application and in such case, the Application shall set forth the declared dollar amount of the Applicant's interest in the property therein described. The rate for such coverage shall be the highest rate applicable to property under the respective coded classification as set forth in the Rate Schedule of Appendix 'A'. The Fiduciary Agent shall, in any such case, attach to the Policy the following form of endorsement:

"The 'Pro Rata Distribution' clause and the 'Coinsurance' clause contained in this policy are not applicable. All other terms and conditions of this policy remain unchanged.

"_____
(Authorized Fiduciary Agent)

"By_____

"If blanket policies are issued covering mortgagee or other financial interests, the provisions of these Regulations relating to 'Blanket Insurance' shall apply." (See Rule 9.)

LOSS PAYABLE CLAUSE

RULE 11. The Application forms include a loss payable provision, and in any case where the Applicant desires that payment under the Policy be made to any party in interest in addition to the Insured, the loss payable provision must be completed properly. No "mortgagee clause" will be attached to the Policy.

LOSS ADJUSTMENTS

RULE 12. In the event of loss, the Insured shall give immediate written notice to the Fiduciary Agent through which the Policy was issued, and the Insured shall comply with the provisions of the Policy relating to "Requirements in Case of Loss." Adjustment and settlement of the loss will be effected in accordance with the Corporation's established procedure.

SERVICE FEE TO PRODUCER

RULE 13. The service fee to the Producer shall not exceed 5% of the premium, with a minimum fee of $1.00 per Policy, and a maximum fee of $1,000 per Policy. The service fee shall not be deducted from the remittance which accompanies the Application. The service fee may be paid on each Policy issued, and shall become due upon the issuance of the Policy and shall be payable on or before the 20th day of the month following. Service fees shall be paid on renewals. Service fees may be paid only to Producers. (For provisions relating to service fees in connection with additional or return premiums, see Rule No. 8.)

MINIMUM PREMIUM

RULE 14. The minimum premium shall be $3.00 per Policy.

OTHER INSURANCE

RULE 15. The "Other Insurance" clause of the Policy provides that if there is any other insurance covering the property, whether prior to, subsequent to, or simultaneous with the insurance under the Policy, which in the absence of the insurance under the Policy would cover the loss or damage covered by the Policy, then the insurance under the Policy becomes "excess insurance" and does not apply except over and above such other insurance.

REPORTING FORMS PROHIBITED

RULE 16. Reporting forms of policies will not be issued.

LIMITS OF COVERAGE FOR VESSEL PROPERTIES AND CARGOES STORED ON VESSELS

RULE 17. Insurance provided by the Corporation covers the vessels or craft or cargo hereinafter described while confined to the limits of the harbors or other inland waters

of the United States, as defined in Section 2 of the Act of Congress of February 19, 1895, and set forth in the Pilot Rules for Certain Inland Waters as issued by the Department of Commerce, or while confined to the Great Lakes (including the waterways connecting them, and their harbors and tributaries in the United States), or while confined to harbors and inland waters of the Canal Zone, Puerto Rico, Virgin Islands and Territories of Hawaii and Alaska:

(a) Vessels used exclusively for storage, housing, manufacturing or generating power.

(b) Pleasure craft (including vessels utilized for pleasure fishing, but excluding those employed in commercial fishing), but only while laid up afloat or ashore.

(c) All vessels or craft while under construction until delivery by the builder or sailing on delivery or trial trip, whichever shall first occur.

(d) Cargoes on vessels described in (a) above.

POLICY EXCLUSIONS

RULE 18. Unless otherwise specifically provided in writing thereon in accordance with these Regulations, the Policy shall not cover accounts, bills, currency, deeds, evidences of debt, securities, money, bullion, stamps, furs, jewelry, precious and semi-precious stones, works of art, statuary, paintings, pictures, etchings, antiques, stamp and coin collections, manuscripts, books and printed publications more than 50 years old, models, curiosities, objects of historical or scientific interest, pleasure water craft, pleasure aircraft, standing timber, growing crops, orchards, or any real property which is not a part of a structure or building. Provisions for coverage by separate Application or endorsement with respect to some of the foregoing excluded types of property are set forth in Rule 23, Rule 24, Rule 25, Rule 26 and Rule 27. These Regulations make no provision for insurance with respect to other excluded types of property.

RATES

RULE 19. The rates for coverage under the Policy shall be determined according to the construction classification, occupancy classification, and coinsurance requirements, all as set forth in "Appendix A" which is made a part of these Regulations. The Producer shall determine the proper rate for the coverage applied for under the Application and shall insert such rate in the appropriate space provided on the Application and the Schedule (if any). (For provisions relating to: "Construction Codes," see Rule 20; "Occupancy Codes," see Rule 21; "Coinsurance Requirements," see Rule 22.)

CONSTRUCTION CODES

RULE 20. The Producer shall insert in the proper space on the Application and the Schedule (if any) the appropriate construction classification code number, in accordance with the construction classification code numbers set forth in "Appendix A" which is made a part of these Regulations. In the case of a risk composed of different classes of construction, if not less than 75% of the total floor area (including basements) is of one class of construction, the risk may be coded according to such predominating class of construction. Otherwise, such risk must take the class rate of the higher rated class of construction. The term "risk" shall mean a single building or a group of buildings, and contents situated at one location.

OCCUPANCY CODES

RULE 21. The Producer shall insert in the proper space in the Application and the Schedule (if any) the appropriate occupancy classification code number in accordance with the occupancy classification code numbers set forth in "Appendix A" which is made a part of these Regulations.

COINSURANCE CLAUSE

RULE 22. The "Coinsurance" clause contained in the Policy does not apply to dwellings or farm properties, nor to the types of property described in Rule 23, Rule 24, Rule 25 and Rule 26.

COVERAGE FOR COMMERCIAL FURS, JEWELRY, ART OBJECTS, AND THE LIKE

RULE 23. Furs and jewelry of commercial dealers, and works of art, statuary, paintings, pictures, etchings, antiques, stamp and coin collections, manuscripts, books and printed publications more than 50 years old, models, curiosities, and objects of historical or scientific interest, when owned by commercial dealers, cultural institutions, or, when open for public display, by private persons, may be specifically covered, provided the Application or the Schedule attached thereto sets forth separately the description, location and the amount of coverage of the property to be so covered. The limit of coverage shall be $5,000 for any one article and the limits of coverage for any one interest at any one location shall be as follows:

Works of art, statuary, paintings, etchings, pictures, and antiques	$100,000
Jewelry	100,000
Furs	100,000
Stamp and Coin Collections; manuscripts, and books and printed publications more than 50 years old	100,000
Models, curiosities, and objects of historical or scientific interest	100,000

In any such case the Fiduciary Agent shall attach to the Policy a separate endorsement (or endorsements) extending the coverage of the Policy to include each type of such property so listed in the Application and/or the Schedule, subject to the foregoing limits of coverage. Such endorsement shall also state that the "Coinsurance" clause and "Pro Rata Distribution" clause, both of which are a part of the Policy, shall not be applicable to the property covered under the endorsement. Such endorsement shall be in the form set forth in Rule 27.

The limit of coverage set forth in Rule 23 of Regulations "A" shall be inapplicable to "Furs" and "Jewelry" and such property shall be eligible for coverage without limitation. The rate for such coverage shall be the rate applicable to the appropriate coded classifications in lieu of the rate set forth under Occupancy Code 15 in the Rate Schedule of Appendix A.

COVERAGE FOR PRIVATELY OWNED FURS, JEWELRY, ART OBJECTS, AND THE LIKE

RULE 24. Furs, jewelry, works of art, statuary, paintings, pictures, etchings, antiques, stamp and coin collections, manuscripts, books and printed publications more than 50 years old, models, curiosities, and objects of historical and scientific interest, when privately owned, may be specifically covered, provided the Application or the Schedule attached thereto sets forth separately the description, location and the amount of coverage of the property to be so covered. The limits of coverage shall be $5,000 for any one article and a total of $10,000 for any one interest with respect to any and all of the foregoing types of property. In any such case the Fiduciary Agent shall attach to the Policy a separate endorsement (or endorsements) extending the coverage of the Policy to include each type of such property so listed in the Application and/or the Schedule, subject to the foregoing limits of coverage. Such endorsement shall also state that the "Coinsurance" clause and "Pro Rata Distribution" clause, both of which are a part of the Policy, shall not be applicable to the property covered under the endorsement. Such endorsement shall be in the from set forth in Rule 27.

COVERAGE FOR PLEASURE WATER CRAFT AND PLEASURE AIRCRAFT

RULE 25. Pleasure water craft and pleasure aircraft may be specifically covered while laid up ashore or afloat provided the Application or the Schedule attached thereto sets forth separately the description, location and the amount of coverage of the property to be so covered. The limit of coverage shall be $10,000 for any one craft. In any such case the Fiduciary Agent shall attach to the Policy a separate endorsement (or endorsements) extending the coverage of the Policy to include each type of such property so listed in the Application, subject to the foregoing limit of coverage. Such endorsement shall also state that the "Coinsurance" clause and "Pro Rata Distribution" clause, both of which are a part of the Policy, shall not be applicable to the property covered under the endorsement. Such endorsement shall be in the form set forth in Rule 27.

"COVERAGE FOR STANDING TIMBER

"RULE 26.01. Standing timber may be specifically covered, provided the Application (WDC Form No. 2) or the Schedule attached thereto sets forth separately the description, location and amount of coverage of the standing timber to be so covered. No limit of coverage shall be applicable. The rate for such coverage shall be 15 cents, with 100% coinsurance mandatory. In any such case the Fidiciary Agent shall attach to the Policy the following form of endorsement:

"This policy is hereby extended to cover the standing timber described in the Application (and the Schedule, if any) which is attached to this policy. All other terms and conditions of this policy remain unchanged."

"_____
(Authorized Fidiciary Agent)
"By_____"

"RULE 26. Growing crops and orchards may be specifically covered provided the separate form of Application for insurance covering growing crops and orchards is completed by the Applicant, such coverage to be at the following graduated rates: 5¢ for the first $100,000, 7½¢ for the second, 10¢ for the third, 12½¢ for the fourth, and 15¢ for all coverage in excess of $400,000; with no coinsurance requirements or credits being applicable."

"REGISTERED MAIL OR EXPRESS COVERAGE FOR MONEY AND SECURITIES (OCCUPANCY CODE 18)

"RULE 26.02. Money and Securities may be covered under the Policy while in transit by Registered Mail or Express (including Registered Airmail and Air Express) provided the separate form of Application (WDC Form No. 15) for such Registered Mail or Express coverage is completed by the Applicant. The terms 'Money' and 'Securities' are defined in Item 5 of said Application and the coverage limitations are set forth in Condition (b) appearing on the reverse side of said Application. The premium for such coverage will be computed on the basis of the declaration of maximum estimates of aggregate values of shipments of Money and Securities by the Applicant for the full period of twelve months from the effective date of the insurance and an adjustment will be made at the end of the term of the Policy based upon the written report of the total values of Money and Securities actually shipped by the Applicant during such term, all as described in Condition (f) appearing on the reverse side of said Application. The rates for such coverage are set forth in Item 3 of said Application, as follows: For Money, 3¢ per $1,000 of total aggregate declared value; for Securities, 1¢ per $1,000 of total aggregate declared value. Coverage is provided with respect to both of the following:

CLASS A—Shipments made by, to, or for the account of the Applicant; CLASS B—Shipments by the Applicant for the account of others. Class B coverage is optional. Class B coverage cannot be obtained without Class A coverage. The limits of liability are $500,000 for Money and $2,000,000 for Securities with respect to any one shipment to any one consignee on any one day. The 'Pro Rata Distribution' clause and the 'Coinsurance' clause contained in the Policy are not applicable and all other terms and conditions of the Policy are to be considered amended and modified to the extent necessary to conform to the provisions of said Application."

FORM OF ENDORSEMENT FOR EXCLUDED PROPERTY

RULE 27. All endorsements attached to the Policy for coverage pursuant to the provisions of Rule 23, Rule 24, or Rule 25, shall be in the following form:

"This policy is hereby extended to cover
(Insert description of property)
subject to a limit of loss not exceeding $_____ for any one article (craft). The 'Coinsurance' clause and the 'Pro Rata Distribution' clause contained in this policy are not applicable to the property covered by this endorsement. All other terms and conditions of this policy remain unchanged.

"_____
(Authorized Fiduciary Agent)
"By_____"

The dollar amount which shall be inserted in the blank space of the foregoing form of endorsement shall be the amount of coverage applicable to the property described in such endorsement, or the limit of coverage specified in Rule 23, Rule 24, or Rule 25, as the case may be, whichever is the lesser.

EXPLANATION OF PRO RATA DISTRIBUTION CLAUSE

RULE 28. The effect of the "Pro Rata Distribution" clause is to distribute proportionately the amount of insurance where more than one building, structure or place is covered under one blanket amount. This clause has the effect of prorating the total amount of the insurance in the proportion that the value of each building, structure or place bears to the total value of all buildings, structures or places insured. The following is an illustration:

If there is $100,000 worth of merchandise in two buildings, and blanket insurance is in force in the amount of $50,000, and if the value is distributed between the two buildings as follows:

In building A—Value	$ 75,000
In building B—Value	25,000
Total Value	100,000

the "Pro Rata Distribution" clause distributes the $50,000 insurance as follows:

75/100 of $50,000 in Building A	$37,500
25/100 of $50,000 in Building B	12,500

In other words, the effect of the "Pro Rata Distribution" clause is the same as if the property owner had carried insurance under two specific items, one for $37,500 covering in building A, and one for $12,500 covering ing building B, instead of the one $50,000 blanket amount.

EXPLANATION OF COINSURANCE CLAUSE

RULE 29. The effect of the "Coinsurance" clause is to assess equitably the cost of the insurance. The following is one illustration:

Value	$10,000
Insurance required by (50%) Coinsurance Clause	5,000
Insurance actually carried	5,000
Loss	1,000

In this case, the property owner has carried sufficient insurance to comply with the 50% "Coinsurance" clause and, therefore, the loss of $1,000 would be paid in full.

The following is another illustration:

Value	$10,000
Insurance required by (50%) Coinsurance Clause	5,000
Insurance actually carried	2,500
Loss	1,000

In this case, since the property owner has carried only one-half of the required amount of insurance, he would collect but one-half of his loss. The property owner would then recover only 50% of his loss, or $500.

In case of a total loss under either illustration, the property owner would collect the face amount of the policy.

APPENDIX

CONSTRUCTION CODE

For the purpose of determining rates for coverage, risks shall be coded as to construction as follows:

Coverage on or in buildings or structures of fire resistive construction according to fire insurance standards	Code 1
Coverage on or in buildings or structures of any other construction, and property in the open	Code 2

In the case of a risk composed of different classes of construction, if not less than 75% of the total floor area (including basements) is of one class of construction, the risk may be coded according to such predominating class of construction. Otherwise, such risk must take the class rate of the higher rated class of construction. (See Rule 20.)

(The term "risk" as used herein may be construed to mean a single building, or a group of buildings, and contents situated at one location.)

COINSURANCE CREDITS

Rates are based upon the use of the 50% Coinsurance clause, which is the minimum permissible, except as otherwise specifically provided herein:

For 80% Coinsurance clause, deduct 30% from the base rate.
For 90% Coinsurance clause, deduct 35% from the base rate.
For 100% Coinsurance clause, deduct 40% from the base rate.

SPRINKLER CREDIT

If not less than 75% of the total floor area (including basements) of the risk is eqipped with a system of automatic sprinklers, deduct 10% from the base rate.

BLANKET POLICIES

Blanket policies take the rate of the highest rated building or location. (See Rule 9.)

RATE SCHEDULE

[Rates are for building and contents unless otherwise noted. Minimum premium of $3.00 per policy]

NS—without automatic sprinklers S—with automatic sprinklers	Occupancy code number	Construction code number	Annual rates per $100 of insurance: No coinsurance	With coinsurance of 50%	80%	90%	100%
Dwellings and their contents (Dwellings comprising less than five family units including private garages, out-buildings and private passenger automobiles.) (Use Application WDC Form No. 2.)	01	1 or 2	$0.10	Coinsurance does not apply			
Farm properties and their contents. Farm property and their contents shall include private garages, private barns and out-buildings, farm implements, live stock, and motor vehicles used for farm or pleasure purposes.) (Use Application WDC Form No. 2.)	02	1 or 2	.10	Coinsurance does not apply			
Churches, hospitals, educational or cultural institutions, libraries, museums, public buildings. (Use Application WDC Form No. 2.)	NS 03	1	------	$0.10	$0.07	$0.065	$0.06
	S 03	1	------	.09	.063	.059	.054
	NS 03	2	------	.155	.105	.098	.09
	S 03	2	------	.13	.095	.088	.081
Apartments, hotels, offices, mercantiles, warehouses and other buildings not used for manufacturing. (Use Application WDC Form No. 2.)	NS 04	1	------	.155	.105	.098	.09
	S 04	1	------	.13	.095	.088	.081
	NS 04	2	------	.20	.14	.137	.12
	S 04	2	------	.18	.126	.11	.108
Manufacturing plants, piers, wharves, bridges, and structures not otherwise specifically provided for. (Use Application WDC Form No. 2.)	NS 05	1	------	.20	.14	.13	.12
	S 05	1	------	.18	.126	.117	.108
	NS 05	2	------	.30	.21	.195	.18
	S 05	2	------	.27	.189	.176	.162
Street railway and railroad properties (except trackage and roadbeds and rolling stock and their contents). (Use Application WDC Form No. 2)	NS 06	1 or 2	------	$0.30	$0.21	$0.195	$0.18
	S 06	1 or 2	------	.27	.189	.176	.162
Rolling stock (Use Application WDC Form No. 2)	07	------	------	.25	.175	.163	.15
Trackage and roadbeds (Use Application WDC Form No. 2)	08	------	------	.10	.07	.065	.06
Builders' risk shall take the rate applicable to the completed building or structure (Use Application WDC Form No. 2)	------	------	------	------	------	------	------
Floaters (Floater policies shall cover movable property at any location, but shall not cover while in transit.) (Use Application WDC Form No. 2)	09	------	100% Coinsurance Mandatory				.25
Motor vehicles, except those hereinabove provided for under Dwellings and Farm Properties (Use Application WDC Form No. 2)	10	------	------	$0.25	$0.175	$0.163	$0.15
Growing crops and orchards (Use Application WDC Form No. 7)	11	------	$0.05	Coinsurance does not apply			

RATE SCHEDULE—Continued

[Rates are for building and contents unless otherwise noted. Minimum premium of $3.00 per policy]

NS—without automatic sprinklers S—with automatic sprinklers	Occupancy code number	Construction code number	Annual rates per $100 of insurance				
			No coinsurance	With coinsurance of			
				50%	80%	90%	100%
Transit Risks (Use Application WDC Form No. 3.) Insurance to be applied for on the basis of: (a) the highest of items (a), (b), and (c) of the Application in the case of a 12 months' policy, or (b) item (d) of the Application in the case of a 3 months' policy issued to an applicant who has been in business for less than 3 months, or (c) item (e) of the Application in the case of a trip risk.	12	—	$0.03	Coinsurance does not apply			
Vessels:							
Commercial hulls—All metal (including hull, deck and superstructure)	13	1	.50	Coinsurance does not apply			
Others (Use Application WDC Form No. 6.)	13	2	.75	Coinsurance does not apply			
Builders' risk—All Metal (including hull, deck and superstructure)	13	1	.25	Coinsurance does not apply			
Vessels—Continued							
Others (Use Application WDC Form No. 4.) (Premiums calculated on completed price.)	13	2	$0.375	Coinsurance does not apply			
Cargo Stored Afloat:							
All Metal (including hull, deck, and superstructure) (Use Application WDC Form No. 5.)	13	1	.50	Coinsurance does not apply			
Others (Use Application WDC Form No. 5).	13	2	.75	Coinsurance does not apply			
Publicly or privately owned utilities, such as light, water, heat, power and communication systems, including transmission lines, underground piping, wiring and conduits. (Use Application WDC Form No. 2.)	14	1 or 2	—	$0.30	$0.21	$0.195	$0.18
Furs, jewelry, art objects, and the like. (Use Application WDC Form No. 2.)	15	1 or 2	.75	Coinsurance does not apply			
Pleasure aircraft or pleasure water craft. (Use Application WDC Form No. 2.)	16	1 or 2	—	$0.25	$0.175	$0.168	$0.15

WDC Form No. 1
July 1942

No._____

War Damage Corporation

(A corporation created by Reconstruction Finance Corporation pursuant to Section 14 of the Reconstruction Finance Corporation Act, as amended, herein called the "Corporation")

WASHINGTON, D. C.

SPECIMEN

1 ISSUED TO: _____
(herein called the "Insured")

2 Mail address: _____

3 Effective date: _____

4 **In Consideration** of the payment of the premium, the Corporation agrees to indemnify the Insured, and
5 legal representatives, against direct physical loss of or damage to the property described in the attached application
6 which may result from **ENEMY ATTACK INCLUDING ANY ACTION TAKEN BY THE MILITARY, NAVAL**
7 **OR AIR FORCES OF THE UNITED STATES IN RESISTING ENEMY ATTACK.**
8 This insurance shall take effect on the effective date herein stated, at noon, standard time, at the place
9 where the property is located, and shall terminate twelve months thereafter, at the same hour.
10 The representations, terms and conditions of the application attached hereto shall be a part of this policy, and,
11 except as otherwise herein provided, this policy shall cover the property described in the application, for the amounts
12 therein stated, while located at the place(s) stated in the application, but not elsewhere.
13 Assignment of this policy shall not be valid except with the written consent of the Corporation.
14 The provisions printed on the following pages are made a part of this policy, and this policy shall also be
15 subject to such other provisions, stipulations and agreements as may be added hereto, over the signature of a duly
16 authorized Fiduciary Agent.
17 **In Witness Whereof,** the Corporation has executed this policy, but this policy shall not be valid unless
18 countersigned by a duly authorized Fiduciary Agent of the Corporation.
19

WAR DAMAGE CORPORATION

Attest: SPECIMEN Secretary

SPECIMEN President

20 Countersigned this ..... day of ....., 19.....

21 .....
(Authorized Fiduciary Agent)

22 By.....

Page 2

23 **AMOUNT OF LOSS** The amount of loss shall not exceed the actual cash value of
24 the property nor the interest
25 of the Insured therein at the time of loss, nor the
26 amount it would cost to repair or replace the property
27 with material of like kind and quality within a reason-
28 able time after the loss. No allowance shall be
29 made for compensation for loss of use, loss of
30 profits, loss resulting from delay or deterioration,
31 loss or impairment of market, cessation of work, fixa-
32 tion of price or value, interruption of business or manufac-
33 ture or occupancy, or for consequential loss. No allowance
34 shall be made for any increased cost of repair or recon-
35 struction by reason of any ordinance or law regulating
36 construction, use or repair.
37 **CONCEALMENT OR FRAUD** This policy shall be void if,
38 whether before or after a loss,
39 the Insured has willfully con-
40 cealed or misrepresented any material fact or circum-
41 stance concerning this insurance or the subject thereof,
42 or the interest of the Insured therein, or in case
43 of any fraud or false swearing by the Insured relating
44 thereto.
45 **PROPERTY EXCLUDED** Unless specifically provided in
46 writing hereon, this policy shall
47 not cover accounts, bills, cur-
48 rency, deeds, evidences of debt, securities, money, bullion,
49 stamps, furs, jewelry, precious and semi-precious stones,
50 works of art, statuary, paintings, pictures, etchings,
51 antiques, stamp and coin collections, manuscripts, books
52 and printed publications more than 50 years old, models,
53 curiosities, objects of historical or scientific interest, ple-
54 sure water craft, pleasure aircraft, standing timber, growing
55 crops, orchards, or any real property which is not a part
56 of a structure or building.
57
58 **PREMIUM** The premium required by the
59 regulations of the Corporation
60 shall be paid in full prior to the effective date. If a check is
61 tendered in payment of premium and such check is not hon-
62 ored upon presentation for the full amount thereof, this
63 policy shall be void.
64 **PERILS NOT COVERED** The Corporation shall not be
65 liable for loss caused directly
66 or indirectly by:
67 (a) blackout; burglary, robbery, theft, larceny, pillage or
68 looting, sabotage, vandalism or malicious mischief; or
69 (b) neglect of the Insured to use all reasonable means
70 to save and preserve the property after damage resulting
71 from the perils herein covered.
72 **PRO RATA DISTRIBUTION** If any item of insurance covers
73 blanket in or on more than one
74 building, structure or place, the
75 amount of insurance under such item shall attach in or on
76 each building, structure or place in that proportion which
77 the value of the property in or on each said building, struc-
78 ture or place shall bear to the value of all of the property
79 covered by such blanket item.
80 This pro rata distribution clause shall not apply if this
81 policy is subject to 90% or 100% coinsurance.
82 **COINSURANCE** The Corporation shall not be
83 liable for a greater proportion
84 of any loss than the amount of insurance under this policy
85 bears to the stipulated percentage of the actual cash value
86 of the property described in the application at the time when
87 such loss occurs. The stipulated percentage shall be
88 the percentage of coinsurance stated in the application. If
89 the claim for loss is both less than $10,000 and less than
90 2% of the total amount of insurance upon the property de-
91 scribed in the application, at the time such loss occurs, no
92 special inventory or appraisal of the undamaged prop-
93 erty shall be required, and if the property described in
94 the application consists of two or more items, the provisions
95 of this paragraph shall apply to each item separately.
96 The provisions of this coinsurance clause shall not apply to
97 dwellings comprising less than five family units, nor to farm
98 properties.
99 **OTHER INSURANCE** If there is any other insurance
100 covering the property insured
101 hereunder, whether prior to, subsequent to, or simultaneous
102 with this insurance, which in the absence of this insurance
103 would cover the loss or damage hereby covered, then the
104 Corporation shall not be liable hereunder for more than the
105 excess over and above such other insurance.
106 **MORTGAGE OR OTHER INTEREST** If the application provides that
107 loss hereunder shall be payable
108 in whole or in part to a payee
109 other than the Insured, and the Insured fails to render proof
110 of loss within the time required by this policy, such payee
111 shall, upon notice, as named as the Insured herein, render
112 proof of loss as herein specified within sixty days thereafter,
113 and shall be subject to the provisions hereof as to examina-
114 tion under oath, appraisal, time of payment, and bringing suit.
115 **CANCELLATION** This policy may be cancelled
116 upon the request of the Insured
117 at the surrender of this policy, only in case of change in own-
118 ership of the property, or in the Insured's interest therein.
119 If this policy be issued in violation of the regulations
120 of the Corporation in effect at the time of issuance,
121 this policy may be cancelled by the Corporation by
122 delivering or mailing five days' written notice to the Insured,
123 and to the loss payee, if any, at the address given in the
124 application. In the event of cancellation, the net premium
125 shall be prorated and returned in conformity with the reg-
126 ulations of the Corporation.
127 **REQUIREMENTS IN CASE OF LOSS** In the event of loss, the Insured
128 shall give immediate written
129 notice to the Corporation, fur-
130 nish a complete inventory of the destroyed, damaged and
131 undamaged property, stating the quantity, cost and actual
132 cash value of each article and the amount claimed thereon,
133 and file with the Corporation a proof of loss within 60 days
134 after the loss, unless such time is extended by the Corpora-
135 tion in writing. Such proof of loss, signed and sworn to
136 by the Insured, shall state the Insured's knowledge and be-
137 lief as to the time and origin of the loss, the interest
138 of the Insured and all others in the property, the actual
139 cash value of each item thereof and the amount of loss
140 thereto, and all contracts of insurance covering any of such
141 property. If required, the Insured shall furnish verified
142 plans and specifications of any buildings, fixtures or machin-
143 ery destroyed or damaged; as often as may be required, ex-
144 hibit to any person designated by the Corporation all that
145 remains of any property herein covered; submit to examina-
146 tions under oath by any person named by the Corporation
147 and subscribe the same; and, as often as may be required,
148 produce for examination all books of account, bills, invoices
149 and other vouchers, or certified copies thereof, if originals
150 be lost, at such reasonable time and place as may be des-
151 ignated by the Corporation, and permit extracts and copies
152 thereof to be made.

(Continued on Page 4)

Page 3

ATTACH APPLICATION AND ENDORSEMENT HERE

Page 4

APPRAISAL — In case the Insured and the Corporation fail to agree as to the actual cash value or the amount of loss, then, on the written demand of either, each shall select a competent and disinterested appraiser and notify the other of the appraiser selected within twenty days after such demand. The appraisers shall first select a competent and disinterested umpire, and, in the event of their failure within fifteen days to agree upon such umpire, then, on request of the Insured or the Corporation, such umpire shall be selected by a Judge of a Federal Court of the district in which the property is located. The appraisers shall then appraise the loss, stating separately actual cash value and loss to each item; and, failing to agree, shall submit their differences, only, to the umpire. An award in writing, so itemized, of any two when filed with the Corporation shall determine the amount of actual cash value and loss. Each appraiser shall be paid by the party selecting him and the expenses of appraisal and the umpire shall be paid by the parties equally.

CORPORATION'S OPTIONS — It shall be optional with the Corporation to take all or any part of the property at the agreed value, and also to repair, rebuild, or replace the property destroyed or damaged with other of like kind and quality within a reasonable time on giving notice of its intention so to do within thirty days after the receipt of the proof of loss; but there can be no abandonment to the Corporation of any property.

PAYMENT OF LOSS — Any loss shall be payable sixty days after proof of loss, as herein provided, is received by the Corporation and ascertainment of the loss is made either by agreement between the Insured, mortgagee or loss payee, if any, and the Corporation, expressed in writing, or by the filing with the Corporation of an award as herein provided, and if the loss shall be payable to a payee other than the Insured, the amount of any loss shall be payable to such payee as interest may appear.

SUIT — No suit or action for recovery of any claim, shall be sustainable in any court of law or equity unless all the requirements of this policy shall have been complied with, or unless commenced within twelve months after the date of loss.

SUBROGATION — The Corporation may require from the Insured an assignment of all right of recovery against any party for loss to the extent that payment therefor is made by the Corporation.

WAIVER — No permission affecting this insurance shall exist, or waiver of any provision be valid, unless granted herein or expressed in writing added hereto. No provision, stipulation or forfeiture shall be held to be waived by any requirement or proceeding on the part of the Corporation relating to appraisal or to any examination provided for herein.

EXTENSION OF TIME — If the Insured is unable to comply with any of the provisions of this policy applicable to a loss because of enemy action, occupation or control, the Insured's right of recovery shall not be prejudiced, provided the Insured shall comply with such provisions within a reasonable time after the Insured becomes able to do so, but in no event later than six months thereafter.

SPECIMEN

§ 200.5 *Regulations under the money and securities program.* Having terminated the issuance of policies of insurance, applications for insurance are no longer being received. Existing policies currently in effect have been issued under and are subject to the following rules and regulations:

EXPLANATION OF TERMS USED HEREIN

Applicant. The term "Applicant" shall mean any person, public or private, including any individual, partnership, corporation, association, State, County, municipality, or other political subdivision, owning or holding Money or Securities and making application to the Corporation for insurance coverage in accordance with these Regulations and on the form of Application prescribed in these Regulations. Two or more related interests may be named as Applicant.

Policy. The term "Policy" shall mean the form of policy designated WDC Form No. 1 (a).

Insured. The term "Insured" shall mean any Applicant to whom a Policy of insurance is issued by the Corporation in accordance with these Regulations.

Producer. The term "Producer" shall mean (a) any authorized insurance broker or (b) any agent of a casualty or surety insurance carrier which has been appointed by the Corporation as its Fiduciary Agent, provided that such insurance broker or such agent is duly licensed in accordance with the legal requirements of the State, Territory or District in which he acts as a Producer.

A direct writing Mutual Company or Reciprocal Exchange appointed by the Corporation as its Fiduciary Agent may also act as a Producer and may also designate another direct writing Mutual Company or Reciprocal Exchange as a Producer, provided any such Producer so designated shall be licensed as an insurer in the jurisdiction where it acts as a Producer.

Fiduciary Agent. The term "Fiduciary Agent" shall mean any casualty or surety insurance carrier (Capital Stock Insurance Company, Mutual Insurance Company or Reciprocal Exchange) which has been specifically appointed by the Corporation to act as its Fiduciary Agent under a "Fiduciary Agent Agreement." Each Fiduciary Agent so appointed is empowered to receive Applications and remittances covering premiums, to issue Policies, and otherwise to transact the business of the Corporation in accordance with these Regulations.

RULES

(Omitted rules are no longer applicable, owing to termination of issuance of policies.)

TYPES OF COVERAGE

RULE 2. The following Money and Securities Coverages are available under the Application (see specimen form of Application, WDC Form No. 16, appended to these Regulations):

Coverage A—While within any "Preferred Vault" at any location specified in the Application.

Coverage B—While within any "Safe" or "Vault" (including any "Preferred Vault") at any location specified in the Application.

Coverage C—While within any of the "Premises" (including any "Safe," "Vault" or "Preferred Vault" located therein) specified in the Application, or within any of the "Custodians" (including any bank Vaults or safe deposit company Vaults used by any of the Custodians for safe-keeping) specified in the Application.

Coverage D—While in transit or otherwise within the geographical limits in which the Corporation insures, for any business purpose, outside any and all "Premises" and "Safe Deposit Boxes," irrespective of the locations specified in the Application, and outside Custodians specified in the Application, and outside bank Vaults and safe deposit company Vaults used by Custodians and specified in the Application; excluding, however, loss in the mail or in the custody of a carrier for hire other than an armored motor vehicle company.

EFFECTIVE DATE AND TERM OF INSURANCE

RULE 4. *The producer's acceptance of the Application does not constitute a binder.* The insurance applied for shall take effect on the "Effective Date," at noon Standard time, at the mail address of the Applicant, and shall terminate 12 months thereafter at the same hour. (For cancellation provisions, see Rule 6.) If the Application has been properly completed and is accompanied by full payment of premium, the "Effective Date" shall be the date on which the Application is *received and date-stamped* by the Fiduciary Agent (but in no event earlier than December 21, 1942), unless a later date is requested in the Application.

POLICY FORM

RULE 5. Insurance will be written only on the form of Policy prescribed by the Corporation. (See specimen form of Policy, WDC Form No. 1 (a), appended to these Regulations.) The Policy will cover only direct loss through damage to or destruction of the Money and Securities insured.

CANCELLATION

RULE 6. The Policy may not be cancelled upon the request of the Insured. If the Policy is issued in violation of these Regulations, the Policy may be cancelled by the Corporation by delivering or mailing to the Insured at the address given in the Application, five days' written notice. In the event of cancellation, the pro rata "Net Premium" shall be returned.

NET PREMIUM

RULE 7. The term "Net Premium" shall mean: the Gross Premium less (a) the Producer's service fee (5%—subject to the minimum and maximum provided in Rule 10), and (b) the Fiduciary Agent's expense reimbursement (3½%—subject to the minimum and maximum allowable in accordance with the "Fiduciary Agent Agreement").

REDUCTION OF OR ADDITION TO POLICY AMOUNT

RULE 8. The Policy may, upon application, be reduced in amount in the event that the Insured ceases to hold Money or Securities at the locations or in the amounts specified in the Application and the return premium due the Insured shall be calculated on a pro rata "Net Premium" basis. The Policy may, upon application, and upon payment of the proper premium, be increased in amount,

subsequent to the "Effective Date," to cover Money or Securities in additional amounts or at additional locations. Reporting forms of policies will not be issued. No Producer's service fee or Fiduciary Agent's expense reimbursement shall be paid on additional premiums. No payment shall be required by or made by the Corporation where the additional or return premium is less than fifty (50) cents.

LOSS ADJUSTMENTS

RULE 9. In the event of loss, the Insured shall, as soon as practicable, give written notice to the Fiduciary Agent through which the Policy was issued, and the Insured shall comply with the provisions of the Policy relating to "Requirements in Case of Loss." Adjustment and settlement of the loss will be effected in accordance with the Corporation's established procedure.

SERVICE FEE TO PRODUCER

RULE 10. The service fee to the Producer shall not exceed 5% of the premium, with a minimum fee of $1.00 per Policy, and a maximum fee of $1,000 per Policy. The service fee shall not be deducted from the remittance which accompanies the Application. The service fee shall be paid on each Policy issued, and shall become due upon the issuance of the Policy and shall be payable on or before the 20th day of the month following. Service fees shall be paid on renewals. Service fees shall be paid only to Producers. (For provisions relating to service fees in connection with additional or return premiums, see Rule No. 8.)

OTHER INSURANCE

RULE 11. The "Other Insurance" clause of the Policy provides that if there is any other insurance covering the Money and Securities, whether prior to, subsequent to, or simultaneous with the insurance under the Policy, which in the absence of the insurance under the Policy would cover the loss or damage covered by the Policy, then the insurance under the Policy becomes "excess insurance" and does not apply except over and above such other insurance.

PREMIUM RATES

RULE 12. The rates for coverage under the Policy are set forth in Item 10 of the Application and are as follows:

Coverage	Annual rate per $1,000 of insurance	
	Money	Securities
A	$0.25	$0.075
B	.50	.15
C	1.00	.30
D [1]	1.50	.45

[1] In any case in which the application specifies insurance under both coverage C and coverage D, the "Premium Sub-total" (as shown in item 10 of the application) shall be credited with one-half of the premium therein calculated for coverage C, but such credit shall not exceed one-third of the premium therein calculated for coverage D. The foregoing credit shall be separately available in connection with the calculation of the premium for coverage D on money and securities, respectively.

The Producer shall determine the proper premium for the Coverage applied for under the Application and shall insert such premium in the appropriate space provided on the Application.

MINIMUM PREMIUM

RULE 13. The minimum premium shall be $3.00 per Policy.

MAXIMUM LIMITS ON AMOUNT OF INSURANCE

RULE 14—The following maximum limits shall apply with respect to the amount of insurance for each Applicant under the following types of coverage:

Money	*Limit of each specified premises or safe deposit box*
Coverage A	$750,000
Coverage B	750,000
Coverage C	450,000
	Limit for each policy
Coverage D	2,000,000

Securities	*Limit of each specified premises, safe deposit box, or custodian*
Coverage A	$5,000,000
Coverage B	5,000,000
Coverage C	3,000,000
	Limit of each policy
Coverage D	$10,000,000

FEDERAL LOAN AGENCY

WDC FORM No. 16 November 1942 — WAR DAMAGE CORPORATION Washington, D. C. — **1**

Date Premium Deposited: | Insurance Effective Date: | Attached to and made a part of Policy Number

Space above this line for Fiduciary Agent only

APPLICATION IS MADE FOR INSURANCE ON MONEY AND SECURITIES AS FOLLOWS:

1. Name of Applicant: ..... STATE WHETHER INDIVIDUAL, PARTNERSHIP, OR CORPORATION

2. Mail Address: ..... STREET ..... POST OFFICE ..... STATE

3. Nature of Applicant's business: .....

Occupancy Code	Total Insurance (as declared in Item 10 below)	Premium (as declared in Item 10 below)	Commission
19	On Money $	Money $	
	On Securities $	Securities $	
	Total Amount of Policy $	Total Premium $	$

5. Name and Complete Address of Producer: ..... STATE WHETHER AN AGENT OF THE NAMED FIDUCIARY AGENT, OR A LICENSED BROKER

FIDUCIARY AGENT: .....

6. COVERAGE DESIRED ON APPLICANT'S PREMISES:

No. 1 ..... STREET ..... POST OFFICE ..... STATE

No. 2 ..... STREET ..... POST OFFICE ..... STATE

No. 3 ..... STREET ..... POST OFFICE ..... STATE

Amount(s) of insurance requested by Applicant in respect of Premises designated above:

	Coverage A		Coverage B		Coverage C	
	Money	Securities	Money	Securities	Money	Securities
No. 1:	$	$	$	$	$	$
No. 2:	$	$	$	$	$	$
No. 3:	$	$	$	$	$	$
TOTALS	$	$	$	$	$	$

7. COVERAGE DESIRED ON SAFE DEPOSIT BOX(ES) USED BY APPLICANT, NOT ON APPLICANT'S PREMISES:

Name and address of bank or safe deposit company where safe deposit box is located:

No. 1: Name ..... Address ..... STREET ..... POST OFFICE ..... STATE

No. 2: Name ..... Address ..... STREET ..... POST OFFICE ..... STATE

No. 3: Name ..... Address ..... STREET ..... POST OFFICE ..... STATE

Amount(s) of insurance requested by Applicant in respect of Safe Deposit Box(es) designated above:

	Coverage A		Coverage B	
	Money	Securities	Money	Securities
No. 1:	$	$	$	$
No. 2:	$	$	$	$
No. 3:	$	$	$	$
TOTALS	$	$	$	$

8. COVERAGE DESIRED ON CUSTODIAN(S):

Name and head office address of Custodian:

No. 1: Name ..... Address ..... STREET ..... POST OFFICE ..... STATE

No. 2: Name ..... Address ..... STREET ..... POST OFFICE ..... STATE

No. 3: Name ..... Address ..... STREET ..... POST OFFICE ..... STATE

Amount(s) of insurance requested by Applicant (if only Vault coverage is desired give Vault location under Coverage A or Coverage B below, whichever is applicable):

Coverage A (Applies only to Preferred Vaults used by Custodian and designated below.)		Coverage B (Applies only to Safe or Vault, including Preferred Vaults used by Custodian and designated below.)		Coverage C (Applies to all offices of each Custodian, including Vaults.)	
Vault Location	Securities	Vault Location	Securities	Custodian	Securities
STREET P. O. STATE	$	STREET P. O. STATE	$	No. 1	$
STREET P. O. STATE	$	STREET P. O. STATE	$	No. 2	$
STREET P. O. STATE	$	STREET P. O. STATE	$	No. 3	$
TOTALS	$		$		$

9. COVERAGE D DESIRED:

Amount(s) of insurance requested by Applicant under coverage D: *Money* $ ..... *Securities* $ .....

10. PREMIUM COMPUTATION:

Money	Amount of Insurance	Premium Rate per $1000	Amount of Premium
Total Coverage A on Money (as shown above in Items 6 & 7)	$	@ .25	= $
Total Coverage B on Money (as shown above in Items 6 & 7)	$	@ .50	= $
Total Coverage C on Money (as shown above in Item 6)	$	@ 1.00	= $
Total Coverage D on Money (as shown above in Item 9)	$	@ 1.50	= $
Total Insurance on Money (to be inserted in appropriate box in Item 4 above)	$	Premium Sub-total	$
Credit (applicable *only* when insurance is requested under both Coverage C *and* Coverage D): (a) Enter ½ of Premium shown above for Coverage C $ ..... (b) Enter ½ of Premium shown above for Coverage D $		Extend as Credit (a) or (b), whichever is the lesser	$
Total Premium on Money (to be inserted in appropriate box in Item 4 above)			$
Securities			
Total Coverage A on Securities (as shown in Items 6, 7 & 8)	$	@ .075	= $
Total Coverage B on Securities (as shown in Items 6, 7 & 8)	$	@ .15	= $
Total Coverage C on Securities (as shown in Items 6 & 8)	$	@ .30	= $
Total Coverage D on Securities (as shown in Item 9)	$	@ .45	= $
Total Insurance on Securities (to be inserted in appropriate box in Item 4 above)	$	Premium Sub-total	$
Credit (applicable *only* when insurance is requested under both Coverage C *and* Coverage D): (a) Enter ½ of Premium shown above for Coverage C $ ..... (b) Enter ½ of Premium shown above for Coverage D $		Extend as Credit (a) or (b), whichever is the lesser	$
Total Premium on Securities (to be inserted in appropriate box in Item 4 above)			$

11. Applicant warrants that the Vaults designated as "Preferred" in this application (under Coverage A in Items 6, 7 & 8 above) fulfill the requirements of the definition of a "Preferred Vault" set forth in Condition (b) on the reverse side hereof, and that all other statements contained herein are true and correct.

12. If this application has been properly completed and is accompanied by full payment of premium, the insurance shall become effective at noon on the day this application is received by the Fiduciary Agent and date-stamped (but in no event prior to December 21, 1942) unless a later date is requested, as follows: .....

13. This application shall become a part of the policy to which this application is attached (herein called the "Policy") and is made subject to the terms and conditions on the reverse side hereof.

Date: .....

.....Fiduciary Agent .....Applicant

By .....Authorized Signature By ..... TITLE

SEE REVERSE SIDE

CONDITIONS

(a)—THIS APPLICATION SHALL BE SIGNED IN QUADRUPLICATE.

(b)—DEFINITIONS.

The following terms, as used in this application and in the policy to which this application is attached, shall be construed as follows:

Money—The term "Money" shall mean currency, coin (excluding coin collections), bank notes, Federal Reserve notes, postage stamps, revenue stamps, and War Saving Stamps, bullion, gold nuggets, gold dust, gold, platinum, silver, and other precious metals, refined or unrefined (excluding jewelry and other articles made from such precious metals).

Securities—The term "Securities" shall mean bonds, evidences of debts, debentures, scrip, certificates of deposit, certificates of stock, certificates of interest or participation in any profit-sharing agreement, collateral-trust certificates, equipment trust certificates, interim receipts, interim certificates, warrants, rights, transfers, coupons, drafts, bills of exchange, acceptances, promissory notes, checks, money orders, travelers letters of credit, travelers checks, warehouse receipts, bills of lading, life insurance policies, deeds, mortgages upon real estate and/or upon chattels and/or upon interests therein, and all other instruments similar to or in the nature of the foregoing, and assignments of any of the foregoing; but the term "Securities" shall not include "Money" as above defined.

Premises—The term "Premises" shall mean the interior of that portion of any building which is occupied by the Applicant in conducting its business.

Safe Deposit Box—The term "Safe Deposit Box" shall mean any and all safe deposit boxes or similar receptacles in any bank or safe deposit company Vault not on Premises but used by the Applicant for the safe keeping of Money or Securities. Any Money or Securities in the possession of the Applicant within such bank or safe deposit company shall be deemed to be within such boxes or receptacles.

Custodian—The term "Custodian" shall mean any of the offices of any bank, financial institution, dealer, broker or agent with whom the Applicant carries a safe-keeping, management, collateral, escrow or other account involving Securities, or any agent of the United States of America or of any State or political sub-division thereof with which the Applicant has lodged or deposited Securities. For the purpose of Coverage C, the term "Custodian" shall be deemed to include any bank Vaults or safe deposit Vaults used for safe keeping by such Custodian.

Preferred Vault—the term "Preferred Vault" shall mean a Vault incorporated in the building in which it is situated and having (a) masonry walls at least twelve inches thick or reinforced concrete walls at least eight inches thick and in either case lined with steel at least one-half inch thick; or (b) masonry walls at least twenty-four inches thick or reinforced concrete walls at least sixteen inches thick with or without steel lining in either case; or (c) steel walls at least one inch thick; provided, however, that every entrance to any such type of "Preferred Vault" shall be equipped with one or more steel doors having an aggregate thickness of not less than two and one-half inches.

Vault—The term "Vault" shall mean a permanent, non-movable construction of iron, steel, brick, concrete, stone, tile or similar masonry units permanently built into or assembled in the building and having an iron or steel door.

Safe—The term "Safe" shall mean a movable construction of iron or steel having an iron or steel door.

(c)—COVERAGE

Only the following forms of Coverage are available:

Coverage A—While within any Preferred Vault at any location specifically designated in Items 6, 7 and 8.

Coverage B—While within any Safe or Vault (including any Preferred Vault) at any location specifically designated in Items 6, 7 and 8.

Coverage C—While within any of the Premises specifically designated in Item 6 (including any Safe, Vault or Preferred Vault located in any of the said Premises) or within any of the Custodians specifically designated in Item 8 (including any bank Vaults or safe deposit company Vaults used by any of the Custodians for safekeeping).

Coverage D—While in transit or otherwise, for any business purpose, outside any and all Premises and Safe Deposit Boxes, irrespective of the location specifically designated in Items 6 and 7, and outside Custodians, bank Vaults and safe deposit company Vaults specifically designated in Item 8; excluding, however, loss in the mail or in the custody of a carrier for hire other than an armored motor vehicle company.

The insurance afforded by the Policy to which this Application is attached is only with respect to such and so many of the foregoing forms of Coverage and the divisions thereof between Money and Securities as are specifically designated in Items 6, 7, 8 and 9 of this Application. The limit of the Corporation's liability for any and all losses under each such Coverage and with respect to each division specified in said Items 6, 7, 8 and 9 shall be the respective amount of insurance inserted therein, but such limitation of liability under any one Coverage or division shall not serve to restrict recovery under any other Coverage or division. Such limitation of liability shall apply notwithstanding more than one interest is named as Applicant in this Application and as Insured in the Policy to which this Application is attached. A schedule may be affixed wherever the space provided on the reverse side hereof is inadequate.

(d)—TERRITORIAL LIMITATIONS.

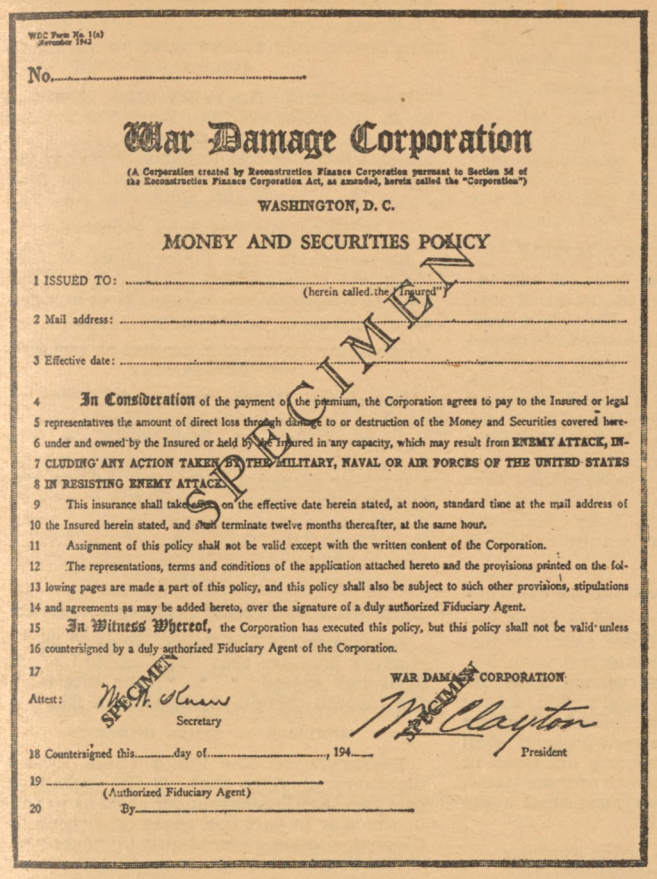
The Policy to which this Application is attached shall cover Money and/or Securities only while within the Continental United States of America, Alaska, Virgin Islands, Hawaii, Puerto Rico and the Canal Zone, respectively.

(e)—PREMIUM.

The required premium shall be paid in full prior to the effective date of the Policy to which this Application is attached, in accordance with the Regulations of the Corporation. If a check is tendered in payment of premium and such check is not honored upon presentation for the full amount therefor, the Policy shall be void.

(f)—CONCEALMENT OR FRAUD.

The Policy to which this Application is attached shall be void if, whether before or after a loss, the Applicant has willfully concealed or misrepresented any material fact or circumstance concerning the insurance or the subject thereof, or the interest of the Applicant therein, or in case of any fraud or false swearing by the Applicant relating thereto.



WDC Form No. 1(a)
November 1942

No.....

War Damage Corporation

(A Corporation created by Reconstruction Finance Corporation pursuant to Section 5d of the Reconstruction Finance Corporation Act, as amended, herein called the "Corporation")

WASHINGTON, D. C.

MONEY AND SECURITIES POLICY

1 ISSUED TO: .....
(herein called the "Insured")

2 Mail address: .....

3 Effective date: .....

4 **In Consideration** of the payment of the premium, the Corporation agrees to pay to the Insured or legal
5 representatives the amount of direct loss through damage to or destruction of the Money and Securities covered here-
6 under and owned by the Insured or held by the Insured in any capacity, which may result from **ENEMY ATTACK, IN-**
7 **CLUDING ANY ACTION TAKEN BY THE MILITARY, NAVAL OR AIR FORCES OF THE UNITED STATES**
8 **IN RESISTING ENEMY ATTACK,**
9 This insurance shall take effect on the effective date herein stated, at noon, standard time at the mail address of
10 the Insured herein stated, and shall terminate twelve months thereafter, at the same hour.
11 Assignment of this policy shall not be valid except with the written consent of the Corporation.
12 The representations, terms and conditions of the application attached hereto and the provisions printed on the fol-
13 lowing pages are made a part of this policy, and this policy shall also be subject to such other provisions, stipulations
14 and agreements as may be added hereto, over the signature of a duly authorized Fiduciary Agent.
15 **In Witness Whereof,** the Corporation has executed this policy, but this policy shall not be valid unless
16 countersigned by a duly authorized Fiduciary Agent of the Corporation.
17 WAR DAMAGE CORPORATION
Attest: SPECIMEN
Secretary
SPECIMEN
President
18 Countersigned this.....day of....., 194....
19 .....
(Authorized Fiduciary Agent)
20 By.....

SPECIMEN

Page 2

21 **AMOUNT OF LOSS** The amount of loss hereunder shall not exceed the actual
22 value at the time of loss of
23 the Money and Securities damaged or destroyed. The value
24 of any Securities for the loss of which claim shall be made
25 hereunder, shall be determined by the closing market value
26 of such Securities on the business day next preceding the
27 date of such loss. If such Securities have no quoted or
28 market value, their value shall be determined by agreement
29 or by appraisal as set forth herein under "Appraisal." The
30 Corporation reserves the right to replace in kind such
31 Money and Securities.
32 **NEGLECT OF INSURED** The Corporation shall not be
33 liable for loss caused directly
34 or indirectly by neglect of the
35 Insured to use all reasonable means to save and preserve
36 the Money and Securities after damage resulting from the
37 perils herein covered.
38 **OTHER INSURANCE** If there is any other insurance
39 covering the Money and Secu-
40 rities insured hereunder, whether prior to, subsequent to,
41 or simultaneous with this insurance which in the absence of
42 this insurance would cover the loss or damage hereby cov-
43 ered, then the Corporation shall not be liable hereunder
44 for more than the excess over and above such other insurance.
45 **CANCELLATION** This policy may be cancelled
46 only if it be issued in violation
47 of the Regulations of the Corporation in effect at the time
48 of issuance, in which event it may be cancelled by the Cor-
49 poration by delivering or mailing five days' written notice
50 to the Insured at the address stated in the application at-
51 tached hereto. In the event of cancellation, the net pre-
52 mium shall be prorated and returned in conformity with
53 the Regulations of the Corporation.
54 **REQUIREMENTS IN CASE OF LOSS** In the event of loss the Insured
55 shall give, as soon as prac-
56 ticable, written notice to the
57 Corporation, furnish a complete inventory of the damaged
58 or destroyed Money and Securities, and file with the Cor-
59 poration a proof of loss within 60 days after the loss, un-
60 less such time is extended by the Corporation in writing.
61 Such proof of loss, signed and sworn to by the Insured,
62 shall state the Insured's knowledge and belief as to the
63 time and origin of the loss, the interest of the Insured and
64 all others in the Money and Securities, and all contracts
65 of insurance covering any of such Money and Securities.
66 As often as may be required, the Insured shall exhibit to
67 any person designated by the Corporation all that remains
68 of any Money and Securities herein covered; submit to
69 examinations under oath by any person named by the Cor-
70 poration and subscribe the same; and, as often as may be
71 required, produce for examination all books of account and
72 other vouchers, or certified copies thereof if originals be
73 lost, at such reasonable time and place as may be desig-
74 nated by the Corporation and permit extracts and copies
75 thereof to be made. Any claim for loss under this policy shall
76 be filed with the Corporation, by, through, or in the name
77 of the Insured, with proof of ownership and financial inter-
78 ests of others as hereinabove provided.
79 **EXTENSION OF TIME** If the Insured is unable to com-
80 ply with any of the provisions
81 of this policy applicable to a
82 loss, because of enemy action, occupation or control, the
83 Insured's right of recovery shall not be prejudiced, provided
84 the Insured shall comply with such provisions within a rea-
85 sonable time, but in no event later than six months, aft-
86 er the Insured becomes able to do so.
87 **APPRAISAL** In case the Insured and the
88 Corporation fail to agree as to
89 the amount of loss, then, on the written demand of either,
90 each shall select a competent and disinterested appraiser
91 and notify the other of the appraiser selected within twenty
92 days after such demand. The appraisers shall first select a
93 competent and disinterested umpire, and, in the event of
94 their failure within fifteen days to agree upon such umpire,
95 then, on request of the Insured or the Corporation, such
96 umpire shall be selected by a Judge of a Federal Court of
97 the district of the mail address of the Insured. The ap-
98 praisers shall then determine the amount of loss, and, fail-
99 ing to agree, shall submit only their differences to the um-
100 pire. An award in writing of any two when filed with the
101 Corporation shall determine the amount of loss. Each ap-
102 praiser shall be paid by the party selecting him and the
103 expenses of the appraisal and the umpire shall be paid by
104 the parties equally.
105 **PAYMENT OF LOSS** Any loss shall be payable within
106 thirty days after proof of loss,
107 as herein provided, is received
108 by the Corporation and ascertainment of the loss is made
109 either by agreement between the Insured and the Corpora-
110 tion expressed in writing, or by the filing with the Cor-
111 poration of an award as herein provided. Upon agreement
112 between the Insured and the Corporation, expressed in writ-
113 ing as to the existence and amount of loss, the loss or the
114 portion thereof so agreed upon shall be payable as soon as
115 practicable thereafter. Any loss payable under this policy
116 shall be paid only to the Insured, or to the order of the
117 Insured.
118 **SUIT** No suit or action for recovery
119 of any claim shall be sustain-
120 able in any court of law or equity unless all the require-
121 ments of this policy shall have been complied with, and
122 unless commenced within twelve months after filing proof
123 of loss.
124 **SUBROGATION AND SALVAGE** Upon payment hereunder on
125 account of any loss, the Cor-
126 poration may require from
127 the Insured an assignment of all its rights, title and interest
128 in and to the Money and Securities concerned in such loss
129 and the execution of all papers and documents necessary
130 to effect recovery on account of such loss. In case
131 of recovery, from any source other than insurance, surety-
132 ship, indemnity or reinsurance, whether made by the
133 Insured or the Corporation, on account of any loss coming
134 within the coverage of this policy, the net amount of such
135 recovery, after deducting the actual cost and expense of
136 making same, shall be applied first to such an extent as
137 fully to make whole the Insured on account of such loss
138 and the excess of such recovery shall belong to and be the
139 property of the Corporation.
140 **WAIVER** No permission affecting this in-
141 surance shall exist, or waiver of
142 any provision be valid, unless granted herein or expressed
143 in writing added hereto by the duly authorized Fiduciary
144 Agent. No provision, stipulation or forfeiture shall be held
145 to be waived by any requirement or proceeding on the part
146 of the Corporation relating to appraisal or to any examina-
147 tion provided for herein.

SPECIMEN COPY

§ 200.6 *Loss adjustment procedure under policies of insurance.* Notices of loss under policies currently in effect may be presented by mail or in person at the office of the insurance company acting as fiduciary agent, pursuant to the following regulations:

DEFINITION OF TERMS

Corporation or WDC. The terms "Corporation" and "WDC" each shall mean War Damage Corporation, a corporation created by the Reconstruction Finance Corporation pursuant to Section 5d of the Reconstruction Finance Corporation Act, as amended.

Policy. The term "Policy" shall mean the form of policy designated WDC Form No. 1.

Insured. The term "Insured" shall mean any applicant to whom a Policy has been issued by the Corporation in accordance with Regulations "A", as amended.

Fiduciary Agent. The term "Fiduciary Agent" shall mean any insurance carrier (Capital Stock Insurance Company, Mutual Insurance Company or Reciprocal Exchange) which has been specifically appointed by the Corporation to act as its Fiduciary Agent under a Fiduciary Agent Agreement.

Producer. The term "Producer" shall mean any authorized insurance agent or broker who is qualified to receive applications for War Damage Corporation insurance under Regulations "A".

Claims Service Office. The term "Claims Service Office" shall mean any office established by the Corporation within the United States, and certain of the Territories and Possessions, to service claims under Policies. These offices, their addresses and telephone numbers, are shown in "Appendix D". Temporary Claims Service Offices will be established promptly at the scene of a catastrophe should circumstances require, and the location of such temporary offices will be made known through the press, radio, or other available means.

Adjuster. The term "Adjuster" shall mean any claims adjuster duly registered with a Claims Service Office.

Notice of Loss. The term "Notice of Loss" shall mean the notification to the Corporation's Fiduciary Agent of a claim under a Policy, including all of the particulars prescribed in the specimen Notice of Loss form shown in "Appendix A".

Proof of Loss. The term "Proof of Loss" shall mean a detailed sworn statement in proof of loss properly executed by the Insured, including all of the information prescribed in the specimen Proof of Loss form shown in "Appendix B".

Non-waiver Agreement. The term "Non-waiver Agreement" shall mean an agreement (substantially in the form of the specimen Non-waiver Agreement shown in "Appendix C") entered into between the Claims Service Office (acting on behalf of the Corporation) and the Insured so as to facilitate an agreement as to the amount of loss, without either party waiving any of its rights, where questions of liability are encountered which do not lend themselves readily to determination.

Custodian Bank. The term "Custodian Bank" shall mean any Federal Reserve Bank (or branch thereof) located as designated in Regulations "B", which acts as a Custodian for funds of the Corporation.

RULES

REPORTING A LOSS BY THE INSURED

RULE 1. The Policy (lines 127–129 inclusive) requires that "In the event of loss, the Insured shall give immediate written notice to the Corporation." Rule 12 of Regulations "A" provides that "In the event of loss, the Insured shall give immediate written notice to the Fiduciary Agent through which the Policy was issued and the Insured shall comply with the provisions of the Policy relating to requirements in case of loss." Hence, notice of loss delivered to the Fiduciary Agent shall constitute an effective notice of loss to the Corporation. Such notice of loss shall be given to the Fiduciary Agent, either by the Producer or by the Insured (or his legal representative). A copy of the Notice of Loss shall be sent by the Producer, or by the Insured (or his legal representative), to the appropriate Claims Service Office. The Notice of Loss shall contain the following information; the name and address of the Fiduciary Agent; the Policy number; the amount of coverage (by items where two or more are covered); the date of the Policy; the name of the Insured; the address of the Insured; the location of the insured property; the description of the insured property (whether building, contents, motor vehicle, etc.); the name of the loss payee (if any); an estimate of the loss or damage (by items where two or more are covered); the date of the loss or damage; the cause of the loss or damage; and any other pertinent information which may be helpful.

DUTIES OF CLAIMS SERVICE OFFICE

RULE 2. Upon receipt of the Notice of Loss under a Policy, the Claims Service Office shall promptly refer the claim to an Adjuster who forthwith shall proceed with the adjustment. The assignment of claims to Adjusters shall be made only by the respective Claims Service Office.

The sources upon which the Adjuster may rely for details as to insurance coverage are, in the order of their importance:

(a) The Insured's Policy.

(b) The Fiduciary Agent's copy of the Insured's original Application, and any amendments thereto.

(c) The Producer's copy of the Insured's original Application, and any amendments thereto.

(d) The tabulating ticket copy of the Insured's original Application, and any amendments thereto, as filed by the Fiduciary Agent with the Custodian Bank.

If questions of liability are encountered by the Adjuster, a Non-waiver Agreement may nevertheless be executed between the Insured and the Claims Service Office (acting on behalf of the Corporation) in order to facilitate an agreement as to the actual cash value of the property involved and amount of loss or damage. Questions of liability and other controversial issues arising between the Insured and the Adjuster during the course of the adjustment shall be submitted by the Adjuster with necessary supporting papers to the appropriate Claims Service Office for disposition. If necessary, the Claims Service Office shall refer such matters with necessary supporting papers to the Corporation for further instructions. Copies of correspondence between the Adjuster, the Claims Service Office, and the Corporation relative to any claim shall be sent to the Fiduciary Agent which issued the Policy. The completed Proof of Loss, the adjustment expense voucher, and supporting papers shall be sent by the Adjuster to the appropriate Claims Service Office. The Claims Service Office shall check the Proof of Loss and expense voucher and, if found to be in order, shall certify as to correctness. The completed Proof of Loss, accompanied by the Adjuster's expense voucher, shall be forwarded by the Claims Service Office to the respective Fiduciary Agent for disposition as outlined in Rule 3.

DUTIES OF FIDUCIARY AGENT IN CASE OF LOSS

RULE 3. Upon receipt of Notice of Loss, the Fiduciary Agent shall verify the coverage, acknowledge to the Insured (or the Producer) receipt of the claim, and confirm the existence of the coverage to the appropriate Claims Service Office, such confirmation to be supported by any details as to coverage which may be helpful to the Adjuster.

When the completed Proof of Loss, accompanied by the supporting papers, is received by the Fiduciary Agent from the Claims Service Office (as prescribed in Rule 2), the Fiduciary Agent shall:

(a) Check the Proof of Loss against its records and, if found to be in order, certify the correctness thereof on the face of the Proof of Loss over the duly attested signature of an authorized officer of the Fiduciary Agent. If the Proof of Loss is found not in order, the Fiduciary Agent shall communicate with the Claims Service Office in order to obtain satisfactory completion. If it becomes necessary to refer any question regarding the Proof of Loss to the Corporation for further instructions, a copy of the transmittal letter, and a copy of any related correspondence between the Fiduciary Agent and the Corporation, shall be sent to the appropriate Claims Service Office.

(b) Send the certified Proof of Loss and all supporting papers to the appropriate Custodian Bank for payment of the claim to the Insured.

(c) Certify as to the acceptability of the Adjusters' expense vouchers and return to the appropriate Claims Service Office for payment.

(d) Keep an appropriate record of losses certified for payment and the certified adjustment expenses incident thereto.

PROVISIONS OF THE POLICY RELATING TO LOSS

The Policy imposes upon the Insured and the Corporation certain conditions directly relating to loss. For convenient reference these are:

REPORTING A LOSS BY THE INSURED

REFERENCE 1. The policy (lines 127–129) inclusive) provides that "In the event of loss, the Insured shall give immediate written notice to the Corporation."

INSURED SHALL SAVE AND PRESERVE PROPERTY

REFERENCE 2. The Policy (lines 64–66 and 69–71, inclusive) provides that "The Corporation shall not be liable for loss caused directly or indirectly by: * * * (b) neglect of the Insured to use all reasonable means to save and preserve the property after damage resulting from the perils herein covered."

INSURED SHALL EXHIBIT SALVAGE

REFERENCE 3. The Policy (lines 141 and 143–145, inclusive) provides that "* * * the Insured shall * * *, as often as may be required, exhibit to any person designated by the Corporation all that remains of any property herein covered * * *."

INSURED SHALL FURNISH INVENTORY

REFERENCE 4. The Policy (lines 127–132, inclusive) provides that "In the event of loss, the Insured shall * * * furnish a complete inventory of the destroyed, damaged and undamaged property, stating the quantity, cost and actual cash value of each article and the amount claimed thereon." (It will facilitate the loss adjustment if the Insured will have prepared and available for the Adjuster the information above required. The Corporation recommends that Insureds have prepared at all times and deposited for safe keeping, away from the premises involved, a detailed inventory of property covered.)

WAIVER OF INVENTORY OF UNDAMAGED PROPERTY

REFERENCE 5. The Policy (lines 88–95, inclusive) provides that "if the claim for loss is both less than $10,000 and less than 2% of the total amount of insurance upon the property described in the application, at the time such loss occurs, no special inventory or appraisal of the undamaged property shall be required, and if the property described in the application consists of two or more items, the provisions of this paragraph shall apply to each item separately."

IF REQUIRED, INSURED SHALL FURNISH SPECIFICATIONS

REFERENCE 6. The Policy (lines 141–143, inclusive) provides that "If required, the Insured shall furnish verified plans and specifications of any buildings, fixtures or machinery destroyed or damaged."

INSURED SHALL PRODUCE RECORDS

REFERENCE 7. The Policy (lines 141 and 147–152, inclusive) provides that "* * * the Insured shall * * * as often as may be required, produce for examination all books of accounts, bills, invoices and other vouchers, or certified copies thereof, if originals be lost, at such reasonable time and place as may be designated by the Corporation, and permit extracts and copies thereof to be made."

EXAMINATION UNDER OATH

REFERENCE 8. The Policy (lines 141 and 145–147, inclusive) provides that "If required, the Insured shall * * * submit to examinations under oath by any persons named by the Corporation and subscribe the same." same."

CONSEQUENTIAL LOSS EXCLUDED

REFERENCE 9. The Policy (lines 29–34, inclusive) provides that "No allowance shall be made for compensation for loss of use, loss of profits, loss resulting from delay or deterioration, loss or impairment of market, cessation of work, fixation of price or value, interruption of business or manufacture or occupancy, or for consequential loss."

NO ALLOWANCE FOR INCREASED COST OF CONSTRUCTION

REFERENCE 10. The Policy (lines 34–37, inclusive) provides that "No allowance shall be made for any increased cost of repair or reconstruction by reason of any ordinance or law regulating construction, use or repair."

LOSS SHALL NOT EXCEED ACTUAL CASH VALUE

REFERENCE 11. The Policy (lines 23–25, inclusive) provides that "The amount of loss shall not exceed the actual cash value of the property."

LOSS SHALL NOT EXCEED COST TO REPAIR OR REPLACE

REFERENCE 12. The Policy (lines 23–24 and 27–29, inclusive) provides that "The amount of loss shall not exceed * * * the amount it would cost to repair or replace the property with material of like kind and quality within a reasonable time after the loss."

CORPORATION MAY TAKE PROPERTY

REFERENCE 13. The Policy (lines 172–175, inclusive) provides that "It shall be optional with the Corporation to take all or any part of the property at the agreed value."

CORPORATION MAY REPAIR, REBUILD OR REPLACE—NO ABANDONMENT

REFERENCE 14. The Policy (lines 172–173 and 175–180, inclusive) provides that "It shall be optional with the Corporation * * * to repair, rebuild or replace the property destroyed or damaged with other of like kind and quality within a reasonable time on giving notice of its intention so to do within thirty days after the receipt of the proof of loss; but there can be no abandonment to the Corporation of any property."

LOSS SHALL NOT EXCEED INTEREST OF INSURED

REFERENCE 15. The Policy (lines 23–26, inclusive) provides that "The amount of loss shall not exceed * * * the interest of the Insured therein at the time of loss."

MORTGAGE OR OTHER INTERESTS

REFERENCE 16. The Policy (lines 106–114, inclusive) provides that "If the application provides that loss hereunder shall be payable in whole or in part to a payee other than the Insured, and the Insured fails to render proof of loss within the time required by this policy, such payee shall, upon notice, as if named as the Insured herein, render proof of loss as herein specified within sixty days thereafter, and shall be subject to the provisions hereof as to examination under oath, appraisal, time of payment, and bringing suit."

OTHER INSURANCE

REFERENCE 17. The Policy (lines 99–105, inclusive) provides that "If there is any other insurance covering the property insured hereunder, whether prior to, subsequent to, or simultaneous with this insurance, which in the absence of this insurance would cover the loss or damage hereby covered, then the Corporation shall not be liable hereunder for more than the excess over and above such other insurance."

RIGHT OF SUBROGATION

REFERENCE 18. The Policy (lines 195–198, inclusive) provides that "the Corporation may require from the Insured an assignment of all right of recovery against any party for loss to the extent that payment therefor is made by the Corporation."

INSURED SHALL FILE PROOF OF LOSS WITHIN SIXTY DAYS

REFERENCE 19. The Policy (lines 127–128 and 133–135, inclusive) provides that "In the event of loss, the Insured shall * * * file with the Corporation a Proof of Loss within 60 days after the loss, unless such time is extended by the Corporation in writing." (It is the function of the Claims Service Office to obtain from the Insured a duly executed and completed Proof of Loss, and it is expected this will be accomplished within the time prescribed in the Policy. If for any reason it becomes necessary for an Insured independently to file a Proof of Loss in order to preserve his rights under the Policy, such Proof of Loss shall be filed with the appropriate Fiduciary Agent, if practicable, otherwise with the duly constituted supervisory insurance official of the State (including the

District of Columbia), Territory or Possession wherein the insured property is located, or with the nearest Claims Service Office, or with the Corporation).

INSURED PREVENTED FROM COMPLYING WITH POLICY REQUIREMENTS

REFERENCE 20. The Policy (lines 206–213, inclusive) provides that "If the Insured is unable to comply with any of the provisions of the policy applicable to a loss because of enemy action, occupation or control, the Insured's right of recovery shall not be prejudiced; provided the Insured shall comply with such provisions within a reasonable time after the Insured becomes able to do so, but in no event later than six months thereafter."

APPRAISAL

REFERENCE 21. The Policy (lines 153–171, inclusive) provides that "In case the Insured and the Corporation fail to agree as to the actual cash value or the amount of loss, then, on the written demand of either, each shall select a competent and disinterested appraiser and notify the other of the appraiser selected within twenty days after such demand. The appraisers shall first select a competent and disinterested umpire, and, in the event of their failure within fifteen days to agree upon such umpire, then, on request of the Insured or the Corporation, such umpire shall be selected by a Judge of a Federal Court of the district in which the property is located. The appraisers shall then appraise the loss, stating separately actual cash value and loss to each item; and, failing to agree, shall submit their differences, only, to the umpire. An award in writing, so itemized, of any two when filed with the Corporation shall determine the amount of actual cash value and loss. Each appraiser shall be paid by the party selecting him and the expenses of appraisal and the umpire shall be paid by the parties equally."

NO SUIT OR ACTION SUSTAINABLE

REFERENCE 22. The Policy (lines 190–194, inclusive) provides that "No suit or action for recovery of any claim, shall be sustainable in any court of law or equity, unless all the requirements of the policy shall have been complied with, or unless commenced within twelve months after the date of loss."

PAYMENT OF LOSS WITHIN SIXTY DAYS

REFERENCE 23. The Policy (lines 181–189, inclusive) provides that "Any loss shall be payable sixty days after proof of loss, as herein provided, is received by the Corporation and ascertainment of the loss is made either by agreement between the Insured, mortgagee or loss payee, if any, and the Corporation, expressed in writing, or by the filing with the Corporation of an award as herein provided, and if the loss shall be payable to a payee other than the Insured, the amount of any loss shall be payable to such payee as interest may appear."

CONCEALMENT OR FRAUD

REFERENCE 24. The Policy (lines 38–45, inclusive) provides that "This policy shall be void if, whether before or after a loss, the Insured has wilfully concealed or misrepresented any material fact or circumstance concerning this insurance or the subject thereof, or the interest of the Insured therein, or in case of any fraud or false swearing by the Insured relating thereto."

§ 200.7 *Instructions to insured and producers.* Do not telegraph—always use a Notice of Loss form including all of the information prescribed on the reverse side. Please fill out a separate Notice of Loss for each policy involved and state probable amount of loss under each Policy.

Do not change a Policy or any entry relating to coverage after a loss; all such matters should remain precisely as the loss finds them.

In case of damage to merchandise, household furniture, or other personal property, Insured is required to have both the sound and damaged articles at once protected, put in order, and inventoried; and, if possible, see that books and papers are carefully preserved.

There can be no abandonment to the Corporation of any property under any circumstances.

§ 200.8 *Form of sworn statement in proof of loss.*

SWORN STATEMENT in PROOF OF LOSS

Amount of Policy $_____ Issued _____ 19__ Expires _____ 19__

To the WAR DAMAGE CORPORATION of Washington, D. C.

Policy Number _____ Producer at _____

By the above indicated policy of insurance you insured _____ against loss which may result from enemy attack, including any action taken by the Military, Naval or Air Forces of the United States in resisting enemy attack to the property described under Schedule "A," according to the terms and conditions of the said policy and all forms, endorsements, transfers and assignments attached thereto.

1. TIME AND ORIGIN: A loss occurred about the hour of _____ o'clock _____ M., on the _____ day of _____ 19_____ The cause and origin of the said loss were: _____
2. OCCUPANCY: The building described, or containing the property described, was occupied at the time of the loss as follows, and for no other purpose whatever: _____
3. TITLE AND INTEREST: When this policy was acquired and at the time of the loss the interest of your insured in the property described therein was sole and unconditional ownership, and no other person or persons had any interest therein or incumbrance thereon. (State exceptions, if any.) _____
4. CHANGES: Since the said policy was acquired there has been no assignment thereof, or change of ownership, use, occupancy, possession, location or exposure of the property described, or of your insured's interest therein. (State exceptions, if any.) _____
5. TOTAL INSURANCE: The total amount of insurance upon the property described by this policy was, at the time of the loss, $_____, as more particularly specified in the apportionment attached under Schedule "C," besides which there was no policy or other contract of insurance, written or oral, valid or invalid.
6. THE CASH VALUE of said property at the time of the loss was . . . . . $_____
7. THE WHOLE LOSS AND DAMAGE as stated under Schedule "B" was . . . . $_____
8. THE AMOUNT CLAIMED under the above numbered policy is . . . . . $_____

The said loss did not originate by any act, design or procurement on the part of your insured, or this affiant; nothing has been done by or with the privity or consent of your insured or this affiant, to violate the conditions of the policy, or render it void; no articles are mentioned herein or in annexed schedules but such as were in the building damaged or destroyed, and belonging to, and in possession of the said insured at the time of said loss; no property saved has in any manner been concealed, and no attempt to deceive the said company, as to the extent of said loss, has in any manner been made. Any other information that may be required will be furnished and considered a part of this proof.

The furnishing of this blank or the preparation of proofs by a representative of the above insurance company is not a waiver of any of its rights.

State of _____

County of _____ *Insured*

Subscribed and sworn to before me this _____ *day of* _____ *19*_____

Notary Public

NOTE: This Proof of Loss form is a specimen and is not available for distribution. Any similar form is acceptable, provided it includes the essential information required above.

SCHEDULE "A"—POLICY FORM

WDC Policy Form No. 1 with WDC Application Form No. _____ attached

Item 1. $_____ on _____

Item 2. $_____ on _____

Item 3. $_____ on _____

Situate _____

Coinsurance, Average, or Distribution Clause, if any _____

Loss, if any, payable to _____

SCHEDULE "B"
STATEMENT OF CASH VALUE AND LOSS AND DAMAGE

		Cash Value	Loss and Damage
Totals:			

SCHEDULE "C"—APPORTIONMENT

Policy No.	Expires	Name of Company	Item No. ... Insures	Item No. ... Pays	Item No. ... Insures	Item No. ... Pays
Totals:						

WAR DAMAGE CORPORATION CLAIMS SERVICE OFFICE

By _____

Adjuster

§ 200.9 *Requests for compensation for loss of uninsured property.* Notices of loss and claims under subsection (b) of section 5g of the Reconstruction Finance Corporation Act, as amended, other than for marine losses, may be presented at any of the Claims Service Offices hereinbefore listed, on WDC–PL Form No. 3, which may be obtained at any of the following War Damage Corporation Claims Service Offices:

99 John Street, Room 810, New York 7, N. Y.
141 Milk Street, Boston 9, Mass.
300 Montgomery Street, San Francisco 4, Calif.
215 Fidelity Building, Los Angeles 13, Calif.
926 First National Bank Building, San Diego 1, Calif.
602 Colman Building, Seattle 4, Wash.
600 Gas & Electric Building, Denver 2, Colo.
1324 Liberty Bank Building, Dallas 1, Tex.
1107 Maritime Building, New Orleans 12, La.
701 Trust Co. of Georgia Building, Atlanta 1, Ga.
Peoples Building, Box 414, Charleston, S. C.
Citizens Bank Building, Norfolk 1, Va.
Insurance Exchange Building, Chicago 4, Ill.
Dillingham Transportation Building, Honolulu, T. H.
Garrett Building, Baltimore 2, Md.
1518 K St. NW., Washington, D. C.

§ 200.10 *Exceptions to protection, and statements of policy.* The following exceptions, interpretations, and statements of policy have been adopted by War Damage Corporation, with the approval of the Secretary of Commerce, pursuant to sec. 2, 56 Stat. 175; 15 USC, Sup. 606b–2:

War Damage Corporation, deeming advisable the following general exceptions to the protection authorized under section 5g of the Reconstruction Finance Corporation Act, as amended (Public Law No. 506, 77th Congress):

(a) Does except from such protection (1) all accounts, bills, currency, deeds, evidences of debt, securities, money, bullion, stamps, precious and semiprecious stones, works of art, antiques, stamp and coin collections, manuscripts, models, curiosities, objects of historical and scientific interest, pleasure watercraft and pleasure aircraft, and standing timber, not specifically listed or designated as insured under a policy of insurance issued by this Corporation; (2) all property interests of an "enemy" or an "ally of an enemy" as defined in the Trading with the Enemy Act, as amended, or of an alien enemy, wherever resident, or of any person or persons, real or juridical, whose names are contained in the Proclaimed List of Certain Blocked Nationals, as amended, unless legally protected under a policy of insurance issued by this Corporation; (3) all furs and jewelry not specifically listed or designated as insured under a policy issued by this Corporation, except furs and jewelry of any claimant or policyholder to an aggregate value not exceeding $1,000.

(b) Does except from any and all protection under said act the following:

(1) All intangible property (other than securities insured under a policy of insurance issued by this Corporation);

(2) All real property (other than standing timber, growing crops and orchards) not a part of a building or structure;

(3) All cargo or ocean going, coastwise, intercoastal, or overseas vessels, whether in the ports or inland or coastal waters of the United States, the Philippine Islands, the Canal Zone, or the Territories or possessions of the United States or otherwise (except cargo damaged or destroyed before July 1, 1942, by enemy attack while in transit between points located in any of the foregoing), and all goods and property which are or have been diverted to, detained at, or unloaded, landed, or stored within, the United States, the Philippine Islands, the Canal Zone, or the Territories or possessions of the United States while in transit by sea or by air to or from a foreign port, so long as such goods shall be detained or prevented from proceeding to their ultimate destinations as designated in the applicable ocean or air bills of lading or shipping documents;

(4) All vessels and water-craft wherever situated (and their tackle, apparel, fittings, equipment, stores, ordnance, boilers and machinery), other than (i) vessels used exclusively for storage, housing, manufacturing or generating power, (ii) vessels while under construction, until delivery by the builder or sailing on delivery or trial trip, whichever shall first occur, and (iii) pleasure water-craft while laid up afloat or ashore, which are subject to protection within the limits indicated in paragraphs "1" and "E" of this resolution;

(5) All loss or damage caused directly or indirectly by neglect of the insured, or of the claimant (as the case may be) to use all reasonable means to save and preserve the property after damage;

(6) All interest of foreign nationals in property located, at the time of loss, otherwise than within the United States, the Canal Zone, or the Territories or possessions of the United States;

(7) All other classes of property heretofore generally excepted by this Corporation, with the approval of the Secretary of Commerce, from the protection authorized by said Act; all claims with respect to which notice of loss and proof of claim have not been or shall not be presented to and filed with this Corporation in accordance with its regulations as from time to time promulgated and in effect; and all claims not proved and established to the satisfaction of the Corporation; the Corporation reserving the right to except from the protection authorized by the Act such other classes of property as it shall deem advisable.

(c) All property insured against war risks by insurers other than this Corporation is excepted from protection under the said Act to the extent of any excess of the fair cash value of such property over and above the amount of such other insurance, whether collectible or not.

(d) Works of art, antiques, stamp and coin collections, manuscripts, books and printed publications more than 50 years old, models, curiosities, and objects of historical or scientific interest owned by commercial dealers, cultural institutions or persons who keep the same open for public display, are excepted from protection under the said Act otherwise than in an amount not exceeding $25,000 for any one article of any of the classes in this paragraph "B" described, as well as conditionally excepted from protection as elsewhere provided herein.

(e) Furs, jewelry, works of art, antiques, stamp and coin collections, manuscripts, books and printed publications more than 50 years old, models, curiosities, and objects of historical or scientific interest, when privately owned and not open for public display, are excepted from protection under the said Act otherwise than in an amount not exceeding $5,000 for any one article of any of the classes in this paragraph "C" described, and not exceeding a total of $10,000 for any one interest with respect to any or all of the aforementioned classes of property wherever located, as well as conditionally excepted from protection as elsewhere provided herein

(f) Records, accounts, plans, drawings and formulae and excepted from protection under the said Act otherwise than in an amount not exceeding $10,000 for any one film, copy, record, account, plan, drawing or formula, as well conditionally excepted from protection to the extent elsewhere provided herein.

(g) Pleasure water-craft while laid up afloat or ashore and pleasure aircraft are excepted from protection under the said Act otherwise than in an amount not exceeding $10,000 for any one craft, as well as conditionally excepted from protection as elsewhere provided herein.

§ 200.11 *Limitation of time for presentation of claims for free protection.* All claims for free compensation for loss or damage to property in the Territories or possessions of the United States must be presented to War Damage Corporation before October 16, 1946. Compensation is allowable only for losses that occurred after December 6, 1941 and before July 1, 1942 as a result of enemy attack.

This section does not operate to revive any right which has expired by reason of undue delay in presenting notice of loss or proof of loss, and is not applicable to claims for compensation for losses that occurred in the Philippine Islands, authority regarding which has been extended to the recently-organized Philippine War Damage Commission.

[SEAL] HENRY T. BODMAN,
Vice President.

[F. R. Doc. 46–15712; Filed Sept. 3, 1946; 9:17 a. m.]

PART II
Section 3

FEDERAL REGISTER

VOLUME 11 NUMBER 177

Washington, Wednesday, September 11, 1946

FEDERAL POWER COMMISSION

[18 CFR, Ch. I]

PART 01—ORGANIZATION

Sec.
01.0 Introduction.
01.1 Nature and authority of Commission.
01.2 Functions.
01.3 Organization.
01.4 Delegations of final authority.
01.5 Offices of Commission; information; requests and submittals.
01.6 Duties of Commission staff groups.

§ 01.0 *Introduction.* This part describes the central and field organization of the Federal Power Commission, including delegations of final authority and the established places at which, and methods whereby, the public may secure information or make submittals or requests.

§ 01.1 *Nature and authority of Commission.* (a) The Commission is an independent agency composed of five commissioners, nominated by the President and confirmed by the Senate, one of whom is chairman and principal executive officer of the Commission.

(b) The Commission is charged with the administration and enforcement of the provisions of the Federal Power Act and the Natural Gas Act, and the duties delegated to it under the Flood Control Acts of 1938, 1939, 1941, 1944, and 1946, the River and Harbor Acts of 1945 and 1946, the Bonneville Act, Tennessee Valley Authority Act, Fort Peck Act, Boulder Canyon Project Act, the Acts of 1928 and 1929 relating to the Fort Apache, White Mountain, and Flathead Indian Reservations, and the Stabilization Act of 1942.

(c) The Commission is also charged with certain duties under Executive Order No. 8202 concerning the transmission of electric energy between the United States and foreign countries and the exportation and importation of natural gas from and into the United States.

§ 01.2 *Functions.* The principal functions of the Commission are:

(a) The licensing of water power projects on waters over which Congress has jurisdiction, or on lands of the United States, or at Government dams.

(b) The regulation of the transmission and sale for resale of electric energy in interstate commerce, and of the accounts, rates, certain security issues, dispositions of properties, mergers and consolidations, depreciation practices, and interconnection and coordination of facilities of electric public utilities; and the compilation and publication of statstical and other information concerning the electric utility industry in the United States.

(c) The regulation of the transportation and sale for resale of natural gas in interstate commerce, including the issuance of certificates of public convenience and necessity for the construction and operation of facilities, and the regulation of the accounts, rates, and depreciation practices of natural-gas companies, and the compilation and publication of statistical and other information concerning the natural gas industry in the United States.

(d) The making of surveys and studies on the comprehensive development of river basins for hydroelectric and other purposes; and the recommendation of hydroelectric power installations in certain Federal power projects.

(e) The approval of rates, accounts, and related matters for certain Federal hydroelectric power projects, including those under the control of the War Department.

§ 01.3 *Organization.* The staff of the Commission is organized into the following groups, all of which report directly to the Commission:

(a) The Office of the Secretary; the Bureau of Power; the Bureau of Accounts, Finance and Rates; the Bureau of Law; the Division of Trial Examiners; the Publications and Information Division; the Office of the Chief Engineer; the Budget and Fiscal Division; and the Personnel and Administrative Services Division.

(b) The Natural Gas Investigation (Docket No. G–580), which is being conducted by a separate staff unit under a Special Assistant to the Commission, and which is expected to be concluded during the present fiscal year.

§ 01.4 *Delegations of final authority.* The Commission has authorized:

(a) The Secretary to receive and pass upon petitions of electric public utilities, licensees, and natural gas companies for 30-day extensions of time for filing required reports, data, and information.

(b) The Chief of the Bureau of Power to interpret schedules of power system statements of electric utilities (Forms No. 12, etc.) and to obtain supplemental information required to assure complete and adequate statements; and Regional Engineers to grant 30-day extensions of time for filing such statements.

(c) The Chief of the Bureau of Accounts, Finance and Rates to issue interpretations of the Uniform Systems of Accounts for Public Utilities, Licensees, and Natural Gas Companies; to suspend the requirements of Account 901—Charges by Associated Companies—Clearing, of those systems; to interpret schedules of annual reports of electric public utilities, licenses, and natural gas companies (Forms No. 1, 2, etc.) and obtain supplemental information re-

NOTICE

Part II of this issue contains organizational and procedural material submitted pursuant to section 3 (a) (1) and (2) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238). This material is presented by Departments in the order of their establishment, followed by independent agencies in alphabetical order. Placement within the Code of Federal Regulations is indicated by bold face brackets at the head of each unit and by appropriate part and section designations within the unit.

Due to the volume of material presented in Part II it has been necessary to bind the part in several sections and to place the table of contents at the end of the last section.

quired to assure complete and adequate reports.

(d) Presiding officers to exercise the functions stated in Sec. 1.27 of the Rules of Practice and Procedure.

§ 01.5 *Offices of Commission; information; requests and submittals.* (a) The principal office of the Commission is located in the Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington 25, D. C. Regional offices of the Bureau of Power are maintained in Atlanta, Chicago, Fort Worth, New York, and San Francisco and a section of the Division of Original Cost of the Bureau of Accounts, Finance and Rates in San Francisco, as described below.

(b) Official information concerning any matter pending before, or action taken by, the Commission may be secured by written or personal request to the Secretary.

(c) Information concerning matters assigned to the Regional Offices may be obtained by written or personal request and certain submittals may be made thereto as provided below.

(d) All formal requests or submittals to the Commission should be addressed the Secretary pursuant to § 1.2 (c) of this chapter.

(e) The types of official records in the files of the Commission, and their availability to the public, are described more particularly in § 1.36 of this chapter.

§ 01.6 *Duties of Commission staff groups.* The duties of the various groups into which the staff of the Commission is organized are described as follows:

(a) *Office of the Secretary.* The Office of the Secretary, under the direction of the Secretary, receives, records, assigns, and distributes all matters filed with and brought before the Commission for action. In addition to the duties specified in § 01.4 (a) above, the Secretary serves the orders, rules, regulations, and notices of Commission action; acts as official liaison officer in contacts between the Commission and the public, parties to proceedings, and public officials. The Office of the Secretary includes a public reference section where official dockets and records are maintained, available for public inspection.

(b) *Bureau of Power.* The Bureau of Power, under the direction of the Chief of the Bureau, performs the engineering phases of the licensed project, electrical, river basin, and projects cost work of the Commission. The duties of the Chief include those specified in § 01.4 (b) above. The Bureau is composed of four functional divisions, the work of which is described as follows:

(1) *Licensed Projects Division.* The Licensed Projects Division studies and reports on declarations of intentions, applications for preliminary permits and for licenses for water power projects, and related matters; inspects and reports on the construction, operation, and maintenance of such projects; investigates and reports on unlicensed water power developments; studies and reports on applications for restoration of or rights-of-way over power site lands.

(2) *Electrical Division.* The Electrical Division studies and reports on power markets, adequacy of power supply, interconnection and coordination of power systems, electrical system planning and related matters; collects and checks power system statements submitted by electric utilities; investigates and reports on the engineering features of applications for the approval of security issues, consolidations, mergers, acquisitions, and disposal of properties of utilities subject to the jurisdiction of the Commission and the jurisdictional status of electric utility systems; makes electrical studies in connection with Commission approval of rate filings for Federal hydroelectric power projects.

(3) *River Basin Division.* The River Basin Division studies and reports on the comprehensive utilization of river basins for development of hydroelectric power alone and in connection with flood control, navigation, irrigation, and other beneficial purposes; makes investigations and reports as bases for recommendations to other Federal agencies on provisions for hydroelectric power developments at proposed multiple-purpose projects; and makes hydroelectric studies in connection with the approval of rate filings for Federal power projects.

(4) *Projects Cost Division.* The Projects Cost Division develops and analyzes detailed factual basic cost data covering the construction, maintenance, and operation of water power plants, fuel plants, and transmission facilities; develops and maintains current detailed costs for use of other groups, including Regional Offices, of the Bureau in the performance of their respective functions; and provides consulting service to other staff groups of the Commission in highly technical cost matters.

(5) *Regional Offices.* Five Regional Offices are operated as part of the Bureau of Power, under the general direction of the Chief of the Bureau. Their locations and the territories they serve are:

(i) Atlanta Regional Office, 428 Grant Building, Atlanta 3, Georgia: Alabama, Florida, Georgia, Kentucky, western half of Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

(ii) Chicago Regional Office, U. S. Custom House, 610 South Canal Street, Chicago 1, Illinois: Illinois, Indiana, Iowa, Michigan, Minnesota, part of Missouri, North Dakota, South Dakota, Nebraska, and Wisconsin.

(iii) Fort Worth Regional Office, Seventh and Lamar Streets, Fort Worth 2, Texas: Arkansas, Colorado, Kansas, Louisiana, parts of Mississippi and Missouri, New Mexico, Oklahoma, Texas, and Wyoming.

(iv) New York Regional Office, Murray-Park Building, 11 Park Place, New York 7, N. Y.: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia.

(v) San Francisco Regional Office, Phelan Building, Market and O'Farrell Streets, San Francisco 2, California: Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington.

Each Regional Office is under the direction of a Regional Engineer, who is responsible for the activities of the Bureau within the particular territory, including cooperation with other governmental agencies in those activities. He is also responsible for the duties specified in § 01.4 (b).

The Regional Office activities include the investigation of proposed multiple-purpose river basin projects; assisting applicants in complying with requirements for preliminary permits and licenses; field supervision of licensed projects; receipt and checking of anual power system statements submitted by electric utilities; power market surveys; reports on power requirements and supply, interconnection and coordination of electric utility systems, and regional power pools; investigation of interruptions to electric service; and representation of the Commisison on field committees.

(c) *Bureau of Accounts, Finance and Rates.* The Bureau of Accounts, Finance and Rates, under the direction of the Chief of the Bureau, performs the accounting, original cost, finance, statistical, rate, and gas certificate phases of the Commisison work. The duties of the Chief include those specified in § 01.4 (c) above. The Bureau is composed of five divisions, the work of which is described as follows:

(1) *Division of Accounts.* The Division of Accounts performs all work relating to the accounting practices of electric public utilities, licenses, and natural-gas companies, with the exception of reviewing reclassification and original cost studies of electric public utilities and natural-gas companies and claimed net investment in licensed projects; prepares, reviews, and interprets the Uniform Systems of Accounts for Public Utilities, Licensees, and Natural Gas Companies; makes accounting studies and investigations in rate cases; makes depreciation studies; prepares, reviews, and interprets the annual financial reports prescribed by the Commission; and makes special accounting studies as ordered by the Commission.

(2) *Division of Original Cost.* The Division of Original Cost reviews, investigates, and reports on the reclassification and original cost studies of electric public utilities and natural gas companies and the disposition of related accounting adjustments; and reviews, investigates, and reports on claimed net investment in licensed projects and the disposition of related accounting adjustments. A section of the Division of Original Cost, located in the San Francisco Regional Office described above, audits and reports on the statements of claimed net investment in licensed projects in the western United States.

(3) *Division of Finance and Statistics.* The Division of Finance and Statistics analyzes and reports on matters relating to electric utility finance, rate of return, security issues, sales and mergers of electric public utility properties; gathers and publishes financial, rate, cost, production, and other statistical information relating to the electric and natural gas industries.

(4) *Division of Rates.* The Division of Rates investigates the operations, service lives of property, natural gas reserves, and makes cost allocation studies in rate cases involving electric public utilities,

licensees, and natural gas companies; analyzes, reports on, and makes recommendations regarding the rate schedules filed by electric public utilities, natural gas companies, and certain Federal hydroelectric power projects, including those under the control of the War Department.

(5) *Division of Gas Certificates.* The Division of Gas Certificates handles matters relating to applications by natural gas companies and others for certificates of public convenience and necessity and the determination of service areas, the exportation and importation of natural gas, and the jurisdictional status of natural gas companies.

(d) *Bureau of Law.* The Bureau of Law, under the direction of the General Counsel, performs the legal work related to the activities of the Commission. The Bureau is composed of four divisions, the work of which is described as follows:

(1) *Electric Power Division.* The Electric Power Division performs the legal work under the Federal Power Act and the duties delegated to the Commission under the Bonneville Act, Tennessee Valley Authority Act, Fort Peck Act, and the other authorizations specified in §§ 01.1 (b) and (c), except those matters handled by the Hydroelectric Projects Division.

(2) *Natural Gas Division.* The Natural Gas Division performs the legal work under the Natural Gas Act and the other authorizations conferring duties or jurisdiction upon the Commission with respect to natural gas.

(3) *Hydoelectric Projects Division.* The Hydroelectric Projects Division performs the legal work under Part I of the Federal Power Act and under the duties delegated to the Commission under the Flood Control Acts and the River and Harbor Acts specified in § 01.1 (b) (other than the determination of net investment in licensed projects, rate and service matters, and security issues of licensees under Part I of the Federal Power Act and rate matters under the Flood Control Act of 1944, which are handled by the Electric Power Division).

(4) *Interpretative and Research Division.* The Interpretative and Research Division prepares legal interpretations and conducts legal research for the General Counsel and the Bureau generally; assists in the preparation of briefs, regulations, and reports on proposed legislation.

(e) *Division of Trial Examiners.* The Division of Trial Examiners is under the direction of the Chief Trial Examiner. Trial Examiners, when duly designated, preside at prehearing conferences and make recommendations as to stipulations reached therein by counsel; preside at public hearings, and rule on the admission of evidence and all procedural questions arising in the course of such hearings; hear oral arguments; consider briefs; report to the Commission on the cases heard, and make initial or recommended decisions supported by findings of fact and conclusions of law. When serving as presiding officers, Trial Examiners may exercise the functions specified in § 01.4 (d).

(f) *The Publications and Information Division.* The Publications and Information Division, under the direction of a Special Assistant to the Commission, edits Commission publications and handles their sale and other distribution; prepares and distributes general information concerning the activities of the Commission; and assists the Commission in contacts with the public.

(g) *Office of the Chief Engineer.* The Office of the Chief Engineer, under the direction of the Chief Engineer, advises the Commission on special engineering matters, including economic studies and reports on the allocation of costs of multiple-purpose water control projects, and advises with the Bureau of Law on special engineering matters in connection with litigation relating to water power projects.

(h) *Budget and Fiscal Division.* The Budget and Fiscal Division, under the direction of the Chief of the Division, handles all budget, fiscal, and related matters of the Commission; solicits bids, awards contracts and purchases supplies, equipment, and other materials; assists the Commission in contacts with the Bureau of the Budget, the Comptroller General, and the Appropriation Committees of Congress.

(i) *Personnel and Administrative Services Division.* The Personnel and Administrative Services Division, under the direction of the Chief of the Division, performs all personnel functions for the Commission, including recruitment; and all administrative services, including the preparation of illustrative and duplicative material for the other staff groups of the Commission.

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FUNCTIONS UNDER OTHER AUTHORIZATION

02.81 Executive Order No. 8202.

§ 02.0 *Introduction.* (a) This part indicates the general course and method by which the public functions of the Commission are channeled and determined. Functions under Part I of the Federal Power Act, relating principally to the conservation of water power resources and the licensing of water power projects, are treated first; next, those under Parts II and III of the act, relating principally to the regulation of the transmission and sale for resale of electric energy in interstate commerce, and of public utilities engaged therein; followed by those under the Natural Gas Act, relating principally to the regulation of the transportation and sale for resale of natural gas in interstate commerce, and of natural-gas companies engaged therein. Functions under other authorizations are treated thereafter. Internal management functions within the Commission or the Federal Government are not included. References are given to the pertinent statutory provisions and other authorities under which the Commission acts. References are also given to the rules, regulations, and orders (published and available in the FEDERAL REGISTER and the Code of Federal Regulations, Chapter I, Title 18) showing the nature and requirements of all formal and informal procedures available, and forms and instructions as to the scope and contents of all papers, reports, and examinations.

(b) Appearance and practice before the Commissioners are subject to the provisions of § 1.4 of this chapter. All applications, complaints, declarations, peti-

tions, pleadings, protests, reports, and other documents addressed to the Commission are received in the Office of the Secretary pursuant to § 1.14 of this chapter. The requirements for all such papers, and for notice and service thereof, are set forth in the pertinent Rules. The Secretary assigns such material to the appropriate Bureaus for study and recommendation to the Commission, in accordance with the description of functions in Part 01 above.

(c) Whenever further information is required by the Commission or the staff, it may be sought by correspondence, field investigation, or hearing. Intervention in proceedings before the Commission is provided for by § 1.8 of this chapter.

(d) In any proceeding, a party may request a conference for the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment where time, the nature of the proceeding, and the public interest permit.

(e) Where no hearing is held, the Commission acts on the basis of the material filed and the staff studies and recommendations thereon. (See also § 1.32 of this chapter.) If a hearing is held under the Federal Power Act, the procedure described in § 02.39 is followed; if under the Natural Gas Act, the procedure described in § 02.69 is followed. Whether or not a hearing has been held, an application may be made for rehearing under the Federal Power Act in the manner described in § 02.42, or under the Natural Gas Act in the manner described in § 02.72.

FUNCTIONS UNDER PART I OF THE FEDERAL POWER ACT

§ 02.1 *Investigations.* (a) Investigations under section 4(a) of the Act concerning water power resources and their utilization, are initiated by the Commission upon its own motion or request of another governmental agency. The staff work is performed by the Bureau of Power, with the participation of the Bureau of Law on the legal aspects thereof. Such investigations may be conducted in cooperation with other governmental agencies. After notice, a hearing may be held (see § 02.0).

(b) Investigations pursuant to section 4 (g) of the act to determine Federal jurisdiction over water power projects which may require authorization under the act, are initiated by the Commission upon its own motion, request of another Federal agency, or complaint. The staff work is performed by the Bureau of Power, with the participation of the Bureau of Law on the legal aspects thereof. Whenever it appears from such investigation that a license is required, the owner of the project may be so informed by the Secretary. If an application for license is not filed, an order to show cause therefor may be issued and a hearing held (see § 02.0).

§ 02.2 *Declarations of intention.* The requirements for declarations of intention to construct a dam or other project works, pursuant to section 23 (b) of the act, are stated in § 24.1 of this chapter. Notice of such declarations are given to interested public officials and State agencies. The declarations are referred to the Bureau of Power and to the Bureau of Law for studies to determine whether the interests of interstate or foreign commerce would be affected by the proposed construction. After notice, a hearing may be held (see § 02.0).

§ 02.3 *Preliminary permits.* (a) The requirements for applications for preliminary permits to maintain priority of applications for license, under section 4 (f) of the act, are stated in §§ 4.80, et seq. and 131.10 of this chapter. Such applications are referred to the Bureau of Power and the Bureau of Law for studies and recommendations. In addition to the usual notices, notice is given to States and municipalities and published pursuant to section 4 (f) of the act. After notice, a hearing may be held (see § 02.0). If a permit is authorized, it is issued in the manner provided in § 4.85 of this chapter.

(b) Applications for amendment of preliminary permit are governed by the provisions of § 4.84 of this chapter and are processed in the same manner as initial applications.

(c) Proceedings for the cancellation of a preliminary permit may be initiated by a complaint or by Commission order served on the permittee and interested State agencies and published in the FEDERAL REGISTER. Such order is based on staff studies and recommendations by the Bureau of Power and the Bureau of Law. After notice, a hearing may be held (see § 02.0).

§ 02.4 *Licenses.* (a) The requirements for applications for licenses are governed by the following sections of this chapter:

(1) Applications for license for proposed major project or minor part thereof (§§ 4.40, et seq. and 131.2).

(2) Applications for license for constructed major project or minor part thereof (§ 4.50, et seq. and 131.2).

(3) Applications for licenses for minor projects (§§ 4.60, et seq. and 131.6).

(4) Applications for license for transmission line only (§§ 4.70, et seq. and 131.5).

(5) Applications for renewal of license for project under license which expires on a specified date (§ 16.1). Such applications are processed in the manner stated in § 02.3 above for applications for preliminary permits. Licenses are issued pursuant to § 4.33 of this chapter.

(b) The following applications are processed in similar manner, except for local publication of notice, according to the requirements of the cited regulations:

(1) Applications for amendment of licenses or plans (§§ 5.1, et seq. and 131.30).

(2) Applications for extension of time for commencing or completing construction of a project (§§ 5.3 and 131.30).

(3) Applications for approval of transfer of license or lease of project property (§§ 9.1, et seq. and 131.20).

(4) Applications for surrender of license (§§ 6.1, et seq.).

(c) *Termination of license.* Proceedings for the termination of a license pursuant to section 13 of the act may be initiated by a complaint or by Commission order served on the licensee and interested State agencies and published in the FEDERAL REGISTER. Such order is based on staff studies and recommendations by the Bureau of Power and the Bureau of Law. After notice, a hearing may be held (see § 02.0).

§ 02.5 *Annual charges.* Petitions for adjustment of annual charges are referred to the Bureau of Power for study and recommendation. Petitions by State or municipal licensees for exemption from payment of such charges are similarly referred to the Bureau of Accounts, Finance and Rates. Petitions of both types are referred to the Bureau of Law for legal study and recommendation. After notice, a hearing may be held (see § 02.0).

§ 02.6 *Cost of fair value determinations.* Proceedings for the determination of actual legitimate original cost or fair value of a licensed project are initiated by the filing of an initial statement of cost or value (Form No. 6) pursuant to the requirements of the license and subject to the requirements of §§ 4.1, 4.10, or 4.20 of this chapter, respectively. Such statement is referred to the Bureau of Accounts, Finance and Rates, for audit and report, with participation by the Bureau of Law on the legal aspects thereof. Such report is served as provided in §§ 4.4, 4.12, or 4.22 of this chapter. Protest thereto may be filed as provided in §§ 4.5, 4.13, or 4.23. If a protest is filed, a hearing is held after notice (see § 02.0). In the absence of protest, the Commission makes the determination upon the basis of the staff report and recommendations. The licensee is required by §§ 4.7, 4.14, or 4.25 of this chapter to file within 90 days a statement on Form No. 7 showing its compliance with the Commission determination.

§ 02.7 *Determinations of net investment.* Proceedings for the determination of net investment in a licensed project may be initiated by petition or by Commission order served on the licensee and interested State agencies and published in the Federal Register. Such order is based upon staff studies and recommendations by the Bureau of Accounts, Finance and Rates, with the participation of the Bureau of Law on the legal aspects thereof. After notice, a hearing may be held (see § 02.0).

§ 02.8 *Headwater benefits.* Commission action for the determination of headwater benefits under section 10 (f) of the Act may be initiated by petition containing such information as the Secretary will specify upon written request. Answers thereto shall also contain such information as the Secretary will specify. Such petitions and answers are referred to the Bureau of Power and the Bureau of Law for studies and recommendations. After notice, a hearing may be held (see § 02.0 above).

§ 02.9 *Federal acquisition of licensed projects.* The Commission determination of net investment required for Federal acquisition of a licensed project under Section 14 of the Act follows the procedure described in § 02.7 above. Proceedings for the determination of severance damages in connection therewith are similarly initiated and conducted.

Information concerning the procedures to be followed for determination of just and fair compensation for a licensed project taken over by the United States under Section 16 of the Act may be secured by written request to the Secretary.

§ 02.10 *Rates; services; securities.* (a) *Rate schedules.* The requirements applicable to the filing of rate schedules by licensees are stated in § 35.20 of this chapter. The functions and procedures followed in connection therewith are as stated in § 02.26 below.

(b) *Services, etc.* Proceedings to determine the services to be rendered by licensees, and rates and charges of payment therefor, under Sections 19 and 20 of the Act are as described in §§ 02.27 and 02.29.

(c) *Security issues.* Proceedings for obtaining Commission authorization for the issuance of securities by licensees pursuant to sections 19 and 20 of the Act are subject to the requirements of Part 20 of this chapter. The functions and procedures followed in connection therewith are as stated in § 02.25.

§ 02.11 *Restoration of Government lands.* The requirements for applications for restoration of Government lands withdrawn for power purposes under section 24 of the act are stated in Part 25 of this chapter. Such applications are referred to the Bureau of Power and to the Bureau of Law for studies and recommendations. After notice, a hearing may be held (see § 02.0). In the event of a favorable determination, the Commission notifies the Secretary of the Interior in accordance with section 24 of the act.

§ 02.12 *Field inspections and revocation of permits and licenses by court action.* Compliance with the terms of licenses and with the approved plans in construction, operation, and maintenance of licensed projects, and compliance with the terms of preliminary permits, is enforced by periodic inspections by the Bureau of Power, principally through the Regional Offices, or through designated Federal agencies. Apparent violations of such terms or plans, or of provisions of the Act and regulations of the Commission, are reported to the Commission either by the staff or other agency or by complaint. Reports and recommendations thereon by the Bureau of Power and the Bureau of Law are submitted to the Commission and attempts made through correspondence or field investigation to secure compliance by the permittees or licensees. If satisfactory adjustments are not made, show cause orders are issued and served upon the permittees or licensees and interested State agencies and published in the FEDERAL REGISTER. After notice, hearings may be held (see § 02.0) and the matter referred to the Attorney General for institution of court proceedings pursuant to sections 13 and 26 of the act.

§ 02.13 *Approved forms, etc.* (a) The following is a list of approved forms, statements, and reports under Part I of the Act, descriptions of which have been published in the FEDERAL REGISTER or in 18 CFR, Parts 131 and 141.

(1) Certificate of service, 18 CFR, 131.1).

(2) Application for license for major project or minor part thereof (18 CFR, 131.2).

(3) Certificate of organization (18 CFR, 131.3).

(4) Certificate of exhibits (18 CFR, 131.4).

(5) Application for license for transmission lines only (18 CFR, 131.5).

(6) Application for license for minor project having installed capacity of 100 horsepower or less (18 CFR, 131.6).

(7) Application for preliminary permit (18 CFR, 131.10).

(8) Application for approval of transfer of license (18 CFR, 131.20).

(9) Application for amendment of license (18 CFR, 131.30).

(10) Application for exemption from payment of annual charges (18 CFR, 131.70).

(11) Form No. 1D. Annual Report for licensees using special condensed accounting rules (18 CFR, 141.5).

(12) Form No. 1E. Annual Report for Class I licenses (18 CFR, 141.6).

(13) Form No. 6. Initial statement showing actual legitimate original cost of project (18 CFR, 141.11).

(14) Form No. 7. Statement of actual legitimate original cost of construction (18 CFR, 141.12).

(15) Form No. 8. Report of claimed increases and decreases in licensed project plant accounts (18 CFR, 141.13).

(b) The forms listed in subparagraphs (1) to (9) inclusive, are published in the Regulations, copies of which Regulations may be obtained from the Secretary upon written request. Copies of statements and reports listed in subparagraphs (10) to (15) inclusive, may be obtained from the Publications and Information Division.

§ 02.14 *Other matters.* Information concerning any function, form, or procedure of the Commission under Part I of the act, not described in the foregoing, may be secured by written request to the Secretary.

FUNCTIONS UNDER PARTS II AND III OF THE FEDERAL POWER ACT

§ 02.21 *Determination of jurisdictional status.* In the course of the administration and enforcement of the requirements of Parts II and III of the act, the staff classifies as to jurisdictional status under the terms of section 201 of the act, persons owning or operating electric power facilities. These classifications, which are tentative and not binding on the persons or the Commission, are made on the basis of data reported to the Commission by such persons, supplemented when necessary by staff investigation of the facilities and their operations. The technical phases of such work are in general performed by the Bureau of Power except that, in certain proceedings in which such phases are closely related to those for which the Bureau of Accounts, Finance and Rates is responsible, the latter may perform the technical work with the cooperation of the Bureau of Power. In all instances, the Bureau of Law participates in the legal aspects of the work. If any person involved disagrees with the classification and refuses to comply with the requirements of the act in accordance therewith, a formal proceeding may be initiated to resolve the questions presented. The proceeding is initiated by Commission order served upon such person and interested State agencies and published in the FEDERAL REGISTER. After notice, a hearing is held (see § 02.0).

§ 02.22 *Interconnection and coordination of facilities.* (a) For the establishment of regional districts for the voluntary interconnection and coordination of electric facilities pursuant to section 202 (a) of the act, the Bureau of Power analyzes data submitted by the owners and operators of the facilities and makes any necessary field studies. Before establishing any such districts and fixing or modifying the boundaries thereof, the Commission notifies the State commissions affected and affords them opportunity to present their views and recommendations. Information concerning the manner of submitting such applications may be secured upon written request to the Secretary.

(b) The requirements for applications for orders directing the establishment of physical connection of transmission facilities or sale or exchange of electric energy pursuant to section 202 (b) of the act, are stated in § 32.1 of this chapter. Such applications are referred to the Bureau of Power and the Bureau of Law for studies and recommendations. Notice is given to each State commission and public utility affected and published in the FEDERAL REGISTER. After notice, a hearing may be held (see § 02.0).

(c) The authority of the Commission under section 202 (c) of the act to require emergency connections of facilities and generation, delivery, interchange, or transmission of electric energy may be exercised upon its own motion or upon complaint, with or without notice, hearing or report. Staff studies and recommendations are made by the Bureau of Power and the Bureau of Law. If the parties fail to agree upon the terms or any arrangements between them in carrying out a Commission order in such a proceeding, either party may file an application or the Commission may by order served upon the parties and interested State agencies and published in the FEDERAL REGISTER, initiate a proceeding to prescribe terms pursuant to the last sentence of section 202 (c) of the act. A hearing is held after notice (see § 02.0).

(d) Any person other than a "public utility" within the meaning of that term as used in the Act, making a temporary connection during an emergency without thereby becoming subject to the jurisdiction of the Commission, is required to report in accordance with § 32.21 of this chapter.

(e) The requirements for applications for approval of permanent connections of facilities for emergency use only, under the last provision of section 202 (d) of the act, are stated in §§ 32.22 and 32.24 of this chapter. Such applications are referred to the Bureau of Power and the Bureau of Law for studies and recommendations. A hearing may be held after notice (see § 02.0).

§ 02.23 *Exportation of electric energy.* (a) The requirements for applications for authorization to transmit electric energy from the United States to a foreign country pursuant to section 202 (e) of the act, are stated in §§ 32.20, et seq. of this chapter. In addition, the re-

quirements for Presidential Permits under Executive Order No. 8202, described in § 02.81, must be satisfied. Staff studies and recommendations are made by the Bureau of Power and the Bureau of Law. After notice, a hearing may be held (see § 02.0). Such authorizations are issued simultaneously with the requisite Presidential Permits. The requirements for filing rate schedules and pertinent reports under such authorizations are stated in §§ 32.38 and 35.15 of this chapter.

(b) Proceedings for supplemental orders under the last provision of section 202 (e) of the act may be initiated by application or by Commission order served on the parties and interested State agencies and published in the FEDERAL REGISTER. Staff studies and recommendations are made by the Bureau of Power and the Bureau of Law. After notice, a hearing may be held (see § 02.0).

§ 02.24 *Disposition of property, consolidation; purchase of securities.* (a) The requirements for applications for approval of disposition of property, consolidation of facilities, or purchase of securities by public utilities pursuant to section 203 of the act, are stated in Part 33 of this chapter. Written notices of such applications are given to the Governor and State commission of each State affected and published in the FEDERAL REGISTER. The applications are referred to the Bureau of Accounts, Finance and Rates, the Bureau of Power, and the Bureau of Law for studies and recommendations. After notice, a hearing may be held (see § 02.0).

(b) Proceedings for supplemental orders under the last provision of section 203 (b) of the act may be initiated by application or by Commission order served on the parties and interested State agencies and published in the FEDERAL REGISTER. Staff studies and recommendations are made by the Bureau of Accounts, Finance and Rates, the Bureau of Power, and the Bureau of Law. After notice, a hearing may be held (see § 02.0).

§ 02.25 *Issuance of securities; assumption of liabilities.* (a) The requirements for applications for authorizations to issue securities or to assume liabilities, pursuant to section 204 of the act, are stated in Part 34 of this chapter. Written notices of such applications are given to the Governor and the State commission of each State affected and published in the Federal Register. Such applications are referred to the Bureau of Accounts, Finance and Rate, the Bureau of Power, and the Bureau of Law for studies and recommendations. After notice, a hearing may be held (see § 02.0).

(b) Proceedings for supplemental orders under section 204 (b) of the act may be initiated by application or by Commission order served on the parties and interested State agencies and published in the FEDERAL REGISTER. Staff studies and recommendations are made by the Bureau of Accounts, Finance and Rates and the Bureau of Law. After notice, a hearing may be held (see § 02.0).

(c) The requirements for reports of transactions under section 204 (e) of the act are specified in § § 34.8 and 131.50 of this chapter.

§ 02.26 *Rate schedule.* (a) The requirements for filing rate schedules and changes therein under section 205 of the act, are specified in Part 35 of this chapter. Such schedules and any accompanying requests for waiver of the 30-day provision are referred to the Bureau of Accounts, Finance and Rates for study and recommendation, with the participation of the Bureau of Law on the legal aspects thereof. Any complaint under section 205 (e) of the act and any answer thereto, are similarly referred. Upon such complaint or upon its own motion the Commission may suspend the operation of rate schedules proposing changes in existing schedules, after notice and a statement of reasons therefor. Staff studies and recommendations are made by the Bureau of Accounts, Finance and Rates and the Bureau of Law. After notice, a hearing is held pursuant to sections 205 (e) and 308 of the act (see also § 02.0).

(b) Further requirements for public utilities filing rate schedules under section 205 of the act are specified in §§ 35.5, et seq. and 131.51 of this chapter.

§ 02.27 *Fixing rates and charges.* Proceedings to determine just and reasonable rates, charges, etc. under section 206 (a) of the act are initiated by complaint or by Commission order served on the parties and interested State agencies and published in the FEDERAL REGISTER. Staff studies and recommendations in such proceedings are made by the Bureau of Accounts, Finance and Rates and by the Bureau of Law. After notice, a hearing is held (see § 02.0).

§ 02.28 *Cost of production and transmission.* Investigations under section 206 (b) of the act to determine the cost of production and transmisison of electric energy, are initiated by request of a State commission or by Commission order served on the parties and interested State agencies and published in the FEDERAL REGISTER. Staff studies and recommendations are made by the Bureau of Accounts, Finance and Rates with the participation of the Bureau of Power on power supply and system operation, and of the Bureau of Law on the legal aspects involved. After notice, a hearing may be held (see § 02.0).

§ 02.29 *Furnishing adequate service.* Notice of complaints by State commissions pursuant to section 207 of the act, concerning the adequacy or sufficiency of interstate service rendered by a public utility, are given each State commission and public utility affected and published in the FEDERAL REGISTER. Such complaints and answers thereto are referred to the Bureau of Power and the Bureau of Law for studies and recommendations. Where rate questions are involved, the complaints and answers are also referred to the Bureau of Accounts, Finance and Rates. After notice, a hearing may be held (see § 02.0).

§ 02.30 *Ascertainment of cost and depreciation.* Investigations to ascertain the actual legitimate cost of public utility properties and depreciation therin pursuant to section 208 (a) of the act, are made by the Bureau of Accounts, Finance and Rates, with the participation of the Bureau of Law on the legal aspects thereof. Such investigations are usually made in connection with rate proceedings under sections 205 and 206, or accounting proceedings under section 301 of the act, and frequently involve field studies of utility records and properties. After notice, a hearing may be held (see § 02.0).

§ 02.31 *Joint boards; cooperation with State commissions.* The procedures for the use of joint boards and cooperation with State commissions pursuant to section 209 of the act, are set forth in § 1.37 of this chapter.

§ 02.32 *Accounting.* The Uniform System of Accounts for Public Utilities and Licensees prescribed by the Commission pursuant to section 301 (a) of the act, is published in the Code of Federal Regulations as Subchapter C of Chapter I, Title 18. Before prescribing any rules or requirements as to accounts, records, or memoranda, the Commission notifies interested State commissions and affords reasonable opportunity for presentation of their views, pursuant to section 302 (b) of the act. Studies and examinations of the accounting practices of public utilities and licensees are conducted by the Bureau of Accounts, Finance and Rates, with the participation of the Bureau of Law on the legal aspects thereof. The procedures for adjustment of accounts and reports are specified in Part 41 of this chapter. After notice, a hearing may be held (see § 02.0).

§ 02.33 *Depreciation.* (a) Rules, regulations, and forms of account for depreciation are set forth in the Uniform System of Accounts for Public Utilities and Licensees. Studies and recommendations concerning depreciation under section 302 (a) of the act are made by the Bureau of Accounts, Finance and Rates, with the participation of the Bureau of Law on the legal aspects thereof. Information concerning the procedures to be followed in fixing depreciation accounts and rates of depreciation under this section of the act may be secured upon written request to the Secretary.

(b) Before prescribing any rules or requirements as to depreciation, the Commission notifies interested State commissions and affords reasonable opportunity for presentation of their views, pursuant to section 302 (b) of the act.

§ 02.34 *Reports.* The reports and forms prescribed by the Commission pursuant to section 304 (a) and other sections of the act are listed in § 02.44.

§ 02.35 *Interlocking positions.* The requirements for applications for authority to hold interlocking positions pursuant to section 305 (b) of the act, are stated in Part 45 of this chapter. Such applications are referred to the Bureau of Power and the Bureau of Law for studies and recommendations. After notice, a hearing may be held (see § 02.2). Authorizations under this section of the act are subject to revocation after notice and opportunity for hearing, as described in § 45.6 of this chapter.

§ 02.36 *Complaints; answers.* The requirements for the submission of complaints pursuant to section 306 of the act, are stated in § 1.6 of the Rules, and for answers thereto in § 1.9. Action is taken thereon according to the subject matter, as described in the foregoing sections.

§ 02.37 *Investigations.* Investigations pursuant to section 307 (a) of the act are conducted by the Bureau primarily concerned with the subject matter, with the Bureau of Law participating on the legal aspects thereof. After notice, hearings may be held (see § 02.0).

§ 02.38 *Subpenas; depositions.* The requirements for subpenas under section 307 (b) and for depositions under section 307 (d) of the act are stated in §§ 1.23 and 1.24, respectively, of this chapter.

§ 02.39 *Hearings.* Hearings are subject to the requirements of section 308 of the act and § 1.20 of this chapter. The time and place of hearings and the issues involved are stated in Commission orders served on the participants and interested State agencies and published in the FEDERAL REGISTER. A prehearing conference procedure is provided by § 1.18 of this chapter. Provisions are also made in the Rules concerning expert witnesses, stipulations, evidence, presiding officers, copies of transcripts, motions, and time requirements. Evidence may be offered and cross-examination conducted by any party to the proceeding and by staff counsel. Testimony and exhibits are given and prepared, and other assistance rendered staff counsel by the technical staff as may be required. Appeals from rulings of presiding officers during the course of proceedings may be made to the Commission in accordance with § 1.28. Briefs and oral arguments before presiding officers, and proposed findings and orders, are subject to § 1.29. The presiding officer's report, exceptions thereto, briefs and oral arguments before the Commission, decisions by the Commission, and reopening of proceedings are governed by §§ 1.30, et seq. of this chapter.

§ 02.40 *Rules and Regulations.* The requirements for petitions for rule making under section 309 of the act are stated in § 1.7 of this chapter. After notice, hearings may be held (see § 02.0). The Rules of Practice and Procedure of the Commission are printed in Part 1 of Subchapter A, Chapter I, Title 18, Code of Federal Regulations.

§ 02.41 *Investigations relating to electric energy, etc.* Investigations relating to electric energy and other matters referred to in section 311 of the act are conducted in the manner described in § 02.37. The results of such investigations may be published by the Commission pursuant to section 312 of the act. Lists of titles and prices of such publications may be secured from the Publications and Information Division.

§ 02.42 *Rehearings.* The requirements for applications for rehearings under section 313 (a) of the act are stated in § 1.34 of this chapter. Such applications may be filed with respect to any final Commission order, whether or not a hearing has previously been held in the matter.

§ 02.43 *Forfeitures.* On the basis of staff studies and recommendations, proceedings to fix the amount of forfeitures under section 315 (a) of the act are initiated by Commission order served on the parties and interested State agencies and published in the FEDERAL REGISTER. A hearing may be held (see § 02.0).

§ 02.44 *Approved forms, etc.* (a) The following is a list of approved forms, statements, and reports under the Federal Power Act, descriptions of which have been published in the FEDERAL REGISTER or in 18 CFR, Parts 131 and 141.

(1) Certificate of Services (18 CFR, 131.1).
(2) Balance Sheet (18 CFR, 131.40).
(3) Classification of utility plant (18 CFR, 131.41).
(4) Comparative income statement (18 CFR, 131.42).
(5) Report of securities issued (18 CFR, 131.43).
(6) Certificate of notification (18 CFR, 131.50).
(7) Notice of succession in ownership or operation (18 CFR, 131.51).
(8) Certificate of concurrence (18 CFR, 131.52).
(9) Notice of cancellation (18 CFR, 131.53).
(10) Verification of application (18 CFR, 131.60).
(11) Form No. 1. Annual Report for electric utilities and licensees. Classes A and B (18 CFR, 141.1).
(12) Form No. 1A. Annual Report for electric utilities and licensees, Class C (18 CFR, 141.2).
(13) Form No. 1B. Annual Report for electric utilities and licensees, Class D (Privately Owned) (18 CFR, 141.3).
(14) Form No. 1C. Annual Report for electric utilities and licensees, Class D (Publicly Owned) (18 CFR, 141.4).
(15) Form No. 3. Typical net monthly bills (18 CFR, 141.21).
(16) Form No. 4. Monthly report of generation of electric energy consumption and stocks of fuel (multiple plant utilities) (18 CFR, 141.22).
(17) Form No. 4A. Monthly report of generation of electric energy consumption and stocks of fuel (single plant utilities) (18 CFR, 141.23).
(18) Form No. 4B. Monthly report of industrial generation of electric energy (18 CFR, 141.24).
(19) Form No. 5. Monthly statement of electric operating revenue and income (18 CFR, 141.25).
(20) Form No. 12. Power system statement for Class I and II systems (18 CFR, 141.51).
(21) Form No. 12A. Power system statement for Class III and IV systems (18 CFR, 141.52).
(22) Form No. 12B. Industrial electric generating capacity (Detailed Information) (18 CFR, 141.53).
(23) Form No. 12C. Industrial electric generating capacity (Limited Information) (18 CFR, 141.54).
(24) Form No. 12D. Power system statement for Class III and IV systems of less than 5,000,000 kwh energy for system (18 CFR, 141.55).
(25) Form No. 12E. Monthly load statement (18 CFR, 141.56).
(26) Form No. 12F. Power line and generating plant data (18 CFR, 141.57).
(27) Form No. 13. Summary for National Electric Rate Book (18 CFR, 141.26).
(28) Form No. Temp. 2–46. Directory of Electric (and Gas) Utilities (18 CFR, 141.27).

(b) The approved forms listed in subparagraphs (1) to (10) inclusive, are published in the Regulations, copies of which regulations may be obtained from the Secretary upon written request. Copies of statements and reports listed in subparagraphs (11) to (28) inclusive, may be obtained from the Publications and Information Division of the Commission.

§ 02.45 *Other matters.* Information concerning any function, form, or procedure of the Commission under Parts II and III of the act, not described above, may be secured upon written request to the Secretary.

FUNCTIONS UNDER THE NATURAL GAS ACT

§ 02.51 *Determination of jurisdictional status.* In the course of the administration and enforcement of the requirements of the Natural Gas Act, the staff classifies as to jurisdictional status under the terms of Section 1 of the Act, persons engaged in the transportation or sale of natural gas. These classifications, which are tentative and not binding on the persons or the Commission, are made on the basis of available information, including data reported to the Commission by such persons, supplemented when necessary by staff investigation. The technical phases of such work are performed by the Bureau of Accounts, Finance and Rates, and the legal phases by the Bureau of Law. If any person involved disagrees with the classification and refuses to comply with the requirements of the act in accordance therewith, a formal proceeding may be initiated to resolve the questions presented. The proceeding is initiated by Commission order served upon such person and interested State agencies, and published in the FEDERAL REGISTER. After notice, a hearing is held (see § 02.0).

§ 02.52 *Exportation or importation of natural gas.* (a) The requirements for applications for authorization to export or import natural gas from or to the United States, pursuant to section 3 of the act, are stated in § 153.1, et seq. of this chapter. In addition, the requirements for Presidential Permits under Executive Order No. 8202, described in § 02.81, and for certificates of public convenience and necessity pursuant to section 7 of the act as amended, described in § 02.59, must be satisfied. Staff studies and recommendations are made by the Bureau of Accounts, Finance and Rates and the Bureau of Law. Notice is given to each State commission and gas company affected and published in the FEDERAL REGISTER. A hearing may be held (see § 02.0). Such authorizations are issued simultaneously with the requisite Presidential Permits. The requirements for filing rate schedules and pertinent reports under such authorizations are stated in § 153.8 of this chapter.

(b) Proceedings for supplemental orders under the last provision of section 3 of the act may be initiated by application or by Commission order served on the parties and interested State agencies and published in the FEDERAL REGISTER. Staff studies and recommendations are made by the Bureau of Accounts,

Finance and Rates and the Bureau of Law. After notice, a hearing may be held (see § 02.0).

§ 02.53 *Rate schedules.* (a) The requirements for filing rate schedules and changes therein under section 4 of the act are specified in Part 154 of this chapter. Such schedules and any accompanying requests for waiver of the 30-day provision, are referred to the Bureau of Accounts, Finance and Rates for study and recommendation, with the participation of the Bureau of Law on the legal aspects thereof. Any complaints under section 4(e) of the act and any answers thereto, are similarly referred. Upon such complaint or upon its own motion, the Commission may suspend the operation of rate schedules proposing changes in existing schedules, after notice and a statement of reasons therefor. Staff studies and recommendations are made by the Bureau of Accounts, Finance and Rates and the Bureau of Law. After notice, a hearing is held pursuant to sections 4 (e) and 15 of the act (see also § 02.0).

(b) Further requirements for natural gas companies filing rate schedules under section 4 of the act are specified in §§ 154.5, et seq. and 250.2, et seq., of this chapter.

§ 02.54 *Fixing rates and charges.* Proceedings to determine just and reasonable rates, charges, etc., under section 5 (a) of the act are initiated by complaint or by Commission order served on the parties and interested State agencies and published in the Federal Register. Staff studies and recommendations in such proceedings are made by the Bureau of Accounts, Finance and Rates, and by the Bureau of Law. After notice, a hearis held (see § 02.0).

§ 02.55 *Cost of production and transportation.* Investigations under section 5 (b) of the act to determine the cost of production and transportation of natural gas, are initiated by request of a State commission or by Commission order served on the parties and interested State agencies and published in the FEDERAL REGISTER. Staff studies and recommendations are made by the Bureau of Accounts, Finance and Rates with the participation of the Bureau of Law on the legal aspects thereof. After notice, a hearing may be held (see § 02.0).

§ 02.56 *Ascertainment of cost and depreciation.* Investigations to ascertain the actual legitimate cost of the properties of natural gas companies and depreciation therein, pursuant to section 6 (a) of the act, are made by the Bureau of Accounts, Finance and Rates, with the participation of the Bureau of Law on the legal aspects thereof. Such investigations are usually made in connection with rate proceedings under sections 4 and 5, or accounting proceedings under section 8, of the act and frequently involve field studies of records and investigation of the properties of natural gas companies. After notice, a hearing may be held (see § 02.0).

§ 02.57 *Extension of facilities.* Action to require the extension or improvement of transportation facilities, the establishment of physical connection between facilities, and the sale of natural gas under section 7 (a) of the act, may be initiated by application or by the Commission upon its own motion. Information concerning the requisite contents of such applications may be secured upon written request to the Secretary. Notice is given to each company affected and interested State agencies, and published in the FEDERAL REGISTER. Staff studies and recommendations are made by the Bureau of Accounts, Finance and Rates and the Bureau of Law. After notice, a hearing may be held (see § 02.0).

§ 02.58 *Abandonment.* Information concerning the requirements of applications for approval of abandonment of facilities or service pursuant to section 7 (b) of the act may be secured upon written request to the Secretary. Notices of such applications are served upon the parties and interested State agencies and published in the FEDERAL REGISTER. The applications are referred to the Bureau of Accounts, Finance and Rates and the Bureau of Law for studies and recommendations. After notice, a hearing is held (see § 02.0).

§ 02.59 *Certificates.* The requirements for applications for certificates of public convenience and necessity authorizing the construction, extension, acquisition, or operation of facilities or the sale of natural gas under sections 7 (c) and 7 (e) of the act as amended, are stated in Part 157 of this chapter. Notice of the applications is given to the parties and interested State agencies, and published in the FEDERAL REGISTER. Such applications are referred to the Bureau of Accounts, Finance and Rates and to the Bureau of Law for studies and recommendations. After notice, a hearing is held (see § 02.0).

§ 02.60 *Service areas.* Information concerning the determination of service areas, pursuant to section 7 (f) of the act as amended, may be secured upon written request to the Secretary.

§ 02.61 *Accounting.* The Uniform System of Accounts for Natural Gas Companies, prescribed by the Commission pursuant to section 8 (a) of the act, is published in the Code of Federal Regulations as Subchapter F of Chapter I, Title 18. Before prescribing any rules or requirements as to accounts, records, or memoranda, the Commission notifies interested State commissions and affords reasonable opportunity for presentation of their views, pursuant to section 9 (b) of the act. Studies and examinations of the accounting practices of natural gas companies are conducted by the Bureau of Accounts, Finance and Rates, with the participation of the Bureau of Law on the legal aspects thereof. The procedures for the adjustment of accounts and reports are specified in Part 158 of this chapter. After notice, a hearing may be held (see § 02.0).

§ 02.62 *Depreciation.* (a) Rules, regulations, and forms of account for depreciation are set forth in the Uniform System of Accounts for Natural Gas Companies. Studies and recommendations concerning depreciation under section 9 (a) of the act are made by the Bureau of Accounts, Finance and Rates, with the participation of the Bureau of Law on the legal aspects thereof. Information concerning the procedures to be followed in fixing depreciation accounts and rates of depreciation under this section of the act may be secured upon written request to the Secretary.

(b) Before prescribing any rules or requirements as to depreciation, the Commission notifies interested State commissions and affords reasonable opportunity for presentation of their views, pursuant to section 9 (b) of the act.

§ 02.63 *Reports.* The reports and forms prescribed by the Commission pursuant to section 10 (a) and other sections of the act are listed in § 02.73.

§ 02.64 *State compacts.* The information required under section 11 of the act concerning matters covered in any proposed State compact on natural gas is assembled and maintained by the Bureau of Accounts, Finance and Rates. Inquiries concerning such information may be made to the Secretary.

§ 02.65 *Complaints; answers.* The requirements for the submission of complaints pursuant to section 13 of the act are stated in § 1.6 of the Rules, and for answers thereto in § 1.9 of this chapter. Action is taken thereon acording to the subject matter, as described in the foregoing sections.

§ 02.66 *Investigations.* Investigations pursuant to section 14 (a) of the act are conducted by the Bureau primarily concerned with the subject matter, with the Bureau of Law participating on the legal aspects thereof. After notice, hearings may be held (see § 02.0).

§ 02.67 *Adequacy of reserves.* Information concerning the manner of determination of the adequacy of gas reserves and other matters specified in section 14 (b) of the act, may be secured upon written request to the Secretary.

§ 02.68 *Subpenas; depositions.* The requirements for subpenas under section 14 (c), and for depositions under section 14 (e) of the act, are stated in §§ 1.23 and 1.24 respectively, of this chapter.

§ 02.69 *Hearings.* Hearings are subject to the requirements of section 15 of the act and § 1.20 of this chapter. The time and place of hearings and the issues involved are stated in Commission orders served on the participants and interested State agencies and published in the FEDERAL REGISTER. A prehearing conference procedure is provided by § 1.18 of this chapter. Provisions are also made in the Rules concerning expert witnesses, stipulations, evidence, presiding officers, copies of transcripts, motions, and time requirements. Evidence may be offered and cross-examination conducted by any party to the proceeding and by staff counsel. Testimony and exhibits are given and prepared, and other assistance rendered staff counsel by the technical staff as may be required. Appeals from rulings of presiding officers during the course of proceedings may be made to the Commission in accordance with § 1.28. Briefs and oral arguments before presiding officers, and proposed findings and orders, are subject to § 1.29. The presiding officer's report, exceptions there-

to, briefs and oral arguments before the Commission, decisions by the Commission, and reopening of proceedings are governed by § 1.30, et seq., of this chapter.

§ 02.70 *Rules and regulations.* The requirements for petitions for rule making under section 16 of the act are stated in § 1.7 of this chapter. After notice, hearings may be held (see § 02.0). The Rules of Practice and Procedure of the Commission are printed in Part I of Subchapter A, Chapter I, Title 18, Code of Federal Regulations.

§ 02.71 *Joint boards; cooperation with State commissions.* The procedures for the use of joint boards and cooperation with State commissions, pursuant to section 17 of the act, are set forth in § 1.37 of this chapter.

§ 02.72 *Rehearings.* The requirements for applications for rehearings under section 19 (a) of the act are stated in § 1.34 of this chapter. Such applications may be filed with respect to any final Commission order, whether or not a hearing has previously been held in the matter.

§ 02.73 *Approved forms, etc.* (a) The following is a list of approved forms, statements, and reports under the Natural Gas Act, descriptions of which have been published in the Federal Register or in Parts 250 and 260, Chapter I, Title 18, Code of Federal Regulations:

(1) Certificate of service (18 CFR, 250.1).
(2) Certificate of concurrence (18 CFR, 250.2).
(3) Notice of cancellation or termination (18 CFR, 250.3).
(4) Notice of succession in ownership or operation (18 CFR, 250.4).
(5) Form No. 2. Annual Report for natural gas companies, Classes A and B (18 CFR, 260.1).
(6) Form No. 2A. Annual Report for natural gas companies, Classes C and D (18 CFR, 260.2).
(7) Form No. 11. Monthly statement of operating revenue and income for natural gas companies (18 CFR, 260.3).
(8) Form No. Temp. 2-46. Directory of gas (and electric) utilities (18 CFR, 260.4).

(b) The approved forms listed in subparagraphs (1) to (4) inclusive, are published in the regulations, copies of which regulations may be obtained from the Secretary upon written request. Copies of statements and reports listed in subparagraphs (5) to (8) inclusive, may be obtained from the Publications and Information Division of the Commission.

§ 02.74 *Other matters.* Information concerning any function, form, or procedure of the Commission under the Natural Gas Act, not described above, may be secured upon written request to the Secretary.

FUNCTIONS UNDER OTHER AUTHORIZATIONS

§ 02.81 *Executive Order No. 8202.* (a) The requirements for applications for construction, operation, maintenance, or connection of facilities for the transmission of electric energy from the United States to foreign countries, under Executive Order No. 8202, are stated in §§ 32.50 et seq. of this chapter. Such applications are referred to the Bureau of Power and to the Bureau of Law for studies and recommendations. Upon the basis of the application, staff studies, recommendations of the Secretary of State and the Secretary of War, and other pertinent data, the Commission submits such applications to the President with its recommendations concerning appropriate disposition.

(b) The requirements for applications for construction, operation, maintenance, or connection of facilities for the exportation and importation of natural gas from or into the United States are stated in §§ 153.10, et seq. of this chapter. Such applications are referred to the Bureau of Accounts, Finance and Rates and to the Bureau of Law for studies and recommendations. Thereafter they are processed in the manner described in paragraph (a) of this section, for applications for the exportation of electric energy.

PART 03—SUBSTANTIVE RULES, GENERAL POLICY, AND INTERPRETATIONS

Sec.
03.0 Introduction.
03.1 Uniform system of accounts.

STATEMENTS OF GENERAL POLICY AND INTERPRETATIONS

03.26 Transmission lines.
03.27 Jurisdictional status.
03.28 Suspension of rate schedules.

SUBSTANTIVE RULES UNDER THE NATURAL GAS ACT

03.51 Uniform system of accounts.

STATEMENTS OF GENERAL POLICY AND INTERPRETATIONS

03.76 Jurisdictional status.
03.77 Suspension of rate schedules.
03.78 Certificate applications.

§ 03.0 *Introduction.* This part states the substantive rules of general application and statements of general policy and interpretations formulated and adopted by the Commission for the guidance of the public. Those under the Federal Power Act are stated first, followed by those under the Natural Gas Act.

SUBSTANTIVE RULES UNDER THE FEDERAL POWER ACT

§ 03.1 *Uniform system of accounts.* (a) The Uniform System of Accounts prescribed for Public Utilities and Licensees subject to the provisions of the Federal Power Act, is published in Parts 101, 102, and 103 of Subchapter C, Chapter I, Title 18 of the Code of Federal Regulations. Other accounting regulations thereunder are published in Parts 104, 116, 120, and 125.

STATEMENTS OF GENERAL POLICY AND INTERPRETATIONS

§ 03.26 *Transmission lines.* In a public statement dated March 7, 1941, the Commission announced its determination that transmission lines which are not primary lines transmitting power from the power house or appurtenant works of a project to the point of junction with the distribution system or with the interconnected primary transmission system as set forth in section 3 (11) of the act are not within the licensing authority of the Commission, and directed that future applications filed with it for such licenses be referred for appropriate action to the Federal department having supervision over the lands or waterways involved.

§ 03.27 *Jurisdictional status.* The Commission approved on June 26, 1945, the following conclusions concerning the jurisdictional status under the act of persons owning or operating specified facilities:

The ownership or operation of facilities for the transmission of electric energy from a point within a State to a foreign country makes one a "public utility" under the Federal Power Act, even though the portion of such facilities in this country is located wholly within such State.

§ 03.28 *Suspension of rate schedules.* The Commission approved and adopted on May 29, 1945, the following conclusions as to its powers of suspension of rate schedules under section 205 of the act:

(a) The Commission cannot suspend a rate schedule after its effective date.
(b) The Commission can suspend any new schedule making any change in an existing filed rate schedule, including any rate, charge, classification, or service, or in any rule, regulation, or contract relating thereto, contained in the filed schedule.
(c) Included in such changes which may be suspended are:
(1) Increases.
(2) Reductions.
(3) Discriminatory changes.
(4) Cancellation or notice of termination.
(5) Changes in classification, service, rule, regulation or contract.
(d) An initial rate schedule cannot be suspended.
(e) Immaterial, unimportant, or routine changes will not be suspended.
(f) During suspension, the prior existing rate schedule continues in effect and should not be changed during suspension.
(g) Changes under escalator clauses may be suspended as changes in existing filed schedules.
(h) Suspension of a rate schedule, within the ambit of the Commission's statutory authority is a matter within the discretion of the Commission.

SUBSTANTIVE RULES UNDER THE NATURAL GAS ACT

§ 03.51 *Uniform system of accounts.* The Uniform System of Accounts prescribed for Natural Gas Companies subject to the provisions of the Natural Gas Act, is published in Part 201 of Sub-chapter F, Chapter I, Title 18, of the Code of Federal Regulations. Other accounting regulations thereunder are published in Part 221.

STATEMENTS OF GENERAL POLICY AND INTERPRETATIONS

§ 03.76 *Jurisdictional status.* The Commission approved on June 26, 1945, the following conclusions relating to the jurisdictional status under the Act of persons owning or operating specified facilities:

The transportation of natural gas from or to a point within a State to or from a foreign country makes one a "natural gas company" under the Natural Gas Act, even though the portion of such transportation which takes place within this country is limited to such State.

§ 03.77 *Suspension of rate schedules.* The Commission, in approving and adopting the interpretation stated in § 03.28 above, applied it also to the sus-

pension of rate schedules under section 4 of the Natural Gas Act.

§ 03.78 *Certificate applications.* The Commission, in a letter dated December 20, 1945, addressed to all natural gas companies, stated in part:

* * * It has come to the attention of the Commission, * * * that certain natural gas companies subject to the jurisdiction of the Commission have constructed, and in some instances operated, facilities without having received prior authorization required by Section 7 of the Natural Gas Act. The Commission, therefore, gives notice to all companies that appropriate action will be taken against any such company constructing or operating facilities in violation of the Natural Gas Act.

The Commission realizes that the problems of the reconversion period came upon the industry suddenly, but believes that the natural gas companies should now be able to plan their construction programs for the reasonable future so as to avoid the filing of multiple applications involving portions of what are essentially single extension projects. Intermittent applications for piecemeal construction are costly in time and money. Moreover, proper planning and timely application for authority to construct new facilities will reduce so-called emergency applications under Section 7 of the Natural Gas Act, and thus provide for adequate capacity and service. Time will also be conserved if all applications are supported by complete data.

The Commission recognizes the possibility that natural gas companies may be faced with real emergency situations, and is prepared to act promptly to enable companies to deal with such contingencies when shown to exist and where the public interest demands emergency action.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46-15398; Filed Aug. 28, 1946; 5:01 p. m.]

PART 1—RULES OF PRACTICE AND PROCEDURE

The Commission, on August 23, 1946, adopted its Order No. 132, prescribing "Rules of Practice and Procedure" (§§ 1.0 to 1.37, inclusive), to read as follows, effective September 11, 1946.

Sec.

1.0 Order No. 132, prescribing rules of practice and procedure, and approving publication of general rules, with revisions of designation of rules in Code of Federal Regulations, effective September 11, 1946.
1.1 The Commission.
1.2 The Secretary.
1.3 Notice of public sessions and proceedings.
1.4 Appearances and practice before the Commission.
1.5 Applications.
1.6 Complaints.
1.7 Petitions.
1.8 Intervention.
1.9 Answers.
1.10 Protests.
1.11 Amendments and withdrawal of pleadings.
1.12 Motions.
1.13 Time; extensions of time; continuances.
1.14 Filings; docket; hearing calendar.
1.15 Formal requirements as to pleadings, documents and other papers filed in proceedings.
1.16 Subscription and verification.
1.17 Service.
1.18 Prehearing conferences.
1.19 Notice.
1.20 Hearings.
1.21 Copies of transcripts.
1.22 Witnesses.
1.23 Subpenas.
1.24 Depositions.
1.25 Stipulations.
1.26 Evidence.
1.27 Presiding officers.
1.28 Appeals to Commission from rulings of presiding officers.
1.29 Briefs and oral arguments before prepresiding officers and proposed findings and orders.
1.30 Decisions.
1.31 Exceptions to intermediate decisions and briefs and oral arguments before Commission.
1.32 Shortened procedures.
1.33 Reopening proceedings.
1.34 Application for rehearing.
1.35 Reports of compliance.
1.36 Public information.
1.37 Cooperative procedure with State commissions.

§ 1.0 *Order No. 132, prescribing rules of practice and procedure and approving publication of general rules, with revisions of designations of rules in Code of Federal Regulations, effective September 11, 1946.* The Commission, pursuant to the authority vested in it by the Federal Power Act, particularly sections 209 and 309 thereof (49 Stat. 853, 858; 16 U. S. C., Sup., 824h, 825h), and the Natural Gas Act, particularly sections 16 and 17 thereof (52 Stat. 830, 15 U. S. C., Sup., 717o, 717p), and finding such action necessary and appropriate for carrying out the provisions of the said acts and of other authorities delegated the Commission by other statutes and by Executive Orders of the President, hereby adopts, promulgates, and prescribes the accompanying "Rules of Practice and Procedure", to become effective and be applicable to proceedings before the Commission initiated on or after September 11, 1946, and to supersede as of that date:

(a) Parts 1 and 39 of "Rules of Practice and Regulations, with Approved Forms, effective June 1, 1938" (under the Federal Power Act), as prescribed by Order No. 50, adopted April 19, 1938, and as amended by Order No. 60 of May 9, 1939, Order No. 83 of January 21, 1941, Order No. 88 of November 28, 1941, Order No. 92 of March 6, 1942, Order No. 104 of May 11, 1943, Order No. 121 of August 31, 1945, and Order No. 124 of January 22, 1946;

(b) Parts 50 and 67 of "Provisional Rules of Practice and Regulations under the Natural Gas Act, effective July 11, 1938", as prescribed by Order No. 52 adopted July 5, 1938, as amended by Order No. 61 of May 9, 1939, Order No. 82 of January 21, 1941, Order No. 89 of November 28, 1941, Order No. 93 of March 6, 1942, Order No. 105 of May 11, 1943, Order No. 122 of August 31, 1945, and Order No. 123 of January 22, 1946;

And, the Commission hereby approves for publication the accompanying statements of its organization, course and method of operation, and substantive rules and general policy and interpretations, and also approves for publication the accompanying designations and captions for inclusion in Chapter I, Title 18, Code of Federal Regulations, together with revised designations of the rules and regulations remaining in effect and contained therein, including the following:

SUBCHAPTERS

Subchapter Old	New	Caption
----	A	General Rules.
A	B	Regulations under Federal Power Act.
C	C	Accounts, Federal Power Act.
E	D	Approved Forms, Federal Power Act.
B	E	Regulations under Natural Gas Act.
D	F	Accounts, Natural Gas Act.
E	G	Approved Forms, Natural Gas Act.

PARTS BY SUBCHAPTERS

SUBCHAPTER A—GENERAL RULES

Part Number Old	New	Caption
----	01	Organization.
----	02	Course and Method of Operation.
----	03	Substantive Rules, General Policy and Iinterpretations.
1, 39, 50 & 67	1	Rules of Practice and Procedure.

SUBCHAPTER B—REGULATIONS UNDER THE FEDERAL POWER ACT

This subchapter supersedes "Subchapter A—Rules of Practice and Regulations, Federal Power Act," with no change in the parts or part designations, except that Parts 1 and 39 have been sperseded, as hereinbefore provided, by the accompanying "Rules of Practice and Procedure", Part 1 of new "Subchapter A—General Rules".

SUBCHAPTER C—ACCOUNTS, FEDERAL POWER ACT

This subchapter remains unchanged as to its designation, parts and part designations.

SUBCHAPTER D—APPROVED FORMS, FEDERAL POWER ACT

Part Number Old	New	Caption
200	131	Forms.
210	141	Statements and Reports (Schedules).

SUBCHAPTER E—REGULATIONS UNDER NATURAL GAS ACT

Part Number Old	New	Caption
53	153	Application for Authorization to Export or Import Natural Gas.
54	154	Filing of Rate Schedules.
57	157	Applications for Certificates of Public Convenience and necessity under Section 7 of the Natural Gas Act as amended.
58	158	Accounts, Records, and Memoranda.

SUBCHAPTER F—ACCOUNTS, NATURAL GAS ACT

Part Number Old	New	Caption
151	201	Uniform System of Accounts for Natural Gas Companies.
160	221	Miscellaneous Accounting Orders.

SUBCHAPTER G—APPROVED FORMS, NATURAL GAS ACT

Part Number Old	New	Caption
250	250	Forms.
260	260	Statements and Reports (Schedules.)

And the Commission *orders* that:

(1) No power, right, obligation or duty in any proceeding initiated prior to September 11, 1946, arising or existing under or by virtue of any Rule or Regulation superseded as hereinabove provided shall be affected thereby;

(2) The Secretary of the Commission shall cause prompt publication of this order, the "Rules of Practice and Procedure", and the accompanying state-

ments, to be made in the FEDERAL REGISTER.

§ 1.1 *The Commission*[1]—(a) *Offices.* The principal office of the Commission is at Washington, D. C. All communications to the Commission shall be addressed to Federal Power Commission, Washington 25, D. C., unless otherwise specifically directed. Regional offices are maintained at Atlanta, Chicago, Fort Worth, New York, and San Francisco.

(b) *Hours.* The offices of the Commission will be open from 8:30 a. m. to 5:00 p. m. of each week-day except Saturday, unless otherwise provided by statute or Executive order.

(c) *Sessions.* The Commission meets and exercises its powers in any part of the United States.

(1) *Public.* Public sessions of the Commission will be held after due notice as ordered by the Commission.

(2) *General.* General sessions of the Commission for the transaction of its business will be held at the principal office of the Commission at Washington, D. C., on regular business days as scheduled by the Commission.

(3) *Special.* Special sessions of the Commission for the transaction of business may be held at any time and place as may be scheduled by the Commission.

(d) *Quorum.* Three members of the Commission constitute a quorum for the transaction of business.

(e) *Action by members or representatives.* The Commission may, by one or more of its members especially authorized, or by such other representatives as it may designate and authorize, conduct in any part of the United States any inquiry, investigation, hearing or other process necessary to its duties and functions.

(f) *Definitions.* As used in these rules, except as otherwise required by the context:

(1) "Person" means and shall include individuals, partnerships, corporations, associations, joint stock companies, public trusts, organized groups of persons, whether incorporated or not, receivers or trustees of the foregoing, municipalities, including cities, counties, or other political subdivisions of a State, States of the Union, including the District of Columbia or any territory of the United States, or any agency, authority or instrumentality of the United States, or of any one or more of the foregoing, or any corporation which is wholly owned directly or indirectly, by the United States, or by any one or more of the foregoing, or any officer, agent, or employee of any of the foregoing acting as such in the course of his official duty.

(2) "Participant" means and shall include any party, any person admitted by the Commission to limited participation in a proceeding, and staff counsel.

(3) "Commission" and "Commissioner" means the Federal Power Commission, and a member thereof, respectively.

(4) "Secretary" means and shall include the Secretary or the Office of the Secretary of the Commission.

(5) "State Commission" means and shall include the regulatory body of any State or municipality having jurisdiction to regulate rates and charges for the sale of electric energy or natural gas to consumers within the State or municipality.

(6) "Presiding Officer" means and shall include any one or more of the members of the Commission duly designated, but not including the Commission when sitting as such, or one or more trial examiners appointed according to law and duly designated, to preside at hearings or conferences, or other officers specially provided for and designated pursuant to statute to conduct specified classes of proceedings.

(7) "Attorney" means and shall include any attorney admitted to practice before the Supreme Court of the United States, or the highest court of any State or Territory of the United States, or the United States Court of Appeals for the District of Columbia, or the District Court of the United States for the District of Columbia, or any other person with the requisite qualifications to represent others, who acts in a representative capacity for any party or participant to a proceeding before the Commission.

(8) "Applicants." In proceedings involving applications for permission or authorization which the Commission may give under statutory or other authority delegated to it, the parties on whose behalf the applications are made are styled applicants.

(9) "Declarants." In proceedings involving declarations of intention filed under the provisions of section 23 (b) of the Federal Power Act, the parties on whose behalf the declarations are made are styled declarants. (See 18 CFR, Part 24.)

(10) "Complainants." Persons who complain to the Commission of anything done or omitted to be done in contravention or violation of the provisions of any statute or other delegated authority administered by the Commission, or of any orders, rules, or regulations issued or promulgated thereunder, or any other alleged wrong over which the Commission may have jurisdiction, are styled complainants.

(11) "Petitioners." Persons seeking relief, not otherwise designated herein, are styled petitioners.

(12) "Defendants." Persons subject to any statute or other delegated authority administered by the Commission, or any orders, rules, or regulations issued or promulgated thereunder, against whom any complaint is filed, are styled defendants.

(13) "Interveners." Persons petitioning to intervene as provided by § 1.8, when admitted as a participant to a proceeding, and State Commissions giving notice of intervention as provided in said section, are styled interveners. Admission as an intervener shall not be construed as recognition by the Commission that such intervener might be aggrieved by or suffer legal wrong because of any order of the Commission in such proceeding.

(14) "Protestants." Persons objecting on the ground of private or public interest to the approval of an application, petition, motion or other matter which the Commission may have under consideration, are styled protestants. Protestants desiring to become interveners in any proceeding before the Commission may file a petition for intervention as provided by Sec. 1.8.

(15) "Respondents." Persons subject to any statute or other delegated authority administered by the Commission, to whom an order or notice is issued by the Commission instituting a proceeding or investigation on its own initiative, are styled respondents.

(16) "Staff Counsel" means and shall include the counsel of the Commission participating in a proceeding before the Commission.

(g) *Public information.* All pleadings, submittals and requests for official information shall be addressed to the principal office of the Commission, or shall be filed in or submitted to the Office of the Secretary, as provided hereinafter by these rules.

§ 1.2 *The Secretary*—(a) *Official records.* The Secretary shall have custody of the Commission's seal and official records, and shall be responsible for the maintenance and custody of the docket, files and records of the Commission, including the transcripts of testimony and exhibits, with all papers and requests filed in proceedings, the minutes of all action taken by the Commission, and all its findings, determinations, reports, opinions, orders, rules, regulations and approved forms.

(b) *Authentication of Commission action.* All orders and other actions of the Commission shall be authenticated or signed by the Secretary or such other person as may be authorized by the Commission.

(c) *Requests and submittals.* Pleadings and other submittals or papers required to be filed with the Commission shall be filed in the Office of the Secretary of the Commission at Washington, D. C., within such time limits as are prescribed for such filings; and, similarly, requests for official information, copies of official records, or opportunity to inspect public records, shall be made to the Office of the Secretary, as provided in these rules.

§ 1.3 *Notice of public sessions and proceedings.* Public sessions of the Commission for taking evidence or hearing argument and public conferences and hearings before any presiding officer, including substantive rule-making proceedings, will not be held except upon due notice.

§ 1.4 *Appearances and practice before the Commission*—(a) *Appearances.* (1) Participants may appear in any proceeding in person or by an attorney or other qualified representative. An individual may appear in his own behalf, a member of a partnership may represent the partnership, a bona-fide officer of a corpora-

[1] A statement of the Commission's organization is contained in Part 01 of this subchapter, the Commission's course and method of operation in Part 02 of this subchapter, and in Part 03 there are contained statements of substantive rules and general policy and interpretations of the Commission, with appropriate references to the "Rules of Practice and Procedure" and to Subchapters B—Regulations under the Federal Power Act, C—Accounts, Federal Power Act, D—Approved Forms, Federal Power Act, E—Regulations under the Natural Gas Act, F—Accounts, Natural Gas Act, and G—Approved Forms, Natural Gas Act.

tion, trust, association or organized group may represent the corporation, trust, association or group, and an officer or employee of a State commission, of a department or political subdivision of a State or other governmental authority, may represent the State commission or the department or political subdivision of the State or other governmental authority, in any proceeding.

(2) Any person compelled to appear or voluntarily testifying or making a statement before the Commission or the presiding officer, may be accompanied, represented and advised by an attorney or other qualified representative.

(3) All persons appearing before the Commission or the presiding officer must conform to the standards of ethical conduct required of practitioners before the Courts of the United States, and where applicable, to the requirements of section 12 (i) of the Public Utility Holding Company Act of 1935 (49 Stat. 825; 15 U. S. C. 79*l* (i)).

(4) Any person appearing before or transacting business with the Commission in a representative capacity may be required by the Commission or the presiding officer to file a power of attorney showing his authority to act in such capacity.

(b) *Suspension.* (1) After hearing the Commission may disqualify and deny, temporarily or permanently, the privilege of appearing or practicing before it in any way to any person who is found (i) not to possess the requisite qualifications to represent others, or (ii) to have engaged in unethical or improper professional conduct, or (iii) otherwise to be not qualified.

(2) Contumacious conduct at any hearing before the Commission or a presiding officer shall be ground for exclusion of any person from such hearing and for summary suspension for the duration of the hearing by the Commission or the presiding officer.

(c) *Appearances of former employees barred for one year:* Except upon special permission of the Commission, no person having served as a member, officer, expert, examiner, attorney, accountant, engineer, or other employee of the Federal Power Commission may practice before or act as attorney, expert witness, or representative in any proceeding before the Commission within one year next after the separation of the said person from the service of the Commission.

§ 1.5 *Applications*—(a) *General.* Applications for authorization or permission which the Commission may give under statutory or other delegated authority administered by it, in addition to the requirements herein prescribed, shall conform to the requirements of the rules and regulations promulgated by the Commission separately under the several statutes and delegations of authority administered by it. (See 18 CFR, Subchapters B and E.)

(b) *Contents.* All applications shall be in writing and under oath, shall state clearly and concisely the authorization or permission sought, shall cite by appropriate reference the statutory provision or other authority under which Commission authorization or permission is sought, and shall set forth in the order indicated the following (unless otherwise provided by Commission rules or regulations for the specific type of application involved):

(1) The exact legal name of the applicant, if the applicant is a corporation, trust, association, or other organized group, the State or territory under the laws of which the applicant was created or organized, the location of applicant's principal place of business, and the names of all states where applicant is authorized to do business.

(2) The name, title and post office address of the person to whom correspondence or communications in regard to the application is to be addressed. The Commission will serve, where required, all notices, orders and other papers upon the person so named and such service shall be deemed to be service upon applicant.

(3) All other information as required by the Commission's rules and regulations under which a specific type of application is filed, and as may be required by the Commission in a particular case or proceeding.

(c) *Form.* Except where otherwise provided by the Commission rules and regulations under which a specific type of application is filed, applications shall conform to the requirements of § 1.15 as to copies and style, and to § 1.16 as to subscription and verification.

§ 1.6 *Complaints*—(a) *General.* Complaints may be informal or formal.

(b) *Informal*—(1) *Form.* Informal complaints may be made by letter or other writing, and will be filed as received. Matters informally presented will, if their nature so warrants, be taken up by correspondence or conference with the party or parties complained of in an endeavor to bring about satisfaction of the complaint without formal hearing.

(2) *Substance.* No form of informal complaint is prescribed, but in substance it should contain the name and address of complainant, the name and address of the party against whom the complaint is made, and a brief statement of the facts forming the basis of such complaint. Although the filing of an informal complaint is without prejudice to complainant's right to file a formal complaint, only formal complaints submitted and prosecuted in the manner hereinafter prescribed will initiate formal proceedings or make complainant a party to any proceedings already initiated, and only formal complaints will be admitted in the record of formal proceedings. It is desirable that the informal complaint be accompanied by sufficient copies to enable the Commission to transmit one to each party named and to each interested State commission, and retain one for its own use, and it may be accompanied by supporting papers.

(c) *Formal*—(1) *Form.* Formal complaints shall be in writing and under oath and shall conform to the requirements of §§ 1.15 and 1.16. In such complaints there shall be stated the names and addresses of all parties, complainant and defendant, in full without abbreviations, with the name and address of each complainant's attorney, if any.

(2) *Substance.* Formal complaints shall be so drawn as fully and completely to advise the parties defendant and the Commission of the facts constituting the grounds of the complaint, the provisions of statutes, rules, regulations and orders relied upon, involving authority of the Commission, the injury complained of, and the relief sought.

(d) *Joinder.* Two or more grounds of complaint involving the same purposes, subject, or state of facts, may be included in one complaint, but should be separately stated and numbered; and two or more complainants may join in one complaint if their respective causes of complaint are against the same defendant or defendants, and involve substantially the same purposes and subject, and a like state of facts.

§ 1.7 *Petitions*—(a) *General.* Petitions for relief under any statute or other authority delegated to the Commission shall be in writing and under oath, shall state clearly and concisely the petitioner's grounds of interest in the subject matter, the facts relied upon, and the relief sought, and shall cite by appropriate reference the statutory provision or other authority relied upon for relief and shall conform to the requirements of §§ 1.15 and 1.16.

(b) *For issuance, amendment or repeal of rules.* A petition for the issuance, amendment, or repeal of a rule by the Commission shall set forth clearly and concisely petitioner's interest in the subject matter, the specific rule, amendment, or repeal requested, and cite by appropriate reference the statutory provision or other authority therefor. Such petition shall set forth the purpose of, and the facts claimed to constitute the grounds requiring, such rule, amendment, or repeal, and shall conform to the requirements of §§ 1.15 and 1.16. Petitions for the issuance or amendment of a rule shall incorporate the proposed rule or amendment.

(c) *For declaratory orders.* Petitions for the issuance, in the discretion of the Commission, of a declaratory order to terminate a controversy or remove uncertainty, shall state clearly and concisely the controversy or uncertainty which is the subject of the petition, shall cite the statutory provision or other authority involved, shall include a complete statement of the facts and grounds prompting the petition, together with a full disclosure of petitioner's interest, and shall conform to the requirements of §§ 1.15 and 1.16.

§ 1.8 *Intervention*—(a) *Initiation of intervention.* Participation in a proceeding as an intervener may be initiated as follows:

(1) By the filing of a notice of intervention by a State Commission, including any regulatory body of the State or municipality having jurisdiction to regulate rates and charges for the sale of electric energy, or natural gas, as the case may be, to consumers within the State or municipality.

(2) By order of the Commission upon petition to intervene.

(b) *Who may petition.* A petition to intervene may be filed by any person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought. Such right or interest may be:

(1) A right conferred by statute of the United States;

(2) An interest which may be directly affected and which is not adequately represented by existing parties and as to which petitioners may be bound by the Commission's action in the proceeding (the following may have such an interest: consumers served by the applicant, defendant, or respondent; holders of securities of the applicant, defendant, or respondent; and competitors of the applicant, defendant, or respondent).

(3) Any other interest of such nature that petitioner's participation may be in the public interest.

(c) *Contents of petition.* Petitions to intervene shall set out clearly and concisely the facts from which the nature of the petitioner's alleged right or interest can be determined, the grounds of the proposed intervention, and the position of the petitioner in the proceeding, so as fully and completely to advise the parties and the Commission as to the issues of fact or law to be raised or controverted, citing by appropriate reference the statutory provisions or other authority relied on.

(d) *Form, filing and service.* Petitions to intervene and notices of intervention shall be filed with the Commission within the time provided in any notice of the proceeding or in the order fixing date of hearing, but not less than 10 days before the date set for the commencement of the hearing, if any, except as otherwise specially permitted by the Commission in extraordinary circumstances for good cause shown. They shall in all other respects comply with the requirements of §§ 1.15–1.17. Where a person permitted to intervene fails to file within the time limited in this paragraph, the Commission or presiding officer may, where the circumstances warrant, admit any exhibit in evidence without requiring additional copies thereof to be produced for such intervener.

(e) *Limitation*—(1) *In proceedings.* In acting upon a petition to intervene the Commission may, as found to be appropriate, authorize limited participation as provided in its order.

(2) *In hearings.* The Commission or presiding officer may, where there are two or more interveners having substantially like interests and positions, arrange appropriate limitations on the number of attorneys who will be permitted to cross-examine each witness and to make and argue motions and objections, properly to expedite the hearing.

§ 1.9 *Answers*—(a) *Answers to formal complaints and petitions.* Answers to formal complaints and petitions shall be filed with the Commission within 30 days after the date of service. This period may be shortened or extended by the Commission in its discretion. Any defendant failing to file answer within such period shall be deemed in default, and all relevant facts stated in such complaint or petition shall be deemed admitted. All answers shall be in writing and under oath, shall be so drawn as fully and completely to advise the parties and the Commission as to the nature of the defense, and shall admit or deny, specifically and in detail, each material allegation of the pleading answered, shall state clearly and concisely, the facts and matters of law relied upon. They shall conform to the requirements of §§ 1.15–1.17.

(b) *Answers to petitions to intervene.* Answers to petitions to intervene need not be made unless the parties so elect. If made, they shall be filed with the Commission within 15 days after the date of service of the original petition, but not later than 5 days prior to the date set for the commencement of the hearing, if any. This period may be shortened or extended by the Commission in its discretion. They shall in all other respects conform to the requirements of §§ 1.15–1.17.

(c) *Defendants seeking affirmative relief.* Defendants seeking relief against other parties in a proceeding by reason of the presence of common questions of law or fact shall set forth in their answer the facts constituting the grounds of complaint, the provisions of the statutes, rules, regulations, or orders relied upon, the injury complained of, and the relief sought. The answer shall in all other respects conform to the requirements of this section and of §§ 1.15–1.17.

(d) *Replies to defendants seeking affrmative relief.* Unless otherwise ordered by the Commission, replies to answers seeking affirmative relief must be filed and served within 15 days after the service of the answer, but not later than 5 days prior to the date set for the commencement of the hearing, if any. They shall in all other respects conform to the requirements of §§ 1.15–1.17.

(e) *Satisfaction of complaints.* If the defendant satisfies a formal complaint either before or after answering, a statement to that effect signed by the opposing parties shall be filed, setting forth when and how the complaint has been satisfied and requesting dismissal. Such statements shall be served upon all parties, and the original copies of such statements, when filed, shall show service on all parties, and in other respects shall conform to the requirements of §§ 1.15–1.17; all additional copies shall be conformed thereto.

§ 1.10 *Protests*—(a) *General.* Protests may be informal or formal.

(b) *Informal*—(1) *Form.* Informal protests may be made by letter or other writing, and will be filed as received, and will be given such consideration as their contents and nature warrant.

(2) *Substance.* No form of informal protest is prescribed, but in substance the letter or other writing should contain the name and address of protestant, the proceeding or nature of the matter which is the subject of the protest, the action or omission to which objection is made, and the grounds of protest.

(c) *Formal*—(1) *Form.* Formal protest shall be in writing and under oath, shall be served and in other respects shall conform to the requirements of §§ 1.15–1.17. In such protests there shall be stated the names and addresses of all protestants, in full without abbreviations, with the name and address of each protestant's attorney, if any.

(2) *Substance.* Formal protests shall set forth clearly and concisely the position and interest of the protestant in the proceeding and shall be so drawn as fully and completely to advise the parties and the Commission as to the grounds of opposition to the acts or omissions complained of, and shall in other respects conform to the requirements of § 1.6.

(d) *Intervention by protestant.* Protestants desiring to become interveners in any proceeding before the Commission may file a petition for intervention as provided by § 1.8.

§ 1.11 *Amendments and withdrawal of pleadings*—(a) *Amendments.* Any modification or supplement to a pleading shall be deemed an amendment to the pleading, and shall comply with all requirements of these rules relating to the pleading amended insofar as appropriate and in all other respects shall conform to the requirements of §§ 1.15–1.17. Upon its own motion or upon motion promptly filed by any participant, the Commission may for good cause decline to permit, or may strike in whole or in part, any amendment. No amendment to a pleading may be filed within 5 days next preceding the commencement of or during a hearing unless directed or permitted by the Commission or the presiding officer after opportunity for all parties to be heard thereon.

(b) *Amendments to conform to the evidence.* When, at a hearing, issues not raised by the pleadings are introduced by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings. Such amendment of the pleadings as may be necessary to cause them to conform to the evidence and to raise these new issues may be made upon motion of any participant at any time during the hearing. If evidence upon such new issues is objected to on the ground that it is not within the issues raised by the pleadings, the Commission or the presiding officer may allow the pleadings to be amended and such evidence to be received, when it appears that the presentation of the merits of the proceeding will be served thereby without prejudicing the public interest or the rights of any participant. When, in the discretion of the Commission or the presiding officer, a continuance is necessary in order to enable the objecting participant to meet such new issues and evidence, a continuance may be granted by the Commission or the presiding officer.

(c) *Directed amendments.* The Commission may at any time, or during a hearing the presidir officer may on his own motion or the motion of any participant, direct a party to state his case by way of amendment more fully or in more detail. Such amendment shall be reduced to writing and filed within such time as may be fixed therefor, and shall conform to the requirements of §§ 1.15–1.17.

(d) *Withdrawal of pleadings.* A participant desiring to withdraw a pleading filed with the Commission may file a notice of withdrawal thereof with the

Commission. Such notice shall set forth the reasons for the withdrawal and conform to the requirements of this section and §§ 1.15–1.17 as to copies, form, service, subscription and verification. A certificate shall accompany or be incorporated in every such notice showing service on all participants. Unless otherwise ordered by the Commission for good cause, such notice shall, 15 days after the filing thereof, be deemed to have effected the withdrawal of the pleading, including amendments, if any.

§ 1.12 *Motions*—(a) *General.* All motions and requests for rulings by the Commission or the presiding officer shall state clearly and concisely the purpose of and the relief sought by the motion, the statutory provision or principal authority relied upon, and the facts claimed to constitute the grounds requiring the relief requested.

(b) *Method of presentation*—(1) *Before or after hearing.* All motions and requests for rulings made before the commencement or after the conclusion of hearings in any proceeding shall be in writing and under oath and shall conform to the requirements of §§ 1.15–1.17.

(2) *During hearings.* Motions and requests which are made during a hearing in any proceeding may be stated orally and shall be made a part of the transcript, subject, however, to any requirement by the Commission or the presiding officer that such motion or request be reduced to writing and filed in the manner provided in paragraph (b) (1) of this section and further, to the requirements of these rules relating to the motion filed.

(c) *Rulings on.* Motions which relate to the introduction or striking of evidence, or with respect to procedure during the course of hearings, or to any other matters within the authority of the presiding officer, shall be made to the presiding officer and ruled on by him. No exception need be taken to any such ruling in order to entitle a party to urge an objection thereto before the Commission. All other motions shall be addressed to and ruled upon by the Commission.

§ 1.13 *Time; extension of time; continuances*—(a) *Computation of Time.* Except as otherwise expressly provided by law, in computing any period of time prescribed or allowed by these rules, by any rule, regulation, or order of the Commission, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or a legal holiday in the District of Columbia, in which event the period shall run until the end of the next day which is not a Saturday, Sunday, or a holiday. When the period of time prescribed or allowed is 5 days or less, intermediate Sundays and holidays shall be excluded in the computation. A part-day holiday shall be considered as other days and not as a holiday.

(b) *Issuance of orders.* In computing any period of time involving the date of the issuance of an order by the Commission, the day of issuance of an order shall be the day the Office of the Secretary mails or delivers copies of the order (full text) to the parties or their attorneys of record, or makes such copies public, whichever be the earlier. The day of issuance of an order may or may not be the day of its adoption by the Commission. In any event, the Office of the Secretary shall clearly indicate on each order the date of its issuance.

(c) *Extensions of time.* Except as otherwise expressly provided by law, whenever by any rule, regulation, or order of the Commission, or any notice given thereunder, an act is required or allowed to be done at or within a specified time, the time fixed or the period of time prescribed may, by the Commission or the presiding officer, be extended if application therefor is made before expiration of four-fifths of the period originally prescribed or as previously extended; and upon motion made after the expiration of the specified period, the act may be permited to be done where reasonable grounds are found for the failure to act.

(d) *Continuances.* Except as otherwise expressly provided by law, the Commission may for good cause at any time, with or without motion, continue or adjourn any hearing. A hearing before the Commission or a presiding officer, shall begin at the time and place ordered by the Commission, but thereafter may be adjourned from time to time or from place to place by the Commission or the presiding officer.

(e) *Requests for continuance, time extensions.* Except as otherwise expressly provided by law, requests for continuance of hearings or for extensions of time in which to perform any act required or allowed to be done at or within a specified time by any rule, regulation, or order of the Commission, shall be by motion in writing, timely filed with the Commission, stating the facts on which the application rests, except that during the course of a hearing in a proceeding, such requests may be made by oral motion in the hearing before the Commission or the presiding officer. Written motions filed under this section shall conform to the requirements of §§ 1.12, 1.15–1.17.

§ 1.14 *Filings; docket; hearing calendar*—(a) *Filing with the Commission*—(1) *Defined.* The filing of written applications, complaints, declarations, petitions, protests, answers, motions, briefs, exceptions, rate schedules, notices, reports, or other pleadings, amendments to pleadings, documents, or papers, with the Commission as required or allowed by these rules, by any rule, regulation, or order of the Commission, or by any applicable statute, shall be made by filing them with the Office of the Secretary of the Commission in Washington, D. C. Any such papers must be received by the Commission in Washington, D. C., within the time limit, if any, for such filing.

(2) *Acceptance for filing.* There will be accepted for filing only such applications, pleadings, and other papers as conform to the requirements of these rules, and any other applicable rule, regulation, or order of the Commission or applicable statute; applications, pleadings or other papers tendered for filing which fail so to conform may be refused acceptance for filing and may be returned by the Secretary with an indication of the deficiencies of the tendered filing and the reasons for non-acceptance and return. No matter so tendered but not accepted for filing shall be entered on the Commission's docket. Acceptance for filing shall not waive any failure to comply with the rules, and such failure may be cause for striking all or any part of such filing.

(b) *Docket.* The Secretary shall maintain a docket of all proceedings, and each proceeding as initiated shall be assigned an appropriate designation. The docket shall be available for inspection and copying by the public during the office hours of the Commission insofar as consistent with the proper discharge of the Commission's duties.

(c) *Hearing calendar.* (1) The Secretary shall maintain a hearing calendar of all proceedings set for hearing.

(2) In the absence of cause requiring otherwise, and as time, the nature of the proceedings, and the proper execution of the Commission's functions permit, matters required to be determined upon the record after opportunity for hearing will be placed upon the hearing calendar in the order the proceedings are initiated and recorded upon the Commission's docket. Proceedings pending upon this calendar will in their order of assignment, so far as practicable, be heard at the times and places fixed by the Commission, giving due regard to the convenience and necessity of the parties or their attorneys; however, in its discretion with or without motion, the Commission for cause may at any time with due notice to the parties advance or postpone any proceeding on the hearing calendar.

§ 1.15 *Formal requirements as to pleadings, documents and other papers filed in proceedings*—(a) *Title.* Pleadings, documents, or other papers filed with the Commission in any proceeding shall clearly show the docket designation and title of the proceeding before the Commission.

(b) *Copies.* Except as may be otherwise required by the rules or regulations of the Commission, or ordered or requested by the Commission, at the time pleadings, documents, or other papers other than correspondence, are filed with the Commission, there shall be furnished to the Commission 25 copies of such papers, and exhibits, if any; *Provided, however,* When service is made by the parties, only 15 copies need be filed. (See § 1.17 (f).)

(c) *Form*—(1) *Typewritten.* Pleadings, documents, or other papers filed in proceedings, if not printed, shall be typewritten on paper cut or folded to letter size, 8 to 8½ inches wide by 10½ to 11 inches long, with left-hand margin not less than 1½ inches wide and other margins not less than 1 inch. The impression shall be on only one side of the paper and shall be double spaced, except that quotations in excess of a few lines shall be single spaced and indented. Mimeographed, multigraphed, hectographed, or planographed copies will be accepted as typewritten, provided all copies are clearly legible.

(2) *Printed.* If printed, they shall not be less than 10-point type on unglazed

paper, cut or folded so as not to exceed 8½ inches wide by 11 inches long, with inside margin not less than 1 inch wide, and with double-leaded text and single-leaded, indented quotations.

(d) *Binding.* Pleadings, documents, and other papers other than correspondence shall be bound at the left side only.

(e) *Signature.* Except as may be otherwise required by the rules or regulations of the Commission, or ordered or requested by the Commission, the original copy of each application, complaint, declaration, petition, protest, answer, motion, brief, exception, rate schedule, notice, report, statement and other pleading, amendment to pleading, document or paper, shall be signed in ink by the party in interest, or by his or its attorney, as required by these rules, and shall show the office and post office address of the same. All other copies filed shall be fully conformed thereto.

(f) *Improper matter.* Any paper containing defamatory, scurrilous, or unethical matter will be rejected by the Commission.

§ 1.16 *Subscription and verification*—(a) *Subscription.* Pleadings, amendments thereto, notices, reports, exhibits, and other requests, submittals, or statements filed with the Commission shall be subscribed: (1) By the person filing the same, and severally if there be more than one person so filing; (2) by an officer thereof if it be a corporation, trust, association, or other organized group; (3) by an officer or employee thereof if it be a State commission, a department or political subdivision of a State, or other governmental authority, agency, or instrumentality; or (4) therefor by an attorney having authority with respect thereto, except that applications, formal complaints and petitions to intervene shall be subscribed by the person or party in interest, or if such applicant, complainant, or petitioner be a corporation, trust, association, or other organized group, such subscription shall be made by an officer thereof.

(b) *Verification.* In addition, any facts alleged in the matter filed shall be verified under oath by the person filing, an officer, or an attorney having knowledge of the matters set forth.

(c) *Evidence of authority.* If either the subscription or the verification be by any one other than the person filing, or an officer or attorney thereof, the reason therefor shall be stated. In such event there shall be filed with the Commission appropriate evidence of the authority for filing the pleading or other matter, and of the authority for the officer subscribing any application, formal complaint or petition to intervene, if such applicant, complainant or petitioner be a corporation, trust, association, or other organized group.

§ 1.17 *Service*—(a) *By the Commission.* Applications, formal complaints, petitions other than intervening petitions, orders and all forms of Commission action shall be served by the Secretary by registered mail, except when service by other method shall be specifically required by the Commission, by registering and mailing a copy thereof to the person, partnership, corporation, trust, association, or other organized group to be served, addressed to the person or persons designated in the initial pleadings, at his or its principal office or place of business. When service is not accomplished by registered mail, it may be effected by any one duly authorized by the Commission (1) by delivering a copy of the document to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of a corporation to be served, or to the representative of the trust, association or other organized group to be served, or (2) by leaving a copy thereof at the principal office or place of business of such person, partnership, corporation, trust, association or other organized group to be served. The return post office receipt for said document or other paper registered or mailed as aforesaid, or the verified return by the person accomplishing service, setting forth the manner of said service, shall be proof of such service.

(b) *By parties.* Answers, protests, intervening petitions, supplements or amendments thereto or to applications, complaints or petitions, motions, briefs, notices, and all other papers, except depositions, filed in proceedings pending before the Commission upon its docket, when filed or tendered to the Commission for filing, shall show service thereof upon all participants to the proceeding. Such service shall be made by delivering in person or by mailing, properly addressed with postage prepaid, one copy to each participant.

(c) *Upon attorneys.* When any participant has appeared by attorney, service upon such attorney shall be deemed service upon the participant.

(d) *Date of service.* The date of service shall be the day when the matter served is deposited in the United States mail, or is delivered in person, as the case may be. In computing the time from such date, the provisions of § 1.13 (a) shall apply.

(e) *Certificate of service.* There shall accompany and be attached to each pleading, document, or other paper filed with the Commission a certificate of service in the form prescribed, 18 CFR 131.1, 250.1.

(f) *Copies.* Where service is made by the parties or service is not required to be made, 15 copies of such pleadings, documents, or other papers, together with exhibits, if any, shall be filed with the Commission, in lieu of the 25 copies required by § 1.15 (b).

§ 1.18 *Prehearing conferences*—(a) *To adjust or settle proceedings.* In order to provide opportunity for settlement of a proceeding, or of any of the issues therein, there may be held at any time prior to or during hearings before the Commission or a presiding officer designated to preside at conferences or hearings, such informal prehearing conferences for the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment as time, the nature of the proceeding, and the public interest may permit.

(b) *To expedite hearings.* To expedite the orderly conduct and disposition of any hearing, at such prehearing conferences as may be held, there may be considered, in addition to any offers of settlement or proposals of adjustment, the possibility of the following:

(1) The simplification of the issues;

(2) The exchange and acceptance of service of exhibits proposed to be offered in evidence;

(3) The obtaining of admissions as to, or stipulations of, facts not remaining in dispute, or the authenticity of documents which might properly shorten the hearing;

(4) The limitation of the number of expert witnesses;

(5) Such other matters as may properly be dealt with to aid in expediting the orderly conduct and disposition of the proceeding.

(c) *Conference results stipulated.* Upon conclusion of a prehearing conference, attorneys for the parties and staff counsel shall immediately reduce the results thereof to the form of a written stipulation which recites the action proposed to be taken, and 10 copies thereof shall forthwith be filed with the Commission by the presiding officer of such conference with a statement of his recommendations. Such stipulations may be received in evidence at a hearing and, when so received, shall be binding on the parties and staff counsel with respect to the matters therein stipulated.

(d) *Adjustment; settlement offers at any time.* Nothing contained in this section shall be construed as precluding any interested party in a proceeding from submitting at any time offers of settlement or proposals of adjustment to all other parties and to the Commission (or to staff counsel for transmittal to the Commission), or from requesting conferences for such purposes.

§ 1.19 *Notice*—(a) *Rule-making.* The Commission will cause general notice to be given by publication in the FEDERAL REGISTER (unless all persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law) not less than 15 days prior to the adoption of any rule or any hearing on any proposal of a rule, if any hearing is ordered by the Commission. Such notice will state the time, place, and nature of the proceeding, recite the authority under which the rule is proposed to be adopted and promulgated, and include either the terms or substance of the proposed rule or a description of the subjects and issues involved to inform interested persons of the nature of the proceeding, so as to permit any interested person to submit views, data or proposals relative thereto; and such notice will set forth a time period in which interested persons may submit written data, views or arguments concerning the proposed rule, indicating also whether opportunity for oral presentation or public hearing is contemplated; *Provided, however,* That:

(1) Where the Commission, for good cause, finds it impracticable, unnecessary, or contrary to the public interest to give such notice, it may proceed with the adoption of rules without notice by incorporating therein a finding to such effect and a concise statement of the reasons therefor;

(2) Except where notice or hearing is required by statute, the Commission may issue at any time rules of organization, procedure or practice, or interpretative rules, or statements of policy, without notice or public proceedings; and

(3) This section is not to be construed as applicable to the extent that there may be involved any military, naval, or foreign affairs function of the United States, or any matter relating to the Commission's management or personnel, or to United States property, loans, grants, benefits, or contracts.

(b) *Hearings.* Before any hearing, except where a shorter period is reasonable and good cause exists therefor, the Commission will cause to be published in the FEDERAL REGISTER either a notice of hearing or the Commission's order setting the proceedings for hearing, such notice or order to be filed with the FEDERAL REGISTER not less than 15 days prior to the date fixed for the commencement of the hearing. Such notice or order will state the time, place and nature of the proceeding, recite the authority and jurisdiction under which the hearing is to be held, and indicate briefly the matters of fact and law asserted, to inform parties to the proceeding and the public of the subject matter and the issues involved, and, if already designated, the name of the presiding officer before whom the proceedings are to be conducted. In addition to such publication in the FEDERAL REGISTER, for hearings in proceedings involving matters other than substantive rules of general applicability, copies of the notice or order setting the proceeding for hearing will be mailed by the Office of the Secretary to the parties of record and to States or other governmental authorities deemed to have an official interest in the proceeding.

§ 1.20 *Hearings*—(a) *How ordered.* Hearings for the purpose of taking evidence shall be held as ordered by the Commission and pursuant to adjournments thereof. In fixing the time and place of hearing the Commission will, so far as time and the proper execution of its functions permit, give due regard to the convenience and necessity of the parties or their attorneys, and give notice as provided in § 1.19; however, unless otherwise directed by the Commission or the presiding officer, not less than 15 days notice of the time and place of any indefinitely postponed hearing shall be given to the participants or their attorneys of record.

(b) *Consolidation.* The Commission upon its own motion, or upon agreement between the parties and staff counsel, may order proceedings involving a common question of law or fact to be consolidated for hearing of any or all the matters in issue in such proceedings; and the Commission may, in its discretion, make such orders concerning the conduct of such proceedings as may tend to avoid unnecessary cost or delay and as may expedite their disposition in the public interest.

(c) *Presiding officers.* All such hearings shall be held before the Commission or a duly designated presiding officer; but nothing herein shall be deemed to supersede or preclude the conduct of proceedings before boards or other officers specially provided for in § 1.37 or as the Commission may, after due notice, specially authorize and order.

(d) *Disqualification of a presiding officer.* A presiding officer may withdraw from a proceeding when he deems himself disqualified, or he may be withdrawn by the Commission for good cause found after timely affidavits alleging personal bias or other disqualifications have been filed and the matter has been heard by the Commission or by a presiding officer to whom it has delegated the matter for investigation and report.

(e) *Appearances.* The Commission or the presiding officer before whom the hearing is held will cause to be entered upon the record all appearances, with a notation in whose behalf each appearance is made. Included in such appearances shall be staff counsel participating, and a notation shall be made in the record of the names of the members of the Commission's technical staff participating, including accountants, engineers, and other experts, who have been assigned to work on the investigation or to assist in the trial of the case.

(f) *Order of procedure.* In hearings upon applications, declarations of intention, and determinations of the actual legitimate original cost of licensed projects, the applicant, declarant or licensee shall open and close. In hearings on formal complaints or petitions, the complainant or petitioner, as the case may be, shall open and close. In hearings involving suspended rates, the respondent shall open and close. In hearings on investigations, the presiding officer may direct who shall open and close. In hearings in proceedings in which accounting entries are questioned by the Commission, the party whose entries are in question shall open and close. When proceedings have been consolidated for hearing, the presiding officer shall designate who shall open and close. Interveners shall follow the parties in whose behalf the intervention is made; where the intervention is not in support of an original party, the presiding officer shall designate at what stage such intervener shall be heard. In proceedings where the evidence is peculiarly within the knowledge or control of another party or participant, the foregoing order of presentation may be varied by the presiding officer.

(g) *Presentation by parties.* (1) Parties and staff counsel shall have the right of presentation of evidence, cross examination, objection, motion, argument and appeal. Witnesses shall be examined orally unless the testimony is taken by deposition as provided in § 1.24, or the facts are stipulated in the manner provided in §§ 1.18 and 1.25. The taking of evidence and subsequent proceedings shall proceed with all reasonable diligence and with the least practicable delay.

(2) When objections to the admission or exclusion of evidence before the Commission or the presiding officer are made, the grounds relied upon shall be stated briefly. Formal exceptions are unnecessary and will not be taken to rulings thereon.

(h) *Prepared expert testimony.* With the approval of the Commission or the presiding officer, an expert witness may be permitted to offer as his testimony on direct examination (either by reading it into the record or by offering it for incorporation in the transcript without reading, as may appear more desirable depending upon its nature and extent) his own relevant and material statements of fact and expressions of opinion within his special field, in written form, *Provided,* That copies of such prepared testimony shall have been served upon all parties to the proceeding or their attorneys of record, including staff counsel of record, at least 5 days in advance of the session of the hearing at which such testimony is to be offered. Such prepared testimony shall be subject to the same rules of admissibility, and the author thereof may be cross examined in all respects as if such testimony were offered in the usual manner. Pertinent objections to such testimony or to any part of it may be made and prosecuted by means of motions to strike. Whenever in the circumstances of a particular case it is deemed necessary or desirable, the Commission or the presiding officer may direct that expert testimony to be given upon direct examination shall be reduced to writing and be served in advance of the time it is to be offered in evidence, and offered in the manner hereinbefore described. A reasonable period of time shall be allowed for the preparation of such written testimony.

(i) *Limiting number of expert witnesses.* The Commission or the presiding officer may limit appropriately the number of expert witnesses that may be heard upon any issue.

(j) *Additional evidence.* At any stage of the hearing, or after the close of testimony, the Commission or the presiding officer may call for further evidence upon any issue, and require such evidence to be presented by the party or parties concerned or by the staff counsel, either at that hearing or adjournments thereof. At the hearing, the Commission or the presiding officer may, if deemed advisable, authorize any participant to file specific documentary evidence as a part of the record within a fixed time, expiring not less than 10 days before the date fixed for filing and serving briefs.

(k) *Transcript and record.* Hearings shall be stenographically reported by the official reporter of the Commission, and a transcript of said report shall be a part of the record and the sole official transcript of the proceeding. Such transcripts shall include a verbatim report of the hearings; nothing shall be omitted therefrom except as is directed on the record by the Commission or the presiding officer. All material facts officially noticed by the Commission or the presiding officer shall be referred to in the record, and with the transcript of testimony and exhibits, together with all pleadings, papers and requests filed in the proceedings, shall constitute the record for decision. After the closing of the record, there shall not be received in evidence or considered as part of the record any document, letter or other writing submitted after the close of testimony except as provided in subparagraph (j) of this section, or changes in the transcript as provided in subparagraph (l) of this paragraph.

(l) *Transcript corrections.* Corrections in the official transcript may be made only to make it conform to the evidence presented at the hearing and to speak the truth. No corrections or physical changes shall be made in or upon the official transcript of the proceeding, except as herein provided. Transcript corrections agreed to by opposing attorneys may be incorporated into the record, if and when approved by the Commission or the presiding officer, at any time during the hearing or after the close of evidence, as may be permitted by the Commission, or by the presiding officer before the filing of his report, but not less than 10 days in advance of the time fixed for filing final briefs. The Commission or the presiding officer may call for the submission of proposed corrections and may make disposition thereof at appropriate times during the course of a proceeding.

§ 1.21 *Copies of transcripts*—(a) *Availability to participants in public hearings.* The Commission will cause to be made a stenographic record of all public hearings and such copies of the transcript thereof as it requires for its own purposes. Participants desiring copies of such transcript may obtain the same from the official reporter upon payment of the fees fixed therefor.

(b) *Availability to persons who give evidence in investigations and nonpublic proceedings.* Any person compelled to furnish data or to give evidence in any investigation shall be entitled to retain or, upon payment of the lawfully prescribed fees therefor to the Official Reporter, the Secretary, or other designated officer of the Commission, to obtain a copy of the official transcript thereof; *Provided, however,* That where such data or evidence have been furnished or given in a nonpublic investigatory proceeding conducted by the Commission, such person may, for good cause, be limited to an inspection only, either in person or by a duly accredited representative, of the official transcript of his testimony.

§ 1.22 *Witnesses*—(a) *Oral examination.* Witnesses shall be examined orally, and for good cause the Commission may permit their testimony to be taken by deposition as provided in § 1.24. Witnesses whose testimony is taken shall be sworn, or shall affirm, before any questions are put to them or any testimony given.

(b) *Expert witnesses.* Written testimony of an expert witness may be received as provided in § 1.20, where properly supported by the oral testimony of its author on direct examination, subject to cross-examination and motions to strike.

(c) *Fees of witnesses.* Witnesses subpenaed by the Commission shall be paid the same fees and mileage as are paid for like services in the District Courts of the United States. Witnesses subpenaed at the instance of participants shall be paid the same fees by the participant at whose instance the witness is subpenaed; and the Commission, before issuing any subpena as provided in § 1.23, may require a deposit of an amount adequate to cover the fees and mileage involved.

§ 1.23 *Subpenas*—(a) *Issuance.* Subpenas for the attendance of witnesses or for the production of documentary evidence, unless directed by the Commission upon its own motion, will issue only upon application in writing to the Commission or the presiding officer, who is hereby given authority to determine the relevancy and materiality of the evidence sought and to issue such subpenas in accordance with such determination. Such applications shall be verified and shall specify as nearly as may be the general relevance, materiality and scope of the testimony or documentary evidence sought, including, as to documentary evidence, specification as nearly as may be, of the documents desired and the facts to be proved by them in sufficient detail to indicate the materiality and relevance of such documents.

(b) *Service and return.* If service of subpena is made by United States marshal or his deputy, such service shall be evidenced by his return thereon. If made by another person, such person shall make affidavit thereof, describing the manner in which service is made, and shall return such affidavit on or with the original subpena. In case of failure to make service, the reasons for the failure shall be stated on the original subpena. In making service, a copy of the subpena shall be exhibited to and left with the person to be served. The original subpena, bearing or accompanied by the authorized return, affidavit or statement, shall be returned forthwith to the Secretary or, if so directed on the subpena, to the presiding officer before whom the person named in the subpena is required to appear.

(c) *Fees of witnesses.* Witnesses who are subpenaed shall be paid fees as provided in § 1.22.

§ 1.24 *Depositions*—(a) *When permissible.* The testimony of any witness may be taken by deposition, at the instance of a participant to any proceeding pending before the Commission, at any time before the hearing is closed, upon approval by the Commission or the presiding officer.

(b) *Notice and application.* Unless notice is waived, no deposition shall be taken except after at least 10 days' notice to the parties within the United States, and 15 days' notice when a deposition is to be taken elsewhere. Such notice shall be given in writing by the participant proposing to take such deposition or by his attorney to the other participants or their attorneys of record and to the Commission. In such notice and application to take evidence by deposition, the participant desiring to take the deposition shall state the name and post office address of the witness, the subject matter concerning which the witness is expected to testify, the time and place of taking the deposition, the name and post office address of the officer before whom it is desired that the deposition be taken, and the reason why such deposition should be taken. The other participants may, within the time stated above, make any appropriate response to such notice and application. Such notices and responses thereto shall conform, as applicable, to the requirements of §§ 1.5, 1.15–1.17.

(c) *Authorization for taking.* Thereupon, if the application so warrants, the Commission or presiding officer will issue and serve, within a reasonable time in advance of the time fixed for taking testimony, upon the participants or their attorneys an authorization naming the witness whose deposition is to be taken, and the time, place and officer before whom the witness is to testify, but such time, place and officer so specified may or may not be the same as those named in the said notice and application.

(d) *Officer before whom taken*—(1) *Within the United States.* Such depositions may be taken before a member, a presiding officer or other authorized repsentative of the Commisison, any judge, commissioner, or clerk of any court of the United States, any chancellor, judge, or justice of a State court, any mayor or chief magistrate, of a city, or any notary public, not being counsel or attorney for any of the participants, or interested in the proceeding or investigation, according to such designation as may be made in the authorization.

(2) *In foreign countries.* Where such deposition is taken in a foreign country, it may be taken before a secretary of an embassy or legation, counsel general, counsel, vice consul, or consular agent of the United States, or before such person or officer as may be designated in the authorization or agreed upon by the parties by stipulation in writing filed with and approved by the Commission or the presiding officer. The magistrate, person, or officer so designated in this rule will be referred to as the Officer.

(e) *Oath and reduction to writing.* Every person whose testimony is taken by deposition shall be sworn, or shall affirm concerning the matter about which he shall testify, before any questions are put or testimony given. The testimony shall be reduced to writing by the Officer or under his direction, after which the deposition shall be subscribed by the witness and certified in the usual form by the Officer. Unless otherwise directed in the authorization, after the deposition has been so subscribed and certified, it shall, together with nine copies thereof made by such Officer or under his direction, be forwarded by such Officer in a sealed envelope addressed to the Commission at its office in Washington 25, D. C., with sufficient stamps for postage affixed. Upon receipt thereof, the Secretary shall file the original in the proceeding and shall forward a copy to each party or his attorney of record and to staff counsel.

(f) *Form.* Such deposition shall conform to the requirements of § 1.15 in all respects except as to the number of copies.

(g) *Scope and conduct of examination.* Unless otherwise directed in the authorization, the deponent may be examined regarding any matter which is relevant to the issues involved in the pending proceeding, including the existence, description, nature, custody, condition and location of any books, documents or other tangible things, and the identity and location of persons having knowledge of relevant facts. Parties or their attorneys and staff counsel shall

have the right of cross-examination, objection and exception. In making objections to questions or evidence, the grounds relied upon shall be stated briefly, but no transcript filed by the Officer shall include argument or debate. Objections to questions or evidence shall be noted by the Officer upon the deposition, but he shall not have power to decide on the competency or materiality or relevancy of evidence. Objections to questions or evidence not taken before the Officer shall be deemed waived.

(h) *Not part of record unless received in evidence.* No part of a deposition not received in evidence shall constitute a part of the record in the proceeding, unless the parties and staff counsel shall so agree or the Commission so orders. Objection may be made at the hearing in the proceeding to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witnesses were then present and testifying. At such hearing any party or staff counsel may rebut any relevant evidence contained in a deposition, whether introduced by him or by any other party. If only a part of a deposition is offered in evidence by a party, any other party to the proceeding or staff counsel may require him to introduce all of it which is relevant to the part introduced, and any party or staff counsel may introduce any other parts.

(i) *Fees of officers and deponents.* Deponents whose depositions are taken and the officers taking the same shall be entitled to the same fees as are paid for like services in the District Courts of the United States, which fees shall be paid by the party or participant at whose instance the depositions are taken.

§ 1.25 *Stipulations*—(a) *Presentation and effect.* In addition to stipulations made as provided by § 1.18, the parties and staff counsel may stipulate as to any relevant matters of fact or the authenticity of any relevant documents. Such stipulations may be received in evidence at a hearing, and when so received shall be binding on the parties and staff counsel with respect to the matters therein stipulated.

(b) *Form, style and service.* Stipulations shall conform to the requirements of §§ 1.15–1.17.

§ 1.26 *Evidence*—(a) *Form and admissibility.* Any oral or documentary evidence which is relevant, material, and not unduly repetitious or cumulative shall be admissible in any proceeding before the Commission or the presiding officer.

(b) *Reception and ruling on.* The presiding officer, subject to appeal to the Commission as provided in § 1.28, shall rule on the admissibility of all evidence, and shall otherwise control the reception of evidence so as to confine it to the issues in the proceeding. The number of expert witnesses to be heard on any issue may be limited appropriately or the production of further evidence upon any issue may be called for, as provided in § 1.20.

(c) *Documentary*—(1) *Designation.* Where relevant and material matter offered in evidence is embraced in a document containing other matter not material or relevant and not intended to be put in evidence, the participant offering the same shall plainly designate the matter so offered, segregating and excluding insofar as practicable the immaterial or irrelevant parts. If other matter is in such document in such bulk or extent as would necessarily encumber the record, such document will not be received in evidence, but may be marked for identification, and, if properly authenticated, the relevant and material parts thereof may be read into the record, or if the Commission or the presiding officer so directs, a true copy of such matter in proper form shall be received in evidence as an exhibit, and copies shall be delivered by the participant offering the same to the other parties or their attorneys and staff counsel appearing at the hearing, who shall be afforded an opportunity to examine the entire document and to offer in evidence in like manner other material and relevant portions thereof.

(2) *Commission's files.* In case any matter contained in a report or other document on file with the Commission is offered in evidence, such report or other document need not be produced or marked for identification, but may be offered in evidence by specifying the report, document, or other file containing the matter so offered.

(3) *Records in other proceedings.* In case any portion of any record, in any other proceeding before the Commission, is shown to be relevant and material to the instant proceeding, a true copy of such portion shall be presented for the record in the form of an exhibit unless:

(i) The participant offering the same agrees to supply, within a period of time specified of record by the Commission or the presiding officer, such copy at his own expense, if and when required by the Commission; and

(ii) The portion is specified with particularity in such manner as to be readily identified; or

(ii) The parties represented and staff counsel at the hearing stipulate upon the record that such portion may be incorporated by reference, and that any portion offered by any other party may be incorporated by like reference, subject to(i) and (ii); and, finally,

(iv) The Commission or the presiding officer directs such incorporation, but not otherwise.

(4) *Form and size.* Wherever practicable, all exhibits of a documentary character received in evidence shall be on paper of good quality and so prepared as to be plainly legible and durable, whether printed or typewritten. If typewritten, they shall conform to the requirements of § 1.15 whenever practicable.

(5) *Copies to parties and commission.* Except as otherwise provided in this part, when exhibits of a documentary character are offered in evidence, copies shall be furnished to other parties or counsel, including staff counsel, unless the Commission or the presiding officer otherwise directs. In addition, unless otherwise directed by the Commission or the presiding officer, 10 copies of each exhibit of documentary character shall be furnished for the use of the Commission.

(d) *Official notice of facts.* Official notice may be taken of such matters as might be judicially noticed by the courts of the United States or of any other matter of tecnical or scientific fact of established character peculiarly within the general knowledge of the Commission as an expert body; *Provided,* That any party shall, on timely request, be afforded an opportunity to show the contrary.

(e) *Depositions and stipulations.* See §§ 1.24 and 1.25.

§ 1.27 *Presiding officers*—(a) *Designation.* When evidence is to be taken in a proceeding, either the Commission or, when duly designated for that purpose, one or more of its members or other representative appointed according to law, may preside at the hearing.

(b) *Authority delegated.* Presiding officers duly designated by the Commission to preside at hearings shall have the authority, within its powers and subject to its published rules, as follows:

(1) To regulate the course of hearings;

(2) To administer oaths and affirmations;

(3) To issue subpenas;

(4) To rule upon offers of proof and receive evidence;

(5) To take or cause depositions to be taken;

(6) To hold appropriate conferences before or during hearings;

(7) To dispose of procedural motions and requests and similar matters;

(8) Within their discretion, or upon the direction of the Commission, to certify any question to the Commission for its consideration and disposition;

(9) To submit their recommended findings, conclusions, and forms of order or rule in accordance with § 1.30.

(10) To take any other action necessary or appropriate to the discharge of the duties vested in them, consistent with the statutory or other authorities under which the Commission functions and with the rules, regulations and policies of the Commission.

(c) *Limitations.* Presiding officers shall perform no duties inconsistent with their duties and responsibilities as such. Save to the extent required for the disposition of *ex parte* matters as authorized by law and by the rules of the Commission, no presiding officer shall, in any proceeding in which the Commission may so direct, or in any proceeding for an adjudication required by statute to be determined on the record after opportunity for hearing, other than in determining applications for initial licenses and proceedings involving the validity or application of rates, the facilities or practices of public utilities or natural-gas companies, consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate.

(d) *Conduct of hearings.* It is the duty of the presiding officer to conduct a fair and impartial hearing and to maintain order. Any disregard by participants or counsel of his rulings on matters of order and procedure shall be noted on the record, and where he deems it necessary, shall be made the subject of a special written report to the Commission. In the event that participants or counsel should be guilty of disrespectful, disorderly or contumacious language

or conduct in connection with any hearing, the presiding officer immediately may submit to the Commission his report thereon, together with his recommendations, and in his discretion suspend the hearing.

§ 1.28 *Appeals to Commission from rulings of presiding officers during hearings*—(a) *Limited during hearings*—(1) *When permitted.* Appeals from rulings of presiding officers during the course of hearings shall not be made or permitted except where the ruling may be materially prejudicial to the interests of the participants, or in extraordinary circumstances where the prompt decision of such appeal is necessary to prevent undue delay or expense should the presiding officer's ruling later be reversed by the Commission, or for other similar cause. In all other situations appeals may be taken to the Commission only as authorized in paragraph (b) of this section.

(2) *Offer of proof.* Any offer of proof made in connection with an objection taken to any ruling of the presiding officer rejecting or excluding proffered evidence, in any of the Commission's hearings, shall, if it concerns excluded oral testimony, consist of a statement by counsel of the substance of the evidence he contends would be adduced by such testimony; and if the excluded evidence consists of an exhibit or of evidence offered by reference, the offer of proof shall consist of a copy of the exhibit or document offered by reference, as the case may be.

(b) *Procedure at close of evidence*—(1) *Notice of appeal.* Any party or staff counsel in any proceeding may at the close of the taking of evidence notify the presiding officer that a motion will be filed with the Commission to reverse or modify one or more of the presiding officer's rulings to which timely objection has been made. In such event the hearings for the reception of evidence in the proceeding shall not be deemed to have been concluded until the Commission has disposed of the motion, and until either the reception of further evidence under the direction of the Commission shall be completed, or the Commission shall have directed that no further evidence shall be taken.

(2) *Time of appeal.* If any party or staff counsel shall elect to make such motion, the same shall be filed within seven days after the transcript of the record is filed. In such motions each objection shall be separately set out, with exact citations to each portion of the record involved and references to the principal authorities relied upon, and such motions shall otherwise conform to the requirements of §§ 1.12, 1.16–1.17. Any objections to rulings of presiding officers during the course of hearings not thus laid before the Commission shall be deemed waived.

§ 1.29. *Briefs and oral arguments before presiding officers and proposed findings and orders*—(a) *Briefs, when filed.* Unless waived by the parties and staff counsel with the consent of the presiding officer, whether oral argument be heard or not, at the close of the taking of testimony in each proceeding, the presiding officer shall fix the time for the filing and service of briefs, giving due regard to the nature of the proceeding, the magnitude of the record, and the complexity or importance of the issues involved; and he shall fix the order in which such briefs shall be filed. The first or initial brief shall be filed by the party or parties upon whom rests the burden of proof, except that the presiding officer, when in his judgment the circumstances or exigencies require, may direct that briefs shall be filed simultaneously. In no proceeding, whether briefs are to be filed simultaneously or otherwise, shall any party upon whom rests the burden of proof be denied the right to file a reply brief.

(b) *Oral argument, when made.* When, in the opinion of the presiding officer, time permits and the nature of the proceedings, the complexity or importance of the issues of fact or law involved, and the public interest warrant, such presiding officer may, either of his own motion or at the request of a party or staff counsel at or before the close of the taking of testimony allow and fix a time for the presentation of oral argument, imposing such limits of time on the argument as deemed appropriate in the proceeding. Such argument shall be transcribed and bound with the transcript of testimony.

(c) *Contents and scope.* In oral arguments there may be presented proposed findings and conclusions aid, if desired, the reasons therefor, and such proposed forms of order or rule as may be deemed requisite in view of the facts, the law, and the public interest. Briefs should contain: (1) A concise statement of the case, (2) an abstract of the evidence relied upon by the party filing, preferably assembled by subjects, with references to the pages of the record or exhibits where the evidence appears, and (3) proposed findings and conclusions and, if desired, a proposed form of order or rule, together with the reasons and authorities therefor, separately stated.

(d) *Briefs, form of.* Exhibits should not be reproduced in the brief, but may, if desired, be reproduced in an appendix to the brief. Any analyses of exhibits relied on should be included in the part of the brief containing the abstract of evidence under the subjects to which they pertain. Every brief of more than 20 pages shall contain on its front leaves a subject index, with page references, and a list of all cases cited, alphabetically arranged, with references to the pages where the citations appear. All briefs shall be as concise as possible and shall in all other respects conform to the requirements of § 1.15.

(e) *Briefs, filing and service.* Briefs not filed and served on or before the dates fixed therefor shall not be accepted for filing, except by special permission of the Commission or the presiding officer. All briefs shall be accompanied by a certificate showing service upon all parties or their attorneys who appeared at the hearing or on brief, and 25 copies of each brief shall be furnished for the use of the Commission. Requests for the extension of time in which to file briefs shall conform to the requirements of § 1.13, such requests being filed at least 5 days before the time fixed for filing such briefs.

§ 1.30 *Decisions*—(a) *Initial decisions by presiding officers.* In proceedings in which the Commission has not presided at the reception of evidence, except as otherwise provided herein, the presiding officer, as soon as practicable after the conclusion of the hearing and expiration of the time for filing of briefs, shall certify and file with the Secretary, for the Commission, the record of the proceeding, including his report thereon. Except as otherwise provided, such presiding officer's report shall constitute the initial decision, which shall be served upon all parties, or their attorneys of record, and staff counsel, who may file exceptions in the manner and within the time provided in § 1.31.

(b) *Recommended or tentative decisions.* In proceedings in which, prior to the filing of the presiding officer's report, the Commission, with notice to the parties, directs (in specific cases or by general rule) the certification to it of the record for decision by the Commission, unless otherwise provided, the presiding officer's report shall constitute a recommended decision, except that in rule-making or determining applications for initial licenses, in lieu thereof, (1) the Commission may designate any of its responsible officers to recommend a decision, or (2) the Commission may issue a tentative decision. Such recommended or tentative decision shall be served upon all parties, or their attorneys of record, and staff counsel, who may file exceptions in the manner and within the time provided in § 1.31.

(c) *Omission of intermediate decisions.* (1) In any proceeding any party thereto or staff counsel, with the written consent of the other parties and staff counsel, may request that, in lieu of an intermediate decision (initial by presiding officer, recommended by presiding officer or designated responsible officer, or tentative by the Commission), the Commission forthwith render the final decision. In such requests for omitting the intermediate decision procedure there shall be specified: (i) Whether opportunity for presenting oral argument or filing briefs before the Commission is desired or waived; (ii) whether opportunity for presenting proposed findings and conclusions, with supporting reasons therefor, is desired or waived; and (iii) whether, in lieu of any opportunity for filing exceptions to the decision of the Commission, the parties reserve only their rights to apply to the Commission for rehearing and to petition the courts for review of the Commission's decision or order as provided in the statute under which the proceeding was initiated and conducted.

(2) Such requests shall be made by motion filed with the Commission at any time during, but no less than five days next following, the conclusion or adjournment *sine die* of the hearing; shall be in writing under oath, subscribed and verified; and shall in all other respects conform to the requirements of §§ 1.12, 1.15–1.17.

(3) In rule-making or initial licensing proceedings the Commission, with or without motion, may render the decision

upon a finding on the record that due and timely execution of its functions imperatively and unavoidably so required.

(d) *Final decisions.* All decisions of the Commission shall be final (subject only to application for rehearing provided for by the statute under which the proceeding is initiated and conducted), except tentative decisions that may be issued in rule-making or determining applications for initial licenses as herein provided. Final decisions shall include: (1) Decisions by the Commission in proceedings in which the Commission has presided at the reception of evidence; (2) decisions upon appeal of intermediate decisions to the Commission by the parties or staff counsel, by filing exceptions in the manner and time provided by § 1.31, or upon review initiated by the Commission within 10 days next following the expiration of the time for filing exceptions under the aforesaid section, or such other time as the Commission may fix in specific cases; (3) intermediate initial or tentative decisions, upon the expiration of the time provided for an appeal to or review by the Commission without such appeal or review having been initiated; (4) decisions by the Commission in rule-making, or initial licensing proceedings, in which the Commission omits the intermediate decision procedure upon a finding that due and timely execution of its functions imperatively and unavoidably so requires; and (5) decisions by the Commission in shortened proceedings as provided in § 1.32.

(e) *Rehearing only of final decisions.* No application for rehearing, provided for by the statute under which a proceeding is initiated and conducted, will be entertained by the Commission until a decision is issued and becomes final under the provisions of this rule.

(f) *No participation by investigative or prosecuting officers.* In any proceeding in which the Commission may so direct or in any proceeding for an adjudication required by statute to be determined on the record after opportunity for hearing, other than applications for initial licenses or proceedings involving the validity or application of rates, facilities, or practices of public utilities or natural-gas companies, no officer, employee or agent assigned to work upon the investigation or trial of a case for the Commission or to assist in the trial thereof, shall, in that or any factually related proceeding, participate or advise as to the findings, conclusions or decision, except as a witness or counsel in public proceedings.

(g) *Contents.* All decisions shall include a statement of (1) findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and (2) the appropriate rule, order, sanction, relief, or denial thereof. There shall be stated all facts officially noticed pursuant to § 1.26, relied upon in the decision.

(h) *Part of record.* All decisions (including initial, recommended, or tentative decisions) shall become a part of the record.

(i) *Service.* All decisions shall be filed with the Secretary who shall serve copies thereof upon all parties or their attorneys of record, including staff counsel, whose appearances have been entered pursuant to § 1.20 (e). Such service shall be by registered mail or by delivery to the parties or their attorneys, as may be appropriate, in accordance with § 1.17.

(j) *Unavailability of presiding officer.* If a presiding officer becomes unavailable to the Commission, the Commission will either designate another qualified officer to report and recommend the decision or will cause the record to be certified to it for decision, as may be deemed appropriate, giving notice to the parties or their attorneys of record.

(k) *Application of section.* This section shall apply in all proceedings required by statute to be determined on the record after opportunity for hearing.

§ 1.31 *Exceptions to intermediate decisions and briefs and oral arguments before Commission*—(a) *Exceptions, filing of.* Any party or staff counsel desiring to appeal to the Commission may, within 15 days after the service of a copy of an intermediate decision (initial or recommended by subordinates, or tentative by Commission), or such other time as may be fixed by the Commission, file a statement of exceptions thereto. Such statements shall be filed with the Secretary.

(b) *Exceptions, nature of.* Exceptions to findings and conclusions of fact shall specify the particular statements or parts to which exception is taken; shall designate, by special references, the portions of the record relied upon in support of such exceptions; shall set out specific findings and conclusions proposed in lieu thereof; and shall include any proposed additional findings and conclusions of fact. Exceptions to conclusions of law shall be specific; shall briefly cite the statutory provisions or the principal authorities relied upon; shall set forth conclusions suggested in lieu thereof; and shall include any proposed additional conclusions. Exceptions to the form of order or rule shall specify the portions thereof excepted to, and shall set forth a form of order or rule suggested in lieu of that served. Supporting reasons for the exceptions may, if desired, be included, but shall be separately stated.

(c) *Failure to except results in waiver.* Failure to file a statement of exceptions within the time allowed under this section shall constitute a waiver of all objections to the intermediate decision served. No matter not included in the statement of exceptions, filed as provided in this section, may thereafter be objected to before the Commission upon brief or oral argument, or in an application for Commission rehearing; and any matter not included in such statement of exceptions shall be deemed waived. Admission or exclusion of evidence not objected to at the reception of evidence will be unavailing to the party.

(d) *Briefs and oral argument before Commission*—(1) *Hearing before Commission.* Requests for opportunity to present oral argument or to file briefs, when the Commission presides at the reception of the evidence, may be made at any time during the hearing or at the conclusion of the taking of evidence. Before adjournment *sine die*, the Commission will announce and fix the time for the filing of briefs, and for oral argument, if allowed.

(2) *Hearing before presiding officer.* In proceedings in which the Commission has not presided at the reception of the evidence, any party or staff counsel may file a motion requesting opportunity to present oral argument or to file briefs concerning matters before the Commission for decision, except that, where a statement of exceptions has been filed, it shall constitute the brief before the Commission. Such motions may be filed at any time during a proceeding, but not later than the time permitted for the filing of exceptions to the intermediate decision, *Provided, however,* That parties or staff counsel may request opportunity to file briefs or to make oral argument on motions to appeal rulings of presiding officers during hearings, as provided in § 1.28, and on motions for waiver of intermediate decisions, as provided in § 1.30.

(e) *Briefs and arguments, contents and scope.* When the Commission has presided at the reception of the evidence, or when the parties have waived the intermediate decision procedure, briefs and arguments before the Commission may include and present for consideration the matters as provided in § 1.29 relating to briefs and oral arguments before presiding officers, and in all other respects, as applicable, such arguments and briefs shall conform to the requirements of the aforesaid section. In all other proceedings, briefs and oral arguments before the Commission may include those matters that may properly be included and presented in statements of exceptions to intermediate decisions, subject to the same conditions contained in paragraph (c) of this section.

(f) *Exceptions and briefs, form and service.* Statements of exceptions and briefs shall conform to the requirements as applicable of §§ 1.15 and 1.17 as to copies, form and service, 15 copies thereof being filed with the Commission, in addition to the copies served on the parties to the proceeding.

§ 1.32 *Shortened procedures*—(a) *Where hearing waived.* In any proceeding in which the Commission is authorized to act after opportunity for hearing, if the parties waive hearing, such opportunity shall be deemed to have been afforded by service or publication in the FEDERAL REGISTER of notice of the application or other initial pleading, request, or other filing, such notice fixing a reasonable period of time within which any person desiring to be heard may file a protest or petition. Upon the expiration of such period of time, in the absence of a request for hearing, the Commission may forthwith dispose of the matter upon the basis of the pleadings and other submittals and the studies and recommendations of the staff. A party not requesting oral hearing in its pleadings shall be deemed to have waived a hearing for the purpose of such disposition, but shall not be bound by such waiver for the purposes of any application for rehearing with respect to an order so entered.

(b) *Noncontested hearings.* In any proceeding required by statute to be set for hearing, the Commission, when it appears to be in the public interest and to the interest of the parties to grant the relief or authority requested in the initial pleading, and to omit the intermediate decision procedure, may after a noncontested hearing forthwith dispose of the proceeding upon consideration of the pleadings and other evidence filed and incorporated in the record: *Provided:* (1) The applicant or initial pleader requests that the intermediate decision procedure be omitted and waives oral hearing and opportunity for filing exceptions to the decision of the Commission; and (2) no request to be heard or protest or petition raising an issue of substance is filed subsequent to publication in the FEDERAL REGISTER of the notice of the filing of an initial pleading and order fixing date of hearing, which notice and order shall state that the Commission considers the proceeding a proper one for disposition under the provisions of this section, and shall otherwise conform with the requirements of § 1.19. Requests for the procedure provided by this section may be contained in the initial pleading or subsequent request in writing to the Commission. The decision of the Commission or presiding officer in such proceeding, after noncontested hearing, will be final, subject to rehearing on application as provided by the provisions of the statute requiring the hearing.

§ 1.33 *Reopening proceedings*—(a) *Method of reopening*—(1) *By parties.* At any time after the conclusion of a hearing in a proceeding or adjournment thereof *sine die*, but before entering and issuance by the Commission of a final order or rule, any party to the proceeding or staff counsel may file with the Commission a petition to reopen the proceeding for the purpose of taking additional evidence. Such petition shall set forth clearly the facts claimed to constitute grounds requiring reopening of the proceeding, including material changes of fact or of law alleged to have occurred since the conclusion of the hearing, and shall in all other respects conform as applicable to the requirements of §§ 1.7, 1.15–1.17.

(2) *By the Commission on its own initiative.* If, after the hearing in a proceeding, the Commission shall have reason to believe that conditions of fact or of law have so changed as to require, or that the public interest requires, the reopening of such proceeding, the Commission will issue an order for the reopening of the same.

(b) *Petitions to reopen*—(1) *Notice.* Upon the filing by any party or staff counsel of such petition for the reopening of a proceeding, appropriate notice will be given any participants, or their attorneys of record who may not have been served with a copy of the petition.

(2) *Responses.* Within 10 days following the service of such petition or notice thereof, any other party to the proceeding or staff counsel may file with the Commission his answer thereto, and in default thereof shall be deemed to have waived any objection to the granting of such petition.

(3) *Commission action.* As soon as practicable after the filing of responses to such petitions or default thereof, as the case may be, the Commission will grant or deny such petition.

§ 1.34 *Application for rehearing*—(a) *Form, filing and service.* An application for rehearing of a proceeding may be filed within 30 days after the issuance of any final decision or order by the Commission. Such application shall be made by petition, under oath, stating specifically the grounds relied upon, shall be filed with the Commission and served by the petitioner upon all parties to the proceeding or their attorneys of record, and shall in all other respects conform to the requirements of §§ 1.7, 1.15–1.17.

(b) *Specification of errors.* Such petitions for rehearing shall state concisely the alleged errors in the Commission decision or order. If an order of the Commission is sought to be vacated, reversed, or modified by reason of matters that have arisen since the hearing and decision or order, or by reason of a consequence that would result from compliance therewith, the matters relied upon by the petitioner shall be set forth in the petition.

§ 1.35 *Reports of compliance.* When any licensee, permittee, or any other person subject to the jurisdiction of the Commission is required to do or perform any act by Commission order, permit, or license provision, there shall be filed with the Commission within 30 days following the date when such requirement became effective, a notice, under oath, stating that such requirement has been met or complied with; *Provided, however,* That the Commission, by rule or order, or by making specific provision therefor in a license or permit, may provide otherwise for the giving of such notice of compliance. Such reports shall conform in all other respects to the requirements of §§ 1.15 and 1.16.

§ 1.36 *Public information*—(a) *Access to opinions, orders and rules*—(1) *Current notice.* The Commission shall cause current notice to be published in the FEDERAL REGISTER of the adoption of all final opinions or orders of the Commission in adjudicative proceedings, except those required for good cause to be held confidential and not cited as precedents, and all rules except those addressed to and served upon named persons and those published in full in the FEDERAL REGISTER in accordance with law. Where the Commission may desire to rely upon citation of any such confidential material as a precedent, it shall make available an appropriate abstract thereof, showing the principles relied upon.

(2) *Copies.* Copies of all final opinions and orders, except those required for good cause to be held confidential and not cited as precedents, and all rules, shall be available for public inspection in the Office of the Secretary and, as practicable, in the Regional Offices during regular office hours. Copies thereof shall be furnished to any person upon request to the Secretary and payment of the charge therefor, if required.

(b) *Official reports and publications.* The final opinions, and orders and rules in the nature of opinions, shall be published in the official reports of the Commission issued from time to time and, as printed and available, will be furnished to any person upon request to the Secretary and payment of the charge therefor. Other reports that may be made and published by the Commission shall be likewise available on request and payment of the prescribed charges. Such reports as published by the Commission, and its rules as contained in 18 CFR and Supps., Chapter I, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington 25, D. C., upon payment of the prescribed charges.

(c) *Public records.* Save as otherwise required by law, all matters of official record, other than information held confidential for good cause found, shall be available at the principal office of the Commission in Washington, D. C., to persons properly and directly concerned, upon application to the Office of the Secretary during regular office hours. Such official records shall include all matters filed with or submitted to the Commission under the provisions of any order, rule, or regulation of the Commission or any applicable statute, as well as matters embodying Commission action. In public proceedings before the Commission the docket records relating to such proceedings and the pleadings, transcript of testimony, exhibits and all documents received in evidence or made a part of the record therein shall be likewise available for inspection and copying by the public, insofar as consistent with the proper discharge of the Commission's duties.

(d) *Other records.* The records and files of the Commission, and all documents, memoranda, correspondence, exhibits and information of whatever nature, other than the matters described in paragraph (c) of this section, coming into the possession or within the knowledge of the Commission or any of its officers or employees in the discharge of their official duties, are confidential, and none of such material or information may be disclosed, divulged, or produced for inspection or copying except that, upon good cause shown, the Commission may by order direct that certain records, files, papers, or information be disclosed to a particular applicant.

(e) *Procedure in event of subpena.* In cases in which an officer or employee of the Commission has been lawfully served with a subpena duces tecum, material designated herein as confidential shall be produced only as authorized by the Commission. Service of such a subpena shall immediately be reported to the Commission with a statement of all relevant facts. The Commission will thereupon enter such order or give such instructions as it shall deem advisable.

§ 1.37 *Cooperative procedure with State commissions*—(a) *Policy.* (1) The Federal Power and Natural Gas Acts, sections 209 and 17, respectively, authorize cooperation between the Federal Power Commission and the State commissions of the several States in the administration of said acts, which include authorization for:

(i) Reference of any matter arising in the administration of these acts to a board to be composed of a member or members from a State or States affected, or to be affected, by the particular matters pending before the Federal Power Commission;

(ii) Conferences with State commissions regarding the relationship between rate structures, costs, accounts, charges, practices, classifications, and regulations of public utilities or natural gas companies subject to the jurisdiction of such State commissions and of the Federal Power Commission; and

(iii) Joint hearings with State commissions in connection with any matter with respect to which the Federal Power Commission is authorized to act.

(2) The matters that should be the subject of a conference, referred to a board, or heard at a joint hearing of State commissions and the Federal Power Commission, obviously, cannot be determined in advance. It is understood, therefore, that the Federal Power Commission or any State commission will freely suggest cooperation with respect to any proceeding or matter affecting any public utility or natural gas company subject to the jurisdiction of the Federal Power Commission and of a State commission, and concerning which it is believed that cooperation will be in the public interest.

(b) *Notice*—(1) *By Federal Power Commission.* (i) Whenever there shall be instituted before the Federal Power Commission any proceeding under either the Federal Power Act or the Natural Gas Act, the State commission or commissions of the State or States affected thereby will be given notice thereof immediately by the Federal Power Commission. As deemed necessary for an understanding of the subject matter, each such notice will be supplemented by copies of applications, complaints, petitions, or orders instituting proceedings. Each such notice given to a State commission will request that the Federal Power Commission be notified within a reasonable time whether the proceeding is deemed one that should be considered under the cooperative provisions of this section, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter, and further, to specify whether it desires a conference, the creation of a board, or a joint or concurrent hearing, as defined herein, and the reasons for such request.

(ii) Any commission suggesting some form of such cooperative procedure should also state whether there is pending, or will be pending before it, a proceeding in which a concurrent hearing might appropriately be held and whether its proposal is for such hearing covering any such proceeding and the proceeding pending before the Federal Power Commission.

(iii) Any State commission recommending to the Federal Power Commission reference of a proceeding to a board, under either the Federal Power or the Natural Gas Act, should state with fullness the reasons which led it to believe that such reference is desirable and in the public interest.

(iv) Upon the receipt from a State commission of a communication suggesting cooperation, the Federal Power Commission will consider the same, and may confer with the commission making the request and with other interested commissions, if any, in such manner as may be most suitable, and, if cooperation in the manner proposed, or in any other manner, shall appear to be practicable and desirable, will so advise each interested State commission, and will invite it to participate therein.

(2) *By State commission.* (i) Each State commission should, in like manner, notify the Federal Power Commission of any proceeding instituted before it, the subject matter of which is also subject to the jurisdiction of the Federal Power Commission, or in which it believes the Federal Power Commission is interested. Such notice should be supplemented by copies of applications, petitions, complaints, or orders instituting proceedings which may be necessary to an understanding of the subject matter. Such notice should include such suggestions as the State commissions may wish to make concerning cooperative procedure.

(ii) Upon receipt of such notice, the Federal Power Commission will consider the same and will promptly notify the State commission whether or not in its opinion cooperation in the manner proposed, or in any other manner, appears to be practicable and desirable. The Federal Power Commission shall be free to propose cooperative procedure, if deemed appropriate, whether or not such proposal of cooperation has been made by the State commission first giving notice of the proceeding.

(3) *Federal Power Commission or State commissions to invite participation in cooperative procedure.* In the event that cooperation in a particular proceeding has been determined upon, the Federal Power Commission or a State commission before which the proceeding is pending will so advise each interested State commission and will invite it to take part therein.

(c) *Conferences.* Inasmuch as experience has proved that informal conferences are the means most often used to enable commissions to work together to promote good regulation, affording means whereby common understandings may be reached, and the imposition of inconsistent or conflicting regulations upon companies subject to both Federal and State control may be avoided, and means whereby State commissions may secure the assistance in State regulatory work which sections 209 and 17, respectively, of the Federal Power and Natural Gas Acts authorize the Federal Power Commission to extend, any commission, Federal or State, should always feel free to suggest a conference to another commission, concerning any matter of regulation subject to the jurisdiction of either, with respect to which it is believed that a cooperative conference may be in the public interest. The commission desiring a conference upon any such matter should notify other interested commissions without delay, and thereupon the Federal Power Commission or a State commission, as may be agreed, will promptly arrange for a conference in which all interested commissions will be invited to be represented.

(d) *Procedure governing matters referred to a board.* It is believed that the statutory provisions of sections 209 and 17, respectively, of the Federal Power and Natural Gas Acts, for the reference of a proceeding to a board constituted as therein provided, were designed for use in unusual cases, and as a means of relief to the Federal Power Commission when it might find itself unable to hear and determine cases before it, in the usual course, without undue delay.

Whenever the Federal Power Commission, either upon its own motion or upon the suggestion of a State commission or at the request of any interested party, shall determine that it is desirable to refer a matter arising in the administration either of the Natural Gas Act or Part II of the Federal Power Act, to a board to be composed of a member or members from the States or States affected or to be affected by such matter, the procedure will be as follows:

The Federal Power Commission will send a request to each interested State commission to nominate a specified number of members to serve on such board. Whenever more than one State is involved, the representation of each State concerned shall be equal, unless one or more of the States affected chooses to waive such right of equal representation. The Federal Power Commission will specify the functions to be performed by such board in each instance. When the member or members of any board have been nominated and appointed in accordance with the provisions of either section 209 of the Federal Power Act or section 17 of the Natural Gas Act, the Federal Power Commission will make an order referring the particular matter to such board, and such order shall fix the time and place of hearing, define the "force and effect" the action of the board shall have, the manner in which the proceedings shall be conducted, and specify the allowances to be made for the expense of the members of the board. As far as applicable, the rules of practice and procedure as from time to time adopted or prescribed by the Federal Power Commission shall govern such board. The board shall have authority to adjourn the hearing from day to day, subpena witnesses, rule on the relevancy, competency, and materiality of evidence, and shall, after hearing all interested parties, submit its report to the Federal Power Commission.

(e) *Joint and concurrent hearings.* (1) The term "joint hearing" used in sections 209 and 17, respectively, of the Federal Power and Natural Gas Acts is understood to cover any hearing in which members of the Federal Power Commission and members of one or more State commissions may sit together in a proceeding pending before one such commission, whether or not a proceeding or proceedings involving similar or corresponding issues be pending before any other commission.

(2) Two different types of proceedings have been called "joint hearings". One is that type of proceeding where members of one or more State commissions sit with members of the Federal Power Commission for information or in an

advisory capacity. The State commissioners in such case do not develop a record for their respective commissions and may or may not, at their own discretion, make a recommendation to the Federal Power Commission. The other type of joint hearing is often referred to as a "concurrent hearing". Under this procedure the Federal Power Commission and one or more State commissions sit together to hear and jointly make a record upon a matter over which all of the participating commissions have jurisdiction and responsibility for action.

(3) The Federal Power Commission or any State commission or commissions should feel free to suggest or request a joint or concurrent hearing at any time. It is believed, however, that the concurrent hearing is the type of cooperative hearing which is likely to be most useful and effective.

(4) Whenever a concurrent hearing has been agreed upon by the Federal Power Commission and one or more State commissions, the procedure will be as follows:

(i) Each commission will designate the representative or representatives of such commission to sit at such concurrent hearing, and will designate the representative who will be the presiding officer for such commission.

(ii) It will be understood that participation in such concurrent hearing shall in no way affect the complete control by each commission of the proceeding before it. It will be understood, also, that participation in either a joint or concurrent hearing shall in no way preclude any commission from causing to be presented in any such case pertinent evidence with respect to matters in issue.

(iii) The representative designated by the Federal Power Commission will be the presiding officer to announce rulings with respect to which there is no disagreement; and all such rulings shall be considered concurrent rulings. However, the presiding officer for any commission which does not concur in any ruling may announce a divergent ruling and such divergent ruling, whether with respect to the admissibility of evidence or any other matter, shall be considered the ruling for his commission.

(iv) The record of the concurrent hearing shall be the record of each commission participating, except that, if divergent rulings are made, the rulings shall be so reported as to separate and distinguish clearly the record of the respective participating commissions and the evidence admitted in each record, in accordance with the rulings of the respective presiding officers of such participating commissions. If, in any proceeding, the ruling of one presiding officer has the effect of admitting any voluminous exhibit or testimony which is excluded by the ruling of another presiding officer, the taking of such evidence will, whenever possible be deferred until after the completion of all proceedings which can be conducted under concurrent rulings. When such testimony is taken, the transcript of such evidence will be made available to all the participating commissions, if desired.

(v) In all respects concerning which there shall be no divergence of ruling, the hearing will be conducted in accordance with the Rules of Practice and Procedure prescribed by the Federal Power Commission, subject to the express understanding that each participating State commission shall control its own record and make its own rulings as to the admissibility of evidence and as to other matters affecting its proceedings, and shall make its own separate final decision or order therein.

(5) Before either the Federal Power Commission or a participating State commission shall enter any order or orders in a concurrent proceeding, opportunity shall be afforded for conference between the Federal Power Commission and the State commission or commissions participating.

(6) Whenever a joint hearing other than a concurrent hearing shall be agreed upon, the commissions which will take part therein shall agree upon the procedure to be followed in such hearing in advance of the opening of the same. With respect to any concurrent hearing, a special agreement may be made by the commissions taking part therein for a procedure or action differing from that outlined in this plan.

(7) Cooperation between two or more commissions in a concurrent hearing shall preclude either from taking the position of an advocate or a litigant. If a commission wishes to take such a position, it will not be appropriate for that commission to be a cooperating participant in that proceeding. In such situation the appropriate method of procedure will be intervention under § 1.8.

(f) *Intervention by State commissions.* Any interested State commission may, as a matter of right, intervene in any proceeding before the Federal Power Commission, as provided in § 1.8. (Sec. 209, 49 Stat. 853, sec. 309, 49 Stat. 858, sec. 17, 52 Stat. 830, sec. 16, 52 Stat. 830; 16 U. S. C., Sup., 824h, 825h, 15 U. S. C., Sup., 717p, 717o.)

[SEAL] LEON M. FUQUAY,
Secretary.

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FEDERAL RESERVE SYSTEM

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[12 CFR, Ch. II]

PART 261—RULES OF ORGANIZATION

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261.8 Unpublished information.
261.9 Subpoena of officers.

§ 261.1 *Basis and purpose.* These rules are issued by the Board of Governors of the Federal Reserve System (hereinafter sometimes called the Board) pursuant to the Administrative Procedure Act and other relevant provisions of law, including the Federal Reserve Act. As specified in section 3 (a) (1) of the Administrative Procedure Act, these rules describe the Board's "central and field organization including delegations . . . of final authority and the established places at which, and methods whereby, the public may secure information or make submittals or requests"; they include appropriate provisions regarding the information specified in sections 3 (b) and 3 (c) of the Administrative Procedure Act. The rules relate to the consumer credit functions of the Board exercised pursuant to the President's Executive Order No. 8843, dated August 9, 1941, as well as to the other functions of the Board.

§ 261.2 *Composition and location.*— (a) *Governors, Chairman, Vice Chairman.* The law provides for a Board of Governors composed of seven members appointed by the President by and with the advice and consent of the Senate, for fourteen-year terms. Of these, one is designated by the President as Chairman and one as Vice Chairman to serve as such for terms of four years. At meetings the Chairman presides or, in his absence, the Vice Chairman presides. In the absence of the Chairman and Vice Chairman, the Board elects a member to act as Chairman Pro Tempore. The Chairman of the Board, subject to its supervision, is its active executive officer.

(b) *Location.* The principal offices of the Board are in the Federal Reserve Building, Twentieth Street and Constitution Avenue NW., Washington 25, D. C. Information as to business hours, which may be changed from time to time, will be furnished upon request.

§ 261.3 *Central organization.* The Board's central organization, in addition to the members of the Board, consists of personnel organized as follows:

(a) *Secretary's Office.* The Secretary's Office is headed by the Board's Secretary, who acts as Chief Administrative Officer of the Board in its relations with the divisions of its staff and with the Federal Reserve Banks. It clears and conducts official correspondence of the Board and is charged with responsibility for the official records of the Board.

(b) *Legal Division.* The Legal Division is headed by the Board's General Counsel. It advises and assists the Board with respect to legal matters, including, among other things, litigation, and preparation of, or assistance on, regulations, orders, opinions and other documents or correspondence of legal or semi-legal character.

(c) *Division of Research and Statistics.* The Division of Research and Statistics is headed by a Director. It advises and assists the Board with respect to general economic and statistical matters, and collects, prepares and interprets statistics, charts and other economic information appropriate for that purpose.

(d) *Division of Examinations.* The Division of Examinations is headed by a Director. It reviews and coordinates the bank examination functions of the

Federal Reserve Banks (which examine the State member banks and their holding company and other affiliates), reviews reports of such examinations, examines the Federal Reserve Banks, and advises and assists the Board with respect to bank supervisory activities of the Federal Reserve System, and with respect to various applications such as for membership in the System, for trust powers, for establishment of branches, and for voting permits of holding company affiliates.

(e) *Division of Bank Operations.* The Division of Bank Operations is headed by a Director. It advises and assists the Board with respect to matters concerning the condition, operation, and reports of the Federal Reserve Banks, arranges for the printing and shipment of Federal Reserve notes to supply the Federal Reserve Banks, and collects and prepares various data regarding condition, earnings, expenses, and other statistics of Reserve Banks, member banks, and other banks.

(f) *Division of Security Loans.* The Division of Security Loans is headed by a Director. It advises and assists the Board with respect to questions of credit policy in selected fields, and deals with administrative matters arising under Parts 220 and 221 of this chapter, relating to security-market credit, and Part 222, relating to consumer credit.

(g) *Division of Personnel Administration.* The Division of Personnel Administration is headed by a Director. It serves as central personnel unit of the Board, and advises and assists the Board with respect to personnel matters of the Federal Reserve Banks coming before the Board.

(h) *Division of Administrative Services.* The Division of Administrative Services is headed by a Director. It serves as the central budgetary, procurement, duplicating, communications and service unit of the Board and advises and assists the Board with respect to such matters. It also performs various administrative functions including the distribution of Board publications and the operation of the Board's building and other facilities.

(i) *Other personnel.* In addition to the divisions mentioned above, the staff of the Board includes Advisers to the Board and Assistants to its Chairman; these are listed in the Federal Reserve Bulletin. The Federal Reserve Bulletin is issued monthly under the direction of the Staff Editorial Committee, which is listed in the Bulletin and which is responsible for interpretations and opinions expressed therein, except in official statements and signed articles. The Board has occasion to hold so few formal hearings that it does not employ a trial examiner as a regular member of its staff. In accordance with applicable provisions of law and in individual cases as the need may arise, the Board will obtain and utilize competent trial examiners, whose functions in such capacity will be appropriately separated from investigative and prosecuting functions of the staff as required by law.

§ 261.4 *Field organization.* The United States is divided into 12 Federal Reserve Districts. In one city of each Federal Reserve District there is a Federal Reserve Bank, and in 10 of the districts there are one or more branches of the Federal Reserve Bank in other cities. Each Federal Reserve Bank is a separate legal entity created pursuant to the Federal Reserve Act. The locations of the 12 Federal Reserve Banks and 24 branches and the boundaries of the Federal Reserve District and branch territories are shown in Appendix A. Each Federal Reserve Bank, in addition to its other important duties, carries out many local functions for the Board pursuant to instructions of the Board, and in many matters acts as the Board's field representative in the bank's district. It administers the Board's policies locally under instructions of the Board, keeps the Board informed of local conditions, and recommends such action as it thinks appropriate for general policies or in particular cases.

It is desirable and convenient for persons concerned with Federal Reserve matters to deal with the Federal Reserve Bank of the appropriate district, or a branch thereof, in the first instance, and the Board requests all persons to follow this procedure.

At each Federal Reserve Bank, one of the three directors of the bank appointed by the Board is designated by the Board as Chairman of the board of directors of the bank and as Federal Reserve Agent. He acts as the Board's official representative and maintains a local office of the Board on the premises of the Federal Reserve Bank.

§ 261.5 *Delegations of final authority.* The Board does not delegate its authority on any question of general policy, and its functions are such that there are no delegations of final authority in the usual sense of that term. Subject to the Board's control, there are, however, provisions for the Federal Reserve Banks to relax certain requirements promptly in the field in individual instances in order to avoid undue rigidity. This is the case with respect to some special conditions of membership (such as those regarding reduction of capital stock, investment in bank quarters, and disposal of stocks by member banks), minor penalties for deficiences in member bank reserves, and the determination of facts in connection with disaster credits and "cycle billing" under Part 222 of this chapter. Provision is also made for appropriate committees of national securities exchanges or associations to grant extensions of time or approve certain other transactions under Part 220 of this chapter.

§ 261.6 *Published information*—(a) *Annual report.* The Board's Annual Report to Congress, made pursuant to section 10 of the Federal Reserve Act gives a report of the Board's operations during the year, and frequently includes recommendations to Congress and an economic review of the year. Under the law it must include a complete record of actions taken by the Board or by the Federal Open Market Committee with respect to policies determined by the Board or Committee and must show the votes taken and the reasons underlying the actions.

(b) *Federal Reserve Bulletin, other published information.* (1) In the Federal Reserve Bulletin, which has been published monthly since 1915, the Board publishes much other information available to it. In addition to various kinds of economic and statistical information, the following are published in the Bulletin:

(i) All regulations of the Board of general interest to the public (including rules of organization and procedure, as specified in the Administrative Procedure Act), and amendments thereto; and

(ii) Statements of general policy, or interpretations, for the guidance of the public.

(2) Some material that appears in the Bulletin is released in advance during the month so that it will be more nearly current, examples being certain regulations and rulings, the monthly summary of business conditions, the Board's index of industrial production, and certain other statistical series.

(3) Among such information published in the Bulletin and also released in advance is the weekly statement, published pursuant to section 11 (a) of the Federal Reserve Act, showing the condition of each Federal Reserve Bank and a consolidated statement of all Federal Reserve Banks. These weekly statements show in detail the assets and liabilities of the Federal Reserve Banks, single and combined, and furnish full information regarding the reserves and the amount, nature and maturities of the paper and other investments owned or held by the Federal Reserve Banks.

(4) From time to time, the Board issues various other publications, of which the more important are listed in the Federal Reserve Bulletin.

(c) *Federal Register.* All the information specified in § 261.6 (b) (1) and such of the information specified in § 261.6 (b) (2) as is appropriate, is published in the FEDERAL REGISTER.

§ 261.7 *Obtaining information, making submittals or requests*—(a) *Obtaining published information.* Anyone may subscribe to the Federal Reserve Bulletin at the standard rate, which is published in the Bulletin. A copy of each issue of the Bulletin is sent to each member bank. Current or back issues of the Bulletin, Annual Report, rules, regulations, or other published information may be examined at the offices of the Board or any Federal Reserve Bank, and copies, if in stock, will be supplied by the Board at small cost or no cost.

(b) *Government agencies, etc.* The Board, directly or through such persons as it may designate, (1) makes available to each State member bank a copy of the report of the regular examination of the bank and, when the Board deems it in the public interest, may furnish such bank other information pertaining to its affairs; and (2) may make available to the Comptroller of the Currency, the Federal Deposit Insurance Corporation, certain other agencies of the United States, and any authority having general supervision of a State bank, copies of reports of examination and other information, for use where necessary in the performance of their official duties: *Provid-*

ed, That all reports or other information furnished under subparagraphs (1) or (2) of this section shall remain the property of the Board and under no circumstances shall any person or authority to whom the information is made available, nor any officer, director, or employee thereof, disclose or otherwise make public any such information except in official publications of general statistical reports which are not in such detail as to disclose the affairs of any person.

(c) *Other applications, requests or submittals.* (1) Other applications, requests and submittals, including requests for access to unpublished information of the Board, should be sent to the appropriate Federal Reserve Bank, which will forward them to the Board when necessary. It is preferable and more convenient for all concerned to send applications, requests or submittals to the Reserve Bank in the first instance, and the Board requests all persons to follow this procedure.

(2) When applicable, the forms specified in § 262.5 (b) of this chapter shall be used. In the case of all other applications or requests, including requests for access to unpublished information, the application, in addition to being signed by the person making it or his duly authorized agent, shall, in so far as practicable, clearly, completely and concisely state the full name and address of the applicant, the facts involved (including the purposes for which any unpublished information requested will be used if made available), the action requested, the applicant's interest in the matter, and the reasons why the request should be granted. Copies of any form prescribed in § 262.5 (b) of this chapter, and further details regarding those forms or the matter to be included in any application, request or submittal, may be obtained from the Federal Reserve Banks.

§ 261.8 *Unpublished information*—(a) *General rule regarding unpublished information.* Except as authorized by the Board, no person, whether or not an officer or employee of the Board or of a Federal Reserve Bank, shall disclose or permit the disclosure of any unpublished information of the Board to anyone (other than an officer or employee of the Board or of a Federal Reserve Bank properly entitled to such information for the performance of his official duties), whether by giving out or furnishing such information or copy thereof or allowing any person to inspect, examine or copy such information or copy thereof or otherwise. For the purpose of these rules, "unpublished information of the Board" includes all information or advice (including any examination report, or related information, in connection with examinations made by examiners selected or approved by the Board), which is not published in the FEDERAL REGISTER, Federal Reserve Bulletin, or elsewhere, and which comes to the Board or to any officer, employee, or agent thereof (including any Federal Reserve Bank, or officer, agent, or employee thereof) in the performance of duties for on on behalf of the Board, whether contained in files, memoranda, documents, reports, books, accounts, records, or papers, or acquired by any such officer, employee, or agent in the performance of such duties, and whether located in the Board's files, at a Reserve Bank, or elsewhere.

(b) *Disclosure of certain grants of permission or authority.* The approval by the Board of an application of a State bank for membership in the Federal Reserve System, the granting of permission to establish a branch or to exercise trust powers, and other similar grants of permission or authority by the Board may not in all cases be of sufficient general interest to justify publication, but the fact that the Board has granted such approval, permission or authority in such cases will at the appropriate time be disclosed to any person upon request made in accordance with § 261.7 (c), to the extent that such disclosure would not conflict with the principles stated in § 261.8 (d).

(c) *Certain unpublished information not disclosed.* For the reasons and good cause found as set forth in § 261.8 (d), and except as provided in §§ 261.7 (b) or 261.8 (b), the Board will not make available or otherwise disclose in response to requests any unpublished information of the Board, whether or not a matter of official record within the meaning of the Administrative Procedure Act, if such information relates to any of the following:

(1) Examinations, investigations, inspections, or reports of any particular bank or affiliate thereof, broker, finance company, or other person engaged, or proposing to engage, in the business of extending any kind of credit or in the business of a holding company affiliate; or information concerning the business, personal or financial affairs of any such person or of anyone employed by or doing business with any such person.

(2) Proceedings in connection with the consideration of (i) the removal of a director or officer of a member bank pursuant to section 30 of the Banking Act of 1933, (ii) the granting of approval or permission for a bank to establish a branch or exercise trust powers, (iii) the granting or termination of membership in the Federal Reserve System, (iv) the granting or revocation of a voting permit to a holding company affiliate, (v) the suspension from the use of the credit facilities of the Federal Reserve System pursuant to section 4 of the Federal Reserve Act, or (vi) the granting or termination of permission or authority in other cases in which public hearing is not required by statute or Board regulations.

(3) The determination of policies concerning discount rates, reserve requirements, open-market operations, interest rates, margin requirements, consumer credit controls, or other matters of monetary, fiscal or credit policy.

(4) Relations between the Board and any Federal Reserve Bank, activities of any Reserve Bank for any agency of the United States or for any international organization, and internal operations of the Board or any Reserve Bank, including, among other things, any matters of administration.

(5) Relations with, or activities that affect relations with, any foreign bank, banker or country.

(6) Any other matter as to which the Board, in a particular case, determines that, in the public interest and for the reasons stated in section 8 (d), the information should not be disclosed.

(d) *Reasons for non-disclosure.* The public interest requires that certain unpublished information, as mentioned above, be not disclosed. For the following good cause found, such non-disclosure is a manifest need in order that the Board may achieve the due execution of its authorized functions:

(1) The Board's investigating, examining and information-gathering functions, and the appropriate safeguarding of information regarding such functions, are essential to the proper enforcement of the legislation it administers.

(2) In connection with its activities described in § 261.8 (d) (1), its proceedings as more fully specified in § 261.8 (c) (2), and its other activities in the field of monetary, fiscal and credit policy, the Board necessarily has much information that is secret or confidential or that relates solely to the internal management of the Board or of other Government agencies. This includes advice and other information received by the Board from its staff, other Government agencies, the Reserve Banks, and others. It also includes information concerning the business, personal, and financial affairs of individual banks and their holding company and other affiliates, brokers, finance companies, and other extenders of credit, and also concerning such affairs of persons employed by or doing business with them. Improper disclosure of such information would:

(i) Permit speculators and others to interfere with the Board's actions taken with a view to accommodating commerce and business and with regard to their bearing upon the general credit situation of the country;

(ii) Permit speculators and others to reap unfair profits and other unfair advantages by speculative trading in securities and otherwise;

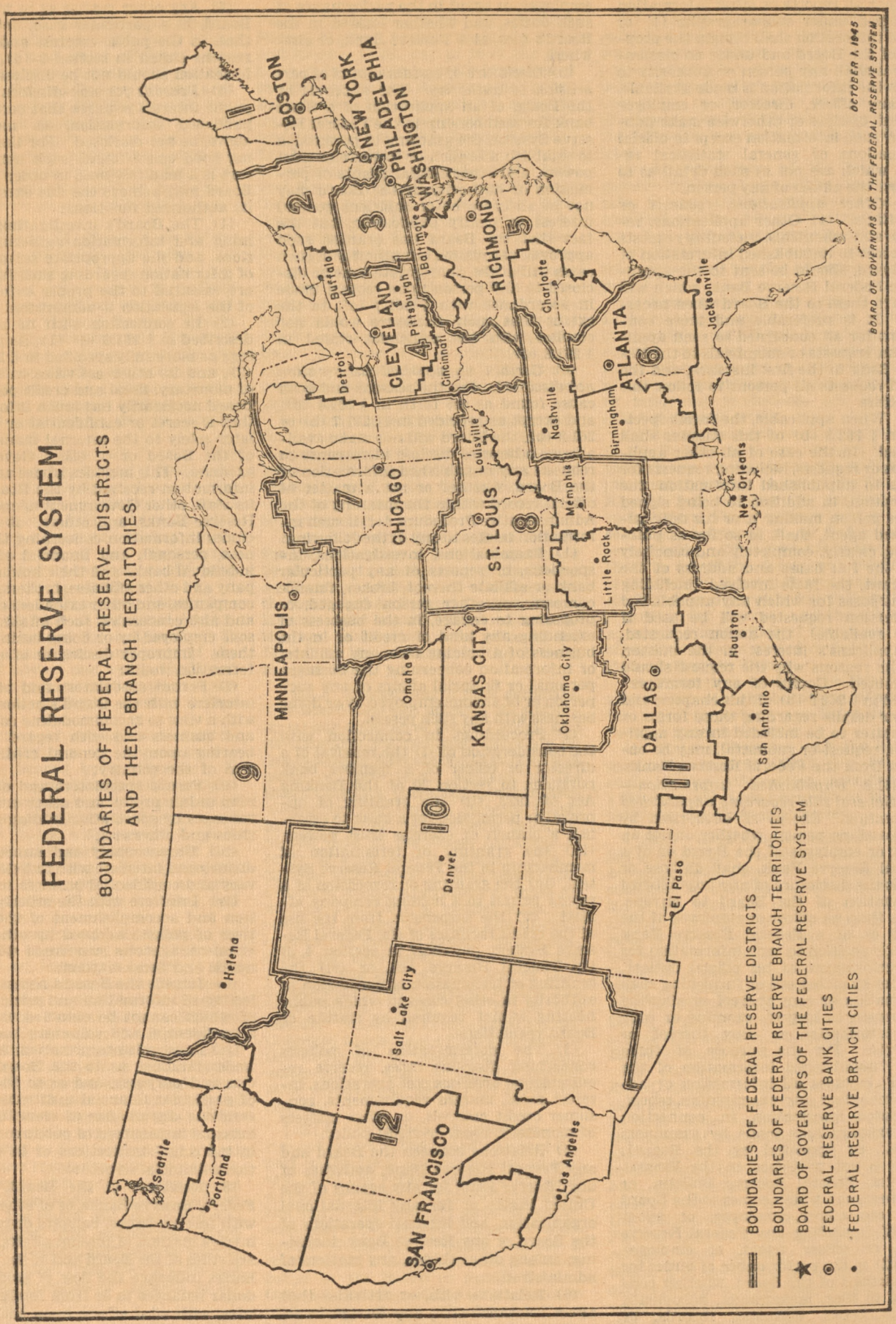
(iii) Unreasonably and unnecessarily disturb and interfere with individual privacy and confidential business relations;

(iv) Interfere with the orderly execution and accomplishment of the objectives of policies adopted by other Government agencies concerned with economic and fiscal matters;

(v) Impede the Board's necessary collection of information and advice, much of which cannot be obtained except on a confidential and voluntary basis; and

(vi) Cause misinterpretations and misunderstandings as to the Board's policies and purposes, and as to the status of particular financial institutions, with resulting disturbance of securities markets and impairment of public confidence in individual institutions or in the Nation's financial structure.

(3) Relations of the Board, of the Federal Reserve Banks, or of other banks, with foreign banks, bankers or countries involve matters of foreign affairs. Other activities of the Board and of the Reserve Banks influence the flow of gold and of dollar balances to or from foreign countries, with vital effects upon such countries and the United States. Improper


FEDERAL RESERVE SYSTEM
BOUNDARIES OF FEDERAL RESERVE DISTRICTS
AND THEIR BRANCH TERRITORIES
BOSTON
NEW YORK
PHILADELPHIA
WASHINGTON
CLEVELAND
RICHMOND
ATLANTA
CHICAGO
ST. LOUIS
MINNEAPOLIS
KANSAS CITY
DALLAS
SAN FRANCISCO
1
2
3
4
5
6
7
8
9
10
11
12
Buffalo
Pittsburgh
Baltimore
Cincinnati
Detroit
Charlotte
Jacksonville
Nashville
Birmingham
Louisville
Memphis
New Orleans
Little Rock
Houston
Omaha
Oklahoma City
San Antonio
Denver
El Paso
Helena
Salt Lake City
Seattle
Portland
Los Angeles
BOUNDARIES OF FEDERAL RESERVE DISTRICTS
BOUNDARIES OF FEDERAL RESERVE BRANCH TERRITORIES
BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM
FEDERAL RESERVE BANK CITIES
FEDERAL RESERVE BRANCH CITIES
OCTOBER 1, 1945
BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

disclosures regarding such matters would interfere with the orderly conduct of the foreign affairs of the United States.

(4) Unpublished information regarding personnel or other matters of the Board's internal administration could be of no proper benefit to other persons; and its improper disclosure would needlessly interfere with the privacy of the Board's personnel, with their performance of duties for the Board, and with the Board's necessary functions.

(5) The Federal Reserve Banks stand in a peculiarly close relationship to the Board. In addition to their other important functions, they act in many matters as the Board's field representatives, and give the Board much valuable advice and assistance on both local and national problems. The Reserve Banks also perform certain functions for various agencies of the United States and certain international organizations. Improper disclosure of information regarding the Board's supervision and regulation of the Reserve Banks, its relations with them, or their activities for agencies of the United States or for international organizations, would damage the public interest in the manner described in § 261.8 (d) (1), (2), (3), and (4).

§ 261.9 *Subpoena of officers*—(a) *Advice by person served.* If any person, whether or not an officer or employee of the Board or of a Federal Reserve Bank, has unpublished information of the Board and in connection therewith is served with a subpoena, order, or other process requiring his personal attendance as a witness or the production of documents or information upon any proceeding, he shall promptly advise the Board of such service and of all relevant facts, including the documents and information requested and any facts which may be of assistance to the Board in determining whether such documents or information should be made available; and he shall take action at the appropriate time to advise the court or tribunal which issued the process, and the attorney for the party at whose instance the process was issued, if known, of the substance of these rules.

(b) *Appearance by person served.* Except as the Board has authorized disclosure of the relevant information, or except as provided in section 22 (b) of the Federal Reserve Act, any such person who has unpublished information of the Board and is required to respond to a subpoena or other legal process shall attend at the time and place therein mentioned and respectfully decline to produce any documents or disclose any information or give any testimony with respect thereto, basing his refusal upon these rules. If, notwithstanding, the court or other body orders the production of any documents, disclosure of any information, or giving of any testimony, the person having such unpublished information of the Board shall promptly report the facts to the Board.

Board of Governors of the Federal Reserve System.

[SEAL] S. R. CARPENTER,
Secretary.

APPENDIX A

Federal Reserve Bank of—	*Address*
BOSTON	30 Pearl Street, Boston 6, Massachusetts.
NEW YORK	33 Liberty Street, New York 7, New York.
Buffalo Branch	270–276 Main Street, Buffalo 5, New York.
PHILADELPHIA	925 Chestnut Street, Philadelphia 1, Pennsylvania.
CLEVELAND	East 6th Street and Superior Avenue, Cleveland 1, Ohio.
Cincinnati Branch.	4th and Race Streets, Cincinnati 1, Ohio.
Pittsburgh Branch.	717 Grant Street, Pittsburgh 19, Pennsylvania.
RICHMOND	9th and Franklin Streets, Richmond 13, Virginia.
Baltimore Branch.	Calvert and Lexington Streets, Baltimore 3, Maryland.
Charlotte Branch	South Tryon and 2nd Streets, Charlotte 1, North Carolina.
ATLANTA	104 Marietta Street, Atlanta 3, Georgia.
Birmingham Branch.	18th Street and 5th Avenue, North, Birmingham 2, Alabama.
Jacksonville Branch.	Church and Hogan Streets, Jacksonville 1, Florida.
Nashville Branch	228 3rd Avenue, North, Nashville 3, Tennessee.
New Orleans Branch.	Carondelet and Common Streets, New Orleans 11, Louisiana.
CHICAGO	230 South LaSalle Street, Chicago 90, Illinois.
Detroit Branch	160 Fort Street, West, Detroit 31, Michigan.
ST. LOUIS	411 Locust Street, St. Louis 2, Missouri.
Little Rock Branch.	121 West 3rd Street, Little Rock, Arkansas.
Louisville Branch	5th and Market Streets, Louisville 1, Kentucky.
Memphis Branch	3rd and Jefferson Streets, Memphis 1, Tennessee.
MINNEAPOLIS	73 South 5th Street, Minneapolis 2, Minnesota.
Helena Branch	Park Avenue and Lawrence Street, Helena, Montana.
KANSAS CITY	10th Street and Grand Avenue, Kansas City 18, Missouri.
Denver Branch	17th and Arapahoe, Denver 17, Colorado.
Oklahoma City Branch.	226 West 3rd Street, Oklahoma City 1, Oklahoma.
Omaha Branch	1701–5 Dodge Street, Omaha 2, Nebraska.
DALLAS	Wood and Akard Streets, Dallas 13, Texas.
El Paso Branch	351 Myrtle Avenue, El Paso, Texas.
Houston Branch	1301 Texas Avenue, Houston 1, Texas.
San Antonio Branch.	Navarro and Villita Streets, San Antonio 6, Texas.
SAN FRANCISCO	Sacramento and Sansome Streets, San Francisco 20, California.
Los Angeles Branch.	409 West Olympic Boulevard, Los Angeles 54, California.
Portland Branch	6th and Oak Streets, Portland 8, Oregon.
Salt Lake City Branch.	70 East South Temple Street, Salt Lake City 9, Utah.
Federal Reserve Bank of—	
SAN FRANCISCO—Continued.	
Seattle Branch	2nd Avenue and Spring Street, Seattle 14, Washington.

[F. R. Doc. 46-15188; Filed, Aug. 28, 1946; 9:06 a. m.]

PART 262—RULES OF PROCEDURE

Sec.
262.1 Basis and purpose.
262.2 Procedure for regulations.
262.3 Adjudications with formal hearing.
262.4 Action on applications or requests, and similar matters.
262.5 Appearances, forms.

§ 262.1 *Basis and purpose.* These rules are issued by the Board of Governors of the Federal Reserve System (hereinafter sometimes called the Board) pursuant to the Administrative Procedure Act and other relevant provisions of law, including the Federal Reserve Act. As specified in section 3 (a) (2) of the Administrative Procedure Act, these rules state "the general course and method by which" the Board's "functions are channeled and determined, including the nature and requirements of all formal or informal procedures available as well as forms and instructions as to the scope and contents of all papers, reports, or examinations." The rules relate to the consumer credit functions of the Board exercised pursuant to the President's Executive Order No. 8843, dated August 9, 1941, as well as to the other functions of the Board.

§ 262.2 *Procedure for regulations*—(a) *Notice.* General notice of proposed making of regulations (including amendments thereto) will be published in the FEDERAL REGISTER, except as specified in § 262.2 (e) or otherwise excepted by law. The notice will include either the terms or substance of the proposed regulation or a description of the subjects and issues involved; but the giving of such notice does not indicate Board approval of any feature of any proposal. The notice will also include a reference to the authority for the proposed regulation and a statement of the time, place and nature of public participation.

(b) *Public participation.* The usual method of public submission of data, views or arguments shall be in writing. Although submittals or requests may be sent directly to the Board, it is preferable that they be sent to the appropriate Federal Reserve Bank, which will forward them to the Board. The locations of the 12 Federal Reserve Banks and the boundaries of the Federal Reserve districts are shown in Appendix A of the Board's Rules of Organization. (Part 261 of this chapter.)

(c) *Preparation of draft and action by Board.* In the light of consideration of all relevant matter presented or ascertained, the Legal Division, in collaboration with other appropriate divisions of the Board's staff, will prepare drafts of proposed regulations or amendments, and the staff will submit them to the Board with recommendations. The Board in due course will take such action

as it deems warranted in the circumstances and appropriate in the public interest. Any other documents that may be necessary to carry out any decision by the Board in the matter will be prepared by the Legal Division, in collaboration with the other appropriate divisions of the staff.

(d) *Effective dates.* Any regulation (including any amendment) issued by the Board will be published or served not less than thirty days prior to the effective date thereof, except as specified in § 262.2 (e) or otherwise excepted by law.

(e) *Exceptions as to notice or effective date.* For one or more of the reasons hereinafter indicated, in certain situations either or both of the following is true: (1) Notice and public participation are impracticable, unnecessary, contrary to the public interest, or otherwise not required in the public interest, or (2) there is reason and good cause in the public interest why the effective date should not be deferred for 30 days. The reason or reasons in such cases usually are that such notice, public participation or delay would prevent the action from becoming effective as promptly as necessary in the public interest, would permit speculators or others to reap unfair profits or to interfere with the Board's actions taken with a view to accommodating commerce and business and with regard to their bearing upon the general credit situation of the country, would provoke other consequences contrary to the public interest, would unreasonably interfere with the Board's necessary functions with respect to management or personnel, would not aid the persons affected, or would otherwise serve no useful purpose. The following may be mentioned as some examples of situations in which such advance notice or such deferred effective date, or both, will ordinarily be omitted in the public interest: The review and determination of discount rates established by Federal Reserve Banks, and changes in general requirements regarding reserves of member banks, interest rates, credit for purchasing or carrying securities, or consumer credit.

§ 262.3 *Adjudications with formal hearing.* In adjudications which a statute or the Board's regulations require to be preceded by opportunity for hearing, the procedure shall be as set forth in Part 263 of this chapter, entitled "Rules of Practice for Formal Hearings". Among the examples of such adjudications are: Termination of a bank's membership in the Federal Reserve System, removal of a bank official under section 30 of the Banking Act of 1933, suspension of a license under Part 222, of this chapter, revocation of a voting permit of a holding company affiliate, suspension from the use of the credit facilities of the Federal Reserve System pursuant to section 4 of the Federal Reserve Act, and issuance of a cease and desist order under section 11 of the Clayton Act.

§ 262.4 *Action on applications or requests, and similar matters*—(a) *Kinds of applications.* The Board receives various applications and requests as to which neither statute nor Board regulation requires an opportunity for hearing. Among the examples are: Requests for the issuance, amendment or repeal of regulations, requests for access to unpublished information, requests for interpretations, and applications for permission or authority to exercise certain powers or privileges (such as for membership in the Federal Reserve System, for a voting permit to a holding company affiliate, for a bank to establish a branch, or for a national bank to exercise trust powers).

(b) *Form of application.* The forms specified in § 262.5 (b) for certain applications shall be used where applicable. In all other cases the application or request, in addition to being signed by the person making it or his duly authorized agent, shall, in so far as practicable, clearly, completely and concisely state the full name and address of the applicant; the facts involved (including the purposes for which any unpublished information requested wil be used if made available), the action requested, the applicant's interest in the matter, and the reasons why the request should be granted. Copies of any form prescribed in § 262.5 (b), and further details regarding those forms or the matter to be included in any application may be obtained from the Federal Reserve Banks.

(c) *Procedure.* Applications or requests should be sent to the appropriate Federal Reserve Bank, which will forward them to the Board when necessary. When appropriate, the Reserve Bank will make an investigation and report the relevant facts, with its recommendation, to the Board. It is preferable and more convenient for all concerned to send applications or requests to the Reserve Bank in the first instance. The Board requests all persons to follow this procedure, as it usually facilitates prompt preparation of recommendations by the staff, and action by the Board. The locations of the 12 Federal Reserve Banks and the boundaries of the Federal Reserve districts are shown in Appendix A of the Board's Rules of Organization. (Part 261 of this chapter.)

(d) *Recommendations by staff.* In the light of consideration of all relevant matter presented or ascertained, the appropriate divisions of the Board's staff will prepare and submit to the Board recommendations on the subject. The Board in due course will take such action as it deems warranted in the circumstances and appropriate in the public interest. Such documents as may be necessary to carry out any decision by the Board are prepared by the staff.

(e) *Notice of granting or denial.* Prompt notice will be given to the applicant of the granting or denial in whole or in part of any written application or request of any interested person made in connection with any Board proceeding. In the case of any denial, except in affirming a prior denial or where the denial is self-explanatory, such notice will be accompanied by a simple statement of procedural or other grounds.

(f) *Action at Board's initiative.* When the Board, without receiving an outside application or request, is acting in matters in which opportunity for hearing is not required by statute or Board regulation, similar procedure will be followed, including investigations, reports and recommendations by the staff and by the Reserve Banks, where appropriate.

§ 262.5 *Appearances, forms*—(a) *Appearance and practice.* Appearance and practice before the Board in all matters shall be governed by § 263.1 of this chapter.

(b) *Forms.* The following forms, which are available at the Federal Reserve Banks, shall be used for the purposes indicated:

Form

30. Application for Federal Reserve Bank Stock—Organizing National Bank.
30a. Application for Federal Reserve Bank Stock—Nonmember State Bank Converting into National Bank.
56. Application for Adjustment in Holdings of Federal Reserve Bank Stock (except by Mutual Savings Banks).
56a. Application of Mutual Savings Bank for Adjustment in Holdings of Federal Reserve Bank Stock.
61. Application of National Bank for Trust Powers.
61b. Supplementary Application of National Bank for Additional Trust Powers.
83. Application for Membership in the Federal Reserve System (Cover Sheet).
83A. Application for Membership in the Federal Reserve System (State Banks except Mutual Savings Banks).
83B. Application for Membership in the Federal Reserve System (Mutual Savings Banks Authorized to Purchase Stock in Federal Reserve Bank).
83C. Application for Membership in the Federal Reserve System (Mutual Savings Banks *Not* Permitted to Subscribe for Stock in Federal Reserve Bank).
83D. Application for Stock in the Federal Reserve Bank (Mutual Savings Bank admitted to membership upon deposit of appropriate amount with Federal Reserve Bank and now permitted to subscribe for Federal Reserve Bank Stock under laws under which organized).
83E. Certificate of Directors and Cashier.
86. Application for Cancellation of Federal Reserve Bank Stock—Liquidating Member Bank.
87. Application for Cancellation of Federal Reserve Bank Stock—Insolvent Member Bank.
105. Report of Condition of State Member Bank.
105a. Instructions for Preparation of Conditions Reports on Form 105 by State Bank and Trust Company Members of the Federal Reserve System.
105b. Schedule O—Loans and Advances to Affiliates and Investments in and Loans Secured by Obligations of Affiliates.
105e. (Form 105e-1)—Report of Condition of State Member Bank (Publisher's Copy).
107. Report of Earnings and Dividends of State Member Banks (Calendar Year).
107a. Instructions for Preparation of Reports of Earnings and Dividends by State Member Banks.
107b. Report of Earnings and Dividends of State Member Banks for 6-Month Period.
150. Application for Approval and Reservation of Title of a Corporation Proposed To Be Organized under the Terms of Section 25 (a) of the Federal Reserve Act.

Form
151. Articles of Association—Banking Corporations Authorized To Do Foreign Bank Business under Section 25 (a) of the Federal Reserve Act.
152. Organization Certificate—Banking Corporations Authorized To Do Foreign Banking Business under Section 25 (a) of the Federal Reserve Act.
220. Report of an Affiliate or Holding Company Affiliate of a Member Bank.
220a. Report of an Affiliate or Holding Company Affiliate of a Member Bank (Publisher's Copy).
220b. Instructions for Preparation of Reports of Affiliates and Holding Company Affiliates of Member Banks (on Forms 220 and 220a).
240. Report of Member Firm of a National Securities Exchange.
314. Report of Condition by Foreign Banking Corporation (Semiannual).
319. Confidential Department Store Sales Report Card.
414. Computation of Reserve To Be Carried with Federal Reserve Bank by Member Bank.
416. Weekly Condition Report of Member Banks in Leading Cities.
437. Annual Report of Holding Company Affiliates.
467. Interest Rates Charged on Commercial and Industrial Loans.
563a. Registration Statement under Regulation W (Consumer Credit).
564a. Statement of Borrower under Regulation W (Specimen Form, Registrant May Use Own Form Instead).
565. Statement of Necessity under Regulation W to Prevent Undue Hardship (Specimen Form, Registrant May Use Own Form Instead).
571. Commercial Bank Report of Consumer Instalment Credit.
573. Monthly Report of Bank Debits.
585. Industrial Bank Monthly Report (Consumer Credit).
585a. Small Loan Company Monthly Report (Consumer Credit).
585b. Federal Credit Union Monthly Report (Consumer Credit).
585c. State Credit Union Monthly Report (Consumer Credit).
585e. Industrial Loan Company Monthly Report (Consumer Credit).
595. Annual Retail Credit Survey.
618. Retail Jewelry Store Monthly Report (Consumer Credit).
619. Retail Household Appliance Monthly Report (Consumer Credit).
624. Monthly Survey of Sales—Finance Companies (Consumer Credit).
631. Monthly Commercial Bank Report of Consumer Instalment Credit.
Retail Furniture Stores Monthly Report (Consumer Credit).
Department Stores Monthly Report (Consumer Credit).
Deposit Survey (Semiannual) (R & S 909).
P–1. Application for a Voting Permit under Section 5144, Revised Statutes (Holding Company Affiliate).
P–2. Exhibit C—Resolution of Board of Directors or Other Governing Body of Applicant.
P–3. Exhibit L—Agreement to Permit Examinations.
P–4. Exhibit N—Authorization to Furnish Information.
P–5. Exhibit P—Agreement by Holding Company Affiliate of State Member Bank to Accept Provisions of Section 5144, Revised Statutes.
P–6. Exhibit Q—Agreement by Holding Company Affiliate (of State Bank Applying for Membership in Federal Reserve System) to Accept Provisions of Section 5144, Revised Statutes.

Form
T–1. Agreement, Resolution, Certificate—to Qualify under Section 8 (a) of the Securities Exchange Act of 1934.
T–2. Agreement, Resolution, Certificate—to Qualify under Section 8 (a) of the Securities Exchange Act of 1934 (Bank with Principal Place of Business outside 48 States of United States).

PART 263—RULES OF PRACTICE FOR FORMAL HEARINGS

Sec.
263.1 Appearance and practice before the Board.
263.2 Notice of hearings.
263.3 Hearings for the purpose of taking evidence.
263.4 Continuances, changes, extensions of time.
263.5 Proposed findings and conclusions.
263.6 Trial Examiner's report.
263.7 Exceptions.
263.8 Briefs.
263.9 Appearance before Board or Board members.
26310 Taking evidence before Board or member thereof.
263.11 Filing papers, docket, computation of time.
263.12 Service of reports, exceptions, briefs, and other papers.
263.13 Formal requirements as to papers filed in proceedings.

§ 263.1 *Appearance and practice before the Board.* (a) No register of attorneys or agents who may practice befor the Board is maintained. No application for admission to practice is required. Any person desiring to appear before or transact business with the Board in a representative capacity may be required to file a power of attorney with the Board showing his authority to act in such capacity, and he may be required to show to the satisfaction of the Board that he is properly qualified.

(b) Any person appearing before or transacting business with the Board in a representative capacity, or desiring so to act, may for cause, sufficient in the judgment of the Board, be suspended or disbarred from so doing.

(c) Contemptuous conduct at any hearing before the Board, any member thereof, or a trial examiner shall be ground for exclusion from any hearing and for summary suspension for the duration of any hearing or for such further period as the Board may prescribe.

§ 263.2 *Notice of hearings.* Whenever a hearing is ordered by the Board in any proceeding, notice of such hearing shall be given to the party or parties to the proceeding by the Secretary of the Board or such other person as the Board may designate for the purpose. Such notice shall be given by serving a copy of the Order for Hearing in accordance with § 263.12 a reasonable time in advance of the hearing. In any proceeding, the Board may make amendments to the Order for Hearing.

§ 263.3 *Hearings for the purpose of taking evidence.* (a) Hearings for the purpose of taking evidence shall be held as ordered by the Board, and the Board may provide for such a hearing to be held before a duly designated officer, herein referred to as a trial examiner.

(b) All such hearings shall be private and shall be attended only by respondents and their representatives or counsel, representatives of the Board, witnesses, and other persons having an official interest in the proceedings; *Provided, however,* That on the written request of one or more respondents or counsel for the Board, or on its own motion, the Board, when not prohibited by law, may permit other persons to attend or may order the hearing to be public.

(c) All such hearings shall be stenographically reported and a transcript thereof shall be made which shall be a part of the record of the proceeding. Transcripts will be supplied to a respondent or respondents (and to any person applying therefor if the Board has ordered the hearing to be public) at the prescribed rates.

(d) A trial examiner may at any time withdraw if he deems himself disqualified; and, upon filing in good faith of a timely and sufficient affidavit of personal bias or disqualification of the trial examiner, the Board will determine the matter as a part of the record and decision in the case.

(e) Except as permitted by the Administrative Procedure Act, the trial examiner shall not consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate, nor be responsible to or subject to the supervision or direction of any officer, employee, or agent engaged in the performance of investigative or prosecuting functions.

(f) The trial examiner shall have authority in connection with the hearing to administer oaths and affirmations, rule upon offers of proof and receive relevant evidence, regulate the course of the hearing, hold conferences for the settlement or simplification of the issues by consent of the parties, dispose of procedural requests or similar matters, certify any question to the Board (at his discretion or at the Board's direction) for its consideration and disposition, and take other action consistent with the rules or regulations of the Board and other requirements of law.

(g) Any oral or documentary evidence may be received, except that irrelevant, immaterial, or unduly repetitious evidence shall be excluded.

(h) Objections to the admission or exclusion of evidence shall be in short form, stating the grounds of objections relied upon, and the transcript shall not include argument or debate thereon except as ordered by the Board or the trial examiner. Rulings on such objections shall be a part of the transcript except as the Board may otherwise require with respect to a particular ruling. Exception to any such ruling must be noted before the trial examiner in order to be urged in the consideration of the matter by the Board, except as otherwise permitted by the Board.

(i) The Board or trial examiner may call for the production of further evidence upon any issue, and, upon appropriate notice, the trial examiner may reopen any hearing at any time prior to his report or the Board may reopen any hearing at any time prior to its order disposing of the proceeding.

(j) Subpoenas requiring the attendance of witnesses from any place in the

United States at any designated place of hearing, or requiring the production of documentary evidence, will be issued only by the Board and as authorized by law. Application may be made either to the Secretary or to the presiding trial examiner, who will report to the Board. Such application must be in writing and must state, as definitely as practicable, the reasonable scope of the evidence sought (reasonably identifying any document desired) and the facts to be proved thereby, in sufficient detail to indicate the materiality and relevance thereof.

(k) Witnesses summoned by the Board at the request of the respondent or of counsel for the Board will be paid the same fees and mileage that are paid to witnesses in the courts of the United States, unless the Board otherwise directs. Such payments as witnesses may be entitled to receive under this section shall be made by the party at whose instance the witnesses appear.

§ 263.4 *Continuances, changes, extensions of time.* Except as otherwise expressly provided by law, the Board may by the Order for Hearing or otherwise provide time limits different from those specified in these rules, may on its own motion or for cause shown extend any time limits prescribed by these rules or an Order for Hearing, and may continue or adjourn any hearing. Each hearing shall begin at the time and place ordered by the Board, but thereafter may be successively adjourned to such time and place as may be ordered by the Board or by the trial examiner.

§ 263.5 *Proposed findings and conclusions.* (a) Following any hearing before a trial examiner the transcript of the testimony shall forthwith be filed with the Secretary of the Board.

(b) Within 15 days after the filing of the transcript with the Secretary of the Board (or within 15 days after the party's receipt of a copy of such transcript, if the party has ordered a copy promptly at the conclusion of the hearing), any party or counsel to the Board may submit to the trial examiner a statement in writing setting forth proposed findings and conclusions, which may be accompanied by a brief in support thereof. If a party or council to the Board submits any such proposed findings or conclusions or briefs, he shall as promptly as practicable furnish copies thereof to the opposing side. All such proposed findings or conclusions shall be a part of the record.

§ 263.6 *Trial examiner's report.* (a) The trial examiner, within 15 days after the expiration of the time allowed for filing proposed findings and conclusions, or within such different period as the Board may prescribe, shall file with the Secretary of the Board his report containing his recommended decision.

(b) A copy of such report shall be forthwith served on each party and on counsel to the Board by the Secretary of the Board or such other person as the Board may designate for the purpose.

§ 263.7 *Exceptions.* (a) Within 15 days after receipt of a copy of the trial examiner's report, any party or counsel to the Board may file exceptions to the recommended decision of the trial examiner or any portion thereof, or to his failure to follow a proposed finding or conclusion, or to the admission or exclusion of evidence; and within such period he may file a brief in support of his contentions and exceptions. A copy of such exceptions and briefs shall be forthwith served on each party and on counsel to the Board by the Secretary of the Board or such other person as the Board may designate for the purpose. Exceptions shall be argued only at the final hearing, if any, on the merits before the Board or one or more members thereof.

(b) Objections to the recommended decision of the trial examiner or to his failure to follow a proposed finding or conclusion not saved by exception filed pursuant to § 263.7 will be deemed to have been abandoned and may be disregarded. Objections to the admission or exclusion of evidence not saved by exception at the time of the hearing for the purpose of taking evidence and included in the exceptions filed pursuant to § 263.7 will be deemed to have been abandoned and may be disregarded.

(c) Exceptions not briefed in accordance with §§ 263.7 and 263.8 may be regarded by the Board as waived.

§ 263.8 *Briefs.* (a) All briefs shall be confined to the particular matters in issue. Each exception or proposed finding or conclusion which is briefed shall be supported by a concise argument and by citation of such statutes, decisions and other authorities, and by page references to such portions of the record, as may be relevant. If the exception relates to the admission or exclusion of evidence, the substance of the evidence admitted or excluded shall be set forth in the brief with appropriate references to the transcript.

(b) Within 10 days after receipt of an original brief any party or counsel to the Board may file a reply brief, which shall be confined to matters in the original brief of the opposing party. Copies of any such reply brief shall be filed and served or furnished the opposing party in the same manner as specified for the original brief.

(c) Briefs not filed on or before the time fixed in these rules will be received only upon special permission of the Board.

§ 263.9 *Appearance before Board or Board members.* Upon written request of any party or of counsel to the Board, the Board may, if it deems such action appropriate, order the matter to be set down for oral argument before the Board, or one or more members thereof. Such request must be made within the time provided for filing the original briefs.

§ 263.10 *Taking evidence before Board or member thereof.* Instead of hearings for the purpose of taking evidence before a trial examiner as specified in § 263.3 (a), such hearings may, as the Board determines, be held before the Board, one or more of its members, or more than one trial examiner. Hearings so held shall be subject to the same procedure as that applicable under these rules to hearings before a trial examiner, except that the Board and members thereof are not subject under the law to the requirements regarding separation of functions and, with respect to hearings before the Board, the trial examiner's report referred to in § 263.6 and the related exceptions and briefs referred to in § 263.7 will be omitted.

§ 263.11 *Filing papers, docket, computation of time.* (a) All reports, exceptions, briefs, and other papers required to be filed with the Board in any proceeding shall be filed with the Secretary. Any such papers may be sent to him by mail or express, but must be received by him in the office of the Board in Washington, D. C., within the time limit, if any, for such filing.

(b) Unless and until otherwise ordered by the Board, the Order for Hearing, the transcript, the report of the trial examiner, exceptions thereto, proposed findings or conclusions, and briefs in support of such proposals or in support of or in opposition to such exceptions, and other papers which are filed in connection with any hearing shall not be made public and shall be for the confidential use only of the Board, appropriate members of its staff, the respondent or respondents, and counsel.

(c) In computing any period of time prescribed or allowed by these rules or by order of the Board, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday in the District of Columbia, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or holiday in the District of Columbia. Intermediate Saturdays, Sundays and holidays shall be included in the computation. A half-holiday shall be considered as other days and not as a holiday.

(d) The Order for Hearing may provide for the number of copies of papers to be filed.

§ 263.12 *Service of reports, exceptions, briefs, and other papers.* All reports, exceptions, briefs, proposed findings or conclusions, or other documents or papers required by these rules to be served on any party to a proceeding, or on counsel to the Board, shall be served by the Secretary of the Board or such other person as the Board may designate for the purpose. Such service, except on counsel to the Board, shall be made by personal service on the party or his attorney of record, by registered mail addressed to the party or his attorney of record, or by other appropriate means specified by the Board. Service by registered mail shall be deemed to be made as of the date of receipt by the person addressed.

§ 263.13 *Formal requirements as to papers filed in proceedings.* (a) All papers filed under these rules shall be typewritten, mimeographed, or printed.

(b) All papers shall be signed by the party filing the same, or his duly authorized agent or attorney, or counsel to the Board, and, except in the case of counsel to the Board, must show the address of the signer.

(c) All papers filed shall include at the head thereof, or on a title page, the

name of the Board, the names of the parties, and the subject of the particular paper or pleading.

Board of Governors of the Federal Reserve System.

[SEAL] S. R. CARPENTER, *Secretary.*

[F. R. Doc. 46–15260; Filed Aug. 28, 1946; 12:17 p. m.]

FEDERAL OPEN MARKET COMMITTEE

[12 CFR, Ch. II]

PART 271—RULES ON ORGANIZATION AND INFORMATION

Sec.
271.1 Basis and scope.
271.2 Composition and meetings of committee.
271.3 Executive committee.
271.4 Other personnel.
271.5 Submittals, petitions, and requests.
271.6 Availability of information.
271.7 Subpoenas.

§ 271.1 *Basis and scope.* These rules are issued by the Federal Open Market Committee (hereinafter sometimes called the Committee) pursuant to the Administrative Procedure Act and the Federal Reserve Act. Included therein are the rules specified by sections 3 (a) (1), 3 (b), and 3 (c) of the Administrative Procedure Act.

§ 271.2 *Composition and meetings of Committee*—(a) *Members.* The Federal Open Market Committee consists of the members of the Board of Governors of the Federal Reserve System and five representatives of the Federal Reserve Banks who are Presidents or First Vice Presidents of such banks. The representatives of the Federal Reserve Banks, and an alternate for each representative, are elected in accordance with section 12A of the Federal Reserve Act for terms of one year commencing on March 1 of each year.

(b) *Chairman and Vice Chairman.* At its first meeting on or after March 1 of each year, the Committee selects a Chairman and a Vice Chairman from among its membership.

(c) *Meetings.* The Committee meets at Washington, D. C., on call by the Chairman of the Board of Governors of the Federal Reserve System or at the request of three members of the Committee, at least four times each year and oftener if deemed necessary.

§ 271.3 *Executive Committee*—(a) *Members.* At its first meeting on or after March 1 of each year, the Federal Open Market Committee selects from among its membership an Executive Committee consisting of three members of the Board of Governors of the Federal Reserve System and two of the representatives of the Federal Reserve Banks. Alternates to serve in the absence of members of each group represented on the Executive Committee are likewise selected. The Chairman of the Federal Open Market Committee is one of the members of the Executive Committee and serves as its Chairman.

(b) *Meetings.* The Executive Committee meets periodically, on call of the Chairman or at the request of two members, as necessary in the performance of the duties assigned to it.

(c) *Duties.* The duties of the Executive Committee are:

(1) To direct the execution of transactions in the open market in accordance with open-market policies adopted by the Federal Open Market Committee;

(2) To allocate the Government securities and other obligations held in the System Open Market Account among the several Federal Reserve Banks in accordance with the principles determined by the Federal Open Market Committee;

(3) To keep the members of the Federal Open Market Committee informed of all transactions executed under the direction of the Federal Open Market Committee and of all allocations and reallocations of government securities and other obligations held in the System Open Market Account; and

(4) To perform such other functions and duties in connection with open-market operations as may be assigned to it from time to time by the Federal Open Market Committee.

§ 271.4 *Other personnel*—(a) *Official staff.* The official staff of the Federal Open Market Committee includes its Secretary, Assistant Secretary, General Counsel, Assistant General Counsel, Economist, and Associate Economists, who perform the duties indicated by their titles. These staff members are selected from among the officers and employees of the Board of Governors of the Federal Reserve System and the Federal Reserve Banks.

(b) *System Open Market Account.* One of the Federal Reserve Banks is selected by the Committee to execute transactions for the System Open Market Account. Such bank selects a Manager of the System Open Market Account, satisfactory to the Committee.

(c) *Others.* The services of other officers and employees of the Board of Governors of the Federal Reserve System and Federal Reserve Banks are made available and are utilized by the Committee as required.

§ 271.5 *Submittals, petitions, and requests*—(a) *Place.* The mailing address of the Federal Open Market Committee is: Federal Reserve Building, 20th Street and Constitution Avenue, Washington 25, D. C. The Committee customarily meets at the offices of the Board of Governors of the Federal Reserve System at that address.

(b) *Method.* All submittals, petitions, and requests, including requests for access to information, shall be made in writing and mailed to the Committee at the address stated in section 5 (a) of these rules. Any petition or request shall be signed by the person making it, or his duly authorized agent, and shall, in so far as practicable, clearly, completely and concisely state his full name and address, the facts involved (including the purposes for which any unpublished information requested will be used if made available), the action desired, the person's interest in the matter, and the reasons why the petition or request should be granted.

§ 271.6 *Availability of information*—(a) *Federal Register.* Rules describing the Committee's organization and procedure and any substantive rules or statements of policy which are formulated and adopted by the Committee for the guidance of the public will be published in the Federal Register.

(b) *Policy record.* A complete record of the actions taken by the Committee during the preceding year upon all matters of policy relating to open market operations, showing the votes taken and the reasons underlying the actions, is included in each annual report made to Congress by the Board of Governors of the Federal Reserve System in accordance with Section 10 of the Federal Reserve Act.

(c) *Unpublished information.* Except as may be specifically authorized by the Committee or its Executive Committee, or as may be required in the performance of duties for, or pursuant to the direction of, the Committee, no person shall disclose, or permit the disclosure of, any unpublished information of the Committee to anyone, whether by giving out or furnishing such information or copy thereof, by allowing any person to inspect, examine or copy such information or copy thereof, or by any other means. Unpublished information of the Committee shall include all information concerning the proceedings, deliberations, discussions, and actions of the Committee and all information or advice coming to the Committee or to any member of the Committee or any officer, employee or agent of the Committee, the Board of Governors of the Federal Reserve System, or any Federal Reserve Bank, in the performance of duties for, or pursuant to the direction of, the Committee, whether contained in files, memoranda, documents, reports, books, accounts, records, or papers or otherwise acquired and whether located at the offices of the Board of Governors of the Federal Reserve System, the Federal Reserve Banks, or elsewhere: *Provided,* That it shall not include information which has been published in accordance with §§ 271.6 (a), 271.6 (b) or information which is available to the public through other sources.

(d) *Reasons for non-disclosure.* The non-disclosure of unpublished information of the Committee generally is required in the public interest for one or more of the following reasons:

(1) Disclosure of unpublished information concerning policies with respect to future open market operations which are under consideration or have been adopted by the Committee, and of unpublished information which might aid in anticipating action by the Committee, would:

(i) Interfere with the accomplishment of the objectives of the Committee's actions taken with a view to accommodating commerce and business and with regard to their bearing upon the general credit situation of the country;

(ii) Permit speculators and others to reap unfair profits or other unfair advantages by speculative trading in securities and otherwise;

(iii) Interfere with the orderly execution of policies adopted by the Committee;

(iv) Result in unnecessary and unwarranted disturbances in the securities markets;

(v) Make open market operations more costly to the Federal Reserve Banks;

(vi) Interfere with the orderly execution and accomplishment of the objectives of policies adopted by other Government agencies concerned with economic and fiscal matters; and

(vii) Cause misinterpretations and misunderstandings, with possible resultant impairment of public confidence in the nation's financial structure.

(2) The Committee's unpublished information includes much that is furnished to it on a secret or confidential basis and its disclosure would:

(i) Have the effects described in §271.6 (d) (1);

(ii) Impede the necessary collection of information and advice, much of which cannot be obtained except on a confidential and voluntary basis;

(iii) Unreasonably and unnecessarily disturb and interfere with individual privacy and confidential business relationships.

(e) *Requests for unpublished information.* Requests for access to unpublished information will be granted only if it clearly appears that disclosure of the information will not be contrary to the public interest for any of the reasons set forth in §271.6 (d).

§ 271.7 *Subpoenas*—(a) *Advice by person served.* If any person, whether or not an officer or employee of the Committee, of the Board of Governors of the Federal Reserve System, or of a Federal Reserve Bank, has unpublished information of the Committee and in connection therewith is served with a subpoena, order, or other process requiring his personal attendance as a witness or the production of documents or information upon any proceeding, he shall promptly advise the Committee of such service and of all relevant facts, including the documents and information requested and any facts which may be of assistance in determining whether such documents or information should be made available; and he shall take action at the appropriate time to advise the court or tribunal which issued the process, and the attorney for the party at whose instance the process was issued, if known, of the substance of these rules.

(b) *Appearance by person served.* Except as disclosure of the relevant information has been authorized pursuant to these rules, any such person who has unpublished information of the Committee and is required to respond to a subpoena or other legal process shall attend at the time and place therein mentioned and respectfully decline to produce any documents or disclose any information or give any testimony with respect thereto, basing his refusal upon these rules. If, notwithstanding, the court or other body orders the production of any documents, disclosure of any information, or giving of any testimony, the person having such unpublished information of the Committee shall promptly report the facts to the Committee.

FEDERAL OPEN MARKET COMMITTEE,
S. R. CARPENTER,
Assistant Secretary.

[F. R. Doc. 46—15184; Filed, Aug. 28, 1946, 9:04 a. m.]

PART 272—RULES ON PROCEDURE

Sec.
272.1 Basis and scope.
272.2 Committee action.
272.3 Notice and public procedure.
272.4 Effective date.
272.5 Submittals, petitions and requests.

§ 272.1 *Basis and scope.* These rules are issued by the Federal Open Market Committee (hereinafter sometimes called the Committee) pursuant to the Administrative Procedure Act and the Federal Reserve Act. They include the rules specified by section 3 (a) (2) of the Administrative Procedure Act.

§ 272.2 *Committee action.* The function of the Committee is the direction and regulation of open market operations which are conducted by the Federal Reserve Banks. This involves the determination of the policies which are to be pursued with respect to the purchase and sale of securities by the Federal Reserve Banks with a view to accommodating commerce and business and with regard to their bearing upon the general credit situation of the country, together with consideration and action upon incidental matters relating to the manner in which such operations are to be conducted. The discharge of the Committee's responsibilities requires the continuous gathering of information and study of changing financial, economic, and credit conditions and other pertinent considerations by the members of the Committee and its personnel. These activities are closely interrelated with other activities of the Board of Governors of the Federal Reserve System and the Federal Reserve Banks and all relevant information and views developed by these organizations are available to the Committee. With this background, action is taken by the Committee upon its own initiative at periodic meetings held at least four times each year and oftener if deemed necessary. Attendance at Committee meetings is restricted to members of the Committee and its official staff, the Manager of the System Open Market Account, the Presidents of Federal Reserve Banks who are not at the time members of the Committee, and such other advisers as the Committee may invite from time to time. The Committee acts through the adoption and transmittal of directives and regulations to its Executive Committee or to the Federal Reserve Banks. Operations in the System Open Market Account are conducted under the direction of the Executive Committee pursuant to directives issued by the Committee.

§ 272.3 *Notice and public procedure.* There ordinarily will be no published notice of proposed action by the Committee or public procedure thereon, as described in section 4 of the Administrative Procedure Act, because such notice and procedure is impracticable, unnecessary, or contrary to the public interest for one or both of the following reasons:

(a) Non-disclosure of information is required in the public interest for reasons stated in § 271.6 (d) of this chapter; and

(b) Expeditious and timely action, without the delay incident to such notice and procedure, is required in the public interest.

§ 272.4 *Effective date.* Committee action ordinarily will be made effective on the date the action is taken because the nature of the subject matter and the action taken is such that the public interest and the proper discharge of the Committee's responsibilities so require.

§ 272.5 *Submittals, petitions, and requests.* Submittals, petitions, and requests may be made to the Committee at any time in the manner stated in § 271.5 of this chapter. They will be considered by members of the Committee's official staff and, where appropriate, will be brought to the attention of the members of the Committee or its Executive Committee for consideration and any necessary action.

FEDERAL OPEN MARKET COMMITTEE,
S. R. CARPENTER,
Assistant Secretary.

[F. R. Doc. 46–15185; Filed, Aug. 28, 1946; 9:05 a. m.]

FEDERAL SECURITY AGENCY

[45 CFR, Subtitle A]

NOTE: Chapter I of this title is assigned to Subtitle B—Regulations Relating to Public Welfare, and Parts 1, 2, and 3 thereof are redesignated Parts 103, 104, and 105, respectively.

PART 1—ORGANIZATION AND DELEGATIONS OF FINAL AUTHORITY

Sec.
1.1 In general.
1.2 Office of Administration.
1.3 Office of the General Counsel.
1.4 Office of Federal-State Relations.
1.5 Office of Inter-Agency and International Relations.
1.6 Office of Research.
1.7 Office of Information.
1.20 Public Health Service.
1.21 Social Security Administration.
1.22 Office of Education.
1.23 Office of Special Services.

§ 1.1 *In general.* The Federal Security Agency is under the general supervision and direction of the Federal Security Administrator. In the absence or disability of the Administrator, or in case of a vacancy in the Office of the Federal Security Administrator, the Assistant Federal Security Administrator acts as Administrator. The Agency is composed of six staff officers, to wit: Office of Administration, Office of the General Counsel, Office of Federal-State Relations, Office of Inter-Agency and International Relations, Office of Research, and Office of Information, and four

operating branches, to wit: Public Health Service, Social Security Administration, Office of Education, and Office of Special Services. The Assistant Administrator is authorized to make contracts for personal services, supplies and equipment.

§ 1.2 *Office of Administration.* The Office of Administration is under the direction and supervision of the Executive Assistant and is responsible for the development and establishment of standards and procedures and for the general direction, coordination and review of all management functions of the Agency. It also conducts the liquidation of the Civilian Conservation Corps, the National Youth Administration, and Office of Community War Services. The Office is composed of four divisions: Budget Division, Division of Personnel Management, Division of Service Operations, and Division of Administrative Planning. The Executive Assistant is authorized to make contracts for personal services, supplies and equipment.

(a) *Budget Division.* The Budget Division is under the direction and supervision of the Budget Officer. It formulates budget policies, establishes standards and procedures, supervises the preparation of budget estimates, exercises general direction over functions of the Agency in connection with appropriations and maintains liaison with other Government establishments in matters relating to budgets, appropriations and finance. The Budget Officer is also charged with the responsibility for supervising the liquidation of the National Youth Administration, Civilian Conservation Corps and the Office of Community War Services. In liquidating the Civilian Conservation Corps, the Agency is authorized to dispose of the buildings and property of the Corps by transfer to Federal, State, county, municipal or nonprofit agencies for the promotion of conservation, education, recreation or health. The Budget Officer is authorized to make contracts for personal services, supplies and equipment.

(b) *Division of Personnel Management.* The Division of Personnel Management is under the direction of the Director of Personnel. It is responsible for the development and establishment of standards and procedures, and for general direction and coordination of the Agency's functions in connection with personnel and for the conduct of the personnel operations of the Staff Offices of the Agency. It maintains liaison with other Government agencies or establishments in matters relating to personnel. The authority of the Operating Branches of the Agency or their constituent organizations to appoint field personnel is contained in the portion of the Code of Federal Regulations assigned to the Operating Branch or Constituent Organization.

(c) *Division of Service Operations.* The Division of Service Operations is under the Direction and supervision of the Director of Service Operations and is responsible for establishment, coordination and general direction of the procurement, travel and other service operations of the Agency. It conducts the service operations of the Staff Offices of the Agency. The Division maintains liaison with other Government agencies and establishments in matters relating to service operations. The Director and Assistant Director of Service Operations are authorized to make contracts for personal services, supplies and equipment. The authority of the Operating Branches of the Agency or their constituent organizations to contract is contained in the portion of the Code of Federal Regulations assigned to the particular Operating Branch or Constituent Organization.

(d) *Division of Administrative Planning.* The Division of Administrative Planning is under the direction and supervision of the Administrative Consultant and is responsible for organization planning and for elimination of duplication, for simplification of method, and for standardization of procedure within the Agency.

§ 1.3 *Office of the General Counsel.* The Office of the General Counsel is under the direction and control of the General Counsel. It renders legal advice to the Administrator, to the Staff Offices and Operating Branches of the Agency and to the heads thereof, and is responsible for all legal activities of the Agency. It represents the Agency in litigation when direct representation is authorized by law and maintains liaison with other Government agencies and establishments in legal matters. The Office of the General Counsel is composed of a departmental staff located in Washington, D. C., and Baltimore, Maryland, a division in New York, New York, to service the Bureau of Employees' Compensation and a regional staff under the direction of regional attorneys, whose offices are located as follows:

Region and Address

No. 1. Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut: Boston, Mass.

Nos. 2 and 3. New York, New Jersey, Pennsylvania, Delaware: New York, N. Y.

No. 4. Maryland, Virginia, North Carolina, West Virginia, District of Columbia: Washington, D. C.

No. 5. Kentucky, Michigan, Ohio: Cleveland, Ohio.

No. 6. Illinois, Indiana, Wisconsin: Chicago, Ill.

No. 7. South Carolina, Georgia, Tennessee, Mississippi, Alabama, Florida: Atlanta, Ga.

No. 8. North Dakota, South Dakota, Nebraska, Iowa, Minnesota: Minneapolis, Minn.

No. 9. Missouri, Kansas, Arkansas, Oklahoma: Kansas City, Mo.

No. 10. Louisiana, Texas, New Mexico: San Antonio, Tex.

No. 11. Montana, Idaho, Wyoming, Utah, Colorado: Denver, Colo.

No. 12. California, Oregon, Washington, Nevada, Arizona: San Francisco, Calif.

§ 1.4 *Office of Federal-State Relations.* The Office of Federal-State Relations is under the direction and supervision of the Director of Federal-State Relations. The Office is responsible for recommending to the Federal Security Administrator plans for the coordination of grant-in-aid programs administered by the Agency and for recommending the establishment, insofar as is possible, of uniform standards and procedures relating to fiscal, personnel and other matters common to two such programs and standards and procedures under which a State agency participating in more than one grant-in-aid program may submit a single plan of operation and be subject to a single Federal fiscal and administrative review of its operations.

§ 1.5 *Office of Inter-Agency and International Relations.* The Office of Inter-Agency and International Relations is under the supervision and direction of the Director of Inter-Agency and International Relations. It is responsible for the establishment and coordination of Agency relationships with other Federal agencies, international agencies and organized groups concerned with health, education, welfare, social insurance and related programs. The Director formulates and integrates Agency policies, acts as liaison with representatives of foreign governments, advises the Administrator on opportunities for study and exchange of experience, information, interchange of students and personnel with foreign governments, and the effect of policies and programs of governmental and other agencies upon those of the Agency.

§ 1.6 *Office of Research.* The Office of Research is under the direction and supervision of the Director of Research. It is responsible for the general direction and coordination of all research activities of the Agency and keeping the Administrator and the heads of the Staff Offices and Operating Branches of the Agency advised of research activities carried on by other Federal, State and local agencies and non-governmental organizations in fields of interest to the Agency.

§ 1.7 *Office of Information.* The Office of Information is under the direction and supervision of the Director of Information. It is responsible for the establishment of a unified information policy in the Agency and for the general direction and the coordination of all information activities in the Agency. The Director represents the Administrator in informational matters and serves as liaison officer for the Agency in contacts with outside agencies with respect to informational matters.

§ 1.20 *Public Health Service.* The Public Health Service is administered by the Surgeon General of the Public Health Service under the direction and supervision of the Federal Security Administrator. By Agency Order the Surgeon General also supervises and directs the activities of Saint Elizabeths Hospital and Freedmen's Hospital. For a description of the organization and functions of Public Health Service, see 42 CFR Chapter I, Public Health Service; of Saint Elizabeths Hospital, see 42 CFR Chapter III, Saint Elizabeths Hospital; of Freedmen's Hospital, see 42 CFR Chapter IV, Freedmen's Hospital.

§ 1.21 *Social Security Administration.* The Social Security Administration is under the supervision and direction of the Commissioner for Social Security. The Deputy Commissioner assists the Commissioner in the performance of all his duties and acts for him in his absence; the Deputy Commissioner is responsible for the effectuation, through

the several bureaus and offices of the Administration, of the policies and decisions of the Commissioner, and for the coordination of all operations and activities of the Administration, and for the general direction of staff services. The Administration includes four operating bureaus, namely, Bureau of Old-Age and Survivors Insurance, Bureau of Employment Security, Bureau of Public Assistance, and the Children's Bureau; three staff bureaus, namely, Bureau of Accounts and Audits, Bureau of Research and Statistics, and Informational Service; the Office of the Actuary; the Office of the Appeals Council; the State Technical Advisory Service; Personnel and Business Management Service; and divisions or offices aiding the Deputy Commissioner directly in his responsibilities for coordination and budget preparation and control, direction of field operations, publications preparation and reviews, and staff training. The Administration maintains thirteen regional offices, each under the supervision of a Regional Director as representative of the Commissioner:

Region and Address

No. 1. Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut: Boston, Mass.

Nos. 2 and 3. New York, New Jersey, Pennsylvania, Delaware: New York, N. Y.

No. 4. Maryland, Virginia, North Carolina, West Virginia, District of Columbia: Washington, D. C.

No. 5. Kentucky, Michigan, Ohio: Cleveland, Ohio.

No. 6. Illinois, Indiana, Wisconsin: Chicago, Ill.

No. 7. South Carolina, Georgia, Tennessee, Mississippi, Alabama, Florida: Atlanta, Ga.

No. 8. North Dakota, South Dakota, Nebraska, Iowa, Minnesota: Minneapolis, Minn.

No. 9. Missouri, Kansas, Arkansas, Oklahoma: Kansas City, Mo.

No. 10. Louisiana, Texas, New Mexico: San Antonio, Tex.

No. 11. Montana, Idaho, Wyoming, Utah, Colorado: Denver, Colo.

No. 12. California, Oregon, Washington, Nevada, Arizona: San Francisco, Calif.

No. 13. Territory of Alaska: Juneau, Alaska.

No. 14. Territory of Hawaii: Honolulu, T. H.

In addition, the Children's Bureau has eleven regional child-welfare consultants, and eight regional medical, nursing, medical social, and nutrition consultants, the location and regional responsibility of whom may be found by referring to the description of the organization of that Bureau. (42 CFR, 205.3.) Besides supervising and directing the operations of the Social Security Administration, the Commissioner for Social Security makes and publishes rules and regulations necessary for the efficient administration of the functions which have been delegated to him by the Administrator. He is also responsible for making studies and recommendations as to the most effective methods of providing economic security through social insurance. For a description of the organization and functions of the four operating bureaus and the Office of the Appeals Council, and the functions of the Commissioner for Social Security in relation thereto, see 20 CFR Chapter III, Social Security Administration (Old-Age and Survivors Insurance); 42 CFR Chapter II, Children's Bureau; 45 CFR Chapter II, Public Assistance; and 45 CFR Chapter III, Employment Security. Descriptions of the functions of the State Technical Advisory Service and of the Bureau of Accounts and Audits (so far as this Bureau is concerned with States' relations programs rather than with the internal fiscal affairs of the Administration) are contained in the material relating to the operating bureaus.

Basic studies in the field of social security, which are beyond the scope of the operating bureaus, are conducted by the Bureau of Research and Statistics which also integrates the statistical activities of the operating bureaus. The Office of the Actuary advises the Commissioner with respect to technical aspects of social security. The function of keeping the public informed concerning the Social Security Act and increasing the effectiveness of the operations of the operating bureaus through a wider understanding of the rights, benefits, and responsibilities of the public is performed by the Informational Service. The Office of the Deputy Commissioner is responsible for the business management functions of the Administration, including matters pertaining to personnel, travel, contracts and procurement of space and supplies. Contracts are signed by the Procurement Officer. The regional directors and acting regional directors also have authority to appoint certain field personnel.

§ 1.22 *Office of Education.* The Office of Education is administered by the Commissioner of Education under the direction and supervision of the Federal Security Administrator. By Agency Order the Commissioner of Education supervises and directs those activities of the Federal Security Agency relating to the American Printing House for the Blind, Columbia Institution for the Deaf, and Howard University. For a description of the organization and functions of the Office of Education, see 45 CFR Chapter I.

§ 1.23 *Office of Special Services.* The Office of Special Services is under the direction and supervision of the Commissioner for Special Services. It is composed of five operating constituents, namely: Bureau of Employees' Compensation, Food and Drug Administration, Office of War Property Distribution, Office of Vocational Rehabilitation, Employees' Compensation Appeals Board. In addition to direction and supervision the Commissioner is responsible for preparing for approval by the Administrator regulations and standards required in connection with the operation of the constituents listed. For a description of the organization and functions of these constituents see 20 CFR Chapter I, Bureau of Employees' Compensation; 21 CFR Chapter I, Food and Drug Administration; 32 CFR Chapter XXIII, War Assets Administration; 45 CFR Chapter VI, Office of Vocational Rehabilitation.

PART 10—PUBLIC INFORMATION AND INSPECTION OF FINAL OPINIONS, ORDERS AND OFFICIAL RECORDS

Sec.

10.1 Public information.

10.5 Inspection of final opinions, orders and official records.

§ 10.1 *Public information.* Information concerning the Federal Security Agency generally or the functions of the Federal Security Administrator, Assistant Administrator, Staff Offices and Operating Branches of the Agency may be obtained, and submittals or requests made in person or by letter at the Office of Administration, Federal Security Agency, Federal Security Building, Washington 25, D. C. For places at which information may be obtained or submittals or requests made with respect to particular programs administered within the Federal Security Agency, see 20 CFR Chapter I, Part 01, Bureau of Employees' Compensation; 20 CFR 421.1 (b), 421.6 (b), Social Security Administration (Old-Age and Survivors Insurance); 21 CFR 1.3, Food and Drug Administration; 32 CFR Chapter XXIII, War Assets Administration; 42 CFR 02.107, Public Health Service; 42 CFR 205.5, Children's Bureau; 42 CFR 300.1, Saint Elizabeths Hospital; 42 CFR 400.1, Freedmen's Hospital; 45 CFR 100.3, Office of Education; 45 CFR 200.7, Public Assistance; 45 CFR 300.7, Employment Security; 45 CFR 605.3, Office of Vocational Rehabilitation.

§ 10.5 *Inspection of final opinions, orders and official records.* All final opinions and orders of the Federal Security Administrator in the adjudication of cases, all rules and official records relating to particular programs administered within the Federal Security Agency are available for inspection in accordance with rules set forth at 20 CFR, 01.5, 01.6, Bureau of Employees' Compensation; 20 CFR 422.2, 422.7, Social Security Administration (Old-Age and Survivors Insurance); 21 CFR 1.5, 1.6, Food and Drug Administration; 32 CFR Chapter XXIII, Surplus Property Administration; 42 CFR 02.111, 02.112, Public Health Service; 42 CFR 205.6, 205.7, Children's Bureau; 42 CFR 300.5, Saint Elizabeths Hospital; 42 CFR 400.6, Freedmen's Hospital; 45 CFR 100.4, 100.5, Office of Education; 45 CFR 200.8, 200.9, Public Assistance; 45 CFR 300.8, 300.9, Employment Security; 45 CFR 605.4, 605.5, Office of Vocational Rehabilitation. All other final opinions and orders in the adjudication of cases, all other rules and, as to persons properly and directly concerned, all other official records are available for inspection at the Office of Administration, Federal Security Agency, Federal Security Building, Washington 25, D. C., except that the Federal Security Administrator, for good cause, may hold any official records, final opinion or order or any part thereof confidential, in which event such opinion, or order or part thereof will not be cited as a precedent.

PART 30—ADMINISTRATIVE PROCEDURES AND FORMS

Sec.

30.1 In general.

30.2 Claims for damages.

30.3 Disposal of property of Civilian Conservation Corps.

§ 30.1 *In general.* The procedures and forms relating to the particular programs administered within the Federal Security Agency are set forth in 20 CFR Chapter III, Social Security Administration (Old-Age and Survivors Insurance);

21 CFR Chapter I, Food and Drug Administration; 42 CFR Chapter XXIII, War Assets Administration; 42 CFR Chapter I, Public Health Service; 42 CFR Chapter II, Children's Bureau; 42 CFR Chapter III, Saint Elizabeths Hospital; 42 CFR Chapter IV, Freedmen's Hospital; 45 CFR Chapter I, Office of Education; 45 CFR Chapter II, Public Assistance; 45 CFR Chapter III, Employment Security; 45 CFR Chapter VI, Office of Vocational Rehabilitation.

The procedures and forms, other than those relating to internal management, employed in connection with recruitment and employment of personnel are those prescribed by the United States Civil Service Commission. See Code of Federal Regulations, Title 5. The procedures and forms used in connection with the procurement of supplies and the making of contracts are those prescribed by the Procurement Division, Department of the Treasury, and other Federal agencies having jurisdiction. See Code of Federal Regulations, Title 41 (Public Contracts).

§ 30.2 *Claims for damages.* No formal procedures have been established for the consideration of claims for damage to or loss of property or injury to person alleged to have been caused by commissioned or civilian officers or employees of the Federal Security Agency. Claims should be filed in writing within the time limit prescribed by law at the field office of the constituent organization of the Agency by which the officer or employee allegedly causing the damage is employed, at the departmental office of the Constituent Organization, or at the Office of Administration, Federal Security Agency, Federal Security Building, Washington 25, D. C.

Upon receipt of a written claim, a form is mailed to the claimant at the address indicated in his claim. The form should be completed and returned together with a verified repair bill if the damage has been repaired, or if not repaired, with verified estimates of the cost of making the repairs. Separate estimates by three reputable individuals or concerns who are in the business of making the repairs required to remedy the damage allegedly caused by the officer or employee of the Agency should be submitted. If the property is destroyed or damaged beyond repair competent proof of the value of the property at the time of loss in addition to evidence of its original cost should be submitted. If personal injuries are involved, a complete medical statement and verified bills for such medical, surgical, hospital and nursing expenses as have been incurred should be submitted together with an itemized statement of any loss of earnings. If claim is made for pain and suffering or permanent injury, the amount so claimed should be separately stated.

In case of damages occasioned by collisions or incident to the operation of vessels of the Public Health Service, a board may be convened to investigate the accident. Notice of the creation of the board, if convened, is given to the claimant and he may submit pertinent and relevant evidence for consideration by the board. Upon receipt of the report of the field office, or in cases where an investigatory board has been convened, by the investigatory board, and the forms properly completed together with the other requisite information, the head of the constituent organization considers the claim and makes appropriate recommendations to the Administrator indicating whether the claim should be allowed or disallowed, and if allowed, the amount that should be awarded. The Office of the General Counsel reviews these recommendations for legal sufficiency, after which they are considered by the Administrator, who may accept, reject or modify the recommendations. The claimant is promptly notified of the Administrator's action.

§ 30.3 *Disposal of property of Civilian Conservation Corps.* No formal procedures have been adopted in connection with the disposition of property of the Civilian Conservation Corps. Inquiries and applications for such property should be in writing and addressed to the Liquidation Officer, Federal Security Agency, Federal Security Building, Washington 25, D. C.

[SEAL] MAURICE COLLINS,
Acting Federal Security Administrator.

AUGUST 27, 1946.

[F. R. Doc. 46-15411; Filed Aug. 28, 1946; 5:11 p. m.]

BUREAU OF EMPLOYEES' COMPENSATION

[20 CFR, Ch. I]

PART 01—ORGANIZATION

SUBPART A—GENERAL STATEMENT

Sec.

01.1 Establishment of the Bureau.
01.2 Acts affecting employees in Federal service.
01.3 Acts affecting private employees.
01.4 Acts relating to war injuries and detentions.
01.5 Public inspection of final opinions and orders.
01.6 Availability of official records.

§ 01.1 *Establishment of the Bureau.* The Bureau of Employees' Compensation was created by the Federal Security Administrator as part of the Office of Special Services, Federal Security Agency (see 45 CFR Subtitle A), to perform the functions performed by the United States Employees' Compensation Commission prior to the transfer of such functions to the Administrator by Reorganization Plan No. 2 of 1946 (11 F. R. 7837). The Bureau administers workmen's compensation laws falling within two general categories,—which are, respectively, the statutes providing workmen's compensation benefits in cases of persons employed by, or in the service of, the Government of the United States (including its instrumentalities), and the statutes providing workmen's compensation benefits in cases of privately employed persons whose employments fall within the exclusive Federal jurisdiction. The central and field offices of the Bureau are organized in conformity with statutory requirements and functions, and with respect to the differences in the laws administered.

§ 01.2 *Acts affecting employees in Federal service.* In the first general category of acts administered by the Bureau is the United States Employees' Compensation Act of September 7, 1916 (39 Stat. 742; 5 U. S. C. 751, et seq.), which is applicable to civil employees of the United States suffering injury or death while in the performance of duty. This act has been extended from time to time, with and without limitations, to other groups which include the following: the employees of the Government of the District of Columbia (except members of the police and fire departments); members of the Naval Reserve, while on authorized training duty in time of peace; members of the Officers' Reserve Corps and of the Enlisted Reserve Corps of the Army while on authorized training duty in time of peace; members of the Coast Guard Reserve while on authorized training duty in time of peace, temporary members of the Reserve while on active duty, and members of the Auxiliary while on Coast Guard patrol; members of the Women's Army Auxiliary Corps (prior to the establishment of the Women's Army Corps); members of the Women's Reserve of the Navy while on active duty (prior to July 30, 1942); evacuees in the War Relocation Camps; persons employed on various Federal emergency relief projects; commissioned officers of the United States Public Health Service; Federal student nurses; National Youth Administration project workers; enrollees of the Civilian Conservation Corps; and others. Aside from administering the benefit provisions, the Bureau performs statutory functions in respect to the prevention of accidents.

§ 01.3 *Acts affecting private employees.* In the second general category of acts administered by the Bureau, under which privately employed persons subject to exclusive Federal jurisdiction may receive benefits, are the following acts: Longshoremen's and Harbor Workers' Compensation Act of March 4, 1927 (44 Stat. 1424; 33 U. S. C. 901, et seq.); the District of Columbia workmen's compensation law, act of May 17, 1928 (45 Stat. 600, D. C. Code, 1940, Title 36, Chapter 5, secs. 1 and 2); and the act of August 16, 1941, as amended (the so-called Defense Bases Act; 55 Stat. 622, 42 U. S. C. 1651). Aside from administering the benefit provisions of such acts, the Bureau performs statutory functions in respect (a) to the prevention of accidents, (b) the authorization of insurance carriers to write workmen's compensation insurance under the several laws, and (c) the authorization of employers as self-insurers under such laws.

§ 01.4 *Act relating to war injuries and detentions.* The Bureau administers a law which partakes of the nature of the laws referred to in §§ 01.2 and 01.3. This is the act of December 2, 1942 (56 Stat. 1028; 42 U. S. C. 1701) which is applicable (a) to employees of contractors with the United States, (b) to persons rendering service for the United States under personal service contracts, and (c) to employees of post exchanges or ship stores, where the employees are engaged for services outside the United States.

Such act prescribes workmen's compensation benefits for injuries and deaths due to war-risk hazards, and benefits for persons detained by an enemy. Integrated in the plan of the act are the administrative features of the United States Employees' Compensation Act of September 7, 1916, and the benefit provisions of the Longshoremen's and Harbor Workers' Compensation Act, with certain modifications applicable to cases of detained persons. In addition to the provisions of such act in respect to injury, death, and detention, there are further provisions authorizing the reimbursement of employers, insurance carriers, and compensation funds for lose attributable to certain war risks.

§ 01.5 *Public inspection of final opinions and orders.* All final orders or opinions issued by the Bureau or by any authority subordinate to the Bureau in respect to the adjudication of claims or any other public function are made available to public inspection. Those issued by the Bureau will be available for inspection at its central office located at 285 Madison Avenue, New York, N. Y. Those issued by its deputy commissioners or other subordinate authority will be available for inspection in the district office in which filed, with copies available for inspection at the central office of the Bureau.

§ 01.6 *Availability of official records.* (a) The official records of the Bureau consist of case records relating to claims for benefits, to claims for reimbursement of benefits (42 U. S. C. 1704), to applications for certificates of authority to write insurance, and to applications for the grant of the self-insurance privilege.

(b) Such official records are made available to persons properly and directly concerned with a particular official record. Any official record or part thereof may be held confidential for good cause under particular circumstances found to exist, or as may be specified by applicable published regulation, and not be made available for inspection. Prompt notice of denial to inspect an official record or part thereof will be given, together with a statement of the ground for such refusal.

SUBPART B—UNITED STATES EMPLOYEES' COMPENSATION ACT AND EXTENSIONS THEREOF

Sec.
01.11 Central office.
01.12 Field offices and delegations of authority.
01.13 Requests for information.
01.14 Types of applications.

§ 01.11 *Central office.* (a) The Bureau is organized (in respect to laws referred to in § 01.2 dealing with persons rendering service for the United States) with the central office divisions and sections under the general administration of the Director or Acting Director of the Bureau, stated and functioning as follows:

(1) *Administrative Office of the Director*—(i) *Personnel Section.* Handles personnel matters. The Director or Acting Director may appoint field personnel and authorize travel by employees of the Bureau. District Commissioners in charge of district offices outside the United States may appoint field personnel within their respective district offices.

(ii) *Mail and Files Section.* Receives, routes and files correspondence and forms.

(2) *Audit and Accounting Division.* Makes administrative examination and audit of all accounts certified to the Treasury Department for payment; maintains accounts of receipts and expenditures, and keeps accounts and records, including Budgetary controls.

(3) *Claims Division.* Examines, investigates and processes claims filed under the Act of September 7, 1916, and the extensions thereof, and claims for compensation for injury, death and detention, under the Act of December 2, 1942.

(i) *Subrogation Section.* Supervises all legal actions to recover damages in cases of third party liability.

(4) *Medical Division.* Directs the furnishing of medical services and examinations of claimants; audits and settles accounts submitted by public and private facilities for medical care of beneficiaries.

(5) *Safety and Statistical Division.* Compiles and summarizes factual data relative to the frequency, severity, cause and cost of injuries; makes actuarial computations and studies for the computation of certain awards; engages in studies and development of means for the prevention of occupational disabilities.

The Employees' Compensation Division of the General Counsel's Office, Federal Security Agency, handles the legal matters of the Bureau.

(b) The central office of the Bureau is located at 285 Madison Avenue, New York, N. Y., and at such place claims are processed to completion and payment in respect to cases arising under the laws referred to in § 01.2. The Director or Acting Director of the Bureau is the final authority within the Bureau in the adjudication of claims thereunder.

§ 01.12 *Field offices and delegations of authority.* Final authority to receive, process, and pay claims, as well as to authorize medical treatment, has been delegated by the Bureau to its deputy commissioner at Manila, P. I., for the western Pacific area (address: AFWESPAC, A. P. O. 707, c/o Postmaster, San Francisco, California), and to its deputy commissioner in France for the European area (address: c/o Headquarters, U. S. F. E. T. (Rear), A. P. O. 887, c/o Postmaster, New York, N. Y.). Authority to receive, process and pay claims, as well as to authorize medical treatment (but with limitation of payment of benefits to a period not to exceed 180 days) has been delegated by the Bureau to its deputy commissioner at Honolulu, T. H., for the Hawaiian Islands (address: 407-408 Hawaiian Trust Building), to its deputy commissioner at San Juan, Puerto Rico, for Puerto Rico and the West Indies (address: "L" PRRA Buildings, Stop 8), to its Resident Claims Examiner in the Canal Zone for the Canal Zone and Panama (address: Balboa Heights, C. Z.—Building 705), and to Foreign Claims Commission No. 197, of the War Department, with headquarters at Cairo, Egypt, for the area served by such Commission. Actions upon claims pursuant to such delegations of authority are subject to review and modification by the Bureau. Claims or applications for compensation, and other forms specified in the regulations of the Bureau (20 CFR, chapter I, subchapters A, B and F) may be filed at the central office of the Bureau, 285 Madison Avenue, New York, N. Y., or with the above specified officers or offices in any case arising within their respective areas.

§ 01.13 *Requests for information.* Requests for information in respect to the jurisdiction of the Bureau, the procedure in respect to claims, the forms required, or relating to any matter arising under such acts, including examination of case files by parties in interest, may be addressed to the central office of the Bureau, at the adddress stated in § 01.11, or to the authorized field representatives to whom authority to process claims has been delegated, as stated in § 01.12.

§ 01.14 *Types of applications.* The types of applications which may be made are as follows: claims for compensation for injury and death, applications for review of cases, for lump sum awards, for medical and hospital care, treatment or examination, for allowances for attendant, for funeral and burial expenses (including transportation of the body), and for prosthetic appliances, within the purview of the applicable provision of the statute. Applications may be filed directly with the Bureau at its central office, or with the proper field office as indicated in § 01.12.

SUBPART C—LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

Sec.
01.21 Central office.
01.22 Field offices.
01.23 Geographic areas covered by field offices.
01.24 Requests for information.
01.25 Types of applications.
01.26 Decision upon claims.

§ 01.21 *Central office.* (a) The Bureau is organized (in respect to laws referred to in § 01.3; that is, the Longshoremen's and Harbor Workers' Compensation Act and applications thereof, affecting private employees in certain employments subject to Federal jurisdiction) with the central office divisions under the general administration of the Director or Acting Director of the Bureau, stated and functioning as follows:

(1) *Administrative Office of the Director.* Handles personnel matters; commutations of lump sum awards; space and location of field offices; training and rehabilitation; prosthetic appliances; awards from special funds (second injuries); matters requiring final approval by the Director of the Bureau; and other matters referred to in § 01.11.

(3) *Safety and Statistical Division.* Maintains accounts and records of receipts and expenditures from special funds; audits accounts and vouchers for payment certified to the Treasury Department.

(3) *Safety and Statistical Devision.* Compiles and summarizes factual data relative to the frequency, severity, cause and cost of injuries; studies and develops means for prevention of injuries and dis-

abilities; makes actuarial studies and computations of certain awards and future compensation liability.

The Employees Compensation Division of the General Counsel's Office, Federal Security Agency, handles the legal matters of the Bureau.

(b) In respect to such act, the Bureau performs statutory functions in relation to the approval or disapproval of agreed settlements and applications for lump sum awards, the transfer of cases, and the administration of special funds for the payment of "second injury" compensation benefits, rehabilitation expenses and prosthetic appliances; and, in connection with the insurance features of the act, receives and acts upon applications for authority to write workmen's compensation insurance and for the grant of the self-insurance privilege under such act, including the issuance of the certificates of authority to authorized insurance carriers. Certificates of compliance (33 U. S. C. 937) in respect to employers who have complied with section 32 of the act are issued to employers by the deputy commissioners in the respective compensation districts.

§ 01.22 *Field offices.* The following field offices serve in the administration of the Longshoremen's and Harbor Workers' Compensation Act; deputy commissioners administering such act in the field are located at such offices:

District No. 1, Boston 9, Mass. (address: Room 756, 10 Post Office Square).

District No. 2, New York 14, N. Y. (address: 641 Washington Street, at Christopher).

District No. 3, Philadelphia 7, Pa. (address: 1515 Market Street National Bank Building.

District No. 4, Baltimore 2, Md. (address: Van Sant Building, 210 East Lexington Street, Fourth Floor).

District No. 5, Norfolk 10, Va. (address: 303 Adams Building, City Hall at Bank Street).

District No. 6, Jacksonville 2, Fla (address: 404 Lynch Building).

District No. 7, New Orleans 12, La. (address: 600 Maritime Building, 203 Carondelet Street).

District No. 8, Galveston, Texas (address: 502 U. S. Post Office Building).

District No. 9, Cleveland 13, Ohio (address: 1341 Terminal Tower Building).

District No. 10, Chicago 7, Ill. (address: 804 U. S. Post Office, 433 West Van Buren Street).

District No. 13, San Francisco 5, California (address: Room 318, 417 Market Street).

District No. 14, Seattle 4, Washington (address: 300 Colman Building).

District No. 15, Honolulu 48, T. H. (address: 407–408 Hawaiian Trust Building.

§ 01.23 *Geographic areas covered by field offices.* The geographic areas comprising the several compensation districts established under the Longshoremen's and Harbor Workers' Compensation Act will be found described in 20 CFR, Chapter I, subchapter C, § 31.2.

§ 01.24 *Requests for information.* (a) Claims for compensation for injury or death under such act are required by applicable statute (33 U. S. C. 913 (a)) to be filed with the deputy commissioner in the compensation district in which the injury or death occurred. Requests for information in respect to the jurisdiction of the Bureau relative to such act may be sent directly to the Bureau to its central office, or to a deputy commissioner in a field office. Requests for information concerning the procedure in respect to claims, the forms required, or relative to any matter arising in individual cases, including requests for examination of case files by any party in interest, should be addressed to the deputy commissioner in the proper compensation district. The individual case files remain with the deputy commissioner having jurisdiction of the case.

(b) Inquiries for information in respect to lump sum awards, agreed settlements, transfer of cases, payments from the special funds administered by the Bureau, rehabilitation, and prosthetic appliances should be addressed to the deputy commissioner in the proper compensation district. Inquiries for information in respect to authority to write insurance or for the grant of the self-insurance privilege or in connection with the issuance of certificates of compliance should be addressed to the central office of the Bureau.

§ 01.25 *Types of applications.* (a) The types of applications which may be made are claims for compensation for injury and death and applications (1) for review of cases, (2) for lump sum awards, (3) for approval of agreed settlements, (4) for physical examination, (5) for approval of attorney's fees, (6) for transfer of cases, (7) for subpoenas, and (8) for formal hearings and orders. For reference to forms see § 02.31.

(b) Applications for maintenance of employee undergoing vocational rehabilitation, for the furnishing of prosthetic appliances, and for compensation from the special fund established under section 44 of such act need not be made upon any particular form but should be filed with the deputy commissioner having jurisdiction in the case; such applications are subject to consideration by the deputy commissioner and the subsequent approval by the Bureau.

(c) Types of applications which may be addressed to the central office of the Bureau, in respect to section 32 of the Longshoremen's and Harbor Workers' Compensation Act (the insurance feature of the several acts) are applications for certificates of authority to write insurance and for the grant of the self-insurance privilege.

§ 01.26 *Decision upon claims.* The deputy commissioners administering such act are invested with statutory power to make final decision upon the claims for workmen's compensation benefits filed with them under the statute. This decision is subject to judicial review by a United States district court upon questions of law (33 U. S. C. 921 (b)). The statutory function of the deputy commissioner is to receive and process claims for compensation (injury and death) and for other benefits. This function includes verification of the accuracy of voluntary payments, claims adjustment, informal conferences, formal hearings, the making of decisions, and the review of cases for modification of awards (33 U. S. C. 922). It also includes certain discretionary acts, such as requiring medical examinations, initial approval of the transfer of cases to other deputy commissioners, the intitial approval of lump sum awards and agreed settlements, and the approval of attorney's fees. The transfer of cases and the approval of lump sum awards and agreed settlements are subject to final approval by the Director or Acting Director of the Bureau.

SUBPART D—DISTRICT OF COLUMBIA WORKMEN'S COMPENSATION LAW

Sec.
01.31 Central office.
01.32 Field office.
01.33 Geographic area covered by field office.
01.34 Requests for information.
01.35 Types of applications.
01.36 Decision upon claims.

§ 01.31 *Central office.* For the organization and functions of the central office of the Bureau in respect to the administration of the District of Columbia workmens' compensation law, see § 01.21. In addition to the statement in such section, the Bureau issues certificates of compliance to employers under such law who have been granted the privilege of self-insurance pursuant to section 32 of the Longshoremen's and Harbor Workers' Compensation Act.

§ 01.32 *Field office.* The field office administering the District of Columbia workmen's compensation law is located at 514 10th Street NW., Washington 25, D. C. Such office is under the jurisdiction of a deputy commissioner.

§ 01.33 *Geographic area covered by field office.* The compensation district for the District of Columbia under such law comprises the geographic area of the District of Columbia.

§ 01.34 *Requests for information.* Claims for compensation for injury or death are required by applicable statute (33 U. S. C. 913 (a)) to be filed with the deputy commissioner in the compensation district in which the injury or death occurred, and pursuant to such law, claims should be filed with the deputy commissioner, whose address is 514 10th Street NW., Washington 25, D. C. In all other respects, requests for information should be addressed as specified in § 01.24.

§ 01.35 *Types of applications.* The types of applications which may be made under such law are the same as those provided for by the Longshoremen's and Harbor Workers' Compensation Act; for reference see § 01.25.

§ 01.36 *Decision upon claims.* The power of the deputy commissioner to decide claims under such law is the same as that provided for by the Longshoremen's and Harbor Workers' Compensation Act; for reference, see § 01.26.

SUBPART E—DEFENSE BASES ACT

Sec.
01.41 Central office.
01.42 Field offices.
01.43 Geographic areas covered by field offices.
01.44 Requests for information.
01.45 Types of applications.
01.46 Decision upon claims.

§ 01.41 *Central office.* For the organization and functions of the central office in respect to the administration of the

so-called Defense Bases Act (act of August 16, 1941, 42 U. S. C. 1651), see § 01.21.

§ 01.42 *Field offices.* The following field offices serve in the administration of the Defense Bases Act; deputy commissioners administering such act in the field are located at such offices:

District No. 1, Boston 9, Mass. (address: Room 756, 10 Post Office Square). Sub-office under District No. 1 for Newfoundland is under Resident Claim Examiner (address: APO 802, c/o Newfoundland Base Command, c/o Postmaster, New York, N. Y.).

District No. 2, New York 14, N. Y. (address: 641 Washington Street, at Christopher).

District No. 10, Chicago 7, Ill. (address: 804 U. S. Post Office, 433 West Van Buren Street).

District No. 14, Seattle 4, Wash. (address: 300 Colman Building).

Foreign District, New York 14, N. Y. (address: 641 Washington Street, at Christopher) Sub-office under Foreign District, for European area, is under deputy commissioner (address: c/o Headquarters, U. S. F. E. T. (Rear) APO 887, c/o Postmaster, New York, N. Y.).

Pacific District, Honolulu 48, T. H. (address: 407-408 Hawaiian Trust Building).

Western Pacific District, Manila, P. I. (address: AFWESPAC, APO 707, c/o Postmaster, San Francisco, Calif.).

Caribbean District, San Juan, P. R. (address: "L" PRRA Buildings, Stop 8). Sub-office under Caribbean District, for Canal Zone and Panama, is under Resident Claims Examiner (address: Balboa Heights, C. Z., Building 705).

§ 01.43 *Geographic areas covered by field offices.* The geographic areas comprising the several compensation districts established under the act of August 16, 1941 (the so-called Defense Bases Act), will be found described in 20 CFR, Chapter I, subchapter E, § 51.2.

§ 01.44 *Requests for information.* Requests for information in respect to such act may be made as specified in § 01.24.

§ 01.45 *Types of applications.* The types of applications under such act are the same as those provided for in the Longshoremen's and Harbor Workers' Compensation Act; for reference see § 01.25.

§ 01.46 *Decision upon claims.* The power of the deputy commissioner to decide claims under such act is the same as that provided for by the Longshoremen's and Harbor Workers' Compensation Act; for reference see § 01.26.

SUBPART F—DISABILITY, DEATH AND DETENTION BENEFITS; EMPLOYEES OF CONTRACTORS

Sec.
01.51 Central office.
01.52 Delegations of authority.
01.53 Requests for information.
01.54 Types of applications.

§ 01.51 *Central office.* The central office, in the administration of the act of December 2, 1942 (42 U. S. C. 1701), performs the same functions as are specified in § 01.11 in respect to the United States Employees' Compensation Act. All matters pertaining to the filing, processing, and adjudication of claims are handled by the Bureau through its Claims Division; the examination and final audit of accounts are handled by its Audit and Accounting Division. Medical supervision is provided by the Medical Division; and statistical data are recorded by the Safety and Statistical Division. The Director of the Bureau has the final authority to make decisions upon claims.

§ 01.52 *Delegations of authority.* For statement showing the delegations of authority to receive and process claims under such act, see 20 CFR 61.10, and the section dealing with the filing and processing of claims, 20 CFR 61.8, 61.9.

§ 01.53 *Requests for information.* Requests for information relative to the scope of the act, forms, procedure in respect of claims, adjudications, and any matter within the purview of such act may be addressed to the central office of the Bureau. Claims for detention benefits should be filed with the central office of the Bureau; claims for compensation for injury and death may be filed with the Bureau or with the deputy commissioner or other person specified in 20 CFR 61.8.

§ 01.54 *Types of applications.* The types of applications used in connection with benefits for injury, death and detention, are claims for benefits, requests for review of cases, application for transportation of a person released from detention, for transportation of bodies of deceased persons, for approval of attorney's fee.

SUBPART G—REIMBURSABLE INSURANCE CLAIMS

Sec.
01.61 Central office.
01.62 Requests for information.
01.63 Types of applications.

§ 01.61 *Central office.* For the organization of the central office of the Bureau, see § 01.11. Under the act of December 2, 1942 (42 U. S. C. 1704), the Bureau performs the statutory function of reimbursing employers, insurance carriers, or compensation funds for compensation losses due to the hazards of war. All matters pertaining to reviewing, processing, and auditing of claims for reimbursement are handled by the Bureau. The Audit and Accounting Division applies administrative examination and final audit of such claims, after verification by the Employees' Compensation Division of the General Counsel's Office, Federal Security Agency. The Director or Acting Director of the Bureau makes the final decision thereon.

§ 01.62 *Requests for information.* Requests for information relative to the scope of the reimbursement provisions (42 U. S. C. 1704), the processing of reimbursement claims, and the disposition of cases in which the Bureau assumes direct payment of benefits under such provision of the statute should be addressed to the Bureau at its central office.

§ 01.63 *Types of applications.* Claims for reimbursement of benefits paid (42 U. S. C. 1704), which are the only applications to be filed, should be filed with the central office of the Bureau.

PART 02—STATEMENT OF PROCEDURES

SUBPART A—UNITED STATES EMPLOYEES' COMPENSATION ACT AND EXTENSIONS THEREOF

Sec.
02.1 Required forms; notice and claims.
02.2 Required reports.
02.3 Processing of claims.
02.4 Review of decisions.
02.5 Attorney's fees.
02.6 Medical and other benefits.
02.7 Forms.

§ 02.1 *Required forms; notice and claims.* Pursuant to statutory requirement notice of injury within the purview of the United States Employees' Compensation Act is required to be given by a claimant within a specified time, to the official superior, stating particularized information (5 U. S. C. 765-767). Written claims for compensation for injury and death are required by the statute to be filed in a stated manner and within a stated time (5 U. S. C. 768-770). The statute, in respect to notice of injury, has been implemented by regulations (20 CFR 1.2, 21.2), and in respect to claims for disability and death benefits has been similarly implemented (20 CFR 1.4, 1.8, 1.13, 1.14, 21.4, 21.8, 21.13, 21.4). Claim may be filed by delivering it at the central office of the Bureau or to any person designated by the Bureau to receive it. The employees' official superiors are designated to receive claims, for transmission to the Bureau.

§ 02.2 *Required reports.* (a) Reports of injury to employees are required by statute to be executed by the employee's official superior and transmitted to the Bureau (5 U. S. C. 774). This statutory provision has been implemented by regulations (20 CFR 1.3, 21.3). Similar reports are required if injury causes death (5 U. S. C. 774; 20 CFR 1.12, 21.12).

(b) Reports are required of official superiors upon the return to work of an employee (20 CFR 1.6, 21.6) or upon recurrence of disability for work (20 CFR 1.7, 21.7). Claims for continuation of compensation for disability and death benefits are required to be submitted at stated intervals (20 CFR 1.8, 21.8, 1.14, 21.14). Partially disabled employees are required to report their employments and earnings (20 CFR 1.10, 21.10) and to seek employment when they are able (20 CFR 1.9, 21.9), and to report efforts to obtain employment (20 CFR 1.11, 21.11).

(c) In death cases claims for continuance of compensation for death are required (20 CFR 1.14, 21.14) and beneficiaries are required to notify the Bureau when an event takes place which under the statute terminates benefits (20 CFR 1.15, 21.15), or upon change of status of beneficiaries affecting compensation for death (20 CFR 1.16, 21.16). Applications for reimbursement of allowable funeral expenses are required (20 CFR 1.17, 21.17), as well as applications for embalmment and transportation of bodies (20 CFR 1.18, 21.18).

§ 02.3 *Processing of claims.* (a) Claims for compensation for disability and death are processed by claims examiners in the Claims Division of the Bureau whose duty is to apply the law to the facts as reported, received, or

obtained upon investigation. The act requires determination of a claim, with findings of fact and an award for or against the payment of compensation, upon consideration of the claim presented by the beneficiary, and the report furnished by the immediate superior and the completion of such investigation as the Bureau may deem necessary. Hearings are not provided for by the act, nor is there any required procedure for the production of evidence. Evidence in written form is accepted. The final authority in the Bureau in the determination of a claim is vested in the Director or Acting Director of the Bureau. His final order is subject to review by the Employees' Compensation Appeals Board, Office of Special Services, Federal Security Agency, on questions of law and fact.

(b) The field employees of the Bureau are employed in accordance with procedures prescribed by the United States Civil Service Commission and the applicable forms are those prescribed by such Commission (see 5 CFR).

§ 02.4 *Review of decisions.* Compensation cases are subject to review by the Bureau as specified in the act (5 U. S. C. 787). No formal application for review is required, but request for review in writing stating the ground for review is necessary to invoke action.

§ 02.5 *Attorney's fees.* Claims for fees of attorneys and representatives under certain acts extending the act of September 7, 1916, are subject to approval by the Bureau, and the procedure in respect to applications for such approval is specified (20 CFR 21.20).

§ 02.6 *Medical and other benefits.* Medical treatment, services, appliances, drugs, and supplies which in the opinion of the Bureau are necessary for the treatment of an injury are provided for by the act (5 U. S. C. 759), including necessary transportation expenses. Additional compensation for an attendant may be allowed by the Bureau (5 U. S. C. 756). The procedure in respect to the furnishing of such medical and other care is specified by regulation (20 CFR, Chapter I, subchapters A and B, Parts 2 and 22), which also specified the conditions under which treatment shall be furnished. For the procedure, forms, conditions, and scope of such treatment, as well as the authority under which it may be obtained, the regulations should be examined.

§ 02.7 *Forms.* The following forms are used under such act and extensions thereof:

CA–1 Employee's Notice of Injury and Original Claim for Compensation and Medical Treatment. (See also Forms 124.)

CA–2 Official Superior's Report of Injury. (See also Forms 124.)

CA–2C Same. To be used where injuries are sustained by members of the several women's auxiliary and reserve services.)

CA–3 Official Superior's Report of Termination of Total or Partial Disability; Report of Death.

CA–4 Employee's (or someone on his behalf) Claim for Compensation on Account of Injury. (See also Forms 124.)

CA–5 Beneficiary's Claim for Compensation on Account of Death.

CA–8 Employee's Claim for Continuance of Compensation on Account of Disability.

CA–10 Placard for posting (containing instructions to employees on reporting injuries).

CA–11 Pamphlet containing resume of employee's rights to compensation benefits.

CA–12 Widow or Widowers Claim for Continued Compensation on Account of Death.

CA–13 Claim of Guardian of Minor Children for Continued Compensation on Account of Death.

CA–13A Dependent's who are Physically Incapable of Self-support Claim for Continued Compensation on Account of Death.

CA–14 Dependent Parents or Grandparents Request for Continued Compensation on Account of Death.

CA–16 Official Superior's Authorization and Request (addressed to U. S. Hospital, U. S. Medical Officer or Designated Physician) that injured employee be provided medical treatment.

CA–16 (Special) Same, applicable to security workers (WPA, etc.).

CA–17 Official Superior's Authorization and Request (addressed to U. S. Hospital, U. S. Medical Officer or Designated Physician) that injured employee be provided limited medical treatment where cause of injury is doubtful.

CA–17 (Special) Same, applicable to security workers (WPA, etc.).

CA–20 Physician's Report of Medical Examination.

CA–32 Employee's Report of hernia (with physician's certificate).

CA–33 Request (by Bureau) for Medical Examination.

CA–42 Affidavit Relating to Representatives of Deceased Beneficiaries (to be used where no administration of deceased employee's estate contemplated).

CA–43 Affidavit of Undertaker re Burial Expenses.

CA–53 Employee's Instructions for submitting Vouchers for Travel Expenses (To accompany Standard Form 1012).

CA–69 Employee's Claim for Continuance of Compensation on Account of Disability when case carried on Automatic Roll.

CA–76 Physicians and Hospitals approved by Bureau which are available to injured employees.

CA–83 Employee's notice of compensation payment by Bureau.

CA–86 Official Superior's notice of compensation payment by Bureau.

CA–95 Employee's Claim for Continuance of Compensation.

CA–96 Employee's Affidavit disclosing earnings, if any, during disability.

CS–124 Combination of Forms CA–1, CA–2 and CA–4 for use in reporting cases arising in the Far East and Southwest Pacific Areas.

ETO–124 Same, for use in reporting cases arising in the European Theater of Operations.

S. 69 Voucher for Services and Supplies of Hospitals and Physicians.

S. 1012 Voucher for per diem or reimbursement of expenses incidental to travel.

S. 1034 Voucher for Purchases and Services other than personal (burial expenses); for use by undertaking establishments.

US–205 Physician's Report on Permanent Eye Disabilities.

WP–69 Same as CA–69, but applicable only to security workers (WPA, etc.).

WP–407 Physician's anatomical chart showing point of amputation or diagram of injury.

SUBPART B—LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

Sec.

02.21 Required forms; notice and claims.
02.22 Required reports.
02.23 Processing of claims.
02.24 Review of decisions.
02.25 Attorney's fees.
02.26 Medical and other benefits.
02.27 Notices.
02.28 Authorization of insurance carriers.
02.29 Authorization of self-insurers.
02.30 Certificates of compliance.
02.31 Forms.

§ 02.21 *Required forms; notice and claims.* (a) The processes required by the Longshoremen's and Harbor Workers' Compensation Act (including the application of such act by other acts extending the provisions of such act) are the filing with the deputy commissioner and the employer, by the employee or his dependents, of notice of injury or death, submitted in the form and manner specified in the act (33 U. S. C. 912), as implemented by the regulations (20 CFR 31.4, 41.3 and 51.1). Claim for compensation for injury or death must be filed, by the person claiming benefits, with the deputy commissioner in the compensation district in which the injury occurred, within the time specified by the Act (33 U. S. C. 913, 919); such provision in respect to claims has been implemented by regulation (20 CFR 31.5, 41.4, 51.1, 51.3).

(b) The employer is entitled to notice of claim against him and is required to file answer to the claim (in duplicate); the employee is entitled to receive a copy of the answer (33 U. S. C. 919; 20 CFR 31.6, 41.5, 51.1).

(c) A person seeking a lump sum award of compensation should apply to the deputy commissioner upon a form which may be obtained from the deputy commissioner, observing the applicable provisions of the regulations (20 CFR 31.16, 41.15, 51.1). Such applications are subject to approval by the deputy commissioner and by the Bureau.

(d) A person seeking approval of a settlement agreed to with the employer, of the kind specified in the act (33 U. S. C. 908 (i)), should use the approved type of agreement form which the deputy commissioner will supply on application (20 CFR 31.25, 41.24, 51.1). Such agreement is subject to approval by the deputy commissioner and by the Bureau.

(e) Applications (1) for maintenance of an employee undergoing vocational rehabilitation, (2) for the furnishing of prosthetic appliances, (3) for medical examinations, and (4) for compensation from any special fund, should be made to the deputy commissioner. Such applications need not be made upon any particular form; they are subject to consideration by the deputy commissioner, and to subsequent approval by the Bureau.

§ 02.22 *Required reports.* Reports of injury and death (including supplementary reports) are required to be filed with the deputy commissioner by the employer (33 U. S. C. 930; 20 CFR 31.3, 41.2, 51.1, 51.3) in the manner stated in the act and in the regulations. Reports are required of physicians who render medical treatment or who examine claimants. If the employee suffers recurrence of disability, the employer is required to report the recurrence of subsequent disability.

§ 02.23 *Processing of claims.* (a) The deputy commissioners adjudicate claims under the Longshoremen's and Harbor Workers' Compensation Act (33 U. S. C. 919), in compensation districts established pursuant to such act. The deputy commissioner performs the quasi-judicial function of deciding the rights of private parties—the employee, or his dependents (as the claimant or claimants), and the employer, or employer and his insurance carrier (as respondent or respondents).

(b) Claims for compensation or for reimbursement of medical expenses (where the employer has failed or neglected to furnish medical care) are processed by the deputy commissioner, with or without the assistance of claims examiners in his office, by the verification of payments, and informal adjudicatory processes, in uncontested cases. Claims not subject to informal adjustment are processed by the deputy commissioner after pre-hearing conference (to afford amicable disposition of controversies, to narrow issues, and to simplify subsequent methods of proof), or after formal hearing provided for by the act (33 U. S. C. 919), implemented by regulations (20 CFR 31.8, 31.9, 41.7, 41.8, 51.1, 51.4).

(c) Formal proceedings are terminated by the filing of a compensation order containing findings of fact and award, or other order of the deupty commissioner (33 U. S. C. 919, 20 CFR 31.11, 31.12, 31.13, 41.10, 41.11, 41.12, 51.1).

§ 02.24 *Review of decisions.* Review of a compensation case by the deputy commissioner may be had as prescribed by the act (33 U. S. C. 922). The procedure outlined in the regulations requires an application to be filed in duplicate with the deputy commissioner stating the ground for review, which shall be supported by appropriate evidence (20 CFR 31.15, 41.14, 51.1). The procedure in respect to such application for review is the same as is prescribed for claims by the act and regulations. The act does not authorize review by the Bureau of the action upon a claim by the deputy commissioner; judicial review of such action is however authorized, and the manner thereof is specified (33 U. S. C. 921 (b)).

§ 02.25 *Attorney's fees.* The procedure in respect to persons representing claimants before the deputy commissioner and also in respect to attorney's fees is provided for by the act, and by regulation (33 U. S. C. 928; 20 CFR 31.20, 41.19, 51.1).

§ 02.26 *Medical and other benefits.* The obligation to furnish medical treatment is the direct obligation of the employer and not the United States (33 U. S. C. 907). If the employer fails to provide such treatment, after request by the employee, the injured employee may obtain necessary treatment at the expense of the employer. In such case, the physician furnishing the employee with treatment is required to furnish the employer with a report of the injury and treatment, within twenty days following the first treatment.

§ 02.27 *Notices.* The employer is entitled to a notice of claim for compensation filed against him (33 U. S. C. 919; 20 CFR 31.6, 41.5, 51.1). Notices of hearing are required (33 U. S. C. 919; 20 CFR 31.9, 41.8, 51.1). In case of default in payment of compensation, application may be made to the deputy commissioner for a supplementary order declaring the default, and notice in respect thereto is required (30 CFR 31.13, 41.12, 51.1). If an employer controverts the employee's right to benefits, notice thereof must be given upon the form prescribed by the Bureau; but if payment has begun without an award, notice thereof must be given to the deputy commissioner; if compensation is stopped or suspended, notice of that fact must be given to the deputy commissioner (33 U. S. C. 914). If an employee elects to sue a third party, instead of claiming compensation, notice of his election must be given to the deputy commissioner (33 U. S. C. 933).

§ 02.28 *Authorization of insurance carriers.* An applicant seeking authority to write insurance under the Longshoremen's and Harbor Workers' Compensation Act (or any other act extending that act) should apply directly to the Bureau at its central office in the manner stated in the appropriate part of the regulations. The procedure in respect to the authorization of insurance carriers is specified in 20 CFR, Chapter I, subchapter C, Part 32. Applicants granted authority to write insurance are furnished with certificates to such effect.

§ 02.29 *Authorization of self-insurers.* An applicant seeking to be granted the privilege of self-insurance under the Longshoremen's and Harbor Workers' Compensation Act (or any other act extending that act) should apply directly to the Bureau at its central office in the manner stated in the appropriate part of the regulations. The procedure in respect to the authorization of self-insurers is specified in 20 CFR, Chapter I, Subchapter C, Part 33. Applicants granted the privilege of self-insurance are furnished with certificates of compliance showing such fact. A form of application is supplied by the Bureau upon request.

§ 02.30 *Certificates of compliance.* Employers who comply with section 32 of the Longshoremen's and Harbor Workers' Compensation Act (or any extension of that act), either by obtaining an insurance policy or through the grant of the self-insurance privilege, are furnished with a certificate by the deputy commissioner pursuant to the applicable regulations (20 CFR, Chapter I, Subchapter C, Part 34).

§ 02.31 *Forms.* Forms for use under the Longshoremen's Act are as follows:

US–201 Employee's first notice to Deputy Commissioner of accident or occupational disease.

US–202 Employer's first report to Deputy Commissioner of accident or occupational disease.

US–202A Employer's first report of injury (No time lost by employee).

US–203 Employee's claim for compensation.

US–204 Attending Physician's report.

US–205 Physician's report on permanent eye disabilities.

US–206 Notice to the Deputy Commissioner that the payment of compensation has begun without awaiting award.

US–206–8 Notice to the Deputy Commissioner that the payment of compensation has begun without awaiting award by him.

US–207 Notice to the Deputy Commissioner that claim will be controverted.

US–208 Notice to the Deputy Commissioner that the payment of compensation has been stopped or suspended.

US–209 Request to employee that he reply to the employer's objection to his right to compensation.

US–210 Employer's supplementary report of subsequent disability.

US–211 Employer's supplementary report of accident or occupational disease.

US–212 Notice to injured employee that case will be closed unless reports now on file are shown to be incorrect.

US–213 Notice of election to sue (disability or death claim).

US–214 Request for medical examination under United States Longshoremen's and Harbor Workers' Compensation Act.

US–215 Answer of employer or insurance carrier to employee's claim for compensation.

US–215A Notice to employer and insurance carrier that answer to claim for compensation should be made.

US–216 Request for additional reports.

US–221 Application for lump sum award (disability or death).

US–224 Application to determine reasonableness of physician's bill or medical charges under section 7.

US–226 Subpoena.

US–226A Subpoena Duces Tecum.

US–226B Notice of Hearing.

US–227 Attending Physician's supplementary report.

US–260 Notice to Deputy Commissioner of death (by dependents or on their behalf).

US–261 Supplemental report of employer in death case.

US–262 Claim for compensation in death case by widow and/or children under the age of eighteen.

US–263 Claim for compensation in death cases by dependents other than widow and children of deceased (each dependent or representative must file individual claim).

US–264 Proof of death (by Physician last in attendance on Deceased).

US–265 Proof of Burial and Funeral expenses—by Undertaker.

LSI–2 Application for Self-insurance.

LSI–3 Decision granting authority to Act as Self-insurer.

LSI–4 Agreement and Undertaking of employer granted the privilege of paying compensation as self-insurer.

LSI–5c Indemnity Bond given by Self-insurer.

LSI–8 Pay-roll report.

LSI–9 Report of compensation payments.

LSI–10 Report of employer's injury experience.

LSI–11 Certificate of Authority.

US–239 Certificate that employer has secured payment of compensation (by obtaining insurance policy).

US–240 Certificate that employer has secured payment of compensation (by self-insurance).

US–241 Notice (compliance with Act by insuring with).

US–242 Notice (compliance with Act by self-insurance).

SUBPART C—DISTRICT OF COLUMBIA WORKMEN'S COMPENSATION ACT

Sec.
02.41 Required forms; notice and claims.
02.42 Required reports.
02.43 Processing of claims.
02.44 Review of decisions.
02.45 Attorney's fees.
02.46 Medical and other benefits.
02.47 Notices.
02.48 Authorization of insurance carriers.
02.49 Authorization of self-insurers.
02.50 Certificates of compliance.
02.51 Forms.

§ 02.41 *Required forms; notice and claims.* See § 02.21.

§ 02.42 *Required reports.* See § 02.22.

§ 02.43 *Processing of claims.* See § 02.23.

§ 02.44 *Review of decisions.* See § 02.24. Proceedings for judicial review of the decision of the deputy commissioner are filed in the United States District Court for the District of Columbia.

§ 02.45 *Attorney's fees.* See § 02.25.

§ 02.46 *Medical and other benefits.* See § 02.26.

§ 02.47 *Notices.* See § 02.27.

§ 02.48 *Authorization of insurance carriers.* See § 02.28, and 20 CFR, Chapter I, subchapter D, Part 42.

§ 02.49 *Authorization of self-insurers.* See § 02.29, and 20 CFR, Chapter I, subchapter D, Part 43.

§ 02.50 *Certificates of compliance.* See § 02.30, and 20 CFR, Chapter I, subchapter D, Part 44. Certificates of compliance to employers granted the self-insurance privilege under such law are issued by the Bureau at its central office.

§ 02.51 *Forms.* The following forms are used in the administration of the District of Columbia workmen's compensation law:

DCCA–301 Employee's first notice to Deputy Commissioner of accident or occupational disease.
DCCA–302 Employer's first report to Deputy Commissioner of accident or occupational disease.
DCCA–303 Employee's claim for compensation.
DCCA–304 Attending physician's report.
DCCA–305 Physician's report on permanent eye disabilities.
DCCA–306 Notice to the Deputy Commissioner that the payment of compensation has begun without awaiting award.
DCCA–306–8 Notice to the Deputy Commissioner that the payment of compensation has begun without awaiting award by him.
DCCA–307 Notice to the Deputy Commissioner that claim will be controverted.
DCCA–308 Notice to the Deputy Commissioner that the payment, of compensation has been stopped or suspended.
DCCA–309 Request to employee that he reply to the employer's objection to his right to compensation.
DCCA–310 Employer's supplementary report of subsequent disability.
DCCA–311 Employer's supplementary report of accident or occupational disease.
DCCA–312 Notice to injured employee that case will be closed unless payments made are shown to be incorrect.
DCCA–313 Notice of election to sue (disability or death claim).

DCCA–314 Request for medical examination under District of Columbia Workmen's Compensation Act.
DCCA–315 Answer of employer or insurance carrier to employee's claim for compensation.
DCCA–315A Notice to employer and insurance carrier that answer to claim for compensation should be made.
DCCA–321 Application for lump sum award (disability or death).
DCCA–326 Subpoena.
DCCA–326A Subpoena Duces Tecum.
DCCA–326B Notice of Hearing.
DCCA–360 Notice to Deputy Commissioner of Death.
DCCA–361 Supplemental report of employer in death case.
DCCA–362 Claim for compensation in death case by widow and/or children under the age of eighteen.
DCCA–363 Claim for compensation in death cases by dependents other than widow and children of deceased (each dependent or representative must file individual claim).
DCCA–364 Proof of Death (by Physician last in attendance on deceased).
DCCA–365 Proof of Burial and Funeral expenses—by undertaker.
DCCA–402 Application for self-insurance.
DCCA–403 Decision granting application of employer to pay compensation as a self-insurer.
DCCA–404 Agreement and Undertaking of employer granted the privilege of paying compensation as self-insurer.
DCCA–405 Indemnity Bond given by self-insurer.
DCCA–411 Certificate of Authority.
DCCA–439 Certificate that employer has secured payment of compensation (by obtaining insurance policy).
DCCA–440 Certificate that employer has secured payment of compensation (by self-insurance).
DCCA–441 Notice (compliance with Act by insuring with).
DCCA–442 Notice (compliance with Act by self-insurance).

SUBPART D—DEFENSE BASES ACT

Sec.
02.61 Reguired forms; notice and claims.
02.62 Required reports.
02.63 Processing of claims.
02.64 Review of decisions.
02.65 Attorney's fees.
02.66 Medical and other benefits.
02.67 Notices.
02.68 Authorization of insurance carriers.
02.69 Authorization of self-insurers.
02.70 Certificates of compliance.
02.71 Forms.

§ 02.61 *Required forms; notice and claims.* See § 02.21.

§ 02.62 *Required reports.* See § 02.22.

§ 02.63 *Processing of claims.* See § 02.23.

§ 02.64 *Review of decisions.* See § 02.24. Application for judicial review is required to be instituted in the United States district court for the judicial district wherein is located the office of the deputy commissioner whose compensation order is involved, if his office is located in a judicial district, and if not so located, such judicial proceedings are required to be instituted in the judicial district nearest the place at which the injury or death occurs (42 U. S. C. 1653).

§ 02.65 *Attorney's fees.* See § 02.25.

§ 02.66 *Medical and other benefits.* See § 02.26.

§ 02.67 *Notices.* See § 02.27.

§ 02.68 *Authorization of insurance carriers.* See § 02.28, and 20 CFR, Chapter I, subchapter E, Part 52.

§ 02.69 *Authorization of self-insurers.* See § 02.29, and 20 CFR, Chapter I, subchapter E, Part 53.

§ 02.70 *Certificates of compliance.* See § 02.30, and 20 CFR, Chapter I, subchapter E, Part 54.

§ 02.71 *Forms.* The same forms prescribed for use in the administration of the Longshoremen's Act are used in the administration of the Act of August 16, 1941 (the so-called Defense Bases Act) except that they are modified by a typed or stamped insertion to show that they relate to such Act of August 16, 1941; see § 02.31.

SUBPART E—DISABILITY, DEATH AND DETENTION BENEFITS; EMPLOYEES OF CONTRACTORS

Sec.
02.81 General procedures.
02.82 Forms.

§ 02.81 *General procedures.* The procedure in respect to the benefit provisions, in so far as administration of the Act of December 2, 1942 (42 U. S. C. 1701) is concerned, is stated by regulations in detail in 20 CFR, Chapter I, subchapter F. Under such regulations claims may be filed directly with the Bureau or with a deputy commissioner or other designated officer and may be processed completely by the Bureau or completely or partially by the authorized field officers. In practice most claims are processed directly by the Bureau through its Claims Division, with supplementary actions by other divisions of the Bureau as a particular case may require, including final audit by the Audit and Accounting Division. The final authority in the Bureau in the approval of claims is the Director or Acting Director thereof. Hearings are not authorized by the applicable statute, and the adjudication of cases is upon written evidence as in other cases under the Employees' Compensation Act of September 7, 1916. For further statement of procedures see § 02.3.

§ 02.82 *Forms.* Forms used in connection with the benefit provisions of the Act of December 2, 1942, are as follows:

CAEA–5 Dependent's Claim for Disbursement of Detention Benefits.
CAEA–12 Wife or Husband's Claim for Continued Disbursement of Detention Benefits.
CAEA–13 Claim of Guardian of Minor for Continued Disbursement of Detention Benefits.
CAEA–14 Dependent Parent's Claim for Continued Disbursement of Detention Benefits.
CA–12 Same as under United States Employees' Compensation Act.
CA–13 Same as under United States Employees' Compensation Act.
CA–13A Same as under United States Employees' Compensation Act.
CA–14 Same as under United States Employees' Compensation Act.
CA–16 Same as under United States Employees' Compensation Act.
CA–17 Same as under United States Employees' Compensation Act.

CA-20 Same as under United States Employees' Compensation Act.
CA-32 Same as under United States Employees' Compensation Act.
CA-42 Same as under United States Employees' Compensation Act.
CA-43 Same as under United States Employees' Compensation Act.
CA-96 Same as under United States Employees' Compensation Act.
S. 69 Same as under United States Employees' Compensation Act.
S. 1012 Same as under United States Employees' Compensation Act.
S. 1034 Same as under United States Employees' Compensation Act.
US-205 Same as under United States Employees' Compensation Act.
WP-69 Same as under United States Employees' Compensation Act.
WP-407 Same as under United States Employees' Compensation Act.
US-203 Employee's Notice of Injury and Original Claim for Compensation and Medical Treatment.
US-202 Employer's First Report to Bureau of Detention, Accident or Occupational Illness.
US-261 Employer's Supplemental Report in Death Case.
US-262 Claim of Widow or Children for Compensation for Death.
US-263 Dependent's (other than widow or children) Claim for Compensation for Death.

SUBPART F—REIMBURSABLE INSURANCE CLAIMS

Sec.
02.91 General procedures.
02.92 Form.

§ 02.91 *General procedures.* Reimbursement of employers, insurance carriers, and compensation funds, for losses resulting from hazards of the war, is provided for in such Act of December 2, 1942 (42 U. S. C. 1704). The procedure in respect to reimbursement and the prerequisites of claims are set forth in detail by regulations in 20 CFR, Chapter I, subchapter F. Under such regulations claims may be filed directly with the Bureau. They are examined by the Audit and Accounting Division of the Bureau after verification by the Employees' Compensation Division of the General Counsel's Office, Federal Security Agency. Hearings upon such claims are not authorized by applicable statute. The final authority in the Bureau in the approval of such claims is the Director or Acting Director thereof.

§ 02.92 *Form.* The form used in connection with the reimbursement provisions of the Act of December 2, 1942, is as follows:

U. S. R-1 Claim for Reimbursement of Benefit Payments and Claims Expense.

PART 03—STATEMENT RELATIVE TO SUBSTANTIVE RULES

The principal function of the Bureau and its subordinate parts is that of adjudicating claims for workmen's compensation. This function is quasi-judicial in character and involves the application of statutes and principles of law to resolved factual situations. The field of activity is within the specialized branch of the law generally referred to as "workmen's compensation". This branch of the law has its own particularized principles which have general applicability to workmen's compensation statutes (State and Federal), as such statutes have certain common or underlying similarity in respect to the meaning of terms and phrases, and in respect to scope, jurisdiction, and general basic concepts of employers liability.

In the administration of the several workmen's compensation laws within its jurisdiction, the Bureau has one general policy, which is to follow and to adhere to the principles of workmen's compensation law as stated in the opinions of the Supreme Court, the Federal Circuit Courts of Appeal, and the District Courts of the United States, as they may appropriately be applied in like situations arising under the laws administered by the Bureau. In addition, decisions and opinions of the judicial tribunals of the several States and Territories furnish principles of law of general applicability in the specialized field of workmen's compensation, which form part of the foundation of general principles relied upon in the application and interpretation of the several Acts administered by the Bureau. The Bureau applies the statute, applicable in respect to a particular case or situation, to the extent that the statute can readily be applied without extrinsic aid, but where such aid is necessary, the source thereof is the body of principles embodied in authoritative decisions of the courts within such well-recognized branch of the law.

Certain statutes administered by the Bureau (relating to military or quasi-military establishments) contain as the fundamental prerequisite to compensation that injury or death shall have occurred in the "line of duty",—a phrase not having a counterpart in workmen's compensation statutes. The policy of the Bureau in respect to such phrase is to follow the principles and interpretations in respect thereto as may be applied by the particular service in which the disabled or deceased individual served.

To the extent that any rule of substantive nature may appear in the published regulations of the Bureau, such regulations are made part of this statement relative to substantive rules.

For ready reference to such regulations, and to their scope, the following citations are given. The regulations appear in Title 20—EMPLOYEES' BENEFITS, Code of Regulations, Chapter I.

Subchapter A—Regulations applicable to the Employees' Compensation Act of September 7, 1916.

Subchapter B—Regulations applicable to extensions of such Act of September 7, 1916, providing the application of that Act to specific classes of persons, but with limitations upon the aggregate maximum amount of compensation.

Subchapter C—Regulations governing the administration of the Longshoremen's and Harbor Workers' Compensation Act.

Subchapter D—Regulations governing the administration of the District of Columbia workmen's compensation law.

Subchapter E—Regulations governing the extension of the Longshoremen's and Harbor Workers' Compensation Act to persons engaged in employment outside continental United States, under the Act of August 16, 1941, as amended, at military bases and at other places subject to Federal jurisdiction.

Subchapter F—Regulations governing the administration of Titles I and II of the Act of December 2, 1942, as amended, providing compensation for disability, death, or enemy detention of employees of contractors with the United States, and for other purposes. Part 62 of such regulations govern the reimbursement of employers, insurance carriers, or compensation funds for workmen's compensation war losses outside the continental United States.

CROSS REFERENCE: For regulations of the Employees Compensation Appeals Board, governing appeals, see 20 CFR, Part 501.

[SEAL] JEWELL W. SWOFFORD,
Commissioner for Special Services.

Approved:

MAURICE COLLINS,
Acting Federal Security Administrator.

AUGUST 27, 1946.

[F. R. Doc. 46-15413; Filed, Aug. 28, 1946; 5:12 p. m.]

BUREAU OF EMPLOYMENT SECURITY

[45 CFR, Ch. III]

PART 300—ORGANIZATION, DELEGATIONS OF FINAL AUTHORITY, PLACES AT WHICH INFORMATION MAY BE SECURED

SUBPART A—ORGANIZATION

Sec.
300.1 General.
300.2 Bureau of Employment Security.
300.3 State Technical Advisory Service.
300.4 Bureau of Accounts and Audits.
300.5 Thirteen regional offices.

SUBPART B—DELEGATIONS OF FINAL AUTHORITY

300.6 Commissioner for Social Security.

SUBPART C—PLACES AT WHICH INFORMATION MAY BE SECURED

300.7 Infromation to public.
300.8 Public inspection of final opinions, orders and rules.
300.9 Availability of official records

SUBPART A—ORGANIZATION

§ 300.1 *General.* The Social Security Administration (see 45 CFR 1.21) includes the following Bureaus and offices which carry on activities relating to employment security, and the operation of the Federal-State system of unemployment insurance:

Bureau of Employment Security.
State Technical Advisory Service.
Bureau of Accounts and Audits.
Thirteen regional offices (see 45 CFR 1.21).

§ 300.2 *Bureau of Employment Security.* The Bureau of Employment Security is headed by a Director. In his absence or disability an Assistant Director acts for him. The Bureau's functions and activities include review of State laws and appraisal of State administration from the standpoint of conformity with Federal requirements and eligibility for grants and certification for tax credit; making recommendations to the Commissioner regarding funds needed for administration of State employment security programs; assistance to States in developing legislation, rules and regulations, interpretations and ad-

ministrative procedures; and continuing evaluation of the operation and effectiveness of the employment security programs with a view to developing recommendations for improvements through Federal unemployment insurance legislation. Operating divisions in the Bureau are an Administrative Standards Division, a Fiscal Division, and a Program Division.

(a) *Administrative Standards Division.* The Administrative Standards Division is headed by a Chief, and has the following functions: Development of principles and guides applicable to the legislative, interpretative and administrative aspects of State unemployment insurance programs; review and appraisal of State laws and administration of State programs from the standpoint of conformity with Federal requirements and eligibility for grants and for certification for tax credits; assistance to States in improving State laws and operating methods; preparation of analyses and publication of decisions showing trends in appealed decisions on coverage and benefit payments; development of recommendations for Federal legislation; and maintenance of a reference service of State laws, procedural materials, forms, etc.

(b) *Fiscal Division.* The Fiscal Division is headed by a Chief, and has the following functions: Development of principles and procedures with respect to expenditures of funds by State agencies for administrative purposes and assistance to States in applying such principles and procedures; preparation of recommendations with respect to funds needed for administration of State employment security programs; development and application of principles and procedures for State merit systems; assistance to State agencies in developing and maintaining functional time and cost distribution systems; appraisal of State agency administration of the fiscal, business management and personnel aspects of their programs from the standpoint of eligibility for grants.

(c) *Program Division.* The Program Division is headed by a Chief, and has the following functions: Development of principles applicable to the problems of benefits, coverage, and contributions under the unemployment insurance program; study of the social, financial, and economic aspects of unemployment insurance and analysis of Federal legislative proposals, for the purpose of recommending improvements in the program; formulation of requirements and procedures for State statistical reporting and publication of nation-wide statistics related to unemployment insurance; preparation of work-load estimates for appraising State budgets; and assistance to States in meeting Federal reporting requirements and in conducting special research and statistical studies.

§ 300.3 *State Technical Advisory Service.* The State Technical Advisory Service is headed by a Chief. This division is responsible for assisting State agencies administering unemployment insurance programs in attaining conformity with the merit system requirements of the Social Security Act and achieving maximum economy and efficiency in the operation of personnel programs. It gives to State agencies technical assistance in formulating merit system rules and regulations, in establishing merit system organizations, in developing and maintaining classification and compensation plans, in establishing and operating State-wide merit system examination programs, and in installing internal personnel procedures. It reviews operations of State merit systems from the standpoint of continuing compliance with the requirements of Federal law.

§ 300.4 *Bureau of Accounts and Audits.* The Bureau of Accounts and Audits is headed by a Director. In his absence or disability, an Assistant Director acts for him. The Bureau's functions and activities in relation to employment security includes the audit of State expenditures for the administration of the employment security program; review of State unemployment compensation fund accounts for compliance with State law provisions conforming with sections 303 (a) (4) and (5) of the Social Security Act; and advice and service to the State agencies concerning accounting matters. Divisions of the Bureau of Accounts and Audits which perform functions relating to employment security are:

(a) *Field Division.* The Field Division is headed by a Chief, and has the following functions: Planning and direction of activities of regional audit staff; collaboration in the preparation of audit instructions; formulation of operating polices for field activities; and collaboration in the development of procedures for processing audit findings.

(b) *Finance Division.* The Finance Division is headed by a Chief and has the following functions: Collaboration in formulation of standards and preparation of instructions for conduct of audits; analysis of audit reports; review of appeals from audit findings; development of procedures for processing audit findings; and furnishing of constructive accounting services to State employment security agencies.

§ 305.5 *Thirteen Regional Offices* (see 45 CFR 1.21). Each regional office includes a representative of the Bureau of Employment Security, the State Technical Advisory Service, and the Bureau of Accounts and Audits. (In Alaska and Hawaii the Regional Director represents these three offices.)

(a) *Regional Representative of Bureau of Employment Security.* The Regional Representative of the Bureau of Employment Security represents the Bureau on all matters involved in the Federal-State employment security relationship; assists State agencies in meeting Federal requirements, in establishing procedures and in other problems related to the program; reviews and appraises State agency budget requests and makes recommendations regarding amounts needed for State administration; and reports on State administration and programs.

(b) *Regional Representative of the State Technical Advisory Service.* The Regional Representative of the State Technical Advisory Service, called Personnel Representative, provides advisory service to State merit system and employment security agencies on personnel laws and rules, merit system budgets, and practices in such field, as classification, compensation, examinations and personnel management functions; and conducts periodic reviews of State merit system administration covering all phases of personnel selection and retention in relation to merit system requirements of the Social Security Act.

(c) *Regional Representative of the Bureau of Accounts and Audits.* The Regional Representative of the Bureau of Accounts and Audits, called Regional Auditor, carries out the Bureau's program and instructions within the region; participates in rendering consultative service to State officials on fiscal matters; conducts fiscal audits of administrative expenditures of State employment security agencies; develops administrative information regarding State fiscal policies; participates in development and installation of improved fiscal practices in State agencies; and reviews State appeals regarding proposed exceptions.

SUBPART B—DELEGATION OF FINAL AUTHORITY

§ 300.6 *Commissioner for Social Security* (see 45 CFR 1.21). By delegation from the Federal Security Administrator, the Commissioner for Social Security has the following authorities in relation to employment security:

(a) Approval of State unemployment compensation laws meeting specified conditions; certification thereof to Secretary of the Treasury at year-end for normal tax credit purposes. (Section 1603 (a), (b), (c), and (d) of the Internal Revenue Code.)

(b) In relation to experience rating, findings and determinations as to State laws meeting specified conditions, certification to State agencies and to Secretary of the Treasury at year-end for additional tax credit purposes. (Section 1602 (a), (b), and (c) of the Internal Revenue Code.)

(c) In relation to grants to States for administration, (1) determination of purposes and amounts necessary, (2) certification of such amounts to Secretary of the Treasury for payment to each State (or under certain conditions for payment into Railroad Unemployment Insurance account), (3) findings and determinations that specified conditions to such certifications are met, (4) agreements with Postmaster General concerning the transmission of official mail matter by State agencies. (Sections 302 (a) and 303 (a), (b), and (c) of the Social Security Act; section 13 (d) of the Railroad Unemployment Insurance Act; and Appropriation Acts.)

(d) Hearings to State agencies on conditions affecting (1) certifications for normal tax credit purposes, (2) certifications for additional tax credit purposes, and (3) grants for administration. (Sections 1603 (c) and (d) and 1602 (b) (3)

of the Internal Revenue Code, and section 303 (b) and (c) of the Social Security Act.)

(e) Findings and certifications in connection with advances to States from Federal unemployment account in the Unemployment Trust Fund. (Section 1201 of the Social Security Act, as amended by the War Mobilization and Reconversion Act of 1944.)

(f) Determinations as to adequacy of services, information and facilities furnished by the United States Employment Service to State agencies. (Executive Order No. 9617, approved September 19, 1945.)

(g) In the administration of the Veterans Readjustment Allowance Program, (1) certification to the Secretary of the Treasury for payment to the States of amounts for administration as certified by the Veterans Administration, and (2) furnishing of services as requested by Veterans Administration. (Section 1100 (a), (b), (c), and (f) of the Servicemen's Readjustment Allowance Act of 1944.)

(h) Issuance of rules and regulations. (Sections 1102 and 1106 of the Social Security Act.)

SUBPART C—PLACES AT WHICH PUBLIC MAY SECURE INFORMATION

§ 300.7 *Information to Public.* Information concerning employment security, including the Federal-State system of unemployment insurance, may be obtained by request in person or by letter at any of the regional offices or at the central offices of the Bureau of Employment Security, Social Security Administration, Washington, D. C.

§ 300.8 *Public inspection of final opinions, orders, and rules.* All final opinions or orders in the adjudication of cases and all rules relating to employment security are available for public inspection, except that the Commissioner for Social Security may hold any such opinions, or orders or parts thereof confidential for good cause (See Regulation 1, 20 CFR, Part 401). Opinions and orders not held confidential (or copies thereof) and all rules may be inspected at any of the regional offices or at the central office of the Bureau of Employment Security, Social Security Administration, located at Washington, D. C. Requests to inspect at the central office must be submitted to the Director of the Bureau of Employment Security.

§ 300.9 *Availability of official records.* The record of any hearing held by the Commissioner for Social Security including transcripts of testimony, exhibits and all documents received in evidence or made part of the record of such hearing are official records.

Official records are made available for inspection to persons properly and directly concerned upon written application to the Commissioner for Social Security, except that upon good cause found by the Commissioner (See Regulation 1, 20 CFR, Part 401), such records or parts thereof may be held confidential. Notice of denial of a request to inspect official records will be given promptly together with a statement of the reason for denial.

PART 310—ADMINISTRATIVE PROCEDURE

SUBPART A—APPROVAL, CERTIFICATION AND FINDINGS WITH RESPECT TO STATE LAWS FOR NORMAL AND ADDITIONAL TAX CREDIT AND GRANT PURPOSES

Sec.
310.1 General.
310.2 Approval of State laws.
310.3 Findings with respect to State laws.
310.4 Withholding payments and certifications.

SUBPART B—GRANTS, ADVANCES AND AUDITS

310.5 Grants for administration of unemployment insurance.
310.6 Request for funds for veterans' readjustment allowance program.
310.7 Grants for costs incurred for United States Employment Service.
310.8 Agreement with Postmaster General.
310.9 Advances to States.
310.10 Audits.

SUBPART A—APPROVAL, CERTIFICATION AND FINDINGS WITH RESPECT TO STATE LAWS FOR NORMAL AND ADDITIONAL TAX CREDIT AND GRANT PURPOSES

§ 310.1 *General.* State laws are approved and certified as provided in section 1603 of the Internal Revenue Code; findings are made regarding reduced rates permitted by a State law (section 1602 (a) of the Internal Revenue Code) and such laws are certified as provided in section 1602 (b); findings are made regarding the inclusion of specified provisions (section 303 (a) of the Social Security Act) in State laws approved under section 1603 (a) of the Internal Revenue Code.

Normal and additional tax credit is given to taxpayers against taxes imposed by section 1600 of the Internal Revenue Code.

Grants of funds are made to States for administration of their unemployment compensation laws if such laws meet required conditions of Federal law. Section 303 (a) of the Social Security Act and section 1603 (a) of the Internal Revenue Code).

§ 310.2 *Approval of State laws.* States may at their option submit their laws for approval (Section 1603 (a) of the Internal Revenue Code).

(a) *Submission.* The States submit to the Regional Representative of the Bureau of Employment Security four copies of the State law, one copy of which must be certified in the manner prescribed by law for proper certification of acts of the legislature and the other three copies properly certified by an authorized State official to be true and complete, together with a written request for approval.

(b) *Review of State law.* The Regional Representative reviews the State law and forwards three copies to the central office of the Bureau with his comments. The Bureau reviews the Regional Representative's comments and analyzes the State law from the standpoint of the requirements of section 1603 (a) of the Internal Revenue Code. The Bureau Director makes recommendations to the Commissioner for Social Security regarding approval of the State law.

(c) *Approval.* The Commissioner for Social Security determines whether the State law contains the provisions required by section 1603 (a) of the Internal Revenue Code. If the State law is approved, the Commissioner notifies the Governor of the State within 30 days of the submission of such law.

(d) *Certification.* On December 31 of each taxable year the Commissioner for Social Security certifies, for the purposes of normal tax credit (section 1601 (a) (1) of the Internal Revenue Code), to the Secretary of the Treasury each State the law of which he has previously approved. (See also § 310.4.)

§ 310.3 *Findings with respect to State laws.* For purposes of grants, findings are made regarding the inclusion in State laws, approved under section 1603 (a) of the Internal Revenue Code, of provisions required by section 303 (a) of the Social Security Act (see § 310.2); for purposes of additional tax credit, findings are made regarding reduced rates of contributions permitted by the State law (section 1602 (a) (1) of the Internal Revenue Code).

So that the Commissioner for Social Security may be enabled to determine the status of State law, all relevant State materials, such as statutes, rules, regulations, interpretations, court decisions, etc., are required to be submitted currently. In addition, States are required to submit a monthly summary of such materials.

(a) *Submission.* The States submit currently to the Regional Representative four copies of relevant State material, properly certified by an authorized State official to be true and complete. In the case of statutes one copy must be certified in the manner prescribed by law for proper certification of acts of the legislature.

(b) *Review.* The Regional Representative reviews the State material and forwards three copies to the central office of the Bureau with his comments. The Bureau reviews the material from the standpoint of its conformity with section 303 (a) of the Social Security Act or section 1602 (a) of the Internal Revenue Code, as the case may be. If questions are raised concerning such conformity, negotiations to resolve them are undertaken with State officials. Any questions then remaining unresolved are presented to the Commissioner with appropriate recommendations.

(c) *Findings.* The Commissioner makes findings as provided in the cited sections of the Federal law. In the event that the Commissioner is unable to make the findings required for certification for payment or for certification of the law for purposes of additional tax credit, further discussions with State officials are undertaken.

(d) *Certification.* Within 30 days after submittal of a State law for such purpose, the Commissioner certifies to the State agency, in accordance with the provisions of section 1602 (b) (3) of the Internal Revenue Code, his findings regarding reduced rates of contributions allowable under such law. On December 31 of each taxable year the Commissioner certifies to the Secretary of the Treasury the law of each State, certified with respect to such year under section 1603 of the Internal Revenue Code (see

§ 310.2), which he finds allows reduced rates with respect to such taxable year only in accordance with the provisions of section 1602 (a) of the Internal Revenue Code.

With regard to certification for payment, see § 310.5.

§ 310.4 *Withholding payments and certifications*—(a) *When withheld.* Payments are not made where the provisions required by section 303 (a) of the Social Security Act are found no longer to be included in the State law. In addition, payments of funds to States and/or year-end certification of State laws are withheld, after reasonable notice and opportunity for hearing, in the following circumstances as required by indicated statutory provisions:

(1) Where the State law has been so changed as no longer to meet the conditions required by Federal law (sections 1602 (b) (3) and 1603 (c) of the Internal Revenue Code); or

(2) Where in the administration of the State law there has been a failure to comply with required provisions of such law (section 303 (b) (2) of the Social Security Act and sections 1602 (b) (3) and 1603 (c) of the Internal Revenue Code); or

(3) Where in the administration of the State law there has been a denial, in a substantial number of cases, of benefits due under such law (section 303 (b) (1) of the Social Security Act); or

(4) Where a State fails to make its records available to the Railroad Retirement Board or fails to cooperate with Federal agencies charged with the administration of unemployment compensation laws (section 303 (c) of the Social Security Act).

(b) *Informal discussion.* Such hearings are generally not called, however, until after every reasonable effort has been made by regional and central office representatives to resolve the question involved by conference and discussion with State officials. Formal notification of the date and place of a hearing does not foreclose further negotiations with State officials.

(c) *Notice of noncertification.* If, at any time during the taxable year, the Commissioner for Social Security has reason to believe that a State whose law he sas previously approved may not be certified, he promptly notifies the Governor of the State to that effect (section 1603 (d) of the Internal Revenue Code).

(d) *Hearings.* Hearings are held pursuant to the provisions of section 303 (b) and (c) of the Social Security Act and sections 1602 (b) (3) and (c) of the Internal Revenue Code.

(1) Notice of hearing is sent by the Commissioner for Social Security to the State employment security agency. The notice sets forth the purpose of the hearing and the time, date, and place at which the hearing will be held. At a hearing the State is given an opportunity to present arguments and all relevant evidence, written or oral. The Commissioner presides at hearings and makes the necessary determination or findings on the basis of the record of such hearings. A notice of the Commissioner's determination or finding is sent to the State employment security agency.

SUBPART B—GRANTS, ADVANCES, AND AUDITS

§ 310.5 *Grants for administration of unemployment insurance.* Grants of funds for administration of State unemployment insurance programs are made to States under section 302 (a) of the Social Security Act.

(a) *Requests for funds.* The forms and instructions used by State agencies in requesting funds are available upon request from the Bureau of Employment Security, Social Security Administration, Washington 25, D. C. and at the regional offices. The forms and instructions call for detailed information for each budgetary period concerning the specific amounts requested for personal services and other current expenses of State agencies, supported by work-load and unit-cost estimates. Supplementary budget requests are processed in the same manner as regular requests. The Bureau's representatives in the regional office furnish assistance to the State agencies in preparing requests for funds.

(b) *Processing of requests.* State agencies send their requests for funds to the Regional Representative of the Bureau who reviews the requests and forwards them to the central office of the Bureau with his recommendations as to the amounts necessary for proper and efficient administration of the State law.

The Bureau appraises the requests and the recommendations of the regional representatives from a nation-wide point of view, examining each State's request in the light of the experience of other States to insure equitable treatment among the States in the allocation of funds made available by Congress for the administration of State unemployment compensation laws. The request is then presented to the Commissioner with the recommendations of the Bureau.

(c) *Action by Commissioner.* If the Commissioner approves the State's budget request the State agency is notified; and, provided the conditions precedent to grants continue during the budgetary period, certifications for payment, under the approved budget, stating the amounts, are made by the Commissioner to the Secretary of the Treasury quarterly. Upon denial of a request, in whole or in part, the State agency is notified and the Bureau's Regional Representative is instructed to negotiate with the State with a view to removing the basis for denial.

§ 310.6 *Request for funds for servicemen's readjustment allowance program.* Allotments of funds for the administration of the servicemen's readjustment allowance program are made to States by the Commissioner for Social Security upon certification by the Administrator of Veterans Affairs under section 1100 (f) of the Servicemen's Readjustment Act of 1944. The Administrator of Veterans Affairs by agreement with the Commissioner for Social Security uses the services and facilities of the Bureau of Employment Security in activities pertaining to State employment security budgetary matters which involve the administration of servicemen's allowances.

(a) *Request for funds.* Requests for funds for administering the servicemen's readjustment allowance and unemployment insurance programs are integrated in one budget at the beginning of each budgetary period. The forms and instructions used by State agencies in requesting funds for this purpose are available upon request from the Bureau of Employment Security, Social Security Administration, Washington 25, D. C., and the regional offices. The forms and instructions require that the amount included for administration of servicemen's allowances be justified on the same basis as the request for unemployment insurance administrative funds. The Bureau's Regional Representative assists States in preparing the necessary information.

(b) *Processing of requests.* The integrated budget request is submitted to the Regional Representative of the Bureau of Employment Security. The State also sends a copy of the budget directly to the Veterans Administration. The Regional Representative sends a copy of this integrated budget request to the central office of the Bureau together with his recommendation. The budget request, insofar as it relates to the servicemen's allowance program, and the Regional Representative's recommendation are reviewed by the Veterans' Administration, which determines the funds needed by the State for administering the servicemen's readjustment allowance program.

(c) *Certification for payment.* The Administrator of Veterans' Affairs certifies to the Commissioner for Social Security the amount to be allotted to each State, and the Commissioner in turn certifies the amount to the Secretary of the Treasury for payment under title V of the Servicemen's Readjustment Act of 1944. Allotments from the total amount approved for servicemen's allowance purposes are made to the State agency quarterly.

§ 310.7 *Grants for costs incurred for United States Employment Service.* The annual appropriation for the United States Employment Service includes authorization for that agency to transfer funds to the Social Security Administration to meet costs of premises, equipment, and services made available by State employment security agencies for the operation of local employment offices.

(a) *Requests for funds.* The forms and instructions used by State agencies in requesting funds for this purpose are available upon request from the Bureau of Employment Security, Social Security Administration, Washington 25, D. C., and the regional offices. The amounts requested are based on agreements reached for each budgetary period by the State employment security agency and the State United States Employment Service Director. The Bureau's Regional Representative assists States in preparing such requests.

(b) *Processing requests.* The State agency's requests are submitted to the Regional Representative as part of the State's integrated budget for administration of the unemployment insurance and servicemen's readjustment allowance programs. The signed agreement for the amount requested, together with

the other budget documents, is forwarded to the central office of the Bureau. Upon receipt, the Bureau informs the central office of the United States Employment Service as to the amount involved and, upon approval by that office, it is included in the total amount certified to the Secretary of the Treasury by the Commissioner for Social Security for payment to the State agency for administration of its unemployment compensation law.

§ 310.8 *Agreement with Postmaster General.* The Social Security Administration and the Postmaster General have been directed by the Congress (Title II of the Labor-Federal Security Appropriation Act, 1947) to prescribe a mutually satisfactory procedure whereby official State employment security postal matter will be handled without the prepayment of postage. In lieu of such prepayments, the Social Security Administration periodically certifies to the Secretary of the Treasury for payment to the Post Office Department the amount necessary to cover the cost of State agency mailings. The amount of payment is based on a formula agreed upon by the Social Security Administration and the Post Office Department.

§ 310.9 *Advances to States.* Title XII of the Social Security Act provides that if the balance in a State's account in the Unemployment Trust Fund falls below a level specified in the statute, the State employment security agency may apply to the Social Security Administration for an advance from the Federal Unemployment Account, such advance to be repaid by the State at such time as the State fund exceeds a stipulated amount.

Applications for advances are submitted by State agencies to the Regional Representative of the Bureau for transmittal to the central office of the Bureau. The Bureau reviews applications and makes appropriate recommendations to the Commissioner for Social Security. If the Commissioner finds that the prescribed conditions for the advance are met, he certifies to the Secretary of the Treasury the amount to be transferred from the Federal Unemployment Account to the State's account in the Unemployment Trust Fund.

§ 310.10 *Audits.* As soon as practicable after the close of each budgetary period, or at other times as necessary, the books of account and records pertaining to employment security administration in each State are audited to determine whether the expenditures have been made for purposes and in amounts found necessary by the Commissioner for Social Security for proper and efficient administration of the State's unemployment compensation law.

(a) If the audit, as reviewed by the regional office, results in no exceptions, the agency is advised by letter of this result. If the regional office concurs in exceptions taken by the examining auditor, the State agency is given an opportunity within 15 days to concur in them or to submit additional facts for purposes of clearing the exceptions. If the agency's reply does not result in clearance of the exceptions by the regional office, the agency is given a further opportunity within 15 days to concur in the exceptions or to appeal to the Commissioner, giving a full statement of its reasons.

(b) The Commissioner upon consideration of an appeal determines whether (1) the exceptions are properly taken and replacement of the amount involved is required, or (2) the exceptions should be withdrawn. In either case the State agency is notified of the action taken.

[SEAL] A. J. ALTMEYER,
Commissioner for Social Security.

Approved: Aug. 28, 1946.

MAURICE COLLINS,
Acting Administrator.

[F. R. Doc. 46—15468; Filed, Aug. 29, 1946; 10:55 a. m.]

BUREAU OF PUBLIC ASSISTANCE

[45 CFR, Ch. II]

PART 200—ORGANIZATION, DELEGATION OF FINAL AUTHORITY, PLACES AT WHICH INFORMATION MAY BE SECURED

SUBPART A—ORGANIZATION

Sec.
200.1 The Social Security Administration.
200.2 Bureau of Public Assistance.
200.3 State Technical Advisory Service.
200.4 Bureau of Accounts and Audits.
200.5 Thirteen regional offices.

SUBPART B—DELEGATION OF FINAL AUTHORITY

200.6 Commissioner for Social Security.

SUBPART C—PLACES AT WHICH INFORMATION MAY BE SECURED

200.7 Information concerning public assistance.
200.8 Public inspection of final opinions, orders, and rules.
200.9 Availability of official records.

SUBPART A—ORGANIZATION

§ 200.1 *The Social Security Administration.* (See 45 CFR, 1.21.) The Social Security Administration includes the following Bureaus and offices which carry on activities relating to public assistance, and the operation of the Federal-State system of public assistance:

Bureau of Public Assistance.
State Technical Advisory Service.
Bureau of Accounts and Audits.
Thirteen regional offices (see 45 CFR 1.21).

§ 200.2 *Bureau of Public Assistance.* The Bureau of Public Assistance is headed by a Director. In her absence or disability an Assistant Director acts for her.

The Bureau of Public Assistance was established as the operating unit concerned with the administration of Titles I, IV, and X of the Social Security Act, which provide for grants-in-aid to the States for old-age assistance, aid to dependent children and aid to the blind, respectively. Under Title VII of the Social Security Act, the Bureau of Public Assistance has responsibility for participating in studies and making recommendations as to the most effective methods of providing economic security through social insurance and as to legislation and matters of administrative policy concerning public assistance and related subjects. Under the 1947 Federal Security Agency Appropriation Act, the Bureau administers civilian war assistance.

The three assistance programs, old-age assistance, aid to dependent children and aid to the blind, are State-initiated and State administered. The Social Security Act stipulates certain minimum conditions which the State's plan for administering its public assistance programs must meet. If these conditions are met, the act requires that the plan be approved. The particular eligibility requirements within the limits of the Social Security Act, and amounts of payment, however, are prescribed by the State. When a State plan is submitted and approved, the State becomes eligible for Federal funds approximating half of the total cost of assistance payments to recipients and the cost of administration.

Through its regional representatives and the departmental staff the Bureau of Public Assistance reviews provisions and operation of State plans for these three special types of assistance to determine their initial and continuing conformity with the specifications of the Social Security Act. The Bureau reviews the State's request for Federal funds and recommends the amount to be granted each quarter as the Federal share of expenditures under each approved plan. The Bureau also collects and analyzes data on the operation of all forms of public assistance in the States and advises them on developing and improving the operation of their public assistance programs.

The Divisions of the Bureau are, an Operations Division, a Standards and Program Development Division, and a Statistics and Analysis Division.

(a) *Operations Division.* The Operations Division is responsible for directing all field actiyities including the administrative review of State operations, coordinating of all services that are furnished to the regional staff and the State public assistance agencies, review and analysis of State plans and supplementary plan material, computation of grants to the States, and preparation of materials on trends and progress of the public assistance programs.

(b) *Standards and Program Development Division.* The Standards and Program Development Division formulates policies and standards implementing the requirements of the Social Security Act, develops standard-setting materials in such areas as services necessary for the welfare of needy individuals, the determination of need and amount of assistance, organization and administrative practices, the health and medical aspects of public assistance, and State public assistance legislation. This Division also provides technical advice to the regional representatives and State agencies on these subjects, and prepares written materials for use by States and interested organizations on the maximum development of public assistance and related programs.

(c) *Statistics and Analysis Division.* The Statistics and Analysis Division is responsible for developing and supervising the statistical and research programs of the Bureau, formulating the procedures for collecting and analyzing the statistical and research data from the

State public assistance programs, analyzing and estimating State and Federal expenditures for public assistance, and providing consulative services to State agencies on reporting requirements of the Act and on developing their own statistical and research programs.

§ 200.3 *State Technical Advisory Service.* The State Technical Advisory Service is headed by a chief. This Division is responsible for assisting State agencies administering public assistance programs in attaining conformity with the merit system requirements under the Social Security Act and achieving maximum economy and efficiency in the operation of personnel programs. It gives to State agencies technical assistance in formulating merit system rules and regulations, in establishing merit system organizations, in developing and maintaining classification and compensation plans, in establishing and operating State-wide merit system examination programs, and in installing internal personnel procedures. It reviews operations of State merit systems from the standpoint of continuing compliance with the requirements of Federal law.

§ 200.4 *Bureau of Accounts and Audits.* The Bureau of Accounts and Audits is headed by a Director. In his absence or disability, an Assistant Director acts for him. The Bureau's functions and activities in relation to public assistance include the audit of State expenditures for assistance and administration of the public assistance program; and advice and service to the State agencies concerning accounting and fiscal matters. Divisions of the Bureau of Accounts and Audits which perform functions relating to public assistance are:

(a) *Field Division.* The Field Division is headed by a Chief, and has the following functions: Planning and direction of activities of regional audit staff; collaboration in the preparation of audit instructions; formulation of operating policies for field activities; and collaboration in the development of procedures for processing audit findings.

(b) *Finance Division.* The Finance Division is headed by a Chief and has the following functions: Collaboration in formulation of standards and preparation of instructions for conduct of audits; analysis of audit reports; review of appeals from audit findings; development of procedures for processing audit findings; and furnishing of constructive accounting services to State public assistance agencies.

§ 200.5 *Thirteen regional offices.* (See 45 CFR, 1.21). Each regional office in the Continental United States includes a representative of the Bureau of Public Assistance, the State Technical Advisory Service, and the Bureau of Accounts and Audits. In Alaska and Hawaii the functions are performed by the Regional Director.

(a) *Regional representative of the Bureau of Public Assistance.* The regional representative of the Bureau of Public Assistance and his staff is the major point of contact by State public assistance agencies and by other interested persons for securing general information. Required reports, official documents, and other related communications are submitted through the regional offices. The regional public assistance staff is available at all times to the State agency for consultation and advice on any aspect of the State's administration of public assistance. The regional public assistance representative is also authorized to initiate discussion with State public assistance agencies on the content of any of the reports or other materials submitted by the State which raise questions because of lack of clarity or incompleteness and because of possible conflict with basic requirements of the Social Security Act.

The regional public assistance representative, in addition to advising with States on the application of Federal standards and requirements and on the improvement of the States' administration, is responsible for conducting a continuing review of State and local public assistance operations to determine compliance with the minimum requirements of the Social Security Act. The regional public assistance staff also furnishes technical assistance to State agencies in carrying out research and statistical programs and in the development of data needed for program planning and appraisal of operations.

(b) *Regional representative of the State Technical Advisory Service.* The regional representative of the State Technical Advisory Service, called Personnel Representative, provides advisory service to State merit systems and public assistance agencies and conducts periodic reviews of State merit system administration covering all phases of personnel selection and retention in relation to merit system requirements of the Social Security Act.

(c) *Regional representative of the Bureau of Accounts and Audits.* The regional representative of the Bureau of Accounts and Audits, called Regional Auditor, carries out the Bureau's program and instructions within the region; renders consultative service to State officials on fiscal matters; conducts fiscal audits of assistance and administrative expenditures of State public assistance agencies; develops administrative information regarding State fiscal policies; participates in development and installation of improved fiscal practices in State agencies; and reviews State appeals regarding proposed exceptions.

SUBPART B—DELEGATION OF FINAL AUTHORITY

§ 200.6 *Commissioner for Social Security.* (See also 45 CFR 1.21). By delegation from the Federal Security Administrator, the Commissioner for Social Security has the following authority in relation to public assistance:

(a) All powers and duties of the Administrator concerning public assistance, contained in the Social Security Act, Titles I, IV, VII, X, and XI, Social Security Act.

(b) Civilian war assistance: Administration of civilian war assistance program to provide temporary aid to certain citizens affected by the war, and to provide return transportation to the Philippines and Hawaii for civilian evacuees. (Pub. Law 549, 79th Cong.)

SUBPART C—PLACES AT WHICH PUBLIC MAY SECURE INFORMATION

§ 200.7 *Information concerning public assistance.* Information concerning public assistance, or any of the functions for which the Bureau of Public Assistance is responsible, may be obtained by request in person or by letter at the regional offices of the Social Security Administration, or at the Washington, D. C. office, Third and Independence Avenue, S. W. Since the Bureau of Public Assistance exercises no authority with respect to determination of eligibility or amount of payment made by State public assistance agencies in individual cases, inquiries in such instances will be disposed of more expeditiously if addressed to the appropriate State public assistance agency.

§ 200.8 *Public inspection of final opinions, orders, and rules.* All final opinions or orders in the adjudication of cases and all rules relating to public assistance are available for public inspection, except that the Commissioner for Social Security may hold any such opinions, or orders, or parts thereof confidential for good cause (See Regulation 1, 20 CFR, Chap. III, Part 401). Opinions and orders not held confidential (or copies thereof) and all rules may be inspected at any of the regional offices or at the central office of the Bureau of Public Assistance, Social Security Administration, located at Washington, D. C. Requests to inspect at the central office must be submitted to the Director of the Bureau of Public Assistance.

§ 200.9 *Availability of official records.* The record of any hearing held by the Commissioner for Social Security including transcripts of testimony, exhibits and all documents received in evidence or made part of the record of such hearing are official records.

Official records relating to public assistance are made available for inspection to persons properly and directly concerned upon written application to the Director of the Bureau of Public Assistance, except that upon good cause found by the Commissioner (See Regulation 1, 20 CFR, Chap. III, Part 401) such records or parts thereof may be held confidential. Notice of denial of a request to inspect official records will be given promptly together with a statement of the reason for denial.

PART 201—ADMINISTRATIVE PROCEDURE

SUBPART A—APPROVAL OF STATE PLANS FOR PUBLIC ASSISTANCE AND CERTIFICATION OF GRANTS

Sec.

201.1 General.
201.2 Approval of State plans and amendments.
201.3 Grants.
201.4 Withholding certification.

SUBPART B—REVIEW AND AUDITS

201.5 Continuing review of State and local administration.
201.6 Public assistance fiscal audits.

SUBPART A—APPROVAL OF STATE PLANS FOR PUBLIC ASSISTANCE AND CERTIFICATION OF GRANTS

§ 201.1 *General.* The State plan is a comprehensive statement prepared by the State public assistance agency describing all pertinent aspects of its operations necessary for the Social Security Administration to reach a determination as to conformity with the specific requirements stipulated in the Social Security Act. The State plan sets forth the basic State laws enabling and limiting the administration of public assistance; a description of the agency's organization and functions; its rules and regulations governing personnel administration; policies, instructions, and interpretations with regard to eligibility conditions and methods of determining the amount of assistance; fiscal operations and procedures; and reporting and research activities. Detailed instructions and suggestions for the content and submission of the documents comprising the State public assistance plan are contained in form PA-502, "Guide for Submitting Basic Material Pertaining to State Public Assistance Plans."

§ 201.2 *Approval of State plans and amendments.* The set of documents setting forth the State's plan may be submitted as one plan covering the three types of assistance where the programs have a common basis of administration, or a separate plan covering any one of the three assistance programs. After initial approval by the Commissioner, all relevant changes such as new statutes, rules, regulations, interpretations, and court decisions are required to be submitted currently so that the Commissioner may determine the status of State plans for purposes of certification of grants from time to time.

(a) *Submission.* The State public assistance plan and revised plan material is submitted to the Bureau through the regional office. The States are encouraged to obtain consultation of the regional staff if the plan is in process of preparation or revision.

(b) *Review.* The regional public assistance representatives are responsible for preliminary review of State plans, and they also initiate discussion with the State agency on clarification of significant aspects of the plan material which come to their attention in the course of the preliminary review. The material is submitted to the Washington office with the regional representative's recommendations. In the Washington office, this review is completed to determine whether the plan material contains any provision inconsistent with the requirements of the Social Security Act. Concurrently, comments and suggestions, including those of consultants in specialized areas of public assistance administration, may be prepared for use by the regional representatives in negotiations with the State agency.

(c) *Approval.* The Bureau of Public Assistance is delegated the authority of initial approval of State plans or State laws as provided in titles I, IV, and X of the Social Security Act. Final authority has been reserved by the Commissioner. The Bureau advises the State public assistance agency through its regional representative of the approval of State plans or revisions or the need for clarifying information. A letter is sent to the State public assistance agency advising them of the disposition of the material submitted.

§ 201.3 *Grants.* To States with approved plans, grants are made each quarter for assistance and administration. The determination as to the amount of a grant to be made to a State public assistance agency is based upon three documents which contain the information required under the Social Security Act.

(a) *Form and manner of submission—*(1) *Time and place.* The estimate for public assistance grants for each quarterly period together with the State Fiscal Officer's certificate of available funds, are forwarded to the regional office 45 days prior to (i) July 1 in cases of annual submission, (ii) July 1 and January 1 in cases of semiannual submission, and (iii) the next succeeding budgetary period in cases of quarterly submissions. The State Fiscal Officer's certificates of available State funds usually submitted with the grant estimates may be submitted to cover a quarterly, semiannual, or annual period. The quarterly expenditure statement and any necessary supporting schedules are forwarded to the regional office within 20 days after the end of the quarter. Ordinarily, estimates for public assistance grants are submitted quarterly to the regional offices. However, States are permitted upon agreement with the Bureau of Public Assistance to submit estimates for grants at annual or semiannual rather than quarterly intervals.

(2) *Description of forms.* "Report of Estimated Expenditures and Funds to be Available," PA-101, PA-102, or PA-103 for old-age assistance, aid to dependent children, and aid to the blind, respectively, represents the State agency's estimate of the number of recipients to receive aid during each of the three months of the quarter. The forms also contain the estimated average assistance payment per recipient, and the estimated expenditures for assistance and administration, from which is computed the total estimates to be expended during the quarter. Estimated expenditures that exceed the Federal matching maxima for payments to individuals are not to be included in computing the Federal grant and are deducted from the total estimate. In addition, the report of the estimated expenditures indicates the amount of State and local funds appropriated and available for public assistance during the pertinent quarter.

In addition, the State agency must submit a certificate of the State Treasurer or other fiscal officer having custody or control of the State assistance funds, as to the amount of State funds (exclusive of any balance of assistance received from the Federal government) actually on hand and available for expenditure. If the amount of State funds, or State and local funds if localities participate in the program, shown as available for expenditures, is not sufficient to cover the State's proportionate share of the amount estimated to be expended, the certificate of the Fiscal Officer should contain a statement showing the source from which the amount of the deficiency is expected to be derived and the time when this amount is expected to be made available.

The third document submitted by the States is the quarterly statement of expenditures for each of the categories. This is an accounting statement of the disposition of the Federal funds granted for past periods, and reflects the adjustments necessary because the State's estimate for any prior quarter was greater or less than the amount which the State expended. The statement of expenditure also shows the share of the Federal government in any recovery of assistance from recipients and also expenditures not properly subject to Federal financial participation which are acknowledged by the State agency or have been revealed in the course of the fiscal audit.

(b) *Review.* The State's estimates are reviewed in the regional office by the regional office staff. The same procedure is followed in reviewing State estimates as is followed in the review of State public assistance plans (see § 201.2 (b)).

(c) *Estimate of amount due and certification.* Upon consideration and approval of the grant request, the Commissioner for Social Security estimates the amount to be paid to the States and certifies it to the Secretary of the Treasury for the ensuing quarter. Payment to the State is made by the Secretary of the Treasury at the beginning of each month of the quarter.

§ 201.4 *Withholding certification—*(a) *When withheld.* Certification of grants to States are withheld, after reasonable notice and opportunity for hearing, in the following circumstances:

(1) When the State has changed the plan so as to impose any requirement prohibited in the Social Security Act, or when in the administration of the plan any such prohibited requirement is imposed, with the knowledge of the State agency, in a substantial number of cases; or

(2) If in the administration of the plan there is a failure to comply substantially with any provision required by the Act to be included in the plan. (Sections 4, 404, and 1004 of the Social Security Act.)

(b) *Informal discussions.* Such hearings are generally not called, however, until after reasonable effort has been made by regional and central office representatives to resolve the questions involved by conference and discussion with State officials. Formal notification of the date and place of hearing does not foreclose further negotiations with State officials.

(c) *Hearings.* Hearings are held in accordance with the provisions of sections 4, 404, and 1004 of the Social Security Act and the Commissioner of Social Security presides. The requirements of sections 5 through 8 of the Administrative Procedures Act are observed in conducting these hearings.

(d) *Notice of non-certification.* After the hearing the Commissioner notifies the State agency that further payment will not be made to the State until the Commissioner is satisfied that such prohibited requirement is no longer imposed and that there is no longer any such fail-

ure to comply. Until the Commissioner is so satisfied he makes no further certification to the Secretary of the Treasury with respect to such a State. (Sections 4, 404, and 1004 of the Social Security Act.)

SUBPART B—REVIEW AND AUDITS

§ 201.5 *Continuing review of State and local administration.* In order to provide a basis for determining that State welfare departments are adhering to Federal requirements and to the substantive legal and administrative provisions of their approved plans, the Bureau of Public Assistance conducts a continuing review of State and local administration.

The administrative review includes analysis of procedures and policies of State and local agencies and review of records of individual recipients. A sample of case records is read, and schedules are filled out for various types of cases, such as for approved applications, for cases active a year or more, and for rejected applications. If the review reveals cases in which there appears to have been an improper expenditure of Federal funds, the State agency is asked for further information. If the information the State submits is not sufficient to substantiate the payment, the State is asked to make an adjustment on its expenditure report.

§ 201.6 *Public assistance fiscal audits.* Semiannually, or at other times as necessary, the State public assistance agency claims for Federal funds are audited by the Social Security Administration to determine that the agency has properly reported its accountability for grants of Federal funds for public assistance; the amounts granted for Federal funds for assistance payments where actually disbursed to individuals who had been determined by the agency to be entitled to public assistance under the appropriate category; administrative expenditures claimed for Federal financial participation are proper under the Federal Act and State plan including State laws and regulations; amounts expended and used as the basis for claiming Federal funds under title I, IV, and X were not derived from other Federal sources or were not used as a basis for other Federal matching; and the share of the Federal government in any recovery was accurately and promptly adjusted with, or limited to, the Federal government.

If the audit results in no exceptions, the public assistance agency is advised by letter of this result. The general course for the disposition of exceptions resulting from audits involves the submittal of details of these exceptions to the State public assistance agency which then has an opportunity to concur in the exceptions or to assemble and submit additional facts for purposes of clearance. Provision is made for the State agency to appeal audit exceptions in which they have not concurred and which have not been deleted on the basis of clearance material. After consideration of a State agency appeal, the Commissioner advises the State agency of any expenditures in which the Federal government may not participate and requests it to include the amount as adjustments in a subsequent statement of expenditures. Expenditures in which it is found the Federal government may not participate and which are not properly adjusted through the State's claim will be deducted from subsequent claims made by the Social Security Administration to the State agency.

[SEAL] A. J. ALTMEYER,
Commissioner for Social Security.

Approved: August 28, 1946.

MAURICE COLLINS,
Acting Federal Security Administrator.

[F. R. Doc. 46–15465; Filed, Aug. 29, 1946; 10:53 a. m.]

CHILDREN'S BUREAU

[42 CFR, Ch. II]

PART 205—ORGANIZATION, DELEGATIONS OF FINAL AUTHORITY, PLACES AT WHICH INFORMATION MAY BE SECURED

SUBPART A—ORGANIZATION

Sec.
205.1 General.
205.2 Functions and divisions.
205.3 Regional offices.

SUBPART B—DELEGATIONS OF FINAL AUTHORITY

205.4 Delegation of authority.

SUBPART C—PLACES AT WHICH PUBLIC MAY SECURE INFORMATION

205.5 Places to secure information.
205.6 Public inspection of final opinions, orders, and rules.
2$5.7 Availability of public records.

SUBPART A—ORGANIZATION

§ 205.1 *General.* The Children's Bureau is a part of the Social Security Administration of the Federal Security Agency. (See 45 CFR 1.21.)

§ 205.2 *Functions and divisions.* The Children's Bureau is headed by a Chief. In her absence or disability the Associate Chief acts for her. The Children's Bureau has the following functions:

(a) To investigate and report upon all matters pertaining to the welfare of children and child life and to this end to conduct research and provide information and advisory service (39 Stat. 79, Ch. 73);

(b) To administer grants to the States under Ttitle V of the Social Security Act: Part 1. Maternal and child health services; Part 2, Services for crippled children; Part 3. Child welfare services. (Social Security Act 1935, 49 Stat. 620, as amended 1939, 53 Stat. 1360; 42 U. S. C., Chapter 7, and 1946, Pub. Law 719, 79th Cong.);

(c) To administer funds appropriated for Emergency Maternity and Infant Care—Appropriation for fiscal year ending June 30, 1947 (Pub. Law 549, 79th Cong.), and

(d) To cooperate with other American Republics under the program of the Interdepartmental Committee on Scientific and Cultural Cooperation; and the following divisions and services:

(e) *General Bureau services.* The Administrative Division handles the business management operations of the Bureau including its mailing service, distribution of publications, and central files. The State Audits Unit performs accounting work including field audits in connection with grants to the States administered by the Bureau. The Merit System Unit gives advisory service to the Division of Health Services and the Social Service Division and to State agencies on methods relating to the establishment and maintenance of personnel standards on a merit basis under Federal-aid programs administered by the Children's Bureau.

(f) *Division of Reports.* The Division of Reports provides information service related to the Bureau programs to the press, radio, magazines, and other public information media, serves as liaison for the Bureau with other Federal information offices, and issues Bureau publications and other informational material.

(g) *Inter-American Unit.* The Inter-American Unit promotes the exchange of information relating to children and services for children between agencies in the United States and international organizations and agencies in other countries. It conducts Children's Bureau cooperation with the American International Institute for the Protection of Childhood (Headquarters, Montevideo, Uruguay) on whose council the Chief of the Children's Bureau represents the Government of the United States as technical advisor. The Inter-American Unit provides consultation service on maternal and child health and child welfare to the other American Republics on request and directs programs of training in such fields for officials of such Republics under the program of the Interdepartmental Committee on Scientific and Cultural Cooperation of the Department of State (53 Stat. 654, 76th Cong. Ch. 115 and 53 Stat. 1290, 76th Cong. Ch. 616).

(h) *Division of Statistical Research.* The Division of Statistical Research provides statistical service to the Other Divisions of the Bureau and conducts statistical research relating to children, collects and analyzes current statistics from the State agencies relating to maternal and child health services, the emergency maternity and infant care program, services for crippled children, child welfare services, and juvenile delinquency, and analyzes statistics on maternal and child mortality, accidents to children, economic status of families and other factors affecting the well-being of children.

(i) *Mental Health Unit.* The Mental Health Unit includes on its staff a psychiatrist, psychiatric social-worker, and a psychologist. Under an interdivision committee headed by the Chief of the Children's Bureau, the Unit provides information and consultation services to the Divisions of the Bureau, to State agencies and other agencies, public and private, for the purpose of promoting the development and improvement of the mental health aspects of child health and child welfare programs and the development of diagnostic and treatment resources for children with behavior problems and for mentally retarded childen.

(j) *Division of Research in Child Development.* The Division of Research in Child Development conducts research on the health, growth, and development of

children; develops standards for maternal and child care, for services for the health of mothers and children, and for equipment, hospitals, and other facilities needed for their care; and prepares reports on its research and publications on maternal and child care for parents, physicians and other health workers, and for health agencies public and private.

(k) *Division of Health Services.* The Division of Health Services has a director, an assistant director for maternal and child health, an assistant director for crippled children, a Nursing Unit, a Medical Social Unit, a Nutrition Unit, a Medical Care Administrative Methods Unit and other professional consultants. The functions of the Division of Health Services include the administration, under the supervision of the Chief and Associate Chief of the Bureau, of grants to States for maternal and child health services, for emergency maternity and infant care for the wives and infants of men in the lowest 4 pay-grades of the Armed Forces, and for services for crippled children; consultation service to the State health and crippled children's agencies on the development and operation of State plans for such services, and review of State plans in preparation for approval by the Chief of the Bureau.

(1) *Social Service Division.* The Social Service Division is headed by a director and has a director of special services and a director of field services, and a staff of special consultants on various types of social services for children. The Division conducts research, develops standards for service and gives information and advice directed toward improving the social well-being of all children and the provision of protection and care for children who are physically, mentally, or socially handicapped. The Division analyzes laws relating to the welfare of children and advises on the drafting of such legislation on the basis of standards developed in special fields. The Division prepares reports on its research and publications on social services for children for the use of social workers, public and private agencies, and community groups concerned with social services for children. The Social Service Division under the supervision of the Chief of the Children's Bureau, administers grants to the States for child welfare services under Title V, Part 3, of the Social Security Act as amended; develops jointly with the State public welfare agencies State plans for child welfare services for the protection and care of children who are homeless, dependent, neglected and in danger of becoming delinquent, in rural areas and in areas of special need; and reviews State plans for child welfare services in preparation for their approval by the Chief of the Children's Bureau.

§ 205.3 *Regional offices*—(a) *Location.*

REGION I: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont. Medical director (plus New York), New York, N. Y. Child welfare consultant, Boston, Mass.

REGION II–III: New York, Delaware, New Jersey, Pennsylvania. Medical director (excluding New York), Washington, D. C. Child welfare consultant (plus Puerto Rico and Virgin Islands), Washington, D. C.

REGION IV: District of Columbia, Maryland, Virginia, West Virginia, North Carolina. Medical director (excluding North Carolina), Washington, D. C. Child welfare consultant, Washington, D. C.

REGION V: Kentucky, Michigan, Ohio. Medical director (plus Puerto Rico and Virgin Islands), Washington, D. C. Child welfare consultant, Cleveland, Ohio.

REGION VI: Illinois, Indiana, Wisconsin. Medical director—Same as for Region V. Child welfare consultant, Chicago, Ill.

REGION VII: Alabama, Florida, Georgia, Mississippi, South Carolina, Tennessee, Medical director (plus North Carolina), Atlanta, Ga. Child welfare consultant, Atlanta, Ga.

REGION VIII: Iowa, Minnesota, Nebraska, North Dakota, South Dakota. Medical director (plus Missouri and Kansas), Kansas City, Mo. Child welfare consultant, Minneapolis, Minn.

REGION IX: Arkansas, Kansas, Missouri, Oklahoma. Medical director (see Regions VIII and X). Child welfare consultant, Kansas City, Mo.

REGION X: Louisiana, New Mexico, Texas. Medical director (plus Arkansas and Oklahoma), Dallas, Texas. Child welfare consultant, San Antonio, Texas.

REGION XI: Colorado, Idaho, Montana, Utah, Wyoming. Medical Director, San Francisco, Calif. Child welfare consultant, Denver, Colo.

REGION XII: Arizona, California, Nevada, Oregon, Washington, Alaska, Hawaii. Medical director, San Francisco, Calif. Child welfare consultant, San Francisco, Calif.

(b) *Health services.* The Division of Health Services has representatives serving 8 regions including for each region a medical director, nursing consultant, medical-social consultant, and nutrition consultant. The regional medical director serves as director of the group of consultants in each region. Within their respective fields the consultants give consultation service to the State health agencies and the State crippled children's agencies on the extension and improvement of maternal and child health services, on the provision of care for the wives and infants of servicemen, and on the location and care of crippled children. The regional medical director is responsible for the conduct of negotiations with the heads of the State agencies with regard to the State plans submitted in requesting grants under the 3 programs administered by the Division.

(c) *Child Welfare Services.* The Social Service Division has a regional child welfare consultant in each of 11 regions. The regional child welfare consultants give consultation service to the State public welfare agencies on the program for child welfare services financed in part with Federal funds and to public and private agencies and community groups on the development, organization, and administration of State and local child-welfare programs and in regard to (1) foster care for children including institutional and foster family care; (2) licensing and supervising of children's institutions, child caring agencies, and foster homes; (3) day care services for children; (4) adoptions and care of children of illegitimate birth; and (5) measures for controlling juvenile delinquency, including juvenile courts, detention facilities, training schools and community programs for the prevention of juvenile delinquincy.

SUBPART B—DELEGATION OF FINAL AUTHORITY

§ 205.4 *Delegation of authority.* The Commissioner for Social Security has been delegated by the Federal Security Administrator all functions of the Children's Bureau and the Chief of the Children's Bureau and all functions of the Secretary of Labor under Title V of the Social Security Act as amended, providing for the administration of grants to States for maternal and child health services, services for crippled children, and child welfare services, except that the functions heretofore performed by the Children's Bureau in the Department of Labor shall continue to be performed through the Children's Bureau in the Social Security Administration.

SUBPART C—PLACES AT WHICH PUBLIC MAY SECURE INFORMATION

§ 205.5 *Places to secure information.* Information concerning any of the functions for which the Children's Bureau is responsible may be obtained in person or by letter at the central office of the Bureau in Washington, D. C. or at the regional offices listed. (See 45 CFR 205.3.) A list of Children's Bureau publications is available on request. Single copies may be obtained from the Children's Bureau without charge so long as a supply for such distribution is available. Orders for the purchase of Bureau publications and subscriptions for its monthly publication, The Child, should be sent to the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

§ 205.6 *Public inspection of final opinions, orders, and rules.* All final opinions or orders in the adjudication of cases and all rules are available for public inspection, except that the Commissioner for Social Security may hold any such opinions or orders or parts thereof confidential for good cause. Opinions and orders not held confidential (or copies thereof) and all rules may be inspected at any of the regional offices or at the central office of the Children's Bureau located at Washington, D. C. Requests to inspect at the central office must be submitted to the Chief of the Children's Bureau.

§ 205.7 *Availability of official records.* The record of any hearing held by the Commissioner for Social Security including transcripts of testimony, exhibits, and all documents received in evidence or made part of the record of such hearings are official records. Official records are made available for inspection to persons properly and directly concerned upon written application to the Chief of the Children's Bureau, except that upon good cause found by the Commissioner for Social Security, such records or parts thereof may be held confidential. Notice of denial of a request to inspect official records will be given promptly together with a statement of the reason for denial.

PART 206—ADMINISTRATIVE PROCEDURE

SUBPART A—RESEARCH, INFORMATION AND ADVISORY SERVICE

Sec.

206.1 Research.

Sec.
206.2 Current statistics.
206.3 Development of standards.
206.4 Information and advisory service.

SUBPART B—GRANT TO STATES

206.5 General.
206.6 Grants to States for maternal and child health services and emergency maternity and infant care.
206.7 Grants to States for services for crippled children.
206.8 Grants to States for child welfare services.

SUBPART A—RESEARCH, INFORMATION, AND ADVISORY SERVICE

§ 206.1 *Research.* Research studies are made by the research divisions of the Children's Bureau using their own staff and in cooperation with other agencies, public and private. Requests or recommendations for research are considered in relation to the Bureau's other research commitments and are approved by the Chief of the Children's Bureau when staff and funds are available. Studies to be made in any State are reported in the planning stage to the State agency operating in the field of the study. Schedules for studies are cleared by the Division of Statistical Research with the Bureau of the Budget.

Reports on research studies are presented in manuscript form to the agencies concerned and are issued as Bureau publications, in its monthly bulletin, The Child, or in scientific journals.

§ 206.2 *Current statistics.* Current statistics concerning children are collected through State agencies or through other cooperating agencies usually on forms provided by the Children's Bureau and in accordance with instructions developed in consultation with the cooperating agencies and technical advisory committees.

Current statistical analyses and reports are issued periodically on births, maternal, infant, and child mortality, maternal and child health services, emergency maternity and infant care for families of enlisted men in the armed forces, crippled children on State registers, services for crippled children, children receiving services from public welfare agencies and public institutions, personnel in public welfare agencies providing services for children, and juvenile court statistics.

§ 206.3 *Development of standards.* The Divisions of the Children's Bureau within their respective fields develop standards for the care of mothers and children, for equipment and facilities to be used in their care, for health and welfare services for children and for legislation benefitting children. Such standards are based on research findings and the experience of agencies serving children and are developed with the aid of professional leaders and advisory committees.

§ 206.4 *Information and advisory service.* The technical knowledge of the Bureau's staff, information obtained from research, and from reports of public and private agencies serving children, and the standards developed for maternal and child care, for services for children, and for legislation form the basis for its publications and for information and advisory service given by the Bureau.

Requests for information and advise from individuals or agencies are answered by interview, correspondence, publications, and consultation service.

SUBPART B—GRANTS TO STATES

§ 206.5 *General.* The Children's Bureau under authority delegated by the Federal Security Administrator and the Commissioner for Social Security, administers grants to States for maternal and child-health services, services for crippled children, and child-welfare services under Title V, Parts 1, 2, and 3 of the Social Security Act as amended (49 Stat. 629, Ch. 531, Pub. Law 271; 53 Stat. 1360, Ch. 666 Pub. Law 379; and Pub. Law 719, 79th Cong.) and under appropriations for emergency maternity and infant care for wives and infants of men in the lowest 4 pay grades of the armed forces and army aviation cadets. (Pub. Law 549, 79th Cong.) For regulations see CFR 42, Ch. II, Parts 200, 201, 202, 203, and 204.

§ 206.6 *Grants to States for maternal and child health services and emergency maternity and infant care.* Annual appropriations are made for grants to State health agencies for the purpose of enabling each State to extend and improve services for promoting the health of mothers and children especially in rural areas and areas suffering from economic distress. Annual appropriations are made for emergency maternity and infant care to provide, in addition to similar services otherwise available, medical, nursing, and hospital maternity and infant care for wives and men of the fourth, fifth, sixth, and seventh pay grades in the armed forces of the United States and of army aviation cadets.

(a) *Apportionment of funds.* The Chief of the Children's Bureau makes an apportionment to the States of the annual appropriation for maternal and child-health services in accordance with the terms of Section 502 of the Social Security Act as amended allowing for each State $35,000 and such part of $5,500,000 as the number of live births bears to the total number of live births in the United States in the latest calendar year for which statistics are available (MCH Fund A—State matching required); and an apportionment from $5,500,000 according to the financial need of each State for assistance in carrying out its State plan as determined after taking into consideration the number of live births in such State (MCH Fund B—State matching not required).

The Chief of the Children's Bureau makes an apportionment to the States of the annual appropriation for State expenses for administering emergency maternity and infant care in accordance with the terms of the appropriation act on the basis of need as determined by the Chief of the Children's Bureau (EMIC Fund E).

(b) Approval of State plans and revisions. The Children's Bureau submits to the State health agencies an Information Circular entitled "Instructions to Official State Agencies with regard to plans for Maternal and Child Health Services Under the Social Security Act, as amended, and Emergency Maternity and Infant Care Program" which calls for the following:

Part 1: A permanent MCH State plan file including laws and regulations basic to the plan and merit system material.

Part 2: An outline of basic plan material for the development of a program for a five-year maternal and child health State plan.

Part 3. Material needed annually as a basis for determining that conditions are met for allotment of funds under the provisions of Title V, Part 1, of the Social Security Act, as amended.

Part 4: Instructions for preparation of maternal and child health budgets for the current fiscal year.

The forms provided for the State plans include MCH 1—Certificate of Executive Officer of State Health Agency; MCH 7a—Certificate of State Attorney General as to Legality of State Plan; MCH 8—Quarterly Estimate of Proposed Expenditures; EMIC 8—Monthly Report and Request for Fund E; Joint Budget Form 3—Master Budget for Health Services—Summary of Budget Totals; Joint Budget Form 3a—Budget for Health Services; and Joint Budget Form 3b—Revision of Budget for Health Services.

Joint Budget forms used in State plans have been adopted jointly for the use of State health agencies by the United States Public Health Service and the Children's Bureau. They are made out in accordance with "Instructions for Use of Joint Budget Forms Effective July 1, 1946."

Each State health agency sends its State plan for maternal and child health services, including its Emergency Maternity and Infant Care plan, in triplicate, and 4 copies of the quarterly estimate of expenditures on Form MCH 8 in quadruplicate, to the regional medical director of the Children's Bureau who forwards the original plan and one copy each of the plan and quarterly estimate to the Assistant Director for Maternal and Child Health of the Division of Health Services and a copy of the plan and 2 copies of the quarterly estimate of expenditures to the State Audits Unit.

The plans are reviewed by the regional medical, nursing, medical-social, and nutrition consultants. The budget is reviewed by the State Audits Unit. The regional medical director recommends approval or modification to the Assistant Director and Director of the Division of Health Services. Any questions that arise concerning the conformity of the State plan to the requirements of the Social Security Act and policies of the Children's Bureau are negoitated by the regional medical director with the State health agency, and, if necessary, the plan or the budget is modified and resubmitted. The division director recommends approval of the plan to the Chief. The plan is approved and signed by the Chief of the Children's Bureau.

Revisions of the State plan are submitted and proceed through the same process of review and approval. To the regional medical director has been delegated by the Chief of the Children's Bureau authority to approve revisions of the MCH plan and budget as submitted by State agencies if these documents do not propose any substantial departures from the annual plan as approved. Re-

visions involving substantial changes in program in the Maternal and Child Health plan are reviewed, considered, and approved according to the procedure for the annual plan.

The material submitted for the annual State plan for the fiscal year 1947 includes the request for the extension of the Emergency Maternity and Infant Care 1946 plan through the succeeding year. This plan was adopted under similar procedure of submission and review and in accordance with the administrative policies, Emergency Maternity and Infant Care program (EMIC information Circular No. 1).

If an annual State plan cannot be completed prior to the beginning of the fiscal year and the balance of funds from previous allotments is sufficient to cover the cost of the operation of the program a request for extension of the previously approved plan may be submitted. Such a request proceeds through the same process of submission, review, and approval as the annual plan. The annual plan subsequently submitted contains all budget items carried during the period of extension.

(c) *Allotments, quarterly estimates, and payments.* After the approval of a State plan the Chief of the Children's Bureau sends a notice of the approval to the Commissioner of Social Security who makes the allotment of funds and provides for payments to the States by signing the following 3 documents: (1) the annual allotment of maternal and child health funds to the State in accordance with the approved apportionment from MCH Fund A and the quarterly allotment from MCH Fund B in acocrdance with funds requested in the State plan as approved; (2) the estimate for the first quarter's payment based on the State quarterly estimate of expenditure submitted with the State plan; and (3) the voucher for the first payment certified by the Chief of the Children's Bureau.

MCH Fund A allotments are made at the beginning of the fiscal year for the full amount of the apportionment. MCH Fund B allotments are made quarterly within the approved budget on the basis of needs shown in the quarterly estimate of expenditure submitted by the State agency taking into consideration unobligated balances on hand at the end of the preceding fiscal year.

EMIC Fund E allotments for State administration are made quarterly on the basis of estimates submitted by the States within the total of the approved annual budget (Form MCH 8 Quarterly Estimate of Proposed Expenditures).

EMIC Fund E allotments for care of mothers and infants are made monthly on the basis of monthly reports of obligations incurred and unliquidated obligations which are submitted monthly by the State Health Department (EMIC 8 Monthly Report and Request for Fund E).

Subsequent quarterly and special interim allotments, estimates, and vouchers are similarly submitted to the Commissioner for Social Security who indicates his approval by signing the documents submitted.

The vouchers for payments to the States as certified by the Chief of the Children's Bureau and the Commissioner for Social Security are listed on a schedule of disbursements which is sent with the vouchers to the Secretary of the Treasury as the basis for payments to the States.

(d) *Review of operation and consultation service.* For purposes of information on the operation of the State plan reports are submitted by the State public health agencies to the Children's Bureau.

Financial reports on State maternal and child health services include reports on the following forms: Joint Financial Report Form 11 Quarterly Statement of Receipts and Expenditures of Funds for Health Services; Joint Financial Report Form 11.1 Summary of Expenditures by Budget Total (Quarterly); Joint Financial Report Form 11.3 Detail—Expenditure by Budget Item (Annual); Joint Financial Report Form 11.4 Certificate of Executive Officer on Amounts Reported on Forms 11.1 and 11.3 (Annual); and Joint Financial Report Form 11.5 List of Unliquidated Obligations (Submitted with financial reports for the fourth quarter.)

Reports on maternal and child health services are made on the following forms: MCH-51 Quarterly Statistical Report on Maternal and Child Health Services; and MCH-53 Annual Report on Certain Maternal and Child Health Services. A form for a report submitted on the option of the State health agency is provided entitled Report of Public Health Personnel, Facilities, and Services to be submitted Annually to the United States Public Health Service and the Children's Bureau. States using the optional report form include data so gathered in the annual report on form MCH 53.

The following reports on the Emergency Maternity and Infant Care Program are made by the State health agencies on the following forms: EMIC-8 Monthly Report and Request for Fund E (Monthly); EMIC-51 Report on Cases Completed under the Emergency Maternity and Infant Care Program (Quarterly); and EMIC-5 Report on Extent of Complete Maternity Care Provided by Attending Physicians. (In case a State elects to pay for maternity care on a case basis this report is submitted monthly for 3 months and, if State is then authorized to pay on a case basis, at end of the third month of authorized operation and every 6 months thereafter.)

The regional medical, nursing, medical-social, and nutrition consultants at intervals visit each State health agency and confer with the State health officer, the maternal and child-health director and other members of the staff on the operation of the State plan, problems that have arisen, standards of quality and service, and ways of extending and improving health services for mothers and children. With the State staff, visits are made to local health departments, clinics, hospitals, and other facilities used under the program. Special consultation service from the headquarters staff of the Children's Bureau is given on request.

Occasionally, the regional staff team together with special consultants from the headquarters staff of the Division of Health Services makes a joint administrative review of the operation of the State plan.

(e) *Audit of expenditures.* Annual audits by Children's Bureau field auditors from the State Audits Unit are made on a test or detail basis, depending on auditor's findings, of expenditures for the previous year under the State Maternal and Child Health and Emergency Maternity and Infant Care plan from Federal funds and State, local, and private funds used for matching expenditures from Federal funds under the maternal and child health program (MCH FUND A). Advice is given State officials on the keeping of accounts relating to the budgets and financial reports under the State plan.

(f) *Withholding of Federal payments.* Under section 505 of the Social Security Act as amended in the case of any State plan for maternal and child health services which has been approved by the Chief of the Children's Bureau, if the Commissioner for Social Security, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of such plan, finds that in the administration of the plan there is a failure to comply substantially with any provision required by section 503 of the act to be included in the plan, he shall notify such State agency that further payments will not be made to the State until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied he shall make no further certification to the Secretary of the Treasury with respect to such State.

(1) *Hearings.* At hearings held as required under section 505 of the Social Security Act as amended, the Commissioner for Social Security presides and the hearings are conducted in accordance with sections 5 and 7 of the Administrative Procedure Act.

§ 206.7 *Grants to States for services for crippled children.* Annual appropriations are made for grants to State crippled children's agencies for the purpose of enabling each State to extend and improve (especially in rural areas and in areas suffering from severe economic distress) services for locating crippled children, and for providing medical, surgical, corrective, and other services and care, and facilities for diagnosis, hospitalization, and aftercare for children who are crippled or who are suffering from conditions that may lead to crippling.

(a) *Apportionment of funds.* The Chief of the Children's Bureau makes an apportionment of the annual appropriation for services for crippled children in accordance with the terms of section 512 of the Social Security Act as amended allowing for each State $30,000 and part of the remainder of $3,750,000 according to the need of each State as determined after taking into consideration the number of crippled children in such State in need of such services and the cost of furnishing services to them (CC Fund A—State matching required); and an apportionment from $3,750,000 according to the financial need of each State for

assistance in carrying out its State plan after taking into consideration the number of crippled children in such State in need of the services and the cost of furnishing services to them (CC Fund B—State matching not required).

(b) *Approval of State plans and revisions.* The Children's Bureau submits to the State crippled children's agencies an Information Circular entitled "Instructions to Official State Agencies with Regard to Plans for Services for Crippled Children, Under the Social Security Act, as amended."

The State agencies submitted for the fiscal year 1945 a complete descriptive plan for services for crippled children showing how the purposes of Title V, Part 2, of the Social Security Act are to be carried out and its requirements met. Each year subsequently the State agencies have submitted a request for the extension of the 1945 plan together with changes, supplementary information, a reaffirmation that the requirements of the Social Security Act as amended will be met, and an annual budget showing Federal and State funds to be used for the program and the proposed expenditures.

The forms provided for State plans include CC 1 Certificate of Executive Officer of Official State Agency; CC 5 Estimate of Funds from Private Sources; CC 7A Certificate of State Attorney General as to Legality of State Plan; CC8 Quarterly Estimate of Proposed Expenditures; Joint Budget Form 3—Master Budget for Health Services—Summary of Budget Totals; Joint Budget Form 3a—Budget for Health Services; and Joint Budget Form 3b—Revision of Budget for Health Services. Joint budget forms adopted for the use of State health agencies by the United States Public Health Service and the Children's Bureau are used for State crippled children's programs. They are made out in accordance with "Instructions for Use of Joint Forms, effective July 1, 1946."

Each State crippled children's agency sends its State plan for services for crippled children in triplicate and 4 copies of the quarterly estimate of expenditures to the regional medical director of the Children's Bureau who forwards the original plan and one copy of the quarterly estimate of expenditures to the assistant director for Crippled Children of the Division of Health Services and a copy of the plan and 2 copies of the quarterly estimate of expenditures to the State Audits Unit.

The plans are reviewed by the regional medical, nursing, medical-social, and nutrition consultants. The budget is reviewed by the State Audits Unit. The regional medical director recommends approval or modification to the assistant director for crippled children and the director of the Division of Health Services. Any questions that arise concerning the conformity of the State plan to the requirements of the Social Security Act are negotiated by the regional medical director with the State crippled children's agency, and, if necessary, the plan or the budget is modified and resubmitted. The plan is approved and signed by the Chief of the Children's Bureau. The division director recommends approval of the plan.

Revisions of the State plan are submitted and proceed through the same process of review and approval. To the regional medical director has been delegated by the Chief of the Children's Bureau authority to approve budget revisions of the plan and revisions to the annual State plan as submitted by State agencies if these documents do not propose any substantial departures from the annual plan as approved. Revisions involving substantial changes in program in the Crippled Children's plan are reviewed, considered, and approved according to the procedure for the annual plan.

If an annual State plan cannot be completed prior to the beginning of the fiscal year and the balance of funds from previous allotments is sufficient to cover the cost of the operation of the program a request for extension of the previously approved plan may be submitted. Such a request proceeds through the same progress of submission, review, and approval as the annual plan. The annual plan subsequently submitted contains all budget items carried during the period of extension.

Upon the approval of a State plan or a revision of a State plan a notice of such approval is sent by the approving official to the head of the State crippled children's agency.

(c) *Allotments, quarterly estimates, and payments.* After the approval of a State plan the Chief of the Children's Bureau sends a notice of the approval to the Commissioner of Social Security who makes the allotment of funds and provides for payments to the States by signing the following 3 documents: (1) the annual allotment of funds for services for crippled children to the State in accordance with the approved apportionment of funds from CC Fund A and the quarterly allotment from CC Fund B in accordance with funds requested in the State plan as approved; (2) the estimate for the first quarter's payment based on the State quarterly estimate of expenditure submitted with the State plan; and (3) the voucher for the first payment certified by the Chief of the Children's Bureau.

Allotments for CC Fund A are made on the basis of estimated needs of the States but the first allotment each year is in an amount not less than $30,000. Allotments for CC Fund B are made on the basis of estimates submitted quarterly by the State agency taking into consideration unexpended balances in the States.

Subsequent quarterly and special interim allotments, estimates, and vouchers are similarly submitted to the Commissioner for Social Security who signifies his approval by signing the documents submitted.

The vouchers for payments to the States as certified by the Chief of the Children's Bureau and the Commissioner for Social Security are listed on a schedule of disbursements which is sent with the vouchers to the Secretary of the Treasury as the basis for payments to the States.

(d) *Review of operation and consultation service.* For purposes of information on the operation of the State plan reports are submitted to the Children's Bureau by the State crippled children's agencies.

Financial reports on State services for crippled children include reports on joint financial report forms as listed for financial reports under grants to States for maternal and child health services (§ 206.6 (d)).

Reports on services for crippled children are made on the following forms: CC 51—Quarterly Statistical Report of Services for Crippled Children; CC 52—Quarterly Report—Children on State Registers; and CC 55 (Special report) Crippled Children on State Register as of December 31—Age, Race, Sex; Diagnosis and Age.

Annual Progress Reports for Services for Crippled Children under the Social Security Act, Title V, Part 2, not called for since the fiscal year 1941, will again be submitted annually.

State crippled children's agencies are asked to report at the close of each year information regarding (1) the unduplicated count of crippled children who have received service during the year and (2) the total amount expended for crippled children's srevices for the calendar year.

The regional medical, nursing, medical-social, and nutrition consultants at intervals visit each State crippled children's agency and confer with the executive officer of the agency, the director of services for crippled children, and other members of the staff on the operation of the State plan, problems that have arisen and ways of extending and improving services for crippled children. Together with the State staff visits are made to local health departments, clinics, hospitals, and other facilities used in the program. Special consultation service from the headquarters staff of the Children's Bureau is given on request.

Occasionally, the regional staff team, together with special consultants from the headquarters staff of the Division of Health Services, makes a joint administrative review of the operation of the State plan for services for crippled children.

(e) *Audit of expenditures.* Auditors from the State Audits Unit visit each State crippled children's agency to make an audit on a test or detail basis, depending on auditor's findings, of expenditures for the previous year under the State plan for services for crippled children from Federal funds and State, local and private funds used for matching Federal funds under the crippled children's program (CC Fund A). Advice is given to State officials on the keeping of accounts and records relating to the budgets and financial reports under the State plan for services for crippled children.

(f) *Withholding of Federal payments.* Under sec. 515 of the Social Security Act as amended in the case of any State plan for services for crippled children which has been approved by the Chief of the Children's Bureau, if the Commissioner of Social Security, after reason-

able notice and opportunity for hearing to the State agency administering or supervising the administration of such plan, finds that in the administration of the plan there is a failure to comply substantially with any provision required by section 513 to be included in the plan, he shall notify such State agency that further payments will not be made to the State until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied he makes no further certification to the Secretary of the Treasury with respect to such State.

(1) *Hearings.* At hearings held as required under sec. 505 of the Social Security Act as amended, the Commissioner for Social Security presides and the hearings are conducted in accordance with sections 5 and 7 of the Administrative Procedure Act.

§ 206.8 *Grants to States for child welfare services.* Annual appropriations are made for grants to State public welfare agencies for the purpose of enabling the United States, through the Children's Bureau, to cooperate with State public-welfare agencies in establishing, extending, and strengthening, especially in predominantly rural areas, child welfare services for the protection and care of homeless, dependent, and neglected children, and children in danger of becoming delinquent

(a) *Apportionment of funds.* The Chief of the Children's Bureau makes an apportionment of the annual appropriation for child welfare services in accordance with the terms of Section 521 of the Social Security Act as amended allowing for each State $20,000 and the remainder of $3,500,000 to each State on the basis of State plans for child welfare services not to exceed such part of the remainder as the rural population of such State bears to the total rural population of the United States.

(b) *Approval of State plans and revisions.* The Children's Bureau transmits to the State public welfare agencies each year an Information Circular entitled, "Instructions to State Public Welfare Agencies in Regard to Official Material (Annual Plan, Revisions, Quarterly Estimates, and Quarterly and Annual Reports of Expenditures) Required in the Administration of Child Welfare Services." The plan material includes a narrative description of the current State child welfare program and of proposed activities for which the Federal funds are to be used and a budget for the expenditure of Federal funds. The forms provided for State plans include CWS 1 Certificate of Executive Officer of State Public-Welfare Agency; CWS 2 State Plan for Child Welfare Services (State services); CWS 2a State Plan for Child Welfare Services (Local services); CWS 3 Budget for Child Welfare Services included Under State Plan—Summary; CWS 3.1 and CWS 3.2 Budget for Child Welfare Services—State Services for Assisting Community Child Welfare Organization; CWS 3.3 Budget for Child Welfare Services—State or Local Child Welfare Services (Areas of Special Need or Rural Areas); CWS 4a Certificate of Attorney General as to Legality of Plan; CWS 8 Quarterly Estimate of Proposed Expenditures; CWS 9 and 9a State and Local Child Welfare Services—Revision of Annual Plan and Budget.

The State plan is developed jointly by the State agency staff and the regional child welfare consultant of the Children's Bureau.

Each State agency sends its annual plan in triplicate and 4 copies of the estimate of expenditures for the first quarter to the regional child welfare consultant who forwards the original plan and one copy of the State plan and 3 copies of the quarterly estimate to the Director of Field Service of the Social Service Division. One copy of the plan and 2 copies of the quarterly estimate are sent to the State Audits Unit.

The plan is reviewed by the regional child welfare consultant. It is also reviewed in the office of the Director of Field Service for conformity to statutory and administrative requirements. The budget is reviewed by the State Audits Unit. The plan may be reviewed by special consultants of the Social Service Division or of other divisions in the Children's Bureau if it contains special projects within their fields, by the Merit System Unit if new or revised merit system material is submitted, and by the Solicitor if new legislation is submitted which affects the authority of the State agency to cooperate with the Children's Bureau. Any questions that arise concerning the plan are taken up with the State agency by the regional child welfare consultant and, if necessary, the plan is modified. The Director of Field Service examines the plan and makes a recommendation to the Director of the Social Service Division regarding action to be taken. When the plan is acceptable, the Director of the Division recommends approval and the plan is sent to the Chief of the Children's Bureau. After reviewing the plan, the Chief approves the plan by signing the original copy. A letter informing the State agency of the approval then is sent over the signature of the Chief of the Children's Bureau.

Revisions to the plan may be submitted during the year and proceed through the same process of review and approval as the plan.

If an annual State plan cannot be completed prior to the beginning of the fiscal year and the balance of funds from previous allotments is sufficient to cover the cost of the operation of the program a request for extension of the previously approved plan may be submitted. Such a request proceeds through the same process of submission, review and approval as the annual plan. The annual plan subsequently submitted contains all budget items carried during the period of extension.

(c) *Allotments, quarterly estimates, and payments.* After the approval of a State plan the Chief of the Children's Bureau sends a notice of approval to the Commissioner for Social Security who makes the allotment of funds and provides for payments to the States by signing the following 2 documents: (1) The annual allotment of funds for child welfare services to the State in accordance with the approved apportionment of funds; and (2) the voucher for the first quarterly payment certified by the Chief of the Children's Bureau.

The allotment made is for the entire fiscal year and for the maximum fund available under the apportionment.

Subsequently vouchers for quarterly payments to each State are submitted to the Commissioner for Social Security who indicates his approval by signing the document.

The vouchers for payments to the States as certified by the Chief of the Children's Bureau and the Commissioner for Social Security are listed on a schedule of disbursements which is sent with the vouchers to the Secretary of the Treasury for payment.

(d) *Review of operation and consultation service.* For purposes of information on the operation of the State plan reports are submitted by the State public health agencies to the Children's Bureau.

The following financial reports are submitted quarterly: CWS 11—Statement of Receipts and Expenditures; CWS 11.1—Summary of Expenditures by Budget Total; and CWS 11.3—List of Unliquidated Obligations. The following annual financial reports are submitted: CWS 11.1—Summary of Expenditures by Budget Total; CWS 11.2—Detail of Expenditures by Budget Item; CWS 11.2—Supplemental Sheet, Supplemental report on indirect participation; and CWS 11.4—Certificate of Executive Officer of State Public Welfare Agency on amounts reported on Forms CWS 11.1 and 11.2.

The following reports on child welfare services under the State plan are submitted by each State public welfare agency: CWS 51—Report on Service to Individual Children (Quarterly); CWS 51a—Statement on Coverage of Current Service Report CWS 51 (Quarterly); CWS 60—Personnel in the Child Welfare Program (Annual); CWS 70—Annual Report on Characteristics of Children Receiving Service; and CWS 71—Annual Report on Children Receiving Service from Institutions.

The regional child-welfare consultants visit each State public welfare agency periodically and confer with the State welfare administrator, the child welfare director and other members of the staff on the operation of the State plan, problems that have arisen, and ways of extending and strengthening State and local child-welfare services. With the State staff, visits are made to local units, district offices of the State agency or State children's institutions where services are being provided through the use of child-welfare services funds. Through arrangement by the regional consultant, special consultants on the staff of the Children's Bureau such as the consultant on foster care, the consultant on group work, the staff of the Mental Health Unit may provide special service to a State to aid in improving the child welfare program.

(e) *Audit of expenditures.* Annual audits by Children's Bureau field auditors from the State Audits Unit are made on a test or detail basis, depending on auditors findings, of expenditures from Federal funds for the previous year under

the State plan for child welfare services. Advice is given State officials on the keeping of accounts relating to the budgets and financial reports under the State plan.

WASHINGTON, D. C., *August 28, 1946.*

[SEAL] ARTHUR J. ALTMEYER,
Commissioner for Social Security.

Approved:

MAURICE COLLINS,
Acting Federal Security Administrator.

[F. R. Doc. 46-15466; Filed Aug. 29, 1946; 10:53 a. m.]

EMPLOYEES' COMPENSATION APPEALS BOARD

[20 CFR, Ch. IV]

NOTE: For regulations governing appeals see 11 F. R. 9845.

FOOD AND DRUG ADMINISTRATION

[21 CFR, Ch. I]

PART 1—ORGANIZATION AND PROCEDURES[1]

Sec.
1.1 Organization.
1.2 Delegations of authority.
1.3 Obtaining information and making submittals and requests.
1.4 Procedures.
1.5 Inspection of orders and opinions.
1.6 Inspection of public records.

§ 1.1 *Organization.* (a) The Food and Drug Administration, acting under the supervision of the Administrator of the Federal Security Agency, through the Commissioner for Special Services, administers the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 301 et seq.), the Federal Tea Act (21 U .S. C. 41 et seq.), the Federal Caustic Poison Act (15 U. S. C. 401 et seq.), the Federal Import Milk Act (21 U. S. C. 141 et seq.), and the Federal Filled Milk Act (21 U. S. C. 61 et seq.). The central organization of the Food and Drug Administration consists of the Office of the Commissioner of Food and Drugs and the following administrative and technical divisions, the functions of which are indicated by their names:

Cosmetic Division.
Food Division.
Interstate Division.
Medical Division.
Division of Microbiology.
Division of Penicillin Control and Immunology.
Division of Pharmacology.
Division of State Cooperation.
Vitamin Division.

The Office of the Commissioner, the Interstate and Medical Divisions, and the Division of State Cooperation are in the Social Security Building, 4th Street and Independence Avenue, S. W., Washington 25, D. C. The other divisions are in the South Agriculture Building, 12th and C Streets, S. W., Washington 25, D. C.

(b) The field organization of the Food and Drug Administration consists of three inspection districts. Each district is divided into several station territories. The district and station headquarters, substations, and inspection posts are as follows:

EASTERN DISTRICT: ROOM 1200, U. S. APPRAISER'S STORES, 201 VARICK STREET, NEW YORK 14, N. Y.

Atlanta Station: Room 416, Federal Annex, Atlanta 3, Ga.
Inspection posts:
Charlotte: Federal Building, Charlotte 1, N. C.
Jacksonville: U. S. Court House Building, Jacksonville 1, Fla.
Miami: Federal Office Building, Miami 17, Fla.
Tampa: U. S. Appraiser's Stores, Platt and Water Streets, Tampa 1, Fla.

Baltimore Station: Room 800, U. S. Appraiser's Stores, Gay and Lombard Streets, Baltimore 2, Md.
Inspection posts:
Charleston: State Capitol Building, Charleston 23, W. Va.
Norfolk: Brokers Exchange Building, 264 West Tazewell Street, Norfolk 10, Va.
Washington: Room 3460, Social Security Building, Washington 25, D. C.

Boston Station: Room 805, U. S. Appraiser's Stores, 408 Atlantic Avenue, Boston 10, Mass.
Inspection posts:
Portland: U. S. Customs Building, 312 Fore Street, Portland, Maine.
Providence: Main Post Office Building, Providence 3, R. I.
Springfield: Federal Building, Springfield, Mass.

Buffalo Station: Room 415, Federal Building, South Division and Ellicott Streets, Buffalo 3, N. Y.
Substation: Pittsburgh: Old Post Office Building, Fourth and Smithfield Streets, Pittsburgh 19, Pa.

New York Station: Room 1200, U. S. Appraiser's Stores, 201 Varick Street, New York 14, N. Y.
Inspection posts:
Newark: Post Office Building, Newark 1, N. J.
Waterbury: Post Office Building, Waterbury 51, Conn.

Philadelphia Station: Room 1204, New Customhouse, Second and Chestnut Streets, Philadelphia 6, Pa.

CENTRAL DISTRICT: ROOM 1222, NEW POST OFFICE BUILDING, VAN BUREN AND CANAL STREETS, CHICAGO 7, ILL.

Chicago Station: Room 1222, New Post Office Building, Van Buren and Canal Streets, Chicago 7, Ill.
Inspection posts:
Detroit: Federal Building, Detroit 26, Mich.
Milwaukee: Post Office Building, Milwaukee 2, Wis.

Cincinnati Station: Room 501, Post Office Building, Cincinnati 2, Ohio.
Inspection posts:
Cleveland: New Post Office Building, Cleveland 13, Ohio.
Indianapolis: State Board of Health Building, Indianapolis, Ind.
Nashville: U. S. Customhouse, Nashville 3, Tenn.

Kansas City Station: Room 323, U. S. Courthouse, 811 Grand Avenue, Kansas City 6, Mo.
Inspection post:
Omaha: Omaha Loan & Building Association Building, 1504 Dodge Street, Omaha 2, Nebr.

Minneapolis Station: Room 201, Federal Office Building, Washington and Third Avenue South, Minneapolis 1, Minn.
Inspection post:
Des Moines: Federal Office Building, Des Moines, Iowa.

New Orleans Station: Room 223, U. S. Customhouse, 423 Canal Street, New Orleans 16, La.
Substation: Houston: Federal Office Building, Houston 14, Tex.
Inspection posts:
Birmingham: Post Office Box 1649, Birmingham, Ala.
Dallas: Terminal Annex, Dallas 2, Tex.

St. Louis Station: Room 1007, New Federal Building, 1114 Market Street, St. Louis 1, Mo.
Inspection post:
Memphis: U. S. Customhouse, Memphis 1, Tenn.

WESTERN DISTRICT: ROOM 512, FEDERAL OFFICE BUILDING, FULTON AND LEAVENWORTH STREETS, SAN FRANCISCO 2, CALIF.

Denver Station: Room 531, U. S. Customhouse, Denver 2, Colo.
Inspection posts:
Albuquerque: Federal Building, Albuquerque, N. Mex.
Lubbock: Post Office Building, Lubbock, Tex.
Salt Lake City: Federal Building, Salt Lake City 1, Utah.

Los Angeles Station: Room 514, California Medical Building, 1401 South Hope Street, Los Angeles 15, Calif.
Inspection posts:
Phoenix: Federal Court Building, Phoenix, Ariz.
San Diego: Post Office Box 1321, San Diego, Calif.

San Francisco Station: Room 512, Federal Office Building, Fulton and Leavenworth Streets, San Francisco 2, Calif.
Inspection posts:
Fresno: Holland Building, 2135 Fresno Street, Fresno, Calif.
Sacramento: 2320 K Street, Sacramento, Calif.

Seattle Station: Room 501, Federal Office Building, Seattle 4, Wash.
Substation: Portland U. S. Custom House, Portland 9, Oreg.
Inspection posts:
Butte: Post Office Box 247, Butte, Mont.
Spokane: Federal Building, Spokane 8, Wash.
Yakima: 301 North Second Street, Yakima, Wash.

§ 1.2 *Delegations of authority.* (a) Final authority of the Federal Security Administrator is delegated:

(1) To the Commissioner, Associate Commissioner, and Assistant Commissioners of the Food and Drug Administration, to make determinations of probable cause contemplated by section 304 (a) of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 334 (a)).

(2) To officers of Stations of the Food and Drug Administration, to determine whether articles offered for import are in compliance with the Federal Food, Drug, and Cosmetic Act and the Federal Caustic Poison Act. Decisions by such officers are subject to review successively by the Chief of Districts, the Commissioner of Food and Drugs, and the Administrator of the Federal Security Agency.

(3) To the Commissioner of Food and Drugs and to any other officer or employee of the Food and Drug Administration whom he may designate to act on his behalf for the purpose, to make determinations with respect to disclosure of official records and information in accordance with § 196.1 (c) of this chapter.

(b) Final authority of the Commissioner of Food and Drugs is delegated:

(1) To Arnold J. Lehman, Bert J. Vos, Jr., and R. Lorimer Grant, to sign on behalf of the Commissioner certificates issued by the Food and Drug Administra-

[1] Regulations formerly published in this part, under the Federal Food and Drugs Act (21 U. S. C. 1 et seq., 1934 ed.), are obsolete.

tion for drugs composed wholly or partly of insulin.

(2) To G. Robert Clark and Kenneth A. Freeman, to sign on behalf of the Commissioner certificates issued by the Food and Drug Administration for coal-tar colors.

(3) To Charles W. Crawford, Louis D. Elliott, George P. Larrick, Henry Welch, and Donald C. Grove, to act in behalf of the Commissioner for the purposes of the regulations in part 146 of this chapter, governing certification of batches of penicillin-containing drugs.

(4) To William R. Jester, to sign on behalf of the Commissioner certificates issued by the Food and Drug Administration for drugs composed wholly or partly of penicillin.

(5) To C. W. Crawford, L. D. Elliott, and G. P. Larrick, to make determinations with respect to disclosure of official records and information in accordance with § 196.1 (c) of this chapter.

§ 1.3 *Obtaining information and making submittals and requests.* (a) General information pertaining to the functions of the Food and Drug Administration may be obtained from any of the offices listed in § 1.1. Responses to letters directed to inspection posts are likely to be delayed since inspectors assigned to such posts are frequently absent on official travel. Earlier responses to inquiries concerning the legality of new products or processes or to suggestions involving change in policy are ordinarily obtained by directing such requests and suggestions to the Office of the Commissioner of Food and Drugs.

(b) Disclosure of official records and information on investigations by the Food and Drug Administration is subject to the procedure prescribed in § 196.1 of this chapter.

(c) The following should be directed to the Administrator of the Federal Security Agency, and mailed to the Commissioner of Food and Drugs:

(1) Applications for the issuance, amendment, or repeal of any regulation authorized by any law listed in § 1.1.

(2) Applications for new drugs submitted pursuant to section 505 (b) of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 355 (b)).

(3) Applications for permits under the Federal Import Milk Act.

(d) Requests for certification of batches of coal-tar colors, drugs composed wholly or partly of insulin, and drugs composed wholly or partly of penicillin should be directed to the Commissioner of Food and Drugs.

(e) Applications for the granting of sea food inspection service at establishments packing canned shrimp or canned oysters should be directed to the Atlanta Station or the New Orleans Station.

§ 1.4 *Procedures.* (a) Evidence acquired through examinations and investigations by the Food and Drug Administration of violations of any of the acts listed in § 1.1, on which criminal, libel for condemnation, or injunction proceedings are contemplated under the authority of such act, is referred by the Federal Security Administrator to the Department of Justice with recommendation for the institution of such proceedings.

(b) Any interested person may propose to the Federal Security Administrator the issuance, amendment, or repeal of any regulation authorized by any law listed in § 1.1. The request should set forth the proposal in general terms and should state reasonable grounds therefor. Procedures on proposals with respect to regulations to which the provisions of sections 507 (f) or 701 (e) of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 357 (f) and 371 (e)) apply are prescribed in those sections and in the rules of practice for hearings under section 701 (e) (21 CFR, Cum. Supp., 2.701 et seq.). Proposals with respect to regulations under a statute which requires no hearing for such regulations are announced for informal public hearing or for the submission of written comments, unless such proposals are clearly noncontroversial.

(c) Procedure governing imports under the Federal Food, Drug, and Cosmetic Act is prescribed by 21 CFR 2.300 et seq.; procedure governing imports under the Federal Caustic Poison Act is prescribed by 21 CFR, Part 175. Consular forms 197 and 198 for use in making shipper's declaration under the Federal Food, Drug, and Cosmetic Act may be obtained from Consular offices. Appeals from decisions under either Act of officers of Stations, referred to in § 1.2 (a) (2), are informal and may be made by letter or in person by the importer or his representative.

(d) Procedure governing the filing of applications with respect to new drugs pursuant to section 505 (b) of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 355 (b)) is prescribed by 21 CFR, Cum. Supp., 2.110, as amended by 21 CFR, 1944 Supp., 2.110. Form FD 356, containing detailed information on material to be submitted as part of an application, should be followed in preparing such applications. Copies of the form may be obtained from the Office of the Commissioner of Food and Drugs, the Medical Division, and the Districts and Stations. Procedure for the conduct of hearings under section 505 (d) and (e) of the act (21 U. S. C. 355 (d) and (e)) is stated in notices of such hearings.

(e) Procedure governing the importation of merchandise subject to the Federal Tea Act is prescribed in 21 CFR, Part 170, as amended by 21 CFR, Cum. Supp., Part 170. Form T. I. S. Cat. No. 1 for use in the submission of samples for examination and Form No. T. I. S. Cat. No. 20 entitled "Application For Review by United States Board of Tea Appeals" may be obtained from the Office of the Commissioner of Food and Drugs, the New York and San Francisco Stations, and from any Collector of Customs.

(f) Procedure governing the importation of milk and cream under the Federal Import Milk Act is prescribed by 21 CFR, Part 185. Forms I. M. 4, application for permit; I. M. 1, report of tuberculin tests of cattle; I. M. 2, report of physical examination of cows; I. M. 3, certification of authority of examining veterinarians and inspectors; I. M. 5, score card for dairy farms; and I. M. 6, score card for receiving and shipping plants, may be obtained from the Office of the Commissioner of Food and Drugs and from Veterinary Director General, Health of Animals Division, Department of Agriculture, Ottawa, Canada. Canadian shippers may obtain from the Veterinary Director General information as to the Canadian officials who are available to supervise such tests and examinations.

(g) Procedure governing the certification of coal-tar colors under the Federal Food, Drug, and Cosmetic Act is prescribed by 21 CFR, Cum. Supp., Part 135, as amended by 11 F. R. 6970. Specimen forms for use as guides in preparing requests for certification of batches of straight colors, color mixtures, and repacked colors may be obtained from the Office of the Commissioner of Food and Drugs, the Cosmetic Division, and the Districts and Stations.

(h) Procedure for the certification under the Federal Food, Drug, and Cosmetic Act of drugs composed wholly or partly of insulin is prescribed by 21 CFR, Cum. Supp., Part 144, as amended by 21 CFR, 1943 Supp., Part 144; 10 F. R. 2904; 11 F. R. 6970 et seq. Specimen forms for use as guides in preparing requests for approval of master lots, trial dilutions, trial mixtures of protamine zinc insulin or globin insulin with zinc, lots of protamine, and lots of globin hydrochloride, and requests for certification of finished batches of insulin-containing drugs, may be obtained from the Office of the Commissioner of Food and Drugs and the Division of Pharmacology.

(i) Procedure for the certification under the Federal Food, Drug, and Cosmetic Act of drugs composed wholly or partly of any kind of penicillin is prescribed in 10 F. R. 11227 et seq., as amended by 10 F. R. 14176, 14545; 11 F. R. 2151 et seq., 3080, 6664 et seq., 6971, 7333 et seq., 7804 et seq., 8031. Specimens of the following forms for use as guides in preparing the applications and requests indicated by their titles may be obtained from the Office of the Commissioner of Food and Drugs and the Division of Penicillin Control and Immunology:

Form No.:	*Title*
1	Application for Exemption for Storage.
2	Application for Exemption for Processing.
3 [1]	Application for Exemption for Labeling.
4	Application for Exemption for Manufacturing Use.
5	Request to Provide for Certification of a New Penicillin Product.
6	Data to Accompany or Precede Every Initial Request for Certification of a Batch of a Penicillin Drug.
7	Request for Check Tests and Assays on a Batch of Sodium Penicillin or Calcium Penicillin.
8	Request for Certification of a Batch of Sodium Penicillin or Calcium Penicillin.
9	Request for Certification of a Batch of Penicillin in Oil and Wax.
10	Request for Certification of a Batch of Penicillin Ointment.

[1] Revised.

Form No.:	*Title*
11	Request for Certification of a Batch of Tablets Buffered Penicillin.
12	Request for Certification of a Batch of Capsules Penicillin in Oil.
13	Request for Certification of a Batch of Sodium Penicillin or Calcium Penicillin for Packaging with Aluminum Hydroxide Gel.
14	Request for Certification of a Batch of Penicillin Troches.
15	Request for Certification of a Batch of Penicillin Dental Cones.
16	Application for Exemption for Repacking.
17	Request for Supplemental Certification of a Batch of a Penicillin Drug.
18	Request for Certification of a Batch of Tablets Alum Precipitated Penicillin.
19	Request for Certification of a Batch of Penicillin for Surface Application (Initial request to be accompanied or preceded by data specified in Penicillin form 6).
20	Request for Certification of a Batch of Calcium Penicillin for Packaging with Vasoconstrictor.
21	Request for Certification of a Batch of Penicillin Sulfonamide Powder.

(j) Procedure governing the service of inspection of establishments packing sea food under the Federal Food, Drug, and Cosmetic Act, and applications therefor, is prescribed in the case of canned shrimp by 21 CFR, Cum. Supp., 155.0 et seq., as amended by 21 CFR, 1943 Supp., 155.0 et seq.; 21 CFR, 1944 Supp., 155.0 et seq.; 10 F. R. 7971, 12800; 11 F. R. 5904; and in the case of canned oysters by 21 CFR, 1943 Supp., 155.30 et seq., as amended by 21 CFR, 1944 Supp., 155.30 et seq.; 10 F. R. 7971, 12800. Forms for application for such service, its renewal, or extension may be obtained from the Office of the Commissioner of Food and Drugs and the Atlanta and New Orleans Stations.

(k) Informal conferences may be arranged for discussion of any subject pertaining to the functions of the Food and Drug Administration, although the scope of discussion of pending court cases is necessarily limited. Such conferences are particularly encouraged in connection with the formulation of proposals to issue, amend, or repeal regulations. The Food Standards Committee usually holds informal public hearings, after appropriate notice, on proposals to formulate definitions and standards of identity for food to be announced for formal public hearings.

§ 1.5 *Inspection of orders and opinions.* (a) Final orders and opinions involving detention of importations under the Federal Food, Drug, and Cosmetic Act, the Federal Caustic Poison Act, and the Federal Tea Act are available for inspection at the offices of the Food and Drug Administration where issued, except those which are designated for good cause to be confidential and not cited as precedents.

(b) Final orders and opinions of the Administrator issued under section 505 (d), (e), and (f) of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 355 (d), (e), (f)) involving new drug matters are available for inspection at the Office of the Commissioner of Food and Drugs, except those which are designated for good cause to be confidential and not cited as precedents.

§ 1.6 *Inspection of public records.* Public records pertaining to the functions of the Food and Drug Administration, including records of formal and informal public hearings on proposals to issue, amend, or repeal regulations, are available for inspection at the Office of the Commissioner of Food and Drugs. Records of investigations by the Food and Drug Administration are available for inspection, subject to the procedures and limitations prescribed by § 196.1 of this chapter.

JEWELL W. SWOFFORD,
Commissioner for Special Services.

AUGUST 27, 1946.

Approved:

MAURICE COLLINS,
Acting Federal Security Administrator.

[F. R. Doc. 46–15416; Filed, Aug. 28, 1946; 5:13 p. m.]

FREEDMEN'S HOSPITAL

[42 CFR, Ch. IV]

PART 400—ORGANIZATION AND PROCEDURE

SUBPART A—ORGANIZATION AND FUNCTIONS

Sec.
400.1 General statement.
400.2 Functions.
400.3 Administration.
400.4 Staff.
400.5 Persons eligible for hospitalization.
400.6 Official records and information.

SUBPART B—PROCEDURE

400.51 Admission; rates for pay patients.
400.52 Discharge.
400.53 Rules governing patients and operation of out-patient department.
400.54 Unclaimed property of patients.
400.55 Claims for damages.

SUBPART A—ORGANIZATION AND FUNCTIONS

§ 400.1 *General statement.* Freedmen's Hospital, Washington, D. C., is a constituent unit of the Federal Security Agency, operating under the general supervision and direction of the Surgeon General of the Public Health Service, and the immediate supervision and direction of the Superintendent of the Hospital.[1]

Requests for information concerning the Hospital or its activities may be addressed to the Superintendent, Freedmen's Hospital, Washington 25, D. C.

§ 400.2 *Functions.* The primary functions of the Hospital are (1) the care of the sick and injured, (2) the training of medical students, interns, residents, student nurses, dietitians, and other workers in the field of health, and (3) the advancement of clinical research and scientific research.

[1] Regarding general organization, procedures, and regulations of the Federal Security Agency, see Title 45, Subtitle A. Regarding organization, procedures, and regulations of the U. S. Public Health Service, see Title 42, Chapter I.

§ 400.3 *Administration.* The Assistant Superintendent is the responsible officer in the absence of the Superintendent. The hospital is organized along conventional lines to provide care of patients, to perform related service activities, and to carry out its business functions.

All admissions, discharges, and transfers are handled centrally through the Admitting Office. Two medical officers, one for the general Hospital and one for the annex (which is reserved for tuberculous patients exclusively), are responsible to the Superintendent for medical administrative details.

§ 400.4 *Staff.* Under a cooperative agreement between Freedman's Hospital and Howard University, all members of the professional staff of the Hospital, except the nursing staff, are nominated by the University for appointment by the Federal Security Administrator after approval by the Superintendent of the Hospital. The staff is responsible for the professional care of all patients other than those retaining private physicians, and for the maintenance of proper professional standards of patient care. Under the cooperative agreement, an Executive Committee is established consisting of the Chief of Staff as Chairman, the heads of the Departments of Surgery, Medicine, Obstetrics, and Gynecology, the Chief of the Division of Pediatrics, the Superintendent of the Hospital, and the Dean of the School of Medicine of Howard University. The Committee coordinates the professional activities of the various departments and divisions and recommends professional policies for adoption by the Superintendent of the Hospital. The Director of Nurses is in charge of the Division of Nursing Service and the School of Nursing.

§ 400.5 *Persons eligible for hospitalization.* The classes of persons eligible for hospitalization are described in regulations, § 401.2 (11 F. R. 7506).

§ 400.6 *Official records and information.* The principal official records of the Hospital are Administrative and Clinical Records. All Clinical Records are confidential.

(a) No records or other official instruments containing information shall be withdrawn from the files of the Hospital, by or furnished to any person not an authorized employee of the Hospital, without prior authority of the Hospital Superintendent, or the Federal Security Administrator.

(b) No copy of, or information relative to, any official record or other official business of the Hospital, which appears to be of confidential nature, shall be given to any person unless (1) such person obtains a court order therefor, or makes application therefor in the manner hereinafter prescribed in this paragraph, and (2) it appears to the Superintendent of the Hospital that the furnishing thereof would not be inimical to the public interest or to the welfare of the patient. The application mentioned above shall be addressed to the Superintendent and must set forth the interest of the applicant in the subject matter

and the purpose for which such copy or information is desired.

SUBPART B—PROCEDURE

§ 400.51 *Admission; rates for pay patients.* For a description of admission procedures and the schedules of charges for pay patients, see regulations, §§ 401.1 to 401.13, inclusive. of this chapter.

§ 400.52 *Discharge.* Patients are discharged upon (a) written order of the attending physician or his representative, (b) legal order of a court, (c) signed order of the Superintendent or one of the medical officers stating that discharge is necessary for the maintenance of order and discipline, or (d) upon the patient's request, in which case he is required to sign a statement to that effect.

§ 400.53 *Rules governing patients and operation of out-patient department.* Rules governing property of patients, passes, and the Out-Patient Department are contained in Part 401 of this Chapter.

§ 400.54 *Unclaimed property of patients.* Unclaimed money of deceased patients is deposited in the Treasury after the expiration of three years, in accordance with the provisions of the Act of July 1, 1916, 39 Stat. 311, 32 D. C. Code, sec. 320. Unclaimed clothing left at the hospital by discharged or deceased patients is disposed of by the Hospital after the expiration of one year.

§ 400.55 *Claims for damages.* Procedures regarding claims for damages to or loss of property, or injury to persons, alleged to have been caused by officers or employees of Freedmen's Hospital, are described in 45 CFR and Supp., 30.2.

[SEAL] THOMAS PARRAN,
Surgeon General, Public Health Service.

AUGUST 28, 1946.

Approved:
MAURICE COLLINS,
Acting Federal Security Administrator.

[F. R. Doc. 46-15415; Filed, Aug. 28, 1946; 5:12 p. m.]

OFFICE OF EDUCATION

[45 CFR, Ch. I]

PART 100—ORGANIZATION, DELEGATIONS OF FINAL AUTHORITY, AND PLACES AT WHICH INFORMATION MAY BE SECURED

SUBPART A—ORGANIZATION

Sec.
100.1 Office of Education.

SUBPART B—DELEGATIONS OF FINAL AUTHORITY

100.2 Commissioner of Education.

SUBPART C—PLACE AT WHICH PUBLIC MAY SECURE INFORMATION

100.3 Information.
100.4 Public inspection of final opinions, orders and rules.
100.5 Availability of official records.

SUBPART A—ORGANIZATION

§ 100.1 *Office of Education.* The Office of Education (20 U. S. C. 1-5; 5 U. S. C. 133 t note; 45 CFR 1.22) is headed by a Commissioner who functions under the general direction of the Federal Security Administrator. In his absence or disability the Executive Assistant to the Commissioner acts for him. By agency order the Commissioner of Education supervises and directs the activities of the Federal Security Agency in connection with American Printing House for the Blind (20 U. S. C. 101-105), Columbia Institution for the Deaf (5 U. S. C. 153 t note; 31 D. C. 231-250), and Howard University (20 U. S. C. 121-125). The Office of Education includes the following divisions which carry on activities relating to education:

Division of Elementary Education.
Division of Secondary Education.
Division of Vocational Education.
Division of Higher Education.
Division of Central Services.
Division of International Educational Relations.
Division of Auxiliary Services.
Division of School Administration.

(a) *Division of Elementary Education.* The Division of Elementary Education is headed by a Director. The Division's functions and activities include research in the field of elementary education and the dissemination of information with respect thereto.

(b) *Division of Secondary Education.* The Division of Secondary Education is headed by a Director. The Division's functions and activities include research in the field of secondary education and the dissemination of information with respect thereto.

(c) *Division of Vocational Education.* The Division of Vocational Education is headed by an Assistant Commissioner for Vocational Education. In his absence or disability a Deputy Assistant Commissioner for Vocational Education acts for him. The Division's functions and activities include research in the field of vocational education and the dissemination of information with respect thereto. The Division's functions and activities also include the promotion and development of vocational education in the several states under the provisions of the Smith-Hughes and George Deen Acts (20 U. S. C. 11-30; Pub. Law 586, 79th Cong., 2d Session; 45 CFR, 103.1-103.18 inclusive) and the administration of the Food Conservation Program (Pub. Law 549, 79th Cong., 2d Session). The operating sections in the Division are the Agriculture Education Service, the Business Education Service, the Home Economics Education Service, the Trade and Industrial Service, the Occupational Information and Guidance Service and the Research and Statistical Service.

(d) *Division of Higher Education.* (1) The Division of Higher Education is headed by a Director. The Division's functions and activities include research in the field of higher education and the dissemination of information with respect thereto. The Division also administers the Veterans Educational Facilities Program, (Pub. Law 697, 79th Cong., 2d Session; 44 CFR Chapter II) under the provisions of which the Federal Works Agency provides educational facilities, other than housing, for educational institutions in which the Commissioner of Education finds that an acute shortage exists or impends and where such facilities are needed for the training and education of veterans under title II of the Servicemen's Readjustment Act of 1944 (Pub. Law 346, 78th Cong., 2d Session; Pub. Law 258, 79th Cong., 1st Session). The responsibilities assigned to the Commissioner of Education under this law are discharged through a Director who reports to the Director of the Division of Higher Education and who is responsible for the formulation of general policies, for coordination with the Federal Works Agency and other Federal agencies, and for the general supervision of the Field Staff. The field staff for this program is as follows:

Acting Chief, Educational Officer, Federal Works Agency, 101 Park Avenue, New York 17, N. Y.

Acting Chief Education Officer, Federal Works Agency, 1729 New York Avenue, NW., Washington 25, D. C.

Acting Chief Educational Officer, Federal Works Agency, 114 Marietta Street, NW., Atlanta 5, Georgia.

Acting Chief Educational Officer, Federal Works Agency, Room 1506, 20 North Wacker Drive, Chicago 6, Illinois.

Acting Chief Educational Officer, Federal Works Agency, 700 Mutual Building, Kansas City 6, Missouri.

Acting Chief Educational Officer, Federal Works Agency, 710 Electric Building, Fort Worth 2, Texas.

Acting Chief Educational Officer, Federal Works Agency, Room 885, 630 Sansome Street, San Francisco, California.

Acting Chief Educational Officer, Federal Works Agency, Room 511, 618 Second Avenue, Seattle 4, Washington.

Acting Chief Educational Officer, Federal Works Agency, 1651 Glenarm Place, Denver 2, Colorado.

(2) The Division also administers the collection of loans made to students under the Student War Loans Program (Pub. Law 647, 77th Cong., 2nd Session; Pub. Law 135, 76th Cong., 1st Session; 45 CFR 105.1-105.12 inclusive). The Division also administers the grants-in-aid to land-grant colleges under the provisions of the Morrill and supplementary acts (7 U. S. C. 301-308; 321-328; 343 (d); 5 U. S. C. 135 t note).

(e) *Division of Central Services.* The Division of Central Services is headed by a Director. The Division's functions and activities include the management of the Office of Education library, supervision of the Information and Publications Section of the Office of Education, of the Research and Statistical Section of the Office and of the Administrative Management and Services of the Office, which include budget, fiscal and personnel. In addition the Division administers the Veterans Educational Information Clearance Service for the collection and dissemination of information concerning educational opportunities for veterans in cooperation with the Veterans Administration. Pursuant to instructions issued under date of July 29, 1946 by the Director of the Office of War Mobilization and Reconversion, the Office of Education through the Division of Central Services acts as the certifying agency for all college and university teachers for whom deferment is requested under the Selective Service System. (See Local Board Memorandum No. 115, as amended 8/12/46)

(f) *Division of International Educational Relations.* The Division of International Educational Relations is headed

by a Director. The Division's functions and activities include research in the field of international educational relations and the dissemination of information with respect thereto. In addition the Division administers the programs for graduate students and for teacher trainees under the Convention for the Promotion of Inter-American Cultural Relations (T. S. 928, 75th Congress, 2nd Session) under a delegation from the Department of State (22 CFR 28.1–28.12 inclusive).

(g) *Division of Auxiliary Services.* The Division of Auxiliary Services is headed by a Director. The Division's functions and activities include research in connection with Visual Aids, Library Services, and Educational Use of Radio and the dissemination of information with respect thereto.

(h) *Division of School Administration.* The Division of School Administration is headed by a Director. The Division's functions and activities include research in the field of school administration and the dissemination of information with respect thereto.

SUBPART B—DELEGATIONS OF FINAL AUTHORITY

§ 100.2 *Commissioner of Education.* By delegation from the Federal Security Administrator the Commissioner of Education has the following authority in relation to education:

(a) The Commissioner of Education supervises and directs the activities of the Federal Security Agency in connection with American Printing House for the Blind (20 U. S. C. 101–105), Columbia Institution for the Deaf (5 U. S. C. 133t note; 31 D. C. Code 231–250) and Howard University (20 U. S. C. 121–123).

SUBPART C—PLACE AT WHICH PUBLIC MAY SECURE INFORMATION

§ 100.3 *Information.* Information concerning education, or any of the functions for which the Office of Education is responsible may be obtained by request in person or by letter at the Office of Education, Federal Security Agency, Washington 25, D. C.

§ 100.4 *Public inspection of final opinions, orders, and rules.* All final opinions or orders in the adjudication of cases and all rules relating to public assistance are available for public inspection, except that the Commissioner of Education may hold any such opinions, or orders, or parts thereof confidential for good cause. Opinions and orders not held confidential (or copies thereof) and all rules may be inspected at the central office of the Office of Education, located at Washington, D. C. Requests to inspect at the central office must be submitted to the Commissioner of Education.

§ 100.5 *Availability of official records.* Official records relating to education are made available for inspection to persons properly and directly concerned upon written application to the Commissioner of Education, except that upon good cause found by the Commissioner such records or parts thereof may be held confidential. Notice of denial of a request to inspect official records will be given promptly together with a statement of the reason for denial.

PART 101—ADMINISTRATIVE PROCEDURE

SUBPART A—ADMINISTRATION OF VOCATIONAL EDUCATION PROGRAM

Sec.
101.1 Vocational education; policies applying to use of federal funds.

SUBPART B—ADMINISTRATION OF FOOD CONSERVATION PROGRAM

101.2 Purposes for which grants are made.
101.3 Manner in which funds are channeled to the states.
101.4 Certification of funds.
101.5 Financial and statistical reports.
101.6 Audit of State boards for vocational education.

SUBPART C—VETERANS EDUCATIONAL FACILITIES PROGRAM

101.7 Justifications of need.
101.8 Form.
101.9 Informal conferences.

SUBPART D—STUDENT WAR LOANS PROGRAM

101.10 Cancellation of loans.
101.11 Determination on applications for cancellation of loans.

SUBPART E—GRANTS TO LAND-GRANT COLLEGES AND UNIVERSITIES

101.12 Purposes for which grants are made.
101.13 Manner in which funds are channeled to the states.
101.14 Forms for reports from land-grant colleges and universities.
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SUBPART F—PROCEDURE RELATING TO REQUESTS FOR DEFERMENT OF COLLEGE AND UNIVERSITY TEACHERS

101.16 Applications for deferment.
101.17 Forms.
101.18 Criteria for certification.

SUBPART G—COOPERATION WITH THE AMERICAN REPUBLICS

101.19 Procedure.

SUBPART A—ADMINISTRATION OF VOCATIONAL EDUCATION PROGRAM

§ 101.1 *Vocational education; policies applying to use of federal funds.*

CROSS REFERENCE: See 45 CFR 103.1–103.18 inclusive.

SUBPART B—ADMINISTRATION OF THE FOOD CONSERVATION PROGRAM

§ 101.2 *Purposes for which grants are made.* The purpose of the Food Conservation Program is to assist States in conserving as much food as possible during the fiscal year 1946–1947. Due to the shortage of food all over the world, all available fruits, vegetables and meats must be saved. This appropriation provides funds for the payment of special instructors in community food conservation centers and one secretary at the State level. Local communities are to take care of expenses such as heat, light, power, water, cans and janitorial service.

§ 101.3 *Manner in which funds are channeled to the States.* Funds for the Food Conservation Program are allocated to the States on the basis of the number of centers within a State which are capable of processing a minimum of 500 cans of food daily. The number of weeks of operation of community canning centers is also taken into consideration in making the allotment. The first certification, one-half of the allotment of funds, is sent to the State as a working fund. Before any additional funds are certified to a State, evidence must be given to the U. S. Office of Education that funds are needed on forms provided for that purpose. Form 1 will show the contractual obligations undertaken by the States in connection with the program and Form 4 will show the unexpended balance at the time it is submitted.

§ 101.4 *Certification of funds.* Certification to the Treasury is made by the Commissioner of Education. It is based upon the allotment to the State, with deductions made for a released fund allotted to a State or by any unauthorized expenditure of Federal funds by the State Boards for Vocational Education. This is determined by a letter of allotment which was sent to the States and later returned to the U. S. Office of Education and also by audit.

§ 101.5 *Financial and statistical reports.* Financial and statistical reports for State Boards for Vocational Education are prepared by staff members of State Boards for Vocational Education and transmitted to the Office of Education on a quarterly basis by the executive officer of State Boards. They are reviewed by the Agricultural Education Service where a professional audit is made of the Food Conservation Program.

§ 101.6 *Audit of State Boards for Vocational Education.* At the conclusion of the Food Conservation Program, June 30, 1947, the accounts of State Boards for Vocational Education will be audited by members of the auditing staff of the Agricultural Education Service. These audits will be made at the headquarters at each of the State Boards for Vocational Education. The Office of Education reserves the right to make audits of the accounts of local centers.

SUBPART C—VETERANS EDUCATIONAL FACILITIES PROGRAM

§ 101.7 *Justifications of need.* A Chief Educational Officer located in each of the nine division offices of the Federal Works Agency is given authority to approve or disapprove statements of need from educational institutions wishing to participate in the program. These statements are submitted on a form called "Justification of Need". Additional information may be secured from an educational institution through visits by Office of Education representatives. Institutions may appeal in writing to the Commissioner of Education from the decision of a Chief Educational Officer in any instance. The Commissioner may also review such decisions on his own motion in any instance.

§ 101.8 *Forms.* Justifications of Need are to be submitted to the Chief Educational Officer in each FWA division office, on Form VEFP–1. These forms may be secured from the Chief Educational Officer together with a pamphlet of Information for Applicants, prepared jointly by the Office of Education and the Federal Works Agency. Copies of the Information for Applicants, which contains a sample copy of Form VEFP–1, have been sent to the presidents of all colleges and universities listed in the Educational Directory of the Office of Education and to the Chief State School Officers of every State.

§ 101.9 *Informal conferences.* Institutional representatives may confer personally with the Chief Educational Officer and the Divisional Engineer, Bureau of Community Facilities, Federal Works Agency, before submitting the Justification of Need.

SUBPART D—STUDENT WAR LOANS PROGRAM

CROSS REFERENCE: See 45 CFR 104.1–104.12, inclusive.

§ 101.10 *Cancellation of loans.* Institutional Representatives are required to submit application for relief of the borrower on SWL Form 9, which must be accompanied by proof in the form of an official copy of orders or photostatic or certified true copy thereof; authorized evidence in lieu thereof; death certificate or other legal evidence of death; authorized legal evidence of permanent disability.

§ 101.11. *Determination on applications for cancellation of loans.* Final determination on applications for relief is made by the Commissioner of Education who acts only on applications received from institutional representatives.

SUBPART E—GRANTS TO LAND-GRANT COLLEGES AND UNIVERSITIES

§ 101.12 *Purposes for which grants are made.* The Morrill-Nelson and Bankhead-Jones appropriations for the land-grant colleges and universities may be applied to instruction in agriculture, the mechanic arts, the English language and the various branches of mathematical, physical, natural, and economic science, with special reference to their applications in the industries of life, and to the facilities for such instruction, and a portion thereof may be used for providing courses for the special preparation of instructors for teaching the elements of agriculture and the mechanic arts.

§ 101.13 *Manner in which funds are channeled to the States.* The Federal funds for the land-grant colleges and universities are channeled to the institutions as follows: From a study of the information contained in reports covering the preceding year from the presidents and treasurers of the land-grant colleges and universities together with further investigation if necessary, it is determined whether the several States and Territories are entitled to participate in the Federal appropriations. On or before July 1 each year the Federal Security Administrator certifies to the Secretary of the Treasury as to each State and Territory whether it is entitled to receive its share of the annual appropriation for the land-grant colleges and universities, and the amount it is entitled to receive. On or before July 31 the Secretary of the Treasury pays to each State and Territory, to the State or Territorial treasurer, or to such officer as has been designated by the laws of the State or Territory to receive it, the amount it is entitled to receive. Immediately upon request of the appropriate officials of the land-grant colleges or universities the State or Territorial treasurers or other officers designated to receive the grants pay the money over to the treasurers of the land-grant institutions.

§ 101.14. *Forms for reports from land-grant colleges and universities.* The following forms, prepared by the Office of Education, are used by the presidents and treasurers of the land-grant colleges and universities for their annual reports to the office:

8–041 Part I Staff and Students for the Academic Year. Contains four schedules: A—Staff; B—Students; C—Enrollments and Degrees; D—Distribution of Degrees in Colleges of Arts and Sciences; E—Preparing for Teaching. 104 items. 4 pages.

8–041 Part II Financial Report for the Fiscal Year. Contains five schedules: A—Receipts Specifically Designated for Additions to Physical Plant and Additions to Endowments and to Other Nonexpendable Funds; B—General Income; C—Bond Issues and Other Borrowings; D—Expenditures by Function or Purpose; E—Fund and Plant Values. 58 items. 4 pages.

8–041 Part II Schedule G, Federal Funds. 15 items. 1 page.

8–041 Part III Land-Grant Fund, First Morrill Act of 1862. 19 items. 2 pages.

8–041 Part IV Supplementary Morrill Funds. 1 page. Itemized report of Receipts and Disbursements of Morrill-Nelson and Bankhead-Jones funds.

§ 101.15 *Withholding of grants.* In the event that the Federal Security Administrator withholds certification from a State or Territory of its share of the appropriation, he reports the facts and reasons therefor to the President of the United States and the amount involved is kept separate in the Treasury until the close of the next Congress, in order that the State or Territory may, if it should so desire, appeal to Congress from the determination of the Federal Security Administrator. If the next Congress does not direct such sum to be paid, it is covered into the Treasury.

SUBPART F—PROCEDURE RELATING TO REQUESTS FOR DEFERMENT OF COLLEGE AND UNIVERSITY TEACHERS

§ 101.16 *Applications for deferment.* Application for certification of requests for deferment of college and university teachers should be submitted by institutions on Selective Service System Form 42A (Special-Revised), executed in triplicate. Copies of Form 42A (Special-Revised) may be secured from local boards of the Selective Service System. In executing Form 42A (Special-Revised) care should be taken to insure that entries are made which provide specific evidence in support of standards and criteria established in Selective Service regulations and by this statement.

§ 101.17 *Forms.* Selective Service Form 42A (Special-Revised) should be attached to a covering letter which provides the following information:

(a) Date on which individual was last classified, if already reclassified, or

(b) Date on which individual will again be subject to reclassification.

(c) Other information believed pertinent to the case.

The covering letter, together with executed Form 42A (Special-Revised) in triplicate, should be submitted to Faculty Deferment Section; Office of Education; Washington 25, D. C.

§ 101.18 *Criteria for certification.* The Faculty Deferment Section of the Office of Education will review requests for certification received from institutions in accordance with Selective Service regulations and the standards and procedures established herein. If the request meets the criteria established it will be certified to the Director of Selective Service and the institution will be notified of the date of such certification. Thereafter information concerning action taken on the request for deferment will be furnished by the Selective Service System. If the request submitted to the Faculty Deferment Section does not meet the established criteria for certification, it will be returned to the institution. Unfavorable action upon a request for certification for deferment does not preclude subsequent resubmission of the request when the established criteria have been complied with. Selective Service System procedures require that a separate request be made in each individual case. The Faculty Deferment Section will give consideration to requests for certification for deferment in the order of the relative imminence of reclassification.

SUBPART G—COOPERATION WITH THE AMERICAN REPUBLICS

§ 101.19 *Procedure.*

CROSS REFERENCE: See 45 CFR 28.1–28.12, inclusive.

[SEAL] JOHN W. STUDEBAKER,
Commissioner of Education.

AUGUST 28, 1946.

Approved:

MAURICE COLLINS,
Acting Federal Security Administrator.

[F. R. Doc. 46–15414; Filed, Aug. 28, 1946; 5:12 p. m.]

OFFICE OF VOCATIONAL REHABILITATION

[45 CFR, Ch. VI]

PART 605—ORGANIZATION, DELEGATIONS OF FINAL AUTHORITY, PLACES AT WHICH INFORMATION MAY BE SECURED

SUBPART A—ORGANIZATION

Sec.
605.1 Organization.

SUBPART B—DELEGATION OF FINAL AUTHORITY

605.2 By Delegation from the Federal Security Administrator to the Director of Vocational Rehabilitation.

SUBPART C—PLACES AT WHICH PUBLIC MAY SECURE INFORMATION

605.3 Places at which public may secure information.
605.4 Public inspection of final opinions, orders and rules.
605.5 Availability of official records.

SUBPART A—ORGANIZATION

§ 605.1 *Organization.* The Office of Vocational Rehabilitation is headed by a Director and in his absence or disability an Associate Director acts for him. This Office's functions and activities include under the general supervision and direc-

tion of the Commissioner of Special Services the responsibility for the administration of the Vocational Rehabilitation Program, the Business Enterprises Program for the Blind, the Program for Vending Stands for Blind in Federal Buildings, the approval of State Plans and Amendments thereto, the certification of amounts of money to the Secretary of Treasury for payment to the States, the dissemination of information to the States, the supervision of the District of Columbia Rehabilitation Service, and the supervision of the regional offices. Divisions in the Office of Vocational Rehabilitation are:

Division of Rehabilitation Standards.
Division of Administrative Standards.
Information Service.
District of Columbia Rehabilitation Service.
Seven Regional Offices.

(a) *Division of Rehabilitation Standards.* The Division of Rehabilitation Standards is headed by the Assistant Director who is responsible to the Director for: developing and establishing policies, procedures and standards; furnishing technical and consultative services to State agencies; conducting research in order to evaluate and improve policies, standards and procedures; maintaining cooperative relationships with national, public and voluntary organizations concerned with welfare services to disabled persons.

(b) *Division of Administrative Standards.* The Division of Administrative Standards is headed by a Division Chief responsible to the Director for: developing policies, procedures, and standards to assist State agencies on organization and administrative management, including personnel and fiscal practices; conducting administrative surveys, evaluating effectiveness of State administrative organizations and practices and furnishing consultative services; certifying grants to State agencies and controlling funds; preparing final Federal budget.

(c) *Information Service.* The Information Service is headed by a Chief responsible to the Director for: developing policies, standards, and techniques for disseminating information concerning services available to disabled persons through State agencies; conducting a program of public information; assisting States in establishing and carrying on information programs; maintaining relations with press, radio, and other media.

(d) *District of Columbia Rehabilitation Service.* The District of Columbia Rehabilitation Service is headed by a Chief responsible to the Director for: operating a program of rehabilitation for disabled persons residing in the District of Columbia, which includes preparation of plan of operation and amendments; development and maintenance of cooperative agreements with community agencies; and preparation of budget justifications.

(e) *Seven regional offices.* The seven regional offices are each headed by a regional representative responsible to the Director for: coordinating within the region Federal activities relating to the program; exercising supervision required to assure execution of State programs in accordance with established policies, procedures, and standards; surveying State technical and administrative programs and reporting thereon. For the location of the regional offices see § 605.3 of this chapter.

SUBPART B—DELEGATION OF FINAL AUTHORITY

§ 605.2 *By delegation from the Federal Security Administrator to the Director of Vocational Rehabilitation.* Under the direction and general supervision of the Commissioner of Special Services the following authority has been delegated to the Director of Vocational Rehabilitation.

(a) All powers and duties of administration concerning Vocational Rehabilitation contained in the Vocational Rehabilitation Act, as amended, Public Law 113, 78th Congress except that the Federal Security Administrator has reserved the power to issue regulations and to appoint personnel.

(b) The administration of the act, entitled "An Act to authorize the operation of stands in Federal Buildings by blind persons, to enlarge the economic opportunities of the blind and for other purposes", Public Law 732, 74th Congress, except that the Federal Security Administrator has reserved the power to issue Regulations and to appoint personnel.

(c) The Business Enterprises Program for the Blind which makes available Federal funds in accordance with the Regulations issued by the Administrator for one-half the cost of acquisition of vending stands or other equipment for the use of blind persons, such stands or other equipment to be controlled by the State agency. Public Law 549, 79th Congress, 2nd Session. (See this title, Chapter VI, Part 601.)

SUBPART C—PLACES AT WHICH PUBLIC MAY SECURE INFORMATION

§ 605.3 *Places at which public may secure information.* Information relating to Vocational Rehabilitation, the Business Enterprises Program for the Blind, and the Vending Stand Program for the Blind in Federal Buildings may be obtained and submittals or requests made in person or by letter at: Office of Vocational Rehabilitation, 815 Connecticut Avenue, NW., Washington, D. C.; Office for Region I, 120 Boylston Street, Boston, Massachusetts; Office for Region II, Railroad Retirement Building, Fourth and C Streets, SW., Washington, D. C.; Office for Region III, 441 West Peachtree Street, Atlanta, Georgia; Office for Region IV and V, 188 West Randolph Street, Chicago, Illinois; Office for Region VI, 1006 Grand Avenue, Kansas City, Missouri; Office for Region VII, Equitable Building, Denver, Colorado; Office for Region VIII, 785 Market Street, San Francisco, California; and with respect to the District of Columbia Rehabilitation Service at Room 2058, Railroad Retirement Building, Fourth and C Streets SW., Washington, D. C.

§ 605.4 *Public inspection of final opinions, orders, and rules.* All final opinions or orders in the adjudication of cases and all rules relating to vocational rehabilitation are available for public inspection, except that the Director of the Office of Vocational Rehabilitation may hold any such opinions or orders or parts thereof confidential for good cause. Opinions and orders not held confidential (or copies thereof) and all rules may be inspected at any of the regional offices or at the central office of the Office of Vocational Rehabilitation located at Washington, D. C. Requests to inspect at the central office must be submitted to the Director of the Office of Vocational Rehabilitation.

§ 605.5 *Availability of official records.* The record of any hearing held including transcripts of testimony, exhibits and all documents received in evidence or made part of the record of such hearing are official records. Official records relating to vocational rehabilitation are made available for inspection to persons properly and directly concerned upon written application to the Director of the Office of Vocational Rehabilitation, except that upon good cause found by him such records or parts thereof may be held confidential. Notice of denial of a request to inspect official records will be given promptly together with a statement of the reason for denial.

PART 606—ADMINISTRATIVE PROCEDURE

SUBPART A—APPROVAL OF STATE PLANS AND GRANTS FOR VOCATIONAL REHABILITATION AND THE BUSINESS ENTERPRISES PROGRAM FOR THE BLIND

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606.1 General.
606.2 Approval of state plans and amendments.
606.3 Grants.
606.4 Withholding of funds.

SUBPART B—DISTRICT OF COLUMBIA REHABILITATION SERVICE

606.5 Application for services.
606.6 Determination of eligibility; formulation of individual plan for service.
606.7 Provision of rehabilitation services.

SUBPART C—VENDING STANDS FOR BLIND IN FEDERAL BUILDINGS

606.8 The program relating to the operation of vending stands by blind persons in Federal buildings.
606.9 Approval of individual licenses.

SUBPART D—REVIEW AND AUDITING

606.10 Auditing procedures
606.11 Review.

SUBPART A—APPROVAL OF STATE PLANS AND GRANTS FOR VOCATIONAL REHABILITATION AND THE BUSINESS ENTERPRISES PROGRAM FOR THE BLIND

§ 606.1 *General.* As condition to receiving Federal funds for Vocational Rehabilitation and for the Business Enterprises for the Blind each State is required to submit and to have approved by the Director a State Plan setting forth all policies and procedures relating to the program. These plans are required to conform to the provisions of the Vocational Rehabilitation Act, as amended, and the Regulations issued by the Federal Security Administrator. The general form and content of the State Plans are set forth in the State Plan Guide and

in the Business Enterprises Plan Materials Guide which are available at the Office of Vocational Rehabilitation and at its regional offices. (See this Chapter, Part 600 and 601.)

§ 606.2 *Approval of state plans and amendments.* Both original Plans and Amendments thereto are submitted by the States to the regional representative of the Office of Vocational Rehabilitation. The Plans and the Amendments are reviewed in the regional office and are then either returned to the States for suggested revisions or submitted to the Office of Vocational Rehabilitation for appropriate action. The Plans and Amendments are reviewed by the appropriate division and section of the Office of Vocational Rehabilitation who make recommendations to the Director for approval, modification, or disapproval of the material. The Director advises the State as to the approvability of the material in question and if it is approvable incorporates it into the approved State Plan. The Plans should be amended as often as is necessary to reflect actual, or where Federal requirements are involved, contemplated changes in any phase of State law, policy, procedure, or operation which affect the Rehabilitation or Business Enterprises Program. Six copies of all plans and plan materials should be submitted by the State. (See Regulations this Chapter, Parts 600 and 601.)

§ 606.3 *Grants*—(a) *General.* For each State which has an approved Plan the Director estimates for each quarter or shorter period the amounts necessary to meet the Federal share of the cost of the program within that State. The amount so estimated is then certified to the Secretary of the Treasury for payment to the State.

(b) *Computation of amount of grant.* The amount certified by the Director to the Secretary of the Treasury for payment to the States is based upon the Director's appraisal of the following information: (1) a certification by the appropriate State official as to amount of funds available for the period; (2) an estimate of the total expenditures to be made within the period for Vocational Rehabilitation; (3) an estimate of administrative expenditures to be made within the period; (4) a statement showing the number of individuals in the State needing and eligible for vocational rehabilitation; (5) copies of the appropriation covering the period in question; and (6) such other pertinent information as the Director may require. This information is contained in Form VR–AS–1 and VR–AS–1 (a) and are submitted in triplicate to the regional office.

§ 606.4 *Withholding of funds*—(a) *When withheld.* The Director withholds funds from the State when after reasonable notice and opportunity for hearing to the State Board of Vocational Education he finds that there is (1) a failure on the part of the State to comply substantially with the provisions of the approved State plan; or (2) a failure on the part of the State to afford reasonable cooperation to other Federal and State Agencies providing Vocational Rehabilitation or similar services.

(b) *Hearings.* If after notice of an opportunity for a hearing a State desires such a hearing it is held by the Director of the Office of Vocational Rehabilitation in accordance with Section 4 of the Vocational Rehabilitation Act as amended and with the Administrative Procedure Act. (See also Part 600 and 601.)

(c) *Notification of suspension of grant.* If after a hearing the Director finds that there is a failure on the part of the State to comply as set forth above he shall notify the State Board of Vocational Education that there will be no further certification of funds until he is satisfied there is no longer such a failure to comply and makes no further certification of funds to the Secretary of the Treasury for payment to the State.

(d) *Informal discussions.* Such hearings are generally not called however until after reasonable effort has been made by regional and central office representatives to resolve the questions involved by conference and discussion with State officials. Formal notification of the date and place of a hearing does not foreclose further negotiations with State officials.

SUBPART B—DISTRICT OF COLUMBIA REHABILITATION SERVICE

§ 606.5 *Application for services.* Residents of the District of Columbia may apply directly to the District of Columbia Rehabilitation Service, Room 2058, Railroad Retirement Building, or may be referred to that service by cooperating agencies, employers, or other interested persons or agencies.

§ 606.6 *Determination of eligibility; formulation of individual plan for service.* The eligibility of all persons coming to the attention of the District of Columbia Rehabilitation Service is determined by qualified members of the staff on the basis of a general medical examination, specialists examinations, psychological and psychometric tests, and where indicated complete informational background of the individual obtained through an interview with him and all other pertinent information gathered from individuals or agencies familiar with the individual. If, as a result of the above procedure, it is determined that the individual is eligible for and feasible of rehabilitation, a plan of service for that individual is formulated, with his cooperation, setting forth his employment objective and all rehabilitation services necessary to obtain that objective. The agreement of the client to this plan is secured.

§ 606.7 *Provision of rehabilitation services.* The District of Columbia Rehabilitation Service, either through members of its staff or through purchase or acquisition from other agencies, persons or institutions, arranges for the provision of the rehabilitation services for which the client is eligible and which are necessary to achieve his vocational objective as set forth in his individual plan of rehabilitation. (See also this Chapter, Part 600.)

SUBPART C—VENDING STANDS FOR BLIND IN FEDERAL BUILDING

§606.8 *The program relating to the operation of vending stands by blind persons in Federal buildings*—(a) *Designation of licensing agencies.* The State Commission for the Blind or other agencies desiring to be designated as the licensing agency for the purpose of licensing agency for the purpose of licensing blind persons to operate stands in Federal Buildings makes application through the Governor of the State to be so designated by the Director of the Office of Vocational Rehabilitation. This application sets forth the procedure and policies which the State agency will follow in issuing such licenses.

§ 606.9 *Approval of individual licenses and locations.* The Director approves individual licenses and locations for each blind person licensed by the State agency to operate a vending stand in a Federal building. The information required is contained in Form 8–B1–1, entitled "Application for Authority to Establish a Vending Stand in a Federal Building," and in Form 8–B1–1a, entitled "Application for Approval of Person Selected to Operate a Vending Stand in a Federal Building." These forms must be submitted by the State agency in quadruplicate.

SUBPART D—REVIEW AND AUDITING

§ 606.10 *Auditing procedures.* Each year all fiscal transactions of the States are audited by a representative of the Office of Vocational Rehabilitation to determine whether or not expenditures made have been in accordance with the Act, the Regulations, State Plans, State Rules, Standards, and Requirements. If it finds as a result of the audit that insufficient Federal funds have been made available to the State to meet the Federal share of expenditure, succeeding grants to the States are increased by an appropriate amount to adjust for the discrepancy. If the expenditure from Federal funds are not in accord with the criteria above the State is so advised and after an opportunity to justify the expenditure made through the submission of additional material or through explanation of the records involved the amount so determined to be improperly expended is deducted from succeeding grants to the State.

§ 606.11 *Review.* From time to time members of the staff of the Office of Vocational Rehabilitation review with the States assistance, administrative and fiscal methods and practices and make constructive suggestions for the improvement of such methods and practices.

JEWELL W. SWOFFORD,
Commissioner for Special Services.

WASHINGTON, D. C., *August 28, 1946.*

Approved:

MAURICE COLLINS,
Acting Administrator,
Federal Security Agency.

[F. R. Doc. 46–15464; Filed Aug. 29, 1946; 10:53 a. m.]

PUBLIC HEALTH SERVICE

[42 CFR, Ch. I]

PART 02—ORGANIZATION AND FUNCTIONS

SUBPART A—GENERAL ORGANIZATION AND FUNCTIONS

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SUBPART E—BUREAU OF STATE SERVICES

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APPENDIX A—LIST OF FIELD STATIONS

SUBPART A—GENERAL ORGANIZATIONS AND FUNCTIONS

§ 02.101 *General statement.* The U. S. Public Health Service is an agency concerned solely with the health of the Nation. It is one of the operating units of the Federal Security Agency, and is administered by the Surgeon General of the Public Health Service, under the general supervision of the Federal Security Administrator. The basic statute is the Public Health Service Act (58 Stat. 682, 42 U. S. C. 201-286), as amended.

§ 02.102 *Commissioned Corps.* There is established in the Service a corps of commissioned officers who have ranks and rates of pay similar to those of the Medical Corps of the Army. The Surgeon General is appointed from the Regular Corps for a four-year term by the President by and with the advice and consent of the Senate. He may be reappointed. The Surgeon General assigns one commissioned officer from the Regular Corps to serve as Deputy Surgeon General and six other officers to serve as Assistant Surgeons General.

§ 02.103 *Organization.* The activities of the Service are organized in four bureaus. These are: (1) Office of the Surgeon General; (2) National Institute of Health; (3) Bureau of Medical Services; and (4) Bureau of State Services. Direct administration of the functions of the Service is vested in the bureaus and their component units. The Deputy Surgeon General acts as chief of the Office of the Surgeon General; each of the remaining three bureaus is headed by an Assistant Surgeon General.

§ 02.104 *Delegation of authority.* Delegations of final authority for specific actions are described in pertinent sections.

§ 02.105 *Major functions.* The powers and duties of the Public Health Service include:

(1) Provision of medical and hospital care for persons declared eligible for such benefits by Congress;

(2) Administration of the National Quarantine Service to prevent the introduction of certain epidemic diseases into the United States from foreign countries;

(3) Prevention of the spread of communicable diseases from State to State;

(4) Licensing of biologic products (vaccines, serums, etc.) applicable to the prevention and treatment of diseases of man, which are sold in interstate traffic;

(5) Conduct of scientific research, investigations, and demonstrations related to the cause, prevention, and cure of the diseases of man;

(6) Administration of grants-in-aid to States for public health services;

(7) Administration of grants-in-aid to qualified institutions or individual scientists for research upon the physical and mental diseases;

(8) Provision of technical assistance and consultant services to the States and to Federal agencies;

(9) Collection and dissemination of statistical and other information on health problems;

(10) Training of professional personnel in the public health and medical sciences through (a) fellowship for research scientists, (b) payment of tuition and stipends for individuals employed by State and local health departments, for student nurses,[1] and for physicians intending to become specialists in the diagnosis and treatment of cancer; and, (c) grants to approved institutions for training of psychiatrists and other personnel concerned with the care of mental patients;

(11) Collaboration with the governments of other countries and with international organizations in activities for the improvement of world health, as well as with private national organizations and institutions concerned with health.

§ 02.106 *Location of offices.* The headquarters of the Public Health Service are located in Washington, D. C. Operations are carried on at headquarters and in a large number of field stations located in the continental United States and in our insular and territorial possessions.

§ 02.107 *Mailing address.* The mailing address of the headquarters of the Public Health Service is: U. S. Public Health Service, Washington 25, D. C. Correspondence with headquarters should be addressed to The Surgeon General, except as otherwise noted in this Chapter. Addresses of Public Health Service field stations may be found in Appendix A, List of Field Stations.

§ 02.108 *District Offices of the Public Health Service.* (a) In order to maintain direct contact with State and local authorities, with field offices of other Federal agencies, and with other official and nonofficial organizations concerned with its activities, the Public Health Service maintain 9 District Offices. Eight of these are located in the continental United States, each serving a group of States. One is located in Puerto Rico, serving Puerto Rico, the Virgin Islands, and the Caribbean area. (See Appendix A, List of Field Stations for addresses and jurisdictions of District Offices.)

(b) The District Offices are headed by medical officers, whose title is District Director. The District Directors have general supervision over all activities of the Public Health Service in their jurisdiction. They represent the Surgeon General in interpreting and carrying out the broad policies of the Service. The largest task of the District Offices, however, is the field administration of the several Federal-State cooperative health programs, including the administration of Public Health Service functions in related programs of other Federal Agencies.

(c) The immediate staff of a District Office is composed of consultants and technicians concerned with such Federal-State cooperative programs as: sanitary engineering and sanitation, venereal disease control, tuberculosis control, public health nursing, hospital survey and construction, etc. The District Director and his staff work directly with State authorities in the preparation of plans, programs, and budgets for Federal-State cooperative activities.

§ 02.109 *Advisory bodies.* (a) The Congress has established certain advisory councils to assist the Surgeon General in carrying out specific functions of the Service. The Councils are composed of outstanding experts in medicine, public health, and related professions. In addition, the Surgeon General from time to time appoints advisory committees of experts to make recommendations on particular subjects.

(b) The National Advisory Health Council has fourteen members. Ten of these are experts who are not otherwise employed by the Federal Government. They are appointed by the Surgeon General with the approval of the Federal Security Administrator. The four ex officio members are the Director of the National Institute of Health, and representatives of the Army, the Navy, and the Bureau of Animal Industry (Department of Agriculture) respectively. The Council reviews and makes recommendations on reasearch in the medical and related sciences (Exclusive of cancer re-

[1] See Subpart B of Part 02 and 03 for current status of the Nurse Training Program.

search and mental health research); and certifies approval of grants-in-aid for research projects. It recommends regulations for the apprehension and detention of persons known to be spreading communicable diseases from State to State; and advises the Surgeon Genearl upon all matters connected with the various programs of the Service.

(c) The National Advisory Cancer Council is composed of six experts in the study, diagnosis, and treatment of cancer, and the Surgeon General as chairman, ex officio. It reviews and certifies approval of applications for grants-in-aid for cancer research, collects and makes available to interested organizations and individuals, information upon the study, diagnosis, and treatment of cancer, and makes other recommendations to the Surgeon General in relation to cancer control.

(d) The National Advisory Mental Health Council is composed of six experts in the study, diagnosis, or treatment of psychiatric disorders, and the Surgeon General as chairman ex officio. It advises and makes recommendations to the Surgeon General on matters relating to the activities and functions of the Service in the field of mental health; it reviews research projects or programs and recommends to the Surgeon General the conduct of such projects as the Council believes will make valuable contributions to human knowledge for the advancement of mental health. It collects information on research in this field and makes it available to interested organizations and individuals. The Council recommends and certifies approval of grant-in-aid for research and for training of personnel in this field; and it determines the number of individual specialists to be given training in psychiatry by the Public Health Service.

(e) The Federal Hospital Council is composed of eight members appointed by the Federal Security Administrator, and the Surgeon General as chairman ex officio. Four of the members are experts in hospital and health matters and four are representatives of consumers of hospital services. The Council may appoint special advisory committees. The Federal Hospital Council approves the regulations for the administration of the Hospital Survey and Construction Act; it also reviews appeals of States from disapproval of State plans by the Surgeon General.

§ 02.110 *Conference of State and Territorial Health Officers.* (a) A conference of State and Territorial Health Officers is called annually by the Surgeon General. State mental health authorities are also invited when matters relating to mental health are to be discussed. The Surgeon General may also call other such conferences when the interests of the public health warrant and must call a conference upon the request of five or more States.

(b) The conference is designed to provide opportunity for mutual consultation between State authorities and Public Health Service officials and for the Surgeon General to present contemplated grant-in-aid regulations and amendments.

§ 02.111 *Inspection of final opinions, orders and rules.* All final opinions and orders in the adjudication of cases and all rules issued in the administration of the Service, not limited in their application to matters of internal management, are available for public inspection, except as the Surgeon General may for good cause hold confidential any such opinions or orders, or parts thereof.

(a) Final orders, issued after opportunity for hearing, with respect to licenses for biological products will be available for inspection at the National Institute of Health, U. S. Public Health Service, Bethesda 14, Maryland.

(b) Final orders, issued after opportunity for hearing, with respect to the withholding of grants to States will be available for inspection at the Bureau of State Services, U. S. Public Health Service, Bethesda 14, Maryland.

(c) Final orders, issued after opportunity for hearing, with respect to projects for hospital construction under Title VI of the Public Health Service Act, as amended (the "Hospital Survey and Construction Act") will be available for inspection at the U. S. Public Health Service, Washington 25, D. C.

(d) Application to inspect other documents, if any, which may be subject to the requirements of this regulation, should be made to the Surgeon General, U. S. Public Health Service, Washington 25, D. C.

§ 02.112 *Availability of public records.* (a) Official records of the Service include (1) applications, registrations, petitions, and reports filed by members of the public pursuant to statute or regulations, (2) pleadings, transcripts of testimony, exhibits and documents received in evidence in any formal proceeding, and (3) documents evidencing the official disposition of material covered by (1) and (2). Official records are made available for inspection to persons properly and directly concerned, except that upon good cause found by the Surgeon General such records may be held confidential.

(b) Requests for permission to inspect official records should be addressed to the Surgeon General, U. S. Public Health Service, Washington 25, D. C., unless otherwise directed in published organizational, procedural or regulatory statements pertaining to specific records or classes of records. Such requests must set forth the interest of the applicant in the subject matter.

(c) The following classes of information are confidential and will not be disclosed except as indicated:

(1) Information relating to admission and treatment of narcotic addicts accepted as voluntary patients, not to be disclosed except upon written waiver by the patient and only to the extent specified in such waiver (58 Stat. 701; 42 U. S. C. Sup., sec. 344);

(2) Clinical and other information relating to patients committed to the care of the Service by other Government agencies, not to be disclosed except in accordance with the policies and instructions of such other agencies;

(3) Clinical information relating to beneficiaries of the Service, to be disclosed only upon application of the beneficiary or his duly authorized representative upon Form 19468 "Application for Abstract from Clinical Record", *Provided,* That information of minor importance and diagnoses of nonconfidential character may be supplied to employers, relatives or friends, in the discretion of the medical officer in charge of the hospital or station when determined by him to be in the interest of the patient;

(4) Clinical information regarding deceased beneficiary patients, to be disclosed only to persons legally entitled to such information;

(5) Information concerning individuals or business enterprises obtained in the course of the investigatory activities of the Service in connection with interstate and foreign quarantine activities and in connection with the licensing of biological products, to be disclosed only for the purposes for which obtained or to other Federal, State or local authorities engaged in the performance of related governmental functions and solely for such related purposes;

(6) Information relating to research projects to the extent and for such period as may be recommended in the public interest by the National Advisory Health Council, the National Advisory Cancer Council, or the National Advisory Mental Health Council.

(7) Records of vital statistics which identify individuals, not to be disclosed under any circumstances;

(8) Information relating to private individuals obtained for limited purposes in the administration of the functions of the Service, to be disclosed only for the purposes for which obtained or with the consent of the individual concerned; such information would include, for example, information obtained from applicants for research fellowships, for research grants, for membership in the Cadet Nurse Corps, applicants for commissions in the Service, and so on.

(d) Notwithstanding the foregoing, the Surgeon General may authorize the disclosure of any information within the categories enumerated, other than categories (1) and (7), upon written application and upon determination that such disclosure would be in the public interest. Information will be furnished, subject to the general rules of evidence, upon order of a court of competent jurisdiction when a subpoena is served upon a representative of the Service competent to testify thereon. When an officer or employee of the Service is called upon to testify or produce records falling within category (1), in the absence of waiver by the patient, he shall call the attention of the court to the provisions of 58 Stat. 701; 42 U. S. C. Sup., sec. 344. When a subpoena involves a patient committed to the care of the Service by the Employees' Compensation Commission, the Veterans' Administration, or other Federal agency, the matter should be brought to the attention of such agency in accordance with the arrangement smade for the care of such patients and the attention of the court be called to any regulations of such other agencies requiring that the information sought to be diclosed is confidential. Except in the interests of the Government, no officer or employee (either full-

time or part-time) of the Public Health Service shall willingly be qualified as an expert witness in the case of a litigant who has been a patient of the Service.

SUBPART B—OFFICE OF THE SURGEON GENERAL

§ 02.201 *Principal subdivisions:*

Division of Commissioned Officers.
Division of Dentistry.
Division of Sanitary Engineering.
Division of Nursing.
Division of Public Health Methods.
National Office of Vital Statistics.
Office of International Health Relations.
Office of the Executive Assistant.
Budget and Fiscal Office.

§ 02.202 *Functions.* The major function of the Office of the Surgeon General is administration of the internal affairs of the Public Health Service, as contrasted with administration of services to the public by other bureaus. A second important function is to advise and assist the Surgeon General and his staff in the formulation of policies and in the planning of future programs for the advancement of national health. In exercising the latter function, the component units conduct fact-finding studies; collect, collate, and analyze pertinent data; and maintain working relationships with other Federal agencies, with the various professional groups involved in functions of the Service, and with other public and private organizations. Three units in the Office of the Surgeon General (The Divisions of Sanitary Engineering and of Nursing, and the National Office of Vital Statistics) have additional important functions which constitute operating programs. These functions are discussed in the appropriate sections.

§ 02.203 *Division of Commissioned Officers.* (a) This Division is responsible for personnel administration of all commissioned officers, Regular and Reserve, regardless of their professional classification. The Chief of the Division is a Medical Director. The specific functions of the Division include: recruitment, assignment, training, utilization, promotion, separation, retirement, and discipline of the commissioned corps.

(b) In connection with recruitment, the Division maintains contact with professional institutions and organizations; receives applications for commission in the corps and for internships in hospitals of the Service; conducts examinations; and recommends successful candidates for appointment.

(c) Final authority for the assignment of commissioned personnel has been delegated by the Surgeon General to the Chief of the Division of Commissioned Officers. The Division maintains close liaison with bureaus and other divisions; establishes priorities among the several programs for the assignment of officers; analyzes qualifications of individual officers and evaluates their performance with a view to securing the most effective utilization of the commissioned corps.

(d) The Division of Commissioned Officers administers the examination of officers for promotion and retirement; it recommends separation of officers and carries out recommendations of disciplinary boards (convened by the Surgeon General). The Division also provides consultation for individual officers as to their professional and personal problems and secures to the commissioned corps those rights, privileges, benefits, and immunities provided for them and their dependents by law. A special program of in-service training for officers is provided. All personnel actions related to the commissioned corps are carried out by this Division.

§ 02.204 *Division of Dentistry.* This division exercises general supervision over professional standards and performance in all dental activities of the Public Health Service. The Chief of the Division is the Chief Dental Officer of the Service who holds the rank of Assistant Surgeon General. He advises the Surgeon General and the operating bureaus and divisions as to the professional qualifications of dental personnel, the standards of dental service rendered to beneficiaries of the Service, and the standards for dental equipment and materials purchased by the Service. He also advises the Surgeon General on plans for the improvement of dental health in the general population.

§ 02.205 *Division of Sanitary Engineering.* (a) This Division has general supervision over all sanitary engineering and sanitation activities of the Public Health Service. The Chief of the Division is the Chief Sanitary Engineer Officer of the Service who holds the rank of Assistant Surgeon General. The Division also exercises supervision over professional qualifications and performance of engineering and sanitation personnel, both commissioned and noncommissioned. It advises the Surgeon General and the bureaus regarding plans and programs for environmental sanitation in the United States; and it formulates uniform policies for sanitary engineering for the guidance of other bureaus and divisions.

(b) The Division is responsible for certain operating programs of the Service, namely: (1) inspection and certification of sanitary facilities used by and on interstate carriers (railroad trains, vessels, airplanes, busses); (2) certification of sources of shellfish and shaving brushes sold in interstate commerce; (3) basic research on water pollution, sewage and industrial-waste disposal; (4) provision of consultative and technical assistance to State and local health departments, other Federal agencies, and private businesses concerned with sanitary facilities and services.

(c) In connection with these operating programs, the Division conducts an extensive fact-finding program, including: (1) nation-wide inventory of needs for sanitary facilities in urban and rural areas; (2) annual report of outbreaks of disease the sources of which are water, milk, and foods; (3) continuous listing of water and sewerage systems in the United States. It conducts field surveys on a wide variety of sanitary problems. It develops standards for the sanitation of water supplies, shellfish production, milk and food sanitation, sewage disposal, vessel sanitation, and laboratory analysis. In cooperation with interested industries and health authorities, it develops standard ordinances and codes for water, milk, and food sanitation for voluntary adoption by State and local governments. Periodically the Division rates communities which have adopted ordinances recommended by the Public Health Service, and publishes the ratings.

§ 02.206 *Division of Nursing.* (a) This division has general supervision over all nursing operations in the Public Health Service and over professional standards and performance of all nursing personnel, both commissioned and noncommissioned. The Chief of the Division is a Nurse Officer with the rank of Medical Director.

(b) The three major fields in which the Division is involved are: public health nursing, nursing service, and nurse production and resources. The Division is responsible for consultant services to the States in public health nursing, and for the formulation of plans, programs, and policies pertinent to the advancement of public health nursing both in the Service and in other official and nonofficial agencies. The Division also deals with standards of nursing practice and with the maintenance of such standards in the hospital facilities and medical programs of the Public Health Service.

(c) The Division of Nursing is immediately responsible for the administration of the Nurse Training Act of June 15, 1943, as amended (50 U. S. C., App. Sup., 1451–1462). It is also concerned with the development of plans, programs, and policies for the recruitment, training, and utilization of nurses and ancillary personnel.

(d) The Chief of the Division also advises the Surgeon General regarding plans, programs, and policies related to the entire field of nursing. In carrying out its advisory function, the division conducts fact-finding studies upon various profesisonal problems in nursing and nurse-training.

§ 02.207 *Division of Public Health Methods.* (a) The four main functions of this Division are: (1) to evaluate national health problems; (2) to develop methods for meeting such problems; (3) to advise the Surgeon General on these matters; and (4) to transmit public health information to the public and specialized groups.

(b) Among the specific problems with which the Division is concerned are: the relation of sickness and death in the general population to social and economic conditions; administrative methods and procedures for the provision of health services and medical care; technics for the analysis and utilization of statistical information; evaluation of clinical service in public and private institutions; and methods for the training of public health personnel. These problems and methods are studied in the Office of Health Statistics and Methods and the Office of Planning and Analysis.

(c) The Office of Health Information prepares materials relating to public health and acts as a clearing house for informational and educational material issued by the Public Health Service. It maintains liaison with information services of other agencies, with the press and radio; answers requests for health infor-

mation; plans and directs the distribution of materials and evaluates the effectiveness of distribution technics.

§ 02.208 *National Office of Vital Statistics.*[2] A division in the Office of the Surgeon General, the National Office of Vital Statistics has the primary function of collecting, analyzing, and publishing statistics on births, deaths, marriages, divorces and annulments, and related data. In connection with this primary function, the Office maintains the U. S. Death Registration Area and the U. S. Birth Registration Area in cooperation with State, territorial, and insular governments. (The Registration Area now includes the 48 States, the District of Columbia, Hawaii, Puerto Rico, and the Virgin Islands; Alaska is the only territory which has not been admitted.) The National Office of Vital Statistics works closely with State and local Registrars of Vital Statistics and provides them with consultative and technical assistance for the purpose of maintaining high standards of performance in registration procedures. The National Office of Vital Statistics also conducts an International Vital Statistics Program, in cooperation with the State Department, for the purpose of promoting the collection and interchange of comparable statistical information among nations. The Chief of the National Office of Vital Statistics is assisted by professional personnel especially trained and experienced in the collection, analysis, and utilization of mass data.

§ 02.209 *Office of International Health Relations.* This office coordinates and directs all activities of the Public Health Service in the international health field. Specifically, it serves as the principal unit within the Service for dealing with all official and nonofficial agencies concerned with international health matters. A primary responsibility is liaison with the Department of State through which cooperative activities with foreign countries are directed. These include: international conferences, exchange of information and personnel, and development of plans, programs, and policies for a World Health Organization.

§ 02.210 *Office of the Executive Assistant.* (a) The general function of this office is supervision over administrative procedures in the internal management of the Public Health Service. The Executive Assistant is Chief of the Office. The office includes: (1) the Personnel Office; (2) Purchase and Supply Office; and (3) the Chief Clerk's Office.

(b) The Personnel Office is responsible for the recruitment, employment, assignment, classification, promotion, and retirement of all noncommissioned personnel, including those employed at field stations and at headquarters. It is administered in accordance with Civil Service Regulations.

(c) The Purchase and Supply Office is responsible for the requisition, procurement, and delivery of all purchases and supplies, both for field stations and headquarters. All procurement actions and property records are the responsibility of this unit.

§ 02.211 *Budget and Fiscal Office.* (a) This office administers all budgetary and fiscal affairs of the Public Health Service. It is headed by a Chief Budget Officer.

(b) The office prepares or supervises the preparation of all estimates for appropriations required for the operation of the Service, including justifications for such appropriations; it presents estimates to the Budget Officer of the Federal Security Agency and through him, to the Bureau of the Budget.

(c) The Budget and Fiscal Office also maintains accounts for the control of appropriated funds. It processes all disbursements, including expenditures for salaries, travel expenses, purchases and supplies, transportation, and miscellaneous expenditures.

SUBPART C—NATIONAL INSTITUTE OF HEALTH

§ 02.301 *Principal subdivisions:*

National Cancer Institute.
Division of Infectious Diseases.
Division of Physiology.
Research Grants Division.
Biologics Control Laboratory.
Chemistry Laboratory.
Industrial Research Laboratory.
Pathology Laboratory.
Zoology Laboratory.

§ 02.302 *Functions.* (a) The National Institute of Health is the bureau responsible for scientific research activities of the Public Health Service. The director of the institute holds the rank of Assistant Surgeon General; in addition to administering the work of the institute, he advises the Surgeon General on all matters pertaining to scientific research and coordinates research programs initiated by other bureaus of the Service with those of the institute.

(b) The several divisions and laboratories of the National Institute of Health conduct broad programs of research in their respective fields. Many projects are initiated as cooperative studies with other Federal agencies and with private institutions and organizations. The exceptional facilities of the institute frequently are made available to research scientists of such institutions. The studies of the divisions and laboratories are coordinated in a comprehensive program of research so that a particular problem may be approached through various related sciences. Many studies are conducted at field stations, either in branch laboratories of the institute or at the facilities of cooperating institutions. (See Appendix A, List of Field Stations.)

(c) The National Institute of Health administers a program of grants-in-aid for research in the medical sciences. Through this program, the Public Health Service provides financial assistance to public and private institutions and to individual scientists whose applications for such aid are recommended and certified by the National Advisory Health Council, or, in the case of cancer research, by the National Advisory Cancer Council. Final authority to approve and allot such grants (after certification by one of the above councils) has been delegated to the Director of the National Institute of Health by the Surgeon General. The Research Grants Division also acts as a clearing house in processing and auditing all research grants allotted by the Public Health Service, including those allotted by the Division of Mental Hygiene, Bureau of Medical Services, after certification by the National Advisory Mental Health Council.

(d) Fellowships for research scientists also are provided by the National Institute of Health.

§ 02.303 *National Cancer Institute.* (a) The National Cancer Institute is a division of the National Institute of Health; it conducts and sponsors research upon the causes, prevention, and treatment of cancer. It also provides fellowships for research scientists interested in this field, as well as financial assistance for physicians desiring special training in the diagnosis and treatment of cancer. The National Cancer Institute also loans radium to qualified hospitals for the treatment of cancer patients.

(b) The National Cancer Institute administers a special program of grants-in-aid for research in its field. The National Advisory Cancer Council recommends and certifies the applications of public and private institutions and of individual scientists for such grants. This council is independent of the National Advisory Health Council, although joint meetings of the councils are held to consider the total research program of the National Institute of Health and the National Cancer Institute, and to make joint recommendations to the Surgeon General.

§ 02.304 *Biologics Control Laboratory.* Through its Biologics Control Laboratory, the National Institute of Health is immediately responsible for the administration of the provisions of the Public Health Service Act for the licensing of establishments engaged in the manufacture of biological products, and of their products. Licenses are issued by the Federal Security Administrator, under regulations made jointly by the Surgeons General of the Public Health Service, the Army, and the Navy, and approved by the Administrator. The Biologics Control Laboratory conducts inspections of the manufacturing establishments and tests of their products.

SUBPART D—BUREAU OF MEDICAL SERVICES

§ 02.401 *Principal subdivisions:*

Hospital Division.
Foreign Quarantine Division.
Mental Hygiene Division.

§ 02.402 *Functions.* (a) The major functions of this bureau are the provision of medical and hospital services and operation of the National Quarantine Service. In general, the Bureau of Medical Services may be considered as the unit within the Service which deals with clinical practice, as compared with re-

[2] The National Office of Vital Statistics was formerly the Division of Vital Statistics in the Bureau of the Census, Department of Commerce. Under the Reorganization Plan No. 2 of 1946, the functions of the Bureau of the Census with respect to vital statistics were transferred to the Federal Security Agency for administration by the Public Health Service.

search in the National Institute of Health and with public health practice in the Bureau of State Services.

(b) Officers of the Public Health Service are assigned to other Federal agencies for the purpose of developing, supervising, and, in some cases, rendering medical care. The Service provides medical and dental service to the U. S. Coast Guard at shore stations and aboard vessels. The program is administered by the Chief Medical Officer of the Coast Guard (a Public Health Service officer who holds rank of Assistant Surgeon General), in cooperation with the Chief of the Bureau of Medical Services. Medical and psychiatric units at Federal penal institutions are staffed by professional personnel of the Service, under the direct administration of a Public Health Service officer assigned to the Bureau of Prisons for this purpose. The hospitals, medical service, and public health programs of the Bureau of Indian Affairs, Department of the Interior, are supervised by Public Health Service physicians.

(c) Other Federal agencies to which one or more Public Health Service physicians are assigned through the Bureau of Medical Services for the development and administration of medical programs include: the Bureau of Employees' Compensation and the Office of Vocational Rehabilitation (Federal Security Agency); the War Shipping Administration; and the Health Services Division, Labor Branch (Department of Agriculture).

§ 02.403 *Hospital Division.* (a) The Hospital Division operates 25 U. S. Marine Hospitals, the National Leprosarium, and supervises the administration of Freedman's Hospital. The U. S. Marine hospitals are operated as general hospitals where all types of illness and injury are treated; one of these, at Fort Stanton, New Mexico, is operated as a tuberculosis hospital. All beneficiaries of the Public Health Service are eligible for care in the U. S. Marine Hospitals.

(b) The National Leprosarium at Carville, Louisiana, receives persons afflicted with leprosy from any part of the United States and provides medical and institutional care for them.

(c) Freedmen's Hospital, located in Washington, D. C., is operated as a general hospital for the care of Negro patients; it is the teaching hospital of Howard University.

(d) The Hospital Division also administers all other forms of medical and dental care provided for beneficiaries of the Service in dispensaries and field stations located at coastal and inland ports not served by a U. S. Marine Hospital. In all there are 141 hospitals and field stations in the continental United States and our territories and possessions, to which beneficiaries of the Service may turn for immediate attention. Eleven of the U. S. Marine Hospitals also operate supplementary dispensaries in the business section of the ports which they serve. (See Appendix A, List of Field Stations.)

§ 02.404 *Foreign Quarantine Division.* (a) The Foreign Quarantine Division is immediately responsible for the enforcement of the national foreign quarantine laws, as they apply to sea, land and air transport. Officers of the Service examine crews and passengers arriving at sea-and-airports and border stations in the United States for the purpose of preventing the introduction of quarantinable disease. It also administers activities of the Service in connection with the physical and mental examination of immigrants to the United States. For this purpose, officers of the Service are detailed to consulates of the United States in foreign countries, and to the quarantine and immigration stations of this country. At small ports of entry and border stations, quarantine and immigration services are provided through the principal stations. (See Appendix A, List of Field Stations.) At foreign ports, persons intending to emigrate to the United States are examined by Public Health Service officers before receiving their visas. At immigration stations in this country, immigrants are examined and the Public Health Service certifies to the Immigration and Naturalization Service (Department of Justice) the physical and mental eligibility of such persons.

(b) The Foreign Quarantine Division operates 25 major quarantine stations in the continental United States; 117 additional ports and border points are served through these stations, through other facilities of the Public Health Service, or through part-time quarantine officers. Quarantine stations also are located in the Hawaiian Islands, Puerto Rico, the Virgin Islands, Alaska and the Panama Canal Zone. At present, officers of the Public Health Service are assigned for immigration service to American consulates in Canada, Cuba, England, France, Germany, Italy, Holland, China, Japan, Mexico, and the Philippine Islands. (See Appendix A, List of Field Stations.)

§ 02.405 *Mental Hygiene Division.* (a) The Mental Hygiene Division administers the National Mental Health Act, Public Law 487 (79th Cong.), approved July 3, 1946. The act provides for the establishment of a National Mental Health Institute to conduct a program of research upon the causes, prevention, diagnosis, and treatment of mental and nervous diseases; to allot grants-in-aid for research to public and private nonprofit institutions, and to individual scientists. The act further authorizes: financial assistance to similar institutions for training of psychiatrists and other personnel concerned with the diagnosis, treatment, and care of mental patients; financial assistance to individuals for such training; allotment of grants-in-aid to the States for the development of community mental health services; and the conduct of demonstrations by the Public Health Service and other activities which will promote the mental health of the Nation. The act establishes a National Advisory Mental Health Council to advise the Public Health Service on all matters pertaining to mental health, and to recommend and approve grants-in-aid for research and for training.

(b) The Mental Hygiene Division operates two hospitals at which mentally ill beneficiaries of the Public Health Service and of other Federal agencies, including the armed services, are treated. To these hospitals also, Federal prisoners who are addicted to the use of narcotic drugs are transferred for treatment and rehabilitation. Any person who is a drug addict may also obtain treatment at these hospitals by voluntary admission. A program of research upon narcotic drug addiction and upon the medical use of narcotics is also carried on by this division.

SUBPART E—BUREAU OF STATE SERVICES

§ 02.501 *Principal subdivisions.*

Hospital Facilities Division.
Industrial Hygiene Division.
States Relations Division.
Tuberculosis Control Division.
Venereal Disease Division.

§ 02.502 *Functions.* The major function of this bureau is the administration of all phases of the Federal-State cooperative health program and the operation of Public Health Service activities initiated in support of that program. The bureau is not only responsible for the administrative programs at headquarters but also supervises services to States in the field and coordinates all other such services administered by other bureaus or divisions, as for example, those operated by the Division of Sanitary Engineering and the Division of Nursing, Office of the Surgeon General. Chiefs of divisions hold the rank of Medical Director.

§ 02.503 *Administrative activities.* Administrative activities common to all the Federal-State cooperative programs and common to all divisions of the bureau are carried on in coordinating services directly supervised by the chief of the bureau. These services include: budget, fiscal, administrative procedures, grants-in-aid, records and reports.

§ 02.504 *Hospital Facilities Division.* (a) This division is immediately responsible for administration of the Hospital Survey and Construction Act (Public Law 725, 79th Congress) approved August 13, 1946. The law authorizes the appropriation of Federal funds to be allotted to the States as grants-in-aid for the conduct of State-wide surveys of the needs for hospitals and related facilities, and for construction of such facilities. The Federal Hospital Council (see Subpart A, sec. 02.109 of this part) assists in the administration of the law.

(b) The Hospital Facilities Division also conducts fact-finding studies with respect to hospital services and related facilities, and it provides consultation and technical aid to the States in the various phases of their hospital survey and construction programs.

§ 02.505 *Industrial Hygiene Division.* (a) This division supervises the industrial hygiene phases of the total Federal-State cooperative health program, with special reference to the control of occupational diseases and the promotion of health among industrial workers. It provides consultant services and technical aid to the States, especially to State industrial hygiene units, as well as to industrial establishments and labor organ-

izations. It sponsors and promotes the establishment and maintenance of industrial hygiene service in State governments.

(b) Among the special services provided by the Industrial Hygiene Division are: surveys of industrial hygiene problems within particular areas or industries; laboratory analysis of substances believed to be hazardous; investigation of occupational disease outbreaks, especially of occupational dermatoses, to determine the causes and to recommend methods for the elimination or control of the hazards; collection, analysis, and publication of occupational morbidity and mortality statistics. The several units of the division deal with, and offer technical assistance in the various elements of an industrial hygiene program, as: medical, engineering, and chemical control of hazards; industrial dentistry and nursing; morbidity records and reports.

§ 02.506 *States Relations Division.* (a) This division has two major functions: first, administration of that part of the Federal-State cooperative health program known as "general health services," and second, administration of acute communicable disease control activities of the Public Health Service, including interstate quarantine. The division also conducts demonstrations of new technics in public health control of disease in order to determine the methods by which local health services may bring the benefits of new discoveries to bear upon health problems of the people. These demonstrations are carried on in cooperation with selected local health departments and institutions. In cooperation with other divisions of the Service, the States Relations Division also initiates and conducts projects for the training of public health personnel employed by State and local agencies.

(b) For the control of acute communicable diseases, the division provides investigatory and consultant services to States and communities where outbreaks occur, or where the continued threat of an outbreak exists. Upon request of State health authorities, the Service may provide epidemiologic units to determine the cause, sources, and extent of the epidemic, to recommend control measures, and, in emergencies, to initiate controls pending the mobilization of local and other resources.

(c) In parts of the United States, certain diseases are endemic and present a continued threat of epidemics which may spread to other areas. The States Relations Divisions carries on programs for the control of these diseases to supplement the activities of State and local agencies and in cooperation with the States in affected areas.

(d) Activities of the States Relations Division are carried on at headquarters and at various field stations. (See Appendix A, List of Field Stations.)

§ 02.507 *Tuberculosis Control Division.* This division administers a broad program of grants-in-aid to the States, research, training, and demonstrations in the control of tuberculosis. The program sponsored by the division requires: survey of the problem of tuberculosis state by state and community by community; facilities and activities for the discovery of causes in large population groups, with follow-up and medical supervision of discovered cases; expansion and improvement of sanatorium facilities and treatment; and rehabilitation of tuberculous patients. The division provides consultant services in a variety of related fields, as: rehabilitation, tuberculosis nursing, medical social work, records, reports, and statistical evaluation of tuberculosis problems and programs. An extensive program of field studies upon the epidemiology, prevention, and treatment of tuberculosis is conducted by the division, in cooperation with other official and nonofficial organizations, and with certain industries concerned with the production of radiologic equipment used in the diagnosis of tuberculosis.

§ 02.508 *Venereal Disease Division.* This division administers a broad program of grants-in-aid to States, research, training, and demonstrations in the control of syphilis and gonorrhea. It is also responsible for the development and administration of activities to prevent the spread of syphilis and gonorrhea from State to State. In this connection, it has developed a network of medical centers for the treatment of infectious patients; some of these facilities are operated by the division; others are operated by State and local health departments in cooperation with the division. The division also carries on an extensive program of education for professional groups and for the public. The division sponsors both laboratory and clinical research projects for the study of new methods in the diagnosis, prevention, and treatment of venereal diseases. In addition to grants-in-aid for venereal disease control, the division provides consultant services and technical assistance to State and local health departments and carries on special cooperative programs with such agencies for the improvement of case-finding and other epidemiologic technics for the control of venereal diseases.

Appendix A—List of Field Stations

U. S. Public Health Service District Offices

Correspondence with District Offices should be addressed to: District Director, U. S. Public Health Service District No. —.

District No.	Address	Jurisdiction
1	U. S. Sub-Treasury Building, 15 Pine St., New York 5, N. Y.	Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont.
2	State-Planters Bank Building, Richmond 19, Va.	District of Columbia, Maryland, North Carolina, South Carolina, Virginia, West Virginia.
3	852 U. S. Custom House, Chicago 7, Ill.	Illinois, Indiana, Kentucky, Michigan, Ohio, Wisconsin.
4	707 Pere Marquette Building, New Orleans 12, La.	Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee.
5	1407 U. S. Appraisers Building, San Francisco 11, Calif.	Alaska, Arizona, California, Hawaiian Islands, Nevada, Oregon, Washington.
6	San Juan 18, P. R.	Puerto Rico, Virgin Islands.
7	417 East 13th St., Kansas City 6, Mo.	Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota.
8	615 Colorado Building, Denver 2, Colo.	Colorado, Idaho, Montana, Utah, Wyoming.
9	1020 Santa Fe Building, Dallas 2, Tex.	New Mexico, Oklahoma, Texas.

Branch Laboratories of the National Institute of Health

Correspondence with branch laboratories of the National Institute of Health of the U. S. Public Health Service should be addressed to: Officer in Charge.

Rocky Mountain Laboratory, Hamilton, Mont.

Malaria Investigations Station, 874 Union Avenue, Memphis, Tenn.

Malaria Research Laboratory, State Hospital, Columbia, S. C.

Malaria Investigations, P. O. Box 5029, Ancon, C. Z.

Hospitals, Dispensaries, and Other Medical Relief Stations

Correspondence with hospitals, dispensaries, and other medical relief stations of the U. S. Public Health Service should be addressed to: Medical Officer in Charge.

U. S. Marine Hospitals

Baltimore, Md.: Wyman Park Drive and 31st Street (11).[1] Out-patient Office: Customhouse (2).

Boston, Mass.: 77 Warren Street (35). Out-patient Office: Customhouse (9).

Buffalo, N. Y.: 2183 Main Street (14).

Chicago, Ill.: 4141 Clarendon Avenue (13). Out-patient Office: New Post Office Building (7).

Cleveland, Ohio: Fairhill Road and East 124th Street (20). Out-patient Office: New Post Office Building (13).

Detroit, Mich.: Windmill Pointe (15). Out-patient Office: Post Office Building.

Ellis Island 4, N. Y.

Evansville 12, Ind.

Fort Stanton, N. Mex.: Freight and express address: Carrizozo.

Galveston, Tex.: 45th Street and Avenue N. Out-patient Office: Customhouse.

Kirkwood, Mo.: 525 Couch Avenue. Out-patient Office: 919 New Federal Building.

Louisville, Ky.: Portland Avenue and 22d Street (12).

Memphis, Tenn.: Delaware and California Streets (5).

Mobile, Ala.: 800 St. Anthony Street (16).

New Orleans, La.: 210 State Street (15). Out-patient Office: Customhouse (16).

Norfolk, Va.: Hampton Boulevard, Larchmont (9). Out-patient Office: Federal Building (10).

Pittsburgh, Pa.: 40th Street and Penn Avenue (24). Out-patient Office: Federal Building (19).

Portland, Maine: 331 Veranda Street (3).

San Francisco, Calif.: 14th Avenue and Park Boulevard (18). Out-patient Office: Appraisers Building, Washington and Sansome Streets.

San Juan 18, P. R.

Savannah, Ga.: York and Abercorn Streets.

Seattle, Wash.: Judkins Street and 14th Avenue South (44).

Staten Island, N. Y.: Express address: Stapleton, N. Y. Annex: Beach 149th Street (Neponsit), Rockaway Beach, Long Island, N. Y.

Vineyard Haven, Mass.

[1] Postal zone numbers in parentheses.

National Leprosarium

National Leprosarium, Carville, La. Freight and express address: St. Gabriel, La.

Mental Hospitals

U. S. Public Health Service Hospital, Fort Worth, Tex.

U. S. Public Health Service Hospital, Lexington, Ky.

Dispensaries

Balboa Heights, C. Z.

Charleston 3, S. C.: Customhouse.

El Paso, Tex.: 139 United States Courthouse.

Honolulu 7, T. H.: 208 Federal Building.

Houston 2, Tex.: 1018 Preston Avenue.

Los Angeles 12, Calif.: 406 Federal Building.

Miami 3, Fla.: 365 Federal Building.

New York 13, N. Y.: 67 Hudson Street.

Philadelphia 6, Pa.: 225 Chestnut Street.

Port Arthur, Tex.: 211 Federal Building.

Portland 5, Oreg.: 215 United States Courthouse.

San Diego 1, Calif.: 208 New Post Office Building.

San Pedro, Calif.: 308 Federal Building.

Washington 25, D. C.: Railroad Retirement Board Building.

Other Relief Stations

Aberdeen, Wash.: 720 Becker Building.

Albany 6, N. Y.: 399 State Street.

Alpena, Mich.: Savings Bank Building.

Anacortes, Wash.: Empire Building.

Apalachicola, Fla.: 96 Fifth Avenue.

Ashland, Wis.: 522 West Second Street.

Ashtabula, Ohio: 334 Center Street.

Astoria, Oreg.: 211 Post Office Building.

Bangor, Maine: 39 High Street.

Bath, Maine: 73½ Front Street.

Bay City, Mich.: 307 Davidson Building.

Beaufort, N. C.: Potter Building.

Bellingham, Wash.: 512 Herald Building.

Biloxi, Miss.: 405 Lameuse Street.

Brunswick, Ga.: 1501½ Newcastle Street.

Burlington, Iowa: 320 North Third Street.

Cairo, Ill.: 808 Commercial Avenue.

Calais, Maine.

Cambridge, Md.: 1 Church Street.

Cape May, N. J.: Columbia Avenue and Ocean Street.

Charlotte Amalie, V. I.: United States Post Office and Customhouse Building.

Cincinnati 2, Ohio: 1009–10 Carew Tower, 5th and Vine Streets.

Coos Bay, Oreg.: 510 Hall Building.

Cordova, Alaska.

Corpus Christi, Tex.: 314 Peoples Street.

Crisfield, Md.: 322 Main Street.

Duluth 2, Minn.: 706 Medical Arts Building.

Edenton, N. C.

Elizabeth City, N. C.: 224 Carolina Building.

Erie, Pa.: 217 West 8th Street.

Escanaba, Mich.: 1107 Ludington Street.

Eureka, Calif.: 407 First National Bank Building.

Fall River, Mass.: 2123 Highland Avenue.

Frankfort, Mich.

Gallipolis, Ohio: 3d Avenue and State Street.

Gary, Ind.: 673 Broadway.

Gloucester, Mass.: Customhouse, Dale Avenue.

Grand Haven, Mich.: 210½ Washington Street.

Green Bay, Wis.: 610 Northern Building.

Gulfport, Miss.: 21 Durham Building.

Houghton, Mich.: 124 Sheldon Street.

Indiana Harbor, Ind.: 3406 Guthrie Street.

Jacksonville 1, Fla.: 403 Federal Building.

Juneau, Alaska: P. O. Box 2930.

Ketchikan, Alaska: Koel Building.

Key West, Fla.: 620 Southard Street.

Kilmarnock, Va.

La Crosse, Wis.: 205 Linker Building.

Lewes, Del.: Savannah Road.

Ludington, Mich.: 107 West Ludington Avenue.

Machias, Maine.

Manistee, Mich.: 401 River Street.

Manitowoc, Wis.: 811 York Street.

Marquette, Mich.: 107 Harlow Block.

Menominee, Mich.: Electric Square Building.

Milwaukee 2, Wis.: 560 Federal Building.

Morehead City, N. C.

Nashville 3, Tenn.: 1007 Medical Arts Building.

Natchez, Miss.: 306 Franklin Street.

New Bedford, Mass.: 105 South Sixth Street.

New Bern, N. C.: 81 Pollock Street.

New Haven 11, Conn.: 291 Whitney Avenue.

New London, Conn.: 205 Williams Street.

Newport, Oreg.: 625 Hurlburt Street.

Newport, R. I.: 105 Pelham Street.

Newport News, Va.: 2903 West Avenue.

Ogdensburg, N. Y.: 430 Ford Street.

Olympia, Wash.: 407 Security Building.

Oswego, N. Y.: 65 West Bridge Street.

Paducah, Ky.: 816 Citizens Savings Bank Building.

Panama City, Fla.

Pensacola, Fla.: 301 Federal Building.

Perth Amboy, N. J.: Federal Building.

Petersburg, Alaska.

Ponce, P. R.: United States Main Post Office Building.

Port Angeles, Wash.: First National Bank Building.

Port Huron, Mich.: 213 Federal Building.

Port Townsend, Wash.: Point Hudson.

Providence 3, R. I.: 403 Federal Building.

Provincetown, Mass.: 322 Commercial Street.

Raymond, Wash.: Raymond Bank Building.

Reedville, Va.

Richmond 20, Va.: 2716 Grove Avenue.

Sandusky, Ohio: 622 Camp Street.

Sault Ste. Marie, Mich.: 312 Ashmun Street.

Seward, Alaska.

Sheboygan, Wisc.: 910 New York Avenue.

Southport, N. C.: Morrison Building.

Superior, Wis.: Board of Trade Building, 1507 Tower Avenue.

Tacoma 2, Wash.: 435 Medical Arts Building.

Tampa 2, Fla.: 416 Tampa Street.

Toledo 2, Ohio: 408 Colton Building.

Vicksburg, Miss.: 1600 Monroe Street.

Washington, N. C.: 109 South Market Street.

Wilmington, N. C.: 203 Murchison Building.

Wrangell, Alaska.

(At the following cities U. S. Customs or U. S. Coast Guard officials may be consulted by beneficiaries of the Service for medical care: Bridgeport 9, Conn. (Collector of Customs); Fort Yukon, Alaska. (Deputy Collector of Customs); Nome, Alaska. (U. S. Coast Guard Officer in Charge); Portsmouth, N. H., Salem, Mass., and Wilmington 24, Del. (Deputy Collector of Customs).

FOREIGN QUARANTINE AND IMMIGRATION STATIONS [1]

Correspondence with foreign quarantine and immigration stations should be addressed to: CHIEF QUARANTINE OFFICER.

Port	Address	Jurisdiction
Balboa Heights, Canal Zone.		Panama Canal.
Baltimore, Md.	Curtis Bay	Chesapeake Bay and Potomac River.
Boston, Mass.	Room 1703, U. S. Customhouse	Eastport, Maine, to New London, Conn.
Charleston, S. C.		Wilmington, N. C., to Savannah, Ga.
Detroit, Mich.[1]		Detroit.
El Paso, Tex.	Room 139, U. S. Customhouse	Brownsville, Tex., to Ajo, Ariz.
Fort Monroe, Va.		Hampton Roads to Morehead City, N. C.
Galveston, Tex.		Galveston to Brownsville (Port Isabel), Tex.
Honolulu, T. H.		Hawaii.
Jacksonville, Fla.	403 Federal Bldg.	Brunswick, Ga., to St. Augustine, Fla.
Los Angeles, Calif.	P. O. Box 97, Terminal Island	San Luis Obispo to Calexico, Calif.
Miami, Fla.	P. O. Box 1246	Fort Pierce to Key West, Fla.
Mobile, Ala.	U. S. Marine Hospital	Carrabelle, Fla. to Gulfport, Miss.
New Orleans, La.	New Orleans (Algiers), La.	Mississippi River and Gulf Coast to Morgan City, La.
New York, N. Y.	Rosebank, Staten Island, N. Y.	Bridgeport, Conn., to Perth Amboy, N. J.
Philadelphia, Pa.	225 Chestnut Street, Philadelphia, Pa.	Delaware Bay and Delaware River.
Sabine, Tex.		Sabine Pass.
San Francisco, Calif.	Foot of Hyde Street	Eureka to Monterey, Calif.
San Juan, P. R.	San Juan, P. R.	Puerto Rico and Virgin Islands.
Seattle, Wash.	45 Federal Office Building	Columbia River and Puget Sound.
Tampa, Fla.	P. O. Box 1438	Cedar Keys to Boca Grande, Fla.
Wrangell, Alaska.		Alaska.

[1] Immigration station only.

FIELD STATIONS OF THE STATES RELATIONS DIVISION

Officer in Charge, Communicable Disease Center, 605 Volunteer Building, Atlanta, Ga.

Medical Officer in Charge, Plague-Suppressive Laboratory, 14th Avenue and Lake Street, San Francisco 18, Calif.

Medical Officer in Charge, Heart Disease Control Demonstration, Temple University Medical School, Philadelphia, Pa.

Medical Officer in Charge, Diabetes Control Demonstration, 194 Pilgrim Road, Boston, Mass.

TUBERCULOSIS DEMONSTRATIONS

Medical Officer in Charge, Field Studies Laboratory, Hixson Memorial Hospital, University of Kansas, Kansas City, Kans.

VENEREAL DISEASE LABORATORIES AND MEDICAL CENTERS

Correspondence with venereal disease field stations should be addressed to: MEDICAL OFFICER IN CHARGE.

Laboratory of Experimental Therapeutics, Johns Hopkins School of Hygiene, 615 North Wolfe Street, Baltimore 5, Md.

U. S. Public Health Service Medical Center, Box 1729, Durham, N. C.

U. S. Public Health Service Medical Center, Hot Springs National Park, Ark.

Hampton Roads Medical Center, 42nd and Powhatan Avenue, Norfolk 1, Va.

Kanawha Valley Medical Center, 151 12th Avenue, South Charleston 3, W. Va.

Midwestern Medical Center, 3630 Marine Avenue, St. Louis 18, Mo.

Venereal Disease Research Laboratory, U. S. Marine Hospital, Staten Island 4, N. Y.

STREAM POLLUTION LABORATORY

Officer in Charge, Stream Pollution Laboratory, East Third and Kilgour Streets, Cincinnati, Ohio.

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[1] For a list of additional seaports, border stations, and airports served by quarantine and immigration officers write the Chief, Foreign Quarantine Division, U. S. Public Health Service, Washington 25, D. C.

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SUBPART A—GENERAL PROCEDURES

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§ 03.101 *General statement.* On behalf of the United States, the Federal Security Administrator is authorized to accept gifts made for the benefit of the U. S. Public Health Service or for carrying out its functions, in accordance with sections 403 and 501 of the Public Health Service Act, as amended. Information may be obtained from the Surgeon General, U. S. Public Health Service, Washington 25, D. C.

CLAIMS FOR DAMAGES

§ 03.102 *General statement.* Procedures regarding claims for damage to or loss of property or injury to persons, alleged to have been caused by commissioned or civilian officers or employees of the Public Health Service (including claims for damages occasioned by collisions or incident to the operation of vessels of the Public Health Service) are described in Title 45, sec. 30.2.

CIVIL SERVICE POSITIONS

§ 03.103 *General statement.* Information regarding civil service positions in the Public Health Service may be obtained by writing to the Surgeon General, U. S. Public Health Service, Washington 25, D. C. For procedures and forms prescribed by the U. S. Civil Service Commission, see Code of Federal Regulations, Title 5.

(a) The Public Health Service offers internship training in medicine and dentistry in civil service positions at some of its stations; information regarding such training may be obtained by writing to the Surgeon General.

SUBPART B—OFFICE OF THE SURGEON GENERAL

REGULAR AND RESERVE COMMISSIONED CORPS

§ 03.201 *General statement.* Commissions in the Regular and Reserve Corps of the Public Health Service are available to individuals trained in the fields of medicine, dentistry, sanitary engineering, pharmacy, scientific spe-

cialties related to public health, nursing, dietetics, and physical therapy. Regulations relating to the commissioned corps, prescribed by the President, are contained in Part 2 of this chapter.

All appointments in the commissioned corps are made by the President and in the case of the Regular Corps are subject to confirmation by the Senate. Officers retain commissions in the Regular Corps for life, contingent upon their passing prescribed promotion and physical examinations. Reserve commissions are for a period of not more than five years, after which an officer may be reappointed. Reserve commissions may be terminated at any time by the Federal Security Administrator, upon recommendation of the Surgeon General, under authority delegated to the Administrator by the President (Executive Order 9655, sec. 3.11).

§ 03.202 *Application for commission.* Applications may be made on Form 8938 "Application for Commission in the United States Public Health Service." Application forms and instructions may be obtained by writing to the Surgeon General, U. S. Public Health Service, Washington 25, D. C., attention: Division of Commissioned Officers. Eligibility requirements and the contents of the application are described in the regulations.

§ 03.203 *Regular Corps; examiations and appointment.* Competitive written examinations for appointment in the Regular Corps are usually held annually in the principal cities in the early spring or summer. Announcements of the time and place of examinations are published at least thirty days prior to the date of the examination, in the leading medical and other professional journals. Applicants with satisfactory qualifications are instructed to present their completed applications and supporting documents to a board of commissioned officers, appointed by the Surgeon General, which conducts oral and written professional examinations and physical examinations as prescribed in regulations.

The procedure for establishment of merit rolls on the basis of examination ratings and relative standings of candidates, and for nominations from merit rolls, are described in the regulations.

§ 03.204 *Reserve Corps; examination and appointment.* The examination consists of a review of the candidate's qualifications by the examining board in Washington, D. C., and a physical examination which is arranged at a Public Health Service station. Recommendations for appointment of a candidate, after approval by the Surgeon General and the Federal Security Administrator, are transmitted to the President for final action.

§ 03.205 *Other provisions governing commissioned officers.* Procedures regarding allotments, leave, promotion, separation, retirement, uniforms, decorations, and discipline, of commissioned officers, are described in the regulations.

LAND AND AIR CARRIER SANITATION

§ 03.231 *General statement.* Common carriers must comply with requirements of the Interstate Quarantine Regulations, contained in Part 12 of this chapter, regarding the sanitary quality of food and drinking water served on conveyances operating in interstate traffic. The activities described here are performed under the supervision of the Land and Air Carrier Section of the Sanitary Engineering Division.

§ 03.232 *Water supplies and watering points.* (a) Sources of water used on carriers are inspected to determine compliance with the Drinking Water Standards prescribed in the regulations. Sanitation features of watering points are inspected to determine compliance with the regulations; these inspections are made on the basis of provisions of the Sanitation Manual for Land and Air Conveyances Operating in Interstate Traffic; Public Health Reports Reprint No. 2444, 1943.

(b) Immediately before the beginning of each calendar year all carrier companies are circularized by letter from the Surgeon General requesting a statement identifying sources of water used by the carrier, ownership of the supply, and location of watering points at which the water is loaded on the conveyances. This information submitted to district offices of the Service and is transmitted by them to the appropriate State health authorities. In cooperation with the district offices, State authorities inspect the water supplies and watering points. Inspection reports and recommendations are sent to the district offices, and to the carrier company. On the basis of these reports and recommendations, the district offices recommend to the Surgeon General one of three certifications: (1) Approved; (2) Provisionally approved pending correction of defects, with a time limit set for correcting deficiencies found; (3) Prohibited. If the supply or point is given a prohibited certification, the carrier may not, consistent with the regulations, take on water at that point. A prohibited point will be reinspected upon receipt of a request for such reinspection addressed to the Surgeon General by the carrier company. Carrier companies are notified of certifications by the Surgeon General on Form 8921-D entitled "Certification of Examination of Water Provided for Common Carriers Engaged in Interstate Traffic"; in the case of change to a "prohibited" certification the company is also notified by telegram.

§ 03.233 *Food and milk.* (a) The sanitary quality of food served on carriers and methods and facilities used in the handling, preparation, and serving of such food are inspected to determine compliance with the regulations; the Ordinance and Code for Eating and Drinking Establishments (recommended by the Public Health Service, 1943, Public Health Bulletin No. 280) is used as a guide in such inspections. Sources of milk served on conveyances are inspected to determine compliance with the regulations; the Milk Ordinance and Code (recommended by the Public Health Service, 1939, Public Health Service Bulletin No. 220) is used as a guide.

(b) On August 1 of each year the district offices send to the home offices of the carrier companies within their districts, copies of Form DS-1 which calls for a statement identifying the suppliers of food or milk served on its conveyances, the address of the supplier, and the type of container in which the product is received. Completed forms are returned to the district offices, which transmit the information received to the appropriate State health authorities who make necessary inspections. Inspection reports and recommendations are sent to the district offices. The reports are forwarded to the carrier companies with Form DS-6 which include certifications similar to those used for water supplies.

(c) Commissaries furnishing food to carrier companies and food handling facilities on the conveyances are inspected by personnel from the district offices. Reports on such inspections, along with recommendations for necessary improvements, are forwarded to the carrier company.

VESSEL SANITATION

§ 03.236 *General statement.* Sanitation of vessels operating as common carriers in interstate traffic, excepting ratproofing, are subject to the provisions of the Interstate Quarantine Regulations contained in Part 12 of this chapter. The activities relating to shore sources of water are performed under the supervision of the Land and Air Carrier Section of the Sanitary Engineering Division; those relating to sanitation on board vessels, under the Vessel Sanitation Section, Sanitary Engineering Division.

§ 03.237 *Water supplies and watering points on shore.* Procedures are the same as those described in § 03.232 (regarding land and air carrier water supplies and watering points) except that here the circularization is performed by District offices and data are submitted by the vessel company on a form entitled "Data Concerning Sources of Drinking Water used on Vessels."

§ 03.238 *Sanitation on vessels.* Vessels while in port are inspected by personnel of the district offices to determine compliance with the regulations; the tentative vessel sanitation manual (July 1944) is used as a guide in such inspections. The inspector prepares and presents to the senior officer on board a "Memorandum to the Captain of the Vessel" (Budget Bureau No. 68-R239), listing the defects found and recommended methods of correction. This memorandum is kept with the ship's papers. Upon the basis of the inspector's report to him, the district engineer in the district office transmits to the vessel operator either a record of inspection, which is issued in the case of vessels having defects and which records those defects and makes recommendations for their removal, or a certificate of compliance, which is issued to vessels on which no defects are found. A copy of the record or certificate is kept with the ship's papers until superseded.

§ 03.239 *Vessels under construction.* (a) The Vessel Engineering Section, Sanitary Engineering Division, will, on request addressed to the Division at Wash-

ington 25, D. C., assist architects in developing constructions plans which will assure that sanitation aspects of the completed vessel will comply with regulations. Plans will be reviewed during the developmental stage, using the "Tentative Vessel Sanitation Manual" (July 1944) as a guide, and recommendations will be made as to any changes that may be indicated. Completed plans and specifications may be submitted to the Division in duplicate and, if approved, one set will be so marked and returned to the architects; if not approved, the plans and specifications will be returned with recommendations.

(b) In connection with the actual construction activity, the District offices will offer the advice of inspectors on compliance with plans or on measures necessary to qualify the vessel for certification by the Service of the vessel's drinking water system and ratproof construction. Upon completion of construction, such "Certificate of Inspection of Drinking Water System on Vessel," and "Certificate of Ratproof Construction" are issued to qualifying vessels and are valid until the vessel enters operation and is inspected during the course of its operation.

INTERSTATE SHIPMENT OF SHAVING AND LATHER BRUSHES

§ 03.246 *General statement.* Shaving or lather brushes may not be shipped or carried in interstate commerce unless manufactured in compliance with the regulations contained in Part 12 of this chapter.

§ 03.247 *Permit: application and issuance.* (a) Application forms for permits certifying approval of manufacturing procedures (Budget Bureau No. 68-R107) may be obtained from the Sanitary Engineering Division, U. S. Public Health Service, Washington 25, D. C. This form calls for the name and location of the manufacturing establishment, a list of products manufactured or processed, and the signature and title of the executive officer of the establishment. The application form is submitted in duplicate to the Sanitary Engineering Division. The facilities and processes of the applicant's establishment are then inspected for compliance with provisions of the regulations by a representative of the District office within whose jurisdiction the establishment is located. Copies of the identifying marks to be used on brushes are also obtained. The District office transmits to the Sanitary Engineering Division an inspection report, together with recommendations. If upon the basis of the report the head of the General Sanitation Section of the Division determines that the establishment is complying with the regulations, a permit is forwarded to the applicant. If the application is not approved, the applicant is notified of this fact, reasons given, and suggestions are offered for improvements that would result in favorable action.

(b) After a permit is issued, all District offices and all State health authorities are so notified in order that establishment's products may be recognized on the market. State and local health departments make periodic checks of brushes for sale on the retail market and when brushes are found not carrying a registered mark as required by the regulations, a report of that fact is sent to the Surgeon General for enforcement action. Establishments holding permits are subject to periodic inspection; the permit is revoked if it is determined that the regulations are not complied with.

SHELLFISH SANITATION

§ 03.251 *General statement.* (a) As a service to the shellfish industry and to State authorities, the Public Health Service publishes, semimonthly, a list of shellfish shippers holding certificates issued by those State regulatory authorities which conduct a shellfish sanitation program approved by the Service on the basis of a "Manual of Recommended Practices for the Sanitary Control of the Shellfish Industry." The manual contains standards which generally have been agreed upon by the industry and State authorities.

(b) Copies of certificates issued by State authorities are forwarded to the Sanitary Engineering Division through the District offices for publication purposes. These lists are used by State and local health authorities as a source of information concerning the sanitary precautions observed by shellfish shippers.

§ 03.252 *Approval of State control program.* The District offices under the guidance of the General Sanitation Section of the Sanitary Engineering Division work with the States in the development and improvement of their control programs and also conduct annual evaluations of the States' activities. Reports on control programs conducted within the States are forwarded to the Division and are given consideration in determining whether continued endorsement of the States' programs is warranted.

GRANTS TO SCHOOLS OF NURSING

§ 03.261 *General statement.* (a) Grants to schools of nursing are authorized in Public Law 74 (78th Cong.), as amended, and are administered under Regulations, Parts 28 and 30 of this chapter. The purpose of such grants is to provide basic training for student nurses, under accelerated programs of study, and to provide postgraduate and refresher courses in nursing. Students in approved schools of nursing who enrolled in the basic training program formed the membership of the U. S. Cadet Nurse Corps.

(b) On June 30, 1946, all grants except those providing for continued undergraduate training were discontinued. No new enrollments for any portion of the Nurse Training Program have been accepted by the schools since October 15, 1945. Students who entered the Corps prior to that date, however, may continue their courses of study in the school of nursing in which they are enrolled until completion of their training, provided that the school complies with all requirements of the program.

§ 03.262 *Application for grants.* Application forms (Forms 50) for continued participation in the Nurse Training Program are submitted annually to the Surgeon General by each school or institution. Information required in the application is described in Regulations, Part 28 of this chapter.

§ 03.263 *Processing of application.* Applications are reviewed by the Chief of the Division of Nursing and the Nurse Education Consultants of the Division. They recommend to the Surgeon General the action to be taken in each case.

§ 03.264 *Approval of application.* Upon the basis of these recommendations, the Surgeon General approves or disapproves the applications. If a proposed plan meets all requirements, a grant to the school is approved for one year. Official notification of approval, signed by the Surgeon General, is sent to the Director of the School.

COLLECTION OF MORBIDITY AND MORTALITY REPORTS

§ 03.271 *General statement.* Morbidity and mortality reports are collected by the Public Health Service from State or local governments, in accordance with section 313 of the Public Health Service Act, as amended, and provisions of International Sanitary Conventions to which the United States is a signatory power. Reporting policies and procedures are developed in consultation with the Conference of State and Territorial Health Officers.

§ 03.272 *Reports.* (a) Weekly and special telegraphic morbidity reports, monthly morbidity reports (Forms 8958-A and DF-399), quarterly mortality reports (Form 8958-C) and annual morbidity and mortality summaries (Forms 8964-A and 8964-B) are submitted by cooperating State Health Departments. (b) In addition to these State reports, weekly morbidity reports (Forms 8960-A) and annual morbidity and mortality summaries (Form 8960-B) are submitted directly by a selected sample of cities. (c) Report forms, as well as instructions governing such reports (Form 8958) may be obtained upon request from the Surgeon General, U. S. Public Health Service, Washington 25, D. C.

§ 03.273 *Processing and publication of data.* Data obtained from these several reports are compiled and analyzed by the Division of Public Health Methods. Summaries of these data are made available to State and local health officers, Army and Navy medical departments, the Pan-American Sanitary Bureau, and other interested agencies in this country and abroad through (a) the "State Health Officers' Weekly Statement," (b) "Public Health Reports", and (c) answers to special inquiries from health officers and the public.

COLLECTION OF VITAL STATISTICS

§ 03.281 *General statement.* The National Office of Vital Statistics contracts with States, territories, and independent registration cities for the purchase of transcripts of births, death, and stillbirth certificates, in accordance with Title 13, U. S. Code, 101.

§ 03.282 *Contracts for transcripts.* Contracts are of two types: (1) for hand-

written transcripts purchased from the State or city at the rate of four cents for each death transcript and three cents for each birth and stillbirth transcript; and (2) for microfilm transcripts at the rate of three cents each. Contracts are made for a term of five years provided that it is mutually agreed by the National Office of Vital Statistics and the State or city concerned, at least thirty days in advance of the end of each fiscal year during the term, that the contract shall continue in force. This permits revision of the contract or substitution of a new contract if it becomes necessary or desirable to do so.

§ 03.283 *Use of transcripts.* Transcripts purchased under these contracts are used by the National Office of Vital Statistics for statistical purposes only.

§ 03.284 *Official publications.* The annual volumes on vital statistics and occasional special publications, may be obtained at cost from the Superintendent of Documents, U. S. Government Printing Office, Washington, D. C. Other official publications of the National Office of vital Statistics, Washington 25, D. C., are available to any individual or agency without charge.

Subpart C—National Institute of Health

Biological Products; Licenses

§ 03.301 *General statement.* Licenses are issued to establishments engaged in the manufacture and preparation of biological products, under the authority of section 351 of the Public Health Service Act. Standards designed to insure the continued safety, purity, and potency of such products are prescribed in regulations made jointly by the Surgeon General of the Public Health Service, the Surgeon General of the Army, and the Surgeon General of the Navy, and approved by the Administrator. They appear in Part 22 of this Chapter.

§ 03.302 *Products and establishments subject to license.* Products subject to license include any virus, therapeutic serum, toxin, antitoxin, or analogous product, or arsphenamine or its derivatives (or any other trivalent organic arsenic compound), applicable to the prevention, treatment, or cure of diseases or injuries of man. Foreign as well as domestic establishments are subject to license requirements with respect to products prepared for sale in the District of Columbia or to be carried across the lines of any State or possession for sale, barter, or exchange.

§ 03.303 *Applications for licenses.* Applications for licenses may be obtained from the Surgeon General, U. S. Public Health Service, Washington 25, D. C. Detailed information is required on the technical facilities of the establishment and on the methods of preparation and test of the product. Assistance in completing application forms may be obtained from the Biologics Control Laboratory, National Institute of Health, Bethesda 14, Maryland.

§ 03.304 *Processing of applications.* Completed applications, reviewed by the Biological Control Laboratory are forwarded with a report to the Surgeon General. The report is based in part on inspection of the establishment and laboratory tests of the product. The Surgeon General transmits the application, the report and his recommendations for action to the Federal Security Administrator. In certain cases the Surgeon General appoints a Special Board of Officers to review applications. The findings of the Board are submitted to the Administrator with the Surgeon General's recommendations.

§ 03.305 *Issuance of licenses.* Licenses for approved establishments and products are issued by the Administrator. Licensed establishments are subject to reinspection and licensed products to retesting.

§ 03.306 *Suspension, cancellation, or revocation.* Upon recommendation of the Surgeon General, the Administrator may suspend, cancel, or revoke licenses in accordance with regulations, Part 22 of this chapter. Such recommendations are ordinarily based upon inspection reports and laboratory tests.

§ 03.307 *Hearings.* The Surgeon General grants opportunity for hearings

(a) Prior to denial, revocation, or suspension of license; or

(b) After a license has been denied or, because of danger to health, summarily suspended without prior opportunity for a hearing.

Such hearings are provided before an officer or board of officers designated by the Surgeon General for that purpose. The findings and recommendations of the officers or board are forwarded by the Surgeon General with his recommendations to the Administrator.

§ 03.308 *Complaints.* Any person who has reason to question the safety, purity, or potency of any licensed biological products on the open market should communicate with the Biologics Control Laboratory.

Grants for Research

§ 03.331 *General statement.* Grants for medical research are made to universities, hospitals, laboratories, other public and private institutions and individual scientists, in accordance with sections 301 and 404 of the Public Health Service Act, as amended.

§ 03.332 *Applications for grants.* Application forms and instructions for preparing the forms may be obtained from the Surgeon General, U. S. Public Health Service, Washington 25, D. C. The principal items in the application require from the applicant detailed information on the proposed research project as well as the qualifications of those who would conduct it. Assistance in completing application forms may be obtained from the Research Grants Division.

§ 03.333 *Processing of applications.* Applications received are submitted to one or more of the Special Study Groups covering designated areas of medical research. These groups, consisting of Public Health Service scientists and outside consultants, review applications and prepare recommendations for consideration by the appropriate National Advisory Council. Applications for grants for cancer research, accompanied by the Special Study Group's recommendations, are submitted to the National Advisory Cancer Council; those on mental hygiene research are submitted to the National Advisory Mental Health Council; and those on other medical research subjects are submitted to the National Advisory Health Council.

§ 03.334 *Action following Council consideration.* If the National Advisory Cancer Council or the National Advisory Health Council recommends approval of a grant, it transmits a Certificate of Approval to the Director of the National Institute of Health for final action under authority delegated by the Surgeon General. In the case of approval of a grant by the National Advisory Mental Health Council, the Certificate of Approval is submitted to the Surgeon General for final action. Upon final approval of a grant, the applicant is notified. Upon disapproval of a grant, the applicant is notified and, where appropriate, suggestions are given for revision to make the application acceptable.

Research Fellowships

§ 03.341 *General statement.* Research fellowships are awarded to individuals who have demonstrated outstanding or potential ability for scientific research in the various fields of science related to public health, in accordance with sections 301 and 402 of the Public Health Service Act, as amended.

§ 03.342 *Applications for fellowships.* Application forms may be obtained from the Surgeon General, U. S. Public Health Service, Washington 25, D. C. The principal items in the application form require from the applicant detailed information on his education, training, and experience.

§ 03.343 *Processing of applications.* Applications are considered by a Research Fellowship Board appointed by the Surgeon General. The Board consists of persons representing various fields of science.

§ 03.344 *Action following Board consideration.* If the Board approves a research fellowship, its recommendations are forwarded to the Surgeon General who awards the fellowship. If the Board disapproves an application, the applicant is so notified.

Traineeships

§ 03.351 *General statement.* Traineeships in the diagnosis and treatment of cancer are given to properly qualified physicians, in accordance with section 403 of the Public Health Service Act, as amended.

§ 03.352 *Applications for traineeships.* Application forms and instructions may be obtained from the Surgeon General, U. S. Public Health Service, Washington 25, D. C. The forms require data on the applicant's education and experience, his reason for seeking the training, and his plans for making use of it. A personal interview with a member of the staff of the National Cancer Institute, the National Advisory Cancer Council, or a

District Director of the Public Health Service is required.

§ 03.353 *Processing of applications.* The application and the report of the personal interview are reviewed by the Chief of the National Cancer Institute, or by persons designated by him, and the applicant is notified by letter whether he has been accepted for training.

§ 03.354 *Action following approval of applications.* If the application is approved, the applicant is appointed as a trainee on the staff of the National Cancer Institute to be effective on a date agreed upon.

RADIUM LOANS

§ 03.361 *General statement.* Loans of radium are made to agencies and institutions for treatment of cancer patients and for cancer research, in accordance with sections 402 and 403 of the Public Health Service Act, as amended.

§ 03.362 *Applications for loans.* Application forms and a statement of the conditions under which loans are granted may be obtained from the Surgeon General, U. S. Public Health Service, Washington 25, D. C. The application requires a description of the size and equipment of the hospital or clinic, the qualifications of the staff, and a statement of the number of cancer patients using the facilities. In order to coordinate the loan program with the cancer control programs of State health departments, applicants are required to secure approval of the applications from their respective State health departments.

§ 03.363 *Processing of applications.* The completed application is reviewed by the Chief of the National Cancer Institute, or persons designated by him. The main points considered are the qualifications of staff, the need for the radium as determined by the amount the hospital already has and the number of cancer patients using its facilities, the adequacy of the hospital's radiological equipment and the availability of other radium in the community. In order to effect an equitable distribution of radium, loans already made to institutions in the State and community are considered.

§ 03.364 *Loan contract.* The applicant is notified of the decision made on his application. If the loan is approved, a loan contract is sent to the applicant for signature. The essential elements in the contract provide that the borrowers agree to:

(a) Replace any lost radium.

(b) Make no charge to patients for the use of the radium.

(c) Permit the radium to be used for treatment purposes only by experts whose qualifications are the equivalent of the standards established for radiologists by the American Board of Radiology.

(d) Maintain adequate standards for the protection of their personnel from overexposure to the radium, and

(e) Furnish such reports on the use of the radium as the Service may require.

Upon completion of the contract, the radium is shipped to the borrower. Loan contracts are made for a period of one year and may be renewed.

SUBPART D—BUREAU OF MEDICAL SERVICES

MEDICAL CARE; GENERAL INFORMATION

§ 03.401 *Addresses of U. S. Marine Hospitals and medical relief stations.* For addresses of marine hospitals, medical relief stations and other field stations of the Service, see Appendix A, Part 02 of this Chapter.

§ 03.402 *Saint Elizabeths Hospital and Freedmen's Hospital.* For organization, procedures, and regulations of these institutions, see Chapters III and IV of this title.

MEDICAL CARE FOR SEAMEN AND OTHERS

§ 03.421 *General statement.* Persons listed below are entitled to medical, surgical and dental treatment and hospitalization, without charge, at Service hospitals and established medical relief stations of the Public Health Service. In emergencies, such treatment may be furnished at private and other than Service facilities at Public Health Service expense when authorized. These services are furnished in accordance with Regulations, Part 2a of this Chapter.

Group 1. Seamen employed on vessels of the United States registered, enrolled, and licensed under the maritime laws thereof, other than canal boats engaged in the coasting trade;

Group 2. Seamen employed on United States or foreign-flag vessels as employees of the United States through the War Shipping Administration;

Group 3. Seamen, not enlisted or commissioned in the military or naval establishments, who are employed on State-school ships or on vessels of the United States Government of more than five tons' burden;

Group 4. Seamen on vessels of the Mississippi River Commission;

Group 5. Officers and crews of vessels of the Fish and Wildlife Service;

Group 6. Seamen on foreign-flag vessels owned or operated by United States citizens or corporations;

Group 7. Enrollees in the United States Maritime Service on active duty and members of the Merchant Marine Cadet Corps;

Group 8. Cadets at State maritime academies or State training ships;

Group 9. Employees and noncommissioned officers in the field service of the Public Health Service when injured or taken sick in line of duty.

§ 03.422 *Form of application*—(a) *Groups 1–6.* All seamen in these groups must present a Master's Certificate, Form 1915, in person or by proxy if unable to appear themselves. The seaman or master of the vessel may obtain this form from the nearest Service hospital or medical relief station upon request. If Form 1915 is not available, other evidence of recent employment as a seaman beneficiary is acceptable.

(b) *Groups 7–8.* A written request from a responsible official of the organization concerned must be furnished.

(c) *Group 9.* Evidence of status as Public Health Service field employee.

§ 03.423 *Place of application.* Persons in all groups make application to the admitting office of the Service hospital or second class medical relief station, the medical officer in charge of third class medical relief stations or the authorized Government representative in charge of fourth class medical relief stations.

§ 03.424 *Emergency treatment*—(a) *Groups 1–6.* In emergencies where application cannot be made in person to an established medical relief facility of the Service, application may be sent to a medical officer in charge of a medical relief station, quarantine station, or to a Public Health Service District Director, together with documents evidencing eligibility as a seaman beneficiary. Application must be made at the time treatment is required .

(b) *Groups 7–8.* Same as for Groups 1–6 and, in addition, application made to the responsible officer of the Public Health Service assigned to a Maritime Service, Merchant Marine Cadet Corps school or State Maritime Academy.

(c) *Group 9.* Same as for Groups 1–6 and, in addition, when on duty in any foreign place, the officer in charge or the patient himself, if necessary, may make arrangements for care and treatment without prior authorization.

§ 03.425 *Eligibility for treatment.* (a) Upon examination of the application and oral interrogation, where required, the admitting officer or medical officer in charge or authorized Government representative, as the case may be, determines eligibility in accordance with Regulations, Part 2a of this chapter. If found eligible, medical relief benefits are accorded the patient; if not, the applicant is rejected. Where, due to the emergency of the case, treatment at other than Service facilities is indicated, the Service or other authorized official receiving the application examines the evidence of eligibility, determines whether a true emergency exists and authorizes treatment for the applicant if eligibility is established. If time does not permit, treatment is authorized conditionally pending establishment of eligibility and genuineness of the emergency.

(b) Where the admitting or authorizing official of the Service is in doubt as to eligibility, he submits a report of the case to the headquarters of the Public Health Service, for decision by the Chief of the Hospital Division, or someone designated by him. Treatment is withheld pending receipt of this decision, except for emergency treatment which is furnished provisionally.

MEDICAL CARE FOR COAST GUARD PERSONNEL AND OTHERS

§ 03.441 *General statement.* Persons listed below are entitled to medical, surgical, and dental treatment and hospitalization, without charge, at Service hospitals and established medical relief stations of the Public Health Service. In emergencies, such treatment may be furnished at private and other than Service facilities at Service expense when authorized. These services are furnished in accordance with the regulations contained in Executive Order 9703 (11 F. R. 2625).

Group 1—Coast Guard. (a) Commissioned officers, chief warrant officers, warrant officers, cadets, and enlisted personnel of the Regular Coast Guard, including those on shore duty and those

on detached duty, whether on active duty or retired;

(b) Regular members of the Coast Guard Reserve when on active duty or when retired for disability;

(c) Temporary members of the Coast Guard Reserve when on active duty or in case of physical injury incurred or sickness or disease contracted while performing active Coast Guard duty;

(d) Members of the Women's Reserve of the Coast Guard when on active duty or when retired for disability;

(e) Members of the Coast Guard Auxiliary in case of physical injury incurred or sickness or disease contracted while performing active Coast Guard duty.

Group 2—Coast and Geodetic Survey. Commissioner officers, ship's officers, and members of the crews of vessels of the Coast and Geodetic Survey, including those on shore duty and those on detached duty, whether on active duty or retired.

Group 3—Public Health Service. (a) Commissioned officers of the Regular Corps of the Service, whether on active duty or retired;

(b) Commissioned officers of the Reserve Corps of the Service when on active duty or when retired for disability.

Group 4. Lightkeepers, assistant lightkeepers, and officers and crews of vessels of the former Lighthouse Service, including any such persons who, subsequent to June 30, 1939, have involuntarily been assigned to other civilian duty in the Coast Guard; who were entitled to medical relief at hospitals and other stations of the Service prior to July 1, 1944; and who are now or hereafter on active duty or who have been or may hereafter be retired under the provisions of section 6 of the Act of June 20, 1918, as amended (33 U. S. C. 763).

§ 03.442 *Form of application.* The applicant must present evidence of status or connection with the Service groups specified above.

§ 03.443 *Place of application.* Persons make application to the admitting office of a Service hospital or second class medical relief station, the medical officer in charge of third class medical relief stations or the authorized Government representative in charge of fourth class medical relief stations.

§ 03.444 *Emergency treatment.* In emergencies where application cannot be made in person to established facilities of the Service, an officer or other supervisory official of the organization concerned arranges for treatment or hospitalization at private and other than Service facilities at Public Health Service expense. As soon as possible, a report of the case is made to the Chief of the Hospital Division, U. S. Public Health Service, Washington 25, D. C. Transfer of the patient to an established Service facility or other Federal medical facility is effected as soon as the condition of the patient permits.

§ 03.445 *Eligibility for treatment.* (a) Upon examination of the certificate of identification or other written evidence of status, the receiving Service officer determines eligibility in accordance with regulations (Executive Order 9703). Treatment is then furnished at Public Health Service facilities, other Federal medical facilities, or at private facilities where the former are not available.

(b) When the admitting or authorizing official of the Service is in doubt as to eligibility, he submits a report of the case to the headquarters of the Public Health Service for decision by the Chief of the Hospital Division, or someone designated by him. Treatment is withheld pending receipt of this decision, except for emergency treatment which is furnished provisionally.

MEDICAL CARE—FOR DEPENDENTS AND OTHERS

§ 03.461 *General statement.* The types of medical care available to three groups of beneficiaries of the Public Health Service are described below.

Group 1. The following persons may receive medical advice and outpatient treatment at Service hospitals, second and third class medical relief stations, and hospitalization at Service hospitals only. Hospitalization in hospitals of the Service will be at a per diem cost to the officer, enlisted person or member of the crew concerned at the uniform rate set by the President for such dependents.

Dependent members of the families of personnel in the—

(a) Coast Guard. Commissioned officers, chief warrant officers, warrant officers, cadets, and enlisted personnel of the Regular Coast Guard, including those on shore duty and those on detached duty, whether on active duty or retired; and regular members of the United States Coast Guard Reserve and members of the Women's Reserve of the Coast Guard, when on active duty or when retired for disability.

(b) Coast and Geodetic Survey. Commissioned officers, ship's officers, and members of the crews of vessels of the United States Coast and Geodetic Survey, including those on shore duty and those on detached duty, whether on active duty or retired.

(c) Public Health Service. Commissioned officers of the Regular Corps of the Service, whether on active duty or retired, and commissioned officers of the Reserve Corps of the Service when on active duty or when retired for disability.

Group 2. Seamen on foreign flag vessels other than those entitled to free treatment by the Public Health Service may be hospitalized at Service hospitals and furnished outpatient treatment at Service hospitals, second and third class medical relief stations of the Service at rates prescribed by the Surgeon General and approved by the Administrator.

Group 3. Red Cross uniformed personnel serving with the Coast Guard will be furnished emergency hospitalization at Service hospitals only and at the uniform per diem reimbursement rate for Government hospitals as approved by the President. Emergency medical outpatient care and treatment will be furnished at Service hospitals and second class medical relief stations of the Service.

The services for persons in Group 1 are furnished in accordance with regulations contained in Executive Order 9703 (11 F. R. 2625), and for persons in Groups 2 and 3, in accordance with regulations.

§ 03.462 *Form of application.* (a) Group 1. Evidence of dependency status is acceptable in any appropriate form.

(b) Group 2. The foreign seamen must present an authorization for treatment signed by the master, owner or agent of the vessel; or by a responsible official of the consular office of the country concerned.

(c) Group 3. Proper evidence of assignment with the U. S. Coast Guard must be presented.

§ 03.463 *Place of application.* Application is made to the admitting office of the marine hospital, or second class medical relief station, or the medical officer in charge of the third class medical relief station.

§ 03.464 *Eligibility for treatment.* The Public Health Service medical officer receiving the application will determine eligibility of the applicants for treatment and furnish the required services in accordance with applicable regulations.

§ 03.465 *Payment of bills.* (a) Groups 1 and 3. The billing office of the Service hospital presents the patient with a bill, Form 1928, showing the number of days spent in the hospital and requesting that payment be made to the account of the Treasurer of the United States by check, money order, etc. Payment is made through the hospital.

(b) Group 2. Form 1928 is prepared and forwarded to the Collector of Customs for collection from the master, owner or agent of the foreign vessel or other responsible person or agency. Any voucherable expenditures authorized are paid by the responsible parties.

MEDICAL CARE FOR PERSONS AFFLICTED WITH LEPROSY

§ 03.481 *General statement.* Any person afflicted with leprosy residing in any State, territory, or the District of Columbia may be received into and treated at the U. S. Marine Hospital (National Leprosarium), Carville, Louisiana. This service is furnished in accordance with Part 2a of this chapter.

§ 03.482 *Form of application.* The application for admission may be in one of several forms, i. e., Form DF–118, a letter requesting permission to enter the Hospital, personal presentation at the Hospital, written or oral request through a State health officer, or any other appropriate communication to the Public Health Service.

§ 03.483 *Place of application.* Application may be made at any established facility of the Public Health Service.

§ 03.484 *Eligibility for admission.* Tissue slides for each patient must be sent to the medical officer in charge of the Hospital, Carville, Louisiana, for pathological examination and confirmation of the diagnosis. The information is transmitted to the Chief of the Hospital Division, Public Health Service, in order that arrangements may be authorized for transfer of the patient to Carville. Before the Public Health Service actually transfers the patient, he must execute and sign a statement indicating his willingness to be so transferred.

§ 03.485 *Initial examination of arriving patients.* The Public Health Service provides transportation and escort for the patient to the Hospital at Service expense. Upon arrival, the patient is examined by a board of three medical officers convened by the medical officer in charge for the purpose of final confirmation of the diagnosis. Treatment is prescribed for those whose conditions are confirmed; if diagnosis is not confirmed, the patients are discharged and returned to their homes.

§ 03.486 *Discharge.* The medical officer in charge of the Hospital convenes a board of three medical officers and the patient is examined. A recommendation of the board that the patient be discharged is transmitted through the medical officer in charge to the Chief, Bureau of Medical Services, for final consideration.

§ 03.487 *Notification to health authorities.* Upon discharge of a patient, the medical officer in charge of the Hospital notifies the State health officer of the State where the patient expects to reside.

MEDICAL CARE FOR NARCOTIC DRUG ADDICTS

§ 03.501 *General statement.* Persons addicted to the use of habit-forming narcotic drugs who have been convicted of offenses against the United States, or who voluntarily submit themselves for treatment, are admitted and treated in hospitals of the Service especially equipped for the accommodation of such patients, in accordance with Part 8 of this chapter.

§ 03.502 *Prisoners and probationers.* (a) Prisoner addicts are admitted to such hospitals upon certification to the medical officer in charge by the Bureau of Prisons, Department of Justice. A certificate of addiction signed by the prosecuting officer, on the form "Preadmission Report of Drug Addiction in a Convicted Person," accompanies the prisoner. Custody and discharge are governed by rules and regulations of the Bureau of Prisons. For procedures regarding the granting, forfeiture, and restoration of industrial good time and good conduct allowances, see §§ 8.2, 8.3 of this chapter.

(b) Addicts placed on probation are admitted, upon presentation to the medical officer in charge, of a copy of the court order establishing the probation and a certificate of addiction signed by the prosecuting or probation officer.

(c) Upon discharge of a prisoner or probationer from a Public Health Service Hospital, determination of the cash, clothing and transportation allowances are made by the medical officer in charge in accordance with §§ 8.5, 8.6.

§ 03.503 *Ex-prisoner patients, admission.* One month prior to the expiration of sentence, each prisoner is examined by the medical officer in charge, or an officer designated by him, and is advised regarding further treatment. The prisoner may then apply for continued treatment on the form "Application of Prisoner for Treatment beyond Expiration of Sentence," obtained from the medical officer in charge. The contents of the form are described in § 8.4. The application is forwarded to the Chief, or Assistant Chief, Mental Hygiene Division, U. S. Public Health Service, for approval and return to the hospital. If the application is approved, the prisoner remains in the hospital as an ex-prisoner in accordance with § 8.4.

§ 03.504 *Voluntary patients; admission.* A person seeking admission as a voluntary patient must submit two forms: "Application for Voluntary Admission to a United States Public Health Service Hospital" and "Medical Certificate of Drug Addiction." The contents of these forms are described in § 8.7. If an applicant is financially unable to pay for his subsistence, care, and treatment, he must submit notarized affidavits, on the form "Affidavit of Applicant's Inability to Pay for Hospital Treatment," from three unrelated and disinterested persons, testifying to his inability to pay for treatment. All of the foregoing forms mentioned in this section, together with instructions for making applications, may be obtained from the Surgeon General, U. S. Public Health Service, Washington 25, D. C. The Chief or Assistant Chief, Mental Hygiene Division, reviews the application and supporting papers and determines whether or not the applicant is eligible for admission. If eligible, the application is approved and, if suitable accommodations are available, the applicant is notified by a letter to proceed to the hospital at his own expense.

§ 03.505 *Ex-prisoner and voluntary patients, discharge.* Ex-prisoner and voluntary patients are discharged by the medical officer in charge (a) upon cure, or (b) upon expiration of the maximum period estimated to effect a cure, or (c) when the presence of such patient becomes, in the opinion of the medical officer in charge, detrimental to the hospital, or (d) in the case of a voluntary patient, upon failure to make payments required for care and treatment.

MEDICAL CARE; DISPOSITION OF MONEY AND EFFECTS OF DECEASED PATIENTS

§ 03.521 *General statement.* (a) The money and effects of deceased Service patients are disposed of as follows:

(1) Officers or enlisted men of the Army, Navy, Marine Corps, Coast Guard, and Coast and Geodetic Survey, and Veterans' Bureau patients, to the legal representative.

(2) Alien patients, when the heirs all reside abroad and are all aliens and the total value of the money and effects is less than $500, to the proper consular officer; otherwise, to the collector of customs.

(3) Other service patients, to the legal representative, except that when the value of the money and effects is less than $500 and an executor or administrator has not been and will not be appointed, delivery may be made to the person or persons who under the laws of the domicile of the decedent or an applicable Federal statute would be entitled to receive the money and effects if administration were had.

(b) Unclaimed effects. Moneys and valuable effects of deceased patients of the Public Health Service remaining unclaimed for three months are delivered at the close of each quarter by the medical officer in charge of the Service station to the proper customs officer.

(c) Disposition of unclaimed effects. The valuable effects of deceased patients deposited with the customs officer, remaining unclaimed for a period of one year, are reported to the Hospital Division. The Administrator of the Federal Security Agency authorizes the sale of said effects by public auction. The proceeds are deposited to the credit of a special Treasury Department Account by the customs officer, subject to claim by legal claimants.

FOREIGN QUARANTINE; GENERAL INFORMATION

§ 03.551 *Addresses of quarantine stations.* For addresses of Public Health Service Quarantine Stations and other field stations, see Appendix A, Part 02 of this chapter.

§ 03.552 *Penalty procedures.* For penalty procedures, see § 03.651.

FOREIGN QUARANTINE, VESSELS

§ 03.571 *General statement.* Vessels departing from foreign ports for ports under the control of the United States are required to comply with Quarantine Regulations (Part 11 of this chapter), (a) at ports of departure, (b) while en route, and (c) at time of first arrival on each voyage at a port in the United States, in accordance with secs. 361 to 368, inclusive, of the Public Health Service Act, as amended. Definitions of terms used in the following sections on Foreign Quarantine are contained in § 11.1 of this chapter.

§ 03.572 *Measures at foreign ports and in transit.* The master of a vessel is required to enter in the ship's sanitary log, or other official record, a statement of measures taken (a) at foreign ports, to comply with §§ 11.11 to 11.19, inclusive; and (b) in transit to comply with §§ 11.31, 11.32. The sanitary log is a record of events and conditions of sanitary significance to the vessel. The occurrence or suspected occurrence on board of any of the communicable diseases listed in § 11.34, while the vessel is in transit, must be reported by radio to the medical officer in charge at the port of entry.

§ 03.573 *Measures at ports of arrival.* (a) Upon arrival at a port under control of the United States, unless exempted by §§ 11.46, 11.47, vessels must anchor at a point designated by port authorities and await boarding and inspection by a quarantine officer of the U. S. Public Health Service. The vessel signifies its readiness for inspection by hoisting a yellow (Q) flag. The usual hours of boarding are 6 a.m. to 6 p.m., daily. Ships in distress or those carrying perishable cargoes may be boarded at any hour.

(b) Usually, a quarantine officer and one or more sanitary inspectors board the vessel. Quarantine and sanitary operations and inspections are conducted in accordance with §§ 11.63 to 11.71, inclusive; §§ 11.81 to 11.91, inclusive; and §§ 11.101 to 11.104, inclusive.

(c) If inspection requirements are met satisfactorily, the master of the vessel is given a free pratique, signed by the quar-

antine officer. A pratique is a certificate issued by a quarantine officer releasing or provisionally releasing a vessel from quarantine. This certificate, which permits the vessel to enter the port, is presented to the Collector of Customs as evidence of compliance with quarantine regulations.

(d) If inspection requirements are not met satisfactorily, the vessel may be detained in quarantine, or a provisional pratique may be issued by the quarantine officer permitting the ship to enter the port, but specifying additional measures which must be met before or after discharge of cargo or landing of passengers. For example, it may require fumigation before the cargo is unloaded or after the cargo is partially or completely unloaded. After the conditions specified in the provisional pratique are met, a free pratique may be issued.

(e) The Medical Officer in Charge of a Quarantine Station may grant pratique by radio as provided in § 11.125.

(f) Vessels arriving from a foreign port are subject to fumigation every 6 months. When a vessel is fumigated or inspected and found free of rodents, a deratization certificate or deratization exemption certificate is issued by the medical officer in charge. The certificate is valid for six months.

§ 03.574 *Remanding of vessels.* (a) As applied to vessels, the term "remand" is the procedure by which a vessel coming from a foreign port may be kept under quarantine surveillance as it proceeds from one United States port to another. The quarantine officer of the port from which a vessel is remanded transmits in writing, to the Collector of Customs and the quarantine officer at the port to which the vessel is remanded, a notice that the vessel is to remain under observation or is to be subjected to further quarantine measures. When a vessel is merely referred to another quarantine station for the purpose of continuing sanitary control, no notice is sent to the Collector of Customs.

(b) Vessels remanded to other United States ports. (1) Vessels which have residue cargo for other United States ports sufficient in amount to prevent complete and final rat infestation inspection, and on which the observed evidence of active rat life is insufficient to warrant fumigation, are remanded to the next United States port at which cargo will be discharged for further inspection and for such treatment as may be indicated.

(2) When a vessel has been granted provisional pratique and remanded to another quarantine station for fumigation, the master or agents are given explicit instructions in writing relative to the required fumigation.

(3) Vessels containing an appreciable amount of residue cargo for other United States ports after fumigation are remanded to the next United States port where cargo is to be discharged, for further search for rats and for such additional treatment as may be indicated. When a deratization certificate cannot be completed on account of inability to ascertain the results of fumigation, the incomplete certificate is forwarded with the notice of remand to the station receiving the remand. The certificate is completed by the quarantine station making the final inspection and is delivered to the master or to the agents for the vessel.

(4) In remanding a vessel full information as to the reasons therefor are given to the station receiving the remand.

(5) Notice of remand is timed to reach its destination at least 48 hours ahead of the arrival of the vessel concerned, a telegram being sent when necessary.

(c) Vessels remanded from other United States ports. (1) If from known or suspected plague ports: The vessel is treated as if direct from infected ports except that the vessel may be permitted to dock and to discharge cargo under supervision of the quarantine station. Quarantine treatment is predicated upon the finding of the inspection undertaken during the discharge of cargo. If the vessel has residue cargo for other United States ports, it is remanded to the next port where cargo will be discharged unless preliminary inspection shows the need for immediate fumigation.

(2) If from non-plague ports. The vessel is treated as if direct from a clean foreign port.

(d) Upon completion of quarantine treatment at a port to which a vessel has been remanded, a report of the action taken and of the results obtained is sent to the quarantine station which remanded the vessel.

FOREIGN QUARANTINE; AIRCRAFT

§ 03.591 *General statement.* Aircraft departing from a foreign port for a port under the control of the United States are required to comply with Part 11 of this chapter, at (a) ports of departure, (b) while en route, and (c) at time of first arrival on each flight at a port in the United States.

§ 03.592 *Measures at foreign ports and in transit.* An aircraft quarantine declaration (a form available at any quarantine station) showing sanitary measures undertaken and statements of the occurrence of any sickness among passengers or persons employed on board and of any sanitary treatment performed en route must be presented on arrival to the quarantine officer.

§ 03.593 *Measures at airports of entry.* (a) Upon arrival at an airport under the control of the United States, unless exempted by regulations, all aircraft are inspected by a quarantine officer of the Public Health Service. No cargo, passengers or baggage may be discharged without permission of the quarantine officer.

(b) Usually, a quarantine officer and a sanitary inspector board the aircraft. The quarantine officer may inspect the passengers in quarters outside the aircraft. Quarantine and sanitary operations (including insecticide spraying) and inspections are conducted in accordance with §§ 11.63 to 11.71, inclusive, §§ 11.81 to 11.91, inclusive, §§ 11.101, 11.102 and 11.104 and §§ 11.503 to 11.516, inclusive.

(c) If inspection requirements are met satisfactorily, the passengers are released from quarantine jurisdiction and pass on to the jurisdiction of the Immigrations and Customs Service.

(d) If inspection requirements are not met satisfactorily, or in the case of infected aircraft, control measures including observation, surveillance, detention, and vaccination of persons and disinfection or disinfestation of the aircraft, may be undertaken as provided in the Regulations.

(e) An aircraft arriving from a foreign airport may be required to proceed to another airport with all passengers, crew and cargo, for required quarantine and sanitary measures, upon determination by the quarantine officer that the aircraft cannot be adequately handled at the airport of arrival.

FOREIGN QUARANTINE; PERSONS

§ 03.611 *General statement.* Unless aboard an aircraft or vessel exempt under §11.46, all persons arriving at an airport or port under the control of the United States from a foreign country are subject to quarantine regulations contained in Part 11 of this chapter, in accordance with sections 361 to 368, inclusive, of the Public Health Service Act, as amended.

§ 03.612 *Measures at port of arrival and airports of entry.* (a) Upon arrival, except as provided in § 11.65, all persons, their personal effects and their records are subject to measures determined by the Quarantine Officer as necessary to prevent the introduction of quarantinable diseases into the United States. These measures, including detention, observation and surveillance, are set forth in §§ 11.64 to 11.71, inclusive.

(b) Persons arriving on infected vessels or aircraft are subject to detention, isolation, vaccination and other control measures set forth in §§ 11.81 to 11.91, inclusive.

(c) Aliens are subject to physical and mental examinations required by the Immigration and Naturalization Service. The examinations are made by medical officers of the Public Health Service.

§ 03.613 *Border quarantine.* Persons entering the United States at international border stations are subject to all pertinent requirements governing persons entering from aircraft or vessels; that is, detention, observation, surveillance, vaccination and other restrictions as set forth in §§ 11.136 to 11.140, inclusive.

FOREIGN QUARANTINE; IMPORTATION OF CERTAIN THINGS

§ 03.631 *General statement.* Quarantine regulations governing the importation of lather brushes; psittacine birds; pet cats, dogs and monkeys; etiological agents and vectors; and dead bodies, are contained in §§ 11.151 to 11.157, inclusive, in accordance with §§ 361 to 368, inclusive, of the Public Health Service Act, as amended.

§ 03.632 *Lather brushes.*[1] For procedures, see § 11.151. On written request by an importer, the Surgeon General will

[1] The importation of bristles is also subject to Regulations issued by the Bureau of Animal Industry, Department of Agriculture, and the shipment of lather brushes in interstate traffic is subject to Interstate Quarantine Regulations, Part 12 of this Chapter.

register and appropriately distribute information on trade-marks on lather brushes that are approved as free from anthrax.

§ 03.633 *Psittacine birds.* For procedures, see §§ 11.152, 11.153. Under these sections, no prescribed forms have been adopted for (a) the request by the importer to the Surgeon General for permission to import the birds, and (b) the permit. Until forms are adopted, if the information required is in writing, it will suffice.

§ 03.634 *Pet cats, dogs and monkeys.* For procedures, see §§ 11.154 and 11.155.

§ 03.635 *Etiological agents and vectors.* Applications in writing for permits to import etiological agents and vectors, described in § 11.156, should be addressed to the Surgeon General, U. S. Public Health Service, Washington 25, D. C. If the application is approved, the Surgeon General issues a "Permit to Import Bacteria, Viruses, or Disease Vectors" and copies are sent to the Collector of Customs and the Quarantine Officer at the port of entry. The Collector of Customs will not release a shipment until receipt of a permit from the Surgeon General. In special cases, the Surgeon General may issue a permit by telegram.

§ 03.636 *Dead bodies.* For procedures, see § 11.157.

FOREIGN QUARANTINE; PENALTY PROCEDURES

§ 03.651 *General statement.* Penalties for violations of quarantine regulations, Part 11 of this chapter, are prescribed in secs. 367 and 368 of the Public Health Service Act, as amended.

§ 03.652 *Action following violations.* (a) When a violation of quarantine laws or regulations by any person is reported to or discovered by the medical officer in charge of a Quarantine Station, he notifies the person by letter, stating the violation and requesting a statement of facts. In the case of a violation by a vessel or aircraft, the medical officer in charge notifies the Collector of Customs who in turn notifies the operator, owner, or agent of the violation and of the forfeiture incurred. The operator or owner of the conveyance may apply to the Surgeon General for remission or mitigation of such forfeiture; the application may be transmitted to the Collector of Customs.

(b) The file in each case is forwarded by the medical officer in charge or by the Collector of Customs to the Chief of the Foreign Quarantine Division for consideration of whether the circumstances warrant prosecution proceedings in the case of violation by a person, or forfeiture proceedings in the case of violation by a vessel or aircraft.

(c) Violation by a person. If, in his judgment, prosecution is not justified, the Division Chief so notifies the medical officer in charge. If he believes prosecution is justified, the Division Chief, through the Chief of the Bureau, so advises the Surgeon General who decides whether to recommend to the Federal Security Administrator that the matter be referred to the Department of Justice for prosecution.

(d) Violation by a vessel or aircraft. The Division Chief, through the Bureau Chief, recommends to the Surgeon General whether or not the forfeiture should be remitted or the extent to which it should be mitigated. The Surgeon General makes a final determination, with the approval of the Federal Security Administrator, and the Collector of Customs is so notified. The Surgeon General, with the advice of the Division and Bureau Chiefs, makes recommendations to the Federal Security Administrator as to whether forfeiture cases shall be referred to the Department of Justice for further proceedings.

(e) During the time a vessel stands charged with a violation, it will not be given a clearance for sailing by the Customs Service, unless a Customs Bond is executed on Customs Forms 7567 or 7569. These forms provide that the principal shall pay all charges, penalties, or other sums legally due the United States from any master or owner of the vessel, and also for the payment of such penalties as may be incurred by the vessel itself.

SUBPART E—BUREAU OF STATE SERVICES

GRANTS TO STATES FOR HEALTH SERVICES

§ 03.701 *General statement.* Grants for (1) venereal disease control, (2) tuberculosis control, and (3) general health purposes are made to the 48 States, District of Columbia, Alaska, Hawaii, Puerto Rico and the Virgin Islands pursuant to section 314 of the Public Health Service Act, as amended. Applicable regulations are contained in Part 9 of this chapter. Under the Public Health Service Act such regulations are made only after conference with the State health authorities.

General administrative responsibility for the three programs is exercised by the following Divisions in the Bureau of State Services: (1) Venereal Disease Control, (2) Tuberculosis Control, and (3) States Relations. In addition, the Industrial Hygiene Division in the Bureau of State Services is responsible for aspects of the general health program which involve industrial hygiene, and the Mental Hygiene Division in the Bureau of Medical Services is responsible for aspects of the general health program which relate to mental health. An administrative office (Grants-in-Aid Section) in the Bureau is concerned with the personnel and fiscal management phases of the grant programs.

§ 03.702 *Determination of amounts available for allotment.* Based upon the recommendation of the division heads and the Bureau Chief, the Surgeon General transmits to the Administrator for approval his written determination of what part of the total sum of each of the appropriations under subsections (a), (b), and (c) of section 314 of the act shall be available for allotment among the States.

§ 03.703 *Making of allotments.* With respect to each of the three programs, the division head concerned determines the allotment to each State, upon the basis of criteria prescribed in regulations. When feasible, estimates of allotments are made prior to the beginning of the fiscal year. Each State health authority is notified of such allotments (or estimates of allotments) by letter of the Bureau Chief prepared in the Grants-in-Aid Section. The Secretary of the Treasury is also notified.

§ 03.704 *State plans; forms.* Payments from allotments to States are made only when a plan has been presented by the health authority and approved by the Surgeon General. The plan, which may include all three programs, comprises two parts. Parts I and II of the plan are prepared on Form 9413 and Joint Budget Form Series 3, which are furnished to State authorities together with instructions. The first form requires information on the organization of State health activities, the number of personnel assigned to such activities, and a description and evaluation of the proposed health program.

The Joint Budget Form requires a statement of proposed expenditures (and the expected source of funds) for each unit of the health department, and for each political sub-division of the State which is receiving State or Federal aid, or in which local funds are to be used by the State to fulfill the matching requirements prescribed in the Regulations.

§ 03.705 *State plans; preparation.* Specialized consultants of the Service (general medical, venereal disease, tuberculosis, dental, sanitary engineering, industrial hygiene, mental hygiene, nursing, and fiscal) in the District Offices of the Service assist the States in developing health programs and in preparing the plan concerning such programs. Close working relationships are maintained with the State health authorities for this purpose. The consultants maintain direct contact with the respective division offices at headquarters for guidance in this work.

§ 03.706 *Plans; submission and approval.* Plans are submitted by the State health authorities to the respective District Office where they are reviewed. Generally, the District Director tentatively approves or disapproves the plan, and transmits the plan to headquarters for final action. The State health authority is notified of final approval or disapproval.

Amendments of approved plans are handled in the same fashion as the original plans.

§ 03.707 *Payments from allotments.* After its plan is approved, a State authority may submit an application for payment on Form 8944. The form contains (a) a statement of the program for which grant monies are requested and (b) certifications (1) that monies listed in the plan as emanating from State or local sources will be available for expenditure according to the plan; (2) that no portion of such funds will be used as a basis for requests for grants from any other agency of the United States; and (3) that monies paid to the State will not be used to reduce State or local appropriations or expenditures for public health services. Payment vouchers are prepared which, when signed by the Surgeon General and approved by the Administrator, are transmitted to the Secretary of the Treasury.

§ 03.708 *Merit system requirements.* On the basis of documents submitted by the State (including applicable rules and regulations, and classification and compensation plans), the District Office reviews the system of personnel administration of the State and local units to determine compliance of the State plan with the standards contained in "Merit System Policies of the Public Health Service" as provided in the Regulations. Consultants are sent to State health departments which request their assistance in developing the merit system. On the basis of a review by analysts of the Grants-in-Aid Section at headquarters, it is determined whether the system conforms with requirements and the State authority is so notified through the District Director.

§ 03.709 *Use of grant monies for training.* Grant monies may be utilized for training personnel for State and local health work in accordance with "Minimum Standards for Sponsored Training", a document which is distributed to all State health authorities. Expenditures for training persons employed or to be employed in official health programs are subject to post-audit by the District Offices at the time of the periodic audit of all grant-in-aid activities. Other expenditures for training must receive prior approval; applications for such training are submitted by State authorities to the respective District office which transmits the application to the Bureau with favorable or adverse recommendation; final approval or disapproval is made by the division head concerned based on a review by the Grants-in-Aid Section; and the State health authority is notified of such action through the District office.

§ 03.710 *Audits.* Audits of activities and programs described in the State plan and of fiscal transactions are made periodically, by arrangement with the State authority, by personnel attached to the District Office. Exceptions taken are reviewed by the District Director who recommends to the Bureau the sustaining or withdrawal of the exceptions. On the basis of a review by the Grants-in-Aid Section, and after consultation with the division head concerned, the Chief of the Bureau determines whether the exception shall be sustained or withdrawn.

Analysts also advise States as to methods of conducting fiscal affairs and upon request assist State and local health agencies in installing fiscal and related business methods, procedures, and records.

§ 03.711 *Reports.* Reports of information pertinent to the operation of State plans, which State authorities are required to submit, are described in § 9.15. Activity reports are received by the respective divisions and are tabulated and analyzed for program planning, control and administration.

GRANTS FOR RAPID TREATMENT FACILITIES

§ 03.731 *General statement.* Funds are made available through the Venereal Disease Division to any State or, with the consent of the State health authority, to any county, health district or other political subdivision of a State, for the operation of rapid treatment facilities in which persons infected with venereal diseases are given in-patient care, in accordance with authorizations contained in current appropriation acts, including Public Law 549 (79th Cong.). Under the same authority, funds may be allotted to rapid treatment facilities for the payment of fees to private physicians or non-profit institutions for the diagnosis and referral of persons infected with syphilis in the infectious or potentially infectious stages.

§ 03.732 *Application for grant.* Application forms and instructions for preparing the forms may be obtained from the Surgeon General, U. S. Public Health Service, Washington 25, D. C. The forms require information on the proposed plan and budget for the operation and maintenance of the facility, and on the financial resources of and contributions to be made by the applicant. Completed forms are submitted to the Surgeon General through the District Director. Evidence of the legal authority of the applicant to operate rapid treatment facilities and to receive and expend funds for that purpose may be required. A statement of "Terms and Conditions Governing Grants for Rapid Treatment Facilities" is sent to all applicants, which specifies types of acceptable and unacceptable facilities and the limits of Federal aid for such projects.

§ 03.733 *Approval of applications.* The Surgeon General notifies the applicant (a) of the basis on which he offers to extend Federal aid, including any modifications of the plan submitted, and (b) of the amount of Federal aid which he offers to make available. The applicant then notifies the Surgeon General of his acceptance or rejection of the offer on a form provided for this purpose. Upon notice of such acceptance, the Surgeon General determines the proportion of the total grant to be paid and certifies to the Secretary of the Treasury payment to the applicant of such sum less the pro rata value of services, supplies, facilities, and equipment to be furnished by the Service. Subsequent payments are made at intervals and in amounts determined by the Surgeon General, upon the bases of (a) the continued need of the facility, (b) the amount which, together with other available resources, is deemed sufficient for the maintenance and operation of the project for a particular period, and (c) the progress, financial status, and unit cost of the project as indicated by reports, audits, and inspections.

§ 03.734 *Reports.* Reports required from grantees are described in the statement "Terms and Conditions Governing Grants for Rapid Treatment Facilities" and in the form "Monthly Report of In-Patient Care".

COOPERATIVE PROGRAMS

§ 03.781 *General statement.* The Public Health Service engages in various cooperative public health programs with State and local health agencies, other Federal agencies, and voluntary or non-official organizations, in accordance with secs. 301, 311, and 314 of the Public Health Service Act, as amended. Cooperative programs as defined in this section are under the administration of the Bureau of State Services.

§ 03.782 *Participation.* The role of the Service in such programs may take the form of: detail of Public Health Service personnel; provision of materials and equipment; the organization of field study units to undertake particular investigations; or, a combination of such services. In general, the participating agency or institution provides facilities or part of the services needed in the program. In some instances, the Public Health Service provides all facilities and services.

§ 03.783 *Procedures.* A cooperative program may be initiated by the request of a State health agency to the Surgeon General or by a local health agency through its State health authority. Requests by nonofficial agencies may be made directly to the Surgeon General. Procedures for establishment and operation of cooperative programs are not governed by specific regulations; they are developed by the Service and the cooperating agency in joint agreements.

INTERSTATE QUARANTINE

§ 03.801 *General statement.* The interstate travel of persons who are capable of spreading a communicable disease or who are believed to be spreading a disease is governed by Part 12 of this chapter. The interstate transportation of articles which may be the source of a communicable infection are governed by these regulations.

§ 03.802 *Reference to procedures.* For interstate quarantine procedures, see Part 12 of this chapter.

[SEAL] THOMAS PARRAN,
Surgeon General.

Approved: August 28, 1946.

MAURICE COLLINS,
Acting Federal Security Administrator.

[F. R. Doc. 46–15412; Filed, Aug. 28, 1946; 5:11 p. m.]

SAINT ELIZABETHS HOSPITAL

[42 CFR, Ch. III]

PART 300—ORGANIZATION AND PROCEDURE

SUBPART A—ORGANIZATION

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300.3 Functions.
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SUBPART B—PROCEDURE

300.51 Admission of patients.
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300.53 Pension money and personal funds of patients.
300.54 Disposition of moneys belonging to deceased patients; claims thereto.
300.55 Claims for damages.

SUBPART A—ORGANIZATION

§ 300.1 *General statement.* (a) Saint Elizabeths Hospital, Washington, D. C., is a constituent unit of the Federal Security Agency operating under the general

supervision and direction of the Surgeon General of the Public Health Service and the immediate supervision and direction of the Hospital Superintendent.

CROSS REFERENCE: Regarding general organization, procedures, and regulations of the Federal Security Agency, see Title 45, Subtitle A. Regarding the Public Health Service, see Title 42, Chapter I.

(b) Requests for information concerning the Hospital or its activities may be addressed to the Superintendent, Saint Elizabeths Hospital, Washington 20, D. C.

§ 300.2 *Organizational units.* Saint Elizabeths Hospital is composed of two departments under the direction of the Hospital Superintendent: (a) Department of Medical Services, and (b) Department of Administration.

(a) *The Department of Medical Services* consisting of the First Assistant Physician, Clinical Directors, Chiefs of Services and Medical Department personnel is responsible for all matters relative to the care and treatment of patients. The First Assistant Physician acts for the Superintendent in his absence.

(b) *The Department of Administration* consisting of the Executive Assistant, Division Chiefs and Administrative Department personnel is responsible for business management, maintenance, industrial and all other nonmedical activities of the Hospital.

§ 300.3 *Functions.* The principal functions of the Hospital are to provide care and treatment of mentally ill persons described in Subpart B, § 300.51; in connection with those activities, the Hospital conducts scientific research activities dealing with the nature, causes, prevention, and treatment of mental illness, and trains interns, nurses and attendants in the care and treatment of mental patients.

§ 300.4 *Delegations of authority.* (a) The Federal Security Administrator has delegated to the Superintendent, and in his absence to the First Assistant Physician, the authority to determine whether individuals certified by the Courts of the District of Columbia, pursuant to sections 927 and 928 of the Act of March 3, 1901, as amended by the Acts of April 14, 1906, and July 2, 1945 (24 D. C. Code, sections 301 and 302, as amended), shall be committed to Saint Elizabeths Hospital, and to sign letters authorizing such committal.

(b) The Federal Security Administrator has delegated to the Superintendent, the First Assistant Physician, the Executive Assistant, the Administrative Officer, and the Purchasing Agent of the Hospital, the authority to accept bids, approve purchase orders and sign contracts as Contracting Officers for supplies, equipment, and service to be obtained under any funds available for the work of Saint Elizabeths Hospital.

§ 300.5 *Availability of public records.* The principal official records of the Hospital are Administrative and Clinical Records. All Clinical Records are confidential.

(a) No records or other official instruments containing information shall be withdrawn from the files of the Hospital, by or furnished to any person not an authorized employee of the Hospital, without prior authority of the Hospital Superintendent, or the Federal Security Administrator.

(b) No copy of, or information relative to any official record or other official business of the Hospital, which appears to be of confidential nature, shall be given to any person unless (1) such person obtains a court order therefor, or makes application therefor in the manner hereinafter prescribed in this paragraph, and (2) it appears to the Superintendent of the Hospital that the furnishing thereof would not be inimical to the public interest or to the welfare of the patient. The application mentioned above shall be addressed to the Superintendent and must set forth the interest of the applicant in the subject matter and the purpose for which such copy or information is desired.

SUBPART B—PROCEDURE

§ 300.51 *Admission of patients.* The Federal Security Administrator upon receipt of application, authority or order described below admits or transfers the following persons to Saint Elizabeths Hospital:

(a) *Insane prisoners of war and interned persons.* Requesting authority, letter from the Secretary of War or Secretary of Navy; authority for admission, 24 U. S. C. Sec. 192.

(b) *Insane patients of Public Health Service.* Requesting authority, letter from the Surgeon General, U. S. Public Health Service, a constituent agency of the Federal Security Agency; Authority for admission, 24 U. S. C. Sec. 193, 42 U. S. C. Sup. 222.

(c) *Insane inmates of Soldiers' Home.* Requesting authority, letter from the President of the Board of Commissioners of Soldiers' Home; Authority for admission, 24 U. S. C. Sec. 194.

(d) *Insane inmates of National Home for Disabled Volunteer Soldiers.* Requesting authority, letter from the Administrator of Veteran Affairs; Authority for admission, 24 U. S. C. Sec. 195.

(e) *American citizens adjudged insane in Canal Zone.* Requesting authority, letter from the Governor of the Panama Canal Zone; Authority for admission, 24 U. S. C. Sec. 196.

(f) *American citizens adjudged insane in Canada.* Requesting authority, letter from the Secretary of State; Authority for admission, 24 U. S. C. Sec. 196a.

(g) *American citizens adjudged insane in Virgin Islands;* Requesting authority, letter from the Governor of the Virgin Islands; Authority for admission, 24 U. S. C. Sec. 196b.

(h) *Insane natives of Philippine Islands serving in the Army of the United States.* Requesting authority, letter from the Secretary of War; authority for admission, 24 U. S. C. Sec. 198.

(i) *Insane persons of the District of Columbia.* Requesting authority, statement by the Superintendent of Gallinger Hospital, on Form GMH–114, that the patient has not been adjudicated insane; that a petition for a writ de lunatico inquirendo has been filed with the District Court as required by law, and requesting that he be admitted to Saint Elizabeths Hospital and detained there pending formal commitment, or other order of the court. The detention or discharge of the patient is dependent on the order of the court. If the court, upon the recommendation of the Commission on Mental Health, issues a decree of adjudication and commitment to Saint Elizabeths Hospital, the decree is received by the Hospital with Form GMH–8, "Decree of Adjudication and Commitment." Authority for admission, 21 D. C. Code Sec. 311.

(j) *Insane persons accused of crime.* Requesting authority, letter from the Superintendent of Gallinger Hospital, from a District Court of the United States, or from the Municipal Court, District of Columbia; authority for admission, 24 U. S. C. Sec. 211; 24 D. C. Code, Secs., 301 and 302, as amended.

(k) *Indian insane.* Requesting authority, letter from the Secretary of the Interior; Authority for admission, current appropriation acts, including Public Law 549, 79th Congress.

(l) *Foreign Service patients; American citizens who are Foreign Service officers, clerks or employees.* Requesting authority, letter from the Secretary of State; Authority for admission, 24 U. S. C. Sup., Sec. 191a.

(m) *Insane convicts from United States Penitentiary.* Requesting authority, letter from the Bureau of Prisons, Department of Justice; Authority for admission, 24 U. S. C. Sec. 211a.

(n) *Insane alien enemies.* Requesting authority, letter from the Attorney General of the United States, or from the Secretary of War; Authority for admission, President's Proclamation No. 2525, December 7, 1941; Proclamation No. 2526, December 8, 1941, and Proclamation No. 2527, December 8, 1941; 3 CFR Cum. Sup., pp. 273–279.

§ 300.52 *Discharge of patients.* Patients are discharged from the Hospital in accordance with the following procedure:

(a) *Cured or recovered patients.* Patients (other than prisoner patients) are discharged when sufficiently cured or recovered to be capable of returning to community life. Such patients' condition is determined by the Hospital Superintendent and the Medical Staff.

(b) *Discharge of patients on bond.* The release of patients (other than prisoner patients) on bond as not cured or recovered is subject to the approval of the District Court of the United States for the District of Columbia. (See 24 U. S. C., Sec. 221.)

(c) *Prisoner patients.* Patients accused of or convicted of crime who are sufficiently cured or recovered to be released from the Hospital are referred to the authority which directed their admission.

§ 300.53 *Pension money and personal funds of patients.* Pension money and personal funds of patients are disbursed, accounted for and otherwise handled in accordance with the provisions of 24 U. S. C., Sec. 165; 31 U. S. C. Sec. 725p, 725s. See Part 302 of this chapter.

§ 300.54 *Disposition of moneys belonging to deceased patients; claims thereto.* The disposition of all moneys belonging to deceased patients and the

handling of claims thereto will be in accordance with the provisions of 24 U. S. C., Sec. 177. See Part 303 of this chapter.

§ 300.55 *Claims for damages.* Procedures regarding claims for damages to or loss of property or injury to persons alleged to have been caused by officers or employees of Saint Elizabeths Hospital are described in Title 45, § 30.2.

[SEAL] WINFRED OVERHOLSER, M. D.,
Superintendent.

Approved: August 28, 1946.

MAURICE COLLINS,
Acting Federal Security Administrator.

[F. R. Doc. 46-15467; Filed, Aug. 29, 1946; 10:54 a. m.]

SOCIAL SECURITY ADMINISTRATION

[20 CFR, Ch. III]

PART 421—STATEMENT OF ORGANIZATION

SUBPART A—BUREAU OF OLD-AGE AND SURVIVORS INSURANCE

Sec.
421.1 Organization of the Bureau of Old-Age and Survivors Insurance.

SUBPART B—OFFICE OF THE APPEALS COUNCIL

421.6 Organization of the office of the Appeals Council.

SUBPART A—BUREAU OF OLD-AGE AND SURVIVORS INSURANCE

§ 421.1 *Organization of the Bureau of Old-Age and Survivors Insurance*—(a) *Authority.* The Social Security Act, approved August 14, 1935, provided for the establishment of the Social Security Board. Among the functions assigned to the Board was the authority for administering Federal old-age and survivors insurance and certifying to the Secretary of the Treasury amounts to be paid to entitled persons as monthly benefits or lump sums under that program. In general, this authority was delegated by the Board subject to its general supervision and direction to the Director of the Bureau of Old-Age and Survivors Insurance. The Board became a part of the Federal Security Agency, and subject to the supervision of the Federal Security Administrator, on July 1, 1939, in accordance with Reorganization Plan No. 1 approved June 7, 1939. Effective July 16, 1946, Reorganization Plan No. 2 of 1946 abolished the Board and transferred its functions to the Federal Security Administrator. Under Agency Order No. 57, issued July 16, 1946, the Federal Security Administrator delegated all such duties, powers, and functions to the Commissioner for Social Security except those with respect to administrative hearings and appeals and the service by the Administrator as a member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund, subject to his general supervision and direction. Under Administrative Order No. 65, issued July 16, 1946, the Commissioner for Social Security directed that the Bureau continue to function as it had under the Social Security Board. (For a statement of the powers and functions of the Federal Security Administrator and the Commissioner for Social Security, see Title 45, Subtitle A, Code of Federal Regulations.)

Under such delegation of authority, the Director of the Bureau of Old-Age and Survivors Insurance is responsible for assigning identifying numbers to workers and employers covered by the program, maintaining wage records of amounts to be used as each worker's credits toward benefits under the program, determining whether workers or their dependents and survivors are qualified for monthly benefits or lump-sum payments, and certifying to the Treasury the amounts which should be paid on individual claims. All final authority delegated to the Director of the Bureau is exercised by him.

(b) *Established offices and their functions.* The operations of the Bureau of Old-Age and Survivors Insurance are distributed on a functional basis among its central, area, and field offices.

The central office of the Bureau located in the Equitable Building, Fayette and Calvert Streets, Baltimore 2, Maryland, is responsible for the overall administration of the program, including the development of policy, the general supervision of all operations, the procurement of the necessary supplies and services, and the planning of future activities. In the central office, studies are made of the actuarial, economic, fiscal, and administrative factors which affect the number of covered workers, the amounts of their wage credits, the effect of their wage history on their insurance status, trends in claims and the extent to which the program fulfills and is likely to fulfill its purpose of providing basic economic security.

The wage records of wage earners covered by the program are maintained in the Accounting Operations Division of the central office, located in the Candler Building, Market Place and Pratt Street, Baltimore 2, Maryland. This division is responsible for establishing and maintaining individual accounts of the earnings of each wage earner in covered employment.

The Bureau's field offices, detached official stations, and itinerant stations issue account numbers, assist workers in establishing their wage credits, aid claimants in filing applications for monthly benefits or lump-sum payments and in obtaining the evidence necessary to establish their rights, determine eligibility of claimants to benefits or lump-sum payments, compute the amounts of payments due, and upon request assist claimants in filing requests for reconsideration, hearing or appeal.

Many of the field offices have points of call or itinerant or detached official stations which are serviced periodically or at specially appointed times by field office representatives. Inquiry may be directed to any field office as to whether any itinerant or detached official stations are serviced by such office, their location and the times when a field office representative will be in attendance.

The area offices of the Bureau review field office determinations regarding eligibility and amount of benefits and certify to the Treasury Department the names of eligible beneficiaries and the amount they are to be paid. They also make adjustments in benefits necessitated by events causing suspension of benefits, termination of benefits, or change in amount of benefits, and record changes in beneficiaries' addresses.

The public may secure information or make submittals or requests with respect to the old-age and survivors insurance program by calling at or writing to any field office, or detached official station, or by writing to any area office or to the central office in Baltimore, Maryland. A list of the field and area offices of the Bureau, and their respective locations, are set out in Appendix A attached hereto.

SUBPART B—OFFICE OF THE APPEALS COUNCIL

§ 421.6 *Organization of the office of the Appeals Council*—(a) *Authority and functions.* On March 1, 1940, the Social Security Board established the Office of Appeals Council and delegated powers to the members of this office by the following formal action:

In order to afford hearings as may be provided by regulations which the Board shall adopt with respect to benefit payments under Title II and with respect to the revision of wage records maintained by the Board, the Social Security Board, pursuant to authority conferred on it by the Social Security Act and the Social Security Act Amendments of 1939:

(a) Hereby establishes an Appeals Council, consisting of three members, one of whom shall act as Chairman of the Council and as the administrative officer;

(b) Hereby delegates to the Appeals Council all necessary and appropriate powers to direct and supervise the referees appointed by the Board and to review decisions in accordance with such regulations as the Board shall adopt;

(c) Hereby delegates to the members of the Appeals Council and to the referees all necessary and appropriate powers to hold hearings and render decisions in accordance with such regulations as the Board shall adopt;

(d) Hereby delegates to the members of the Appeals Council and the referees all necessary and appropriate powers to administer oaths and affirmations, issue subpoenas, examine witnesses and receive evidence.

On July 16, 1946, the functions of the Social Security Board were transferred to the Administrator of the Federal Security Agency. On July 16, 1946, the Administrator of the Federal Security Agency made the following delegation of authority to the Office of the Appeals Council:

d. All duties, powers, and functions relating to the holding of hearings, the rendition of decisions, and the review of decisions in connection with administrative appeals from determinations made under title II of the Social Security Act, as amended, and affecting benefits, lump sums or wage records, including the administration of oaths and affirmations, the issuance of subpoenas, the examination of witnesses and the receipt of evidence, and all duties, powers, and functions relating to judicial review of decisions made upon appeal, which were transferred from the Social Security Board by Reorganization Plan No. 2 of 1946 are assigned to the Office of Appeals Council in the Social Security Administration and shall be exercised by the Appeals Council, its members and referees in accordance with applicable rules as from time to time amended by the Commissioner with the approval of the Administrator.

(b) *Established offices.* The Council consists of the Chairman and two members. There is also a staff of professional clerical and stenographic employees. The Chairman is responsible for the administration of the office. It is the function of the three members of the Appeals Council in Washington to pass on requests for review of decisions rendered by referees; render decisions where the request has been granted; review decisions of referees on its own motion; render decisions on cases certified by the referees and prepare and certify the record of the case where a civil action has been instituted to review a decision of the office. It is the function of the referees, as designated by the Chairman of the Appeals Council, to hold hearings and render decisions in cases where a request for hearing has been filed. The referee may, if he deems it advisable, certify the case to the Appeals Council for decision. A reporter is assigned to each referee.

The central office of the Office of Appeals Council is located in the Federal Security Agency Building, 4th and Independence Avenue, Washington, D. C. The field staff consists of 12 referees located at the following addresses:

1 Referee—120 Boylston Street, Boston 16, Mass.

3 Referees—11 West Forty-second Street, New York 18, N. Y.

1 Referee—1523 L Street NW., Washington 25, D. C.

1 Referee—Euclid Avenue and East Ninth Street, Cleveland 14, Ohio.

1 Referee—Midland Bank Building, Fourth Floor, Minneapolis 1, Minn.

1 Referee—441 West Peachtree Street, Atlanta 5, Ga.

1 Referee—1006 Grand Avenue, Kansas City 6, Mo.

1 Referee—North Presa and East Houston Street, San Antonio 5, Tex.

2 Referees—785 Market Street, San Francisco 3, Calif.

PART 422—STATEMENTS OF PROCEDURE

SUBPART A—BUREAU OF OLD-AGE AND SURVIVORS INSURANCE

Sec.

422.1 Procedures of the Bureau of Old-Age and Survivors Insurance.
422.2 Inspection of official records.

SUBPART B—OFFICE OF THE APPEALS COUNCIL

422.6 Procedures of the Appeals Council.
422.7 Inspection of official records.

SUBPART A—BUREAU OF OLD-AGE AND SURVIVORS INSURANCE

§ 422.1 *Procedures of the Bureau of Old-Age and Survivors Insurance*—(a) *Account and identification numbers*—(1) *Employee's account number.* The Bureau maintains a record of the pay each worker receives. Every worker who has a social security account receives a social security account number card. The employee's name, together with the number on his card, identifies his account so that wages repoted for him in tax returns and informational returns can be properly posted to his credit. The form which a worker uses to apply for an account number is Treasury Department Form SS–5, "Application for Social Security Account Number."

Any person who wishes to file an application for an account number may do so, by filing Form SS–5. Form SS–5 may be obtained at any social security field office. Upon request, the field office will distribute Forms SS–5 to labor or other representative organizations. All post offices, except the main post office in cities having a social security field office, supply Forms SS–5 on request. Except in cities having a social security field office, the United States Employment Service offices will upon request furnish applicants for jobs and unemployment compensation Forms SS–5.

The social security field offices will assign an account number to an applicant on the basis of a completed Form SS–5. If it appears probable that an account number has been previously established for any applicant, his application is checked against central files. In such case, if the applicant states that he needs a social security card at once, the field office prepares and gives to the applicant Form OANN–5028, Temporary Unnumbered Card.

As soon as it is determined that no account has been previously established for an applicant, the field office prepares and delivers Form OA–702, Account Number Card. The card shows the applicant's name and the number of his social security account.

The Accounting Operations Division of the Bureau of Old-Age and Survivors Insurance located in the Candler Building, Baltimore, Maryland, uses the Forms SS–5 and duplicate copies of the Forms OA–702 to establish the necessary records for the maintenance of individual wage records. The duplicate copy of the Form OA–702 is then sent to the appropriate State Employment Security office for use in establishing a numerical file of account numbers in that office. Form SS–5 is retained by the Accounting Operations Division for use in identifying the wage earner to whom the account number is assigned.

In the event that a social security card is lost or damaged, the worker may obtain a duplicate card bearing the same account number. Any social Security field office will issue a duplicate card at once upon presentation by the worker of the lower half of his previous card.

The wage earner may obtain a duplicate account number card by submitting a properly completed Form SS–5, Application for Social Security Account Number, noted "Duplicate Requested" to any field office or to the Accounting Operations Division located in the Candler Building, Baltimore 2, Maryland. A facsimile Form SS–5 is attached to Form Letter OAAN–L7012, sent to applicants by field offices in response to a letter requesting a duplicate card, if the letter contains insufficient identifying information. If the wage earner is in urgent need of a duplicate account number card, any field office will assist him in preparing a telegram to the Accounting Operations Division, giving the necessary identifying information. Upon receipt of the request, the Accounting Operations Division makes an immediate search for the account number and notifies the individual by telegram "Collect" of the results of the search. If a previously assigned account number is located, the field office will issue a duplicate account number card. If no previously assigned number can be found, the field office will assign a new account number.

Form OAAN–7003, or OAAN–7003.1, Employee's Request for Change in Records, should be completed by any person who wishes to correct or change the information he submitted previously. These may be obtained from any field office, from the Accounting Operations Division, or from one of the sources mentioned earlier where Forms SS–5 may be obtained. The completed request for change in records may be submitted to any office of the Bureau.

(2) *Employer's identification number.* Every person who has in his employ one or more individuals in employment for "wages" as defined in the Federal Insurance Contributions Act, must file Form SS–4, Employer's Application for Identification Number.

This form may be obtained by employers at any office of the Bureau. All post offices, except the main post office in cities having a social security field office will supply Forms SS–4 on request. The form also may be obtained from collectors of internal revenue.

A completed Form SS–4 may be filed by the employer with the field office nearest to, and in the same State as, the principal place of business of the employer. The form may also be filed with the collector of internal revenue for the district in which the employer's principal place of business is located. Properly completed Forms SS–4 which have been filed with a social security field office are transmitted to the appropriate collector of internal revenue. The collector sends the necessary tax forms to the employer and forwards the second copy of the Form SS–4 to the Accounting Operations Division of the Bureau. This office assigns an identification number and sends Form SS–6, Notice of Employer's Identification Number, to the appropriate collector of internal revenue for transmittal to the employer. The employer may obtain specific instructions as to his duties under the Federal Insurance Contributions Act from the collector of Internal Revenue for his district or from the field office at the time he files Form SS–4.

A new employer's identification number is assigned in every case in which there is a change in the ownership of a business (except in cases where a business is acquired by an employer who already has a number), or in which an employer who has been filing his social security tax returns in one internal revenue collection district moves to or begins filing such returns in a different district. (Information regarding the filing of new and corrected applications for employer identification numbers and the forwarding of the applications to the Accounting Operations Division for the assignment of numbers will be furnished by the Bureau of Internal Revenue.)

(b) *Wage records*—(1) *Maintenance of wage records.* Field offices cooperate with employers in establishing methods to insure correct and complete reporting.

If an employer reports an employee without an account number, the Collector of Internal Revenue prepares Form Letter SS–11 to notify the employer of the incomplete item. The employer is asked

to furnish the missing information or appropriate identifying information Forms OAAN-L7019.1 and OAAN-L7019.1a are prepared as carbon copies of Form SS-11 and are sent to the social security field offices to be used as follow-ups if no reply to Form SS-11 is received. Replies to Form SS-11 received by the Collector are forwarded to the field offices. If the field office fails to receive employer replies to the above letters, personal contact is made with the employer where practicable. In addition, contact with the wage earner is sometimes necessary.

Form OAR-1058, Listing of Incompletely Reported Wage Items, is prepared by the Accounting Operations Division. It lists available information from employers' tax returns with respect to incomplete wage items for which no report has been received from the field office. The form is sent to the field office servicing the employer to be used in securing the correct information.

Form OAR-5031, Unidentified Items Reported Incorrectly by Employer, lists available information with respect to wage items reported with incorrect account numbers or names. The form is sent by the Accounting Operations Division to the appropriate employer for the correct information. If an employer is unable to furnish satisfactory identifying information, but has indicated an address for the employee, Form OAR-L5039 is sent to the employee to determine whether the unidentified incorrectly reported wage item belongs to him.

(2) *Wage statements.* A wage earner may obtain a statement of wages recorded in his old-age and survivors insurance account by filling out and mailing Form OAR-7004 or by a signed written request giving his social security account number and date of birth addressed to Bureau of Old-Age and Survivors Insurance, Candler Building, Baltimore 2, Maryland. Upon receipt of this form or the required letter, the Bureau forwards a Form OAR-7014, Statement of Wages Recorded in Your Old-Age and Survivors Insurance Account, containing the requested information to the wage earner. The Form OAR-7014 will show a grand total of wages reported to date, the total for the last complete year, and the amount of wages reported since the last complete year. If the wage earner requests an itemized statement on Form OAR-7004 or in his letter itemized statement will be sent to him.

(3) *Wage discrepancies.* If a wage earner disagrees with the amount of wages credited to his social security account he may request a revision by executing Form OAR-7008, Statement of Wages and Employment. These forms may be obtained at any field office or from the Bureau of Old-Age and Survivors Insurance, Candler Building, Baltimore 2, Maryland. Upon receipt of this form the Bureau will initiate an investigation of his wage record.

Field offices are authorized to investigate questions of coverage raised by wage earners, and requests for revision of wage records which cannot be resolved through examination of the Accounting Operations Division records. In conducting such investigations, field office representatives may request employers and wage earners to submit information concerning the employment in question. On the basis of information submitted, the field office may determine, subject to review, whether the employment is covered by the Social Security Act. In the event that wages cannot be established on the basis of the records of the employer, the field office will accept wage evidence on behalf of the employee and will determine, subject to review, whether the evidence is sufficient to establish payment of the alleged wages.

After the field investigation has been completed, and the results reviewed by the Accounting Operations Division, the Bureau notifies the wage earner of the status of his wage account. The wage earner will also be informed of any determinations with respect to wage or coverage questions which arose from the investigation.

Form OAR-L5069, Letter Notifying Employee of an Adverse Adjustment to His Wage Record, is addressed to the employee (in care of the last known employer) to notify the employee of the adverse adjustment received subsequent to the issuance of the wage statement previously sent to him. The employee is requested to notify the Bureau if he disagrees with the adjustment to his account. This notice of disagreement must be received by the Bureau before the elapsed six months subsequent to the date indicated on the letter or within four calendar years after the period to be adjusted—whichever is later.

Wage investigations are also made on the basis of Form OAAN-7005, Supplemental Form Relative to Application for Account Number, if a wage earner upon making application for a social security account number indicates that he has been previously employed. An investigation is made to determine if the wages earned before the wage earner received a social security number were reported without an account number or if the employer failed to file the returns.

(c) *Claims procedure.* The field offices provide local facilities for the public to file claims and to obtain assistance in perfecting them. To become entitled to any benefit or payment or to a recomputation of benefits, the appropriate application form, which can be obtained from any field office, must be filed with a Bureau office. (20 CFR, Cum. Supp., § 403.701.) The application forms and corresponding forms containing instructions as to their execution are as follows:

1. Form OA-C1, Application for Wage Earner's Primary Insurance Benefits.
   Form Inst. OA-C1, Instructions to Applicant for Primary Insurance Benefits.
2. Form OA-C1.1, Application for Recomputation of Primary Insurance Benefits.
3. Form OA-C2, Application for Wife's Insurance Benefits.
   Form Inst. OA-C2, Instructions to Applicant for Wife's Insurance Benefits.
4. Form OA-C3, Husband's Certification (this form is a part of the wife's application, Form OA-C2, above).
5. Form OA-C4, Application for Insurance Benefits for Child of Living Wage Earner.
   Form Inst. OA-C4, Instructions to Applicant for Insurance Benefits for Child of Living Wage Eearner.
6. Form OA-C5, Application of Widow, and Widow on Behalf of Child, for Survivors Insurance Benefits.
   Form Inst. OA-C5.1, Instructions to Applicant for Widow's Current Insurance Benefits.
   Form Inst. OA-C5.2, Instructions to Applicant for Widow's Insturance Benefits.
   Form Inst. OA-C5.3, Instructions Covering Application for Insurance Benefits by Widow on Behalf of Children.
7. Form OA-C6, Application on Behalf of Child for Survivors Insurance Benefits.
   Form Inst. OA-C6, Instructions to Applicant for Insurance Benefits for Child of Deceased Wage Earner.
8. Form OA-C7, Application of Dependent Parent for Survivors Insurance Benefits.
   Form Inst. OA-C7, Instructions to Dependent Parent.
9. Form OA-C8, Application for Lump-Sum Death Payment.
   Form Inst. OA-C8, Instructions to Applicant for Lump-Sum Death Payment.
10. Form OA-C10, Application for Widow's Insurance Benefits (for use of widow who has previously filed an application for wife's insurance benefits, widow's current insurance benefits, or a lump-sum death payment with respect to her deceased husband's wages).
    Form Inst. OA-C5.2, Instructions to Applicant for Widow's Insurance Benefits.
11. Form OA-C11, Application for Substitution of Payee (for use when substitute payee files application to receive insurance benefits on behalf of self, minor child, or incompetent beneficiary).

In addition to filing the appropriate application form, the claimant must establish by satisfactory evidence the material allegations in his application, except as to wages shown in the Bureau's records. (See 20 CFR, Cum. Supp., 403.702 and 403.703.) Claims application forms, instructions, report forms, and forms for the various proofs necessary to support the claims are available to the public in field offices, itinerant stations, and detached official stations. These offices assist claimants in preparing their applications and in obtaining the proofs required to support their claims. Claims adjudicated in the field offices are subject to review in one of the six area offices of the Bureau. The area office notifies claimants of the action taken on their claims, informing them at the same time of their right to a reconsideration, hearing, or appeal.

Recipients of monthly benefits are variously obligated to report to the Bureau the occurrence of events, which suspend or terminate benefits. Post cards, Forms OA-C611a and OA-C612a, for reporting these events are given the claimant at the time he files application for benefits. Additional ones may be obtained from any field office.

(d) *Reconsideration and hearing.* Provisions regarding requests for reconsideration of Bureau determinations are contained in 20 CFR, Cum. Supp., 403.707 and 403.708. Provisions regarding requests for hearing with respect to Bureau determinations are contained in 20 CFR, Cum. Supp., 403.707 and 403.709. Such requests may be filed with any Bureau office.

§ 422.2 *Inspection of official records.* Section 1106 of the Social Security Act prohibits disclosure of any official records of the Bureau, except as prescribed by the Social Security Board (now the

Social Security Administration). Circumstances under which disclosure may be made are set out in 20 CFR, Cum. Supp., Part 401.

SUBPART B—OFFICE OF THE APPEALS COUNCIL

§ 422.6 *Procedures of the Appeals Council*—(a) *Request for hearing by referee.* A claimant who is dissatisfied with a determination of the Bureau of Old-Age and Survivors Insurance of the Social Security Administration, may file a request for a hearing of his case before a referee of the Office of the Appeals Council. This request may be made on Form AC–501, Request for Hearing, which may be obtained at any referee's office or any office of the Bureau. Instead of executing the form, the request for hearing may be made by an informal letter. The executed form or informal letter may be filed at or mailed to any office of the Bureau or the office of any referee or the Office of the Appeals Council. The request must be made within six months from date of mailing of notice of the Bureau's initial determination or within three months from date of mailing of notice of the Bureau's reconsidered determination. This time may be extended by a referee upon a showing of good cause.

(b) *Hearing by referee.* The referee holds a hearing, upon ten days' notice to the claimant unless such notice is waived, at a place reasonably convenient to a claimant. A stenographic record of the testimony taken at the hearing is made. This record is not transcribed except where necessary in the judgment of the referee or where required by law. The referee may render a decision or certify the case to the Appeals Council in Washington for decision. In either case a claimant is furnished with a copy of the decision.

(c) *Review of referee's decision by Appeals Council.* If a claimant is dissatisfied with the referee's decision he may file a request for review of the decision by the Appeals Council in Washington. This request may be made on Form AC–520, Request for Review of Referee's Decision, which may be obtained at any referee's office or office of the Bureau, or the request for review may be made by an informal letter. The request may be filed at or mailed to any referee's office, any office of the Bureau, or the Appeals Council in Washington. Such request must be made within thirty days after the date of mailing of the referee's notice of decision. It is within the discretion of the Appeals Council to grant or deny the request for review. If it denies the request, the referee's decision stands as the final decision of the Federal Security Agency. If the request for review is granted the Appeals Council renders a decision either with or without the taking of further evidence. The Appeals Council also renders a decision in cases which are certified to it by a referee.

(d) *Judicial review.* A claimant may secure a court review of a decision by a referee, if the Appeals Council has denied the claimant's request for review, or of a decision by the Appeals Council by instituting a civil action in the United States District Court of his residence. Such action must be filed within sixty days of the Appeals Council's notice of denial of request for review of the referee's decision or notice of decision by the Appeals Council. This time may be extended by the Appeals Council upon a showing of good cause.

(e) *Where detailed procedural regulations are located.* Detailed procedural regulations relating to the work of the Office of the Appeals Council may be found in Regulations No. 3 under (20 CFR, Cum. Supp., Part 403) the following subjects and section numbers:

Right to hearing. Sec. 403.709 (a).
Time and place of filing request for hearing. Sec. 403.709 (b).
Parties to a hearing. Sec. 403.709 (c).
Referee. Sec. 403.709 (d).
Time and place of hearing Sec. 403.709 (e).
Subpoenas. Sec. 403.709 (f).
Conduct of hearing and evidence. Sec. 403.709 (g).
Joint hearings. Sec. 403.709 (h).
Waiver of right to appear and present evidence. Sec. 403.709 (i).
Dismissal of request for hearing. Sec. 403.709 (j).
Referee's decision, remanding to Bureau, or certification to Appeals Council. Sec. 403.709 (k).
Effect of referee's decision or revision by Bureau. Sec. 403.709 (l).
Procedure before Appeals Council on certification by the referee. Sec. 403.710 (a).
Review of referee's decision or Bureau's revised determination. Sec. 403.710 (b).
Procedure before Appeals Council on review of referee's decision or Bureau's revised determination. Sec. 403.710 (c).
Decision by Appeals Council or remanding of case. Sec. 403.710 (d).
Effect of Appeals Council's decision or refusal to review. Sec. 403.710 (e).
Extension of time. Sec. 403.711 (a).
Revision for error. Sec. 403.711 (b).
Hearing and review in cases involving wartime maritime services in the employ of the United States. Sec. 403.711a.

§ 422.7 *Inspection of official records.* Section 1106 of the Social Security Act prohibits disclosure of any official records of the Office of the Appeals Council except as prescribed by the Social Security Board (now the Social Security Administration). Circumstances under which disclosure may be made are set out in 20 CFR, Cum. Supp., Part 401.

Pursuant to section 3 of the Administrative Procedure Act (Public Law 404, 79th Cong.) the foregoing statements are hereby made this 27th day of August 1946.

[SEAL] A. J. ALTMEYER,
Commissioner for Social Security.

Approved: August 28, 1946.

MAURICE COLLINS,
Acting Federal Security Administrator.

APPENDIX A—FIELD OFFICES

Alabama: Anniston, Birmingham, Decatur, Dothan, Gadsden, Mobile, Montgomery, Tuscaloosa.

Arizona: Flagstaff, Phoenix, Tucson.

Arkansas: El Dorado, Fort Smith, Hot Springs, Jonesboro, Little Rock, Pine Bluff, Texarkana.

California: Bakersfield, Eureka, Fresno, Glendale, Hollywood, Huntington Park, Long Beach, Los Angeles, Oakland, Pasadena, Redding, Sacramento, San Bernardino, San Diego, San Francisco, San Jose, San Mateo, Santa Barbara, Santa Monica, Santa Rosa, Stockton.

Colorado: Colorado Springs, Denver, Grand Junction, Greeley, Pueblo, Trinidad.

Connecticut, Bridgeport, Hartford, Meriden, New Britain, New Haven, New London, Stamford, Torrington, Waterbury.

Delaware: Wilmington.

District of Columbia: Washington, D. C.

Florida: Gainesville, Jacksonville, Miami, Orlando, Pensacola, St. Petersburg, Tallahassee, Tampa, West Palm Beach.

Georgia: Albany, Athens, Atlanta, Augusta, Columbus, LaGrange, Macon, Rome, Savannah, Waycross.

Idaho: Boise, Pocatello, Twin Falls.

Illinois: Aurora, Bloomington, Chicago (173 West Madison Street; Viceroy Building, 1045 Lawrence Avenue; Paradise Theatre Building, 225 North Pulaski Road; 703 West Sixty-sixth Street; South Center Building, 417 East Forty-seventh Street), Cicero, Danville, Decatur, East St. Louis, Evanston, Harrisburg, Harvey, Joliet, Mount Vernon, Oak Park, Peoria, Quincy, Rockford, Rock Island, Springfield, Waukegan.

Indiana: Anderson, Bloomington, Elkhart, Evansville, Fort Wayne, Gary, Hammond, Indianapolis, Kokomo, La Fayette, Muncie, New Albany, Richmond, South Bend, Terre Haute.

Iowa: Cedar Rapids, Davenport, Des Moines, Dubuque, Fort Dodge, Mason City, Ottumwa, Sioux City, Waterloo.

Kansas: Dodge City, Hutchinson, Independence, Kansas City, Pittsburg, Salina, Topeka, Wichita.

Kentucky: Ashland, Bowling Green, Corbin, Covington, Frankfort, Hazard, Lexington, Louisville, Owensboro, Paducah.

Louisiana: Alexandria, Baton Rouge, Lake Charles, Monroe, New Orleans, Shreveport.

Maine: Augusta, Bangor, Lewiston, Portland.

Maryland: Baltimore, Cumberland, Hagerstown, Salisbury.

Massachusetts: Attleboro, Boston, Brockton, Cambridge, Chelsea, Fall River, Fitchburg, Haverhill, Holyoke, Lawrence, Lowell, Lynn, Malden, New Bedford, Pittsfield, Quincy, Salem, Springfield, Waltham, Worcester.

Michigan: Battle Creek, Bay City, Detroit (Mortgage and Bond Building, 5 West Larned Street; 14246 Michigan Avenue; 14131 Woodward Avenue; 8720 Mack Avenue), Escanaba, Flint, Grand Rapids, Jackson, Kalamazoo, Lansing, Marquette, Muskegon, Pontiac, Port Huron, Saginaw, Traverse City.

Minnesota: Albert Lea, Bemidji, Duluth, Minneapolis, Redwood Falls, St. Cloud, St. Paul, Winona.

Mississippi: Columbus, Greenwood, Gulfport, Hattiesburg, Jackson, Meridian, Vicksburg.

Missouri: Cape Girardeau, Clayton, Hannibal, Jefferson City, Joplin, Kansas City, St. Joseph, St. Louis (300 Old Post Office Building, Eighth and Olive Streets; 3602 Gravois Avenue), Springfield.

Montana: Billings, Butte, Great Falls, Helena, Missoula.

Nebraska: Grand Island, Lincoln, North Platte, Omaha.

Nevada: Las Vegas, Reno.

New Hampshire: Concord, Littleton, Manchester, Portsmouth.

New Jersey: Atlantic City, Bridgeton, Camden, Elizabeth, Jersey City, Newark, Passaic, Paterson, Perth Amboy, Trenton.

New Mexico: Albuquerque, Roswell.

New York: Albany, Auburn, Binghamton, Buffalo, Elmira, Glens Falls, Gloversville, Jamestown, Kingston, Newburgh, New Rochelle, New York City (271 Washington Street, Room 745, Burough Hall; 1193 Dean Street, Flatbush; 89–09 Sutphin Boulevard; Chatham Phenix Building, 29–28 Forty-first Avenue; St. George Office Building, 25 Hyatt, St. George, Staten Island; Williamsburg, Bank of Manhattan Building, 258 Broadway, Brooklyn 11; 42 Broadway, Room 200; Sixteenth floor, Salmon Tower Building, 11 West Forty-second Street; 209 West One Hundred and

Twenty-fifth Street; 334 Audubon Avenue; Terminal Building, 215 East One Hundred and Forty-ninth Street; 318 East Kingsbridge Road), Niagara Falls, Ogdensburg, Poughkeepsie, Rochester, Oswego, Schenectady, Syracuse, Troy, Utica, Watertown, Yonkers.

North Carolina: Asheville, Charlotte, Durham, Fayetteville, Gastonia, Greensboro, Hickory, High Point, Raleigh, Rocky Mount, Salisbury, Wilmington, Winston-Salem.

North Dakota: Bismarck, Fargo, Grand Forks, Minot.

Ohio: Akron, Ashtabula, Canton, Cincinnati, Cleveland (1100 Chester Avenue, 1400 West 65th Street, 10609 Superior Avenue), Columbus, Dayton, Hamilton, Lima, Lorain, Mansfield, Marion, Portsmouth, Springfield, Steubenville, Toledo, Warren, Youngstown, Zanesville.

Oklahoma: Ardmore, Enid, Lawton, McAlister, Muskogee, Oklahoma City, Tulsa.

Oregon: Eugene, Klamath Falls, LaGrande, Portland, Salem.

Pennsylvania: Allentown, Altoona, Ambridge, Braddock, Chester, DuBois, Easton, Erie, Greensburg, Harrisburg, Hazleton, Johnstown, Lancaster, McKeesport, New Castle, New Kensington, Norristown, Philadelphia, Pittsburgh, Germantown, Kensington, Pottsville, Reading, Oil City, Scranton, Uniontown, Wilkes-Barre, Williamsport, York.

Rhode Island: Pawtucket, Providence, Woonsocket.

South Carolina: Charleston, Columbia, Florence, Greenville, Greenwood, Rock Hill, Spartanburg.

South Dakota: Aberdeen, Huron, Rapid City, Sioux Falls.

Tennessee: Chattanooga, Columbia, Dyersburg, Jackson, Johnson City, Knoxville, Memphis, Nashville.

Texas: Abilene, Amarillo, Austin, Beaumont, Brownsville, Corpus Christi, Dallas, El Paso, Fort Worth, Galveston, Houston, Lubbock, Lufkin, Paris, San Angelo, San Antonio, Tyler, Waco, Wichita Falls.

Utah: Ogden, Salt Lake City.

Vermont: Burlington, Montpelier, Rutland.

Virginia: Alexandria, Bristol, Danville, Lynchburg, Newport News, Norfolk, Petersburg, Richmond, Roanoke, Staunton.

Washington: Bellingham, Olympia, Seattle, Spokane, Tacoma, Yakima.

West Virginia: Beckley, Bluefield, Charleston, Clarksburg, Huntington, Logan, Morgantown, Parkersburg, Wheeling.

Wisconsin: Eau Claire, Fond Du Lac, Green Bay, Janesville, La Crosse, Madison, Milwaukee, Oshkosh, Racine, Sheboygan, Superior, Wausau.

Wyoming: Casper, Cheyenne, Rock Springs,

Alaska: Juneau.

Hawaii: Honolulu.

Area offices: Chicago 1, Ill., 188 West Randolph Street; Kansas City 8, Mo., 2605 Walnut Street; New Orleans 13, La., 829 Saint Charles Street; New York 17, N. Y., 155 East 44th Street; Philadelphia 7, Pa., 121 North Broad Street; San Francisco 11, Calif., 22 Battery Street.

[F. R. Doc. 46-15469; Filed, Aug. 29, 1946; 10:55 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR, Ch. I]

PART 7—ORGANIZATION, PROCEDURE, POLICY, AND RULES

Sec.

7.1 The Commission.
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7.14 Administration of the Wool Products Labeling Act.
7.15 General economic surveys and reports.

§ 7.1 *The Commission.* The Federal Trade Commission is composed of five Commissioners appointed by the President and confirmed by the Senate. It was established in 1914 as an agency to foster fair and free competition and to supplement the antitrust laws. It has remedial functions in the administration and enforcement of various statutes prohibiting the use of unfair, deceptive, discriminatory, and monopolistic trade practices. These functions are exercised by way of adversary proceedings and orders to cease and desist, by the stipulated acquiescence of the parties or by trade practice conference proceedings. The Commission also exercises supervision over associations engaged in export trade. The Commission also has advisory functions which are exercised by way of general investigations and reports to Congress or to the President and by recommendations for legislation. These functions are exercised through various divisions of the Commission as hereinafter described.

§ 7.2 *Offices.* The principal office of the Commission is at Washington, D. C.

All communications to the Commission should be addressed to Federal Trade Commission, Pennsylvania Avenue at Sixth Street, Washington 25, D. C., unless otherwise specified.

Branch offices of the Office of Legal Investigations are maintained at Room 501, 45 Broadway, New York 6, New York; 1118 New Post Office Building, 433 West Van Buren Street, Chicago 7, Ill.; Third Floor, Sharon Building, 55 Montgomery Street, San Francisco 5, Calif.; 447 Federal Office Bldg., Seattle 4, Washington; 1107 Pere Marquette Building, 150 Baronne Street, New Orleans 12, La.

§ 7.3 *Hours.* Offices are open on each business day from 8:30 a. m. to 5 p. m.

§ 7.4 *Sessions.* The Commission may meet and exercise all its powers at any place, and may, by one or more of its members, or by such representatives as it may designate, prosecute any inquiry necessary to its duties in any part of the United States.

Sessions of the Commission for hearings will be held as ordered by the Commission.

Sessions of the Commission for the purpose of making orders and for transaction of other business unless otherwise ordered are held at the principal office of the Commission at Pennsylvania Avenue at Sixth Street, Washington, D. C., on each business day.

§ 7.5 *Quorum.* A majority of the members of the Commission constitutes a quorum for the transaction of business.

§ 7.6 *Public information.* All requests, whether for information or otherwise, and submittals should be addressed to the principal office of the Commission.

§ 7.7 *The Secretary.* The Secretary is the executive officer of the Commission and is the legal custodian of its seal, papers, records, and property; and all orders of the Commission are signed by the Secretary or such other person as may be authorized by the Commission.

§ 7.8 *Preliminary legal investigations.* All preliminary legal investigations of the Commission are conducted by the staff of its Office of Legal Investigations which is made up of a Director, an Assistant Director, a Chief Examiner, and a Chief of the Radio and Periodical Division. The Chief Examiner has four Assistants, and there is one Assistant Chief in the Radio and Periodical Division.

(a) *Applications for Complaint.* Any person, partnership, corporation, or association may apply to the Commission to institute a proceeding in respect to any violation of law over which the Commission has jurisdiction.

Such application for complaint should be in writing, signed by or in behalf of the applicant, and should contain a short and simple statement of the facts constituting the alleged violation of law, and the name and address of the applicant and of the party complained of, together with all relevant available information. No forms or formal procedure are required in making an application for complaint.

(b) *Status of applicant for complaint.* The applicant is not a party to a Commission proceeding except where allowed to intervene as provided by the statute. It has always been and now is the rule not to publish or divulge the name of an applicant.

(c) *Docketing of applications for complaint.* Upon receipt of an application for complaint, the Commission through its Office of Legal Investigations, considers the essential jurisdictional elements before deciding whether or not it shall be docketed. Also, the Commission, acting on its own motion, dockets applications for complaint and initiates investigations. It is the policy not to docket an application for complaint or institute proceedings where the alleged violation of law is merely a private controversy and does not tend adversely to affect the public.

(d) *Investigation of docketed matters.* The general procedure is that after a matter has been docketed, it is assigned to an attorney or examiner for the purpose of developing all the material facts. He is directed to interview the applicant. He is also directed to interview the party complained against, advise him fully of the charges, and obtain relevant information, oral and documentary, including such as may be furnished in defense. Such additional investigation is made as may be necessary. Preliminary investigations under the Export Trade Act are made in the same manner.

(e) *Report on investigation of docketed matters.* After developing all the relevant facts, the attorney examiner summarizes the material in a report, reviews the law applicable, and makes recom-

mendations as to what action he believes the Commission should take. The file is reviewed by the Chief Examiner, and, if found to be complete, is submitted by him to the Commission (through the Director of the Office of Legal Investigations), with a summary of the issues involved, his conclusions thereon, and his recommendation. He may recommend (1) closing of the file without prejudice to the right of the Commission to reinstate the matter if and when conditions may warrant, or (2) disposition of the application for complaint by the respondent signing a stipulation as to the facts, and an agreement to cease and desist from the practices set forth in the stipulation, or (3) issuance of formal complaint, or (4) other appropriate action.

(f) *Radio and periodical advertising.* The Radio and Periodical Division of the Office of Legal Investigations conducts a current and continuing survey of radio, newspaper, magazine, and mail order catalog or circular advertising. If it appears that a published advertisement may be misleading, a contact letter is sent to the advertiser containing a request for pertinent information and material regarding the product and the advertisement thereof. He is also invited to submit any statement he may care to make regarding the product and his advertising of it. When all available data have been examined and analyzed, the Chief of the Division makes his recommendation to the Commission (through the Director of the Office of Legal Investigations) in the same manner as described with relation to docketed matters.

§ 7.9 *Agreement to cease and desist on stipulated facts.* (a) The Commission maintains a Division of Stipulations consisting of a Director, Assistant Director, and staff of attorney conferees.

(b) Whenever the Commission has reason to believe that any person has been or is using unfair methods of competition or unfair or deceptive acts or practices in commerce, and that the interest of the public will be served by so doing, it may withhold the issuance of a formal complaint and extend an opportunity to execute a stipulation satisfactory to the Commission, in which the proposed respondent, after admitting the material facts, agrees to cease and desist from, and not to resume such unfair methods of competition or unfair or deceptive acts or practices. It is not the policy of the Commission thus to dispose of matters involving intent to defraud or mislead; false advertisement of food, drugs, devices, or cosmetics which may be injurious to health; suppression or restraint of competition through conspiracy or monopolistic practices; violations of the Clayton Act; violations of the Wool Products Labeling Act of 1939 or the rules promulgated thereunder; or where the Commission is of the opinion that such procedure will not be effective in preventing continued use of the unlawful method, act, or practice. The Commission reserves the right in all cases, for any reasons which it regards as sufficient, to withhold this privilege. Stipulations after acceptance by the Commission are matters of public record. When a case is referred to the Division of Stipulations, that Division gives the proposed respondent notice of such reference, together with a statement of the alleged illegal acts, practices, or methods, and requests a reply within a specified period of time.

(c) The proposed respondent may reply by correspondence or upon his request, may confer with the Director of the Division of Stipulations, or with a designated attorney conferee either in person or through his authorized representative.

(d) If the proposed respondent enters into a satisfactory stipulation to cease and desist from such practices as the Director of the Division of Stipulations deems in accord with the Commission's direction, and to have been sufficiently substantiated by the investigational records and reports, or by the admissions of the proposed respondent, said stipulation is submitted to the Commission for its approval. In the event of failure of the proposed respondent to sign a satisfactory stipulation covering the charges which the Director considers to have been so substantiated, the Director then reports the matter to the Commission with recommendation as to what action is required in the public interest. He may recommend formal complaint or closing of the matter in whole or in part without prejudice to the right of the Commission to reopen the same at a later date, or other appropriate action.

§ 7.10 *Procedure upon formal complaints and before the courts.* (a) When the issuance of a formal complaint is directed by the Commission, the matter is referred to the Office of Chief Trial Counsel for preparation of the complaint, and proceedings thereunder. The complaint names the respondent or respondents, alleges a violation or violations of law, and contains a statement of the charges. The proceedings are carried forward thereafter in conformity with the Rules of Practice.

(b) Should an order to cease and desist be issued by the Commission under the Federal Trade Commission Act or the Wool Products Labeling Act, the order becomes final sixty days after date of service upon the respondent, unless within that period the respondent petitions an appropriate United States Circuit Court of Appeals to review the order. In case of review, the Circuit Court enters a decree affirming, modifying, or setting aside the order of the Commission and enforcing the same to the extent that such order is affirmed. Final orders in such cases are enforceable by civil penalty suits, instituted by the Attorney General. Under the Clayton Act, however, an order to cease and desist does not become final by lapse of time. The order must be affirmed by the United States Circuit Court of Appeals on application for review by the respondent or upon petition of the Commission. After affirmation, appropriate proceedings may be brought for violation of the Court's decree.

(c) The foregoing functions are performed by the legal staff in the Office of General Counsel. That office is under the supervision and direction of a General Counsel, an Associate General Counsel, an Assistant General Counsel, a Chief Trial Counsel, and three Assistant Chief Trial Counsel.

(d) The General Counsel also acts as the principal legal adviser to the Commission on a wide variety of matters, but neither he nor any other attorney in the Office of the General Counsel having to do with the prosecution of a formal complaint participates or advises in the decision, recommended decision, or agency review of such complaint or of a factually related complaint except under the same conditions that are applicable to persons not connected with the Commission, and which are set forth in the Commission's published Rules of Practice.

§ 7.11 *Administration of Export Trade Act.* (a) The Export Trade Act is administered in the Office of General Counsel. The Export Trade Act authorizes the organization and operation of export trade associations and extends to them certain limited exemptions from the antitrust laws. Such associations must be entered into for the sole purpose of engaging in export trade and must be actually so engaged and are prohibited from restraining the trade of a domestic competitor, from artificially or intentionally enhancing or depressing prices in this country, or substantially lessening competition or otherwise restraining trade within the United States. The Commission's Export Trade Office administers this Act.

(b) Under Section 5 of the Act, any association organized under the Act is required to file with the Commission within thirty days, copies of organizational papers and thereafter to make annual reports, listing its members or stockholders, and such special reports as the Commission may require concerning the organization, business, conduct, practices, management, and relation to other associations, corporations, and individuals. No particular forms for reporting are required, but for the convenience of parties interested, forms of a first report and of the annual report currently used, are available on request. All reports must be verified. Such information is examined and analyzed by the Assistant Chief Trial Counsel for Export Trade matters who reports thereon.

(c) If the Commission has reason to believe than an association has violated the antitrust laws, it conducts an investigation and if it concludes that the law has been violated, it makes to such association recommendations for the readjustment of its busines in order that it may thereafter conduct its business in accordance with law. Any such investigation is conducted by the Director, who reports to the Commission thereon with recommendation as to any necessary readjustment.

(d) The procedure in such investigations is as follows: Summons and bill of particulars are issued and served upon the association, its officers and members. The investigation is held before a designated officer and sworn testimony and documentary exhibits are introduced. The association, its officers and members, may be represented by counsel, and may introduce such relevant testimony and evidence as they desire to offer. Since such investigation is not an adversary

proceeding, witnesses are not cross-examined and objections to evidence are not entertained.

(e) The Assistant Chief Trial Counsel for Export Trade matters examines and analyzes the evidence and reports thereon with his recommendation.

§ 7.12 *Hearings on formal complaints.* (a) When, after the issuance of formal complaint, issues are joined, the matter comes under the Commission's trial procedure, which is implemented through the Trial Examiner's Division, consisting of the Chief Trial Examiner, an Assistant Chief Trial Examiner, and a staff of trial examiners. The Chief Trial Examiner acts as the administrative head and chief law officer of the Division. He exercises supervision over the forms of reports and coordinates methods of compliance by the trial examiners with the Rules of Practice.

(b) Insofar as practicable, trial examiners are assigned in rotation to cases by the Commission on recommendation of the Chief Trial Examiner. The trial examiner thus designated proceeds to convene hearings for the reception of relevant evidence on the issues. A Commissioner may be assigned to this duty.

(c) Hearings are held in such parts of the country as may be necessary with due regard for the convenience of the parties and witnesses. All proper parties may be represented by counsel and all fundamental rights such as cross-examination of witnesses, adduction of evidence, objections, exceptions, motions, appeals, and the submission of briefs and oral argument are preserved to the respondents.

(d) After the evidence is concluded in a case and parties have been duly heard and their contentions considered, the Trial Examiner makes his report, consisting of (1) report upon the facts, (2) conclusions of fact, (3) conclusions of law, and (4) recommended order. The Trial Examiner's recommended decision becomes a part of the record and a copy thereof is served on each party who may then file exceptions thereto and present substitute conclusions and form of order. After consideration of the case on the record, briefs and argument (or otherwise if agreed), the Commission makes its decision and issues its order.

§ 7.13 *Trade Practice Conference Proceedings.* (a) Rules for the elimination and prevention of unfair trade practices on an industry-wide basis are established by the Commission under the trade practice conference procedure, the requirements for which are contained in the Commission's published Rules of Practice. This procedure permits of the organization and utilization of cooperative effort among members of an industry for elevating the standards of business ethics and preventing unfair methods of competition, monopolistic restraint, and other trade abuses that are contrary to the laws administered by the Commission.

(b) The work is carried out by the Commission through the staff of the Office of Trade Practice Conferences and Wool Act Administration, which under the supervision of a Director who is principal adviser to the Commission in such matters, an Associate Director, and three Assistant Directors.

(c) Proceedings for establishment of such rules for an industry may be instituted on the Commission's own motion or upon application from members of the industry. In pursuance thereof, a survey and study of the competitive problems of the industry is made and the results reported to the Commission with recommendation as to whether an industry conference should be called or other appropriate action taken. Upon direction of the Commission that a conference be held, a public announcement is made as to the time and place and all members of the industry are invited to attend and participate. The conference considers proposed rules submitted by members of the industry and those deemed necessary or desirable. These are studied and analyzed and report thereon is made to the Commission by the Director, together with his recommendations. Thereafter, proposed rules in the form deemed appropriate are released to the members of the industry and the public. Notice of hearing is issued to all interested or affected parties under which they are afforded opportunity to obtain copies of the proposed rules and to submit their suggestions, objections, and views, and also to be heard at a time and place designated in such public notice. All such hearings and trade practice conferences are open to the public and are conducted by a Commissioner or the Director or other designated official of the Office.

(d) After final hearing the entire proceedings, including the hearing record and other information submitted and bearing on the subject, are considered and reported by the Director to the Commission with his recommendations. Thereupon the entire matter receives the consideration of the Commission and all rules approved and accepted by it are promulgated and published in the Federal Register as rules for the industry. Copies of the rules are supplied to members of the industry, together with a form of acceptance by which each member of the industry may record his intention of observing the rules in the conduct of his business. Approved and accepted rules become operative thirty days after promulgation unless otherwise specified.

(e) Administration of the rules and compliance work in respect thereto are likewise handled through this Office. Information is gathered from time to time as to operation of the rules and cooperative liaison with the industry is maintained to prevent, in accordance with the purposes of the rules, the inception or growth of unfair trade practices.

§ 7.14 *Administration of the Wool Products Labeling Act.* (a) The general administration of the Wool Products Labeling Act and of the Rules and Regulations issued thereunder is carried out at the direction of the Commission by the Director of Trade Practice Conferences and Wool Act Administration. Rules and regulations including forms have been issued pursuant to the provisions of the Act and were duly published in the Federal Register on July 15, 1941 (16 CFR, 300.1 to 300.36). Any affected person may obtain a copy thereof upon request to the Commission.

(b) Among the various duties involved in such administration of the Act are: the formulation and issuance of rules and regulations or amendments thereto and the holding of such hearings as may be required from time to time; receiving, examining, and recording continuing guarantees for public record under Section 9 of the Act; acting upon applications for manufacturers' registered identification numbers and issuing or canceling such numbers; supervising and directing field inspection work and the handling of administrative compliance and matters of interpretation.

(c) Manufacturers' registered identification numbers are issued by the Commission under the provisions of Rule 4 of the Rules and Regulations to manufacturers residing in the United States and producing wool products subject to the Act. Any such manufacturer desiring to obtain a registered identification number may file with the Commission an application therefor, such application to be in accordance with the specified form and appropriately executed and notarized. Numbers are issued when, upon examination of the application and related facts, the applicant is found to come within the terms of the Rules and Regulations and entitled to use such a registered identification number, the same being subject to revocation for cause or upon the applicant's discontinuance of the manufacture of wool products subject to the Act.

(d) Continuing guarantees against misbranding as defined in the Act may be filed with the Commission under section 9 thereof and when found to be in due form and substance as prescribed in the Rules and Regulations are recorded and held open to public inspection. They are renewable annually and at such other times as any change is made in the ownership or management of the guarantor. Necessary blanks may be obtained upon request.

(e) Through field inspection work wool products subject to the Act as marketed by manufacturers, distributors, and dealers, are examined to ascertain whether they are properly labeled under the requirements and to effect administrative compliance in instances of alleged violation. Inspection likewise covers manufacturers' records. Administrative action to effect correction of infractions through voluntary cooperation is also taken under supervision of the Director in specific cases in which such means of correction are found adequate to effect immediate compliance and protect the public interest. If not so found, the matter may be referred to the Commission for further action. Thereafter, the formal remedial procedure specified in the Federal Trade Commission Act may be ordered by the Commission or such other remedial processes may be pursued as are authorized in the Wool Products Labeling Act.

§ 7.15 *General Economic Surveys and Reports.* (a) Under section 6 of its or-

ganic act, the Federal Trade Commission has broad powers to ascertain the facts with respect to the organization, business, conduct, practices, and management of any corporation subject to its jurisdiction, and the relations of any such corporation to other corporations and to individuals, associations, and partnerships. The Commission has power under this section to require such corporations to file with it annual or special and both annual and special reports or answers in writing to specific questions, furnishing to the Commission such information as it may require respecting the business, conduct, practices, management, etc., of any such corporation and its relation to other business enterprises. These functions of the Commission are performed by its Division of Accounts, Statistics, and Economic Reports.

(b) The administration of this Division is conducted by a Director who is also the Chief Economist, and by a Chief Accountant and Chief Statistician who are Assistant Directors of the Division. The Commission on its own initiative or upon the application of the Attorney General, may direct this Division, whenever a final decree has been entered against any defendant corporation under the Antitrust Acts, to ascertain and report the economic effects of such decree and the manner in which it is being carried out.

(c) The purposes of these general economic surveys are to ascertain and report the facts to the President or to the Congress concerning general economic conditions, the state of competition and the degree of concentration in a given industry, together with suggestions for remedial legislation. Such general economic surveys are made in response to the request of the President, at the direction of the Congress, or upon the initiative of the Commission.

(d) In the past, the economic and business facts developed by the Commission have contributed to the adoption of much remedial legislation, including the Stock Yards Act, the Securities Act, the Exchange Act, the Holding Company Act, the Revised Federal Power Commission Act, the Natural Gas Act., etc. In other cases, certain industries have voluntarily made changes in the conduct of their business following disclosures of uneconomic and harmful competitive trade practices.

(e) This division also furnishes general economic information, including industry-wide costs of production and of distribution and makes special reports to the Commission for submission to the president, the Congress, and to various government departments and agencies. The personnel of the division includes accountants, economists and statisticians, and as a regular part of its work, members of its staff may be called upon to act as expert witnesses, to advise and consult with the Commission's attorneys, and to prepare accounting, economic, and statistical analyses in connection with legal cases. This is particularly true with respect to basing point and Robinson-Patman cases. The latter cases involve accounting and statistical problems particularly where differences in costs are used as a justification for price differences.

FEDERAL TRADE COMMISSION:
W. A. AYRES,
Chairman.

[F. R. Doc. 46—15514; Filed, Aug. 29, 1946; 1:46 p. m.]

FEDERAL WORKS AGENCY

OFFICE OF THE ADMINISTRATOR

[44 CFR, Ch. VI]

PART 601—ORGANIZATION

§ 601.1 *Creation, organization.* The Federal Works Agency was created July 1, 1939, for the purpose of grouping and consolidating those agencies dealing with public works not incidental to the normal work of other departments, and which administer Federal grants and loans to state and local governments or other agencies for purposes of construction.

The Federal Works Agency consists of the following:

(a) The Office of the Administrator, in which is the Administrator, who is responsible for the general direction and supervision of the administration of the three constituent organizations, and for the coordination of their functions and programs, and his staff, who assist him in carrying out his responsibilities.

(b) The Public Buildings Administration, which deals primarily with the construction and management of Federal public buildings.

(c) The Public Roads Administration, which deals essentially with the Federal-Aid roads program.

(d) The Bureau of Community Facilities, which at present deals with all other programs pertaining to public works assigned to the Federal Works Agency.

Each of the above listed constitutent organizations is under the direction of a Commissioner. Matters of official record pertaining to each program are in the custody of the Commissioner directing the program. Matters of official record on file in the Office of the Administrator such as General Orders, Administrative Orders, Special Orders, and delegations of authority are available to persons properly and directly concerned through application to the Administrator.

PHILIP B. FLEMING,
Major General U. S. A.,
Administrator.

[F. R. Doc. 46—15638; Filed, Aug. 30, 1946; 12:15 p. m.]

BUREAU OF COMMUNITY FACILITIES

[44 CFR, Ch. II]

PART 211—ORGANIZATION

SUBPART A—CENTRAL OFFICE

Sec.
211.1 Office of the Commissioner.
211.2 Office of the Solicitor.
211.3 Office of the Deputy Commissioner for Planning.
211.4 Office of the Deputy Commissioner for Administration.
211.5 Office of the Deputy Commissioner for Engineering.
211.6 Office of the Deputy Commissioner for Construction.
211.7 Office of the Deputy Commissioner for Service Projects.

SUBPART B—DIVISION OFFICES

211.21 Office of the Division Engineer.
211.22 Office of the Division Counsel.
211.23 Office of the Administrative Officer.
211.24 Office of the Assistant Division Engineer for Engineering.
211.25 Office of the Assistant Division Engineer for Construction.
211.26 Office of the District Engineer.
211.27 Location of Offices.

SUBPART A—CENTRAL OFFICE

§ 211.1 *Office of the Commissioner.* The Commissioner of Community Facilities is responsible to the Federal Works Administrator for the administration of the Bureau of Community Facilities. The functions and responsibilities of the Bureau are prescribed by law and/or the orders and regulations of the Federal Works Administrator. The directors of the following divisions report directly to the Commissioner.

(a) Labor Relations Division. The Director of Labor Relations is responsible for the labor relations activities of the Bureau in the Central and Division Offices.

(b) Racial Relations Division. The Director of Racial Relations is responsible for the racial relations activities of the Bureau in the Central and Division Offices.

(c) *Division of Investigations.* The Director of the Division of Investigations is responsible for the investigative activities of the Bureau in the Central and Division Offices.

§ 211.2 *Office of the Solicitor.* The Solicitor is responsible to the Commissioner for the general direction, supervision, and coordination of the legal activities of the Bureau, including the preparation and examination of legal documents, the rendering of legal opinions, the handling of the legal aspects of claims and litigations, and the interpretation and application of statutes, executive orders, rules and regulations. The Solicitor shall maintain a direct line of technical instruction and advice with the Division Counsels of the Bureau.

§ 211.3 *Office of the Deputy Commissioner for Planning.* The Deputy Commissioner for Planning is responsible to the Commissioner for the general direction, supervision, and coordination of the research activities of the Bureau, including the supervision and direction of the Research, Statistics, Finance, and Field Divisions in the Central Office. As directed by the Commissioner, he shall serve as Acting Commissioner and shall assume the authorities and responsibilities of the Commissioner. The Deputy Commissioner for Planning shall maintain a direct line of technical in-

struction and advice with the Division Engineers of the Bureau.

(a) *Research Division.* The Director of the Research Division is responsible for carrying out research studies; special surveys; over-all analysis of reports and surveys and relevant reports and studies of other governmental bodies and private research organizations; and for the analysis of reports of the Bureau.

(b) *Statistics Division.* The Director of the Statistics Division is responsible for analyzing, assembling, and reporting statistical data on the activities of the Bureau, including the development of statistical procedures.

(c) *Finance Division.* The Director of the Finance Division is responsible for rendering consulting services to the Bureau on matters concerning the finances of State and local governments with respect to public works.

(d) *Field Division.* The Director of the Field Division is responsible for contacting the Division Offices to render consulting and technical advice on all advance planning activities of the Bureau.

§ 211.4 *Office of the Deputy Commissioner for Administration.* The Deputy Commissioner for Administration is responsible to the Commissioner for the general direction, supervision, and coordination of the administrative activities of the Bureau, including the supervision and direction of the Administrative Management, Fiscal, Personnel and General Services Divisions in the Central Office. As directed by the Commissioner, he shall serve as Acting Commissioner and shall assume the authorities and responsibilities of the Commissioner. The Deputy Commissioner for Administration shall maintain a direct line of technical instruction and advice with the Administrative Officers of the Bureau.

(a) Administrative Management Division. The Director of the Administrative Management Division is responsible for the administrative planning, budget and procedures work of the Bureau.

(b) Fiscal Division. The Director of the Fiscal Division is responsible for the conduct of audits, for the examination of vouchers and claims, and for the maintenance of accounts showing the status of appropriated funds, the value of property owned by the Bureau, the revenues accruing therefrom and related matters.

(c) Personnel Division. The Personnel Officer is responsible for the personnel work of the Bureau, including the maintenance of necessary personnel records, standards, and procedures, and for assisting the organizational units of the Bureau on personnel matters.

(d) General Services Division. The Director of the General Services Division is responsible for providing office and tabulating services, maintenance and control of administrative property, and for supervising the retirement of records of the Bureau.

§ 211.5 *Office of the Deputy Commissioner for Engineering.* The Deputy Commissioner for Engineering is responsible to the Commissioner for the general direction, supervision, and coordination of the engineering activities of the Bureau, including the supervision and direction of the Engineering, Control, and Property Divisions in the Central Office. As directed by the Commissioner, he shall serve as Acting Commissioner and shall assume the authorities and responsibilities of the Commissioner. The Deputy Commissioner for Engineering shall maintain a direct line of technical instruction and advice with the Assistant Division Engineers for Engineering of the Bureau.

(a) Engineering Division. The Director of the Engineering Division is responsible for the engineering services of the Bureau, including the engineering review of applications requiring approval by the Central Office.

(b) *Control Division.* The Director of the Control Division is responsible for the control of all project applications, including records of progress, determinations of eligibility, financial review, and preparation of project summaries for final recommendation by the Commissioner; for the clearance of applications with the units of the Bureau in the Central Office; and for the furnishing of information to the Members of the Congress, applicants, and other parties interested in the status of project applications.

(c) *Property Division.* The Director of the Property Division is responsible for the general direction and supervision over the maintenance, operation, and leasing of project property of the Bureau, and for the preparation of recommendations to the Commissioner in connection with the disposition of such property.

§ 211.6 *Office of the Deputy Commissioner for Construction.* The Deputy Commissioner for Construction is responsible to the Commissioner for the general direction, supervision, and coordination of the construction activities of the Bureau, including the supervision and direction of the Construction, Material and Equipment, and Safety Divisions in the Central Office. The Deputy Commissioner for Construction shall maintain a direct line of technical instruction and advice with the Assistant Division Engineers for Construction of the Bureau.

(a) *Construction Division.* The Director of the Construction Division is responsible for the standards of supervision over construction operations, including the inspection and reporting on construction activities of the Bureau.

(b) *Material and Equipment Division.* The Director of the Material and Equipment Division is responsible for the establishment of standards for construction material and equipment, and for the development of reports on the source of materials and equipment essential to the construction activities of the Bureau.

(c) *Safety Division.* The Director of the Safety Division is responsible for the safety activities of the Bureau.

§ 211.7 *Office of the Deputy Commissioner for Service Projects.* The Deputy Commissioner for Service Projects is responsible to the Commissioner for the general direction, supervision, and coordination of the service projects activities of the Bureau. The Deputy Commissioner for Service Projects and the Field Representatives of the Central Office shall maintain a direct line of technical instruction and advice with the Division Engineers of the Bureau.

SUBPART B—DIVISION OFFICES

§ 211.21 *Office of the Division Engineer.* The Division Engineer is responsible to the Commissioner for the operation of the program of the Bureau within the Division in accordance with the regulations approved by the Federal Works Administrator, and the policies, procedures, and instructions prescribed by the Commissioner or under his authority; and for the activities of the personnel in the Division Office and the District Offices.

§ 211.22 *Office of the Division Counsel.* The Division Counsel is responsible to the Division Engineer for the legal activities of the Division Office. He shall maintain a direct line of technical instruction and advice with the Solicitor in the Central Office.

§ 211.23 *Office of the Administrative Officer.* The Administrative Officer is responsible to the Division Engineer for the general direction, supervision, and coordination of the administrative activities of the Division Office, including the supervision of the Fiscal, Personnel, and General Services Sections. He shall maintain a direct line of technical instruction and advice with the Deputy Commissioner for Administration in the Central Office.

§ 211.24 *Office of the Assistant Division Engineer for Engineering.* The Assistant Division Engineer for Engineering is responsible to the Division Engineer for the general direction, supervision, and coordination of the engineering activities of the Division Office, including the supervision of the Engineering, Control, and Property Sections. He shall maintain a direct line of technical instruction and advice with the Deputy Commissioner for Engineering in the Central Office.

§ 211.25 *Office of the Assistant Division Engineer for Construction.* The Assistant Division Engineer for Construction is responsible to the Division Engineer for the general direction, supervision, and coordination of the construction activities of the Division Office, including the supervision of the Construction, Material and Equipment and Safety Sections. He shall maintain a direct line of technical instruction and advice with the Deputy Commissioner for Construction in the Central Office.

§ 211.26 *Office of the District Engineer.* The District Engineer is responsible to the Division Engineer for the operation of the program of the Bureau within the District in accordance with the regulations, policies, procedures, and instructions of the Bureau and with the instructions of the Division Engineer.

§ 211.27 *Location of offices.*

§ 211.27 *Location of offices.*

Division No.	Headquarters and present office location	States under each division	Division No.	Headquarters and present office location	States under each division
1	101 Park Ave., New York 17, N. Y.	Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont.	5	700 Mutual Bldg., Kansas City 6, Mo.	Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota.
2	Lemon Bldg., Washington 25, D. C.	Delaware, District of Columbia, Maryland, Ohio, Pennsylvania, Virginia, West Virginia.	6	710 Electric Bldg., Fort Worth 2, Tex.	Arkansas, Louisiana, Oklahoma, Texas.
3	Silvey Bldg., 114 Marietta St. NW., Atlanta 3, Ga.	Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee.	7	Room 835, Appraisers Bldg., 630 Sansome St., San Francisco 11, Calif.	Arizona, California, Hawaii, Nevada.
4	1506 Civic Opera Bldg., 20 North Wacker Drive, Chicago 6, Ill.	Illinois, Indiana, Kentucky, Michigan, Wisconsin.	8	Room 511, 618 2d Ave., Seattle 4, Wash.	Alaska, Idaho, Montana, Oregon, Washington.
			9	1631 Glenarm Place, Denver 2, Colo.	Colorado, New Mexico, Utah, Wyoming.

Puerto Rico, the Virgin Islands, and the Canal Zone are assigned to the Central Office of the Bureau.

GEORGE H. FIELD,
Commissioner.

[F. R. Doc. 46–15639; Filed, Aug. 30, 1946; 12:16 p. m.]

PART 212—PROGRAMS AND PROCEDURES

SUBPART A—PROGRAMS

Sec.
212.1 General statement.
212.2 Advance planning.
212.3 Virgin Islands public works.
212.4 Lanham Act.
212.5 Veterans' educational facilities.
212.6 Hawaii public works.

SUBPART B—PROCEDURES

212.11 General statement.
212.12 Advance planning for non-Federal public works.
212.13 Veterans' educational facilities.

SUBPART A—PROGRAMS

§ 212.1 *General statement.* Responsibility for the administration of the provisions of title V of the War Mobilization and Reconversion Act of 1944, Public Law 458, 78th Congress, the Virgin Islands public works program as authorized by Public Law 510, 78th Congress, the community facilities program of the Lanham Act, Public Law 849, 75th Congress, as amended, the Veterans' Educational Facilities program as authorized under Public Law 697, 79th Congress, and the emergency relief program for the Territory of Hawaii as authorized under Public Law 694, 79th Congress is placed in the Bureau of Community Facilities, under the general supervision and direction of the Federal Works Administrator.

§ 212.2 *Advance planning.* Title V of the War Mobilization and Reconversion Act authorizes the Federal Works Administrator to make Federal loans or advances to States and other non-Federal public agencies to assist in the preparation of plans for their proposed postwar public works. The law provides that Federal funds advanced under this authority are to be repaid without interest, when construction of projects for which funds have been thus advanced is undertaken. The act also provides that Congress is not to be committed, by the making of such advances, to undertake any project so planned.

§ 212.3 *Virgin Islands public works.* Public Law 510, 78th Congress, authorizes the Federal Works Administrator to provide or undertake useful public works projects in the Virgin Islands. The projects include hospitals, sanitation, sewers, water supply, schools, roads, recreation, markets, and other public works.

§ 212.4 *Lanham Act.* (a) Under the Lanham Act, as amended, the Federal Works Administrator is, with the approval of the President, authorized to acquire lands or interest therein and to construct certain public works on such lands; to make loans and/or grants to public agencies and to nonprofit private agencies to finance their construction of certain public works; and also to make contributions to public agencies and to nonprofit private agencies to assist their operation and maintenance of certain public works. As the provisions of the Lanham Act administered by the Federal Works Agency were of a wartime nature, upon the surrender of Germany and Japan an orderly liquidation of the program was initiated and is now in progress.

(b) Assistance for the maintenance and operation of certain school facilities under the Lanham Act will be continued for the 1946–47 school year. This assistance is limited to those schools that are still over-burdened with war-incurred school enrollments and are unable to provide normal school services with their resources. It was authorized for one more year to assist the schools in meeting their need during the transition from war to peacetime conditions.

§ 212.5 *Veterans' Educational Facilities.* Public Law 697, 79th Congress, approved August 8, 1946, which amends title V of the Lanham Act by adding Section 504, authorizes the Federal Works Administrator to assist in relieving acute shortages of educational facilities required for persons engaged in the pursuit of courses of training or education under title II of the Servicemen's Readjustment Act of 1944, as amended. Such assistance is to be provided by the use or reuse of available Government surplus structures or facilities at any educational institutions where the United States Commissioner of Education or his authorized representative finds such shortages exist or impend.

§ 212.6 *Hawaii public works.* Public Law 694. 79th Congress, approved August 8, 1946, section 1, authorizes the Federal Works Administrator to make grants for the repair and reconstruction of any Territorial, County, or municipal structures or facilities, other than roads, highways, or bridges, damaged or destroyed by the seismic waves which struck the Territory of Hawaii in April 1946, and for the removal of debris and other clean-up operations necessitated by the seismic waves.

SUBPART B—PROCEDURES

§ 212.11 *General statement.* All requests for assistance under the Lanham Act, the Advance Planning Program, the Veterans' Educational Facilities Program, and the emergency relief program for the Territory of Hawaii must be submitted to the Division Office of the Bureau of Community Facilities serving the area in which the applicant is located on application forms prescribed by the Commissioner for consideration and recommendation to the Federal Works Administrator for approval. Upon notification of approval of an application by the Federal Works Administrator, the Division Engineer executes the necessary agreement to carry out the purpose of the application.

All projects in the Virgin Islands Public Works Program are specifically authorized by the authorizing law and, therefore, no applications are required.

Further information concerning the operations of the programs of the Bureau can be obtained from the Division Engineers at the addresses given or from the Commissioner of Community Facilities in Washington, D. C.

§ 212.12 *Advance planning for non-federal public works*—(a) *General purpose.* The Bureau of Community Facilities of the Federal Works Agency has been given the responsibility for the administration of Title V of the War Mobilization and Reconversion Act of 1944. This Act authorizes the Federal Works Administrator to make advances of Federal funds to non-Federal public agencies to assist in the plan preparation of specific public works and to issue regulations for the purpose of carrying out the provisions of Title V of the Act. The Act specifically provides that the making of advances shall not in any way commit the Federal government to assist in the construction of the public works so planned. The Act and regulations provide that advances shall be repaid to the Federal government when funds become available for construction.

The purpose of the Act is to encourage States, their agencies, and the political subdivisions of the States to complete the plan preparation of specific public works and to take other steps necessary to enable them to undertake the construction of their public works when materials and manpower become available.

(b) *Applicants for advances.* Any non-Federal public agency may apply for an advance for plan preparation for any public work that it is authorized to construct and that it expects to construct within three years after the war. Public

agencies include State governments and their agencies and political subdivisions, such as cities, towns, townships, counties, school districts, water and sewer districts, levee districts, irrigation districts, special taxing districts, and other duly authorized public agencies.

Private or privately controlled nonprofit organizations, religious, charitable, patriotic, or otherwise, may not receive advances under the Act; Federal agencies or their instrumentalities are not eligible to apply for an advance.

(c) *Applications for advances.* Application forms may be obtained from and shall be submitted to the Division Offices of the Bureau of Community Facilities, Federal Works Agency.

(d) *Scope of application.* Each application should cover only a single specific public work, such work as the applicant would expect to construct as a single public work. It should not cover a general improvement program even of a particular type, such as a general school or water improvement program, unless the applicant expects to construct the entire program at one time or will be prepared to repay the total advance when funds become available for the first portion of such program.

(e) *Types of public works.* Applications for advances for the plan preparation of the types of public works of public agencies set forth in 44 C F R Part 201, are eligible under the provisions of the Act and the regulations.

(f) *Preparation of application.* An application for an advance for plan preparation shall be made on BCF Form 3, "Application for Advance Planning for Non-Federal Public Works," copies of which are available at the Division Offices of the Bureau of Community Facilities. An original and three copies of the application shall be prepared by the applicant, one copy retained by the applicant, and the original and two copies submitted to the Division Office of the Bureau. It is essential that every item on the application be answered carefully. Where space does not permit a complete answer, the information should be placed on a separate sheet and attached securely to the application.

The following instructions will aid in the preparation of the application:

The spaces in the upper right-hand corner marked "To be filled in by Division Office" should be left blank.

(1) *Item 1.* Enter the exact legal corporate name of the applicant, together with its official address.

(2) *Item 2.* Enter the name and title of the representative of the applicant who has been officially authorized to act for the applicant in connection with the application.

(3) *Item 3.* Enter the name of the architect or engineer who will be responsible for the plan preparation. If an architectural or engineering firm is to be responsible, give the full name and address of the firm. If the plan preparation is to be performed by the applicant's forces, give the name of the individual who will be responsible for the actual supervision of the plan preparation. If no architect or engineer has been selected, so state.

(4) *Item 4.* Enter a description of the scope of the proposed public work. The description should contain sufficient information to justify the estimate of cost of the proposed public work.

(5) *Item 5.* Enter the location of the proposed public work. In the case of a building, this may be a street address. For other types of public works, it may be necessary to show the approximate location on a small scale map to be attached to the application.

(6) *Item 6.* Indicate the present status of plan preparation for the proposed public work for which the advance is requested. This should indicate whether the status of the plan preparation of the proposed public work is in the "idea stage"—where no basic engineering studies have been made except very preliminary sketches and estimates of cost; "preliminary stage"—where an engineering report is being or has been prepared and general layouts, preliminary land acquisition studies, preliminary estimates of cost, preliminary plans, and similar data are available; "design stage"—where surveys are being completed and final plans, specifications, and contract documents are in the process of preparation. If in the "design stage" state the percentage of completion.

(7) *Item 7.* Indicate whether the plan preparation is to be performed by an architect or engineer under a contract or whether the preparation will be performed by persons to be employed directly by the applicant.

(8) *Item 8.* Enter an estimate of the number of calendar days which will be required after receipt of the initial payment of the advance before the plan preparation work can be started and the number of calendar days within which it can be completed after the work is started.

(9) *Item 9.* Enter an estimate of the cost of constructing the proposed public work broken down as shown on the application form. Since the advance to be approved will be based primarily on this estimate, it is important that it be prepared as carefully as possible from available preliminary plans, sketches, or other information.

(10) *Item 10.* Enter the amount already expended on plan preparation for the proposed public work, the amount to be expended from applicant's funds, the amount of advance requested, and the estimated total cost of plan preparation. The total cost of plan preparation under Item 10 should be the same as the estimated cost of Plan Preparation under Item 9.

(11) *Item 11.* Enter "yes" or "no" in answer to these questions.

(12) *Item 12.* Attach a statement as to whether the public work as proposed conforms to the over-all plan of the area in which it is to be constructed. The following shall serve as a guide in selecting the appropriate agency for making this statement:

(i) Each application for an advance for plan preparation submitted by the State governments or departments thereof shall be accompanied by a statement from the official designated by State law or by the Governor of the State for this purpose.

(ii) Each application for an advance for plan preparation submitted by a local governmental agency shall be accompanied by a statement from whatever over-all agency has the authority to review such plans under State or local law. If the State law requires the approval of the planning for a local public work by a State planning body or of any other State agency before the public work can be planned, the application should be accompanied by a statement from that agency.

(iii) If there is no legally authorized over-all planning agency, State, local or regional, to review the planning of the proposed public work, a statement signed by the executive official having authority and jurisdiction over the proposed public work shall be attached to the application. This statement shall set forth that there is no legally authorized over-all planning body but that the public work as proposed fits into the local program. In a city this may be the Mayor; in a county, the chairman of the county governing body; and in other cases, the chief executive of the public agency.

(13) *Item 13.* Indicate when the applicant expects to start construction of the proposed public work.

(14) *Item 14.* Indicate whether the site for the public work has been selected and, if not, when it is expected to be selected. No application providing for plan preparation for any building or major engineering structure will be approved until the site has been selected. No advance can be made to assist in the purchase of a site or any interest therein nor may any of the funds advanced be used for such purpose.

(15) *Item 15.* Indicate in this space whether the applicant has the legal authority to construct, maintain, and operate the proposed public work.

(16) *Item 16.* Indicate whether the applicant has the ability to finance the cost of constructing the proposed public work. Indicate the anticipated sources of funds with the amounts from each source. If the applicant has a prepared financial statement, a copy of the latest statement should be attached to the application.

(17) *Item 17.* Indicate any special conditions or comments concerning the application.

The application should be signed by the authorized official of the applicant.

(g) *Agreement and payments of advances.* When an application has been approved, an agreement will be forwarded to the applicant for execution. Upon the return of the agreement properly signed, the Division Office of the Bureau will execute the agreement for the Government and return one copy to the applicant. An initial payment of 50% of the agreed advance will be made. When the plan preparation has been completed, approved by the Division Office of the Bureau, and final costs determined, final payment will be made to the applicant. Should the initial payment exceed the actual cost, the applicant shall refund the difference promptly.

A set of prints of the drawings and specifications and the final estimate of construction costs for each public work planned under an advance must be submitted to the Division Office of the

Bureau before the final payment is made. Such drawings and specifications must bear approval of any State agency or department whose approval is required by law before construction can be started.

(h) *Applicant's records.* In order to determine the final cost of plan preparation, it will be necessary for the applicant to keep accurate accounting records of all costs involved in connection with each advance. The accounts and records of the applicant, together with all supporting documents, shall be open at all times to inspection by authorized representatives of the Bureau, and copies shall be furnished when requested.

(i) *Repayment of advances.* Each advance made for plan preparation shall be repaid in full without interest by the applicant out of the first funds that become available to it from any source for the construction of the specific public work so planned.

CROSS REFERENCE: For regulations governing advance planning for non-federal public works, see 44 CFR Part 201.

§ 212.13 *Veterans' educational facilities*—(a) *General information.* The Bureau of Community Facilities has been given the responsibility, under regulations issued by the Federal Works Administrator, for the administration of the enabling law, Section 504 of the Lanham Act, as amended. The purpose of the enabling law and the regulations is to assist in relieving acute shortages of educational facilities required for persons engaged in the pursuit of courses of training cr education under Title II of the Servicemen's Readjustment Act of 1944, as amended. Such assistance is to be provided by the use or reuse of available Government surplus structures or facilities at any educational institution where the United States Commissioner of Education or his authorized representative finds such shortages exist or impend.

(b) *Applicants.* Any educational institution which files an application requesting educational facilities within the limitations of the enabling law and the regulations, may be an applicant.

An educational institution under the enabling law is (1) any public educational institution or (2) any private educational institution, no part of the net earnings of which shall inure to the benefit of any private shareholder, or individual, located in any State, Territory, or possession of the United States or in the District of Columbia, which is or will be engaged in training or educating persons pursuing courses of training or education under Title II of the Servicemen's Readjustment Act of 1944, as amended. Educational facilities may be provided for (i) educational institutions such as universities, colleges, junior colleges, normal schools and similar institutions of higher learning, which are or will be engaged in training or educating persons pursuing courses of training under Title II of the Servicemen's Readjustment Act of 1944, as amended, and (ii) vocational training requirements of educational institutions which are or will be engaged in providing vocational training for such persons.

(c) *Field offices for administration of program.* Applicants should make the necessary contacts and inquiries regarding the provision of veterans' educational facilities at the appropriate Division Office of the Bureau of Community Facilities. A resolution and a certificate of recording officer relating to the designation of an official representative, a justification of need for the requested facilities, and an application for facilities shall be filed with the Division Engineer, Bureau of Community Facilities, Federal Works Agency, at the appropriate Division Office. Sample copies of the resolution and certificate of recording officer and copies of the "Justification of Need" and application can be obtained from the Division Offices of the Bureau.

(d) *Applicant's designation of official representative.* In order to expedite the Veterans' Educational Facilities Program, the governing body of the applicant shall duly designate and authorize a representative to act for the applicant, to the extent permitted by local law or charter, in all matters relating to the provision of the educational facilities requested, including without limitation the preparation and submission of applications, the making of agreements, and the acceptance of any educational facilities.

A copy of a resolution adopted by the applicant's governing body with the certification thereof by the recording officer shall be filed with the appropriate Division Office of the Bureau of Community Facilities, preferably prior to the filing of the "Justification of Need" and the "Application"; otherwise they shall be filed with such documents. In the event the applicant's governing body has heretofore so delegated such authority to one of its officials, the Division Office of the Bureau shall be furnished with a copy of such resolution and a certificate of the recording officer of the applicant. Legal or administrative limitations may require the governing body to vary the terms of the suggested resolution or to limit the scope of the delegated authority; in such cases, the resolution may be so changed.

(e) *Justification of need.* The enabling law provides that: "At any educational institution * * * where the Commissioner of Education shall find that there exists or impends an acute shortage of educational facilities, other than housing, required for persons engaged in the pursuit of courses of training or education under Title II of the Servicemen's Readjustment Act of 1944, as amended, the Federal Works Administrator is authorized, upon request of such educational institution, to provide such educational facilities * * *".

In order to enable the United States Commissioner of Education or his authorized representative to make such a finding, and to furnish information to the Bureau of Community Facilities, each eligible applicant requesting assistance under this law shall file a "Justification of Need". This justification shall be submitted to the office of the appropriate Division Engineer of the Bureau of Community Facilities.

The "Justification of Need" specifies the information required by the United States Commissioner of Education and contains instructions for its preparation. The "Justification of Need" is *not* an application for the provision of educational facilities and will not be so considered.

The "Justification of Need" should be submitted prior to the filing of an application in order that the need can be determined by the representative of the United States Commissioner of Education, who will be located in the Division Offices of the Bureau of Community Facilities. This is a prerequisite to consideration of any application by the Bureau of Community Facilities.

(f) *Finding of need.* Under the enabling law and the regulations, educational facilities cannot be provided at any educational institution until the United States Commmissioner of Education, or his authorized representative, finds that there exists or impends an acute shortage of educational facilities at such institution. A representative of the United States Commissioner of Education will determine whether or not an acute shortage of educational facilities exists or impends at an educational institution by a review of the "Justification of Need" and by such additional examination as he may require. His findings will be reported to the Division Engineer of the Bureau of Community Facilities. A copy of such findings will also be forwarded to the educational institution by the representative of the United States Commmissioner of Education.

(g) *Submission of applications.* No application can be approved in whole or in part by the Federal Works Administrator until the "Finding of Need" has been determined, which finding establishes the maximum facilities that can be provided under the enabling law and the regulations.

The Federal Works Agency is further limited in the provision of educational facilities by the availability of surplus property approved for such use by the War Assets Administrator or his authorized representative and by the availability of funds appropriated to carry out the enabling law.

The applicant shall submit its request for educational facilities on BCF Form 20, An original and 3 copies of the application shall be submitted to the appropriate Division Office. It is essential that every item on the application be answered carefully and fully. Where space on the form does not permit a complete answer, the information should be placed on a separate sheet and attached securely to the application.

Separate applications shall be submitted for educational facilities (1) to be installed or erected on or near the campus, (2) to be installed or erected at locations distant from the institution, and (3) to be provided by remodeling existing surplus government structures at their present sites.

An educational facility is any structure of facility (other than housing) including equipment, materials or furnishings, required for the training or education of persons engaged in the pursuit of courses of training or education under Title II of the Servicemen's Readjust-

ment Act of 1944, as amended. Such educational facilities may include classrooms, cafeterias, laboratories, offices, gymnasiums, libraries, auditoriums, laundries, etc., and/or available surplus materials, equipment and furnishings.

Applications for housing or dormitory facilities are not eligible under this enabling law and cannot be accepted by the Division Office of the Bureau of Community Facilities.

The Bureau of Community Facilities is not authorized to reimburse the applicant for expenditures made or assume any obligation incurred by the applicant in the provision of educational facilities for veterans.

An application cannot be acted upon until a certified copy of the resolution designating applicant's official representative and the "Finding of Need" have been filed in the Division Office of the Bureau of Community Facilities.

(h) *Method of performing work.* The Division Engineer will notify the applicant when the request has been approved in whole or in part, and surplus property has been made available to the Bureau. The applicant will then be required to enter into whatever agreements may be necessary to carry out the work.

To the fullest extent practicable the educational facilities to be provided by the Government shall be provided by the use or reuse of available and suitable structures and facilities, including equipment, materials, and furnishings, under the jurisdiction or control of any Federal agency which in the determination of the War Assets Administrator or his designated representative are available for such use or reuse.

Under the enabling law and regulations the Bureau of Community Facilities may not acquire or prepare the site or install streets or utility mains.

Preparation of the site includes clearing, grubbing, grading and drainage where necessary, but does not include the installation of foundations for the requested educational facilities.

It is the responsibility of the applicant to provide the necessary architectural and engineering services for the facilities to be installed or erected on the applicant's site. Drawings and specifications are subject to the approval of the Division Engineer. The erection or installation of Federal surplus structures or facilities will be the responsibility of the Federal Works Agency, and will be performed by contract methods as a Federal undertaking. Written authority to enter upon and use the site for the purpose of installing or erecting educational facilities must be furnished to the Division Engineer before the contractor will be authorized to begin work.

Although the provision of the facility is a Federal undertaking, it is essential that there be close cooperation between all interested parties to insure its completion in a satisfactory manner in the shortest possible time.

(i) *Transfer of educational facilities or equipment.* The interests of the Government in the educational facilities provided under the enabling law and installed or erected on sites provided by the institution may be transferred to the educational institution when they are completed and ready for use, and the institution shall assume full responsibility for their maintenance and operation.

Under some situations the Government may permit the use of surplus Government facilities on land which is under the control of the Government and in which the Government desires to continue an interest. In these cases the facilities provided will not be transferred to the educational institution, but may be made available to such institution for the training and education of veterans. The educational institution will be required to execute receipts to the Bureau of Community Facilities for all educational facilities or equipment provided under the enabling law.

CROSS REFERENCE: For regulations governing the Veterans' Educational Facilities Program, see 44 CFR, Part 202.

GEORGE H. FIELD,
Commissioner.

[F. R. Doc. 46–15640; Filed, Aug. 30, 1946; 12:16 p. m.]

PUBLIC BUILDINGS ADMINISTRATION

[CFR 44, Ch. VII]

PART 701—PROGRAMS AND ORGANIZATION

SUBPART A—PROGRAM

Sec.
701.1 Programs.

SUBPART B—ORGANIZATION

701.11 Office of the Commissioner.
701.12 Office of the Assistant Commissioner.
701.13 Office of the Deputy Commissioner for Design and Construction.
701.14 Office of the Deputy Commissioner for Building Management.
701.15 Office of the Deputy Commissioner for Real Estate Management.
701.16 Office of the Deputy Commissioner for Administration.
701.21 Offices of the Division Engineers.
701.22 Location.

SUBPART A—PROGRAM

§ 701.1 *Programs.* The program of the Public Buildings Administration involves management, operation, and protection of buildings throughout the United States; the acquisition of sites for those public buildings authorized for construction; assignment of space to Government agencies; the administration and disposition of surplus real property; the leasing of buildings where Federal space is not available; a survey of Government-owned and leased office space to determine the extent to which consolidation, reassignment, and reallocation of space would be advantageous to the Government; the design of public buildings and other projects which the Public Buildings Administration is authorized to undertake and administrative functions concerning these activities.

SUBPART B—ORGANIZATION

§ 701.11 *Office of the Commissioner.* Direction of the operations of the Public Buildings Administration.

§ 701.12 *Office of the Assistant Commissioner.* Exercise of authority, performance of duties and conduct of activities as directed by the Commissioner; handling of operations or missions which, because of their nature, are not adaptable to assignment to major offices.

§ 701.13 *Office of the Deputy Commissioner for Design and Construction.* Design and construction of public buildings and other construction projects which the Public Buildings Administration is authorized to undertake pursuant to the Public Buildings Act of 1926, as amended, 40 U. S. C. 341–347, and those which other agencies are authorized to undertake, as provided by the act of June 25, 1910, as amended, 40 U. S. C. 265; and maintenance and repair of buildings outside the District of Columbia.

§ 701.14 *Office of the Deputy Commissioner for Buildings Management.* Management, operation and protection of buildings throughout the United States; repair and management of buildings in metropolitan Washington; management and operation of communications systems; and moving of Governmental activities in connection with space changes and assignments.

§ 701.15 *Office of the Deputy Commissioner for Real Estate Management.* Acquisition of sites for public buildings which the Public Buildings Administration is authorized to construct; assignment of space to Government agencies; leasing of space for Government agencies; administration and disposition of surplus real property as authorized by the Act of August 27, 1935, 40 U. S. C. 304a–c, and by the War Assets Administration; and the operation of Residence Halls, which provide living quarters for approximately 7,000 female Government employees in the District of Columbia.

§ 701.16 *Office of the Deputy Commissioner for Administration.* Administrative, fiscal, and personnel functions and services; legal functions, subject to the technical supervision of the General Counsel; and budgetary and administrative planning.

§ 701.21 *Offices of the Division Engineers.* The business of the Public Buildings Administration in the field is conducted through nine division offices. A Division Engineer is in charge of each division. The organization of the divisions follows the pattern of that of the central office, with four units, as follows, which perform functions corresponding to those of the Deputy Commissioners in their respective fields:

Construction and Repair.
Buildings Management.
Real Estate.
Administration.

§ 701.22 *Location.*

Division Number, Present Office Location and States Under Each Division

1. 731 Custom House, New York 4, N. Y.; New York, New Jersey.
2. 567 Broad Street Station Building., Philadelphia 3, Pa.; Pennsylvania, Ohio, Maryland, Delaware, West Virginia, Virginia.
3. 214, 214–M Post Office, Federal Annex, Atlanta 3, Ga.; Tennessee, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Florida.
4. 377 United States Court House, Chicago 4, Ill.; Wisconsin, Michigan, Illinois, Indiana, Kentucky.

5. 514 New Post Office, Kansas City 8, Mo.; Montana, North Dakota, Minnesota, South Dakota, Nebraska, Iowa, Kansas, Missouri.

6. 550 New Post Office, Dallas 1, Tex.; Oklahoma, Arkansas, Texas, Louisiana.

7. 838 United States Appraisers Building, San Francisco 11, Calif.; Nevada, California, Arizona, Idaho, Oregon, Washington, Hawaiian Islands, Philippine Islands, Alaska.

8. Seattle, Wash. (not established); Alaska, Washington, Oregon, Idaho, Montana.

9. 312 Paramount Building, Denver, Colo.; Wyoming, Utah, Colorado, New Mexico.

10. 620 Post Office and Court House, Boston, Mass.; Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island.

Central office—Puerto Rico and the Virgin Islands.

W. E. REYNOLDS,
Commissioner.

[F. R. Doc. 46-15637; Filed, Aug. 30, 1946; 12:15 p. m.]

PUBLIC ROADS ADMINISTRATION

[23 CFR, Ch. I]

PART 51—PROGRAMS AND ORGANIZATION

Sec.

51.1 Programs of the Public Roads Administration.
51.11 Central Office Organization.
51.12 Offices of the Division Engineers.

§ 51.1 *Programs of the Public Roads Administration.* The Public Roads Administration is responsible for carrying into effect the Federal-Aid Road Act of 1916 as amended and supplemented. This act provides for cooperation between the Federal government and the various States and Hawaii and Puerto Rico in the administration and construction of the Federal-aid highway system. The initiative in improving the highway system is taken by the States under their various laws; and construction contracts are awarded and work is supervised by the States, subject to approval of the Public Roads Administration. All States through their highway departments are advised of and are familiar with rules and regulations promulgated for their guidance. These have been published from time to time in the Federal Register. All such Federal-aid highway work is subject to the various State and Territorial laws applicable in the area where the work is performed. Titles to all lands and interests in lands used for Federal-aid highway purposes, and all paving, structures and appurtenant highway facilities on such land vest in the States, and official records in connection therewith are maintained by the States. In case of forest, park and other highway work in Federally controlled areas, titles to land and highway improvements are held for the government by the agency controlling the area, generally the Forest Service or the Park Service. If litigation with individuals is involved it is pursued in the local courts having jurisdiction in the area, and is not settled by administrative determination of the Public Roads Administration.

The Public Roads Administration does not exercise, through administrative procedure, executive, legislative, or quasi-judicial functions which affect individual members of the public. Substantive rules are not adopted and interpretations are not formulated by the Public Roads Administration for the guidance of the public.

Highways within the National Forests, and within and leading to National Parks, and National Parkways, and in some cases other highways, are constructed by the Public Roads Administration under inter-agency agreements with the Department of Agriculture, the Department of the Interior, and other government departments. Cooperation with the Central American Republics in the construction of the Inter-American Highway, is achieved through liaison with the State Department. Final authority for the approval of highway systems and programs is retained by the Commissioner in Washington. Authority to approve plans and concur in contracts covering construction of programmed projects is delegated to Division Engineers.

§ 51.11 *Central office organization.* The organization of the Public Roads Administration in the Central office and the Division offices is shown on the attached organizational chart and the basic plan of organization is outlined below.

(a) *Office of the Commissioner.* The Commissioner of Public Roads is responsible to the Federal Works Administrator. The functions and responsibilities of the Public Roads Administration are prescribed by law and/or the orders and regulations of the Federal Works Administrator. The Deputy Commissioners of the following offices, the Solicitor, and the Division Engineers are responsible directly to the Commissioner for activities under their jurisdictions.

(b) *Office of the Deputy Commissioner for Design.* The Deputy Commissioner for Design has responsibility for all design and programming activities necessary in carrying out the cooperative work with the various State highway departments and other agencies on Federal-aid, Federal-aid secondary and Federal-aid urban projects; for review and approval of (1) additions or changes in the approved system of Federal-aid highways and (2) requests for approval or revision in the secondary or feeder road system.

(c) *Office of the Deputy Commissioner for Construction.* The Deputy Commissioner for Construction has responsibility for proper performance, progress and accomplishments on all projects undertaken cooperatively with State highway departments and other agencies; for the advancement and application of improved construction and maintenance methods; and for the correlation of field practice with research developments to secure beneficial results.

(d) *Office of the Deputy Commissioner for Finance and Business Management.* The Deputy Commissioner for Finance and Business Management has responsibility for all financial and business activities necessary in connection with the obligation and payment of funds for approved surveys and construction projects undertaken cooperatively with State highway departments and other agencies; in charge of all organizational matters pertaining to budget, personnel, records, equipment purchases, property control and miscellaneous services.

(e) *Office of the Deputy Commissioner for Research.* The Deputy Commissioner for Research has responsibility for the direction and interpretation of highway research undertaken independently or in cooperation with the State highway departments and other agencies; for the preparation and dissemination of technical data, research reports, statistics and general information; and for the direction and service of the Libraries of the Federal Works Agency.

(f) *Office of the Solicitor.* The Solicitor has responsibility for all legal activities necessary in carrying out the cooperative work with the various State highway departments, other State and Federal agencies, foreign countries and business organizations; in charge of the legal aspects of organizational matters pertaining to the acquisition of rights-of-way, patents, trade marks, lease agreements, claims and investigations.

§ 51.12 *Offices of the division engineers.* (a) The Division Engineers represent the Commissioner in carrying out the broad policies of the Public Roads Administration at the field level. It is through the Division Engineers and their field offices in each State that general supervisory control over Federal highway work is exercised by Public Roads as provided in Federal highway legislation.

(b) *Division offices.*

Division No.	Division office address	States included in division
1	76 State St., Albany 1, N. Y.	Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, and New Jersey.
2	2026 Tempo Bldg. No. 2, Washington 25, D. C.	Delaware, Maryland, Ohio, Pennsylvania, District of Columbia, Virginia, and West Virginia.
3	204 Ten Forsyth St. Bldg., Atlanta 3, Ga.	Alabama, Florida, Georgia, Mississippi, Tennessee, North Carolina, and South Carolina.
4	South Chicago Post, 2938 East 92d St., Chicago 17, Ill.	Illinois, Indiana, Kentucky, and Michigan.
5-N	1109 Main Post Office Bldg., St. Paul 1, Minn.	North Dakota, South Dakota, Minnesota, and Wisconsin.
5-S	729 U. S. Courthouse, Kansas City 6, Mo.	Iowa, Kansas, Missouri, and Nebraska.
6	502 U. S. Courthouse, Fort Worth 2, Tex.	Arkansas, Louisiana, Oklahoma, and Texas.
7	720 Phelan Bldg., San Francisco 2, Calif.	Arizona, California, Nevada, and Hawaii.
8	204 Financial Center Bldg., 233 Southwest 6th St., Portland 8, Oreg.	Montana, Oregon, Idaho, Washington, and Alaska.
9	254 New Customhouse, Denver 2, Colo.	Colorado, New Mexico, Wyoming, and Utah.

ERNEST E. HALL,
Acting for
PHILIP B. FLEMING,
Major General, U. S. A.,
Administrator.

[F. R. Doc. 46-15636; Filed, Aug. 30, 1946; 12:15 p. m.]

FOREIGN-TRADE ZONES BOARD

[15 CFR, Ch. IV]

PART 405—CREATION, PURPOSE, ORGANIZATION, FUNCTIONS, AND PROCEDURES

Sec.

405.1 Creation and purpose.
405.2 Organization.
405.3 The Board.
405.4 General functions.
405.5 Description of a zone.
405.6 Public information.
405.7 Rules, regulations and practices.

§ 405.1 *Creation and purpose*—(a) *Creation.* The Foreign-Trade Zones Board was created by act of Congress approved June 18, 1934, (48 Stat. 998–1003; 19 U. S. C. 81a–81u).

(b) *Purpose.* The purpose of the Board, as set forth in the preamble to the act, is "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes."

§ 405.2 *Organization*—(a) *Board.* The Foreign-Trade Zones Board consists of the Secretary of Commerce, chairman and executive officer, the Secretary of the Treasury, and the Secretary of War.

(b) *Committee of Alternates.* Each member of the Board designates an alternate to serve on a Committee of Alternates. The alternate for the Chairman of the Board is the chairman of the commiteee. The committee reviews all matters for presentation to the Board, may hold hearings, and makes recommendations to the Board.

(c) *Executive Secretary.* The general administrative activities of the Board are vested in an Executive Secretary. The secretary is the legal custodian of the seal, official documents, records, books, papers, and correspondence of the Board.

(d) *Examiner.* Upon receipt of an application, the secretary of the Board designates an examiner to make an analysis of it for compliance with the rules and regulations of the Board.

(e) *Examiners' Committee.* (1) If the application is in order, the secretary of the Board appoints an Examiners' Committee and designates a chairman thereof. This committee is composed of the examiner as provided in subsection (d) of this section, the collector of customs and the district engineer in whose districts the proposed zone is to be located.

(2) *Functions.* The committee, specified in subsection (e) of this section, conducts a thorough examination of the application in all its phases, and is authorized to hold public hearings and take evidence. Notices of such hearings are sent to all interested parties, and are published in the press and the Federal Register. Such hearings are usually held in the port of entry where the proposed zone is to be located. Hearings are stenographically recorded by the official reporter of the Board, under the supervision of the presiding examiner. Upon completion of its investigation the committee submits a joint report with its recommendations to the Board.

§ 405.3 *The Board*—(a) *Headquarters.* The headquarters of the Board is the U. S. Department of Commerce, at Washington 25, D. C.

(b) *Office hours.* The Board's office hours are from 8:30 a. m. to 5 p. m., Monday through Friday of each calendar week, except such days as are by law, or may be declared, legal public holidays by the Congress or by proclamation of the President of the United States. (For business hours in a zone, see note.)

NOTE: Hours of general business and service at a zone are regulated by the zone grantee and/or operator. For customs purposes they are as prescribed in the Customs Regulations of 1943, as revised (19 CFR, Cum. Supp., 1.8).

(c) *Communications.* Formal applications for grants should be filed with, and all official communications in connection therewith addressed to, the Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board, Washington 25, D. C. All other communications to the Board, unless otherwise specifically directed, may be addressed to the Executive Secretary, Commerce Building, 14th and E Streets, NW., Washington 25, D. C.

§ 405.4 *General functions*—(a) *Board.* The primary function of the Board is to receive, review, and consider applications for the establishment and operation of Foreign-Trade Zones made by public and private corporations, and on a finding that the proposed plans and location for zones are suitable for the accomplishment of the purpose of foreign-trade zones under the act, and that the facilities and appurtenances which the applicants propose to provide are sufficient, to grant to applicants, subject to the conditions and restrictions of the act and of the rules and regulations made thereunder, the privilege of establishing, operating, and maintaining foreign-trade zones.

(b) *Operation of zones.* When the Board has made grants to corporations for the establishment of foreign-trade zones, the activities of the Board become supervisory, and grantees must operate zones as public utilities in strict conformity with the act and the rules and regulations of the Board.

(c) *Determination of procedure.* The Board, on its own initiative or when presentations are made by grantees or users of foreign-trade zones, determines procedure under the law and regulations. It may establish the definition of certain operations, manipulations, and processes. It may prohibit certain commodities from entry to a zone.

§ 405.5 *Description of a zone.* A foreign-trade zone is an isolated, enclosed, and policed area under the supervision of the Board, operated as a public utility by a corporation, in or adjacent to a port of entry, without resident population, furnished with the necessary facilities for lading and unlading, for storing goods, and for reshipping them by land and water—an area into which goods may be brought, stored, and subjected to certain specified manipulation operations. If reshipped to foreign points, the goods may leave the restricted trade zone without payment of duties and without the intervention of customs officials, except under certain conditions. Such products cannot, of course, leave the trade zone for domestic use or consumption without full compliance with existing customs laws. Goods may not be manufactured or exhibited in such an area. The area is subject equally with adjacent regions to all the laws relating to public health, vessel inspection, postal service, and immigration, and to the supervision of Federal agencies having jurisdiction in ports of entry, including customs to a limited extent.

§ 405.6 *Public information*—(a) *Availability.* Information concerning the establishment, operation and administration of foreign-trade zones, copies of the law, the rules and regulations, annual reports to Congress, and general informational material issued by the Board, may be obtained from the office of the Executive Secretary. The documents named herein are available for public inspection and review in the field offices of the Department of Commerce located throughout the United States as shown in 15 CFR 350–359, inclusive. Requests by the general public for interpretative or official opinions of the law, rules and regulations should be submitted to the Board. Copies of the Board's publications are on file at various public libraries, offices of collectors of customs of the Bureau of Customs, Treasury Department, district and division engineers of the Corps of Engineers, War Department, and foreign offices of the Department of State.

(b) *Examination of applications.* Formal applications and supporting exhibits filed with the Board in connection with proposed zones, upon application by interested parties properly and directly concerned, may be examined in the office of the secretary of the Board. Subject to the preceding conditions, such applications may be reviewed at the offices of the examiners' committee as specified in public notices issued by the Board. As may be determined by the Board, certain matters of official record may be considered "confidential for good cause found" and upon that premise the Board may decline to make them available for inspection or otherwise.

(c) *Public hearings.* Transcripts of the proceedings of public hearings held in connection with the investigation of applications for grants to establish zones and other hearings of the Board relating to the operation and administration of zones, may be obtained by persons properly and directly concerned from the official reporter at rates not to exceed the maximum rates fixed by contract between the reporter and the Board.

§ 405.7 *Rules, regulations and practices.* Detailed statements of the rules, regulations, practices and procedures of the Foreign-Trade Zones Board are contained in Part 400 of this chapter.

Dated: September 11, 1946.

[SEAL] FOREIGN-TRADE ZONES BOARD,
H. A. WALLACE,
Secretary of Commerce,
Chairman and Executive Officer.

CROSS REFERENCE: For Foreign-Trade zones regulations of the Bureau of Customs, see 19 CFR, Cum. Supp., 19.29–19.39, inclusive.

[F. R. Doc. 46-15523; Filed, Aug. 29, 1946; 4:40 p. m.]

GENERAL ACCOUNTING OFFICE

[4 CFR, Ch. I]

PART 4—ACCOUNTS AND CLAIMS [1]

Sec.
4.2 Filing of claims.
4.3 Information relating to claims.
4.4 Settlement of claims.

AUGUST 28, 1946.

§ 4.2 *Filing of claims.* Claims may be filed with the Claims Division, General Accounting Office, Washington 25, D. C., or if the claims pertain to postal matters with the Postal Accounts Division, General Accounting Office, Asheville, N. C. No particular form for filing claims, except that prescribed in connection with claims for amounts due deceased persons, is required.

§ 4.3 *Information relating to claims.* Information relating to claims may be obtained by claimants or their authorized representatives by addressing the General Accounting Office, 5th and F Streets NW, Washington 25, D. C. Interviews will be accorded claimants or their authorized representatives at Room 201, at the same address.

§ 4.4 *Settlement of claims.* The settlement of claims is based upon the written record only and oral presentation of fact or law is not acceptable as a substitute. Claims are settled on the basis of the facts as established by reports of the Government office concerned and by evidence submitted by the claimant. The settlement of claims is founded on a determination of the legal liability of the United States under the factual situation involved as established by such reports. The burden is on claimants to prove their claims and matters incident thereto requisite to establishing the clear liability of the United States and claimants' rights to payment.

PART 12—ORGANIZATION AND DESIGNATIONS OF EMPLOYEES TO ACT AS OR FOR THE COMPTROLLER GENERAL OF THE UNITED STATES [2]

§ 12.3 *Organization of the General Accounting Office.* The functions of the General Accounting Office includes the audit and settlement, independently of the operating agencies of the Government, of all accounts and claims not excepted by statute, in which the Government is concerned, either as debtor or creditor. The General Accounting Office, a part of the legislative branch of the Government, is under the control and direction of the Comptroller General of the United States. It includes the Office of the Comptroller General, to which are attached the several administrative functions, and operates through the Office of the General Counsel, the Office of Investigations, and the following divisions: Accounting and Bookkeeping, Audit, Claims, Corporation Audits, and Reconciliation and Clearance, located at Washington, D. C., and the Postal Accounts Division temporarily located at Asheville, N. C. The Office of Investigations and the Audit, Corporation Audits, and Reconciliation and Clearance Divisions perform part of their functions at various locations throughout the United States, depending on the demands of the work. However, these field offices or parties perform no functions independent of the headquarters of the Office at Washington, to which they are subordinate.

Finally authority in the General Accounting Office resides in the Comptroller General of the United States and those who have been designated to act as Comptroller General during the absence or incapacity of the Comptroller General and the Assistant Comptroller General, or during a vacancy in both of such offices.

PART 13—DECISIONS OF THE COMPTROLLER GENERAL OF THE UNITED STATES

§ 13.1 *Availability.* All decisions of the Comptroller General of general import are published in monthly pamphlets and may be obtained for a nominal fee from the Superintendent of Documents, U. S. Government Printing Office. These decisions also are published in an annual volume entitled "Decisions of the Comptroller General of the United States". General Regulations of the General Accounting Office, including those applicable to the public, are published in the appendix of this annual volume. Decisions or regulations of the Comptroller General may be inspected in the Office of the Chief Clerk, Room 102, General Accounting Office, 5th and F Streets NW., Washington, D. C.

[SEAL] LINDSAY C. WARREN,
Comptroller General of the United States.

[F. R. Doc. 46-15338; File, Aug. 28, 1946; 3:54 p. m.]

GOVERNMENT PRINTING OFFICE

[44 CFR, Ch. V]

PART 500—ORGANIZATION

Sec.
500.1 Creation and authority.
500.2 Purpose.
500.3 Organization.
500.4 Management.

§ 500.1 *Creation and authority.* The Government Printing Office was created by Congressional Joint Resolution 25, June 23, 1860. A then-existing commercial printing plant was purchased for $135,000, under an appropriation made February 18, 1861. Possession was taken March 4, 1861, and the office was named the Government Printing Office. It is now the largest and best-equipped printing plant in the world. The activities of the Government Printing Office are outlined and defined in the Printing Act of January 12, 1895, as amended (28 Stat. 603; U. S. C. title 44).

§ 500.2 *Purpose.* The Government Printing Office executes orders for printing and binding placed by Congress and the departments, independent establishments, and agencies of the Federal Government; furnishes, on order blank paper, inks, and similar supplies to all governmental activities; distributes Government publications as required by law, and maintains necessary catalogs and a library of these publications; prints, for sale to the public, such documents as are not of a confidential nature. Information regarding Government publications and their sale may be obtained by addressing the Superintendent of Documents, Washington 25, D. C.

§ 500.3 *Organization.* The Public Printer is solely responsible for the management of the Government Printing Office. However, the Joint Committee on Printing, consisting of three members of the Senate and three members of the House of Representatives, was created by the act of August 3, 1846, superseded by the act of January 12, 1895 (28 Stat. 601; 44 U. S. C. 1), to adopt and employ such measures as in its discretion it deemed necessary to remedy any neglect, delay, duplication, or waste in public printing, binding, and distribution of Government publications. The Joint Committee fixes the standards of paper used in public printing and approves contracts for such paper and other materials. It also passes on wage agreements which the Public Printer is authorized by the act of June 7, 1924 (43 Stat. 658; 44 U. S. C. 40), to enter into with the committees representing the various trades in the Government Printing Office, and acts generally as the Board of Directors of the Government Printing Office.

§ 500.4 *Management.* Entire management of the Office, including appointment through civil service of all personnel, is by law vested in the Public Printer, who is required to be a practical printer, versed in the art of bookbinding. This official is appointed by the President of the United States by and with the advice and consent of the Senate. In directing the various functions and activities of the Government Printing Office, the Public Printer is aided by two principal assistants, the Deputy Public Printer and the Executive Officer. The Deputy Public Printer assumes the duties of the Public Printer in the absence of that official and is directly responsible to the Public Printer for all the production activities; in this matter he is assisted by the Production Manager. The Executive Officer is directly responsible to the Public Printer for the proper handling of planning and administrative functions of the Office.

JOHN J. DEVINY,
Acting Public Printer.

[F. R. Doc. 46-15259; Filed, Aug. 28, 1946; 12:16 p. m.]

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[1] Formerly "Doubtful Accounts and Claims".

[2] Formerly "Designations of Employees to Act as or for the Comptroller General of the United States."

THE INSTITUTE OF INTER-AMERICAN AFFAIRS

[22 CFR, Chapter V]

PART 900—ORGANIZATION

Sec.
900.1 Creation.
900.2 Central organization.
900.3 Field offices.
900.4 Program.
900.5 Additional information.

§ 900.1 *Creation.* (a) The Institute of Inter-American Affairs was caused to be created under the laws of the State of Delaware on March 31, 1942, by the Coordinator of Inter-American Affairs pursuant to authority contained in the Third Supplemental National Defense Appropriation Act, 1942 (Public Law 353, 77th Congress, approved December 17, 1941, 55 Stat. 818). The general purpose of the Institute is to aid and improve the health and general welfare of the peoples of the Western Hemisphere in collaboration with their governments, by helping to solve critical health and sanitation and food supply problems and to carry out the obligations of this Government with relation to the health and sanitation program undertaken by it pursuant to Resolution XXX of the Meeting of the Ministers of Foreign Affairs of the American Republics held in Rio de Janeiro, Brazil, January 15–28, 1942. The Institute is a United States Government-controlled nonprofit membership corporation.

(b) By Executive Order 9710, dated April 10, 1946, there were transferred to the Secretary of State all functions of the Director of the Office of Inter-American Affairs (the successor of the Coordinator of Inter-American Affairs) with respect to The Institute of Inter-American Affairs, together with all rights, interests, authority and obligations of the Director and of his predecessors with respect to the corporation.

§ 900.2 *Central organization.* (a) The central organization of the corporation is located in Washington, D. C., where its policies and functions are determined by its Board of Directors and put into operation by appropriate officers and division directors. The divisions of the Institute consist of the following:

Health and Sanitation Division.
Food Supply Division.
Training Division.
Administration Division.

(b) In addition the corporation maintains a General Counsel's Office, Information, Economic, and Transportation Sections.

§ 900.3 *Field Offices.* The principal field offices of the corporation are located in the capital cities of the following countries:

Bolivia	Haiti
Brazil	Honduras
Chile	Mexico
Colombia	Nicaragua
Costa Rica	Paraguay
Dominican Republic	Peru
Ecuador	Uruguay
El Salvador	Venezuela
Guatemala	

§ 900.4 *Program.* The program of the Institute is carried out pursuant to cooperative agreements between the corporation and each of the other American republics concerned for the development of higher standards of public health and sanitation (Health and Sanitation Division) and the development of improved means of food production (Food Supply Division). Each of the field parties in the respective countries is under the supervision of a chief of party who is authorized to represent the corporation in the respective countries and to manage its operations in carrying out the terms and conditions of each agreement. Under the Training Division, doctors, nurses, sanitary engineers and agricultural technicians from the other American republics receive training in the United States in the tested methods of preventive medicine, environmental sanitation, nutrition, diversified crop production, farm surveys, marketing, storage, etc. In the Administration Division, there are performed the audit, accounting, budgetary, personnel and service operations functions of the Institute.

§ 900.5 *Additional information.* Additional information concerning the Institute of Inter-American Affairs may be secured by addressing the President, The Institute of Inter-American Affairs, 499 Pennsylvania Avenue NW., Washington, D. C.

ARTHUR R. HARRIS,
President.

Dated: AUGUST 28, 1946.

[F. R. Doc. 46–15708; Filed Aug. 30, 1946; 4:57 p. m.]

INTER-AMERICAN EDUCATIONAL FOUNDATION, INC.

[22 CFR, Ch. VI]

PART 1000—ORGANIZATION

Sec.
1000.1 Creation.
1000.2 Central organization.
1000.3 Purpose.
1000.4 Program.
1000.5 Additional information.

§ 1000.1 *Creation.* (a) The Inter-American Educational Foundation, Inc., was caused to be created under the laws of the State of Delaware on September 25, 1943, by the Coordinator of Inter-American Affairs, pursuant to authority contained in the National War Agencies Appropriation Act, 1944 (Pub. Law 139, 78th Cong., approved July 12, 1943, 57 Stat. 528). The Foundation is a Government-controlled nonprofit membership corporation.

(b) By Executive Order No. 9710, dated April 10, 1946, there were transferred to the Secretary of State all functions of the Director of the Office of Inter-American Affairs (the successor of the Coordinator of Inter-American Affairs) with respect to the Inter-American Educational Foundation, Inc., together with all rights, interests, authority, and obligations of the Director and of his predecessors with respect to the corporation.

§ 1000.2 *Central organization.* The central organization of the corporation is located in Washington, D. C., where its policies and functions are determined by its Board of Directors and put into operation by appropriate officers. In carrying out its program the Foundation utilizes to a large extent the administrative facilities of The Institute of Inter-American Affairs.

§ 1000.3 *Purpose.* The general purpose of the Foundation is the implementing of plans for Hemispheric cooperation in the solution of fundamental educational problems. In accordance with Resolution XXVIII adopted by the First Conference of Ministers and Directors of Education of the American Republics, held in Panama in 1943, the specific purpose of the Foundation is the development of cooperative educational programs in the other American republics, with emphasis on general education, particularly in rural areas, in the elementary, secondary, and normal schools; vocational and health education; and the teaching of the English language.

§ 1000.4 *Program.* (a) The program of the Foundation is carried out through agreements between the Foundation and the individual countries of the other American republics. As of August, 1946, the principal field offices of the Foundation are located in the capital cities of the following countries:

Bolivia	Guatemala
Brazil	Haiti
Chile	Honduras
Costa Rica	Panama
Dominican Republic	Paraguay
Ecuador	Peru
El Salvador	

(b) Each of the field parties in the respective countries is under the supervision of a Special Representative of the Foundation who is authorized to represent the corporation in the particular country and to manage its operations in carrying out the terms and conditions of each agreement.

§ 1000.5 *Additional information.* Additional information concerning the Inter-American Educational Foundation, Inc., may be secured by addressing the President, Inter-American Educational Foundation, Inc., 499 Pennsylvania Avenue NW., Washington, D. C.

Dated: August 28, 1946.

ARTHUR R. HARRIS,
President.

[F. R. Doc. 46–15707; Filed, Aug. 30, 1946; 4:57 p. m.]

LIBRARY OF CONGRESS

[44 CFR, Ch. III]

PART 300—ORGANIZATION

Sec.
300.1 The Librarian of Congress.
300.5 Chief Assistant Librarian.
300.6 Keeper of the Collections.
300.7 Division of Books for the Adult Blind.
300.8 Motion Picture Project.
300.9 Information and Publications Office.

Sec.
300.20 Department of Administrative Services.
300.21 Accounts Office.
300.22 Disbursing Office.
300.23 Personnel Office.
300.24 Photoduplication Service.
300.25 Office of the Secretary of the Library.
300.26 Library Buildings and Grounds.
300.27 Supply Office.
300.28 Tabulating Office.
300.100 Reference Department.
300.101 Stack and Reader Division.
300.102 Serials Division.
300.103 Loan Division.
300.104 Aeronautics Division.
300.105 General Reference and Bibliography Division.
300.106 Hispanic Foundation.
300.107 Manuscripts Division.
300.108 Maps Division.
300.109 Music Division.
300.110 Orientalia Division.
300.111 Prints and Photographs Division.
300.112 Rare Books Division.
300.200 Law Library.
300.300 Acquisitions Department.
300.301 Serial Record Division.
300.302 Order Division.
300.303 Exchange and Gift Division.
300.400 Processing Department.
300.401 Binding Office.
300.402 Card Division.
300.403 Descriptive Cataloging Division.
300.404 Subject Cataloging Division.
300.405 Union Catalog Division.
300.500 Legislative Reference Service.
300.600 Copyright Office.

§ 300.1 *The Librarian of Congress.* The Librarian of Congress is the principal administrative officer of the Library, with authority and responsibility for making rules and regulations for the government of the Library of Congress (2 U. S. C. 136). He is aided in his administration of the Library by an immediate staff which consists of the Chief Assistant Librarian, the directors of the Acquisitions Department, Administrative Services Department, Processing Department, and Reference Department, the Director of the Legislative Reference Service, the Law Librarian, and the Register of Copyrights. Delegations of responsibility for the services of the Library are specified in the organizational sections of this chapter.

§ 300.5 *The Chief Assistant Librarian.* The Chief Assistant Librarian is the principal administrative officer under the Librarian, responsible for aiding him in the administration of all departments of the Library as directed by the Librarian. He is responsible for immediate direction of the Keeper of the Collections, the Director of Books for the Adult Blind, the Director of the Motion Picture Project, and the Information and Publications Officer. He serves as Acting Librarian in the absence of the Librarian.

§ 300.6 *Keeper of the Collections.* The Keeper of the Collections is a staff officer responsible for advising the Librarian of Congress on the custody and preservation of the collections of the Library.

§ 300.7 *Division of Books for the Adult Blind.* Under the administration of a Director, the Division of Books for the Adult Blind selects and contracts for the reproduction of literary materials for the blind, and makes books in raised characters, and talking books available to the blind readers on a nation-wide basis through the facilities of regional libraries designated by the Librarian of Congress.

§ 300.8 *Motion Picture Project.* Under the administration of a Director, the Motion Picture Project is responsible for developing, organizing and maintaining the motion picture collection of the Library of Congress. The project makes motion pictures available to the users of the Library, subject to conditions imposed by the Librarian of Congress to assure preservation of the film and protection of private rights in the reproduction and display of motion pictures.

§ 300.9 *Information and Publications Office.* (a) The Information and Publications Office, under the direction of an Information and Publications Officer, serves as a central source of general information about the Library of Congress itself and about any and all of the activities of the Library, much of which it makes available through the Library's publications, which it distributes and about which it answers inquiries. As an information office, however, it functions actively, as well as passively, being responsible for the dissemination of information about the Library to members of the staff and to the general public, both directly and through the press and radio. The Office is in charge of the Library's public guide service and receives and deals with requests for special visits to the Library by groups or individuals. It is in charge of the public and staff bulletin boards and clears and distributes material for posting on the divisional bulletin boards. Besides directly answering the inquiries of visitors, it responds to mail and telephone requests for information concerning the services of the Library, the location and hours of openings of departments, divisions, and other units of the Library, the location of exhibits and other objects of interest in the Library, etc. It receives and directs to the proper officials of the Library visitors having inquiries to make in the fields of specialization of particular divisions of the Library, and it assists visitors seeking general information about other institutions or points of interest in or near Washington, answering questions concerning transportation facilities, hours of opening, etc. The Office also assists in preparing, publishes and distributes the Library's weekly "Information Bulletin." For the use of the press and the public alike, it maintains and develops a file of photographs of the Library and arranges for the taking of photographs within the Library buildings. It maintains, develops and lends a collection of lantern slides about the Library for the use of institutions and public lecturers, and it also maintains a file of clippings of newspaper articles and other published material concerning the Library and its activities.

(b) The Office has general charge of the publications of the Library of Congress, their preparation for printing or processing, proofreading, storage, and distribution, as well as their requisitioning and vouchering, except contracts for miscellaneous printing and Library of Congress printed cards, which are negotiated by the Supply Office and the Card Division, respectively, and for certain publications of the Copyright Office, which that office orders and distributes directly. From the Information and Publications Office issue both printed and processed publications, including bibliographies, bulletins and other serials, catalogs, manuals, technical material (e. g., subject headings, classification schedules, etc), and informational circulars.

For information concerning all Library of Congress publications application should be made to the Information and Publications Office, Library of Congress, Washington 25, D. C.

§ 300.20 *Department of Administrative Services.* (a) The Department of Administrative Services, under a Director, comprises the following divisions: the Accounts Office, the Disbursing Office, the Personnel Office, the Photoduplication Service, the Secretary's Office, the Office of the Superintendent of Library Buildings and Grounds, the Supply Office, and the Tabulating Office.

(b) The Director of Administrative Services reports to the Librarian and has responsibility for the preparation of budget estimates, the implementation and maintenance of Library policy in all fiscal matters, the preparation of statistical analyses on behalf of the Librarian and the department directors, observance of Government regulations with respect to all fiscal and personnel procedures, the protection and maintenance of the Library buildings and grounds, the Administration of the Personnel Office (except for matters of policy), and the direction of all other Administrative services of the Library.

§ 300.21 *Accounts Office.* Under the administration of an Accounting Officer, the Accounts Office plans, develops, directs, and advises on accounting operations of the Library. It maintains accounts, prepares periodic and special financial statements, reports and correspondence, and examines and approves all collection and disbursement vouchers.

§ 300.22 *Disbursing Office.* Under the administration of a Disbursing Officer, the Disbursing Office disburses funds appropriated for the Library of Congress and the United States Botanic Garden, funds provided through the Library of Congress Gift and Trust Funds, and is responsible for the deposit of funds received from certain operating services of the Library (sale of catalog cards, photoduplicates, recordings, etc.). The Office disburses cash or checks on the basis of vouchers approved by duly authorized officers of the Library.

§ 300.23 *Personnel Office.* Under the administration of a Director of Personnel, the Personnel Office plans and develops, in cooperation with principal officers of the Library, general policies and procedures in relation to all phases of personnel management in the Library. Through this Office the Librarian of Congress is represented in personnel management relationships with the Civil Service Commission, General Accounting Office, other federal agencies, and private

agencies. The files of the Office are not available for public inspection.

§ 300.24 *Photoduplication Service.* Under the administration of a Chief, the Photoduplication Service exercises supervisory, planning, and research direction of the photographic activities of the Library. The Service plans methods, devises procedures, and supervises the operation, development, and maintenance of its services to the Library, to Members of Congress, to educational and other institutions, and to the general public.

§ 300.25 *Office of the Secretary of the Library.* Under the administration of the Secretary, the Office maintains the central unit for the receipt of all mail in the Library. The Office is responsible for the receipt, opening, recording (when necessary), and routing, or forwarding without opening, of all mail received in the Library. It maintains the central correspondence files of the Library (not subject to public inspection), receipts and schedules collections of money (except those received by the Copyright Office) and transmits such collections to the Accounts Office. It is responsible for the maintenance of a regular and special messenger and delivery service for the distribution of mail and library material within the Library buildings and within the District of Columbia, and for the maintenance of a chauffeur service for official business.

§ 300.26 *Library Buildings and Grounds.* Responsibility for the planning and coordination of the physical properties and arrangements relating to the needs and services of the Library of Congress buildings, including the care, maintenance, protection, and physical management of the two buildings rests in the Superintendent of Library Buildings and Grounds.

§ 300.27 *Supply Office.* Under the administration of a Supply Officer, the Supply Office is responsible for the procurement of miscellaneous printing, stationery and office supplies, travel reimbursements, passenger transportation, telegraph, miscellaneous services, and for mimeographing and multilithing work of the Library.

§ 300.28 *Tabulating Office.* Under the administration of a Tabulating Officer, the Tabulating Office develops the plans, methods, and procedures for the installation and use of electrical accounting equipment in the various fields of operation in the Library of Congress.

§ 300.100 *Reference Department.* The Reference Department maintains the custody of the general and special collections (exclusive of law), and performs reference and reader service for the Congress, the Federal agencies, and the general public. The Department is administered, under regulations established by the Librarian of Congress, by the Director of the Reference Department who is responsible to the Librarian for all phases of the Department's work, and by two Assistant Directors, (a) an Assistant Director for Circulation Service and (b) an Assistant Director for Public Reference Service. The Circulation Service, under the Assistant Director in charge, performs the functions of the Department relating to the custody and issue of materials. The Divisions in the Circulation Service are the Stack and Reader Division, the Serials Division and the Loan Division. The Public Reference Service, under the Assistant Director in charge, performs those functions which involve the interpretation of the general and special collections (exclusive of law), and, in specific instances, the issue of materials. Under regulations and procedures approved by the Librarian of Congress, it responds to inquiries received by telephone, by correspondence, or from readers in person. The divisions in the Public Reference Service are the Aeronautics Division, the General Reference and Bibliography Division, the Hispanic Foundation, the Manuscripts Division, the Maps Division, the Music Division, the Orientalia Division, the Prints and Photographs Division, and the Rare Books Division. Services are provided in general and special reading rooms under regulations and during hours of opening established by the Librarian of Congress.

§ 300.101 *Stack and Reader Division.* Under the administration of a Chief, the Stack and Reader Division is responsible for the custody of the general collections (except law) and the circulation of materials from those collections to readers, including the circulation of law materials outside the buildings. As to the general collections (except law), the Division maintains, in accordance with standards of custodial care established by the Keeper of the Collections and approved by the Librarian, the physical condition and orderly arrangement of materials; issues and delivers materials as requested for use in the general reading rooms, divisional reading rooms, and study rooms; maintains records of materials in its custody and of materials issued and returned; provides study rooms or other research facilities, in accordance with established policies and practices; and passes upon applications for access to bookstacks.

§ 300.102 *Serials Division.* Under the administration of a Chief, the Serials Division is responsible for the custody of certain groups of materials which require, or for reasons of convenience are given, reader and reference service prior to their addition to the general collections, including, insofar as they are not allocated to other divisions, periodicals, newspapers, pamphlets, government documents, books in parts, and ephemera of various sorts. The Division responds to reference inquiries, whether received in person, by telephone, or by mail; maintains special reading rooms for the service of the materials in its custody, and issues and delivers materials as requested for use therein.

§ 300.103 *Loan Division.* Under the administration of a Chief, the Loan Division is responsible for all loans of materials in the Library's collections issued for use outside of the Library buildings. The Division passes upon all applications for borrowing privilege in accordance with regulations established by the Librarian; records, and maintains records of, all materials issued on loan; recalls materials when due; and supervises the operations of the Service for the Blind.

§ 300.104 *Aeronautics Division.* Under the administration of a Chief, the Aeronautics Division performs special reference, bibliographic, and indexing services in the aeronautical and related sciences; responds to reference requests whether received in person, by telephone, or by mail; maintains a special reading room for the service of materials in its field; and issues bibliographic publications in the literature of aeronautics.

§ 300.105 *General Reference and Bibliography Division.* Under the administration of a Chief, the General Reference and Bibliography Division performs reference and bibliographic work which does not require the attention of the special divisions. The Division responds to reference requests whether received in person, by telephone, or by mail; provides a reference service in the general reading rooms and in other designated locations; maintains indexes of published and unpublished bibliographies; and prepare bibliographies and publications, as authorized.

§ 300.106 *Hispanic Foundation.* Under the administration of a Director, the Hispanic Foundation develops and coordinates the activities of the Library of Congress in relation to Spain, Portugal, and Latin America; fosters cultural interchange with Hispanic nations in terms of library materials and library service; provides reference and bibliographic service in Hispanic culture, except in subject fields specifically assigned to other units of the Library; responds to reference requests whether received in person, by telephone, or by mail; maintains a service to readers in the Hispanic Room; and prepares bibliographies, guides, indexes, and publications appropriate to its service.

§ 300.107 *Manuscripts Division.* Under the administration of a Chief, the Manuscripts Division is responsible for the custody and service of the general collections of manuscripts, and photographic reproductions of manuscripts. The Division catalogs, classifies and otherwise prepares manuscripts for use, in accordance with approved procedures; provides a reference service in terms of manuscript materials with particular emphasis on source materials related to the history and literature of the United States; responds to reference requests whether received in person, by telephone, or by mail; maintains a service to readers in the Manuscripts Reading Room; and prepares special bibliographies, calendars, guides, indexes, and publications appropriate to its service.

§ 300.108 *Maps Division.* Under the administration of a Chief, the Maps Division is responsible for the custody and service of the collection of maps and atlases. The Division catalogs, classifies, and prepares maps and atlases for use in accordance with approved procedures; provides a reference service in the fields of geography and cartography; re-

sponds to reference requests whether received in person, by telephone, or by mail; maintains a service to readers in the Maps Reading Room; and prepares bibliographies, guides, indexes, and publications appropriate to its service.

§ 300.109 *Music Division.* Under the administration of a Chief, the Music Division is responsible for the custody and service of the collections of music and the literature of music. The Division provides a reference service concerning music in response to inquiries whether received in person, by telephone, or by mail; maintains a service to readers in the Music Reading Room; plans and superintends the performance of public concerts; supervises the operations of the Folklore Section, including the Archive of American Folk Song, and the Recording Laboratory; and prepares special bibliographies, guides, indexes and publications appropriate to its service.

§ 300.110 *Orientalia Division.* Under the adminstration of a Chief, the Orientalia Division is responsible for the custody and service of all materials written or printed in Oriental languages (including Chinese, Japanese, Semitic, Arabic, Persian, Turkish, etc.). The Division catalogs, classifies, and otherwise prepares such materials for use, in accordance with approved procedures, except in cases where the work is performed by the Processing Department; fosters cultural interchange with Oriental nations in terms of library materials and library service; provides a reference service in all aspects of Oriental culture, except in subject fields specifically assigned to other units of the Library; responds to reference inquiries whether received in person, by telephone, or by mail; provides a service to readers in the Orientalia Reading Room; and prepares bibliographies, guides, indexes, and publications appropriate to its service.

§ 300.111 *Prints and Photographs Division.* Under the administration of a Chief, the Prints and Photographs Division is responsible for the custody and service of all prints, photographs (except motion pictures), and reference and reserved collections of books relating to the fine arts. The Division catalogs, classifies and otherwise prepares prints and photographs for use, in accordance with approved procedures; provides a reference service in terms of fine arts and the visual record of civilizations and cultures; responds to reference inquiries whether received in person, by telephone, or by mail; maintains a service to readers in the divisional reading room; develops the Library's program for exhibits and supervises their installation; and prepares special bibliographies, guides, indexes and publications appropriate to its service.

§ 300.112 *Rare Books Division.* Under the administration of a Chief, the Rare Books Division is responsible for the custody and service of those books or particular copies of books which, because of certain considerations, require special facilities for their preservation and supervised use, and of the general microfilm collections. The Division provides a reference service in terms of the materials in its custody; responds to inquiries whether received in person, by telephone, or by mail; maintains a service to readers in the Rare Book Room and the Microfilm Reading Room; and prepares special catalogs, bibliographies, guides and publications appropriate to its service.

§ 300.200 *Law Library.* (a) The Law Library was created and made part of the Library of Congress by the act of July 14, 1832 (4 Stat. 579), and by provision of law has been designated as a department of the Library of Congress (R. S. sec. 81, 2 U. S. C. 132). It is charged with responsibility for the development and service of the law collections of the Library of Congress. Administrative responsibility rests in a Law Librarian who is appointed by the Librarian of Congress.

(b) The Law Library is the only general legal research library maintained by the Federal Government; its services, however, do not include the rendering of legal opinions. Its reference staff and its facilities are available to members of the public, universities, learned societies and libraries requiring services which its staff is equipped to give and which can be given without interference with services to the Congress and other agencies of the Federal Government.

(c) The Law Library presently maintains in the Library of Congress two reading rooms — the Anglo-American Law Reading Room and the Foreign Law Reading Room—for the use of Government personnel, members of the Bar, and the general public. The Law Library also maintains the Law Library in the Capitol (Senate Wing, U. S. Capitol) for the exclusive use of Members of Congress, the Supreme Court, members of the Bar, and persons making investigations for the Government.

(d) The hours of opening are designated by regulations of the Librarian of Congress, but the Law Library in the Capitol is open during the continuance in session of either House of Congress.

§ 300.300 *Acquisitions Department.* (a) The Acquisitions Department (established July 1, 1943, by General Order 1188), consists of the units engaged in the selection and acquisition of materials for the use of the Library. Its officers are the Director, who, under the Librarian, has immediate supervision of the development of the collections of the Library and general direction of the acquisitioning operations, the Assistant Directors for Operations and for Planning, the Selection Officer and Editor of the *Quarterly Journal of Current Acquisitions* and the Chiefs of the Serial Record, Order, and Exchange and Gift Divisions.

(b) Recommendations for acquisition are initiated by the Recommending Officers of the Library, comprising the administrative heads of Divisions and subject specialists of the Reference Department, Law Library and other units of the Library.

(c) The Acquisitions Department issues the *Quarterly Journal of Current Acquisitions* which contains annual reports of acquisitions to the various collections of the Library and special reports on notable acquisitions. It is for sale by the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.

§ 300.301 *Serial Record Division.* Under the administration of a Chief, the Serial Record Division is responsible for receiving, opening, sorting, arranging, searching, recording and distributing all serial publications (except non-governmental newspapers) intended for the collections of the Library, and for claiming such publications due but not received.

§ 300.302 *Order Division.* Under the administration of a Chief, the Order Division is responsible for all purchases of library materials for the collections. It also undertakes to answer inquiries as to the probable present cost and possible source for purchase or sale of a specified book or other piece of library material if such information is readily ascertainable from published information in the Library's collections.

§ 300.303 *Exchange and Gift Division.* (a) Under the administration of a Chief, the Exchange and Gift Division is responsible for the acquisition of materials for the collections of the Library by gift, exchange, and by deposit or transfer under special provisions of law (44 U. S. C. 139; 2 U. S. C. 148) and the Brussels Convention and other treaties.

(b) The Division publishes the *Monthly Checklist of State Publications.* The *Checklist* is sent free to those state agencies which furnish copies of their publications for listing therein. It is for sale by the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.

§ 300.400 *The Processing Department.* The Processing Department has primary responsibility for cataloging, classifying, and preparing for binding printed materials added to the collections of the Library of Congress, for maintaining the catalogs of the Library's collections, and for maintaining a union catalog showing the holdings of research materials in other libraries. The Department is administered by a Director whose staff consists of an Assistant Director and five division chiefs. The Director reviews the technical procedures followed in all departments of the Library for cataloging and classifying materials added to the Library's collections. The divisions of the Department are: Binding Office, Card Division, Descriptive Cataloging Division, Subject Cataloging Division, and Union Catalog Division.

§ 300.401 *Binding Office.* Under the administration of the Binding Officer, the Binding Office is responsible for preparing newly cataloged materials for binding and for reviewing material prepared for binding in other departments, for routing material when bound, for giving limited service of material while in the bindery, and for liaison with the Library of Congress Branch Bindery of the Government Printing Office.

§ 300.402 *Card Division.* Under the Administration of a Chief, the Card Di-

vision is responsible for the sale of printed cards and related technical publications to other libraries and to individuals under authorization of the Act of Congress, June 28, 1902 (2 U. S. C. 150), and for other distribution of Library of Congress printed cards.

§ 300.403 *Descriptive Cataloging Division.* Under the administration of a Chief, the Descriptive Cataloging Division is responsible for preparation of the descriptive cataloging entries for the printed cards representing materials cataloged by the Processing Department, and for editing catalog copy supplied cooperatively by other libraries.

§ 300.404 *Subject Cataloging Division.* Under the administration of a Chief, the Subject Cataloging Division is responsible for classifying, shelf listing, and assigning subject headings for use on printed cards for all materials cataloged for the Library's collections by the Processing Department and the Copyright Office.

§ 300.405 *Union Catalog Division.* Under the administration of a Chief, the Union Catalog Division is responsible for maintaining a union catalog of research materials in American libraries and for providing informational service to institutions and to individuals concerning the location of copies of titles recorded in the Union Catalog.

§ 300.500 *Legislative Reference Service.* (a) The Legislative Reference Service is a separate department of the Library specifically authorized by the Legislative Reorganization Act of 1946, Title II, Sec. 203, implemented by General Order 1291 of the Librarian of Congress. The Service is administered by a Director and Assistant Director, and functions through the Advanced Research Section, the Congressional Reading Room, the Federal Law Section, the General Research Section, the Information Section and the State Law Section.

(b) The Service gathers, analyzes, and makes available to Congress or to Committees or individual Members thereof data for or bearing on legislation.

(c) Certain publications of the Service are priced and regularly available through the Superintendent of Documents, Government Printing Office: these include the *Digest of Public General Bills,* and the biennial *State Law Index,* published on a regular schedule.

(d) Other reports are occasionally printed as Congressional documents or Committee Prints and are available as such.

§ 300.600 *Copyright Office.* For organization of the Copyright Office see Title 37, Chapter II, Part 200.

PART 301—PROCEDURES

Sec.

301.23 Applications for employment.
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301.107 Investigation and use of manuscript materials.
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301.112 Service of rare books.
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301.200 Use of law reading rooms; circulation of legal materials; reference inquiries.
301.302 Offers of materials for purchase; evaluations.
301.402 Card distribution.
301.600 Procedures applicable to Copyright Office.

§ 301.23 *Applications for employment.* Application forms for employment by the Library of Congress may be secured by applying at the Personnel Office, or by addressing: Personnel Office, Library of Congress, Washington 25, D. C.

§ 301.24 *Order forms for photostats.* Order forms for the photocopying of certain materials in the Library, subject to prescribed contract provisions, may be applied for at the Photoduplication Service Office, or may be secured by mail by addressing: Photoduplication Service, Library of Congress, Washington 25, D. C.

§ 301.101 *Public use of reading rooms; service of the general collections.* Readers in the general reading rooms are required to submit requests for materials on forms provided for that purpose. Available materials so requested are located and delivered to readers by the staff. Subject to specified limitations, materials may be reserved for continued use. Reference assistance in the general reading rooms is provided by the General Reference and Bibliography Division, *infra.* Access to the bookstacks is permitted only under regulations established by the Librarian of Congress. Applications for access are acted upon by the Chief of the Division or by other authorized officials. Study rooms, study tables, and reserved shelves are available for assignment to persons engaged in research. Applications for such assignments are acted upon by the Chief of the Division or by other authorized officials, and assignments on approved applications are made on specified conditions of registration, tenure, and use.

§ 301.102 *Use of reading rooms for serials; service of materials.* Applications for materials in the custody of the Serials Division (current and unbound periodicals, bound and unbound newspapers, government documents, pamphlets, ephemera, etc., not allocated to other divisions), are submitted to the staff on forms provided for that purpose in the Division's special reading rooms. Within the resources of the staff, readers receive reference aid in the Division's collections and in government publications in the general classified collections. Access to the Division's stack areas is permitted only on the approval of the Chief or of other authorized officials. Inquiries concerning the collections and services of the Division, and requests for reference assistance may be made to the Office of the Chief of the Division.

§ 301.103 *Loans of library materials.* The Library of Congress is not a public circulating library and no material in its collections may be taken from the Library buildings except upon approval by an official of the Library empowered to authorize the privilege. Certain classes of borrowers have the privilege of books for home use by virtue of their office. Subject to regulations and conditions established by the Librarian of Congress, special permits to withdraw materials may be issued to individuals and institutions in and near the District of Columbia to meet particular needs. Applications for such privilege are acted upon by the Chief of the Loan Division, who is responsible for the interpretation and enforcement of the regulations governing loans. Persons having the borrowing privilege must present materials to be borrowed to the Loan Division for recording and for issuance of a door pass. Borrowers must present the materials for inspection to the guards on duty at the exits of the Library buildings and must surrender their door passes upon leaving the buildings. Materials are issued on interlibrary loan to other libraries outside of the District of Columbia under regulations established by the Librarian of Congress. Applications for such loans, and requests for information about interlibrary loans and the loan service generally should be directed to the Chief of the Loan Division. The Service for the Adult Blind lends books in embossed characters and talking-book records to the adult blind under established regulations and conditions of use. The area to which this service is extended is limited generally to the District of Columbia, Maryland, Virginia, and South Carolina. The Service responds to inquiries whether received in person, by telephone, or by mail for informaiton concerning the welfare of the blind.

§ 301.104 *Use of Aeronautics Reading Room.* Readers requesting reference and bibliographic assistance in aeronautics and related sciences are served in the Aeronautics Reading Room, to which are delivered the available materials required in their work. Applications for access to the collection on aeronautics in the bookstacks are referred to the Chief of the Stack and Reader Division for decision.

§ 301.105 *Reference and bibliographic assistance; use of card catalogs, assistance by consultants.* Readers requesting reference and bibliographic assistance in the general collections and aid in the use of the card catalogs apply to the staff of the Division on duty in the general reading rooms. Requests for special assistance provided by the consultant service, the special projects, and the bibliographic unit are referred to the appropriate officials. The services provided in response to reference and bibliographic requests received by telephone or by mail are governed by policies and regulations established by the Librarian of Congress.

§ 301.106 *Service of materials in the Hispanic Foundation.* Services to readers requesting reference and bibliographic assistance in Hispanic culture,

except in subject fields specifically assigned to other units of the Library, are provided in the Hispanic Room, to which are delivered available materials required in their work. Applications for access to the bookstacks are referred to, and acted upon by, the Chief of the Stack and Reader Division.

§ 301.107 *Investigation and use of manuscript materials.* Services to readers in the Manuscripts Reading Room are provided in accordance with prescribed conditions of registration for investigation and of use of materials and information therefrom in the custody of the Manuscripts Division. The use of such materials is restricted to the Manuscripts Reading Room. Investigators requiring materials from other collections in the Library for use with materials in the custody of the Manuscripts Division may requisition and use such materials in the Manuscripts Reading Room insofar and on such conditions as they are available for use therein.

§ 301.108 *Service of maps.* Services to readers in the Maps Reading Room are provided in accordance with prescribed conditions of use of the materials in the custody of the Maps Division. Special facilities are provided for use of maps. Investigators requiring materials in other collections of the Library for use with materials in the custody of the Maps Division may requisition and use such materials in the Maps Reading Room insofar and on such conditions as they are available for use therein.

§ 301.109 *Use and service of music materials.* Services to readers in the Music Reading Room are provided in accordance with prescribed conditions of use of the materials in the custody of the Music Division. Investigators requiring materials from other collections of the Library for use with materials in the custody of the Music Division may requisition and use such materials in the Music Reading Room insofar and on such conditions as they are available for use therein. Applications for access to the bookstacks are acted upon by the Chief of the Music Division. Recordings of folk music may be purchased from the Recording Laboratory of the Music Division. Catalogs are available upon application thereto.

§ 301.110 *Use and service of Orientalia.* Services to readers in the Orientalia Reading Room are provided in accordance with prescribed conditions of use of the materials in the custody of the Orientalia Division (materials, written or printed, in Chinese, Japanese, Semitic, Arabic, Persian, Turkish, etc.). Readers requiring reference and bibliographic assistance in all fields of Oriental culture are served in the Orientalia Reading Room, to which are delivered materials from the general collections and other collections insofar and on such conditions as they are available for use therein.

§ 301.111 *Use of prints and photographs collections.* Services to readers requiring reference and bibliographic assistance in the collections of prints, photographs, and the literature of the fine arts are provided in the Prints Reading Room in accordance with prescribed conditions of use of the materials in the custody of the Prints and Photographs Division. Investigators requiring materials from other collections of the Library for use with materials in the custody of the Prints and Photographs Division may requisition and use such materials in the divisional reading room insofar and on such conditions as they are available for use therein. Prints from photographic negatives, and photocopies of prints and photographs in the Division's collection, when not subject to copyright or other restrictions, are procurable at specified rates from the Photoduplication Service of the Library.

§ 301.112 *Service of rare books.* Services to readers in the Rare Books Reading Room are provided in accordance with prescribed conditions of registration for investigation and of use of the materials in the custody of the Rare Books Division. Investigators requiring materials from other collections of the Library for use with materials in the custody of the Rare Books Division may requisition and use such materials in the Rare Book Room insofar and on such conditions as they are available for use therein.

§ 301.113 *Service of microfilms and micro-print materials.* Services to readers in the Microfilm Reading Room are provided in accordance with prescribed conditions of use of the microfilm and micro-print materials in the custody of the Room and of operations of reading machines. Investigators requiring materials from other collections of the Library for use with materials in the custody of the Microfilm Reading Room may requisition and use such materials in the Microfilm Reading Room insofar and on such conditions as they are available for use therein.

§ 301.200 *Use of law reading rooms; circulation of legal materials; reference inquiries.* (a) The reading rooms of the Law Library are free and accessible to the public without formality. Those volumes which are not on the open shelves may be obtained for reading room use by filling out and presenting to a reference assistant a slip provided for the purpose, indicating thereon the author and title of the work desired and the name and address of the reader.

(b) The collections of the Law Library are available in part, for use outside the Library for a limited period, to authorized borrowers in Washington, D. C., and through interlibrary loan to the general public residing in other parts of the country, in conformity with Loan Division procedures. Books which are lent for use outside of the Law Library reading rooms must be charged in the Law Library as well as in the Loan Division, where a formal charge is made. (See §§ 300.103 and 301.103.)

(c) Reference inquiries, and requests for service, which cannot be satisfied by other libraries or scholarly institutions nearer the inquirer, may be submitted to the Library of Congress which will respond to them insofar and on such conditions as personnel can be made available.

§ 301.302 *Offers of materials for purchase; evaluations.* The Library solicits offers of library materials (including books, periodicals, pamphlets, manuscripts, maps, views, music, recordings, motion pictures, photographs, posters, fine prints, etc.). Printed lists or catalogs of library materials offered should be submitted in three to five copies, depending on the number of subjects or forms of material included. Typewritten or manuscript lists should be submitted in duplicate. Offers should specify author, title, place of publication, publisher, date of publication, whether or not copyrighted, edition note, series note, binding, number of pages or volumes, and price of each item offered. All offers of material and all other correspondence concerning the acquisition by purchase of materials for the Library's collections (including invoices, statements, and questions concerning payment for material purchased by the Library) should be addressed to: Order Division, Library of Congress, Washington 25, D. C.

Materials should not be sent "on approval" unless specifically requested by the Order Division.

Reference inquiries as to the probable present cost and possible source for purchase or sale of a specific book or other piece of library material should also be directed to the above address. An exact transcription of the title page and any additional information such as edition, series note or copyright date should be submitted with the inquiry.

§ 301.302 *Offers of materials for pur-* are supplied under the procedures specified in the latest edition of the *Handbook of Card Distribution,* supplemented by emendations in the bulletin, *Cataloging Service,* published by the Library of Congress, Processing Department. Cards may be ordered by author and title or by serial number. Card order slips required for this purpose are furnished to subscribers upon request.

§ 301.600 *Procedures applicable to Copyright Office.* For functions and procedures of Copyright Office, see Title 37, Ch. II, Part 203.

Approved, Aug. 28, 1946.

[SEAL] VERNER W. CLAPP,
Acting Librarian of Congress.

[F. R. Doc. 46–15391; Filed, Aug. 28, 1946; 4:47 p. m.]

COPYRIGHT OFFICE

[37 CFR, Ch. II]

PART 200—ORGANIZATION

Sec.
200.1 General organization.
200.2 Communicating with Copyright Office.
200.3. Publications of Copyright Office.

§ 200.1 *General organization.* (a) The Copyright Office is located in the Library of Congress, Washington 25, D. C. The executive officers of the Copyright Office are the Register of Copyrights, the Associate Register of Copyrights, and the Assistant Register of Copyrights who are assisted by a legal staff. The work of the Office is carried on through several divisions, consisting in each case of a chief and staff.

(b) The powers and duties of the Register and the statutory provision for the appointment of the Register and such subordinate assistants to the Register as may from time to time be authorized by law are contained in the Copyright Act. (17 U. S. C. 10, 13, 45, 47–51, 53–58, 60, 61, 64)

§ 200.2 *Communicating with Copyright Office.* Mail and other communications to the Copyright Office should be addressed to, and fees made payable to, the Register of Copyrights.

§ 200.3 *Publications of Copyright Office.* The Copyright Office publishes the "Catalog of Copyright Entries, Copyright Law of the United States of America, Decisions of the United States Courts involving Copyright" and occasionally other publications. These may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., for a small charge. In addition to these publications the Copyright Office also publishes and itself supplies without charge applications for copyright registration and numerous circulars furnishing information relating to copyright and how to obtain copyright registration.

PART 203—FUNCTIONS AND PROCEDURES

Sec.
203.1 Registration of claims to copyright.
203.2 Recordation of assignment of copyright.
203.3 Recordation of notice of user of musical composition.
203.4 Catalog of copyright entries.
203.5 Searches and information.
203.6 Copyright deposits.
203.7 Additional certificates of registration and certified copies of recorded assignments.

§ 203.1 *Registration of claims to copyright.* The Copyright Office registers copyright claims upon compliance with the provisions of the Copyright Act (17 U. S. C. 1–65 and 17 U. S. C. Sup. IV, 8) including the filing of an application for registration, the deposit of copy or copies and the payment of the statutory fee. After the recordation of the copyright claim, a certificate of registration is issued. (For information concerning the various classes of works subject to copyright, the procedure to secure copyright and to obtain applications for registration of copyright claims, sec. 37 CFR Part 201, as amended, 37 CFR, Cum. Supp., 201.4, 201.7, 201.12, 201.18, 201.21 and 201.24, 10 F. R. 14523, 11 F. R. 7346; 37 CFR Part 202, as amended, 37 CFR, 1944 Supp., 202.1.)

§ 203.2 *Recordation of assignment of copyright.* The Copyright Office records assignments of copyright as provided by the Copyright Act, including the payment of the statutory recordation fee. (See 17 U. S. C. 41–46, 61; 37 CFR 201.22, as amended, 37 CFR Cum. Supp., 201.22.)

§ 203.3 *Recordation of notice of user of musical composition.* The Copyright Office records notices of use of musical compositions upon the parts of instruments serving to reproduce the music mechanically. (See 17 U. S. C. 1, 25, and 61; 37 CFR 201.23.)

§ 203.4 *Catalog of copyright entries.* The Copyright Office compiles catalogs of copyright entries as provided by Secs. 56, 57, and 60 of the Copyright Act (17 U. S. C. 56, 57 and 60).

§ 203.5 *Searches and information.* Upon application and payment of statutory fee to the Register of Copyrights a search of the records, indexes and deposits will be made for such information as they may contain relative to copyright claims. (For further instructions, see 37 CFR 201.25.) Information of a general nature relative to copyright matters will be supplied without charge. The Copyright Act, however, does not contain any provision authorizing the Office to give legal opinions concerning the rights which any particular person may have in a case of alleged infringement, contracts between publisher and author, or other matters of a similar nature.

§ 203.6 *Copyright deposits.* (a) As a general rule, copyright deposits are retained in the Copyright Office or transferred to the collections of the Library of Congress. (For statutory provisions in reference to copyright deposits, see 17 U. S. C. 51, 54–56, 58–60 and the provisions referring to the deposit of copies, 17 U. S. C. 10–14, 21 and 22.)

(b) Copies of copyright deposits can be made with the permission of the copyright owner. The Office will also make copies when authorized by a court. (For information regarding the Photoduplication Service of the Library of Congress, see 44, CFR and Supps. 300.24 and 301.24.)

§ 203.7 *Additional certificates of registration and certified copies of recorded assignments.* The Office will supply additional certificates of registration and certified copies of recorded assignments upon payment of the fee prescribed in section 61 of the Copyright Act (17 U. S. C. 61).

[SEAL] SAM B. WARNER,
Register of Copyrights.

Approved: August 28, 1946.

VERNER W. CLAPP,
Acting Librarian of Congress.

[F. R. Doc. 46-15390; Filed, Aug. 28, 1946; 4:47 p. m.]

MARITIME COMMISSION

[46 CFR, Ch. II]

[G. O. 62]

PART 200—ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF FINAL AUTHORITY

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§ 200.1 *Organization and functions of the United States Maritime Commission.* (a) Pursuant to the Merchant Marine Act, 1936 (49 Stat. 1985), as amended, the Maritime Commission, an independent executive agency, administers Government aid in construction and operation of vessels in United States commerce; regulates United States foreign water-borne commerce, and freight forwarding and terminal services in connection with common carriers by water. It controls operation, purchase, charter, requisition, maintenance, insurance, and use of ocean-going United States-controlled noncombatant vessels, except Army and Navy transports and vessels engaged in domestic transportation controlled by the Office of Defense Transportation. In peace-time, the Commission regulates sales to aliens, and transfer to foreign registry of vessels, interests in which are owned by United States citizens and which are United States documented; and, during war or proclaimed emergency, regulates such sales and transfers regardless of documentation.

(b) The Commission insures certain ship mortgages made in connection with construction, reconstruction or reconditioning of vessels of not less than 200 tons, owned by United States citizens.

(c) The Commission's central office is in Washington, and it maintains District Managers in New York, Baltimore, Norfolk, Savannah, New Orleans, San Francisco, and Halifax, N. S.

(d) The Commission, whose five members are appointed by the President, with the advice and consent of the Senate (one being designated by the President as Chairman, and one designated by the Commissioners as Vice Chairman), functions generally through administrative sub-divisions, most of its actions being in the form of approvals of recommendations from such administrative sub-divisions relative to matters under their respective jurisdictions. All actions by such administrative sub-divisions are appealable to the Commission itself.

(e) The Commission's complete organization, together with its procedures, both

general and with relation to internal affairs is set out in the Commission's "Administrative Code", which is available for examination at the office of the Secretary in Washington, to whom should be addressed inquiries as to the most expeditious method of handling specific matters with the Commission.

(f) A summary of the Commission's organization, with statements of the general course and method by which the Commission functions are channeled and determined, including the nature and requirements of available procedure, as well as relevant forms and instructions, follows. (This summary does not include officers or organizational subdivisions whose duties and authorities are internal and do not impinge upon the public.)

§ 200.2 *Executive Director.* The Executive Director coordinates Commission activities; assigns functions within the organization; plans and supervises organization and procedure; reviews and coordinates recommendations to the Commission; reviews and approves Commission press releases; inspects the field organization of the Commission; directs the Division of Investigation; reviews and assumes the Commission budget prepared by the Budget Officer; is responsible for the presentation thereof to the Bureau of the Budget and Congressional Committees; reviews recommendations of the Division of Contract Settlement and Surplus Materials with respect to the acquisition of warehouses and storage facilities; and serves as the Commission's Executive Officer.

§ 200.3 *Secretary.* The Office of the Secretary (through 9 Sections) prepares the Commission's agenda and minutes of Commission meetings, and is responsible for appropriate notification of Commission actions; signs, attests, and seals official documents; as authorized by the Commission, acquires office space and motor transport, and allocates and regulates the use of such space and transport; passes upon requisitions for office supplies and equipment; provides for the security of property and documents; and maintains liaison with the Public Buildings Administration in connection with office space and security; is responsible for services to Commission offices including filing, library, personnel, location, directory and information service, messenger and mail, telephone, telegraph, and teletype service, and typing, stenographic, tabulating and duplicating service; participates in the formulation and codification of Commission orders and regulations; arranges for Commission hearings and conferences and notification thereof; approves the use and content of questionnaires and reports utilized to secure information for the Commission; authorizes special studies and reports; receives statements of expense and compensation filed pursuant to section 807 of the Merchant Marine Act, 1936, as amended, in connection with presentation, advocacy of or opposition to matters within the scope of the various shipping acts, before the Commission, Congress, or any Committee thereof.

In addition to the foregoing, the Secretary is authorized to issue to contractors releases required under facilities contracts on a cost-without-profit basis and to vessel construction contractors on a cost-plus-a-fixed-fee basis, upon surrender of contract-records pertaining to the work, and to redelegate such authority.

§ 200.4 *Legal Division.* The Legal Division, headed by the General Counsel, acts as the Commission's law office. Conferences with appropriate personnel within the Legal Division with respect to matters pending in that Division, may be arranged through the Executive Assistant to the General Counsel.

§ 200.5 *Construction Division.* This division is in process of reorganization due to recentralization in Washington of construction supervision, which for four years was carried on from regional offices. In general, the Construction Division is responsible for the supervision and inspection of all ships under the jurisdiction of the Commission, for inspection of all material purchased by the Commission, and for the care, preservation and management of all Commission-owned shipyards, facilities and property relating to ship construction. The Construction Division accepts on behalf of the Commission, vessels delivered by shipyards under contract with the Commission. Its operations involve no formalized administrative procedures.

§ 200.6 *Contract Settlement and Surplus Materials Division.* This division functions through a Director, three Assistant Directors, Settlement, Materials Disposal, Warehouse and Storage, Compliance and Report Sections; two Maritime Settlement Sections: one at New Orleans Shipyard, P. O. Box 674, New Orleans 17, Louisiana, and one at Maritime Administration Building, 819 West Yard, Moore Dry Dock, P. O. Box 1558, Oakland 4, California; two sales managers: one at 45 Broadway, New York, and one at 1212 North Lake Shore Drive, Chicago, Illinois, each sales manager maintaining offices at Commission-owned or controlled shipyards and warehouses and at various area sales outlet cities.

The Contract Settlement and Surplus Materials Division is headed by a director who exercises control over division activities through three assistant directors and the following sections, each of which is headed by a chief:

Settlement Section.
Material Disposal Section.
Warehouse and Storage Section.
Maritime Settlement Sections (in the field).
Compliance and Reports Section.

The dvision maintains its headquarters in Washington, D. C. It also maintains a field organization consisting of the following: two Maritime Settlement Sections, one at U. S. Maritime Commission Shipyard, P. O. Box 674, New Orleans 17, Louisiana, and one at Maritime Administration Building, Gate 19, West Yard, Moore Drydock, P. O. Box 1558, Oakland 4, California; two sales managers, one at 45 Broadway, New York, N. Y., and one at 1212 North Lakeshore Drive, Chicago, Illinois. Each sales manager has offices at Commission owned or controlled shipyards, warehouses, and at area sales outlet cities.

The division is responsible for: (a) settling or recommending settlement to the Settlement Review Board of Claims subject to the Contract Settlement Act of 1944 against the Commission and War Shipping Administration resulting from contract terminations; and approving partial payments pending settlement of claims; (b) clearances from contractors' plants of Commission owned materials; (c) disposal of Government owned surplus marine materials declared as surplus to the Maritime Commission as disposal agency; (d) disposal of Commission and War Shipping Administration owning agency small lots, salvage, and scrap, in accordance with War Assets Administration Regulation No. 9; (e) operating Commission owned or controlled warehouses; (f) performance of other owning agency functions of the Commission and War Shipping Administration, such as declaration of surplus materials to disposal agencies, arringing transfer of Commission owned real estate, materials and facilities to War Assets Administration for site sale, custody, etc.; (g) compliance with various requirements of War Assets Administration, Office of Contract Settlement and other authorities.

Operations and policies of the division are in accordance with the Contract Settlement Act of 1944 and the rules and regulations of the Office of Contract Settlement, and the Surplus Property Act of 1944, and the regulations of War Assets Administration.

In the settlement of claims, the standard forms prescribed by the Office of Contract Settlement are used exclusively. Processing of prime supplier contract claims is largely centralized in Washington, with some decentralization in the field to the extent practicable. All prime ship construction claims are processed in Washington. Most first tier subcontracts thereunder, which the prime contractor is not authorized to settle directly, are handled in the field and coordinated through the Washington office.

The basic directive covering Maritime Commission procedures in dealing with termination claims is General Order 57, Revised, and Supplements 1 and 2 thereto. (10 F. R. 2619, 11525, 13371; 46 CFR 1945 Supp., 298.1 to 298.204, inclusive).

The director of the division is authorized to redelegate his authority to any section chief, officer or employee of the division. He has exercised his power of redelegation to the extent of authorizing the assistant director functionally in charge of contract settlements, chiefs of the Maritime Settlement Sections in New Orleans and Oakland, and the chief of the Settlement Section in Washington, to effect final settlement of claims when the amount to be paid to claimant is less than $10,000; and to approve partial payments pending settlement of claims, as well as his authority to effect settlement of claims not exceeding $25,000 to the same assistant director of the division.

The Settlement Review Board passes on all claims in excess of $25,000 and other matters relating to contractor in-

ventory where the amount involved is in excess of $50,000.

In connection with its disposal activities, the division maintains in its Washington office a centralized inventory of surplus materials declared to the Commission, and direct sales activities are also conducted from Washington. In addition, all field offices, including shipyard and warehouse branch offices, are sales outlets for disposal agency materials. Publicity is given materials available for sale through the "Marine Surplus Seller", special lists of certain types of property, brochures, newspaper releases, and limited paid advertising. Copies of the "Marine Surplus Seller" and other publicity materials are distributed on a mailing list basis, compiled from requests for property and other sources indicative of interests of prospective purchasers. Requests to be placed on the mailing list should be addressed to United States Maritime Commission, Contract Settlement and Surplus Materials Division, Washington 25, D. C.

Sales of property declared as surplus to the Commission as disposal agency are generally on a fixed price basis, the prices being established by a division price committee prior to announcement of property for sale. In some instances, however, sales are on a bid and acceptance basis.

Sales by the Commission of its own property as an owning agency are executed by the field offices and their respective branch or sub-offices, usually on the basis of competitive bids publicly solicited, but occasionally by negotiated sales.

Purchasers in both owning and disposal agency transactions are required to receipt a Maritime Commission standard sales order, Form 7611.

§ 200.7 *Division of Economics and Statistics.* The Division of Economics and Statistics is headed by a director, who exercises control over division activities through an assistant director, and the following sections, each of which is headed by a chief:

Subsidy Section.
Trade Routes Section.
Foreign Economics Section.
Vessel Statistics and Analysis Section.
Port Development Section.
Labor Research Section.

The division is charged with the collection and dissemination of information on the foreign trade of the United States and other countries; the structure of proposed and existing foreign and domestic trade routes, their essentiality, and the extent of foreign competition thereon; the necessity for, and amounts of, Government aid for vessel operation and construction with a view toward meeting foreign competition; the adequacy of ports and port facilities, domestic and foreign; the world's supply and utilization of merchant vessels; and the economic and social aspects of labor in relation to ship construction and operation and longshoring.

The division employs no formal procedures. Contacts with individuals and organizations who furnish information to the division are on an informal basis.

In collecting information, the division employs several forms: Nos. 7801 and 7802 (inbound and outbound vessel performance and cargo reports) serve to furnish data as to foreign and non-contiguous water-borne cargo and passenger traffic, and details of line operation on United States foreign trade routes. Nos. 7036 and 7037 (inbound and outbound daily report of vessel movements) and No. 7038 (report of no vessel movements) serve as a record of vessels entering and clearing United States ports in foreign and non-contiguous trades, and as a source of current data on the employment of vessels in trade with the United States, and as a check on receipt of cargo reports. Form No. 7333 (report on employment and payroll) is required monthly from operators of American flag ocean-going and Great Lakes merchant vessels of 1,000 gross tons and over. Copies of Forms 7801, 7802, 7036, 7037 and 7038 are obtainable from the Collector of Customs at United States ports. Copies of Form No. 7333 are obtainable from the Division of Economics and Statistics, United States Maritime Commission, Washington 25, D. C.

§ 200.8 *Division of Finance (Construction)* Under its Director, this division exercises general supervision of auditing, accounting and financial analysis relative to shipbuilding, ship conversion, and transportation in connection with the shipbuilding program, and Commission administrative accounting. It is charged with the administration of financial provisions of construction-differential subsidy contracts and for safeguarding the Government's interest in advance payments, loans and other financial aids in connection with ship construction, conversion, reconversion, and reconditioning.

Its fuctions are conducted as follows:

The Assistant Director (Fiscal) supervises and is responsible for the division's accounting and auditing functions. The Assistant Director (Subsidies) supervises and is responsible for the division's duties relating to fiscal phases of the Commission's "Long Range Program," for developing the merchant marine pursuant to the Merchant Marine Act, 1936, and the Merchant Ship Sales Act of 1946.

The General Accountant for Construction is responsible for the maintenance of accounting and financial analysis records in connection with shipbuilding, ship conversion, construction subsidy contracts, transportation and other shipbuilding activities; for the Commission's administrative accounting; for statements and reports relative to the foregoing; for accounting instructions; for examination and approval of all Commission disbursements and for collection of accounts and notes receivable.

The General Auditor of Construction is responsible for auditing contract costs for ship construction, reconstruction, conversion, reconversion and reconditioning; for auditing facilities contracts and other reimbursable contracts implementing the shipbuilding program, including sub-contracts and supply contracts containing provisions for auditing, for the determination of recapturable profits under ship construction and related contracts and subcontracts; for determining material and labor increases under escalator contract clauses; for maintaining audit proedures for shipbuilding and related contracts; and for recommendations to the Commission for final determination of contract costs and profits.

Resident Auditors are assigned to individual shipyards and report to the General Auditor (Construction).

"Regulations Prescribing the Method of Determining Profit", embodied in General Order 30, were published in the Federal Register (46 CFR Cum. Supp., Part 285). These regulations provide the several forms of financial reports, which have not been published. In addition to those forms, the following forms are utilized:

Form No. MC–4659. "Shipbuilder's Final Report of Profit—Selective Price Contracts." For use of the Commission in determining total contract price, total cost of performing contract, total profit, and recapturable profit, if any.

Form No. 6163. "Contractor's Report of Profit on Direct Purchases by U. S. Maritime Commission." For use of the Commission in determining total contract price, total cost of performing contract, total profit, and recapturable profit, if any.

Form No. 9025. "Shipbuilder's Final Report of Cost (Price Minus Contracts)." For use of the Commission in determining total contract price, total cost of porforming contract, fees earned by the contractor and savings distributed between the Commission and the contractor in accordance with the contract.

"Contractors' Bulletins," numbered serially from 1 to 27 have been issued over the signature of the General Auditor of Construction, consisting of regulations for the guidance of contractors in performing the financial phases of contracts. Bulletins numbered 1, 5, 9, 11, and 19, have been determined to be no longer applicable and can be considered to be no longer binding. These bulletins have not been published.

Copies of all material issued by the division may be obtained upon application to the Commission's General Auditor of Construction, Division of Finance, at Washington, D. C.

The division makes recommendations to the Commission over the signature of its Director on matters subject to the division's jurisdiction.

§ 200.9 *Division of Finance (Operations).* Through its Director, the Division supervises and directs auditing and accounting relating to ship operations, is responisble for auditing and financial administration of operating-differential subsidy contracts, the maintenance of reserve fund records, the determination of additional charter hire and such adjustments thereof as may be necessary in connection with the sale of war-built vessels, the analysis of financial and operating statements submitted to the Commission (except those relating to ship construction), and the form and content of general financial statements and other reports required under section 21 of the Shipping Act, 1916, as amended, and Section 801 of the Merchant Marine Act, 1936, as amended. Its functions are conducted as follows:

The Financial Analyst for Operations is responsible for financial administration of operating-differential subsidy and charter party agreements, for reserve fund control records, for analysis and custody of the financial and operating statements submitted to the Commission and the financial statements and reports filed pursuant to section 21 of the Shipping Act, 1916, as amended, and section 801 of the Merchant Marine Act, 1936, as amended, and for compliance with the Commission's "Uniform System of Accounts".

The General Auditor for Operations is responsible for audits relating to vessel operations, including operations under operating-differential subsidy agreements, and for the determination of additional charter hire and such adjustments thereof as may be necessary in connection with the sale of war-built vessels.

The General Accountant for Operations is responsible for maintenance of all books of account and records pertaining to ship operations.

The division functions in the field through District, Area and Port Auditors who are assigned as required and report to the Financial Analyst for Operations, the General Auditor for Operations and the General Accountant for Operations with respect to matters falling under their respective jurisdictions.

The "Uniform System of Accounts" is embodied in General Order 22 (46 CFR, 282.00 to 283.4).

The form of General Financial Statement required by section 21 of the Shipping Act, 1916, as amended, and section 801 of the Merchant Marine Act, 1936, as amended, which companies subject to said acts are required to file with the Commission annually, has not been published but may be secured from the Financial Analyst for Operations. Generally speaking, this form provides for information as to the financial position and operating results of such companies.

The Commission's General Order 12, as amended, requires the holders of operating-differential subsidy agreements to file designated financial statements, forms for all of which have been published in the FEDERAL REGISTER (46 CFR 281.1).

§ 200.10 *Division of Information.* The Division of Information is headed by a Director who exercises control over division activities through an Assistant Director and the following sections, each of which is headed by a chief: Press, Graphics, Radio, Education, and Field.

The division supervises the public relations, education, public information, and advertising programs of the Commission (except those relating to the United States Maritime Service). The division obtains clearance for the release of all material under its jurisdiction from the Chairman, the appropriate Commissioners, the Executive Director or division directors. Press relations are subject to the supervision of this division.

§ 200.11 *Division of Insurance.* The Division of Insurance is headed by a Director who exercises control over division activities through an Assistant Director, a Special Assistant to the Director, a Chief Adjuster and an Assistant Chief Adjuster.

The division has comprehensive charge of insurance matters which concern the Commission and War Shipping Administration. Its specific functions include: administration of insurance authorities under the Shipping Act, 1916, Merchant Marine Act, 1920, and Merchant Marine Act, 1936; insuring the interest of the United States in vessels, in accordance with policies of the Commission and War Shipping Administration; settlement of marine and marine war risk insurance claims involving War Shipping Administration; negotiating insurance agreements with commercial underwriters and, subject to approval by the Commission or Administrator, purchasing commercial insurance; dealing with problems involving assumption of marine and war risk liabilities on Government vessels and those acquired by requisition or charter; establishing requirements as to property and liability insurance required by mortgages, subsidy agreements, charters, shipbuilding contracts, leases, etc.; procuring, approving and disposing of policies issued in compliance with such requirements; recommendation of amount of operating differential subsidies to equalize insurance costs between American and foreign owners; supervising procurement of insurance required by facilities and vessel construction contracts; determination of premium costs for workmen's compensation and liability insurance on yards subject to the comprehensive rating plan; direction of relief of vessels in disasters by stranding or grounding as well as other cases of vessel casualties in port; preparation of insurance provisions in contracts, charters, mortgages, leases, etc.; approval of commercial insurance required under War Shipping Administration operating contracts; and preparation of insurance bulletins and instructions to owners and agents.

§ 200.12 *Division of Investigation.* The Division of Investigation is headed by a Director who exercises control over division activities through a staff in Washington and regional investigators in the field. It reports to the Commission through the Executive Director. Its functions embrace all investigations relating to fraud, diversion of Commission funds, misappropriation of property, and other matters in which investigation is necessary or appropriate. Liaison is maintained by the division with the Department of Justice and other Federal departments in order to assist in the prosecution of claims and civil and criminal proceedings.

§ 200.13 *Division of Maintenance and Repair.* The Division of Maintenance and Repair is headed by a Director who exercises control over division activities through an Inspection and Maintenance Section and an Appraisal Section, each of which is headed by a chief.

Most of the normal functions of the division are presently inactive, having been transferred to War Shipping Administration. The sole functions currently performed by this division are (a) furnishing vessel appraisals to other divisions of the Commission and to other Government agencies; and (b) maintaining data and records pertaining to sales and other information for appraisals and related purposes.

Other functions currently performed by the division involve making reports and recommendations on applications for operating and construction-differential subsidies, ship mortgage insurance, essentiality of trade routes, and purchase or charter of war-built vessels under the Merchant Ship Sales Act of 1946.

§ 200.14 *Division of Operations and Traffic.* The Division of Operations and Traffic is headed by a Director who exercises his functions through an administrative office and various sections now in process of reorganization to absorb several functions which, during the war, were conducted by War Shipping Administration.

The division administers sections 9 and 37 of the Shipping Act, 1916, as amended (46 U. S. C. 808 and 835), relating to the sale, charter, lease or mortgage of an American owned vessel to an alien and the placing of such vessel under foreign registry and flag; and the Ship Mortgage Act, 1920 (46 U. S. C. 961). For use in securing the approval required by sections 9 and 37 of the Shipping Act, 1916, as amended, application form (MC–4639) is executed by the American owner with information and supporting documents required in the form. Certain approvals under the statute have already been granted by the Commission's Revised General Order 58 (10 F. R. 14210, § 221.6) and General Order 59 (10 F. R. 14969, § 221.7).

Under the Ship Mortgage Act, 1920, no printed regulations have been issued. The formal procedure is the filing of a written request by the American owner of the vessel, together with the written consent, under seal, of the preferred mortgagee to the surrender of the marine document of the vessel, as well as a certificate of ownership (Customs Form 1330).

The applications referred to in the preceding paragraphs are filed with the Commission's Division of Operations and Traffic, Washington, D. C. Copies of all documents used by the division may be obtained through the same source. Form MC–4693 is also available at the Commission's Office, 45 Broadway, New York, N. Y., and at the customhouse at the principal U. S. ports.

§ 200.15 *Division of Personnel Management.* The Division of Personnel Management is headed by a Director who exercises control over division activities through a number of sections, each headed by a chief. The division has charge of the employment, employee relations, safety, organization, position classification, and salary administration programs of the Maritime Commission and the War Shipping Administration.

§ 200.16 *Procurement Division.* (a) In general acting under its director, this division handles and supervises procurement, transportation and maintenance of Commission purchases, is responsible for inventories of Commission ships and projects, for the issuance of priority ratings, for expediting spare parts and special tools, overages and shortages of

equipment purchased by the Commission in connection with production contracts, transportation procedure and the issuance of Government bills of lading, material-routing, evaluation of transportation cost, rate information, and the certification of domestic freight transportation charges.

The division's four purchasing sections carry out purchasing activities through the Washington office and supervise field office purchases, one of these sections handling procurement of administrative supplies, materials and equipment.

(b) *Domestic Freight Traffic Section.* This section establishes transportation procedure, issues bills of lading, routes materials, evaluates transportation costs, furnishes rate information, and certifies domestic freight transportation vouchers. It handles transportation of transferred employees' household effects and personal property.

(c) *The Inventory Section.* This section is responsible for inventory of delivered or redelivered vessels and Commission project inventory.

(d) *The Liaison Section.* This section coordinates the division's activities with thos of other divisions, with Government agencies, and with vendors contracting through the Procurement Division.

(e) *The Vessel Supplies Control Section.* This section is responsible for procurement, distribution and control to shipside of vessel supplies, including slop chest materials; for agreements covering requirements for vessel supplies of owned or bareboat-chartered ships; it enters into agreements for the procurement and furnishing of such supplies and establishes ceiling prices governing the resale to owned or bareboat-chartered vessels of merchandise by chandlers, dealers and other vessel suppliers, and issues priority ratings where required in connection with Commission activities.

(f) *The Allowance Material Section.* This section follows up and expedites procurement by the division and certifies vouchers for materials covered by division contracts and purchases.

(g) *The Material Completion Section.* This section expedites production and delivery of spare parts and special tools. It represents the Commission in connection with the settlements with owners or redelivered vessels in connection with passenger and hotel accommodation materials.

(h) *The Price Revision Section.* This section is responsible for the price revision of procurement contracts under the provisions of Title 8 of the Revenue Act of 1943.

(i) *District Purchasing Offices.* District purchasing offices are located in New York, Philadelphia, Baltimore, Norfolk, New Orleans, San Pedro, San Francisco, Seattle and Portland. District purchasing offices carry out in the field all functions of the division. There is a traffic representative in Chicago and there are procurement representatives in Mobile, Alabama, and Galveston, Texas, who supervise inventory activities.

(j) *Final Authority.* The division has been delegated final authority to execute contracts on behalf of the Commission, administratively certify vouchers covering purchases by the division, certify transportation charges covering all domestic freight movements, terminate work under supply contracts entered into by the division, modify contracts by supplemental agreements or amendments with respect to the settlement of any dispute involving not more than $50,000.00, and to reprice contracts and subcontracts under Title VIII of the Revenue Act of 1943 provided the original contract price of each such contract or subcontract is not in excess of $50,000.00.

(k) *Forms.* The following forms have not been published but may be secured upon application to the division:

(1) Purchase Order Form No. 7600–7600A, used in connection with the purchase of administrative materials, supplies and equipment.

(2) Purchase Order Form No. 8024 used in the purchase of supplies, materials and equipment other than administrative.

(3) Inquiry Form No. 8027–8028, used in connection with the purchase of articles and services.

(4) Government bill of lading Standard Form No. 1103, issued in connection with the movement of supplies, materials and equipment at Government expense.

(5) Public voucher for transportation charges, Standard Form No. 1113.

(6) Vessels supplies control agreements.

(7) Slop Chest Dealer Applications Form VSCS–18.

(8) Dealers agreement used in connection with vessel supplies control program, Form No. VSCS–12.

(9) Forms utilized in connection with inventories.

§ 200.17 *Division of Regulation*—(a) *In general.* Acting under a Director, the division administers the regulatory functions of the Commission, and enforces regulatory provisions of the Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended.

(b) *Rate and Tariff Section.* This section has custody of tariffs filed with the Commission by carriers between States and Territories or possessions, or between Territories or possessions and other Territories and possessions, or between points in the Territories or possessions; recommends rejection or suspension of rates and tariffs, action upon protests in connection with rate charges, rejection of tariffs for non-compliance with the law or applicable rules; analyzes and classifies rate and tariff information, and maintains a public file room where tariffs and related information are available for examination.

(c) *Agreement Section.* This section receives voluntary filings of port bill of lading forms by common carriers by water in foreign commerce, made for the purpose of obtaining the protection of Clause 14 of Part II of the uniform through export bill of landing form prescribed by the Interstate Commerce Commission. It receives all agreements between carriers or "other persons subject to the Act" entered into within the purview of section 15 of the Shipping Act, 1916, scrutinizes the same, corresponds with the proponents regarding removal of ambiguities or provisions indicating discriminatory practices detrimental to the commerce of the United States or in violation of other provisions of the law, and prepares for the Director's signature recommendations to the Commission for action on such agreements. It also receives all tariffs filed by conferences of either carriers or terminal operators as part of the agreements within the purview of section 15 of the Shipping Act, 1916, and all tariffs filed by carriers transporting goods from the United States to foreign ports pursuant to the orders of the Commission in Docket 128 (see paragraph (f) (6) of this section) and all tariffs of terminal operators which are filed pursuant to the request of the Commission of October 24, 1944.

(d) *Complaints Section.* This section investigates possible irregularities and violations of the regulatory provisions of the Shipping Act, 1916, and related legislation; receives complaints filed pursuant to Section 22 of the Shipping Act, 1916, alleging such violations, and prepares for the Director recommendations with reference to hearings ordered by the Commission on its own motion to determine the existence of violations of the Shipping Act, 1916, and related Acts.

(e) *Hearings and Decisions.* Hearing procedure may be found in 46 CFR Cum. Supp. 10 F. R. 12818, and 11 F. R. 4341, Part 201—Rules of Procedure before the Commission.

Briefly, hearings with respect to unreasonable or discriminatory rates, charges, fares, or practices, the refusal of conferences to admit members, and other violations subject to the jurisdiction of the Division, are conducted as follows:

Open hearings are conducted before an examiner after pleadings have been filed; thereafter arguments and briefs are received from all interested parties, proposed reports by the examiner are issued, oral arguments are often held before the Commission, and thereafter final reports and orders are prepared and recommended for approval and issuance by the Commission. The official record of such hearings is available in the Complaints Section of the division for examination by the public. The regulatory decisions prepared by this Section are printed and issued in bound volumes which are available to the public from the Government Printing Office. Printed sheets of decisions are available to the public on application to the division.

(f) *Regulations and Forms.* Copies of the following rules and regulations embodying relevant forms, are available upon application to the Division:

(1) Tariff Circular No. 1, regulating publication, etc., of rates, fares and charges.

(2) Notice of July 9, 1938, for establishment of actual in lieu of maximum rates, fares and charges and publication thereof.

(3) Special Permission 920, 2nd Amendment, relative to publication and filing of schedules for certain terminal services.

(4) Special Permission No. 1834, relative to publication and filing of schedules for certain terminal services.

(5) Information Circular: A form of report to be filed by common carriers by water and other persons, subject to various shipping acts giving information as to their organization and activities.

(6) Orders in Docket No. 128, requiring common carriers by water in foreign trade to file schedules of freight rates, charges, rules, and regulations in connection with cargo transportation from the United States to foreign ports.

(7) Instructions for complying with (6).

(8) Orders in Docket No. 507, requiring common carriers by water between the East Coast of South America and the Pacific Coast of the United States, to file freight rates, charges, rules and regulations in connection with cargo transportation.

(9) Order of the Secretary of Commerce, dated December 5, 1935, prescribing rules and regulations permitting foreign trade common carriers to file port bill of lading forms under clause 14 of Part II of the uniform through export bill of lading form prescribed by the Interstate Commerce Commission.

(10) Commission notice, dated October 24, 1944, requesting the filing of rates, charges, rules and regulations covering wharfage, docks, warehouse, or other terminal facilities and contracts and agreements varying rates provided in schedules of tariffs.

§ 200.18 *Reserve Fleet Division.* The Reserve Fleet Division is headed by a Director who exercises control over division activities through an Assistant Director, a Technical Assistant, two liaison officers, and four sections (Administrative, Facilities, Fleet Service, and Preservation), each of which is headed by a chief. The division is charged with responsibility for the lay-up, maintenance and preservation of all Government owned merchant vessels under the jurisdiction of the Maritime Commission and War Shipping Administration when such vessels are designated for out-of-service status. The foregoing necessitates the operation of tugs, barges and launches at the fleet sites. The division is also responsible for the selection, development and maintenance of sites for mooring vessels in reserve fleets.

The division conducts no formal proceedings. It uses only one form (7945) which is an application for a pass to go aboard vessels of a reserve fleet to transact official business. Such applications are available at the site of each fleet.

§ 200.19 *Division of Shipyard Labor Relations.* This division, which functions through a Director and an Assistant to the Director, advises the Commission with respect to labor and labor costs in shipyards in which the Commission is interested. It acts as the Commission's liaison with other Government agencies dealing with shipyard labor and labor costs, and labor and management interested in shipyard operations.

The approval of the division is required as prerequisite for the reimbursement of increased items of labor costs under shipbuilding contracts with the Commission.

§ 200.20 *Technical Division.* The Technical Division is headed by a Director who exercises control over division activities through two Assistant Directors, one of whom (Assistant Director for Design, Development and Performance) serves as Chief Engineer of the Commission; and through fifteen sections (Research, Records and Files, Arrangements and Outfit, Costs, Concrete Construction, Materials, Marine Interior Design, Preliminary Design, Hull Plans, Hull Specifications, Emergency Hull Plan Approval, Engineering Specifications, Engineering Scientific, Emergency Engineering Plan Approval, and Performance), each of which is headed by a chief.

The division furnishes technical and scientific advice and supervision with respect to the Commission's shipbuilding and operating activities. Its duties include development of ship designs and conversions, conduct of research, determination of standards, review of contract plans and specifications and invitations for bids, for technical sufficiency; and furnishing information to other divisions with respect to various economic and technical aspects of shipbuilding. The division reviews, along with several others, applications for aid in the construction of vessels under Title V and Title XI of the Merchant Marine Act, 1936.

§ 200.21 *Terminals and Real Estate Division.* The division functions under a Director and Chiefs of the Real Estate and Disposal Section, and Terminals Section.

Through the Real Estate and Disposal Section, the division handles real property controlled by the Commission, prepares declarations of Commission-controlled real property as surplus, and implements other disposition of such Commission-controlled real property, by appraisals, estimates, negotiation, receipts and analyses of bids and offers, and appropriate recommendations to the Commission, and concluding dispositions authorized by the Commission.

Through the Terminals Section, the division negotiates and administers contracts for the operation and maintenance of steamship terminals leased or otherwise controlled by the Commission, manages and maintains Government-owned steamship terminals under jurisdiction of the Commission, assumes custody and maintenance of other real property assigned to the division by the Commission, provides engineering services requested within the Commission relative to the construction and maintenance of facilities located on Commission-controlled real property. It compiles and maintains records of terminal and other real property owned, leased, or controlled by the Commission.

The division has final authority (exercise through the Terminals Section), to authorize terminal reconditioning and repair work not exceeding $3,000 in cost, and to make recommendations for such work to the Commission in cases where cost exceeds $3,000.

§ 200.22 *Division of Trials and Surveys.* This division is responsible for planning, conducting and analyzing the trial performance of Commission constructed vessels or vessels in which the Commission has an interest, recommending the acceptance or rejection of such vessels, handling claims for delay under Commission construction contracts, and making recommendations thereon, and expediting final settlement of vessel construction contracts containing guarantee articles.

Acceptance trials and completion surveys and reports thereon, are handled through the Trial Board Section.

Final guarantee surveys are handled through the Surveys and Settlements Section, as are recommendations for settlement of contractor's claims for delay in vessel construction, and the negotiation of settlement with builders for guarantee work not exceeding $25,000 in amount.

The Director of the division has final authority for settlement with builders for guarantee work not exceeding $25,000 per account. The Director acts as Chairman of the Final Guarantee Board handling vessels constructed by or for the Commission or in which the Commission has an interest.

§ 200.23 *Division of Large Vessel Sales.* This division functions through a Director and Assistant Director, the Ship Sales Act Section and a Bid Sales Section. Under its jurisdiction falls the sale of Government-owned vessels of 1,500 gross tons and over excepting combat ships. Applications for purchase of war built merchant vessels under the Merchant Ship Sales Act of 1946 are processed through the Ship Sales Act Section, and the sale of prewar ships and vessels not of commercial types which are not covered by the Merchant Ship Sales Act of 1946, is handled by the Bid Sales Section.

Forms and procedure utilized in dealing with this division are found in Maritime Commission General Order 60 and Supplements 1, 2, 3, and 4 thereof (11 F. R. 4459, 4702, 8370, 8972, 8977, §§ 299.1 to 299.91). This division invites application for purchase of vessels covered by the Merchant Ship Sales Act of 1946, and bids for non-war built vessels sold for operation, scrap or purposes other than operation, including Navy L. S. T. vessels. Requests for inclusion on mailing lists may be made to the Executive Assistant, Division of Large Vessel Sales. Inquiries concerning bids after their opening, and award of vessels should be addressed to the Chief, Bid Sales Section. The sale of vessels under the Merchant Ship Sales Act of 1946 is publicly announced.

Sales are made pursuant to action by the Commission itself upon recommendations by this division.

§ 200.24 *Division of Government Aids.* (a) Acting under its Director, this division is authorized and directed to conduct preliminary negotiations with, and review applications from citizens of the United States for aid authorized by the Merchant Marine Act, 1936, as amended, and

(1) To make recommendations to the Commission with respect to the following:

(i) Allocation and servicing of established trade routes and services.

(ii) Construction and sale of vessels with construction-differential subsidy to serve such routes and services.

(iii) Payment of construction-differential subsidies.

(iv) Acquisition of obsolete vessels by the Commission for retirement from services.

(v) Establishment of construction, capital and special reserve funds.

(vi) Payment of operating-differential subsidy.

(vii) Sale or charter of Government-owned vessels, lines and steamship services.

(viii) Federal ship mortgage insurance under Title XI of the act.

(ix) The sale or charter of vessels built under the 1936 act (other than those classified as "war-built" vessels), incident to any long-range program adopted by the Commission.

(2) To perform the following functions:

(i) Receive and evaluate reports from other divisions, with respect to applications, prior to submitting recommendations to the Commission.

(ii) Review contracts, prior to execution, drawn pursuant to Commission approved recommendations emanating from this division.

(iii) Supervise compliance with the requirements set forth in contracts entered into by the Commission, resulting from applications outlined above.

(b) The Division exercises its functions through the following sections:

(1) *Administrative Section.* The Administrative Section is responsible for the general administrative activities of the division, including (i) all personnel matters; (ii) the compilation and maintenance of budget control records, and various registers, records and reports.

(2) *Examining Sections A, B, C, and D.* Examining Sections A, B, C, and D, to each of which is assigned a separate group of applicants and prospective applicants, are responsible for (i) preliminary negotiations relating to and review of applications for aid authorized by the Merchant Marine Act, 1936, as amended, (ii) analysis of reports submitted by other organizational units; (iii) preparation of reports for and recommendations to the Commission; and (iv) notification of applicants of any action taken by the Commission in regard to such matters.

(3) *Trade routes and hearings section.* The Trade Routes and Hearings Section (i) conducts public hearings, as required by law and as administratively required by the Commission, upon applications for aid or other benefits under the Merchant Marine Act, 1936, as amended; (ii) prepares comprehensive reports, formal orders to be issued thereon; and (iii) cooperates with the Trade Routes Committee, and coordinates the findings of the Committee with the recommendations made by the division in connection with applications for Government aid.

(c) The division utilizes the following rules, forms and instructions:

(1) A pamphlet entitled: "Federal Ship Mortgage Insurance", copies of which may be secured upon application to the division. This pamphlet has been partially published in the FEDERAL REGISTER. Page 1, (General Order 29, as amended), may be found in 4 F. R. 1621. Pages 2 to 6 inclusive were published and may be found as part 296, 46 CFR Cum. Supp. Pages 7 to 36 inclusive constitute forms for (i) application for commitment to insure a preferred ship mortgage and instructions as to its preparation; (ii) commitment to insure a preferred ship mortgage; (iii) contract of insurance of a preferred ship mortgage; (iv) preferred ship mortgage. These forms have not been published in the FEDERAL REGISTER. Pages 37 to 41 inclusive, constitute a memorandum from the General Counsel of the Commission setting out requirements as to evidence necessary to establish citizenship of mortgagor and mortgagee under Title XI, Merchant Marine Act, 1936, as amended, which has not been published in the FEDERAL REGISTER. Forms of citizenship oaths, printed on pages 42 to 44, inclusive, have been revised, and as revised were published (11 F. R. 4804). The form of Federal Ship Mortgage Insurance Fund Debenture found on page 45, has not been published in the FEDERAL REGISTER. Pages 46 and 47 constituting "Regulations Governing Transactions and Operations in Federal Ship Mortgage Insurance Fund Debentures" have been published in the FEDERAL REGISTER (46 CFR Cum. Supp., part 297). The balance of the pamphlet is a reprint of applicable laws.

(2) Form VI–A, form of application for operating-differential subsidy which has been published in 2 F. R. 1884.

(3) Form No. 4564, form of application for operating-differential subsidy payment on a vessel or vessels more than 20 years old. This form (which has not been published but may be secured upon application to the division) supersedes the form published in 2 F. R. 1960.

(4) A form of application for allowance of credit for trade-in of obsolete vessels, has not been published, but copies may be secured upon application to the division.

(5) Form of application for permission to establish a construction reserve fund under section 511 of the Merchant Marine Act, 1936, as amended, was published in 7 F. R. 5676.

(6) Form VA–1, form of application for aid in the construction of a new vessel to be operated in foreign commerce, was published in 2 F. R. 1879. Instructions for special information to be furnished with form VA–1, has not been published, but copies thereof may be secured upon application to the division.

(7) Form VA–9 of application for aid in the construction of a new vessel to be operated in the domestic trade, has been published in 2 F. R. 1881. Instructions for special information to be furnished with Form VA–9 have not been published, but copies may be secured upon application to the division.

§ 200.25 *Final Guarantee Survey Board.* This board, composed of a chairman and representatives of the Technical, Procurement, Construction, and Maintenance and Repair Divisions, conducts final guarantee surveys on all vessels built by the Commission, or in which the Commission has an interest, and which, by the terms of their contracts, must pass through a guarantee period. Its reports and recommendations are made to the Commission via the Executive Director.

§ 200.26 *Price Adjustment Board.* The Price Adjustment Board of the Maritime Commission conducts renegotiation proceedings devolving upon the Chairman of the Commission, pursuant to the Renegotiation Act.

Renegotiation procedures vary slightly with respect to contractors' fiscal years ended on or before June 30, 1943, and those which ended thereafter.

(a) *As to fiscal years ended on or before June 30, 1943.* Contracts between a contractor assigned to the Board and a Government Department directed to renegotiate its war contracts are renegotiable if uncompleted, by final payment or otherwise, prior to April 28, 1942. Sub-contracts under such contracts are also subject to renegotiation. The Maritime Commission Price Adjustment Board derives its authority to renegotiate such contracts by a delegation from the Chairman of the Commission dated August 14, 1942, the authority of the Chairman being derived from the Renegotiation Act itself. By a cross-delegation dated February 26, 1944 (which superseded an earlier cross-delegation) the heads of the renegotiating departments and agencies authorized each other, and their respective delegates, to renegotiate such renegotiable contracts of an assigned contractor as may have been awarded by the other Departments or agencies than the one to whom the contractor is assigned for renegotiation.

By an agreement dated September 24, 1943, between the heads of the renegotiating departments, a Joint Price Adjustment Board was created. The agreement contains a delegation to the board from the heads of all of the said departments to perform certain functions, the principal purpose being to produce uniformity in the procedure, policies and interpretations under the Renegotiation Act. Pursuant to the delegated authority, the Joint Price Adjustment Board assigns the names of contractors among the various renegotiating departments.

Renegotiation proceedings for years ended on or before June 30, 1943, are initiated by a letter from the Price Adjustment Board to the contractor stating that such proceedings have been instituted and requesting specified financial data. Such data, when received, is reviewed by the board, and if the contractor is found not to be exempt and his profits appear excessive, he is notified of the time and place for a renegotiation conference. At such conference the contractor confers with a renegotiating panel of the board. The conference may result in a determination that no excessive profits have been earned for the period under review on the basis of the evidence sumbitted; or in a determination as to the amount of excessive profits if such profits appear to have been earned. The determination of the renegotiating panel is subject to review by a "booking panel," and the determination is then communicated to the contractor with a notice that it is subject to the approval of the Price Adjustment Board. If the proposal submitted to the contractor is accepted by him, it is incorporated in an agreement which is submitted to the contractor for execution, subsequent

to approval given by the Price Adjustment Board. The board may revise the figures, in which event the contractor is invited to accept the revision. If the contractor accepts, the contract is signed by the Chairman of the Maritime Commission. If the contractor does not accept the board's determination, the Chairman of the Commission signs an order determining the amount of excessive profits, and demanding payment. A counterpart of the order is forwarded to the contractor by registered mail. Appropriate measures are taken by the board to determine for its own information and on behalf of the contractor the amount of income tax credit to which the contractor will be entitled by reason of his refund to the Treasury of excessive profits.

The Joint Price Adjustment Board serves as a coordinating agency for the individual departments and agencies conducting renegotiations. It has issued a Joint Renegotiation Manual containing instructions, regulations, explanations and forms for the guidance of departmental and agency price adjustment boards. Forms required to be filed by contractors for fiscal years ending on or before June 30, 1943, are as follows:

Contractor's Information Form for Purposes of Renegotiation (Budget Bureau No. 49-R112).

Statement and Affidavit as to Non-applicability of Renegotiation Act under Provisions of Section 403 (c) (6).

(b) *As to fiscal years ended after June 30, 1943.* Renegotiation relating to fiscal years ended after June 30, 1943, is under the general jurisdiction of the War Contracts Price Adjustment Board, pursuant to an amendment to the Renegotiation Act approved February 25, 1944. This board consists of six members, one each from the War Department, Navy Department, Treasury, Maritime Commission or War Shipping Administration, Reconstruction Finance Corporation and Civilian Production Administration. Authority of the Maritime Commission Price Adjustment Board as to fiscal years ended after June 30, 1943, is derived by delegation from the War Contracts Price Adjustment Board dated February 26, 1944, to the Chairman of the Maritime Commission and, by his sub-delegation, to the Maritime Commission Price Adjustment Board under date of March 2, 1944. The delegation of February 26, 1944 has been amended from time to time, the presently effective delegation being dated August 10, 1945.

Renegotiations for fiscal periods ended after June 30, 1943, are assigned by the War Contracts Price Adjustment Board. For these fiscal periods, the contractor is required by statute to take the initiative to file with the War Contracts Price Adjustment Board on or before the first day of the fourth month following the close of the fiscal year a financial statement setting forth information prescribed by regulations of that board. Assignment of the contractor for renegotiation is made to one of the renegotiating agencies either before or after the submission by the contractor of his financial statement. Renegotiation proceedings are initiated by registered-mailing to the contractor a notice of the time and place of a renegotiation conference. An agreement or order determining the amount of excessive profits is made within one year following the commencement of such proceedings. In the renegotiation conference, the statutory factors are considered on the basis of information which the contractor has been invited to submit in advance and such information as he produces at the conference.

In the absence of agreement, the Chairman of the Maritime Commission executes an order, a copy of which is sent by registered mail to the contractor with a notice which, instead of demanding payment of excessive profits determined in the order, states that the order may be reviewed by the War Contracts Price Adjustment Board on its own motion or at the request of the contractor, and that in the absence of review within the time prescribed by the Renegotiation Act, the order shall be deemed the determination of the War Contracts Price Adjustment Board. If, upon review, that board redetermines the amount of excessive profits, the contractor is invited to enter into a renegotiation agreement for the payment of the amount so redetermined. If he declines, the redetermination results in an order of the board, which directs the head of the renegotiating department or agency to whom the contractor has been assigned to take appropriate measures to collect the amount owing by the contractor.

If no review is initiated within the prescribed time, the War Contracts Price Adjustment Board notifies the contractor by registered mail that the order of the departmental or agency board has become the determination of the War Contracts Price Adjustment Board; and demand is made for the payment of the excessive profits.

All renegotiations under the jurisdiction of the War Contracts Price Adjustment Board employ forms issued by that board.

Copies of all forms and other material employed by the Maritime Commission Price Adjustment Board are available at the office of the board in Washington, D. C., and in San Francisco, California.

§ 200.27 *Settlement Review Board.* The Settlement Review Board determines the over-all reasonableness of proposed settlements of certain termination claims. Membership of the board, for the purpose of reviewing settlements of amounts due under termination claims under prime contracts for vessel construction, consists of the members of the Commission. For all other purposes, the board is composed of four officers designated by the Commission and at least two members of the Commission. In reviewing a proposed settlement of $100,000 or less, three members constitute a quorum of the board (composed as last mentioned). Where the proposed settlement is in excess of $100,000, a quorum consists of four members of the board as so composed, including at least one member of the Commission. The Board as so composed has a Chairman and Vice Chairman appointed by the Commission from among the board members.

In addition to performing the functions above specified, the board: approves classification of termination inventory costing $25,000 or more, as unserviceable property, or (regardless of cost) as scrap for disposal as such; approves equitable bases for determining the amount payable on account of termination claims; determines what constitutes unreasonable delay in settlement of termination claims under section 6 (f) of the Contract Settlement Act of 1944 (58 Stat. 649)—hereinafter called the act; approves the return to suppliers, retention by, or sale to or by, war contractors of termination inventories where credit or prices received by the Government is less than the amount included for such inventory in the contractor's claim, and the cost of such inventories exceeds $50,000; requires audits of prime contractors' and subcontractors' books and records when necessary to protect the Government's interest; where necessary for the protection of subcontractors, provides for settlement of their termination claims by direct settlement, direct payment, or deposit in a controlled account; in case of bankruptcy, insolvency or receivership of a prime contractor, recommends to the Commission action pursuant to section 7 of the act; enters into agreements with prime contractors for submission to arbitration under section 13 (e) of the act of claims over $25,000; mediates or arbitrates, under section 13 (f) of the act, disputes between contractors and subcontractors concerning termination claims of the latter; takes action as to certain company-wide settlements in accordance with requirements of the Office of Contract Settlement; empowers contractors to settle termination claims of subcontractors where the amount of the settlement is not over $10,000; acts upon authorized settlements exceeding $25,000 when approved by the director of the Contract Settlement and Surplus Materials Division or his designee; acts upon settlements of termination claims under subcontracts where the settlement exceeds $25,000; where a termination claim has not been settled by agreement, requires a determination and findings by the proper officers under section 13 of the act; upon proper recommendation, acts upon requests for partial payments on behalf of subcontractors pursuant to paragraphs (b) and (c) of section 6 of Regulation 2 of the Office of Contract Settlement; and acts upon pretermination settlement agreements amendatory of prime contracts and subcontracts providing for payment as fair compensation of amounts specified or readily computable in lieu of other compensation.

The Board uses no forms other than those issued by the Office of Contract Settlement.

§ 200.28 *Committee on Admissions to Practice.* This committee is composed of five members, one of whom is Secretary of the Commission, and one of

whom is designated by the Commission as Chairman.

It administers (through recommendation to the Commission) the Commission rules governing practice and admission to practice before the Commission. These rules have been published in the Federal Register (Title 46, Chapter II, part 203), and application forms for admission to practice may be secured from the Secretary of the Commission.

§ 200.29 *Construction Cost Committees.* The function of construction cost committees is to facilitate the financial administration of construction contracts and related matters. One construction cost committee is attached to the Washington office of the Commission and exercises reviewing, supervisory and coordinating functions over regional construction cost committees. There is a regional construction cost committee attached to each of the Commission's regional headquarters .

The Washington committee reviews, accepts, or disapproves decisions of regional committees with respect to matters of reimbursement or recapture, holding hearings in connection therewith; and settles disallowances, exceptions and suspensions. It makes recommendations thereon to the Commission where necessary. The Washington committee conducts hearings on disputed matters under the Commission's "Regulations Prescribing Method of Determining Profits," reporting its findings to the Commission. The Director of Finance (Construction) is Chairman of the Washington committee, which consists of three members appointed by the Commission.

Each of the regional committees consists of the Assistant Director in charge of the regional office, the Regional Construction Auditor and the Regional Counsel, each of whom may be represented by an alternate. Each regional committee has a secretary in addition to the committee membership. The regional committees deal with contracts between the Commission and shipbuilders where operations under the contracts are subject to audit by reason of reimbursement or recapture provisions, or provisions relating to the determination of fees and profits; and expedite settlement of all items of disallowance, exceptions and suspensions. Adjustments arising out of escalator clauses are not without the jurisdiction of the regional committees but are considered by the General Auditor for Construction in Washington except where the contractor appeals to the Washington Construction Cost Committee.

The contractor may refer a matter to a regional committee, through its secretary, where. after failure to effect settlements and adjustments through the Resident Auditor and the Regional Construction Auditor, he considers himself aggrieved because of inability to obtain adequate information as to exceptions and disallowances, failure to obtain prompt action with respect thereto, or dissatisfaction with any action concerning exceptions or disallowances or affecting payments believed to be due to him. Reference of any matter to a regional committee should set forth briefly the matters involved in the reference and should be accompanied by briefs, memoranda or other supporting documents and may include a request for a hearing.

Hearing procedure is informal, being designed to clarify issues between the contractor and the Commission. A regional committee may allow a contractor up to ten days after hearing for the submission of briefs and memoranda.

A regional committee, if its decision is unanimous, reports it briefly to the Washington Construction Cost Committee, which may affirm the decision or take such other action thereon as may be appropriate. If the decision of the regional committee is not unanimous, the entire matter is referred to the Washington committee which procedure is also followed wherever a matter of law is involved, whether or not the regional committee's decision is unanimous.

A contractor dissatisfied with an affirmed decision of a regional committee, or any decision of the Washington committee, may request a hearing before the Washington committee, the request to be filed (within fifteen days after the contractor is notified of the decision) with the Director of Finance for Construction, Washington, D. C., with a copy to the secretary of the regional committee and the Resident Auditor.

§ 200.30 *Crews Quarters Committee.* This committee consists of three members and consults with administrative subdivisions of the Commission, military and other branches of the Government and labor unions, and submits recommendations to the Commission with respect to requirements and general policies for crews quarters on Government-owned vessels or vessels bareboat-chartered to the Commission or War Shipping Administration, on scheduled construction by the Commission, and for modification of crews quarters on vessels already constructed.

It receives complaints and suggestions relative to accommodations or working of vessels and submits recommendations thereon to the Commission with respect to vessels under construction and vessels in operation.

§ 200.31 *Patent Royalty Adjustment Committee.* This Committee, consisting of three members designated by the General Counsel and approved by the Commission, is charged with carrying out the provisions of the Act of October 31, 1942 (Pub. Law 768, 77th Cong.) which relates to the use and compensation therefor by the United States of inventions patented or unpatented. So called "Rules and Regulations" where adopted by this Committee and approved by the Commission November 1, 1944 but have not been published in the FEDERAL REGISTER. Said rules relate only to the duties and authorities of the Committee and prescribe no rules or regulations effective as to the public or forms of any nature. They delineate the duties of the Committee which are to investigate royalties charged the United States, to negotiate voluntary adjustments of royalties for settlement of infringement claims against the United States before the institution of suit, to fix fair and just royalties and authorize the payment thereof subject to Commission approval, and when deemed desirable by the Committee, to acquire licenses or similar instruments from foreign governments under obligation to reimburse, indemnify or save harmless the United States against loss, cost or damage from claims arising out of the use of inventions, such action to be taken pursuant to Effective Agreement Series 268 or other applicable power or authority.

Copies of these "Rules and Regulations" may be secured upon application to the Secretary of the Committee.

§ 200.32 *General reference to rules and regulations of the Commission.* Rules and regulations of the Commission have heretofore been published in the FEDERAL REGISTER and may be found in Title 46, Chapter II of the Code of Federal Regulations, and are as follows:

SUBCHAPTER A—GENERAL PROVISIONS AND RULES OF PROCEDURE

Part
201 Rules of procedure before the Commission.
202 Approved forms.
203 Admission to practice before the Commission.
211 Adoption of existing orders.

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS

221 Documentation, transfer or charter of vessels.
222 Statements and agreements required to be filed.
223 Filing of port bill of lading forms.
231 Tariff regulations; common carriers by water in interstate commerce.
233 Schedules of carriers subject to the Intercoastal Shipping Act, 1933.
234 Schedules establishing additional terminal facilities by intercoastal carriers.
235 Schedules of common carriers by water in foreign commerce.
237 Repairs to vessels under bareboat charter.
246 Formula for determining sea speed of vessels.

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

251 Application for subsidies.
261 Cadet officers and cadets.
262 Minimum-wage, minimum-manning, and reasonable working conditions.
271 Inspection of operating-differential subsidized vessels.
275 Outfitting materials and equipment for construction-differential subsidy vessels.
276 Construction-differential subsidy repayment while vessels not operated in foreign trade.
281 Information and procedure required under operating-differential subsidy agreements.
282 Uniform system of accounts for operating-differential subsidy contractors.
283 Financial and operating exhibits.
284 Valuation of vessels for determining capital employed and net earnings under operating-differential subsidy agreements.
285 Determination of profit in contracts and subcontracts for construction, reconditioning, or reconstruction of ships.
286 Establishment and maintenance of the statutory capital and special reserve funds and for the determination of "capital necessarily employed in the business" and "net earnings".
287 Establishment of construction reserve funds.

SUBCHAPTER D—FEDERAL SHIP MORTGAGE INSURANCE

Part
296 Information concerning Federal Ship Mortgage Insurance.
297 Transactions and operations in Federal Ship Mortgage Insurance Fund Debentures.

SUBCHAPTER E—WAR CONTRACTS

298 Settlement of claims arising under terminated war contracts.

SUBCHAPTER F—MERCHANT SHIP SALES ACT OF 1946

299 Rules and regulations, forms and citizenship requirements.

§ 200.33 *War Shipping Administration Functions.* Functions performed by War Shipping Administration as designated in section 202 of Public Law 492, 79th Congress, 2d Session, approved July 8, 1946 become the responsibility of the Commission on September 1, 1946, War Shipping Administration having been abolished as of that date by the same statute.

Such functions being numerous and of far reaching importance, their assignment within the administrative structure of the Maritime Commission involves complex organizational steps which have been in process of development since the act providing for performance of these functions by the Commission became law.

Upon completion of reorganization, presently in progress, this chapter will be supplemented to cover all such functions.

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS, *Secretary.*

AUGUST 27, 1946.

[F. R. Doc. 46-15387; Filed, August 28, 1946; 4:39 p. m.]

[G. O. 63]

PART 204—RECORDS AVAILIBLE FOR INSPECTION [1]

§ 204.1 *Opinions, orders, and public records available for inspection.* (a) Pursuant to section 3 (a) and (c), respectively, of the Administrative Procedure Act (60 Stat. 237) there shall be available:

(1) For public inspection, all final opinions or orders in the adjudication of cases (except those held by the Commission for good cause to be confidential and not cited as precedents), and all rules;

(2) To persons properly and directly concerned therewith, matters of official record, except as otherwise required by statute, and except information held confidential for good cause found.

(b) Application for inspection of materials covered by paragraph (a) of this section shall be made to the Secretary of the Commission, Washington, D. C., who shall have authority to decide all questions presented by the application.

[1] See also 46 CFR Cum. Supp. 201.7.

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS, *Secretary.*

AUGUST 27, 1946.

[F. R. Doc. 46—15388; Filed, Aug. 28, 1946; 4:39 p. m.]

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

[32 CFR, Ch. IV]

PART 401—CREATION AND AUTHORITY

§ 401.1 *Creation and authority.* The NACA was created by Act of Congress approved March 3, 1915 (38 Stat. 930; 49 U. S. C. 241), as amended by the Act approved March 2, 1929 (45 Stat. 1451; 49 U. S. C. 241), as amended by the Act approved June 23, 1938 (52 Stat. 1027; 49 U. S. C. 241). The NACA operates under intra-agency regulations formulated by the Committee and approved by the President of the United States.

PART 402—PURPOSE AND FUNCTIONS

Sec.
402.1 Purpose.
402.2 Functions.

§ 402.1 *Purpose.* The Committee was established to supervise and direct the scientific study of the problems of flight with a view to their practical solution, and to direct and conduct research and experiment in aeronautics, in such laboratory or laboratories in whole or in part as may be placed under its direction. It is the responsibility of the NACA to recognize in advance the trend of aeronautical development, civil and military, to anticipate the research problems that will arise, and to design and provide research equipment to meet the needs of this rapidly-advancing science, and then to conduct the necessary scientific investigations. Research of the NACA is not considered completed until results are tested by sufficient practical application. However, NACA research will not include development of specific aircraft or equipment.

§ 402.2 *Functions.* Specific functions of the NACA are to:

(a) Coordinate research needs of private, commercial, and military aviation, avoiding duplication of effort and making pertinent information available to all concerned.

(b) Conduct, under unified control of the Committee, scientific aeronautical research, including first, fundamental researches instituted by the Committee on its own initiative or authorized upon request of the Army, Navy, or Civil Aeronautics Authority; and second, special investigations in the nature of applied research on problems submitted by the Army and Navy for immediate improvement in performance of military aircraft.

Such investigations are conducted by the Committee in its own laboratories, or by research contracts with scientific and educational institutions.

(c) Advise the War and Navy Departments, the Civil Aeronautics Authority, and the aviation industry as to the latest research information.

(d) Advise upon any special problem in aeronautics which may be referred to it by the President, the Congress, or any governmental agency.

PART 403—ORGANIZATION

Sec.
403.1 Main Committee.
403.2 Subcommittees.
403.3 Central office.
403.4 Directorate.
403.5 Secretariat.
403.6 Deposit and distribution of information.
403.7 Laboratories.

§ 403.1 *Main Committee.* The Committee is composed of fifteen members appointed by the President, headed by a chairman elected annually by the Committee. The Committee consists of two representatives each of the War and Navy Departments (from the offices in charge of military and naval aeronautics) and Civil Aeronautics Authority, one representative each of the Smithsonian Institution, the United States Weather Bureau, and the National Bureau of Standards, together with six additional persons who are "acquainted with the needs of aeronautical science, either civil or military, or skilled in aeronautical engineering or its allied sciences." Members of government agencies are appointed for indefinite periods in their capacities as agency representatives. The six additional members are appointed for terms of five years. All members serve as such without compensation.

§ 403.2 *Subcommittees.* Under the Main Committee are technical committees and subcommittees concerned with specific phases of aeronautical research.

§ 403.3 *Central office.* The Committee's headquarters are at 1500 New Hampshire Avenue NW., Washington, D. C. Committee and subcommittee meetings are generally held there. Research programs are discussed and recommended by the subcommittees and upon approval by the Main Committee research authorizations are issued by the Director of Aeranautical Research.

§ 403.4 *Directorate.* The Director of Aeronautical Research at the Headquarters Office, directs the research activities of the Committee's Laboratories; coordinates the committee's research activities by means of effective liaison service with scientific and educational institutions, aircraft and allied industries, and with agencies of the Federal Government concerned with aeronautics; and supervises the program of research contracts with scientific and educational institutions.

§ 403.5 *Secretariat.* The Executive Secretary at the Headquarters Office exercises functions required to be performed by "head of department or agency"; determines necessity for meetings of Executive Committee, Technical Committees, and Sub-Committees; directs all intelligence activities and public

relations; co-ordinates administrative relations with other Federal Agencies and with aircraft and allied industries; and directs the administration of the organization.

§ 403.6 *Deposit and distribution of information.* The deposit and distribution of scientific and technical information collected by the committee from governmental and private agencies in this country and abroad is handled in the Washington, D. C. office. The data distributed includes classified and unclassified series of publications covering the results of fundamental research in aeronautics. This office effects limited distribution of current committee publications without charge to persons and organizations properly and directly concerned, subject to applicable security regulations. This office also distributes foreign and domestic technical data on aeronautics published in other than committee documents, and controls the loan of valuable documents to meet special needs.

§ 403.7 *Laboratories.* The NACA operates three laboratories. The original and largest is the Langley Memorial Aeronautical Laboratory at Langley Field, Virginia, where research is conducted under the direction of an Engineer-in-Charge of the laboratory on problems of aerodynamics, aircraft structures, and hydrodynamics.

The Ames Aeronautical Laboratory at Moffett Field, California, under the direction of an Engineer-in-Charge, provides an extension of NACA facilities for general aerodynamic research, with emphasis on high-speed research.

The Aircraft Engine Research Laboratory at the Cleveland Airport, Cleveland, Ohio, under the direction of a manager, is devoted to research on problems of aircraft propulsion.

PART 404—WORK FOR PRIVATE PARTIES

Sec.

404.1 Procedure.
404.2 Substantive regulations.

§ 404.1 *Procedure.* Any American citizen or American firm, association, or corporation which desires the Committee to conduct any investigation or test will make application by letter addressed to the Committee at 1500 New Hampshire Avenue, N. W., Washington 25, D. C.

§ 404.2 *Substantive regulations.* The research facilities of NACA Laboratories may be used to assist private individuals and corporations whenever other facilities are not available and NACA facilities are available, provided that the investigation is considered by the NACA to be worth making. If the investigation is considered by the NACA to be in the public interest and the private individual or corporation agrees, the work may be undertaken at public expense and the results published. If the investigation is primarily of private interest, the cost should be met by those requesting assistance and the results reported only to them. In such cases, certified check payable to the order of the National Advisory Committee for Aeronautics in an amount sufficient to meet the estimated cost must be posted with the Committee in advance. Such check will be deposited by the Committee in the U. S. Treasury in a special deposit account against which will be charged the cost of work performed. Additional deposits may be required. Upon completion of the work an amount equal to the total cost will be transferred in the Treasury to "Miscellaneous Receipts" and the balance of the special deposit account will be returned to the depositor.

PART 405—AVAILABILITY OF INFORMATION AND RECORDS

Sec.

405.1 Printed documents.
405.2 Other material.

§ 405.1 *Printed documents.* Committee documents of permanent value are printed, and are available for purchase at nominal prices from the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

§ 405.2 *Other material.* Inquiries concerning publications or information not available at the office of the Superintendent of Documents, should be addressed to the National Advisory Committee for Aeronautics, 1500 New Hampshire Avenue, N. W., Washington 25, D. C. Such inquiries should state clearly what is wanted and for what purpose it is to be used.

J. F. VICTORY,
Executive Secretary.

[F. R. Doc. 46-15183; Filed, Aug. 28, 1946; 9:04 a. m.]

NATIONAL ARCHIVES

[44 CFR, Ch. I]

Part 1, Use of Records in the Custody of the Archivist of the United States (44 CFR, Cum. Supp., 1.1 to 1.24) is redesignated as Part 2; Part 2, Authentication and Attestation of Copies of Archives in the Custody of the Archivist of the United States (44 CFR, 1944 Supp., 2.1) is redesignated as Part 3; and a new Part 1, Organization and Procedure, is added as follows:

PART 1—ORGANIZATION AND PROCEDURE OF THE NATIONAL ARCHIVES

Sec.

1.1 Creation.
1.2 Purpose.
1.3 Organization.

§ 1.1 *Creation.* The National Archives was established under an Act of Congress approved June 19, 1934, as amended (48 Stat. 1122–1124, 49 Stat. 1821, 52 Stat. 421; 44 U. S. C. 300–300k), which created the office of the Archivist of the United States and prescribed his duties. The Division of the Federal Register was established under an Act of Congress approved July 26, 1935, as amended (49 Stat. 500–503, 52 Stat. 421, 56 Stat. 1045; 44 U. S. C. 301–314).

§ 1.2 *Purpose.* The primary objective of The National Archives is to make the experience of the Government and the people of the United States, as it is embodied in the records of the Federal Government and related materials, available to guide and assist the Government and the people in planning and conducting their activities. It endeavors to attain that objective by assembling, preserving, arranging, and describing such of the noncurrent records of agencies of the Federal Government as have sufficient value to warrant preservation and by making such records available for use by Government officials, scholars, and others who have occasion to consult them. "Motion-picture films and sound recordings pertaining to and illustrative of historical activities of the United States" are also accepted, preserved, and made available. Another function of The National Archives is the appraisal of records believed to be appropriate for disposal in order that the Archivist may report to Congress such of them as in his opinion lack sufficient value to warrant their continued preservation by the Government. The Division of the Federal Register is responsible for providing for the custody of Federal proclamations, orders, regulations, notices, and other documents, and for the uniform printing and distribution thereof.

§ 1.3 *Organization*—(a) *Office of the Archivist.* The National Archives is under the direction of the Archivist of the United States, who is appointed by the President by and with the advice and consent of the Senate. Within the Office of the Archivist are the following staff officers with functions as indicated:

(1) *Management Officer.* Coordinates all work and action upon proposals contemplating changes in the program, policies, procedures, organization, indoctrination, or training activities of the National Archives; effects the issuance of necessary regulations and directives; is responsible for the administrative operation of the employee suggestion system; and supervises the activities of the Documentation Unit.

(2) *Administrative Secretary.* Is responsible for liaison with Congress, its Committees, and its members, for the conduct of relations with other agencies of the Government insofar as such responsibility is not otherwise specifically assigned, and for the planning and supervision of the public relations, publications, and exhibits activities carried on by the Exhibits and Publications Unit; and serves as liaison officer of the National Archives in relations with the National Archives Council.

(3) *Program Adviser.* Studies and makes recommendations concerning large, complex, and lasting problems of program and policy; initiates and conducts research and bibliographical work in the history and administration of archives; conducts external relations having to do with foreign, State, local, and private records or archival establishments; and exercises line supervision over the National Archives Library.

(4) *Budget Officer.* Is responsible for budgetary clearance of expenditures and staff jurisdiction over relations with the Bureau of the Budget, fiscal relations with other agencies, and all matters pertaining to budget estimates and cost accounting; and exercises line supervision

over the Division of Finance and Accounts and the Statistical Unit.

(b) *Division of the Federal Register.* (1) The Division, headed by a Director, acts under the general direction of the Archivist of the United States, who is charged with the custody and, together with the Public Printer, with the prompt and uniform printing and distribution of the documents required or authorized to be published under section 5 of the Federal Register Act, approved July 26, 1935 (49 Stat. 501; 44 U. S. C. 305). These documents include:

(i) All Presidential proclamations and Executive orders, except such as have no general applicability and legal effect or are effective only against Federal agencies or persons in their capacity as officers, agents, or employees thereof;

(ii) Such documents or classes of documents as the President determines from time to time have general applicability and legal effect; and

(iii) Such documents or classes of documents as are required so to be publicized by Act of Congress: *Provided*, That for the purposes of the Federal Register Act every document or order which prescribes a penalty is deemed to have general applicability and legal effect.

(iv) In addition to the foregoing, there are also published in the FEDERAL REGISTER such other documents or classes of documents as are authorized to be published pursuant to regulations prescribed under the act with the approval of the President, but in no case are comments or news items of any character whatsoever authorized to be published in the FEDERAL REGISTER.

(2) In regard to documents required by Act of Congress to be published, a number of statutes specifically provide for publication in the FEDERAL REGISTER of regulations issued by an agency. Probably the most important of these is the Administrative Procedure Act approved June 11, 1946 (Public Law 404, 79th Cong.), which provides that every agency of the Federal Government shall publish in the FEDERAL REGISTER descriptions of its organization, procedures, and substantive rules.

(3) Regulations prescribed by the Administrative Committee of the FEDERAL REGISTER, approved by the President, setting forth requirements for agencies to follow in preparation and submission of documents appear at 1 CFR, Cum. Supp., Part 2.

(4) The Division is organized into the Administrative, Editorial, and Legal Sections. These sections perform designated functions in respect to the preparation and publication of the daily issues of the FEDERAL REGISTER and the Code of Federal Regulations and supplements thereto.

(c) *Office of the Director of Operations.* The Director of Operations exercises line supervision over all records divisions and offices, the General Reference Division, and the Divisions of Personnel Management, Records and Communications, Property, and Printing and Processing. In the absence of the Archivist he serves as Acting Archivist of the United States. With the assistance of staff officers responsible to him he is responsible for continuous development of the policies, program, and standards of the National Archives with respect to records administration, disposal of records, accessioning of records, preservation of records, analysis and description of records, and reference service. Within the scope of these functions as well as within the scope of all other activities of operating units under his supervision he is responsible for taking or directing the taking of final action on all transactions involving the application of policies, program, or standards in specific cases, except where such action is required to be taken by the Archivist personally. The following staff officers to the Director of Operations assist him with respect to the performance of the functions indicated:

(1) *Deputy Director of Operations.* Assists, and, as directed, acts for and in the name of the Director in matters relating to general management, preservation of records, and business services, insofar as such matters fall within the assigned jurisdiction of the Director; is responsible for the execution of approved transfers of records to the custody of the Archivist; administers the pool of professional personnel detailed as needed to other operating units; exercises general supervision over the Division of Cleaning and Rehabilitation and over the Labor and Traffic Section and the Packing and Shelving Unit in the Office of the Director; and serves as extra duty staff officer to the Archivist with respect to the formulation and enforcement of a safety program for the National Archives.

(2) *Records Appraisal Officer.* Assists, and, as directed, acts for and in the name of the Director in matters relating to records administration, disposal of records, and accessioning of records, excepting the execution of approved transfers; is responsible for the development of the policies, program, and standards of the National Archives with respect to the disposal and accessioning of Government records, for the development of standards of appraisal of records, and for making recommendations with respect to the allocation of each agency of the Government to one of the various departmental records divisions and offices for purposes of liaison; and has staff jurisdiction over any field service, exclusive of the Franklin D. Roosevelt Library.

(3) *Records Control Officer.* Assists, and, as directed, acts for and in the name of the Director in matters relating to analysis and description of records and reference service; is responsible for the continuous development of the policies, program, and standards of the National Archives with respect to the organizing of accessioned records, the production of finding aids, the preparation of file microcopies of significant record materials, reproduction service on records, and the rendering of reference service; reviews proposals for the undertaking of specific projects within the scope of such activities and the end-products of such projects; and serves as liaison officer of the National Archives in relations with the National Historical Publications Commission.

(d) *Records divisions and offices.* The core of the National Archives is composed of 13 records divisions or offices, among which is apportioned the responsibility for dealing with the records and records problems of all agencies of the Federal Government. In these divisions or offices, each of which is headed by a chief or director, are carried on the actual operations of the agency with respect to records administration, disposal of records, accessioning of records, packing and shelving of records, analysis and description of records, and reference and reproduction services. All these operating units are under the line supervision of the Director of Operations. The 11 departmental records divisions or offices are as follows: Agriculture Department Archives, Commerce Department Archives, Interior Department Archives, Justice Department Archives, Labor Department Archives, Legislative Archives, Post Office Department Archives, State Department Archives, Treasury Department Archives, Veterans' Records, and War Records. Two units are responsible for special types of archival material, namely, maps and charts (Division of Maps and Charts) and photographic and phonographic records (Photographic Records Office).

(e) *Special service divisions or units*—(1) *General Reference Division.* Is responsible for reference work that does not appropriately fall within the province of any records division or office, for routing of written reference inquiries to the appropriate records divisions or offices, for authentication and attestation of records in the custody of the Archivist, and for custody of the seal of the National Archives; supervises the central search room; receives applications for and issues cards of admission to the search rooms; handles certain requests for the reproduction of records in the custody of the Archivist; and performs reference service on certain records placed indefinitely in the custody of the Division.

(2) *Division of Cleaning and Rehabilitation.* Is responsible for cleaning and fumigating records and library materials and for unfolding, flattening, laminating, and repairing records in the custody of the Archivist.

(3) *National Archives Library.* Provides reference library facilities to the staff of the National Archives and searchers.

(f) *Business Service Divisions*—(1) *Division of Personnel Management.* Is responsible for recruitment, placement, classification, retirement, and related personnel activities; maintains personnel records; and applies personnel laws and regulations.

(2) *Division of Finance and Accounts.* Is responsible for administering and supervising receipts and disbursements of all funds under the jurisdiction of the Archivist, including those of the Franklin D. Roosevelt Library.

(3) *Property Division.* Is responsible for procurement, receipt, inspection, storage, issuance, and maintenance of supplies and equipment; handles the disposal of surplus property; and supervises the maintenance of the National

Archives Building and its facilities and protection of its contents.

(4) *Division of Records and Communications.* Maintains the central files of the agency and furnishes communication, mail, and messenger services within the agency.

(5) *Division of Printing and Processing.* Furnishes duplicating services to the National Archives.

§ 1.4 *Statutes administered.* The National Archives was established under an act of Congress approved June 19, 1934, as amended (48 Stat. 1122–1124, 49 Stat. 1821, 52 Stat. 421; 44 U. S. C. 300–300k), which created the office of Archivist of the United States and prescribed his duties. Other legislation affecting the National Archives Establishment includes an act to provide for the printing and distribution of Government publications to the National Archives, approved June 17, 1935 (49 Stat. 386; 44 U. S. C. 215a); the Federal Register Act, approved July 26, 1935, as amended (49 Stat. 500–503, 52 Stat. 421, 56 Stat. 1045; 44 U. S. C. 301–314); the joint resolution establishing the Franklin D. Roosevelt Library, approved July 18, 1939 (53 Stat. 1062–1066); the National Archives Trust Fund Board Act, approved July 9, 1941 (55 Stat. 581; 44 U. S. C. 300aa–300jj); and the act concerning the disposal of records, approved July 7, 1943, as amended July 6, 1945 (57 Stat. 380–383, 59 Stat. 434; 44 U. S. C. 366–380).

PART 10—ORGANIZATION AND PROCEDURE OF THE NATIONAL ARCHIVES COUNCIL

Sec.
10.1 Creation and purpose.
10.2 Organization.

§ 10.1 *Creation and purpose.* The National Archives Council was created by the National Archives Act approved June 19, 1934 (48 Stat. 1123; 44 U. S. C. 300f), which provides that the Council shall "define the classes of material which shall be transferred to the National Archives Building and establish regulations governing such transfer; and shall have power to advise the Archivist in respect to regulations governing the disposition and use of the archives and records transferred to his custody." An act of July 7, 1943, as amended July 6, 1945, concerning the disposal of records (57 Stat. 380–383, 59 Stat. 434; 44 U. S. C. 366–380), assigned to the Council the duties of "establishing (1) procedures for the compiling and submitting to the Archivist of the United States of lists and schedules of records proposed for disposal, (2) procedures for the disposal of records authorized for disposal, and (3) standards for the reproduction of records by photographic or microphotographic processes with a view to the disposal of the original records." Such regulations, when approved by the President, are binding on all agencies of the United States Government.

§ 10.2 *Organization.* The Archivist of the United States is chairman of the Council. The alternate for the Secretary of State is vice chairman. Other members of the Council are the Secretary of each executive department (or alternate named by the Secretary thereof), Chairman of the Senate Committee on the Library, Chairman of the House Committee on the Library, the Librarian of Congress, and the Secretary of the Smithsonian Institution. The Secretary to the Council is the Administrative Secretary of the National Archives.

PART 20—ORGANIZATION AND PROCEDURE OF THE NATIONAL HISTORICAL PUBLICATIONS COMMISSION

Sec.
20.1 Creation and purpose.
20.2 Organization.

§ 20.1 *Creation and purpose.* The National Historical Publications Commission was created by the National Archives Act (48 Stat. 1123; 44 U. S. C. 300e). The duties of the Commission are to "make plans, estimates, and recommendations for such historical works and collections of sources as seem appropriate for publication and/or otherwise recording at the public expense." Such recommendations are transmitted to Congress by the Archivist of the United States in his capacity as chairman of the Commission.

§ 20.2 *Organization.* The Archivist of the United States is chairman of the Commission. Other members of the Commission are the Historical Adviser of the Department of State, Chief of the Historical Section of the Army War College, Officer in Charge of the Naval Records and Library, Chief of the Division of Manuscripts of the Library of Congress, and two members of the American Historical Association appointed by the president thereof. The Secretary to the Commission is the Records Control Officer, National Archives.

PART 30—ORGANIZATION AND PROCEDURE OF THE FRANKLIN D. ROOSEVELT LIBRARY

Sec.
30.1 Creation and purpose.
30.2 Organization.

§ 30.1 *Creation and purpose.* The Franklin D. Roosevelt Library was created by a joint resolution of Congress approved July 18, 1939 (53 Stat. 1062–1066). The primary functions of the Franklin D. Roosevelt Library are the preservation and administration of the papers and collections donated to it by Franklin D. Roosevelt and such other material related to and contemporary with this material as may be acquired from other sources by gift, purchase, or loan. A Board known as the Trustees of the Franklin D. Roosevelt Library, created by the joint resolution establishing the Library, is authorized to "receive gifts and bequests of personal property and to hold and administer the same as trust funds for the benefit of the Franklin D. Roosevelt Library."

§ 30.2 *Organization.* The Franklin D. Roosevelt Library is under the general administration of the Archivist of the United States. Immediate administration of the Library is vested in a Director, who makes his headquarters at Hyde Park, New York. The Archivist of the United States and the Secretary of the Treasury are ex officio members of the Board. Five other members are appointed by the President for life membership on the Board. The Archivist of the United States is chairman of the Board.

PART 40—ORGANIZATION AND PROCEDURE OF THE NATIONAL ARCHIVES TRUST FUND BOARD

Sec.
40.1 Creation and purpose.
40.2 Organization.

§ 40.1 *Creation and purpose.* The National Archives Trust Fund Board was created by an Act of Congress approved July 9, 1941 (55 Stat. 581; 44 U. S. C. 300aa–300jj), which authorizes the Board "to accept, receive, hold, and administer such gifts or bequests of money, securities, or other personal property, for the benefit of or in connection with the National Archives, its collections, or its services, as may be approved by the Board."

§ 40.2 *Organization.* The Archivist of the United States is chairman of the Board. The other members of the Board are the Chairman of the Senate Committee on the Library and the Chairman of the House Committee on the Library.

[SEAL] DAN LACY,
Acting Archivist of the United States.

AUGUST 30, 1946.

[F. R. Doc. 46–15656; Filed, Aug. 30, 1946; 3:43 p. m.]

NATIONAL CAPITAL PARK AND PLANNING COMMISSION

NOTE: The material submitted by the National Capital Park and Planning Commission appears in a later section of this issue.

NATIONAL FOREST RESERVATION COMMISSION

[36 CFR, Ch. IV]

PART 400—ORGANIZATION, FUNCTIONS AND PROCEDURES

Sec.
400.1 Organization, records, communications.
400.10 Functions and procedures.

§ 400.1 *Organization, records, communications.* (a) The National Forest Reservation Commission, established by the Act of March 1, 1911 (16 U. S. C. 513), consists of the Secretary of War, its president, Secretary of the Interior, Secretary of Agriculture, two members of the Senate and two members of the House of Representatives. Names of members are usually set out in the Congressional Directory.

(b) Official records of this Commission are maintained by its secretary in the South Building, United States Department of Agriculture, Washington, D. C. Communications to the commission should be forwarded to the above address.

§ 400.10 *Functions and procedures.* (a) The National Forest Reservation Commission is authorized to consider, pass upon and fix the consideration for lands proposed for acquisition as national forests, pursuant to the provisions of the Act of March 1, 1911, as amended (16 U. S. C. 515, 516), and certain other laws relative to purchase of lands in specified national forests.

(b) This Commission meets at irregular intervals as business before it requires, usually in the South Building, United States Department of Agriculture, Washington, D. C. The commission reports annually to Congress and copies of such reports can be obtained from its secretary.

ROBERT P. PATTERSON,
President.

[F.R. Doc. 46—15037; Filed, Aug. 26, 1946; 10:13 a. m.]

NATIONAL HOUSING AGENCY

NOTE: The material submitted by the National Housing Agency and its component parts appears in a later section of this issue.

NATIONAL LABOR RELATIONS BOARD

[29 CFR, Ch. II]

NOTE: Regulations of the National Labor Relations Board have been consolidated in Parts 201-203. All previous regulations (29 CFR, Supps., Chapter II) are hereby revoked.

PART 201—DESCRIPTION OF ORGANIZATION

SUBPART A—DESCRIPTION OF CENTRAL ORGANIZATION

Sec.
201.1 The Board.
201.2 The Washington staff.

SUBPART B—DESCRIPTION OF FIELD ORGANIZATION

201.3 Regional Offices; their staffs generally.
201.4 Regional Directors; their delegations of final authority.
201.5 Regional Attorneys; their delegations of final authority.
201.6 Field Examiners and Examiners-in-Charge; their delegations of final authority.
201.7 Field Attorneys; their delegations of final authority.
201.8 Persons in "acting" capacity.

SUBPART C—INFORMATION CONCERNING THE BOARD

201.9 Places and manner of obtaining information.

SUBPART D—PLACES WHERE AND METHODS WHEREBY PUBLIC MAY MAKE SUBMITTALS OR REQUESTS

201.10 Submittals or requests respecting cases in Regional Offices before hearing.
201.11 Submittals or requests respecting cases in Regional Offices during hearing.
201.12 Submittals or requests respecting complaint cases after hearing but before Intermediate Report.
201.13 Submittals or requests respecting complaint cases pending in Washington and before decision by the Board.
201.14 Submittals or requests respecting representation cases pending in Washington and before decision by the Board.
201.15 Submittals or requests respecting all cases after Board decision.
201.16 Requests for Board review of Regional Director's dismissal of charge or petition.
201.17 Other submittals or requests.

§ 201.1 *The Board.* The Board, composed of three members, has its central and principal office in Washington, D. C. Each of the members is appointed by the President, with the approval of the Senate, for a term of five years. The Board is created by virtue of the provisions of the National Labor Relations Act, 49 Stat. 449. The Board has two principal functions under the National Labor Relations Act: (a) the prevention of statutorily defined unfair labor practices by employers, and (b) the determination of employee-representatives for purposes of collective bargaining. The Board has also been delegated to enforce the labor-protection provisions of section 222 (f) of the Telegraph Merger Act, 57 Stat. 5, and to certify representatives of employees as bona fide for purposes of section 7 (b) of the Fair Labor Standards Act of 1938, 52 Stat. 29.

§ 201.2 *The Washington staff.* The Washington staff is made up of five main Divisions: The Legal Division, the Field Division, the Trial Examiner's Division, the Administrative Division, and the Information Division.

(a) *The Legal Division.* Headed by the General Counsel, the Division is responsible for providing the Board with legal services. The General Counsel is assisted by two Associate General Counsels, each of whom has general supervision over certain sections of the Division. One of the Associate General Counsels supervises the Review, Litigation, and Order Sections; the other has charge of the Field Legal Section and of legislative and administrative matters affecting the Division.

(1) *The Review Section.* Headed by an Assistant General Counsel, the Section assists the Board in performance of its decisional and quasi-judicial functions by review and analysis of cases and proceedings, including Intermediate Reports (recommended decisions) of Trial Examiners, pleadings, briefs, exceptions and proposed findings and conclusions, and by drafting proposed decisions after determination by the Board. The staff of the Section has not been delegated any final authority but performs its duties only at the direction of the Board and the Assistant General Counsel in charge. The Assistant General Counsel, however, has been delegated authority to extend the time for the filing of briefs and exceptions with the Board and to schedule cases for oral argument before the Board. None of the personnel of the Section performs any investigative or prosecuting functions in any case in which he assists the Board in making its decision, or in a factually related case; and no agent of the Board who engaged in the performance of investigative or prosecuting functions in any case is permitted to participate or advise in the decision of that or a factually related case.

(2) *The Litigation Section.* Headed by an Assistant General Counsel, the Section represents the Board in all phases of court litigation, including the enforcement or review of Board orders, contempt of court decrees, enforcement of subpenas and any other type of litigation to which the Board or its members or agents may be parties. The Assistant General Counsel has the authority to file petitions for enforcement and to answer petitions for review of Board Orders, to sign briefs and petitions for rehearing, and generally to enter into all procedural and other legal stipulations in connection with Board litigation.

(3) *The Field Legal Section.* Headed by an Assistant General Counsel, this Section supervises the Board's Field Attorneys in the various Regional Offices of the Board, and advises and counsels them in the performance of their legal duties. The Assistant General Counsel is assisted by Associate Chiefs of the Field Legal Section and a small staff of attorneys. The Associate Chiefs are the representatives of the Assistant General Counsel for the purpose of maintaining liaison with the legal staffs of the Regional Offices, coordinating and directing their work, and supervising generally the legal aspects of case handling in the regions.

(4) *The Order Section.* Headed by a Chief, this Section has authority to certify copies of all papers and documents which are a part of the Board's files or records. Personnel of the Section are responsible for administrative details of Board litigation, including the preparation of records for filing in the courts, the preparation of consent orders and decrees, and similar documents. The Chief of the Section is authorized as the Board's agent to prepare and sign certain formal orders and certifications at the direction of the Board.

(b) *The Field Division.* Under the supervision of a Director, this Division supervises and reviews the work of the Regional Directors and Regional Offices, exclusive of the legal services of the Regional Attorneys and the Field Attorneys. The Director is assisted by an Associate Director and Assistant Directors. The Associate Director, supervising a small staff of Administrative Examiners, is responsible for the processing of cases referred to the Field Division and for liaison with other Government agencies. The Assistant Directors are the representatives of the Director and through visits to and consultations with the Regional Office staffs, coordinate and direct the work in the Regional Offices, exclusive of the legal services performed there.

(c) *The Trial Examiners' Division.* (1) Headed by the Chief Trial Examiner, this Division supervises the functions of the Trial Examiners, who are responsible for the conduct of all hearings and for the preparation of all Intermediate Reports (recommended decisions) in unfair labor practice and Telegraph Merger Act cases. The Chief Trial Examiner,

assisted by several Associate Chief Trial Examiners, has final authority to designate Trial Examiners to conduct hearings upon complaints, to approve dates scheduled for such hearings by the Regional Offices, to order the hearings reopened before issuance of Intermediate Reports, and to rule upon requests for extensions of time within which to file briefs, proposed findings and conclusions. The Chief Trial Examiner is the liaison officer of the Board to the Civil Service Commission concerning all matters affecting Trial Examiners.

(2) The Trial Examiners have the authority, with respect to cases assigned to them, between the opening of the hearing and the issuance of the Intermediate Report or transfer of the case to the Board, subject to the published Rules and Regulations of the Board and within its powers:

(i) To administer oaths and affirmations;

(ii) To grant or deny applications for subpenas authorized by law;

(iii) To rule upon offers of proof and receive relevant evidence;

(iv) To take or cause depositions to be taken whenever the ends of justice would be served thereby;

(v) To regulate the course of the hearing and, if appropriate or necessary, to exclude persons or counsel from the hearing for contemptuous conduct and to strike all testimony of witnesses refusing to answer any proper question;

(vi) To hold conferences for the settlement or simplification of the issues by consent of the parties, but not to adjust cases;

(vii) To dispose of procedural requests or similar matters, including motions referred to the Trial Examiner by the Regional Director and motions to amend pleadings; also to dismiss complaints or portions thereof, and to order hearings reopened prior to issuance of Intermediate Reports.

(viii) To make and transmit Intermediate Reports (recommended decisions), in conformity with section 8 of the Administrative Procedure Act, and the rules and regulations of the Board.

(ix) To call, examine and cross-examine witnesses and to introduce into the record documentary or other evidence.

(x) To take any other action necessary under the foregoing and authorized by the published rules and regulations of the Board.

(d) *The Administrative Division.* The Administrative Division, under the direction of the Executive Secretary, is responsible generally for the administrative, management, and service functions of the Board. Its activities are carried out through the Management Section, the Personnel Office, the Fiscal and Office Services Section, the Administrative Statistics Section, and the Library.

(e) *The Information Division.* This Division consists of a Director, an assistant, and a few clericals. It serves as the information center for members of the public who wish to be informed concerning the Board, its activities, and the status of cases. It also acts as liaison with the press and prepares press and other types of public releases.

(f) *The Appeals and Review Committee.* In addition to the foregoing main divisions the Board has established in Washington, the Appeals and Review Committee. This Committee consists of the Associate General Counsel in charge of the Field Legal Section and the Director of the Field Division. The Committee's functions are, with the assistance of personnel from the Washington staff of the Field Legal Section and Field Division (who may not thereafter, in that or a factually related case, participate or advise in the decision of the Board or the Intermediate Report (recommended decision) of the Trial Examiner), to review and advise the Board regarding appeals taken by aggrieved parties from refusals of Regional Directors to issue Complaints or Notices of Hearing. The Committee also responds to requests for advice from Regional Offices with respect to problems of interpretation of law or policy in connection with particular cases, or where, as to matters in the Regional Office requiring the concurrence of the Regional Attorney, he disagrees with the Regional Director.

§ 201.3 *Regional Offices; their staffs generally.* The Board has established 22 regional offices. Twenty of these are located in the continental United States, and the remaining 2 are in the territories of Hawaii and Puerto Rico. Certain of the larger geographical regions have suboffices in addition to the central regional office. The areas constituting the regions, and the locations of the regional and sub-regional offices, are set forth in an appendix hereto. Assigned to each regional office are a Regional Director, Regional Attorney, Field Examiners, Field Attorneys, and a clerical staff. Each sub-regional office is headed by an Examiner-in-Charge, and assigned to Puerto Rico is an Agent-in-Charge. The Regional Director is the chief administrative officer of the Board in the region and responsible for case-flow in the offices; the Regional Attorney is the chief legal officer of the Board in the region.

§ 201.4 *Regional Directors; their delegations of final authority.* The Regional Directors have the following delegations of final authority from the Board:

(a) To receive charges and petitions, to have access to and the right to copy evidence, to administer oaths and affirmations, to examine witnesses, to receive evidence, and to permit the withdrawal of charges and petitions;

(b) To issue, cause to be served, amend and withdraw complaints and Notices of Hearing, and to dismiss complaints where withdrawal of the charges on which they are based has been permitted, subject to the concurrence of the Regional Attorney; also to receive responsive pleadings;

(c) To decline to issue a complaint or a Notice of Hearing, subject to the right of the aggrieved party to appeal to the Board;

(d) To initiate discussion of, and receive and consider, facts, arguments, offers of settlement or proposals of adjustment, except where time, the nature of the proceedings, and the public interest do not permit, and

(1) Respecting cases in any stage of informal or investigative proceedings, to negotiate and enter into agreements and stipulations not providing for Board orders or other Board determinations;

(2) Respecting cases in any stage of informal or investigative proceedings, to negotiate and enter into agreements and stipulations providing for Board orders or other Board determinations, subject to the approval of the Board; and

(3) Respecting cases in any stage of formal proceedings, to effect compliance with the statutes administered by the Board and to negotiate and enter into agreements and stipulations relating thereto, with the concurrence of the Regional Attorney and subject to the approval of the Board;

(e) To receive and rule upon or refer to the trial examiner or hearing officer, as the case may be, all motions, applications or requests (including applications for subpenas) made prior to formal hearing, except that motions to consolidate or sever proceedings and motions to dismiss petitions in representation cases shall be referred to the Board;

(f) To conduct secret ballots among employees and to make preliminary rulings and recommendations and issue reports with respect to challenged ballots and objections to elections;

(g) To issue Rules to Show Cause, subject to the concurrence of the Regional Attorney, and to receive responsive pleadings thereto, in proceedings to certify representatives of employees as bona fide for purposes of section 7 (b) of the Fair Labor Standards Act;

(h) To conduct hearings in proceedings under section 9 of the National Labor Relations Act and section 7 (b) of the Fair Labor Standards Act;

(i) To approve agreements and stipulations providing for the holding of consent elections or cross-checks and for final determination by the Regional Director of all questions arising thereunder, including challenges and objections to the conduct of the election or cross-check; to issue, pursuant thereto, statements or reports of facts ascertained after such consent elections or cross-checks; and to investigate and issue final rulings upon challenges or objections to the election or cross-check, filed by any party to such agreements and stipulations;

(j) To perform all other and necessary acts required of the Regional Director in connection with the foregoing and the published rules and regulations of the Board.

§ 201.5 *Regional attorneys; their delegations of final authority.* The Regional attorneys have the following delegations of final authority from the Board:

(a) To perform all necessary legal services for the Board in connection with the operations of the Regional Office, to prosecute any inquiry necessary to the functions of the Board, to have access to and the right to copy evidence, to administer oaths and affirmations, to examine witnesses and to receive evidence;

(b) To appear and participate as counsel for the Board in Board hearings and in other litigation and proceedings;

(c) To file exceptions to Intermediate Reports (recommended decisions) of trial examiners;

(d) Respecting cases in any stage of formal proceedings, to receive and consider facts, arguments, offers of settlement or proposals of adjustment, except where time, the nature of the proceedings, and the public interest do not permit; to effect compliance with the statutes administered by the Board, and to negotiate and enter into agreements and stipulations relating thereto, with the approval of the Regional Director and of the Board;

(e) To conduct hearings in proceedings under section 9 of the National Labor Relations Act and section 7 (b) of the Fair Labor Standards Act;

(f) To perform all other and necessary acts required of the Board's attorneys in connection with the foregoing and the published rules and regulations of the Board.

§ 201.6 *Field examiners and examiners-in-charge; their delegations of final authority.* The field examiners in each of the Regional Offices and the examiners-in-charge of sub-regional offices are directly responsible to the Regional Director and work under his direction. Essentially, their duties are to investigate, report to the Regional Director upon, and adjust, subject to the approval of the Regional Director, proceedings instituted in the Regional Offices; and to conduct elections for selection of collective bargaining representation of employees. They may also from time to time perform other necessary functions of the Regional Office. In connection with their duties, they have the following specific delegations of final authority:

(a) To investigate concerning the representation of employees (including the taking of secret ballots of employees), in accordance wtih section 9 (c) of the National Labor Relations Act;

(b) To prosecute any inquiry necessary to the functions of the Board; to have access to and the right to copy evidence, to administer oaths and affirmations, to examine witnesses and to receive evidence:

(c) To conduct hearings in proceedings under section 9 of the National Labor Relations Act and section 7 (b) of the Fair Labor Standards Act;

(d) To perform all other and necessary acts required of them in connection with the foregoing and the published Rules and Regulations of the Board.

§ 201.7 *Field attorneys; their delegations of final authority.* The field attorneys in each of the Regional Offices are charged in general with the duty of performing all necessary legal services for the Board in the region. They are directly responsible to the Regional Attorney for performance of these services and in that connection work under his direction. They may also from time to time perform other necessary functions of the Regional Office. Essentially, their duties are to make legal analyses and reports to the Regional Attorney with respect to pending cases in the Regional Office which have been investigated by the field examining staff, for purposes of taking formal or other action; to draft legal documents; and to appear and participate as counsel for the Board in Board hearings and in other litigation and proceedings. In connection with performance of their duties, they have the following specific delegations of final authority:

(a) To appear and participate as counsel for the Board in Board hearings and in other Board litigation and proceedings;

(b) To prosecute any inquiry necessary to the functions of the Board, to have access to and the right to copy evidence, to administer oaths and affirmations, to examine witnesses and to receive evidence:

(c) To conduct hearings in proceedings under section 9 of the National Labor Relations Act and section 7 (b) of the Fair Labor Standards Act;

(d) To investigate concerning the representation of employees (including the taking of secret ballots of employees), in accordance with section 9 (c) of the National Labor Relations Act;

(e) To perform all other and necessary acts required of them in connection with the foregoing and the published Rules and Regulations of the Board.

§ 201.8 *Persons in "acting" capacity.* Persons who are in an "acting" capacity have all the powers and authority of those in whose positions they are acting.

§ 201.9 *Places and manner of obtaining information.* The public may obtain information concerning the Board, its functions, operations, and procedures upon inquiry at any Regional Office or to the Director of Information in Washington, D. C. Information respecting specific cases may be obtained by inquiry at the Regional Office in which the case is pending or, if pending before the Board in Washington, D. C., by inquiry to the Director of Information in Washington.

§201.10 *Submittals or requests respecting cases in Regional Offices before hearing.* With respect to all proceedings pending in Regional Offices and before hearing, the public may make the following submittals or requests by filing with the Regional Office:

(a) Petitions for certification under section 9 of the National Labor Relations Act;

(b) Petitions for certification as bona fide representative under section 7 (b) of the Fair Labor Standards Act;

(c) Charges in unfair labor practice and Telegraph Merger Act cases;

(d) Requests to amend or withdraw the aforesaid petitions and charges and for leave to amend pleadings;

(e) Procedural motions or applications including applications for subpenas, motions to intervene, requests to take depositions, and motions to postpone or extend hearing date or time within which to plead. Copies of all such documents, except applications for subpenas, should be served simultaneously on all other parties and proof of service filed with the Regional Office;

(f) Compliance or settlement proposals, including submissions of fact, arguments, and offers with respect thereto.

§ 201.11 *Submittals or requests respecting cases in Regional Offices, during hearing.* With respect to all proceedings pending in the Regional Office and during hearing thereon, the public may make the following submittals or requests:

(a) To the Regional Office:

(1) Motions to amend charges and amended charges;

(2) Requests for leave to withdraw charges and petitions;

(3) Compliance or settlement proposals including submissions of fact, arguments, and offers with respect thereto;

(4) Proposals to enter into consent election or consent cross-check agreements in reperesentation cases under section 9 of National Labor Relations Act.

(b) To the Trial Examiner or hearing officer:

(1) All procedural motions or applications, including applications for subpenas, motions to intervene, requests to take depositions, and motions to postpone or extend hearing date or time within which to plead;

(2) Stipulations of fact;

(3) Requests with respect to oral arguments or briefs before the Trial Examiner or hearing officer, and oral arguments, briefs and proposed findings and conclusions;

(4) Proposals to enter into consent election or consent cross-check agreements in representation cases under section 9 of the National Labor Relations Act;

(5) Motions for leave to amend petitions in representation cases under section 9 of the National Labor Relations Act and proceedings under section 7 (b) of Fair Labor Standards Act, and amended petitions.

§ 201.12 *Submittals or requests respecting complaint cases after hearing but before Intermediate Report.* With respect to all unfair labor practice and Telegraph Merger Act cases in which hearings have been held and before issuance of Intermediate Report, the public may make the following submittals or requests:

(a) To the Regional Office:

(1) Applications for leave to withdraw charges;

(2) Compliance or settlement proposals, including submissions of fact, arguments, and offers with respect thereto.

(b) To the Chief Trial Examiner in Washington, D. C. (copies of all of the following documents should also be served simultaneously on all other parties and a copy, with proof of service, should be filed with the Regional Office):

(1) Motions to reopen records;

(2) Requests for extensions of time in which to file briefs and proposed findings with the Trial Examiner;

(3) All other motions.

§ 201.13 *Submittals or requests respecting complaint cases pending in Washington and before decision by the Board.* With respect to all unfair labor practice and Telegraph Merger Act cases in which hearings have been held and Intermediate Report has been issued, after transfer of the case to the Board

but before decision by the Board, the public may make submittals and requests by filing with the Board in Washington, except that proposals of compliance or settlement, including submissions of fact, arguments, and offers with respect thereto should be made to the Regional Office in which the case originated. Copies of all documents filed with the Board should be served simultaneously upon all other parties and proof of service filed with the Board.

§ 201.14 *Submittals or requests respecting representation cases pending in Washington and before decision by the Board.* With respect to all representation cases and cases under section 7 (b) of the Fair Labor Standards Act in which hearing has been held and the case transferred to the Board, but before decision by the Board, the public may make submittals and requests should be made by filing with the Board in Washington. Copies of all motions and briefs should be served simultaneously upon all other parties and proof of service filed with the Board.

§ 201.15 *Submittals or requests respecting all cases after Board decision.* With respect to all proceedings, after Board decision, direction of election, or order has issued, the public may make the following submittals or requests:

(a) To the Regional Director:

(1) Objections to the conduct of or affecting elections;

(2) Compliance or settlement proposals, including submissions of fact, arguments, and offers with respect thereto.

(b) To the Board in Washington, D. C.:

(1) All motions. Copies should be served simultaneously on all other parties and the Regional Office;

(2) Exceptions to Regional Director's report on objections or challenges. Copies should be served simultaneously on all other parties and the Regional Director;

(3) Requests or applications to modify or set aside Board orders made before filing of record in Circuit Court of Appeals for enforcement or review.

§ 201.16 *Requests for Board review of Regional Director's dismissal of charge or petition.* Requests for Board review of a Regional Director's refusal to issue a Complaint or Notice of Hearing in any proceeding should be filed with the Board in Washington, D. C., within ten days after service of notice of the Director's action, and a copy filed with the Regional Director.

§ 201.17 *Other submittals or requests.* Any other submittals or requests with reference to Board proceedings may be made by filing either with the Board in Washington or with the Regional Office for the area affected by the proceeding.

Signed at Washington, D. C., this 28th day of August 1946.

[SEAL] PAUL M. HERZOG,
Chairman.

APPENDIX

REGIONAL OFFICES

First Region—Boston 8, Mass., Old South Building. Services States of Maine; New Hampshire; Vermont; Massachusetts; Rhode Island; Connecticut, except for Fairfield County.

Second Region—New York 5, N. Y., 120 Wall Street. Services Fairfield County in Connecticut; Clinton, Essex, Warren, Washington, Saratoga, Schenectady, Albany, Rensselaer, Columbia, Greene, Dutchess, Ulster, Sullivan, Orange, Putnam, Rockland, Westchester, Bronx, New York, Richmond, Kings, Queens, Nassau, and Suffolk Counties in New York State; Passaic, Bergen, Essex, Hudson, and Union Counties in New Jersey.

Third Region—Buffalo 2, N. Y., West Genesee St., Genesee Building. Services New York State except for those counties included in the Second Region.

Fourth Region—Philadelphia 7, Pa., 1500 Bankers Securities Building. Services State of New Jersey, except for Passaic, Bergen, Essex, Hudson, and Union Counties; New Castle County in Delaware; all of Pennsylvania lying east of the eastern borders of Potter, Clinton, Centre, Mifflin, Huntingdon, and Franklin Counties.

Fifth Region—Baltimore 2, Md., 601 American Building. Services Kent and Sussex Counties in Delaware; Maryland; District of Columbia; Virginia; North Carolina; Jefferson, Berkeley, Morgan, Mineral, Hampshire, Grant, Hardy, and Pendleton Counties in West Virginia.

Sub-Regional Office—Nissen Building, Winston-Salem, N. C.

Sixth Region—Pittsburgh 22, Pa., 2107 Clark Building. Services all of Pennsylvania lying west of eastern borders of Potter, Clinton, Centre, Mifflin, Huntingdon, and Franklin Counties; Hancock, Brooks, Ohio, Marshall, Wetzel, Monongalia, Marion, Harrison, Taylor, Doddridge, Preston, Lewis, Barbour, Tucker, Upshur, Randolph, Webster, and Pocahontas Counties in West Virginia.

Seventh Region—Detroit 26, Mich., 1332 National Bank Building. Services State of Michigan, exclusive of Gogebic, Ontonagon, Houghton, Keweenaw, Baraga, Iron, Dickinson, Marquette, Menominee, Delta, Alger, Schoolcraft, Luce, Chippewa, and Mackinac Counties.

Eighth Region—Cleveland 13, Ohio, 713 Public Square Building. Services State of Ohio, north of the southern borders of Darke, Miami, Champaign, Union, Delaware, Licking, Muskingum, Guernsey, and Belmont Counties.

Ninth Region—Cincinnati 2, Ohio, Ingalls Building, Fourth and Vine Streets. Services States of West Virginia, west of the western borders of Wetzel, Doddridge, Lewis, and Webster Counties, and southwest of the southern and western borders of Pocahontas County; Ohio, south of the southern borders of Darke, Miami, Champaign, Union, Delaware, Licking, Muskingum, Guernsey, and Belmont Counties; Kentucky, east of the western borders of Hardin, Hart, Barren, and Monroe Counties.

Tenth Region—Atlanta 3, Ga., 10 Forsyth Street Building. Services States of South Carolina; Georgia; Florida, east of the eastern borders of Franklin, Liberty, and Jackson Counties; Alabama, north of the northern borders of Choctaw, Marengo, Dallas, Lowndes, Montgomery, Macon, and Russell Counties; Tennessee, east of the eastern borders of Hardin, Decatur, Benton, and Henry Counties.

Eleventh Region—Indianapolis 4, Ind., 108 E. Washington Building. Services States of Indiana, except for Lake, Porter, LaPorte, St. Joseph, Elkhart, Lagrange, Noble, Steuben, and DeKalb Counties; Kentucky, west of the western borders of Hardin, Hart, Barren, and Monroe Counties.

Thirteenth Region—Chicago 3, Ill., Midland Building, Room 2200, 176 West Adams Street. Services Lake, Porter, La Porte, St. Joseph, Elkhart, Lagrange, Noble, Steuben, and De Kalb Counties in Indiana; Illinois, north of the northern borders of Edgar, Coles, Shelby, Christian, Montgomery, Macoupin, Greene, Scott, Brown, and Adams Counties; Wisconsin, east of the western borders of Green, Dane, Dodge, Fond du Lac, Winnebago, Outagamie, and Brown Counties.

Sub-Regional Office—517 E. Wisconsin Avenue, Milwaukee, Wis.

Fourteenth Region—St. Louis 1, Mo., International Building, Chestnut and Eighth Streets. Services States of Illinois, south of northern borders of Edgar, Coles, Shelby, Christian, Montgomery, Macoupin, Greene, Scott, Brown, and Adams Counties; Missouri, east of the western borders of Scotland, Knox, Shelby, Monroe, Audrain, Callaway, Osage, Maries, Phelps, Dent, Shannon, and Oregon Counties.

Fifteenth Region—New Orleans 12, La., 820 Richards Building. Services States of Louisiana; Arkansas; Mississippi; Tennessee, west of the eastern borders of Hardin, Decatur, Benton, and Henry Counties; Alabama, south of the northern borders of Choctaw, Marengo, Dallas, Lowndes, Montgomery, Macon, and Russell Counties; Florida, west of the eastern borders of Franklin, Liberty, and Jackson Counties.

Sub-Regional Office—Federal Building, Memphis, Tenn.

Sixteenth Region—Fort Worth 2, Texas, Sinclair Building. Services States of Texas, Oklahoma, New Mexico.

Sub-Regional Office—Coles Building, El Paso, Texas.

Seventeenth Region—Kansas City 6, Mo., 903 Grand Avenue, Temple Building. Services States of Missouri, west of the western borders of Scotland, Knox, Shelby, Monroe, Audrain, Callaway, Osage, Maries, Phelps, Dent, Shannon, and Oregon Counties; Kansas; Nebraska; Colorado; Wyoming.

Sub-Regional Office—Colorado Building, Denver, Colo.

Eighteenth Region—Minneapolis 4, Minn., Wesley Temple Building. Services States of Minnesota; North Dakota; South Dakota; Iowa; Wisconsin, west of the western borders of Green, Dane, Dodge, Fond du Lac, Winnebago, Outagamie, and Brown Counties.

Nineteenth Region—Seattle 1, Wash., 806 Vance Building. Services States of Washington; Oregon; Montana; Idaho; Territory of Alaska.

Sub-Regional Office—Portland, Oreg.

Twentieth Region—San Francisco 3, Calif., 1095 Market Street. Services States of Nevada; Utah; California, north of the southern borders of Monterey, Kings, Tulare, and Inyo Counties.

Twenty-first Region—Los Angeles 14, Calif., 111 West Seventh Street. Services States of Arizona; California, south of the southern borders of Monterey, Kings, Tulare, and Inyo Counties.

Twenty-third Region—Honolulu 2, T. H., 341 Federal Building. Services Territory of Hawaii.

Twenty-Fourth Region—San Juan 22, P. R., 5 Deposito Street. Agent-in-Charge, Fernando Sierra, Chairman Puerto Rico Labor Relations Board. Services Territory of Puerto Rico.

[F. R. Doc. 46-15335; Filed Aug. 28, 1946; 3:52 p. m.]

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§ 203.1 *Terms defined in section 2 of the act.* The terms "person," "employer," "employee," "representatives," "labor organization," "commerce," "affecting commerce," and "unfair labor practice," as used herein, shall have the meanings set forth in section 2 of the National Labor Relations Act, a copy of which act is appended hereto.

§ 203.2 *Act, Board.* The term "act" as used herein shall mean the National Labor Relations Act, and the term "Board" shall mean the National Labor Relations Board.

§ 203.3 *Region.* The term "Region" as used herein shall mean that part of the United States or any territory thereof fixed by the Board as a particular region.

§ 203.4 *Regional Director.* The term "Regional Director" as used herein shall mean the agent designated by the Board as Regional Director for a particular region.

§ 203.5 *Trial Examiner.* The term "Trial Examiner" as used herein shall mean the agent of the Board conducting the hearing in an unfair labor practice or Telegraph Merger Act proceeding.

§ 203.6 *State.* The term "State" as used herein shall include all States, Territories, and possessions of the United States and the District of Columbia.

SUBPART B—PROCEDURE UNDER SECTION 10 OF THE ACT FOR THE PREVENTION OF UNFAIR LABOR PRACTICES

CHARGE

§ 203.7 *Who may file; withdrawal and dismissal.* A charge that any person has engaged in or is engaging in any unfair labor practice affecting commerce may be made by any person or labor organization. A charge may be withdrawn only with the consent of the Regional Directer with whom such charge was filed or of the Board. Upon withdrawal of any charge, any complaint based thereon shall be dismissed by the Regional Director issuing the complaint, by the Trial Examiner designated to conduct the hearing, or by the Board.

§ 203.8 *Where to file.* Except as provided in § 203.42, such charge shall be filed with the Regional Director for the Region in which the alleged unfair labor practice has occurred or is occurring. A charge alleging that an unfair labor practice has occurred or is occurring in two or more regions may be filed with the Regional Director for any of such regions.

§ 203.9 *Form; jurat.* Such charge shall be in writing, the original being signed and sworn to before any notary public, the Board agent, or other person duly authorized by law to administer oaths and take acknowledgments. Three adidtional copies of such charge shall be filed.[1]

§ 203.10 *Contents.* Such charge shall contain the following:

(a) The full name and address of the person or labor organization making the charge.

(b) The full name and address of the person against whom the charge is made (hereinafter referred to as the "respondent").

(c) A clear and concise statement of the facts constituting the alleged unfair labor practices affecting commerce.

COMPLAINT

§ 203.11 *When and by whom issued; contents; service.* After a charge has been filed, if it appears to the Regional Director that formal proceedings in respect thereto should be instituted, he shall issue and cause to be served upon the respondent and the person or labor organization making the charge (hereinafter referred to as the "parties") a formal complaint in the name of the Board stating the charges and containing a Notice of Hearing before a Trial Examiner at a place therein fixed and at a time not less than ten days after the service of the complaint.

Whenever the complaint contains allegations under section 8 (2) of the act, any labor organization referred to in such allegations shall be duly served with a copy of the complaint and notice of hearing. Whenever any labor organization, not the subject of section 8 (2) allegation in the complaint, is a party to any contract with the respondent the legality of which is put in issue by any allegation of the complaint, such labor organization shall be made a party to the proceeding.

§ 203.12 *Hearing; extension.* Upon his own motion or upon proper cause shown by any of the parties the Regional Director issuing the complaint may extend the date of such hearing.

§ 203.13 *Amendments.* Any such complaint may be amended upon such terms as may be deemed just, prior to the hearing, by the Regional Director issuing the complaint; at the hearing and until the case has been transferred to the Board pursuant to § 203.38, upon motion, by the Trial Examiner designated to conduct the hearing; and after the case has been transferred to the Board pursuant to § 203.38, at any time prior to the issuance of an order based thereon, by the Board.

§ 203.14 *Withdrawal.* Any such complaint may be withdrawn before the hearing by the Regional Director on his own motion.

§ 203.15 *Review by the Board of refusal to issue.* If, after the charge has been filed, the Regional Director declines to issue a complaint, he shall so advise the parties in writing, accompanied by a simple statement of the procedural or other grounds. The person or labor organization making the charge may obtain a review of such action by filing a request therefor with the Board in Washington, D. C., and filing a copy of the request with the Regional Director, within ten days from the service of the notice of such refusal by the Regional Director. The request shall contain a complete statement setting forth the facts and reasons upon which the request is based.

ANSWER

§ 203.16 *Answer to complaint; time for filing; contents; allegations not denied deemed admitted.* The respondent shall, within ten days from the service of the complaint, file an answer thereto. Such answer shall contain a short and simple statement of the facts which constitute the grounds of defense. The respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. All of the allegations in the complaint, if no answer is filed, or any allegation in the complaint not specifically denied or explained in an answer filed, unless the respondent shall state in the answer that he is without knowledge, shall be deemed to be admitted to be true and may be so found by the Board.

§ 203.17. *Where to file; form; jurat; service upon other parties.* The answer shall be filed with the Regional Director issuing the complaint. It shall be in writing, the original being signed and sworn to by the respondent or by a duly authorized agent with appropriate power of attorney affixed, and shall contain the post-office address of the respondent. The respondent shall file three additional copies of the answer. Immediately upon filing his answer the respondent shall serve a copy thereof upon each of the other parties.

§ 203.18 *Extension of time for filing.* Upon his own motion or upon proper cause shown by a party the Regional Director issuing the complaint may by written order extend the time within which the answer shall be filed.

§ 203.19. *Amendment.* The respondent may amend his answer at any time prior to the hearing. During the hearing or subsequent thereto, he may amend his answer in any case where the complaint has been amended, within such period as may be fixed by the Trial Examiner or the Board. Whether or not the complaint has been amended, the answer may, in the discretion of the Trial Examiner or the Board, upon motion, be amended upon such terms and within such periods as may be fixed by the Trial Examiner or the Board.

MOTIONS

§ 203.20 *Motions; where to file prior to hearing and during hearing; contents; service on other parties.* All motions made prior to the hearing shall be filed in writing with the Regional Director issuing the complaint, and shall briefly state the order or relief applied for and the grounds for such motion. The moving party shall file an oriiginal and four additional copies of all such motions. Immediately upon the filing of such motion, the moving party shall serve a copy thereof upon each of the other parties. All motions made at the hearing shall be made in writing to the Trial Examiner or stated orally on the record.

§ 203.21 *Rulings on motions; where to file motions after hearing and before transfer of case to Board.* The Trial Examiner designated to conduct the hearing shall rule upon all motions (except as provided in § § 203.12, 203.18, 203.25, and 203.40). The Trial Examiner may, before the hearing, rule on motions filed prior to the hearing, and shall cause copies thereof to be served upon the parties and the Regional Director. All motions filed subsequent to the hearing, but before the transfer of the case to the Board pursuant to § 203.38, shall be filed with the Trial Examiner by filing with the Chief Trial Examiner in Washington, D. C., and a copy thereof shall be served upon each of the parties. Rulings by the Trial Examiner on motions, and any orders in connection therewith, if announced at the hearing, shall be stated orally on the record; in all other cases such rulings and orders shall be issued in writing and filed with the Regional Director, who shall cause a copy of the same to be served upon each of the parties, or shall be contained in the Intermediate Report. Whenever the Trial Examiner has reserved his ruling on any motion, and the proceeding is thereafter transferring to and continued before the Board pursuant to § 203.42, the Board shall rule on such motion.

§ 203.22 *Motions; rulings and orders part of record; rulings not to be appealed directly to Board without special permission.* All motions, rulings, and orders shall become part of the record, except that rulings on applications for sub-

[1] A blank form for making a charge will be supplied by the Regional Director upon request.

penas shall become a part of the record only upon the request of the party whose application has been denied, as provided in § 203.27. Unless expressly authorized by these Rules and Regulations, rulings by the Regional Director and by the Trial Examiner on motions, and by the Trial Examiner on objections, and orders in connection therewith, shall not be appealed directly to the Board except by special permission of the Board, but shall be considered by the Board in reviewing the record, if exception is taken to the rulings or order when made and included in the statement of Exceptions filed with the Board, pursuant to § 203.39.

§ 203.23 *Review of granting of motion to dismiss entire complaint; reopening of record.* If any motion in the nature of a motion to dismiss the complaint in its entirety is granted by the Trial Examiner, the party making the charge may obtain a review of such action by filing a request therefor with the Board in Washington, D. C., stating the grounds for review, and filing a copy of such request with the Regional Director and serving copies upon the parties. Unless such request for review is filed within ten days from the date of service of the order of dismissal, the case shall be closed. The Board may, upon motion made within a reasonable period and for good cause shown, reopen the record for further proceedings.

§ 203.24 *Filing of answer or other participation in proceeding not a waiver of rights.* The right to make motions or to make objection to rulings upon motions shall not be deemed waived by the filing of an answer or by other participation in the proceedings before the Trial Examiner or the Board.

INTERVENTION

§203.25 *Intervention; requisites; rulings on motions to intervene.* Any person or labor organization desiring to intervene in any proceeding shall file a motion in writing or, if made at the hearing, may move orally on the record, stating the grounds upon which such person or organization claims an interest. Prior to the hearing such motion shall be filed with the Regional Director issuing the complaint; during the hearing such motion shall be made to the Trial Examiner. An original and four copies of written motions shall be filed. Immediately upon filing such motion, the moving party shall serve a copy thereof upon each of the other parties. The Regional Director shall rule upon all such motions filed prior to the hearing, and shall cause a copy of said ruling to be served upon each of the parties, or shall refer the motion to the Trial Examiner for ruling. The Trial Examiner shall rule upon all such motions made at the hearing or referred to him by the Regional Director, in the manner set forth in § 203.21. The Regional Director or the Trial Examiner, as the case may be, may by order permit intervention in person or by counsel or other representative to such extent and upon such terms as he may deem proper.

WITNESSES, DEPOSITIONS, AND SUBPENAS

§ 203.26 *Examination of witnesses; depositions.* Witneses shall be examined orally under oath, except that for good cause shown, after the issuance of a complaint, testimony may be taken by deposition.

(a) Applications to take depositions shall be in writing setting forth the reasons why such depositions should be taken, the name and post-office address of the witness, the matters concerning which it is expected the witness will testify, and the time and place proposed for the taking of the deposition, together with the name and address of the person before whom it is desired that the deposition be taken (for the purposes of this section hereinafter referred to as the "officer"). Such application shall be made to the Regional Director prior to the hearing, and to the Trial Examiner during and subsequent to the hearing but before transfer of the case to the Board pursuant to § 203.38 or § 203.42. Such application shall be served upon the Regional Director or the Trial Examiner, as the case may be, and upon the other parties, not less than seven days (when the deposition is to be taken within the continental United States) and fifteen days (if the deposition is to be taken elsewhere) prior to the time when it is desired that the deposition be taken. The Regional Director or Trial Examiner, as the case may be, shall, upon receipt of the application, if in his discretion good cause has been shown, make and serve upon the parties an order which will specify the name of the witness whose deposition is to be taken, the time when, the place where, and shall contain a designation of the officer before whom the witness is to testify, who may or may not be the same officer as that specified in the application. Such order shall be served upon all parties by the Regional Director or the Trial Examiner.

(b) Such deposition may be taken before any officer authorized to administer oaths by the laws of the United States or of the place where the examination is held, including any agent of the Board authorized to administer oaths. If the examination is held in a foreign country, it may be taken before any Secretary of Embassy or Legation, Consul General, Consul, Vice Consul, or Consular Agent of the United States.

(c) At the time and place specified in said order the officer designated to take such deposition shall permit the witness to be examined and cross-examined under oath by all the parties appearing, and his testimony shall be reduced to typewriting by the officer or under his direction. All objections to questions or evidence shall be deemed waived unless made at the examination. The officer shall not have power to rule upon any objections but he shall note them upon the deposition. The testimony shall be subscribed by the witness in the presence of the officer who shall attach his certificate stating that the witness was duly sworn by him, that the deposition is a true record of the testimony and exhibits given by the witness and that said officer is not of counsel or attorney to any of the parties nor interested in the event of the proceeding or investigation. It the deposition is not signed by the witness because he is ill, dead, cannot be found, or refuses to sign it, such fact shall be included in the certificate of the officer and the deposition may then be used as fully as though signed. The officer shall immediately deliver an original and two copies of said transcript, together with his certificate, in person or by registered mail to the Regional Director or the Trial Examiner, care of the Chief Trial Examiner, Washington, D. C., as the case may be.

(d) The Trial Examiner shall rule upon the admissibility of the deposition or any part thereof.

(e) All errors or irregularities in compliance with the provisions of this section shall be deemed waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is or, with due diligence, might have been ascertained.

(f) If the parties so stipulate in writing, depositions may be taken before any person at any time or place, upon any notice and in any manner, and when so taken may be used like other desposition.

§ 203.27 *Issuance of subpenas; requisites of application for.* Any member of the Board may issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence, including books, records, correspondence, or documents that relate to any matter under investigation or in question, before the Board, its member, agent, or agency, conducting the hearing or investigation. Applications for subpenas may be filed with the Regional Director in writing by any party, including Board agents, prior to the hearing. The Regional Director may grant or deny the application or may refer it to the Trial Examiner, who may thereafter grant or deny the application. Applications for subpenas made during the hearing shall be made in writing to the Trial Examiner who may grant or deny the application. If the application is denied the denial shall be accompanied by a simple statement of procedural or other grounds. Such applications may be made ex parte, shall be timely, and shall specify the name of the witness and show the general relevance and reasonable scope of the evidence sought, and, if calling for documents, shall specify the same with such particularity as will enable them to be identified for purposes of production. The application for subpenas and ruling thereon shall not become a part of the official record except upon the request of the party whose application has been denied. Persons compelled to submit data or evidence at a public proceeding are entitled to retain or, on payment of lawfully prescribed costs, to procure copies or transcripts of the data or evidence submitted by them. Persons compelled to submit data or evidence in the nonpublic investigative stages of proceedings may for good cause by limited by the Regional Director to inspection of the official transcript of his testimony.

§ 203.28 *Payment of witness fees and mileage; fees of persons taking depositions.* Witnesses summoned before the Trial Examiner shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and

witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear and the person taking the deposition shall be paid by the party at whose instance the deposition is taken.

HEARING

§ 203.29 *Who shall conduct; to be public unless otherwise ordered.* The hearing for the purpose of taking evidence upon a complaint shall be conducted by a Trial Examiner designated by the Chief Trial Examiner, unless the Board or any member thereof presides. At any time a Trial Examiner may be designated to take the place of the Trial Examiner previously designated to conduct the hearing. Such hearings shall be public unless otherwise ordered by the Board or the Trial Examiner.

§ 203.30 *Duty of Trial Examiner; powers of Board counsel and Trial Examiners.* It shall be the duty of the Trial Examiner to inquire fully into the facts as to whether the respondent has engaged in or is engaging in an unfair labor practice affecting commerce as set forth in the complaint or amended complaint. The Trial Examiner shall have authority, with respect to cases assigned to him, between the opening of the hearing and the issuance of the Intermediate Report (recommended decision) or transfer of the case to the Board, subject to the rules and regulations of the Board and within its powers:

(1) To administer oaths and affirmations;

(2) To grant or deny applications for subpenas authorized by law;

(3) To rule upon offers of proof and receive relevant evidence;

(4) To take or cause depositions to be taken whenever the ends of justice would be served thereby;

(5) To regulate the course of the hearing and, if appropriate or necessary, to exclude persons or counsel from the hearing for contemptuous conduct and to strike all testimony of witnesses refusing to answer any proper question;

(6) To hold conferences for the settlement or simplification of the issues by consent of the parties, but not to adjust cases;

(7) To dispose of procedural requests or similar matters, including motions referred to the Trial Examiner by the Regional Director and motions to amend pleadings; also to dismiss complaints or portions thereof, and to order hearings reopened prior to issuance of Intermediate Reports;

(8) To make and transmit Intermediate Reports (recommended decisions), in conformity with section 8 of the Administrative Procedure Act;

(9) To call, examine and cross-examine witnesses and to introduce into the record documentary or other evidence;

(10) To take any other action necessary under the foregoing and authorized by the published Rules and Regulations of the Board.

Counsel for the Board shall have power to call, examine and cross-examine witnesses, and to introduce into the record documentary or other evidence.

§ 203.31 *Rights of parties.* Any party shall have the right to appear at such hearing in person, by counsel, or by other representative, to call, examine and cross-examine witnesses, and to introduce into the record documentary or other evidence.

§ 203.32 *Rules of evidence not controlling.* In any such proceeding the rules of evidence prevailing in courts of law or equity shall not be controlling.

§ 203.33 *Stipulations of fact admissible.* In any such proceeding stipulations of fact may be introduced in evidence with respect to any issue.

§ 203.34 *Objection to conduct of hearing; how made; objections not waived by further participation.* Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, may be stated orally or in writing, accompanied by a short statement of the grounds of such objection, and included in the record. No such objection shall be deemed waived by further participation in the hearing.

§ 203.35 *Filing of briefs and proposed findings with the Trial Examiner and oral argument at the hearing.* Any party shall be entitled, upon request, to a reasonable period at the close of the hearing for oral argument, which shall be included in the stenographic report of the hearing. Any party shall be entitled, upon request made before the close of the hearing, to file a brief or proposed findings and conclusions, or both, with the Trial Examiner who may fix a reasonable time for such filing but not in excess of fifteen days from the close of the hearing. Requests for extensions of time shall be made to the Chief Trial Examiner.

§ 203.36 *Continuance and adjournment.* In the discretion of the Trial Examiner, the hearing may be continued from day to day, or adjourned to a later date or to a different place, by announcement thereof at the hearing by the Trial Examiner, or by other appropriate notice. The Chief Trial Examiner may, at any time prior to the service of the Intermediate Report, upon appropriate notice to the parties, direct that the hearing be reopened.

§ 203.37 *Contemptuous conduct; refusal of witness to answer questions.* Contemptuous conduct at any hearing before a Trial Examiner or before the Board shall be ground for exclusion from the hearing. The refusal of a witness at any such hearing to answer any question which has been ruled to be proper shall, in the discretion of the Trial Examiner, be ground for striking out all testimony previously given by such witness on related matters.

INTERMEDIATE REPORT AND TRANSFER OF CASE TO THE BOARD

§ 203.38 *Intermediate Report; contents; service; transfer of the case to the Board; contents of record in case.* After a hearing for the purpose of taking evidence upon a complaint, the Trial Examiner shall prepare an Intermediate Report (recommended decision), but the initial decision shall be made by the Board. Such report shall contain (a) findings of fact, conclusions, and the reasons or basis therefor, upon all material issues of fact, law, of discretion presented on the record; and (b) recommendations as to what disposition of the case should be made, which may include, if it be found that the respondent has engaged in or is engaging in the alleged unfair labor practice, a recommendation for such affirmative action by the respondent as will effectuate the policies of the act. The Intermediate Report shall be transmitted to the Chief Trial Examiner, who shall thereupon file the original of the Intermediate Report with the Board, and cause a copy thereof to be served upon each of the parties. Upon the filing of the Intermediate Report, the Board shall enter an order transferring the case to the Board and shall serve copies of the order, setting forth the date of such transfer, upon each of the parties and the Regional Director.

The charge upon which the complaint was issued and any amendments thereto, the complaint and any amendments thereto, Notice of Hearing, answer and any amendments thereto, motions, rulings, orders, the stenographic report of the hearing, stipulations, exhibits, documentary evidence, and depositions, together with the Intermediate Report and Exceptions, shall constitute the record in the case.

EXCEPTIONS TO THE RECORD AND PROCEEDING

§ 203.39 *Exceptions or supporting briefs; time for filing; where to file; service on parties; extension of time; effect of failure to include matter in exceptions.* Within fifteen days from the date of service of the order transferring the case to the Board, pursuant to § 203.38, any party or counsel for the Board may file with the Board at Washington, D. C., an original and four copies of a statement in writing setting forth such exceptions to the Intermediate Report or to any other part of the record or proceeding (including rulings upon all motions or objections) as he relies upon, together with the original and four copies of a brief in support thereof; and any party or counsel for the Board may, within the same period, file an original and four copies of a brief in support of the Intermediate Report. Upon special leave of the Board any party or counsel for the Board may file a reply brief upon such terms and conditions as the Board may impose. Immediately upon the filing of the statement of exceptions or briefs, the party or counsel for the Board filing the same shall serve a copy thereof upon each of the other parties and shall file a copy with the Regional Director. Upon proper cause shown, the Board may extend the period within which to file a statement of exceptions or brief.

No matter not included in a statement of exceptions may thereafter be objected to before the Board, and failure to file a statement of exceptions shall operate as a submission of the case to the Board on the record.

Should any party desire permission to argue orally before the Board, request

therefor must be made in writing to the Board within ten days after the date of service of the order transferring the case to the Board (or in Board cases the date of service of the Intermediate Report), pursuant to § 203.38. The Board shall notify the parties of the time and place for oral argument, if such permission is granted.

§ 203.40 *Filing of motion after transfer of case to Board.* All motions filed after the case has been transferred to the Board, pursuant to Section 203.38, shall be filed with the Board in Washington, D. C., by transmitting an original and three copies thereof and serving additional copies upon the Regional Director and upon each of the parties.

PROCEDURE BEFORE THE BOARD

§ 203.41 *Action of Board upon expiration of time to file exceptions to Intermediate Report; oral arguments before and filing of briefs with Board; action of Board where Trial Examiner finds no unfair labor practices and no exceptions filed; reopening of record.* Upon the expiration of the period for filing a statement of exceptions and briefs, as provided in § 203.39, the Board may decide the matter forthwith upon the record, or after oral argument, or may reopen the record and receive further evidence before a member of the Board or other Board agent or agency, or may close the case upon compliance with the recommendations of the Intermediate Report, or may make other disposition of the case.

Where the Trial Examiner has found in his Intermediate Report that the respondent has not engaged in and is not engaging in any of the alleged unfair labor practices affecting commerce, and no Exceptions have been filed within the period for filing a statement of Exceptions as provided for in § 203.39, the case shall be closed. The Board may, upon motion made within a reasonable period and upon proper cause shown, reopen the record for further proceedings in accordance with this section.

§ 203.42 *Proceedings before Board; filing charges with Board; transfer of charge and proceeding from Region to Board or to another Region; consolidation of proceedings in same Region; severance.* Whenever the Board deems it necessary in order to effectuate the purposes of the act, it may permit a charge to be filed with it in Washington, D. C., or may, at any time after a charge has been filed with a Regional Director pursuant to § 203.8, order that such charge and any proceeding which may have been instituted in respect thereto—

(a) Be transferred to and continued before it, for the purpose of consolidation with any other proceeding which may have been instituted by the Board, or for any other purpose; or

(b) Be consolidated for the purpose of hearing, or for any other purpose, with any other proceeding which may have been instituted in the same Region; or

(c) Be transferred to and continued in any other Region, for the purpose of consolidation with any proceeding which may have been instituted in or transferred to such other Region, or for any other purposes; or

(d) Be severed from any other proceeding with which it may have been consolidated pursuant to this section.

The provisions of §§ 203.9 to 203.37, inclusive, shall, insofar as applicable, apply to proceedings before the Board pursuant to this section, and the powers granted to Regional Directors in such provisions shall, for the purpose of this section, be reserved to and exercised by the Board. After the transfer of any charge and any proceeding which may have been instituted in respect thereto from one Region to another pursuant to this section, the provisions of §§ 203.9 to 203.41, inclusive, shall apply to such charge and such proceeding as if the charge had originally been filed in the Region to which the transfer is made.

§ 203.43 *Procedure before Board in cases over which it has assumed jurisdiction.* After a hearing for the purpose of taking evidence upon the complaint in any proceeding over which the Board has assumed jurisdiction in accordance with § 203.42, the Board may—

(a) Direct that the Trial Examiner prepare an Intermediate Report, in which case the provisions of §§ 203.38 to 203.41, inclusive, shall insofar as applicable govern subsequent procedure, and the powers granted to Regional Directors in such provisions shall for the purpose of this section be reserved to and exercised by the Board; or

(b) Reopen the record and receive further evidence before a member of the Board, or other agent or agency; or

(c) Make other disposition of the case.

Within fifteen days from the date of service of the Intermediate Report pursuant to paragraph (a) of this section, any party or counsel for the Board may file with the Board at Washington, D. C., an original and four copies of a statement in writing setting forth such exceptions to the Intermediate Report, or to any other part of the record or proceeding (including rulings upon all motions or objections) as he relies upon, together with the original and four copies of a brief in support thereof, and any party or counsel for the Board may, within the same period, file an original and four copies of a brief in support of the Intermediate Report. Immediately upon the filing of the statement of exceptions or briefs, the party or counsel for the Board filing the same shall serve copies upon the Regional Director and the other parties. Upon proper cause shown, the Board may extend the period within which to file a statement of exceptions or brief.

Should any party desire permission to argue orally before the Board, request therefor must be made in writing to the Board within ten days after the date of service of the Intermediate Report. The Board shall notify the parties of the time and place for the oral argument, if such permission is granted. Thereafter the Board shall forthwith decide the matter or make other disposition of the case.

§ 203.44 *Modification or setting aside of order of Board before record filed in court; action thereafter.* Until a transcript of the record in a case shall have been filed in a court, within the meaning of section 10 of the act, the Board may at any time upon reasonable notice modify or set aside, in whole or in part, any findings of fact, conclusions of law, or order made or issued by it. Thereafter the Board may proceed pursuant to §§ 203.42 or 203.43, or make any other disposition of the case.

§ 203.45 *Settlement or adjustment of issues.* At any stage or proceedings prior to hearing, where time, the nature of the proceeding, and the public interest permit, all interested parties shall have opportunity for the submission to the Regional Director with whom the charge was filed, and consideration of facts, arguments, offers of settlement, or proposals of adjustment.

SUBPART C—PROCEDURE UNDER SECTION 9 (C) OF THE ACT FOR THE INVESTIGATION AND CERTIFICATION OF REPRESENTATIVES

§ 203.46 *Petition for certification; where to file; withdrawal.* A petition to investigate and certify under section 9 (c) of the act the name or names of representatives designated or selected for the purpose of collective bargaining may be filed by an employee or any person or labor organization acting on behalf of employees, or by an employer. Such petition shall be in writing,[2] the original being signed and sworn to before any notary public, Board agent, or other person duly authorized by law to administer oaths or take acknowledgements. Three copies of the petition shall be filed. Except as provided in § 203.58, such petitions shall be filed with the Regional Director for the Region wherein the contemplated bargaining unit exists, or, if the contemplated bargaining unit exists in two or more Regions, with the Regional Director for any of such Regions. Prior to the transfer of the case to the Board, pursuant to § 203.53, the petition may be withdrawn only with the consent of the Board or of the Regional Director with whom such petition was filed. After such transfer, a petition may be withdrawn only with the consent of the Board. Whenever the Board or Regional Director approve the withdrawal of any petition the case shall be closed.

§ 203.47 *Contents of petition.* (a) Such petition, when filed by an employee or any person or labor organization acting on behalf of employees, shall contain the following:

(1) The name of the employer.

(2) The addresses of the establishments involved.

(3) The general nature of the employer's business.

(4) A description of the bargaining unit which the petitioner claims to be appropriate.

(5) The number of employees in the alleged appropriate unit.

(6) The names and addresses of any other persons or labor organizations who claim to represent any employees in the alleged appropriate unit.

(7) The nature of the alleged question concerning representation.

[2] Blank forms for filing such petitions will be supplied by the Regional Office upon request.

(8) The name, affiliation, if any, and address of the petitioner.

(9) Any other relevant facts.

(b) Such petition, when filed by an employer, shall contain the following:

(1) The name and address of the petitioner.

(2) The general nature of the petitioner's business.

(3) A brief statement setting forth that a question or controversy affecting commerce has arisen concerning the representation of employees of the petitioner in that two or more persons or labor organizations have presented to the petitioner conflicting claims that each represents a majority of the employees in the unit or units claimed to be appropriate.

(4) The names, affiliation, if any, and addresses of the persons or labor organizations making such claims of representation.

(5) A statement whether the petitioner has contracts with any of the competing labor organizations, and, if so, their expiration dates.

(6) Any other relevant facts.

§ 203.48 *Consent election agreements; consent cross-check agreements; hearings waived by stipulation.* (a) Where a petition has been filed the employer and any individuals or labor organizations representing a substantial number of employees involved may, with the approval of the Regional Director, enter into a consent election agreement or consent cross-check agreement leading to a determination by the Regional Director of the facts ascertained after such consent election or cross-check. Such agreement shall include a description of the appropriate unit, the time and place of holding any election, and the payroll to be used in determining what employees within the appropriate unit shall be eligible to vote or be counted. Such consent election or consent cross-check shall be conducted under the direction and supervision of the Regional Director. The method of conducting such consent cross-check shall be set forth in the consent cross-check agreement. The rulings of the Regional Director on all matters in question under the cross-check, and the determination by the Regional Director of the results of the cross-check shall be final. The method of conducting such consent election shall be consistent with the method followed by the Regional Director in conducting elections pursuant to §§ 203.55 and 203.56, except that the rulings and the determination by the Regional Director of the results thereof shall be final.

(b) Where a petition has been filed, the employer and any individuals or labor organizations representing a substantial number of the employees involved may, with the approval of the Regional Director, enter into an agreement providing for a waiver of hearing and a consent election leading to certification by the Board of representatives, if any, designated or selected. Such agreement shall also include a description of the appropriate bargaining unit, the time and place of holding the election, and the payroll to be used in determining which employees within the appropriate unit shall be eligible to vote. The method of conducting such election and the post-election procedure shall be consistent with that followed by the Regional Director in conducting elections pursuant to §§ 203.55 and 203.56.

§ 203.49 *Investigation of petition by Regional Director; notice of hearing; service of notice; withdrawal of notice.* After a petition has been filed, if no agreement such as that provided in § 203.48 is entered into and if it appears to the Regional Director that the policies of the act will be effectuated and that (if the petition is filed by a labor organization), there is a reasonable probability that an investigation will result in a free choice by employees of a bona fide representative, he shall institute such investigation: *Provided, however,* That the Regional Director shall not institute an investigation on a petition filed by an employer unless it appears to the Regional Director that two or more persons or labor organizations have presented to the employer conflicting claims that each represents a majority of the employees in the bargaining unit or units claimed to be appropriate.[3] The Regional Director shall prepare and cause to be served upon the employer and upon any known persons or labor organizations purporting to act as representatives of any employees directly affected by the investigation (all of whom shall thereupon become parties to the proceeding), and upon any employee or other person or labor organization who has filed a pending motion to intervene, a notice of hearing before a hearing officer at a time and place fixed therein. A copy of the petition shall be served with such notice of hearing. Any such notice of hearing may be amended or withdrawn before the hearing by the Regional Director on his own motion.

§ 203.50 *Conduct of hearing.* (a) Hearings shall be conducted by a hearing officer, and shall be open to the public unless otherwise ordered by the hearing officer. At any time a hearing officer may be substituted for the hearing officer previously presiding. It shall be the duty of the hearing officer to inquire fully into all matters in issue and necessary to obtain a full and complete record upon which the Board may discharge its duties under section 9 of the act.

(b) The hearing officer may, in his discretion, continue the hearing from day to day, or adjourn it to a later date or to a different place, by announcement thereof at the hearing, or by other appropriate notice. The Regional Director who issued the notice of hearing may, at any time prior to the transfer of the case to the Board, upon appropriate notice to the parties, direct that the hearing be reopened.

§ 203.51 *Motions; interventions.* (a) All motions, including motions for intervention pursuant to subsection (b) hereof, shall be in writing or, if made at the hearing, may be stated orally on the record, and shall briefly state the order or relief sought and the grounds for such motion. An original and four copies of written motions shall be filed and at the time of filing, a further copy thereof shall be served upon each of the parties to the proceeding. Prior to transfer of the case to the Board, written motions shall be filed with the Regional Director before whom the proceeding is pending, except that motions filed during the hearing shall be filed with the hearing officer. After transfer of the case to the Board, all motions shall be filed with the Board. The Regional Director may rule upon all motions filed with him, causing a copy of said ruling to be served upon each of the parties, or he may refer the motion to the hearing officer for ruling, except that all motions to dismiss petitions shall be referred to the Board for appropriate action. The hearing officer shall rule, either orally on the record or in writing, upon all motions filed at the hearing or referred to him as hereinabove provided, except that he shall refer to the Board for appropriate action all motions to dismiss petitions, at such time as the Board considers the entire record.

(b) Any employer, employee, other person, or labor organization desiring to intervene in any proceeding shall make a motion for intervention, stating the grounds upon which such person or organization claims to have an interest in the proceeding. The Regional Director or the hearing officer, as the case may be, may by order permit intervention in person or by counsel or other representative to such extent and upon such terms as he may deem proper, and such intervenor shall thereupon become a party to the proceeding.

(c) All motions, rulings and orders shall become a part of the record, except that rulings on applications for subpenas shall become a part of the record only upon the request of the party whose application has been denied, as provided in § 203.52 (c). Unless expressly authorized by these Rules and Regulations, rulings by the Regional Director and by the hearing officer shall not be appealed directly to the Board except by special permission of the Board, but shall be considered by the Board in reviewing the record after the case has been transferred to the Board.

(d) The right to make motions or to make objections to rulings on motions shall not be deemed waived by participation in the proceedings.

§ 203.52 *Introduction of evidence; rights of parties at hearing.* (a) Any party shall have the right to appear at any hearing in person, by counsel, or by other representative, and any party, counsel for the Board and the hearing officer shall have power to call, examine and cross-examine witnesses, and to introduce into the record documentary and other evidence. Witnesses shall be examined orally under oath. The rules of evidence prevailing in courts of law or equity shall not be controlling. Stipulations of fact may be introduced in evidence with respect to any issue.

[3] At any stage of the investigation, either before hearing or after the hearing but before transfer of the case to the Board, the Regional Director may in cases which present no substantial issues, conduct a secret ballot of the employees, or he may decline to continue the investigation.

(b) Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, may be stated orally or in writing, accompanied by a short statement of the grounds of such objection, and included in the record. No such objection shall be deemed waived by further participation in the hearing.

(c) Prior to the hearing, application for subpenas may be filed in writing by any party, including Board agents, with the Regional Director. The Regional Director may grant or deny the application, or may refer it to the hearing officer who may thereafter grant or deny the application. During the hearing applications for subpenas shall be made in writing to the hearing officer, who may grant or deny the application. If any application is denied the denial shall be accompanied by a simple statement of procedural or other grounds. Such applications may be made ex parte shall be timely, and shall specify the name of the witness and show the general relevance and reasonable scope of the evidence sought, and, if calling for documents, shall specify the same with such particularity as will enable them to be identified for the purposes of production. The application for subpenas and ruling thereon shall not become a part of the record except upon the request of the party whose application has been denied. Persons compelled to submit data or evidence are entitled to retain or, on payment of lawfully prescribed costs, to procure copies of transcripts of the data or evidence submitted by them.

(d) Contemptuous conduct at any hearing before a hearing officer or before the Board shall be ground for exclusion from the hearing. The refusal of a witness at any such hearing to answer any question which has been ruled to be proper shall, in the discretion of the hearing officer, be ground for striking out all testimony previously given by such witness on related matters.

(e) Any party shall be entitled, upon request, to a reasonable period at the close of the hearing, for oral argument, which shall be included in the stenographic report of the hearing.

(f) Witness fees and mileage shall be paid by the party at whose instance the witness appears.

§ 203.53 *Record; what constitutes; transmission to Board.* At any appropriate stage of the investigation following the hearings, the Regional Director may transfer the case to the Board and shall thereupon forward to the Board in Washington, D. C., the petition, notice of hearing, motions, rulings, orders, the stenographic report of the hearing, stipulations, exhibits, documentary evidence, and depositions, all of which shall constitute the record in the proceeding.

§ 203.54 *Proceedings before the Board; further hearing; briefs; Board direction of election; certification of representatives.* Upon transfer of the proceeding to the Board, the Board shall proceed, either forthwith upon the record, or after oral argument or the submission of briefs, or further hearing, as it may determine, to certify to the parties the name or names of the representatives that have been designated or selected, or to direct a secret ballot of the employees in order to complete the investigation, or to make other disposition of the matter. Should any party desire to file a brief with the Board, the original and three copies thereof shall be filed with the Board at Washington, D. C., within seven days after Notice of Transfer of the case to the Board. Immediately upon such filing, the party filing the same shall serve a copy thereof upon each of the other parties. No reply brief may be filed except upon special leave of the Board.

§ 203.55 *Election procedure; tally of the ballots; objections; report on challenged ballots; report on objections; exceptions; action of the Board; hearing.* Unless otherwise directed by the Board, all elections shall be conducted under the supervision of the Regional Director in whose Region the proceeding is pending. All elections shall be by secret ballot. Any party may be represented by observers of his own selection, subject to such limitations as the Regional Director may prescribe. Any party and Board agent may challenge for good cause the eligibility of any person to participate in the election. The ballots of such challenged persons shall be impounded. Upon the conclusion of the election, the designated agent shall cause to be furnished to the parties a Tally of the Ballots. Within five (5) days thereafter any party may file with the designated agent an original and three copies of objections to the conduct of the election or conduct affecting the results of the election. The objections shall contain a short statement of the reasons therefor. Copies thereof shall be served upon each of the other parties by the party filing such objections.

If no such objections are filed within five (5) days after the conclusion of the election, and if the challenged ballots are insufficient in number to affect the result of the election, the designated agent shall, if no run-off election is to be held pursuant to § 203.56, forthwith forward to the Board in Washington, D. C., the Tally of the Ballots which, together with the record previously made, shall constitute the record in the case, and the Board may thereupon decide the matter forthwith upon the record, or may make other disposition of the case.[4]

If objections are filed to the conduct of the election or conduct affecting the results of the election or if the challenged ballots are sufficient in number to affect the result of the election, the designated agent shall investigate the issues raised by such objections, challenges, or both, and shall prepare and cause to be served upon the parties a report on challenged ballots, objections, or both, including his recommendations, which report, together with the tally of the ballots, he shall forward to the Board in Washington, D. C. Within five (5) days from the date of service of the report on challenged ballots, objections, or both, the parties may file with the Board in Washington, D. C., an original and three copies of exceptions to such report. Immediately upon the filing of such exceptions, the party filing the same shall serve a copy thereof upon each of the other parties, and shall file a copy with the designated agent. If no exceptions are filed to such report the Board, upon the expiration of the period for filing such exceptions, may decide the matter forthwith upon the record, or may make other disposition of the case

The report on challenged ballots shall be consolidated with the report on objections in appropriate cases.

If exceptions are duly filed, either to the report on challenged ballots, objections, or both if it be a consolidated report, or to conduct affecting the results of the election, and it appears to the Board that such exceptions do not raise substantial and material issues with respect to the conduct or results of the election, the Board may decide the matter forthwith upon the record, or may make other disposition of the case. If it appears to the Board that such exceptions raise substantial and material issues, the Board may direct the designated agent or other agent of the Board to issue, and cause to be served upon the parties, a notice of hearing on said exceptions before a hearing officer. The hearing shall be conducted in accordance with the provisions of §§ 203.50, 203.51, and 203.52, insofar as applicable. Upon the close of the hearing, the agent conducting the hearing shall forward to the Board in Washington, D. C., the notice of hearing, motions, rulings, orders, stenographic report of the hearing, stipulations, exceptions, documentary evidence, all of which, together with the objection to the conduct of the election on conduct affecting the results of the election, the report on such objections, the report on challenged ballots, and exceptions to the report on objections or to the report on challenged ballots, and the record previously made, shall constitute the record in the case. The Board shall thereupon proceed pursuant to § 203.54.

§ 203.56 *Run-off elections.* (a) The agent designated pursuant to the provisions of § 203.55 to conduct the election, shall conduct a run-off election, without further order of the Board, when the results in the election are inconclusive because no choice on the ballot in the election received a majority of the valid ballots cast and when no objections are filed as provided in § 203.55: *Provided,* That a written request by any representative entitled to appear on the run-off ballot pursuant to this section is submitted to him within ten (10) days after the date of the election. Only one run-off election shall be held pursuant to this section.

[4] This and the subsequent provisions of this section do not apply to elections conducted by the Regional Director as part of the investigation before hearing (see footnote 3). In such instances, the Regional Director, following the election, shall provide for an appropriate hearing upon due notice to all parties, unless it appears to him that the investigation should not be continued; and all issues, including issues with respect to the conduct of the election or conduct affecting the election results and issues raised by challenged ballots, shall be heard at such hearing.

(b) Employees who were eligible to vote in the election and who are employed in an eligible category on the date of the run-off election shall be eligible to vote in a run-off election.

(c) The ballot in the run-off election shall provide for a selection between the two choices that receive the largest and the second largest number of valid votes cast in the election, except as provided in this paragraph or otherwise directed by the Board.

(1) In the event the number of votes cast for "neither" in an inconclusive election in which the ballot provided for a choice among two representatives and "neither" is less than the number cast for one representative, but more than or equal to the number cast for the other representative, or if the votes are equally divided among the three choices, the run-off ballot shall provide for a choice between the two representatives.

(2) In the event the number of votes cast for "neither" in an inconclusive election in which the ballot provided for a choice among two representatives and "neither" is more than the number cast for either of the two representatives but the votes cast for the two representatives are tied and the combined number of votes cast for the two representatives is equal to or exceeds 50 percent of the total valid votes cast, the run-off ballot shall provide for a selection between the three choices afforded in the original ballot.

(3) In the event the number of votes cast for "none" in an inconclusive election, in which the ballot provided for a choice among three or more representatives and "none", is equal to the number cast for the representative with the largest number of votes, or is less than the number cast for the representative with the largest number of votes but more than or the same as the number cast for the representative with the second largest number of votes as among representatives, or is the same as the number cast for each of the two highest representatives, the run-off ballot shall provide for a choice between the two representatives.

(4) In the event the number of votes cast for "none" in an inconclusive election, in which the ballot provided for a choice among three or more representatives and "none," is less than the number cast for the representative with the largest number of votes and more than the number cast for any other representative but an equal number of votes is cast for each of two or more such other representatives, the run-off ballot shall provide for a choice among the three or more representatives, provided, however, that in the event such run-off election is inconclusive no further run-off shall be conducted.

(5) No representative shall be accorded a place on the run-off ballot unless that representative received at least twenty percent of the valid votes cast in the election.

(d) Upon the conclusion of the run-off election, the agent who conducted the run-off election, the parties, and the Board shall proceed pursuant to § 203.55, insofar as applicable.

§ 203.57 *Refusal to institute investigation; termination of investigation; appeals to Board from action of the Regional Director.* (a) If, after a petition has been filed, it shall appear to the Regional Director that no investigation should be made, the Regional Director may decline to institute such investigation, and close the case. If, after an investigation has been instituted pursuant to § 203.49, it shall appear to the Regional Director that further investigation should not be made, he may terminate the investigation and close the case at any time prior to issuance of an order transferring the case to the Board.

(b) If the Regional Director closes a case, pursuant to paragraph (a) hereof, he shall so advise the petitioner in writing, accompanied by a simple statement of the procedural or other grounds. The petitioner may obtain a review of such action by filing a request therefor with the Board in Washington, D. C., and filing a copy of such request with the Regional Director, within ten (10) days of notification of the close of the case. The request shall contain a complete statement setting forth the facts and reasons upon which the request is based.

§ 203.58 *Proceedings before Board; filing petition with Board; investigation upon motion of Board; transfer of petition and proceeding from Region to Board or to another Region; consolidation of proceedings in same Region; severance; procedure before Board in cases over which it has assumed jurisdiction.*—Whenever the Board deems it necessary in order to effectuate the purposes of the act, it may—

(a) Permit a petition requesting an investigation and certification to be filed with it, and may upon the filing of such petition proceed to conduct an investigation under section 9 (c) of the act, or direct a Regional Director, or other agent or agency to conduct such an investigation; or

(b) Upon its own motion conduct, or direct any member, Regional Director, or other agent or agency to conduct an investigation under section 9 (c) of the act; or

(c) At any time after a petition has been filed with a Regional Director pursuant to § 203.46, order that such petition and any proceeding which may have been instituted in respect thereto—

(1) Be transferred to and continued before it, for the purpose of consolidation with any proceeding which may have been instituted by the Board, or for any other purpose; or

(2) Be consolidated, for the purpose of hearing, or for any other purpose, with any other proceeding which may have been instituted in the same Region; or

(3) Be transferred to and continued in any other Region, for the purpose of consolidation with any proceeding which may have been instituted in such other Region, or for any other purpose; or

(4) Be severed from any other proceeding with which it may have been consolidated.

The provisions of this subpart shall insofar as applicable, apply to proceedings conducted pursuant to subsections (a), (b), and (c) (1) of this section, and the powers granted to the Regional Director in such provisions shall for the purpose of this section be reserved to and exercised by the Board, or by the Regional Director, or other agent or agency, directed to conduct the investigation. After the transfer of any petition and any proceeding which may have been instituted in respect thereto from one region to another pursuant to paragraph (c) (3) of this section, the provisions of this subpart shall apply to such proceedings as if the petition had originally been filed in the region to which the transfer is made.

SUBPART D—DESIGNATION OF REGIONAL DIRECTORS, EXAMINERS, AND ATTORNEYS AS AGENTS OF THE BOARD

§ 203.59 *Powers and duties of Regional Directors.* All Regional Directors now or hereafter in the employ of the Board are herewith designated by the Board as its agents:

(a) To prosecute any inquiry necessary to the functions of the Board, in accordance with section 5 of the act.

(b) To investigate concerning the representation of employees (including the taking of secret ballots of employees) and conduct hearings in connection with such investigations, in accordance with section 9 (c) of the act.

(c) To issue, cause to be served, and amend complaints, in accordance with section 10 (b) of the act.

(d) To have access to and the right to copy evidence, to administer oaths and affirmations, to examine witnesses, and to receive evidence, in accordance with section 11 (1) of the act.

§ 203.60 *Powers and duties of Field Examiners.* All Field Examiners now or hereafter in the employ of the Board are herewith designated by the Board as its agents:

(a) To prosecute any inquiry necessary to the functions of the Board, in accordance with section 5 of the act.

(b) To investigate concerning the representation of employees (including the taking of secret ballots of employees) and conduct hearings in connection with such investigation, in accordance with section 9 (c) of the act.

(c) To have access to and the right to copy evidence, and to administer oaths and affirmations, in accordance with section 11 (1) of the act.

§ 203.61 *Powers and duties of attorneys.* All attorneys now or hereafter in the employ of the Board are herewith designated by the Board as its agents:

(a) To prosecute any inquiry necessary to the functions of the Board, in accordance with section 5 of the act.

(b) To investigate concerning the representation of employees (including the taking of secret ballots of employees) and conduct hearings in connection with such investigation, in accordance with section 9 (c) of the act.

(c) To have access to and the right to copy evidence, to administer oaths and affirmations, to examine witnesses, and to receive evidence, in accordance with section 11 (1) of the act.

§ 203.62 *Special designation of agents.* The foregoing designations shall not be

construed to limit the power of the Board to make such special designation of agents as may in its discretion be necessary or proper to effectuate the purposes of the act.

SUBPART E—SERVICE OF PAPERS

§ 203.63 *Service of process and papers; proof of service.* Complaints, orders, and other process and papers of the Board, its member, agent, or agency, may be served personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same, setting forth the manner of such service, shall be proof of the same, and the return post-office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same.

§ 203.64 *Same; by parties; proof of service.* Service of papers by a party on other parties shall be made by registered mail or in any manner provided for the service of papers in a civil action by the law of the State in which the hearing is pending. When service is made by registered mail, the return post-office receipt shall be proof of service. When service is made in any manner provided by such law, proof of service shall be made in accordance with such law.

§ 203.65 *Filing of proof of service.* The person or party serving the papers or process on other parties in conformance with §§ 203.63 and 203.64 shall make proof of service thereof to the Board promptly and in any event within the time during which the parties are required to be served. Failure to make proof of service does not affect the validity of the service.

§ 203.66 *Time; additional time after service by mail.* In computing any period of time prescribed or allowed by these rules, the day of the act, event, or default after which the designated period of time begins to run, is not to be included. The last day of the period so computed is to be included, unless it is a Sunday or a legal holiday, in which event, the period runs until the end of the next day, which is neither a Sunday nor a legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Sundays and holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a holiday. Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after service of a notice or other paper upon him, and the notice or paper is served upon him by mail, three (3) days shall be added to the prescribed period.

SUBPART F—CERTIFICATION AND SIGNATURE OF DOCUMENTS

§ 203.67 *Certification of papers and documents.* The Chief of the Order Section, or in the event of his absence or disability whosoever may be designated by the Board in his place and stead, shall certify copies of all papers and documents which are a part of any of the files or records of the Board as may be necessary or desirable from time to time.

§ 203.68 *Signatures of orders and complaints.* The Chief of the Order Section, or in the event of his absence or disability whosoever may be designated by the Board in his place and stead, is hereby authorized to sign all orders of the Board, and sign and issue all complaints authorized to be issued by the Board.

SUBPART G—RECORDS AND INFORMATION

§ 203.69 *Files, records, etc. in exclusive custody of Board and not subject to inspection; formal documents and final opinions and orders subject to inspection.* The formal documents described as the record in the case or proceeding and defined in §§ 203.38, 203.53, and 203.55 of these rules and regulations are matters of official records, and are available to inspection and examination by persons properly and directly concerned, during usual business hours, at the appropriate Regional Office of the Board or in Washington, D. C., as the case may be. True and correct copies thereof will be certified upon submission of such copies a reasonable time in advance of need and payment of lawfully prescribed costs; provided, however, that if the Board or the Regional Director with whom the documents are filed shall find in a particular instance good cause why a matter of official record should be kept confidential, such matter shall not be available for public inspection or examination. Application for such inspection, if desired to be made at the Board's offices in Washington, D. C., shall be made to the Chief of the Order Section, and if desired to be made at any Regional Office, shall be made to the Regional Director. The Chief of the Order Section or the Regional Director may, in his discretion, require that the application be made in writing and under oath and set forth the facts upon which the applicant relies to show that he is properly and directly concerned with such inspection and examination. Should the Chief of the Order Section or the Regional Director, as the case may be, deny any such application, he shall give prompt notice thereof, accompanied by a simple statement of procedural or other grounds.

All final opinions or orders of the Board in the adjudication of cases (except those required for good cause to be held confidential and not cited as precedents) and its rules and regulations are available to public inspection during regular business hours at the Board's offices in Washington, D. C. Copies may be obtained upon request made to any Regional Office of the Board at its address as published in the Federal Register, or to the Director of Information in Washington. Subject to the provisions of §§ 203.27 and 203.52 (c) of these rules and regulations, all files, documents, reports, memoranda, and records pertaining to the internal management of the Board or to the investigation or disposition of charges or petitions during the nonpublic investigative stages of proceedings and before the institution of formal proceedings, and all matters of evidence obtained by the Board or any of its agents in the course of investigation, which have not been offered in evidence at a hearing before a Trial Examiner or hearing officer or have not been made part of an official record by stipulation, whether in the Regional Offices of the Board or in its principal office in the District of Columbia, are for good cause found by the Board held confidential and are not matters of official record or available to public inspection, unless permitted by the Board, its Chairman, or any Regional Director.

§ 203.70 *Same; Board employees prohibited from producing files, records, etc., pursuant to subpena duces tecum, prohibited from testifying in regard thereto.* No Regional Director, Field Examiner, Trial Examiner, attorney, specially designated agent, member of the Board or other officer or employee of the Board shall produce or present any files, documents, reports, memoranda or records of the Board or testify in behalf of any party to any cause pending in any court or before any Board, Commission, or other administrative agency of the United States or of any State, Territory, or the District of Columbia with respect to any information, facts, or other matter coming to his knowledge in his official capacity or with respect to the contents of any files, documents, reports, memoranda, or records of the Board, whether in answer to a subpena, subpena duces tecum or otherwise, without the written consent of the Board or the Chairman of the Board. Whenever any subpena or subpena duces tecum calling for records or testimony as described hereinabove shall have been served upon any such persons or other officer or employee of the Board, he will, unless otherwise expressly directed by the Board or the Chairman of the Board, appear in answer thereto and respectfully decline by reason of this Rule to produce or present such files, documents, reports, memoranda, or records of the Board or give such testimony.

SUBPART H—PRACTICE BEFORE THE BOARD OF FORMER EMPLOYEES

§ 203.71 *Prohibition of practice before Board of its former Regional employees in cases pending in Region during employment.* No person who has been an employee of the Board and attached to any of its Regional Offices shall engage in practice before the Board or its agents in any respect or in any capacity in connection with any case or proceeding which was pending in any Regional Office to which he was attached during the time of his employment with the Board.

§ 203.72 *Same; application to former employees of Washington staff.* No person who has been an employee of the Board and attached to the Washington staff shall engage in practice before the Board or its agents in any respect or in any capacity in connection with any case or proceeding pending before the Board or any Regional Offices during the time of his employment with the Board.

SUBPART I—CONSTRUCTION OF RULES

§ 203.73 *Rules to be liberally construed.* These rules and regulations

shall be liberally construed to effectuate the purposes and provisions of the act.

SUBPART J—ENFORCEMENT OF RIGHTS, PRIVILEGES, AND IMMUNITIES GRANTED OR GUARANTEED UNDER SECTION 222 (F), COMMUNICATIONS ACT OF 1934, AS AMENDED, TO EMPLOYEES OF MERGED TELEGRAPH CARRIERS

§ 203.74 *Enforcement of rights, privileges and immunities granted or guaranteed under section 222 (f) Communications Act of 1934, as amended.* All matters relating to the enforcement of rights, privileges, or immunities granted or guaranteed under section 222 (f) of the Communications Act of 1934, as amended, shall be governed by the provisions of Subparts A, B, D, E, F, G, H, I, and K of these Rules and Regulations, insofar as applicable, except that reference in Subpart B to "unfair labor practices" or "unfair labor practices affecting commerce" shall for the purposes of this Article mean the denial of any rights, privileges, or immunities granted or guaranteed under section 222 (f) of the Communications Act of 1934, as amended.

SUBPART K—AMENDMENTS

§ 203.75 *Amendment or rescission of rules.* Any rule or regulation may be amended or rescinded by the Board at any time.

§ 203.76 *Petitions for issuance, amendment or repeal of rules.* Any interested person may petition the Board, in writing, for the issuance, amendment, or repeal of a rule or regulation. An original and three copies of such petition shall be filed with the Board in Washington, D. C., and shall state the rule or regulation proposed to be issued, amended or repealed, together with a statement of grounds in support of such petition.

§ 203.77 *Action on petition.* Upon the filing of such petition, the Board shall consider the same, and may thereupon either grant or deny the petition in whole or in part, conduct an appropriate hearing thereon, or make other disposition of the petition. Should the petition be denied in whole or in part, prompt notice shall be given of the denial, accompanied by a simple statement of the grounds unless the denial is self-explanatory.

NATIONAL LABOR RELATIONS ACT

(49 Stat. 449)

AN ACT To diminish the causes of labor disputes burdening or obstructing interstate and foreign commerce, to create a National Labor Relations Board, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,

FINDINGS AND POLICY

SECTION 1. The denial by employers of the right of employees to organize and the refusal by employers to accept the procedure of collective bargaining lead to strikes and other forms of industrial strife or unrest, which have the intent or the necessary effect of burdening or obstructing commerce by (a) impairing the efficiency, safety, or operation of the instrumentalities of commerce; (b) occurring in the current of commerce; (c) materially affecting, restraining, or controlling the flow of raw materials or manufactured or processed goods from or into the channels of commerce, or the prices of such materials or goods in commerce; or (d) causing diminution of employment and wages in such volume as substantially to impair or disrupt the market for goods flowing from or into the channels of commerce.

The inequality of bargaining power between employees who do not possess full freedom of association or actual liberty of contact and employers who are organized in the corporate or other forms of ownership association substantially burdens and affects the flow of commerce, and tends to aggravate recurrent business depressions, by depressing wage rates and the purchasing power of wage earners in industry and by preventing the stabilization of competitive wage rates and working conditions within and between industries.

Experience has proved that protection by law of the right of employees to organize and bargain collectively safeguards commerce from injury, impairment, or interruption, and promotes the flow of commerce by removing certain recognized sources of industrial strife and unrest, by encouraging practices fundamental to the friendly adjustment of industrial disputes arising out of differences as to wages, hours, or other working conditions, and by restoring equality of bargaining power between employers and employees.

It is hereby declared to be the policy of the United States to eliminate the cause of certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.

DEFINITIONS

SEC. 2. When used in this act:

(1) The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

(2) The term "employer" includes any person acting in the interest of an employer, directly or indirectly, but shall not include the United States, or any State or political subdivision thereof, or any person subject to the Railway Labor Act, as amended from time to time, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization.

(3) The term "employee" shall include any employee, and shall not be limited to the employees of a particular employer, unless the Act explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of, or in connection with any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment, but shall not include any individual employed as an agricultural laborer, or in the domestic service of any family or person at his home, or any individual employed by his parent or spouse.

(4) The term "representatives" includes any individual or labor organization.

(5) The term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(6) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia or any Territory of the United States and any State or Territory, or between any foreign country and any State, Territory, or the District of Columbia, or within the District of Columbia or any Territory, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign country.

(7) The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce.

(8) The term "unfair labor practice" means any unfair labor practice listed in section 8.

(9) The term "labor dispute" includes any controversy concerning terms, tenure, or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

(10) The term "National Labor Relations Board" means the National Labor Relations Board created by section 3 of this Act.

(11) The term "old Board" means the National Labor Relations Board established by Executive Order Numbered 6763 of the President on June 29, 1934, pursuant to Public Resolution Numbered 44, approved June 19, 1934 (48 Stat. 1183), and reestablished and continued by Executive Order Numbered 7074 of the President of June 15, 1935, pursuant to Title I of the National Industrial Recovery Act (48 Stat. 195) as amended and continued by Senate Joint Resolution 133 [1] approved June 14, 1935.

NATIONAL LABOR RELATIONS BOARD

SEC. 3 (a) There is hereby created a board, to be known as the "National Labor Relations Board" (hereinafter referred to as the "Board"), which shall be composed of three members, who shall be appointed by the President, by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, one for a term of three years, and one for a term of five years, but their successors shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as the chairman of the Board. Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.

(b) A vacancy in the Board shall not impair the right of the remaining members to exercise all the powers of the Board, and two members of the Board shall, at all times, constitute a quorum. The Board shall have an official seal which shall be judicially noticed.

(c) The Board shall at the close of each fiscal year make a report in writing to Congress and to the President stating in detail the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Board, and an account of all moneys it has disbursed.

SEC. 4 (a) Each member of the Board shall receive a salary of $10,000 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment. The Board shall appoint, without regard for the provisions of the civil-service laws but subject to the Classification Act of 1923, as amended, an executive secretary, and such attorneys, examiners, and regional directors, and shall appoint such other employees with regard to existing laws appli-

[1] So in original.

cable to the employment and compensation of officers and employees of the United States, as it may from time to time find necessary for the proper performance of its duties and as may be from time to time appropriated for by Congress. The Board may establish or utilize such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed. Attorneys appointed under this section may, at the direction of the Board, appear for and represent the Board in any case in court. Nothing in this Act shall be construed to authorize the Board to appoint individuals for the purpose of conciliation or mediation (or for statistical work), where such service may be obtained from the Department of Labor.

(b) Upon the appointment of the three original members of the Board and the designation of its chairman, the old Board shall cease to exist. All employees of the old Board shall be transferred to and become employees of the Board with salaries under the Classification Act of 1923, as amended, without acquiring by such transfer a permanent or civil-service status. All records, papers, and property of the old Board shall become records, papers, and property of the Board, and all unexpended funds and appropriations for the use and maintenance of the old Board shall become funds and appropriations available to be expended by the Board in the exercise of the powers, authority, and duties conferred on it by this Act.

(c) All of the expenses of the Board, including all necessary traveling and subsistence expenses outside the District of Columbia incurred by the members or employees of the Board under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Board or by any individual it designates for that purpose.

SEC. 5. The principal office of the Board shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place. The Board may, by one or more of its members or by such agents or agencies as it may designate, prosecute any inquiry necessary to its functions in any part of the United States. A member who participates in such an inquiry shall not be disqualified from subsequently participating in a decision of the Board in the same case.

SEC. 6. (a) The Board shall have authority from time to time to make, amend, and rescind such rules and regulations as may be necessary to carry out the provisions of this Act. Such rules and regulations shall be effective upon publication in the manner which the Board shall prescribe.

RIGHTS OF EMPLOYEES

SEC. 7. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection.

SEC. 8. It shall be an unfair labor practice for an employer—

(1) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 7.

(2) To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it: *Provided*, That subject to rules and regulations made and published by the Board pursuant to section 6 (a), an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay.

(3) By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization: *Provided*, That nothing in this act, or in the National Industrial Recovery Act (U. S. C., Supp. VII, title 15, secs. 701–712), as amended from time to time, or in any code or agreement approved or prescribed thereunder, or in any other statute of the United States, shall preclude an employer from making an agreement with a labor organization (not established, maintained, or assisted by any action defined in this Act as an unfair labor practice) to require, as a condition of employment, membership therein, if such labor organization is the representative of the employees as provided in section 9 (a), in the appropriate collective bargaining unit covered by such agreement when made.

(4) To discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this Act.

(5) To refuse to bargain collectively with the representatives of his employees, subject to the provisions of section 9 (a).

REPRESENTATIVES AND ELECTIONS

SEC. 9. (a) Representatives designated or selected for the purposes of collective bargaining by the majority of the employees in a unit appropriate for such purposes, shall be the exclusive representatives of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment: *Provided*, That any individual employee or a group of employees shall have the right at any time to present grievances to their employer.

(b) The Board shall decide in each case whether, in order to insure to employees the full benefit of their right to self-organization and to collective bargaining, and otherwise to effectuate the policies of this Act, the unit appropriate for the purposes of collective bargaining shall be the employer unit, craft unit, plant unit, or subdivision thereof.

(c) Whenever a question affecting commerce arises concerning the representation of employees, the Board may investigate such controversy and certify to the parties, in writing, the name or names of the representatives that have been designated or selected. In any such investigation, the Board shall provide for an appropriate hearing upon due notice, either in conjunction with a proceeding under section 10 or otherwise, and may take a secret ballot of employees, or utilize any other suitable method to ascertain such representatives.

(d) Whenever an order of the Board made pursuant to section 10 (c) is based in whole or in part upon facts certified following an investigation pursuant to subsection (c) of this section, and there is a petition for the enforcement or review of such order, such certification and the record of such investigation shall be included in the transcript of the entire record required to be filed under subsections 10 (e) or 10 (f), and thereupon the decree of the court enforcing, modifying, or setting aside in whole or in part the order of the Board shall be made and entered upon the pleadings, testimony, and proceedings set forth in such transcript.

PREVENTION OF UNFAIR LABOR PRACTICES

SEC. 10. (a) The Board is empowered, as hereinafter provided, to prevent any person from engaging in any unfair labor practice (listed in section (8) affecting commerce. This power shall be exclusive, and shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, code, law, or otherwise.

(b) Whenever it is charged that any person has engaged in or is engaging in any such unfair labor practice, the Board, or any agent or agency designated by the Board for such purposes, shall have power to issue and cause to be served upon such person a complaint stating the charges in that respect, and containing a notice of hearing before the Board or a member thereof, or before a designated agent or agency, at a place therein fixed, not less than five days after the serving of said complaint. Any such complaint may be amended by the member, agent, or agency conducting the hearing or the Board in its discretion at any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint. In the discretion of the member, agent, or agency conducting the hearing or the Board, any other person may be allowed to intervene in the said proceeding and to present testimony. In any such proceeding the rules of evidence prevailing in courts of law or equity shall not be controlling.

(c) The testimony taken by such member, agent, or agency or the Board shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony or hear argument. If upon all the testimony taken the Board shall be of the opinion that any person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice, and to take such affirmative action, including reinstatement of employees with or without back pay, as will effectuate the policies of this Act. Such order may further require such person to make reports from time to time showing the extent to which it has complied with the order. If, upon all the testimony taken, the Board shall be of the opinion that no person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue an order dismissing the said complaint.

(d) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the Board may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

(e) The Board shall have power to petition any circuit court of appeals of the United States (including the Court of Appeals of the District of Columbia), or if all the circuit courts of appeals to which application may be made are in vacation, any district court of the United States (including the Supreme Court of the District of Columbia), within any circuit or district, respectively, wherein the unfair labor practice in question occurred or wherein such person resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and order of the Board. Upon such filing, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board. No objection that has not been urged before the Board, its member, agent or agency, shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Board as to the facts, if supported by evidence, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is ma-

terial and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board, its member, agent, or agency, the court may order such additional evidence to be taken before the Board, its member, agent, or agency, and to be made a part of the transcript. The Board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which, if supported by evidence shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate circuit court of appeals if application was made to the district court as hereinabove provided, and by the Supreme Court of the United States and upon writ of certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., title 28, secs. 346 and 347).

(f) Any person aggrieved by a final order of the Board granting or denying in whole or in part the relief sought may obtain a review of such order in any circuit court of appeals of the United States in the circuit wherein the unfair labor practice in question was alleged to have been engaged in or wherein such person resides or transacts business, or in the Court of Appeals of the District of Columbia, by filing in such a court a written petition praying that the order of the Board be modified or set aside. A copy of such petition shall be forthwith served upon the Board, and thereupon the aggrieved party shall file in the court a transcript of the entire record in the proceedings, certified by the Board, including the pleading and testimony upon which the order complained of was entered and the findings and order of the Board. Upon such filing, the court shall proceed in the same manner as in the case of an application by the Board under subsection (e), and shall have the same exclusive jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board; and the findings of the Board as to the facts, if supported by evidence, shall in like manner be conclusive.

(g) The commencement of proceedings under subsection (e) or (f) of this section shall not, unless specifically ordered by the court, operate as a stay of the Board's order.

(h) When granting appropriate temporary relief or a restraining order, or making and entering a decree enforcing, modifying, and enforcing as so modified or setting aside in whole or in part an order of the Board, as provided in this section, the jurisdiction of courts sitting in equity shall not be limited by the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes," approved March 23, 1932 (U. S. C., Supp. VII, title 29, secs. 101–115).

(i) Petitions filed under this Act shall be heard expeditiously, and if possible within ten days after they have been docketed.

INVESTIGATORY POWERS

SEC. 11. For the purpose of all hearings and investigations, which, in the opinion of Board, are necessary and proper for the exercise of the powers vested in it by section 9 and section 10—

(1) The Board, or its duly authorized agents or agencies, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question. Any member of the Board shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question, before the Board, its member, agent, or agency conducting the hearing or investigation. Any member of the Board, or any agent or agency designated by the Board, for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(2) In case of contumacy or refusal to obey a subpena issued to any person, any District Court of the United States or the United States courts of any Territory or possession, or the Supreme Court of the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(3) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to the subpena of the Board, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(4) Complaints, orders, and other process and papers of the Board, its member, agent, or agency, may be served either personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Board, its member, agent, or agency, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(5) All process of any court to which application may be made under this Act may be served in the judicial district wherein the defendant or other person required to be served resides or may be found.

(6) The several departments and agencies of the Government, when directed by the President, shall furnish the Board, upon its requests, all records, papers, and information in their possession relating to any matter before the Board.

SEC. 12. Any person who shall willfully resist, prevent, impede, or interfere with any member of the Board or any of its agents or agencies in the performance of duties pursuant to this Act shall be punished by a fine of not more than $5,000 or by imprisonment for not more than one year, or both.

LIMITATIONS

SEC. 13. Nothing in this Act shall be construed so to interfere with or impede or diminish in any way the right to strike.

SEC. 14. Wherever the application of the provisions of section 7 (a) of the National Industrial Recovery Act (U. S. C., Supp. VII, title 15, sec. 707 (a), as amended from time to time, or of section 77 B, paragraphs (l) and (m) of the Act approved June 7, 1934, entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of bankruptcy throughout the United States' approved July 1, 1898, and Acts amendatory thereof and supplementary thereto" (48 Stat. 922, pars. (l) and (m)), as amended from time to time, or of Public Resolution Numbered 44, approved June 19, 1934 (48 Stat. 1183), conflicts with the application of the provisions of this Act, this Act shall prevail: *Provided*, That in any situation where the provisions of this Act cannot be validly enforced, the provisions of such other Acts shall remain in full force and effect.

SEC. 15. If any provisions of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 16. This Act may be cited as the "National Labor Relations Act."

Approved: JULY 5, 1935.

EXTRACT FROM FAIR LABOR STANDARDS ACT OF 1938 [1]

MAXIMUM HOURS

SEC. 7. (a) No employer shall, except as otherwise provided in this section, employ any of his employees who is engaged in commerce or in the production of goods for commerce—

(1) For a workweek longer than 44 hours during the first year from the effective date of this section,

(2) For a workweek longer than 42 hours during the second year from such date, or

(3) For a workweek longer than 40 hours after the expiration of the second year from such date,

unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed.

(b) No employer shall be deemed to have violated subsection (a) by employing any employee for a workweek in excess of that specified in such subsection without paying the compensation for overtime employment prescribed therein if such employee is so employed—

(1) In pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that no employee shall be employed more than 1,000 hours during any period of 26 consecutive weeks.

(2) On an annual basis in pursuance of an agreement with his employer, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that the employee shall not be employed more than 2,080 hours during any period of 52 consecutive weeks, or

(3) For a period or periods of not more than 14 workweeks in the aggregate in any calendar year in an industry found by the Administrator to be of a seasonal nature,

and if such employee receives compensation for employment in excess of 12 hours in any workday, or for employment in excess of 56 hours in any workweek, as the case may

[1] 52 Stat. 29 U. S. C., sec. 201 *et seq.*, Sec. 7 (b) (2) as amended by 55 Stat. 756, 29 U. S. C., 1940 ed., Sup. IV, sec. 207 (b) (2).

be, at a rate not less than one and one-half times the regular rate at which he is employed.

(c) In the case of an employer engaged in the first processing of milk, whey, skimmed milk, or cream into dairy products, or in the ginning and compressing of cotton, or in the processing of cottonseed, or in the processing of sugar beets, sugar beet molasses, sugarcane, or maple sap, into sugar (but not refined sugar) or into sirup, the provisions of subsection (a) shall not apply to his employees in any place of employment where he is so engaged; and in the case of an employer engaged in the first processing of, or in canning or packing, perishable or seasonal fresh fruits or vegetables, or in the first processing, within the area of production (as defined by the Administrator), of any agricultural or horticultural commodity during seasonal operations, or in handling, slaughtering, or dressing poultry or livestock, the provisions of subsection (a), during a period or periods of not more than 14 workweeks in the aggregate in any calendar year, shall not apply to his employees in any place of employment where he is so engaged.

EXTRACT FROM AMENDMENT, 1943, TO COMMUNICATIONS ACT OF 1934 [1]

CONSOLIDATIONS AND MERGERS OF TELEGRAPH CARRIERS

SEC. 222. (a) As used in this section:

(1) The term "consolidation or merger" includes the legal consolidation or merger of two or more corporations, and the acquisition by a corporation through purchase, lease, or in any other manner, of the whole or any part of the property, securities, facilities, services, or business of any other corporation or corporations, or of the control thereof, in exchange for its own securities, or otherwise.

(2) The term "domestic telegraph carrier" means any common carrier by wire or radio, the major portion of whose traffic and revenues is derived from domestic telegraph operations; and such term includes a corporation owning or controlling any such common carrier.

(3) The term "international telegraph carrier" means any common carrier by wire or radio, the major portion of whose traffic and revenues is derived from international telegraph operations; and such term includes a corporation owning or controlling any such common carrier.

(4) The term "consolidated or merged carrier" means any carrier by wire or radio which acquires or operates the properties and facilities unified and integrated by consolidation or merger.

(5) The term "domestic telegraph operations" includes acceptance, transmission, reception, and delivery of record communications by wire or radio which either originate or terminate at points within the continental United States, Alaska, Canada, Saint Pierre-Miquelon, Mexico, or Newfoundland and terminate or originate at points within the continental United States, Alaska, Canada, Saint Pierre-Miquelon, Mexico, or Newfoundland, and includes acceptance, transmission, reception, or delivery performed within the continental United States between points of origin within and points of exit from, and between points of entry into and points of destination within, the continental United States with respect to record communications by wire or radio which either originate or terminate outside the continental United States, Alaska, Canada, Saint Pierre-Miquelon, Mexico, and Newfoundland, and also includes the transmission within the continental United States of messages which both originate and terminate outside but transit through the continental United States: *Provided*, That nothing in this section shall prevent international telegraph carriers from accepting and delivering international telegraph messages in the cities which constitute gateways approved by the Commission as points of entrance into or exit from the continental United States under regulations prescribed by the Commission, and the incidental transmission or reception of the same over its own or leased lines or circuits within the continental United States.

(6) The term "international telegraph operations" includes acceptance, transmission, reception, and delivery of record communications by wire or radio which either originate or terminate at points outside the continental United States, Alaska, Canada, Saint Pierre-Miquelon, Mexico, and Newfoundland, but does not include acceptance, transmission, reception, and delivery performed within the continental United States between points of origin within and points of exit from, and between points of entry into, and points of destination within, the continental United States with respect to such communications, or the transmission within the continental United States of messages which both originate and terminate outside but transit through the continental United States.

(7) The terms "domestic telegraph properties" and "domestic telegraph facilities" mean properties and facilities, respectively, used or to be used in domestic telegraph operations.

(8) The term "employee" or "employees" (i) shall include any individual who is absent from active service because of furlough, illness, or leave of absence, except that there shall be no obligation upon the consolidated or merged carrier to reemploy any employee who is absent because of furlough, except in accordance with the terms of his furlough, and (ii) shall not include any employee of any carrier which is a party to a consolidation or merger pursuant to this section to the extent that he is employed in any business which such carrier continues to operate independently of the consolidation or merger.

(9) The term "representative" includes any individual or labor organization.

(10) The term "continental United States" means the several States and the District of Columbia.

* * * * *

(f) (1) Each employee of any carrier which is a party to a consolidation or merger pursuant to this section who was employed by such carrier immediately preceding the approval of such consolidation or merger, and whose period of employment began on or before March 1, 1941, shall be employed by the carrier resulting from such consolidation or merger for a period of not less than four years from the date of the approval of such consolidation or merger, and during such period no such employee shall, without his consent, have his compensation reduced or be assigned to work which is inconsistent with his past training and experience in the telegraph industry.

(2) If any employee of any carrier which is a party to any such consolidation or merger, who was employed by such carrier immediately preceding the approval of such consolidation or merger, and whose period of employment began after March 1, 1941, is discharged as a consequence of such consolidation or merger by the carrier resulting therefrom, within four years from the date of approval of the consolidation or merger, such carrier shall pay such employee at the time he is discharged severance pay in cash equal to the amount of salary or compensation he would have received during the full four-week period immediately preceding such discharge at the rate of compensation or salary payable to him during such period, multiplied by the number of years he has been continuously employed immediately preceding such discharge by one or another of such carriers who were parties to such consolidation or merger, but in no case shall any such employee receive less severance pay than the amount of salary or compensation he would have received at such rate if he were employed during such full four-week period: *Provided, however*, That such severance pay shall not be required to be paid to any employee who is discharged after the expiration of a period, following the date of approval of the consolidation or merger, equal to the aggregate period during which such employee was in the employ, prior to such date of approval, of one or more of the carriers which are parties to the consolidation or merger.

(3) For a period of four years after the date of approval of any such consolidation or merger, any employee of any carrier which is a party to such consolidation or merger who was such an employee on such date of approval, and who is discharged as a result of such consolidation or merger, shall have a preferential hiring and employment status for any position for which he is qualified by training and experience over any person who has not theretofore been an employee of any such carrier.

(4) If any employee is transferred from one community to another, as a result of any such consolidation or merger, the carrier resulting therefrom shall pay, in addition to such employee's regular compensation as an employee of such carrier, the actual traveling expenses of such employee and his family, including the cost of packing, crating, drayage, and transportation of household goods and personal effects.

(5) In the case of any consolidation or merger pursuant to this section, the consolidated or merged carrier shall accord to every employee or former employee, or representative or beneficiary of an employee or former employee, of any carrier which is a party to such consolidation or merger, the same pension, health, disability, or death insurance benefits, as were provided for prior to the date of approval of the consolidation or merger, under any agreement or plan of any carrier which is a party to the consolidation or merger which covered the greatest number of the employees affected by the consolidation or merger; except that in any case in which, prior to the date of approval of the consolidation or merger, an individual has exercised his right of retirement, or any right to health, disability, or death insurance benefits has accrued, under any agreement or plan of any carrier which is a party to the consolidation or merger, pension, health, disability, or death insurance benefits, as the case may be, shall be accorded in conformity with the agreement or plan under which such individual exercised such right of retirement or under which such right to benefits accrued. For purposes of determining and according the rights and benefits specified in this paragraph, any period spent in the employ of the carrier of which such individual was an employee at the time of the consolidation or merger shall be considered to have been spent in the employ of the consolidated or merged carrier. The application for approval of any consolidation or merger under this section shall contain a guaranty by the proposed consolidated carrier that there will be no impairment of any of the rights or benefits specified in this paragraph.

(6) Any employee who, since August 27, 1940, has left a position, other than a temporary position, in the employ of any carrier which is a party to any such consolidation or merger, for the purpose of entering the military or naval forces of the United States, shall be considered to have been in the employ of such carrier during the time he is a member of such forces, and, upon making an application for employment with the consolidated or merged carrier within forty days from the time he is relieved from service in any of such forces under honorable conditions, such former employee shall be employed by the consolidated or merged carrier

[1] 57 Stat. 5, 47 U. S. C., 1940 ed., Sup. IV, sec. 222.

and entitled to the benefits to which he would have been entitled if he had been employed by one of such carriers during all of such period of service with such forces; except that this paragraph shall not require the consolidated or merged carrier, in the case of any such individual, to pay compensation, or to accord health, disability, or death insurance benefits, for the period during which he was a member of such forces. If any such former employee is disabled and because of such disability is no longer qualified to perform the duties of his former position but otherwise meets the requirements for employment, he shall be given such available employment at an appropriate rate of compensation as he is able to perform and to which his service credit shall entitle him.

(7) No employee of any carrier which is a party to any such consolidation or merger shall, without his consent, have his compensation reduced, or (except as provided in paragraph (2) and paragraph (8) of this subsection) be discharged or furloughed during the four-year period after the date of the approval of such consolidation or merger. No such employee shall, without his consent, have his compensation reduced, or be discharged or furloughed, in contemplation of such consolidated and merger, during the six-month period immediately preceding such approval.

(8) Nothing contained in this subsection shall be construed to prevent the discharge of any employee for insurbordination, incompetency, or any other similar cause.

(9) All employees of any carrier resulting from any such consolidation or merger, with respect to their hours of employment, shall retain their rights provided by any collective bargaining agreement in force and effect upon the date of approval of such consolidation or merger until such agreement is terminated, executed, or superseded. Notwithstanding any other provision of this act, any agreement not prohibited by law pertaining to the protection of employees may hereafter be entered into by such consolidated or merged carrier and the duly authorized representative or representatives of its employees selected according to existing law.

(10) For purposes of enforcement or protection of rights, privileges, and immunities granted or guaranteed under this subsection, the employees of any such consolidated or merged carrier shall be entitled to the same remedies as are provided by the National Labor Relations Act in the case of employees covered by that act; and the Nationl Labor Relations Board and the courts of the United States (including the courts of the District of Columbia) shall have jurisdiction and power to enforce and protect such rights, privileges, and immunities in the same manner as in the case of enforcement of the provisions of the National Labor Relations Act.

(11) Nothing contained in this subsection shall apply to any employee of any carrier which is a party to any such consolidation or merger whose compensation is at the rate of more than $5,000 per annum.

(12) Notwithstanding the provisions of paragraphs (1) and (7), the protection afforded therein for the period of four years from the date of approval of the consolidation or merger shall not, in the case of any particular employee, continue for a longer period, following such date of approval, than the aggregate period during which such employee was in the employ, prior to such date of approval, of one or more of the carriers which are parties to the consolidation or merger. As used in paragraphs (1), (2), and (7), the term "compensation" shall not include compensation attributable to overtime not guaranteed by collective bargaining agreements.

Signed at Washington, D. C., this 28th day of August 1946.

NATIONAL LABOR RELATIONS BOARD,
PAUL M. HERZOG,
Chairman.
JOHN M. HOUSTON,
Member.
JAMES J. REYNOLDS, Jr.,
Member.

[F. R. Doc 46—15337; Filed, Aug. 28, 1946; 3: 53 p. m.]

PART 202—STATEMENT OF PROCEDURE

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SUBPART A—GENERAL STATEMENT

§ 202.1 *General statement.* By virtue of the authority vested in it by the National Labor Relations Act, 49 Stat. 452, the National Labor Relations Board has issued and caused to be published in the FEDERAL REGISTER simultaneously herewith, its Rules and Regulations—Series 4, which it has found necessary, as provided in section 6 (a) of the National Labor Relations Act, to carry out the provisions of that act. These rules and regulations state the general rules of procedure followed by the Board in administering its functions. The following statements of the general course and method by which the Board's functions are channeled and determined, issued, and published as provided in section 3 (a) (2) of the Administrative Procedure Act, amplify and supplement these rules of procedure.

SUBPART B—UNFAIR LABOR PRACTICE AND TELEGRAPH MERGER ACT CASES

§ 202.2 *Initiation of Unfair Labor Practice and Telegraph Merger Act cases.* The investigation of an alleged violation of the rights of employees guaranteed by the National Labor Relations Act or section 222 (f) of the Telegraph Merger Act is initiated by the filing of a charge by any person or labor organization. The charge, which must be in writing and under oath, is filed with the Regional Director for the Region in which the alleged violations have occurred or are occurring. A blank form for filing such charges is supplied by the Regional Office upon request. The charge contains the name and address of the employer against whom the charge is made and a statement of the facts constituting the alleged unfair labor practices or unlawful conduct.

§ 202.3 *Investigation of charges.* When the charge is received in the Regional Office it is filed, docketed, and assigned a case number. The Regional Director requests the person or labor organization filing the charge to submit evidence in its support. Also, the employer is given immediate and written notification of the nature of the charge filed. This consists usually of a verbatim quotation of the allegations in the charge and the name of the person or labor organization making the charge. The employer is asked to submit a written statement of his position in respect to the allegations. The case is then assigned to a Field Examiner for investigation, who interviews representatives of all parties and those persons who have knowledge as to the charges. After full investigation, the case may be disposed of through informal methods such as withdrawal, dismissal, and settlement; or, the case may necessitate formal methods of disposition. Some of the informal methods of handling unfair labor practice cases will be stated first.

§ 202.4 *Withdrawal of charges.* If investigation reveals that there has been no violation of the National Labor Relations or Telegraph Merger Acts or the evidence is insufficient to substantiate the charge, the Regional Director recommends withdrawal of the charge by the person or labor organization which filed. The complainant may also, on its own initiative, request withdrawal. If the complainant accepts the recommendation of the Director or requests withdrawal on its own initiative, the employer is immediately notified of the withdrawal of the charge.

§ 202.5 *Dismissal of charges and appeals to Board.* If the complainant re-

fuses to withdraw the charge as recommended, the Regional Director refers the file and investigation report to the Regional Attorney, who assigns the case to a member of the Field Legal Staff to review it. Following this review, the Regional Director may refuse to issue a formal complaint, thereby, in effect, dismissing the charge. The Regional Director thereupon informs the parties of his action, together with a simple statement of the grounds therefor, and the complainant of his right of appeal to the Board in Washington within ten days. If the complainant appeals to the Board, the entire file in the case is sent to Washington where the case is fully reviewed by the Board with the assistance of the Appeals and Review Committee. Following such review, the Board may sustain the Regional Director's dismissal, stating the grounds of its affirmance, or may direct the Regional Director to take further action.

§ 202.6 *Settlements.* Before any complaint is issued or other formal action taken, the Regional Director affords an opportunity to all parties for the submission and consideration of facts, argument, offers of settlement or proposals of adjustment, except where time, the nature of the proceeding, and the public interest do not permit. Normally prehearing conferences are held, the principal purpose of which is to discuss and explore such submissions and proposals of adjustment. The Regional Office provides Board-prepared forms for such settlement agreements, as well as printed notices for posting by the employer. These agreements, which are subject to the approval of the Regional Director, provide for the withdrawal of the charge by the complainant at such time as the employer has complied with the terms of the settlement agreement. Proof of such compliance is obtained by the Regional Director before the case is closed. If the employer fails to perform his obligations under the informal agreement, the Regional Director may determine to institute formal proceedings.

§ 202.7 *Complaints.* If the charge appears to have merit and efforts to dispose of it by informal adjustment are unsuccessful, the Regional Director transmits the file to the Regional Attorney with the recommendations that formal action be instituted by issuance of a complaint and notice of hearing. The entire file is then reviewed by the Regional Attorney or a member of his staff, following which the Regional Attorney prepares a concurrence or dissent from the recommendation of the Director. If the Regional Attorney dissents, insructions from the Appeals and Review Committee in Washington are obtained. If he concurs, the Regional Director taking formal action for the first time in the proceeding, issues a complaint and a notice of hearing. The complaint, which is served on all parties, sets forth the facts upon which the Board bases its jurisdiction and the facts relating to the alleged violations of law by the employer. The employer may file an answer to the complaint within 10 days of its receipt, setting forth a statement of its defense.

§ 202.8 *Settlement after issuance of complaint.* (a) Even though formal proceedings have begun, the parties again have full opportunity at every stage to dispose of the case by amicable adjustment and in compliance with the law. Thus, after the complaint has been issued and a hearing scheduled or even begun by the Regional Attorney, the attorney and the Regional Director afford all parties every opportunity for the submission and consideration of facts, arguments, offers of settlement or proposals of adjustment, except where time, the nature of the proceeding and the public interest do not permit.

(b) All settlement stipulations made after the issuance of a Complaint are subject to the approval of the Regional Director and of the Board in Washington. Under this type of settlement, the parties agree to waive their right to hearing and agree further that the Board may issue an order requiring the employer to take action appropriate to the terms of the adjustment. Usually the settlement stipulation also contains the employer's consent to the Board's application for the entry of a decree by the appropriate Circuit Court of Appeals enforcing the Board's order.

(c) In the event the employer fails to comply with the terms of a settlement stipulation, upon which a Board order and court decree are based, the Board may petition that court to adjudge the employer in contempt. If the employer refuses to comply with the terms of a stipulation settlement providing solely for the entry of a Board order, the Board may petition the court for enforcement of its order, pursuant to Section 10 of the National Labor Relations Act.

§ 202.9 *Hearings.* Except in extraordinary situations the hearing is open to the public and usually conducted in the Region where the charge originated. A Trial Examiner, designated by the Chief Trial Examiner and sent from the Washington staff, presides over the hearing. The Government's case is conducted by an attorney attached to the Board's Regional Office, who has the responsibility, under the general direction of the Regional Attorney, of presenting the evidence in support of the complaint. Counsel for the Board, all parties to the proceeding, and the Trial Examiner have the power to call, examine and cross-examine witnesses, and to introduce evidence into the record. They may also submit briefs, engage in oral argument, and submit proposed findings and conclusions to the Trial Examiner. The attendance and testimony of witnesses and the production of evidence material to any matter under investigation may be compelled by subpena.

§ 202.10 *Intermediate report (recommended decisions.* (a) At the conclusion of the hearing the Trial Examiner prepares an Intermediate Report (recommended decision) stating findings of fact and conclusions, as well as the reasons for his determinations on all material issues, and making recommendations as to action which should be taken in the case. The Trial Examiner may recommend dismissal or Sustain the Complaint, in whole or in part, and recommend that the employer cease and desist from the unlawful acts found and take action to remedy their effects.

(b) The Intermediate Report is filed with the Board in Washington and copies are simultaneously served on each of the parties. At the same time the Board, through its Order Section, issues and serves on each of the parties an order transferring the case to the Board. The parties may accept and comply with the recommendations of the Trial Examiner, and thus normally conclude the entire proceeding at this point. Or, the parties or counsel for the Board may file exceptions to the Intermediate Report with the Board and may also request permission to appear and argue orally before the Board in Washington. They may also submit proposed findings and conclusions to the Board. Oral argument is very frequently granted.

§ 202.11 *Board decision and order.* If (a) any party files exceptions to the Intermediate Report, or (b) if the Trial Examiner finds a violation of the law and the employer fails to remedy it, or (c) if the employer complies with the Trial Examiner's recommendations but the Board deems it necessary, in order to effectuate the policies of the Act, the Board may decide the case. The Board, with the assistance of the staff of the Review Section, who function in much the same manner as law clerks do for judges, reviews the entire record, including the Trial Examiner's Report and Recommendations, the complete transcript of evidence, briefs and arguments. The Board also consults with members of the Trial Examining staff in its deliberations, but no agent of the Board who engaged in the performance of investigative or prosecuting functions in any case is permitted to participate or advise in the decision or recommended decision of that or a factually related case. It then issues its Decision and Order in which it may adopt, modify, or reject the findings and recommendations of the Trial Examiner. The Decision and Order contains detailed Findings of Fact, Conclusions of Law, the basic reasons for decision on all material issues raised, and an Order either dismissing the complaint in whole or in part or requiring the employer to cease and desist from its unlawful practices and to take appropriate affirmative action.

§ 202.12 *Compliance with Board decision and order.* (a) Shortly after the Board's Decision and Order is issued the Director of the Regional Office in which the charge was filed communicates with the employer for the purpose of obtaining compliance. Conferences may be held to arrange the details necessary for compliance with the terms of the Order.

(b) The Regional Director and the Regional Attorney, after investigation, submit to the Board a joint report on compliance when compliance is obtained. This report must meet the approval of the Board before the case may be closed. Despite compliance, however, the Board's Order is a continuing one;

therefore, the closing of a case on compliance is necessarily conditioned upon the continued observance of that Order; and in some cases it is deemed desirable, notwithstanding compliance, to implement the Order with an enforcing decree. Subsequent violations of the Order may become the basis of further proceedings.

§ 202.13. *Judicial review of Board decisions and orders.* If the employer does not comply with the Board's Order, or the Board deems it desirable to implement the Order with a court decree, the Board may petition the appropriate federal court for enforcement. Or, the employyer may petition the circuit court of appeals to review and set aside the Board's order. Upon such review or enforcement proceedings, the court reviews the record and the Board's findings and order and sustains them if they are in accordance with the requirements of law. The court may enforce, modify, or set aside in whole or in part the Board's findings and order, or it may remand the case to the Board for further proceedings as directed by the court. Following the court's decree, either the government or the employer may petition the Supreme Court for review upon writ of certiorari. Such applications for review to the Supreme Court are handled by the Board through the Solicitor General of the United States.

§ 202.14 *Compliance with court decree.* After a Board Order has been enforced by a court decree, the Board has the responsibility of obtaining compliance with that decree. Investigation is made by the Regional Office of the employer's efforts to comply. If the Board finds that the employer has failed to live up to the terms of the court's decree, the Board may petition the court to hold him in contempt of court. The court may order immediate remedial action and impose sanctions and penalties.

SUBPART C—REPRESENTATION CASES UNDER SECTION 9 OF THE NATIONAL LABOR RELATIONS ACT

§ 202.15 *Initiation of representation case.* The investigation of the question as to whether a union represents a majority of an appropriate grouping of employees is initiated by the filing of a petition by any person or labor organization acting on behalf of employees, or by an employer when two or more labor organizations assert conflicting claims to represent the same or overlapping groups of employees. The petition, which must be notarized, is filed with the Regional Director for the area in which the proposed bargaining unit exists. The blank petition form, which is supplied by the Regional Office upon request, provides, among other things, for a description of the alleged appropriate bargaining unit, the approximate number of employees involved, and the names of other labor organizations which also claim to represent the same employees.

§ 202.16 *Investigation of petition.* (a) Upon receipt of the petition in the Regional Office, it is filed, docketed, and assigned to a member of the staff, usually a field examiner, for investigation. He conducts an investigation to ascertain (1) whether the employer's operations affect commerce within the meaning of the Act, (2) the appropriateness of the unit of employees for the purposes of collective bargaining, and the existence of a question concerning representation within the meaning of the Act, (3) whether an investigation, including an election would effectuate the policies of the Act by providing for a free expression of choice by employees of a bona fide representative, and (4) whether there is a sufficient probability, based on the evidence of representation of the petitioner, that the employees have freely selected a representative. The evidence of representation submitted by the petitioning labor organization, usually in the form of cards signed by individual employees authorizing representation by the union, is ordinarily checked to determine the number or proportion of employees who desire to be represented by that labor organization, it being the Board's administrative experience that in the absence of special factors such as, for example, a closed-shop by a rival union, the conduct of an election serves no purpose under the statute unless the petitioning union has been designated by at least 30 percent of the employees. The Board's agent attempts to ascertain from the petitioner, the employer, and any other labor organization which may be involved whether or not the grouping or unit of employees described in the petition constitutes an appropriate bargaining unit.

(b) The petitioner may on its own initiative request the withdrawal of the petition if the investigation discloses that no question of representation exists within the meaning of the statute, because, among other possible reasons, the unit is not appropriate, or a written contract held by another labor organization precludes further investigation at that time, or the petitioning union's card showing of representation among the employees is insufficient to warrant an election under the 30 percent principle state in paragraph (a) of this section.

(c) For the same or similar reasons the Regional Director may request the petitioner to withdraw its petition. If the petitioner, despite the Regional Director's recommendation, refuses to withdraw the petition, the file is reviewed by the Regional Attorney or a member of his staff and a report and recommendation is submitted to the Director. The Regional Director may then refuse to institute or continue the investigation, stating the grounds for his refusal and informing the petitioner of his right of appeal to the Board in Washington, D. C. The petitioner may within 10 days appeal from the Regional Director's refusal by filing such request with the Board in Washington. After a full review of the file with the assistance of the Appeals and Review Committee, the Board may sustain the dismissal, stating the grounds of its affirmance, or may direct the Regional Director to take further action.

§ 202.17 *Consent adjustments before formal hearing.* The Board has devised and makes available to the parties several types of informal consent procedures through which representation issues can be resolved without recourse to formal procedures. These informal arrangements are commonly referred to as (a) recognition agreement, (b) consent cross-check agreement, (c) consent election agreement, followed by Regional Director's determination, and (d) consent election agreement, followed by Board certification. Forms for use in these informal procedures are available in the Regional Offices.

(a) The recognition agreement is used in a situation in which the employer is satisfied that the claims of the petitioner to representation rights are valid, without recourse to a formal election. In such cases he may, subject to the approval of the Board's agents, voluntarily recognize the petitioner as exclusive bargaining representative of the employees in the appropriate unit by entering into an agreement in the form of a Notice to Employees which sets forth the employer's intention to recognize the union. This notice is then posted under the supervision of Board agents in conspicuous places in the employer's plant for 5 days so that all employees and other interested labor organizations have opportunity to question the propriety of the employer's proposed action and to assert conflicting claims before the Regional Office. If within the 5-day posting period no good cause is presented to the Regional Office why the agreement should not be approved, the Regional Director will approve the agreement and it will become operative. The proceeding is then terminated.

(b) In the consent cross-check agreement procedure, the parties agree that a Board agent may determine whether or not the union represents the majority by comparing the number of valid signed union cards submitted by the union with an appropriate payroll furnished by the employer. The agreement also describes the appropriate unit of employees involved and sets forth the understanding of the parties on all other questions involved. Pursuant to this agreement, a Notice to Employees also must be posted in conspicuous places in the plant for 5 days before the agreement becomes effective. If within such period no good cause is presented to the Regional Office why the cross-check may not be relied upon as an accurate expression of the free will of the employees, the Regional Director reports the results of the cross-check to the parties and the proceeding is terminated.

(c) (1) The consent election agreement followed by the Regional Director's determination of representatives is the most frequently used method of informal adjustment of representation cases. It is similar to the consent cross-check agreement except for the substitution of an election instead of a comparison of union cards against the payroll. The terms of the agreement providing for this form of adjustment are set forth in printed forms, which are available upon request at the Board's Regional Offices. Under these terms the parties agree with respect to the appropriate unit, the payroll to be used as the basis of eligibility to

vote in an election, and the place, date and hours of election. A board agent arranges the details incident to the mechanics and conduct of the election. For example, he usually arranges preelection conferences in which the parties check the list of voters and attempt to resolve any questions of eligibility. Also, prior to the date of election, official notices of election are posted conspicuously in the plant. These notices reproduce a sample ballot and outline such election details as location of polls, time of voting, and eligibility rules.

(2) The actual polling is always conducted and supervised by Board agents. Appropriate representatives of each party may assist them and observe the election. As to the mechanics of the election, a ballot is given to each eligible voter by the Board's agents. The ballots are marked in the secrecy of a voting booth. The Board agents and authorized observers have the privilege of challenging for reasonable cause employees who apply for ballots.

(3) Customarily the Board agents, in the presence and with the assistance of the authorized observers, count and tabulate the ballots, immediately after the closing of the polls. A complete tally of the ballots is served upon the parties upon the conclusion of the count.

(4) If challenged ballots are sufficient in number to affect the results of the count, the Regional Director conducts an investigation and rules on the challenges. Similarly, if objections to the conduct of the election are filed within 5 days of the issuance of the tally of ballots, the Regional Director likewise conducts an investigation and rules upon the objections. If, after investigation, the objections are found to have merit, the Regional Director may void the election results and conduct a new election.

(5) This form of agreement also provides that the rulings of the Regional Director on all questions relating to the election (for example, eligibility to vote and the validity of challenges and objections) are final and binding. Also, the agreement provides for the conduct of a run-off election, in accordance with the provisions of the Board's Rules and Regulations, if two or more labor organizations appear on the ballot and no one choice receives the majority of the valid votes cast.

(d) The consent election agreement followed by a Board certification provides that the agreed-upon election shall be the basis of a formal decision by the Board instead of an informal determination by the Regional Director. In this agreement also it is provided that the Board, rather than the Regional Director, makes the final determination of questions raised concerning eligibility, challenged votes and objections to the conduct of the election. Thus, if challenged ballots are sufficient in number to affect the results of the count, the Regional Director conducts an investigation and issues a report on the challenges instead of ruling thereon. Similarly, if objections to the conduct of the election are filed within 5 days after issuance of the tally of ballots, the Regional Director likewise conducts an investigation and issues a report instead of ruling upon the validity of the objections. In either event, the Regional Director's report is served upon the parties, who may file exceptions thereto within 5 days with the Board in Washington. The Board then reviews the entire record made and may, if a substantial issue is raised, direct a hearing on the challenged ballots or the objections to the conduct of the election. Or, the Board may, if no substantial issues are raised, affirm the Regional Director's report and take appropriate action in termination of the proceedings. If a hearing is held upon the challenged ballots or objections, all parties are heard and the record made on the hearing is reviewed by the Board with the assistance of the Review Section and a final determination made thereon. If the objections are found to have merit, the election results may be voided and a new election conducted under the supervision of the Regional Director. If the union has been selected as the representative, the Board issues its certification and the proceeding is terminated.

§ 202.18 *Formal hearing.* If no informal adjustment of the question concerning representation has been effected, the Regional Director will recommend that formal procedures be taken. These may take the form of either (a) an immediate election folowed by a hearing, if the case presents no issues of such substance as to require final decision by the Board before a proper election may be held, or (b) a hearing followed by Board determination of the issues and, if appropriate, an election. In either case, before the formal procedures are actually pursued, however, the file is reviewed by the Regional Attorney or a member of his staff and a concurrence or dissent prepared from the Regional Director's recommendation. If the Regional Attorney concurs, the Director immediately issues either notice of election or notice of hearing, as the case may be. If the Regional Attorney dissents, the case is referred to the Appeals and Review Committee in Washington for instructions as to the appropriate course to be followed.

§ 202.19 *Procedures respecting elections conducted before hearing.* (a) If the Regional Office determines that the case is an appropriate one for election before formal hearing, an election is conducted as quickly as possible among the employees, the rights of all parties, however, being preserved by opportunity for appropriate challenges and objections to the conduct of the election, and for full hearing after the election. If the election shows that a representative has been selected and no objections are filed by any party, the employer may recognize such representative by entering into a recognition agreement or a stipulation for Board certification after election. Both of these forms are available upon request to the Regional Offices. If objections are filed or if for any other reason the employer does not choose to terminate the case by either of the above informal adjustments, the Regional Director will issue a notice of hearing. At this hearing, conducted before a hearing officer who is usually an attorney or field examiner attached to the Regional Office but who may also be another qualified official, all issues, including issues with respect to the conduct of the election and challenged ballots, are fully heard. Following the hearing, the hearing officer submits an informal analysis to the Board.

(b) If no representative is chosen at the election and no objections are filed, the petitioner may withdraw his petition or, if he refuses to withdraw, the Regional Director may discontinue the investigation, subject to a review by the Board of the Regional Director's action if requested within 10 days. If no representative is chosen but substantial objections are filed, a notice of hearing will issue.

(c) The record made at the hearing is promptly transferred to the Board by an order entered by the Regional Director and served upon the parties. The Board with the assistance of the Review Section reviews the entire record and issues an appropriate decision determining all issues in the case and either certifying the union or dismissing the petition.

§ 202.20 *Procedure respecting elections conducted after hearing.* (a) If the preliminary investigation indicates that there are substantial issues which require Board determination before an appropriate election may be held, the Regional Director refers the case to the Regional Attorney with the recommendation that a hearing on the issues be held. If the Regional Attorney concurs, notice of hearing immediately issues; if he dissents, the case is referred to the Appeals and Review Committee in Washington for instructions. The notice of hearing, together with a copy of the petition, is served upon the petitioning union, the employer, and upon any other known persons or labor organizations claiming to have been designated by employees involved in the proceeding.

(b) The hearing, usually open to the public, is held before a hearing officer who normally is an attorney or field examiner attached to the Regional Office but may be another qualified official. The hearing, which is non-adversary in character, is part of the investigation in which the primary interest of the Board's agents is to insure that the record contains as full a statement of the pertinent facts as may be necessary for determination of the case by the Board. The parties are afforded full opportunity to present their respective positions and to produce the significant facts in support of their contentions. In most cases a substantial number of the relevant facts are undisputed and stipulated. The parties are permitted to argue orally on the record before the hearing officer.

(c) Upon the close of the hearing, the Regional Director issues and serves an order transferring the case to the Board. The entire record in the case is then forwarded to the Board in Washington, together with the informal recommendations of the hearing officer. All parties may file briefs with the Board within 7 days after the close of the hearing and may also request to be heard orally by the Board. Because of the nature of the proceedings, however, permission to argue orally is rarely granted. After re-

view of the entire case, the Board issues its decision either dismissing the petition or directing that an election be held. In the latter event, the election is conducted under the supervision of the Regional Director in the manner already described in Section 202.17 above.

(d) The parties have the same rights, and the same procedure is followed, with respect to objections to the conduct of the election and challenged ballots, as has already been described in connection with the post-election procedures in cases involving consent elections to be followed by Board certifications.

(e) If the election involves two or more labor organizations and if the election results are inconclusive because no choice on the ballot received the majority of valid votes cast, any of the contestants entitled to participate in a run-off election, as provided in the Board's Rules and Regulations, may obtain a run-off election upon request to the Regional Director within 10 days following service of the tally of ballots.

SUBPART D.—PROCEEDINGS TO CERTIFY REPRESENTATIVES AS BONA FIDE FOR PURPOSES OF SECTION 7 (B) OF THE FAIR LABOR STANDARDS ACT OF 1938

§ 202.21 *Petitions; who may file; where to file; form, jurat.* A petition for certification under section 7 (b) of the Fair Labor Standards Act of 1938 as a bona fide representative of employees may be filed by any person or labor organization claiming to be such bona fide representative. Such petition shall be filed with the Regional Director for the region wherein the bargaining unit to be covered by the collective bargaining agreement is located or, if the bargaining unit exists in two or more regions, with the Regional Director for any such region. Such petition shall be in writing, the original being signed and sworn to before any Notary Public or other person duly authorized by law to administer oaths and take acknowledgments or any agent of the Board authorized to administer oaths or acknowledgments. Three copies of the petition shall be filed. Blank forms of petitions are available in the regional offices.

§202.22. *Contents of petition.* Such petition shall contain the following:

(a) The name and address of the petitioner, including its affiliation, if any;

(b) The name and principal address of the employer involved, the general nature of his business, and the address of the particular establishment involved;

(c) A statement whether the petitioner and employer have entered into a collective bargaining agreement, together with a copy of such agreement, if any;

(d) A statement whether any other known labor organizations claim to represent employees at the establishment of the employer, and a brief description of the contracts, if any, they have with the employer, including a statement of the date of expiration of such agreements;

(e) A statement whether the petitioner has been previously found by the Board to be the collective bargaining agent for employees at the establishment of the employer in proceedings under the National Labor Relations Act.

§ 202.23 *Investigation of petition by Regional Director; Order to Show Cause; Notice of Hearing; service of Notice.* After a petition has been filed the Regional Director institutes such investigation as appears necessary and appropriate to determine the bona fides of the petitioner. Upon the conclusion of the investigation, the Regional Director embodies the material facts in a written report and forwards the same to the Board, together with his recommendation. Attached to the submission of the Regional Director is the Regional Attorney's analysis of the Director's report and a statement of his own conclusions and recommendations. If on the basis of the report it appears that petitioner may appropriately be certified to be a bona fide representative without conducting a formal hearing, the Board forthwith issues such certification. This procedure normally is followed in instances where either (a) the investigation has disclosed that the petitioner has been designated in an outstanding certification under section 9 (c) of the National Labor Relations Act as the representative of employees within the bargaining unit affected; or (b) where it appears from the investigation that the petitioner had previously filed unfair labor practice charges under section 8, subsection (5), of the National Labor Relations Act, which have been sustained by the Board, in regard to the affected bargaining unit; and where in addition nothing in the investigation throws any doubt upon the status of the petitioner as a bona fide representative of employees for collective bargaining purposes. If it appears from the report that there is some question or issue as to the bona fides of the representative, the Board authorizes the Regional Director to issue and serve upon all interested parties (the petitioner, the employer, and any other labor organizations known to be interested in the proceeding) an order to show cause, upon timely notice, why the petitioner should not be certified as bona fide. The order to show cause is also posted in conspicuous places in the establishment of the employer involved. If no cause is thereafter duly shown why the petitioner should not be certified, and if no timely request for hearing is received by the Regional Director, the Board ordinarily issues the certification. If within the time fixed by the order to show cause any interested person requests an opportunity to present evidence in opposition to the certification of petitioner, or if other cause for hearing appears, the Regional Director issues a Notice of Hearing upon timely notice before a Hearing Officer at a time and place fixed therein. Such Notice of Hearing is served upon the petitioner, the employer, and any labor organization known to be interested in the proceeding. A copy of the petition is served with such Notice of Hearing.

§ 202.24 *Motions; interventions; subpenas.* All matters relating to motions interventions, and subpenas are governed by the provisions of § 203.51 of this chapter, insofar as applicable.

§ 202.25 *Conduct of hearing.* The hearing is conducted by a hearing officer, who is usually an attorney or field examiner attached to the Regional Office. It is open to the public unless otherwise ordered by the Hearing Officer. It is the duty of the Hearing Officer to inquire fully into the bona fides of the petitioner. Counsel for the Board, and the Hearing Officer, may call, examine and cross-examine witnesses, and introduce into the record documentary and other evidence. In general, the hearing conforms to that normally held in representation case proceedings under section 9 of the National Labor Relations Act.

§ 202.26 *Introduction of evidence and rights of parties at hearing; witness fees.* The introduction of evidence at the hearing, the rights of the parties, and witness fees are governed by § 203.52 of this chapter, insofar as applicable.

§ 202.27 *Record; what constitutes; transmission to Board.* Upon the close of the hearing the Regional Director forwards to the Board in Washington, D. C., the petition, order to show cause, responses thereto, if any, notice of hearing, motions, rulings, orders, the stenographic transcript of the hearing, stipulations, exhibits, documentary evidence and depositions, all of which constitute the record in the proceeding.

§ 202.28 *Proceedings before Board; briefs; further hearing; certification.* The Board thereupon proceeds, either forthwith upon the record, or after oral argument or the submission of briefs, or after further hearing, as it may determine, to certify the petitioner as bona fide or to make other disposition of the matter. Should any party desire to file a brief with the Board, the original and three copies thereof are filed with the Board at Washington, D. C., and served upon all other parties, within 7 days after notice of transfer of the case to the Board. If proof of service of the documents is not filed, the documents may be rejected by the Board. Should any party desire to file a reply brief, he may do so within 3 days after service of the opposing main brief.

Dated: August 28, 1946.

PAUL M. HERZOG,
Chairman.
JOHN M. HOUSTON,
Member.
JAMES J. REYNOLDS, JR.,
Member.

[F. R. Doc. 46-15336; Filed, Aug. 28, 1946; 3:53 p. m.]

NATIONAL MEDIATION BOARD

NOTE: The material submitted by the National Mediation Board appears in a later section of this issue.

OFFICE OF ALIEN PROPERTY CUSTODIAN

[8 CFR, Ch. II]

TABLE OF CHANGES IN MATERIAL HERETOFORE PUBLISHED IN FEDERAL REGISTER

1. Part head to Part 501, 8 CFR, Cum. Supp., 501, is amended to read: Part 501—Rules of Procedure.

2. Part head to Part 503, 8 CFR, Cum. Supp., 503, is amended to read: Part 503—Substantive Rules.

3. The material formerly appearing in Part 510, 8 CFR, 1945 Supp., 510, now appears in § 503.60.

4. The material formerly appearing in Parts 504, 505, and 508 has been re-assigned as indicated in the table in paragraph 5 below. Parts 504, 505, 507, 508, 509 and 510 are now vacant and may be used for rules and regulations which may be issued in the future.

5. The section numbers and headnotes of the rules listed below are hereby revised as indicated:

NOTE: Part 503 appears under Part I of this issue. Parts 500, 501, and 506 follow the table of changes, below.

Original section No.	Citation		New section No.	Revised headnote
	Federal Register	Title 8, Code of Federal Regulations (by section number)		
503.2	7-4634	Cum. Supp., 503.2	503.21	Reports concerning patents and patent applications in which there is an enemy or foreign national interest.
503.3	7-4635	Cum. Supp., 503.3	503.22	Reports of persons having an interest in patents or patent applications concerning changes in status as foreign national.
503.4	7-5539	Cum. Supp., 503.4	501.4	Promulgation of Form APC 1.
503.5	7-6199	Cum. Supp., 503.5	503.20	Report of persons under judicial supervision.
503.5a	8-12735	1943 Supp., 503.5a	503.20H	Report of property or interest within Territory of Hawaii of an enemy country or a designated national.
503.5-1	11-3579		503.20-1	Non-applicability of § 503.20 to certain property or interests of nationals of Bulgaria, Hungary, Italy, or Rumania.
503.5H-1	11-3581		503.20H-1	Non-applicability of § 503.20H to certain property or interests of nationals of Bulgaria, Hungary, Italy, or Rumania.
503.7	7-6199	Cum. Supp., 503.6	501.6	Service of process on persons within enemy territory.
503.6a	8-12735	1943 Supp., 503.6a	501.6H	Extension of application of § 501.6 to Territory of Hawaii.
503.6-1	11-3581		501.6-1	Non-applicability of § 501.6 to service of process on persons within Bulgaria, Hungary, Italy or Rumania.
503.6H-1	11-3581		501.6H-1	Non-applicability of § 501.6H to service of process on persons within Bulgaria, Hungary, Italy, or Rumania.
503.7	8-12964	1943 Supp., 503.7	500.32	Delegation of authority to certify documents.
503.8	7-8377	Cum. Supp., 503.8	503.50	Prohibition of transactions by personnel of the Office of Alien Property Custodian.
503.11	7-9475	Cum. Supp., 503.11	503.11	Prohibition of certain transactions respecting patents and trademarks.
504.1	7-9477	Cum. Supp., 503.11-1	503.11-1	Exemption of certain persons from prohibitions of § 503.11.
504.2	8-291	Cum. Supp., 503.11-2	503.11-2	Licensing transactions involving patents and trademarks.
	9-13282	1944 Supp., 503.11-2		
504.3	9-10349	1944 Supp., 503.11-3	503.11-3	Non-applicability of § 503.11 to transactions by or with the Custodian.
504.4	8-12257	1943 Supp., 503.11-4	503.11-4	Prohibition of transfers of any right, title or interest in special accounts.
504.5	9-11462	1944 Supp., 503.11-5	503.11-5	Further exemption from prohibitions of § 503.11.
503.11-6	9-13282	1944 Supp., 503.11-6	503.11-6	Applications for patents; non-exclusive licenses.
503.11-7	10-12186	1945 Supp., 503.11-7	503.11-7	Licensing certain transactions involving patents and trademarks.
503.11-8	11-5439		503.11-8	Licensing certain other transactions involving patents and trademarks.
503.12	7-9476	Cum. Supp., 503.12	503.23	Report of unfiled patent applications and disclosures of enemy nationals.
503.12-1	11-5440		503.23-1	Exemption of patent applications of certain consignors or inventors from requirements of § 503.23.
503.13	7-9476	Cum. Supp., 503.13	503.13	Prohibition of certain transactions respecting interests in works subject to copyright.
505.1	8-1872	Cum. Supp., 503.13-1	503.13-1	Exemption of certain persons from prohibitions of § 503.13.
505.2	7-9478	Cum. Supp., 503.13-2	503.13-2	Exemption of certain transactions from prohibitions of § 503.13.
505.3	8-1	Cum. Supp., 503.13-3	503.13-3	Licensing transactions involving copyrights.
505.4	9-10349	1944 Supp., 503.13-4	503.13-4	Non-applicability of § 503.13 to transactions by or with the Custodian.
505.5	8-12257	1943 Supp., 503.13-5	503.13-5	Prohibition of transfers of any right, title, or interest in a special account.
503.13-6	11-9183		503.13-6	Licensing certain transactions involving works subject to copyright.
503.14	7-10546	Cum. Supp., 503.14	503.35	Report of interest of designated foreign nationals in copyrights.
503.15	8-223	Cum. Supp., 503.15	503.25	Claims by inventors or assignees to vested patents.
503.16	8-15727	1943 Supp., 503.16	503.30	Report regarding interests of foreign nationals in trade-marks and commercial prints and labels.
503.17	7-10906	Cum. Supp., 503.17	506.17	Records generally confidential; application for disclosure.
503.18	8-1707	Cum. Supp., 2822	503.24	Report of royalties due and payable to the Alien Property Custodian under vested patent rights.
503.20	8-1780	Cum. Supp., 503.20	503.7	Payment, transfer or distribution of property in the process of administration by any person acting under judicial supervision, or in court or administrative actions or proceedings.
503.20-1	11-3581		503.7-1	Consent to certain transfers.
503.21	11-9184		501.5	Extension of time for filing notices of claim.
503.22	8-7095	Cum. Supp., 503.22	503.36	Report of copyrights or interest therein.
503.23	8-9178	1943 Supp., 503.23	503.37	Report of royalties due and payable under vested interests in works subject to copyright.
503.26	8-7628	Cum. Supp., 503.26	501.16	Regulations governing sales of property by the Alien Property Custodian.
503.27	9-2875	1944 Supp., 503.27	503.39	Report of property owned by persons to be repatriated.
503.28	8-15729	1943 Supp., 503.28	503.31	Report of royalties due and payable under vested interests in trade-marks and commercial prints and labels.
503.30	9-2771	1944 Supp., 503.30	503.2	Valuation of rates of exchange of monetary units of enemy countries.
503.31	9-7739	1944 Supp., 503.31	503.5	Prohibition of transactions and appointment of agents and delegates.
503.32	9-12197	1944 Supp. 503.32	503.51	Limitations on representative activities by former employees of Alien Property Custodian.
503.33	10-1363	1945 Supp. 503.33	503.1	Time of effectiveness of vesting orders.
503.34	10-15409	1945 Supp. 503.34	503.40	Report of property of Germany and Japan and any national thereof.
503.34-1	11-1931		503.40-1	Extension of time for filing reports required by §503.40.

Original section No.	Citation		New section No.	Revised headnote
	Federal Register	Title 8, Code of Federal Regulations (by section number)		
508.1	9-3479	1944 Supp. 508.1	500.40	Ratification of delegations and appointments made by Alien Property Custodian's predecessor.
508.2	9-8975	1944 Supp. 508.2	500.22	Delegation to Assistant to the Alien Property Custodian.

(40 Stat. 411, 50 U. S. C. App. 1; 55 Stat. 839, 50 U. S. C. App. (Sup.) 616; 60 Stat. 50; Pub. Law 671, Aug. 8, 1946; E. O. 9142, 3 CFR, Cum. Supp.; E. O. 9193, 3 CFR, Cum. Supp., E. O. 9325, 3 CFR, Cum. Supp.; E. O. 9567, 3 CFR, 1945 Supp.; E. O. 9725, 11 F. R. 5381; E. O. 9747, 11 F. R. 7518; E. O. 9760, 11 F. R. 7999)

Executed at Washington, D. C., on August 21, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–15339; Filed, Aug. 28, 1946; 3:55 p. m.]

PART 500—ORGANIZATION OF OFFICE OF ALIEN PROPERTY CUSTODIAN AND DELEGATIONS OF FINAL AUTHORITY

Sec.

500.1 Central and field organization.
500.10 Sales program.
500.11 Patent, trademark, and copyright programs.
500.20 Delegation to Alian Property Custodian.
500.21 Delegation to Deputy Alien Property Property Custodian.
500.22 Delegation to Assistant to the Alien Property Custodian.
500.23 Delegation to Chief, Estates and Trusts Section, Office of Alien Property Custodian, Territory of Hawaii.
500.25 Delegation to Vested Property Claims Committee.
500.31 Prohibition of transactions and appointment of agents and delegates.
500.32 Delegation of authority to certify documents.
500.33 Delegation of authority to make records available.
500.35 Delegation to Chief, Royalty Collection Unit, Division of Patent Administration.
500.40 Notification of delegations and appointments made by Alien Property Custodian's predecessor.

§ 500.1 *Central and field organization*—(a) *Direction.* The Office of Alien Property Custodian is under the direction of the Alien Property Custodian who is appointed by the President in the exercise of authority granted by the Trading with the Enemy Act, as amended, and is responsible directly to him. The President's authority under that act has been delegated to the Alien Property Custodian by and to the extent set forth in the Executive Orders listed in § 500.20. The Custodian is assisted by a Deputy Alien Property Custodian whose authority is set out in § 500.21.

(b) *Divisions.* The Office is composed of the following divisions and offices with functions as indicated:

(1) *Offices of the Custodian and of the Deputy Custodian.* The Custodian and Deputy Custodian are responsible for the exercise of all powers and performance of all duties delegated to the Alien Property Custodian.

(2) *Executive Committee (composed of the Alien Property Custodian, the Deputy Alien Property Custodian, and such other staff officers as are named by the Custodian).* The Executive Committee serves in an advisory capacity to the Custodian in determination of policies and administrative actions.

(3) *Vested Property Claims Committee.* The Vested Property Claims Committee conducts hearings and examines evidence on claims filed with the Office and determines their disposition, subject to review by the Custodian.

(4) *Office of Executive Officer.* The Office of Executive Officer is responsible for budgetary control, administrative planning and coordination of activities of service divisions.

(5) *Division of Personnel.* The Division of Personnel is responsible for recruitment, classification, and related personnel activities; maintains personnel records; administers personnel laws and regulations.

(6) *Division of Administrative Services.* The Division of Administrative Services provides procurement, messenger, duplicating, and other administrative services; maintains files and records.

(7) *Office of the Secretary.* The Office of the Secretary provides liaison with other government agencies and with other governments; handles general correspondence of the Office; reviews and processes formal orders and documents; acts as Secretary to Executive Committee; coordinates policies and practices of the Office.

(8) *Office of the General Counsel.* The General Counsel is the legal adviser to the Custodian, determining, and advising the public with respect to the legal policy of the Agency. He passes upon legal documents and regulations, analyzes legislation and prepares legislative proposals, analyzes litigation and cooperates with the Department of Justice in its disposition, and recommends action with respect to claims, advising as to their allowance or developing the record so that the Agency may make an informed judgment as to their disposition.

(9) *Division of Research and Statistics.* The Division of Research and Statistics conducts research to evaluate effectiveness of programs and assist in policy formulation; assembles statistical data on controlled properties; prepares annual and other official reports.

(10) *Comptroller's Division.* The Comptroller's Division maintains all accounting records pertaining to vested property and administrative expenses and prepares financial reports; reviews financial data on vested and supervised business enterprises.

(11) *Division of Investigation.* The Division of Investigation is responsible for identification and establishment of proof of ownership of all enemy-owned assets except patents, applications for patent, copyrights, trademarks, estates, trusts and insurance policies.

(12) *Division of Business Management and Control.* The Division of Business Management and Control supervises operation of business enterprises continuing as going concerns and conducts sales of the vested interests; controls policies and activities of field offices in Hawaii and the Philippine Islands which comprise the Territorial and Insular Offices of the Office of Alien Property Custodian.

(13) *Division of Real Estate and Liquidation.* The Division of Real Estate and Liquidation supervises liquidation of enterprises not continued as going concerns; manages and sells real estate, mortgages, and tangible personal property.

(14) *Property Division.* The Property Division investigates enemy ownership of property involved in court proceedings, especially estates and trusts; investigates insurance policies; obtains possession of vested properties; handles cash transactions; administers all property not assigned to other divisions; and represents enemy nationals in court proceedings.

(15) *Division of Patent Administration.* The Division of Patent Administration administers programs relating to patents, applications for patent, copyrights, and trademarks, secret processes, and industrial technique including investigation of enemy ownership, licensing, patent prosecution, royalty collection, contract renegotiation, and dissemination of technical information relating to vested patents.

(16) *Office of Manager, New York Office.* The Office of Manager, New York Office, coordinating activities of all divisions in New York; handles personnel and service functions in that office.

(17) *Office of Manager, San Francisco.* The Officer of Manager, San Francisco, coordinates activities of all divisions in San Francisco; handles personnel and service functions in that office.

(18) *Office of Manager, Hawaii.* The Office of Manager, Hawaii, is responsible for administration of all functions of the Office in the Hawaiian Islands.

(19) *Office of Manager, Philippine Office.* The Office of Manager, Philippine Office, is responsible for administration of all functions of the office in the Philippine Islands.

(20) *Chicago Office, Property Division, Estates and Trusts Section.* The Chicago Office, Property Division, Estates and Trusts Section, represents enemy nationals in court proceedings in the Midwest; performs other limited branch office functions.

(c) *Location of offices.* The Office of Alien Property Custodian maintains offices at the following locations:

(1) Washington 25, D. C., National Press Building, Telephone, District 8515.

(2) New York 5, New York, 120 Broadway.

(3) Chicago 3, Illinois, 135 South La Salle Street.

(4) San Francisco 4, California, 417 Montgomery Street.

(5) Honolulu, T. H., Yokohama Specie Bank Building.

(6) Manila, P. I.

(d) *Requests and inquiries.* Requests and inquiries may be addressed initially to the Secretary, Office of Alien Property Custodian, Washington 25, D. C. Internal divisions of the Office should not be addressed in the first instance except where otherwise provided in these rules. Correspondence from the Office includes reference symbols, use of which by the person addressed expedites the handling of reply. Persons who are located near the New York, San Francisco, Honolulu, or Manila offices may address the manager of the field office most convenient to them.

§ 500.10 *Sales program.* Vested properties are offered for sale by the Alien Property Custodian at various times and places. Notice of sale is given by publication in newspapers and appropriate trade journals, and by mail to persons on a mailing list maintained by the Comptroller's Division. Information concerning the program is available upon request to the Office of Alien Property Cutodian, Washington 25, D. C. Persons may also be placed on the mailing list by request.

§ 500.11 *Patent, trademark, and copyright programs.* Vested interests in patents, trademarks, and copyrights have been available for use by the American public. Information concerning the programs is available upon request to the Division of Patent Administration, Office of Alien Property Custodian, Washington 25, D. C.

§ 500.20 *Delegaion to Alien Property Custodian.* Authority has been delegated to the Alien Property Custodian by the following Executive Orders of the President:

(a) Executive Order 9095 of March 11, 1942 (7 F. R. 1971), as amended by Executive Order 9193 of July 6, 1942 (7 F. R. 5205), Executive Order 9567 of June 8, 1945 (10 F. R. 6917), and modified by Executive Order 9760 of July 23, 1946 (11 F. R. 7999).

(b) Executive Order 9142 of April 21, 1942 (7 F. R. 2985).

(c) Executive Order 9325 of April 7, 1943 (8 F. R. 4682).

(d) Executive Order 9725 of May 16, 1946 (11 F. R. 5381).

(e) Executive Order 9747 of July 3, 1946 (11 F. R. 7518).

§ 500.21 *Delegation to Deputy Alien Property Custodian.* The Deputy Alien Property Custodian, in the absence of the Alien Property Custodian or in the event of his inability to act, may exercise, to the extent permitted by law, all of the powers and authority granted and delegated to, conferred upon and vested in, or which may be granted and delegated to, conferred upon and vested in the Alien Property Custodian by the laws of the United States of America, orders of the President of the United States, or regulations made or issued in pursuance of said laws or orders, including, without being limited to, the power and authority to appoint and fix the compensation of attorneys, investigators, accountants, clerks and such other employees as may be deemed to be necessary for the due and proper administration of the provisions of said laws, orders of the President, and regulations, and the power to execute proxies in behalf of the Alien Property Custodian with the same force and effect as if they were executed by him upon any shares of stock in any corporation which are held by, or stand in the name of, the Alien Property Custodian, or which the Alien Property Custodian has power to vote by virtue of his office; and authority is hereby further delegated to, conferred upon and vested in the said Deputy Alien Property Custodian to exercise at all times any and all of the powers granted and delegated to, conferred upon and vested in, or which may be granted and delegated to, conferred upon and vested in the Alien Property Custodian by the laws of the United States, orders of the President, and regulations made or issued pursuant to said laws or orders, to the extent that such authority may be lawfully delegated by the Alien Property Custodian.

§ 500.22 *Delegation to Assistant to the Alien Property Custodian.* [Formerly Special Regulation No. 2, 8 CFR, 1944 Supp. 508.2] (a) Thomas H. Creighton, Jr., as Assistant to the Alien Property Custodian and Chief of the Property Division, is hereby designated and appointed as agent and delegate of the Alien Property Custodian,

(1) To take such action as he deems necessary in the administration of paragraph 2 (f) and 5 of Executive Order No. 9095, as amended, and any orders issued pursuant thereto;

(2) To issue any demand, direction, or instruction directed to any person, firm, or corporation, or take any other action necessary in order to effectuate any Vesting Order issued by the Alien Property Custodian;

(3) To take custody of and to receipt for any property or interest therein, or to accept payment, conveyance, transfer, assignment, or delivery made to or for the account of the Alien Property Custodian.

(b) (Subparagraph (b) of Special Regulation No. 2 has no future application.)

(c) The authority heretofore conferred upon the Chief, Estates and Trusts Section, Territory of Hawaii, by an instrument of delegation dated September 17, 1943, executed by Leo T. Crowley, as Alien Property Custodian (§500.23), continued in effect by virtue of § 500.40, shall be exercised under the general supervision of Thomas H. Creighton, Jr., as Assistant to the Alien Property Custodian and Chief of the Property Division.

§ 500.23 *Delegation to Chief, Estates and Trusts Section, Office of Alien Property Custodian, Territory of Hawaii.* (Executed by the Alien Property Custodian September 17, 1943.) Pursuant to the authority vested in me by the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, I, Leo T. Crowley, Alien Property Custodian, do hereby authorize and empower the Chief, Estates and Trusts Section, Office of Alien Property Custodian, Territory of Hawaii, to take such action as he deems necessary within the Territory of Hawaii in the administration of paragraph 5 of Executive Order 9095, as amended, and General Orders 5–H, 6–H, and 20 (§§ 503.20h, 501.6h, 503.7), issued pursuant to said Executive Order 9095, as amended. The authority hereby conferred upon the Chief, Estates and Trusts Section, Office of Alien Property Custodian, Territory of Hawaii, shall be exercised under the general supervision of the Assistant to the Alien Property Custodian in charge of the Property Division, Washington, D. C., whose actions heretofore taken pursuant to the power and authority conferred upon him by me under an instrument dated August 1, 1942, are hereby approved, confirmed and ratified.

§ 500.25 *Delegation to Vested Property Claims Committee.* (See § 501.1.)

§ 500.31 *Prohibition of transactions, and appointment of agents and delegates.* [General Order No. 31] (See § 503.5.)

§ 500.32 *Delegation of authority to certify documents.* General Order No. 7, 8 CFR, 1943 Supp., 503.7, is amended to read as follows:

The Secretary of the Office of Alien Property Custodian, and the Assistant Secretary for Records, severally, are authorized to exercise the power vested in the Alien Property Custodian to authenticate, certify and attest copies of any books, records, papers or other documents in the official custody of the Alien Property Custodian, and to subscribe the Alien Property Custodian's name to such certificates in his behalf.

§ 500.33 *Delegation of authority to make records available.* Each Division Chief of the Office of Alien Property Custodian, in the conduct of affairs of his Division, is authorized to make official records available to applicants in accordance with § 506.17. Applications for disclosure of records in connection with litigation, and subpenas, will be submitted to the General Counsel by the Division chief.

§ 500.35 *Delegation to Chief, Royalty Collection Unit, Division of Patent Administration.* The Chief, Royalty Collection Unit, Division of Patent Administration is authorized to make demand for royalty payments under vested contracts.

§ 500.40 *Ratification of delegations and appointments made by Alien Property Custodian's predecessor.* [Formerly Special Regulation No. 1, 8 CFR, 1944 Supp., 508.1] (a)(1) The appointment and designation of all employees, appointees, delegates, designees, agents, supervisors, proxies, attorneys, representatives and other personnel heretofore appointed on behalf of the Alien Property Custodian or in the Office of Alien Property Custodian, together with all powers, authority, functions and duties conferred, granted or delegated by virtue of any Certificate of Appointment, General Order, proxy, letter or other instrument of appointment or delegation by or

under the authority of Leo T. Crowley as Alien Property Custodian, and

(2) All certificates of appointment, general orders, special orders, orders, regulations, licenses, instructions, directions, delegations, designations, authorizations and forms executed, issued or promulgated by or under the authority of Leo T. Crowley as Alien Property Custodian, are, except as hereinafter indicated, hereby affirmed, ratified and continued in effect according to their terms until revoked, superseded or terminated by or by authority of, the Alien Property Custodian.

(b) Any instrument which might lawfully be issued by or under the authority of the Alien Property Custodian shall not be deemed invalid for the reason that it contains the printed, or otherwise stamped or affixed, name "Leo T. Crowley" instead of the name "James E. Markham", but shall be construed as though it contained the name "James E. Markham" in place of the name "Leo T. Crowley" unless the context otherwise requires.

(c) The certificate of appointment granted to James E. Markham as Deputy Alien Property Custodian dated March 19, 1942. (7 F. R. 2363) and October 30, 1942 (7 F. R. 8911), having no further utility, are hereby terminated and revoked, but without impairment of any action heretofore taken thereunder or by virtue thereof.

(40 Stat. 411, 50 U. S. C. App. 1; 55 Stat. 839, 50 U. S. C. App. (Supp.) 616; 60 Stat. 50; Pub. Law 671, Aug. 8, 1946; E. O. 9142, 3 CFR, Cum. Supp.; E. O. 9193, 3 CFR, Cum. Supp.; E. O. 9325, 3 CFR, Cum. Supp.; E. O. 9567, 3 CFR, 1945 Supp.; E. O. 9725, 11 F. R. 5381; E. O. 9747, 11 F. R. 7518; E. O. 9760, 11 F. R. 7999)

PART 501—RULES OF PROCEDURE

Sec.

501.1 Receipt and disposition of claims.
501.2 Rules of Vested Property Claims Committee.
501.3 Claims by inventors or assignees to vested patents.
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501.5 Extension of time for filing notices of claim.
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501.23 Report of unfiled patent applications and disclosure of enemy nationals.
501.24 Report of royalties due and payable to Alien Property Custodian under vested patent rights.
501.30 Report regarding interests of foreign nationals in trademarks and commercial prints and labels.
501.31 Report of royalties due and payable under vested interests in trademarks and commercial prints and labels.
501.35 Report of interest of designated foreign nationals in copyrights.
501.36 Report of copyrights or interests therein.
501.37 Report of royalties due and payable under vested interests in works subject to copyright.
501.39 Report of property owned by persons to be repatriated.
501.40 Report of property of Germany and Japan and any national thereof.
501.51 Limitations on representative activities by former employees of Alien Property Custodian.
501.60 Forms.
501.70 Public participation in substantive rule making.
501.75 Renewal of licenses.
501.80 Reference by obsolete designation.

§ 501.1 *Receipt and disposition of claims.* (For text, see 8 CFR, 1943 Supp., 501.1.) (See § 501.60, Forms APC–1, 1A, 1B, 6, 16, 17.)

§ 501.2 *Rules of Vested Property Claims Committee.* (a) All claims are listed for disposition according to the date on which they were received for filing. In scheduling claims for hearing, those claims which assert an erroneous determination by the Custodian, either of nationality or of ownership, will, however, be given general preference on the Committee's calendar. Two or more claims related to the same property or presenting a common question of law or fact may, upon notice to the parties, be consolidated by the Committee for hearing.

(b) Hearings before the Committee shall be at the time and place ordered by the Committee and for cause may be adjourned from time to time. Notice of a hearing will be served on the claimant (or the person designated by him in his notice of claim, as the case may be) by registered letter, mailed at least ten days in advance of the date of the hearing, and filed for publication in the FEDERAL REGISTER. All hearings before the Committee shall be public, except as otherwise ordered in the national interest by the Committee.

(c) Testimony at any hearing will be upon oath (or affirmation) and subject to cross-examination. The rules of evidence prevailing in courts of law and equity will not necessarily be controlling. For example, hearsay and secondary evidence may be admitted, but the Committee will give consideration to its nature in determining its weight and credibility. The Committee will, however, on its own motion or on objection, exclude evidence which it deems privileged by law from disclosure, or which it deems immaterial, irrelevant, unduly repetitious, or otherwise of no probative value. On objection to rulings made during the examination of witnesses, a brief statement of grounds of objection must be made, but an automatic exception will follow if the objection is overruled by the Committee.

(d) The claimant shall be the moving party and the burden of proof on the issues tendered by the claim shall be on him and he shall proceed first at the hearing. The Committee shall in each case determine the time and manner of filing and exchanging tentative determinations and briefs.

(e) Any notice of claim, or other paper filed in a proceeding, may be corrected or amended, but any such correction or amendment taking place after a claim is noticed for hearing shall be by leave of the Committee. By leave of the Committee any party who has made profert of an original exhibit may withdraw it from the record of the proceeding by substitution of a certified photostatic copy on notice to all other parties.

(f) It is the policy of the Committee to arrange prehearing conferences for the purpose of clarifying the issues, agreeing on matters of exhibits, and taking other steps related to simplification of the hearing.

§ 501.3 *Claims by inventors or assignees to vested patents.* [General Order No. 15. For text, see 8 CFR, Cum. Supp., 503.15] (See § 501.60, Forms APC–2, 16, 17.)

§ 501.4 *Promulgation of Form APC–1.* [General Order No. 4. For text, see 8 CFR, Cum. Supp., 503.4] (See § 501.60, Form APC–1.)

§ 501.5 *Extension of time for filing notices of claim.* [General Order No. 21. For text, see 11 F. R. 9184] (See § 501.60, Forms APC–1, 1A, 1B, 16, 17.)

§ 501.6 *Service of process on persons within enemy territory.* [General Order No. 6. For text, see 8 CFR, Cum. Supp. 503.6]

§ 501.6–1 *Non-applicability of § 501.6 to service of process on persons within Bulgaria, Hungary, Italy, or Rumania.* [For text, see 11 F. R. 3581 (§ 503.6–1).]

§ 501.6H *Extension of application of § 501.6 to Territory of Hawaii.* [For text, see 8 CFR, 1943 Supp., 503.6a.]

§ 501.6H–1 *Non-applicability of § 501.6H to service of process on persons within Bulgaria, Hungary, Italy, or Rumania.* [For text, see 11 F. R. 3581 (§ 503.6H–1).]

§ 501.16 *Regulations governing sales of property by the Alien Property Custodian.* [General Order No. 26. For text, see 8 CFR, Cum. Supp., 503.26.]

§ 501.20 *Report of persons acting under judicial supervision.* [General Order No. 5.] (See §§ 503.20, 503.20–1, 503.20H, 503.20H–1.)

§ 501.21 *Report concerning patents and patent applications in which there is an enemy or foreign national interest.* [Generla Order No. 2.] (See § 503.21.)

§ 501.22 *Report of persons having an interest in patents or patent applications concerning changes in status as foreign*

national. [General Order No. 3.] (See § 503.22.)

§ 501.23 *Report of unfiled patent applications and disclosure of enemy nationals.* [General Order No. 12.] (See § 503.23.)

§ 501.24 *Report of royalties due and payable to Alien Property Custodian under vested patent rights.* [General Order No. 18] (See § 503.24.)

§ 501.30 *Report regarding interests of foreign nationals in trademarks and commercial prints and labels.* [General Order No. 16] (See § 503.30.)

§ 501.31 *Report of royalties due and payable under vested interests in trademarks and commercial prints and labels.* [General Order No. 28] (See § 503.31.)

§ 501.35 *Report of interest of designated foreign nationals in copyrights.* [General Order No. 14] (See § 503.35.)

§ 501.36 *Report of copyrights or interests therein.* [General Order No. 22] (See § 503.36.)

§ 501.37 *Report of royalties due and payable under vested interests in works subject to copyright.* [General Order No. 23] (See § 503.37.)

§ 501.39 *Report of property owned by persons to be repatriated.* [General Order No. 27] (See § 503.39.)

§ 501.40 *Report of property of Germany and Japan and any national thereof.* [General Order No. 34] (See § 503.40.)

§ 501.51 *Limitations on representative activities by former employees of Alien Property Custodian.* [General Order No. 32] (See § 503.51.)

§ 501.60 *Forms.* The following forms have been authorized for use by the public and may be obtained upon request to the Secretary, Office of Alien Property Custodian, Washington 25, D. C.

Form APC–1 *Notice of Claim under Section 9.*

Purpose: Originally issued for use by persons seeking return, under section 9 of the Trading with the enemy Act, of property vested by the Alien Property Custodian. [Use of this form is not recommended because it has been substantially superseded by Forms APC–1A and 1B, and persons who file on this form will be required to supply the additional information called for by Forms APC–1A and 1B. This form has not been revoked because copies are outstanding and the filing of notice of claim on this form will be considered as timely filing if done within the bar dates of sections 33 and 34 of the Trading With the Enemy Act.]

Contents: Name, address and citizenship of the claimant; description of vested property; nature of claims; set-offs, counterclaims and defenses; interests of others in the claim.

Form APC–1A *Notice of Claim under section 32.*

Purpose: For use by persons seeking return, under section 32 of the Trading with the enemy Act, of property vested by the Alien Property Custodian.

Contents: Claimant's name and address; claimant's agent and fees; identification and value of property claimed; characterization of claimant; characterization of owner at date of vesting; chain of title.

Form APC–1B *Notice of Claim by Inventor under Section 32.*

Purpose: For use by living inventors seeking return, under section 32 of the Trading with the enemy Act, of patents or patent applications vested by the Alien Property Custodian. This is a specialized version of Form APC–1A.

Contents: Inventor's name and address; inventor's agent and fees; identification and value of patent claimed; identification of inventor.

Form APC–2 *Report of Interests in Patents.*

Purpose: For use, by persons claiming interests in unexpired United States patent or patent applications, to report the interests of designated foreign nationals, as described in § 503.21.

Contents: Number of patent; name of inventor; name of assignee and terms of assignment; nature of reporter's license; nature of invention; rights retained by foreign nationals.

Form APC–3 *Report by Persons Acting under Judicial Supervision.*

Purpose: For use by persons acting under judicial supervision, or in any court or administrative action or proceeding, to report property or interests of designated enemy nationals.

Contents: Person reporting and capacity in which he acts; designated enemy national and nature of his interest; nature of property; interests of unknown designated nationals.

Form APC–6 *Notice of Claim Arising from Supervisory Order.*

Purpose: For use in submitting claim in connection with property supervised by the Alien Property Custodian.

Contents: Name, address, citizenship of claimant; description of supervised properties; nature of claim; set-offs, counterclaims and defenses, if any, against the claim; interest of others in the claim.

Form APC–13P *Report of Enemy (or Former Enemy) Interest in New Patent Application.*

Purpose: For use in reporting to the Alien Property Custodian an interest of an enemy or former enemy national in a patent application which is being filed in the Patent Office.

Contents: Citizenship of inventor; title of invention; citizenship of assignee and interest assigned; interest held by reporter.

Form APC–13T *Report of Enemy (or Former Enemy) Interest in New Trademark Application.*

Purpose and Contents. Same as Form APC–13P, except that it is used when filing trademark applications.

Form APC–14P *Report of Recording of Transfer of Interest in Patent.*

Purpose: For use upon recording in the Patent Office any instrument transferring an interest in a patent or application, in order to report to the Custodian an interest therein of an enemy or former enemy national. The form is filed in the Patent Office with a copy of the instrument to be recorded attached. It is forwarded to the Custodian by the Patent Office with a notation of the recording.

Contents: Number of patent, name of inventor; title and date of invention; name, address and citizenship of assignor and assignee; nature of interest transferred; other agreements not expressed in instrument.

Form APC–14T *Report of Recording of Transfer of Interest in Trademark.*

Purpose and Contents: Same as Form APC–14P, except that it is used when recording the transfer of an interest in a trademark.

Form APC–15 *Attachment to Instrument Transferring Interest in Patent.*

Purpose and Contents: To be attached to each instrument, recorded in the Patent Office, which records the transfer of an interest in a patent or trademark in which an enemy or former enemy national has an interest, in order to give notice that the Custodian has reserved the right to set aside the agreement.

Form APC–16 *Notice of Claim by Inventor for Return of Patent.*

Purpose: For use by inventors, now residing in the United States, when requesting the return of vested patents or patent applications in accordance with § 501.3. [Use of this form is not recommended because it has been substantially superseded by Form APC–1B, and persons who file on this form will be required to supply the additional information called for by Form APC–1B. This form has not been revoked because copies are outstanding and the filing of notice of claim on this form will be considered as timely filing if done within the bar dates of section 33 of the Trading with the enemy Act.]

Contents: Description of patent; citizenship of inventor at time of application; present citizenship of inventor; status of inventor in United States.

Form APC–17 *Notice of Claim by Assignee for Return of Patent.*

Purpose: For use by an assignee, who claims full legal title to a vested patent or patent application, when requesting a return in accordance with § 501.3. [Use of this form is not recommended because it has been substantially superseded by Form APC–1B, and persons who file on this form will be required to supply the additional information called for by Form APC–1B. This form has not been revoked because copies are outstanding and the filing of notice of claim on this form will be considered as timely filing if done within the bar dates of section 33 of the Trading With the Enemy Act.]

Contents: Description of patent; record of assignments; consideration for assignment to claimant; citizenship of claimant.

Form APC–18 *Report of Foreign Interest in Copyright.*

Purpose: For use in reporting to the Custodian, in acordance with § 503.35, the interests of designated foreign nationals in copyrights.

Contents: Interest of designated foreign national; interest of reporter; financial transactions between reporter and foreign national since January 1, 1939; writings evidencing payments; list of works in which foreign national has interest and on which sums have been due since January 1, 1939; copies of contracts.

Form APC–19 *Report of Liability for Royalty Payments on Patents.*

Purpose: For use in reporting to the Custodian, in accordance with § 503.24, liability for royalty payments under vested patent rights.

Contents: Patent number; royalty agreement; description of reporter; statement of royalties paid since January 1, 1939, and payments now due; dates when payments fall due.

Form APC–20 *Report of Royalty Payment on Patent.*

Purpose: For use by persons making payments of royalties due the Custodian.

Contents: Name and address of reporter; patent number; due date and period covered by payment; computation of royalties due; explanation, if payment does not accompany report; party to whom payment was due prior to vesting.

Form APC–21 *Report of Recording of Transfer of Interest in Copyright.*

Purpose and Contents: Substantially the same as Form APC–14P, except that it is used when recording in the Copyright Office the transfer of an interest in a copyright.

Form APC–22 *Attachment to Instrument Transferring Interest in Copyright.*

Purpose and Contents: Same as Form APC–15, except that it is attached to instruments recorded in the Copyright Office. § 503.13–3 (a) (2) (iv).

Form APC–23 *Report of Foreign Interest in Copyright Application.*

Purpose and Contents: Same as Form APC–13P, except that it is used when filing an application for registration or renewal of a copyright in the Copyright Office. Use of this form is not required in applications for registration or renewal of copyrights made after August 21, 1946.

Form APC–25 *Royalty-bearing Copyright License Agreement.*

Purpose: Generally used by the Custodian in the licensing of commercial or royalty-bearing copyrights.

Contents: A long form covering the varied circumstances which generally arise in the licensing of royalty-bearing copyrights and containing a number of special features resulting from the peculiar nature of the Custodian's title to vested property.

Form APC–26 *Royalty-free Copyright License Agreement.*

Purpose: Generally used by the Custodian in licensing copyrights on a non-royalty and non-exclusive basis.

Contents: A short form covering the licensed use, the term of the license and the fee to be paid, and containing several further clauses protecting the rights of the Custodian.

Form APC–30 *Royalty-free Patent License Agreement.*

Purpose: For use by the Custodian in granting royalty-free, non-exclusive and non-transferable licenses under vested patents to Americans.

Contents: The form contains a statement of the terms under which the license is granted.

Form APC–31 *Report of Foreign Interest in Trademark.*

Purpose and Contents: This form is substantially similar to Form APC–18, except that it is used in reporting to the Custodian, pursuant to § 503.30, the interests of foreign nationals in trademarks and commercial prints and labels.

Form APC–40 *Application for License to Republish Books.*

Purpose: For use in applying to the Custodian for a license to republish war urgent books.

Contents: Description of applicant; description of original work; description of proposed reproduction.

Form APC–41 *Application for License to Republish Musical Composition.*

Purpose and Contents: This form is substantially the same as Form APC–40, except that it is used in applying for a license to republish a musical composition.

Form APC–43 *Offer to Purchase Vested Real Property.*

Purpose: For use by persons submitting to the Custodian an offer to purchase real property.

Contents: Offer to purchase; description of property; terms of offer; affidavit that offeror is citizen of the United States and is not buying in order to circumvent provisions of Trading With the Enemy Act.

Form APC–45 *Report of Royalty Payments on Copyrights Prior to Vesting.*

Purpose: For use, pursuant to § 503.37, in reporting royalties on vested copyrights which became due and payable prior to the date of vesting.

Contents: Name of reporter; foreign national whose interest was vested; copyrighted items covered; computation of royalties; explanation of method of computation; itemization of royalties.

Form APC–46 *Report of Royalty Payments on Copyrights Subsequent to Vesting.*

Purpose and contents: This form is substantially similar to Form APC–45, except that it is used to report royalties on vested copyrights which became due subsequent to the date of vesting.

Form APC–48 *Report of Property of Repatriates.*

Purpose: For use in inventorying the property of persons who are to be repatriated.

Contents: Personal history of repatriate; description of all property owned, controlled or claimed by repatriate; signature of repatriate; attest of examiner.

Form APC–50 *Report of Royalty Payments on Trademarks Prior to Vesting.*

Purpose: For use, pursuant to § 503.31, in reporting royalties on vested trademarks which became due and payable prior to the date of vesting.

Contents: Name of reporter; foreign national whose interest was vested; trademarks and agreements covered; explanation of royalties paid after January 1, 1939; computation of royalties due; explanation of method of computation; itemization of royalties.

Form APC–51 *Report of Royalty Payments on Trademarks Subsequent to Vesting.*

Purpose and contents: This form is substantially similar to Form APC–50, except that it is used to report royalties on vested trademarks which become due subsequent to the date of vesting.

Form APC–53 *Request by Licensee of Custodian for Loan of Motion Picture Film.*

Purpose: For use in requesting the loan of a motion picture film from the Custodian; also used as a loan agreement.

Contents: Terms of the loan agreement.

Form APC–53A *Request by Non-Licensee of Custodian for Loan of Motion Picture Film.*

Purpose: For use in requesting the loan of a motion picture film from the Custodian; also used as a loan agreement.

Contents: Terms of the loan agreement.

Form APC–54 *Report on Use of Licensed Patent.*

Purpose: For use by a licensee under Form APC–30 in reporting the use he has made of the patent during the calendar year.

Contents: Name and address of licensee; patents covered in report; uses of patents; goods made, used, and sold; other operations.

Form APC–55 *Motion Picture Film License.*

Purpose: For use by the Custodian in granting a license for the exploitation rights of a copyrighted motion picture film.

Contents: Similar to Form APC–25, with variations to fit the difference in subject-matter.

Form APC–56 Series A, B, C, D, E, F, G and H—*Report of German or Japanese Property in the U. S.*

Purpose: For use in reporting to the Custodian the present location and identity of property in the United States in which Germany or Japan, or any national thereof, has any interest.

Contents: Series A, financial securities; Series B, interests in real estate; Series C, other types of property; Series D, report by issuer of financial securities; Series E, bank's report of deposits; Series F, bank's report of safe deposit boxes; Series G, report by executors and other fiduciaries; Series H, report by insurers. Separately printed directions for use of Form APC–56 are available upon request.

Form APC–57 *Report of Assets of Patent Licensee.*

Purpose: For use by licensees of patents in reporting to the Custodian the amount of the licensee's assets.

Contents: Size of business based upon total assets as shown by latest balance sheet.

§ 501.70 *Public participation in substantive rule making*—(a) *Submission of written or oral views on proposed rule.* Within 15 days after the Alien Property Custodian has published in the Federal Register notice of proposed substantive rule making, any person may submit in writing to Secretary, Office of Alien Property Custodian, Washington 25, D. C., a statement of his views, arguments, or other data concerning the proposed rule. The statement must be submitted in duplicate, typewritten double-spaced, and must set forth the writer's interest. Any person may, within the same period, apply in writing to the Secretary for permission to be heard orally in connection with a proposed rule, setting forth his interest and the gist of the subject-matter which he intends to present. Hearings will be allowed in the discretion of the Custodian, and will be informal.

(b) *Petitions on rules.* Any person may submit to Secretary, Office of Alien Property Custodian, Washington 25, D. C., a petition for issuance, amendment, or repeal of a rule. The petition must be in duplicate, typewritten double-spaced, and must set forth petitioner's interest, the desired change or proposal, and supporting reasons. If the Alien Property Custodian deems the petition meritorious, appropriate action will be taken to effectuate the petitioner's proposal. If the petition is denied, in whole or in part, prompt notice of denial will be given.

§ 501.75 *Renewal of licenses.* Application for renewal of any license, authorization, permit, certificate, approval, registration, or other form of permission, with reference to an activity of a continuing nature, shall be filed with the appropriate Division of the Office of Alien Property Custodian, Washington 25, D. C., not less than 30 days prior to the expiration date thereof, unless otherwise provided therein. In the case of permissions originally granted for less than 45 days, the activity shall be deemed not to be of a continuing nature, and the permission shall be non-renewable, except as may be otherwise expressly provided.

§ 501.80 *Reference by obsolete designation.* Whatever in any section of Parts 500–510, or in any order, rule, regulation, or form issued by the Office of Alien Property Custodian, reference is made to a section, order, rule, regulation, or form by number or other designation which is obsolete, such reference shall be deemed to be made to the current corresponding section of Parts 500–510.

(40 Stat. 411, 50 U. S. C. App. 1; 55 Stat. 839, 50 U. S. C. App. (Sup.) 616; 60 Stat. 50; Pub. Law 671, Aug. 8, 1946; E. O. 9142, 3 CFR, Cum. Supp.; E. O. 9193, 3 CFR, Cum. Supp.; E. O. 9325, 3 CFR, Cum. Supp.; E. O. 9567, 3 CFR, 1945 Supp.; E. O. 9725, 11 F. R. 5381; E. O. 9747, 11 F. R. 7518; E. O. 9760, 11 F. R. 7999)

PART 506—AVAILABILITY OF RECORDS

Sec.

506.1 Official records available to public.
506.17 Records generally confidential; application for disclosure.

§ 506.1 *Official records available to public.*—(a) *Records available for inspection and distribution.* The following documents are available for inspection and, in so far as supply permits, for distribution on application to Secretary, Office of Alien Property Custodian, Washington 25, D. C.:

(1) Annual Reports of the Office of Alien Property Custodian.

(2) Instructions and forms for filing claims, and for reporting information which the Alien Property Custodian requires. See § 501.60.

(3) Final determination, opinions, and orders in cases heard or reviewed by the Vested Property Claims Committee.

(4) Notices of public sale, prospectuses, and terms and conditions of sale.

(5) Rules issued by the Office of Alien Property Custodian.

(6) Documents which have been published in the FEDERAL REGISTER.

(7) Formal Opinions of the General Counsel issued for the guidance of the public.

(b) *Records available for inspection.*

(1) The following documents are available for inspection by persons preperly and directly concerned on application to Secretary, Office of Alien Property Custodian, Washington 25, D. C.

(i) Claims filed with the Office of Alien Property Custodian.

(ii) Records in cases heard or reviewed by the Vested Property Claims Committee.

(iii) Records of bids in public sales, notifications of acceptance, and orders for sale.

(2) Copies of contracts in which the Alien Property Custodian has vested the interest of a foreign national are available for inspection in the United States Patent Office in accordance with the provisions of Executive Order No. 9424 of February 18, 1944.

(c) *Patent applications.* Any person may petition for permission to inspect or copy a patent application filed by a national of a "designated enemy country" as defined in section 10 of Executive Order No. 9095, as amended. Petitions should be submitted to Prosecution Section, Division of Patent Administration, Alien Property Custodian, Washington 25, D. C., on a form which that section will provide on request. Petitions will ordinarily be granted upon a showing of proper interest unless:

(1) A title claim has been filed with respect to such patent application, or

(2) The patent application is involved in litigation, or

(3) An American national has filed a patent application which may be in interference with the patent application of the enemy national.

§ 506.17 *Records generally confidential; application for disclosure.* [General Order No. 17. For text, see 8 CFR, Cum. Supp., 503.17].

Paragraph (b) of General Order No. 17 is hereby amended to read as follows:

(b) All information, records, files and papers of the Office of Alien Property Custodian shall be deemed strictly confidential unless:

(1) Disclosure is permitted by § 506.1, in which case disclosure will be in the manner and to the extent therein provided, or

(2) Disclosure in a particular case is authorized by the Alien Property Custodian or his delegate (see § 500.33). Application for disclosure may be addressed to Secretary, Office of Alien Property Custodian, Washington 25, D. C., and should set forth the applicant's interest, description of the material or information requested, and purpose for which disclosure is sought. When copies of records are desired, they will be made available, consistently with provisions of this section, upon payment of costs of reproduction. Decisions on applications will be based on interest and purpose shown, and such other considerations as the Alien Property Custodian, or his delegate, deems appropriate, including the following:

(i) Security requirements in matters bearing on national or military affairs,

(ii) Possible interference with execution of Alien Property Custodian's functions,

(iii) Whether the disclosure requested is of information inherently intra-governmental in character,

(iv) Likelihood of undue or unnecessary embarrassment, prejudice, or loss to other persons.

Paragraph (h) of General Order No. 17 is hereby amended by adding the following:

A litigant or claimant preparing for trial or hearing will, in so far as consistent with the provisions of this section, be granted access to pertinent records in order to determine what portions of the records he will require.

(40 Stat. 411, 50 U. S. C. App. 1; 55 Stat. 839, 50 U. S. C. App. (Sup.) 616; 60 Stat. 50; Pub. Law 671, Aug. 8, 1946; E. O. 9142, 3 CFR, Cum. Supp.; E. O. 9193, 3 CFR, Cum. Supp.; E. O. 9325, 3 CFR, Cum. Supp.; E. O. 9567, 3 CFR, 1945 Supp.; E. O. 9725, 11 F. R. 5381; E. O. 9747, 11 F. R. 7518; E. O. 9760, 11 F. R. 7999)

Executed at Washington, D. C., on August 21, 1946.

[SEAL] JAMES W. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–15340; Filed, Aug. 28, 1946; 3:56 p. m.]

OFFICE OF CONTRACT SETTLEMENT

[32 CFR, Ch. XX]

Sec.

8095.1 Creation and authority.
8095.2 Office of Contract Settlement; organization and function.
8095.3 Office of Contract Settlement; procedures.
8095.4 Contract Settlement Advisory Board.
8095.5 Appeal Board of the Office of Contract Settlement; organization and function.
8095.6 Appeal Board of the Office of Contract Settlement; procedures.

PART 8095—GENERAL STATEMENT OF ORGANIZATION, FUNCTIONS AND PROCEDURES

§ 8095.1 *Creation and authority.* The Office of Contract Settlement, the Contract Settlement Advisory Board, and the Appeal Board of the Office of Contract Settlement, all exist under the provisions of the Contract Settlement Act of 1944 (58 Stat. 651; 41 U. S. C. 104), approved July 1, 1944.

Among the subjects dealt with by the act are the principles governing the determination of fair compensation for the termination of war contracts, the prompt clearance from contractors' plants of property connected with terminated contracts, the financing of contractors during the period between the termination of their contracts and their final settlement, and defective, informal and quasi contracts.

By act of Congress approved October 3, 1944 (58 Stat. 785; 50 U. S. C. 1651), the Office of Contract Settlement was placed within the Office of War Mobilization and Reconversion, its functions to be subject to the general supervision of the Director of War Mobilization and Reconversion.

§ 8095.2 *Office of Contract Settlement; organization and function.* Section 4 (a) of the Contract Settlement Act established the Office of Contract Settlement, which is headed by the Director of Contract Settlement. The Office of Contract Settlement is housed in the Federal Reserve Building, Washington 25, D. C. It has no field organization. The Director's function is to prescribe, by general regulation, policies, principles, methods, procedures and standards for settlement of terminated war contracts and of defective, informal and quasi-contracts under the act. These regulations and amendments thereto are published in the FEDERAL REGISTER in accordance with section 4 (e) of the act. In adidtion, in accordance with section 20 (d) of the act, Directive Orders of the Director of War Mobilization relating to the subject matter of the act, remain in full force and effect unless and until superseded by regulations in accordance with the act.

Directive Orders of the Director of War Mobilization

1. Uniform Termination Article: Jan. 10, 1944, 9 F. R. 478.

2. Uniform Termination Article: This directive 2 amends directive 1 and is further amended by Regulations 3 and 5 of the Office of Contract Settlement: Feb. 24, 1944, 9 F. R. 2251.

3. Pricing Policy on Termination Inventory: This directive is obsolete: May 2, 1944, 9 F. R. 5192.

4. Interpretations of Uniform Termination Article: May 2, 1944, 9 F. R. 5192.

5. Settlement Organization of Contracting Agencies: May 2, 1944, 9 F. R. 5193.

6. Settlement of Subcontractors' Claims: This directive is amended by Regulation 6 of the Office of Contract Settlement: June 1, 1944, 9 F. R. 6135.

In accordance with section 4 (d) of the act the Director performs the duties imposed upon him primarily through the personnel and facilities of the contracting agencies and other established Government agencies. In adidtion, under section 23 (a) of the act, the Director, by delegation, has authorized the Deputy Director to exercise any authority or discretion conferred upon the Director by the act. The Director under section 23 (a) of the act has delegated by Regulation 13 (Part 8042, Feb. 14, 1945, 10 F. R. 2036), to the head of each contracting agency, his authority under section 8 (d) to suspend or modify penalty for overstatement in connection with interim financing. In Regulation 15 (Part 8085, March 23, 1945, 10 F. R. 3132; Apr. 4, 1946, 11 F. R. 3603; Aug. 21, 1946, 11 F. R. 9138), the Director, in accordance

with section 13 (d) (3) of the act, authorized the Appeal Board to prescribe any amendments to its rules and any further rules of practice and procedure to govern its proceeding.

The public may secure information from or make submittals and requests to the Director, and matters of official record are available at his office to persons properly and directly concerned, except information held confidential for good cause found.

§ 8095.3 *Office of Contract Settlement; procedures.* All procedural rules made by the Director have been made by general regulation in accordance with section 4 (b) of the act. These primarily concern procedural matters between the public and the contracting agencies and other established Government agencies, although Regulations 12 and 16 make provision for referral of certain matters from the contracting agencies to the Director. Citation is made to the following regulations relating in part to procedural matters.

Regulations of the Office of Contract Settlement

1. Part 8040, Termination Loans: Aug. 18, 1944, 9 F. R. 10358.
2. Part 8041, Partial Payments: Sept. 8, 1944, 9 F. R. 11275.
4. Part 8050, Plant Clearance: Sept. 28, 1944, 9 F. R. 11964.
8. Part 8075, Standard Contract Settlement Proposal Forms: Oct. 13, 1944, 9 F. R. 12541.
9. Part 8040, Guaranteed Termination Loans: Dec. 9, 1944, 9 F. R. 14501.
10. Part 8051, Plant Clearance: Jan. 24, 1945, 10 F. R. 1279.
11. Part 8076, Microfilming and Destruction of War Contractors' Records: Jan. 24, 1945, 10 F. R. 1280.
12. Part 8060, Claims Under Defective, Informal and Quasi Contracts: Jan. 24, 1945, 10 F. R. 1278.
15. Part 8085, Rules of Practice and Procedure for the Appeal Board: Mar. 23, 1945, 10 F. R. 3132; Amendment No. 1: Apr. 4, 1946, 11 F. R. 3603; Amendment No. 2: Aug. 21, 1946, 11 F. R. 9138.
16. Part 8007, Program for Limited Company-Wide Settlement of Termination Claims: May 29, 1945, 10 F. R. 6249; Amendment No. 1: Aug. 27, 1945, 10 F. R. 11075; Amendment No. 2:Sept. 6, 1945, 10 F. R. 11401.
17. Part 8008, Protection of Termination Claims of Subcontractors: May 29, 1945, 10 F. R. 6250.
18. Part 8075, Form of Application for Disposition of Plant Equipment: June 1, 1945, 10 F. R. 6802.
19. Part 8076, Retention of Records by Contracting Agencies: July 9, 1945, 10 F. R. 8750; Correction: Dec. 7, 1945, 10 F. R. 14903.

§ 8095.4 *Contract Settlement Advisory Board.* Section 5 of the Contract Settlement Act created a Contract Settlement Advisory Board with which the Director advises and consults. The Board consists of the Director who acts as its Chairman, and of the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, the Chairman of the Maritime Commission, the Secretary of State as successor to the Administrator of the Foreign Economic Administration, the Chairman of the Board of Directors of the Reconstruction Finance Corporation, the Administrator of the Civilian Production Administration as successor to the Chairman of the War Production Board, the Secretary of Commerce as successor to the Chairman of the Board of Directors of Smaller War Plants Corporation and the Attorney General or any alternate or representative designated by any of them. The Director requests other Government agencies to participate in the deliberations of the Board whenever matters especially affecting them are under consideration. Since the function of the Contract Settlement Advisory Board is to advise and consult with the Director, it has no public function. Any request in regard to it may be addressed to the Director of the Office of Contract Settlement as its Chairman.

§ 8095.5 *Appeal Board of the Office of Contract Settlement; organization and function.* Under section 13 (d) (1) of the Contract Settlement Act, the Director has appointed an Appeal Board which hears appeals from determinations of the contracting agencies and submissions made under the provisions of section 13 of the act. The Appeal Board consists of such number of members as the Director from time to time deems necessary, and at the present time has three full-time members and two part-time members.

Its decisions are published and are available upon application to the Clerk of the Appeal Board. Matters of official record, which largely consist of records of the proceedings before the Appeal Board, are available at the office of the Clerk of the Appeal Board to persons properly and directly concerned, except information held confidential for good cause found.

The public may secure other information or make submittals or requests by addressing the Clerk of the Appeal Board at its office in the Federal Reserve Building, Washington 25, D. C.

§ 8095.6 *Appeal Board of the Office of Contract Settlement; procedures.* The rules of practice and procedure for the Appeal Board are prescribed in Regulation 15 and amendments thereto of the Office of Contract Settlement. See Part 8085, March 23, 1945, 10 F. R. 3132; April 4, 1946, 11 F. R. 3603; August 21, 1946, 11 F. R. 9138.

H. CHAPMAN ROSE,
Director.

[F. R. Doc. 46-15396; Filed, Aug. 28, 1946; 4:55 p. m.]

OFFICE OF DEFENSE TRANSPORTATION

[49 CFR, Ch. II]

PART 507—ORGANIZATION AND FUNCTIONS

Sec.
507.1 Organization, authority, and functions of the Office of Defense Transportation.
507.2 Presidential powers exercised by the Office of Defense Transportation and the Director.
507.3 Central organization; functions of officers, divisions, and departments.
507.4 Field organizations; functions.
507.5 Information, submittals, and requests; where to be submitted or made.

§ 507.1 *Organization, authority, and functions of the Office of Defense Transportation.* The Office of Defense Transportation was organized pursuant to Executive Order 8989 (6 F. R. 6725), and the authority, powers, duties, and functions of the Office and of the Director thereof are described in that order and in Executive Orders 9156 (7 F. R. 3349), 9214 (7 F. R. 6097), 9389 (8 F. R. 14183), 9661 (10 F. R. 14591), and 9729 (11 F. R. 5641).

§ 507.2 *Presidential powers exercised by the Office of Defense Transportation and the Director.* (a) Subject to such policies and regulations as the President of the United States may from time to time prescribe, the Office of Defense Transportation is directed to perform the functions and exercise the authority vested in the President by sections 1 (15) and 6 (8) of the Interstate Commerce Act, as amended (49 USC Sections 1 (15) and 6 (8)). The Director of the Office of Defense Transportation is authorized to perform the functions and exercise the power, authority, and discretion conferred upon the President by Section 2 (a) of the act of June 28, 1940 (45 Stat. 676), as amended by Title III of the Second War Powers Act, 1942, as amended (56 Stat. 177, 50 USC App. 633, 58 Stat. 827, 59 Stat. 658, Pub. Law 475, 79th Congress), for the purpose of allocating the use of transportation equipment and facilities by rail carriers, motor carriers, water carriers (except vessels under the jurisdiction of the Administrator of the War Shipping Administration), and air carriers, upon such conditions and to such extent as the Director shall deem necessary or appropriate in the public interest and to promote the national defense. In order to perform such functions and to exercise such power, authority, and discretion, the Director is further authorized to exercise the authority conferred upon the President by the Second War Powers Act, 1942, as amended, to obtain information, require reports and the keeping of records, make inspection of books, records and other writings, premises or property of any person, make investigations, administer oaths and affirmations, and require attendance and testimony of witnesses and the production of books, records and other documentary or physical evidence, pursuant to such statute. The Director may exercise the power, authority, and discretion so conferred upon him through such persons and agencies and in such manner as he may determine.

(b) From time to time the Director is authorized and directed by the President, on his behalf or as his delegate, to take possession and assume control of, and to operate, the transportation systems, plants, and facilities of one or more domestic carriers when there are interruptions or threatened interruptions of their operation, or to operate transportation systems, plants, and facilities of one or more domestic carriers, possession and control of which has been taken by the President. In such instances the Director is authorized and directed to exercise all or a portion of the authority, powers, and discretion of the President vested in him by section 9 of the Selective Service and Training Act of 1940, as amended

by Section 3 of the War Labor Disputes Act (57 Stat. 164), and the act of August 29, 1916 (39 Stat. 645).

(c) Pursuant to Executive Order 9661 (10 F. R. 14591), the Director took possession and assumed control of, and is operating, the transportation system, plants, and facilities of the Great Lakes Towing Company, as a delegate, and on behalf, of the President, under the authority of said acts.

(d) In fulfilling the responsibility imposed by Executive Order 8989, the Office of Defense Transportation, whenever there is threatened interruption or interruption of the operations of a domestic transportation system or part thereof investigates to determine the impact of such interruption upon the national economy and defense and makes recommendations to, and advises, the President with respect to the exercise of his authority and powers contained in Section 9 of the Selective Service and Training Act of 1940, as amended by Section 3 of the War Labor Disputes Act and the act of August 29, 1916.

§ 507.3 *Central organization; functions of officers, divisions, and departments.*—(a) *Office of the Director.* The Director of the Office of Defense Transportation is appointed by the President of the United States and is the head of said office. Under the general direction of the President and as a part of the Executive Office, the Director, in order to assure maximum utilization of the domestic transportation facilities of the Nation for the successful prosecution of the War, is responsible for the planning, development, and execution of a comprehensive program relating to and coordinating all domestic transportation and related facilities in accordance with the provisions of Executive Order 8989, as amended, and for securing maximum utilization of domestic transportation facilities; advises and makes certifications or recommendations to the President, Government departments and agencies, and industry, concerning the provision, maintenance and operation of such facilities and concerning proposed or existing legislation affecting domestic transportation. In exercising the authority and performing the functions, duties, and responsibilities imposed upon him and the Office, he issues orders, directives, instructions, and statements of policy having general applicability and legal effect. He keeps the President informed with respect to transportation matters and the progress made in the performance of these duties and functions.

The Office of the Director, in addition to the Director, consists of a deputy director, an executive assistant to the director, an executive officer, an information officer, a rate consultant, a highway transport consultant, a statistician, and a historian.

(1) *Office of the deputy director.* The deputy director, during the absence of the director, acts as director and for him on such matters of official business as require immediate attention, and is responsible at all times for the coordination of all parts of the transportation program.

(2) *Office of the executive assistant.* The executive assistant to the director is responsible for the coordination of interdivisional relationships in the Office of Defense Transportation, for the effectuation of policies established by the director in the overall administration of programs of the Office; provides liaison with other Government departments, independent establishment and agencies; and performs such other duties as may be assigned to him from time to time by the director or deputy director.

(3) *Executive officer.* The executive officer's functions relate only to the internal management of the Office of Defense Transportation. He is in charge of the administrative office which consists of a personnel officer, a budget and fiscal officer, and a service operations officer.

(4) *Information officer.* The information officer plans, directs, and coordinates the public information and public relations activities of the Office.

(b) *Staff divisions and departments.* The remainder of the central organization is divided into: staff divisions and transport departments.

(1) *Staff divisions.* The staff divisions are: Office of the General Counsel and Division of Manpower and Materials.

(i) *Office of the General Counsel.* The Office of the General Counsel consists of a general counsel, two assistant general counsels, one or more attorneys, and staff. During the absence of the general counsel and when so directed one of the assistants acts as general counsel.

The Office of the General Counsel handles all legal matters pertaining to the activities of the Office of Defense Transportation and the Director thereof; represents the legal interests of the Office before commissions, boards, and other tribunals, departments and agencies; is responsible for the legal aspects of compliance with, and enforcement of, the orders, directives, and policies of the Office; and renders opinions and interpretations involving such orders and directives.

(ii) *Division of Manpower and Materials.* The Division of Manpower and Materials consists of a director and an assistant director. During the absence of the director, the assistant acts as director.

The Division of Manpower and Materials is responsible for the procurement and availability of basic data as to labor supply and requirements with respect to domestic transportation; analyzes and estimates employment trends; works with various labor and mangement committees, with other Government agencies, trade associations, and transport departments of the Office of Defense Transportation in planning manpower programs for each branch of domestic transportation; explores and encourages the use of new sources of personnel; prepares for the Office of Defense Transportation, as agent for the Civilian Production Administration, and presents to the Director of Selective Service certifications for deferment from induction into the military service of important or key personnel, or personnel difficult of replacement, employed in domestic transportation service; promotes more efficient utilization of transportation personnel; encourages establishment of adequate personnel training programs; analyzes the important monthly employment data collected by the Interstate Commerce Commission, the monthly survey of labor needs and surpluses collected by the Railroad Retirement Board, and manpower reports received from individual railroads.

With respect to transportation materials and equipment, the Division of Manpower and Materials acts for, and represents, the Office of Defense Transportation as claimant agency for domestic transportation needs before the Civilian Production Administration with respect to controlled or rationed materials. In this connection it determines the estimated requirements for transportation material and equipment; assembles the estimates into an integrated domestic transportation requirements program; presents the approved program to the Civilian Production Administration; arranges the proper allocation of materials and equipment in accordance with determinations of the Civilian Production Administration; sees that material and equipment are forthcoming in accordance with approved schedules of priority; maintains liaison between the Office of Defense Transportation and all Government and private agencies on matters of material and equipment for which the Office is claimant agency; cooperates with other Federal agencies and private groups to determine the accurate and justifiable needs of the domestic transportation industry.

(2) *Transport departments.* The transport departments are: Railway Transport Department and Waterways Transport Department.

(i) *Railway Transport Department.* The Railway Transport Department consists of a director in charge of the department, an assistant director, an assistant director in charge of car utilization, and an assistant director in charge of export-import transportation (domestic).

The assistant director assists the director in the performance of his duties and in his absence acts as director of the department.

The assistant director in charge of car utilization is directly responsible for the administration of General Order ODT 1, Revised, and General Order ODT 18A, Revised. He handles for the department matters pertaining to the maximum and efficient utilization of railway cars and motive power.

The assistant director in charge of export-import transportation (domestic) administers the provisions of General Order ODT 16C and handles for the department matters pertaining to railway freight traffic into, within, and from port areas.

This department plans, directs, and coordinates the railway transportation program of the Office; surveys railway facilities and equipment and determines their adequacy to fulfill wartime requirements; develops and administers measures designed to secure the maximum use of railway transport facilities and equipment; maintains liaison with other Government agencies and members of the transportation industry to carry out ef-

fectively the duties and activities of the department.

This department administers the provisions of General Order ODT 1, Revised (11 F. R. 8228), General Order ODT 18A, Revised (11 F. R. 8229), and General Order ODT 16C (10 F. R. 12855).

(ii) *Waterways Transport Department.* The Waterways Transport Department consists of a director in charge of the department, an assistant to the director, and staff. The assistant to the director acts as director of the department in the absence of the director.

It is the responsibility of this department to plan for and secure maximum and efficient utilization of all water craft and shore facilities in domestic transportation, including Great Lakes, inland waterways, and coastwise and intercoastal shipping.

§ 507.4 *Field organization; functions.* (a) The field organization is a part of the Railway Transport Department and performs its functions under the supervision and direction of the director of that department. The organization consists of an associate director, Railway Transport Department, in charge of the organization, assisted by an assistant associate director.

(b) The organization supervises, plans, and coordinates the movement of iron ore and grain over existing domestic transportation facilities (rail, motor vehicle, and water) to relieve congestion at loading points and rail terminals, to secure maximum use of such facilities and to provide such facilities at points of urgent need; gathers and receives information from shippers, the transportation industry, and others, concerning the movement of iron ore and grain and the need for transportation facilities at specific points or in areas of need, the causes of delays in transportation, and the condition of loading and unloading points with respect to congestion of traffic; makes recommendations to the Director of Railway Transport, the Interstate Commerce Commission, and the railroads, concerning the placing and lifting of embargoes, and, when so ordered by the Commission, as its agent, orders rerouting of grain shipments; explains to shippers of iron ore and grain, and others, the policy of the Office respecting the movement of such commodities and attempts to secure voluntary cooperation to carrying out such policy.

(c) Its offices are located at Room 1823, 209 South Wells Street, Chicago, Illinois, where requests for, and information pertaining to, car supply for the movement of iron ore and grain may be submitted.

§ 507.5 *Information, submittals, and requests; where to be submitted or made.* (a) Unless otherwise ordered, directed, or instructed by an order, directive, or instruction issued by the Office of Defense Transportation and published in the FEDERAL REGISTER, any request for, or submittal of, information pertaining to, and any request or application for official action on, any matter within the jurisdiction of the Office of Defense Transportation, may be directed to it at the Interstate Commerce Commission Building, 12th and Constitution Avenue, Washington 25, District of Columbia.

(b) Requests for assistance in obtaining from the Civilian Production Administration priority ratings for materials for the construction, maintenance, repair, or operation of domestic transportation facilities may also be directed to the Director, Division of Manpower and Materials, Office of Defense Transportation, at the address above stated. Anyone desiring such assistance under the present provisions of Civilian Production Administration Priority Regulation 28 should obtain Form CPA 541A from the nearest office of the Civilian Production Administration and submit the completed form together with supporting information to the Civilian Production Administration, Washington 25, District of Columbia, and a copy of such form and supporting information to the Director, Division of Manpower and Materials, with a request for such assistance.

(c) Requests for certification for deferment of registrants employed in domestic transportation service from induction into military service should be prepared and submitted as provided in Administrative Order ODT 33.

(d) Applications for special permits to relieve applicant from some provision of an order, directive, or instruction issued by the Office of Defense Transportation, when such order, directive, or instruction provides for such permits, may be made to the officer authorized to issue such permits at the Office of Defense Transportation, Interstate Commerce Commission Building, 12th and Constitution Avenue, Washington 25, District of Columbia. Applications for special permits provided for in General Orders ODT 1, Revised, and 18A, Revised, should be directed to the Assistant Director, Car Utilization, Railway Transport Department, at the address given above. The manner of making and handling such applications is set forth in Administrative Order ODT 32, Part 503 of this chapter.

Issued at Washington, D. C., this 28th day of August 1946.

J. M. JOHNSON,
Director.

[F. R. Doc. 46—15333; Filed, Aug. 28, 1946; 3:52 p. m.]

[Administrative Order ODT 32]

PART 503—ADMINISTRATION; PROCEDURES; ISSUANCE OF SPECIAL PERMITS

General outline. This order prescribes the procedure for applying for, and the issuance of, special permits granting relief from compliance with one or more provisions of an order, directive, or instruction of the Office of Defense Transportation relating to the use or operation of domestic transportation facilities. Special permits are granted only when provision is made therefor in the substantive order, directive, or instruction from which relief is sought. Provision for such permits is now contained in only two of the outstanding orders of the Office of Defense Transportation: General Order ODT 1, Revised, as amended (11 F. R. 8228, 8740, and 9040), and General Order ODT 18A, Revised, as amended (11 F. R. 8229 and 8829).

This order specifies the information to be submitted by the applicant and the place and manner of making application. The issuing offcer, as defined in the order, is authorized, upon approval of an application in whole or in part, to issue a special permit under prescribed circumstances; otherwise he may deny.

The applicant may have the issuing officer's decision reviewed, as provided in the order. Procedure for renewal or extension of a special permit is set forth. This general outline shall not be construed to alter the meaning of any provision of this order.

The text of Administrative Order ODT 32 follows:

Pursuant to section 2 (a) of the Act of June 28, 1940, as amended by Title III of the Second War Powers Act, 1942, as amended, Executive Orders 8989, as amended, 9156, 9214, and 9729, and in order to regulate application for, and the issuance of, special permits authorized by, and granting relief from compliance with, provisions of substantive orders, directives, or instructions of the Office of Defense Transportation relating to the use and operation of domestic transportation facilities *It is hereby ordered,* That:

Sec.

503.530 Application for special permit.
503.531 Proof required; investigation by issuing officer.
503.532 Approval or disapproval of application; issuance of special permit.
503.533 Disapproval memorandum; service.
503.534 Review of issuing officer's disapproval; public inspection of records of final disposition of applications.
503.535 Application for renewal or extension.
503.536 Termination and expiration of special permits.
503.537 Definitions.
503.538 Communications.

§ 503.530 *Application for special permit.* (a) An application for a special permit relieving any person from compliance with one or more provisions of a substantive order, directive, or instruction issued by the Office of Defense Transportation relating to the use or operation of domestic transportation facilities may be made informally, either orally or in writing, and shall show:

(1) The correct name, address, and principal place of business of the applicant;

(2) The specific provision or provisions from which the applicant requests relief;

(3) The specific relief requested by applicant; and

(4) The pertinent facts upon which applicant bases his request for relief.

(b) The application, if in writing, shall be signed by applicant or by his lawfully authorized agent or representative familiar with the facts stated therein. If the application is made orally it shall be confirmed by written memorandum or letter signed by applicant or such an agent or representative and mailed or delivered forthwith to the issuing officer, as herein defined, and shall contain the information above specified.

(c) Any application for a special permit shall be addressed to the issuing officer, Office of Defense Transportation, Interstate Commerce Commission Building, 12th and Constitution Avenue, Washington 25, D. C., unless otherwise directed by an order or instruction of said Office.

§ 503.531 *Proof required; investigation by issuing officer.* The issuing officer may require applicant to submit reasonable proof of statements made in support of the application and may make such investigation as may be reasonably necessary for proper disposition of the application. The issuing officer is not required to make disposition unless and until such reasonable proof, if required, has been submitted, provided that disposition of any such application shall not be delayed for more than fifteen days from the date of making the same for the purpose of completing any such investigation.

§ 503.532 *Approval or disapproval of application; issuance of special permit.* (a) The issuing officer may grant the application in whole or in part when:

(1) The provisions of the pertinent order, directive, or instruction of the Office of Defense Transportation from which relief is sought are subject to a special permit; and

(2) The facts warrant the issuance of a special permit as specified in such order, directive, or instruction.

(b) Upon approving an application in whole or in part, the issuing officer shall issue a special permit and may limit the scope and period of effectiveness thereof as the facts may warrant.

(c) When the issuing officer disapproves an application in accordance with a pertinent order, directive, or instruction, the special permit applied for shall be denied.

§ 503.533 *Disapproval memorandum; service.* Upon disapproving an application in whole or in part, the issuing officer shall make a written memorandum of his findings, the fact of such disapproval and the reasons therefor, and forthwith shall serve a copy thereof upon the applicant by mail at the address shown by the application.

§ 503.534 *Review of issuing officer's disapproval; public inspection of records of final disposition of applications.* (a) Within ten days after the receipt of notice of the issuing officer's disapproval of an application in whole or in part, applicant may file with the Director of the Office of Defense Transportation a request for review of such disapproval. Such request may be made informally in writing and shall contain statements showing the reason why the issuing officer's disapproval should be amended, modified, or reversed.

(b) The Director of the Office of Defense Transportation will promptly review the application and all material submitted in support thereof, the request for review and material submitted in support thereof, and the findings of the issuing officer, and enter a decision affirming, amending, modifying, or reversing the issuing officer's disapproval as the law and the facts may warrant together with the reasons therefor, and forthwith shall serve a copy thereof upon applicant by mail at the address shown in the application, unless the applicant shall have designated in writing a different address.

(c) Every decision made upon review of disapproval of an application for a special permit, or of an extension or renewal thereof, or upon review of the termination of a special permit, as provided in § 503.536 (a), and the opinion supporting, or reasons assigned for, such order, and every memorandum of the approval by an issuing officer of an application for a special permit or renewal or extension thereof, and of the reasons for such approval, shall be open to public inspection during office hours at the offices of the Office of Defense Transportation, Interstate Commerce Commission Building, 12th and Constitution Avenue, Washington 25, D. C. Request for such inspection may be made to the executive officer.

§ 503.535 *Application for renewal or extension.* The issuing officer may renew or extend the period of effectiveness of any special permit issued by him under the provisions of this order upon application therefor showing the facts claimed by the permit holder to justify such renewal or extension. The application shall be made in the same manner as an original application for the permit and shall be disposed of in the same manner.

§ 503.536 *Termination and expiration of special permits.* (a) The Director of the Office of Defense Transportation or the issuing officer may terminate any special permit or renewal or extension thereof at any time after the issuance thereof when it appears from reliable information that the facts upon which such permit was issued or any renewal or extension thereof granted were misrepresented or that the conditions warranting the issuance or the renewal or extension thereof no longer exist. Notice of termination and the reasons therefor shall be given to the permit holder by mail and upon receipt of such notice the holder shall surrrender the permit forthwith by delivering or mailing it to the issuing officer. A review of the termination of any permit terminated by an issuing officer may be had within the time and in the manner specified in § 503.534 for review of disapproval of an application.

(b) Each special permit or any renewal or extension thereof shall become void upon the issuance by the Office of Defense Transportation of any order, directive, or instruction, or any amendment or modification thereof, which increases in any respect the requirements of the provisions from which the permit grants relief. In such event, the permit holder shall surrender the permit forthwith by delivering or mailing it to the issuing officer.

(c) No subsequent application for a permit or for any renewal or extension thereof filed by an applicant who has failed to surrender his permit in accordance with the provisions of paragraphs (a) and (b) of this section will be considered until such surrender has been made.

§ 503.537 *Definitions.* As used in this order, the term: (a) "Person" means any individual, partnership, corporation, association, joint-stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative, and includes any department or agency of the United States, any State, the District of Columbia, or any other political, governmental, or legal entity.

(b) "Issuing officer" means any officer of the Office of Defense Transportation authorized by an order, directive, or instruction of that Office to pass upon applications for and issue special permits granting relief from any provision of any such order, directive, or instruction. With respect to special permits authorized by General Orders ODT 1, Revised, as amended, and 18A, Revised, as amended, the term "issuing officer" means the assistant director (car utilization), Railway Transport Department, Office of Defense Transportation.

§ 503.538 *Communications.* Communications concerning §§ 503.530 to 503.538, inclusive, should refer to "Administrative Order ODT 32" and, unless otherwise directed, should be addressed to the Railway Transport Department, Office of Defense Transportation, Room 5107, Interstate Commerce Commission Building, Washington 25, D. C. (Telephone Number Republic 7500, Extension 3539).

This order shall become effective on September 11, 1946.

NOTE: The recording and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D. C. this 28th day of August 1946.

J. M. JOHNSON,
Director.

[F. R. Doc. 46—15334; Filed, Aug. 28, 1946; 8:52 p. m.]

OFFICE OF PRICE ADMINISTRATION

[32 CFR, Ch. XI]

PART 1300—PROCEDURE

Sec.

1300.1100 Procedural requirements of substantive regulations.
1300.1101 Procedural regulations.
1300.1102 Price control board conferences.
1300.1103 Forms and instructions.

§ 1300.1100 *Procedural requirements of substantive regulations.* Procedural provisions applicable to particular commodities, services, rents or geographical areas are contained, for convenience of the public, in substantive regulations and orders, issued by the Office of Price Administration and published in the FEDERAL REGISTER. Reference should be made to the regulation or order applicable to specified commodities, services, rents or geographical areas.

(a) *Price regulations.* Most price regulations and orders contain procedural

provisions relating to price adjustments, price authorizations, or both. Reporting and filing requirements and method of obtaining price authorizations and adjustments are specified. Inquiries concerning price regulations or orders should be directed to the nearest OPA district office.

(b) *Ration orders.* Ration orders contain provisions relating to application for rations, issuance of rations, adjustments, replacements, registration, reporting, banking, appeals, and other procedural requirements. Inquiries concerning ration orders should be directed to the nearest OPA district office.

(c) *Rent regulations.* Rent regulations contain procedural provisions relating to registration, establishment of rents, adjustment, and removal of tenants and occupancy. Inquiries relating to rent regulations should be directed to the nearest area rent office or branch rent office.

§ 1300.1101 *Procedural regulations.* Regulations establishing rules of procedure on matters involving the agency's dealings and relations with the public are issued as procedural regulations and are published in the FEDERAL REGISTER. The scope and content of procedural regulations are outlined below.

(a) *Revised Procedural Regulation 1 (9 F. R. 5791); procedure for issuance, adjustment, amendment, protest, and interpretation of Maximum Price Regulations*—(1) *Issuance of maximum price regulations.* Procedure of the agency in issuing price regulations, including investigation prior to issuance, price hearing prior to issuance, notice and conduct of preissuance hearing, statement of considerations, notice of provisions, and effective date.

(2) *Applications for adjustment.* Procedure governing filing, form, signature, investigation, and action by office authorized to process, requests for review, action on review and protest of denial of application.

(3) *Petitions for amendment.* Procedure governing filing, form, content, and action by the Administrator.

(4) *Protests.* Procedure for filing, form, content, supporting materials, testimony and briefs, action by the Administrator, consideration of protests by boards of review, rules governing consideration by boards of review, determination of protest, and petition for reconsideration.

(5) *Interpretations.* Definition of official interpretation and procedure for requesting, issuing, and revoking or modifying.

(6) *Miscellaneous provisions.* Includes witness fees, contemptuous conduct, continuance or adjournment of hearings, subpoenas, service of papers, office hours of the Office of the Secretary, confidential information, and appearance of employees or former employees before the Office of Price Administration.

(b) *Revised Procedural Regulation 3 (8 F. R. 526); procedure for adjustments, amendments, protests, and interpretations under rent regulations.* (1) *Landlords' petitions and tenants' applications.* Procedure governing filing, form, content, investigation, action by rent director, application for review, action on application for review, and oral hearings.

(2) *Petition for amendment.* Procedure governing filing, form, contents, and action by the Administrator.

(3) *Protests.* Procedure governing filing, time of filing, form, amendment of protest and presentation of additional evidence, action by the Administrator, basis for determination, contents of protests and supporting materials, consideration of protests by boards of review, rules governing consideration by boards of review, and determination of protests.

(4) *Interpretations.* Definition of official interpretation and procedure for requesting, issuing and revoking or modifying.

(5) *Miscellaneous provisions.* Includes witness fees, contemptuous conduct, continuance or adjournment of hearing, subpoenas, filing of notices, service of papers, action by representative, office hours of the Office of the Secretary, confidential information, and appearance of employees or former employees before the Office of Price Administration.

(c) *Revised Procedural Regulation 4 (9 F. R. 9412); procedure for issuance of Rationing Suspension Orders, and determination of violation.* (1) *Institution and conduct of proceedings.* Notice of hearing, conduct of hearing, rules of evidence, appearances, continuance or adjournment of hearing, defaults, subpoenas, payment of witness fees and mileage, contemptuous conduct, transcript of hearings, presiding officer's advisory report, service of the report, briefs on presiding officer's advisory report, briefs after hearing before hearing commissioner.

(2) *Orders and determinations of hearing commissioners.* Suspension order or determination of hearing commissioner, stay of operation of suspension order, consent order or determination, application for modification, vacation or further hearing in suspension order proceedings and order upon application.

(3) *Appeals from orders of war price and rationing boards or special hearing officers.*

(4) *Appeals to review and hearing by hearing administrator.* Hearing and order by the administrator, petition for reconsideration of order or determination of hearing administrator, appeals from orders or determinations of hearing commissioners, notice of appeal, stay pending appeal, record on appeal briefs, oral argument, order on appeal, review on initiative of hearing administrator.

(5) *Miscellaneous.* Service of papers, office hours of the office of hearing commissioners and hearing administrator, definitions and effective date.

(d) *Procedural Regulation 6 (7 F. R. 5087); procedure for the adjustment of maximum prices for commodities or services under Government contracts or subcontracts.* (1) Procedure governing filing, form, verification, place for filing, number of copies, action by regional offices, review by the Administrator, action by the Administrator, and protest of denial of application.

(2) Appendix A, including Form 6 PH–1.

(e) *Procedural Regulation 7 (8 F. R. 5842); adjustment of prices in territories and possessions.* Establishes procedure governing adjustment of prices in territories and possessions, including filing, content, verification, place of filing, investigation, action by the regional administrator, review by the Administrator, action by the Administrator, and protest of denial of application.

(f) *Procedural Regulation 11 (7 FR 9390); notice of increases in rates and charges of common carriers and other public utilities.* (1) Definition of a general increase.

(2) General requirements with respect to notice.

(3) Contents of notice filed by common carriers, public utilities, and public utilities subject to regulation under the Packers and Stockyards Act.

(g) *Second Revised Procedural Regulation 13 (11 FR 9355); procedure applicable to Industry Advisory Committees appointed under the Emergency Price Control Act of 1942 as amended.* (1) General functions and powers of industry advisory committees.

(2) Authority of the price executive of a commodity or service branch and of the director of the office of industry advisory committees.

(3) *Appointment of committees.* Includes time of appointment, composition of committees, committee designation and announcement, alteration of committees, standing subcommittees, and temporary subcommittees.

(4) *Operations of committees.* Includes officers and employees, finances, and meetings, and formal committee action.

(5) Waiver.

(h) *Procedural Regulation 14 (9 FR 1594); appearance of Office of Price Administration employees and former employees before the Office of Price Administration.* Defines administrative proceedings, person, and full-time officer or employee, and states the prohibitions on appearance of employees and former employees before the Office of Price Administration in Administrative proceedings.

(i) *Procedural Regulation 15 (10 F. R. 9957); applications by ineligible slaughterers receiving extra-compensation payments for relief with respect to such payments.* Establishes procedures, including filing of applications, form and place of filing, content, additional information required, hearings, action by the Administrator, and review by the U. S. Emergency Court of Appeals, to be used by the Administrator in carrying out functions, powers and duties delegated to him by the Economic Stabilization Director pursuant to the provisions of Sec. 2 of the Act of June 26, 1945 (P. L. 88, 79th Congress, First Session).

(j) *Procedural Regulation 16 (10 F. R. 10226); applications for special subsidy payable to slaughterers.* Establishes procedure, including filing of applications, form, content, amount of subsidy, conditions of subsidy, and termination, to be used by the Administrator pursuant to Directive No. 41 issued by the Economic Stabilization Director on April 23, 1945.

(k) *Procedural Regulation 17 (11 F. R. 9345); procedures for statutory decontrol.* (1) Decontrol petitions by indus-

try advisory committees for removal of maximum prices: procedure governing form, content, signature, action by the Administrator, dismissal, amended petitions.

(2) *Hearings.* Procedure governing requests for further considerations, notice of hearings before the Administrator or Deputy Administrator, evidence on behalf of the Consumers Advisory Committee, and the Labor Advisory Committee conduct of hearing, reports, and action by the Administrator.

(3) *Miscellaneous.* Petitions to the Price Decontrol Board, confidential information, service of notices, decontrol division office hours, acceptance of filing and assignment of docket number.

(1) *Supplementary Order 173 (11 F. R. 8828); exemption from price control of new commodities.* Establishes procedure for filing an application for exemption from price control of a new commodity where the Administrator finds that its use, in the production, manufacturing, or processing of any commodity, without increasing the cost to the ultimate user, either increases the life or reduces the cost of production, manufacture, or processing of the commodity produced, manufactured, or processed.

§ 1300.1102 *Price control board conferences.* When a price control board has received information which leads it to believe that a seller has violated an OPA price ceiling, that board asks the seller to appear for a conference. A panel of board members, who specialize in the commodity concerned, acts for the board. At the conference the panel discusses with the seller the facts it has obtained relating to the reported violation and endeavors to determine whether or not the seller actually has violated maximum price regulations. If he has not violated the regulations, the panel will dismiss the case. If he has violated the regulations the panel will negotiate with him a settlement of the OPA Administrator's Claim. In case the seller agrees with the recommendation of the panel, he signs Form T–821, Seller's Determination of Overcharges, and Form T–806 Seller's Compliance Statement. He provides a check or money order for the amount of the settlement and also a check or money order for the amount of any refunds to known consumers who were overcharged. The board then transmits the case to the district office where the settlement will be reviewed before approval. Although the panel cannot compel the seller to attend a conference or to agree to the recommended settlement, because of its friendly approach and because its members are fellow citizens, it usually receives the cooperation of the seller. If the seller refuses to cooperate, the board reports the full facts of the case to the district office which has full authority to take any necessary action.

§ 1300.1103. *Forms and instructions.* The Office of Price Administration predicates its actions on factual information which covers a wide variety of subjects. A great deal of that information is obtained from members of the public on the forms listed below:

CONSUMER GOODS DIVISION

All forms listed below are available at the Office of Price Administration, Washington 25, D. C., except where otherwise indicated.

OPA Form 123:9. Report of Rayon Gray Goods Construction, produced in quantities of 10,000 yards or more each month, and which is not enumerated in RPS 23.

OPA Form 123:11. Report of sales of Rayon Gray Goods for which construction was reported in OPA Form 123:9.

OPA Form 139:1. Specification and Price Report of Decorative Fabrics pursuant to MPR 39.

OPA Form 268:1. Report filed by all converters of rayon yarn for sales and charges made under the "in line with" provisions of MPR 168.

OPA Form 648:295. Application for Approval of maximum prices for new bleaching, dyeing and finishing operations on cotton and rayon textiles, or mixtures thereof.

OPA Form 648:296. Application for Approval of maximum prices for printing cottons, rayons and mixtures.

OPA Form 663–1049 (6–45). Report of price determined under Fourth Pricing Method of MPR 188 (§ 1499.158).

OPA Form 663–2072. Report of price determined under Third Pricing Method of MPR 188.

OPA Form 663–2270 (6–45). General Information Sheet to accompany mark-up charts filed by wholesalers in accordance with section 12 of MPR 590.

OPA Form 663–2271 (6–45). Mark-up Chart for Wholesalers to be filed in accordance with section 12 of MPR 590.

OPA Form 663–2272 (6–45). Wholesaler's Application for category mark-ups in accordance with sections 6 and 8 (a) (2) of MPR 590.

OPA Form 666–151 (1–44). A dual purpose form required by MPR 118 to report either "in-line" prices in accordance with § 1400.-101 (b) (4) or to request authorization of a price in accordance with §§ 1400.101 (b) (1) (iii) and 1400.101 (b) (2) (iii).

OPA Form 666–299 (4–44). Converter's report of price of new fabric, under MPR 39.

OPA Form 666–631 (1–44). A dual purpose form under MPR 508 to report an in-line price under either section 22 (a) (1) and 22 (a) (2), or to request authorization of a price under section 22 (e).

OPA Form 666–533 (a) (10–43). Report of Maximum Price of Comparable Woolen and Worsted Apparel Fabric Determined under § 1410.102 (c) of MPR 163.

OPA Form 666–533 (b) (10–43). Specification and Price Report of New Woolen and Worsted Apparel Fabric pursuant to § 1410.-102 (d) of MPR 163.

OPA Form 666–533 (c) (10–43). Specification and Price Report of Similar Woolen and Worsted Apparel Fabric Pursuant to § 1410.-102 (i) of MPR 163.

OPA Form 666–721 (1–44). Report Submitted by Jobbers of Woven Decorative Fabrics, showing maximum prices determined under § 1400.164 (b) (3) and (4) of MPR 39.

OPA Form 666–777 (3–44). Manufacturer's Specification and Price Report for Woven Decorative Fabrics of New Construction.

OPA Form 6062–2617. Report of Unit Costs and Proposed Maximum Prices for Certain Knitted Garments pursuant to Supplementary Order 137.

OPA Form 6064–2670. Manufacturer's Application for Approval of Maximum Price for a New Shoe.

OPA Form 6064–2847. Manufacturer's and Manufacturing-Retailer's Report of an Adjusted Maximum Price for a Low-Priced Shoe.

OPA Form 6065–2498. Manufacturer's Monthly Report of Shipments of New Innerspring Mattresses.

OPA Form 6065–2571. Report of Price of New Model Radio Cabinet determined under section 3 of Order 2 under 1499.159e of MPR 188; or, application for a price for a new model under section 4 of the same order.

OPA Form 6065–2585. Statement of Unit Cost and Calculation of Maximum Price of New or Changed Domestic Laundry Equipment under MPR 86.

OPA Form 6065–2608. Manufacturer's Monthly Report of Shipments of Bicycles (wheel size 26 inches or larger). (This form is available at the Bureau of the Census, Washington, D. C.)

OPA Form 6065–2609. Manufacturer's Monthly Report of Shipments of Specified Wheel Goods, such as children's velocipedes, scooters, strollers, wagons, etc. (This form is available at the Bureau of the Census, Washington, D. C.)

OPA Form 6065–2610. Manufacturer's Monthly Report of Monthly Shipments of Woolen Floor Coverings. (This form is available at the Bureau of the Census, Washington, D. C.)

OPA Form 6065–2613. Manufacturer's Monthly Report of Shipments of Lawn Mowers (hand, power and gang). (This form is available at the Bureau of the Census, Washington, D. C.)

OPA Form 6066–2565. Specification and Price Report of Automobile Fabric Not Sold in Base Period.

OPA Form 6066–2798. Manufacturer's Statement Certifying His Eligibility to Charge Specified Prices for Cotton Fabrics, as required by section 2 of Supplementary Order 131.

OPA Form 6067–2620. Statement of Unit Cost and Calculation of Maximum Price of New or Changed Mechanical Refrigerators, under MPR 598.

OPA Form 6067–2663. Statement of Unit Cost and Calculation of Maximum Price of New or Changed Vacuum Cleaners.

OPA Form 6068–2735. Application for Approval of Price of New Wool Floor Covering, under RPS 57.

OPA Form 6068–2865. Report of Price of Wood Furniture, determined under third pricing method of MPR 188.

OPA Form 6068–2866. Report of Price of Upholstered Wood Furniture, determined under third pricing method of MPR 188.

OPA Form 6069–2618. Statement of Unit Costs and Calculation of Maximum Price of New Model Radio Receivers and Phonographs, under MPR 599.

OPA Form 6069–2886. Survey of Current and Anticipated Productions of Radios and Phonographs.

OPA Form 6813–505. Statement of Unit Cost and Calculation of Maximum Price of New or Changed Stoves, under MPR 64.

OPA Form 601–2628. Report of Price Margin Calculation by New, Small-Volume Manufacturers under Order 4332 of MPR 188.

No OPA Form No. Letter to Welting producers requesting miscellaneous cost and financial information.

No OPA Form No. Cost and financial study of the Watch Case Industry.

No OPA Form No. Cost and financial study of leather tanners.

INDUSTRIAL MATERIALS AND MANUFACTURING DIVISIONS

All forms listed below are available at the Office of Price Administration, Washington 25, D. C.

OPA Form 167–1. Report of Machine Tool Prices required by section 4 of MPR 67.

OPA Form 197:3. Report of Sales of Special Stocks of Southern Hardwood Lumber, pursuant to section 1382.106 of RMPR 97.

OPA Form 246:1. Report of Sales of Special Stocks of Appalachian Hardwood Lumber, pursuant to Appendix D of MPR 146.

OPA Form 255:1. Report of Sales of Special Stocks of North Central Hardwood Lumber pursuant to Appendix C of MPR 155.

OPA Form 255:2. Report of Sales of Special Stocks of South Central Hardwood Lumber, pursuant to Appendix F of MPR 155.

OPA Form 323:1. Report of Sales of "Non-Standard Special" Grades and items, pursuant to Appendix C of MPR 223.

OPA Form 341:2. Report of Method of Pricing Malleable Iron Castings, as required by § 1421.111 of MPR 241.

OPA Form 344:2. Report of Method Used for Pricing Gray Iron Castings, pursuant to § 1421.161 of MPR 244.

OPA Form 674–2112 (12–44). Application for Adjustment of Maximum Prices for Steel Castings or Railroad Specialties under § 1306.-108 (b) or (c) of RPS No. 41.

OPA Form 674–2493. Application for Adjustment of Maximum Prices for Warehouse Sales of Steel Mill Products, pursuant to § 1306.156 (g) of RPS 49.

OPA Form 607–2512. Trading Margin Report to Supplement Information Supplied on OPA Form 674–2493.

OPA Form 675–1. Report of Sales of Special Stocks of Northeastern Hardwood Lumber, pursuant to section 21 of MPR 368.

OPA Form 675–994b. Report of Payroll for Lumber-Mill Operations.

OPA Form 692–992. Application for Adjustment of Maximum Prices of Certain Chemical Products, pursuant to § 1499.75 (a) (18) of Supplementary Regulation 15.

OPA Form 694–457 (12–45). Certificate of Transfer of Used Commercial Motor Vehicles to be filed by Seller with his Price Control Board.

OPA Form 694–758. Certificate of Transfer of Used Passenger Automobile to be filed by seller with his Price Control Board.

OPA Form 694–971. Report of Method Used to Calculate Price of a Machines Tool of New Design, as required by MPR 67.

OPA Form 694–1093. Report of Dealer's Used Car Sales.

OPA Form 694–2163. Application for Authorization to Act as a Dealer in Automotive and Related Vehicles.

OPA Form 694–2165. Report of Price for a Modified Product under RMPR 136.

OPA Form 694–2167 Report of Manufacturer's Proposed List Price for a Product for which no base period list price was established. (Under section 9 of RMPR 136.)

OPA Form 694–2169. Application for Adjustment of Maximum Prices for Industrial Services, under MPR 581.

OPA Form 694–2195. Purchaser's Statement Regarding His Purchase of a Used Car, as required by section 15 (b) of MPR 540.

OPA Form 695–239. Statement of Woodpulp Sales, Costs and Profit or Loss.

OPA Form 695–371a. Statement of Material and Conversion Costs for Making Paper.

OPA Form 695–371b. Toilet Tissue or Paper Towels, Sales, Costs and Profit or Loss, Per Case.

OPA Form 695–1029. Application for Adjustment of Prices for Complete Contract Logging Service, under MPR 565.

OPA Form 695–1030. Application for Adjustment of Price for Incomplete Contract Logging Service.

OPA Form 696–167a. Application for Adjustment of Maximum Prices for Mechanical Rubber Goods, pursuant to § 1315.38 of MPR 149.

OPA Form 696–691. Specification and Price Report of Tire and Tube Repair Materials as required by section 6 of RMPR 131.

OPA Form 6073–2686. Survey of Cost of Producing Lumber.

OPA Form 6073–2859. Survey of Cost of Producing Industrial Shook and Boxes.

OPA Form 6083–2644. Application for Adjustment of Maximum Prices under Supplementary Order No. 142 when application is based on operations of a company, or other operating unit.

OPA Form 6083–2645. Application for Adjustment of Maximum Prices under Supplementary Order No. 142 when application relates to individual items, or lines of products on the basis of their unit production costs.

OPA Form 6083–2646. The same application as required on OPA Form 6083–2645, except that costs are not based on recent normal operating experience.

OPA Form 6084–2730. Report of Sales, Costs and Profit or Loss for Selected Grades of Paperboard or Paper.

OPA Form 6085–2559. Certificate of Transfer of New Passenger Automobiles to be filed with local Price Control Board by all resellers with certain exceptions as noted in section 17 of MPR 594.

OPA Form 677–2152. Monthly Sales and Production Cost Report of Foundries Subject to RMPR 125.

OPA Form 6062–2896. Price report and price application under MPR 220.

OPA Form 6086–2723. Application for approval of maximum prices established under MPR 610.

OPA Form 674–1075. Application for adjustment of maximum prices of Gray Iron Castings, under MPR 244.

OPA Form 683–2522. Application for maximum prices for farm equipment, under MPR 246.

Solid Fuels Price Branch

All forms listed below are available at the Office of Price Administration, Washington 25, D. C.

OPA Form 653–1 (7–45). Report of Anthracite Mine Operations to determine the need for increases in producer's price of Pennsylvania anthracite.

OPA Form 653–40 (2–46). Determination of Maximum Prices for Solid Fuels Sold by Dealers under Rule 1 of section 1340. 254 of RMPR 122.

OPA Form 653–499 (7–45). Report of Operating Data for Bituminous Coal Mines used in determination of maximum prices for producers of Bituminous coal.

OPA Form 653–572 (4–46). Schedule of Supporting Information Submitted With Petition for Increased Maximum Prices of Bituminous Coal From Mines.Under 50 Tons Daily Capacity.

OPA Form 563–632 (4–46). Schedule of Supporting Information Submitted in Connection With Petition For Increased Maximum Prices of Bituminous Coal.

OPA Form 653–162a. Survey of Dealers Margin in Sale of Solid Fuel.

Petroleum Price Branch

All forms listed below are available at the Office of Price Administration, Washington 25, D. C.

OPA Form 652–2065 (10–44). Stripper Well Premium Plan Production Cost Report.

OPA Form 652–2170. Report of New Wells brought into production under stripper well premium plan.

Sugar Rationing Branch

All forms listed below are available at the Office of Price Administration, Washington 25, D. C.

OPA Form R–146 (5–46). Application for Sugar Ration Book by a person who has never received a War Ration Book Four, or a Sugar Ration Book; or has surrendered to OPA any War Ration Book Four or Sugar Ration Book which was issued to him.

OPA Form R–194 (5–46). Consumer Replacement Application for one lost, destroyed, stolen, wrongfully withheld, or mutilated Ration Book, or, For Sugar Ration Coupons.

OPA Form R–346 (1–46). Semi-Annual Sugar Inventory Report By Wholesalers and Chain Retailers.

OPA Form R–347 (3–46). Primary Distributor Ration Evidence Reconciliation Statement.

OPA Form R–353. Application For A Temporary Sugar Ration by a member of the armed forces of the United States.

OPA Form R–356 (1–46). Bee Feeder's Sugar Application and Usage Report.

OPA Form R–357 (1–46). Industrial User Application For Increased Allotment Based on Population Increases.

OPA Form R–358 (1–46). Trade Application For Replacement of Mutilated, Lost, Destroyed or Stolen Coupons and/or Stamps.

OPA Form R–359 (1–46). Industrial User's Application For Quarterly Provisional Allowance.

OPA Form R–359–A (1–46). Industrial User's Monthly Usage Report of Sugar Granted in Response to Application on Form R–359.

OPA Form R–360. Application For Provisional Allowance of Sugar For Manufacturing Bulk Sweetened Condensed Milk to be packaged in containers holding more than one gallon.

OPA Form R–361. New Applicant For Provisional Allowance—Report of Receipts and Production of Milk and Dairy Products.

OPA Form R–362. Application For Temporary Allowable Inventory of Sugar pending registration of establishment.

OPA Form R–362–A. Report on Usage of Temporary Allowable Sugar Inventory.

OPA Form R–365 (1–46). Adjustment Application For Certain Manufacturers Using Sugar-Containing Products.

OPA Form R–371 (3–46). 1946 Consumer Application For Sugar To Be Used in Home Canning For Sale.

OPA Form R–373 (2–46). Adjustment Application For Those Manufacturers Who Use Sugar, But Not Sugar Containing Products.

OPA Form R–374. Application for Additional Sugar Required Because of Illness.

OPA Form R–1226 (6–46). Veterans' Application For Registration and Assignment of a Sugar Allowance to be used in carrying on a business.

OPA Form R–1226–A. Application for a Sugar Allowance by a Veteran upon re-engaging in a sugar-using business which he sold when he entered the Armed Forces.

OPA Form R–1230. Industrial User's Application for the regular quarterly sugar allotment.

OPA Form R–1307 (4–45). Application For Registration of a New Institutional User of Sugar.

OPA Form R–1309 (9–45). Institutional Users Application For Regular Quarterly Sugar Allotment.

OPA Form R–1311. Institutional User's Daily Record of Persons Served and Gross Revenue From Such Sales.

OPA Form R–1334. Application for Allotment of Sugar to be Used on Floating Craft in preparation and serving of food and refreshments.

OPA Form R–1335. Application for Sugar Ration Coupons by Group I Institutional Users of Sugar.

OPA Form R–1336. Application for Supplemental Allotments of Sugar by Group III Institutional Users Required by Increase in Business.

OPA Form R–1337. Application for Allotment of Sugar by Occasional Users of Sugar.

OPA Form R–1338. Application for Allotment of Sugar by Certain Employers.

OPA Form R–1339. Notice of Sale or Transfer of Institutional User Establishment.

OPA Form R–1340. Institutional User's Application for Home Canning Sugar for 1946.

Building Materials and Construction Division

All forms listed below are available at the Office of Price Administration, Washington 25, D. C.

OPA Form 678–2274. Report of Determination of Maximum Prices for New Articles under sections 8, 9 and 10 of MPR 592.

OPA Form 678–2353. Survey of Prices Charged for Painting and Decorating, and Wall Papering.

OPA Form 678–2354. Survey of Prices Charged for Installation of Combination Storm Windows and Screens.

OPA Form 678-2472. Report of Determination of Prices under section 7 of MPR 591.

OPA Form 678-2473. Report of Determination of Maximum Prices under section 8 of MPR 591.

OPA Form 678-2474. Report of Determination of Maximum Prices under section 9 of MPR 591.

OPA Form 678-2475. Application for Adjustment of Maximum Prices of Specified Building Equipment under section 16 of MPR 591.

OPA Form 6025-2687. Survey of Retail Prices for Stock Millwork.

OPA Form 6124-2838. Survey of Customer's Hourly Rates and Material Charges for Repair, Maintenance and Alteration.

OPA Form 6122-2860. Survey of Production Costs, and Profit or Loss of Cement Manufacturers.

OPA Form 6123-2861. Survey of Production Costs, and Profit or Loss of Manufacturers of Vitreous China Sanitary Ware.

OPA Form 612-2905. Report of price for ready-mixed concrete as recalculated in accordance with section 4.4 of order No. 1, under section 25 of MPR No. 592.

OPA Form 6124-2881. Survey of purchase costs and selling prices of specified plumbing and heating equipment sold by plumbing and heating supply distributors.

Food Price Division

All 638 forms are available in OPA District Offices; all other forms are available at the Office of Price Administration, Washington 25, D. C.

OPA Form 638-549 (8-44). Report of Wholesaler's net cost for Dry Groceries.

OPA Form 638-551. Survey of Prevailing Retail Prices in area covered by Community pricing program.

OPA Form 638-956. Report of wholesaler's prices to retailers for perishable groceries.

OPA Form 638-2208. Report of Wholesaler's prices to retailers for bottled domestic malt beverages.

OPA Form 6039-2526. Application for adjustment of maximum prices of particular items or products classed as processed fruits and vegetables.

OPA Form 6031-2555. Application for adjustment of maximum prices (generally applicable to all products other than processed fruits and vegetables).

OPA Form 6039-2673. Report of maximum prices of frozen fruits, berries and vegetables.

OPA Form 6039-2690. Report of Maximum prices of packed fruits, berries and vegetables covered by Pricing Method No. 1, Supplement 13, FPR 1.

OPA Form 6039-2691. Report of maximum prices of packed fruits, berries and vegetables covered by Pricing Method No. 2, Supplement 13, FPR 1.

Service Trades Branch

All forms listed below are available at any OPA District Office:

OPA Form 687-116. Application for Adjustment of Price for Non-Retail Service, when adjusted price has been agreed to by supplier and purchaser.

OPA Form 6153-2020. Application for Adjustment of Maximum Price for Dry Cleaners, Power Laundries and Linen Supply Concerns.

OPA Form 6817-1. Application for Adjustment of Maximum Prices of Automotive and Farm Equipment Repair Services, or other services priced by a customers' hourly rate.

OPA Form 6817-191-13. Application for Adjustment of Maximum Prices Charged by Hand Laundries.

Transportation Branch

All forms listed below are available at the Office of Price Administration, Washington 25, D. C.

OPA Form 383-8. Application For Adjustment in Rates Charged by Carriers Performing Pick-up and Delivery or Local Transfer Service Under Contract For Line Haul Carriers, submitted in accordance with the provisions of section 9 of Supplementary Regulation No. 14-H to GMPR.

OPA Form 687-116 (7-44). Application For Approval of Non-Retail Price Adjustment Agreed To By Supplier and Purchaser as required by section (b) of RMPR 165.

OPA Form 644-602. Application For Approval of Adjustment In Rates Charged By Carriers Other Than Common Carriers.

OPA Form 644-603. Shippers Form to verify carrier's statement submitted on OPA Form 644-602 with respect to essentiality of carrier's services.

OPA Form 644-2452 (6-45). Application for Adjustment in Maximum Price For Car Icing Sales.

OPA Form 6043-2751. Application For Adjustment in Ice Prices in accordance with § 1398.8 of MPR 154.

OPA Form 644-2187 (1-45). Application For Adjustment in Rate Charged By Lessors of Commercial Motor Vehicles Without Drivers as required by MPR 571.

Financial Reporting Division

All forms listed below are available at the Office of Price Administration, Washington 25, D. C.

OPA Form A (12-45). Annual Financial Report submitted to OPA by a selected list of firms from various segments of industry.

OPA Form B (12-45). An interim financial report, submitted mostly on a quarterly basis by most of the firms which submit OPA Form A.

OPA Form A-2 (1-46). Annual financial report to be submitted to OPA periodically, or on occasion, by wholesalers, retailers and other distributors.

OPA Form 403-50. Financial report for each of the years 1936 to 1939, inclusive, required on occasion from selected respondents in industry and business.

Rent Department

All forms listed below are available at the Office of Price Administration, Washington 25, D. C.

OPA FORM D-1 (2-46). Landlord's Application for the Adjustment of Maximum Rents of Housing Accommodations (excluding hotels and rooming houses).

OPA Form D-4 (2-46). Seller's application for certification by the Administrator that a proposed eviction is in accordance with the regulations.

OPA Form D-8 (2-46). Notice to be served on Defense-Area Rental Director by landlord who initiates eviction proceedings.

OPA Form D-9A. Notice to OPA to accompany landlords' refund of rental overcharges.

OPA Form D-14. Rent Examiner and Inspector Report and recommendations of basis for possible rent changes.

OPA Form D-18. Notice by the Rent Director of Proposal to Decrease Maximum Rents.

OPA Form D-19. Notice by the Rent Director of Intention to fix Maximum Rents.

OPA Form D-33. Landlord's report of intention to re-rent after eviction.

OPA Form D-44. Rent Director's notice affording opportunity to person involved in a specific action to present evidence in support of allegations.

OPA Form D-58. Landlord's application for adjustment of maximum rents because of substantial hardship incurred by reason of increases in property taxes or operating costs.

OPA Form D-SC-3NY. Tenant's complaint of a reduction in painting and decorating services.

OPA Form 298-49. Tenant's statement of rent paid, and services included in rent.

Miscellaneous OPA Forms

All forms listed below are available at the Office of Price Administration, Washington 25, D. C.

OPA Form 611-2489. Report of New Maximum Prices by Small Reconverting Manufacturers, under Supplementary Order 118.

OPA Form 611-2489A (7-45). Report of New Maximum Prices under Supplementary Order 118 by reconverting manufacturers who have sales of less than $50,000 a year.

OPA Form 611-2488R. Application for a Price Adjustment by a reconverting manufacturer under Revised Supplementary Order 119.

OPA S. G.-4 (Rev.). Report by purchaser of War Surplus Goods of intention to use goods in own business, or resell.

OPA Form T-822. Seller's statement of Compliance with OPA regulations.

Enforcement Department

The forms listed below are available at the Office of Price Administration, Washington 25, D. C.

OPA Form 291-166 (3-46). Statement of Financial Condition and Other Information to be filed with offer of compromise in enforcement proceeding.

OPA Form 292-144 (4-46). Investigator's report of cost to the seller and prices charged for Apparel, Accessories and Textiles under MPR 560.

OPA Form 292-145. Investigator's report of cost to the seller and prices charged for Flat Priced Articles Preticketed by Manufacturer or Wholesaler under section 13 of MPR 560.

OPA Form 292-146 (3-46). Investigator's report of cost to the seller and prices charged for Essential Low-Priced Garments under RMPR 578.

OPA Form 292-147 (4-46). Investigator's report of cost to the seller and prices charged for Women's, Girls', and Children's and Toddlers' Outerwear under RMPR 330.

OPA Form 292-154 (3-46). Investigator's report of cost to the seller and prices charged for Work Clothing Group—RMPR 208 (Staple Work Clothing); RMPR 304 (Utility Shirts); RMPR 506 (Work Gloves).

OPA Form 292-156 (3-46). Investigator's report of cost to the seller and prices charged for Nylon Hosiery under MPR 602 and Rayon Hosiery under 2nd RMPR 339.

OPA Form 296-136 (rev.). Questionnaire to consumer asking whether a used car was purchased over ceiling.

OPA Form 296-168b. Questionnaire to consumer asking whether a durable goods item was purchased over ceiling.

OPA Form 298-46. Questionnaire to consumer asking whether a new car was purchased over ceiling.

OPA Form 298-49. Tenant's statement of alleged rent violations.

New York Regional Office

The following forms are available in the New York Regional Office of the OPA or in the District Offices of Region II.

OPA-P-901. Report of Wholesalers or retailers maximum price computed under § 1499.3 (a) of the GMPR.

OPA 1-1275. Information required by a Price Control Board before it can assist applicant in calculation of ceiling price for a used commercial motor vehicle.

OPA Form FL-74a (3-45). Requests tenant to state whether he has received refund from landlord in accordance with the instructions of the District Rent Office.

Philadelphia, Pa., District Office

Supplement to OPA Form DH-1D. Landlord's report of services included in rent.

OPA Form 168-r. Tenant's explanation of basis for complaint against landlord.

NEWARK, N. J., DISTRICT OFFICE

No Form No. Application by industrial user for sugar to be used in compounding doctor's prescriptions.

No Form No. Form letter to establishment requesting information as to new location, sales distribution, products manufactured, as a pre-condition to granting further allotments of sugar.

No Form No. Application for sugar to be used in manufacture of insect-control preparations.

No Form No. List of equipment used in repairing automotive vehicles, available to seller of such vehicles.

No Form No. List of selling price changes put into effect by a meal serving establishment, required by Amendment 13 to Restaurant MPR 2.

No Form No. Application for increase of slaughter quota base, requesting information on slaughtering equipment, etc.

NEWARK, N. J., DISTRICT OFFICE

No Form No. General purpose price application for garment manufacturers.

No Form No. Application for maximum prices under Section 5 of Revised MPR 330.

NEW YORK METROPOLITAN DISTRICT OFFICE

No Form No. Landlord's list of tenants names and rent paid.

No Form No. Customer's report of price paid to coal dealer and services rendered in delivery of coal to his promises.

No. Form No. Interview sheet to supplement application for a price submitted under Revised MPR 330.

No Form No. Application for a maximum price pursuant to Revised MPR 570, Section 8a.

SCRANTON, PA., DISTRICT OFFICE

No Form No. Wholesaler's description of his business operations.

No Form No. Check sheet to assist in pricing automotive equipment subject to MPR 341.

Form No. 1. Notice to purchaser of motor vehicle requesting seller's and purchaser's identification.

No Form No. Request to landlord to submit rent for comparable dwellings in justification for rent higher than those to be permitted by District Area Rent Office.

WILLIAMSPORT DEFENSE-RENTAL AREA

OPA Form E–6. Request for information to supplement petition for certificate of eviction.

ATLANTA REGIONAL OFFICE

The following forms are available in the Office of Price Administration, Regional Office in Atlanta, Ga.

OPA Form 6124–2838 A. Survey of Contractor's prevalent mark-up for new construction, additions or repairs, on residential structures.

No Form No. Guide form to assist in establishing re-sellers maximum price for fountain pens or mechanical pencils, under sections 7 or 11 of Maximum Price Regulation 564.

No Form No. Guide form to assist retailers of women's fur garments in establishing maximum prices in accordance with sec. 154 of Maximum Price Regulation 178.

No Form No. Guide to assist retailers of imported Swiss watches in applying for maximum price in accordance with sec. 10 (c) of Maximum Price Regulation 499.

No Form No. Guide to assist shoe wholesalers in applying for an Office of Price Administration Shoe Wholesaler Number, as required by Supplementary Order No. 120.

No Form No. Survey to determine availability of selected consumer goods in specified types of retail outlets.

No Form No. Guide sheet to supplement Office of Price Administration Form 678–2146 for surveying plumbing contractors charges.

OPA Form No. 678–2146. Survey of Plumbing contractors rates for plumbing jobs which cost $250 or less.

No Form No. Survey of Brick manufacturers sales and prices.

No Form No. Survey of distribution costs and charges, and prices charged by brewers of malt beverages.

Revised MF 423. Requests purchaser of War Surplus Goods to state method to be used in establishing resale prices, if purchaser proposes to resell.

No Form No. Report of new adjusted prices, by restaurants, in accordance with provisions of Amendment 13 to Restaurant Maximum Price Regulation 2.

No Form No. Wholesaler's report of fresh produce purchase cost and price to retailers.

No Form No. Wholesaler's report of factory cost and his resale price of processed foods.

No Form No. Report of intention to establish a lumber distribution yard as defined in sec. 16 of Revised Maximum Price Regulation 215.

Form No. 414–5–14. Report of method by which electrical appliance repair shop prices were determined under Revised Maximum Price Regulation 165.

Form No. 414–5–4. Report of method by which auto repair shop prices were determined under Revised Maximum Price Regulation 165.

Form No. 128. Report of prices charged by auto paint shops under Revised Maximum Price Regulation 165.

Form No. 414–5–1. Application for approval of a proposed maximum price under § 1499.3 (c) of the general Maximum Price Regulation.

No Form No. Statement of profit or loss and of operations to be submitted by motor transport carriers of milk.

Form No. 414–5–16. Application for approval of a maximum price under § 1499.3 (c) of the general Maximum Price Regulation.

No Form No. Profit or loss statement to be submitted by landlords.

No Form No. Application to employ primary distributors mark-up under Maximum Price Regulation 542.

Form RO–IV–5–ASF–101. Application by primary distributors of processed foods for permission to establish prices under sec. 2.9 (c) of FPR 1 as amended.

Form RO–IV–5–ASF–42 Rev. (4–45). Application for authorization of a maximum price to be payable to a new producer of milk, under sec. (13) of Atlanta Regional Order of March 31, 1945.

No Form No. Wholesaler and Retailer statement of transfer of establishment, and reconciliation of sugar and sugar ration inventory with allowable inventory.

No Form No. Report by industrial user establishment of establishment's transfer and of sugar ration evidences turned over to Office of Price Administration.

Form Letter No. 20. Request by Office of Price Administration for information to support request for increased allotment of sugar.

No Form No. Application form for reclassification of retail beer prices, under Revised Order No. G–1, General Order No. 50.

No Form No. Report of dollar sales of all articles of clothing and apparel, except furs, in accordance with provisions of Amendment 1 to Revised Maximum Price Regulation 578.

No Form No. Application by a seller of malt and cereal beverages for reclassification from a Group 3–B seller to a Group-B seller, in accordance with section 4 (d) of 2nd Revised Order No. G–1, General Order No. 50 of the Birmingham District Office of Office of Price Administration.

No Form No. Application by a farmers cooperative for adjustment of maximum prices for milk purchased from producers, in accordance with § 1351.408 (b) of Maximum Price Regulation 329.

Form FM–R 4–1–46. Report by wholesaler, chain store or broker of purchase cost and sales price of processed food per case.

Form RO–IV–458. Form requesting information from tenant about the amount of his rent, services rendered, etc.

DALLAS REGIONAL OFFICE

The following forms are available in the OPA Regional Office in Region V, 726 Fidelity Building, Dallas 2, Tex.:

No Form No. Petition for advance opinion as to rents that may be charged on newly constructed rental units.

No Form No. Report of rent complaint in area not under Federal Rent Control.

No Form No. Wholesaler's report of price paid and prices charged to retailers for sales of bottled domestic malt beverages.

No Form No. Request for information from purchaser of a used car.

DENVER REGIONAL OFFICE

These Forms may be obtained from the Denver Regional Office of the Office of Price Administration:

No OPA Form No. Survey to determine whether coal dealers are complying with Revised Maximum Price Regulation 122.

No OPA Form No. Report of transfer of sugar using establishment and of amount of sugar and sugar ration evidences on hand.

No OPA Form No. Application for increase in Permanent allowable inventory of Sugar based on increase in business.

No OPA Form No. Restaurant's Report of recalculated prices as required by section 1 (a) (5) of Restaurant Maximum Price Regulation 2.

No OPA Form No. Compliance survey of rates charged by hotels.

SAN FRANCISCO REGIONAL OFFICE

These Forms may be obtained from the San Francisco Regional Office of the Office of Price Administration:

OPA Form 8–RDM–1. Tenant's receipt of refund and Landlord's certification of payment of refund, for rent overcharges.

OPA Form 8–RDM–3. Tenant's report of Landlord's payment, or failure to make payment for overcharges, in accordance with Rent Director's order.

OPA Form 8–R–LA–108 Supplement (1–17–44). Supplement to Landlord's petition for adjustment of rent.

OPA Form PSF–31 (Rev.). Landlord's application for permission to vary rents depending upon whether specified services are added to or withdrawn from the basic rental charge.

OPA Form PSF–37. Landlord's application to have certain housing premises brought under control of Puget Sound Maximum Rent Regulation No. 22A.

OPA Form PSF–69 (6–46). Notice to Tenant permitting him to supply information relevant to his landlord's application for increase in rent.

OPA Form PSF–85 (1–45). Landlord's request for certified copy of rent registration statement.

OPA Form PSL–55 (6–46). District Rent Director notice of decrease in rent and tenant's acknowledgment of receipt of rental overcharges required by such order.

OPA Form PSRVDRA. Landlord's description of structure and services furnished to tenants.

OPA Form OPB–3a. Purchaser's statement to Price Panel of intentions and actions taken with respect to overcharges.

No OPA Form No. Price Control Board questionnaire to a purchaser of construction services to establish grounds for purchaser's complaint.

No OPA Form No. Statement by wholesaler or retailer of transfer of establishment which uses or sells sugar.

No OPA Form No. Application for approval of a maximum price for sales to be made on a unit price basis under MPR 251.

No OPA Form No. Survey of prices being charged for insulation of houses.

REGION IX

These forms are available in each of the indicated territorial headquarters or in the office of the Regional Administrator for Region IX, OPA, Washington 25, D. C.

LOCALLY ORIGINATED PUBLIC REPORTING FORMS IN USE IN HAWAII

OPA Form THP-3 (10-45). Report of the transfer of a used passenger automobile.

OPA Form THP-5 (12-43). Poi producers' monthly report of taro purchases and inventory, and poi production and sales.

OPA Form THP-6. Report, to be filed by all new eating establishments, of ceiling prices for food items to be served, as required by Restaurant MPR 9-1.

OPA Form THP-7. Eating establishment's report of prices to be charged for food items that were not served during the base period.

OPA Form THP-9. Wholesaler's notification of change in wholesale grocery prices, under section 40 of RMPR 373.

OPA Form THP-10. Liquor wholesalers and importers report of prices calculated in accordance with section 24 of RMPR 373.

OPA Form THP-12. Application by producer for ceiling price on item to be priced under section 3 of G. M. P. R. for the Territory of Hawaii.

OPA Form THP-13. Wholesaler's application for ceiling price on item to be priced under section 3 of G. M. P. R. for the Territory of Hawaii.

OPA Form THP-14. Retailer's application for ceiling price on item to be priced under section 3 of G. M. P. R. for the Territory of Hawaii.

The following forms are used pursuant to sec. 69 of RMPR 373, to report the sale of construction repair services, and of installed building materials.

OPA Form THP-15-A (3-46). General Contractor's report of sale of new construction remodeling or alteration work which requires a building permit.

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OPA Form THP-15-C. Report of plastering and masonary work sold in connection with new construction or repair.

OPA Form THP-15-D. Report of plumbing and sheet metal work sold in connection with new construction or repair.

OPA Form THP-15-E. Report of electrical work sold in connection with new construction or repair.

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OPA Form THP-15-G. Report of cesspool construction sold in connection with new construction or repair.

OPA Form THP-15-H. Report of hard tile work sold in connection with new construction, remodeling or alterations.

OPA Form THP-15-I. Report of floor sanding and preparation sales.

LOCALLY ORIGINATED PUBLIC REPORTING FORMS IN USE IN PUERTO RICO

OPA Form PR-1R. Monthly report of rice stocks by rice retailers in Puerto Rico, required by Restriction Order 17.

OPA Form PR-2R. Monthly report by institutional or industrial rice users in Puerto Rico, required by Restriction Order 17.

OPA Form PR-3R. Brokers' monthly report of rice stocks on hand, required by Restriction Order 17.

OPA Form PR-4R. Importer's monthly report of rice stocks and transfers.

LOCALLY ORIGINATED PUBLIC REPORTING FORMS IN USE IN ALASKA

OPA Form A-CL. Wholesaler's and Retailer's report of maximum prices for Cost-of-Living commodities.

OPA Form A-NCL. Wholesaler's and Retailer's report of maximum prices for non-cost-of-living commodities.

OPA Form 294:1. Application for a maximum price for a new commodity which is neither the same as nor similar to commodities sold by applicant or a competitor, or which is not comparable to any commodity sold by applicant in the base period. (In accordance with sec. 6 of RMPR 194.)

LOCALLY ORIGINATED PUBLIC REPORTING FORMS IN USE IN THE VIRGIN ISLANDS

No Form No. Application for authorization of a price.

No. Form No. Supplementary maximum price list for "cost-of-living" commodities priced under MPR 201.

PAUL A. PORTER,
Administrator.

SEPTEMBER 3, 1946.

[F. R. Doc. 46-15803; Filed, Sept. 4, 1946; 9:19 a. m.]

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SUBPART A—THE ADMINISTRATOR

§ 1305.510 *Authority of the Price Administrator; directing and approval powers of the President and other Federal agencies with respect to price control and rationing.* The Office of Price Administration, under the direction of a Price Administrator, was created by the Emergency Price Control Act of 1942, as amended, with basic authority to establish maximum prices for commodities (including services in connection with commodities) and maximum rents for defense area housing accommodations. The act specifies legal standards governing the exercise of this authority, and grants supplementary powers, including the power to delegate authority, necessary for its administration and enforcement. Regulations establishing maximum prices and maximum rents are subject to review by the Emergency Court of Appeals in accordance with procedures prescribed by the act.

(a) The Stabilization Act of 1942, as amended, granted broad economic stabilization powers to the President, including authority to prescribe policies governing the Office of Price Administration and other agencies. The President has delegated to the Office of Economic Stabilization in the Office of War Mobilization and Reconversion this power to issue directives on policy.

(b) With respect to agricultural commodities and food or feed products derived in whole or substantial part therefrom, actions by the Price Administrator must be previously approved in writing by the Secretary of Agriculture. In addition (after September 1, 1946), no maximum price may apply to any such commodity unless the Secretary has certified that it is in short supply. The Secretary has authority to make binding recommendations to the Price Administrator for the adjustment of maximum prices on such commodities which are in short supply, and for the removal of maximum prices on such commodities which the Secretary determines are not important in relation to business costs or living costs. Whenever the Secretary determines that such a commodity from which control has been removed is in short supply, and should be subjected to price control, he may, with the written consent of the Price Decontrol Board (see below), make a binding recommendation to the Price Administrator for the reestablishment of maximum prices for that commodity.

(c) The Price Decontrol Board was established by the Emergency Price Control Act (as amended in July 1946) to act upon the petitions of industry advisory committees for the decontrol of commodities, where such petitions have been presented to and denied by the Price Administrator, in the case of nonagricultural commodities, and by the Secretary of Agriculture in the case of agricultural commodities and food or feed products derived in whole or substantial part therefrom. With respect to certain commodities, from which price control was removed by Congress until August 21, 1946, and for which the Board, pursuant to its powers under the amended act, did not, prior to August 21, 1946, order recontrol, the Board has authority to direct the Administrator to reestablish price controls.

(d) The rationing authority of OPA is derived from delegations of the President's power to allocate materials and facilities under the Second War Powers Act of 1942. This power has been delegated through the Secretary of Agriculture in the case of food commodities and through the War Production Board (succeeded by Civilian Production Administration) in the case of other commodities.

(e) The Price Administrator is authorized by the Emergency Price Control Act, as amended, to make subsidy payments under certain conditions. Funds have not been provided for the direct exercise of this power by the Administrator. In the case of commodities designated by the President as strategic or critical, the subsidy powers granted by the Act must be exercised by or through the Reconstruction Finance Corporation. Where the Reconstruction Finance Corporation conducts subsidy programs under this authority, the Price Administrator cooperates in the administration of related price controls. The Corporation, like the Price Administrator, is subject to the directive powers of the Office of Economic Stabilization.

(f) During any absence of the Administrator, an acting Administrator duly appointed by the Administrator may exercise all of the powers of the Administrator.

SUBPART B—GENERAL PLAN OF ORGANIZATION

§ 1305.525 *Outline.* The Office of Price Administration shall comprise the office of the Administrator, the executive staff, and the operating staff.

§ 1305.526 *Office of the Administrator.* The office of the Administrator shall comprise the deputy administrator and the assistants to the Administrator.

§ 1305.527 *Authority of the Administrator.* The authority of the Administrator, except as expressly reserved, shall be exercised:

(a) Generally by the deputy administrator for the purpose of over-all agency administration and management, including planning and coordinating programs, executing and administering orders, regulations and directives, and managing and supervising all general agency operations and personnel.

(b) Particularly by the executive heads of the several operating departments for planning and technically directing their several programs.

(c) Specifically by the assistants to the Administrator for purposes of a particular project assigned by the Administrator or deputy administrator.

§ 1305.528 *The executive staff.* The executive staff shall comprise the advisory offices, the advisory committees, the office of administrative hearings, and the management offices.

(a) The principal units, and the title of the executive head of each, shall be as follows:

(1) Advisory offices and title of executive head:

Office of Agricultural Relations	Adviser.
Office of Congressional Information	Director.
Office of Consumer Relations Adviser	Adviser.

CONSUMER ADVISORY COMMITTEES

Office of Credit Policy Adviser	Adviser.
Office of Industry Advisory Committees	Director.

INDUSTRY ADVISORY COMMITTEE

Office of Labor Relations Adviser	Adviser.

LABOR POLICY COMMITTEE

Office of Economic Adviser	Adviser.
Office of the General Counsel	General Counsel.

(2) Office of Administrative Hearings: Hearing Administrator.

(3) Management offices:

Office of Administrative Services	Director.
Office of Price Board Management	Director.
Office of Budget and Planning	Director.
Office of Personnel	Director.

(b) The functions shall be as follows:

(1) The advisory offices and the advisory committees shall furnish the Administrator and such units as he may designate information, counsel, and advice within the several fields of their professional competence. The advisory offices shall also represent OPA in liaison with advisory committees and such federal, state, and local governmental departments and agencies; consumer, industry, labor, and professional organizations; private associations and persons as the Administrator may direct.

(2) The office of administrative hearings shall hear, determine, and review proceedings under the orders, regulations, and directives of the Administrator.

(3) The management offices shall furnish the Administrator, the executive staff, and the operating staff administrative services, budget and planning services, board management service, and personnel service.

§ 1305.529 *The operating staff.* The operating staff shall comprise the operating departments and the operating offices.

(a) The principal units and the title of the executive head of each shall be as follows:

(1) Operating departments and title of executive head:

Accounting	Deputy Administrator for Accounting.
Enforcement	Deputy Administrator for Enforcement.

Information	Deputy Administrator for Information.
Price	Deputy Administrator for Price.
Rent	Deputy Administrator for Rent.

(2) Operating offices:

Regional office	Regional administrator.
District office	District director.
Area rent office	Area rent director.
Price control board	Supervisor.

(b) The functions shall be as follows:

(1) The operating departments shall formulate programs and related policies and procedures, and provide to the operating offices technical direction for their administration.

(2) The operating offices shall administer the orders, regulations, and directives of the Administrator in accordance with the plans and policies of the operating departments.

§ 1305.530 *Subordinate units.* Unless otherwise specifically designated by the Administrator, the authorized subdivision of organization units, and the title of the executive head of each, shall be:

	Subdivision	Executive head
(a) Executive staff:		
Advisory office	Section	Head.
Advisory section	Unit	Do.
Management office	Branch	Chief.
Management branch.	Section	Head.
Management section.	Unit	Do.
(b) Operating staff:		
Operating department.	Division	Director.
Operating division	Branch	Chief.
Operating branch	Section	Head.
Operating section	Unit	Do.
Regional office	Division	Executive.
Regional division	Section	Head.
Regional section	Unit	Do.
District office	Division	Executive.
District division	Section	Head.
District section	Unit	Do.
Area rent office	Branch office	Deputy area rent director, or area rent representative.
Price control board		Supervisor.

§ 1305.531 *Responsibility.* For all operations within their jurisdictions:

(a) Subordinate divisions of organization units are responsible to the executive head of their respective principal organization units.

(b) District directors are responsible to the regional administrator of their respective regions.

(c) Regional administrators, deputy administrators of the operating departments, and the executive staff are responsible to the office of the Administrator.

SUBPART C—OFFICE OF ADMINISTRATIVE HEARINGS

§ 1305.540 *Organization.* The Office of Administrative Hearings shall consist of a Hearing Administrator and such assistants as may be necessary for the efficient performance of his functions. The work of the office in the regions shall be carried out under the direction of the Hearing Administrator by a chief hearing commissioner, hearing commissioners, and presiding officers.

§ 1305.541 *Authority and responsibility.* The Hearing Administrator, hearing commissioners, and presiding officers shall exercise such powers with regard to the hearing, determination, and review of suspension order proceedings under rationing orders and regulations, and other administrative proceedings hereafter established, as are delegated to them by the Administrator.

§ 1305.542 *Hearing Administrator.* The Hearing Administrator shall be responsible to the Administrator on all matters relating to the hearing, determination, and review of administrative proceedings for the Office of Price Administration.

(a) He shall appoint and remove hearing commissioners and technical personnel and shall approve the appointment and removal of presiding officers subject to the general rules applicable to all personnel of the Office of Price Administration. He shall have authority to remove any employee of the Office of Administrative Hearings in Washington or in the field in accordance with standard Civil Service Commission rules and regulations.

(b) He shall supervise and review the activities of hearing commissioners and presiding officers throughout the country and shall decide, with the assistance of a staff of review analysts, appeals from the determination of hearing commissioners.

(c) The policies established by the Hearing Administrator shall govern the hearing and adjudication of all proceedings in the Office of Administrative Hearings.

§ 1305.543 *Chief Hearing Commissioners.* A chief hearing commissioner for each region shall be appointed by the Hearing Administrator.

(a) The chief hearing commissioner shall hear and determine administrative proceedings for the Office of Price Administration within the region and shall also supervise the operation of the regional hearings docket and assign hearings to the other commissioners and to presiding officers in his region.

(b) The chief hearing commissioner shall have the authority to appoint and discharge clerical and stenographic employees of his staff and shall use the facilities of the regional personnel office. The chief hearing commissioner may appoint presiding officers with the approval of the Hearing Administrator.

§ 1305.544 *Hearing commissioners.* The hearing commissioners shall hear and determine administrative proceedings for the Office of Price Administration as assigned by the chief hearing commissioner for the region.

(a) Hearing commissioners shall normally be stationed in the regional offices and shall preside at hearings in offices throughout their respective regions.

(b) The Hearing Administrator may designate a person on his staff in the National Office to exercise the powers and functions of hearing commissioners in any of the regions.

(c) Appeals from the decision of hearing commissioners shall be to the Hearing Administrator in the National Office.

§ 1305.545 *Presiding officers.* Where the work load requires, a presiding officer shall preside over administrative proceedings and report thereon to the chief hearing commissioner. The decisions in such proceedings shall be rendered by a hearing commissioner. Such presiding officer shall serve on a voluntary or per diem basis.

SUBPART D—ORGANIZATION AND FUNCTIONS OF THE ADVISORY STAFF

§ 1305.570 *Office of Agricultural Relations Adviser.* The agricultural relations adviser is responsible to the Administrator for:

(a) Developing among farm people clear understanding and wholehearted appreciation of OPA program.

(b) Advising the Administrator on matters of policy having agricultural implications.

(c) Bringing the attention of the Administrator and other OPA officials to agricultural problems resulting from price and rationing policies and procedures.

(d) Consulting with OPA officials in regard to regulations and procedures affecting significantly the agricultural economy.

(e) Assisting in the establishment, organization, and definition of functions of district agricultural advisory councils.

(f) Maintaining and improving cooperation between OPA and the Land Grant Colleges, the U. S. Department of Agriculture and its Extension Service, and farm organizations.

(g) Advising and assisting in the development of programs and actions involving OPA and the United States Department of Agriculture, particularly with respect to matters initially arising under the 1946 revision of the Emergency Price Control Act of 1942, as amended.

§ 1305.575 *Office of Congressional Information.* The office of congressional information is established in the advisory staff for the purpose of providing continuing expeditious liaison between Congress and OPA.

(a) The office of congressional information shall consist of the following organization units:

(1) Office of the Director.

(2) Congressional Correspondence Section.

(3) Capitol Liaison Section.

(b) The director of the office of congressional information is responsible to the administrator for:

(1) Facilitating communication between Congress and OPA

(2) Providing Congress with current information on policies and programs of OPA.

(3) Reporting to OPA executives comments on OPA activities made on the floor of Congress.

(4) Arranging for OPA officials to appear before or otherwise to provide required information to Congressional committees; keeping records of Congressional hearings; limiting attendance at hearings of observers from OPA; and notifying OPA officials of developments at Congressional hearings.

(5) Coordinating, clearing, and submitting to Congressional Committees requests from OPA for transcripts or other materials.

(6) Advising the Administrator on all Congressional developments concerning OPA.

(7) Supervising the work of the Administrator's mail section, and coordinating that work with the work of the congressional correspondence section.

(c) The congressional correspondence section shall:

(1) Receive all congressional mail and prepare replies or refer the mail to appropriate OPA officials for reply.

(2) Act as a point of review and clearance for all official OPA communications addressed to members of Congress.

(d) The capitol liaison section shall:

(1) Receive inquiries, recommendations, and complaints referred by members of Congress and assure prompt and full response to them.

(2) Arrange appointments in response to requests of members of Congress to confer with OPA executives, and for OPA executives who wish to confer officially with members of Congress.

(3) Communicate to the director congressional comments on OPA and provide members of Congress with requested information on subjects discussed.

(4) Upon request of the director, attend and make reports on hearings, and assist congressional committees to locate competent OPA witnesses on matters under their consideration.

§ 1305.585 *Office of the Credit Policy Adviser.* The office of the credit policy adviser shall be responsible to the Administrator for all matters relating to credit policy.

(a) The director and a member of his staff designated by the Administrator shall act as the Administrator's alternates on the intergovernmental consultative committee on consumer credit control established by Executive Order No. 8843, issued August 9, 1941.

(b) The office of the credit policy adviser shall:

(1) Act as a point of clearance within OPA for all questions bearing on credit policy.

(2) Make recommendations to OPA officials on the treatment of credit charges in price regulations.

(3) Maintain liaison between OPA and the Board of Governors of the Federal Reserve System and other federal agencies concerned with national credit policy, to coordinate credit policies.

(4) Make recommendations to the Administrator for action in the credit field by OPA or other federal agencies to ease the inflationary pressure upon prices.

§ 1305.590 *Office of the Economic Adviser.* The office of the economic adviser is established in the advisory staff of the Administrator.

(a) The economic adviser, with such specially qualified professional assistants as may be needed, shall perform the functions assigned to the advisory staff (§ 1305.528).

(b) He shall be responsible to the Administrator for advising on the economic aspects of OPA policy and its implementation, with respect to both the OPA programs and the stabilization program as a whole.

(c) He shall be responsible to the Administrator for the operations of the division of research, and in addition shall:

(1) Advise the Administrator concerning the adequacy and competence of economic research and analysis carried on within the agency.

(2) Be available to professional staffs in the agency for advice on technical research problems.

§ 1305.591 *Division of Research*—(a) *Organization of the division of research.* The division of research shall be established in the executive services staff of the Administrator, and shall be administratively responsible to the economic adviser. It shall consist of the following organization units:

Office of the Director:
- Administrative Section.
- Progress Reporting Section.
- Special Studies Section.

Consumer Goods Programs Branch.
Food Programs Branch.
Industrial Programs Branch.
Economic Analysis and Forecasting Branch:
- Producer Goods and Investment Analysis Section.
- Consumer Goods and Expenditures Analysis Section.
- Income Analysis Section.
- Labor Analysis Section.

Financial Analysis Branch.

Other organization units necessary to the effective operation of the division may be established on approval of the economic adviser and the director of administrative planning.

(b) *Responsibilities of the division.* (1) Conducting such economic and financial research and analysis as may be required by the economic adviser, and conducting such other research as may be found useful for the information and guidance of the Administrator and the OPA staff, or for OPA public information programs.

(2) On behalf of the economic adviser, and under such arrangements as may be made between him and the several deputy administrators, with respect to economic implications and consistency with policy: (i) reviewing individual actions arising in the operating departments; (ii) appraising program operations. All review functions shall be governed by the procedures established for advisory services in sec. 1305.528.

(3) Obtaining material for the quarterly report to the Congress and editing the quarterly report for the approval of the Administrator.

(c) *Office of the director.* The office of the director shall include such staff as may be required for the progress reporting and the special studies sections, and an administrative officer.

(1) The progress reporting section shall be responsible for obtaining material from the operating departments for the quarterly report to the Congress, and for preparing the report as required by law. As directed, it may perform other services connected with program reporting.

(2) The special studies section, utilizing the results of research in the program branches, shall prepare such special material and reports as may be required by the director or by the staff of the economic adviser.

(3) The administrative officer shall provide central administrative services for the division and for the office of the economic adviser.

(d) *Program branches.* The consumer goods programs branch, the food programs branch, and the industrial programs branch shall be responsible for obtaining, compiling, and interpreting economic and related information concerning the respective commodity programs of the agency. Specifically, they shall:

(1) Report upon changes and developments in the related programs of other agencies insofar as these affect the programs of the office or the stabilization program generally.

(2) Prepare such other reports and provide data for the use of the special studies section as required by the director for the information of the economic adviser or others.

(3) Under arrangements established between the several deputy administrators and the economic adviser, review individual actions arising in the operating departments and appraise program operations for their economic implications and consistency with policy.

(4) At the request of the operating units, consult and advise on problems of research and analysis and, subject to the approval of the director, undertake the temporary performance of research functions for specific operating purposes.

(e) *Statistical branches.* The economic analysis and forecasting branch and the financial analysis branch shall conduct continuing studies of production, earnings, employment, etc., in the major industries and in the economy generally.

(1) Specifically, the economic analysis and forecasting branch shall:

(i) Prepare industry studies, based on historical and current data, with the purpose of establishing significant trends of production, investment, consumption, costs, profits, employment, wage earnings, etc.

(ii) Analyze relationships among basic economic factors, and prepare forecasts of the levels and movements of production, income, consumption, costs, etc., for the economy as a whole and for major industries.

(iii) Maintain selected statistical series for the information and use of the staff of the agency.

(2) Specifically, the financial analysis branch shall:

(i) Analyze and interpret financial reports filed with OPA, together with data from other official sources and from published reports, and prepare for staff use periodic reports of financial conditions and developments.

(ii) Prepare financial tabulations and analyses as required by the economic adviser and, upon request and with the approval of the director, prepare special analyses for the operating staff.

§ 1305.600 *Office of the General Counsel*—(a) *Organization.* The office of the general counsel, established in the office of the Administrator, shall comprise the following organization units:

Court Review, Research, and Opinion Division
Office of Counsel for Boards of Review
Internal Intelligence Division

(b) *Responsibilities of the general counsel.* It shall be the responsibility of the general counsel to:

(1) Advise the Administrator and the deputy administrator on all legal matters.

(2) Determine all important legal questions upon which there is doubt or difference of opinion within the OPA, which questions shall be referred to him by the heads of the various legal divisions and the deputy administrator for enforcement.

(3) Conduct OPA cases in the Emergency Court of Appeals and, under supervision of the Solicitor General, conduct all OPA cases in the United States Supreme Court.

(4) Represent the OPA in legal matters which have not been delegated to other counsel or which, in his discretion or that of the Administrator, require his presence or participation.

(5) Establish standards of legal workmanship and procedure for insuring effective use of the legal staff.

(6) Advise the deputy administrator and the regional administrators on matters affecting the appointment or removal of department counsels and regional attorneys.

(7) Advise the Administrator and the deputy administrator on all matters affecting the statutes, Executive orders and directives from which the OPA derives its authority to act.

(8) Represent the OPA before committees of Congress on all matters which have not been delegated to others or which, in his discretion or that of the Administrator, require his presence or participation.

(c) *Responsibilities of the assistant general counsel.* It shall be the responsibility of the assistant general counsel to assist the general counsel as he may direct from time to time.

§ 1305.601 *Court Review, Research, and Opinion Division.* The court review, research, and opinion division shall be under the direction of the associate general counsel, who shall be responsible to the general counsel.

(a) *Organization.* The court review, research, and opinion division shall comprise the following organization units:

Office of the Associate General Counsel.
Special Assistants to the Associate General Counsel.
Court Review Price Branch.
Court Review Rent Branch.
Research and Opinion Branch.

(b) *Functions.* The court review, research, and opinion division shall:

(1) Defend in the Emergency Court of Appeals and the Supreme Court of the United States all regulations and orders issued by the OPA under sec. 2 of the Emergency Price Control Act, as amended by the Stabilization Extension Act of 1944.

(2) Provide legal services required by OPA organization units not otherwise provided with legal counsel.

(3) Formulate or collaborate in the formation of general orders and procedural regulations issued under the Emergency Price Control Act and under directives to OPA from other Federal agencies; and collaborate in the disposition of protests against price and rent regulations and orders.

(4) Prepare legal opinions, interpreting both to the public and to OPA staff members, statutes, Executive orders, and directives governing the operation of the agency and the general orders and procedural regulations issued by the agency.

(5) Study and report on legislation affecting the operations of the agency.

(c) *Office of the associate general counsel*—(1) *Functions of the associate general counsel.* As director of the court review, research, and opinion division, the associate general counsel shall:

(i) Negotiate with the Department of Justice concerning the litigation within the jurisdiction of the division, and with other Federal agencies regarding the authority and functions of OPA.

(ii) Conduct litigation in the most important cases involving OPA in the Emergency Court of Appeals and, to the extent authorized by the Solicitor General, in the Supreme Court of the United States.

(iii) Maintain liaison with OPA department and divisions in the definition of their respective responsibilites on legal problems or cases involving the department or division and in the determination of legal standards to be followed in such cases.

(iv) Supervise the maintenance of the docket and files of cases in the Emergency Court of Appeals and in the Supreme Court.

(2) *Special assistants to the associate general counsel.* The special assistants to the associate general counsel shall be in charge of proceedings in the Emergency Court of Appeals under sec. 204 (e) (1) of the Emergency Price Control Act. They shall be directly responsible to the associate general counsel and, with the aid of such attorneys as are assigned to them by the associate general counsel, shall prepare all necessary pleadings, evidence, and briefs, and represent the Administrator at hearings in the course of such proceedings.

(d) *Court review branches.* Under the direction of the branch chief and within its assignment to prices and rent actions, each court review branch shall exercise exclusive responsibility of the division for defending action of the Administrator in court appeals from the dismissal or denial of protests against price and rent regulations.

(1) *Organization.* The court review branches shall comprise the following organization units:

(i) Court Review Price Branch:

Court Review Consumer Durables Section.
Court Review Food Section.
Court Review Fuel Section.
Court Review Industrial Manufacturing Section.
Court Review Industrial Materials Section.
Court Review Services Section.
Court Review Textiles, Leather, and Apparel Section.

(ii) Court Review Rent Branch:

Court Review, Eastern Section (Regions 1 and 2).
Court Review, Southern Section (Regions 4 and 5).
Court Review, Central Section (Regions 3 and 6).
Court Review, Western Section (Regions 7 and 8).

(2) *Chief of the branch.* The chief of each court review branch shall be directly responsible to the associate general counsel. Within his jurisdiction, each chief shall:

(i) Determine the procedural policy with respect to protests.

(ii) Coordinate administrative proceedings in cases of protests against specific regulations.

(iii) Conduct litigation of important cases in the Emergency Court of Appeals and, to the extent authorized by the Solicitor General, in the Supreme Court.

(iv) Supervise the maintenance of the protest docket, providing continuously current data on protest actions and the internal operating procedures and records of the branch.

(v) Provide legal counsel to the OPA Secretary with respect to protests.

(3) *Court review sections.* Within their respective assignments by the head of the court review branches, the court review sections shall review protests and plan for and conduct litigation before the Emergency Court of Appeals and the United States Supreme Court in connection with regulations and orders formulated by the designated divisions of the rent and price departments.

(i) On protest cases the appropriate court review branch shall:

(*a*) Determine the formal procedural adequacy of protests filed with the Administrator against price and rent regulations.

(*b*) Analyze the contents of protests to determine the validity of the allegations under statutory requirements.

(*c*) Draft orders of dismissal in cases of failure of the protestant to adhere to procedural or statutory requirements.

(*d*) Consult with price and rent executives and attorneys for the purpose of securing decisions as to the appropriate action of the Administrator with respect to the protests.

(*e*) Consult and collaborate with the appropriate rent or price executives and attorneys in the formal expressions of decisions and the preparation of records of protests proceedings.

(ii) In the litigation of protest appeals the appropriate section shall:

(*a*) Determine the material portion of the "transcript of Proceedings Before the Administrator"—the record of proceeds in the case.

(*b*) Complete the "Transcript of Proceedings Before the Administrator" for submission by the Administrator.

(*c*) Conduct all legal research necessary to defending the action of the Administrator in suits appealing his dismissal or denial of protests.

(*d*) Plan the strategy of each case.

(*e*) Prepare the Administrator's answer to each suit.

(*f*) Prepare motions, pleadings, briefs, and other material necessary for presentation of oral arguments.

(*g*) Present oral arguments on behalf of the Administrator in the Emergency Court of Appeals.

(e) *Research and opinion branch.* The research branch shall constitute a centralized place for reference by OPA staff members and for the public on legal questions concerning the authority, responsibilities and functions of OPA.

(1) *Organization.* The branch shall comprise the following organization units:

Legal Research Section.
Legal Services Section.

(2) *Chief of the branch.* The chief of the branch shall be responsible to the associate general counsel. He shall supervise the work of the branch and shall also act as special assistant to the general counsel on such matters as may be delegated to him.

(3) *Legal research section.* The legal research section shall:

(i) Conduct legal research on questions involving the provisions of the Emergency Price Control Act and all other statutes affecting the authority and functions of OPA, and all Executive orders and directives from other agencies which pertain to the authority and functions of OPA.

(ii) Participate in negotiations with the legal staffs of other agencies whose functions are related to those of OPA.

(iii) Prepare legal memoranda and legal opinions on problems of constitutional and administrative law and the application of statutes and legal precedents which arise in the course of the agency's operations.

(iv) Maintain a file of information on judicial decisions and the decisions of administrative tribunals pertinent to the authority and functions of the agency.

(v) Formulate and collaborate in the formulation of general orders and general procedural orders issued by the Administrator and render requested interpretations of such orders.

(vi) Prepare memoranda respecting proposed or pending legislation and upon request prepare drafts of proposed legislation affecting the agency.

(4) *Legal services section.* The legal services section shall:

(i) Provide legal counsel to, and perform legal services for, organization units which do not have regularly assigned counsel.

(ii) Conduct a legislative reference service section which shall issue a daily bulletin on all legislative developments of concern to OPA, maintain files on these legislative developments, and provide various organization units with information on legislative developments affecting their work.

§ 1305.602 *Office of Counsel for Boards of Review.* It shall be the responsibility of the counsel for boards of review who shall be responsible to the general counsel, to:

(a) Expedite the selection of members of a board of review to consider a particular protest from the panel of persons designated by the Administrator to sit on boards of review.

(b) Advise members of boards of review as to their duties and responsibilities.

(c) Advise presiding members of boards of review as to the conduct of proceedings before them according to provisions of law.

(d) Supervise the maintenance of dockets, issuance of notices and process, making of transcripts, form of recommendations and other documents, and other such matters incident to the functioning of boards of review.

(e) Maintain files of precedents set by boards of review and advise as to their content to the end that consistent conclusions will be reached by the various persons sitting on such boards or subcommittees of boards.

(f) Effect the maximum use of prehearing procedures to simplify and eliminate questions of fact and law so as to isolate only the true sources of difference for the consideration of boards of review.

(g) Cooperate with all persons within and without the enforcement department concerned in the consideration of protests by boards of review and determine questions of operating procedure and responsibility for action within the OPA so as to avoid delay and secure consideration by boards with a maximum of dispatch.

(h) Direct all operations of boards of review except their consideration and recommendations as to cases before them on the merits.

§ 1305.603 *Internal Intelligence Division.* The internal intelligence division is established in the office of the general counsel under the direction of the director, internal intelligence division who shall be appointed and removed by the general counsel. The division shall have full responsibility for investigating allegations or charges of corruption or misconduct on the part of OPA employees, except cases of misconduct for which the office of personnel or the field personnel staff has been delegated authority. Investigations shall not be undertaken by the division, however, except upon request of the Administrator, the deputy administrator, or the regional administrator concerned.

§ 1305.615 *Office of Industry Advisory Committees.* The office of industry advisory committees is responsible to the Administrator for the execution of the industry advisory committee program provided for in the amended Price Control Act, and for the coordination of the work of statutory committees with other programs of industry consultation. In carrying out this responsibility, the director of the office of industry advisory committees shall:

(a) Review justifications for the establishment of industry advisory committees, prepared by operating branches or field offices and, in order to insure proper representation on the committees, approve nominations for membership submitted by the branches or field offices.

(b) Maintain official files and records of committee membership, meetings, attendance, agenda, minutes, recommendations, and other information pertaining to the work of the committees.

(c) Develop procedures for operation of formal and informal industry committees and make recommendations to the Administrator concerning policies of the industry consultation program.

(d) Work with OPA organization units in developing agenda, conducting meetings, preparing statements for the agency concerning industry committee matters, and providing for effective participation of committee members in the stabilization program.

(e) Keep committee members informed of developments within the agency which affect the industry consultation program.

(f) Advise the field on organization and functions of formal and informal industry committees and, in cooperation with the office of field operations, coordinate activities of such national office and field committees to insure conformance with industry consultation policies and procedures.

(g) Work with other government agencies (except Department of Justice) on matters relating to industry consultation and on the development and use of joint committees.

(h) Work with the office of the executive assistant to the Administrator and with the price decontrol division of the price department in the coordination and day-to-day operation of the decontrol activities of the industry advisory committees as initially provided under the 1946 revision of the Emergency Price Control Act of 1942, as amended.

§ 1305.620 *Office of the Labor Relations Adviser (Labor Office).* The Labor Relations Adviser is responsible to the Administrator for the execution of the following functions:

(a) As liaison with organized labor, the Labor Relations Adviser shall:

(1) Receive complaints and suggestions from organized labor relating to OPA policies or operations.

(2) Exchange views and information with officials of organized labor and, in this connection—

(i) Assist in the planning of programs of regional and district labor advisory committees;

(ii) Work with and provide administrative and secretarial assistance to the Administrator's Labor Policy Committee (The Labor Advisory Committee).

(b) As liaison with other Federal agencies, the Labor Relations Adviser shall:

(1) Receive from other Federal agencies referral of all labor relations problems within their jurisdiction involving OPA policy or operations.

(2) Make required referrals to other Federal agencies of all labor relations problems arising within OPA jurisdiction.

(3) Represent the Administrator with other Federal agencies on specific labor relations problems affecting OPA policy or operations, and inform and advise him on proposed policies or actions of other Federal agencies which may affect OPA labor relations.

(c) To discharge interagency responsibilities, the Labor Relations Adviser shall:

(1) Advise the Administrator on labor relations generally.

(2) Assist the operating departments in securing the cooperation of labor organizations for the execution of OPA programs.

(3) Study labor relations problems arising within OPA programs and operations and make recommendations for solving them.

(4) Receive correspondence from labor organizations and other correspondence involving labor relations issues, and consult with the appropriate operating department on the reply.

(5) Advise the Deputy Administrator for Field Operations on securing the services of members of labor organizations and their women's auxiliaries as volunteers for local War Price and Rationing Boards.

(d) Work with and provide such clerical and other assistance as is required by the Labor Advisory Committee in connection with the decontrol responsibilities given to that committee by the 1946 revision of the Emergency Price Control Act of 1942, as amended.

§ 1305.630. *Office of Consumer Relations Adviser.* The consumer relations adviser is responsible to the Administrator for:

(a) Promoting cooperation between OPA and consumers by reporting the effect on consumers of OPA rationing, price control, and rent policies, and the needs of consumers arising in connection with the OPA program.

(b) Consulting with deputy administrators for price, rationing, rent, enforcement, and information on consumer problems involved in their operations, and advising on the acceptability of programs and policies to consumer groups.

(c) Making recommendations concerning the establishment, organization, and functions of consumer advisory committees in district offices.

(d) Providing services for the Administrator's consumer advisory committee, and working with the committee in evaluating and improving OPA activities and policies as they affect consumers, and in securing an understanding of the OPA program on the part of consumers. (See § 1305.660 (d).)

(e) Representing the Administrator with other federal agencies on specific consumer relations problems affecting OPA policy and operations, and informing and advising him on proposed policies or actions of other federal agencies which may affect OPA consumer relations.

(f) Work with and provide such clerical and other assistance as is required by the Consumer Advisory Committee in connection with the decontrol responsibilities given to that office by the 1946 revision of the Emergency Price Control Act of 1942, as amended.

§ 1305.635 *Office of Veterans' Relations Adviser.* The Veterans' Relations Adviser is responsible to the Administrator for:

(a) Promoting maximum cooperation between OPA and veterans as individuals affected by OPA programs.

(b) Promoting mutual cooperation and understanding between OPA and the various veterans organizations.

(c) Maintaining an effective liaison arrangement with other Government agencies dealing directly or indirectly with veteran matters of interest to OPA.

(d) Consulting with deputy administrators and others on the development of OPA operating programs as they affect veterans.

(e) Providing coordination and leadership in the development of the Veterans Advisory Program throughout the field organization of the agency.

Subpart E—Advisory Committees

§ 1305.655 *The Labor Policy Committee.* The labor policy committee is established in the office of the Administrator.

(a) The committee shall be composed of nine members appointed by the Administrator upon the recommendation of the organized labor groups.

(b) The committee shall select its own officers and designate necessary subcommittees.

(c) The labor policy committee shall be responsible for:

(1) Advising and making recommendations to the Administrator in the interests of labor with regard to the formulation of major OPA policies and practices in the price, rent, and rationing programs and related problems.

(2) Conveying to labor the substance of major OPA policies and advising labor organizations on methods by which they may assist in carrying out these policies.

(d) The office of the labor relations adviser (labor office) shall furnish to the labor policy committee the following services (see § 1305.620):

(1) Act as spokesman for the committee within OPA.

(2) Keep the committee informed of developments in OPA programs and policies affecting labor.

(3) Prepare agenda for meetings of the committee.

(4) Direct the preparation of reports on behalf of the committee.

(5) Provide administrative and secretarial assistance.

§ 1305.660 *Consumer Advisory Committee.* The consumer advisory committee is established in the office of the Administrator.

(a) The members, not to exceed thirty, shall be appointed by the Administrator from participants in consumer programs of national organizations and from leaders in the consumer field.

(b) The committee shall select its own officers, and shall meet upon the call of its chairman, of the Administrator, or of the consumer relations adviser.

(c) The consumer advisory committee provides a channel through which consumers can present problems concerned with OPA regulations and activities, reports to operating departments the viewpoint of the purchaser and user of consumer goods, offers suggestions on existing and proposed regulations and programs, and advises on methods for obtaining better understanding of, and compliance with, OPA regulations on the part of consumers.

(d) Minimum travel and subsistence expense incurred in connection with attendance at meetings of the consumer advisory committee shall be provided for those members living outside Washington.

(e) The office of the consumer relations adviser shall furnish to the consumer advisory committee the following services:

(1) Acting as spokeman for the committee within OPA.

(2) Keeping the committee informed of developments in OPA programs and policies affecting consumers.

(3) Preparing agenda for meetings of the committee.

(4) Directing the preparation of reports on behalf of the committee.

(5) Providing clerical assistance.

Subpart F—Management Offices

Offices of Administrative Service

§ 1305.700 *Organization outline.* The office of administrative service shall comprise the following organization units:

Office of the Director.
Service Operation Branch.
Printing and Duplicating Branch.
Service Center Branch.
Graphics and Forms Branch.
Library Branch.
Records Branch.

§ 1305.701 *Office of the Director.* The office of the director of administrative service shall include the assistant director, the administrative officer, the administrative section, the operations analysis section, and the field section.

The director of the office of administrative service shall be responsible to the Administrator for formulation and execution of administrative service policies and plans, for analysis, classification, and control of records and documents, and for establishment and maintenance of supply, printing, distribution, verification, and other service procedures; and shall be accountable for all OPA property and equipment.

§ 1305.702 *Service Operations Branch.* The service operations branch shall be responsible to the director for formulation and execution of policies and procedures governing procurement, space, communications, and other services in the national office and in the field.

§ 1305.703 *Printing and Duplicating Branch.* The printing and duplicating branch shall be responsible to the director for formulation and execution of policies and procedures governing printing and other methods of duplication in the national office and in the field.

§ 1305.704 *Service Center Branch.* The service center branch shall be responsible to the director for distribution of procedural and instructional materials from the national office, for distribution of all documents and forms through regional service centers, and for supervision of the verification system.

§ 1305.705 *Graphics and Forms Branch.* The chief of the graphics and forms branch is responsible to the director of the office of administrative service for planning and executing graphic presentations, designing forms, and varityping, and shall be available to all OPA staff members for consultation on graphics and forms matters.

§ 1305.706 *Library Branch.* The library branch shall be responsible to the director for providing library facilities and service for official operations of the staff in the national office.

§ 1305.708 *Records Branch.* The records branch shall be responsible to the director for developing a records management program for OPA records and papers in the national and field office and in boards.

OFFICE OF PRICE BOARD MANAGEMENT

§ 1305.715 *Organization Outline.* The office of price board management shall comprise:

Office of the Assistant to the Administrator in Charge of Price Boards
Program Planning Branch
Management Operations Branch
Field Operations Branch

§ 1305.716 *Office of the Assistant to the Administrator.* The assistant to the Administrator in charge of price boards shall be responsible to the Administrator for planning, formulating, and developing programs for retail price compliance and enforcement through price control boards; and for effective management and supervision of price control boards through regional and district offices.

§ 1305.717 *Program Planning Branch.* The program planning branch shall be responsible to the assistant to the administrator in charge for planning price control board compliance and enforcement programs in collaboration with the departments and offices.

§ 1305.718 *Management Operations Branch.* The management operations branch shall be responsible to the assistant to the administrator in charge for planning, developing, initiating, and technically directing programs having management implications at price control boards and in regional and district price board management divisions, and shall maintain liaison with the offices of personnel, of budget and planning, and of administrative service to insure conformity with national management policies.

§ 1305.719 *Field Operations Branch.* The field operations branch shall be responsible to the assistant to the administrator in charge for field supervision of price control board programs, for review of price board management operations of field offices and boards, for evaluation of field performance through personal visits, and for instruction of field officers and employees.

OFFICE OF BUDGET AND PLANNING

§ 1305.730 *Organization Outline.* The office of budget and planning shall comprise:

Office of the Director.
Budget Branch.
Fiscal Branch.
History Branch.
Office of the OPA Secretary.

§ 1305.731 *Office of the Director.* The director of the office of budget and planning shall be responsible to the office of the Administrator for formulation and execution of administrative budgetary, and fiscal plans and policies; for establishment and maintenance of budgetary and fiscal procedures; for review and issuance of administrative procedures and authorization of changes of organization, jurisdiction, and internal relationships of organization units; for preparation of historical narrative reports; for establishment of standards for surveys, reports and statistical tabulations; and for direction and supervision of the budget and planning staff.

§ 1305.732 *Budget Branch.* The budget branch shall be responsible to the director for formulation of budgetary policy, preparation, justification, and control of annual and quarterly budgets, and issuance and adjustment of annual, quarterly, and special authorizations and allotments.

§ 1305.733 *Fiscal Branch.* The fiscal branch shall be responsible to the director for formulation of policy on fiscal controls, the establishment of uniform procedures in the several offices and organization units, and securing compliance with budgetary authorization.

§ 1305.734. *History Branch.* The history branch shall be responsible to the director for recording and interpreting the experience of OPA for current and historical use.

§ 1305.735 *Office of the OPA Secretary.* The office of the OPA Secretary shall comprise the recording secretary, the editorial and reference section, and the reporting and statistical review section. The OPA Secretary shall be responsible to the director for direction and supervision of the office of the OPA Secretary; for reviewing and issuing all official documents; for receiving, docketing, and routing protests and petitions, and accepting service of process for the Administrator; for analyzing public reporting forms and surveys; for advising operating units of regulations governing publication, distribution, and use of public reporting forms and surveys; and for performing all duties delegated to him or to the office of the OPA Secretary by procedural orders, regulations, or directives of OPA.

OFFICE OF PERSONNEL

§ 1305.750 *Organization outline.* The office of personnel shall consist of the following organizational units:

Office of Director.
Program Planning and Administrative Branch.
Training Branch.
Classification Branch.
Placement Branch.
Employee Relations Branch.
Field Relations Branch.

§ 1305.751 *Office of the Director.* The director of personnel shall develop and administer the personnel policy and programs of the agency and advise the Administrator on all aspects of personnel management; represent the agency on all personnel matters when dealing with the other executive agencies; give administrative supervision to the office of personnel and technical supervision on personnel matters to the regional personnel officers and to executive and administrative officers.

§ 1305.752 *Program Planning and Administrative Branch.* The branch shall study the over-all needs of the agency for personnel service and management; supervise the development of programs to meet these needs and evaluate current programs and activities; handle personnel matters which are not clearly a responsibility of the other branches; and provide administrative advice and service to the director. The chief of the branch shall represent the director on assignment.

§ 1305.753 *Training Branch.* The branch shall act as a staff advisory group to assist the national office and field in analyzing training needs, in devising effective programs to meet them, in administering and evaluating those programs; guide and assist appropriate supervisory and coordinating officials in discharging their responsibilities for the orientation and continuous on-the-job training of employees; and in general secure adequate communication of policies, programs, and techniques required by employees for their most effective work.

§ 1305.754 *Classification Branch.* The branch shall develop and maintain the classification plan in the national office and in the field and integrate this plan with the management program of the agency.

§ 1305.755 *Placement Branch.* The branch shall develop placement policy, procedures, techniques, and resources; see that the employment requirements of the National Office and the field are met; insure that full use is made of agency personnel resources and that OPA personnel have full opportunity for maximum utilization of skills. The executive placement officer shall in addition to his duties as chief of the branch, assist the Administrator and the deputy administrators in securing and evaluating candidates for executive positions.

§ 1305.756 *Employee Relations Branch.* The branch shall plan and develop over-all employee relations programs for the national office and the field; develop and secure policies guaranteeing maximum participation of employees in matters which affect them individually and in the programs of the agency; advise with supervisory staff and individual employees on specific employee-supervisor problems; advise on negotiations with organized employee groups; promote and coordinate programs for employee health and welfare; and provide employee services to improve their job satisfaction and off-the-job adjustment.

§ 1305.757 *Field Relations Branch.* The branch shall represent the director in field; maintain liaison with field officers; assist in selecting, training and facilitating and evaluating the work of regional personnel officers; and coordinate the field activities of functional national office branches.

SUBPART G—ENFORCEMENT DEPARTMENT

§ 1305.850 *Organization outline.* The enforcement department shall be under the direction of the deputy administrator for enforcement who shall be responsible to the Administrator. The department shall have the following organization:

The Office of the Deputy Administrator.
Executive Office for Enforcement.
Field Operations Branch.
Training Branch.

Analysis and Reports Branch.
Program Coordination and Administrative Branch.
Staff Divisions.
Litigation Division.
Division of Special Investigations.
Commodity Divisions.
Food Enforcement Division.
Apparel and Industrial Materials Enforcement Division.
Rent and Durable Goods Enforcement Division.

§ 1305.851 *Authority and responsibilities of the Enforcement Department*—(a) *Basic authority*—(1) *Price and rent.* The authority of OPA to enforce price and rent regulations and orders is derived from the Emergency Price Control Act of 1942, as amended.

(2) *Rationing.* The authority of OPA to enforce rationing regulations and orders is derived from the Second War Powers Act.

(3) *Other.* The authority of OPA for its enforcement activities, other than the foregoing, derives from specific directives and delegations.

(b) *General responsibilities.* The enforcement department is responsible for the planning, direction, and execution of all enforcement activities consistent with the purposes of the statutes and executive orders under which OPA operates. These responsibilities shall include:

(1) *Enforcement operations.* (i) The ascertainment and investigation of violations.

(ii) The determination and application of appropriate sanctions.

(iii) The disposition of violation cases.

(iv) The conduct of litigation and administrative proceedings and the referral of cases for criminal action to the Department of Justice.

(2) *Enforcement policies and programs.* The enforcement department shall develop and establish appropriate policies, standards, and programs for:

(i) The receipt and handling of complaints of violation.

(ii) The means of ascertaining violations.

(iii) The ascertainment of violations.

(iv) The allocation of manpower among the commodity fields and levels of industry.

(v) The disposition of violation cases.

(vi) The sanctions available, the situations to which they apply and the methods of application.

(vii) The institution, defense, conduct, and settlement of all judicial proceedings and administrative sanction proceedings, other than criminal prosecutions and cases in the Emergency Court of Appeals.

§ 1305.852 *Deputy Administrator for Enforcement.* It shall be the responsibility of the deputy administrator for enforcement to:

(a) Direct all enforcement activity.

(b) As a member of the Administrator's staff, advise the Administrator on agency-wide policies and problems.

(c) Advise and keep the Administrator informed on enforcement policies, programs and activities.

(d) Conduct liaison with other governmental agencies on enforcement matters.

(e) Consult with and advise deputy administrators on policies and programs requiring collaboration between the enforcement department and other departments.

§ 1305.853 *Executive Office.* The executive office shall be headed by the executive officer for enforcement and shall comprise the executive officer and the following branches, each headed by a branch chief:

Field Operations Branch.
Training Branch.
Analysis and Reports Branch.
Program Coordination and Administrative Branch.

(a) *Executive officer.* The executive officer shall provide staff assistance to the deputy administrator for enforcement in planning and directing enforcement activity; in developing enforcement policy and in coordinating policy applications; shall clear all enforcement programs for conformity with established policies and procedures; and shall direct and supervise the activities of the branches of the executive office.

(b) *Field operations branch.* (1) The field operations branch shall represent the deputy administrator for enforcement in the field, and shall give technical direction, instruction and guidance to field offices to insure adherence to national policies, procedures and operating instructions and to secure effective and efficient operations.

(2) The branch shall give technical assistance to commodity and staff divisions in the national office in the development and modification of their policies, programs and procedures, and shall develop policies, programs and procedures of uniform applicability affecting the entire enforcement department.

(c) *Training branch.* The training branch shall establish and maintain standards of training for all enforcement personnel at the national, regional and district offices, and shall be responsible for the planning and technical direction of all enforcement training programs.

(d) *Analysis and reports branch.* The analysis and reports branch shall be responsible for developing standards and procedures for the appraisal of enforcement activity at the national, regional and district offices; for the collection, assembly and presentation of necessary data, and for the technical direction of all enforcement reporting and appraisal programs.

(e) *Program coordination and administrative branch.* The program coordination and administrative branch shall assist in initiating, directing, and coordinating national office policies and programs of general application which affect other departments; provide technical direction to enforcement personnel in field offices for such programs; maintain continuous liaison with price, rent and information departments and the office of price board management, with other governmental agencies, and with members of trade associations and industry groups; prepare and control the enforcement department budget; advise the executive officer on budgetary problems; and supervise all national office administrative management and office services for the department.

§ 1305.854 *Commodity Divisions.*—(a) *Basic organization.* Each commodity division shall be headed by a division director and shall comprise the office of the director and such commodity branches covering specific commodities or industry levels within the jurisdiction of the division as may be determined by the deputy administrator for enforcement.

(b) *Responsibilities of the director of a commodity division.* The director of a commodity division, as a member of the staff of the deputy administrator for enforcement, shall advise him on departmental-wide policies, programs and problems and, with respect to commodities and regulations within the jurisdiction of the division, shall be responsible to the deputy administrator for enforcement, with respect to:

(1) The direction and supervision of the commodity branches of the division.

(2) The planning of effective enforcement programs for the ascertainment and disposition of violations, and the preparation of instructions for the field enforcement staff.

(3) Giving technical direction and advice to the field enforcement staff in the execution of enforcement programs and in other enforcement activities;

(4) The constant review of operations.

(5) Reviewing and integrating policy and procedural recommendations of the branches in the division.

(6) Determining allocation of manpower among the branches in the division.

(7) Advising and keeping the deputy administrator for enforcement informed on policies, programs and activities of his division.

(8) Coordinating enforcement programs with the programs of the price and rent departments.

§ 1305.855 *Commodity branches.* Each commodity branch shall be headed by a branch chief, who shall have jurisdiction over specific commodities or levels of industry within a commodity division, as determined by the deputy administrator, and shall, under the supervision of the division director:

(a) Develop enforcement programs and instructions for field staffs for the ascertainment and disposition of violations, and the imposition of sanctions.

(b) Give technical direction for the execution of programs and activities of the field staffs.

(c) Review and appraise enforcement programs and activities through written and statistical reports and field trips.

(d) Coordinate programs and activities of particular field offices with those of the national and other field offices.

(e) Advise and consult with the price and rent departments on the issuance, modification and termination of regulations and orders to accomplish effective enforcement.

DIVISION OF SPECIAL INVESTIGATION

§ 1305.870 *Organization.* The division of special investigations shall consist of a directing and technical staff in

the national office, headed by the director of the division, and an operating staff stationed in the regions. In each region there shall be a special agent in charge, assisted by a staff of special agents stationed at the regional offices, district offices, and elsewhere within the region as determined by the director of the division.

§ 1305.871 *Functions and responsibility.* The division of special investigations shall investigate especially significant and wilful violations of price regulations in selected cases and commodity fields wherein strong enforcement action is of great importance to the price control program for the purpose, generally, of instituting criminal prosecutions of the violators; discharge the responsibilities of the enforcement department for apprehending and prosecuting offenders engaged in the illegal traffic in ration currency, including counterfeiting, thefts of ration currency in large volume, and organized distribution of counterfeited and stolen currency; and determine standards for safeguarding of ration currency.

§ 1305.872 *Appointment of staff.* All staff members stationed in the national office and the special agent in charge in each region, together with his staff, shall be appointed and removed by the director of the division. Appointment of the special agent in charge of each region and the special agents in that region shall be with the approval of the regional enforcement executive. Transfers, terminations, reclassifications, promotions, and other personnel actions essential to administration of the division shall be made by the director of the division.

§ 1305.873 *Supervision of staff.* Control and direction of the division of special investigations and its personnel, and the programming of its work, are the direct responsibility of the director of the division. The director of the division shall be responsible to the deputy administrator for enforcement for the proper development, administration, and direction of an effective criminal investigation organization.

§ 1305.874 *Budget and travel.* Special agents stationed within each region shall be carried on the regional office pay roll. All special agents within each region shall be issued travel authorizations permitting travel anywhere within the United States. Funds for travel and personal services for the division within each region will be included in budget authorization for the enforcement activity made to the regional administrator, and will be earmarked for the use of the division.

LITIGATION DIVISION

§ 1305.880 *Organization outline.* The litigation division shall be headed by the director of litigation and shall comprise:

Office of the Director.
Appellate Branch.
Trial Litigation Branch.
General Litigation Branch.
Office of the Solicitor.

§ 1305.881 *Responsibilities of the Director of Litigation.* The director of litigation shall provide staff assistance to the deputy administrator for enforcement in developing and establishing litigation policy. He shall:

(a) As a member of the deputy administrator for enforcement, advise him on all departmental policies and problems.

(b) Advise and keep the deputy administrator for enforcement informed on litigation policies, programs and activities.

(c) Determine whether to take and conduct all appeals.

(d) Determine whether to institute or conduct litigation in new or unusually important fields.

(e) Maintain liaison with the Department of Justice.

(f) Direct and supervise the activities of the litigation branches.

(g) Represent the Administrator in any case in which the Administrator is a party defendant.

(h) Provide technical direction to the chiefs or regional litigation sections.

§ 1305.882 *Appellate Branch.* The appellate branch shall be headed by a branch chief, and shall be responsible for the conduct of all litigation before appellate courts, except the Supreme Court of the United States, including the perfection of appeals, preparation of briefs on appeal, and the presentation of oral argument.

§ 1305.883 *Trial Litigation Branch.* The trial litigation branch shall be headed by a branch chief and shall try or assist in the trial of difficult cases on special assignment, and shall render technical assistance to regional and district offices on special trial problems.

§ 1305.884 *General Litigation Branch.* The general litigation branch shall be headed by a branch chief and shall be responsible for the development of procedures relative to the conduct of all civil litigation and administrative proceedings to which the Administrator or other OPA official is a party; shall prepare instructions to enforcement attorneys relative to the conduct of litigation and administrative proceedings; review reports of such actions to assure conformity with such instructions; and shall prepare briefs and memoranda of law for cases in trial courts, and basic memoranda and opinions on legal problems affecting enforcement.

§ 1305.885 *Office of the Solicitor.* The solicitor of the litigation division shall be responsible for the handling of all matters under the exclusive jurisdiction provisions of the Act, and shall handle such special problems of law or the administration of the litigation division as the director of litigation may specify.

FOOD ENFORCEMENT DIVISION

§ 1305.900 *Organization outline.* The food enforcement division shall comprise the following organization units:

Groceries and Dairy Products Enforcement Branch.
Meat Enforcement Branch.
Retail Food Enforcement Branch.

§ 1305.901 *Responsibilities of Division.* The food enforcement division shall perform for all foods, food products, and eating and drinking establishments, the functions assigned to commodity divisions (§ 1305.854).

§ 1305.902 *Groceries and Dairy Products Enforcement Branch.* The Groceries and Dairy Products Enforcement Branch shall have jurisdiction over all cases involving sugar rationing regulations, all cases involving violations in the sale or purchase of agricultural commodities, and all cases involving pre-retail violations in the sale or purchase of fresh fruits and vegetables, processed fruits and vegetables, poultry eggs, canned fish and meat (sold or purchased at wholesale), dairy products, dry groceries, condiments, beverages, tobacco products, confectionery, and agricultural products.

§ 1305.903 *Meat Enforcement Branch.* The Meat Enforcement Branch shall have jurisdiction over cases involving pre-retail violations in slaughter, sale or purchase of meat, live animals, fish and seafood, fats and oils, gelatin and sponges.

§ 1305.904 *Retail Food Enforcement Branch.* The Retail Food Enforcement Branch shall have jurisdiction over cases involving violations in sales at retail of commodities handled by the meat and groceries and dairy products branches (except cases involving sugar rationing and agricultural commodities), and restaurant menus or meals.

APPAREL AND INDUSTRIAL MATERIALS ENFORCEMENT DIVISION

§ 1305.920 *Organization outline.* The Apparel and Industrial Materials Enforcement Division shall comprise the following organization units:

Apparel Enforcement Branch.
Textiles and Leather Goods Enforcement Branch.
Industrial Materials Enforcement Branch.

§ 1305.921 *Responsibilities of the Division.* The apparel and industrial materials enforcement division shall perform for apparel, leather goods, textiles, and industrial materials, the functions assigned to commodity divisions (§ 1305.854).

§ 1305.922 *Apparel Enforcement Branch.* The Apparel Enforcement Branch shall have jurisdiction over cases involving violations in sale or purchase of all apparel items, except footwear and fur garments.

§ 1305.923 *Textiles and Leather Goods Enforcement Branch.* The Textiles and Leather Goods Enforcement Branch shall have jurisdiction over cases involving violations in sale or purchase of fibers, textiles, hides, kips, calfskins, leather, fur garments, footwear, curtains, draperies, bed linens, table linens, toweling, bedspreads and blankets.

§ 1305.924 *Industrial Materials Enforcement Branch.* The Industrial Materials Enforcement Branch shall have jurisdiction over cases involving violations in sale or purchase of building materials and construction services, metals and ores, lumber, airplanes, pulp, paper, paperboard, industrial oils, fats, waxes,

and derivatives, chemicals, industrial machinery, agricultural machinery, rubber articles, wire, drugs, cosmetics, rubber drug sundries, food freezers.

RENT AND DURABLE GOODS ENFORCEMENT DIVISION

§ 1305.940 *Organization outline.* The rent and durable goods enforcement division shall comprise the following organization units:

Durable Goods Enforcement Branch.
Automotive Enforcement Branch.
Rent and Housing Branch.

§ 1305.941 *Responsibilities of Division.* The rent and durable goods enforcement division shall perform for consumer durable goods, automobiles and automotive supplies, fuel, ice, services, rent, and housing, the functions assigned to commodity divisions (§ 1305.854).

§ 305.942 *Durable Goods Enforcement Branch.* The Durable Goods Enforcement Branch shall have jurisdiction over cases involving violations in the sale or purchase of new house furnishings, household appliances, musical instruments, hardware, personal accessories (watches, jewelry, etc.), sports and hobby equipment, business equipment, machines and supplies, health supplies and equipment, and other consumer durable goods.

§ 1305.943 *Automotive Enforcement Branch.* The Automotive Enforcement Branch shall have jurisdiction over cases involving violations in the sale or purchase of tires, camelback, automobiles, automobile parts, coal, petroleum, ice, firewood, and services (except construction services).

§ 1305.944 *Rent and Housing Enforcement Branch.* The Rent and Housing Enforcement Branch shall have jurisdiction over cases involving violations of the rent regulations, and violations of the Veterans Emergency Housing Act of 1946.

SUBPART H—INFORMATION DEPARTMENT

§ 1305.1000 *Organization outline.* The information department shall consist of the following organization units:

Office of the Deputy Administrator.
Field Division.
Editorial Division.
Community Service Division.
Program Planning Division.

§ 1305.1001 *Functions of the information department.* The functions of the information department shall be to:

(a) Formulate and carry out in cooperation with operating divisions all public information and educational policies for OPA.

(b) Collaborate with program departments in developing specific programs in rationing, price control, and rent control, in order that probable public attitudes and reactions to substantive provisions of operating programs will be given full consideration.

(c) Advise OPA officials as to their responsibilities in informing the public on OPA actions and provide services necessary to all branches of OPA to accomplish the purposes of the information policy.

(d) Issue all releases to the press, radio, magazines, or trade papers.

(e) Clear all public statements by any OPA employee, including press interviews, radio addresses, and any other form of public statement on official business.

(f) Plan, and prepare or clear, or arrange for the performance of, all motion pictures, radio programs, magazine articles, slide films, pamphlets, leaflets, advertisements, posters, and other printed materials for the dissemination of information to the general public.

(g) Secure from all other government agencies clearances of OPA materials formerly required from the Office of War Information and serve as the sole contact with those agencies on all information matters.

(h) Approve news letters, bulletins (except those prepared by the price department), and other special informational materials designed for general distribution to the trade, for form, style, conformance with established public relations policies, and for timing.

(i) Review and clear before issuance all regular bulletins, information sheets, news letters sent by operating departments to OPA employees in the field or to local boards, except those exclusively containing procedures, digests of actions, amendments, operating instructions, and the like.

(j) In consultation with operating departments, prepare or clear all advertising materials designed by OPA for use in private firms in connection with OPA programs.

§ 1305.1002 *Office of the Deputy Administrator.* The deputy administrator for information shall be responsible to the Administrator for planning, preparing, scheduling, and executing programs disseminated to the general public and, at the request of operating departments, to the trade.

FIELD DIVISION

§ 1305.1010 *Organization Outline.* The field division of the information department shall consist of the following organization units:

Office of the Director.
Circulation Planning and Control Branch.

§ 1305.1011 *General responsibility.* The field division shall be responsible for developing, supervising, executing, and reviewing the field information program, advising on field implications of information programs, and coordinating all field activities of the information department.

§ 1305.1012 *Office of the Director.* The office of the director shall be responsible for:

(a) Planning the organization and basic procedures of the information staffs in the field and developing systems of instruction, reporting, communication, and control.

(b) Maintaining liaison with the several divisions of the information department, the office of board management, and OPA organization units affecting field information programs.

(c) Analyzing field information reports and making available to program personnel public reactions to OPA programs as reported by the field information programs.

(d) Keeping the field information staff advised of program and news developments and scheduling and relaying news releases.

§ 1305.1013 *Circulation Planning and Control Branch.* The circulation planning and control branch shall be responsible for:

(a) Planning and effecting distribution to the field or to the public of all informational and educational materials prepared by the department of information.

(b) Obtaining informational and instructional materials for the use of regional and district information staffs and information panel members of price control boards.

EDITORIAL DIVISION

§ 1305.1020 *Organization outline.* The editorial division of the information department shall consist of the following organization units:

Office of the Director.
News Branch.
Radio Branch.
Visual Services Branch.
Trade Relations Branch.
Magazine and Features Branch.

§ 1305.1021 *General Responsibility.* The editorial division shall be responsible for the preparation, editing, and clearance of all written, printed, and visual materials produced by the information department; for the approval of special informational materials prepared by program departments and designed for general distribution to the trade; and for all clearances formerly required from the Office of War Information.

§ 1305.1022 *News Branch.* The news branch shall be responsible for:

(a) Preparing and issuing all press releases and news items, handling all contacts with news media, arranging press conferences, and determining timing and method of issuance of all releases.

(b) Securing from operating departments prompt and accurate answers to request for background material, information on OPA actions, and other information requested by the field information staff, the press, and other news outlets.

§ 1305.1023 *Radio Branch.* The radio branch shall be responsible for:

(a) Preparing all radio scripts to be used on national broadcasts or distributed to field offices for regional and district use.

(b) Arranging radio broadcasts for OPA employees.

(c) Making surveys on the effectiveness of OPA radio.

(d) Developing, coordinating, and analyzing radio media.

§ 1305.1024 *Visual Services Branch.* The visual services branch shall be responsible for preparing a complete integrated program of visual information materials, such as advertisements, posters, pamphlets, film strips, motion pictures, and other materials requiring layouts or artwork to implement OPA information programs.

§ 1305.1025 *Trade Relations Branch.* The trade relations branch shall be responsible for:

(a) Preparing trade bulletins on rationing, rent, and price programs in consultation with operating departments (except bulletins prepared by the price department).

(b) Preparing summary reports of business press comments on OPA actions, and correcting misunderstandings either by letter or personal contact with the editor.

(c) Preparing special trade information for business press and trade associations in specific commodity fields.

(d) Preparing feature articles and filling requests for special information for individual trade publications.

(e) Consulting with operating departments on trade relations problems.

§ 1305.1026 *Magazine and Features Branch.* The magazine and features branch shall be responsible for:

(a) Handling all contacts with representatives of national magazines and feature syndicates.

(b) Preparing on request articles for publication in national magazines or working on the preparation of such articles with writers assigned by the magazines.

COMMUNITY SERVICE DIVISION

§ 1305.1030 *General responsibility.* The community service division, under direction of the division director, is responsible to the deputy administrator for information, for:

(a) Planning and executing informational programs to be used to promote OPA operating programs through organizations, institutions, and community groups.

(b) Directing and supervising the community service division and furnishing technical direction to field offices.

§ 1305.1031 *Special functions.* The functions assigned to the community service division are:

(a) To plan, prepare, adapt, and execute informational and educational programs designed to be used through national, state, and local organizations and educational institutions and secure their active cooperation in achieving widespread support of OPA programs; and otherwise to assure dissemination of OPA educational and informational materials to individuals in their communities.

(b) To plan programs for information panels in price control boards that will develop effective community understanding and participation; and to assist field offices in the execution of informational panel programs.

(c) To analyze and evaluate community service materials and programs in the field with a view to improving and strengthening community service operations and making more effective the programs and materials designed for local use.

(d) To establish and maintain working relations with educational associations and institutions and with men's and women's social and civic groups, to acquaint them with OPA policies and programs; and to supply informational and educational materials on OPA policies, programs, and operations to organized groups and educational institutions.

(e) To maintain liaison with OPA operating departments and offices and with the veterans, agricultural, and labor advisors and to assist them in securing active cooperation of organized groups and educational institutions, and in promoting volunteer participation in price control board programs.

PROGRAM PLANNING DIVISION

§ 1305.1040 *General responsibility.* The program planning division, under the direction of the division director, is responsible to the deputy administrator for information for:

(a) Developing informational programs required to promote OPA operating programs.

(b) Directing and supervising the program planning division.

§ 1305.1041 *Specific functions.* The specific functions assigned to the program planning division are:

(a) Plan and initiate programs for the information department.

(b) Maintain liaison with:

(1) The Bureau of the Budget and other government agencies on information programs.

(2) National advertisers and other segments of private industry in order to obtain specific information programs.

SUBPART I—PRICE DEPARTMENT

§ 1305.1100 *Organization outline.* The price department shall consist of the following organizational units:

Office of the Deputy Administrator.
Assistant Deputy Administrator for Decontrol.
Special Assistant.
Economic Adviser.
Office of War Goods and Foreign Trade.
Executive Officer.
Staff Divisions:
  Price-Legal Division.
  Price Decontrol Division.
Operating Divisions:
  Building and Construction Price Division.
  Consumer Goods Price Division.
  Food Price Division.
  Industrials Price Division.
  Sugar Rationing Division.
  Transportation Services and Fuel Division.

§ 1305.1110 *Responsibilities of the Price Department*—(a) *Price.* Authority of OPA for its price activities derives from the Emergency Price Control Act of 1942 as amended and the Stabilization Act of October 2, 1942 supplemented by Executive Orders 9250, 9328, 9599, and 9697.

(1) Under these acts the Administrator has, among others, the following responsibilities and powers:

(i) To establish, by regulation or order, generally fair and equitable maximum prices whenever prices have risen or threaten to rise contrary to the purposes of the Emergency Price Control Act, and to adjust maximum prices to correct gross inequities and remove impediments to the effective transition to a peace-time economy.

(ii) To issue temporary regulations and orders effective up to 60 days.

(iii) To issue regulations containing such classifications and differentials, and providing for such adjustments and reasonable exceptions as the Administrator deems necessary to carry out the purposes of the act.

(iv) To enter into voluntary arrangements or agreements with sellers relating to the fixing of maximum prices.

(v) To issue rules and regulations necessary to execute the purposes of the Emergency Price Control Act, to control speculative and manipulative practices, and to prevent circumvention and evasion.

(vi) To utilize the services of federal, state, and local agencies.

(vii) To make such studies and investigations and obtain such information as the Administrator deems necessary and proper to assist him in prescribing any regulation or order under the act.

(viii) To require the furnishing of information by those engaged in dealing with commodities; also the keeping of prescribed records, the making of prescribed reports, and the submission of books, records, and inventories for inspection.

(ix) To receive 30-day notice of every proposed general increase in the rates or charges of a common carrier or other public utility, and, in appropriate cases, to intervene on behalf of the Director of the Office of War Mobilization and Reconversion before the federal, state, or municipal authority having jurisdiction to consider such increases.

(2) In discharging these responsibilities the Administrator must conform to the requirements of the cited price control acts and executive orders including among others that the Administrator shall:

(i) Issue with each regulation or order (except a temporary 60-day regulation or order) a statement of the considerations involved in the issuance of the regulation or order.

(ii) Advise and consult so far as practicable, with representative members of the industry which will be affected, before issuance of any regulation or order (except a temporary 60-day regulation or order).

(iii) Withdraw maximum prices in conformity with decontrol provisions of the Emergency Price Control Act.

(iv) Obtain the prior approval of the Secretary of Agriculture or Price Decontrol Board in cases specified by the Stabilization laws.

(3) Under the general direction of the Administrator, the price department is responsible for discharging the responsibilities and exercising the functions, powers, and duties of OPA for Price Control.

(b) *Rationing.* Authority of OPA for its rationing activities derives from the Second War Powers Act and from directives of the Secretary of Agriculture.

(1) Under the act and directives the Administrator has the responsibility of providing equitable rationing of designated commodities allocated to meet civilian requirements.

(2) Under the general direction of the Administrator, the price department is responsible for discharging the responsibilities and exercising the functions, powers, and duties of OPA for rationing commodities.

§ 1305.1111 *Deputy Administrator for Price.* In the discharge of the designated responsibilities of the department, the deputy administrator for price, subject to the general supervision of the Administrator shall:

(a) Determine price policies, collect information on prices, prepare price regulations, and amendments, and provide technical supervision for the price program in the field.

(b) Determine commodity rationing policies, collect information on supply, flow, and distribution of commodities which are or may be subject to rationing controls, prepare commodity rationing orders and amendments, and provide technical supervision for the rationing program in the field.

(c) Direct and supervise the price department in the national office.

§ 1305.1112 *Office of the Deputy Administrator for Price.* The office of the deputy administrator for price shall comprise the special assistant to the deputy administrator for price, the economic adviser, the office of war goods and foreign trade, the executive officer, and the field operations officer.

§ 1305.1113 *Assistant Deputy Administrator for Decontrol.* Under a delegation of authority by the deputy administrator for price, the assistant deputy administrator for decontrol shall:

(a) Assist in formulating agency policies and programs for decontrol of prices for commodities or services.

(b) Coordinate the administration of policies and programs governing the decontrol of commodities and services under price control, including all major liaison and negotiations involving decontrol policy.

(c) Issue interpretations and memoranda supplementing decontrol policies and programs.

(d) Review all actions affecting the decontrol of commodities or services.

§ 1305.1114 *Special Assistant to the Deputy Administrator for Price.* The special assistant shall review all price actions for consistency with the established practices of the department and serve as an adviser to the deputy administrator for price on the effect of price actions upon price policies.

§ 1305.1115 *Economic Adviser.* The economic adviser shall be responsible for advising the deputy administrator for price on the development of price policy. He shall:

(a) Prepare for the deputy administrator for price proposed price policy statements to be submitted to staff conferences.

(b) Prepare for issuance in final form statements of price policy approved by the deputy administrator for price.

(c) Be responsible for preparing the price chapter for the quarterly report to Congress.

(d) Investigate specific price problems and report findings to the deputy administrator for price.

(e) From time to time, represent the deputy administrator for price in conferences with other government agencies.

(f) Be available to the war goods coordinator for advice with respect to problems arising in connection with the disposal of surplus goods by government agencies and problems relating to the pricing of war goods.

§ 1305.1116 *Office of War Goods and Foreign Trade.* The office of war goods and foreign trade with the advice of the economic adviser shall be responsible for the coordination of all price actions affecting foreign trade, war goods purchased by government procurement agencies and sales of surplus goods by government agencies. It shall:

(a) Maintain a central point for clearance of information relating to problems of pricing war goods and an OPA liaison office within the Office of International Trade and the Department of Commerce, review prices on applications for export licenses and recommend action on such applications to government agencies controlling export licenses.

(b) Make recommendations to operating officials on matters related to pricing of war goods and exported and imported commodities.

(c) Confer with responsible offices of war procurement agencies on pricing problems.

(d) Develop and administer export and import price regulations and orders, and amendments thereto, and advise the deputy administrator for price concerning export-import price policies and their effect upon domestic prices.

(e) With respect to price ceilings governing the disposal of surplus goods by government agencies, prepare for the deputy administrator necessary regulations, orders, and statements of policy; expedite and clear all regulations, amendments, and orders; confer with responsible officials of the Surplus Property Administration and of government agencies selling surplus goods.

§ 1305.1117 *Executive Officer.* The executive officer shall be responsible for the administrative management of the price department. He shall:

(a) Maintain liaison with the management offices. (See subpart f.)

(b) Coordinate the work of the administrative officers of the price divisions and conduct periodic conferences with these officers on administrative management problems.

(c) Develop and install basic systems of work control and program reporting for the department in both the national office and the field.

(d) Be responsible for the budget of the department; assist the divisions in preparing estimates and justifications; administer the printing budget; allocate funds to be used for data collection by other federal agencies; advise the deputy administrator for price on budgetary implications of policies, programs shifts in jurisdictional assignments, and proposed organizational changes; and, after consultation with the field operations officer, advise and consult with the regional price executives on budget matters.

(e) Control and allocate office space for the department.

(f) Analyze the operation of national office programs for effectiveness and for possible improvement.

(g) Approve major organizational changes for the deputy administrator for price; and, after consultation with the field operations officer, advise and consult with the regional price executives on problems of organization.

(h) Interpret personnel policies and national office training programs for the department.

(i) Provide the office of the deputy administrator for price with administrative management and business services.

(j) Approve assignments of commodities to divisions.

(k) Prepare for issuance revisions of, and monthly supplements to, the Directory of Commodities and Services.

(l) Review departmental procedural issuances for feasibility of operations and for form and style standards; serve as a clearance point for general materials.

(m) Plan and expedite the distribution of all price publications.

(n) Edit all digests of retail and wholesale price regulations and major amendments.

(The operating divisions are responsible for originating these materials.)

§ 1305.1118 *Field Operations Officer.* The field operations officer shall plan, coordinate, and direct departmental activities related to field operations. He shall:

(a) Maintain liaison with the several divisions of the price department and other OPA organizational units affecting field price programs.

(b) Advise the deputy administrator for price on the field implications of price policy decisions; and keep him informed on the job performance of field price divisions.

(c) Approve requests for waiting period waivers and/or prepare recommendations on waiting period waivers for the consideration of the Administrator or his designee.

(d) Coordinate and schedule programs relating to the delegation of responsibility to the field offices on price operations.

(e) Clear all programs, price actions, surveys, etc., which place workload responsibilities on price staffs in field offices.

(f) Review all field operating instructions with respect to the nature and content of the programs involved.

(g) Represent the duty administrator for price in contact with the field; organize and conduct conferences of field price staff; attend field meetings as the price representative of the national office; and serve as a central point of contact on field price operations.

(h) Consult with the executive officer on administrative and progress reports necessary for effective supervision of field operations; conduct periodic conferences of divisional liaison officer; and coordinate field liaison travel.

(i) Serve as a central point of contact for the reception and registration of field price personnel; arrange for national office trade and industry meetings held in the field; and furnish advance information to the field on proposed price actions.

(j) Maintain close contact with the programs developing in each division

and consult with division directors and branch chiefs on price developments affecting the field.

(k) Expedite, either directly or through divisional liaison officers. Solutions to field price problems. In this connection, review and analyze specific suggestions from the field; such as, suggested amendments to existing price actions, bringing to the attention of the appropriate division directors all meritorious recommendations.

(l) Expedite the post-auditing of all field adjustment cases, systematically sampling the findings in order to insure a uniform field adjustment policy.

(m) Maintain liaison with director of office of price board management staff on policy matter affecting price operations at the price control board.

(n) Develop and make effective streamlining procedures which affect the substantive workload in field offices.

(o) Develop training programs for field price staff.

§ 1305.1119 *Price Legal Division.* The price legal division shall perform for the price department organization units the functions of counsel on all legal matters affecting the work of the department.

§1305.1120 *Price Decontrol Division.* The price decontrol division shall be responsible for formulating and administering agency policies and programs involving decontrol of commodities and services.

§ 1305.1121 *Operating Divisions*—(a) *Basic organization.* Operating divisions, covering specific groups of commodities or commodity areas, shall generally comprise the office of the director and commodity branches covering specific commodities or groups of commodities within the jurisdiction of the division.

(b) *Responsibilities.* Subject to policies and procedures established by the deputy administrator for price:

(1) Price operating divisions shall develop and administer price regulations governing commodities and services within their jurisdiction, and otherwise administer price control policies and programs as they relate to such commodities and services. In addition, they shall give such assistance to the price decontrol division as may be required in administering the decontrol of commodities and services within their jurisdiction.

(2) The sugar rationing division shall plan programs for rationing sugar and such other products as may be designated, and shall develop and administer policies, regulations, and procedures for rationing them.

(c) *Office of the director.* The office of the director of a division may include such assistants as are necessary and approved. Administrative services and controls for the division shall be centralized in the office of the director. The division director, with the aid and advice of his immediate assistants, shall direct and coordinate the activities of the division and be responsible to the deputy administrator for price for its effective administration and operation. Specifically, as to commodities and services under jurisdiction of the division, he shall:

(1) Translate policies of the price department into specific policies and programs.

(2) Consult and advise with the deputy administrator for price on price policy.

(3) Conduct within the national office and with OPA field offices, federal agencies, industry and other groups, liaison relations required in the execution of his responsibilities.

(4) Direct the development and administration of appropriate regulations.

(5) Develop and continually appraise the effectiveness of the division's price policies, pricing techniques and formulae; and evaluate complaints and proposals affecting them.

§ 1305.1123 *Commodity branches.* Commodity branches, under the direction of branch chiefs, are responsible to the director of the division. Sections covering specific commodities or groups of commodities within the jurisdiction of the branch, and other sections essential to effective operation of the branch, may be established upon approval by the executive officer of the price department and his notification to the director of the office of budget and planning. Such sections, under the direction of section heads, shall be responsible to the branch chief. As appropriate for commodities and services assigned to their jurisdiction by the executive officer of the price department, commodity branches shall:

(a) Develop price regulations, amendments to regulations, and orders. Specifically, the branches shall:

(1) Obtain and analyze data essential to development of price actions.

(2) Prepare economic reports or briefs.

(3) Draft proposed regulations, amendments or orders.

(4) Prepare statement of consideration or other materials in justification of price actions.

(5) Consult with respentatives of industry in formal or informal meetings.

(6) Submit actions for clearance and approval to the office of the director in accordance with established procedures of the price department.

(7) Consult with other branches and divisions of OPA and other Federal agencies as necessary in the preparation of specific price actions.

(b) Administer price regulations and amendments to such regulations. Specifically, the branches shall:

(1) Receive and process applications for adjustment or establishment of prices.

(2) Receive and process petitions for amendment.

(3) As necessary, pre-audit or review adjustment orders issued by field offices.

(4) Secure and analyze data from industry and other sources, as necessary for proper administration.

(5) Conduct industry conferences; develop and maintain trade relations essential to the review and possible amendment of price regulations.

(6) Consult, when necessary, with other branches and divisions of OPA and other Federal agencies.

(c) Furnish information and advice to field offices in accordance with procedures established by the price department.

(d) Aid and advise the division director in the interpretation of price department policies and the development of divisional price policies.

§ 1305.1125 *Other branches and organization units.* In addition to commodity branches, other branches and organization units necessary to the effective operation of the division may be established on approval of the executive officer of the price department and the director of the office of budget and planning.

PRICE LEGAL DIVISION

§ 1305.1140 *Organization.* The price legal division shall consist of the following units:

Office of the Associate General Counsel for Price
Assistant General Counsels for:
Food.
Industrials.
Building and Construction.
Consumer Goods.
Sugar Rationing.
Chief Counsels.

§ 1305.1141 *Responsibilities of the Division.* The price legal division shall perform for each of the operating divisions, the decontrol division, and other organization units in the price department the functions of counsel on all legal matters affecting the work of the department. It shall advise the deputy administrator and other members of price department staff as required, and review by a system of post audits the function of the legal staff in field offices.

§ 1305.1142 *Office of the Associate General Counsel.* The associate general counsel, with the aid of an assistant general counsel for staff operations, shall direct and coordinate the activities of the division and be responsible to the deputy administrator for its effective administration and operation. He shall:

(a) Act for the deputy administrator in establishing legal policies and standards of legal operations in the department, and in securing conformance to legal policies and standards established by the administrator on the advice of the general counsel.

(b) Represent the department after consultation with the deputy administrator, and the agency upon delegation by the administrator and advice of the general counsel in liaison with other agencies on legal matters affecting the work of the department.

§ 1305.1143 *Assistant general counsels.* Each division in the price department shall be assigned an assistant general counsel who shall be responsible to the associate general counsel for all legal functions within the division, but shall discharge his duties in conformance with programs of work established by the operating division director. The assistant general counsel shall:

(a) Advise the operating division director and review actions taken within that division for conformity to legal standards and policies of OPA, and statutes and executive orders.

(b) Approve for legal propriety all documents embodying formal action or in lieu of approval, provide legal objection to such action.

(c) Review interpretations of price regulations promulgated by chief counsels under his supervision, as required.

§ 1305.1144 *Chief counsels.* Each commodity branch in each of the divisions in the price department shall be assigned a chief counsel. Under the direction of the assistant general counsel for the division, the chief counsel shall serve as the legal officer for the commodity branch to which he is assigned, and shall:

(a) Be responsible for preparing and drafting price actions in conformance with programs of work established by the commodity branch price executive.

(b) Advise the commodity branch price executive and his staff on legal requirements, standards and procedures applying to branch operations.

(c) Appraise for legal propriety all proposed price actions initiated in the commodity branch.

(d) Render interpretations of price regulations under the jurisdiction of the commodity branch.

SUGAR RATIONING DIVISION

§ 1305.1160 *Organization.* The sugar rationing division shall consist of the office of the director and such subordinate units as may be authorized.

§ 1305.1161 *Office of the Director.* The director of the sugar rationing division shall supervise, direct, and coordinate the activities of the division and shall be responsible to the deputy administrator for price for effective operation. He shall give technical guidance to the field staff dealing with commodities under his jurisdiction and establish and maintain working relations with appropriate government agencies and industry groups. The director shall have an assistant director and two executive assistants to assist in the supervision of the activities of the division.

§ 1305.1162 *Responsibilities.* The sugar rationing division, under the direction of the deputy administrator for price, shall plan for rationing sugar and such other products as may be designated by the Department of Agriculture. In accordance with the general policies prescribed by the deputy administrator for price, it shall develop and administer policies, regulations, and procedures governing the rationing of these commodities. Specifically, it shall:

(a) Analyze and interpret data essential to the development of rationing orders and amendments and prepare orders and rationales.

(1) Prepare operating instructions for the rationing field staff and suggest to the director ways of improving administration of rationing.

(2) Develop and maintain a system of records and reports which will provide information on compliance with ration orders.

(b) Direct the distribution of sugar by geographical areas and zones.

(1) Determine shipping areas and maintain information on current or anticipated stocks in the hands of specific primary suppliers.

(2) When critical local shortage or surpluses occur, discuss with the Department of Agriculture any joint action necessary to relieve the situation.

(c) Establish eligibility criteria and the method by which industrial users may secure authorization to purchase rationed commodities.

(1) On the basis of available supply and known number of eligible users, determine the quantity of rationed commodities to which each eligible user is entitled.

(2) Prescribe allowable inventories and provide for dealer registrations.

(d) Determine what portion of sugar available to institutional users will be allotted to the various type of institutional users, and represent OPA in conferences and meetings with industry groups such as the American Restaurant Association, the American Hospital Associations, and other trade organizations.

(e) Plan and supervise the ration banking system and maintain liaison with the American Bankers Association.

(1) Develop the accountability system and work with the office of administrative services for the production, distribution, verification, and protection of ration currency.

(2) Issue ration currency and supervise field offices in issuing and accounting for ration currency.

(f) Establish criteria for granting adjustments and for deciding appeals from district office decisions.

(1) Develop and issue procedures for processing applications and petitions by field offices.

(2) Process appeals and petitions which field offices are not authorized to process.

CONSUMER GOODS PRICE DIVISION

§ 1305.1180 *Organization.* The consumer goods price division shall consist of the following organization units:

Office of the Director.
Distribution Branch.
Assistant Director for Hard Lines:
  Housewares and Accessories Price Branch.
  Homefurnishings Price Branch.
  Appliance and Equipment Price Branch.
Assistant Director for Soft Lines:
  Textile Price Branch.
  Apparel Price Branch.
  Leather, Fur, and Fibers Price Branch.

§ 1305.1181 *Responsibilities.* The consumer goods price division shall perform:

(a) The function assigned to an operating division, sec. 1305.1122, for apparel, appliances, fibers, furs, home furnishings, housewares, leathers and textiles.

(b) Specific functions in connection with central pricing for chain stores and multiple outlet organizations.

§ 1305.1182 *Office of the Director.* The office of the director shall include the assistant director for hard lines, the assistant director for soft lines, and the administrative, adjustment, and reports and surveys sections, and the field liaison officer.

(a) Each assistant director shall assist the director generally; shall represent him in staff, industry, and other meetings as an alternate; shall direct performance of the functions of an operating division for assigned branches; and in the absence of the director shall act for him in all matters concerning assigned commodities.

(1) The assistant director for hard lines is designated to direct and supervise the appliance and equipment, housewares and accessories, and home furnishings price branches, and to be responsible for the commodities assigned to them.

(2) The assistant director for soft lines is designated to direct and supervise the textile, apparel, and leather, fur, and fibers price branches, and to be responsible for the commodities assigned to them.

(b) The administrative section shall perform administrative, budgetary, fiscal, and personnel services for the division.

(c) The adjustment section shall review or process all applications for individual adjustment filed under regulations administered by the division.

(d) The reports and surveys section shall:

(1) Assist in planning, organizing, and making all statistical surveys, and tabulate the data secured.

(2) Review record-keeping and reporting provisions of regulations administered or proposed for administration by the division.

(3) Secure, through the OPA Secretary, clearance of public reporting forms by the Bureau of the Budget.

(e) The field liaison officer shall:

(1) Review proposed price actions to determine the property of delegations to field offices and the ability of field staff to absorb the workload.

(2) Inform field personnel of divisional policies, plans, and programs and present to the appropriate assistant director field problems and proposed solutions.

(3) Evaluate the work of field offices.

§ 1305.1183 *Distribution Price Branch.* The distribution price branch shall be responsible for price control at wholesale and retail levels of commodities within the jurisdiction of the division and shall perform the functions assigned to a commodity branch for chain stores and multiple outlet organizations.

§ 1305.1184 *Commodity branches.* Each of the remaining branches shall perform for commodities within its jurisdiction functions assigned to commodity branches at manufacturing levels.

FOOD PRICE DIVISION

§ 1305.1200 *Organization of the Food Price Division.* The food price division shall consist of the following units:

Office of the Director:
  Grocery Products Price Branch.
  Poultry, Eggs, and Dairy Products Price Branch.
  Meats, Fish, Fats, and Oils Price Branch.
  Cereals, Feeds, and Agricultural Chemicals Price Branch.
  Wholesale-Retail and Fruit and Vegetable Price Branch.

§ 1305.1201 *Responsibilities of the Division.* The food price division shall perform for all foods, food products, and eating and drinking establishments the functions assigned to operating divisions (see 1305.1121). In addition, the divi-

sion shall execute specific functions in connection with food programs as agreed upon by OPA and the Department of Agriculture, or as directed by the Director of the Office of War Mobilization and Reconversion.

§ 1305.1202 *Office of the Director.* The office of the director shall include an associate director, a division economist and division statistician, and an assistant to the director.

(a) The associate director shall assist the director generally, and shall act for him during his absence.

(b) The division economist shall act as economic adviser to the director and the associate director, review price actions for conformance to established policy, prepare and clear special projects, and generally supervise analytical work within the division. Within the office of the division economist, the division statistician shall supervise the statistical staff assigned to the various branches, act as the point of coordination between the accounting department, the statistical standards section of the office of the OPA Secretary, and prepare and clear all data collection projects and industry studies.

(c) The assistant to the director shall be responsible for administrative management in the division and shall provide central administrative services for the division.

§ 1305.1203 *Commodity branches.* Each branch with the exception of the wholesale-retail price branch shall perform for food and food products within its jurisdiction the functions assigned to commodity branches (sec. 1305.1123 insofar as these are related to processors and producers. In addition:

(1) The meat price branch shall be responsible for administering Control Order No. 2, which provides for the licensing of non-federally inspected slaughterers, the assignment and adjustment of slaughter quotas, and certification of subsidy payments.

(2) The proper commodity branch shall be responsible for regulations governing wholesalers and retailers on the following commodities:

(i) At the wholesale level, fish, meats, fluid milk, candy, beverages, and tobacco.

(ii) At the retail level, bread, fluid milk, candy, beverages, and tobacco.

(3) The commodity branches shall perform such other functions as may be assigned to them by the director or the associate director in connection with food programs.

§ 1305.1204 *Wholesale-Retail and Fruit and Vegetable Price Branch.* The wholesale-retail and fruit and vegetable price branch shall perform commodity branch functions at all levels (§ 1305.1123) for fruits and vegetables and at the wholesale and retail level for other foods except those listed (§ 1305.1203) where partial or entire responsibility is delegated to other branches in the division. In addition, the branch shall be responsible for price control on all foods sold by primary or other intermediate distributors, retail route sellers, health food stores, ship suppliers, etc.; and for the development and administration of community food price programs. It shall also collaborate with those commodity branches to which responsibility has been delegated for distributor price control in devising techniques and controls for wholesale and retail.

INDUSTRIALS PRICE DIVISION

§ 1305.1240 *Organization of the Industrials Price Division.* The industrials price division shall consist of the following organizational units:

Office of the Director:
- Metals Price Branch.
- Lumber Price Branch.
- Rubber, Chemicals and Drugs Price Branch.
- Machinery Price Branch.
- Automotive Price Branch.
- Paper and Paper Products Price Branch.

§ 1305.1241 *Responsibilities of the Division.* The industrials price division shall perform for commodities assigned to its jurisdiction the functions assigned to operating divisions (§ 1305.1121).

§ 1305.1242 *Office of the Director.* The office of the director shall include an assistant director, a division economist and division statistician.

(a) The assistant director shall assist the director generally, and shall act for him during his absence.

(b) The division economist shall act as economic adviser to the director and the assistant director, review price actions for conformance to established policy, prepare and clear special projects, and generally supervise analytical work within the division. Within the office of the division economist, the division statistician shall supervise the statistical staff assigned to the various branches; act as the point of coordination between the industrials price division and the accounting department and between the industrials price division and the statistical standards section of the office of the OPA Secretary; and prepare and clear all data collection projects and industry studies.

§ 1305.1243 *Commodity branches.* The commodity branches shall perform for commodities under their jurisdiction functions assigned to commodity branches (§ 1305.1123) except for distribution yard sales of new lumber, commonly referred to as the retail level in the lumber industry, and sales of used lumber at all levels. In addition, the metals branch shall perform specific functions under the premium price plan for copper, lead, and zinc.

PRICE DECONTROL DIVISION

§ 1305.1260 *Organization of the Division.* The price decontrol division shall consist of the following units:

Office of the Director
- Operations Branch
  - Building and Construction Section
  - Industrials Section
  - Consumer Goods Section
  - Food and Miscellaneous Section
  - Operations Control Section
  - Information Section

§ 1305.1261 *Responsibilities of the Division.* The price decontrol division shall be responsible for formulating OPA policies under the decontrol provisions of the Price Control Extension Act and for administering the decontrol programs of the agency, including

(a) processing all petitions for decontrol

(b) disposing of internal proposals for decontrol

(c) participating in conducting hearings of appeals from decontrol decisions

(d) initiating decontrol action where necessary.

In addition it shall:

(a) Maintain, jointly with operating divisions, liaison with the Secretary of Agriculture and the price decontrol board on matters pertaining to the decontrol or recontrol of commodities and services under the supervision of the assistant deputy administrator for decontrol.

(b) Secure from the operating price divisions such staff assistance, data, and other information as it may require in disposing of decontrol petitions and in generally administering its decontrol programs, and in maintaining the records necessary for information and liaison purposes.

(c) Administer such programs related to decontrol as the deputy administrator for price may assign, including establishment of justification for recontrols or for continuation of controls upon "significant" commodities.

§ 1305.1262 *Office of the Director.* The assistant deputy administrator for decontrol, under the direction of the deputy administrator for price, shall serve as the division director. The office of the director shall include a division economist who shall act as economic adviser to the director and shall:

(a) Assist in formulating policies and developing criteria for division operations and review decontrol actions for conformance with applicable economic policies and standards.

(b) Provide technical direction to the economic staff of the operations branch in preparing justifications for decontrol or continuing controls, and for preparing the economic justification for decisions made by the division for presentation at decontrol hearings before it.

(c) Maintain liaison with economists of operating price divisions.

§ 1305.1263 *Operations Branch.* The operations branch shall:

(a) Analyze all petitions or proposals for decontrol and prepare economic briefs in support of actions or decisions of the divisions.

(b) Conduct liaison with industry representatives on decontrol programs.

(c) Maintain liaison with the operating price divisions on decontrol matters.

(d) Schedule and arrange decontrol hearings.

(e) Plan and, with the assistance of operating price divisions, execute operating programs relating to decontrol, such as studies or surveys to justify recontrol or the continuance of controls in "significant" commodity areas.

BUILDING AND CONSTRUCTION PRICE DIVISION

§ 1305.1275 *Organization.* The building and construction price division shall consist of the following organizational units:

Office of the Director:
Building Materials Price Branch.
Mechanical Building Equipment Price Branch.
Distribution and Construction Price Branch.

§ 1305.1276 *Responsibilities.* The building and construction price division shall have jurisdiction over basic building components, such as masonry materials, roofing, insulation materials, millwork, mechanical equipment, builders' hardware, plywood, stock screen goods, mouldings, mechanical building equipment, prefabricated items; contract services and installed sales for such materials and units; and all types of lumber at the distributive levels. In carrying out its responsibility, the division shall collaborate with other federal agencies which have responsibilities in the building and construction field. In this interagency relationship, special attention shall be given to bottle-neck and price-supply problems.

§ 1305.1277 *Office of the Director.* The office of the director shall include a division economist and an administrative assistant to the director.

(a) The division economist shall act as economic adviser to the director, provide technical review of all price actions in order to establish conformance with over-all price policy, review all proposals concerned with the initiation of new price actions, prepare and establish procedure governing data collection and special projects, and generally be responsible for all analytical and statistical work performed by the branches of the division.

(b) The administrative assistant to the director shall be responsible for the administrative management of the division.

§ 1305.1278 *Commodity branches.* The commodity branches of the building and construction price division, with the exception of the distribution and construction price branch, shall perform for building materials, prefabricated units, and building equipment within their jurisdiction the functions assigned to commodity branches (§ 1305.1123) insofar as these functions are related to processors, producers, or manufacturers. In addition, commodity branches shall be responsible for the development and administration of regulations at the distributive levels unless specific jurisdiction over a commodity at the distributive levels is assigned to the distribution and construction price branch.

§ 1305.1279 *Distribution and Construction Price Branch.* The distribution and construction price branch of the building and construction price division shall be responsible for initiating, implementing, establishing, and supervising programs which will translate formula and freeze regulations into dollar-and-cent prices on an area basis for commodities and construction services under the jurisdiction of the division. It shall be responsible for the development of policy at the distributive levels for all commodities under jurisdiction of the division except lumber, for which it shall have jurisdiction over distribution yard sales of new lumber, commonly referred to as the retail level in the lumber industry, and sales of used lumber at all levels.

TRANSPORTATION, SERVICES, AND FUELS PRICE DIVISION

§ 1305.1300 *Organization outline.* The transportation, services, and fuels division shall consist of the following units:

Office of the Director:
Associate Director.
Assistant to the Director Administrative Section.
Transportation Price Branch:
Common Carrier Section.
Contract Carrier Section.
Rate Section.
Storage and Terminal Facilities Section.
Transportation Cost Provisions Section.
Economic Analysis Section.
Public Utilities Branch:
Service Trades Price Branch:
Apparel Services Section.
Special Services Section.
Review and Analysis Section.
General Repair Services Section.
Fuels Price Branch:
Dealer Price Section.
Mine Operations Section.
Mine Statistics Section.
Stripper Wells Section.
Analysis Section.

§ 1305.1301 *Responsibilities of the Division.* The transportation, services, and fuels division through delegation of authority by directive from the Office of War Mobilization and Reconversion, shall receive notices of increases in common carrier and other public utility rates, fares, and charges, and intervene in proceedings before federal, state, or local regulatory bodies to prevent rate increase. The division also participates in rate reduction cases. For contract carriers, certain storage and terminal facilities, certain transportation services, and service trades, it shall perform the functions assigned to operating divisions (§ 1305.1121).

§ 1305.1302 *Office of the Director.* The office of the director shall include an associate director who, generally shall assist the director and, specifically, shall be responsible for the administration of price controls in the fuels area; and an assistant to the director who shall generally assist the director and the associate director and supervise the administrative section.

§ 1305.1303 *Transportation Branch.* This branch performs both intervention and price functions.

(a) Under authority delegated by the Office of Economic Stabilization, it receives notices of proposed rate increases; and compiles economic and other information on the industry involved, attempts to secure voluntary rate stabilization, and when necessary intervenes in proceedings before federal, state, or local regulatory bodies to prevent such increases.

(b) For contract carriers, for certain storage and terminal facilities, and for certain transportation services, the branch shall perform the functions assigned to commodity branches (§ 1305.1123). In addition, it shall advise commodity branches and regional and district offices on the effective use of transportation law and practice; and shall for commodity branches perform the following functions:

(1) Prepare analyses of transportation rates and practices.

(2) Advise commodity branches on established transportation rates and practices.

(3) Evaluate transportation cost provisions in existing or proposed price actions and recommend changes where necessary.

§ 1305.1304 *Public Utilities Branch.* This branch is chiefly concerned with the prevention of rate increases. Under authority delegated by the Office of Economic Stabilization, it receives notices of proposed rate increases; and compiles economic and other information on the utility involved, attempts to secure voluntary rate stabilization, and when necessary, intervenes in proceedings before federal, state, or local regulatory bodies to prevent such increases.

§ 1305.1305 *Service Trades Price Branch.* This branch performs for certain services the functions assigned to commodity branches (§1305.1123). In addition the services branch serves in an advisory capacity on pricing services under the jurisdiction of other price commodity branches, and is the official repository for all orders, interpretations, and other materials issued regarding services.

§ 1305.1306 *Fuels Price Branch.* The fuels price branch shall perform, for fuel commodities under its jurisdiction, the functions assigned to commodity branches (§ 1305.1123). In addition, it shall perform specific functions under compensatory adjustment plans covering solid fuels and stripper wells subsidy, and shall analyze price trends of decontrolled petroleum and petroleum products.

SUBPART J—ACCOUNTING DEPARTMENT

§ 1305.1400 *Organization outline.* The accounting department shall consist of the following organization units:

Office of the Deputy Administrator.
Executive Office for Accounting.
Field Accounting Division.
Accounting Operations Divisions.
Consumer Products Accounting Division.
Industrial Accounting Division.
Services Accounting and Audits Division.
Financial Reporting Division.

§ 1305.1401 *Basic organization principles.* Accounting operations divisions shall be organized in conformance to the following basic principles.

(a) *Control level.* Accounting operations units should parallel the accounting data collection controls established by operating departments. In general, unless other factors take precedence, the accounting branch should correspond to the control level in the operating department. Where the control level in the operating department is a division, the formation of accounting sections should, in the interests of flexibility, be kept to a minimum consistent with other organization principles.

(b) *Supervisory requirements.* Where the workload, size of staff, and multiplicity of special accounting problems warrant a division of responsibilities below the branch level, sections may be established with the approval of the executive officer for accounting and the director of budget and planning.

(c) *Interchangeability.* The accounting staff shall be organized in accordance with industry accounting practice to achieve maximum flexibility of assignment among programs as work pressures increase or decrease in commodity areas.

(d) *Historical development.* Due recognition shall be given to the working relationships which have developed between the accounting department and the operating departments.

§ 1305.1402 *Responsibilities of the Accounting Department.* Under the Emergency Price Control Act of 1942, as amended June 30, 1944, the Administrator is required:

(a) Establish generally fair and equitable prices and rents.

(b) Give due consideration to the prices prevailing during the base period.

(c) Make adjustments for general increases and decreases in costs and profits.

(d) Make individual adjustments in those classes of cases where substantial hardship has resulted since the maximum rent date from a substantial and unavoidable increase in property taxes or operating costs.

(e) Determine that no regulation or order shall contain any provision requiring the determination of costs otherwise than in accordance with established accounting methods. Under this act, the Administrator may make such investigations and obtain such information as he deems necessary to assist him in prescribing any regulation or order under this act, and in the administration and enforcement of this act and regulations, orders, and price schedules thereunder.

(1) The accounting department is responsible for obtaining the accounting information required for making these determinations in the administration of price and rent, and rationing regulations and their enforcement. Accounting investigations are requested by operating executives who determine their need and suggest their scope and timing.

(2) In performing accountant assignments as the basis for OPA actions, the accounting department, in order to insure objective treatment of business records, shall have full responsibility for the determination of accounting policy, the application of accounting methods, and the direction of the accounting program.

(3) The department shall be responsible for the collection, safeguarding, and tabulation of financial forms A and B and income tax data; for special periodic tabulations for price branches; and for supplying financial tabulations from forms A and B to other Federal agencies.

§ 1305.1403 *Office of the Deputy Administrator for Accounting.* In the exercise of the designated responsibilities of the department, the deputy administrator for accounting shall, subject to the general direction of the Administrator, establish and maintain accounting standards, determine accounting policies, supervise and direct the national office accounting staff, and provide technical supervision and direction for the accounting program in the field.

§ 1305.1404 *Executive Office.* The executive office for accounting shall be responsible for all management functions of the accounting department. Under the direction of the deputy administrator for accounting, the executive officer for accounting shall:

(a) Develop, install, and maintain basic systems of work control and program reporting.

(b) Review program operations for effectiveness and adequacy of performance; develop and effectuate plans for improvement; and approve all organization changes in the department.

(c) Review and approve accounting procedural issuances for administrative feasibility and conformance with department and agency policy; serve as a clearance point for the department for general materials.

(d) Be responsible for the preparation, justification, and administration of the budget for the department, and advise regional accounting executives on budget matters.

(e) Advise the deputy administrator for accounting on budgetary and personnel implications of policies, programs, shifts in jurisdictional assignments, and proposed organization changes; and approve plans for personnel use submitted by the division directors.

(f) Represent the department both in the field and in the national office on all administrative management matters; and provide administrative services for the national office department.

(g) Maintain liaison with the executive offices of other departments to achieve coordination of accounting activities with OPA programs.

§ 1305.1405 *Field Accounting Division.* (a) The field accounting division shall plan and coordinate the field accounting program; distribute accounting and auditing instructions to the field; evaluate field performances; and report to the deputy administrator for accounting on all field accounting matters.

(b) The division director is responsible to the deputy administrator for accounting for planning and coordinating departmental activities related to field operations. Specifically, he shall:

(1) Maintain liaison with the other departments of the national office and with the other divisions of the accounting department so that proposed programs can be briefed and the field advised as to the probable effect of such programs on field accounting operations. Advise the deputy administrator for accounting and the regional accounting executives as to field accounting implications of all OPA programs delegated to the field. On behalf of the deputy administrator for accounting, maintain personal contact with the appropriate assistant to the administrator on matters petraining to field accounting.

(2) Be responsible for the distribution to the field of accounting and auditing procedures and instructions pertaining to specific regulations or specific types of assignments.

(3) Coordinate and schedule all major accounting programs for the field, pursuant to consultations with the deputy administrator for accounting and the regional accounting executives as to the available field staff.

(4) Develop training programs for the field staff and arrange for advice and assistance to regional and district accounting executives on unusual problems.

(5) Review progress reports, narrative reports and workload reports, work with the executive officer for accounting in matters relating to field budget and personnel and transmit budget data to the field.

(6) Act for the deputy administrator for accounting by personal field contact in all matters concerned with the conduct of accounting operations in the field; organize and conduct conferences of the field accounting staff; attend field meetings as a representative of the national office; and serve as a central point of contact on field accounting operations.

§ 1305.1406 *Accounting Operations Divisions.* (a) Operating divisions covering specific accounting areas shall include the office of the director and commodity or service area branches within the jurisdiction of the division. The operating divisions shall, subject to the policies and procedures established by the deputy administrator for accounting, make accounting examinations, audits, analyses, investigations, and studies upon request of the price, rent, and enforcement departments, and perform other technical accounting services as delegated by the Administrator.

(b) The division director shall be responsible to the deputy administrator for accounting for the direction, coordination, and operation of the accounting and auditing program. Within the area of responsibility of the division he shall:

(1) Maintain professional accounting standards and accounting policy in the execution of the work program assigned to the division and for corresponding commodity and service area activities in the field; explain and interpret the standards to operating executives and to industry.

(2) Consult with and advise operating division heads in the development of broad operating plans and priority scheduling of work involving accounting activity to insure that they are capable of execution within the facilities of the accounting activity, or within the procurable facilites of other federal agencies.

(3) Maintain maximum feasible flexibility of the resources of the division and make such general reassignments of personnel and work programs as required to achieve the expeditious and adequate performance of assignments according to their relative urgency and importance.

(4) Participate in meetings with industry involving discussions of accounting methods and practices and advise on the accounting implications of proposed price or rent control or enforcement techniques.

(5) Continually appraise the technical accuracy and adequacy of accounting

work within his area of responsibility both in the national office and the field, review accounting reports, evaluate and rectify sources of complaint.

(6) Consult and advise with the deputy administrator for accounting on accounting standards, policies and procedures as to their effect on OPA operations and business relations.

(7) Develop specifications, criteria, and instructions for use of field accountants in processing case assignments from the price, rent, rationing, and enforcement activities in the field.

§ 1305.1407 *Accounting Operations Branches.* (a) Commodity or service area branches, directed by branch chiefs, shall be responsible to the appropriate division director. Subject to his direction, the accounting operations branches shall:

(1) Advise and cooperate with operating executives in the development of plans for accounting or financial data collection projects involving determinations as to type and extent of data to be collected, sources of data and method of collection, and forms to be used.

(2) Conduct industry studies and accumulate data on production, marketing, overhead, and other costs and profits and profit margins.

(3) Develop specifications, procedures, and instructions for studies, audits, and investigations to be performed by field accountants.

(4) Study costs and profits of individual companies, industries, or corporations and make reports of findings as the basis for action on hardship cases, requests for exemption, or protests.

(5) Investigate accounting records and render reports on enforcement cases as required. Provide witnesses to testify in court in enforcement or other cases involving accounting records or accounting practices.

(6) Make such special studies, audits, and investigations in connection with compensatory adjustment regulations, subsidy payments, defense supply pricing, etc., as require technical auditing and accounting skills.

(b) Where effective execution of the branch work program requires further division of responsibilities, sections covering specific commodity or service areas may be established subject to approval by the executive officer for accounting and the director of budget and planning. Such sections will be under the direction of section heads responsible to the branch chiefs. Complete flexibility will be maintained at the branch level where work programs and personnel, other than section heads, will be assigned to sections on a project basis. Section heads shall act as staff assistants to the branch chief to the extent required for effective operation of the branch. Otherwise they will actively participate in the conduct of accounting work programs as project supervisors.

§ 1305.1408 *Financial Reporting Division.* Subject to the policies and procedures established by the deputy administrator for accounting, the financial reporting division shall collect, examine, tabulate and perform critical analyses of financial data representative of the financial position of industrial and commercial concerns subject to OPA regulations.

FIELD ACCOUNTING DIVISION

§ 1305.1420 *Organization outline.* The field accounting division shall consist of the following organization units:

Office of the Director.
Training Advisory and Procedures Branch.
Review and Analysis Branch.

§ 1305.1421 *Responsibilities of the Division.* The field accounting division, subject to the policies and procedures established by the deputy administrator for accounting, shall be responsible for coordinating accounting activities between the national office and the field; issuing field accounting procedures and instructions covering accounting examinations under specific regulations or on specific types of assignments; reviewing and analyzing field accounting performance; scheduling major accounting programs for the field; advising the field on budget and personnel matters; and developing training programs for the field staff.

§ 1305.1422 *Office of the Director.* The director of the field accounting division shall be responsible to the deputy administrator for accounting for planning and coordinating the field accounting program and for executing the functions of the division (sec. 1305.1421). The office of the director shall include an assistant director who shall generally assist the director; in the absence of the director, act on all matters concerning the division; represent the director as an alternate in staff and field meetings; and specifically assist in the supervision and direction of the subordinate branches of the division.

§ 1305.1423 *Training Advisory and Procedures Branch.* The training, advisory and procedures branch shall develop training meetings for the field staffs. The branch shall arrange for advice and assistance to district and regional accounting executives on unusual problems and shall develop special procedures and instructions and specimen reports dealing with specific regulations and field price instructions.

§ 1305.1424 *Review and Analysis Branch.* The review and analysis branch shall coordinate and schedule all major accounting programs for the field. In view of the work load of various field offices, the branch shall advise with directors of the accounting operations divisions relative to assignments to field staffs. The branch shall examine all criticisms of field reports and shall be responsible for maintaining accounting consistency in all field offices.

CONSUMER PRODUCTS ACCOUNTING DIVISION

§ 1305.1440 *Organization of the Consumer Products Accounting Division.* The division shall consist of the following units:

Office of the Director:
Food Accounting Branch.
Textiles, Leather and Apparel Accounting Branch.
Durable Goods Accounting Branch.

§ 1305.1441 *Responsibilities of the Division.* The consumer products accounting division shall, for all accounting requirements of the consumer goods and food divisions (except for the agricultural chemicals section of the cereals, feeds, and agricultural chemicals price branch and for the restaurant price branch) of the price department, perform the functions assigned to accounting operations divisions (§ 1305.1406).

§ 1305.1442 *Commodity branches.* With the exceptions noted above, the accounting branches shall for the commodities under the jurisdiction of food price division and consumer goods price division perform the functions assigned to accounting operations branches (§ 1305.1407).

INDUSTRIAL ACCOUNTING DIVISION

§ 1305.1460 *Organization of the Industrial Accounting Division.* The division shall consist of the following organization units:

Office of the Director:
Metals Accounting Branch.
Lumber Accounting Branch.
Building and Construction Accounting Branch.
Chemicals and Rubber Accounting Branch.
Machinery Accounting Branch.
Paper Accounting Branch.

§ 1305.1461 *Responsibilities of the Division.* The industrial accounting division shall, for all accounting requirements of the industrial materials and industrial manufacturing divisions and the agricultural chemicals section of the price department, perform the functions assigned to accounting operations divisions (§ 1305.1406).

§ 1305.1462 *Commodity branches.* The accounting branches shall for the commodities under the jurisdiction of industrial manufacturing and the price industrial divisions perform the functions assigned to accounting operations branches (§ 1305.1407).

§ 1305.1463 *Building and Construction Accounting Branch.* In addition to performing the functions of an accounting operations branch, the building and construction accounting branch, through the distribution and construction accounting section, shall conduct surveys required in the preparation of price actions on basic building components at the distributive levels and shall develop specifications and instructions for field accountants in obtaining and processing data for use in the establishment and/or adjustment of dollar-and-cent prices covering these products on an area basis.

SERVICES ACCOUNTING AND AUDITS DIVISION

§ 1305.1480 *Organization of the Services Accounting and Audits Division.* The division shall consist of the following units:

Office of the Director:
Rent, Services, and Enforcement Accounting Branch.
Fuel Accounting Branch.

§ 1305.1481 *Responsibilities of the Division.* The services accounting and audits division shall perform for the designated commodity and service areas the

functions assigned to accounting operations divisions (§ 1305.1406).

§ 1305.1482 *Rent, Services, and Enforcement Accounting Branch.* The rent, services, and enforcement accounting branch shall perform for the rent and enforcement departments and the price organizational units indicated, the functions outlined for accounting operations branches (§ 1305.1407).

(a) The accounting surveys section shall conduct such surveys of rental housing income and expense as may be required by the rent department in the development and administration of the rent regulations.

(b) The rent adjustments accounting section shall make such examinations of accounting statements and accounting records of petitioners for adjustment under section 5 (a) (12) of the housing regulation and section 5 (a) (9) of the hotel and rooming house regulation as required at the national office level by the rent department for the effective administration of these sections. The section shall develop specifications, criteria, and instructions for field accountants in processing adjustment cases in the field.

(c) The transportation and services accounting section shall perform the accounting functions required by the transportation and public utilities division, the export-import office, the sugar rationing division, and the enforcement department. In addition the section shall develop procedures and instructions for the performance of such special audits as required by the enforcement department and the sugar rationing division.

(d) The restaurant accounting section shall perform the accounting functions required by the restaurant price branch.

§ 1305.1483 *Fuel Accounting Branch.* The fuel accounting branch shall, for the fuel price division, perform the functions assigned to accounting operations branches (§ 1305.1407). In addition, the compensatory adjustment section, under compensatory adjustment regulations as revised and amended, shall:

(a) Receive, audit, and approve for payment or disapprove applications for adjustment on the excess cost of transporting coal to dealers and other distributors within the area covered by the regulation.

(b) Make such audits of the records of the applicants as required to establish eligibility for compensatory adjustment.

FINANCIAL REPORTING DIVISION

§ 1305.1500 *Organization of the Financial Reporting Division.* The division shall consist of the following units:

Office of the Director.
Examination Branch.
Records and Control Branch.
Tabulation and Analysis Branch.

§ 1305.1501 *Responsibilities of the Financial Reporting Division.* The financial reporting division shall collect, examine, tabulate, and make critical analyses of financial data. It shall:

(a) Develop forms, procedures, and instructions for the use of industrial and commercial concerns in submitting annual and interim financial reports.

(b) Develop representative industry mailing lists, and make request of industry for submittal of financial reports.

(c) Obtain financial data for 1936 and subsequent years from income tax transcripts and original income tax forms of the Bureau of Internal Revenue.

(d) Examine financial data received, in order to insure their accuracy and consistency from accounting and financial standpoints.

(d) Tabulate financial data and analyze critically by comparing results for various industries, size groups, and geographical area and testing results by other statistical methods.

(f) Be responsible for controlling and safeguarding financial information received in accordance with section 202 of the Emergency Price Control Act and for conducting negotiations with the Bureau of Internal Revenue and other federal agencies for the interchange of reports comparable with forms A and B.

§ 1305.1502 *Office of the Director.* Subject to the accounting policies established by the deputy administrator for accounting, the director shall be responsible for establishing policies governing the financial reporting program. The office of the director shall include an assistant to the director who shall be responsible to the director for developing over-all procedures and policies and for technical assistance in the operation of the division; and represent the director as an alternate in meetings with operating executives, industry, and other federal agencies.

§ 1305.1503. *Examination Branch.* The examination branch shall be responsible for:

(a) Developing forms A and B, supplements thereto, and related forms for obtaining financial data, subject to approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(b) Developing procedures and criteria for the examination of financial data.

(c) Examining and correcting financial reports.

(d) Handling correspondence with companies filing reports under the financial reporting program.

§ 1305.1504 *Records and Controls Branch.* The records and controls branch shall be responsible for:

(a) Safeguarding the confidential character of financial reports and income tax records through:

(1) Provision and maintenance of a central filing system, including charging-out items.

(2) Provision and maintenance of a routing system for financial reports within the national office, between the national and field offices, and between OPA and other governmental agencies.

(b) Maintaining mailing list of representative concerns in industries subject to price control.

(c) Maximum utilization of information furnished by financial reports and correspondence through development and maintenance of:

(1) A system of recording and following up required reports to insure compliance with reporting schedules.

(2) A system of receiving, routine, and expediting correspondence to insure good public relations.

(3) A centralized directory of financial records available in the division and elsewhere in OPA and of their location.

(d) A system of summarizing and condensing financial records according to plans formulated in collaboration with the historical records branch, and of transferring them to the OPA records center or the National Archives.

§ 1305.1505 *Tabulation and Analysis Branch.* The tabulation and analysis branch shall be responsible for:

(a) Scheduling manual and machine tabulations of statistical data.

(b) Developing statistical standards and procedures for guidance of the division in its presentation of financial data designed to meet the needs of price projects and programs.

(c) Preparing machine code sheets for financial reports and income tax transcripts.

(d) Making tabulations as required by manual or machine methods.

(e) Editing, reviewing, analyzing, and summarizing tabulated material.

(f) Developing and revising samples of representative concerns used in connection with the financial reporting program.

(g) Evaluating coverage of reports and advising other departments on sampling problems in connection with the financial reporting program.

SUBPART K—RENT DEPARTMENT

§ 1305.1700 *Organization outline.* The rent department shall be under the direction of the deputy administrator for rent who shall be responsible to the Administrator. The rent department shall have the following organization:

The Office of the Deputy Administrator for Rent:
Rent Legal Division.
Program Division.
Operations Division.

§ 1305.1701 *Responsibilities of the Rent Department.* The authority of OPA for rent control derives from the Emergency Price Control Act of 1942, as amended. The rent department in both the national office and in the field is responsible for the effective execution of the rent control provisions of the Act and for all matters pertaining thereto, except those which have been specifically delegated by the Administrator to the accounting, enforcement, and information departments.

§ 1305.1702 *Office of the Deputy Administrator for Rent.* The office of the deputy administrator for rent shall include an assistant to the deputy administrator for rent who shall generally assist the deputy administrator in the discharge of the responsibilities of the rent department. Subject to the provisions of law, policies, rules, and regulations prescribed by the Administrator, the office of the deputy administrator for rent shall:

(a) Advise the Administrator concerning the designation of defense-rental areas and the institution, modification,

or discontinuance of rent control in defense-rental areas.

(b) Direct the preparation of rent regulations and amendments thereto for issuance by the Administrator and general interpretations.

(c) Collaborate with the general counsel in formulating recommendations for the disposition by the Administrator of protests against rent regulations and orders.

(d) Approve for issuance policy statements and operating instructions in connection with the rent control program.

(e) Direct and supervise the rent department in the national office.

RENT-LEGAL DIVISION

§ 1305.1720 *Organization.* The rent-legal division consists of the associate general counsel for rent and his staff.

§ 1305.1721. *Responsibilities of the Division.* The associate general counsel for rent acts as legal advisor to the deputy administrator for rent. The rent-legal division, under the direct supervision of the associate general counsel for rent, is responsible for the legal aspects of the federal rent control program, including the legal sufficiency of substantive and procedural regulations, and amendments thereto, as well as all orders issued by the Administrator in the field of rent control. It is directly responsible for the issuance of official interpretations and the over-all supervision of all interpretations of the rent regulations. Through the regional rent attorneys, it coordinates and gives over-all direction to the work of area rent attorneys.

OPERATIONS DIVISION

§ 1305.1740 *Organization outline.* The operations division shall consist of the following units:

Office of the Director.
Field Liaison Branch.
Review Branch.
Compliance Branch.
Control Branch.

§ 1305.1741 *Responsibilities of the Division.* The operations division is responsible for the planning, direction, supervision, and operation of the rent control program throughout the field organization.

§ 1305.1742 *Office of the Director.* The office of the director shall include an associate director who shall generally assist the director in administering the rent control program in the field and advise the deputy administrator for rent of budgetary implications of proposed changes in policy, program, and organization. Specifically, the office shall:

(a) Direct the formulation of standards, practices, and methods for the administration of field offices.

(b) Act as liaison between the national office and field offices and direct the preparation of instructions, procedures, and forms for use both in the national office and in the field and assist in the installation of new procedures in the field.

(c) Direct the training and the work simplification programs both in the national office and in the field.

(d) Be responsible for the administrative direction of the rent compliance program both in the national office and the field.

(e) Analyze and review field operations through program reports and actual case records and review regional office decisions on applications for review.

(f) Act in a liaison capacity with the national budget and planning office on field budget matters; and with the national personnel office with respect to standards and qualifications for field personnel. Consults with regional rent executives on budget and personnel matters.

§ 1305.1743 *Field Liaison Branch.* The field liaison branch acts in liaison between the national office and field offices and is responsible for the installation of the work simplification and training programs in all field offices. Specifically, the branch shall:

(a) Be generally responsible for the effectiveness of operations in field offices relating to adjustment actions and to evictions and make recommendations of changes in policies and procedures.

(b) Develop standards and procedures which will effectively implement the execution of established rent policies in the field.

(c) Direct the installation of the work simplification and training programs in the field offices.

(d) Be responsible for the training of all field personnel except compliance personnel.

§ 1305.1744 *Review Branch.* The review branch is responsible, through examination of case dockets involving adjustment actions and eviction actions, for obtaining national uniformity in the application of the provisions of the Emergency Price Control Act of 1942, as amended, the rent and procedural regulations and amendments, and established procedures and policies as they affect the determination of rent adjustment and eviction actions. Specifically, the branch shall:

(a) Review all applications for review of area rent directors' orders which have been filed and acted upon by the regional offices and review by spot check area rent office case dockets involving landlords' petitions for adjustment or eviction, tenants' applications for adjustment and actions of adjustment begun by the rent director on his own initiative, all for the purpose of obtaining national uniformity in the application of the provision of the Act, regulations, policy procedures, etc.

(b) Analyze monthly narrative reports submitted by all field offices for the purpose of determining overall operational activities.

§ 1305.1745 *Compliance Branch* The compliance branch, under the administrative direction of the director of the operations division and with technical guidance from the associate general counsel for rent, plans and directs the operation of the rent compliance program both in the national office and in the field. Specifically, the branch shall:

(a) Act as representative of the rent department in integrating the compliance and enforcement program both in the national office and in the field.

(b) Develop techniques and procedures to facilitate surveys designed to discover significant conditions of noncompliance with the rent regulations, issuing instructional and training materials therefor.

(c) Be responsible for the training of all compliance personnel.

§ 1305.1746 *Control Branch.* The control branch is responsible for the proper administration of the correspondence and files of the rent department, maintaining a mail control system and control of distribution of procedural releases, forms, reports, and instructions to the field.

PROGRAM DIVISION

§ 1305.1760 *Organization outline.* The program division shall consist of the following organization units:

Office of the Director.
Regulations and Review branch.
Financial and Statistical branch.

§ 1305.1761. *Responsibilities of the Division.* The program division is responsible for formulating the basic economic policy and for developing and recommending programs to effectuate the over-all policy of the rent department.

§1305.1762 *Office of the Director.* The office of the director shall be responsible to the deputy administrator for rent for formulating the economic policy, the development of programs, and the research for carrying out such policy. Specifically, the office of the director shall:

(a) Make over-all economic analyses of the effects of various regulations on the rent control program.

(b) Make recommendations concerning the fairness and equity of rent ceilings throughout the United States.

(c) Draft new programs which the rent department may undertake.

(d) Collaborate with economic advisers of other federal agencies on policies and methods for stabilizing the national economy in the broad field of residential real estate.

§ 1305.1763 *Regulations and Review Branch.* The regulations and review branch shall be responsible for formulating policies and making recommendations concerning the establishment and removal of rent control in defense-rental areas throughout the United States, and for review of all rent regulations, amendments, interpretations, and Administrator's opinions on protest prior to their issuance to determine their economic implications and to assure conformity with the basic policies of the rent control program. Specifically, the branch shall:

(a) Formulate policies and develop procedures for the establishment and removal of rent control. Make surveys and analyze survey data on the need for control of rents and the decontrol of rents in defense-rental areas and, on the basis of these analyses, make recommendations for the establishment and removal of rent control, the maximum rent dates for new areas, and the geographic boundaries of areas to be placed under rent control or decontrolled.

(b) Review rent regulations, amendments, interpretations and Administrator's opinions on protests prior to their issuance to determine their economic implications and to assure conformity with the basic policies of the rent control program. Where necessary, initiate new amendments and interpretations and recommend alternatives which will make proposed actions conform to the economic objectives of the rent control program.

(c) Prepare economic records and briefs which serve as the basis for legal orders and opinions to dispose of protests against the rent regulations or individual orders issued thereunder and of petitions for amendment of the rent regulations in all cases where an issue is made concerning the need for rent control, the maximum rent dates selected, or the geographic boundaries of defense-rental areas. Advise the court review, research, and opinion division, office of the general counsel, on rent matters.

§ 1305.1764 *Financial and Statistical Branch.* The financial and statistical branch shall be responsible for the collection, analysis and interpretation of all cost data pertaining to rental housing operation; assembling of such financial data as is necessary for a determination on protests against the rent regulations; and the reporting of workload and program statistics from area offices. Spefically, the branch shall:

(a) Program and analyze accounting surveys conducted by the accounting department on the operation of rental housing.

(b) Present graphically the results of the financial or operations work of the branch for use in the national and field offices.

(c) Analyze and present operations statistics received from all field offices.

(d) Prepare economic records and briefs which serve as the basis for legal orders and opinions to dispose of protests against the rent regulations or individual orders issued thereunder and of petitions for amendment of the rent regulations in all cases involving the income and expense of rental housing operation. Advise the Court Review, Research, and Opinion Division on matters concerned with the financial operations of rental housing.

Subpart L—The Field

Field Offices

§ 1305.2000 *Organization.* The price control boards and field offices maintained by the Office of Price Administration are organized into regions, districts, defense rental areas, and zones. This chapter defines these subordinate jurisdictions and their relations to each other and to the national office.

§ 1305.2001 *Regions.* A region comprises the price control boards and field offices in a group of States, Territories or Possessions, combined for administrative purposes, under a regional administrator.

§ 1305.2002 *Districts.* A district is a division of a region comprising price control boards and field offices in counties and independent cities of a State, Territory, or Possession combined for administrative purposes, under a district director.

§ 1305.2003 *Field Zones.* A field zone is a subdivision of a district comprising price control boards grouped together, for administrative purposes, under a board supervisor.

§ 1305.2004 *Defense rental areas.* A defense rental area designated by the Price Administrator, generally consisting of one or more counties to which rent regulations have been made applicable, is regarded, for administrative purposes, as a subdivision of a district, under an area rent director.

§ 1305.2005. *Liaison.* Field offices are units of the operating staff of the Office of Price Administration. Liaison between the field offices and the national office is maintained through the office of the deputy administrator.

Regional Offices

§ 1305.2025 *Location, jurisdiction, and organization.* The United States, and the Territories and possessions under its jurisdiction, is divided for purposes of administration into nine OPA regions.

(a) *Location of regional offices.* OPA regional offices are established in Boston, Mass., Region 1; New York, Region 2; Cleveland, Ohio, Region 3; Atlanta, Ga., Region 4; Dallas, Tex., Region 5; Chicago, Ill., Region 6; Denver, Colo., Region 7; San Francisco, Calif., Region 8; Washington, D. C., Region 9.

(b) *Area comprised in regions.* (1) Region 1 comprises the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

(2) Region 2 comprises the States of Delaware, Maryland, New Jersey, New York, and Pennsylvania, and the District of Columbia.

(3) Region 3 comprises the States of Kentucky, Michigan, Ohio, and West Virginia, and the State of Indiana with the exception of Lake County thereof.

(4) Region 4 comprises the States of Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

(5) Region 5 comprises the States of Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas.

(6) Region 6 comprises the States of Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, and Lake County of the State of Indiana.

(7) Region 7 comprises the States of Colorado, Idaho (except Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties), Montana, New Mexico, Utah, and Wyoming; and those portions of Coconino and Mohave Counties of the State of Arizona lying north of the Colorado River, and Malheur County of the State of Oregon.

(8) Region 8 comprises the States of Arizona (except those portions of Coconino and Mohave Counties lying north of the Colorado River), California, Nevada, Oregon (except Malheur County), and Washington, and Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties of the State of Idaho.

(9) Region 9 comprises Alaska, Hawaii, Canal Zone, Puerto Rico, Virgin Islands, and all other Territories and possessions of the United States.

(c) *Jurisdiction.* Each regional office shall have jurisdiction of the several districts within the region.

(d) *Organization outline.* In each region the regional office staff shall comprise the office of the regional administrator, the regional executive staff, and the regional administrative staff, and the regional operating staff.

§ 1305.2026 *Office of the Regional Administrator.* The office of the regional administrator shall comprise the deputy regional administrator, the assistant regional administrator in charge of boards and such other assistants as the Administrator may authorize. (a) The authority of the regional administrator, except as expressly reserved, shall be exercised:

(1) Generally by the deputy regional administrator for purposes of over-all regional administration and management, including planning and coordinating programs, executing and administering orders, regulations, and directives, and managing and supervising regional operations and personnel.

(2) Particularly by regional executives of operating divisions for planning and technically directing their several programs.

(3) Specifically by the assistant regional administrator in charge of boards and other assistants to the regional administrator for purposes of a particular project involving two or more programs, assigned by the regional administrator or deputy regional administrator.

(b) The regional administrator, whenever he is to be absent from the regional office for more than 1 business day, shall designate in writing the deputy regional administrator or, in his absence, a responsible member of the regional office staff as acting regional administrator with full authority to act for him during his absence in all matters not expressly reserved in the written delegation, of which a copy shall be kept permanently on file.

§ 1305.2027 *Responsibility and authority of the regional administrator.* In each region the regional administrator:

(a) Shall be appointed by the Administrator, and may be removed by him in accordance with established Civil Service and OPA procedure.

(b) Shall be responsible to the office of the Administrator for:

(1) All operations.

(2) Conformity of regional operations to orders, regulations, directives, interpretations, instructions, and statements of policy issued by authority of the administrator, § 1305.527.

(3) Management and supervision of districts.

(4) Direction and supervision of the regional office staff.

(5) Preparation and submission of reports required by the office of the Administrator, the executive offices, or the operating departments.

(c) Shall have authority:

(1) To plan, coordinate, direct, and supervise all operations.

(2) To classify such positions as may be authorized by the Administrator, subject to the conditions established in such authorizations.

(3) To appoint and remove district directors and all members of the regional office staff in accordance with established Civil Service and OPA procedure.

(i) In appointing or removing a deputy regional administrator, an assistant to the regional administrator, or a district director, he shall secure prior approval of the office of the Administrator.

(ii) In appointing or removing the executive head of a regional division he shall consult with the appropriate management office or operating department.

(iii) In appointing or removing other members of the regional office staff, he shall consult the appropriate regional executives.

(4) To allot budget and positions to the regional office and the several districts.

(5) To visit and inspect all offices and to evaluate the performance of all personnel.

(d) Shall sign all documents requiring official signature with his name and title.

(e) Shall have the right to represent to the Administrator through the appropriate operating department or management office that in his judgment any policy, procedure, or program is detrimental to the interests of OPA in his region, but he shall not alter, amend, nullify, or suspend any order, regulation, directive, instruction or statement of policy issued by authority of the Administrator.

§ 1305.2028 *Regional executive staff.* In each region the regional office executive staff shall comprise the deputy regional administrator, the assistant regional administrator in charge of boards, and the other assistants and advisers to the regional administrator.

§ 1305.2029 *Regional administrative staff.* The regional office administrative staff shall comprise the regional administrative service division, the regional budget and finance division, the regional personnel division, and the regional administrative analyst.

§ 1305.2030 *Regional operating staff.* The regional office operating staff shall comprise the regional accounting division, the regional enforcement division, the regional information division, the regional price division, and the regional rent division.

§ 1305.2031 *Deputy regional administrator.* The deputy regional administrator is responsible to the regional administer for all operations in the region under programs and policies established by authority of the Administrator or the regional administrator; for direction and supervision of the regional office and the district offices; and for providing and adjusting management services to the needs of regional office divisions, district offices, area rent offices, branch offices, rent stations, and price control boards.

(a) As alternate and executive assistant to the regional administrator, the deputy regional administrator shall act for him in his absence; maintain a file of all delegation orders issued by the regional administrator; make assignments to the executive, administrative, and operating staffs; direct and supervise district directors; and receive their reports.

(b) As general manager for the region the deputy regional administrator shall adapt national programs and projects to regional needs and conditions and coordinate programs and projects of the regional staffs by establishing priorities, objectives, and standards of performance; maintain liaison between the operating departments and the several operating levels through regional and district operating executives, and between the management offices and the several administrative levels through regional and district administrative officers; develop and assign work in terms of positions and persons and standards of performance, evaluating the performance by regional divisions, districts, defense rental areas, and boards and participating in the solution of problems of inadequate operating or administrative results.

§ 1305.2032 *Assistants to the regional administrator.* Each assistant to the regional administrator shall be responsible to him for executing any special assignment made by the regional administrator or the deputy regional administrator. One such assistant in each region shall be in charge of boards and shall serve as the regional price board executive and shall be responsible to the regional administrator for operation of price and rationing controls by the boards in the region, and for reducing the number of price control boards in accordance with established policy and procedure.

(a) He shall plan board programs in collaboration with appropriate operating division.

(b) He shall provide district offices advance information of operating plans and program developments, secure from them specific reports of program administration by boards, and appraise district board operations.

(c) He shall plan, install, and technically direct the volunteer program.

(d) He shall review district office reports, appraising performance, correcting defects, and recommending to operating divisions changes in programs and procedures to effect improvements.

(e) He shall liquidate or consolidate boards in accordance with national and regional policies.

§ 1305.2033 *Advisers to the regional administrator.* Each adviser to the regional administrator is responsible for furnishing him, or such officers and organization units as he may designate, information, counsel, and advice within the particular field of his professional competence.

§ 1305.2034 *Regional administrative divisions.* The regional administrative divisions are responsible, jointly, for advising the regional administrator and the deputy regional administrator on matters of management, organization, and administrative planning; and severally for representing the regional administrator in public relations that involve matters within their respective assignments. They shall provide technical supervision to the district administrative division.

(a) The administrative service division, under the regional administrative service officer, is responsible for furnishing the regional administrative services; and shall:

(1) Perform in the regional office, and direct in the district offices, all service operations, including the procurement, allocation, and maintenance of space; the procurement, storage, issue, and transfer of equipment and supplies; the maintenance of inventories and other property records; the maintenance of communications, mail, and messenger service; the provision of receptionist, stenographic, and travel service; the operation of the regional files and library; and the procurement of duplicating and emergency printing services.

(2) Manage the distribution center, directing the receipt, storage, control, safeguarding, and distribution of all materials, forms, and documents which are distributed to district offices, price control boards, mailing centers, business firms, and the public.

(3) Manage the verification center, verifying the validity and quantity of rationing evidences deposited, debiting and crediting dealers' accounts, and safeguarding and disposing of accountable documents.

(b) The budget and finance division, under the regional budget and finance officer, is responsible for furnishing the regional administrator and the regional office staff budgetary and fiscal service; and shall:

(1) Supervise preparation of budget estimates for the regional and district offices and other units, and integration of estimates and justifications into a coordinated budget estimate.

(2) Administer the authorized budget, including allotment and current adjustment of positions, annual salary, and fund limitations, and maintain liaison with regional organization units to adapt staffing and operations to budgetary limitations.

(3) Appraise budgetary needs of regional units as far in advance as possible and consult with operating units on ways and means of carrying increased workload with existing resources, and making estimates of additional budgetary needs where no alternative is feasible.

(4) Identify and report areas where studies of organization, staffing, procedures, and management practices would make possible operating improvements or budgetary savings, performing such cost and statistical studies as possible with available staff.

(5) Maintain fiscal activities including accounting records on control allotments, obligations, and expenditures.

(6) Maintain records of time, leave, retirement, war bonds, and tax deductions; prepare and audit pay rolls; and audit travel, transportation, purchase, and other vouchers and claims against regional funds.

(7) Prepare fiscal accounting reports and assimilate and prepare all employment reports for the region.

(c) The personnel division, under the regional personnel officer, is responsible for furnishing the regional administrator and the regional office staff personnel management service; and shall:

(1) Develop and maintain a practical personnel program for all operating levels of the region.

(2) Administer the personnel program in the regional office, coordinating personnel requirements of organization units, and directing the recruiting, placement, training, and employee relations operations, and supervising the administration of the personnel program in the district offices by the district administrative division.

§ 1305.2035 *Regional administrative analysis section.* The regional administrative analysis section under the regional administrative analyst is responsible to the regional administrator and the deputy regional administrator for furnishing administrative plans and appraisals of organization, staffing, procedures, and operations prepared under technical direction of the office of budget and planning and supervision of the deputy regional administrator; and shall:

(a) Assist in developing and maintaining a plan of organization adequate to direct, coordinate, and control operating program.

(b) Plan, review, and coordinate administrative releases and proposed forms and reports.

(c) Issue administrative releases and direct the installation of new procedures.

(d) Survey organization, staffing, and procedures to eliminate duplication and waste.

(e) Evaluate performance in the light of estimated workload and recorded achievement.

§ 1305.2036 *Regional operating divisions.* The regional operating divisions are responsible to the regional administrator and the deputy regional administrator, jointly for furnishing counsel and advice in the establishment of regional policy and in coordinating regional programs and projects, and severally for operation of their programs in the region under technical direction of the corresponding operating department. They shall represent the regional administrator in public relations concerning their respective programs and in giving technical supervision to district operating divisions.

(a) The regional accounting division, under the regional accounting executive, shall:

(1) Provide accounting and auditing service to the executive, administrative, and operating divisions of the regional office staff.

(i) The regional accounting executive shall determine the availability of man power with respect to any divisional request after consultation with the requesting division concerning the need, character, and workload of the requested operation.

(ii) The executive head of the division requesting an accounting or auditing operation shall be responsible for furnishing all necessary information and instruction regarding applicable regulations, interpretations and specifications to the accountant assigned to the operation, and for supplying clerical personnel to assist him.

(iii) The accountant assigned to the operation is responsible to the regional accounting executive for performance of the assignment in conformity with accounting department procedure and for supervision of the clerical personnel supplied to him.

(iv) The regional accounting executive is responsible for transmitting the approved report of the assigned accountant to the requesting division.

(v) The accountant assigned to a divisional operation shall have no responsibility for any divisional decision or action based on his report.

(2) Provide for periodic audit of the ration currency accountability system at district and regional offices.

(3) Maintain a complete file of accounting and auditing reports submitted by regional accounting division personnel.

(b) *Regional enforcement division.* The regional enforcement division under the regional enforcement executive, shall comprise the litigation section, the field operations section, and such commodity sections as the deputy administrator for enforcement may authorize, and shall exercise technical supervision of district enforcement divisions.

(1) The regional enforcement executive shall, with appropriate delegation to his staff, plan, direct, and supervise all enforcement activities throughout the region.

(2) The litigation section shall function as experts on the litigation aspects of enforcement; conduct legal research; as delegated by the national office, handle appellate litigation; try and assist in the trial of novel and unusually significant or protracted cases; assist regional commodity sections on legal problems, trial tactics, and development and application of sanction and settlement policies.

(3) The field operations section shall assist the regional enforcement executive in the management of enforcement throughout the region (in its non-commodity aspects) on matters crossing commodity lines, and on organization and general operating problems involving either an entire enforcement division or more than one commodity section.

(4) The commodity sections shall, with substantial operating delegation from the regional enforcement executive, plan, direct, and supervise enforcement operations in their respective commodity fields throughout the region.

(c) The regional information division, under the regional information executive, shall:

(1) Assist the regional administrator in the statement of national and regional policies and represent him in liaison with agencies and organs of public information.

(2) Direct the preparation and control the release, of all materials for dissemination by press, radio, and other means of general public communication.

(3) Develop programs for organization, group, and school participation.

(4) Plan and supervise the community service program.

(d) The regional price division, under the regional price executive, is responsible for:

(1) Administering price regulations and shall:

(i) Represent the regional administrator in:

(*a*) Granting or denying individual applications for price authorization and adjustment.

(*b*) Approving or disapproving reports of price determination.

(*c*) Issuing orders establishing or adjusting maximum prices.

(ii) Maintain liaison with members of industries and trades affected by price regulations to secure individual and group cooperation with price control programs, by

(*a*) Establishing cooperating committees.

(*b*) Conducting industry and trade conferences.

(iii) Plan and develop community participation in promoting compliance.

(2) Administering rationing regulations, and shall:

(i) Represent the regional administrator in:

(*a*) Granting or denying applications for ration adjustment.

(*b*) Rendering decisions on appeals from rationing decisions of district offices.

(*c*) Reviewing for conformity to sugar rationing regulations correspondence, opinions and interpretations of rationing regulations issued by the regional office for district offices.

(ii) Maintain ration currency control of ration banking and statistical operations, and:

(*a*) Collaborate with the regional service center in preparing inventories, estimating quantities needed, and working out distribution schedules for rationing forms.

(*b*) Represent the division in all matters affecting verification operations which involve rationing policy and procedure.

(*c*) Secure statistical reports from district offices as required by specific reporting instructions, tabulate, and forward these reports to the national office; and provide any necessary interpretations of statistical data and other statistical services for the division.

(iii) Distribute monthly operational report forms to district offices, and receive and forward these reports to the sugar rationing division in the national office.

(iv) Provide technical information and advise the legal rationing section.

(v) Maintain liaison with numbers of the industries and trades affected by sugar rationing regulations to secure individual and group cooperation with rationing programs.

(e) The regional rent division, under the regional rent executive, shall comprise the operations section, the rent legal section, and the rent review committee.

(1) The operations section shall review reports of field rent representatives and take appropriate action; review and analyze area rent office reports, and

recommend operational improvements; and compile economic data relative to rent.

(2) The rent legal section under the regional rent attorney shall advise the regional rent executive on all legal matters relating to rent control, and provide technical supervision to area rent attorneys.

(3) The rent review committee under the regional rent executive shall comprise representatives of the regional rent executive and of the regional rent attorney, and shall be responsible for handling all proceedings in connection with:

(i) Landlord applications for review.

(ii) Post review of orders of area rent directors.

(iii) Informal review of field office operations.

(iv) Interpretations of rent regulations.

(v) Post review of area rent office interpretations.

(vi) Protests to orders of the regional administrator.

DISTRICT OFFICES

§ 1305.2200 *Location, jurisdiction, and organization.* Each of the eight regions of the continental United States is subdivided for purposes of administration into districts.

(a) *Location.* Appendix 1305.2200 shows the location of the district offices of each of the eight regions, and indicates the district in which each county of the continental United States is located.

(b) *Changes in district boundaries.* No changes shall be made in the boundaries of any district except with the approval of the office of the Administrator, and official notice of such change shall be made by publication in the OPA Manual.

(c) *Jurisdiction.* Each district office shall have immediate jurisdiction of the several area rent offices and price boards within the area comprised in the district.

(d) *Organization outline.* In each district the district office shall comprise the office of the district director, the district management staff and the district operating staff.

§ 1305.2201 *Office of the district director.* The office of the district director shall comprise the district director and such assistants as the regional administrator may authorize.

(a) The authority of the district director, except as expressly reserved, shall be exercised:

(1) Generally by the district director for purposes of over-all district administration and management, including planning and coordinating programs, executing and administering orders, regulations and directives, and managing and supervising district operatings and personnel.

(2) Particularly by district executives of operating divisions for planning and technically directing their several programs.

(3) Specifically:

(i) By the area rent directors for administration of rent regulations and supervision of area rent offices, branch offices and board stations.

(ii) By the district board executive for administration of price regulations by price boards.

(b) The district director, whenever he is to be absent from the district office for more than one business day, shall designate in writing a responsible member of the district office staff as acting district director with full authority to act for him during his absence in all matters not expressly reserved in the written delegation, of which a copy shall be kept permanently on file.

§ 1305.2202 *Responsibility and authority of the district director.* In each district the district director:

(a) Shall be appointed by the regional administrator with prior approval of the office of the Administrator and may be removed by him in accordance with established Civil Service and OPA procedure.

(b) Shall be responsible to the regional administrator for:

(1) All operations.

(2) Conformity of district operations to orders, regulations, directives, interpretations, instructions, and statements of policy issued by authority of the Administrator (§ 1305.510) or the regional administrator (§ 1305.2027).

(3) Management and supervision of area rent offices, branch offices, board stations, field stations and war price and rationing boards.

(4) Direction and supervision of all district personnel including members, volunteer assistants, and employees of price boards.

(5) Preparation and submission of reports required by the office of the Administrator, the management offices, the operating departments, the office of the regional administrator, and the regional management and operating divisions.

(c) Shall have authority:

(1) To plan, coordinate, direct and supervise all operations.

(2) To classify positions under specific delegation of authority from the regional administrator.

(3) To appoint and remove area rent directors, all members of the district office staff, and members, volunteer assistants and employees of price boards, in accordance with established Civil Service and OPA procedure.

(i) In appointing or removing an area rent director, he shall consult with the regional rent executive.

(ii) In appointing or removing a district executive he shall consult with the appropriate regional executive who may nominate qualified candidates for his consideration.

(iii) In appointing or removing any other employee he shall consult the appropriate district executive.

(4) To allot budget and positions by offices, locations, activities, and objects.

(5) To visit and inspect all offices and to evaluate the performance of all personnel.

(d) Shall sign all documents requiring official signature with his name and title.

(e) Shall have the right to represent to the regional administrator that in his judgment any policy, procedure, or program is detrimental to the interests of OPA in his district, but he shall not alter, amend, nullify, or suspend any order, regulation, directive, instruction, or statement of policy issued by authority of the Administrator or the regional administrator.

§ 1305.2203 *District Management Staff.* The district administrative staff shall comprise: the district administrative and board management divisions which, under technical direction of corresponding regional administrative division, shall furnish administrative, board management, budget, fiscal, and personnel services to the district director and all district organization units.

§ 1305.2204 *District Operating Staff.* The district operating staff shall comprise the district accounting, enforcement, information, price (rationing), and rent divisions, which, under technical direction of corresponding regional operating divisions, shall formulate district projects consistent with national programs and regional projects, and provide technical direction to area rent offices and war price and rationing boards in accordance with plans and policies of the operating departments.

APPENDIX—LOCATION OF DISTRICT OFFICES AND LIST OF COUNTIES WITHIN DISTRICT BOUNDARIES

REGION 1—BOSTON, MASS.

District	Counties				
Connecticut: 1. Hartford 4, 55 Allyn St	1. Fairfield. 2. Hartford.	3. Litchfield. 4. Middlesex.	5. New Haven. 6. New London.	7. Tolland. 8. Windham.	9. Suffolk, N. Y. (Fisher's Island)
Maine: 1. Augusta, 151 Water St	1. Androscoggin. 2. Aroostook. 3. Cumberland. 4. Franklin.	5. Hancock. 6. Kennebec. 7. Knox. 8. Lincoln.	9. Oxford. 10. Penobscot. 11. Piscataquis. 12. Sagadahoc.	13. Somerset. 14. Waldo. 15. Washington. 16. York.	
Massachusetts: [1 Boston] 1 8, 55 Tremont St	1. Barnstable. 2. Berkshire. 3. Bristol.	4. Dukes. 5. Essex. 6. Franklin.	7. Hampden. 8. Hampshire. 9. Middlesex.	10. Nantucket. 11. Norfolk. 12. Plymouth.	13. Suffolk. 14. Worcester.
New Hampshire: 1. Concord, 9 Capitol St	1. Belknap. 2. Carroll.	3. Cheshire. 4. Coos.	5. Grafton. 6. Hillsboro.	7. Merrimack. 8. Rockingham.	9. Stafford. 10. Sullivan.

APPENDIX—LOCATION OF DISTRICT OFFICES AND LIST OF COUNTIES WITHIN DISTRICT BOUNDARIES—Continued

REGION 1—BOSTON, MASS.—continued

District	Counties				
Rhode Island: 1. Providence 3, 938 Hospital Trust Bldg.	1. Bristol.	2. Kent.	3. Newport.	4. Providence.	5. Washington.
Vermont: 1. Montpelier, 109 State St.	1. Addison. 2. Bennington. 3. Caledonia.	4. Chittenden. 5. Essex. 6. Franklin.	7. Grand Isle. 8. Lamoille. 9. Orange.	10. Orleans. 11. Rutland. 12. Washington.	13. Windham. 14. Windsor.

REGION 2—NEW YORK, N. Y.

Delaware: 1. Wilmington 50, 105 Pennsylvania Bldg.	1. Kent.	2. New Castle.	3. Sussex.		
District of Columbia: 1. Washington 15, 5601 Connecticut Ave., NW.	1. District of Columbia.				
Maryland: 1. Baltimore 2, 2000 O'Sullivan Bldg.	1. Allegany. 2. Anne Arundel. 3. Baltimore. 4. Baltimore City. 5. Calvert.	6. Caroline. 7. Carroll. 8. Cecil. 9. Charles. 10. Dorchester.	11. Frederick. 12. Garrett. 13. Hartford. 14. Howard. 15. Kent.	16. Montgomery. 17. Prince Georges. 18. Queen Annes. 19. St. Marys. 20. Somerset.	21. Talbot. 22. Washington. 23. Wicomico. 24. Worcester.
New Jersey: 1. Newark 2, 1060 Broad St.	1. Atlantic. 2. Bergen. 3. Burlington. 4. Camden. 5. Cape May.	6. Cumberland. 7. Essex. 8. Gloucester. 9. Hudson.	10. Hunterdon. 11. Mercer. 12. Middlesex. 13. Monmouth.	14. Morris. 15. Ocean. 16. Passaic. 17. Salem.	18. Somerset. 19. Sussex. 20. Union. 21. Warren.
New York:					
1. Albany 7, 112 State St.	1. Albany. 2. Clinton. 3. Columbia. 4. Essex.	5. Franklin. 6. Fulton. 7. Greene. 8. Hamilton.	9. Montgomery. 10. Rensselaer. 11. Saratoga. 12. Schenectady.	13. Schoharie. 14. Ulster. 15. Warren. 16. Washington.	
2. Buffalo 2, 190 Delaware Ave.	1. Allegany. 2. Cattaraugus.	3. Chautauqua. 4. Erie.	5. Genessee. 6. Livingston.	7. Monroe. 8. Niagara.	9. Orleans. 10. Wyoming.
[3. New York City] [1] 1, 350 Fifth Ave.	1. Bronx. 2. Dutchess. 3. Kings.	4. Nassau. 5. New York. 6. Orange.	7. Putnam. 8. Queens. 9. Richmond.	10. Rockland. 11. Suffolk (except Fisher's Island).	12. Westchester.
4. Syracuse 2, 224 Harrison St.	1. Broome. 2. Cayuga. 3. Chemung. 4. Chenango. 5. Cortland.	6. Delaware. 7. Herkimer. 8. Jefferson. 9. Lewis. 10. Madison.	11. Oneida. 12. Onondaga. 13. Ontario. 14. Oswego. 15. Otsego.	16. St. Lawrence. 17. Schuyler. 18. Seneca. 19. Steuben. 20. Sullivan.	21. Tioga. 22. Tompkins. 23. Wayne. 24. Yates.
Pennsylvania:					
1. Philadelphia 3, Broad St., Station Bldg.	1. Adams. 2. Berks. 3. Bucks. 4. Chester.	5. Cumberland. 6. Dauphin. 7. Delaware. 8. Franklin.	9. Juniata. 10. Lancaster. 11. Lebanon. 12. Lehigh.	13. Mifflin. 14. Montgomery. 15. Northampton. 16. Perry.	17. Philadelphia. 18. York.
2. Pittsburgh 22, 1001 Liberty Ave.	1. Allegheny. 2. Armstrong. 3. Beaver. 4. Bedford. 5. Blair.	6. Butler. 7. Cambria. 8. Clarion. 9. Clearfield. 10. Crawford.	11. Erie. 12. Fayette. 13. Forest. 14. Fulton. 15. Greene.	16. Huntingdon. 17. Indiana. 18. Jefferson. 19. Lawrence. 20. Mercer.	21. Somerset. 22. Venango. 23. Warren. 24. Washington. 25. Westmoreland.
3. Scranton 3, Lincoln Trust Bldg.	1. Bradford. 2. Cameron. 3. Carbon. 4. Centre. 5. Clinton.	6. Columbia. 7. Elk. 8. Lackawanna. 9. Luxerne. 10. Lycoming	11. McKean. 12. Monroe. 13. Montour. 14. Northumberland.	15. Pike. 16. Potter. 17. Schuylkill. 18. Snyder. 19. Sullivan.	20. Susquehanna. 21. Tioga. 22. Union. 23. Wayne. 24. Wyoming.

[1] No district office. Functions performed by regional office.

REGION 3—CLEVELAND, OHIO

Indiana:					
1. Indianapolis, 429 North Pennsylvania St.	1. Adams. 2. Allen. 3. Bartholomew. 4. Benton. 5. Blackford. 6. Boone. 7. Brown. 8. Carroll. 9. Cass. 10. Clark. 11. Clay. 12. Clinton. 13. Crawford. 14. Daviess. 15. Dearborn. 16. Decatur. 17. De Kalb. 18. Delaware. 19. Dubois.	20. Elkhart. 21. Fayette. 22. Floyd. 23. Fountain. 24. Franklin. 25. Fulton. 26. Gibson. 27. Grant. 28. Greene. 29. Hamilton. 30. Hancock. 31. Harrison. 32. Hendricks. 33. Henry. 34. Howard. 35. Huntington. 36. Jackson. 37. Jasper. 38. Jay.	39. Jefferson. 40. Jennings. 41. Johnson. 42. Knox. 43. Kosciusko. 44. Lagrange. 45. La Porte. 46. Lawrence. 47. Madison. 48. Marion. 49. Marshall. 50. Martin. 51. Miami. 52. Monroe. 53. Montgomery. 54. Morgan. 55. Newton. 56. Noble. 57. Ohio.	58. Orange. 59. Owen. 60. Parke. 61. Perry. 62. Pike. 63. Porter. 64. Posey. 65. Pulaski. 66. Putnam. 67. Randolph. 68. Ripley. 69. Rush. 70. St. Joseph. 71. Scott. 72. Shelby. 73. Spencer. 74. Starke. 75. Steuben. 76. Sullivan.	77. Switzerland. 78. Tippecanoe. 79. Tipton. 80. Union. 81. Vanderburgh. 82. Vermillion. 83. Vigo. 84. Wabash. 85. Warren. 86. Warrick. 87. Washington. 88. Wayne. 89. Wells. 90. White. 91. Whitley.
Chicago, Ill., district [2]	Lake.				
Kentucky: 1. Louisville 2, 700 Kenyon Bldg.	1. Adair. 2. Allen. 3. Anderson. 4. Ballard. 5. Barren. 6. Bath. 7. Bell. 8. Boone. 9. Bourbon. 10. Boyd. 11. Boyle. 12. Bracken. 13. Breathitt.	14. Breckenridge. 15. Bullitt. 16. Butler. 17. Caldwell. 18. Calloway. 19. Campbell. 20. Carlisle. 21. Carroll. 22. Carter. 23. Casey. 24. Christian. 25. Clark. 26. Clay.	27. Clinton. 28. Crittenden. 29. Cumberland. 30. Daviess. 31. Edmonson. 32. Elliott. 33. Estill. 34. Fayette. 35. Fleming. 36. Floyd. 37. Franklin. 38. Fulton. 39. Gallatin.	40. Garrard. 41. Grant. 42. Graves. 43. Grayson. 44. Green. 45. Greenup. 46. Hancock. 47. Hardin. 48. Harlan. 49. Harrison. 50. Hart. 51. Henderson. 52. Henry.	53. Hickman. 54. Hopkins. 55. Jackson. 56. Jefferson. 57. Jessamine. 58. Johnson. 59. Kenton. 60. Knott. 61. Knox. 62. Larue. 63. Laurel. 64. Lawrence. 65. Lee.

[2] These counties are portions of districts with headquarters outside the State.

APPENDIX—LOCATION OF DISTRICT OFFICES AND LIST OF COUNTIES WITHIN DISTRICT BOUNDARIES—Continued

REGION 3—CLEVELAND, OHIO—continued

District	Counties				
Kentucky: 1. Louisville 2, 700 Kenyon Bldg—Con.	66. Leslie. 67. Letcher. 68. Lewis. 69. Lincoln. 70. Livingston. 71. Logan. 72. Lyon. 73. Madison. 74. Magoffin. 75. Marion. 76. Marshall.	77. Martin. 78. Mason. 79. McCracken. 80. McCreary. 81. McLean. 82. Meade. 83. Menifee. 84. Mercer. 85. Metcalfe. 86. Monroe. 87. Montgomery.	88. Morgan. 89. Muhlenberg. 90. Nelson. 91. Nicholas. 92. Ohio. 93. Oldham. 94. Owen. 95. Owsley. 96. Pendleton. 97. Perry. 98. Pike.	99. Powell. 100. Pulaski. 101. Robertson. 102. Rockcastle. 103. Rowan. 104. Russell. 105. Scott. 106. Shelby. 107. Simpson. 108. Spencer. 109. Taylor.	110. Todd. 111. Trigg. 112. Trimble. 113. Union. 114. Warren. 115. Washington. 116. Wayne. 117. Webster. 118. Whitley. 119. Wolfe. 120. Woodford.
Michigan: 1. Detroit, 600 Griswold Ave	1. Alcona. 2. Alger. 3. Allegan. 4. Alpena. 5. Antrim. 6. Arenac. 7. Baraga. 8. Barry. 9. Bay. 10. Benzie. 11. Berrien. 12. Branch. 13. Calhoun. 14. Cass. 15. Charlevoix. 16. Cheboygan. 17. Chippewa.	18. Clare. 19. Crawford. 20. Clinton. 21. Delta. 22. Dickinson. 23. Eaton. 24. Emmet. 25. Genesee. 26. Gladwin. 27. Gogebic. 28. Grand Traverse. 29. Gratiot. 30. Hillsdale. 31. Houghton. 32. Huron. 33. Ingham. 34. Ionia.	35. Iosco. 36. Iron. 37. Isabella. 38. Jackson. 39. Kalamazoo. 40. Kalkaska. 41. Kent. 42. Keweenaw. 43. Lake. 44. Lapeer. 45. Leelanau. 46. Lenawee. 47. Livingston. 48. Luce. 49. Mackinac. 50. Macomb. 51. Manistee.	52. Marquette. 53. Mason. 54. Mecosta. 55. Menominee. 56. Midland. 57. Missaukee. 58. Monroe. 59. Montcalm. 60. Montmorency. 61. Muskegon. 62. Newaygo. 63. Oakland. 64. Oceana. 65. Ogemaw. 66. Ontonagon. 67. Osceola. 68. Oscoda.	69. Otsego. 70. Ottawa. 71. Presque Isle. 72. Roscommon. 73. Saginaw. 74. St. Clair. 75. St. Joseph. 76. Sanilac. 77. Schoolcraft. 78. Shiawasee. 79. Tuscola. 80. Van Buren. 81. Washtenaw. 82. Wayne. 83. Wexford.
Ohio:					
1. Cincinnati 2, 605 Union Trust Bldg	1. Adams. 2. Athens. 3. Belmont. 4. Brown. 5. Butler. 6. Champaign. 7. Clark. 8. Clermont. 9. Clinton. 10. Coshocton.	11. Darke. 12. Delaware. 13. Fairfield. 14. Fayette. 15. Franklin. 16. Gallia. 17. Greene. 18. Guernsey. 19. Hamilton. 20. Harrison.	21. Highland. 22. Hocking. 23. Holmes. 24. Jackson. 25. Jefferson. 26. Knox. 27. Lawrence. 28. Licking. 29. Logan. 30. Madison.	31. Marion. 32. Meigs. 33. Miami. 34. Monroe. 35. Montgomery. 36. Morgan. 37. Morrow. 38. Muskingum. 39. Noble. 40. Perry.	41. Pickaway. 42. Pike. 43. Preble. 44. Ross. 45. Scioto. 46. Shelby. 47. Union. 48. Vinton. 49. Warren. 50. Washington.
2. Cleveland 14, Union Commerce Bldg	1. Allen. 2. Ashland. 3. Ashtabula. 4. Auglaize. 5. Carroll. 6. Columbiana. 7. Crawford. 8. Cuyahoga.	9. Defiance. 10. Erie. 11. Fulton. 12. Geauga. 13. Hancock. 14. Hardin. 15. Henry. 16. Huron.	17. Lake. 18. Lorain. 19. Lucas. 20. Mahoning. 21. Median. 22. Mercer. 23. Ottawa. 24. Paulding.	25. Portage. 26. Putnam. 27. Richland. 28. Sandusky. 29. Seneca. 30. Stark. 31. Summit. 32. Trumbull.	33. Tuscarawas. 34. Van Wert. 35. Wayne. 36. Williams. 37. Wood. 38. Wyandot.
West Virginia: 1. Charleston 5, 223 Peoples Bldg	1. Barbour. 2. Berkeley. 3. Boone. 4. Braxton. 5. Brooke. 6. Cabell. 7. Calhoun. 8. Clay. 9. Doddridge. 10. Fayette. 11. Gilmer.	12. Grant. 13. Greenbrier. 14. Hampshire. 15. Hancock. 16. Hardy. 17. Harrison. 18. Jackson. 19. Jefferson. 20. Kanawha. 21. Lewis. 22. Lincoln.	23. Logan. 24. McDowell. 25. Marion. 26. Marshall. 27. Mason. 28. Mercer. 29. Mineral. 30. Mingo. 31. Monongalia. 32. Monroe. 33. Morgan.	34. Nicholas. 35. Ohio. 36. Pendleton. 37. Pleasants. 38. Pocahontas. 39. Preston. 40. Putnam. 41. Raleigh. 42. Randolph. 43. Ritchie. 44. Roane.	45. Summers. 46. Taylor. 47. Tucker. 48. Tyler. 49. Upshur. 50. Wayne. 51. Webster. 52. Wetzel. 53. Wirt. 54. Wood. 55. Wyoming.

REGION 4—ATLANTA, GA.

Alabama: 1. Birmingham 3, Phoenix Bldg., Rm. 222	1. Autauga. 2. Baldwin. 3. Barbour. 4. Bibb. 5. Blount. 6. Bullock. 7. Butler. 8. Calhoun. 9. Chambers. 10. Cherokee. 11. Chilton. 12. Choctaw. 13. Clarke. 14. Clay.	15. Cleburne. 16. Coffee. 17. Colbert. 18. Conecuh. 19. Coosa. 20. Covington. 21. Crenshaw. 22. Cullman. 23. Dale. 24. Dallas. 25. De Kalb. 26. Elmore. 27. Escambia. 28. Etowah.	29. Fayette. 30. Franklin. 31. Geneva. 32. Greene. 33. Hale. 34. Henry. 35. Houston. 36. Jackson. 37. Jefferson. 38. Lamar. 39. Lauderdale. 40. Lawrence. 41. Lee. 42. Limestone.	43. Lowndes. 44. Macon. 45. Madison. 46. Marengo. 47. Marion. 48. Marshall. 49. Mobile. 50. Monroe. 51. Montgomery. 52. Morgan. 53. Perry. 54. Pickens. 55. Pike. 56. Randolph.	57. Russell. 58. St. Clair. 59. Shelby. 60. Sumter. 61. Talladega. 62. Tallapoosa. 63. Tuscaloosa. 64. Walker. 65. Washington. 66. Wilcox. 67. Winston.
Florida:					
1. Jacksonville 2, Barnett National Bank Bldg	1. Alachua. 2. Baker. 3. Bay. 4. Bradford. 5. Brevard. 6. Calhoun. 7. Citrus. 8. Clay. 9. Columbia.	10. Dixie. 11. Duval. 12. Escambia. 13. Flagler. 14. Franklin. 15. Gadsden. 16. Gilchrist. 17. Gulf. 18. Hamilton.	19. Holmes. 20. Jackson. 21. Jefferson. 22. Lafayette. 23. Lake. 24. Leon. 25. Levy. 26. Liberty. 27. Madison.	28. Marion. 29. Nassau. 30. Okaloosa. 31. Orange. 32. Putnam. 33. St. Johns. 34. Santa Rosa. 35. Seminole. 36. Sumter.	37. Suwannee. 38. Taylor. 39. Union. 40. Volusia. 41. Wakulla. 42. Walton. 43. Washington.
2. Miami 32, Seybold Bldg	1. Broward. 2. Charlotte. 3. Collier. 4. Dade. 5. De Soto.	6. Glades. 7. Hardee. 8. Hendry. 9. Hernando. 10. Highlands.	11. Hillsborough. 12. Indian River. 13. Lee. 14. Manatee. 15. Martin.	16. Monroe. 17. Okeechobee. 18. Osceola. 19. Palm Beach. 20. Pasco.	21. Pinellas. 22. Polk. 23. St. Lucie. 24. Sarasota.
Georgia: 1. Atlanta 3, 449 W. Peachtree St., NE	1. Appling. 2. Atkinson. 3. Bacon. 4. Baker. 5. Baldwin. 6. Banks. 7. Barrow. 8. Bartow. 9. Ben Hill. 10. Berrien.	11. Bibb. 12. Bleckley. 13. Brantley. 14. Brooks. 15. Bryan. 16. Bulloch. 17. Burke. 18. Butts. 19. Calhoun. 20. Camden.	21. Candler. 22. Carroll. 23. Catoosa. 24. Charlton. 25. Chatham. 26. Chattahoochee. 27. Chattooga. 28. Cherokee. 29. Clarke. 30. Clay.	31. Clayton. 32. Clinch. 33. Cobb. 34. Coffee. 35. Colquitt. 36. Columbia. 37. Cook. 38. Coweta. 39. Crawford. 40. Crisp.	41. Dade. 42. Dawson. 43. Decatur. 44. De Kalb. 45. Dodge. 46. Dooley. 47. Dougherty. 48. Douglas. 49. Early. 50. Echols.

APPENDIX—LOCATION OF DISTRICT OFFICES AND LIST OF COUNTIES WITHIN DISTRICT BOUNDARIES—Continued

REGION 4—ATLANTA, GA.—continued

District	Counties				
Georgia: 1 Atlanta 3, 449 W. Peachtree St., N. E.—Continued.	51. Effingham. 52. Elbert. 53. Emanuel. 54. Evans. 55. Fannin. 56. Fayette. 57. Floyd. 58. Forsyth. 59. Franklin. 60. Fulton. 61. Gilmer. 62. Glascock. 63. Glynn. 64. Gordon. 65. Grady. 66. Greene. 67. Gwinnett. 68. Habersham. 69. Hall. 70. Hancock. 71. Haralson. 72. Harris.	73. Hart. 74. Heard. 75. Henry. 76. Houston. 77. Irwin. 78. Jackson. 79. Jasper. 80. Jeff Davis. 81. Jefferson. 82. Jenkins. 83. Johnson. 84. Jones. 85. Lamar. 86. Lanier. 87. Laurens. 88. Lee. 89. Liberty. 90. Lincoln. 91. Long. 92. Lowndes. 93. Lumpkin. 94. Macon.	95. Madison. 96. Marion. 97. McDuffie. 98. McIntosh. 99. Meriwether. 100. Miller. 101. Mitchell. 102. Monroe. 103. Montgomery. 104. Morgan. 105. Murray. 106. Muscogee. 107. Newton. 108. Oconee. 109. Oglethorpe. 110. Paulding. 111. Peach. 112. Pickens. 113. Pierce. 114. Pike. 115. Polk. 116. Pulaski.	117. Putnam. 118. Quitman. 119. Rabun. 120. Randolph. 121. Richmond. 122. Rockdale. 123. Schley. 124. Screven. 125. Seminole. 126. Spalding. 127. Stephens. 128. Stewart. 129. Sumter. 130. Talbot. 131. Taliaferro. 132. Tattnall. 133. Taylor. 134. Telfair. 135. Terrell. 136. Thomas. 137. Tift. 138. Toombs.	139. Towns. 140. Treutlen. 141. Troup. 142. Turner. 143. Twiggs. 144. Union. 145. Upson. 146. Walker. 147. Walton. 148. Ware. 149. Warren. 150. Washington. 151. Wayne. 152. Webster. 153. Wheeler. 154. White. 155. Whitfield. 156. Wilcox. 157. Wilkes. 158. Wilkinson. 159. Worth.
Mississippi: 1. Jackson 1, Tower Bldg	1. Adams 2. Alcorn. 3. Amite. 4. Attala. 5. Benton. 6. Bolivar. 7. Calhoun. 8. Carroll. 9. Chickasaw. 10. Choctaw. 11. Claiborne. 12. Clarke. 13. Clay. 14. Coahoma. 15. Copiah. 16. Covington. 17. DeSoto.	18. Forrest. 19. Franklin. 20. George. 21. Greene. 22. Grenada. 23. Hancock. 24. Harrison. 25. Hinds. 26. Holmes. 27. Humphreys. 28. Issaquena. 29. Itawamba. 30. Jackson. 31. Jasper. 32. Jefferson. 33. Jefferson Davis. 34. Jones.	35. Kemper. 36. Lafayette. 37. Lamar. 38. Lauderdale. 39. Lawrence. 40. Leake. 41. Lee. 42. Leflore. 43. Lincoln. 44. Lowndes. 45. Madison. 46. Marion. 47. Marshall. 48. Monroe. 49. Montgomery. 50. Neshoba.	51. Newton. 52. Noxubee. 53. Oktibbeha. 54. Panola. 55. Pearl River. 56. Perry. 57. Pike. 58. Pontotoc. 59. Prentiss. 60. Quitman. 61. Rankin. 62. Scott. 63. Sharkey. 64. Simpson. 65. Smith. 66. Stone.	67. Sunflower. 68. Tallahatchie. 69. Tate. 70. Tippah. 71. Tishomingo. 72. Tunica. 73. Union. 74. Walthall. 75. Warren. 76. Washington. 77. Wayne. 78. Webster. 79. Wilkinson. 80. Winston. 81. Yalobusha. 82. Yazoo.
North Carolina: 1. Raleigh, Capitol Club Bldg	1. Alamance. 2. Alexander. 3. Allegheny. 4. Anson. 5. Ashe. 6. Avery. 7. Beaufort. 8. Bertie. 9. Bladen. 10. Brunswick. 11. Buncombe. 12. Burke. 13. Cabarrus. 14. Caldwell. 15. Camden. 16. Carteret. 17. Caswell. 18. Catawba. 19. Chatham. 20. Cherokee. 21. Chowan.	22. Clay. 23. Cleveland. 24. Columbus. 25. Craven. 26. Cumberland. 27. Currituck. 28. Dare. 29. Davidson. 30. Davie. 31. Duplin. 32. Durham. 33. Edgecombe. 34. Forsyth. 35. Franklin. 36. Gaston. 37. Gates. 38. Graham. 39. Granville. 40. Greene. 41. Guilford.	42. Halifax. 43. Harnett. 44. Hartford. 45. Haywood. 46. Henderson. 47. Hoke. 48. Hyde. 49. Iredell. 50. Jackson. 51. Johnston. 52. Jones. 53. Lee. 54. Lenoir. 55. Lincoln. 56. Macon. 57. Madison. 58. Martin. 59. McDowell. 60. Mecklenburg. 61. Mitchell.	62. Montgomery. 63. Moore. 64. Nash. 65. New Hanover. 66. Northampton. 67. Onslow. 68. Orange. 69. Pamlico. 70. Pasquotank. 71. Pender. 72. Perquimans. 73. Person. 74. Pitt. 75. Polk. 76. Randolph. 77. Richmond. 78. Robeson. 79. Rockingham. 80. Rocky Mount. 81. Rowan.	82. Rutherford. 83. Sampson. 84. Scotland. 85. Stanly. 86. Stokes. 87. Surry. 88. Swain. 89. Transylvania. 90. Tyrell. 91. Union. 92. Vance. 93. Wake. 94. Warren. 95. Washington. 96. Watauga. 97. Wayne. 98. Wilkes. 99. Wilson. 100. Yadkin. 101. Yancey.
South Carolina: 1. Columbia 7, Liberty Life Bldg	1. Abbeville. 2. Aiken. 3. Allendale. 4. Anderson. 5. Bamberg. 6. Barnwell. 7. Beaufort. 8. Berkeley. 9. Calhoun. 10. Charleston.	11. Cherokee. 12. Chester. 13. Chesterfield. 14. Clarendon. 15. Colleton. 16. Darlington. 17. Dillon. 18. Dorchester. 19. Edgefield.	20. Fairfield. 21. Florence. 22. Georgetown. 23. Greenville. 24. Greenwood. 25. Hampton. 26. Horry. 27. Jasper. 28. Kershaw.	29. Lancaster. 30. Laurens. 31. Lee. 32. Lexington. 33. McCormick. 34. Marion. 35. Marlboro. 36. Newberry. 37. Oconee.	38. Orangeburg. 39. Pickens. 40. Richland. 41. Saluda. 42. Spartanburg. 43. Sumter. 44. Union. 45. Williamsburg. 46. York.
Tennessee: 1. Memphis, 2113 Sterick Bldg	1. Bedford. 2. Benton. 3. Carroll. 4. Chester. 5. Coffee. 6. Crockett. 7. Decatur. 8. Dickson. 9. Dyer.	10. Fayette. 11. Franklin. 12. Gibson. 13. Giles. 14. Grundy. 15. Hardeman. 16. Hardin. 17. Haywood. 18. Henderson.	19. Henry. 20. Hickman. 21. Houston. 22. Humphreys. 23. Lake. 24. Lauderdale. 25. Lawrence. 26. Lewis. 27. Lincoln.	28. Madison. 29. Marion. 30. Marshall. 31. Maury. 32. McNairy. 33. Montgomery. 34. Moore. 35. Obion. 36. Perry.	37. Shelby. 38. Stewart. 39. Tipton. 40. Wayne. 41. Weakley.
2. Nashville 3, Stahlman Bldg	1. Anderson. 2. Bledsoe. 3. Blount. 4. Bradley. 5. Campbell. 6. Cannon. 7. Carter. 8. Cheatham. 9. Claiborne. 10. Clay. 11. Cocke.	12. Cumberland. 13. Davidson. 14. De Kalb. 15. Fentress. 16. Grainger. 17. Greene. 18. Hamblen. 19. Hamilton. 20. Hancock. 21. Hawkins. 22. Jackson.	23. Jefferson. 24. Johnson. 25. Knox. 26. Loudon. 27. Macon. 28. McMinn. 29. Meigs. 30. Monroe. 31. Morgan. 32. Overton. 33. Pickett.	34. Polk. 35. Putnam. 36. Rhea. 37. Roane. 38. Robertson. 39. Rutherford. 40. Scott. 41. Sequatchie. 42. Sevier. 43. Smith. 44. Sullivan.	45. Sumner. 46. Trousdale. 47. Unicoi. 48. Union. 49. Van Buren. 50. Warren. 51. Washington. 52. White. 53. Williamson. 54. Wilson.
Virginia: 1. Richmond 9, 7th and Franklin Sts	1. Accomac. 2. Albermarle. 3. Alleghany. 4. Amelia. 5. Amherst. 6. Appomattox. 7. Arlington. 8. Augusta. 9. Bath. 10. Bedford. 11. Bland.	12. Botetourt. 13. Brunswick. 14. Buchanan. 15. Buckingham. 16. Campbell. 17. Caroline. 18. Carroll. 19. Charles City. 20. Charlotte. 21. Chesterfield. 22. Clarke.	23. Craig. 24. Culpeper. 25. Cumberland. 26. Dickenson. 27. Dinwiddie. 28. Elizabeth City. 29. Essex. 30. Fairfax. 31. Fauquier. 32. Floyd. 33. Fluvanna.	34. Franklin. 35. Frederick. 36. Giles. 37. Gloucester. 38. Goochland. 39. Grayson. 40. Greene. 41. Greensville. 42. Halifax. 43. Hanover. 44. Henrico.	45. Henry. 46. Highland. 47. Isle of Wight. 48. James City. 49. King & Queen. 50. King George. 51. King William. 52. Lancaster. 53. Lee. 54. Loudoun. 55. Louisa.

APPENDIX—LOCATION OF DISTRICT OFFICES AND LIST OF COUNTIES WITHIN DISTRICT BOUNDARIES—Continued

REGION 4—ATLANTA, GA.—continued

District	Counties				
Virginia—Continued					
1. Richmond 9, 7th and Franklin Sts	56. Lunenburg. 57. Madison. 58. Mathews. 59. Mecklenburg. 60. Middlesex. 61. Montgomery. 62. Nansemond. 63. Nelson. 64. New Kent.	65. Norfolk. 66. Northampton. 67. Northumberland. 68. Nottoway. 69. Orange. 70. Page. 71. Patrick. 72. Pittsylvania. 73. Powhatan.	74. Prince Edward. 75. Prince George. 76. Prince William. 77. Princess Anne. 78. Pulaski. 79. Rappahannock. 80. Richmond. 81. Roanoke. 82. Rockbridge.	83. Rockingham. 84. Russell. 85. Scott. 86. Shenandoah. 87. Smyth. 88. Southampton. 89. Spotsylvania. 90. Stafford. 91. Surry.	92. Sussex. 93. Tazewell. 94. Warren. 95. Warwick. 96. Washington. 97. Westmoreland. 98. Wise. 99. Wythe. 100. York.
Independent cities of	1. Alexandria. 2. Bristol. 3. Buena Vista. 4. Charlottesville. 5. Clifton Forge.	6. Danville. 7. Fredericksburg. 8. Hampton. 9. Harrisonburg. 10. Hopewell.	11. Lynchburg. 12. Martinsville. 13. Newport News. 14. Norfolk. 15. Petersburg.	16. Portsmouth. 17. Radford. 18. Richmond. 19. Roanoke. 20. South Norfolk.	21. Staunton. 22. Suffolk. 23. Williamsburg. 24. Winchester.

REGION 5—DALLAS TEX.

Arkansas: 1. Little Rock, Second and Main St	1. Arkansas. 2. Ashley. 3. Baxter. 4. Benton. 5. Boone. 6. Bradley. 7. Calhoun. 8. Carroll. 9. Chicot. 10. Clark. 11. Clay. 12. Cleburne. 13. Cleveland. 14. Columbia. 15. Conway.	16. Craighead. 17. Crawford. 18. Crittenden. 19. Cross. 20. Dallas. 21. Desha. 22. Drew. 23. Faulkner. 24. Franklin. 25. Fulton. 26. Garland. 27. Grant. 28. Greene. 29. Hempstead. 30. Hot Springs.	31. Howard. 32. Independence. 33. Izard. 34. Jackson. 35. Jefferson. 36. Johnson. 37. Lafayette. 38. Lawrence. 39. Lee. 40. Lincoln. 41. Little River. 42. Logan. 43. Lonoke. 44. Madison. 45. Marion.	46. Miller. 47. Mississippi. 48. Monroe. 49. Montgomery. 50. Nevada. 51. Newton. 52. Ouachita. 53. Perry. 54. Phillips. 55. Pike. 56. Poinsett. 57. Polk. 58. Pope. 59. Prairie. 60. Pulaski.	61. Randolph 62. St. Francis. 63. Saline. 64. Scott. 65. Searcy. 66. Sebastian. 67. Sevier. 68. Sharp. 69. Stone. 70. Union. 71. Van Buren. 72. Washington. 73. White. 74. Woodruff. 75. Yell.
Kansas: 1. Wichita 2, 201 East William St	1. Allen. 2. Anderson. 3. Atchison. 4. Barber. 5. Barton. 6. Bourbon. 7. Brown. 8. Butler. 9. Chase. 10. Chautauqua. 11. Cherokee. 12. Cheyenne. 13. Clark. 14. Clay. 15. Cloud. 16. Coffey. 17. Comanche. 18. Cowley. 19. Crawford. 20. Decatur. 21. Dickinson.	22. Doniphan. 23. Douglas. 24. Edwards. 25. Elk. 26. Ellis. 27. Ellsworth. 28. Finney. 29. Ford. 30. Franklin. 31. Geary. 32. Gove. 33. Graham. 34. Grant. 35. Gray. 36. Greeley. 37. Greenwood. 38. Hamilton. 39. Harper. 40. Harvey. 41. Haskell. 42. Hodgeman.	43. Jackson. 44. Jefferson. 45. Jewell. 46. Kearney. 47. Kingman. 48. Kiowa. 49. Labette. 50. Lane. 51. Lincoln. 52. Linn. 53. Logan. 54. Lyon. 55. Marion. 56. Marshall. 57. McPherson. 58. Meade. 59. Miami. 60. Mitchell. 61. Montgomery. 62. Morris. 63. Morton.	64. Nemasha. 65. Neosho. 66. Ness. 67. Norton. 68. Osage. 69. Osborne. 70. Ottawa. 71. Pawnee. 72. Phillips. 73. Pottawatomie. 74. Pratt. 75. Rawlins. 76. Reno. 77. Republic. 78. Rice. 79. Riley. 80. Rooks. 81. Rush. 82. Russell. 83. Saline. 84. Scott.	85. Sedgwick. 86. Seward. 87. Shawnee. 88. Sheridan. 89. Sherman. 90. Smith. 91. Stafford. 92. Stanton. 93. Stevens. 94. Summer. 95. Thomas. 96. Trego. 97. Wabaunsee. 98. Wallace. 99. Washington. 100. Wichita. 101. Wilson. 102. Woodson.
Kansas City, Mo., district [2]	Johnson.	Leavenworth.	Wyandotte.		
Louisiana: 1. New Orleans 12, 200 Audubon Bldg	1. Acadia. 2. Allen. 3. Ascension. 4. Assumption. 5. Avoyelles. 6. Beauregard. 7. Bienville. 8. Boosier. 9. Caddo. 10. Calcasieu. 11. Caldwell. 12. Cameron. 13. Catahoula.	14. Claiborne. 15. Concordia. 16. De Soto. 17. E. Baton Rouge. 18. East Carroll. 19. East Feliciana. 20. Evangeline. 21. Franklin. 22. Grant. 23. Iberia. 24. Iberville. 25. Jackson. 26. Jefferson.	27. Jefferson Davis. 28. Lafayette. 29. Lafourche. 30. La Salle. 31. Lincoln. 32. Livingston 33. Madison. 34. Morehouse. 35. Natchitoches. 36. Orleans. 37. Ouachita. 38. Plaquemines. 39. Pointe Coupee.	40. Rapides. 41. Red River. 42. Rechland. 43. Sabine. 44. St. Bernard. 45. St. Charles. 46. St. Helena. 47. St. James. 48. St. John the Baptist. 49. St. Landry. 50. St. Martin. 51. St. Mary. 52. St. Tammany.	53. Tangipahoa. 54. Tensas. 55. Terrebonne. 56. Union. 57. Vermillion. 58. Vernon. 59. Washington. 60. Webster. 61. W. Baton Rouge. 62. West Carroll. 63. West Feliciana. 64. Winn.
Missouri:					
1. Kansas City 6, 405 East 13th St	1. Andrew. 2. Atchison. 3. Barry. 4. Burton. 5. Bates. 6. Benton. 7. Buchanan. 8. Caldwell. 9. Carroll. 10. Cass. 11. Cedar.	12. Christian. 13. Clay. 14. Clinton. 15. Dade. 16. Dallas. 17. Daviess. 18. De Kalb. 19. Gentry. 20. Greene. 21. Grundy. 22. Harrison.	23. Henry. 24. Hickory. 25. Holt. 26. Jackson. 27. Jasper. 28. Johnson. 29. Lafayette. 30. Lawrence. 31. Linn. 32. Livingston. 33. McDonald.	34. Mercer. 35. Newton. 36. Nodaway. 37. Pettis. 38. Platte. 39. Polk. 40. Putnam. 41. Ray. 42. St. Clair. 43. Saline. 44. Stone.	45. Sullivan. 46. Taney. 47. Vernon. 48. Webster. 49. Worth. 50. Johnson, Kans. 51. Leavenworth, Kans. 52. Wyandotte, Kans.
2. St. Louis 1, 818 Olive St	1. Adair. 2. Audrain. 3. Bollinger. 4. Boone. 5. Butler. 6. Gallaway. 7. Camden. 8. Cape Girardeau. 9. Carter. 10. Chariton. 11. Clark. 12. Cole. 13. Cooper. 14. Crawford.	15. Dent. 16. Douglas. 17. Dunklin. 18. Franklin. 19. Gasconade. 20. Howard. 21. Howell. 22. Iron. 23. Jefferson. 24. Knox. 25. Laclede. 26. Lewis. 27. Lincoln. 28. Macon.	29. Madison. 30. Maries. 31. Marion. 32. Miller. 33. Mississippi. 34. Moniteau. 35. Monroe. 36. Montgomery. 37. Morgan. 38. New Madrid. 39. Oregon. 40. Osage. 41. Ozark. 42. Pemiscot.	43. Perry. 44. Phelps. 45. Pike. 46. Pulaski. 47. Ralls. 48. Randolph. 49. Reynolds. 50. Ripley. 51. St. Charles. 52. St. Francis. 53. St. Louis. 54. St. Louis City. 55. Ste. Genevieve. 56. Schuyler.	57. Scotland. 58. Scott. 59. Shannon. 60. Shelby. 61. Stoddard. 62. Texas. 63. Warren. 64. Washington. 65. Wayne. 66. Wright.

[2] These counties are portions of districts with headquarters outside the State.

APPENDIX—LOCATION OF DISTRICT OFFICES AND LIST OF COUNTIES WITHIN DISTRICT BOUNDARIES—Continued

REGION 5—DALLAS, TEX.—continued

District	Counties				
Oklahoma: 1. Oklahoma City 2, 405 North Harvey St.	1. Adair. 2. Alfalfa. 3. Atoka. 4. Beaver. 5. Beckham. 6. Blaine. 7. Bryan. 8. Caddo. 9. Canadian. 10. Carter. 11. Cherokee. 12. Choctaw. 13. Cimarron. 14. Craig. 15. Creek. 16. Delaware.	17. Cleveland. 18. Coal. 19. Comanche. 20. Cotton. 21. Custer. 22. Dewey. 23. Ellis. 24. Garfield. 25. Garvin. 26. Grady. 27. Grant. 28. Greer. 29. Harmon. 30. Harper. 31. Haskell. 32. Hughes.	33. Jackson. 34. Jefferson. 35. Johnston. 36. Kay. 37. Kingfisher. 38. Kiowa. 39. Larimer. 40. Le Flore. 41. Lincoln. 42. Logan. 43. Love. 44. Major. 45. Marshall. 46. Mayes. 47. McClain. 48. McCurtain.	49. McIntosh. 50. Murray. 51. Muskogee. 52. Noble. 53. Nowata. 54. Okfusgee. 55. Oklahoma. 56. Okmulgee. 57. Osage. 58. Ottawa. 59. Pawnee. 60. Payne. 61. Pittsburg. 62. Pontotoc. 63. Pottawatomie. 64. Pushmataha.	65. Roger Mills. 66. Rogers. 67. Seminole. 68. Sequoyah. 69. Stephens. 70. Texas. 71. Tillman. 72. Tulsa. 73. Wagoner. 74. Washita. 75. Washington. 76. Woods. 77. Woodward.
Texas:					
1. Dallas 2, 1100 Main St.	1. Anderson. 2. Bell. 3. Bosque. 4. Bowie. 5. Camp. 6. Cass. 7. Cherokee. 8. Collin.	9. Coryell. 10. Dallas. 11. Delta. 12. Ellis. 13. Falls. 14. Fannin. 15. Franklin. 16. Freestone.	17. Grayson. 18. Gregg. 19. Harrison. 20. Henderson. 21. Hill. 22. Hopkins. 23. Hunt. 24. Kaufman.	25. Lamar. 26. Limestone. 27. Marion. 28. McLennan. 29. Morris. 30. Navarro. 31. Panola. 32. Rains.	33. Red River. 34. Rockwall. 35. Rusk. 36. Smith. 37. Titus. 38. Upshur. 39. Van Zandt. 40. Wood.
2. Fort Worth 2, Fort Worth Club Bldg.	1. Andrews. 2. Archer. 3. Armstrong. 4. Bailey. 5. Baylor. 6. Borden. 7. Briscoe. 8. Brown. 9. Callahan. 10. Carson. 11. Castro. 12. Childress. 13. Clay. 14. Cochran. 15. Coke. 16. Coleman. 17. Collingsworth. 18. Comanche. 19. Concho. 20. Cooke. 21. Cottle. 22. Crane.	23. Crosby. 24. Dallam. 25. Dawson. 26. Deaf Smith. 27. Denton. 28. Dickens. 29. Donley. 30. Eastland. 31. Ector. 32. Erath. 33. Fisher. 34. Floyd. 35. Foard. 36. Gaines. 37. Garza. 38. Glasscock. 39. Gray. 40. Hale. 41. Hall. 42. Hamilton. 43. Hansford. 44. Hardeman.	45. Hartley. 46. Haskell. 47. Hemphill. 48. Hockley. 49. Hood. 50. Howard. 51. Hutchinson. 52. Irion. 53. Jack. 54. Johnston. 55. Jones. 56. Kent. 57. King. 58. Knox. 59. Lamb. 60. Lampasas. 61. Lipscomb. 62. Loving. 63. Lubbock. 64. Lynn. 65. Martin. 66. McCulloch.	67. Midland. 68. Mills. 69. Mitchell. 70. Montague. 71. Moore. 72. Motley. 73. Nolan. 74. Ochiltree. 75. Oldham. 76. Palo Pinto. 77. Parker. 78. Parmer. 79. Potter. 80. Randall. 81. Reagan. 82. Reeves. 83. Roberts. 84. Runnels. 85. San Saba. 86. Scurry. 87. Shackelford. 88. Sherman.	89. Somervell. 90. Stephens. 91. Sterling. 92. Stonewall. 93. Swisher. 94. Tarrant. 95. Taylor. 96. Terry. 97. Throckmorton. 98. Tom Green. 99. Upton 100. Ward. 101. Wheeler. 102. Wichita. 103. Wilbarger. 104. Winkler. 105. Wise. 106. Yoakum. 107. Young.
3. Houston 2, 1016 Walker St.	1. Angelina. 2. Austin. 3. Brazoria. 4. Brazos. 5. Burleson. 6. Chambers. 7. Colorado. 8. Fayette.	9. Fort Bend. 10. Galveston. 11. Grimes. 12. Hardin. 13. Harris. 14. Houston. 15. Jackson. 16. Jasper.	17. Jefferson. 18. Lavaca. 19. Lee. 20. Leon. 21. Liberty. 22. Madison. 23. Matagorda. 24. Milam.	25. Montgomery. 26. Nacogdoches. 27. Newton. 28. Orange. 29. Polk. 30. Robertson. 31. Sabine. 32. San Augustine.	33. San Jacinto. 34. Shelby. 35. Trinity. 36. Tyler. 37. Walker. 38. Waller. 39. Washington. 40. Wharton.
4. San Antonio 6, 310 S. Marys St.	1. Arkansas. 2. Atascosa. 3. Bandera. 3. Bandera. 4. Bastrop. 5. Bee. 6. Bexar. 7. Blanco. 8. Brewster. 9. Brooks. 10. Burnet. 11. Caldwell. 12. Calhoun. 13. Cameron. 14. Comal.	15. Crockett. 16. Culberson. 17. De Witt. 17. De Witt. 18. Dimmit. 19. Duval. 20. Edwards. 21. El Paso. 22. Frio. 23. Gillespie. 24. Goliad. 25. Gonzales. 26. Guadalupe. 27. Hays. 28. Hidalgo.	29. Hudspeth. 30. Jeff Davis. 31. Jim Hogg. 31. Jim Hogg. 32. Jim Wells. 33. Karnes. 34. Kendall. 35. Kenedy. 36. Kerr. 37. Kimble. 38. Kinney. 39. Kleberg. 40. La Salle. 41. Live Oak. 42. Llano.	43. Mason. 44. Maverick. 45. McMullen. 45. McMullen. 46. Medina. 47. Menard. 48. Nueces. 49. Pecos. 50. Presidio. 51. Real. 52. Refugio. 53. San Patricio. 54. Schleicher. 55. Starr. 56. Sutton.	57. Terrell. 58. Travis. 59. Uvalde. 59. Uvalde. 60. Val Verde. 61. Victoria. 62. Webb. 63. Willacy. 64. Williamson. 65. Wilson. 66. Zapata. 67. Zavala.

REGION 6—CHICAGO, ILL.

Illinois:					
1. Chicago 6, 222 West Adams St.	1. Cook. 2. DuPage.	3. Kane. 4. Lake.	5. McHenry. 6. Lake, Ind.		
2. Peoria 2, 410 South Main St.	1. Boone. 2. Bureau. 3. Carroll. 4. De Kalb. 5. Ford. 6. Fulton. 7. Grundy.	8. Hancock. 9. Henderson. 10. Henry. 11. Iroquois. 12. Jo Daviess. 13. Kankakee. 14. Kendall.	15. Knox. 16. La Salle. 17. Lee. 18. Livingston. 19. Marshall. 20. Mason. 21. McDonough.	22. McLean. 23. Mercer. 24. Ogle. 25. Peoria. 26. Putnam. 27. Rock Island. 28. Stark.	29. Stephenson. 30. Tazewell. 31. Warren. 32. Whiteside. 33. Will. 34. Winnebago. 35. Woodford.
3. Springfield, 301 West Adams St.	1. Adams. 2. Alexander. 3. Bond. 4. Brown. 5. Calhoun. 6. Cass. 7. Champaign. 8. Christian. 9. Clark. 10. Clay. 11. Clinton. 12. Coles. 13. Crawford.	14. Cumberland. 15. De Witt. 16. Douglas. 17. Edgar. 18. Edwards. 19. Effingham. 20. Fayette. 21. Franklin. 22. Gallatin. 23. Greene. 24. Hamilton. 25. Hardin. 26. Jackson.	27. Jasper. 28. Jefferson. 29. Jersey. 30. Johnson. 31. Lawrence. 32. Logan. 33. Macon. 34. Macoupin. 35. Madison. 36. Marion. 37. Massac. 38. Menard.	39. Monroe. 40. Montgomery. 41. Morgan. 42. Moultrie. 43. Perry. 44. Piatt. 45. Pike. 46. Pope. 47. Pulaski. 48. Randolph. 49. Richland. 50. St. Clair.	51. Saline. 52. Sangamon. 53. Schuyler. 54. Scott. 55. Shelby. 56. Union. 57. Vermilion. 58. Wabash. 59. Washington. 60. Wayne. 61. White. 62. Williamson.

APPENDIX—LOCATION OF DISTRICT OFFICES AND LIST OF COUNTIES WITHIN DISTRICT BOUNDARIES—Continued

REGION 6—CHICAGO, ILL.—Continued

District	Counties				
owa:					
1. Des Moines 8, 700 Liberty Bldg.	1. Adair. 2. Adams. 3. Allamakee. 4. Appanoose. 5. Audubon. 6. Benton. 7. Black Hawk. 8. Boone. 9. Bremer. 10. Buchanan. 11. Buena Vista. 12. Butler. 13. Calhoun. 14. Carroll. 15. Cass. 16. Cedar. 17. Cerro Gordo. 18. Cherokee. 19. Chickasaw. 20. Clarke.	21. Clay. 22. Clayton. 23. Clinton. 24. Crawford. 25. Dallas. 26. Davis. 27. Decatur. 28. Delaware. 29. Des Moines. 30. Dickinson. 31. Dubuque. 32. Emmet. 33. Fayette. 34. Floyd. 35. Franklin. 36. Fremont. 37. Greene. 38. Grundy. 39. Guthrie. 40. Hamilton.	41. Hancock. 42. Hardin. 43. Harrison. 44. Henry. 45. Howard. 46. Humboldt. 47. Ida. 48. Iowa. 49. Jackson. 50. Jasper. 51. Jefferson. 52. Johnson. 53. Jones. 54. Keokuk. 55. Kossuth. 56. Lee. 57. Linn. 58. Louisa. 59. Lucas. 60. Madison.	61. Mahaska. 62. Marion. 63. Marshall. 64. Mills. 65. Mitchell. 66. Monona. 67. Monroe. 68. Montgomery. 69. Muscatine. 70. O'Brien. 71. Page. 72. Palo Alto. 73. Plymouth. 74. Pocahontas. 75. Polk. 76. Pottawattamie. 77. Poweshiek. 78. Ringgold. 79. Sac. 80. Scott.	81. Shelby. 82. Sioux. 83. Story. 84. Tama. 85. Taylor. 86. Union. 87. Van Buren. 88. Wapello. 89. Warren. 90. Washington. 91. Wayne. 92. Webster. 93. Winnebago. 94. Winneshiek. 95. Woodbury. 96. Worth. 97. Wright.
Sioux Falls, S. Dak., district [1]	Lyon.	Osceola.			
Minnesota:					
1. St. Paul 1, W-1200 First National Bank Bldg.	1. Aitkin. 2. Anoka. 3. Beltrami. 4. Benton. 5. Blue Earth. 6. Brown. 7. Carlton. 8. Carver. 9. Cass. 10. Chippewa. 11. Chisago. 12. Cook.	13. Cottonwood. 14. Crow Wing. 15. Dakota. 16. Dodge. 17. Faribault. 18. Fillmore. 19. Freeborn. 20. Goodhue. 21. Hennepin. 22. Houston. 23. Isanti. 24. Itasca.	25. Jackson. 26. Kanabec. 27. Kandiyohi. 28. Koochiching. 29. Lake. 30. Lake of the Woods. 31. Le Sueur. 32. Martin. 33. McLeod. 34. Meeker. 35. Mille Lacs. 36. Morrison.	37. Mower. 38. Nicollet. 39. Olmsted. 40. Pine. 41. Pope. 42. Ramsey. 43. Redwood. 44. Renville. 45. Rice. 46. St. Louis. 47. Scott. 48. Sherburne.	49. Sibley. 50. Stearns. 51. Steele. 52. Stevens. 53. Swift. 54. Todd. 55. Wabasha. 56. Waseca. 57. Washington. 58. Watonwan. 59. Winona. 60. Wright.
Fargo, N. Dak., district [1]	Becker. Clay. Clearwater. Douglas. Grant.	Hubbard. Kittson. Mahnomen. Marshall. Norman.	Otter Tail. Pennington. Polk. Red Lake. Roseau.	Traverse. Wadena. Wilkin.	
Sioux Falls, S. Dak., district [1]	Big Stone. Lac qui Parle.	Lincoln. Lyon.	Murray. Nobles.	Pipestone. Rock.	Yellow Medicine.
Nebraska: 1. Omaha 2, 1615 Harney St.	1. Adams. 2. Antelope. 3. Arthur. 4. Banner. 5. Blaine. 6. Boone. 7. Box Butte. 8. Boyd. 9. Brown. 10. Buffalo. 11. Burt. 12. Butler. 13. Cass. 14. Cedar. 15. Chase. 16. Cherry. 17. Cheyenne. 18. Clay. 19. Colfax.	20. Cuming. 21. Custer. 22. Dakota. 23. Dawes. 24. Dawson. 25. Deuel. 26. Dixon. 27. Dodge. 28. Douglas. 29. Dundy. 30. Fillmore. 31. Franklin. 32. Frontier. 33. Furnas. 34. Gage. 35. Garden. 36. Garfield. 37. Gosper. 38. Grant.	39. Greeley. 40. Hall. 41. Hamilton. 42. Harlan. 43. Hayes. 44. Hitchcock. 45. Holt. 46. Hooker. 47. Howard. 48. Jefferson. 49. Johnson. 50. Kearney. 51. Keith. 52. Keya Paha. 53. Kimball. 54. Knox. 55. Lancaster. 56. Lincoln. 57. Logan.	58. Loup. 59. Madison. 60. McPherson. 61. Merrick. 62. Morrill. 63. Nance. 64. Nemaha. 65. Nuckolls. 66. Otoe. 67. Pawnee. 68. Perkins. 69. Phelps. 70. Pierce. 71. Platte. 72. Polk. 73. Red Willow. 74. Richardson. 75. Rock. 76. Saline.	77. Sarpy. 78. Saunders. 79. Scotts Bluff. 80. Seward. 81. Sheridan. 82. Sherman. 83. Sioux. 84. Stanton. 85. Thayer. 86. Thomas. 87. Thurston. 88. Valley. 89. Washington. 90. Wayne. 91. Webster. 92. Wheeler. 93. York.
North Dakota: 1. Fargo, 510 4th Ave.	1. Adams. 2. Barnes. 3. Benson. 4. Billings. 5. Bottineau. 6. Bowman. 7. Burke. 8. Burleigh. 9. Cass. 10. Cavalier. 11. Dickey. 12. Divide. 13. Dunn. 14. Eddy. 15. Emmons.	16. Foster. 17. Golden Valley. 18. Grand Forks. 19. Grant. 20. Griggs. 21. Hettinger. 22. Kidder. 23. La Moure. 24. Logan. 25. McHenry. 26. McIntosh. 27. McKenzie. 28. McLean. 29. Mercer. 30. Morton.	31. Mountrail. 32. Nelson. 33. Oliver. 34. Pembina. 35. Pierce. 36. Ramsey. 37. Ransom. 38. Renville. 39. Richland. 40. Rolette. 41. Sargent. 42. Sheridan. 43. Sioux. 44. Slope. 45. Stark.	46. Steele. 47. Stutsman. 48. Towner. 49. Traill. 50. Walsh. 51. Ward. 52. Wells. 53. Williams. 54. Becker, Minn. 55. Clay, Minn. 56. Clearwater, Minn. 57. Douglas, Minn. 58. Grant, Minn. 59. Hubbard, Minn. 60. Kittson, Minn.	61. Mahnomen, Minn. 62. Marshall, Minn. 63. Norman, Minn. 64. Otter Tail, Minn. 65. Pennington, Minn. 66. Polk, Minn. 67. Red Lake, Minn. 68. Roseau, Minn. 69. Traverse, Minn. 70. Wadena, Minn. 71. Wilkin, Minn.
South Dakota: 1. Sioux Falls, Wilson Terminal Bldg.	1. Armstrong. 2. Aurora. 3. Beadle. 4. Bennett. 5. Bonne Homme. 6. Brookings. 7. Brown. 8. Brule. 9. Buffalo. 10. Butte. 11. Campbell. 12. Charles Mix. 13. Clark. 14. Clay. 15. Codington. 16. Carson. 17. Custer.	18. Davison. 19. Day. 20. Deuel. 21. Dewey. 22. Douglas. 23. Edmunds. 24. Fall River. 25. Faulk. 26. Grant. 27. Gregory. 28. Haakon. 29. Hamlin. 30. Hand. 31. Hanson. 32. Harding. 33. Hughes. 34. Hutchinson.	35. Hyde. 36. Jackson. 37. Jerauld. 38. Jones. 39. Kingsbury. 40. Lake. 41. Lawrence. 42. Lincoln. 43. Lyman. 44. Marshall. 45. McCook. 46. McPherson. 47. Meade. 48. Mellette. 49. Miner. 50. Minnehaha. 51. Moody.	52. Pennington. 53. Perkins. 54. Potter. 55. Roberts. 56. Sanborn. 57. Shannon. 58. Spink. 59. Stanley. 60. Sully. 61. Todd. 62. Tripp. 63. Turner. 64. Union. 65. Walworth. 66. Washabaugh. 67. Washington. 68. Yankton.	69. Ziebach. 70. Lyon, Iowa. 71. Osceola, Iowa. 72. Big Stone, Minn. 73. Lac qui Parle, Minn. 74. Lincoln, Minn. 75. Lyon, Minn. 76. Murray, Minn. 77. Nobles, Minn. 78. Pipestone, Minn. 79. Rock, Minn. 80. Yellow Medicine Minn.

[1] These counties are portions of district with headquarters outside the State.

APPENDIX—LOCATION OF DISTRICT OFFICES AND LIST OF COUNTIES WITHIN DISTRICT BOUNDARIES—Continued

REGION 6—CHICAGO, ILL.—Continued

District	Counties				
Wisconsin:					
1. Green Bay, 115 South Jefferson St.	1. Ashland. 2. Barron. 3. Bayfield. 4. Brown. 5. Burnett. 6. Calumet. 7. Chippewa. 8. Clark.	9. Door. 10. Douglas. 11. Dunn. 12. Eau Claire. 13. Florence. 14. Forest. 15. Iron. 16. Kewaunee.	17. Langlade. 18. Lincoln. 19. Manitowoc. 20. Marathon. 21. Marinette. 22. Oconto. 23. Oneida. 24. Outagamie.	25. Pepin. 26. Pierce. 27. Polk. 28. Portage. 29. Price. 30. Rusk. 31. Saint Croix. 32. Sawyer.	33. Shawano. 34. Taylor. 35. Vilas. 36. Washburn. 37. Waupaca. 38. Waushara. 39. Winnebago. 40. Wood.
2. Milwaukee 1, Plankinton Arcade Bldg.	1. Adams. 2. Buffalo. 3. Columbia. 4. Crawford. 5. Dane. 6. Dodge. 7. Fond du Lac.	8. Grant. 9. Green. 10. Green Lake. 11. Iowa. 12. Jackson. 13. Jefferson. 14. Juneau.	15. Kenosha. 16. La Crosse. 17. Lafayette. 18. Marquette. 19. Milwaukee. 20. Monroe. 21. Ozaukee.	22. Racine. 23. Richland. 24. Rock. 25. Sauk. 26. Sheboygan. 27. Trempealeau. 28. Vernon.	29. Walworth. 30. Washington. 31. Waukesha.

REGION 7—DENVER, COLO.

Colorado: 1. Denver 2, 621 Kittredge Bldg.	1. Adams. 2. Alamosa. 3. Arapahoe. 4. Archuleta. 5. Baca. 6. Bent. 7. Boulder. 8. Chaffee. 9. Cheyenne. 10. Clear Creek. 11. Conejos. 12. Costilla. 13. Crowley.	14. Custer. 15. Delta. 16. Denver. 17. Dolores. 18. Douglas. 19. Eagle. 20. Elbert. 21. El Paso. 22. Fremont. 23. Garfield. 24. Gilpin. 25. Grand. 26. Gunnison.	27. Hinsdale. 28. Huerfano. 29. Jackson. 30. Jefferson. 31. Kiowa. 32. Kit Carson. 33. Lake. 34. La Plata. 35. Larimer. 36. Las Animas. 37. Lincoln. 38. Logan. 39. Mesa.	40. Mineral. 41. Moffat. 42. Montezuma. 43. Montrose. 44. Morgan. 45. Otero. 46. Ouray. 47. Park. 48. Phillips. 49. Pitkin. 50. Prowers. 51. Pueblo. 52. Rio Blanco.	53. Rio Grande. 54. Routt. 55. Saguache. 56. San Juan. 57. San Miguel. 58. Sedwick. 59. Summit. 60. Teller. 61. Washington. 62. Weld. 63. Yuma.
Idaho:					
1. Boise, Capitol Securities Bldg.	1. Ada. 2. Adams. 3. Bannock. 4. Bear Lake. 5. Bingham. 6. Blaine. 7. Boise. 8. Bonneville.	9. Butte. 10. Camas. 11. Canyon. 12. Caribou. 13. Cassia. 14. Clark. 15. Custer. 16. Elmore.	17. Franklin. 18. Fremont. 19. Gem. 20. Gooding. 21. Jefferson. 22. Jerome. 23. Lembi. 24. Lincoln.	25. Madison. 26. Minidoka. 27. Oneida. 28. Owyhee. 29. Payette. 30. Power. 31. Teton. 32. Twin Falls.	33. Valley. 34. Washington. 35. Malheur, Oreg.
Spokane, Wash., district [2]	Benewah. Bonner.	Boundary. Clearwater.	Idaho. Kootanai.	Latah. Lewis.	Nez Perce. Shoshone.
Montana: 1. Helena, Mail and Grand Sts.	1. Beaverhead. 2. Big Horn. 3. Blaine. 4. Broadwater. 5. Carbon. 6. Carter. 7. Cascade. 8. Chouteau. 9. Custer. 10. Daniels. 11. Dawson. 12. Deer Lodge.	13. Fallon. 14. Fergus. 15. Flathead. 16. Gallatin. 17. Garfield. 18. Glacier. 19. Golden Valley. 20. Granite. 21. Hill. 22. Jefferson. 23. Judith Basin. 24. Lake.	25. Lewis and Clark. 26. Liberty. 27. Lincoln. 28. Madison. 29. McCone. 30. Meagher. 31. Mineral. 32. Missoula. 33. Musselshell. 34. Park. 35. Petroleum. 36. Phillips.	37. Pondera. 38. Powder River. 39. Powell. 40. Prairie. 41. Ravalli. 42. Richland. 43. Roosevelt. 44. Rosebud. 45. Sanders. 46. Sheridan. 47. Silver Bow. 48. Stillwater.	49. Sweet Grass. 50. Teton. 51. Toole. 52. Treasure. 53. Valley. 54. Wheatland. 55. Wilbaux. 56. Yellowstone.
New Mexico: 1. Albuquerque, 320 West Central Ave.	1. Bernalillo. 2. Catron. 3. Chaves. 4. Colfax. 5. Curry. 6. De Baca. 7. Dona Ana.	8. Eddy. 9. Grant. 10. Guadalupe. 11. Harding. 12. Hidalgo. 13. Lea. 14. Lincoln.	15. Luna. 16. McKinley. 17. Mora. 18. Otero. 19. Quay. 20. Rio Arriba. 21. Roosevelt.	22. Sandoval. 23. San Juan. 24. San Miguel. 25. Santa Fe. 26. Sierra. 27. Socorro. 28. Taos.	29. Torrance. 30. Union. 31. Valencia.
Utah: 1. Salt Lake City 1, Atlas Bldg.	1. Beaver. 2. Box Elder. 3. Cache. 4. Carbon. 5. Daggett. 6. Davis. 7. Duchesne.	8. Emery. 9. Garfield. 10. Grand. 11. Iron. 12. Juab. 13. Kane. 14. Millard.	15. Morgan. 16. Piute. 17. Rich. 18. Salt Lake. 19. San Juan. 20. Sanpete. 21. Sevier.	22. Summit. 23. Tooele. 24. Uintah. 25. Utah. 26. Wasatch. 27. Washington. 28. Wayne.	29. Weber. 30. 5% Coconino, Ariz. 31. 5% Mohave, Ariz.
Wyoming: 1. Cheyenne, State OPA Bldg.	1. Albany. 2. Big Horn. 3. Campbell. 4. Carbon. 5. Converse.	6. Crook. 7. Fremont. 8. Goshen. 9. Hot Springs. 10. Johnson.	11. Laramie. 12. Lincoln. 13. Natrona. 14. Niobrara. 15. Park.	16. Platte. 17. Sheridan. 18. Sublette. 19. Sweetwater. 20. Teton.	21. Uinta. 22. Washakie. 23. Weston. 24. Yellowstone National Park.

REGION 8—SAN FRANCISCO, CALIF.

Arizona: 1. Phoenix, 17 W. Van Buren St.	1. Apache. 2. Cochise. 3. 95% Coconino.	4. Gila. 5. Graham. 6. Greenlee.	7. Maricopa. 8. 95% Mohave. 9. Navajo.	10. Pima. 11. Pinal. 12. Santa Cruz.	13. Yavapai. 14. Yuma.
California, Northern: 1. San Francisco 3, 1355 Market St.	1. Alameda. 2. Alpine. 3. Amador. 4. Butte. 5. Calaveras. 6. Colusa. 7. Contra Costa. 8. Del Norte. 9. El Dorado. 10. Fresno.	11. Glenn. 12. Humboldt. 13. Kings. 14. Lake. 15. Lassen. 16. Madera. 17. Marin. 18. Mariposa. 19. Mendocino. 20. Merced.	21. Modoc. 22. Mono. 23. Monterey. 24. Napa. 25. Nevada. 26. Placer. 27. Plumas. 28. Sacramento. 29. San Benito. 30. San Francisco.	31. San Joaquin. 32. San Mateo. 33. Santa Clara. 34. Santa Cruz. 35. Shasta. 36. Sierra. 37. Siskiyou. 38. Solano. 39. Sonoma. 40. Stanislaus.	41. Sutter. 42. Tehama. 43. Trinity. 44. Tulare. 45. Tuolumne. 46. Yolo. 47. Yuba.
California, Southern: 1. Los Angeles 15, 1031 S. Broadway.	1. Imperial. 2. Inyo. 3. Kern.	4. Los Angeles. 5. Orange. 6. Riverside.	7. San Bernardino. 8. San Diego. 9. San Luis Obispo.	10. Santa Barbara. 11. Ventura.	

APPENDIX—LOCATION OF DISTRICT OFFICES AND LIST OF COUNTIES WITHIN DISTRICT BOUNDARIES—Continued

REGION 8—SAN FRANCISCO, CALIF.—continued

District	Counties				
Nevada: 1. Reno, 285 South Virginia St	1. Churchill. 2. Clark. 3. Douglas. 4. Elko.	5. Esmeralda. 6. Eureka. 7. Humboldt. 8. Lander.	9. Lincoln. 10. Lyon. 11. Mineral. 12. Nye.	13. Ormsby. 14. Pershing. 15. Storey. 16. Washoe.	17. White Pine.
Oregon: 1. Portland 4, 520 S. W. Sixth Ave	1. Baker. 2. Benton. 3. Clackamas. 4. Clatsop. 5. Columbia. 6. Coos. 7. Crook. 8. Curry. 9. Deschutes.	10. Douglas. 11. Gilliam. 12. Grant. 13. Harney. 14. Hood River. 15. Jackson. 16. Jefferson. 17. Josephine. 18. Klamath.	19. Lake. 20. Lane. 21. Lincoln. 22. Linn. 23. Marion. 24. Morrow. 25. Multnomah. 26. Polk. 27. Sherman.	28. Tillamook. 29. Umatilla. 30. Union. 31. Wallowa. 32. Wasco. 33. Washington. 34. Wheeler. 35. Yamhill. 36. Clark, Wash.	37. Cowlitz, Wash. 38. Klickitat, Wash. 39. Skamania, Wash. 40. Wahkiakum, Wash. 41. 30% Pacific, Wash.
Boise, Idaho, district [2]	Malheur.				
Washington: 1. Seattle 1, 3312 White-Henry-Stuart Bldg	1. Chelan. 2. Clallam. 3. Grays Harbor. 4. Island.	5. Jefferson. 6. King. 7. Kitsap. 8. Kittitas.	9. Lewis. 10. Mason. 11. 75% Okanogan. 12. 70% Pacific.	13. Pierce. 14. San Juan. 15. Skagit. 16. Snohomish.	17. Thurston. 18. Whatcom. 19. Yakima.
2. Spokane 8, South 9 Washington St	1. Adams. 2. Asotin. 3. Beuton. 4. Columbia. 5. Douglas. 6. Ferry. Clark.	7. Franklin. 8. Garfield. 9. Grant. 10. Lincoln. 11. 25% Okanogan. 12. Pend Oreille. Cowlitz.	13. Spokane. 14. Stevens. 15. Walla Walla. 16. Whitman. 17. Benewah, Idaho. 18. Bonner, Idaho. Klickitat.	19. Boundary, Idaho. 20. Clearwater, Idaho. 21. Idaho, Idaho. 22. Kootenai, Idaho. 23. Latah, Idaho. 24. Lewis, Idaho. Skamania.	25. Nez Perce, Idaho. 26. Shoshone, Idaho. Wahkiakum.
Portland, Oreg. district [2]					

[2] These counties are portions of districts with headquarters outside the State.

AREA RENT OFFICES

§ 1305.2300 *Area rent offices.* An area rent office is the supervising office of one or more legally designated defense-rental areas, which is authorized to be headed by an area rent director empowered to sign formal orders in his own name. Area rent offices shall be established and maintained within each district in the number required for efficient operation of the rent control program.

§ 1305.2301 *Area rent director.* (a) The area rent director is appointed by the district director after consultation with the regional rent executive. The rent director, subject to administrative supervision of the district director through the district rent executive, shall be responsible for the effective administration of the rent control program throughout his defense-rental area, and shall have direct charge of rent operations within the area. He shall:

(1) Keep the public informed of the purposes and requirements of Federal rent control, in conformity with the district OPA public relations program.

(2) Be responsible for the effective performance of all duties assigned to members of his staff, efficient operation of the office or offices under his supervision, proper and efficient processing of landlords' petitions and tenant applications for rent adjustments, and issuance of orders on adjustments.

(3) Sign and be responsible for all orders and certificates of eviction issued in his area as authorized by the rent regulations.

(4) Be responsible for obtaining compliance with the rent regulations.

(b) The rent director may designate members of his staff to act formally in his behalf on the following occasions:

(1) Temporary absence of rent director from area office. The rent director may appoint an acting rent director to carry out his functions during his absence. The delegation of such authority should be in writing and should confer upon the designee the authority to perform the duties of the rent director. Such delegation should be given each time the necessity for it arises. All orders and formal matters should be signed by the designee in his own name, as acting area rent director. Following is a form to be used when this delegation is made:

I, A. B., Rent Director of the———— Defense-Rental Area, do hereby appoint B. C., as acting Rent Director with full power and authority to perform all duties vested in me as Rent Director, including, but not limited to, the power to issue and sign all orders authorized by the Rent Regulations.

Dated this ——— day of ————

Rent Director of the Defense-Rental Area.

(2) Workload too great for rent director to consider personally all landlord's petitions and other proceedings where formal action is required. To the extent possible the orders should be signed by the rent director. Where the volume is too great he should designate in writing one or more members of his staff, such as the deputy director, the chief examiner, or the area rent attorney, to sign and issue orders in the name of the rent director.

(3) Member of rent director's staff is in charge of a branch office or other office covering a locality within the rent director's jurisdiction.

§ 1305.2302 *Area rent attorney.* The area rent attorney shall be under the direction of the rent director to whom, in effect, he acts as counsel. Operating in accordance with legal and enforcement procedures established by the national, regional and district offices, he shall:

(a) Supervise the activities of the legal staff of the area office.

(b) Prepare interpretations of the regulations and other provisions of law pertinent to the rent program. Official interpretations given to the public should be signed by the area rent attorney in accordance with the provisions of Revised Procedural Regulation No. 3.

(c) Advise the rent director on the legal sufficiency of orders issued by the rent director.

(d) Appear informally in courts of law to explain requirements of the regulations in eviction matters.

(e) Handle enforcement matters to the extent prescribed by the national office or as delegated to him by the district enforcement attorney.

(f) Perform such other duties as may be assigned by the rent director.

§ 1305.2303 *Area rent representative.* (a) The rent director may assign area rent representatives to branch offices and board rent stations who shall perform such functions as the area rent director may designate. In general, the area rent representative will be made responsible for supervising and providing technical assistance to personnel assigned to rent control activities in such branch offices and board stations.

(b) At the discretion of the rent director and with the approval of the district director and the regional rent executive, the area rent representative may be vested with authority to issue formal orders for and on behalf of the rent director. Such authority should be given in writing, signed by the rent director. Signatures of the district director and the regional rent executive are not necessary.

(c) The authority to issue formal orders can be given only by the person who is officially designated as rent director for the area concerned.

§ 1305.2304 *Branch rent offices.* A branch rent office is an office below the area office level which is staffed by one or more full time, permanent rent employees. Branch rent offices shall be established in localities where work load and other conditions justify the maintenance of full time personnel for rent control operations other than the issuance of formal orders. They shall be directed and supervised by the appropriate area rent office and formal orders will be issued by the director of that area rent

office or by an area rent representative as authorized by the rent director.

§ 1305.2305 *Board rent stations.* (a) The designation "Board Rent Stations" includes all offices or stations, whether located in the office of a price control board or in other space, which are not staffed by full time permanent rent personnel, but which may have the services of a rent clerk charged to the board, and which are serviced by area rent representatives on a "circuit rider" basis.

(b) Board rent stations shall be established in those price control boards where work load does not justify the maintenance of full time personnel but where local rent control requires provision of informational and clerical services.

(c) Establishment of such rent stations does not comprise an assignment of rent functions to local board volunteers, but merely the use of the local board site and paid clerical staff to aid economical administration of the rent program. Rent stations shall be under the technical direction and supervision of the appropriate area rent office within the district.

(d) The area rent representative of the supervising area rent office, when properly authorized shall issue such formal orders as are required, and shall perform those duties which cannot be appropriately performed by the clerical staff of the rent station.

APPENDIX—LOCATION OF DISTRICT AND AREA RENT OFFICES

REGION I

State, district, and location of office	Type of office	Address
Connecticut		
Hartford:		
Hartford	District and area.	119 Ann St.
New London	Branch	245 State St.
Bridgeport	Area	62 Cannon St.
New Haven	do	216 Crown St., Adley Bldg.
Waterbury	do	193 Grand St., Waterbury National Bank Bldg.
Maine		
Augusta:		
Portland	District and area.	142 High St., State Bldg.
Bangor	Branch	27 State St., Exchange Bldg.
Eastport	do	Post Office Bldg.
Presque Isle	do	Dyer St., G & S Bldg.
Bath	Area	194 Front St.
Massachusetts		
Boston:		
Boston	do	7 Beacon St., Houghton & Dutton Bldg.
Brockton	Branch	106 Main St., Home Bank Bldg.
Fall River	do	56 North Main St., Bennett Bldg.
New Bedford	do	888 Purchase St., Olympia Bldg.
Quincy	do	Washington St., Post Office Bldg.
Lynn	Area	31 Central Sq., Lynford Bldg.
Pittsfield	do	184 North St.
Springfield	do	1597 Main St., Worthington Bldg.
Greenfield	Branch	
Worcester	Area	9 Walnut St., State Mutual Annex.
New Hampshire		
Concord:		
Manchester	District and area.	944 Elm St., Central Bldg.
Claremont	Branch	34 Tremont Sq.
Portsmouth	do	147 Fleet St.

APPENDIX—LOCATION OF DISTRICT AND AREA RENT OFFICES—Continued

REGION I—continued

State, district, and location of office	Type of office	Address
Rhode Island		
Providence:		
Providence	District and area.	908 Hospital Trust Bldg.
Newport	Area	Federal Office Bldg., Thames St.
Vermont		
Montpelier:		
Burlington	District and area.	136 Church St.
Brattleboro	Branch	% Local Price Board.
Springfield	do	I. O. O. F. Bldg.
St. Albans	do	29 Kindman St.

REGION II

Delaware		
Wilmington: Wilmington.	District and area.	Pennsylvania Bldg.
Maryland		
Baltimore:		
Baltimore	do	O'Sullivan Bldg.
Aberdeen	Branch	Baldwin Manor.
Salisbury	do	203 Division St.
Hagerstown	Area	74 Washington St.
Cumberland	Branch	111 Union St.
Silver Spring	Area	8634 Colesville Rd.
New Jersey		
Newark:		
Newark	District and area.	1060 Broad St.
Asbury Park	Branch	611 Heck St.
Atlantic City	Area	5 South Virginia Ave.
Camden	do	City Hall.
Trenton	do	143 East State St.
New York		
Albany:		
Albany	District and area.	112 State St., Standard Bldg.
Glen Falls	Branch	South Street School, Broad and South Sts.
Schenectady	do	158 Jay St.
Buffalo:		
Buffalo	District and area.	190 Delaware Ave.
Jamestown	Area	100 West 3d St., Hotel Jamestown Bldg.
Rochester	do	42 East Ave., Cutler Bldg.
New York City:		
New York City	District	350 5th Ave., Empire State Bldg.
Bronx	Area	1910 Arthur Ave., Kaplan Bldg.
Brooklyn	do	26 Court St.
Jamaica	do	92-30 Union Hale St.
Mineola	do	1527 Franklin Ave.
New York City	do	535 5th Ave.
Do	Branch	541 West 145th St.
Poughkeepsie	Area	13 Washington St.
Nyack	Branch	74 North Broadway.
Staten Island	Area	56 Bay St., St. George.
White Plains	do	31 Mamaroneck Ave., Peoples National Bank Bldg.
Syracuse:		
Syracuse	District and area.	224 Harrison St.
Geneva	Branch	32 Castle St.
Ithaca	do	211 East Seneca St.
Binghamton	Area	64 Henry St., Telephone Co. Bldg.
Elmira	do	Federal Bldg.
Utica	do	110 Genessee St., Insurance Bldg.
Watertown	do	163-167 Arsenal St., Federal Bldg.
Pennsylvania		
Philadelphia:		
Philadelphia	Area and district.	1617 Pennsylvania Blvd., Broad St. Station Bldg.
Bethlehem	Area	528 North New St., Dodson Bldg.
Harrisburg	do	112 North 2d St., Earle Bldg.

APPENDIX—LOCATION OF DISTRICT AND AREA RENT OFFICES—Continued

REGION II—continued

State, district, and location of office	Type of office	Address
Penna.—con.		
Philadelphia—con.		
Lancaster	Area	213 West Chestnut St.
Reading	do	758 Penn St.
Pittsburgh:		
Pittsburgh	District and area.	1001 Liberty Ave., Kleber Bldg.
Erie	Area	12th and State St., Commerce Bldg.
Johnstown	do	124 Main St., Rothert Bldg.
Meadville	do	916 Diamond Sq.
Sharon	Branch	Dollar Trust Bldg.
Scranton:		
Williamsport	District and area.	330 Government Pl.
Scranton	Area	409 Vine St.

REGION III

Indiana		
Indianapolis:		
Indianapolis	District and area.	429 North Pennsylvania St.
Richmond	Branch	705 Main St., Colonial Bldg.
Anderson	Area	630–638 Meridian St.
Columbus	do	633 Washington St., Bassett Bldg.
Bloomington	Branch	101½ North College Ave., Kresge Bldg.
Evansville	Area	106 NW 4th St., Rookery Bldg.
Kentucky		
Indianapolis:		
Madisonville	Branch	
Owensboro	do	Odd Fellows Bldg.
Indiana		
Indianapolis:		
Fort Wayne	Area	Utility Bldg.
La Fayette	do	City Hall.
South Bend	do	224 West Jefferson Blvd., Pythian Bldg.
La Porte	Branch	802-04 Lincoln Way, First National Bank Bldg.
Terre Haute	Area	7 South 6th St., National Bldg.
Vincennes	do	21 North 3d St., La Plante Bldg.
Kentucky		
Louisville:		
Louisville	District and area.	112 South 5th St., Kenyon Bldg.
Elizabethtown	Branch	109 North Main St.
Bowling Green	Area	941½ State St.
Lexington	do	177 North Upper St.
Danville	Branch	434 West Main St.
Harrodsburg	do	Court House.
Richmond	do	Post Office Bldg.
Paducah	Area	Citizens Bank Bldg.
Mayfield	Branch	116 East South St.
Michigan		
Detroit:		
Detroit	District and area.	600 Griswold St.
Ann Arbor	Branch	First National Bank Bldg.
Pontiac	do	Hubbard Bldg.
Port Huron	do	516 Water St.
Michigan		
Detroit:		
Battle Creek	Area	Central Tower.
Kalamazoo	Branch	County Bldg.
Grand Rapids	Area	60 Division Ave. NE., Keeler Bldg.
Muskegon	Branch	Muskegon Bldg.
Jackson	Area	National Bank Bldg.
Lansing	do	28 Michigan Theatre Arcade.
Niles	do	311 East Main St.
Saginaw	do	118 North Washington Ave.
Traverse City	do	122 East Front St.
Ohio		
Cincinnati:		
Cincinnati	District and area.	810 Walnut St., Faller Bldg.

APPENDIX—LOCATION OF DISTRICT AND AREA RENT OFFICES—Continued

REGION III—continued

State, district, and location of office	Type of office	Address
Ohio—con.		
Cincinnati—Con.		
Wilmington	Branch	205 North South St.
Columbus	Area	68 East Gay St.
Newark	Branch	22 North 4th St.
Lancaster	do	
Marion	do	169½ East Center St.
Gallipolis	do	K. of P. Bldg.
Washington Court House.	do	145½ Court St.
Zanesville	do	Masonic Temple Bldg.
Dayton	Area	Municipal Bldg.
Cleveland:		
Cleveland	District and area.	1100 Chester Ave.
Ashtabula	Branch	4514 Main Ave., Cook Arcade.
Akron	Area	First Central Tower.
Canton	do	205 South Market Ave., Commercial Bldg.
Lima	do	Old Post Office Bldg.
Mansfield	do	58½ North Main St.
Sandusky	do	Feick Bldg.
Lorain	Branch	Broadway Bldg.
Toledo	Area	Huron and Jackson Sts., News Bee Bldg.
Youngstown	do	123 West Commerce St., Schween-Wagner Bldg.
West Virginia		
Charleston:		
Charleston	District and area.	Peoples Bldg.
Clarksburg	Branch	Harrison County Court House.
Logan	do	406 Main St.
Bluefield	Area	701 Bland St., Hasley Bldg.
Beckley	Branch	c/o Price Control Board.
Welch	do	Do.
Williamson	do	Do.
Huntington	Area	Cabell County Court House.
Martinsburg	do	401 South Queen St., Old High School Bldg.
Keyser	Branch	
Morgantown	Area	244 Pleasant St.
Parkersburg	do	217 Fourth St.
Ohio		
Charleston:		
Marietta	Branch	c/o Price Control Board.
West Virginia		
Charleston:		
Wheeling	Area	Market Auditorium.

REGION IV

State, district, and location of office	Type of office	Address
Alabama		
Birmingham:		
Birmingham	District and area.	1814 Second Ave., North.
Sylagaugua	Branch	Craddock Bldg.
Anniston	Area	1330 Noble St., Radio Bldg.
Dothan	do	132½ North Foster St., Porter-Farmer Bldg.
Florence	do	Callaway Bldg.
Decatur	Branch	Court House Annex.
Huntsville	do	Jefferson and Clinton Sts.
Gadsen	Area	709 Chestnut St.
Mobile	do	First National Bank Bldg.
Montgomery	do	Old Post Office Bldg.
Selma	Branch	Court House Bldg.
Troy	do	Folmar Bldg.
Opelika	Area	908 Avenue A.
Tuscaloosa	do	First National Bank Bldg.
Florida		
Jacksonville:		
Jacksonville	District and area.	101 West Forsyth St., Graham Bldg.
St. Augustine	Branch	Exchange Bank Bldg.
Green Cove Springs.	do	Bank of Green Cove Springs.

APPENDIX—LOCATION OF DISTRICT AND AREA RENT OFFICES—Continued

REGION IV—continued

State, district, and location of office	Type of office	Address
Florida—con.		
Jacksonville—Con.		
Daytona Beach	Area	120 Volusia Ave.
Gainesville	do	130½ West University Ave.
Lake City	Branch	State Exchange Bank Bldg.
Orlando	Area	102 South Orange St., Metcalf Bldg.
Melbourne	Branch	126 Melbourne Ave., Flat Iron Bldg.
Sanford	do	The Armory.
Panama City	Area	Page Bldg.
Pensacola	do	Blount Bldg.
Crestview	Branch	McCallum Bldg.
Tallahassee	Area	Monroe and Pensacola Sts., Centennial Bldg.
Marianna	Branch	Liddon Bldg.
Miami:		
Miami	District and area.	615 SW. 2d Ave.
Fort Pierce	Branch	Arcade Bldg.
Vero Beach	do	Do.
Fort Lauderdale.	Area	303 SW. 1st Ave.
Key West	do	Federal Bldg.
Tampa	Area	608 Tampa St., Wallace S. Bldg.
St. Petersburg	Branch	710 Central Ave., Jones Professional Bldg.
West Palm Beach.	Area	444 Datura St.
Georgia		
Atlanta:		
Atlanta	District and area.	5 East Pine St. NE.
Athens	Area	298 East Washington St., Pan American Bldg.
Gainesville	Branch	117½ North Bradford St.
Augusta	Area	753 Broad St., Southern Finance Bldg.
Bainbridge	do	114 North Broad St., Callahan Bldg.
Albany	Branch	222½ Broad Ave.
Americus	do	Citizens Bank Bldg.
Moultrie	do	12 First Ave. SW.
Thomasville	do	Williams Bldg.
Tifton	do	East Second St., Kent Bldg.
Brunswick	Area	211 F St.
Columbus	do	308 10th St.
Dalton	do	270 Cuyler St.
Macon	do	666 Cherry St., Bankers Insurance Bldg.
Rome	do	Masonic Temple Bldg.
Savannah	do	Realty Bldg.
Dublin	Branch	c/o Price Control Board, Jackson St.
Valdosta	Area	107 West Central Ave.
Waycross	do	510 Alice St.
Mississippi		
Jackson:		
Jackson	District and area.	Tower Bldg.
Columbus	Branch	Princess Bldg.
Greenville	do	Weinberg Bldg.
Grenada	do	Belmont Bldg.
Meridian	do	Gochran Bldg.
Vicksburg	do	Merchants Bank Bldg.
Gulfport	Area	Hewes Bldg.
Hattiesburg	do	Citizens Bank Bldg.
McComb	do	125 North Front St.
Natchez	Branch	512 Main St.
North Carolina		
Raleigh:		
Raleigh	Area and district.	Capitol Club Bldg.
Elizabeth City	Branch	c/o Price Control Board.
Asheville	Area	Jackson Bldg.
Charlotte	do	101 West Trade St., Independence Bldg.
Hickory	Branch	
Durham	Area	128 West Main St., Fidelity Bank Bldg.
Chapel Hill	Branch	
Fayetteville	Area	115 Bow St.

APPENDIX—LOCATION OF DISTRICT AND AREA RENT OFFICES—Continued

REGION IV—continued

State, district, and location of office	Type of office	Address
N. Carolina—con.		
Raleigh—Con.		
Laurinburg	Branch	305 Main St., McNair Bldg.
Goldsboro	Area	109 South John St.
Greensboro	do	Guilford Bldg.
High Point	Branch	Post Office Bldg.
New Bern	Area	221 Craven St.
Wilmington	do	U. S. Custom House, Market St.
Winston-Salem	do	Nissen Bldg.
South Carolina		
Colombia:		
Columbia	District and area.	1306 Senate St.
Florence	Branch	211 West Evans St.
Sumter	do	Courthouse.
Greenville	do	News Bee Bldg.
Marion	do	Professional Bldg.
Aiken	do	
Charleston	Area	The Center.
Beaufort	Branch	Old Beaufort College Bldg.
Georgetown	do	112 Orange St.
Spartanburg	Area	112–116 West Main St., Andrews Bldg.
Tennessee		
Memphis:		
Memphis	District and area.	Marx and Bensdorf Bldg., 2d and Monroe Bldg.
Columbia	Branch	109 West 8th St.
Clarksville	Area	2d and Franklin St., First National Bank Bldg.
Kentucky		
Memphis:		
Hopkinsville	Branch	First City Bank Bldg.
Tennessee		
Memphis:		
Jackson	Area	Frankland Bldg.
Dyersburg	Branch	First National Bank Bldg.
Nashville:		
Nashville	District and area.	Stahlman Bldg.
Chattanooga	Area	120½ West 8th St., Cartinhour Bldg.
Knoxville	do	367 Commerce Ave.
Bristol	do	Central Bldg.
Virginia		
Richmond:		
Norfolk	District and area.	Granby and Tazewell Sts., Portlock Bldg.
Newport News	Branch	Powell Bldg.
Williamsburg	do	Old Post Office Bldg.
Arlington	Area	1124 North Highland St.
Charlottesville	do	Albemarle County Bldg.
Danville	do	526 Main St.
Lynchburg	do	110 Church St.
Petersburg	do	Medical Arts Bldg.
Richmond	do	17 North 7th St., Schmidt Bldg.
Roanoke	do	29 Franklin Rd. SW.
Covington	Branch	People Bank Bldg.
Front Royal	do	Royal Avenue and Main St., Forsyth Bldg.
Strasburg	do	105 West King St.
Radford	do	Martin Bldg., Norwood and 3d Sts.

REGION V

State, district, and location of office	Type of office	Address
Arkansas		
Little Rock:		
Little Rock	District	Commercial National Bank Bldg.
	Area	Pyramid Bldg.
Malvern	Branch	411½ Main St.
Blytheville	Area	First and Main Sts., Ingram Bldg.
Camden	do	137 West Washington St.
Fordyce	Branch	N. Y. A. Bldg.
Prescott	do	Federal Bldg.
El Dorado	do	202 North Washington Ave., Davis Bldg.

APPENDIX—LOCATION OF DISTRICT AND AREA RENT OFFICES—Continued

REGION V—continued

State, district, and location of office	Type of office	Address
Arkansas—con.		
Little Rock—Con.		
Fayetteville	Area	112½ West Center St.
Fort Smith	do	6th St., Kennedy Bldg.
Hot Springs	do	362½ Central Ave., Citizens Bldg.
Jonesboro	do	102½ West Washington Ave., Jonesboro Savings & Loan Co.
Pine Bluff	do	National Bldg.
Kansas		
Wichita:		
Wichita	District and area.	K. F. H. Bldg.
Pratt	Branch	211½ South Main St.
Dodge City	Area	McCarty Bldg.
Garden City	Branch	Garden National Bank Bldg.
Oklahoma		
Wichita:		
Guymon	do	First National Bank Bldg.
Kansas		
Wichita:		
Liberal	do	Wooley Bldg.
Great Bend	Area	2012½ Forest Tribune Bldg.
Hays	Branch	1107½ Main St.
Larned	do	722 Broadway, [Municipal Bldg.
Hutchinson	do	15 West Sherman St.
Parsons	Area	Kimball Bldg.
Coffeyville	Branch	Courthouse.
Pittsburg	Area	415 North Pine St., Globe Bldg.
Oklahoma		
Wichita: Miami	Branch	Security Bldg.
Kansas		
Wichita:		
Salina	Area	Farmers Union Bldg.
Herington	Branch	Bank of Herington.
Concordia	do	Masonic Temple Bldg.
Junction City	do	105 West 17th St.
Manhattan	do	405A Payntz Ave.
Topeka	Area	Liberty Life Bldg.
Lawrence	Branch	115 West 11th St.
Emporia	do	426½ Commercial St.
Louisiana		
New Orleans:		
New Orleans	District	531 Gravier St.
	Area	839 St. Charles St.
Alexandria	do	Guaranty Bank & Trust Co.
Baton Rouge	do	Triad Bldg.
Lafayette	Branch	
Lake Charles	Area	610 Broad St.
Monroe	do	501 Walnut St.
Shreveport	do	425 Milam St , Ricou-Brewster Bldg.
Missouri		
Kansas City:		
Kansas City	District and area.	417 East 13th St., Interstate Bldg.
Leavenworth	Branch	
Joplin	Area	218 West 4th St., New Spiva Bldg.
Sedalia	do	Pettis County Courthouse.
Springfield	do	Wilhoit Bldg.
St. Joseph	do	7th and Edmond Sts., Carbry Bldg.
St. Louis:		
St. Louis	District and area.	Paul Brown Bldg.
Jefferson City	Branch	304 East High St.
Rolla	do	Null Bldg.
Oklahoma		
Oklahoma City:		
Oklahoma City	District	Key Bldg.
	Area	Cotton Exchange Bldg.
El Reno	Branch	City Hall.
Norman	do	Security National Bank Bldg.
Enid	do	Masonic Temple Bldg.

APPENDIX—LOCATION OF DISTRICT AND AREA RENT OFFICES—Continued

REGION V—continued

State, district, and location of office	Type of office	Address
Oklahoma—con.		
Okla. City—Con.		
Ardmore	Area	314 West Main St.
Clinton	do	6th and Frisco Sts., McBurney Bldg.
Duncan	do	Ross Bldg.
Lawton	do	413½ C. Ave.
McAlester	do	City Hall.
Muskogee	do	Commercial National Bldg.
Shawnee	do	City Hall Annex.
Tulsa	do	Mayo Bldg.
Ponca City	Branch	Royalty Bldg.
Stillwater	do	905½ Main St.
Texas		
Dallas:		
Dallas	District	Rio Grande Bldg.
	Area	Horticulture Bldg., Fair Park.
Greenville	do	Medical Arts Bldg.
Longview	do	Glover Crim Bldg.
Marshall	do	210 North Washington St., Citizens State Bank Bldg.
McKinney	do	111½ East Virginia Ave.
Mineola	do	Lankford Bldg.
Paris	do	First National Bank Bldg.
Sherman	do	Grayson County Court House.
Temple	do	102 North Main St., First State Bank Bldg.
Texarkana	do	Old Federal Bldg.
Tyler	do	116½ South College St.
Waco	do	Professional Bldg.
Fort Worth:		
Fort Worth	District and area.	Fort Worth Club Bldg.
Amarillo	Area	618 Taylor St., Old Post Office Bldg.
Dalhart	Branch	316 Denrock Ave.
Big Spring	Area	Petroleum Bldg.
Brownwood	do	Citizens Bank Bldg.
Childress	do	125½ Commerce St.
Gainesville	do	Teague Bldg.
Lubbock	do	917 Ave. K
Midland	do	217 North Colorado, Noyes Bldg.
Odessa	Branch	700 North Grant St.
Pampa	Area	113½ South Cuyler St.
Pecos	do	124 South Oak St.
Monohans	Branch	106 West League St.
San Angelo	Area	San Angelo Bank Bldg.
Sweetwater	Branch	Bluebonnet Hotel Bldg.
Wichita Falls	Area	Post Office Bldg.
Houston:		
Houston	District and area.	Electric Bldg.
Bryan	Branch	Chamber of Commerce Bldg.
Bay City	Area	2208 Ave. F
Beaumont	do	Perlstein Bldg.
Galveston	do	2304 Ave. S, Pabst Bldg.
Texas City	Branch	Federal Post Office Bldg.
San Antonio:		
San Antonio	District and area.	Transit Tower Bldg.
Austin	Area	301 West 8th St.
Corpus Christi	do	Jones Bldg.
El Paso	do	Caples Bldg.
Harlingen	do	Embee Bldg.
Kerrville	do	716½ Warer St.
Laredo	do	519 Salinas St.
Marfa	do	Brite Bldg.

REGION VI

Illinois		
Chicago:		
Chicago	District and area.	222 West Adams St.
Aurora	Branch	Post Office Bldg.
Chicago	do	417 East 47th St.
Harvey	do	Post Office Bldg.
Waukegan	do	Do.
Indiana		
Chicago: Gary	Area	320 West 5th St.

APPENDIX—LOCATION OF DISTRICT AND AREA RENT OFFICES—Continued

REGION VI—continued

State, district, and location of office	Type of office	Address
Illinois		
Peoria:		
Peoria	District and area.	410 Main St., Alliance Life Bldg.
Bloomington	Branch	220 West Jefferson St.
Galesburg	do	311 East Main St., Bondi Bldg.
Canton	do	36 South Main St.
Joliet	Area	21 East Van Buren S..
Kankakee	Branch	258 East Court St.
Ottawa	do	102 Madison St.
Moline	Area	1630 5th Ave., 5th Ave. Bldg.
Clinton	Branch	244 6th Ave., S.
Rockford	Area	212 North Wyman St.
Dixon	Branch	215 Galena.
Freeport	do	207 South Galena.
Springfield:		
Springfield	District and area.	301 West Adams St.
Decatur	Branch	135 South Water St. Standard Bldg.
Centralia	Area	222 South Poplar St., Municipal Bldg.
Champaign	do	336 North Hickory St.
Danville	Branch	14½ North Vermillion.
Mattoon	do	1912 Western Ave.
Quincy	Area	506 Maine St., W. C. U. Bldg.
Iowa		
Des Moines:		
Des Moines	District and area.	Liberty Bldg.
Newton	Branch	P. O. Box 270.
Fairfield	do	103 North Court St.
Ottumwa	do	330 East Main St.
Burlington	Area	300 Washington St.
Cedar Rapids	do	125 1st Ave. SE., American Bank Bldg.
Iowa City	Branch	102 South Clinton St., Iowa State Bank Bldg.
Dubuque	Area	B & I Bldg.
Mason City	do	Federal Bldg.
Sioux City	do	5th and Pierce Sts., Frances Bldg.
Waterloo	do	319½ East 4th St.
Minnesota		
St. Paul:		
Minneapolis	District and area.	Federal Office Bldg., 3d and Washington Aves.
St. Paul	Branch	113 North Arcade, First National Bank Bldg.
St. Cloud	do	23 5th Ave., S.
Duluth	Area	Christie Bldg.
Brainerd	Branch	203 South 2d St.
International Falls.	do	401 East 3d St.
Rochester	Area	229 1st Ave. SW.
Austin	Branch	327½ North Main St.
Mankato	do	210 South 7th St.
Winona	do	261 West 3d St.
Nebraska		
Omaha:		
Omaha	District and area.	1615 Harney St.
Fremont	Branch	Courthouse.
Alliance	Area	114 East 4th St., Times Herald Bldg.
Chadron	Branch	Coffee-Pitman Bldg.
Grand Island	Area	201½ North Locust St., Bartenbach Bldg.
Hastings	do	213 North Lincoln Ave.
Lincoln	do	1320 North St .
North Platte	do	112 East 3d St.
Scottsbluff	do	14–16 West 17th .
North Dakota		
Fargo:		
Fargo	District and area.	510 4th Ave. N.
Grand Forks	Branch	Post Office Bldg.
Bismarck	Area	Will School Annex.
Minot	do	First National Bank Bldg.

APPENDIX—LOCATION OF DISTRICT AND AREA RENT OFFICES—Continued

REGION VI—continued

State, district, and location of office	Type of office	Address
South Dakota		
Sioux Falls:		
Sioux Falls	District and area.	Strand Bldg.
Aberdeen	Branch	315½ South Main St.
Mitchell	do	Courthouse.
Watertown	do	Post Office Bldg.
Rapid City	Area	615½ Main St.
Wisconsin		
Green Bay:		
Green Bay	District and area.	115 South Jefferson St.
Manitowoc	Branch	824 Jay St., Safety Bldg.
Eau Claire	Area	205 Graham Ave.
Oshkosh	do	Post Office Bldg.
Appleton	Branch	225 Oneida St., Courthouse Bldg.
Milwaukee:		
Milwaukee	District and area.	161 West Wisconsin Ave., Plankinton Bldg.
Kenosha	Branch	520 58th St., Schwartz Bldg.
Racine	do	Courthouse.
Janesville	Area	29 West Milwaukee St.
La Crosse	do	Exchange Bldg.
Sparta	Branch	303 South Court St.
Madison	Area	304 North Park St.

REGION VII

Colorado		
Denver:		
Denver	District and area.	511 16th St., Kittredge Bldg.
Boulder	Branch	% Price Control Board.
Craig	do	Do.
Fort Collins	do	Do.
Grand Junction	do	Do.
Greeley	do	Do.
Colorado Springs	Area	City Auditor.
Pueblo	do	406 Central Block.
La Junta	Branch	% Price Control Board.
Idaho		
Boise:		
Boise	District and area.	Capitol securities Bldg.
Idaho Falls	Branch	Earl Bldg.
Pocatello	Area	Kasiska Bldg.
Twin Falls	do	160 North Main.
Burley	Branch	
Montana		
Helena:		
Great Falls	District and area.	9½ 3d St. S., First National Bank Bldg.
Billings	Area	Stapleton Bldg.
Bozeman	Branch	
Missoula	Area	
New Mexico		
Albuquerque:		
Albuquerque	District and area.	226 North 3d St.
Belen	Branch	City Hall.
Deming	do	110 East Silver St.
Santa Fe	do	State Supreme Court Bldg.
Carlsbad	Area	Glasier Bldg.
Hobbs	Branch	312 South Turner St.
Clovis	Area	103 East 6th St.
Roswell	do	City Hall.
Alamogordo	Branch	% Price Control Board.
Utah		
Salt Lake City:		
Salt Lake City	District and area	222 South West Temple.
Ogden	Area	Kiesel Bldg.
Provo	do	48 North University Ave.
Wyoming		
Cheyenne:		
Cheyenne	District and Area.	Federal Office Bldg.
Laramie	Branch	% Price Control Board.
Casper	Area	Con-Roy Bldg.

APPENDIX—LOCATION OF DISTRICT AND AREA RENT OFFICES—Continued

REGION VIII

State, district, and location of office	Type of office	Address
Arizona		
Phoenix:		
Phoenix	District and area.	15 West Van Buren St.
Yuma	Branch	First National Bank Bldg.
Bisbee	Area	Franklin School Bldg.
Flagstaff	do	9 East Aspen St.
Winslow	Branch	Old Elks Bldg.
Tucson	Area	6 North 5th Ave.
California		
Los Angeles:		
Los Angeles	District and area.	1031 South Broadway, Western Pacific Bldg.
Long Beach	Branch	110 East Anaheim St.
Santa Ana	do	217 West 2d St.
Pasadena	do	85 East Colorado St.
Bakersfield	Area	1417 18th St.
San Bernardino	do	531 E St.
Riverside	Branch	7th and Orange Sts.
San Diego	Area	San Diego Trust & Savings Bank Bldg.
El Centro	Branch	146 South 5th St.
San Luis Obispo	Area	774 Marsh St.
Santa Maria	Branch	Theatre Bldg.
Ventura	Area	43 South Oak St.
San Francisco:		
San Francisco	District and area.	1355 Market St.
Burlingame	Branch	1350 Howard Ave.
San Rafael	do	Masonic Bldg.
Santa Rosa	do	Courthouse.
Auburn	Area	1568 Lincoln Way.
Fresno	do	Patterson Bldg.
Marysville	do	412 D St., Gordon Bldg.
Modesto	do	1015 12th St., Scott Bldg.
Monterey	do	467 Alvarado St.
Salinas	Branch	240 John St.
Oakland	Area	319 14th St.
Sacramento	do	1330 J St.
Stockton	Branch	110 North San Joaquin St., Belding Bldg.
San Jose	Area	12 South 1st St.
Santa Cruz	do	10 Cooper St.
Vallejo	do	310½ Georgia St.
Richmond	Branch	908 McDonald Ave.
Visalia	Area	Bank of America Bldg.
Hanford	Branch	P. O. Box 450.
Nevada		
Reno:		
Reno	District and area.	285 South Virginia St.
Las Vegas	Area	205 East Bridger Ave.
Oregon		
Portland:		
Portland	District and area.	520 SW. 6th Ave., Bedell Bldg.
Corvallis	Branch	Courthouse.
Eugene	do	29 West 11th St., Walling Bldg.
Klamath Falls	do	432 Main St.
Roseburg	do	Douglas County State Bldg.
Washington		
Seattle:		
Seattle	District and area.	White-Henry-Stuart Bldg.
Bremerton	Branch	Harrison Bldg.
Bellingham	do	City Hall.
Everett	do	1918½ Everett Ave.
Olympia	do	213½ East 4th Ave.
Tacoma	Area	Puget Sound Bldg.
Yakima	do	Masonic Temple Bldg.
Spokane: Spokane	District and area.	9 Washington St., Hutton Bldg.
Idaho		
Spokane: Coeur d'Alene	Branch	Harding Bldg.
Washington		
Spokane: Walla Walla	do	115 East Alder St.

APPENDIX—LOCATION OF DISTRICT AND AREA RENT OFFICES—Continued

REGION IX

Office	Type of office	Address
Juneau, Alaska	Area	3 Valentine Bldg.
San Juan, P. R.	do	Ponce De Leon Ave., Stop 9.

PRICE CONTROL BOARDS

§ 1305.2400 *Purpose of chapter.* This chapter describes the method of appointing members of price control boards, the organization of the boards, the responsibilities of board members, volunteers, and paid employees, and the relationships between boards and district offices.

§ 1305.2401 *Board location and area served*—(a) *Determination.* The district director, with the approval of the regional administrator, shall determine the location and territorial jurisdiction of boards in the district, in accordance with standards established by the office of price board management.

(b) *Location of board office.* Normally the board office shall be centrally located within the area served by the board. In all cases full consideration shall be given to available public transportation facilities and to the traveling habits of the community. The location of the board's office within the area may be suggested by the board, but it will be approved by the district price board executive.

(c) *Area served.* A price control board is responsible for serving the entire area under its jurisdiction.

(d) *Designation.* The district price board executive shall designate by a code number each individual board in the district.

§ 1305.2402 *Functions of boards.* Price control boards have such functions as are delegated to them from time to time by orders, regulations, and operating procedures. In particular they:

(a) Provide local leadership for meeting community problems associated with price control programs.

(b) Inform the public of the nature, purposes, and methods of price control.

(c) Inform the district office of public response to OPA's programs, and the need for changes in operating procedure.

(d) Conduct surveys to ascertain compliance with maximum price regulations.

(e) Hold conferences with reported violators to ascertain whether or not a violation occurred.

(f) In behalf of the Administrator, negotiate a settlement with a violator of a maximum price regulation.

(g) Maintain prescribed records and prepare specified reports on actions taken.

(h) Perform any other functions assigned the board.

§ 1305.2403 *Board organization*—(a) *General.* Because of the wide range in size of area and problems faced by price control boards, only the broadest framework of board organization will be indi-

cated. Each board will be organized to do its job by the board supervisor and board chairman within this framework. Board work divides into several categories: price panel and information panel activity, board clerical work, and out-board price checking and survey work.

(b) *Responsibility and authority of the board chairman.* (1) The board chairman is responsible to the district director for the effective operation of the board's programs. A board supervisor has been assigned to guide and assist him in the discharge of this responsibility.

(2) He is responsible, on behalf of the board, for supervision of the chief clerk and the clerical staff.

(3) The board chairman has authority to call all meetings of the board. Any five members or a majority of the members, whichever is smaller, may request the chairman to call a meeting.

(4) He is a member ex-officio of every board panel, without voting power on any one specific panel, except that with the consent of the district director he may serve as a voting member on one specific panel.

(c) *Panel organization and authority.* Each panel is assigned responsibility by the board chairman for a specific area of board work and acts for the board in all problems for which it has responsibility. Each panel has a panel chairman who is responsible to the board chairman for the actions of his panel. All panel members must be board members. A panel shall have three or more members.

(d) *Price panels.* The price control work of the board is divided into as many panels as are necessary to handle the cases brought before the panel. The board supervisor will advise the board chairman about adjusting or expanding the panel organization to handle any increases or changes in case work load. Each board has a minimum of four panels each of which specializes in one of these commodity areas: foods, consumer hard goods, consumer soft goods, and services. As more panels become necessary the board panel organization may be adjusted to meet board needs. For example, a board with many cases needs three panels working exclusively on restaurant price cases. More panels specializing in fewer price control areas are preferable to a few panels each of which covers many price regulations.

(e) *Information panels.* (1) The information work of the board is to centralize in an information panel which will distribute adequate and full information about the board price control activity. The panel should consist of specialists in press, radio, public meetings, community organizations, advertising, church groups, labor organizations, neighborhood areas, racial and nationality groups, etc., depending on local conditions. This panel organization may be adjusted. In some boards one person may handle the information work. In others a portion of the work may be done by the district office.

(2) This panel shall be responsible for conducting a board information program which will achieve these objectives:

(i) Community understanding of the objectives of price control and the board's part in the price control job.

(ii) Public participation in the board work as board members, in-board volunteers, or board representatives.

(iii) Public participation in the community price control job, either by reporting over ceiling sales and other violations of the maximum price regulations, or by persuading violators to observe the maximum price regulations.

(iv) Publicity program designed to inform the retail trade about the board's activities and the maximum price regulations affecting their businesses.

(v) Complete and thorough publicity about all Administrator's Claim settlements after they have been approved by the district office and about any other board activity which should be publicized.

§ 1305.2404 *Board members.*—(a) *Nomination.* Board members may be nominated by the board chairman, other board members, the board supervisor, or local government officials. If the board is seeking to broaden the basis for membership by recruiting from any special group, a board member or the board supervisor may request some organization which is representative of the special group to suggest several people to be considered by the board. Each nomination forwarded to the district director shall include a statement of the nominee's qualifications for the position.

(b) *Qualifications of board members.* (1) The following qualifications for board members shall be given special consideration:

(i) Fair-mindedness, integrity, and respect of neighbors.

(ii) Ability to devote the minimum number of hours required to do effective board work.

(iii) Appreciation of and enthusiasm for the objectives of the price control programs.

(iv) High regard for board membership as a public trust rather than as an opportunity to promote a special viewpoint.

(2) Board members are to be citizens of the United States, but the district director in his discretion may appoint a resident of the United States who has filed a declaration of intention to become a citizen.

(3) Normally board members are to be residents of the area served by the board but the district director may make an exception in special circumstances.

(4) The membership of each board is intended to represent the community as a whole. Selection of all members of any one board from the same political party, sex, religious faith, race, economic level, social level or occupation, should be avoided. When appropriate, board membership should include a housewife and members from labor, agriculture, business, the professions, consumers, and various minority and racial groups. In no case should a questionnaire be submitted to a present or proposed member which would require him to state his political or religious affiliations.

(5) No person engaged or financially interested in the selling of commodities shall participate, as a board member, in specific board price cases involving his business interest or those of a competitor.

(c) *Appointment and removal.*—(1) The district director shall have authority to select and appoint board members and shall designate one member as chairman. Generally he will be guided by the advice and suggestions of the district price board executive who will thoroughly review the qualifications of the proposed board member with the board supervisor and with other interested parties.

(2) The district director may at any time remove any board member who fails to perform his duties properly and adequately.

(3) A board member may resign by writing a letter to the district director stating when his resignation will take effect.

(d) *Voluntary service of board members.* Board members serve without compensation.

(e) *Number of board members.* The district price board executive determines the number of board members, guided primarily by the program to be administered and the population of the area to be served.

(f) *Responsibilities of board members.* (1) It is necessary that each board member familiarize himself with OPA policies, with the board members' operating handbook in the Loose-Leaf Service and with the maximum price regulations governing the programs handled by the panel on which he serves.

(2) When in doubt as to the proper interpretation of a regulation, the board seeks advice from the board supervisor or from the district office.

(g) *Restricted activities of board members*—(1) *In general.* Appearance of Office of Price Administration employees board members, and former employees in a representative capacity before the OPA is governed by the provisions of Procedural Regulation No. 14. In addition, there are various Federal statutes which apply to all Federal officers or employees (e. g., secs. 109 and 113 of the Criminal Code; 18 U. S. C. 198, 203, relating to claims against the United States, and acceptance of compensation for services before a department). Uncompensated Board members have been exempted from the provisions of sections 109 and 113 of the Criminal Code except with reference to representation before OPA itself.

(2) *As attorneys or agents.*—(i) Price control board members are permitted by law to act as attorneys or representatives of corporations or individuals in any matter or proceeding pending before a government agency, except OPA. A board member may not represent or act as an agent of any person in any proceedings before OPA, except on behalf of his own private business or interest. However, he should not act in a representative capacity even with regard to his own business if other employees or associates of equal competence and ability are available to handle the problem.

(ii) As soon as a board member has resigned he may act as an agent, attorney, or representative in any OPA proceeding which is not pending in or insti-

tuted before a price control board. He must wait a period of six months after his resignation before he may appear in any proceeding before any price control board. In no event, however, may he act as agent, attorney, or representative in any OPA proceeding if at any previous time he has been officially associated with the specific matter to which the proceeding relates.

(3) *Political.* The district director is authorized to determine when political activity of a board member would impair the faith of the public in the impartiality of OPA regulations and adjudications. Subject to this general policy, board members may make contributions to political organizations, vote, attend meetings, join political clubs, and petition Congress on all but OPA business. A board member who is a candidate for a contested elective office, who is a campaign manager, or who otherwise actively participates for or against a candidate, may not act on the board during the period of the campaign.

§ 1305.2405 *Operating the Board Office*—(a) *General.* The board office is operated by the chief clerk under the direction of the board chairman and in accordance with OPA policies. Paid and volunteer personnel do the work within the board and conduct the surveys.

(b) *The chief clerk*—(1) *Appointment.* The chief clerk is appointed by the board chairman after approval by the district director.

(2) *Authority and responsibility.* The chief clerk acts as chief administrative aide and office manager for the board, under the supervision of the board chairman. In accordance with OPA policies and procedures he is specifically responsible to the chairman for:

(i) Organization and activities of the board's office staff.

(ii) Maintenance of all board files and records in accordance with instructions.

(iii) Preparation of all reports required.

(iv) Providing for adequate clerical assistance to the information panel.

(v) The manner in which members of the public are received and served by the board clerks.

(vi) Conducting the business of the board office so that board members may devote their time exclusively to training themselves in the use of the Members Handbook and to consideration of reported violations.

(vii) Directing the activities of the price clerk for each panel so that the reported violation presented to the panel will be properly prepared and the members will have had indicated for them the provisions of the regulations governing consideration of the case.

(viii) The administration of oaths and affirmations required in connection with forms issued by the board. The chief clerk does not need to be a notary public to render this service. No charge may be made for the service.

(3) *Selection and supervision of board clerical staff.* The board chairman appoints board clerks. The chief clerk under the supervision of the board supervisor and the board chairman recommends for selection and supervises the clerical employees of the board. He maintains and submits in behalf of the board such records and reports on clerical and other activities as are required.

(c) *Board surveys.* Paid and volunteer personnel participate in continuous surveys of various commodity areas to check compliance with price, posting, and record-keeping requirements of maximum price regulations. These surveys will be conducted in accordance with instructions and will be under the supervision of the clerk assigned responsibility for conducting surveys or the price clerk responsible for the commodity area being surveyed. The chief clerk shall be responsible for making the assignments and for allocating board personnel to surveys. He should see that the price panel conferences and in-board clerical work on survey findings are not delayed. If such delays arise, the chief clerk will call this problem to the attention of the board chairman and the board supervisor who will take steps to solve the problem.

(d) *Board hours.* In order to give adequate service to the community, board offices should be open at such hours that no large group of citizens will be inconvenienced. Whenever necessary either to give better service or to permit the inclusion of active board members who work during the daytime, every effort should be made to be open some evenings. The board secures approval of the district price board executive of its schedule of working hours for its paid clerical staff.

(e) *General relationships between price control boards and area rent offices.* Where area rental offices and local boards are physically consolidated, there shall be joint use of space, receptionists, telephones and other administrative services.

§ 1305.2406 *Volunteer participation.* It is the policy of OPA to enlist the aid of uncompensated volunteers as clerks and survey workers to supplement the paid staff in its price control activities. An uncompensated volunteer supervisor is appointed in each board in accordance with the established procedure for appointment of board members. This member serves as a staff aide to the board chairman. He is not assigned exclusively to any panel but works to recruit and organize volunteer assistance in the board work.

§ 1305.2407 *General relationships between boards and district offices.* The district price board executive through his representative, the board supervisor, shall be generally responsible for the adequate performance by the board of its duties and responsibilities. If the district director or a responsible member of his staff finds it necessary to examine the records, files, or operations of a board, he shall have authority to do so with such prior notice as he deems necessary. The board is responsible for all panel conference actions and decisions which it makes in accordance with orders or regulations of OPA, subject to such review by district offices as is provided for by OPA regulations. The board supervisor is responsible for assisting the board chairman by recruiting and training board members, volunteers, and paid clerks and for generally assisting in the performance of board work.

APPENDIX—LIST OF PRICE CONTROL BOARDS

REGION I

Address	Board No.	County
Connecticut		
Ansonia, 290 Main St.	115.1	New Haven.
Branford, Suval Bldg., 260 Main St.	115.4	Do.
Bristol, 16 School St.	112.4	Hartford.
Danbury, Masonic Bldg., 341 Main St.	111.4	Fairfield.
East Hartford, 1010 Main St.	112.8	Hartford.
Essex Connecticut Light & Power Co.	114.7	Middlesex.
Greenwich, Welfare Bldg., 116 E. Putnam Ave.	111	Fairfield.
Camden, Dixwell Ave., Centerville School.	115.9	New Haven.
Eartford, 170 High St.		
Manchester, State Armory.		
Meriden, Post Office	115.11	Do.
Middletown City Hall, Main St.	114.11	Middlesex.
Naugatuck, Church St., Tuttle House.	115.14	New Haven.
New Britain, 30 East Main St., Old Burritt School.	112.18	Hartford.
New Haven		
New London Post Office Bldg., 27 Masonic St.	116.12	New London.
Norwalk, St. Mary's Club House, West Ave.	111.13	Fairfield.
Putnam, 168 Main St.	118.10	Windham.
Rockville, 19 Market St.	117	Tolland.
Stamford, Odd Fellows Hall, 14 Suburban Ave.	111.18	Fairfield.
Torrington, 132 Main St.	113.21	Litchfield.
Wallingford, Town Hall	115.23	New Haven.
Waterbury, 119 W. Main St.	115.24	Do.
West Hartford, Town Hall, South Main St.	112.26	Hartford.
West Haven, Center St. & Union Ave.	115.25	New Haven.
Willimantic, 29 North St.	118.14	Windham.
Windsor Locks	112.29	Hartford.
Winsted, Town Hall, 440 Main St.	118.14	Litchfield.
Maine		
Bangor, New Municipal Bldg., 114 Exchange St.	1210.7	Penobscot.
Bath, 15 Broad St.	1212.1	Sogadahoc.
Houlton		
Lewiston, 40 Park St.	121.3	Andrascoggin.
Machias, Dublin St.	1215.2	Washington.
Portland, City Hall, Post Office Bldg., Box 448, Pearl St.	123.3	Cumberland.
Presque Isle	122.5	Aroostook.
Rockland	112.16	
Saco, 103 Maine St.	1216.1	York.
Waterville	126.2	Kennebec.
Massachusetts		
Amesbury, Town Hall —Friend St.	46	Essex.
Arlington, Post Office Bldg.	49	Middlesex.
Athol, Memorial Bdlg., Room 1.	54	Worcester.
Attleboro	1	Bristol.
Ayer, Town Hall	57	Middlesex.
Belmont, 451 Trapelo Rd.	64	Do.
Beverly, 191 Cabot St.	2	Essex.
Boston, Beacon and Somerset Sts.	3	Suffolk.
Brockton, 50 Main St.	4	Plymouth.
Brookline, 34 Marion St.	81	Norfolk.
Cambridge, City Hall	5	Middlesex.
Chelsea, 473 Broadway	6	Suffolk.
Chicopee, 10 Center St.		
Clinton, Municipal Bldg.	96	Worcester.
Concord, Veteran's Bldg.	99	Middlesex.
Dorchester, 256 Bowdoin St.	138.3	Suffolk.
Everett, 427A Broadway.	8	Middlesex.
Fall River, 42 3d St., Fall River Trust Bldg.		Bristol.

APPENDIX—LIST OF PRICE CONTROL BOARDS—Continued

REGION I—continued

Address	Board No.	County
Massachusetts—Con.		
Falmouth, Community Center.	126	Barnstable.
Fitchburg, 42 Elm St.	10	Worcester.
Framingham, Memorial Bldg., Town Clerk's Office.		Middlesex.
Franklin Town Offices, 54 Maine St.	139.130	Norfolk.
Gardner, City Hall, Room 128.	11	Worcester.
Gloucester, 140 Main St.	12	Essex.
Greenfield Old Court House.	132.141	Franklin.
Haverhill, Room 14, City Hall, Main St.	13	Essex.
Hyannis, Town Office Bldg.		Barnstable
Holyoke, City Hall	14	Hampden.
Leominster, City Hall	16	Worcester.
Lowell, Bradley Bldg	17	Middlesex.
Lynn, Rotary Bldg, 31 Exchange St.	18	Essex.
Malden, Center School, Ferry St.	19	Middlesex.
Marlboro, City Hall	20	Do.
Medford, City Hall, c/o Mr. Fowler, Room 214.	21	Do.
Melrose, Calvin Coolidge School, Main St.	22	Do.
Middleboro, Chamber of Commerce.	199	Plymouth.
Milford, 197 Main St.	135.202	Worcester.
Nantucket Town Bldg.	214	Nantucket.
Newtonville, Studio Hall, 92 Bower St.		
New Bedford, 888 Purchase St.	23	Bristol.
North Adams, 54 Main St.	131.26	Berkshire.
Northampton, 290 Main St.	27	Hampshire.
Norwood, Municipal Bldg., Room 5 (3).		Norfolk.
Orleans, Town Hall	236	Barnstable.
Palmer, Holbrook Bldg.	239	Hampden.
Pittsfield, 184 North St.	29	Berkshire.
Plymouth, 36 Main St.	249	Plymouth.
Provincetown, P. O. Bldg., Room 201.		Barnstable.
Quincy, 50 Saville Row	30	Norfolk.
Revere, 8 Pleasant St.	138.31	Suffolk.
Roxbury, 1497 Tremont St.	138.3D	Do.
Salem, 34 Church St.	32	Essex.
South Egremont, Greenbridge Farm, R. F. D. No. 3.	Berkshire	
Southfield		
South Bridge, Town Hall.	284	Worcester.
Somerville, 403 Highland Ave.	33	Middlesex.
Springfield, 68 Court St.	34	Hampden.
Taunton, Jones Block, 7 Broadway.	1311.35	Bristol.
Tisbury, Main St	300	Dukes.
Wakefield, Municipal St. Dept. 11 Albion St.	309	Middlesex.
Waltham, City Hall Wardroom, 614 Main St.	36	Do.
Wareham, Memorial Town Hall.	313	Plymouth.
Watertown, Grant School.	317	Middlesex.
Webster, Municipal Bldg., Selectmen's Office.	319	Worcester.
Westfield, Green District School.	134.37	Hampden.
Weymouth (East), Town Hall, 75 Middle St.	139.338	Norfolk.
Woburn, City Hall	136.38	Middlesex.
Worcester, 74 Front St.		
New Hampshire		
Berlin, 59 Main St.	14.1.4	Coos.
Claremont, 24 Tremont Sq.	14.5.1	Sullivan.
Concord, 22 Pleasant St.	14.6.2	Merrimack.
Keene	14.10.1	Chesive.
Laconia, 213 Forestry Bldg	14.4.1	Belknap.
Littleton, 165 Main St.	14.2.1	Grofton.
Manchester, 211 Kennard Bldg.	14.9.1	Hillsboro.
Nashua, 14 Railroad Sq.	14.9.2	Do.
Portsmouth	14.8.1	Rockingham.
Rochester	14.7.1	Stafford.

APPENDIX—LIST OF PRICE CONTROL BOARDS—Continued

REGION I—continued

Address	Board No.	County
Rhode Island		
Cranston, City Hall	151.93	Providence.
Newport, 35 Bellevue Ave.	154.1	Newport.
Pawtucket, 35 High St.	151.7	Providence.
Providence, 99 Kenyon St., Plain St. Police Station.		Providence County.
Sessions St. Police Station.	151.3	
Plain St. Police Station	151.5	
Chaffee St. Police Station.	151.6	
Shawomet, 1515 West Shore Rd.		
Warren	152.2	Bristol.
Westerly, Room 203, Washington Trust Bldg.	155.1	Washington.
Woonsocket	151.8	Providence.
West Warwick, 969 Main St.	153.2	Kent.
Vermont		
Barre	168.2	Washington.
Bennington	1414.1	Bennington.
Brattleboro	1613.2	Windham.
Burlington, 158 Bank St.	144.1	Chittenden.
Newport, Federal Bldg.	143.1	Orleans.
Rutland	1,611.2	Rutland.
St. Albans	162.1	Franklin.
St. Johnsbury	166.1	Caledonia.
Springfield, 7½ Main St.	1412.2	Windsor.
White River Junction, Gates Block.	1412.1	Windsor.

REGION II

Address	Board No.	County
Maryland		
Baltimore, 137 West Mount Royal Ave.	233.1	
Annapolis, 89 West St.	232.1	Anne Arundel.
Bethesda, Wise Ave. & Leland St.	2316.3	Montgomery.
Bel Air, Bel Air Rd.		Harford.
Cambridge	2310.1	Dorchester.
Centreville		Queen Annes.
Chestertown, 203 East High St.	2315.1	Kent.
Cumberland, 111 Union St.	231.1	Allegany.
Denton, South Third St.	236.1	Caroline.
Easton, Masonic Temple.	2321.1	Talbot.
Elkton, County Courthouse.	238.1	Cecil.
Ellicott City	2314.1	Howard.
Frederick	2311.1	Frederick.
Hagerstown	2322.1	Washington.
Hyattsville, 5012 Rhode Island Ave.	2317.1	Prince Georges.
La Plata		Charles.
Leonardtown	2319.1	St. Marys.
Oakland Gonder Bldg.	2312.1	Garrett.
Prince Frederick	235.1	Calvert.
Princess Anne		Somerset
Rockville	2317.1	Montgomery.
Salisbury, South Division St.	2323.1	Wicomico.
Silver Spring, 7920 Georgia Ave.	2316.2	Montgomery.
Snow Hill	2324.1	Worcester.
Towson, Bank of Baltimore Co. Bldg.	234.1	Baltimore.
Westminster	237.1	Carroll.
New Jersey		
Asbury Park	24.3.6	Monmouth.
Atlantic City, 930 Atlantic Ave.	241.1	Atlantic.
Bayonne	24.9.3	Hudson.
Camden, Broadway and Spruce Sts.		Camden.
East Orange, 25 Halstead St.	24.7.5	Essex.
Egg Harbor City	241.3	Atlantic.
Elizabeth	24.20.1	Union.
Englewood, Livingston Bldg., 8 North Dean St.	24.2.3	Bergen.
Flemington, 83 Main St.	24.10.8	Huntendon.
Freehold, 39 East Main St.	24.13.15	Monmouth.
Hackensack	242.5	Bergen.
Hoboken	24.9.6	Hudson.
Irvington	24.7.4	Essex.
Jersey City	24.9.1	Hudson.
Kearny	5	Hudson.

APPENDIX—LIST OF PRICE CONTROL BOARDS—Continued

REGION II—continued

Address	Board No.	County
New Jersey—Con.		
Maplewood	24.7 7	Essex.
Montclair, 363 Bloomfield Ave.	24.7.3	Essex.
Morristown, 32 Washington Pl.	24.13.1	Morris.
Mount Holly, 37 Main St.	3	Burlington.
New Brunswick	24.12.2	Middlesex.
Newark, 1060 Broad St Zone (2).	24.7.13	Essex.
Newton, 172 Spring St.	24.19.4	Sussex.
Ocean City, Room 27 City Hall, 9th and Asbury Ave.	245.5	Cape May.
Passaic	24.16.1	Passaic.
Paterson, Straight and Ellison Sts.	24.16.2	Passaic.
Perth Amboy	24.12.1	Middlesex.
Phillipsburg	24.21.4	Warren.
Plainfield, 119 East 5th St.	24.20.5	Union.
Pleasantville, 216 South Main St.	24.1.2	Atlantic.
Ridgewood, 49 Cottage Pl.	24.2.9	Bergen.
Roselle Park, 23 Westfield Ave.	24.20.3	Union.
Salem, Salem Armory	24.17.1	Salem.
Somerville	24.18.1	Somerset.
Summit, 311 Springfield Ave.	24.20.1	Union.
Teaneck	24.2.6	Bergen.
Tom's River		
Union City, Robert Waters School, 2808 Summit Ave.	24.9.4	Hudson.
Trenton, 630 East State St.		
Vineland, 113 South 6th St.	24.6.4	Cumberland.
Woodbury, 44 Cooper St.	24.8.5	Gloucester.
Wildwood, 105-107 East Wildwood.	C	Cape May.
New York		
Albany		
Buffalo		
Rochester		
Syracuse		
Albany, City Hall	251.1	
Albion, 58 Main St.	2537.1	Orleans.
Amsterdam, City Hall, 61 Church St.	2529.1	Montgomery.
Auburn, Goss Bldg., 132 Genesee St.	256.1	Cayuga.
Babylon, Municipal Bldg., Main St.	2552.1	Suffolk.
Batavia, 40-42 Ellicott St.	2519.1	Genesee.
Binghampton, 64 Henry St.	254.1	Broome.
Bronx, 364 East 149th St.	253.1	New York.
Bronx, 851 Grand Concourse.		Do.
Brooklyn, 26 Court St.	2524.1	Kings.
Buffalo, City Hall		
Canandaigua, Court House.	2535.1	Montgomery.
Catskill, Greene County Court House, 288 Main St.	2520.1	Greene.
Cobleskill, South Grand and MacArthur.	2548.1	Schoharie.
Cold Spring, Town Hall		
Cortland	2512.1	Cortland.
Dunkirk	257.1	Chautauqua.
Elmira, 215 Post Office Bldg.	258.1	Chemung.
Nornell		
Freeport	2530.4	Nassau.
Gloversville, 42 South Main St.	2518.1	Fulton.
Glen Cove	2530.2	Nassau.
Glen Falls, WPA 2 Broad St.	2557.1	Warren.
Governors Island, Army Exchange Section Special Services Div. Hq. 2d Serv. Command, Building 100.		
Greenwich, 124 Main St.	2558.1	Washington.
Herkimer, 272 North Main St.	2522.1	Herkimer.
Hornell, 20 Seneca St.	2551.3	Steuben.
Hudson, Courthouse	2511.1	Columbia.
Huntington, 375 New York Ave.	2552.5	Suffolk.
Irvington, 106 Main St.	2560.5	Westchester.

APPENDIX—LIST OF PRICE CONTROL BOARDS—Continued

REGION II—continued

Address	Board No.	County
New York—Continued		
Ithaca	2555.1	Tompkins.
Jamaica, 8909 Sutphin Blvd	2541.3	Queens.
Jamestown, 112 East 2d St	257.2	Chautauqua.
Kingston, 106-10 Prince St	2556.2	Ulster.
Liberty	2553.1	Sullivan.
Lockport, 59 Park Ave	2532.1	Niagara.
Lowville	2525.1	Lewis.
Lynbrook, L. I., 619 Sunrise Highway	2530.6	Nassau.
Malone	2517.1	Franklin.
Manhasset	2530.7	Nassau.
Massena, Central Bldg., 28-32 Main St.	2545.4	St. Lawrence.
Middletown, 16-18 Mulberry St.	2536.2	Orange.
Mineola, 1527 Franklin Ave.	2530.1	Nassau.
Mount Kisco, Municipal Bldg.	2560.1	Westchester.
Mount Vernon, 4 North 3d Ave.	2560.10	Do.
New Rochelle, 257 Hugenot St.	2560.11	Do.
New York, 1775 Broadway.		
New York, N. Y. Mail Center, Box No. 28, Station C.		
Newark, Grange Bldg., 106 East Miller St.	2559.1	Wayne.
Newburgh	2536.2	Orange.
Niagara Falls, 206-212 Main St.	2532.2	Niagara.
Norwich, 11-15 East Park Pl.	259.1	Chenango.
Nyack, 74 North Broadway.	2544.3	Rockland.
Ogdensburg, City Hall	2545.1	St. Lawrence.
Olean, 138 North Union St.	255.3	Cattaraugus.
Oneida, P. O. Box 300		Madison.
Oneonta, 18 Dietz St	2539.2	Ostego.
Oswego, 200-202 West 1st St.	2538.3	Oswego.
Patchogue, 183 South Ocean Ave.	2552.3	Suffolk.
Peekskill, Room 30, City Hall.	2560.2	Westchester.
Penn Yan	2562.1	Yates.
Plattsburg, 34 Clinton St.	2510.1	Clinton.
Port Chester, Lincoln St. School.	2560.16	Westchester.
Port Henry	2516.6	Essex.
Port Jefferson	2552.2	Suffolk.
Poughkeepsie, 13 Washington St.	2514.2	Dutchess.
Riverhead, 246 Griffing Ave.	2552.7	Suffolk.
Rochester, 155 West Main St.	2528.1	Monroe.
Rochester, 314 Cutler Bldg.		
Rome, 1 Bouck St	2533.2	Oneida.
St. George, Staten Island, 56 Bay St.	2543.1	Richmond.
Saratoga Springs	2546.3	Saratoga.
Schenectady, 158 Jay St.	2547.1	Schenectady.
Southampton, P. O. Southampton Village Bldg.	2552.10	Suffolk.
Stapleton, S. I		
Syracuse Education Bldg., 130 West Genesee St.	2543.1	Onondaga.
Troy, Hotel Troy	2542.3	Rensselaer.
Tuckahoe, 42 Oak Ave	2560.7	Westchester.
Tupper Lake	2517.3	Franklin.
Walton, 136 Delaware St.	2527.3	Madison.
Utica	2533.4	Oneida.
Warsaw, 20 West Buffalo St.	2561.1	Wyoming.
Waterloo, Court House	2550.1	Seneca.
White Plains, 206 Main St.	2560.14	Westchester.
Watertown, Federal Bldg.	2523.1	Jefferson.
Yonkers, 42 South Broadway.		Westchester.
Pennsylvania		
Erie		
Philadelphia		
Pittsburgh		
Williamsport		
Scranton		
Allentown	2639.4	Lehigh.
Ardmore	2646.3	Montgomery.

APPENDIX—LIST OF PRICE CONTROL BOARDS—Continued

REGION II—continued

Address	Board No.	County
Pennsylvania—Con.		
Beaver, Market St. School		Beaver.
Bedford, 121 East Pitt St.	265.1	Bedford.
Bellefonte	2614.1	Centre.
Belleview, Grant School, South Bryant St.		
Bethlehem, 528 North New St.	2648.5	Northampton.
Blairsville, Murphy Bldg.	2532.1	Indiana.
Bloomsburg	2619.1	Columbia.
Bradford, 15 Chestnut St.	2642.2	McKean.
Brookville, 272 Main St.	2633.1	Jefferson.
Butler, Community Bldg.		
Carbondale	2635.1	Lackawanna.
Carlisle	2621.1	Cumberland.
Chambersburg	2628.1	Franklin.
Chester, 8th and Spruce Sts.	2623.10	Delaware.
Clarion, Alexander Bldg	2616.1	Clarion.
Clearfield	2617.1	Clearfield.
Coatesville, 137 East Lincoln Highway.	15.3	Chester.
Coudersport	2653.1	Potter.
Doylestown	269.3	Bucks.
Du Bois, 208 W. Long Ave.		Clearfield.
Easton, Easton Post Office.	2648.4	Northampton.
Ebensburg	2611.2	Cambria.
Elkins Park, Cheltenham High School.	2624.2	Montgomery.
Gettysburg, 9 North Washington St.	261.1	Adams.
Greensburg, 210 South Pennsylvania Ave.	2665.1	Westmoreland.
Harrisburg, 210 North 2d St.	2622.1	Dauphin.
Hazelton	2640.6	Luzerne.
Honesdale, 968 Main St.	2664.1	
Huntington, 407 Penn St.	2631.3	Huntington.
Indiana, 20 South 6th St.	2632.3	Indiana.
Johnstown, 211 Main St.	2611.4	Cambria.
Kittanning, 112 South Jefferson St.	263.1	Armstrong.
Lancaster, 213 West Chestnut St.	36.1	Lancaster.
Lebanon	2638.1	Lebanon.
Lewistown	2644.1	Mifflin.
Lock Haven	2618.1	Clinton.
McKeesport, 504 Ringgold St.	262.10	Allegheny.
Meadville		Crawford.
Media, Court House	2623.11	
Mifflintown, 37 North Main St.	2634.1	Juniata.
Milford, Court House	2652.1	Pike.
Montrose, 25 Public Ave	2658.1	Susquehanna.
Nanticoke, 137 East Main St.	2640.8	Luzerne.
New Bloomfield, Carlisle St.	2650.1	Perry.
New Castle, Aiken School, Pearson St.	2637.1	Lawrence.
New Kensington	2665.4	Westmoreland.
Norristown	2646.10	Montgomery.
Old Forge, 446 Main St.	2635.11	
Oil City	2661.3	Venango.
Olyphant	2635.4	Lackawanna.
Palmerton	2613.1	Carbon.
Philadelphia, 4721 Oxford Ave.	2651.5	Philadelphia.
Philadelphia, 5039 Baltimore Ave.		
Philadelphia, 2800 South 20th St., Plant Panel.		
Philadelphia, 1016 Chestnut St.		
Philadelphia, 3701 North Broad St.	262.15	Philadelphia.
Pittsburgh, 2500 Brownsville Rd.	262.15	Allegheny.
Pittsburgh, 100 West Stockton St.	262.3	
Pittsburgh, 1004 C. of C. Bldg.	262.1	
Pittsburgh, 215 Highland Bldg.	262.2	
Pittston	2640.13	Luzerne.
Pottstown, 363 High St	2646.9	Montgomery.
Pottsville, 115 N. Centre St.	2654.1	Schuylkill.
Reading, 1531 Mineral Springs Rd.	266.4	Berks.
Scranton, 118 Adams Ave.	2635.9	Lackawanna.
Shamokin	2649.3	Northumberland.

APPENDIX—LIST OF PRICE CONTROL BOARDS—Continued

REGION II—continued

Address	Board No.	County
Pennsylvania—Con.		
Sharon, Anderson Bldg	2643.3	Mercer.
Shenandoah	2654.2	Schuylkill.
Somerset	2656.2	Somerset.
St. Marys	2624.2	Elk.
Stroudsburg, 553 Main St.	2645.1	Monroe.
Sunbury, 430 Market St.	2649.2	Northumberland.
Wilkes-Barre, Town Hall Bldg.	2640.3	Luzerne.
Susquehanna	2658.2	Susquehanna.
Tamaqua	2654.3	Schuylkill.
Towanda		Bradford.
Tunkhannock, Courthouse.	266.1	Wyoming.
Uniontown, Fayette Title and Trust Co. Bldg.		Fayette.
Upper Darby, 17 Brief Ave.	2623.4	Delaware.
Warren	2662.1	Warren.
Washington	2666.1	Washington.
Waynesburg		
Wellsboro, Pearl and Waln Sts.	2659.1	Tioga.
West Chester	261.5	Chester.
Williamsport, 350 Government Pl.	2641.1	Lycoming.
Windber, Henderson Bldg.	2656.3	Somerset.
York, 25 South Duke St.	2667.1	York.

REGION III

Address	Board No.	County
Indiana		
Albion, 128 West Main St.	3157.1	Noble.
Anderson	48.1	Madison.
Angola, 210½ West Maumee.	761	Steuben.
Auburn	31.17.1	De Kalb.
Bedford	47.1	Lawrence.
Bloomington	53.1	Monroe.
Bluffton, East Market St.	90.1	Wells.
Boonville, Court House	87.1	Warrick.
Brazil, 38½ East National Ave.	31.11.1	Clay.
Brownstown, Courthouse.	36.1	Jackson.
Charlestown	31.10.2	Clark.
Clinton	83.1	Vermillion.
Columbus, 524 Washington St.	3.1	Bartholomew.
Columbia City, City Hall.	92.1	Whitley.
Connersville, 631 Central.	21.1	Fayette.
Crawfordsville	31.54.1	Montgomery.
Danville	31.32.1	Hendricks.
Decatur, 1st and Monroe	1.1	Adams.
Elkhart, 911 South Main St.	20.1	Elkhart.
Evansville, 125 Main St	82.1	Vanderburgh.
Evansville, 2 Ingle St	82.2	Do.
Franklin, Franklin Star Bldg., 70 West Main St.	31.41.1	Johnson.
Fort Wayne, 814 South Clinton St.	45.2	Lake.
Frankfort	12.1	Clinton.
Goshen, Spohne Bldg	31.20.2	Elkhart.
Greencastle, 12½ South Jackson St.	67.1	Putnam.
Greenfield, Neil Bldg., 2 East Main St.	30.1	Hancock.
Greensburg, 105 East Main St.	16.1	Decatur.
Hartford City, 220 West Washington St.	5.1	Blackford.
Huntington County Courthouse.	35.1	Huntington.
Indianapolis, 47 South Pennsylvania St.	31-49-12	
Indianapolis, 47 South Pennsylvania St.		
Indiana, 20 South 6th St.	2632.3	Indiana.
Jasper, Kuebler Bldg	19.1	Dubois.
Jeffersonville, 253 Spring St.	10.1	Clark.
Knox, Courthouse	75.1	Starke.
Kokomo, 121 West Sycamore St.	31.34.1	Howard.
Lafayette	79.1	Tippecanoe.
LaGrange	3144.1	Lagrange.
La Porte, 603½ Lincoln Way.	31.46.3	La Porte.
Lawrenceburg, 128 West High.	15.1	Dearborn.
Lebanon	6.1	Boone.
Linton, Pythian Bldg., 66 West Vincennes St.	3128.2	Greene.

APPENDIX—LIST OF PRICE CONTROL BOARDS—Continued

REGION III—continued

Address	Board No.	County
Indiana—Continued		
Logansport; Hillis Bldg.		
Madison	39.1	Jefferson.
Marion, Glass Block, 115 West 3d St.	27.1	Grant.
Martinsville	55.1	Morgan.
Michigan City, 108 East Michigan.	46.1	La Porte.
Mt. Vernon, 126 East 3d St.	65.1	Posey.
Muncie, 119 East Charles St.	31.18.1	Delaware.
New Albany	22.1	Floyd.
New Castle, 115 North Main St.	33.1	Henry.
Noblesville, Citizens Street Bank Bldg.	29.1	Hamilton.
Petersburg, Mitchell Bldg., 6th and Main Sts.	63.1	Pike.
Peru, 19½ East 3d St.	52.1	Miami.
Paoli, Court Street Public Library.	59.1	Orange.
Plymouth	50.1	Marshall.
Portland, Courthouse	31.38.1	Jay.
Princeton	26.1	Gibson.
Rensselaer	37.1	Jasper.
Richmond, 1014 East Main St.	31.89.1	Wayne.
Rochester	25.1	Fulton.
Rockport, Court house	74.1	Spencer.
Rushville, 224 North Morgan St.	70.1	Rush.
Salem, Crim Bldg.	88.1	Washington.
Shelbyville, First National Bank Bldg.	73.1	Shelby.
South Bend, 106 West Monroe St.	31.71.1	St. Joseph.
Spencer	60.1	Owen.
Sullivan, 204 Sherman Bldg.	77.1	Sullivan.
Tell City, 945 9th St.	31.62.1	Perry.
Terre Haute, 120 South 7th St.	84.1	Vigo.
Valparaiso	31.64.1	Porter.
Versailles	69.1	Ripley.
Vincennes, 130½ North 7th St.	42.1	Knot.
Warsaw, 201 Center St.		Warren.
Washington, Courthouse.	14.1	Daviess.
Wabash	85.1	Wabash.
Winchester	69.1	Randolph.
Kentucky		
Ashland	32.10	Boyd.
Barbourville	63	Knox.
Bardstown, Legion Bldg., Broadway Ave.	32.92	Nelson.
Bowling Green, 1035 State St.	32.116	Warren.
Carrollton	32.21	Carroll.
Columbia, Frasier Bldg., Campbellsville St.	32.1	Adair.
Corbin	120.1	Whitley.
Covington, 5th and Scott Sts.	61.1	Kenton.
Covington, Layers Bldg., 5th and Scott Sts.		
Cynthiana	49	Harrison.
Danville, City Hall	32.11	Boyle.
Elizabethtown, Courthouse.		Hardin.
Flemingsburg, City Hall, Main Cross St.	32.35	Fleming.
Frankfort, Post Office Bldg.	32.37	Franklin.
Glasgow, Courthouse	5	Barren.
Grayson, Fifth St.	32.22	Carter.
Greenville, North Main St.	91	Muhlenberg.
Hardinsburg	14	Breckenridge.
Harlan	3248.1	Harlan.
Hartford	94	Ohio.
Hazard	99	Perry.
Henderson	51	Henderson.
Hopkinsville, 206 E. 9th St.	24	Christian.
Irvine, Courthouse	32.33	Estill.
Jackson	13.1	Breathitt.
Lexington, 175–77 N. Upper St.	32.34.1	Fayette.
London		
Louisa	32, 66.1	Lawrence.
Louisville, 28th and Main Sts.	32123.2	Jefferson.
Louisville, Ellen C. Semple School, 724 Denmark.	32.123.5	Do.
Louisville, Longfellow School, 1929 Duker Ave.	32.123.7	Do.
Louisville, Jefferson City Armory.	32.123.9	Do.

APPENDIX—LIST OF PRICE CONTROL BOARDS—Continued

REGION III—continued

Address	Board No.	County
Kentucky—Continued		
Madisonville	32.54.1	Hopkins.
Mayfield, Courthouse	42	Graves.
Maysville, 111 Market St.	83	Mason.
Monticello, City Hall	118	Wayne.
Morehead, Caudill Bldg., 349 Main St.	105	Rowan.
Morganfield, Main St.	115	Union.
Mt. Sterling, WPA Bldg.	32.89	Montgomery.
Munfordville	50	Hart.
Murray	18	Calloway.
Newport	19	Campbell.
Owensboro	32.30.1	Daviess.
Paducah		
Paintsville	32.60	Johnson.
Paris, Bank Row	9	Bourbon.
Pikesville, 118–119 Federal.	32.100	Pike.
Prestonsburg	36	Floyd.
Pineville	7	Bell.
Princeton, City Courthouse.	17	Caldwell.
Richmond	32.78.1	Madison.
Russellville, City Hall	73	Logan.
Scottsville	2	Allen.
Somerset, La Grande Garage.	32.102	Pulaski.
Stanford	32.101	Lincoln.
West Liberty, Courthouse.	90	Morgan.
Winchester, Courthouse	25	Clark.
Whitesburg	69	Letcher.
Michigan		
Detroit, Grand Rapids		
Adrian, 2d Floor, Court Bldg., 115 E. Maumee.	3346	Lenawee.
Alpena, 109 Water St.	3304	Alpena.
Allegan	3303	Allegan.
Albion, City Hall	3313.2	Calhoun.
Ann Arbor	3381.1	Washtenaw.
Bad Axe, 225 East Huron Ave.	3332.1	Huron.
Battle Creek	3313.1	Calhoun.
Bay City	3309.1	Bay.
Bessemer, 120 West Lead	3327	Gogebic.
Big Rapids	3354	Mecosta.
Cadillac, 113 South Mitchell. Showaiter Hotel.	33–83	Wexford.
Caro	3379	Tuscola.
Charlotte, Court house	3323	Eaton
Goldwater, Kitchel Bldg., 22 West Pearl St.	12	Branch.
Dearborn, Miller School, 4820 Lois St.	3382.11	Wayne.
Detroit, 15923 East Warren.	3382.6	Do.
Detroit, 144 West Fort	33–82.41	
Detroit, 17433 Grand River Ave.	82.28	
Detroit, 17433 Grand River Ave.	3382.29	Wayne.
Detroit, 10351–53 Woodward Ave.	3382.7	Do.
Escanaba, North 19th St. and 13th Ave.	3321	
East Tawas, Federal Bldg.	33.351	
Flint, 407 Courthouse		
Flint, 2410 North Saginaw St.	3325.1	Genesee.
Gaylord	3369	Otsego.
Grand Rapids, 502 Keeler Bldg., 360 South Division Ave.		
Grand Rapids, 502 Keeler Bldg.	33–41–1	Calhoun.
Grand Haven	3370.1	Ottawa.
Greenville	3359.2	
Hart	3364	Oceana.
Hamtramck, 2339 Caniff	3382.14	Wayne.
Hastings, 123 West State St.	3308	Barry.
Houghton, 525 Sheldon Ave.	93.31	Houghton.
Holland, 23 West 8th St.	3370.2	Ottawa.
Hillsdale	3330	Hillsdale.
Ionia, 410 W. Main St.	34	Ionia.
Howell	3347	Livingston.
Iron Mountain, 222 East Hughitt St.	3322	Dickinson.
Iron River	33–37.1	
Ithaca, 215 East Center St.	3329	Gratiot.
Jackson, County Bldg., South Jackson St.	3338	Jackson.
Kalamazoo, Rm. 400, County Courthouse.	33.39	Kalamazoo.
Lansing, 215 So. Washington.	33.33.1	

APPENDIX—LIST OF PRICE CONTROL BOARDS—Continued

REGION III—continued

Address	Board No.	County
Michigan—Continued		
Lapeer, 435 Nepessing St.	3344	Lapeer.
Ludington, 292 Post Office Bldg.	33.53	Mason.
Manistee	3351	Mainstee.
Marshall		
Marquette, Courthouse, 137 W. Washington St.	3352	Marquette.
Menominee, Schale Bldg., 603 Sheridan Rd.	3355	Menominee.

REGION IV

Address	Board No.	County
Alabama		
Birmingham, 222 Phoenix Bldg.		
Alexander City	35.2	Tallapoosa.
Anniston	104	Calhoun.
Andalusia, 218 E. Three Notch St.	13	Covington.
Athens, Courthouse	118	Limestone.
Atmore, City Hall	18.2	Escambia.
Bay Minette, Courthouse.	2	Baldwin.
Birmingham, 323 Chamber of Commerce Bldg.		
Birmingham	101–A	Jefferson.
Butler, Cammack Bldg.	48.8.1	Choctaw.
Chatom	36	Washington.
Cullman, Walgreen Bldg.	41–109	Cullman.
Decatur, County Activities Bldg.	41.122	Morgan.
Dothan, Rimson Bldg.	23	Houston.
Eufaula, 112 N. Randolph St.	3.1	Barbour.
Fayette	112	Fayette.
Florala	41.13.1	
Florence	116.1	Lauderdale.
Ft. Deposit, City Hall	25.2	Lowndes.
Ever Green Ford Bldg.		
Gadsden, Reich Hotel	111	Etowah.
Georgiana City Hall	5.2	Butler.
Goodwater, 204–A Railroad Pl.	12.2	Coosa.
Guntersville	121	Marshall.
Haleyville		
Huntsville		
Huntsville	119	Madison.
Jasper, Walker County Bank Bldg.	129	Walker.
Lanett	41.6.2	Chambers.
Livingston Bldg	34	Sumter.
Marion	31.1	Perry.
Mobile	.1	Mobile.
Monroeville	41–20–1	Munroe.
Montgomery	41.30.1	Montgomery.
Opelika	41.24.2	Lee.
Ozark		
Robertsdale	41.2.2	
Rockford, Farmer's Bank Bldg.	12.1	Coosa.
Russellville	113	Franklin.
Selma, Court house	41.16.1	Dallas.
Sylacauga		
Talladega	41.127–A	Talladega.
Tallassee	41.17.2	Elmore.
Troy, South Oak and Church Sts.	41.32.1	Pike.
Tuscaloosa	41.128.1	Tuscaloosa.
Tuscumbia	108	Colbert.
Tuskegee, Frank Harris Hotel Bldg.	41.26.1	Macon.
Uniontown	41.31.2	Perry.
Wetumpka	41.17.1	Elmore.
Florida		
Jacksonville, Barnett Nat'l. Bk. Bldg.		
Arcadia, 24 Oak St.	42.34.101	De Soto.
Bartow	42.5.108	Polk.
Bradenton	4215.101	Manatee.
Brooksville	4240.101	Hernando.
Cantonment	42–9.3	Escambia.
Cedar Keys	42.39.3	Levy.
Century	42.9.4	Escambia.
Clearwater	424.101	Pinellas.
Cocoa, Bellair Bldg.	42.19.2	Brevard.
Marco	4264.102	Collier.
Crest View	42.43.1	Okaloosa.
Cross City	42.54.1	Dixie.
Daytona Beach, 300 North Beach St.	42.8.1	Volusia.
Fort Lauderdale	4210.2	
Fort Myers, 1331 Main St.	42.5.109	Polk.
Fort Pierce	42.24.1	St. Lucie.
Gainesville	42.11.1	Alachua.

APPENDIX—LIST OF PRICE CONTROL BOARDS—Continued

REGION IV—continued

Address	Board No.	County
Florida—Con.		
Jacksonville	42. 2. 7	Duval.
Jay	42-33. 2	Santa Rosa.
Key West, 213 Federal Bldg.	38. 1	Monroe.
Lake City, 20 W. DeSot St.	29. 1	Columbia.
Lakeland	425. 106	Polk.
Leesburg	4212. 6	Lake.
Madison, Post Office Bldg.	42. 35. 1	Madison.
Marianna	42. 25. 1	Jackson.
Miami, 35 NW. Second St.	42. 1. 1	Dade.
Ocala, Municipal Auditorium.	42. 14. 1	Marion.
Orlando	42. 7. 1	Orange.
Panama City	42. 23. 1	Bay.
Pensacola, 114 W. Gardent St.	42. 9. 1	Escambia.
Plant City	42-3. 102	Hillsborough.
Quincy	42. 21. 1	Gadsden.
St. Augustine, 202 Exchange Bank Bldg.	42. 20. 1	St. Johns.
St. Petersburg, P. O. Box 507, Treasure Island.	42. 4. 104	Pinellas.
St. Petersburg, 365 Central Ave.	42. 4. 105	Pinellas.
Sanford, County Armory.	42. 17. 1	Seminole.
Sarasota, 263 Palm Ave. South.	4216. 101	Sarasota.
Sebring	42-27. 102	Highlands.
Tallahassee	42. 13. 1	Leon.
Tampa, 202½ Franklin St.	42-3. 101	Hillsborough.
Tarpon Springs, First National Bank Bldg.	42. 4. 103	Pinellas.
W. Palm Beach	42. 6. 1	Palm Beach.
Wewahitchka	42. 66. 1 (Subboard)	
Winter Haven	42. 5. 104	Polk.
Georgia		
Albany	43. 124. 1	Dougherty.
Americus	43. 80. 1	Sumter.
Athens	43. 13. 1	Clarke.
Atlanta, 668 W. Fair St.		
Atlanta, 100 Bell St.	43. 31. 1	
Atlanta, 447 W. Peachtree St.	43. 31. 1	Fulton.
Augusta	43. 147. 1	Richmond.
Bainbridge	43. 123. 1	Decatur.
Brunswick	43. 131. 1	Glynn.
Camilla	43. 142. 1	Mitchell.
Canton, Main St.	43. 12. 1	Cherokee.
Carrollton	43. 8. 1	Carroll.
Cartersville, 114 North Wall St.	43. 4. 1	Bartow.
Cedartown	43. 69. 1	Polk.
Clarksville	43-36. 1	Habersham.
Columbus, Room 101, 16th St. School.	43. 61. 1	Muscogee.
Cordele	43. 18. 1	Crisp.
Cuthbert	43. 74. 1	Randolph.
Dalton, 207 West Cuyler St.	43. 95. 1	Whitfield.
Dublin	43. 50. 1	Laurens.
Eastman, Merchants and Farmer Bank Bldg.	43. 22. 1	Dodge.
Elberton, First National Bank Bldg.	43. 25. 1	Elbert.
Gainesville	43. 37. 1	Hall.
Griffin, 121 W. Solomon St.	43. 77. 1	Spaulding.
La Grange	43. 86. 1	Troup.
Lavonia	43. 30. 1	Franklin.
Macon, 419 Broadway	43. 5. 1	Bibb.
Marietta	43. 15. 1	Cobb.
Milledgeville, South Wayne St.	43. 1. 1	Baldwin.
Monroe, 2d Floor City Hall.	43. 91. 1	Walton.
Moultrie, 12 1st Ave. SW.	43. 120. 1	Colquit.
Newman	43. 16. 1	Coweta.
Rome, Cor. 3d Ave. and W. 1st St.	43. 28. 1	Floyd.
Rossville		
Savannah	43. 116. 1	Chatham.
Savannah, 122 E. Bay St.	43. 116. 1	Do.
Statesboro	43. 110. 1	Bullock.
Thomasville, Williams Bldg.	43. 152. 1	Thomas.
Tifton, 1st St.	43. 153. 1	Tift.
Valdosta	43. 140. 1	Lowndes.
Vidalia	43. 154. 1	Toombs.
Waynesboro		
Warner Robins, Warner Robins Field.	43. 44. 1	
Washington	43. 97. 1	Wilkes.
Waycross	43. 157. 1	Ware.

APPENDIX—LIST OF PRICE CONTROL BOARDS—Continued

REGION IV—continued

Address	Board No.	County
Mississippi		
Bay St. Louis	23	Hancock.
Booneville, Main St.	59	Prentiss.
Brookhaven, Ulner Bldg.	43	Lincoln.
Carrollton, Lexington St.	8. 2	Carroll.
Carthage, Hardage Bldg., North Pearl St.	40	Leake.
Charleston, County Bldg.	68. 2	Tallahatchie.
Clarksdale, McWilliams Bldg.	14	Coahoma.
Cleveland, Westbrook Bldg.	6. 2	Bolivar.
Columbia	4-44-46	
Collins	44. 16	
Columbus, Propst Bldg., 4th Ave., S.		Lowndes.
Corinth, Court House, Box 470.	2	Alcorn.
Decatur	51	Newton.
Forest, Court House	62. 1	Scott.
Fulton, Sheffield Bldg.	29	Itawamba.
Greenville, 508 Washington Ave.	44. 76	Washington.
Greenwood, 100 Howard St.	42	Leflore.
Grenada, 408 Main St.	22	Grenada.
Gulfport, Buxton Bldg.		
Hattiesburg, Carpenter's Bldg.	18	Forrest.
Hernando	17	De Sota.
Indianola, Cox Bldg., 2d St.	67. 1	Sunflower.
Jackson, State Fair Grounds.	25	Hinds.
Kosciusko, 119½ North Madison St.	4-44-4	Attala.
Laurel, Civic Center Bldg.	34	Jones.
McComb	44. 57. 2	Pike.
Meridian, Cochran Bldg., 8th St. and 23d Ave.	38	Lauderdale.
Natchez, Box 557	1	Adams.
New Albany, Main St.	73	Union.
Oxford	36	Lafayette.
Pascagoula, 230 Ker St.	30	Jackson.
Philadelphia, 206 Beacon St.	50. 1	Neshoba.
Senatobia, French Hotel Bldg.	69	Tate.
Tupelo, City-County Bldg.	41	Lee.
Vicksburg, 201 1st National Bank Bldg.	75	Warren.
Winona, Baker Bldg, Front St.	44. 49	Montgomery.
Yazoo City, Old Armory, Mound and Commercial Sts.	4482	Yazoo.
North Carolina		
Ahoskie Railroad and Main St.	45. 31	Hertford.
Albermarle, P. O. Box 591.		
Asheville, 701 Buncombe County Court House.	45, 117, 1	Buncombe.
Burgaw, Box 260		
Burlington, P. O. Box 1209.	45. 1. 1	Alamance.
North Carolina		
Charlotte, Liberty Life Bldg.		
Clinton, P. O. Box 390	45. 55	Sampson.
Dunn	45. 30. 1	Hartnett.
Durham, 301 Snow Bldg.	45. 21	Durham.
Elizabeth City, Box 346	45. 46	Posquotank.
Farmville	45. 50	Pitt.
Fayetteville, 206 A Franklin St., Huske Bldg.	45. 15	Cumberland.
Gastonia	45. 106. 1	Gaston.
Goldsboro, County Court House.	45. 64	Wayne.
Greensboro, 210 North Green St.	45. 28. 1	Guilford.
Greenville, 119 West 4th St.	45. 50	Pitt.
Henderson	45. 59	Vance.
Hendersonville	45. 124	Henderson.
Hickory	45. 104. 1	Catawba.
High Point	45-28. 2	Guilford.
acksonville	45. 43	Onslaw.
Kannapolis, 113 West First St.	45. 103. 2	Cabarrus.
Kinston, 106 South Queen St.	45. 37	Lenoir.
Lumberton	45. 52. 1	Robeson.
Marion, City Hall	45. 128. 1	McDowell.

APPENDIX—LIST OF PRICE CONTROL BOARDS—Continued

REGION IV—continued

Address	Board No.	County
North Carolina—Con.		
Mocksville	45. 19	Davie.
Mount Airy	45. 57. 1	Surry.
Murphy, Box U	45. 120	Cherokee.
New Bern, General Delivery.	45. 14	Craven.
North Wilkesboro, Sixth and Main Sts.	45. 64. 2	Wilkes.
Raleigh, 227 East Edenton St., 2d fl., Capitol Club Bldg.	45. 60	Wake.
Roanoke Rapids	45. 29. 1	Halifax.
Rocky Mount, P. O. Box 1120.	45. 54	Edgecombe.
Rowland, Rowland Office.		
Rutherfordton, City Hall.	45. 131. 1	Rutherford.
Salisbury	45. 112. 1	Rowan.
Sanford	45. 36	Lee.
Shelby, Gardner Bldg.	45. 105. 1	Cleveland.
Smithfield, Market St., P. O. Box 120.	45. 34	Johnston.
Spray	45. 53. 2	Rockingham.
Statesville, 105 West Broad St.	45. 107. 1	Iredell.
Sylva, Box 264	45. 125	Jackson.
Wadesboro, West Ade and North Green St.	45. 102	Anson.
Washington, Courthouse.	45. 4	Beaufort.
Whiteville, South Madison St.	45. 13. 1	Columbus.
Williamston, Main St.	45. 38	Martin.
Wilmington Trust Bldg.	45-41	New Hanover.
Wilson, Courthouse Bldg., P. O. Box 370.	45. 66	Wilson.
Winston-Salem, 245-247 North Main St.	45. 23	Forsyth.
South Carolina		
Abbeville	46. 1. 1	Abbeville.
Aiken, Hayne Ave.	46. 2. 1	Aiken.
Allendale	46. 3. 1	Allendale.
Anderson, 321 South Main.	46-4	Anderson.
Bamberg, 120 South Main St.	46. 5. 1	Bamberg.
Beaufort	46. 7. 1	Beaufort.
Bennettsville	46. 35	Marlboro.
Blackville	46. 6. 1	Barnwell.
Brunson	46. 25. 1	Hampton.
Charleston, Fire Proof Bldg.	46. 10. 1	Charleston.
Columbia, 1621 Sumter St.	46. 40. 1	Richland.
Conway, 410 Laurel St.	46. 26. 1	Horry.
Darlington, 134 Cashua St.	46-16	Darlington.
Dillon	46. 17. 1	Dillon.
Florence	46. 21. 1	Florence.
Gaffney	46. 11. 1	Cherokee.
Georgetown, 125 A. Fraser St.	46. 22. 1	Georgetown.
Greenville	46. 23. 1	Greenville.
Greenwood	46. 24. 1	Greenwood.
Kingstree, 126 North Academy St.	46. 45. 1	Williamsburg.
Laurens	46. 30. 1	Laurens.
McCormick	46. 33. 1	McCormick.
Moncks Corner	46. 8. 1	Berkeley.
Newberry	46. 36. 1	Newberry.
Do.	46. 38. 1	Orangeburg.
Orangeburg	46. 38. 2	Do.
Ridgeland	46. 27. 1	Jasper.
Rock Hill, East Main and North Trade St.	46. 46. 1	York.
St. George	46. 18. 1	Dorchester.
St. Matthews	46. 9. 1	Calhoun.
Spartanburg, 145 West Main St.	46. 42. 1	Spartanburg.
Summerville	46. 18. 2	Dorchester.
Sumter		
Union	46. 44. 1	Union.
Walhalla	46. 37. 1	Oconee.
Walterboro	46. 15. 1	Colleton.
Tennessee		
Athens	47-23	McMinn.
Bolivar, Market St.	47152	Hardeman.
Brownsville, Court House.	47147	Haywood.
Camden, Depot St.	47171	Benton.
Centerville	47-67	Hickman.
Chattanooga, Chattanooga Bank Bldg.	47-4A	Hamilton.
Chattanooga, Bank Bldg.	47-4-B	Do.
Clarksville, Association Warehouse, Commerce St.	47-11	Montgomery.
Cleveland	47-19	Bradley.
Columbia	47-9	Maury.

APPENDIX—LIST OF PRICE CONTROL BOARDS—Continued

REGION IV—continued

Address	Board No.	County
Tennessee—Continued		
Cookeville	47-34	Putnam.
Covington, Courthouse	47130	Tipton.
Dickson, Ex-War Memorial Bldg.	47-39	Dickson.
Dresden, Old Post Office Bldg.		
Dyersburg, First Citizens National Bank Bldg.	47118	Dyer.
Elizabethton, Gas Company Bldg., 612 Elk Ave.	47-21	Carter.
Fayetteville	47-28	Lincoln.
Gallatin, Courthouse	47-14	Sumner.
Jackson	47107	Madison.
Jasper, Courthouse	47-54	Marion.
Johnson City	47-6	Washington.
Kingsport, Post Office Bldg.	47-5B	Sullivan.
Knoxville, 304 Fidelity Bank Bldg.	47-3A	Knox.
Knoxville, 513 North Gay St.	47-3B	
La Follette, La Follette Gro. Co. Bldg.	47-31	Campbell.
Lawrenceburg, Finley Bldg., Pulaski St.	47-36	Lawrence.
Livingston, Bohannon Bldg., Public Sq.	47-77	Overton.
Manchester, First National Bank Bldg.	47.41	Coffee.
McMinnville, Post Office Bldg.	47-45	Warren.
Memphis, 42 South Second St.	47:102-1	Shelby.
Morristown, 11 North Henry St.	47-27	Hamblen.
Murfreesboro, News Journal Bldg., 218 West Main St.	47-8	Rutherford.
Nashville, 402 Warner Bldg., Room 202.	47-1-A	Davidson.
Oak Ridge	47-29-B	
Paris	47126	Henry.
Pulaski, Union Bank Bldg. First St.	47-24	Giles.
Ripley Courthouse	47-142	Lauderdale.
Rockwood	47-33	Roane.
Savannah	47156	Hardin.
Sparta Courthouse	47-60	White.
Trenton	47113	Gibson.
Union City, Courthouse.	47117	Obion.
Wartburg, Band Bldg.	47-69	Morgan.
Virginia		
Alexandria	48-99	
Appalachia	48-130-2	Wise.
Arlington, 1124 North Highland.	48-7	Arlington.
Bowling Green, Milford St.	48-17	Caroline.
Bristol	48-129-2	Washington.
Charles City	48-19	Charles City.
Charlottesville, County Office Bldg.	48-2-1	Albemarle.
Charlottesville, 214 5th St., NE.	48.2.2	Do.
Chatham, Main St.	48.121-1	Pittsylvania.
Christiansburg	48.119-1	Montgomery.
Courtland	48.88.1	Southampton.
Covington, West Main St.	48-101-1	Alleghany.
Culpeper	48-24	Culpeper.
Cumberland	48-25	Cumberland.
Danville	48-121-2	Pittsylvania.
Dinwiddie	48-27-1	Dinwiddie.
Eastville	48-66	Northampton.
Emporia	48-21	Greenville.
Falls Church	48-30	Fairfax.
Franklin, Main St.	48-88-2	Southampton.
Fredericksburg	48-89-2	Spottsylvania.
Front Royal, Main and Royal Sts.	48-94	Warren.
Galax	48-115-1	Grayson.
Gate City	48-126-1	Scott.
Gloucester	48-37	Gloucester.
Goochland	48-38	Goochland.
Grundy	48-107-1	Buchanan.
Harrisonburg	48-33	Rockingham.
Heathsville	48-67	Northumberland.
Hillsville, Main St.	48-109-1	Carroll.
Hilton Village	48-95-1	Warwick.
Hopewell	48-75-2	Prince George.
Independence	48-115-2	Grayson.
King and Queen, Courthouse.	48-49	King and Queen.
King George	48-50	King George.
Leesburg	48-54	Loudoun.
Lexington	48-124.1	Rockbridge.
Louisa, Main St.	48-55	Louisa.
Lynchburg	48-108-3	Campbell.

APPENDIX—LIST OF PRICE CONTROL BOARDS—Continued

Address	Board No.	County
Virginia—Continued		
Madison	48-57	Madison.
Marion, Main St.	48-127-1	Smyth.
Martinsville	48-116-1	Henry.
Mathews	48-58	Mathews.
Montross	48-97	Westmoreland.
Newport News	48-95.2	Warwick.
Norfolk, 650 Church St.	48-65-5	Norfolk.
Norfolk, Monticello Ave. and Tazewell St.	48-65-2	Norfolk
Officer in Charge Naval Operating Base, Norfolk.		
Norton, Virginia Ave.	48-130-1	Wise.
Orange	48-69	Orange.
Palmyra	48-33	Fluvanna.
Petersburg	48.27.2	Dinwiddie.
Portsmouth	48 65 3	Norfolk.
Portsmouth, Deep Creek Blvd.	48-65-1	
Providence Forge	48-64	New Kent.
Prince George	48-75-1	Prince George.
Pulaski, First St. South	48-122-1	Pulaski.
Richmond, Eighth and Franklin Sts.	48-44-1	Henrico.
Richmond, 109 W. Broad St.	48-44-2	Henrico.
Richmond, 214 E. Clay St.	48-44-3	Henrico.
Roanoke, 333-335 W. Luck Ave.	48-123-2	Roanoke.
South Boston	48-42	Halifax.
South Norfolk, 701 St. James St.	48-65-4	Norfolk.
Spotsylvania	48-89-1	Spotsylvania.
Standardsville	48-40	Greene.
Staunton	48-102-1	Augusta.
Staunton, Attn: Field Op. Officer.	48-102-1	Augusta.
Stuart	48-120-1	Patrick.
Suffolk, Jones Bldg.	48-62-1	Nansemond.
Suffolk, 112 N. Saratoga St.	48-62-2	Nansemond.
Tazewell	48-128-1	Tazewell.
Victoria	48-56	Lunnenburg.
Virginia Beach	48-77	Princess Anne.
Warrenton	48-31	Fauquier.
Warsaw	48-80	Richmond.
Waverly	48-92-1	Sussex.
Waynesboro, P. O. Box 640.	48-102-2	Augusta.
Williamsburg, Duke of Gloucester and Henry Sts.	48-48-2	James City.
Winchester	48-35	Frederick.
Wytheville, Main St.	48-131-1	Wythe.
Yorktown, Water St.	48-100	York.

REGION V

Address	Board No.	County
Arkansas		
Batesville	51.32	Independence.
Blytheville	5147-N	Mississippi.
Camden, 109 Jackson St.	5152	Ouachita.
Clarksville	5136	Lonoke.
Corning	11-W	Clay.
Eorl Dorado	5170	Union.
Fayetteville, 393 Mountain St.	5172	Washington.
Fort Smith	5166	Sebastian.
Harrison	515	Boone.
Helena	5154	Phillips.
Hope	51.29	Hempstead.
Hot Springs, 514-518 Ouachita Ave.	5126	Garland.
Jonesboro	5116	Craighead.
Lake Village	51.9	Chicot.
Little Rock, 2d'&'Spring, Old Post Office Bldg.		Pulaski.
Magnolia	5114	Columbia.
Malvern	5130	Hot Springs.
Melbourne	5133	Izard.
Monticello	5122	Drew.
Morrilton	5115	Conway.
Newport	5134	Jackson.
Pine Bluff, 120 W. Barraque.	5135	Jefferson.
Searcy	5173	White.
Stuttgart, Pettit Building, Main St.	511-N	Arkansas.
Texarkana	5146	Miller.
Wynne	5119	Cross.
Kansas		
Atchison	52.15.1	Atchison.
Colby	78	Thomas.
Concordia, 1752 B	36	Cloud.
Dodge City	5235	Ford.
El Dorado	529	Butler.
Emporia	13	Lyon.

APPENDIX—LIST OF PRICE CONTROL BOARDS—Continued

REGION V—continued

Address	Board No.	County
Kansas—Continued		
Fort Scott	5217	Bourbon.
Garden City	71	Finney.
Great Bend	33	Barton.
Hays	52.38	Ellis.
Hiawatha	25	Brown.
Hutchinson	6	Reno.
Independence, 209 West Main St.	525.2	Montgomery.
Iola	24	Allen.
Junction City	5247	Geary.
Kansas City, 903 N. 16th St.	541.1	Wyandotte.
Lawrence	5216	Douglas.
Liberal	52.18.1	Dickinson.
Leavenworth	7	Leavenworth.
McPherson	52.26	McPherson.
Manhattan	30	Riley.
Marysville	5220	Marshall.
Ness City		Ness.
Ottawa	5221	Franklin.
Parsons	5211	Labette.
Phillipsburg	58	Phillips.
Pittsburg	4	Crawford.
Pratt	5253	Pratt.
Salina	14	Saline.
Topeka	523	Shawnee.
Wellington	5212	Sumner.
Wichita, 117 So. St. Francis.	522	Sedgwick.
Winfield	52.8.1	Cowley.
Louisiana		
Abbeville	17	Vermilion.
Alexandria, P. O. Box 1356.	1352	Rapides.
Baton Rouge, 304 Triad Bldg.	45	East Baton Rouge.
Bogalusa	47	Washington.
Bunkie, West Main St.	67	Avoyelles.
Covington, Haik Bldg.	50	St. Tammany.
Crowley	57	Acadia.
Ferriday	33	Concordia.
Franklin	53.15	St. Mary.
Gretna	538	
Hammond	535.1	St. John the Baptist.
Houma	5313	Terrebonne.
Jennings	60	Jeff Davis.
Lafayette	10	Lafayette.
Lake Charles, Pugo and Ryan Sts.	56	Calcasieu.
Mansfield	25	De Soto.
Minden, P. O. Box 192.	27	Webster.
Monroe, 134 South Grona St.	28	Ouachita.
Natchitoches, Courthouse.	71	Natchitoches.
New Iberia, New Courthouse.	12	Iberia.
New Orleans, 531 Gravier St.	539	Orleans.
New Roads, Courthouse	43	Pointe Coupee.
Opelousas	62	St. Landry.
Plaquemine	52	Iberville.
Rayville, Courthouse Annex.		St. James.
Reserve	5	St. John the Baptist.
Ruston, Brooks Insurance Office.	40	Lincoln.
St. Martinville	16	St. Martin.
Shreveport, Commerical Bldg.	5318	Caddo.
Tallulah	31	Madison.
Thibodaux, Agricultural Bldg.	5314	Lafourche.
Ville Platte	58	Evangeline.
Missouri		
Bethany	41	Harrison.
Bloomfield	54.103	Stoddard.
Bolivar	84	Polk.
Bonnville, 511 Spring St.	5427	Cooper.
Bowling Green	5482	Pike.
Cape Girardeau	5416	Cape Girardeau.
Canton	5467	Mississippi.
Caruthersville	5478	Pemiscot.
Chillicothe	59	Livingston.
Clinton, Courthouse	42	Henry.
Columbia, 605 E. Walnut.	5410	Boone.
Eldon		
Fulton	100	Scott.
Flat River	5494	St. Francis.
Hannibal	5464	Marion.
Hillsboro	5450	Jefferson.
Ironton	5447	Iron.
Jefferson City	5426	Cole.
Joplin, 211 W. 4th St.	49.3	Jasper.
Kansas City, 12th and Oak Sts.	5448	Jackson.

APPENDIX—LIST OF PRICE CONTROL BOARDS—Continued

REGION V—continued

Address	Board No.	County
Missouri—Continued		
Kennett	5435	Dunklin.
Kirksville	54.1	Adair.
Lebanon	5453	Laclede.
Lexington	54	Lafayette.
Liberty	24	Clay.
Macon	5461	Macon.
Maryville	74	Nodaway.
Mexico	544	Andrain.
Moberly	88	Randolph.
Mount Vernon	55	Lawrence.
Neosho	73	Newton.
Nevada	108	Vernon.
New Madrid	5472	New Madrid.
Poplar Bluff	54.12	Butler.
Rolla, City Hall	5481	Phelps.
St. Charles, Courthouse	5492	St. Charles.
St. Louis, 8th and Olive Sts.	54115	
St. Joseph	11.1	Buchanan.
Salem, Elms Hotel	5433	Dent.
Sedalia	80	Pettis.
Sikeston		
Mountain Grove		
Springfield, City Hall	5439	Greene.
Trenton	40	Grundy.
Tuscumbia	5466	Miller.
Union, Memorial Bldg.	5436	Franklin.
West Plains	5446	Howell.
Oklahoma		
Ada	18	Pontotoc.
Altus	36	Jackson.
Ardmore, Municipal Bldg.	13	Carter.
Bartlesville, Old City Bldg.	5524	Washington.
Chickasha, Hall-Briscoe Bldg.	17	Grady.
Clinton	34	Custer.
Durant, 113 City Hall	19	Bryan.
Enid	8	Garfield.
Guymon, Masonic Bldg.		Texas.
Hugo, Post Office Bldg.	27	Choctaw.
Kingfisher, Courthouse	56	Kingfisher.
Lawton	9	Comanche.
McAlester	5511	Pittsburg.
Miami, 19 Main St.	5521	Ottawa.
Muskogee, Railway Exchange Bldg.		Muskogee.
Oklahoma City, 520 Main St., Old Courthouse.	551	Oklahoma.
Okmulgee, Courthouse	5510.1	Okmulgee.
Ponca City	7	Kay.
Poteau, County Bldg., Wittee St. and Rogers.	5512	LeFlore.
Shawnee	6	Pottawatomie.
Tulsa, 614 South Main St		
Woodward, Yadon Bowlin Bldg.	52	Woodward.
Texas		
Abilene	221	Taylor.
Alpine, Courthouse		Brewster.
Amarillo	56188	Potter.
Angleton	5621	Brazoria.
Austin, Hancock Bldg.	56227	Franis.
Beaumont	56124.1	Jefferson.
Beeville	5614	Bee.
Big Spring	56115	Howard.
Borger	56118	Hutchinson.
Brenham	56239	Washington.
Brownfield	56223	Terry.
Brownwood	5626	Brown.
Bryan, City Hall	5622	Brazos.
Childress	5639	Childress.
Clarendon	5666	Donley.
Cleburne, Courthouse	127	Johnson.
Corpus Christi	56178	Nueces.
Corsicana	56175	Navarro.
Cuero	5663	DeWitt.
Dalhart		Dallam.
Dallas, Horticultural Bldg., Fair Park.	5658.1	Dallas.
Dallas, Magnolia Bldg., 1413 Commerce.	5658.11	
Del Rio, 414 Del Rio Bldg.	56233	Val Verde.
Denton	62	Denton.
Eagle Pass		
Eastland, Prairie Bldg.	68	Eastland.
Edinburg		Hidalgo.
El Paso	5672	El Paso.
Fort Worth, 500 Main St		Tarrant.
Gainesville	50	Cooke.
Galveston	5685	Galveston.
Gilmer	56230	Upshur.
Goose Creek	56102.2	Harris.
Greenville	56-117	Hunt.
Harlingen	5632	Cameron.
Haskell	105	Haskell.
Henderson	201	Rusk.

APPENDIX—LIST OF PRICE CONTROL BOARDS—Continued

REGION V—continued

Address	Board No.	County
Texas—Continued		
Hereford		Deaf Smith.
Hillsboro	56110	Hill.
Hondo	56163	Medina.
Houston, 1801 Fonnin St.	56102	Harris.
Huntsville, Vinson Bldg.	56236	Walker.
Kaufman	56130	Kaufman.
Kerrville	56134	Kerr.
Lamesa	59	Dawson.
Laredo	56240	Webb.
Littlefield	140	Lamb.
Livingston	56187	Polk.
Longview	93	Gregg.
Lubbock	56152	Lubbock.
Lufkin	56.4	Angelina.
McKinney	44	Collins.
Marlin, Courthouse	74	Falls.
Marshall	56103	Harrison.
Mexia		
Midland	56165	Midland.
Mineral Wells	182	Palo Pinto.
Monahans		Ward.
Nacogdoches	56174	Nacogdoches.
Odessa	69	Ector.
Orange	56-181	Orange.
Olney	5677	Fisher.
Palestine, Courthouse	562	Anderson.
Pampa	5691	Gray.
Paris, Courthouse	56139	Lamar.
Pecos		Reeves.
Perryton		Ochiltree.
Plainview	5696	Hale.
Port Arthur	56124-2	Jefferson.
Rusk	38	Cherokee.
San Angelo	226	Tom Green.
San Antonio, Transit Tower.	5616	Bexar.
San Diego	5667	Duval.
San Saba, Courthouse	56206	San Saba.
Sherman	92-1	Grayson.
Spur, City Office Bldg.		Dickens.
Stephenville	73	Erath.
Sweetwater, Courthouse	56177	Nolan.
Temple		Bell.
Texarkana, Old Federal Bldg.	5620	Bowie.
Tyler	212	Smith.
Vernon	244	Wilbarger.
Waco	155	McLennan.
Waxahachie	5671	Ellis.
Weatherford	184	Parker.
Wharton	56241	Wharton.
Woodville	56229	Tyler.
Wichita Falls	243	Wichita.
Alexandria, La.		Rapides.
Wichita, County Courthouse, Kans.	522	Sedgwick.
Gove, Kans.		Gove.
B Reserve-distribution center, Dallas, 2016 Commerce St., Tex.		
Mercedes (subboard), Tex.		Hidalgo.
War Plant Board, Kansas City, Mo.	5448.1	
Corning, Ark.	5111.2	
Bird City, Kans.	5282	
Montague, Tex.		
B Overshipment-distribution center, Dallas.		
B Reserve-distribution center, Kansas City, 926 Broadway St., Mo.		
Lyndon, Kans.		Osage.
Kansas City, Mo.	541.1	Jackson.
Marshfield, Town Hall, Kans.		
Russell Springs, Kans.		Logan.
Cuba, Mo.		
Bowie, Tex.	56169	
Brunswick, Mo.	5412	
Carthage, Mo.		Jasper.

REGION VI

Address	Board No.	County
Illinois		
Chicago, 226 West Jackson Blvd.		
Chicago, 569 East Illinois St.		
Chicago, 222 West Adams St.		
Springfield, 301 West Adams St.		
Peoria, 410 South Main St.		
Aledo, Courthouse	6266.1	Mercer.
Alton, 123 West 3d St.	6267.2	Madison.

APPENDIX—LIST OF PRICE CONTROL BOARDS—Continued

REGION VI—continued

Address	Board No.	County
Illinois—Continued		
Anna, 101 East Vienna St.	6291	Union.
Belleville, 629 East Main St.	6288.1	St. Clair.
Belvidere, 126 North State St.	624.1	Boone.
Benton, East side of Sq. Standard Bldg.	6228.1	Franklin.
Berwyn, 2600 South Ridgeland.	6121.1	Cook.
Bloomington, Courthouse.	6264	McLean.
Blue Island, 13005 South Western Ave.	61.1.110	
Cairo, 14th and Washington Sts.	622	Alexander.
Canton, General delivery.	6229.1	Fulton.
Carlinville, 257 North Broad St.	6256.1	Macoupin.
Carlyle, 9th and Fairfax, room No. 1.	6214	Clinton.
Carmi, Church St.	6297	White.
Carrollton, 329 6th St.	6231.1	Greene.
Carthage, First Floor, Courthouse.	6234.1	Hancock.
Chester, 967 State St.	6279.1	Randolph.
Chicago, 2745 North Clark St.		
6245 Cottage Grove Ave.	40.6	Cook.
Chicago, 226 West Jackson Blvd.		
Chicago, 5306 Lawrence Ave.		
2650 North Clark St.	40.44	Cook.
Chicago, 3138 West 63d St.		
Chicago, 78 Pulaski Rd.	40.27	Cook.
Chicago, 7821 South Halsted St.	40.17	Cook.
5306 North Lawrence Ave.	40.33	Cook.
Clinton, 601 West Side Sq.	6220.1	De Witt.
Danville, 14 North Vermillion St.	6292	Vermilion.
Decatur, 210 North Main St.	6255.1	Macon.
De Kalb	6219.2	De Kalb.
Dixon	6252	Lee.
East St. Louis, 401 Broadway.	6188.2	St. Clair.
Edwardsville, 231 North Main St.	6257.1	Madison.
Effingham	6225	Effingham.
Eureka, 126½ North Main St.	62102.1	Woodford.
Evanston, 800 Greenwood Ave.	6111.1	Cook.
Fairfield	6296.1	Wayne.
Flora	6213.1	Clay.
Freeport	6289.1	Stephenson.
Galena	6243	Jo Daviess.
Galesburg	6248.1	Knox.
Geneva, 129 West State St.	6134.2	Kane.
Harrisburg, 100 North Vine.	6282	Saline.
Havana, 222 West Market.	6260.1	Mason.
Hillsboro	6268.1	Montgomery.
Jacksonville, 331 West State St.	6269.1	Morgan.
Joliet, City Hall	6299.1	Will.
Kankakee	6246.1	Kankakee.
Kewanee, 221 South Tremont.	6237.2	Henry.
Lacon	6259.1	Marshall.
Lawrenceville	6251	Lawrence.
Lincoln Courthouse	6254	Logan.
Macomb	6262.1	McDonough.
Marion	62100.1	Williamson.
Marshall Courthouse	6212.1	Clark.
Mattoon, 1219 Western	6215.2	Coles.
Metropolis, Courthouse Square.	6261.1	Massac.
Monmouth City Hall	6294.1	Warren.
Monticello, Courthouse	6274.1	Pratt.
Morris, Courthouse	6232.1	Grundy.
Mt. Carmel, 630 Main St.	6293	Wabash.
Mt. Carroll	628	Carroll.
Mt. Vernon, 1100 Main St.	6241.1	Jefferson.
Murphysboro	6239	Jackson.
Nashville, Post Office Bldg.	6295.1	Washington.
Olney, Courthouse	6280.1	Richland.
Oregon, 301 Washington St.	6271.1	Ogle.
Ottawa	6250.1	
Peoria, Alliance Life Insurance Bldg.		

APPENDIX—LIST OF PRICE CONTROL BOARDS—Continued

REGION VI—continued

Address	Board No.	County
Illinois—Continued		
Paris, 114 West Court St.	6223	Edgar.
Paxton, 101 North Market St.	6227	Paxton.
Pekin	6290.1	Tazewell.
Peoria, 832 Main St	6272.1	Peoria.
Pinckneyville, Courthouse.	6273.1	Perry.
Pittsfield	6275	Pike.
Pontiac, 220 West Madison St.	6253.1	Livingston.
Princeton	626.1	Bureau.
Quincy, 428 Main St	621	Adams.
Robinson	6217.1	Crawford.
Rockford	6210.1	Winnebago.
Rock Island	6281.2	Rock Island.
Salem	6258.1	Marion.
Shelbyville	6286	Shelby.
Springfield, 215 East Adams St.	83.1	Sangamon.
Sterling	6298.2	Whiteside.
Taylorville	6211.1	Christian.
Tuscola, Court House	6221	Douglas.
Urbana	6210.1	Champaign.
Vandalia	6226.1	Fayette.
Virginia	629.1	Cass.
Waterloo, 123 West Mill St.	6267.1	Monroe.
Watseka	6238.1	Iroquois.
Waukegan, Post Office Bldg.	1.1	Lake.
Wheaton	6115.1	Du Page.
Worth	6129.5	Cook.
Woodstock, 126 Benton St.		
Indiana		
Gary	61.6.115	
Crown Point, 138 South Main St.		
Hammond, 5925 Sahl Ave.		
Iowa		
Des Moines, Liberty Bldg.		
Adel, County Courthouse.	25–1	Dallas.
Albia, Post Office	6368	Monroe.
Mount Ayr		
Algona, 9 North Dodge St.	6355	Kossuth.
Allison, 247–248–249 Main.	12	Butler.
Ames	85–2	Story.
Anamosa	6353–1	Jones.
Atlantic	6315	Cass.
Audubon	635	Audubon.
Bedford, County Courthouse.	87	Taylor.
Boone	638–1	Boone.
Burlington	6329	Des Moines.
Carroll	6314	Carroll.
Cedar Rapids, Memorial Bldg.	6357	Linn.
Centerville, 301 North 13th St.	4	Appanoose.
Chariton, County Courthouse.	59	Lucas.
Charles City, 710 Kelly St.	34	Floyd.
Cherokee, 2d and Maple Sts.	18	Cherokee.
Clarinda, 212 North 16th St.	6373.1	Page.
Clarion	6399.1	Wright.
Clinton, 132 Fifth Ave. South.	23	Clinton.
Corydon, room 5, 2d floor, East ½, lot 4, block 18.	93	Wayne.
Council Bluffs	78.1	Pottawattamie.
Cresco	6345	Howard.
Creston	6388	Union.
Davenport	82	Scott.
Decorah, 130 West Water St.	96	Winneshiek.
Denison, Main and Broadway.	24	Crawford.
Des Moines, 525 6th Ave		Polk.
Dubuque	6331–1	Dubuque.
Eldora	42	Hardin.
Elkader	22.3	Clayton.
Emmetsburg	6374	Palo Alto.
Estherville, City Building.	32	Emmet.
Fairfield, 103 North Court.	51	Jefferson.
Forest City, 229 East J St.	95	Winnebago.
Fort Dodge, 16 North 8th St.	94	Webster.
Fort Madison	6356.1	Lee.
Garner County Courthouse.	41	Hancock.
Glenwood	6365	Mills.
Greenfield	631.1	Adair.
Grinnell	6379.1	Poweshiek.
Grundy Center, 701 8th St.	38	Grundy.
Guthrie Center, 4th and State Sts.	6339	Guthrie.
Hampton, 16 1st St. NW	35	Franklin.
Harlan, City Hall	83	Shelby.
Humboldt, 622 Sumner Ave.	46	Humboldt.
Ida Grove	47	Ida.
Independence, County Courthouse.	10	Buchanan.
Indianola, County Courthouse.	91	Indianola.
Iowa City	6352	Johnson.
Jefferson	6337	Greene.
Keokuk	6356.3	Lee.
Keosauqua	6389	Van Buren.
Knoxville	6363.1	Marion.
LeMars	6375	Plymouth.
Logan	6343.1	Harrison.
Maquoketa	6349	Jackson.
Marengo	6348.1	Iowa.
Marshalltown, Courthouse.	64	Marshall.
Mason City	6317.1	Cerro Gordo.
Mount Ayr		
Mount Pleasant, 114 North Main St.	44	Henry.
Muscatine	6370.1	Muscatine.
New Hampton	6319	Chickasaw.
Newton	6350	Jasper.
Oelwein, City Hall	33.1	Fayette.
Orange City	6384	Sioux.
Osage	66	Mitchell.
Oskaloosa	6362	Mahaska.
Ottumwa	6390	Wapello.
Pocahontas, County Courthouse.	76	Pocahontas.
Primghar	6371.1	O'Brien.
Red Oak, 401–3 Washington St.	69.1	Montgomery.
Rock Rapids	6360	Lyon.
Rockwell City	6313	Calhoun.
Sac City	6381	Sac.
Sidney, Wightman Bldg., Main St.	36	Fremont.
Sigourney, 102 North Main St.	54	Keokuk.
Sioux City	6397.1	Woodbury.
Spencer, 10 East 4th St	21	Clay.
Spirit Lake, Antlers Hotel.	30	Dickinson.
Storm Lake, 618 Lake Ave.	11	Buena Vista.
Tipton, 427 Cedar St	16	Cedar.
Toledo	6386.2	Tama.
Vinton	6.1	Benton.
Washington, County Courthouse.	92	Washington.
Waterloo, 319½ 4th St	637.1	Black Hawk.
Waukon	633	Allamakee.
Webster City	6340	Hamilton.
Winterset, Farmers and Merchants State Bank.	61	Madison.
Minnesota		
St. Paul, W1200, First National Bank Bldg.		
Ada	6454	Norman.
Aitkin, McGregor-Dennerly Bldg.	641	Aitkin.
Albert Lea	6424	Freeborn.
Alexandria, 701 Broadway.	6421	Douglas.
Anoka, City Hall	642	Anoka.
Austin	6450	Austin.
Bemidji	644	Beltrami.
Benson, Telephone Bldg.	6476	Swift.
Blue Earth, 118 South Main St.	6422	Fairbault.
Brainerd		
Buffalo	6486	Wright.
Caledonia, City Hall Council Room.	6248	Houston.
Chaska	6410	Carver.
Cloquet, City Hall	649	Carlton.
Crookson		
Detroit Lakes	643	Becker.
Duluth, 1608 London Rd.	6469.1	St. Louis.
Faribault	6466	Rice.
Fairmont	6446	Martin.
Fergus Falls	6456.1	Otter Tail.
Fountain	6423	Fillmore.
Gaylord, City Hall	6472	Sibley.
Glenwood	6461	Glenwood.
Grand Rapids	6431	
Granite Falls	6487	Yellow Medicine.
Harris	6413	Chisago.
Hibbing	6469.4	St. Louis.
Hutchinson Citizens Bank Bldg.	6443.2	McLeod.
International Falls, 231 4th Ave.	6436	Koochiching.
Jackson, Box 724, Courthouse.	6432	Jackson.
Le Center, Courthouse	6440	Le Sueur.
Litchfield	6447	Meeker.
Little Falls	6449	Morrison.
Long Prairie	6447	Todd.
Madison	6437	Lac qui Parle.
Mankato	647	Blue Earth.
Marshall	6442	Lyon.
Millaca	6448	Mille Lacs.
Minneapolis, 2d Ave. South and 3d St.	6427.1	Hennepin.
Montevideo, Stempson Bldg., 215 North First St.	6412	Chippewa.
Moorhead	6414	Clay.
New Ulm	648	Ramsey.
Olivia	6465	Renville.
Ortonville		
Owatonna	6474	Steele.
Pine City, Town Hall	6458	Pine.
Pipestone	6459	Pipestone.
Red Wing, 105 Courthouse.	6425	Goodhue.
Redwood Falls, High School Bldg.	6464	Redwood.
Nebraska		
Omaha, 16th and Harney Sts.		
Albion, 840 4th St	6532	Boone.
Alliance	6565	Box Butte.
Arapahoe	6538	Furnas.
Auburn, 1218½ J St	6544	Nemaha.
Beatrice, 607 Court St., Old City Hall.	653	Gage.
Broken Bow	654	Custer.
Center, Courthouse	6512	Knox.
Central City	6546	Merrick.
Chadron	6569.1	Dawes.
Clay Center, Courthouse.	6530	Clay.
Columbus	6510	Platte.
Crete, City Hall	6522	Saline.
David City	6525	Butler.
Fairbury, McGee Bldg.	6533	Jefferson.
Falls City	6519	Richardson.
Fremont	655.1	Dodge.
Grand Island, 223 West 2d St.	658	Hall.
Hastings	6514.1	Adams.
Hebron, 345½ Lincoln Ave.	6532	Thayer.
Kearney, City Hall	659	Buffalo.
Lexington	6518	Dawson.
Lincoln, 1220 North St	652	Lancaster.
McCook	6548	Red Willow.
Neligh, Putney and Maine.	6526	Antelope.
Nebraska City	6511	Otoe.
Norfolk, City Auditorium.	657.2	Madison.
North Platte, 516 Jeffers St.	6515	Lincoln.
Omaha, Faidley Bldg., 16th and Douglas.	651.1	Douglas.
Omaha, 2419 M St	651.3	Do.
O'Neill	6536	Holt.
Plattsmouth	6520	Cass.
Rushville	6561.1	Sheridan.
Scottsbluff	6521	Scottsbluff.
Seward, Courthouse	6516	Seward.
Sidney	6539	Cheyenne.
Valentine	6566	Cherry.
Wahoo	656	Saunders.
West Point	6524	Cuming.
York	6517	York.
Wisconsin		
Milwaukee, Green Bay Adams, City Hall	681	Adams.
Alma, Courthouse	686	Buffalo.
Antigo, Library Bldg	68–34–1	Langlade.
Appleton, 225 North Oneida St., City Hall, room 104.	6844	Outogamie.
Ashland, Courthouse	682	Ashland.
Balsam Lake	6848	Polk.
Baraboo City Hall	6856	Sauk.
Beaver Dam	6814.1	Dodge.
Berlin, 1st National Bank Bldg.	6824	Green Lake.

APPENDIX—LIST OF PRICE CONTROL BOARDS—Continued

REGION VI—continued

Address	Board No.	County
Wisconsin—Continued		
Black River Falls, 213 Main St.	6827	Jackson.
Chilton	688	
Chippewa Falls	689.1	Chippewa.
Darlington, Courthouse	6833	Lafayette.
Dodgeville	6825	Iowa.
Eagle River	6863	Vilas.
Elkhorn	6864	Wolworth.
Eau Claire	6818	Eau Claire.
Ellsworth, Main St	6847	Pierce.
Fond Du Lac, 104 South Main St.	6820	Fond Du Lac.
Green Bay, 314–316 Main St.	685.1	Brown.
Hammond	6855	St. Croix.
Hayward	6857	Sawyer.
Hurley, City Hall	6826	Iron.
Janesville, 410 South 2d St.	6853	Rock.
Jefferson	6828	Jefferson.
Kenosha	6830.1	Kenosha.
Kewaunee, Courthouse	31.1	Kewaunee.
Ladysmith	6854	Rusk.
La Crosse, 424 Hoeschler Bldg.	6832	La Crosse.
Lancaster, Courthouse	6822	Grant.
Madison, 304 North Park Ave.	6813	Dane.
Manawa, Bridge St	6868	Waupaca.
Manitowoc, Room 202, Safety Bldg.	6836	Manitowoc.
Marinette, 2015 Hall Ave.	6838	Marinette.
Mauston, Courthouse	6829	Juneau.
Medford	6860	Taylor.
Menomonie	6817.1	Dunn.
Merrill	6835.1	Lincoln
Milwaukee, 2314 North Farwell Ave.	6840.5	Milwaukee.
Milwaukee, 4401 West North Ave.	6840.7	Do.
Milwaukee, 647 West Virginia Ave.	6840.2	Do.
Milwaukee, City Hall, Room 10.	6840.1	Do.
Monroe	6823	Green.
Neillsville	6810	Clark.
Oconto Falls	6842.1	Oconto.
Oshkosh	6870.1	Winnebago.
Phillips	6850	Price.
Portage	6811	Columbia.
Port Washington	6845	Ozaukee.
Prairie Du Chien, 210 East Blackhawk.		
Racine, McMynn Bldg., 7th and Lake Sts., City Hall.	6851.1	Racine.
Rhinelander	6843	Oneida.
Rice Lake	6833.1	Barron.
Richland Center, 243 East Court St.	6852.1	Richland.
Shawano	6858	Shawano.
Sheboygan	6859.1	Sheboygan.
Sparta	6841	Monroe.
Stevens Point, 440½ Main St.	6849	Portage.
Sturgeon Bay	6815	Door.
Superior, Courthouse	6816	
Viroqua	6862.1	Vernon.
Washburn Courthouse	684	Bayfield.
Waukesha County Courthouse.	6867	Waukesha.
Wausau, 142 West Washington.	6837	Marathon.
Wautoma	6869	Waushara.
West Bend	6866	Washington.
Webster	6848	
Whitehall, Courthouse	6861	Trempealeau.
Wisconsin Rapids, City Hall.	6871–1	Wood.
South Dakota		
Aberdeen	677	Brown.
Brookings	676	Brookings.
Chamberlain	678	Brule.
Deadwood	6741.1	Lawrence.
Huron	673	Beadle.
Lake Preston	6739	Kingsbury.
Lemon		
McIntosh	6716	Corson.
Madison, Porter Bldg.	6740	Lake.
Milbank	6726	Grant.
Mobridge		
Mitchell, Box 86, Courthouse.	6718	Davison.
Parker Courthouse	6760	Turner.
Pierre	6733	Hughes.
Rapid City		
Redfield	6756	Spink.
Sioux Falls, 120 South Dakota.	671.1	Minnehaha.
Sisseton	6754	Roberts.
Watertown	6715	Codington.

APPENDIX—LIST OF PRICE CONTROL BOARDS—Continued

REGION VI—continued

Address	Board No.	County
South Dakota—Con.		
Webster	6719	Day.
Winner	6759.1	Tripp.
Yankton, Kneeland Motor Clinic.	6763	Yankton.
North Dakota		
Bismarck, Courthouse	668	Burleigh.
Bottineau	665	Bottineau.
Bowman	666	Bowman.
Cavalier, Lot 10, Block 7 on Main St.	6634	Pembina.
Devils Lake	6636	Ramsey.
Dickinson	6645	Stark.
Ellendale	6611	Dickey.
Fargo, 19 8th St., South	669	Cass.
Grafton	6650	Walsh.
Grand Forks	6618	Grand Forks.
Jamestown		
Mandan	6630	Morton.
Minot	6651	Ward.
New Rockford	6614	Eddy.
Valley City	662	Barnes.
Wahpeton	6639	Richland.
Williston	6653	Williams.

REGION VII

Address	Board No.	County
Colorado		
Denver, 621 Kittredge Bldg.		
Alamosa, New Courthouse.	30	Alamosa.
Boulder, 1927 14th St., Masonic Bldg.	7–1	Boulder.
Craig		Shoshone.
Denver	1	Denver.
Durango, West Bldg	20	La Plata.
Fort Collins	6–1	Larimer.
Fort Morgan, City Hall	15–1	Morgan.
Grand Junction	8	Mesa.
Greely, 618 8th Ave	3	Weld.
La Junta, Municipal Bldg.	9–1	Otero.
Lamar, County Bldg	17–1	Prowers.
Leadville, 204 P. O. Bldg.	41	Lake.
Montrose, Montrose Creamery Bldg.	21–1	Montrose.
Monte Vista		Bonner.
Sterling, Federal Bldg	13	Logan.
Trinidad		
Golden		
Canon City		
Glenwood Springs		
Colorado Springs		
Pueblo		
Rocky Ford		
Idaho		
Boise, Capital Securities Bldg.	12	
Burley, City Bldg	16	Cassia.
Caldwell		Canyon.
Idaho Falls, 363 B St	10	Bonneville.
Montpelier, Montpelier Motor Co	4	Bear Lake.
Nampa		Canyon.
Pocatello	3	Bannock.
St. Anthony	22	Fremont.
Salmon, City Hall		Lemhi.
Twin Falls	42–1	Twin Falls.
Weiser, Peacock Bldg		Washington.
Montana		
Helena, Placer Hotel Bldg.		
Anaconda	30	Deer Lodge.
Billings	3–1	Yellowstone.
Bozeman	6–1	Gallatin.
Butte, West Granite Courthouse.	1–1	Silver Bow.
Clasgow, Federal Bldg	20–1	Valley.
Glendive, Chamber of Commerce, 200 North Merrill Ave.	16–1	Dawson.
Great Falls, Washington School.	2–1	Cascade.
Havre	12–1	Hill.
Helena, Montana Bldg	5–1	Lewis and Clark.
Kalispell, 34 First Ave. East.	7–1	Flathead.
Lewiston	8–1	Fergus.
Livingston, Od National Park Bank.	49–1	Park.
Miles City, Chamber of Commerce Bldg.	14–1	Custer.
Missoula, Federal Bldg	27–1	

APPENDIX—LIST OF PRICE CONTROL BOARDS—Continued

REGION VII—continued

Address	Board No.	County
Montana—Continued		
Shelby	21–1	Toole.
Wisdom, Anson Bldg		
New Mexico		
Albuquerque, 320 West Central Ave.		
Alamogordo	18	Otero.
Albuquerque, North 3d St. and West Trijeras.	1	Bernalillo.
Belen, Johnson Insurance Bldg.	74.31	Valencia.
Carlsbad, Courthouse	8	Eddy.
Clovis, 521 Main	5	Curry.
Deming	15	Luna.
Gallup	16	McKinley.
Hobbs, Scharbauer Bldg.	13	Lea.
Las Cruces, City Hall	7	Dona Ana.
Las Vegas	24	San Miguel.
Raton, City Hall	4	Colfax.
Roswell, City Hall		Chaves.
Santa Fe, Room 3, Supreme Court Bldg.	25	Santa Fe.
Silver City		Grant.
Taos, Carson National Forest Bldg.	28	Taos.
Tucumcari	19	Quay.
Utah		
Salt Lake City, Atlas Bldg.		
Brigham City		Summit.
Cedar City	7523–1	Tooele.
Ephraim, City Bldg	20–2	Sanpete.
Logan, Cache Knitting Works Bldg.	753–1	Cache.
Ogden	7529	Weber.
Price, City Hall	4–1	Carbon.
Provo, City Bldg	Utah	
Richfield	21–3	Sevier.
Salt Lake City, 301 City and County Bldg.	7517.1	Salt Lake.
Vernal, city office	24	Uintah.
Wyoming		
Cheyenne, State OPA Bldg.	11	
Casper, Provident Federal Savings & Loan.	1	Natrona.
Cheyenne, 1612 Central Ave.		Laramie.
Cody, City Hall		Park.
Evanston, 214 Federal Bldg.	19	Uinta.
Laramie, Post Office Box 876.		Albany.
Newcastle, C. A. Ward Lumber Co.	21	Weston.
Rawlins, Carbon County Courthouse.	6	Carbon.
Riverton, Masonic Temple Bldg.	10	Fremont.
Rock Springs, Rock Springs National Bank Bldg.	4	Sweetwater.
Sheridan	3	Sheridan.
Cedar City, Utah	7510–1	
Blanding, Utah	7519	San Juan.
Salt Lake City, 1130 East 21st South, Utah.	7517–2	Salt Lake.
Armstead, Mont	18–3	Beaverhead.
Georgetown, Colo		Clear Creek.
Medicine Lake, Medicine Lake Realty Co. Bldg., Mont.	34–2	Sheridan.
Westby, Mont	34–3	Do.
Brockton, Mont	17–4	Roosevelt.
Bainville, Civic Center, Mont.	17–3	Do.
Harrison, School Bldg., Mont.	25–4	Madison.
Ignatius, Mont	15–3	
Horseshoe Bend, U P ticket office, Idaho.	8–1	Boise.
Saco, Martin Bldg., Mont.	11–3	Phillips.
Dodson, Mont	11–2	Do.
Gardiner, Easton Bldg., Mont.	49–2	Park.
Altonah, residence of Howard Dunn, Utah.		Duchesne.
Ogden, Room 641, City and County Bldg., Utah.	7529	Weber.
South Salt Lake City, 2320 South Main St., Utah.		Salt Lake.
Wallsburg, residence of J. W. Boyden, Utah.		Wasatch.
La Veta, Old Post Office Bldg., Colo.	16–2	Huerfano.

APPENDIX—LIST OF PRICE CONTROL BOARDS—Continued

REGION VII—continued

Address	Board No.	County
Wyoming—Continued		
Denver, Paramount Bldg., Colo.		
Murphy, Courthouse, Idaho.		Owyhee.
Helper, City hall, Utah		Carbon.
Charlo, Mont.		Lake.

REGION VIII

Address	Board No.	County
Arizona		
Phoenix, C 17 West Van Buren St.		
Bisbee, Central School Bldg.	81. 2. 2	Cochise.
Coolidge		
Flagstaff	81. 3. 1	Coconino.
Globe	81. 4. 1	Gila.
Holbrook	81. 9. 1	Navajo.
Nogales	81. 12. 1	Santa Cruz.
Phoenix, 137 North 2d St.	81. 7. 1	Maricopa.
Prescott, Court House	81. 13. 1	Yavapai.
Safford	81. 5. 1	Graham.
Tucson, 180 North Meyer St.	81. 10. 1	Pima.
Yuma, 168 2d Ave.	81. 14. 1	Yuma.
California		
Alhambra	82. 5. 14	Los Angeles.
Arcata	83. 4. 3	Humboldt.
Avenal	810. 5. 4	Kings.
Bakersfield	88. 8. 1	Kern.
Berkeley, 2441 Durant Ave.	83. 1. 8	Alameda.
Berkeley, 2620 Shattuck Ave.	83. 1. 9	Alameda.
Chico, 132 Broadway	89. 2. 1	Butte.
Dunsmuir, Florence Ave.	88. 9. 2	Siskiyou.
El Centro, 598 Main St.	811. 1. 1	Imperial.
Eureka	83. 4. 1	Humboldt.
Fresno, 1360 Van Ness Ave.	810. 1. 2	Fresno.
Fresno		
Glendale, 602 East Wilson.	82. 5. 6	Los Angeles.
Grass Valley, 255 Amburn.		
Hanford, 110 North Douty St.	810. 5. 1	Kings.
Hayward, 720 Castro St.	83. 1. 12	Alameda.
Hico		
Hollywood, Taft Bldg., Room 602.		
Huntington Park, 2571 Zoe St.	82. 5. 41	Los Angeles.
Inglewood, 158½ North Market.	82. 5. 54	Do.
Long Beach, Municipal Auditorium, Room 5.	82. 5. 59	Do.
Los Angeles, 2652 Pasadena Ave.	82. 5. 17	Do.
Los Angeles, 634½ South Alvardo St.	82. 5. 29	Do.
Los Angeles, 2811 Whittier Blvd.	82. 5. 35	Do.
Los Angeles, 4504 South Central Ave.	82. 5. 40	Do.
Los Angeles, 501 West 80th St.	82. 5. 52	Do.
Los Angeles, 117 West 9th St.	82. 5. 30	Do.
Madera, 214 South C St.	88. 2. 1	Madera.
Martinez, 838 Escobar St.	83. 2. 1	Contra Costa.
Marysville, 615 G St.	89. 19. 1	Yuba.
Merced, 600 17th St.	810. 4. 1	Merced.
Modesto	88. 7. 1	Stanislaus.
Napa, 816 Brown St.	83. 9. 1	Napa.
Oakland, 1430 Franklin St.	83. 1. 1	Alameda.
Pasadena, 85 East Colorado Blvd.	82. 5. 10	Los Angeles.
Pomona, 484 West 2d St.	82. 5. 38	Do.
Redding, 1875 Placer St.	89. 12. 1	Shasta.
Redondo Beach	82. 5. 53	Los Angeles.
Redwood City, Main and Broadway.	83. 12. 2	San Mateo.
Richmond, 127 Maritime Ct.	83. 2. 3	Contra Costa.
Riverside, 7th and Orange St.		
Sacramento, 1330 J St.	89. 10. 1	Sacramento.
Salinas	83. 8. 1	Monterey.
San Bernardino, 386 Fourth St.	82. 8. 1	San Bernardino.
San Francisco, 1215 Van Ness Ave.	83. 11. 3	San Francisco.
San Gabriel	82. 5. 85	

APPENDIX—LIST OF PRICE CONTROL BOARDS—Continued

REGION VIII—continued

Address	Board No.	County
California—Continued		
San Jose, Dunne Hall, Civic Auditorium.	83. 13. 1	Santa Clara.
San Jose, 167 Santa Clara.	83. 13. 2	Do.
San Luis Obispo, 967 Osos St.	82. 10. 1	San Luis Obispo.
San Rafael, Masonic Bldg.	83. 6. 1	Marin.
Santa Barbara, Rm. 16 City Hall.	82. 11. 2	Santa Barbara.
Santa Cruz	83. 14. 1	Santa Cruz.
Santa Monica, 1628 Montana Ave.	82. 5. 23	Los Angeles.
Santa Ana, 114½ North Broadway.		
Santa Rosa	83. 16. 1	Sonoma.
Stockton, 115 North Sutter.	89. 11. 2	San Joaquin.
Tule Lake, Agers Store	88. 9. 5	Siskiyou.
Ukiah	83. 7. 1	Mendocino.
Vallejo, 342 Virginia St.	83. 15. 1	Solano.
Van Nuys, 14410 Sulvan St.	82. 5. 2	Los Angeles.
Ventura	82. 13. 1	Ventura.
Visalia	810. 6. 1	Tulare.
Whittier, 111 South Bright.	82. 5. 39	Los Angeles.
Nevada		
Elko	84. 4. 1	Elko.
Ely City Hall	84. 17. 1	White Pine.
Hawthorne	84. 11. 1	Mineral.
Las Vegas	84. 2. 1	Clark.
Reno, 227 South Virginia St.	84. 16. 1	Washoe.
Oregon		
Astoria	85. 5. 1	Clatsop.
Baker	85. 1. 1	Baker.
Bend	85. 9. 1	Deschutes.
Coos Bay		
Corvallis, City Hall	85. 2. 1	Benton.
Eugene	85. 15. 1	Lane.
Forest Grove, First National Bank Bldg.	85. 30. 2	Washington.
Klamath Falls, Main St. and Esplanade.	85. 39. 1	Klamath.
Lebanon, Ash and Main Sts., Downing Bldg.	85. 17. 2	Linn.
McMinnville, Public Library Bldg.	85. 32. 1	Yamhill.
Medford, City Hall	85. 37. 1	Jackson.
Oregon City, City Hall, Seventh and John Adams Sts.	85. 3. 1	Clackamas.
Pendleton	85. 25. 1	Umatilla.
Portland, 808 Southeast Morrison.	85. 20. 4	Multnomah.
Portland, 4303 North Mississippi Ave.	85. 20. 7	Do.
Portland, 718 West Burnside.	85. 20. 12	Do.
Portland, 1421 Southwest Alder St.		
Salem	85. 18. 1	Marion.
The Dalles	85. 29. 1	Wasco.
Toledo	85. 16. 1	Lincoln.
Tillamook	85. 24. 1	Tillamook.
Washington		
Aberdeen	86. 3. 1	Grays Harbor.
Bellingham	86. 17. 1	Whatcom.
Bremerton Elk's Club	86. 7. 1	Kitsap.
Chehalis, Civic Auditorium.	86. 9. 2	Lewis.
Colfax, Old National Bank Bldg.	87. 24. 2	Whitman.
Colville	87. 22. 1	Stevens.
Coulee Dam	87. 18. 5	Okanogan.
Ellensburg Courthouse	86. 8. 1	Kittitas.
Ephrata, City Hall	87. 12. 1	Grant.
Everett, Roma Hall, Everett and Lombard Sts.	86. 15. 1	Snohomish.
Kelso	85. 7. 1	Cowlitz.
Kirkland, Williams Bldg.	86. 6. 16	King.
Mount Vernon	86. 14. 1	Shagit.
Newport	87. 19. 1	Pend Oreille.
Olympia	86. 16. 1	Thurston.
Omak, City Hall	86. 19. 1	Okanogan.
Pasco	87. 10. 1	Franklin.
Port Angeles, 106 East Front St.	86. 2. 1	Clallam.
Renson, City Hall	86. 6. 14	King.
Seattle, Room 239—White Bldg.		
Spokane, Welch Bldg.—224 Hutton Bldg.	87. 21. 1	
Tacoma, 733 St. Lelens Ave.	86. 12. 1	Pierce.

APPENDIX—LIST OF PRICE CONTROL BOARDS—Continued

REGION VIII—continued

Address	Board No.	County
Washington—Continued		
Vancouver, Courthouse.	85. 41	Clark.
Walla Walla	87. 23. 1	Walla Walla.
Wenatchee, Courthouse	86. 1. 1	Chelan.
Yakima	86. 18. 1	Yakima.
Los Angeles, 1519 North Gardner, Calif.	82. 518	Los Angeles.
Hollywood, 6520 Sunset Blvd., Calif.	82. 5. 19	Do.
Oakdale, City Hall, Calif.	89. 14. 3	Stanislaus.
Kennewick, Kennewick Ave., Wash.	87. 4. 1	Benton.
San Francisco, 3818 Geary Blvd., Calif.	83. 11. 5	San Francisco.
Sacramento, 2953 35th St., Calif.	89. 10. 4	Sacramento.
Vale, City Hall, Oreg.	77. 45. 1	Malheur.
Ontario, Wilson Bldg., Oreg.	77. 45. 2	Do.
Nyssa, City Hall, Oreg.	77. 45. 3	Do.
Los Angeles, 4009 West 6th St., Calif.	82. 5. 27	Los Angeles.
Stockton, Hall of Records, Calif.	89. 11. 1	San Joaquin.
Montello, Nev.	84. 4. 3	Elko.
East Bakersfield, Calif.	82. 3. 12	Kern.
Oildale, Standard School, North Chester Ave., Calif.	82. 3. 2	Do.
Gabbs Valley, Luning, Nev.	84. 12. 3	Nye.
Los Angeles, 4563 West Pico Blvd., Calif.	82. 5. 47	Los Angeles.
Seattle, 300 Wall St., Wash.	86. 6. 18	King.
Seattle, 215 Columbia, Wash.	86. 6. 1	King.
San Francisco, 1303 Castro St., Calif.	83. 11. 10	San Francisco.
Glendale, 118 West Howard St., Calif.	82–5. 7	Los Angeles.
Los Angeles, 5201 South Vermont Ave., Calif.	82. 5. 51	Do.
Spokane, 611 First Ave., Wash.	87. 21. 4	Spokane.
Spokane, 152 South Washington, Wash.	87. 21. 3	Do.
Spokane, 2224 Monroe, Wash.	87. 21. 2	Do.
Spokane, 1603 North Standard, Wash.	87. 21. 1	Do.
San Bernardino, 6th and E Sts., Calif.	82. 8. 2	San Bernardino.
Seattle, 4100 West Alaska, Wash.	86. 6. 5	King.
San Francisco, Distribution Center, 1267 Mission St., Calif.		
San Francisco, OPA Distribution Center, 1267 Mission St., Calif.		
Neah Bay, Wash.	86. 2. 3	Clallum.
Broderick, Reuter Bldg., Calif.	89. 18. 3	Yolo.
Sacramento, 2952 35th St., Calif.	89. 10. 3	Sacramento.
Washougal, Wash.		Clark.
Leavenworth, Wash.	86. 1. 3	Chelan.
San Francisco, 1237 Van Ness Ave., Calif.	83. 11. 4	San Francisco.
Westwood Village, Calif.	82. 5. 67	Los Angeles.
Wilmington, 714 Avalon Blvd., Calif.	82. 5. 82	Do.
Dorris, Main St., Calif.	88. 9. 3	Sishiyou.
Happy Camp, Calif.	88. 9. 10	Do.
Los Angeles, 1641 East 103d Pl., Calif.	82. 5. 45	Los Angeles.
Portland, Packard Bldg., Oreg.	85. 20. 12	Multnomah.
Santa Clara, 908 Franklin St., Calif.	83. 13. 6	Santa Clara.

REGION IX

Location and Board No.

Alaska:	
Anchorage	1
Cordova	2
Dillingham	3
Fairbanks	4
Haines	5
Juneau	7
Ketchikan	8
Kodiak	9
Nome	10
Palmer	11
Petersburg	12
Seward	13
Sitka	14

REGION IX—continued

Location and Board No.

Alaska—Continued	
Skagway	15
Valdez	16
Wrangell	17
Hawaii:	
Kaneohe, Oahu	1
Wahiawa	2
Waipahu, Oahu	3
Honolulu	4
do	5
do	6
do	7
do	8
do	9
do	10
Hilo	11
Kona	12
Kohala	13
Kauai	14
Maui	15
Molokai	16

SUBPART M—DELEGATIONS OF FINAL AUTHORITY

§ 1305.2500 *Nature of delegations.* In addition to the general functions exercised by national and field offices described above, certain functions are exercised by virtue of delegations of final authority under OPA regulations or orders. Delegations to field offices may be made directly by regulation or order or may be made pursuant to conditions set forth in the regulation or order. Where authorized by regulation or order, redelegation of authority may be made to a subordinate level of field offices by order of the chief executive officer of the office receiving the delegation. Specific delegations and re-delegations made pursuant to price, rationing and rent regulations and orders are described below.

§ 1305.2501 *Price delegations to continental offices.* The following information is given for each delegation of authority:

(a) Regulation or order number, section containing authority delegated, and the Federal Register citation.

(b) The title and/or a brief description of the authority delegated.

(c) An indication as to whether the regional administrator can redelegate authority to district directors in district offices.

(d) The district offices to which authority has been delegated by the regional offices. As listed below (e), each of the eight regions is designated by a Roman numeral and each district office by an Arabic numeral. These numbers are used in place of the names of the regional and district offices in showing redelegations. For example, "II–3, 4" indicates that the specific authority has been redelegated by the New York regional office to the Baltimore and Newark district offices only; "III–ALL" indicates that the Cleveland regional office has redelegated the authority to all of the district offices in Region III; "IV–NONE" indicates that the Atlanta regional office has not delegated the authority to any of the district offices in Region IV.

(e) *Region and district offices.*

REGION I

Districts

Boston, Mass:
1. Hartford, Conn.
2. Augusta, Maine.
3. Boston, Mass.
4. Concord, N. H.
5. Providence, R. I.
6. Montpelier, Vt.

REGION II

New York, N. Y.:
1. Wilmington, Del.
2. Washington, D. C.
3. Baltimore, Md.
4. Newark, N. J.
5. Albany, N. Y.
6. Buffalo, N. Y.
7. New York City, N. Y.
8. Syracuse, N. Y.
9. Philadelphia, Pa.
10. Pittsburgh, Pa.
11. Scranton, Pa.

REGION III

Cleveland, Ohio:
1. Indianapolis, Ind.
2. Louisville, Ky.
3. Detroit, Mich.
4. Cincinnati, Ohio.
5. Cleveland, Ohio.
6. Charleston, W. Va.

REGION IV

Atlanta, Ga.:
1. Birmingham, Ala.
2. Jacksonville, Fla.
3. Miami, Fla.
4. Atlanta, Ga.
5. Jackson, Miss.
6. Raleigh, N. C.
7. Columbia, S. C.
8. Memphis, Tenn.
9. Nashville, Tenn.
10. Richmond, Va.

REGION V

Dallas, Tex.:
1. Little Rock, Ark.
2. Wichita, Kans.
3. New Orleans, La.
4. Kansas City, Mo.
5. St. Louis, Mo.
6. Oklahoma City, Okla.
7. Dallas, Tex.
8. Fort Worth, Tex.
9. Houston, Tex.
10. San Antonio, Tex.

REGION VI

Chicago, Ill.:
1. Chicago, Ill.
2. Peoria, Ill.
3. Springfield, Ill.
4. Des Moines, Iowa.
5. St. Paul, Minn.
6. Omaha, Nebr.
7. Fargo, N. Dak.
8. Sioux Falls, S. Dak.
9. Green Bay, Wis.
10. Milwaukee, Wis.

REGION VII

Denver, Colo.:
1. Denver, Colo.
2. Boise, Idaho.
3. Helena, Mont.
4. Albuquerque, N. Mex.
5. Salt Lake City, Utah.
6. Cheyenne, Wyo.

REGION VIII

San Francisco, Calif.:
1. Phoenix, Ariz.
2. San Francisco, Calif.
3. Los Angeles, Calif.
4. Reno, Nev.
5. Portland, Oreg.
6. Seattle, Wash.
7. Spokane, Wash.

Regulation, section, and Federal Register citation	Title and/or authority delegated	Can region redeliver?	District offices to which delegated
PR 6 7 F. R. 5087	(See RSO 9.)		
PR 11 904 (e) 7 F. R. 9390	Notices of increases in rates and charges of common carriers and other public utilities. To receive notices of proposed rate increases from taxicab companies and owners, and to exempt them from certain filing requirements.	Deliver to district offices by region.	
GO 44 8 F. R. 1665	To act for the Price Administrator in approving retail economy practices under SO 29.	Deliver to district offices in region.	
GO 50 (e) 8 F. R. 4808	Filing of prices by restaurants and similar establishments To establish maximum prices for meals, food items and beverages and thereafter adjust such prices in certain circumstances.	Yes	I, none; II, none; III, none; IV, all; V, all; VI, all; VII, all; VIII, none.
RGO 51 (a) (1), (a) (2) 9 F. R. 408	To establish community dollar-and-cent ceilings or other ceilings sold at retail by particular classes of sellers.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, all.
RGO 51 (k) 9 F. R. 408	To adjust dollar-and-cent ceilings for group 3 and group 4 stores when it appears that "net cost" is substantially higher than that of applicable community ceiling prices.	Yes	I, none; II, all; III, all; VI, all; VII, all; VIII, all.
GO 61 1 10 F. R. 3384	To fix area dollar-and-cent ceiling prices for sales of used lumber	Yes	I, all; II, all; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
GO 63 10 F. R. 5616	To establish area or individual maximum prices for the sale of straw by any person, subject to approval of orders by the National Office.	Yes	I, none; II, none; III, none; IV, none; VI, none; VII, all; VIII, none.
GO 64 10 F. R. 7858	Wherever an order issued by the Administrator provides for the exercise of a power or function by the district director, in those areas where the office of the district director does not exist such power or function may be delegated by the regional administrator to the deputy regional administrator or an assistant to the regional administrator.	No	
RGO 65 10 F. R. 15403	To fix dollars- and cents-ceiling prices for sales and deliveries of lumber products out of distribution yard stock by any lumber distribution yard located in any area or locality within his jurisdiction, for which maximum prices are presently established under 2d RMPR 215.	Yes	I, none; II, all; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
GO 66	Regional administrators to consolidate district offices	No	

Regulation, section, and Federal Register citation	Title and/or authority delegated	Can region redeliver?	District offices to which delegated
10 F. R. 9975 GO 67 10 F. R. 11330	To exercise the functions, duties, powers, authority and discretion conferred upon the Price Administrator to issue adjustable pricing orders or grant permission to enter into adjustable pricing agreements pursuant to section: 193 of MPR 112, 203 of MPR 120, 243 of MPR 121, and 258 of RMPR 122.	No	
GO 68 10 F. R. 11687	To each regional administrator to issue and put into effect orders establishing maximum prices, applicable to a particular community or defined area, for sales by all persons to ultimate users or to purchasers for resale on an installed basis, of commodities under the jurisdiction of the Building Materials and Construction Price Branch which are covered by the following regulations: 1. GMPR, 2. 3rd RMPR 13; 3. MPR 44 (except as to sales covered by MPR 525); 4. MPR 293 (except as to sales covered by MPR 525); 5. MPR 381.	Yes	I, all; II, all; III, none; IV, all; V, all; VI, all; VII, none; VIII, 5,6.
GO 70 10 F. R. 13426	To establish area dollar- and cent-ceiling prices by order for specifically designated items with approval of National Office.	No	
GO 72 11 F. R. 5274	Delegation of authority to regional administrators to make findings that subsidy applicants have willfully violated meat or livestock regulations or orders issued by the Price Administrator.	No	
RSO 9 (PR 6) 12 8 F. R. 6175	To adjust prices of anyone who has entered into Government contract or subcontract. (This applies to all cases filed in accordance with PR 6).	No	
2RSO 13 11 F. R. 1433	To authorize "central pricing" for sellers who operate more than one establishment. (This delegates authority to process cases under 4 (a) of GMPR and applies to all regulations in which 4 (a) is incorporated)	Yes	I, none; II, all; III, all; IV, all; V, none; VI, all; VII, none; VIII, all.
2RSO 76 79 9 F. R. 14980	To authorize persons selling services subject to GMPR, 134, 136, 571, 581, 165, 246, and 251 to apply the provisions of one regulation to services supplied which are subject to two or more of those regulations, except that the provisions of MPR 251 cannot be applied to services covered by any of the other regulations.	Yes	I, none; II, none; III, none; IV, all; V, all; VI, none; VII, all; VIII, 2, 3, 5, 6.
SO 81 11 6 F. R. 310	To establish special maximum prices or exemptions applicable to sales by Government agencies or to resales by private resellers of food commodities purchased from Government agencies.	No	
SO 94 10(d) 9 F. R. 9415	Sales by Government agencies and resales by certain buyers. To approve within 20 days maximum prices for Government agencies on sales of all commodities except food and for resale by certain private buyers of such commodities.	Yes	I, none; II, none; III, none; IV, none; V, all; VI, all; VII, none; VIII, none.
SO 94 10(f), 10(g) 9 F. R. 9415	To grant exemption from price control either on its own motion or upon application sales by Government agencies of designated commodities.	Yes	I, none; II, none; III, none; IV, none; V, All; VI, all; VII, none; VIII, none.
SO 94 10(f), 10(h), 11 9 F. R. 9415	To establish, on its own motion, special maximum prices applicable to sales by Government agencies or to resales by private resellers.	Yes	I, all; II, none; III, none; IV, all; V, all; VI, all; VII, none; VIII, none.
SO 94 Order 105 (b) (2) (IV) 9 F. R. 9415	Special maximum prices for resales of certain new military vehicles To authorize allowances of actual assembly costs.	Del. to district offices in region.	
SO 118 3, 7 10 F. R. 9011	Small volume manufacturers; reconversion pricing To increase or decrease maximum prices incorrectly calculated by small-volume reconverting manufacturers in pricing 1941 products and new articles comparable to articles made in 1941. Sales may be made at calculated prices 15 days after mailing of report unless notified not to do so and to increase ceiling prices at wholesale or retail either in an order to manufacturers or in a general order applicable to wholesale and retail ceilings.	Yes	I, none; II, all; III, all; IV, all; V, all; VI, all; VII, none; VIII, sec. 3-2, 3, 56; sec. 7—2, 3.
SO118 Order 1, 3 10 F. R. 9011	Simplified pricing method for reconverting certain manufacturers To increase or decrease maximum prices incorrectly calculated by reconverting manufacturers having sales less than $50,000 per year. Sales may be made 15 days after mailing of report unless notified not to do so.	Yes	I, none; II, none; III, all; IV, all; V, all; VI, all; VII, none; VIII, 2, 3, 5, 6.
RSO 119 15, 16 11 F. R. 1398	To issue orders of adjustments to reconverting manufacturers and also to authorize specific increases or general orders to wholesalers or retailers.	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
SO 120 2, 3 10 F. R. 8696	Special provisions for wholesalers of footwear To issue OPA shoe wholesaler members, upon application; to dismiss or deny applications; and to revoke such numbers. Denials and revocations subject to requests for review and protests.	Yes	I, none; II, sec. 2—none; sec. 3—all; III, all; IV, all; V, all; VI, all; VII, all; VIII, none.
RSO 122 5 (c) 10 F. R. 9228	Resales of certain commodities sold by Government agencies To approve maximum prices for cross-stream and up-stream sales for any person who proposes to make such sales who cannot qualify as a regular cross-stream or up-stream seller under par. (a) and who does not choose to sell under par. (b).	Yes	I, none; II, 7, 9; III, all; IV, none; V, none; VI, all; VII, 2, 3, 4, 5; VIII, none.
RSO 122 6 10 F. R. 9228	To approve within 15 days pricing methods for new sellers and for sales that cannot be priced under secs. 3 or 4.	Yes	I, all; II, 7, 9; III, all; IV, all; V, all; VI, all; VII, 2, 3, 4, 5; VIII, all.
RSO 122 7	To approve, within 7 days, applications by Government agencies for special maximum prices applicable to the resales of specific lots of commodities.	Yes	I, none; II, 7, 9; III, all; IV, none; V, none; VI, 1, 5, 6; VII, none; VIII, none.
SO133 10 F. R. 11658	Individual company adjustment provision for manufacturers of certain products To make adjustments in ceiling prices of products produced by manufacturers who would otherwise be compelled to conduct their entire business operations at a loss.	Yes	I, none; II, none; III, none; IV, none; V, none; VI, all; VII, none; VIII, none.
SO 142 10 F. R. 14956	Adjustment provisions for sales of industrial machinery and equipment To adjust prices of specified commodities of essential suppliers under certain conditions when production is impeded or threatened when the seller's total sales of all commodities the previous year were less than the following amounts: Products under 246—$300,000—otherwise the amount is $500,000.	Yes	I, none; II, none; III, none; IV, none; V, all; VI, 1, 4, 5, 10; VII, none; VIII, none.
SO 143 10 F. R. 15068	Procedure for waiver of provisons of certain price regulations and ration orders affecting business or occupational status of veterans. To issue waivers and take such other appropriate action as is provided for under the terms of this supplementary order.	Yes	I, all; II, No general delegation; III, all; IV, all; V, all; VI, all; VII, none; VIII, none.
RSO 45, 173 11 F. R. 4159	To acknowledge filings of adjusted wholesaler or retailer prices whenever increases in his supplier's ceiling prices would compel him to sell below his expense rate or would further reduce his mark-ups where he is already selling below his expense rate.	Deliver to district offices in region.	
SO 155 5 11 F. R. 3358	Transportation adjustment for Martha's Vineyard & Nantucket, Mass. To region I to issue special orders modifying the provisions of this order and to provide for adjustments for commodities not eligible for adjustment under sec. 2.	No	
SO 160 11 F. R. 5661	Individual adjustments to maintain normal peacetime earnings for certain industries.	Yes	I, none; II, none; III, all; IV, all; V, none; VI, all; VII, none; VIII, none.
SO 162 11 F. R. 6007	To act on reports filed showing adjusted maximum prices established for Footwear. The reported price shall be deemed to be approved if not disapproved 15 days after mailing.	Yes	I, none; II, 3, 4, 7, 8, 9, 11; III, all; IV, all; V, all; VI, all; VII, none; VIII, none.
Control Order 2 3 11 F. R. 4657	To issue licenses and assign quota bases to class 2 slaughterers who no longer have licenses and to class 2 transferees whose licenses were valid and quota bases outstanding under control order I.	Deliver to district offices in region.	
Control Order 2 4 11 F. R. 4657	To permit class 2 slaughterer to slaughter his livestock himself or to have it slaughtered by the custom slaughterer named in his application when his custom slaughterer or his transferee is unable to continue to slaughter for him.	Deliver to District Offices in regions.	
Control Order 2 8	To permit livestock acquired from members of 4-H clubs, Future Farmers of America, etc. to be custom slaughtered for sale or transfer even though the	do	

Regulation, section, and Federal Register citation	Title and/or authority delegated	Can region redeliver?	District offices to which delegated
11 F. R. 4657	slaughterer does not have a quota.		
Control Order 2 12 11 F. R. 4657	To assign quota bases to class 2 slaughterer transferees and cancel the licenses of transferors.	Deliver to district offices in regions—Continued	
Control Order 2 13 11 F. R. 4657	To issue new licenses and cancel quotas for slaughterers who are changing their operation from one type of slaughtering establishment to another.	do	
Control Order 2 14 11 F. R. 4657	To permit registration of new class 2 slaughterers	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
Control Order 2 15 11 F. R. 4657	To issue a license and assign quota bases for persons who began operating or constructing a class 2 slaughtering establishment between Sept. 1, 1945 and Apr. 25, 1946.	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
Control Order 2 17 11 F. R. 4657	To act on applications for adjustments or other relief made by any person other than a class 1 or class 3 slaughterer.	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
MPR Order 68 10 F. R. 1304	Bituminous coal imported from Canada	No	
	To San Francisco, to establish or adjust maximum prices at which any importer may buy, receive, sell, or deliver in region VIII.		
Rest MPR 2 1 (b) (2) 9 F. R. 7263	Food and drink sold for immediate consumption	Yes	I, none; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, all.
	To issue an order establishing or modifying prices in line with the level of prices established by this regulation.		
Rest MPR 2 5 9 F. R. 7263	To disapprove within 20 days reports of maximum prices filed under secs. 3 or 4 for new establishments or for establishments offering new classes of meals, food items, or beverages.	Yes	I, none; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, all.
Rest MPR 2 8 9 F. R. 7263	To revise filed seasonal period prices	Yes	I, none; II, none; III, all; IV, all; V, all; VI, all; VII, all; VIII, all.
Rest MPR 2 9 (c) 7 F. R. 7263	To establish or adjust uniform maximum prices for operators of multiple establishments. Applications filed and processed in district office when all units are in single district and in regional office when all units are in single region. (When located in more than one region, applications filed and processed in national office.	Deliver to district offices in regions.	
Rest MPR 2 15 (b) (3) 9 F. R. 7263	To establish ceiling prices for eating establishments which fail to comply with the filing provisions of this paragraph or whose prices are excessive in relation to prices for comparable establishments in the same area.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, all.
Rest MPR 2 17 9 F. R. 7263	To adjust ceiling for eating establishments operating under financial hardship	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, all.
Rest MPR 2 18 9 F. R. 7263	To approve requests for exemption from clubs organizing after July 31, 1944	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, all.
Rest MPR 2 Order 3 10 F. R. 2777	Ceiling prices for alcoholic beverages	Yes	I, all; II, none; III, none; IV, all; V, none; VI, none; VII, none; VIII, 5, 6, 7.
	To issue an area order providing for the listing of wine prices rather than the alcoholic beverages set forth in the original order.		
Rest MPR 2 Order 4 10 F. R. 5487	To regional administrator of region VIII to issue an order setting dollars-and-cents prices for the sale of wine for consumption on the premises in the state of Washington.	No	
FPR 1 9 F. R. 6711	General pricing provisions for certain food products (Group 1)	No	
	To act upon applications for the pricing of products to be priced under the first pricing method for primary distributors.		
FPR 1 3.7 9 F. R. 6711	To approve or disapprove reports filed under the reporting provisions of this regulation and its supplements.	Yes	I, none; II, none; III, none; IV, all; V, all; VI, none; VII, none; VIII, none.
FPR 1 3.10 9 F. R. 6711	To permit a seller to change his established price when he figured his maximum price lower than the pricing method of the regulation, when a change in the regulation or supplements changes the seller's applicable pricing method, and when this regulation or a supplement directs a seller to refigure his maximum price.	Deliver to district offices in regions.	
FPR 1 Supp. 1 8 (g) 9 F. R. 6720	Macaroni products and noodle products	Yes	I, none; II, none; III, none; IV, all; V, all; VI, none; VII, none; VIII, none.
	To approve or disapprove reports filed under the reporting provisions of this regulation.		
FPR 1 Supp. 1 8 (j) 9 F. R. 6720	To permit a seller to change his established price when he figured his maximum price lower than the pricing method of the regulation, when a change in the regulation or supplements changes the seller's applicable pricing method, and when this regulation or a supplement directs a seller to refigure his maximum price.	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
FPR 1 Supp. 2 8 (j) 9 F. R. 6722	Processed beans, processed macaroni products and processed noodle products	Deliver to district offices in regions.	
	To permit a seller to change his established price when he figured his maximum price lower than the pricing method of the regulation, when a change in the regulation or supplements changes the seller's applicable pricing method; and when this regulation or a supplement directs a seller to refigure his maximum price.		
FPR 1 Supp. 3 11 (g) 9 F. R. 6724	Prepared flour mixes	Yes	I, none; II, none; III, none; IV, all; V, all; VI, none; VII, all; VIII, none.
	To approve or disapprove reports filed under the reporting provisions of this regulation.		
FPR 1 Supp. 3 11 (j) 9 F. R. 6724	To permit a seller to change his established price when he figured his maximum price lower than the pricing method of the regulation, when a change in the regulation or supplements changes the seller's applicable pricing method and when this regulation or a supplement directs a seller to refigure his maximum price.	Deliver to district offices in regions.	
FPR 1 Supp. 5 12 (i) 9 F. R. 6727	Packed Citrus Products of the 1944 and Later Packs	do	
	To permit a seller to change his established price when he figured his maximum price lower than the pricing method of the regulation, when a change in the regulation or supplements changes the seller's applicable pricing method, and when this regulation or a supplement directs a seller to refigure his maximum price.		
FPR 1 Supp. 6 12 (i) 9 F. R. 8057	Certain frozen fruits, berries and vegetables and related products—1944 and later packs.	do	
	To permit a seller to change his established price when he figured his maximum price lower than the pricing method of the regulation, when a change in the regulation or supplements changes the seller's applicable pricing method, and when this regulation or a supplement directs a seller to refigure his maximum price.		
FPR 1 Supp. 7 14 (h) 9 F. R. 9493	Packed fruits, berries and vegetables of the 1944 and later packs	do	
	To permit a seller to change his established price when he figured his maximum price lower than the pricing method of the regulation, when a change in the regulation or supplements changes the seller's applicable pricing method, and when this regulation or a supplement directs a seller to refigure his maximum price.		
FPR 1 Supp. 8 10 (h) 9 F. R. 10418	Dehydrated noodle soup mixes	do	
	To permit a seller to change his established price when he figured his maximum price lower than the pricing method of the regulation, when a change in the regulation or supplements changes the seller's applicable pricing method, and when this regulation or a supplement directs a seller to refigure his maximum price.		

Regulation, section, and Federal Register citation	Title and/or authority delegated	Can region redeliver?	District offices to which delegated
FPR 1 Supp. 9 9(g) 9 F. R. 11794	Dried fruits, 1944 and Later Crops To permit a seller to change his established price when he figured his maximum price lower than the pricing method of the regulation, when a change in the regulation or supplements changes the seller's applicable pricing method, and when this regulation or a supplement directs a seller to refigure his maximum price.	Deliver to district offices in regions—Continued	
FPR 1 Supp. 11 12(g) 10 F. R. 2614	Breakfast cereals To permit a seller to change his established price when he figured his maximum price lower than the pricing method of the regulation, when a change in the regulation or supplements changes the seller's applicable pricing method and when this regulation or a supplement directs a seller to refigure his maximum price.	do	
FPR 1 Supp. 13 14(h) 10 F. R. 11118	Packed fruits, berries, and vegetables (1945 and later packs) To permit a seller to change his established price when he figured his maximum price lower than the pricing method of the regulation, when a change in the regulation changes the seller's applicable pricing method.	do	
FPR 1 Supp. 14 7 (d) 10 F. R. 12920	Dried fruits, 1945 and later crops To act on applications for maximum prices for sales by primary distributors.	No	
FPR 1 Supp. 14 8 (h) 10 F. R. 12920	Dried fruits, 1945 and later crops To permit a change in an established maximum price.	Deliver to district offices in regions.	
FPR 1 Supp. 15 11 (h) 10 F. R. 14437	Certain fruit preserves, jams and jellies, and applebutter To permit a seller to change his established price when he figured his maximum price lower than the pricing method of the regulation when a change in the regulation changes the seller's applicable pricing method.	do	
FPR 1 Supp. 16 9 (f) 10 F. R. 14572	Certain apple products (1945 crop and after) To act upon applications for the pricing of products to be priced under the first pricing method for primary distributors.	No	
FPR 1 Supp. 17 10 (h) 11 F. R. 830	Certain frozen fruits, berries, and vegetables and related products (1945 and later packs). To act upon applications for the pricing of products to be priced under the first pricing method for primary distributors.	No	
FPR 1 Supp. 17 13 (h) 11 F. R. 830	To permit a seller to change his established price when he figured his maximum price lower than the pricing method of the regulation, when a change in the regulation or supplements changes the seller's applicable pricing method, and when this regulation or this supplement directs a seller to refigure his maximum price.	Deliver to district offices in regions.	
FPR 1 Supp. 19 10 (g) 11 F. R. 6827	Packed fruits, berries, and vegetables of the 1946 and later packs To act upon applications for the pricing of products to be priced under the first pricing method for primary distributors.	No	
FPR 1 Supp. 19 14 (h) 11 F. R. 6827	Packed fruits, berries, and vegetables of the 1946 and later packs To permit a change in an established maximum price.	Deliver to district offices in regions.	
GMPR 3 (a) 7 F. R. 3153	To accept reports of retail or wholesale prices established on basis of comparable items handled by sellers in base period, and to adjust such prices.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all (retail only); VIII, all.
GMPR 3 (b) (1) 7 F. R. 3153	To accept filings of prices other than at retail or wholesale established on basis of comparable item currently manufactured by seller, and to approve, disapprove, or adjust such prices.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, none; VIII, none.
GMPR 3 (b) (2) 7. F. R. 3153	To approve within 20 days maximum prices for sales of footwear other than hosiery, filed by seller other than at retail or wholesale who cannot price under par. (b) (1).	Yes	I, none; II, none; III, all; IV, all; V, all; VI, none; VII, none; VIII, 5, 67.
GMPR 3 (c) 7 F. R. 3153	To approve or disapprove within 20 days prices established by retailers or wholesalers who cannot price under specific provisions of GMPR.	Yes	I, none; II, all; III, all; IV, all; V, all; VI, all; VII, all (Retail only); VIII, all.
GMPR 3 (d) 7 F. R. 3153	To establish prices of services or of a commodity which includes supply of service and which cannot be priced under foregoing sections. By delegations of RMPR 165, sec. 5.	Yes	I, none; II, none; III, all; IV, all; V, 8; VI, all; VII, all; VIII, none.
GMPR 3 (e) (2) 7 F. R. 3153	To establish prices or pricing methods for sale or resale by any seller whose price otherwise would be established under pars. (a) or (c).	No	
GMPR 3 (e) (3) 7 F. R. 3153	To issue orders establishing maximum prices proposed or established under par. (b) (2) so as to bring them in line with general level.	No	
GMPR 4 (a) 7 F. R. 3153	See RSO 13		
GMPR 18 (c) 7 F. R. 3153	To adjust prices where local shortage criteria are met. (Local shortage criteria in general are met when following are established: (a) That local shortage exists, (b) That proposed adjustment will substantially reduce or eliminate local shortage, (c) That proposed adjustment will not create shortage or necessitate price increases in any other area).[1]	No	
GMPR 18 (d) 7 F. R. 3153	To adjust prices where base period price was below price required to be sold by State Fair Trade Law, or where injunction was issued; and where the commodity was generally sold at wholesale or retail during base period at prices no lower than minimum price within the locality.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, none; VIII, all.
GMPR RSR 11 R.Order 2 (b) 7 F.R. 6426	Rates of household movers in New York commercial zone To Region II to deny or authorize increase in rates for transporting or moving service.	No	
GMPR RSR 11 R. Order 2 (d) 7 F. R. 6426	To Region II to issue adjustable pricing orders	No	
GMPR RSR 14B 10 (a) 9 F. R. 9997	To adjust the maximum prices for bread and rolls when sellers are unable to maintain production and the loss would force consumers to resort to higher priced goods.	Yes	I, none; II, all; III, none; IV, none; V, none; VI, all; VII, all; VIII, none.
GMPR RSR 14B 10 (b) 9 F. R. 9997	To adjust the prices of wholesalers and retailers when increases were granted producers.	Yes	I, none; II, all; III, none; IV, none; V, none; VI, all; VII, all; VIII, none.
GMPR SR 14C 2.4 (k) 10 F. R. 1165	Modifications of Maximum Prices established by the GMPR for Certain Foods and Beverages. To acknowledge and correct errors in reports of maximum prices for packers of domestic and imported hard candy.	Deliver to district offices in region.	
GMPR SR 14E 1.2 (c) (2) 10 F. R. 1183	Modification of Maximum Prices established by GMPR To acknowledge receipt of filing of pricing charts by sellers of handbags and to authorize sellers to amend their pricing charts.	Yes	I, all; II, none; III, all; IV, all; V, none; VI, 1; VII, none; VIII, all.

[1] Authority to redelegate only to Reg. VIII, Seattle, Spokane, and Portland on firewood.

Regulation, section, and Federal Register citation	Title and/or authority delegated	Can region redeliver?	District offices to which delegated
GMPR SR 14E 1.2 (d) 10 F. R. 1183	To authorize highest price lines for firms not selling handbags during Oct.–Dec. 1943.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, 1; VII, none; VIII, all.
	To adjust price lines reported by sellers of handbags not delivered during Oct. 1–Dec. 31, 1943 when they are not in conformance with the general level of prices in the industry during the base period.	Yes	I, all; II, none; III, all; IV, all; V, none; VI, 1; VII, none; VIII, none.
GMPR SR 14E 1.3 10 F. R. 1183	To San Francisco to establish maximum prices for sales of nongovernment issue sailor uniforms within Region VIII.	No	
GMPR SR 14E 3.3 (a) (1) 10 F. R. 1183	To approve, disapprove, or revise maximum prices for substitute sole footwear except at wholesale and retail when such prices have been changed to allow for changes in costs of sole or lining materials. The provisions of this sec. 3.3 shall not be used to establish maximum prices on or after 1/5/46.	Yes	I, 3, 4; II, all; III, all; IV, all; V, all; VI, none; VII, none; VIII, all.
GMPR SR 14E 3.13 10 F. R. 1183	To approve maximum prices for items of footwear if the seller is unable to determine a maximum price under other provisions of this section (or if the seller seeks to determine a new price).	Yes	I, none; II, all; III, all; IV, all; V, all; VI, all; VII, none; VIII, 3.
GMPR SR 14F 18 (b) 10 F. R. 1193	Modifications of maximu mprices established by GMPR	Yes	I, none; II, none; III, none; IV, none; V, none; VI, all; VII, none; VIII, none.
	To approve, disapprove or adjust within 30 days certain charges on sales of compressed gas to a class of purchasers.		
GMPR SR 14H 15 10 F. R. 1205	Maximum rates for new (or resumed) transportation services	Yes	I, all; II, none; III, all; IV, none; V, all; VI, all; VII, none; VIII, none.
	To act on applications for maximum rates for new transportation service performed by a carrier other than a common carrier, or for any service which has not been performed during the six months preceding its resumption.		
GMPR SR 14J 2.4 10 F. R. 1216	Modifications of maximum prices established by GMPR	No	
	To establish prices for sales at wholesale and retail of ash and garbage cans.		
GMPR SR 14J 2.5 (c) 10 F. R. 1216	To establish maximum prices for jobbers of steel wire garment hangers who kept no records.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, none.
GMPR SR 14J 3.1 10 F. R. 1216	To set maximum prices for the sale or delivery of dry battery of a military salvage or scrap dry battery.	Del. to district offices in region.	
GMPR SR 14J 4.5 (d) 10 F. R. 1216	To authorize maximum prices of jobbers for lamps and lamp shades purchased from persons other than manufacturers.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, none; VIII, all.
GMPR SR 14K 1.1 (a) (6) 10 F. R. 1227	Modifications of maximum prices established by GMPR	Yes	I, all; II, none; III, all; IV, none; V, none; VI, all; VII, none; VIII, all.
	To disapprove within 15 days the omission of certain storage maintenance operations performed as a basis for adding monthly increment to ceiling prices for new commercial vehicles.		
GMPR SR 15 75 (a) (3) 7 F. R. 8959	Adjustment of maximum prices	No	I, none; II, none; III, none; IV, none; V, none; VI, all; VII, none; VIII, none.
	To adjust rates of contract carriers or suppliers of storage and terminal services where they are performed within the region.		
GMPR SR 15 75 (a) (9) 7 F. R. 8959	To make limited adjustment of retail or wholesale prices of fluid milk in communities of 25,000 or less; to correct certain maladjustments within an area by adjusting wholesale prices if no retail increases are necessary; to make adjustments under specific directive from OES and on written authorization from the OPA administrator in communities of any size; and to make adjustments or establish maximum prices for fluid milk sold in glass or paper containers in communities of any size.	No	
GMPR SR 15 75 (a) (9a) 7 F. R. 8959	To adjust a distributor's maximum price for fluid cream sold at retail, and at wholesale in glass or paper containers under certain conditions.	No	
GMPR SR 15 75 (a) (9b) 7 F. R. 8959	To make market-wide adjustments of established maximum prices for fluid cream sold at retail and at wholesale in glass and paper containers. (No adjustments may be made by any Reg. Office under this section in communities having a population in excess of 25,000 without prior written approval of the administrator, and such approval should be filed with the Nat. Office.	No	
GMPR SR 15 75 (a) (17) 7 F. R. 8959	To adjust the maximum price of a processor or manufacturer of mayonnaise or salad dressing when his price is below the general level of prices for similar products, when he is or will be unable to maintain production, and when loss of his productions would result in consumers having to pay higher prices for similar products.	No	
RMPR 19A 3 (b) 9 F. R. 2922	Log-Run Southern Pine Lbr	Yes	
	To register and authorize small mills who wish to sell dry lumber.		
RMPR 19A 7 9 F. R. 2922	To grant special permission to a small mill to sell all of its rough lumber on grade under 2nd RMPR 19 instead of selling log-run under this regulation.	Yes	I, none; II, none; III, none; IV, all; V, all; VI, none; VII, none; VIII, none.
510 (e) 2RMPR 19A 10 9 F. R. 3922	To approve applications from mills requesting permission to use the prices for "special cuttings" and to issue buyers' registration numbers allowing them to buy "special cuttings."	No	I, none; II, none; III, none; IV, all; V, all; VI, none; VII, none; VIII, none.
RMPR 26 2 (b) 11 F. R. 5930	Douglas fir and other west coast lumber	No	
	To Portland, Oreg., authority to permit mills near the border line to use prices set in RMPR 94 instead of this regulation.		
RMPR 26 25 Gen. Notes	To authorize the payment of the cost of inspection by an agency approved by the Portland office.	No	
RPS 68 7 F. R. 1338 11 F. R. 5930	Hide blue stock	No	
	To disapprove within 30 days reports from collectors of maximum prices when proposed charges for contract carrier are out-of-line.		
RPS 85 51 (c) (3) (ii) 7 F. R. 1364	New passenger automobiles	Yes	I, all; II, none; III, all; IV, none; V, all; VI, none; VII, none; VIII, all.
	To accept wholesale and retail filings of storage maintenance operations performed as basis for adding monthly increment to ceiling price and to approve within 15 days the omission of certain such operations.		
RPS 85 52 (e) (1) (iii) (b) 7 F. R. 1364	To approve or disapprove the omission or postponement of certain maintenance operations within fifteen days after receipt of report.	Yes	I, none; II, none; III, all; IV, none; V, none; VI, none; VII, none; VIII, all.
MPR 112 197a 7 F. R. 2512	Pennsylvania anthracite	No	
	To establish maximum area prices for deliveries for authracite from a mine or preparation plant to consumers and for services in connection with the preparation of such coals and their delivery.		
MPR 116 Order 14 4 (b), 5 (b) 11 F. R. 6640	China and pottery—general adjustment of ceiling prices	Yes	I, none; II, none; III, none; IV, all; V, none; VI, none; VII, none; VIII, none.
	To establish under GMPR, 3 (c) maximum prices for wholesalers and retailers who cannot determine their prices under this order.		

Regulation, section, and Federal Register citation	Title and/or authority delegated	Can region redeliver?	District offices to which delegated
MPR 116 Order 14 6 11 F. R. 6640	To establish the terms, allowances and other price differentials and conditions of sale for wholesalers and retailers not selling semivitreous china or pottery during March 1942 who cannot ascertain the cash discounts, delivery terms, etc., of their nearest competitor.	Yes	I, none; II, none; III, none; IV, all; V, none; VI, none; VII, none; VIII, none.
2RMPR 117 12 8 F. R. 13727	Used egg cases and used component parts To issue certificates of registration to persons qualified and equipped to serve as a registered seller and to render services required of sellers of warranted egg cases.	Yes	I, all; II, all; III, none; IV, all; V, all; VI, all; VII, none; VIII, none.
MPR 120 207 (c) 7 F. R. 3168	Bituminous coal delivered from mine or preparation plant To adjust prices where local shortage criteria are met. (Limitations to Reg. authority: (1) Covers only a producer or group thereof with daily capacity of 50 tons or less; (2) Must have pre-audit from Washington).	No	
MPR 120 209 7 F. R. 3168	To fix prices on coal (and preparation aid delivered services) delivered from mine where area orders are issued under MPR 122.	No	
MPR 121 247a (b) 7 F. R. 3237	Miscellaneous solid fuels delivered from producing plant To adjust prices where local shortage criteria are met.	No	
MPR 121 247a (c) 7 F. R. 3237	To adjust prices of any producer the sale of whose total production at maximum prices does not equal cost of production. (Must have pre-audit from Washington.)	No	
MPR 121 247b 7 F. R. 3237	To establish area prices for deliveries of miscellaneous solid fuels made subject to this regulation.	No	
RMPR 122 254 (b); rule 4 8 F. R. 440	Solid fuels sold and delivered by dealers To set maximum prices of coal where specific provisions cannot be used.	Yes	I, none; II, none; III, none; IV, all; V, all; VI, none; VII, none; VIII, 6, 7.
RMPR 122 254 (c); rule 6 8 F. R. 440	To establish maximum prices for services when the dealer did not render the service during December 1941.	No	
RMPR 122	Section 259 (a) (1).—See p. 85.		
RMPR 122 259 (a) (2) 8 F. R. 440	To adjust maximum prices of dealers to include any increase in transportation rates since December 1941.	No	
RMPR 122 260 8 F. R. 440	To establish dealer dollar-and-cent area ceiling prices for solid fuels	No	
MPR 134 5(c) 7 F. R. 3203	Const. and road maintenance equipment—rental prices and charges for operating and maintenance or repair and rebuilding. To adjust prices of essential supplier of essential services when supply is threatened; when prices of services are decreased; or both, for establishments whose 1942 sales for services do not exceed $75,000.	Yes	I, none; II, none; III, none; IV, none; V, 8;, VI, 1, 4, 5, 8, 10; VII, none; VIII, none.
RMPR 137 4 (e) 9 F. R. 1117	Petroleum products sold at retail establishments and certain other retail sales of liquified petroleum gas. To establish maximum prices for sellers who fail to keep the records provided by sec. 4 or whose records are incorrect or who fail to file for establishment of maximum prices under sec. 11 if required to do so.	Yes	I, all; II, all; III, none IV, none; V, all; VI, all; VII, all; VIII, none.
RMPR 137 5 (b) 9 F. R. 1117	To adjust prices at retail in conflict with the Fair Trade Act of any State, or injunction is secured and when the commodity was generally sold at retail during March 1942 at prices no lower than the minimum price in the locality.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, none; VII, none; VIII, all.
RMPR 137 5 (d) 9 F. R. 1117	To establish maximum prices, or reestablish October 1–15, 1941 margins, for sellers whose maximum prices have been lowered by the revocation of the Oct. 1–15, 1941 margin provision (former sec. 9 (b) (2)). Applications must be filed on or before Sept. 1, 1945.	Yes	I, all; II, none; III, all; IV, none; V, all; VI, all; VII, all; VIII, none.
RMPR 137 11 (b) 9 F. R. 1117	To approve, disapprove, or correct prices reported for new products which cannot be priced under other parts of the regulation.	Yes	I, all; II, all; III, none; IV, all; V, all; VI, all; VII, none; VIII, none.
MPR 144 55 (a) 7 F. R. 3720	Retail prices of agricultural insecticides and fungicides To adjust prices where local shortage criteria are met.	No	
MPR 144 55 (a) 7 F. R. 3720	To adjust prices where base period price was below that established by State fair trade laws and injunction was secured.	Yes	I, all; II, all; III, none; IV, all; V, all; VI, none; VII, none; VIII, none.
RMPR 148 23 (b) 7 F. R. 8609	Dressed hogs and wholesale pork cuts To authorize sellers to add actual transportation costs to maximum price in any area designated as "critical" by national office.	Yes	I, all; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, 1, 4.
RMPR 148 32 (a) (12) 7 F. R. 8609	To acknowledge filing of affidavits showing that pork is not sold at retail except to employees or that more than half of the pork supply was obtained during 1941 by cutting up dressed hogs and carcasses.	Deliver to district office in region.	
RMPR 148 86 App. 6 Schedule VI 7 F. R. 8609	To approve custom slaughtering of live hogs purchased at a fair, show, or exhibition from a recognized farm-youth organization.	Deliver to district office in region.	
MPR 149 21a (c) 7 F. R. 3889	Mechanical rubber goods To issue orders establishing maximum prices for mechanical rubber goods which cannot be priced under paragraphs (a) and (b) when 1944 sales did not exceed $30,000.	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
MPR 149 28 (a), (c)	To act on reports to be filed by manufacturers whose sales during 1944 did not exceed $30,000.	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
MPR 149 28 (b) 7 F. R. 3889	To act on reports or determinations of prices which cannot be determined by prices in the schedule or price list of the manufacturer in effect on the base date or by reference to a price regularly quoted in some other manner on the base date when the manufacturers' sales during 1944 did not exceed $30,000.	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
MPR 149 30a (a) (b) (c) 7 F. R. 3889	To adjust manufacturers' prices of essential rubber goods sold by essential producer (field offices process cases when 1942 sales did not exceed $500,000).	Yes	I, none; II, none; III, none; IV, none; V, none; VI, 1, 4, 5, 8, 10; VII, none; VIII, none.
2RMPR 150 10 9 F. R. 11003	Finished rice and rice milling by-products To permit sellers of lots of 20,000 pounds or less to function as primary distributors.	No	
2RMPR 150 10a 9 F. R. 11003	To grant permission to dealers of broken or granulated rice for industrial uses to function as dealers and to use maximum prices set forth in this section.	No	
MPR 154 8 (a) (b) (c) 7 F. R. 5139	Ice To adjust prices where local shortage criteria are met.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, none.
MPR 154 12 (g) 7 F. R. 5139	To district offices to establish "in line" prices if maximum prices cannot be reasonably determined under other provisions of the regulation.	Yes	I, none; II, none; III, none; IV, all; V, all; VI, none; VII, all; VIII, none.
RMPR 161 160 (b) 8 F. R. 1117	West coast logs To Portland, Oregon, to designate upon application any scaler as an approved scaler, waiving the gross or net measurement records requirement.	No	
RMPR 164 4(e) 9 F. R. 12618	Western softwood shingles to Portland, Oregon, authority to grant permission for mills to charge the cost of trucking from mill to the nearest rail loading point.	Del. to d. o. in reg	

Regulation section, and, Federal Register citation	Title and/or authority delegated	Can region redeliver?	District offices to which delegated
RMPR 165 5 9 F. R. 7439	Services To disapprove within 20 days maximum prices reported by sellers of certain services which were not supplied during March 1942.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, all.
RMPR 165 6 9 F. R. 7439	To accept filings of certain seasonal service charges and to revise prices at any time to bring them in line with the level of prices established by this regulation.	Del. to d. o.'s in reg	
RMPR 165 10 9 F. R. 7439	To establish maximum prices for sellers moving out of their trading area or opening a new unit after July 3, 1944.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, none.
RMPR 165 12 9 F. R. 7439	To permit sellers to increase their charges for packaging, transporting and for deposits on containers over their March, 1942 charges.	Yes	I, none; II, none; III, all; IV, none; VI, all; VII, none; VIII, none.
RMPR 165 15(c) 9 F. R. 7439	To establish maximum prices for sellers failing to keep records or file statements required in Sec. 14 or fails to apply for establishment of maximum prices under Sec. 5.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, all.
RMPR 165 16(a) 9 F. R. 7439	To adjust maximum prices established under this regulation upon demonstration of substantial hardship which threatens the ability of the seller to supply the service.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, all.
RMPR 165 16 (b) 9 F. R. 7439	To permit sellers to increase prices of nonretail services established by a buyer-seller agreement on basis of increased costs.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, none; VIII, all.
RMPR 165 SSR 17 667 (b) 8 F. R. 12633	Reduction in quality of laundry, dry cleaning, or linen supply service To approve or disapprove applications to eliminate laundry "frills".	Yes	I, all; II, none; III, all; IV, all; V, all; VI, all; VII, none; VIII, 1, 2, 3, 5, 6, 7.
RMPR 165 RSSR 18 670 (d) 8 F. R. 16165	Lower priced services To approve, disapprove, or modify any request to discontinue low-priced services. Request automatically approved after 30 days unless OPA disapprove within that time.	Yes	I, all; II, none; III, all; IV, all; V, all; VI, all; VII, none; VIII, 1, 2, 3, 5, 6, 7.
RMPR 165 2RSSR 19 671 (d) (i) 9 F. R. 13716	Oil burner service To extend applicable city rate to areas determined by regional administrators to be part of such city.	Yes	I, all; II, all; III, all; IV, none; V, none; VI, 1, 2, 4, 5, 6, 10; VII none; VIII, none.
RMPR 165 2RSSR 19 671 (d) (ii) 9 F. R. 13716	To suspend the effectiveness of SSR 19 or any part thereof or to extend the filing date for any community or area.	Yes	I, all; II, all; III, all; IV, none; V, none; VI, none; VII, none; VIII, none.
RMPR 165 SSR 29 2261 (a) (5) 9 F. R. 6885 Deter.	Commercial laundry service in the New York City area To New York regional office authority to disapprove within 15 days reports of maximum prices for new large account purchasers.	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
RMPR 165 RSSR 43 676 10 F. R. 2103	Delegation of authority to issue orders in conjunction with War Food Administration regulation. To establish maximum prices which independent contractors may charge for agricultural services in areas where the WFA has established wage ceilings for agricultural labor.	Yes	I, 2; II, none; III, none; IV, none; V, all; VI, none; VII, none; VIII, none.
RMPR 165 RSSR 44 2, 4, 5 (a), 6 9 F. R. 15060	Laundry and dry cleaning services To approve within 20 days maximum prices for services first supplied after Dec. 31, 1944, prices for establishments being moved to another trading area or for newly acquired businesses, and prices for applicants who failed to apply for a price.	Yes	I, all; II, sec. 2 and 6, all; sec. 4 and 5, none; III, all; IV, all; V, all; VI, all; VII, all; VIII, all.
RMPR 165 SSR 47 680 (a) 10 F. R. 1611	Retail shoe repair services To establish maximum prices for retail shoe repair services within a region after clearance with the service trades branch in national office.	No	
RMPR 165 SSR 47 680 (g) 10 F. R. 1611	To grant a seller permission to continue pricing his shoe repair services in accordance with the provisions of RMPR 165 rather than this regulation upon satisfactory proof by such seller if 50% or more sales were sold at higher prices under the provision of RMPR 165.	Yes	I, none; II, none; III, all; IV, none; V, all; VI, none; VII, none; VIII, all.
RMPR 165 SSR 48 681 10 F. R. 2811	Delegation of authority to require invoices and records of appliance repair, automotive repair, or farm equipment repair establishments in designated areas which use a customer's hourly rate in pricing any repair services.	Yes	I, 1, 3; II, all; III, all; IV, none; V, 2, 4, 8; VI, all; VII, all; VIII, none.
RMPR 165 RSSR 50 648 (c) (1) 10 F. R. 9337	General orders covering certain services To issue Area Orders establishing maximum prices or requiring sellers to post their maximum prices in accordance with the provisions of sec. 14 of RMPR 165 for the cleaning and repairing of cess pools and septic tanks.	Yes	I, none; II, all; III, all; IV, none; V, none; VI, all; VII, none; VIII, none.
RMPR 165 RSSR 50 648 (c) (2) 10 F. R. 9337	To Chicago to issue area orders establishing the maximum rates which may be charged for grain brokerage services rendered by members of the Chicago Board of Trade, and to require sellers to post their maximum prices in accordance with the provisions of sec. 14 of RMPR 165.	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
RMPR 165 RSSR 50 648 (c) (3) 10 F. R. 9337	To S. F. to issue general area orders for automobile parking in downtown Los Angeles; civilian tailoring or alteration services in the State of Nevada; and to require sellers to post their maximum prices in accordance with the provisions of sec. 14 of RMPR 165.	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, 3.
RMPR 165 RSSR 50 648 (c) (4) 10 F. R. 9337	To issue general orders establishing maximum prices for services (including commodity rentals) for which prices cannot practicably be established under secs. 4 or 5 of RMPR 165 and to require sellers to post their maximum prices in accordance with the provisions of sec. 14 of RMPR 165. Orders must be cleared with national office.	Yes	I, none; II, all; III, all; IV, none; V, none; VI, none; VII, none; VIII, none.
RMPR 165 RSSR 50 648 (c) (5) 10 F. R. 9337	To region III to issue a general order establishing maximum prices for bowling in the Dayton, Ohio, area and to require sellers to post their maximum prices in accordance with the provisions of sec. 14 of RMPR 165.	Yes	I, none; II, none; III, all; IV, none; V, none; VI, none; VII, none; VIII, none.
RMPR 165 RSSR 50 648 (c) (6) 10 F. R. 9337	To issue general area orders establishing maximum prices for ash, debris, garbage or trash removal and to require sellers to post their maximum prices in accordance with the provisions of sec. 14 of RMPR 165.	Yes	I, none; II, all; III, all; IV, none; V, none; VI, none; VII, none; VIII, none.
RMPR 165 RSSR 50 648 (c) (7) 10 F. R. 9337	To Region III to issue general area orders establishing maximum prices for dry cleaning services in Detroit, Mich.	Yes	I, none; II, none; III, all; IV, none; V, none; VI, none; VII, none; VIII, none.
RMPR 165 RSSR 50 648 (c) (8) 10 F. R. 9337	To Region IV to issue area orders establishing maximum prices for automobile washing, greasing, polishing, tire changing, and battery services in Region IV.	No	
10 F. R. 9337 RMPR 165 RSSR 50 648 (c) (9) 10 F. R. 9337	To Region VIII to issue area orders establishing maximum prices for laundry and dry cleaning services. Orders, and changes or revocations, must be cleared with national office.	Yes	I, none; II, none; III, none, IV, none; V, none; VI, none; VII, none; VIII, none.
RMPR 165 SSR 53 687 (c) (2) 10 F. R. 4544	Linen supply service in Philadelphia and surrounding areas To New York Regional Office to reclassify suppliers' accounts upon change in nature.	Yes	I, none; II, 7, 9; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.

Regulation section, and, Federal Register citation	Title and/or authority delegated	Can region redeliver?	Distsict offices to which delegated
RMPR 165 SSR 54 688 (b) (2) 10 F. R. 5376	Linen supply service in the Atlanta region To Atlanta Regional Office to reclassify suppliers' accounts upon change in nature.	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
RMPR 165 SSR 56 697 (c) (2) 10 F. R. 8241	Linen supply service in the Detroit area To Cleveland Regional Office to reclassify suppliers' accounts upon change in nature.	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
RMPR 165 SSR 59 700 (c) (2) 10 F. R. 11249	Linen supply service in Boston area To Boston Region Administrator upon presentation of satisfactory evidence by the supplier or the purchaser showing that the weekly volume of an account increases to $50 or more or a "large account" duresses in volume below such weekly amount for four consecutive weeks, to issue an order reclassifying such account.	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
RMPR 165 SSR 67 701 10 F. R. 15345	Linen supply service in certain counties in western Pennsylvania To New York Region to issue orders reclassifying accounts.	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
RMPR 165 SSR 69 709 (c) 11 F. R. 2932	Linen supply service in the Los Angeles area To San Francisco Region to issue orders reclassifying accounts.	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
RMPR 169 405 (b) 7 F. R. 10381	Beef and veal carcasses and wholesale cuts To authorize sellers to add actual transportation costs to maximum price in any area designated as "critical" by national office.	Yes	I, all; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, 1,4.
RMPR 169 405 (e) 7 F. R. 10381	Temporary adjustments affecting frozen boneless beef (Army specifications) due to increase in labor costs.	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
RMPR 169 415 (a) (3) 7 F. R. 10381	To authorize the transfer of an entire quota of sales to purveyors of meals from one selling establishment to another.	No	
RMPR 169 416 (a) 7 F. R. 10381	To approve affidavits filed by hotel supply houses and to authorize sales to ultimate consumers.	No	
RMPR 169 452 (p) (3) Footnote 4 7 F. R. 10381	To authorize packers, wholesalers, or other distributors to sell or deliver cooked corned beef briskets when they can show that they were regularly engaged in such business during the calendar year 1943.	No	
RMPR 169 Order 28 8 F. R. 4807	Designation as critical shortage area with respect to beef and veal carcasses and wholesale cuts. To Region VIII to authorize named sellers to add cost of local delivery to the applicable maximum price.	Yes	I, none; II, none; III, none; V, none; VI, none; VII, none; VIII, none.
RMPR 176 11 (b) 11 F. R. 346	Box grade veneer To issue orders adjusting the maximum prices established under this regulation for any manufacturer of box grade veneer produced in one or more plants who can show certain data.	No	
MPR 177 103 (a) (3) 103 (b) (3) 7 F. R. 5182	Men's and boys' tailored clothing To accept filings of retailers in those cases where "formula" pricing is necessary, and to adjust prices filed.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, all.
MPR 177 103 (a) (4) 7 F. R. 5182	To accept retailers' filings where permitted increases are taken and to adjust prices filed.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, none; VII, all; VIII, none.
MPR 178 154 (a) 7 F. R. 5277	Women's fur garments To authorize maximum price to retailers and manufacturing retailers who were not in business in the base period or who substantially expanded establishments between January 1, 1942 and July 10, 1942.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, all.
MPR 178 154 (b), (c) 7 F. R. 5277	To accept, acknowledge and review statements by wholesalers and manufacturers not in business during the period.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, all.
MPR 178 168 (a) 7 F. R. 5277	To authorize a higher price line limitation price than is listed in column IV of the table in paragraph 168 (a) (1).	Deliver to District Offices in region.	
RMPR 186 105 (d) 8 F. R. 1591	Western wooden agricultural containers To adjust maximum prices established under the regulation for any manufacturer of agricultural wooden boxes or parts whose maximum prices are at such a level that his production of essential supply is impeded or threatened.	No	
RMPR 186 110 (d) (3) 8 F. R. 1591	To approve, disapprove or revise, upon application, proposes optional methods of making additions to maximum prices for use of specified grades of lumber.	No	
MPR 188 157 7 F. R. 5872	Manufacturers' maximum prices for specified consumers' goods other than apparel To act within 15 days on applications for pricing by comparable articles when such applications are filed in conjunction with an application for an adjustment for which the manufacturer qualifies under SO119 or when the maximum prices of the comparable articles reported were established by a region or district office of the OPA and also to establish maximum prices for sales by persons other than manufacturers for articles which have been determined for manufacturers under this section.	Yes	I, none; II, all; III, none; IV, none; V, all; VI, all; VII, none; VIII, 2, 3; in SO118 cases.
MPR 188 158 7 F. R. 5872	To establish maximum prices or methods of determining maximum prices for consumers' durable goods listed in paragraph (b) of appendix A which cannot be determined under secs. 155, 156, or 157. The orders may also establish maximum prices for sales of the articles by persons other than the manufacturers.	Yes	I, none; II, 7, 9; III, all; IV, none; V, all; VI, all; VII, none; VIII, 2, 3.
MPR 188 158B 7 F. R. 5872	To issue orders establishing in-line prices when a manufacturer fails to report or file application for prices.	Yes	I, none; II, none; III, none; IV, none; V, all; VI, none; VII, none; VIII, none.
MPR 188 159c 7 F. R. 5872	To issue an order to disapprove or revise maximum prices reported or established under the second or third pricing methods.	Yes	I, none; II, 7, 9; III, none; IV, none; V, none; VI, all; VII, none; VIII, 2, 3.
MPR 188 R. Order 1 7 (a) 7 F. R. 7023	Household aluminum cooking utensils—Adjustment of ceiling prices To establish terms, allowances, and other conditions of sale for wholesalers or retailers not selling household aluminum cooking utensils during March 1942 who cannot ascertain the delivery terms, discounts, allowances, etc., of their nearest competitors.	Yes	I, none; II, none; III, none; IV, all; V, none; VI, none; VII, none; VIII, none.
MPR 188 R. Order 3 11 (a) 7 F. R. 7766	Hand lawn mowers To issue orders to wholesalers or retailers who cannot ascertain delivery terms, discounts, quantity differentials, condition of sale, and other price differentials.	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
MPR 188 R. Order 3 11 (b) 7 F. R. 7766	To issue orders to wholesalers or retailers who cannot determine their ceiling prices under the other provisions of this order.	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
MPR 188 Order 6 4 (e) (2) 5 (c) 7 F. R. 8075	Small electrical appliances To issue orders establishing discounts, delivery terms, etc., to dealers and distributors who cannot ascertain those of their competitors.	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.

Regulation, section, and Federal Register citation	Title and/or authority delegated	Can region redeliver?	District offices to which delegated
MPR 188 Order 6 4 (e) (3) 7 F. R. 8075	To issue orders on own motion to dealers who did not sell during March 1942, does not allow same discounts, etc., or who does not file an application, or if he fails to provide information.	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
MPR 188 Order 10 4 (c) 7 F. R. 8760	Photographic equipment. To issue orders to retailers establishing terms, allowances, and other price differentials and conditions of sale in line with the conditions of sale fixed by this order.	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
MPR 188 Order 10 5 (c) 7 F. R. 8760	To issue orders to distributors establishing terms, allowances, and other price differentials and conditions of sale in line with the conditions of sale fixed by this order.	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
MPR 188 Order 14 6 7 F. R. 8672	Clocks and watches. To issue orders establishing terms, allowances, and other price differentials, and conditions of sale in line with the conditions of sale generally fixed by this order to wholesalers and retailers who cannot ascertain those of their competitors.	Deliver to district offices in region.	
MPR 188 Order 16 6 (c) 7 F. R. 8717	Bicycles. To issue orders to reseller who cannot ascertain his ceiling prices or cash discounts, delivery terms, etc., which his nearest competitor is required to allow.	Yes	I, none; II, none; III, none; IV, all; V, none; VI, none; VII, none; VIII, none.
MPR 188 Order 16 6 (d) 7 F. R. 8717	To issue orders on the motion of the OPA to resellers who did not sell articles covered by this order during March 1942, and does not allow the same discounts etc. of his competitor, and who does not file an application, or does not provide required information.	Yes	I, none; II, none; III, none; IV, all; V, none; VI, none; VII, none; VIII, none.
MPR 188 Order 3261 (k) 10 F. R. 223	Certain articles of upholstered furniture. To approve, disapprove, or revise maximum prices reported under pars. (e), (g) and (i) of this order.	Yes	I, none; II, none; III, all; IV, none; V, all; VI, all; VII, none; VIII, none.
MPR 188 Order 4332 1–7 11 F. R. 2875	New small volume manufacturers simplified pricing. To approve or disapprove within 20 days manufacturer's proposed ceiling prices.	Yes	I, none; II, Sec. 6 & 7; III, all; IV, all; V, all; VI, all; VII, none; VIII, 2, 3.
MPR 188 Order 4332 8 11 F. R. 2875	To issue orders fixing manufacturers' ceiling prices. In the same orders ceiling prices may also be fixed for sales by resellers.	Yes	I, none; II, all; III, all; IV, all; V, all; VI, all; VII, none; VIII, none.
MPR 188 Order 4800 5 (b), 6 (b) 11 F. R. 206	Adjustment of maximum price for sales of furniture. To revise, on own initiative, adjusted prices when it appears that they are not in line with the general level of maximum prices adjusted in this regulation for other manufacturers of comparable articles.	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
MPR 189 313 (f) (2) 11 F. R. 5831	Bituminous coal sold for direct use as bunker fuel. To New York Regional Office to establish suppliers' maximum prices for tugboat bunker fuel from bins or pockets containing a mixture of grades A, B and C coals.	No	
MPR 193 8 7 F. R. 6066	Domestic distilled spirits. To adjust prices when base period price was below State Fair Trade Law after issuance of injunction.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, none; VII, none; VIII, none.
MPR 193 14 (d) (ii) 7 F. R. 6006	To New York District Office, authority to determine the classification of a retailer off-premise licensee who was not in business for a year prior to this regulation.	Deliver to New York District Office.	
2RMPR 195 13 (b) 9 F. R. 13853	Industrial wooden boxes. To adjust maximum prices when production of essential supply is threatened or impeded.	No	
2RMPR 195 Order 8 (c) (3) 10 F. R. 6852	Industrial wooden boxes—west coast shook. To San Francisco Regional Office to extend the right to make additions other than those specified to manufacturers located in sections contiguous to the city limits of certain cities. If such manufacturers are found to be subject to similar cost conditions as exist within the city limits.	No	
MPR 220 1557c (b) 7 F. R. 7282	Certain rubber commodities. To approve within 21 days wholesale prices for elastic webbing, braid, or cord which cannot be priced under the pricing provisions of the regulations.	No	
MPR 220 1560 (a), (b), (c), (e) 7 F. R. 7282	To adjust the maximum prices of essential manufacturers of essential rubber commodities when the supply is threatened, when other prices are decreased, or both. (Field Offices process cases when the 1942 sales did not exceed $500,000.) And also to make adjustments for sales by other than manufacturers where the manufacturers' maximum prices are adjusted.	Yes	I, none; II, none; III, none; IV, none; V, none; VI, 1, 4, 5, 8, 10; VII, none; VIII, none.
MPR 225 469 (a) 7 F. R. 7593	Printing and printed paper commodities. To adjust the ceilings for sellers when they are unable to deliver or supply the commodity or service at their maximum prices, when the supply is required for military or essential civilian demands; or when alternative sources of supply would force purchasers to resort to higher priced supplies.	Yes	I, none; II, all; III, none; IV, none; V, all; VI, 1, 4, 5, 8, 10; VII, none; VIII, none.
RMPR 239 155 (b) 7 F. R. 10688	Lamb and Mutton Carcasses and Cuts at Wholesale and Retail. To authorize sellers to add actual transportation costs to maximum price in any area designated as "critical" by National Office.	Yes	I, all; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, I, 4.
RMPR 239 168 (a) 7 F. R. 10688	To issue orders authorizing the transfer of quotas.	No	
RMPR 239 168a (a) 7 F. R. 10688	To approve affidavits filed by hotel supply houses and to authorize sales to ultimate consumers.	No	
MPR 241 107 (a) 7 F. R. 8427	Malleable iron castings. To adjust prices in those cases where castings necessary to the war effort will not be produced under existing prices.	No	
MPR 244 151 (c) 7 F. R. 8558	Gray iron castings. To exempt sellers from the provisions of MPR 244 and GMPR whose sales were less than $40,000 in years subsequent to 1942.	No	
MPR 244 157 (a) 7 F. R. 8558	To adjust prices for applicants whose ceilings are below costs and whose production is necessary to war effort.	No	
RMPR 251 6 (b) 9 F. R. 10200	Construction services and sales of installed building materials. To authorize maximum prices for sales on a unit-price basis for sellers not performing same kind of work during March 1942.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, all.
RMPR 251 7 (c) 9 F. R. 10200	When applications referred to by National Office, to approve, disapprove, or revise prices or pricing methods for sales on a contract job basis where sellers cannot compute a price by the formula in the regulation.	No	
RMPR 251 8 (b) 9 F. R. 10200	To adjust prices for employers who employ not more than 8 persons when wage increases are involved.	Yes	I, all; II, none; III, all; IV, none; V, all; VI, none; VII, none; VIII, none.
RMPR 251 8 (c)	To adjust prices where local shortage criteria are met.	No	
RMPR 251 8 (c) 9 F. R. 10200	To adjust prices where local shortage criteria are met.	No	
RMPR 251 9 9 F. R. 10200	To issue and put into effect pricing orders establishing maximum prices for particular kinds, types, or classifications of construction services or sales of installed building materials.	Yes	I, none; II, all; III, none; IV, none; V, all; VI, all; VII, none; VIII, 1, 2, 3; 4, partial; 5, 6, full.

Regulation, section, and Federal Register citation	Title and/or authority delegated	Can region redeliver?	District offices to which delegated
RMPR 251 7 (c)	When applications referred to by National Office, to approve disapp ove or revise prices or pricing methods for sales on a contract job basis where sellers cannot com-	No	
RMPR 251 20 9 F. R. 10200	To issue an order for any community or defined area, applicable to sales on a unit basis covered by sec. 6, requiring the filing of statements of maximum unit prices, the preparation of invoices, retention of copies thereof in the seller's files and the keeping of records.	No	
RMPR 259 1.2 (j) 9 F. R. 14537	Malt beverages	Yes	I, all; II, all; III, all; IV, none; V, none; VI, all; VII, none; VIII, none.
RMPR 259 1.2 (p) 9 F. R. 14537	To grant authority to applicants to price their sales as primary wholesalers. Authority granted if not denied within 30 days.	Yes	I, all; II, all; III, none; IV, none; V, none; VI, all; VII, none; VIII, none.
RMPR 259 4.1 (c) 9 F. R. 14537	To establish, either on application or own motion, a uniform transportation charge for the movement of an item of domestic malt beverage for any seller or group of sellers.	Yes	I, all; II, all; III, all; IV, 6; V, none; VI, all; VII, all; VIII, none.
RMPR 259 4.2 (b) (1) 9 F. R. 14537	To define by order the center point or the geographical limits of the base delivery zone of any wholesaler, group of wholesalers, brewer or group of brewers, and to increase or decrease the radii of base delivery zones.	Yes	I, all; II, all; III, all; IV, none; V, none; VI, all; VII, all; VIII, 1, 2, 6, 7.
RMPR 259 4.7 9 F. R. 14537	To increase or decrease the amount of deduction required by wholesalers to retailers within their base delivery zone.	Deliver to district offices in region.	
RMPR 259 5.2 9 F. R. 14537	To establish maximum prices for wholesalers and retailers for sales of domestic malt beverage when they are unable to determine the maximum price.	Yes	I, all; II, all; III, none; IV, none; V, none; VI, all; VII, all; VIII, none.
RMPR 271 11 (c) (3) (iii) 8 F. R. 7017	To approve or disapprove containers and case deposits of brewers, wholesalers, and retailers over 110 percent of their lawful replacement cost.	Yes	I, all; II, all; III, none; IV, all; V, none; VI, all; VII, all; VIII, 1, 2, 3, 4, 5, 6.
RMPR 271 11 (c) (3) (IV) 8 F. R. 7017	Potatoes and onions	Yes	I, all; II, all; III, none; IV, all; V, none; VI, all; VII, all; VIII, 1, 2, 3, 4, 5, 6.
RMPR 285 5 (a) (1) 10 F. R. 1493	To reduce maximum prices of intermediate sellers whose markups have normally been lower than those provided.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, 1, 2, 3, 5.
RMPR 285 5 (a) (2) 10 F. R. 1493	To approve or disapprove reports of zone differentials, and to set uniform zone differentials. All actions must be precleared with regional office.	Yes	I, all; II, none; III, none; IV, none; V, none; VI, all; VII, none; VIII, none.
RMPR 285 5 (a) (3) 10 F. R. 1493	Imported fresh bananas, sales except at retail	Yes	I, none; II, all; III, none; IV, none; V, none; VI, all; VII, none; VIII, none.
RMPR 285 5 (a) (4) 10 F. R. 1493	To adjust upward the maximum prices of sellers other than importers to provide for inbound delivery costs (not including local hauling) charged to or paid for or absorbed by the seller and to provide for the cost of making deliveries to the premises of retailers or institutional users beyond the free delivery zone.	Yes	I, none; II, all; III, none; IV, none; V, none; VI, all; VII, none; VIII, none.
RMPR 285 5 (a) (5) 10 F. R. 1493	To the Boston Regional Office, authority to adjust upward the prices of sellers other than importers to cover the cost of hauling bananas to sellers places of business where it is determined that markups are not adequate, regardless of whether such hauling is local hauling. (Adjustment not to exceed 35 cents per cwt.)	Yes	I, none; II, all; III, none; IV, all; V, none; VI, all; VII, all; VIII, none.
RMPR 287 5 (c) 8 F. R. 9122	In Region II only, to adjust upward the maximum prices for sales by processors not to exceed 30 cents per cwt., in cases where it is found that the applicable markup is not adequate to cover costs of hauling from a rail terminal to the seller's warehouse or ripening room.	Yes	I, none; II, all; III, none; IV, none; V, none; VI, all; VII, none; VIII, none.
RMPR 287 9 (a) 8 F. R. 9122	To determine and announce by order or otherwise, the cost of transporting bananas from ports of entry to individual or groups of wholesale receiving points by the most direct route at the lowest available common carrier rate.	Yes	I, none; II, all; III, none; IV, all; V, none; VI, all; VII, all; VIII, none.
RMPR 287 9 (a), 13 8 F. R. 9122	To determine and announce by order or otherwise, with respect to individual buyers or groups of buyers whether a particular railroad produce delivery yard is "local," or whether, in any case, a buyer's premises is his wholesale receiving point.	Yes	I, none; II, all; III, none; IV, none; V, none; VI, all; VII, all; VIII, none.
RMPR 287 9 (c) 8 F. R. 9122	Manufacturers' prices for women's, girls', children's, and toddlers' outerwear garments.	Yes	I, none; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, 2, 3.
RMPR 287 9 (d) 8 F. R. 9122	To authorize higher maximum fall prices for certain manufacturers who did not deliver garments covered by original MPR 287 between July 1 and Oct. 1, 1942.	Yes	I, none; II, none; III, all; IV, all; V, all; VI, all; VII, all; VIII, 2, 3.
RMPR 287 10a (a) 8 F. R. 9122	To authorize maximum prices for manufacturers who made deliveries of toddlers' garments, blouses under size 30 and slacks and slack suits prior to June 29, 1943, but not prior to Apr. 1, 1943.	Yes	I, none; II, none; III, all; IV, all; V, all; VI, all; VII, all; VIII, 2, 3.
RMPR 287 10a (b) 8 F. R. 9122	To accept, acknowledge, and examine spring and fall pricing charts of manufacturers and manufacturing retailers.	Yes	I, none; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, none.
RMPR 287 10a (c) 8 F. R. 9122	To authorize maximum fall prices of manufacturers who did not deliver any toddlers' garments, blouses under size 30, or slacks and slack suits prior to Oct. 1, 1944.	Yes	I, none; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, none.
RMPR 287 10a (d) 8 F. R. 9122	To correct within 6 months the maximum prices reported by manufacturers of toddlers' garments, blouses under size 30, and slacks and slack suits.	Yes	I, none; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, none.
RMPR 287 14 (a) 8 F. R. 9122	To authorize the establishment of maximum prices and highest price lines to manufacturers who made no deliveries during March 1942 and who have not received orders of authorization.	Deliver to district offices in region.	
RMPR 287 14 (b)	To authorize the establishment of maximum prices and highest price lines to manufacturers who cannot establish their maximum prices under any other provision and who have not received orders of authorization.	Deliver to district offices in region.	
RMPR 289 20 (c) (2) 9 F. R. 5140	To authorize terms and differentials to classes of purchasers not specified in previously issued orders.	Deliver to district offices in region.	
RMPR 296 12 8 F. R. 16282	To establish prices for categories different from those for which prices were previously authorized.	Deliver to district offices in region.	
RMPR 300 13 10 F. R. 4140	To authorize corrections in amended pricing charts filed by manufacturers	Yes	I, none; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, none.
MPR 306 558 8 F. R. 1114	To authorize manufacturers to add prices to their Spring pricing charts when they delivered the garments during March 1942.	Yes	I, none; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, none.
2 RMPR 319 10 (a) (5) 10 F. R. 3545	Dairy products	No	
2RMPR 319 13 20 F. R. 3545	To establish appropriate allowances for sales of butter at retail over retail routes (not to exceed 8 cents per pound).		
2 RMPR 319 14(c) 10 F. R. 3545.	Flour from wheat, semolina and farina sold by millers, blenders, primary distributors and flour jobbers.	No	
	To adjust prices for shipments of 250 hundred weights or less downward or upward to a maximum of 50 cents per hundredweight in certain specified metropolitan area.		
	Maximum manufacturers' prices for rubber drug sundries	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
	To adjust manufacturers' prices of essential rubber drug sundries sold by essential producer (field offices process cases when 1942 sales did not exceed $500,000).		
	Certain packed food products	Deliver to district offices in region.	
	To permit a seller to change to his price from his orginally established price when it is lower than that allowed by the regulation.		
	Certain bakery products	Yes	I, all; II, none; III, all; IV, all; V, none; VI, all; VII all; VIII, all.
	To approve or disapprove applications for applicants who are unable to ascertain direct labor costs and markups in cases of transfers of business.		
	To establish a maximum price whenever a price for sales to ultimate consumers, calculated and reported under the regulation, is apparently based upon a miscalculation or appears to be excessive.	Yes	I, all; II, all; III, all; IV, all; V, none; VI, all; VII, all; VIII, all.
	To establish maximum prices for producers who cannot establish a new product price under the regulations.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, all.

Regulation, section, and Federal Register citation	Title and/or authority delegated	Can region redeliver?	District offices to which delegated
RMPR 330 3 9 F. R. 11350	Retailer's and wholesaler's prices for women's, girls', children's, and toddlers' outerwear garments. To acknowledge pricing charts from sellers who do not price under sec. 5, and to approve amended pricing charts.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, all.
RMPR 330 4 (e) 9 F. R. 11350	To acknowledge filings of adjusted abnormally low charts	Deliver to district offices in region.	
RMPR 330 5 9 F. R. 11350	To establish maximum prices for sellers who made no deliveries of garments prior to May 18, 1944, or who cannot otherwise price under the regulation.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, all.
RMPR 330 16 (b) 9 F. R. 11350	To issue orders adjusting price-maintained merchandise	Deliver to District Offices in Region.	
RMPR 335 20 8 F. R. 6834	Peanuts and Peanut Butter To permit a seller to change his price from his originally established price when the established price is lower than that allowed by the regulation.	do	
MPR 336 5 (b) (2) (VI) 8 F. R. 2859	Retail ceiling prices for pork cuts and certain sausage products To suspend or revoke authority to make sales to purveyors of meals in excess of 20 percent of current monthly total dollar volume, where sellers exceed permitted dollar volume for sales to eating places or fail to comply with record requirements.	do	
MPR 336 5 (b) (4) 8 F. R. 2859	In cases where the Administrator has declared a "deficiency area," to authorize retailers to sell up to 70 percent of their meats to meal purveyors.	do	
MPR 336 5 (b) (6); 5 (d) (3) 8 F. R. 2859	In zone 1 areas having a population not exceeding 25,000 which the Administrator has declared "deficiency areas," to authorize retailers to sell up to 70 percent of their meat cuts to meat purveyors.	Deliver to District Offices in Region in zone 1.	
MPR 336 12 (b) (2) 8 F. R. 2859	To act on requests of food retailers who sell in a store in which there are other retailers to determine the group to which he belongs when he is unable to get the "annual gross sales" from the other food retailers.	Deliver to district offices in region.	
MPR 336 16 8 F. R. 2859	To authorize or deny applications of class 3 and 4 retailers who wish to use class 1 and 2 prices.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, all.
RMPR 341 9 (d) F. R. 11176	Maximum prices for used commercial motor vehicles To disapprove prices within 30 days for sellers of used commercial vehicles who cannot price under other provisions of regulation.	Yes	I; II, 7, 9; III, all; IV, all; V, all; VI, all; VII, all; VIII, all.
RMPR 341 18 (b) 8 F. R. 11176	To grant or deny by order applications for dealer authorizations and to revoke such authorizations. Requests for review may be filed with Reg. Administrator in the event of denial or revocation by the District Director.	Deliver to district offices in region.	
MPR 355 2 (e) 8 F. R. 4423	Retail ceiling price for beef, veal, lamb and mutton cuts and all variety meats and edible by-products. To issue orders fixing lower ceilings when it is apparent that prices established by this region for zone 2, 3, 5, or 6 will increase the level of prices prevailing in specific area within the region.	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
MPR 355 5 (b) (2) (VI) 8 F. R. 4423	To suspend or revoke authority to make sales to purveyors of meals in excess of 20 percent of current monthly total dollar volume, where sellers exceed permitted dollar volume for sales to eating places or fail to comply with record requirements.	Deliver to district offices in region.	
MPR 355 5 (b) (4) 8 F. R. 4423	In cases where the Administrator has declared a "deficiency area," to authorize retailers to sell up to 70 percent of their meats to meal purveyors.	Deliver to district offices	
MPR 355 5 (b) (6); 5 (d) (3) 8 F. R. 4423	In zone 1 areas having a population not exceeding 25,000 which the Administrator has declared "deficiency areas," to authorize retailers to sell up to 70 percent of their meat cuts to meal purveyors.	Deliver to district offices in region in zone 1.	
MPR 355 5 (d) (2) 8 F. R. 4423	To suspend or revoke authorization to retailers to sell to or buy from other retail dealers when they violate certain rules.	Deliver to district offices in region.	
MPR 355 14 (b) (2) 8 F. R. 4423	To act on requests of food retailers who sell in a store in which there are other retailers to determine the group to which he belongs when he is unable to get the "annual gross sales" from the other food retailers.	do	
MPR 355 18 8 F. R. 4423	To grant or deny applications of group 3 and 4 retailers who wish to use group 1 and 2 ceilings.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, all.
MPR 364 6 (c) 8 F. R. 4640	Frozen fish and seafood To issue orders modifying, altering, or suspending the reporting and record requirements in sec. (b), when such action is necessary to prevent the circumvention or evasion of this regulation.	No	
MPR 372 8 (b) (3) 8 F. R. 5533	Used domestic washing machines To establish maximum prices for rentals of non-meter-equipped domestic washing machines for concurrent use by four or more family units at the same location.	Yes	I, none; II, all; III, all; IV, all; V, all; VI, all; VII, none; VIII, all.
MPR 372 8 (b) (4) 8 F. R. 5533	To establish rental rates for periods and practices different from those specified in the regulation.	Yes	I, none; II, all; III, all; IV, all; V, all; VI, all; VII, none; VIII, all.
MPR 376 4 (a), (c) 8 F. R. 5487	Certain fresh fruits and vegetables To adjust prices which were abnormally low in base period due to distress sales, etc. and permit district wide adjustment of prices upward or downward where existing prices disrupt or threaten to disrupt normal distribution.	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
MPR 380 6 8 F. R. 5929	Used metal coil and flat bedsprings To establish resale prices for articles not established in paragraph 5.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, none; VIII, none.
MPR 390 12 (b) (2) 8 F. R. 6428	Household soaps and cleansers sold by retail food stores To act on requests of food retailers who sell in a store in which there are other retailers to determine the group to which he belongs when he is unable to get the "annual gross sales" from the other food retailers.	Deliver to District Offices in Region.	
MPR 390 16 (c) 8 F. R. 6428	To grant or deny applications from group 3 or 4 stores requesting permission to use prices established for group 1 stores.	do	
MPR 390 16 (d) 8 F. R. 6428	To Region VII, authority to adjust maximum prices of group 3 or 4 stores to the price established for group 2 stores.	Yes	I, none; II, none; III, all; IV, none; V, all; VI, none; VII, all; VIII, none.
MPR 390 16 (f) 8 F. R. 6428	To Regions VII and VIII, to adjust maximum prices for sales by groups 1 and 2 stores whenever the net delivered cost of acquisition substantially exceeds the wholesaler's maximum price for service sales as set forth in MPR 391.	Yes	I, none; II, none; III, none; IV, none; V, all; VI, none; VII, all; VIII, none.
MPR 392 4(g) 8 F. R. 6262	Packaged drugs To adjust prices where base period price was below price established by State fair trade act and injunction is secured.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, none; VII, none; VIII, none.
MPR 393 4(g) 8 F. R. 6268	Packaged cosmetics To adjust prices where base period price was below price established by State fair trade act and injunction is secured.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, none; VII, none; VIII, none.
MPR 394 5(b)(2)(VI) 8 F. R. 6364	Retail ceiling prices for kosher beef, veal, lamb and mutton cuts and all variety meats and edible byproducts. To suspend or revoke authority to make sales to purveyors of meals in excess of 20 percent of current monthly total dollar volume, where sellers exceed permitted dollar volume for sales to eating places or fail to comply with record requirements.	Deliver to district offices in region.	
MPR 394 5(b)(4) 5(b)(7) 8 F. R. 6364	In cases where the Adminsitrator has declared a "deficiency area," to authorize retailers to sell up to 70 percent of their meats to meal purveyors.	do	

Regulation, section, and Federal Register citation	Title and/or authority delegated	Can region redeliver?	District offices to which delegated
MPR 394 5(b)(6) 5(d)(3) 8 F. R. 6364	In zone 1 areas having a population not exceeding 25,000 which the Administrator has declared "deficiency areas," to authorize retailers to sell up to 70 percent of their meat cuts to meal purveyors.	Deliver to district offices in region in zone 1.	
MPR 403 12 (a), (b), (c) 8 F. R. 7498	Certain rubber commodities purchased for governmental use	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
	To adjust prices (for producers under $500,000) when production or supply of commodity is threatened by low price; when other prices are decreased; or both.		
MPR 404 8 (e) (8) 8 F. R. 8067	Potash	No	
	To adjust prices where local shortage criteria are met.		
MPR 404 3 (e) (8) 8 F. R. 8067	To adjust prices where base period price was below price established by State Fair Trade Act and injunction is secured.	Yes	I, all; II, all; III, all; IV, all; V, none; VI, none VII, none; VIII, none.
MPR 409 14 8 F. R. 8358	Frozen fruits, berries, and vegetables (1943 pack and after)	Deliver to district offices in region.	
	To permit a seller to change his price from his originally established price when the established price is lower than that allowed by the regulation.		
MPR 409 18b 8 F. R. 8358	To approve or disapprove reports filed under this regulation and to require any packer filing a report who does not comply with the reporting provisions to correct or resubmit his report.	Yes	I, none; II, none; III, none; IV, all; V, all; VI, none; VII, none; VIII, none.
MPR 418 2 (d) 8 F. R. 9366	Fresh fish and seafood	No	
	To adjust producers' prices to prevent disruption of customary methods of landing and selling fish. (Preaudit by Washington required.)		
MPR 418 4 (b) 8 F. R. 9366	To issue orders designating port areas, for any species and any period, in which a substantial volume of that species is landed or to which a substantial volume is shipped by producers.	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
MPR 418 9 (c) 8 F. R. 9366	To determine and fix for any area or locality under its jurisdiction a transportation allowance applicable to any species of fresh fish or sea food, to be used by wholesalers.	Yes	I, none; II, none; III, all; IV, all; V, none; VI, 1, 5, 10; VII, all; VIII, none.
MPR 418 15 8 F. R. 9366	To issue orders altering, modifying, or suspending the records and reports requirements or to issue orders upon application for adjustment of such requirements.	No	
MPR 421 15 (c) 8 F. R. 9388	Ceiling prices of certain foods sold at wholesale	No	
	To grant exemption from sec. 15 to marine provisioners selling to boat and steamship companies and ship operators.		
MPR 421 24 8 F. R. 9388	To process applications of retailer-owned coop. wholesalers who wish to use other wholesale mark-ups.	Yes	I, all; II, all; III, all; IV, none; V, none; VI, all; VII, all; VIII, none.
MPR 421 24a 8 F. R. 9388	To act on applications for permission to use the mark-up figures designated for service wholesalers.	No	
MPR 422 20 (t) 8 F. R. 9395	Ceiling prices of certain foods sold at retail in group 3 and 4 stores	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
	To change the prescribed weights for areas in which such containers are received with net weights substantially different from those prescribed.		
MPR 422 MPR 423 23 18 (f) 8 F. R. 9395	To permit retailers to figure prices on all perishable items on weighted average of all shipments received during prior week rather than on basis of largest shipment.	Yes	I, none; II, all; III, all; IV, none; V, none; VI, none; VII, all; VIII, all.
MPR 422 27 8 F. R. 9395	Ceiling prices of certain foods sold at retail in groups 3 and 4 stores	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, none.
	To process applications of group 3 and 4 retailers who wish to use group 1 mark-up.		
MPR 422 28 8 F. R. 9395	To authorize higher mark-ups under unusual circumstances when food supply of locality is threatened.	Yes	I, all; II, all; III, all; IV, none; V, all; VI, none; VII, all; VIII, all.
MPR 422 29a 8 F. R. 9395	To reduce mark-ups in table B, sec. 39 (a) for retailers on sales of poultry items in adjustment made pursuant to 1439.14 (e) of MPR 269 when necessary to prevent increase ceiling price of such items.	No	
MPR 422 31 (b) (1) 8 F. R. 9395	To act on requests by retail food stores who sell food in a store in which there are other food retailers, to find to which group he belongs if he is unable to get the "annual gross sales" from the other food retailers in that store.	Deliver to district offices in region.	
MPR 423 18f 8 F. R. 9407	Ceiling prices of certain foods sold at retail in group 1 and 2 stores	Yes	I, none; II, all; III, all; IV, none; V, none; VI, none; VII, all; VIII, none.
	To change prescribed weights for areas in which containers are received with net weights substantially different from those prescribed.		
MPR 423 19 8 F. R. 9407	To adjust mark-ups for certain stores under unusual circumstances when food supply of locality is threatened.	Yes	I, all; II, all; III, all; IV, none; V, all; VI, none; VII, all; VIII, 1, 3, 5.
MPR 423 19a 8 FR 9407	To reduce poultry mark-ups in connection with adjustments made under MPR 269 section 1420.14 (e).	No	
MPR 423 21 (b) (1) 8 FR 9407	Ceiling prices of certain foods sold at retail in independent stores doing an annual business of less than $250,000 (group 1 and group 2 stores).	Deliver to district offices in region.	
	To act on requests by retail food stores who sell food in a store in which there are other food retailers, to find to which group he belongs if he is unable to get the "annual gross sales" from the other food retailers in that store.		
MPR 425 12 8 F. R. 9303	Fresh fruits, berries, and vegetables for processing	Yes	I, none; II, none; III, none; IV, none; V, none; VI, all; VII, none; VIII, none.
	To determine for the area under the jurisdiction of the district or region if the established practice has been for processors to employ brokers or agents and to receive the raw materials at points where they do not maintain their own facilities for grading, weighing, repacking, and loading onto their conveyances. If this is the practice, to issue orders allowing the processors to add these costs to their ceilings for products covered by this regulation.		
MPR 426 2b 8 F. R. 9546	Fresh fruits and vegetables for table use, sales except at retail	Yes	I, all; II, none; III, all; IV, none; V, all; VI, all; VII, all; VIII, all.
	To establish mark-ups for purveyors at wholesale receiving points.		
MPR 426 8 (a) (7) 8 F. R. 9546	To determine cheapest method of transportation generally available from shipping point into market served by the district, and to compute the freight to be used for each market within its jurisdiction.	Yes	I, all; II, none; III, all; IV, all; V, all; VI, all; VII, all; VIII, all.
MPR 426 15 App. H. (f) 8 F. R. 9546	For listed vegetables to determine limits of wholesale free delivery zone and adjust certain allowances to determine additions by carlot or trucklot receivers for deliveries in free delivery zone and to adjust mark-ups for carlot and trucklot receivers in certain cases; to adjust upward the prices of any listed commodity (except berries) under certain conditions; to adjust upward the price for lettuce in sales to United States agencies to meet the increase cost resulting from any specifications.	Yes	I, all; II, all; III, none; IV, all; V, all; VI, all; VII, all; VIII, all.
MPR 426 15 App. I (g) 8 F. R. 9546	For fruits, to determine limits for wholesale free delivery zone and to adjust certain allowances; to determine additions by carlot and trucklot receivers for deliveries to free delivery zone; to adjust markups for sales by carlot and trucklot receivers ex car, ex dock or ex terminal sales platform or auction.	Yes	I, all, II, all; III, none; IV, all; V, all; VI, all; VII, all; VIII, all.
MRP 426 15 App. J (1) 8 F. R. 9546	For deciduous tree fruit, to determine limits of wholesale free delivery zone and adjust certain allowances, to determine additions by carlot or trucklot receivers for deliveries in free delivery zone, to adjust markups for carlots and trucklot receivers in certain cases, and to adjust downward or upwards markup for sales by primary receivers ex car, ex truck, ex dock, or ex terminal platform or through a terminal auction.	Yes	I, all; II, all; III, none; IV, all; V, all; VI, all; VII, all; VIII, all.

Regulation, section, and Federal Register citation	Title and/or authority delegated	Can region redeliver?	District offices to which delegated
MPR 426 15 App. K (r) 8 F. R. 9546	For fruits, to determine limits for wholesale free delivery zone and to adjust certain allowances, to determine additions by carlot and trucklot receivers for deliveries to free delivery zone; to adjust markups for sales by carlot and trucklot receivers ex car, ex dock or ex terminal sales platform or auction.	Yes	I, all; II, all; III, none; IV, all; V, all; VI, all; VII, all; VIII, all.
MPR 428 11 8 F. R. 10358	Cider Vinegar To permit a seller to change his price from his originally established price when his originally established price is lower than that allowed by the regulation.	Deliver to district offices by region.	
MPR 429 6 (f) 8 F. R. 9877	Ceiling Prices for Certain Used Consumer Durable Goods To establish prices for sellers who cannot price new articles under other provisions of the regulation.	do	
MPR 429 9 8 F. R. 9877.	To establish dollars and cents community-wide ceilings on used furniture	Yes	I, all; II, all; III, all; IV, none; V, none; VI, all; VII, all; VIII, none.
MPR 429 10 8 F. R. 9877	To adjust prices of reconditioned or rebuilt articles under certain circumstances	Yes	I, all; II, all, III, all; IV, all; V, all; VI, all; VII, all; VIII, none.
MPR 439 3 (c) 8 F. R. 10267	Fresh Fish and Seafood at Retail To establish maximum retail mark-ups for retailers who cannot price under specific clauses of the regulation.	Deliver to district offices by region.	
MPR 445 5.3a 8 F. R. 11161	Distilled Spirits and Wines To establish uniform transportation allowances to be used in determining net cost of item by wholesalers and/or retailers located within the specified area to which such allowances are applicable.	Yes	I, all; II, none; III, all; IV, none; V, none; VI, all; VII, all; VIII, none.
MPR 445 5.4 5.5 8 F. R. 11161	To adjust downward percentage markups of wholesalers and retailers (Resp) if it appears that such percentage markups will permit wholesalers in such state to obtain excessive margins.	No	
MPR 445 7.9a 8 F.R. 11161	To approve a change in the method used for posting consumer prices and to issue orders requiring the use of a particular method given in this section.	Yes	I, 1, 3; II, all; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
MPR 452 9 (c) (2) 8 F. R. 11572	MFRS, Maximum Prices for Automotive Parts To approve, or disapprove within 30 days after receipt of filings of manufacturers for new list prices on rebuilt parts.	No	
MPR 452 11 8 F. R. 11572	To disapprove within 30 days requests for exemption from establishing new list prices on rebuilt parts.	No	
MPR 452 12 (b) (2) 8 F. R. 11572	To approve or disapprove reports from manufacturers of new non-list prices on rebuilt parts.	No	
MPR 452 14a 8 F. R. 11572	To approve or disapprove within 30 days non-list prices for rebuilt parts when a manufacturer cannot establish a maximum non-list price under other sections of the regulation.	No	
MPR 452 16 (a) (1), (2), (3). 8 F.R. 11572	To adjust prices of essential parts supplied by essential manufacturers; when production or supply is threatened; when other prices are decreased; or both. (Field offices handle cases involving rebuilt parts.)	Yes	I, none; II, none; III, none; IV, none; V, all; VI, none; VII, none; VIII, none.
MPR 469 1 (d) 8 F.R. 12562	Live hogs To grant permission to hold regularly scheduled public sales on a ceiling exempt basis.	Deliver to district offices by region.	
MPR 469 2 (e) 8 FR 12562	To grant permission to use specified scales located elsewhere than on the premises of the terminal market, interior market or buying station.	do	
RMPR 471 6 (f) 9 FR 8340	Legume and grass seeds To notify sellers of processed legume and grass seeds whether or not they are permitted to sell as commercial processors, upon the receipt of and on the basis of filed qualification statements (OPA Form 634–2049).	No	
RMPR 471 8 (a) (13) (ii) 9 FR 8340	To adjust the delivery charges when it appears that charges permitted are inadequate and are likely to disrupt the movement of the commodity to that locality.	Yes	I, none; II, none; III, all; IV, none; V, none; VI, none; VII, none; VIII, none.
MPR 473 13 8 F. R. 13104	Maximum prices for packers and certain other sellers of friut, preserves, jams, and jellies. To permit a seller to change his price from his originally established price when it is lower than that allowed by the regulation.	Deliver to district offices by regions.	
MPR 478 15 (a), (b), (c) 8 F. R. 14080	Coated and combined fabrics To adjust prices for essential producers of essential goods under $500,000 when production or supply of commodity is threatened by low price; when other prices are decreased; or both.	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
MPR 493 28 8 F. R. 15697	Dried and processed apples and apple products To permit a seller to change his price from his originally established price when it is lower than that allowed by the regulation.	Deliver to district offices by regions.	
MPR 498 16 8 F. R. 16503	Maximum prices for packers and certain other sellers of apple butter To permit a packer to change his price from his originally established price when it is lower than that allowed by the regulation.	do	
MPR 498 17 (b) 8 F. R. 16503	To approve or disapprove reports of maximum prices filed by packers 10 days after the date of the first sale.	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
RMPR 499 9 (c) 9 F. R. 14430	Imported watches To disapprove within 20 days maximum prices of wholesalers who cannot determine their ceilings under the pricing provisions of this regulation.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, 1, 3, 5.
RMPR 499 10 (c) 9 F. R. 14430	To disapprove within 20 days ceilings reported by retailers who could not price under the pricing provisions of this regulation.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, 1, 3, 5.
RMPR 499 13 9 F. R. 14430	To revoke or adjust any maximum price fixed by this regulation when it appears that the price is out of line with prices of sellers of the same class.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, all.
RMPR 499 14 (b) 9 F. R. 14430	To establish prices for sellers who fail to maintain records showing determination of maximum prices as required or who fail to make application for approval of a maximum price.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, none.
MPR 503 3 (e) 9 F. R. 303	Western contract logging services To establish maximum prices for buyers of contract service who did not purchase such service prior to Jan. 11, 1944.	No	
MPR 503 3 (f) 9 F. R. 303	To approve or disapprove requests from purchasers of contract logging service for permission to pay higher prices than those established by this regulation in order to stimulate production of necessary logs or primary forest products.	No	
RMPR 507 12a 9 F. R. 14601	Ceiling prices of certain fresh fish and seafood sold at retail To region VIII, authority to fix cents per pound mark-ups for sales at retail on species for which no mark-ups have been established in this regulation and for which ceilings have been fixed at other levels of distribution.	No	
RMPR 507 17 9 F. R. 14601	To grant or deny applications from group 3 and 4 retailers who wish to use group 1 and 2 mark-ups.	Yes	I, all; II, all; III, none; IV, all; V, all; VI, all; VII, none; VIII, 1, 2, 3, 6, 7.
RMPR 507 20 (a) 9 F. R 14601	To issue orders on request to retailers who sell fresh or frozen fish and seafood in a retail store in which there are other food retailers, to determine the group to which the retailer belongs when he cannot get the "annual gross sales" from the other retailers in the store.	Deliver to district offices by regions.	

Regulation, section, and Federal Register citation	Title and/or authority delegated	Can region redeliver?	District offices to which delegated
MPR 510 4 (e) 9 F. R. 1722	Lubricating oils, greases, and certain other petroleum products. To adjust prices in accordance with Fair Trade Acts.	Yes	I, none; II, none; III, none; IV, all; V, all; VI, none; VII, none; VIII, none.
MPR 516 6 9 F. R. 2563	Used photographic equipment To authorize retail ceiling prices for used photographic equipment.	Yes	I, all; II, none; III, all; IV, all; V, all; VI, none; VII, all; VIII, none.
MPR 516 11 9 F. R. 2563	To adjust ceiling prices within an area when prices are below the level of March 1942 and when local shortages will not be created.	Yes	I, all; II, none; III, none; IV, all; V, none; VI, none; VII, none; VIII, none.
MPR 518 18 9 F. R. 2656	Rough rice To approve as commission buying agents for purchasers of rough rice persons receiving a fee under this section when they can show they operated as such during the base period.	Deliver to district offices by regions.	
RMPR 528 6 (e) 10 F. R. 2726	Tires and tubes, recapping and repairing, and certain repair materials. To adjust the maximum price of any extra service supplies in connection with a tube repair.	Yes	I, none; II, none; III, none; IV, all; V, all; VI, all; VII, all; VIII, none.
RMPR 528 18 (b) (3) 10 F. R. 2726	To approve, disapprove, or correct at any time after approval, percentage discounts for wholesalers and the proportion of transportation expense to be borne by sellers of recapped tires, or recapping when they cannot determine this under the pricing provisions of the regulation.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, all.
RMPR 528 19 (b) (3) 10 F. R. 2726	To approve, disapprove, or correct any time after approval, percentage discounts for wholesalers and the proportion of transportation expense to be borne by sellers of tires and tube repairing when they cannot be determined under the pricing provisions of the regulation.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all, VIII, all.
RMPR 539 4 (b) 9 F. R. 6152	Custom milling and kiln drying of western softwoods To authorize mills to operate as "custom mills" when it will result in greater production and no increase in prices of finished lumber. To make such limitations and conditions in granting authorization as seem appropriate and consistent.	No	
RMPR 539–A 4 (b) 9 F. R. 10575	Custom milling and kiln-drying of northeastern softwoods To authorize mills to operate as "custom mills" when it will result in greater production and no increase in prices of finished lumber. To make such limitations and conditions in granting authorization as seem appropriate and consistent.	No	
MPR 539–B 4 (b) 10 F. R. 3227	Custom milling and kiln drying of softwoods and hardwoods in southern area To authorize mills to operate as "custom mills" when it will result in greater production and no increase in prices of finished lumber. To make such limitations and conditions in granting authorization as seem appropriate and consistent.	No	
MPR 539–C 4 (b) 10 F. R. 3229	Custom milling and kiln drying of softwoods and hardwoods in Midwest and Great Lake States. To authorize mills to operate as "custom mills" when it will result in greater production and no increase in prices of finished lumber. To make such limitations and conditions in granting authorization as seem appropriate and consistent.	No	
MPR 540 6a (a) 9 F. R. 6434	Maximum prices for used passenger automobiles To authorize maximum price for a station-wagon consisting of a used chassis and a new station-wagon body installed by the seller or installed at his request.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, none; VIII, all.
MPR 540 6a (b) 9 F. R. 6434	To authorize maximum price for a station-wagon consisting of a used chassis and a new station-wagon body when sold by a dealer who neither installed the body nor had it installed at his request but who purchased the station-wagon at a price his seller was authorized under 6a (a) to charge.	Yes	I, all; II, all; III, all; IV, none; V, all, VI, all; VII, none; VIII, none.
MPR 540 15 (b) 9 F. R. 6434	To grant or deny by order applications for dealer authorization and to revoke such authorizations. Requests for review may be filed with Regional Administrator in the event of denial or revocation by the District Director.	Deliver to district offices by regions.	
MPR 541 6 9 F. R. 6565	Raw, dressed, and dressed and dyed furs and peltries To approve, disapprove, or revise maximum prices for furs and peltries delivered or sold during the base period.	Yes	I, all; II, none; III, all; IV, all; V, all; VI, all; VII, all; VIII, none.
MPR 541 7 10 9 F. R. 6565	To reduce or increase the prices of furs and peltries delivered (or sold through an auction company or broker) during the base period so they are at the general level prevailing among competitive sellers.	Yes	I, all; II, none; III, all; IV, all; V, none; VI, all; VII, all; VIII, none.
MPR 541 8 10 9 F. R. 6565	To establish prices for furs and peltries not delivered (or sold through an auction company or broker) during the base period.	Yes	I, all; II, none; III, all; IV, all; V, none; VI, all; VII, all; VIII, none.
MPR 542 9(a) 9 F. R. 6882	Ceiling prices for certain canned fish and seafood items sold by primary distributors and other distributors. To authorize sellers of canned fish and seafood not qualifying under the definition to operate as primary distributors and to permit them to price under section 4 of this regulation.	No	
MPR 546 14 (b) 9 F. R. 8021	Used and reconditioned plumbing and heating equipment To adjust any maximum price where local shortage criteria are met.	No	
MPR 546 21 9 F. R. 8021	To grant sellers authority to suspend free delivery service or the requirement for absorption of delivery charges for sales at retail, when they can show that they are in an area classified as No. 1 or 2 labor area by War Manpower Commission.	Yes	I, none; II, none; III, none; IV, none; V, all; VI, none; VII, all; VIII, none.
MPR 550 1.14 9 F. R. 9974	Cured and smoked fish To determine and fix for any area or locality within its jurisdiction the transportation allowance or "freight rate" which the processor may add in determining his maximum price for any particular species of cured or smoked fish subject to this regulation.	Yes	I, none; II, none; III, none; IV, all; V, none; VI, 1; VII, none; VIII, none.
MPR 550 1.15 9 F. R. 9974	To determine and fix for any area or locality within its jurisdiction the container allowance, including the allowance for special refrigerant, which the processor may add in determining his maximum price for any particular species of cured or smoked fish subject to this regulation when such fish is shipped by common or contract carrier.	Yes	I, none; II, none; III, none; IV, all; V, none; VI, 1; VII, none; VIII, none.
MPR 564 7 11 9 F. R. 12920	Fountain pens and mechanical pencils To disapprove within 20 days maximum prices for wholesalers and retailers on fountain pens or mechanical pencils not listed in sec. 23 of this regulation.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, all.
MPR 566 9 (b) 9 F. R. 13587	Rates of contract carriers by tank trucks To increase rates on intrastate service of contract carriers when financial hardship exists and adjustment is necessary to permit continuance of essential transportation service.[1]	No	
MPR 569 16 (b) 9 F. R. 14294	Maximum prices for used motorcycles To grant or deny by order applications for dealer authorization and to revoke such authorizations. Requests for review may be filed with regional administrator in the event of denial or revocation by the district director.	Deliver to district offices by region.	
MPR 570 4 10 F. R. 655	Women's, misses', and children's underwear, nightwear, and negligee garments To acknowledge receipt of pricing charts and corrected pricing charts.	Yes	I, none; II, all; III, all; IV, all; V, all; VI, 1, 5, 8, 10; VII, none; VIII, 3.
MPR 570 7 10 F.R. 655	To adjust at any time the highest price line limitations and maximum price-cost-ratios of manufacturers and manufacturing retailers.	Yes	I, none; II, none; III, all; IV, all; V, all; VI, 1, 5, 8, 10; VII, none; VIII, 3.

[1] Interstate operations to be filed in Transportation and Public Utilities Division in Washington.

Regulation, section, and Federal Register citation	Title and/or authority delegated	Can region redeliver?	District offices to which delegated
MPR 570 8 10 F.R. 655	To authorize ceiling prices for persons who cannot use pricing Rules 1, 2, and 3	Yes	I, none; II, 3, 4, 7, 8, 9, 11; III, all; IV, all; V, all; VI, 1, 5, 8, 10; VII, none; VIII, 3.
MPR 571 Part II (8) 11 F.R. 5148	Rental of dump trucks on construction, road maintenance and housing projects in the United States. To authorize an increase in rental for a particular job when certain requirements are met.	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, all.
MPR 572 3, 4 10 F. R. 1433	Manufacturers' prices for certain fall and winter outerwear To acknowledge receipts of reports of general, individual, and actual division factors filed by manufacturers, and review for corrections.	Yes	I, none; II, all; III, all; IV, all; V, all; VI, 1, 5, 6, 8, 9, 10; VII, all; VIII, 2, 3, 5, 6.
MPR 572 App. c (a) 10 F. R. 1433	To acknowledge receipt of amended reports of division factors	Yes	I, none; II, all; III, all; IV, all; V, all; VI, 1, 5, 6, 8, 9, 10; VII, all; VIII, 2, 3, 5, 6.
MPR 574 1 (b) (2) 10 F. R. 1270	Live bovine animals (cattle and calves). To approve prior to the sale or delivery of live bovine animals by members of 4–H Clubs, Future Farmers of America, or other recognized farm youth organizations.	Deliver to district offices in region.	
MPR 574 1 (b) (5) 10 F. R. 1270	To grant permission to hold regularly scheduled public sale on a ceiling exempt basis.	Deliver to district offices in region.	
MPR 574 9 (a) (2) 10 F. R. 1270	To authorize slaughterers to change their election as to the provisions which they are subject.	No	
MPR 576 3 (b) 5 (b) 10 F. R. 1936	Dry batteries. To disapprove within 30 days prices reported by retailers and wholesalers for batteries of brands not listed in schedules.	Yes	I, none; II, sec. 3 (b) all; sec. 5 (b), none; III, none; IV, all; V, all; VI, none; VII, none; VIII, all.
MPR 576 13 (e) 10 F. R. 1936	To approve maximum prices for sales made without required OPA price approval	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
2RMPR 578 4 (b) 10 F. R. 9024	Maximum prices for certain essential low-priced garments. To acknowledge filings made by installment sellers who desire to sell at prices in excess of the ceiling price certain garments sold on installment.	Deliver to district offices in region.	
MPR 579 1.6 (c) 10 F. R. 2300	Certain species of fresh and frozen fish and sea food To modify or suspend invoice requirements of this regulation when necessary in order that fish may be marketed efficiently.	No	
MPR 579 2.2 (c) 10 F. R. 2300	To modify producers prices when necessary to prevent avoidance of prices listed and to prevent disruption of the customary methods of landing and selling fish. (Must have preaudit in Washington, cases effecting prices of species customarily landed in other regions must be approved by that region prior to submittal to Washington.)	No	
MPR 579 2.6 (b) 10 F. R. 2300	To designate as port areas for any species and period of time, any area within the jurisdiction in which a substantial volume of the species is landed or shipped to producers.	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
MPR 579 2.7 10 F. R. 2300	To designate the group 3 and 4 retailers to which wholesalers qualifying may sell at the same price as to purveyors of meals.	Deliver to district offices in region.	
MPR 579 2.11 (f) 3.11 (i) 10 F. R. 2300	To fix a transportation allowance applicable to any species of fresh fish or seafood to be used by wholesalers instead of actual transportation cost and to adjust it to reflect changes.	Yes	I, none; II, none; III, all; IV, none; V, none; VI, 1, 5, 6, 10; VII, all; VIII, none.
MPR 579 2.12 (f) 10 F. R. 2300	To determine and fix a container allowance for designated sales and species of fresh fish and seafood, and to adjust it to reflect changes.	Yes	I, none; II, none; III, all; IV, none; V, none; VI, 1, 5, 6, 10; VII, none; VIII, none.
MPR 579 4.6 (b) 10 F. R. 2300	To designate any area as a port area for any species and period of time	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
MPR 579 4.13 10 F. R. 2300	To San Francisco to establish, under certain conditions, specific maximum prices for all sales (other than those ocvered by RMPR 507) of fresh fish, domestic and imported, for which maximum prices have not been established in the regulation.	No	
MPR 580 2 6 10 F. R. 3015	Retail ceiling prices for certain apparel and house furnishings. To acknowledge receipt of filing price charts and amended price charts.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, none.
MPR 580 7 (g) (2) (ii) 10 F. R. 3015	To district offices to acknowledge notifications of elections to use only category average mark-ups for articles other than shoes covered by SO 162, the "net cost" of which have been increased by OPA.	Deliver to district offices in region.	
MPR 580 10 (a) 10 F. R. 3015	To act on reports filed by sellers who cannot price under other sections of the regulation.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, all.
MPR 580 10 (b) 10 F. R. 3015	To act on applications for mark-ups in excess of appendix F	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, all.
MPR 580 10 (d) 10 F. R. 3015	To issue orders establishing a pricing method for sellers who do not have a base date pricing chart and who are in or propose to enter into the business of buying imperfect articles and repairing or reconditioning them.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, all.
MPR 580 15 (i) (2) 10 F. R. 3015	To act on applications by mail order establishments requesting permission to mark their maximum prices in some way different from that described in the regulation.	Yes	I, all; II, none; III, all; IV, all; V, all; VI, all; VII, all; VIII, none.
MPR 581 6 10 F. R. 3232	Industrial services. To approve or disapprove within 30 days maximum prices or pricing rates for services. (Field offices handle applications when seller's total 1942 sales did not exceed $75,000.)	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, 3.
MPR 581 15 10 F. R. 3232	To require or permit sellers with over-all service sales volume of less than $75,000 in 1944 to price incidental sales of commodities under MPR 581.	Yes	I, all; II, all; III, all; IV, none; V, all; VI, all; VII, all; VIII, none.
MPR 584 13 (a) (2) (ii) 10 F. R. 4350	Feather filled pillows and upholstery cushion innercasings To issue orders establishing retail ceiling prices for untagged pillows in retailers' inventories.	Yes	I, none; II, none; III, all; IV, none; V, all; VI, all; VII, all; VIII, all.
MPR 585 3.7 10 F. R. 5077	Mixed feeds for animals and poultry To authorize establishment of systems of differentials in lieu of actual transportation costs, and to adjust such authorized differentials after 6 months experience.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, all.
MPR 585 4.1 10 F. R. 5077	To approve, disapprove and allow margins filed by class A, B and C plants	Yes	I, all; II, all; III, all;, IV, all; V, all; VI ,all; VII, all; VIII, all.
MPR 585 4.2 10 F. R. 5077	To approve, disapprove and allow filed base prices for ingredients and containers	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, all.
MPR 585 5.5 10 F. R. 5077	To approve or disapprove filed maximum prices for purchase of imported mixed feeds.	Yes	I, all; II, all; III, all; IV, all; V, all; VI. all; VII, all; VIII, all.
MPR 586 8 10 F. R. 5077	Storage and terminal services To adjust suppliers' maximum prices (rates) where financial hardship threatens ability to continue service and either the adjusted prices will not exceed those for equivalent services or a shortage in a service aiding the war program exists or threatens to exist.	No	
MPR 586 13 (c) 10 F. R. 5797	To establish maximum prices for the services of sellers who violate the record-keeping and filing requirements or who fail to apply for a price under section 6 if required to do so.	No	

Regulation, section, and Federal Register citation	Title and/or authority delegated	Can region redeliver?	District offices to which delegated
MPR 590 6 10 F. R. 7717	Wholesale ceiling prices for specified consumer goods To establish, upon application, category markups for sales to retailers when ceiling prices cannot be determined under section 4 or 5.	No	
MPR 590 11 10 F. R. 7717	To acknowledge filings of markup charts and to recalculate category markups on the basis of new information ascertained by the OPA as to "current replacement costs."	No	
MPR 590 13 10 F. R. 7717	To revise upward or downward, under certain circumstances, any category markup computed on a markup chart.	No	
MPR 590 19 10 F. R. 7717	To establish, correct, or revise maximum prices in certain cases	No	
MPR 591 9 10 F. R. 9090	Specified mechanical building equipment Uponr eferral by the national office of applications, to issue orders establishing maximum prices for commodities which cannot be priced under the first or second pricing methods (secs. 7 and 8).	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
MPR 591 16 10 F. R. 9090	Upon referral by the national office of applications, to adjust manufacturers' maximum prices for any of the commodities covered by the regulation. In connection with any adjustment in a manufacturer's maximum price, the maximumprice of any person who resells the article in the same form may be set forth or adjusted.	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
MPR 592 8 10 F. R. 9101	Specified construction materials and refractories To approve or disapprove maximum prices reported under the second pricing method.	Yes	I, none; II, none; III, none; IV, all; V, all; VI, none; VII, none; VIII, none.
MPR 592 9 10 F. R. 9101	To approve or disapprove maximum prices reported under the third pricing method.	Yes	I, none; II, none; III, none; IV, all; V, all; VI, none; VII, none; VIII, none.
MPR 592 10 10 F. R. 9101	Upon national office referral of applications, to issue orders establishing manufacturers' maximum prices for commodities which cannot be priced under the first, second or third pricing methods (secs. 7, 8, and 9).	Yes	I, none; II, none; III, none; IV, all; V, all. VI, none; VII, none; VIII, none.
MPR 592 16 10 F. R. 9101	To grant or deny, in whole or in part, applications for adjustment filed by manufacturers whose total sales do not exceed $1,000,000 a year. In connection with any adjustment in a manufacturer's maximum price, the maximum price of any person who resells the article in the same form may also be adjusted.	Yes	I, all; II, none; III, none; IV, none; V, none; VI, all; VII, none; VIII, none.
MPR 592 17 10 F. R. 9101	To make adjustments in the maximum prices of any commodity listed in the section, applicable to all manufacturers of such commodity within a particular community or a defined area.	Yes	I, all; II, none; III, none; IV, all (clay brick only); V, none; VI, all; VII, none; VIII, none.
MPR 592 23 10 F. R. 9101	To issue orders establishing manufacturers' maximum prices for commodities covered by this regulation applicable to a particular community or a defined area. In connection with such orders maximum prices may also be fixed for all resellers of such commodities in the particular community or area.	Yes	I, none; II, all; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
MPR 592 Order 1 4.3 (c) (2) 10 F. R. 9167	To approve or disapprove within 20 days delivery charges to be added to maximum established prices.	Deliver to Miami district office in regions.	
MPR 593 10 10 F. R. 9618	Used slack cooperage To grant certificates of registration to dealers in used slack barrels. Dealers must make application within 30 days after issuance of regulation or upon entering business.	Yes	I, all; II, all; III, none; IV, all; V, all; VI, all; VII, all; VIII, none.
MPR 599 15 10 F. R. 13522	Radio receivers and phonographs To issue orders to distributors or dealers who cannot ascertain the delivery terms, installation charges, etc. which his nearest competitor is required to allow.	Yes	I, none; II, none; III, none; IV, none; V, none; VI, none; VII, none; VIII, none.
MPR 605 3 10 F. R. 15115	Manufacturers' prices for shirts, shorts, pajamas, and related items To acknowledge forms I and VII determining the "General Division Factors".	Yes	I, none; II, all; III, all; IV, all; V, all; VI, none; VII, all; VIII, none.
MPR 605 4 10 F. R. 15115	To acknowledge form II determining "individual Division Factors"	Yes	I, none; II, all; III, all; IV, all; V, all; VI, none; VII, all; VIII, none.
MPR 605 App. E 10 F. R. 15115	To acknowledge amendments of forms I, II, or VII and requests for withdrawal of form II filed under sec. 3 and 4.	Yes	I, none; II, all; III, all; IV, all; V, all; VI, none; VII, all; VIII, none.
MPR 607 3, 4 11 F. R. 2693	Manufacturers' prices for men's and boys' tailored clothing and related garments To acknowledge filings of the general division factor, to acknowledge filings of elections to use individual or group division factors, and also filings for the first and second periods of those who use group division factors.	Deliver to district offices in regions.	
MPR 607 App. K 11 F. R. 2693	To acknowledge receipt of amended forms I, II, or VI or requests for withdrawal of form II.	do	

The following provision was not listed in its numerical order:

Regulation, section, and Federal Register citation	Title and/or authority delegated	Can region redeliver?	District offices to which delegated
RMPR 122 259 (a) (1) 8 F. R. 440	To adjust prices where local shortage criteria are met (Must have pre-audit from Washington, except in cities and towns less than 25,000 population, up to 30 cents per ton—*Confidential.*)	No	

§ 1305.2502 *Rationing delegations.* In the table below, NO refers to delegations administered by the Rationing Division of the Price Department, RO refers to the regional offices in continental United States, and DO refers to the district offices.

Regulation, section, and Federal Register citation	Title and authority delegated	Office delegated authority
3d Rev. RO 3 1.2 11 F. R. 134	*Consumer handicapped by transportation difficulties.* A consumer who finds it a hardship to take delivery of sugar at the time, and in amounts specified in Supp. 1 to 3d Rev. RO 3 owing to transportation difficulties, may apply to DO for place where he lives for a check or ration coupons for 5, 10, or 15 lbs. of sugar.	DO.
3d Rev. RO 3 1.3 11 F. R. 134	*Growers of sugarcane and sugar beets may apply for evidences.* A consumer who has delivered sugarcane or sugar beets produced by him to a primary distributor for processing into sugar may apply to DO for place where he lives for a check or ration coupons authorizing him to take delivery of sugar up to 25 lbs. for himself and 25 lbs. for each member of his family unit.	DO.
3d Rev. RO 3 1.5 (a) 11 F. R. 134	*Isolated shepherds may apply for additional sugar.* Shepherds may apply for ration evidences to obtain sugar (in addition to that which they can obtain with their stamps.) Application must be made to shepherd's DO.	DO.
3d Rev. RO 3 1.6a 11 F. R. 134	*Consumers may obtain adjustments for lost, damaged, destroyed or stolen sugar.* A consumer whose sugar was lost, damaged destroyed, stolen, or taken away by legal process or court order may apply to DO for place where he lives for evidences to replace such sugar.	DO.

Regulation, section, and Federal Register citation	Title and authority delegated	Office delegated authority
3d Rev. RO 3 1.7 (a) 11 F. R. 134	*Sugar for feeding bees.* Sugar for feeding bees may be obtained in an amount not to exceed 10 lbs. per calendar year for each colony of bees. Application for all or part of allowance may be made any time during calendar year. Application must be made to DO for place where applicant lives, or if application is made in course of business, to DO where his principal business office is located.	DO.
3d Rev. RO 3 1.7 (e) 11 F. R. 134	*Additional sugar for feeding bees.* Additional sugar above amount permitted under 1.7 (a) may be granted in an amount not to exceed 15 lbs. per calendar year for each colony of bees. Application same as above.	DO.
3d Rev. RO 3 1.8 (a) 11 F. R. 7810	*Consumers who need more sugar because of illness.* A consumer whose health requires that he obtain additional sugar may apply for evidences for additional amount. Application must be filed with DO for place where consumer lives. If DO is unable to pass on the application, it shall send it to RO for decision or take such other action as RO may authorize or direct.	DO. DO.
3d Rev. RO 3 1.10 (a) 11 F. R. 2512	*Home canning for sale.* A consumer may prior to Nov. 1, 1946, apply for an allotment of sugar for home canning for sale. Application must be made to DO for place where consumer lives.	DO.
3d Rev. RO 3 2.1 (d) 11 F. R. 134	*Late registration by industrial user.* An industrial user who did not register his industrial user establishment within the time limit may apply to DO for place where his establishment is located or registered for permission to register or reregister on a later date.	DO.
3d Rev. RO 3 2.2 (a) 11 F. R. 134	*Industrial user allotments.* Application for industrial user allotments must be made to DO where industrial establishment is registered.	DO.
3d Rev. RO 3 2.3 (a) 11 F. R. 134	*Increases in allotments based on increases in population.* Industrial user's application for the increase in allotment based on population increases must be made to DO with which he is registered.	DO.
3d Rev. RO 3 2.14 (a) 11 F. R. 134	*Withdrawal of ration banking privileges of industrial user because of overdrafts on ration bank accounts.* DO where industrial user is registered has authority to withdraw ration banking privileges for overdrafts by industrial users.	DO.
3d Rev. RO 3 4.7 (a) 11 F. R. 134	*Replacement of sugar lost in repackaging.* Application for evidences covering sugar lost by retail and wholesale establishments in packaging sugar must be made to DO where establishment is registered.	DO.
3d Rev. RO 3 6.8 (b), (c) 11 F. R. 134	*Destroyed, mutilated, or stolen stamps and coupons.* If a stamp or coupon held by a registering unit or an industrial or institutional user establishment is lost, destroyed, stolen, or becomes invalid because of mutilation, the person entitled to such stamp or coupon may apply for evidences in the weight value equal to that of the replaced stamp or coupon. Application shall be made to DO where registering unit or establishment is registered. If a coupon held by a consumer is lost, destroyed, or stolen, he may apply for replacement. Application shall be made by consumer, an adult member of his family unit or an authorized agent at DO for place where consumer lives.	DO.
3d Rev. RO 3 7.2 (a) 11 F. R. 5506	*Issuance of Sugar Ration Books to released federal prisoners.* DO which serves the area where the federal, penal or correctional institution is located will process applications for Sugar Ration Books for persons about to leave the institution. Inmates to be released will fill out application forms furnished the institution by DO and such applications will be returned to DO by official of institution 30 days before the release.	DO.
3d Rev. RO 3 7.2 (a) 11 F. R. 5506	*Issuance of Sugar Ration Books to released prisoners of state institutions.* Same procedure as above may be used by state penal institutions. Requests from other than Federal institutions to use this procedure are to be forwarded by DO or RO to NO.	NO.
3d Rev. RO 3 7.3 (a) 11 F. R. 5506	*Application for a ration book.* Application for a Sugar Ration Book shall be made at DO having jurisdiction over the place where applicant lives, or at any other place designated by NO.	DO.
3d Rev. RO 3 7.5 (a) 11 F. R. 134	*Sugar Ration Books for imported laborers.* Any Federal Government Agency which brings laborers into the U. S. for sole purpose of performing agricultural or other labor, may issue a Sugar Ration Book to each such laborer and may issue a Sugar Ration Book as a replacement to any such person whose book has been lost, stolen, destroyed, mutilated, or is wrongfully withheld.	All Federal Government Agencies that import laborers into U. S. to perform agricultural or other labor.
3d Rev. RO 3 7.6 (a) 11 F. R. 134	*Sugar Ration Books for law enforcement or investigatory government agencies.* A Sugar Ration Book may be issued to any law enforcement or investigatory agency of the U. S., or of any state or local government, for the use of such agencies, and for distribution to and use by their officers, agents or employees in the performance of official duties. Any such government agency may apply to DO for place where its principal business office is located.	DO.
3d Rev. RO 3 7.8 (a) 11 F. R. 134	*Application for replacement of a ration book that is mutilated, lost, destroyed, stolen, or wrongfully withheld.* An application for replacement of ration book for acquisition of sugar shall be made to DO having jurisdiction to act upon an original application for the issuance of the ration book sought to be replaced or returned.	DO.
3d Rev. RO 3 8.8 (b) 11 F. R. 134	*Notice required by registered industrial user who delivers sugar or ration evidences for industrial use under provisions of 8.8.* Transferror and transferee must give DO with which transferor is registered at least 2 weeks notice in advance of any delivery of sugar or ration evidences under this section. Provided, however, that DO with which the transferor is registered may authorize deliveries to be made in a period of less than 2 weeks after the notice is given if it is satisfied that the provisions of this section will be complied with.	DO.
3d Rev. RO 3 9.1 (a) 11 F. R. 134	*Servicemen on leave or furlough or who eat occasionally at certain places may get coupons or other ration evidences to acquire sugar.* Application must be filed with nearest DO in the state to which the ration evidences are to be mailed.	DO.
3d Rev. RO 3 9.2 (a) 11 F. R. 134	*Temporary sugar rations for persons other than serviceman.* Application may be filed at any DO	DO.
3d Rev. RO 3 10.1 (d) 11 F. R. 134	*Sugar Imports.* Applications for authorization to take sugar from the Collector of Customs must be made to NO by the registering unit or industrial or institutional user.	NO.
3d Rev. RO 3 12.3 (a) 11 F. R. 134	*Evidences may be obtained to acquire sugar for export.* Any person who desires to export sugar to any foreign country or to any territory or possession of the United States (other than District of Columbia) may apply to the DO for the place where his business is located if the export is to be made in the course of his business; otherwise, to the DO for the place where applicant lives.	DO.
3d Rev. RO 3 12.5 (a) 11 F. R. 134	*A person who has not received an advance may obtain replacement.* A registered retailer, wholesaler, primary distributor, who exported sugar and who did not receive evidences for the sugar may apply to DO where he is rgistered for evidences covering the sugar exported.	DO.
3d Rev. RO 3 12.7 11 F. R. 134	*DO's may be authorized to grant evidences for exports not covered by provisions of 3d Rev. RO 3.* NO may authorize DO's to grant evidences for exports not covered by 3d Rev. RO 3.	DO.
3d Rev. RO 3 13.2 (a) 11 F. R. 134	*Industrial users may obtain replacement of sugar used in products acquired by designated agencies.* Last industrial user using sugar in the products acquired by the agencies or activities in question may apply for replacement. In case of doubt as to who was the last industrial user, the persons claiming to be the last industrial user must select one of them to make the application on behalf of all. Application shall be made to the designated agency; except that applications for replacement of sugar used in products acquired by a naval vessel or naval activity of the United Nations (other than US), or by the Navy, Army and Air Forces Institutes (of Great Britain), must be made to the Commandant of US Naval District or River Command in which applicant has his principal office or place of business. Applications for replacement of sugar used in products acquired by the India Supply Mission must be made to Headquarters, Army Exchange Service, New York, N. Y.	Designated Agencies (13.1 (a)).
3d Rev. RO 3 13.5a 11 F. R. 177	*Application for loan on termination of contracts.* Industrial users who used sugar in manufacturing products for designated agency pursuant to contract which was terminated or cancelled and such products were not acquired by designated agency due to termination or cancellation, may apply to DO where registered for loan equalto amount of sugar used in such products, or additional allotment equal to all or part of sugar so used.	Do.
3d Rev. RO 3 13.6 (a) 11 F. R. 134	*Industrial users may obtain an advance.* An industrial user may obtain in advance amount of sugar which he must use in manufacturing products to be acquired by a designated agency or an agency or activity specified in 13.2 (a). Application shall be made to designated agency; except that applications for advances of sugar to be used in products to be acquired by a naval vessel or naval activity of the United Nations (other than US), or by Navy, Army and Air Forces Institutes (of Great Britain) must be made to Commandant of US Naval District or River Command in which applicant has his principal office or place of business.	Designated Agency (13.1 (a)); Designated Activity (13.2 (a)).
3d Rev. RO 3 13.11 (c) 11 F. R. 177	*Application for repayment or cancellation.* Where industrial user used all or part of an advance in products which were not acquired by the designated agency due to termination or cancellation of contract or order on or after Sept. 17, 1945, he may apply to DO where registered for permission to repay such charge or for cancellation of all or part of excess inventory charge.	Do.
3d Rev. RO 3 14.6 (a) 11 F. R. 134	*Deliveries of sugar to certain persons and agencies.* A registering unit may deliver sugar to the Panama Canal, Civil Aeronautics Authority, National Advisory Committee for Aeronautics, and Office of Scientific Research and Development without getting evidences. If evidences were not received, registering unit may apply to DO where registered for a check covering amount of sugar delivered.	DO.
3d Rev. RO 3 14.10 11 F. R. 134	*Investigatory agencies.* Any investigatory or enforcement agency of the US or of a State or local Government which requires deliveries of sugar for performance of its functions may apply for evidences to DO for place where the agency's principal business office is located.	DO.

Regulation, section, and Federal Register citation	Title and authority delegated	Office delegated authority
3d Rev. RO 3 15.1 (b) 11 F. R. 9353	*Opening or reopening a bank account.* On and after August 30, 1946, to open or reopen an account at any bank a person must apply to DO with which he is registered for permission to open such account.	DO.
3d Rev. RO 3 15.9 (c) 11 F. R. 134	*Disputes over bank balances.* A depositor who has brought to the attention of his bank within time specified an objection to bank's record of his balance or account may, within 20 days after making the objection, write DO where registered a letter stating the facts. DO will then decide dispute.	DO.
3d Rev. RO 3 16.1 (a) 11 F. R. 134	*New or unregistered retailer or wholesaler establishment desiring sugar.* Any person desiring sugar for an unregistered wholesale or retail establishment may petition DO for place at which the principal business office of the establishment is or will be located for registration and assignment to such establishment of an allowable inventory.	DO.
3d Rev. RO 3 16.2 (a) 11 F. R. 134	*New establishments or ineligible industrial user establishments desiring sugar.* Any person desiring sugar for an industrial user establishment not eligible for registration under any other provision of 3d Rev. RO 3, may petition for registration and assignment to him of a base, allotment, or provisional allowance. In the following cases the petition shall be filed with the DO authorized to keep the files of industrial users for the place where petitioner's industrial user establishment is, or will be, located: a. Petitioner does not have a registered establishment and petition covers only one establishment. b. Petitioner has more than one establishment which are registered separately. c. Petitioner has one establishment already registered and he wishes to register the ineligible establishment separately. (If petitioner desires to register more than one establishment and desires to register them separately, a separate petition should be filed for each such establishment). In the following cases the petition shall be filed with the DO authorized to keep the files of industrial users for the place where petitioner's principal office is, or will be located: a. Petition covers more than one establishment and the petitioner desires to register such establishments together. b. Petitioner has more than one establishment already registered and they are registered together. c. Petitioner has one establishment already registered and wishes to register the ineligible establishment with it.	Where petitioner wishes to use sugar for experimental, educational or testing purposes, DO is authorized to make decision. In all other cases DO shall send file to NO for decision or take such other action as NO authorizes or directs.
3d Rev. RO 3 17.1 (a) 11 F. R. 2276	*Applications may be made for adjustment.* Any registering unit or industrial user which needs an adjustment in its inventory or allotments (or other relief) may apply to DO with which registered. DO shall send file to NO for decision or take such other action as the NO may authorize or direct. Office or officer indicated is authorized to act in following cases or directed to forward case to RO or NO for decision: a. Permanent increases in allowable inventory of retailers. 1. A retailer may apply for a permanent increase in allowable inventory. Application must be filed at DO with which he is registered.	District Director is authorized to act. If unable to make a decision, file must be forwarded to Regional Administrator for decision.
	2. A permanent increase may be granted in allowable inventory of a retailer to cover warehousing functions of warehouse establishments that are included in, and serving retail outlets in, the same registering unit. Application must be filed at DO where retailer is registered.	DO.
	3. A retailer or wholesaler who regularly delivers food stuffs directly to ships for use on board, and who holds a valid and effective license under War Food Administration Regulation 3, may obtain a temporary increase in his allowable inventory in addition to other temporary increases. Application must be filed at DO where applicant is registered.	DO.
	b. Replacement of advance ration deposits covering certain unfilled orders of sugar. A registered retailer, industrial user, or institutional user who surrendered valid checks, stamps or coupons to his supplier in anticipation of future deliveries of sugar may, if his supplier closes his establishment with respect to sugar operations and fails to deliver the sugar or return the ration evidence, apply for evidences in the weight value equal to that of the undelivered sugar. Application must be made to DO with which applicant is registered.	DO.
	Temporary emergency adjustments. The Regional Administrator has authority to grant temporary emergency adjustments to industrial users whose applications must be decided by NO. This authority is to be invoked only when the industrial user would suffer irreparable injury as a result of the time required by NO in reaching a decision. Regional Administrator may make such an emergency adjustment for a period not exceeding one month. He must immediately forward the application file and notify NO of his action. This authority applies also to institutional users.	RO.
	DO has authority to deny any industrial user application for which there is no written policy. If, however, there is a legitimate basis for favorable consideration, application must be referred to NO, via the RO, for decision. The following applications, together with the registration files, must be referred by DO to NO, via the RO, for decision: a. Application by a new industrial user to register and obtain allotments, or by a registered industrial user to obtain additional allotments, for making a medicine (for human beings or animals) which is medically accepted or which medical experts believe should be produced.	NO.
	b. Application by a new industrial user to register and obtain allotments, or a registered industrial user to obtain additional allotments, for production of essential products, e. g. sugar for aircraft glue or insecticides.	NO.
	c. Application by a new industrial user to register and obtain allotments, or a registered industrial user to obtain additional allotments, to be used as a substitute for an unrationed ingredient in his product, where the unrationed ingredient, formerly used by him, is now unavailable or cannot now be used.	NO.
	d. Application by a registered industrial user to shift his use of sugar from one class of products or uses to another where circumstances beyond his control prevent him from continuing to make products or uses of the former class.	NO.
	e. Application for provisional allowances based on prerationing formula. DO cannot compute provisional allowance for an applicant who did not make his product before rationing. In such cases the NO will set the quantity of sugar the applicant may use per unit of production, and will authorize the DO to grant provisional allowances to the user for that particular quantity of sugar per unit.	NO.
	DO has unrestricted authority to decide the following applications: a. Application by a new industrial user to register and obtain allotments of sugar, or a registered industrial user to obtain additional allotments, for home economics classes.	DO.
	b. Application by a new industrial user to register and establish bases, or a registered industrial user to obtain additional allotments to produce preparations he needs to prevent substantial damage to his crops from insects.	DO.
	c. Application by an industrial user for an adjustment of his base so that his base-period use for each quarter will be one-fourth of his annual base-period use.	DO.
	d. Application for adjustment of excess inventory charged to an industrial user resulting from overissuance of ration evidences to him, where he acted in reliance on the amount of the issuance without knowing that it was excessive and would suffer great hardship were no adjustment made.	DO.
	e. Application by a new industrial user to register if he wants sugar for the purposes for which provisional allowances are granted. After he is registered, applicant may apply for provisional allowances. If he will make a product for which a fixed amount of sugar per unit of production is set out in 3d Rev. RO 3, DO will act. If applicant will make a product for which a provisional allowance is determined according to amount of sugar he used in producing it in the past, the newly registered user's first application for a provisional allowance must be referred to national office. Exception: In the case of canned or bottled fruits, authority is delegated to DO to establish 1941 usage on a "per case" basis for new users. DO is also authorized to use same procedure for handling applications for increases in base usage per case for new canners whose base usage was established on the basis of Table IV, Supp. No. 1, to 3d Rev. RO 3 during 1945.	DO.
	f. Application by a new industrial user to register and obtain allotments of sugar, or a registered industrial user who operates a school to obtain additional allotments, to operate a bakery training school.	DO.
3d Rev. RO 3 17–1 (b) 11 F. R. 2276	Application by industrial users for adjustments in base-period use or allotments. An industrial user may apply for an adjustment in his base use or allotment if (a) fire, flood, strike or similar catastrophe or other circumstance affected his operation during period from Jan. 1, 1942, to Jan. 1, 1942, and caused his use of sugar during that year to be less than it would otherwise have been; (b) or he invested, before April 20, 1942, in productive equipment (or facilities) which had not been installed in his plant available for use until after Jan. 1, 1941. Application must be filed at DO where industrial user is registered. DO shall send application file to RO for decision if DO is in Regions I, II, III, IV, VI, VIII. If DO is in Region V or VII, DO shall send application file, via RO, to NO for decision, provided, however, that DO's are authorized to deny applications that fail to meet the conditions of eligibility.	RO for Regions I, II, III, IV, VI, VIII; NO for all others.
3d Rev. RO 3 17.2 (a) 11 F. R. 134	*Adjustments for lost, destroyed, stolen, or damaged sugar.* A registering unit or an industrial or institutional user may apply to the DO for the place where applicant is registered.	DO.

Regulation, section, and Federal Register citation	Title and authority delegated	Office delegated authority
3d Rev. RO 3 17.3 (a) 11 F. R. 134	*Certain persons who used sugar-containing products may apply for a base or an adjustment in base.* A person who used a sugar-containing product in the production (or manufacture) of other products, other than those he used in the preparation of food which he serves to his customers, or in service of food to consumers, may apply for a sugar base, or an adjustment in his base period use, if (a) fire, flood, strike or similar catastrophe or other circumstance affected his operation during the period from Jan. 1, 1941, to Jan. 1, 1942, and caused his use of such sugar-containing product during that year to be less than it would otherwise have been; or he invested, before April 20, 1942, in productive equipment for the use of sugar-containing products which had not been installed in his plant available for use until after Jan. 1, 1941. Application must be filed at: 1. DO for place where industrial user establishment is registered if the petition is for an adjustment in base of a registered industrial user establishment. 2. DO authorized to keep the files of industrial users for place where petitioner's establishment is located if he does not have a registered establishment and the petition covers only one establishment; or petitioner has one establishment already registered and he wishes to register the ineligible establishment separately. (If petitioner desires to register more than one establishment and desires to register them separately, a separate petition should be filed for each such establishment.) 3. DO authorized to keep the files of industrial users for the place where petitioner's principal office is located if: a. The petition covers more than one establishment and the petitioner desires to register such establishments together; or b. If he has more than one establishment already registered and they are registered together; or c. If he has one establishment already registered and wishes to register the ineligible establishment with it. DO may not act on the application filed but must send it to RO for decision; provided, however, that DO's are authorized to deny applications that fail to meet the conditions of eligibility.	RO.
3d Rev. RO 3 17.5 (a) 11 F. R. 5952	Certain industrial users may apply for an adjustment in base Industrial users who produced jams, jellies, preserves, marmalades or fruit butters may apply, in writing, to DO for place where registered, for a new or adjusted base for such use. DO's shall approve applications only where OPA Form R-310 is in DO files and where all provisional allowance reports covering 1944 have been submitted. All other applications must be forwarded through RO to NO for decision.	DO.
3d Rev. RO 3 18.1 (a) 11 F. R. 134	*Moving establishment to another place.* Industrial user who has several establishments registered together and wishes to move all or part of the business of one or more of them to a new place must apply for permission to do so to DO with which he is registered.	DO.
3d Rev. RO 3 18.3 (b) (c) (d) 11 F. R. 134	*When the entire industrial user establishment is transferred.* Transferee may not use any sugar transferred with the establishment unless he receives an allotment. Application for an allotment must be made to DO for place where the establishment is registered. Same rule applies to sale of an entire chain and sale of part of a chain.	DO.
3d Rev. RO 3 18.3 (d) (2) 11 F. R. 134	*When seller or transferor has more than one industrial user establishment, which he registered together, and sells or transfers one or more, but not all of them.* Transferor must apply to DO with which he is registered for a redetermination of his allotment and base-period use.	DO.
3d Rev. RO 3 18.3 (e) (1) (2) 11 F. R. 134	*Sale of part of the business of an establishment.* When part, but not all, of the business of an industrial user establishment is transferred, transferee must apply for an allotment and assignment of a base-period use to DO with which transferee will register his establishment. Transferor must also apply to DO with which he registered for a redetermination of his allotment and base-period use.	DO.
3d Rev. RO 3 18.3 (1) 11 F. R. 134	*Where transferee is not assigned a base, transferor may apply for the reassignment of the base to him.* If DO refuses to assign an allotment or base-period use to a transferee, the transferor may apply to DO with which he is registered for reassignment to him his base-period use and allotments.	DO.
3d Rev. RO 3 18.4 (b) 11 F. R. 134	*New allowable inventory for a registering unit.* The owner of a wholesaler or retailer registering unit who acquires another such establishment may apply to DO if he desires to obtain a new allowable inventory for the registering unit because of the addition of such establishment.	DO.
3d Rev. RO 3 18.7 (a) 11 F. R. 134	*An industrial user may transfer all or part of his base.* An industrial user and his customer may apply for the transfer to the customer of all or part of the industrial user's base period use which is allocable to products manufactured by the industrial user during the base period and delivered to the customer, whether or not the industrial user transfers any part of his business to the customer. A joint application must be made to DO for place where customer's principal place of business is or will be located.	DO.
3d Rev. RO 3 19.1 (a) 11 F. R. 134	*Provisional allowance for pickled and cured fish, shell-fish and poultry products.* An industrial user may apply at DO with which he is registered for a provisional allowance of sugar for these purposes.	DO.
3d Rev. RO 3 19.2 (a) 11 F. R. 134	*Provisional allowance for curing, processing, or packing meat.* An industrial user may apply at DO with which he is registered for a provisional allowance fo sugar to cure, process, or pack any meat products listed in Table I of Supp. No. 1 to 3rd Rev. RO 3.	DO.
3d Rev. RO 3 19.3 (a) 11 F. R. 134	*Provisional allowance for producing frozen fruit.* An industrial user may apply at DO with which he is registered for a provisional allowance of sugar to produce the kinds and container sizes of frozen fruit listed in Supp. No. 1 to 3rd Rev. RO 3.	DO.
3d Rev. RO 3 19.4 (a) 11 F. R. 134	*Provisional allowances for canned, frozen, bottled or dehydrated cooked beans.* An industrial user may apply at DO with which he is registered for a provisional allowance of sugar for canned, frozen, bottled or dehydrated cooked beans.	DO.
3d Rev RO 3 19.5 (a) 11 F. R. 134	*Provisional allowance for canned and bottled fruit juices.* An industrial user may apply at DO with which he is registered for a provisional allowance of sugar for canning and bottling fruit juices.	DO.
3d Rev RO 3 19.6 (a) 11 F. R. 134	*Provisional allowance for making soup.* An industrial user may apply at DO with which he is registered for a provisional allowance of sugar to manufacture canned or bottled soup.	DO.
3d Rev RO 3 19.7 (a) 11 F. R. 134	*Provisional allowance for making tomato catsup and chili sauce.* An industrial user may apply at DO with which he is registered for a provisional allowance of sugar to make tomato catsup and chili sauce.	DO.
3d Rev 19.8 (a) 11 F. R. 134	*Provisional allowance for manufacturing condensed milk in containers over one gallon.* An industrial user may apply for a provisional allowance of sugar to manufacture condensed milk to be packaged in containers holding more than one gallon. Industrial user must send the original of the application to NO and shall file a duplicate with DO with which he is registered.	NO.
3d Rev RO 3 19.9 (a) 11 F. R. 134	*Provisional allowance for producing canned and bottled Vegetables.* An industrial user may apply at DO with which he is registered for a provisional allowance of sugar to can or bottle the vegetables listed in Table III of Supp. No. 1 to 3rd Rev. R. O. 3.	DO.
3d Rev RO 3 19.10 (a) 11 F. R. 134	*Provisional allowance for canned and bottled fruit.* An industrial user may apply at DO with which he is registered for a provisional allowance of sugar for canning and bottling fruit.	DO.
3d Rev. RO 3 19.12 (a) 11 F. R. 8219	*Provisional allowance may be denied if required reports are not submitted.* DO or NO may, in its discretion, deny any application for a provisional allowance if the reports which are required to be filed have not been filed by applicant.	DO and NO.
3d Rev. RO 3 20.1 (a) 11 F. R. 532	*Zones.* The Director of the Sugar Rationing Division of NO may issue orders establishing zones, and except as otherwise authorized by the Director, or in 3d Rev. R. O. 3, no person shall deliver, ship, or transfer sugar from a zone to a point outside such zone, and no person shall accept such delivery, shipment, or transfer.	Director of Sugar Rationing Division.
3d RO 3 21.2 (a) 11 F. R. 3153	*Application to replace counterfeit stamps or coupons received by a registering unit from another registering unit.* A registering unit or a primary distributor whose ration bank account has been debited because it has received from another registering unit, for sugar, counterfeit stamps or coupons and which is unable to collect in replacement valid evidence from such registering unit, although it has made reasonable and bona fide efforts to do so, may apply to DO with which registered for ration evidences in amount of the debit.	DO.
3d Rev. RO 3 22.3 (a) 11 F. R. 134	*Deliveries of sugar by industrial users.* An industrial user who has received a provisional allowance may apply to DO where he is registered for permission to deliver sugar in the original unopened packages of a primary distributor if at the time he makes application he does not expect to use any sugar in the next four months and the amount to be delivered does not exceed the unused part of his provisional allowance for the preceding period.	DO.
3d Rev. RO 3 22.16 (a) 11 F. R. 1784	*Administrative exceptions.* Any person seeking relief from a ration order for which no provision is made in the order may apply to Deputy Administrator for Price Department of NO for relief. Application for relief must set forth circumstances thought to warrant such relief, reasons why applicant believes granting of relief in his case and all like cases would not defeat or impair effectiveness or policy of the ration order involved.	Deputy Administrator of Price Department of NO.
3d Rev RO 3 22.17 (a) 11 F. R. 1784 11 F. R. 1784	*Emergency power of Regional Administrator.* A Regional Administrator who finds that an emergency exists in any area in his region due to occurrence or imminence of a public disaster (such as flood, fire or tornado) may, with the approval of the Director of Sugar Ration Division, declare a public emergency exists in such area. The Regional Administrator is then authorized to take such action with respect to sugar rationing as he deems necessary or advisable to meet or alleviate such emergency. The authority of the Regional Administrator shall continue until he (or the Director of the Sugar Rationing Division) decides that the state of public emergency has ceased.	Regional Administrator.
GRO 5.3 (b) 11 F. R. 116	*Allotments for Institutional Users (other than group 1).* Application for allotments for Institutional Users (other than group 1) are to be made to DO during first 15 days of each allotment period.	DO.

Regulation, section, and Federal Register citation	Title and authority delegated	Office delegated authority
GRO 5 5.4 (a) 11 F. R. 116	*Future Allotments.* Institutional users handicapped by transportation difficulties or unusually long distances from markets may apply to DO for future allotments when they apply for current allotments.	DO.
GRO 5 7.8 (c) 11 F. R. 116	*Allotments for group IV users who feed employees on floating craft.* Application for allotments to feed such employees shall be made by this establishment to the DO.	DO.
GRO 5 7.9 11 F. R. 1296	*Allotmetns for group IV users who formerly received special allotments.* Group IV users who formerly received special allotments for feeding heavy workers and isolated workers shall apply to DO for regular allotments.	DO.
GRO 5 7.10 11 F. R. 8217	*Isolated group IV users feeding loggers.* Isolated group IV users who feed loggers in logging camps may apply to DO for special allotment of sugar.	DO.
GRO 5 10.1 11 F. R. 116	*Seasonal users.* Seasonal users are institutional users and may apply to DO for allotment	DO.
GRO 5 10.2 (b) 11 F. R. 116	*Seasonal users liquidation of inventory.* A seasonal user (other than group I institutional user) who liquidates his inventory at end of season shall turn in to DO. ration currency received by him and notify DO of name and address of transferee of business.	DO.
GRO 5 10.3 11 F. R. 116	*Group I seasonal user.* A group I seasonal user who must obtain sugar before persons who eat at his establishment arrive may apply to DO for ration coupons.	DO.
GRO 5 11.6 11 F. R. 116	*Supplemental allotments for increase in meal services.* Institutional user who because of increased meal service needs more sugar may apply to D. O. for supplemental allotment.	DO.
GRO 5 11.6 11 F. R. 116	*Supplemental allotments for hospitals.* An institutional user who operates a hospital or other establishment engaged in care of sick may apply to D. O. for supplemental allotments needed to care for or treat patients.	DO.
GRO 5 12.1 11 F. R. 116	*Emergency allotments.* Emergency allotments may be obtained to meet public emergencies by any institutional user or other persons who feed or are to feed persons who require assistance by applying to the District Office.	DO.
GRO 5 12.2 11 F. R. 116	*Petitions for adjustment or other relief.* (a) The District Office is authorized to act on the following petitions: (1) State Guardsmen. Organizations of state Guardsmen on active duty or about to be called to active duty may apply for allotments in addition to regular allotments.	DO.
	(2) New Recreation and Welfare Establishments for servicemen. New Establishments for Recreation and welfare of servicemen may apply to District Office for meal service base.	DO.
	(3) Refreshment allotments to serve servicemen. Group III users desiring refreshment allotments for the recreation and welfare of Servicemen may apply to District Office for refreshment base.	DO.
	(4) Refreshment adjustments. Institutional user who invested in equipment prior to March 1, 1944 may apply for adjustment in base.	DO.
	(5) Erroneous or unauthorized action. Institutional user who receives excessive allotment due to his error or error of District office may apply to District office for correction.	DO.
	(6) Failure to apply for allotments within Specified period. Institutional user may file late application for allotment if good cause for delay is shown.	DO.
	(7) Changes in Registration. Institutional user may file application to District office for change in Registration	DO.
	(8) Change of Unrepresentative base month. Where users base month was unrepresentative due to disruption of business he may apply to District office for change in base month.	DO.
	(9) Allotment increases in New Registration of Group III Establishments serving food free of charge. Institutional users who serve food in connection with Religious observances, welfare and recreation of servicemen, feeding persons in distress and Red Cross blood donors may apply to District office for a base allotment or an increase in allotment.	DO.
	(10) Reserve allotment for Fire Fighters. Institutional user feeding fire fighters may be granted Reserve allotment	DO.
	(11) Refreshment base for person who has not registered or reregistered. Person who operated establishment serving refreshments in 1941 and did not register such establishment may apply to District Office for Refreshment base.	DO.
	(b) Petitions for loans. Petitions for loans (bail out) may be made to the District office. The District office will forward them to the Regional Office for decision.	RO.
	(c) Other Relief. All other petitions for relief shall be forwarded to the National office	NO.
GRO 5 12.3 11 F. R. 116	*Petitions for Refreshment bases or adjustment for Group IV, V or VI users.* A group IV, V, VI, user may apply to District Office for Refreshment base or adjustment in base if such relief is necessary to meet nutritional requirements of workers.	DO.
GRO 5 13.1 11 F. R. 116	*New Group I Establishments.* A person desiring to operate a new Group I Establishment must first register it with District office.	DO.
GRO 5 13.2 11 F. R. 116	*New Group II Establishments Register Separately.* New user opening new Group II establishment must register it with District Office. User who opens additional establishments and whose other Group II establishments are registered separately must register it separately with District Office.	DO.
GRO 5 13.3 11 F. R. 116	*New Group III, IV, V, and VI establishments which are registered separately.* Persons opening new Group III, IV, V and VI establishments must apply to D–O giving all information requested on forms.	DO.
GRO 5 13.4 11 F. R. 116	*Combined Registration of New Institutional User.* Person opening new institutional user establishment other than Group I who wishes to register it with other establishments must notify District Office.	DO.
GRO 5 13.6 11 F. R. 116	*Occasional Users.* Occasional users of sugar must apply to D. O. for allotment	DO.
GRO 5 15.4 11 F. R. 116	*Transfer of Sugar.* Institutional user (other than Group I user) wishing to sellor transfer any of his excess invento y of sugar must apply to D. O. for permission to do so.	DO.
GRO 5 15.5 11 F. R. 116	*Sugar Acquired Without Surrendering Evidence.* Any institutional user who acquires sugar for which he does not give ration currency and for which he is not required to account by any provision of a ration order, must report to District Office such acquisition and amount acquired.	DO.
GRO 5 16.4 11 F. R. 116	*Closing of Bank Accounts for Overdrafts.* An institutional user who has overdrawn his bank account will be notified by District Office to repay such overdraft within a specified period of time. If the institutional user does not repay the overdraft within the time specified by the District Office, such office may instruct the bank to close such user's account.	DO.
GRO 5 18.2 (d) 11 F. R. 116	*Records.* (1) Every institutional user required to keep records and who uses one of the methods of record keeping specified by Section 18.2 (c) of GRO 5, must notify DO of method used.	DO.
GRO 5 18.2 (e) 11 F. R. 116	(2) Institutional user desiring to use own method of record keeping must apply to DO for permission. District Office shall forward application to National Office and National Office will rule on application.	DO.
GRO 5 24.3 11 F. R. 116	*Institutional Users who Cease Serving Military and Naval Personnel.* Institutional Users who cease serving military and naval personnel must notify District Office.	DO.
GRO 5 25.2 11 F. R. 116	*Temporary Employees.* Person who feeds employees less than 60 days may apply to District Office for sugar	DO.
GRO 5 5.2 11 F. R. 116	*Imported Labor.* Person who is to feed employees brought into U. S. may apply to District Office for sugar	DO.
GRO 5 26.2 11 F. R. 2511	*Home Canning and Preserving for Other Than Group I Institutional Users.* (1) Institutional User (other than group I User) may apply to District Office for allotment of sugar for canning fruits and fruit juices or for preserving if canning is to be done in the kitchen or a place like a kitchen. (2) Government or Government agency may apply for sugar to be used for canning and preserving in its Group II or eleemosynary or educational Group III, V, or VI establishments.	DO.
GRO 5 27.1 11 F. R. 116	*Sale or Transfer of Group I Establishment.* Transferor and transferee must jointly notify District Office where establishment is registered of proposed sale or transfer of establishment.	DO.
GRO 5 27.2 11 F. R. 116	*Sale or transfer of other Institutional User Establishments.* Transferor and Transferee must jointly notify District Office at which establishment is registered of such proposed sale.	DO.

Regulation, section, and Federal Register citation	Title and authority delegated	Office delegated authority
GRO 5 27.3 11 F. R. 116	*Sale or transfer of Chain Establishments.* Transferor and Transferee must jointly notify District Office where establishments are registered of such proposed sale.	DO.
GRO 5 28.1 and 28.2 and 28.3 11 F. R. 116	*Closing of Institutional User Establishments.* Institutional User who goes out of business must notify District Office	DO.
29.1 11 F. R. 116	*Adjustment for Group VI User feeding School Children.* A Group VI user who operates an establishment at a school may apply to D. O. for adjustment in base if he needs more sugar because of change in the character of his operations.	DO.
REV GRO 18 1.2 11 F. R. 7580	*New Business.* Veteran who wishes to open an industrial user establishment or to get a base for refreshment services or a combination of both must apply to District Office for the place where his establishment will be located.	DO.
REV GRO 18 1.4g (1) & (2) 11 F. R. 7580	*Exceptions to 1.4 (e) & (f), REV. GRO 18.* Veteran may obtain incidental refreshment base for a restaurant, drug store; sweet pickle base for pickle making business; sugar base for making chocolate milk at his dairy. Application must be filed with District Office for the place where his establishment is located.	DO for incidental refreshment base for restaurant or drug store. If sweet pickle base, sugar base for making chocolate milk at his dairy, or other type of business. No rules on application.
REV GRO 18 1.5 (1) 11 F. R. 7580	*Products or uses veteran wishes to make not included in Sch. I, Supp. 1 to Rev. Gen. RO 18 and industrial user's ice cream base.* Application must be filed with District Office for place where establishment will be located and District Office must send it to National Office for decision or take such other action as National Office authorizes or directs.	NO.
REV GRO 18 1.5 (2) 11 F. R. 7580	*Refreshment services veteran wishes to make not included in Sch. II, Supp. 1 to Rev. GRO 18.* Application must be filed with District Office for place where establishment will be located and District Office must send it to National Office for decision or take such other action as National Office authorizes or directs.	NO.
REV GRO 18 1.6 (c) 11 F. R. 7580	*Reinstatement of base.* Where base is revoked under 1.6 (a) (1) or (2), veteran may apply to DO where he is registered for reinstatement of his base.	DO.
REV GRO 18 2.1 (a) 11 F. R. 7580	*Adjusted industrial and institutional user bases.* Veteran who has a sugar base for industrial user or refreshment services not obtained under Rev. GRO 18 may apply for adjustment if base is less than would be granted under Rev. GRO 18. Application must be filed with DO for place where he is registered.	DO.
REV GRO 18 2.2 (a) 11 F. R. 7580	*Adjustment as result of increased maximum bases.* Where a maximum base in Rev. GRO 18 has been increased, veteran who had received previous maximum base may apply to DO where he is registered for adjustment.	DO.
REV GRO 18 3.1 (a), 3.4 11 F. R. 7580	*Veterans who were industrial and institutional users may apply for former bases.* Where veteran was sole owner of establishment, or if a Corp., he owned more than 50% of voting stock, application must be filed with DO for place where his establishment will be located. (Note 3.1 (b) below).	DO.
REV GRO 18 3.1 (b), 3.4 11 F. R. 7580	*Veterans who were industrial and institutional users may apply for former base.* Where veterans' interest in former establishment was substantial but he was not sole owner nor owned more than 50% of voting stock of Corp., application must be filed with DO for place where establishment will be located and DO must send it to NO for decision.	NO.
REV GRO 18 3.2 11 F. R. 7580	*Veteran may apply for more than one establishment.* Application must be filed with DO for place where establishment will be located.	DO.
REV GRO 18 3.5 (a) 11 F. R. 7580	*Merger of bases.* Veteran may apply to DO for place where establishment will be located to merge bases obtained under Rev. GRO 18 with base or bases obtained by another veteran who had substantial interest in establishment applicant designated in his application and for which he obtained a base or bases.	DO.
REV GRO 18 4.2 (a) 11 F. R. 7580	*Moving of establishment.* To move an establishment which has been granted a base or an adjustment in base, veteran must apply to DO which granted the base.	DO.

§ 1305.2503 *Rent.* At the discretion of the rent director and with the approval of the district director and the regional rent executive, area rent representatives, assigned to branch offices and rent stations, may be vested with authority to issue formal orders for and on behalf of the rent director. Authority is given in writing, signed by the rent director. Area rent representatives located in the following branch offices or rent stations have been given this authority:

Region 1. Boston. None.

Region 2. New York. Salisbury, Md.; Asbury Park, N. J.; Geneva, N. Y.; Ithaca, N. Y.

Region 3. Cleveland. None.

Region 4. Atlanta. Selma, Ala.; St. Augustine, Fla.; Lake City, Fla.; Sanford, Fla.; Melbourne, Fla.; Crestview, Fla.; St. Petersburg, Fla.; Albany, Ga.; Vicksburg, Miss.; Elizabeth City, N. C.; High Point, N. C.; Hickory, N. C.; Beaufort, S. C.; Georgetown, S. C.; Columbia, Tenn.; Dyersburg, Tenn.; Radford, Va.; Strasburg, Va.; Covington, Va.; Front Royal, Va.

Region 5. Dallas. Rolla, Mo.; Jefferson City, Mo.; Stillwater, Okla.; Enid, Okla.; Lafayette, La.

Region 6. Chicago. Galesburg, Ill.; Bloomington, Ill.; Mattoon, Ill.; Decatur, Ill.; Racine, Wis.; Appleton, Wis.; Manitowoc, Wis.; Grand Forks, N. Dak.; Brainerd, Minn.; St. Cloud, Minn.; St. Paul, Minn.; Mankato, Minn.; Winona, Minn.; Aberdeen, S. Dak.; Watertown, S. Dak.; Ottumwa, Iowa.

Region 7. Denver. None.

Region 8. San Francisco. Long Beach, Calif.; Santa Ana, Calif.; Pasadena, Calif.; El Centro, Calif.; Susanville, Calif.; Hollister, Calif.; Corvallis, Oreg.; Klamath Falls, Oreg.; Roseburg, Oreg.; Astoria, Oreg.; Tillamook, Oreg.; Medford, Oreg.; Pendleton, Oreg.; Bremerton, Wash.; Olympia, Wash.; Shelton, Wash.; Everett, Wash.

§ 1305.2504 *Delegations to territorial offices.* Delegations are made by order of the administrator of region IX or are made under territorial regulations and orders.

Regulation or order	Nature of authority delegated	To whom delegated
General Order 39 7 F. R. 10500	Sign, issue, modify and amend maximum price regulations and statements of considerations applicable in Territory of Hawaii.	Hawaii director.
MPR 136, sec. 1390.25a (now sec. 29, RMPR 136) 10 F. R. 3197	Adjust maximum prices under sec. 21	Puerto Rico director.
RMPR 251, sec. 8 (b) and (c) 9 F. R. 10200	Adjust maximum prices under special circumstances and according to standards provided in sec. 8 (b) and (c).	Alaska director.
RMPR 341, sec. 9 (d) 8 F. R. 11176	Establish maximum prices for used vehicles under special circumstances and according to procedure in sec. 9 (d).	Do.
All regulations applicable in Alaska	Blanket delegation to adjust, revise, approve, disapprove, determine, or establish maximum prices and pricing methods under any regulation or order conferring such authority on Regional Administrator and authority to subdelegate.	Do.
RMPR 165, sec. 24 9 F. R. 7439	Establish, approve, disapprove, correct, or adjust maximum prices under sec. 4, 5, 6, 10, 12, 16 (a), (b), and 17 of RMPR 165.	All territorial directors.
MPR 586, sec. 4 (a) 10 F. R. 5797	To adjust maximum charges pursuant to sec. 8 and exercise any other function or authority conferred on regional administrator by the regulation.	Do.
MPR 429, sec. 9 8 F. R. 9877	To fix dollars-and-cents ceiling prices as provided in sec. 9	Puerto Rico director.
Revised Procedural Regulation 7 7 F. R. 4779	Adjust maximum prices under any regulation applicable in territories in accordance with limited standards (local shortage) provided in sec. 2 (b).	All territorial directors.
RMPR 194 10 F. R. 2176	Approve, disapprove and establish maximum prices for sellers who cannot use self-pricing provisions (sec. 6).	Alaska director.
	Establish maximum prices for sellers who fail to comply with record-keeping or filing provisions (sec. 15).	
	Adjust maximum prices in accordance with specified standards (sec. 16).	
	Reduce maximum price of any seller if price is abnormally high in relation to maximum prices established for similar sellers (sec. 18 (b)).	

Regulation or order	Nature of authority delegated	To whom delegated
RMPR 288 10 F. R. 5909	Adjust maximum prices when necessary to correct error or prevent hardship under special circumstances, and establish prices for items similar to those under regulation (sec. 5). Adjust maximum prices of any bituminous producer in accordance with specified standards (sec. 43 (c)) and establish specific prices for locally produced bituminous coal for which no specific maximum prices otherwise established (sec. 43 (d)).	Alaska director.
Order A–1 under RMPR 194 10 F. R. 9598	Adjust maximum prices for nationally advertised garments under specified conditions (sec. 8)	Do.
Order A–3 under RMPR 194 11 F. R. 472	Approve or establish maximum prices for articles received by seller without pre-ticketed domestic ceiling price (sec. 3 (b)).	Do.
RMPR 373 10 F. R. 6646	Adjust maximum prices in accordance with specified standards (sec. 9) Approve, disapprove, revise, and establish maximum prices for any seller who cannot otherwise price under regulation (sec. 10).	Hawaii director.
GMPR for Hawaii 8 F. R. 5307	Approve, disapprove, or revise maximum prices reported, proposed or established under sec. 3; adjust maximum prices in accordance with standards under sec. 18.	Do.
SR 2 to Hawaii GMPR 11 F. R. 3258	Approve revised prices determined under sec. 6	Do.
Territorial Consumer Goods Regulation 1, 10 F. R. 4911	Approve, disapprove, revise or establish maximum prices under sec. 2.2 Approve or disapprove maximum retail prices for nationally advertised articles (sec. 2.3). Approve maximum prices for assorted job lot merchandise (sec. 2.5); establish maximum prices for certain goods purchased at lower than manufacturer's maximum price (sec. 2.6); permit adjustable pricing (sec. 3.7); adjust maximum prices in accordance with specified standards (sec. 3.9).	Do.
Territorial Consumer Goods Regulation 1, Supp. 1 10 F. R. 4915	Approve or disapprove proposed maximum price under sec. 5	Do.
Restaurant MPR 9–1 9 F. R. 2478	Exempt private clubs from operation of regulation (sec. 16 (g)) Act on petitions for amendment and applications for adjustment (sec. 18). Issue special orders establishing, reducing or adjusting maximum prices (sec. 17).	Do.
General Order 71 11 F. R. 4490	To fix community dollar-and-cent prices	Do.
2d Revised Maximum Price Regulation 183 10 F. R. 7635	Establish maximum prices for commodities comparable to those priced under regulation (sec. 1.2 (c)); authorize adjustable pricing (sec. 1.6); adjust maximum in accordance with specified standards (sec. 1.13); adjust or revise maximum prices by interim order where exigency of case requires it (sec. 1.13a); authorize to sell textile products at prices fixed in price maintenance contract with manufacturer prior to April 1942 (sec. 11.1 (b) (7)).	Puerto Rico Director.
Restaurant MPR 9–2 10 F. R. 8613	Exempt private clubs from operation of regulation (sec. 14 (a) (5)); issue special orders establishing specific ceilings (sec. 16).	Do.
RMPR 395 10 F. R. 5941	Adjust maximum prices in accordance with specified standards (sec. 9); establish maximum prices for seller who cannot determine prices in accordance with established pricing method (sec. 9a (a)); adjust or revise maximum prices by interim order where exigency of case requires it (sec. 9a (b)); approve nationally advertised retail prices under certain conditions (sec. 42, 43, 44, 45).	Virgin Islands director.
Restriction Order 17—Rice in Puerto Rico 11 F. R. 3597	Issue purchase certificates and adjust base quantities	Price control boards.
Restriction Order 17—Rice in Puerto Rico 11 F. R. 3597	Assign and adjust quotas; approve or disapprove Board's action on issuance or refusal to issue purchase certificates; authorize insular government to acquire rice needed for insular institutions; make exceptions to provisions of order.	Puerto Rico director.

SUBPART N—RECORDS

§ 1305.2550 *Public Reports.* Applications, registrations, petitions, filings, and other reports are submitted by the public as required by OPA regulations and orders or by virtue of statutory authority granted the Administrator to collect information for purposes of carrying out the agency's responsibilities.

(a) Records in this category covering price, accounting, and rationing data have been included in an Inventory of Economic Data, compiled by the agency and available for inspection at the office of the Records Branch, f. o. b. No. 1, Washington, D. C. Applications for specific bodies of data included in the Inventory, or for summaries and tabulations of data, should be submitted to the Office of the Secretary.

(b) Application for inspection of rent records should be made to the Rent Director of the area office where the desired records are filed.

(c) Disclosure of information contained in these records is subject to the provisions of sec. 202 (h) of the Emergency Price Control Act of 1942, as amended, and paragraph 4, Title III of the Second War Powers Act. Control and custody of these records and disclosure of information contained therein are covered by the provisions of General Order 55 (9 FR 3820).

§ 1305.2551 *Documents issued by the Office of Price Administration.* Maximum price regulations, procedural regulations, supplementary regulations, orders, supplementary orders, rent regulations and rent declarations and designations are issued by the Office of Price Administration and are not confidential. Copies of published documents may be obtained from the nearest OPA district office or from the Public Request Section, f. o. b. No. 1, Washington, D. C. Other orders issued pursuant to price, rationing, and rent regulations, and suspension orders issued pursuant to Revised Procedural Regulation 4 (32 CFR, Cum. Supp., 1300.151–1300.181), are available for inspection in the Office of the Secretary, or, in the case of field orders, the regional, district, or area rent office having authority for issuance.

§ 1305.2552. *Formal proceedings.* Transcripts of testimony in Boards of Review proceedings, conducted pursuant to Revised Procedural Regulations 1 and 3 (32 CFR, Cum. Supp., 1300.1–1300.61, and 1300.201–1300.253), are on file in the Office of the Secretary and are available for public inspection. Transcripts of testimony of hearings conducted pursuant to Revised Procedural Regulation 4 (32 CFR, Cum. Supp, 1300.151–1300.181) 467 (Procedure for Issuance of Rationing Suspension Orders and Determinations of Violations) are made in appeal cases and, while available to the parties in the action, are not available for public inspection. Transcripts of meetings of Industry Advisory Committees, held pursuant to Revised Procedural Regulation 13 (32 CFR, 1943 Supp., 1300.1001–1300.1008), are available to committee members and interested officials in OPA and other agencies but are not available for public inspection.

SEPTEMBER 3, 1946.

PAUL A. PORTER,
Administrator.

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PART 1305—ADMINISTRATION

Sec.
1305.2600 Substantive rules.
1305.2601 General policy.
1305.2602 Interpretations.

§ 1305.2600 *Substantive rules.* Substantive rules issued by the Office of Price Administration are codified in the FEDERAL REGISTER under Title 32, Parts 1300 through 1499.

§ 1305.2601 *General policy.* Statements of general policy issued by the Office of Price Administration are: (a) Statements of consideration, accompanying price regulations and amendments; (b) rationales, accompanying ration orders and amendments; and (c) statements to accompany rent regulations and amendments. These will be published following the substantive rules in the FEDERAL REGISTER.

§ 1305.2602 *Interpretations.* Official interpretations of general applicability will be published following the substantive rules in the Federal Register.

SEPT. 3, 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46—15804; Filed, Sept. 4, 1946; 9:19 a. m.]

OFFICE OF SCIENTIFIC RESEARCH AND DEVELOPMENT

[32 CFR, Ch. XVII]

PART 1900—ORGANIZATION

Sec.
1900.1 Creation.
1900.2 Function.
1900.3 Principal subdivision.
1900.4 Delegations of authority.
1900.5 Ratification.

§ 1900.1 *Creation.* The Office of Scientific Research and Development was established by Executive Order No. 8807, June 28, 1941 (amended by Executive Order No. 9389, October 18, 1943), within the Office for Emergency Management, Executive Office of the President. Its purposes were to serve as the center for mobilization of the scientific personnel and resources of the Nation for defense purposes, to initiate and support scientific research on mechanisms of warfare and medical problems affecting the National Defense, and to fulfill other purposes set forth in said Executive order as amended.

§ 1900.2 *Function.* (a) A description of the OSRD organization and principal delegations of authority is set forth in §§ 1900.3 to 1900.4 (Administrative Order No. 4, as amended). Pursuant to section 5 (xi) of said Administrative Order No. 4, as amended, authority has been delegated by the Executive Secretary to Mr. R. C. Bowker to authorize disposition to OSRD contractors of (1) personal property of which the cost of any item or group of similar items was not in excess of Five Thousand Dollars ($5,000.00), and (2) improvements to their premises of which the cost of all such improvements at any one location was not in excess of Five Thousand Dollars ($5,000.00) all within the policies established by the Office of Price Administration, the Civilian Production Administration or the War Assets Administration to the extent applicable.

(b) OSRD has terminated its research and development activities. Its functions during the fiscal year 1947, are limited to those incidental to liquidation of the office and reporting its wartime activities, and the certification for deferment of certain classes of scientific personnel in accordance with National Headquarters Selective Service System Local Board Memoranda No. 115 as amended August 12, 1946, and 115–M as amended January 2, 1946.

(c) All inquiries with respect to any aspect of OSRD functions should be addressed to the Executive Secretary, Office of Scientific Research and Development, 1424 16th Street, NW., Washington 25, D. C.

§ 1900.3 *Principal subdivisions.* The principal subdivisions of the Office of Scientific Research and Development shall be:

(a) *The National Defense Research Committee,* created by section 7 of Executive Order No. 8807, the duties of which shall be to advise and assist the Director as specified in Section 7, and to supervise the performance of research in its designated field.

(b) *The Committee on Medical Research,* created by section 8 of Executive Order No. 8807, the duties of which shall be to advise and assist the Director as specified in section 8, and to supervise the performance of research in its designated field.

(c) *The Administrative Office,* at the head of which shall be an Executive Secretary appointed by the Director. Under the general supervision and direction of the Director and subject to the provisions of Section 10 of Executive Order No. 8807, the Administrative Office shall have charge of the administrative affairs and records of the Office of Scientific Research and Development.

(d) *The Liaison Office,* at the head of which shall be a Senior Liaison Officer appointed by the Director. Under the general supervision and direction of the Director, the Liaison Office shall conduct scientific liaison with countries the defense of which the President has deemed vital to the defense of the United States under the terms of the Act of March 11, 1941, as amended, entitled "An Act to Promote the Defense of the United States," especially the interchange of scientific and technical information through the media of conferences, personal visits and the transmission of memoranda, reports and samples.

(e) *The Scientific Personnel Office,* the head of which shall be appointed by the Director. Under the general supervision and direction of the Director and subject to the directives and regulations of the Chairman of the War Manpower Commission, the Scientific Personnel Office shall have charge of administering the duties as set forth in Section 2.b. of Executive Order No. 8807 with respect to scientific personnel utilized in developing and applying to war purposes the scientific research and development sponsored by the Office of Scientific Research and Development. Principal among such duties shall be (1) handling the relationships between the Office of Scientific Research and Development and other governmental agencies with respect to scientific personnel, and (2) dealing with the problems relating to scientific personnel employed by or associated with the Office of Scientific Research and Development or its contractors, particularly problems in connection with policies and procedures relating to the evaluation, training, allocation, compensation and requests for deferment by the Selective Service System of such scientific personnel.

(f) *The Office of Field Service,* at the head of which shall be a Chief appointed by the Director. Under the general supervision and direction of the Director, the Office of Field Service shall direct, supervise and coordinate the rendering by the Office of Scientific Research and Development or its contractors to the Armed Services of the United States and its Allies of certain field services designed to (1) make the most effective possible use of developments by the United States or its Allies on mechanisms or devices of warfare or in military medicine, and (2) minimize the effectiveness of any such developments made by the enemy, especially those in combat use. Principal among such services shall be operational research, field engineering, the organization and operation of laboratories established in military fields of operation, the work of ad hoc committees or missions for special study of field problems, the analysis of information contained in reports or derived from consultations concerning scientific problems arising in connection with military combat operations, and, subject to the policies fixed by the Scientific Personnel Office, the employment and training of personnel needed for such activities.

§ 1900.4 *Delegations of authority.* (a) Subject to all the limitations and restrictions applicable to the acts of the Director, the Chairman of the National Defense Research Committee is authorized (1) to discharge all duties and to exercise all powers of the Director during the absence or disability of the Director, (2) to discharge such duties and to exercise such powers of the Director in the field of the National Defense Research Committee designated by section 7 of Executive Order 8807, as amended, as may be delegated to him from time to time by the Director, and (3) to delegate any power or duty of the Chairman except the powers and duties set forth in subparagraph (1) of this paragraph to such assistant as he may delegate with the approval of the Director.

(b) Subject to all limitations and restrictions applicable to acts of the Director, the Chairman of the Committee on Medical Research is authorized: (1) to discharge such duties and exercise such powers of the Director in the field of the Committee on Medical Research designated by Section 8 of Executive Order No. 8807, as may be delegated to him from time to time by the Director, and (2) to delegate any power or duty of the Chairman to such assistant as he may designate with the approval of the Director.

(c) Subject to all the limitations and restrictions applicable to the acts of the Director and under the general supervision and direction of the Director, the Executive Secretary is authorized (1) to negotiate and enter into contracts and supplements, amendments, modifications or extensions of contracts, heretofore or hereafter made in connection with the functions of the Office of Scientific Research and Development and its officers, (2) to approve or disapprove the form, terms, and/or conditions of subcontracts under prime contracts of the Office of Scientific Research and Development, (3) to incur and release such obligations and to settle such contract claims as may be necessary to accomplish such functions: *Provided,* That settlement of all contract or subcontract termination claims in excess of $25,000 shall be subject to the approval of the Office of Scientific Research and Development Contract Settlement Review Board, (4) to authorize Office of Scientific Research and Development contractors to settle with subcontractors termination claims not exceeding $10,000, without further review by the Government whenever the

reliability of the contractor, the amount or nature of the claim, or other reasons appear to justify such action, (5) to issue such regulations as the Executive Secretary deems necessary to carry out the policies, principles, methods, procedures, and standards prescribed by the Contract Settlement Act of 1944 and the regulations issued thereunder by the Director of the Office of Contract Settlement, (6) to review and approve or disapprove in accordance with the requirements of the General Accounting Office vouchers submitted under contracts and all other types of vouchers, (7) to authorize or approve travel, use of extra-fare trains, superior Pullman accommodations, and seats in sleeping or parlor cars for trips of two hours duration or less, and certify long distance telephone calls in connection with such functions, (8) acting as Contracting Officer of the Office of Scientific Research and Development to designate as his "authorized representatives" under contracts the appropriate officials, employees, or appointees of the Office of Scientific Research and Development or officials, employees, or appointees of other Government agencies who have been detailed to the Office of Scientific Research and Development, (9) to exercise the powers and duties vested in the Director and/or the Office of Research and Development by Appropriation Acts applicable to the Office of Scientific Research and Development, the Surplus Property Act of 1944, the Contract Settlement Act of 1944, Executive Order No. 9218, and all other applicable laws concerning acquisition, use and disposition of property, (10) to effect transfers and retransfers of funds, and (11) to delegate any power or duty of the Executive Secretary hereof to such official of the OSRD as he may designate with the approval of the Director.

(d) Subject to all limitations and restrictions applicable to acts of the Director and under the general supervision and direction of the Director, the Senior Liaison Officer is authorized: (1) to conduct scientific liaison with countries the defense of which the President has deemed vital to the defense of the United States under the terms of the Act of March 11, 1941, as amended, entitled "An Act to Promote the Defense of the United States," especially the interchange of scientific and technical information through the media of conferences, reports and the transmission of memoranda, reports and samples, and (2) to delegate any power or duty of the Senior Liaison Officer to such assistant as he may designate with the approval of the Director.

(e) Subject to all limitations and restrictions applicable to acts of the Director and under the general supervision and direction of the Director, the head of the Scientific Personnel Office is authorized: (1) to administer the duties set forth in § 1900.3 (e), and (2) to delegate any power or duty of said head to such assistant as he may designate with the approval of the Director.

(f) Subject to all limitations and restrictions applicable to acts of the Director and under the general supervision and direction of the Director, the Chief of the Office of Field Service is authorized: (1) to administer the duties set forth in § 1900.2 (f), and (2) to delegate any power or duty of said Chief to such assistant as he may designate with the approval of the Director.

(g) There is hereby established in the Office of the Director, the position of Deputy Director of the Office of Scientific Research and Development. The Deputy Director is authorized to (1) discharge all duties and to exercise all powers of the Director during the absence or disability of the Director and of the Chairman of the National Defense Research Committee, and (2) perform such other functions and duties as may from time to time be assigned or delegated to him by the Director.

1900.5 *Ratification.* Acts heretofore performed consistent with the procedure authorized in this Administrative Order are approved, ratified and confirmed.

PAUL A. SCHERER,
Acting Director.

[F. R. Doc. 46-15798; Filed, Sept. 3, 1946; 3:19 p. m.]

PRICE DECONTROL BOARD

NOTE: The material submitted by the Price Decontrol Board appears in a later section of this issue.

OFFICE OF WAR MOBILIZATION AND RECONVERSION

NOTE: The material submitted by the Office of War Mobilization and Reconversion appears in a later section of this issue.

RAILROAD RETIREMENT BOARD

[20 CFR, Ch. II]

PART 200—ORGANIZATION AND PROCEDURES

Sec.

200.1 General statement.
200.2 Central organization.
200.3 Field organization.
200.4 Delegations by the Board of final authority.
200.5 Where the public may secure information or make submittals or requests.
200.6 The general course and method by which the Board's functions are channeled and determined.
200.7 Description of forms and instructions.
200.8 Substantive rules and statements of general policy or interpretations of the Board.
200.9 Availability for public inspection of final opinions and orders.
200.10 Availability for inspection of matters of official record.

§ 200.1 *General statement.* The Railroad Retirement Board, an independent agency in the executive branch of the Government of the United States, is charged with the administration of the Railroad Retirement Acts of 1935 and 1937 and the Railroad Unemployment Insurance Act. The Retirement Acts provide for retirement and death benefit payments for persons employed in the railroad industry and for certain survivors. For the purpose of financing the retirement system, the Railroad Retirement Tax Act lays pay-roll taxes, collected by the Bureau of Internal Revenue, upon employers and their employees. The Railroad Unemployment Insurance Act has the same coverage and provides for the payment of unemployment, sickness, and maternity benefits. Contributions for that purpose, levied on the employers, are collected by the Board.

§ 200.2 *Central organization.* (a) The Railroad Retirement Board is composed of three members appointed for terms of five years by the President with the advice and consent of the Senate. One is appointed upon recommendation of representatives of organizations of the employers, another upon recommendation of representatives of the organizations of the employees, and the third, the chairman, without recommendation by either employers or employees.

(b) The Board's headquarters are located at 844 Rush Street, Chicago 11, Illinois, where the Board holds its meetings. Its organization in the main is divided into staff offices and operating bureaus. The Office of the Director of Research, the Office of the General Counsel, the Office of the General Auditor and the Office of Liaison Activities are staff offices. The Regional Offices, the Bureaus of Retirement Claims, Employment and Claims, and Wage and Service Records are operating bureaus. Both the staff offices and the operating bureaus are under the direction of the Chief Executive Officer, who has under him also the Office of Administrative Planning and Analysis, the Office of Director of Finance, the Office of Supply and Service, the Office of Director of Personnel, and administratively, the Appeals Council. The Secretary of the Board is responsible to the Board itself. Three actuaries who constitute the Actuarial Advisory Committee, are not on the Board's regular pay roll, but function as consultants.

§ 200.3 *Field organization.* The Board's organization in the field is under the general supervision of the Chief Executive Officer and is divided into nine regions, each under a regional director. The regional offices are located at Atlanta, Georgia; New York City, New York; Cleveland, Ohio; Chicago, Illinois; Dallas, Texas; Kansas City, Missouri; Minneapolis, Minnesota; Denver, Colorado, and San Francisco, California. The organization in each region consists of a regional office section and a field service section. The former is under the direction of a regional adjudicator and the latter of a regional field supervisor. Within each region and under the supervision of the regional field supervisor are district offices, branch offices and base points. Below is a list of all the various field offices, shown by states. Generally, these offices are open Mondays through Fridays, and some, where it has been found to be in the interest of the public, operate six days of the week.

State	City	Street address	Region
Alabama	Birmingham	No. 8 N. 19th St	Atlanta.
Alabama	Montgomery (5)	410 Montgomery St	Atlanta.
Arizona	Tucson	151 N. Stone Ave	San Francisco.
Arizona	Winslow	119 E. Second St	Denver.
Arkansas	Little Rock	511 Louisiana St	Kansas City.
California	Los Angeles (15)	Insurance Exchange Bldg., 906 S. Olive.	San Francisco.
California	Sacramento (14)	California Fruit Bldg., 1006 4th St.	San Francisco.
California	San Francisco (3)	833 Market St	(1).
California	San Francisco (3)	Chronicle Publishing Bldg., 925 Mission St.	San Francisco.
Colorado	Denver (2)	1706 Welton St	(1).
Colorado	Grand Junction	Electric Bldg., Room 214	Denver.
Colorado	Pueblo	Union Station	Denver.
Connecticut	New Haven (10)	242 Orange St	New York.
District of Columbia.	Washington (25)	Barr Bldg., Room 1031, 910 17th St. NW.	
Florida	Jacksonville (2)	16 S. Laura St	Atlanta.
Florida	Tampa	604 Jackson St	Atlanta.
Georgia	Atlanta (3)	32 Peachtree, Room 611	(1).
Georgia	Atlanta (3)	42 Broad St. NW	Atlanta.
Georgia	Savannah	Arcade Bldg., 105 E. Bay St.	Atlanta.
Idaho	Pocatello	325 W. Lewis St	Denver.
Illinois	Chicago (11)	844 Rush St., 10th floor	(1).
Illinois	Chicago (6)	302 S. Canal St	Chicago.
Illinois	Decatur	610 E. Eldorado St	Chicago.
Illinois	East St. Louis	507 Missouri Ave	Chicago.
Indiana	Fort Wayne (2)	Post Office Bldg., Room 266	Chicago.
Indiana	Indianapolis (4)	41 E. Washington St	Chicago.
Iowa	Des Moines (9)	207 Federal Office Bldg	Chicago.
Kansas	Wichita	224 N. Market St	Kansas City.
Kentucky	Louisville (2)	413 W. Jefferson St	Cleveland.
Louisiana	New Orleans (12)	Queen and Crescent Bldg., Camp and Natchez Sts.	Dallas.
Louisiana	Shreveport	Room 421, U. S. Post Office	Dallas.
Maine	Portland (3)	312 Fore St	New York.
Maryland	Baltimore (2)	32 South St., Room 105–107	New York.
Massachusetts	Boston (9)	Room 1802, Post Office Bldg.	New York.
Massachusetts	Springfield	Post Office Bldg., 5th floor	New York.
Michigan	Detroit (26)	Cass Bldg., 449 W. Fort St	Cleveland.
Minnesota	Duluth	Providence Bldg., 334 W. Superior St.	Minneapolis.
Minnesota	Minneapolis (4)	123 E. Grant St	(1).
Minnesota	Minneapolis (1)	258 Marquette Ave	Minneapolis.
Minnesota	St. Paul	189 East 4th St	Minneapolis.
Mississippi	Jackson (28)	1200 N. State St	Atlanta.
Missouri	Kansas City (8)	30 Union Station Plaza	(1).
Missouri	Sedalia	523 S. Ohio St	Kansas City.
Missouri	St. Louis (1)	Old Post Office Bldg	Kansas City.
Montana	Missoula	109 W. Front St	Minneapolis.
Montana	Billings	15½ N. 28th St	Minneapolis.
Montana	Great Falls	1½ 3d St., South	Minneapolis.
Nebraska	Omaha	1222 Farnam St., Merchants National Bank Bldg.	Kansas City.
New Jersey	Jersey City (6)	577 Summit Ave	New York.
New Mexico	Albuquerque	313½ W. Gold Ave	Denver.
New Mexico	Gallup	107 S. 1st St	Denver.
New York	Albany (1)	19 Plaza (D & H Bldg.)	New York.
New York	Buffalo	Post Office Bldg., Rooms 333–334.	New York.
New York	New York (1)	341 9th Ave., Room 920	(1).
New York	New York (18)	110–114 W. 42d St	New York.
New York	Rochester (4)	16 Main St. West, Room 607	New York.
New York	Syracuse	116 S. Salina St., Room 503	New York.
North Carolina	Rocky Mount	Atlantic Coast Line Passenger Station.	Atlanta.
North Carolina	Salisbury	206 E. Council St	Atlanta.
North Dakota	Fargo	625 N. P. Ave	Minneapolis.
Ohio	Cincinnati (2)	1011 Vine St	Cleveland.
Ohio	Cleveland (13)	105 St. Clair Ave., W	Cleveland.
Ohio	Cleveland (13)	New Post Office Bldg., Room 4253.	(1).
Ohio	Columbus (15)	35 E. Gay St	Cleveland.
Ohio	Toledo (4)	Old Post Office Bldg., Room 19A.	Cleveland.
Ohio	Youngstown (3)	205 Youngstown Terminal Bldg.	Cleveland.
Oklahoma	Oklahoma City (2)	8–A South Robinson	Kansas City.
Oklahoma	Tulsa (3)	Union Station, 3 S. Boston St.	Kansas City.
Oregon	Portland	314 S. W. 9th Ave	San Francisco.
Pennsylvania	Altoona	Post Office Bldg., Room 304–A.	New York.
Pennsylvania	Harrisburg	104 N. Court St	New York.
Pennsylvania	Philadelphia (3)	1617 Pennsylvania Blvd	New York.
Pennsylvania	Pittsburgh (19)	3d Ave. and Grant St	Cleveland.
Pennsylvania	Scranton	331 N. Washington Ave	New York.
South Carolina	Columbia	1110 Taylor St	Atlanta.
South Dakota	Aberdeen	22½ S. Main St	Minneapolis.
Tennessee	Chattanooga (2)	119 W. 9th St	Atlanta.
Tennessee	Knoxville (17)	327 W. Depot St	Atlanta.
Tennessee	Memphis (3)	408 S. 2d St	Atlanta.
Tennessee	Nashville (3)	504 Deaderick St	Atlanta.
Texas	Amarillo	113–115 W. 5th St., Room 6	Dallas.
Texas	Dallas (2)	424 U. S. Terminal, Annex Bldg.	(1).
Texas	El Paso	345 First National Bank Bldg.	Dallas.
Texas	Fort Worth (2)	U. S. Courthouse Bldg	Dallas.
Texas	San Antonio	Federal Bldg., Room 401	Dallas.
Texas	Houston (2)	702 Preston Ave	Dallas.
Utah	Ogden	Post Office Bldg., Room 306	Denver.
Utah	Salt Lake City (1)	109 W. South Temple St	Denver.
Virginia	Richmond (19)	619 E. Franklin St	Atlanta.
Virginia	Roanoke	Norfolk and Western Passenger Station.	Atlanta.
Washington	Seattle (4)	816 1st Ave	San Francisco.
Washington	Spokane (8)	Union Station W., 402 Trent Ave.	San Francisco.
West Virginia	Huntington (1)	528 10th St	Cleveland.
Wisconsin	Milwaukee (3)	740 N. Plankinton	Chicago.
Wyoming	Cheyenne	321 W. 18th St	Denver.

[1] Designates regional office.

§ 200.4 *Delegations by the Board of Final Authority.* The Board itself retains authority to make the ultimate decisions within the agency on any question arising in the administration of the Acts. Organizationally, however, certain delegations of authority have been made among various bureaus and offices. The following functions, duties and responsibilities listed as delegated to each office or bureau are not all that an office or bureau may have, but are those in which the authority of the office or bureau is, or may become, final without specific Board approval.

(a) *Bureau of Retirement Claims.* The Bureau of Retirement Claims adjudicates claims for annuities and death benefits. Annuities are granted on the basis of age or disability and length of service. The Bureau has authority to decide, on the evidence, in accordance with the Board rules and regulations, the adequacy of any of the component requirements for retirement or death benefits, such as age, length of service, when the service was rendered, the fact of death, disability, and survivor qualifications; and to calculate the amount of the benefits which may be due and to authorize payment. Claims of physical disability are referred to a unit in the Bureau, the Disability Rating Board, which decides the medico-legal question involved.

(b) *Appeals Council.* The Appeals Council acts as an intermediate appellate body. An applicant for retirement or death benefits who is dissatisfied with the decision of the Bureau of Retirement Claims may appeal to the Appeals Council and there present his case either by written statement, by brief, in person, by representative or counsel, or any combination of these methods. The decision of the Appeals Council is final unless appealed to the Board itself.

(c) *Office of the General Counsel.* The Office of the General Counsel has authority to decide cases of employer coverage and employee status under the Acts, but only on a precedent which had been decided or approved by the Board itself. Such a decision by the General Counsel, if not appealed to the Board itself, is final and binding on all persons. The General Counsel represents the Board as its attorney generally and in litigation and there has such final authority as is usually held by an attorney for an agency of the United States Government.

(d) *Bureau of Employment and Claims.* The Bureau of Employment and Claims through the Regional Offices, receives and adjudicates, under the direction of the head of the Bureau, claims for unemployment benefits. Its decisions, unless appealed, are final.

§ 200.5 *Where the public may secure information or make submittals or requests.* The public may secure information or make submittals or requests at the headquarters office or at any of the regional and other field offices listed above, either in person or by mail. In general, however, time may be saved in securing information concerning unemployment insurance benefits by inquiring at the nearest field office; concerning retirement benefits, by inquiry to the Bureau of Retirement Claims, 844 Rush Street, Chicago 11, Illinois; concerning employer and employee coverage or any other legal questions, by inquiry to the Office of the General Counsel, 844 Rush Street, Chicago 11, Illinois; concerning the filing of wage and service reports, by inquiry to the Bureau of Wage and Service Records, 844 Rush Street, Chicago 11, Illinois; and concerning the payment of contributions, penalties and interest, by inquiry to the Office of the Director of Finance, 844 Rush Street, Chicago 11, Illinois.

Applications for unemployment insurance benefits, and for retirement and death benefits as well, may be submitted at the nearest field office, where help and advice in executing them may be had. All other forms, and help and advice in executing them or any other communication to the Board, are similarly available at all field offices or upon writing, or calling in person at, the headquarters offices in Chicago. Applications for unemployment insurance benefits may be filed also with a contract claims agent. There are some 30,000 such agents who have been designated by employers from among their employees, under contract with the Board. An unemployed person may inquire from his recent employer as to the claims agent with whom he may file a claim.

§ 200.6 *The general course and method by which the Board's functions are channeled and determined*—(a) *Retirement and death benefits.* Retirement and death benefits must be applied for by filing application therefor. (For details as to application, see Part 210 of this chapter.) The Bureau of Retirement Claims considers the application and the evidence and information submitted with it. Wage and service records maintained by the Board are checked and if necessary, further evidence is obtained from the employee, the employer, fellow employees, public records and any other person or source available. The Bureau makes a decision on the application in the first instance. An applicant dissatisfied with the Bureau's decision may, upon filing notice within one year from the date the decision is mailed to the applicant, appeal to the Appeals Council. There he may have an oral hearing, of which a stenographic record is made, submit additional evidence, be represented, and present written and oral argument. If dissatisfied with the decision of the Appeals Council, the applicant may appeal to the Board itself. This appeal must be made on a prescribed form within four months of the date a copy of the Appeals Council's decision was mailed to him. If new evidence is received, the Board may remand the case to the Appeals Council for investigation and recommendation on the new evidence. For details on all appeals procedure see §§ 260.1–260.4 of this chapter). An applicant after he has unsuccessfully appealed to the Board itself and has thus exhausted all administrative remedies within the Board, may obtain a review of a final decision of the Board by filing a petition for review within one year after the entry of the decision on the records of the Board and its communication to the unsuccessful applicant, in the United States circuit court of appeals for the circuit in which the applicant resides, or in the United States Circuit Court of Appeals for the Seventh Circuit, or in the Court of Appeals for the District of Columbia.

(b) *Unemployment insurance, sickness and maternity benefits.* Sickness and maternity benefits are provided for by the amendment of July 31, 1946, to the Railroad Unemployment Insurance Act but these provisions do not become effective until July 1, 1947. The course and method by which applications for such benefits are to be channeled and determined have not yet been established by the Board.

Claims for unemployment insurance benefits are handled by a comprehensive organization set up in the field. Under agreements between the Railroad Retirement Board and covered employers, the employers select employees of theirs to act as unemployment claims agents and as countersigning agents. These agents perform their services, specified in the agreement, in accordance with instructions issued by the Board but under general supervision and control of the employer. In accordance with the agreements, employers are reimbursed for such services at the rate of 50¢ for each claim taken by an unemployment claims agent and transmitted to the Board. There are some 30,000 such contract claims agents. An unemployed person who wishes to file a claim for benefits need only consult his recent employer to be directed to the agent with whom he may file his claim. In addition many field employees of the Railroad Retirement Board have been designated to take registrations and act as unemployment claims agents.

When an employee makes his first claim in any benefit year, he identifies himself and fills out an Application for Certificate of Benefit Rights (Form UI–1) and an Application for Employment Service (Form ES–1). The employee is given an Unemployment Bulletin No. UB–3 informing him of his responsibilities and explaining the statements to which he is required to certify and to which he certifies when he registers for benefits. When the applications are completed, the claims agent sends them to the regional office. On the basis of the information furnished on the application for Certificate of Benefit Rights, the regional office determines whether the applicant is a qualified employee (that is, whether he earned $150 or more from covered employment in the base year) and, if so, the maximum amount of benefits that may become payable to him during the benefit year. The applicant is notified of the determination by a Certificate of Benefit Rights (Form UI–2) if he is found to be qualified, or by letter if he is found to be not qualified. The Certificate of Benefit Rights furnishes to the qualified applicant information concerning his daily benefit rate, his maximum benefit amount, his benefit rights, and his responsibilities as a claimant. The field office uses the information furnished on the application for employment service to place the claimant in suitable employment.

In addition to the application for Certificate of Benefit Rights and an Application for Employment Service, the claimant executes, a Registration and Claim for Unemployment Insurance Benefits (Form UI–3). In substance the registration consists of his appearing before a claims agent during the agent's working hours, subscribing to statements of his qualifications for benefits on the Registration and Claim for Unemployment Insurance Benefits and signing his name on the form in respect to each day which he claims as a day of unemployment, on the day or not later than the fourth business day thereafter, or not later than the fifth business day thereafter if the day for which the employee registers is not a business day. In other words, counting Saturdays and Sundays as nonbusiness days, a claimant must appear for registration at intervals of not more than seven days. Under certain circumstances, such as illness, employment, looking for employment, etc., an employee may make a delayed registration in respect to any day for which he is unable to register within the time limit mentioned above. The unemployment claims agent sends the claim to his countersigning agent who examines the claim for completeness and consistency, enters such exceptions as he may find necessary, certifies by countersigning the claim that the unemployment claims agent who accepted the registrations was authorized to do so, and forwards the claim to the regional office. That office determines whether benefits are payable to the employee, and, if so, the amount of benefits payable. When the regional office finds that one or more days for which an employee has registered cannot be considered as days of unemployment, the employee is notified by letter. Claims on which benefits are payable are certified to the local disbursing office of the Treasury Department which mails a benefit check to the claimant. Ordinarily, within ten days after the end of the registration period, a claimant receives either a benefit check or a letter of explanation from the Board's regional office.

Any employee whose claim for benefits has been denied in whole or in part, may appeal from the initial determination, and such appeal will be heard before a referee or such other reviewing body as the Board may establish or assign. For further details of appeals procedure by claimants for benefits and for appeals procedure by employers, see part 319 of this chapter Any claimant, or any railway labor organization organized in accordance with the provisions of the Railway Labor Act, of which the claimant is a member, or any party aggrieved by a final decision pursuant to the Railroad Unemployment Insurance Act, may, only after all administrative remedies within the Board will have been availed of and exhausted, obtain a review of final decision of the Board by filing a petition for review within 90 days after the mailing of notice of such decision to the claimant or other party, or within such further time as the Board may allow, in the United States circuit court of appeals for the circuit in which the claimant or other party resides or will have had his principal place of business or principal executive office, or in the United States Circuit Court of Appeals for the Seventh Circuit, or in the Court of Appeals for the District of Columbia.

(c) *Current compensation and service records.* Current compensation and service records are maintained by the Bureau of Wage and Service Records. These records are obtained from reports made periodically on either a quarterly or annual basis by employers and em-

ployee representatives. General instructions in this regard may be found in part 250 of this chapter. Special instructions to employers and employee representatives are issued from time to time by the Director of Wage and Service Records.

(d) *Collection of contributions.* The Office of Director of Finance acts as the collecting agency of the Board in receiving contributions due under the Railroad Unemployment Insurance Act. Contributions are due quarterly and with the payment, the employer must file a report, Form DC–1, Employers Quarterly Report of Contributions. For further details see part 345 of this chapter.

(e) *Employment service.* Employers needing workers may avail themselves of the Board's employment service by making requests of any field office for referrals, in writing, on forms provided by the Board, or by telephone.

§ 200.7 *Description of Forms and Instructions.* Following are listed descriptions of forms and instructions as to the scope and contents of papers, reports, or examinations used in the Board's functioning. They may be secured upon application in person or by mail at any of the Board's offices.

(a) *Form AA–1, Application for annuity under the Railroad Retirement Act.* This form must be executed by each individual who wishes to file claim for an annuity under the Railroad Retirement Act. Information to be included on the form consists of data required to identify the employee on the records of the Board and on the employer's pay-roll or other records; statements as to whether or not credit for military service and disability are claimed; present employment status; and the date on which the individual wishes to have the annuity begin. Form AA–1 must be signed by the individual in accordance with § 210.4 of the Regulations of the Board (20 CFR 210.4).

(b) *Form AA–2P, Record of Employee's Prior Service.* This is a form requiring a statement of the employee's service and compensation prior to January 1, 1937 to be prepared by the employer from his records for each individual who on August 29, 1935 was an employee. The employer is also required to report on this form information concerning the employee's date of birth as shown on employer records and the employee's status on August 29, 1935.

(c) *Form AA–2 Sup., Supplemental Report of Employee Service.* This is a form requiring a statement by an employer of the compensation earned during a period after December 31, 1936, by an individual who has filed application for annuity for which an employer has not previously furnished a report in accordance with § 250.3 or § 250.6 of the Regulations of the Board (20 CFR 250.3, 250.6). Generally, the form is to be prepared only upon request by the Board.

(d) *Form AA–2P–BRO., Supplemental Data Concerning Occupation of Employee During Base Period (Board Request).* This is a form, to be completed by an employer, requiring a statement of an employee's occupations during each year of period for which compensation prior to January 1, 1937 is reported. Requested by the Board when data is required to supplement report furnished on AA–2P or AA–2P–Opt.

(e) *Form AA–2P–BRS., Supplemental Section 7 of Form AA–2P (Board Request.)* This is a form requiring a statement of compensation by an employer when employee's compensation initially reported by the employer for the period January 1, 1924 to December 31, 1931 is insufficient to permit a determination of monthly compensation for service prior to January 1, 1937.

(f) *Form AA–2P Opt., Optional Section 7 of Form AA–2P.* This form provides for statement of employee's compensation during the period 1924 through 1931 to be used in lieu of section 7 of Form AA–2P by employers whose pay rolls were prepared on a weekly basis during the period covered by report.

(g) *Form AA–2P–S, Supplemental Section 7 of Form AA–2P.* This form requires a statement of employee's compensation prior to January 1, 1937 to be initiated by an employer when the entire service claimed by the employee is with the originating employer and less than forty-eight months of service was performed during the period 1924–1931. Form is to be completed in accordance with "Instructions to Employees and Manual of Operation for Collection of Prior Service Records."

(h) *Form AA–11, Designation or Change of Beneficiary.* This is a form prescribed in accordance with § 235.2 of the Regulations of the Board (20 CFR 235.2) on which an individual who was an employee after December 31, 1936 may designate the person or persons whom he wishes to receive any death benefits and any annuity payments due but not paid at time of employee's death. The form is also to be used to change a designation of beneficiary made on a Form AA–11 previously filed with the Board. It must be signed by the individual and witnessed by two persons who are not designated on the form as beneficiaries.

(i) *Form AA–12, or AA–12a, Notice of Death and Statement of Compensation.* This form is for notice of death of an employee to be submitted by an employer as prescribed by § 250.2 of the Regulations (20 CFR Cum. Supp. 250.2). Form AA–12 is to be used by employers who render reports of employers' service and compensation required under § 250.3 of the Regulations on a quarterly basis (20 CFR Cum. Supp. 250.3); Form AA–12a is for employers making such reports annually. Each report must contain a statement of the compensation earned by the deceased for the period designated in Part IV of the "Regulations and Instructions to Employers."

(j) *Form AA–15, Employee's Statement of Compensated Service Rendered Prior to January 1, 1937 to Employers Under the Railroad Retirement Act of 1937.* This form is for a statement to be submitted by employees who wish to claim credit for service performed before 1937. In addition to information required to identify the employee on the records of the Board and employers' pay-roll records, space is also provided for inclusion of claim for credit for military service performed before 1937.

(k) *Form AA–16, Application for Benefits Under the Railroad Retirement Act of 1937 With Respect to the Death of an Employee.* This form is to be used in applying for any benefits due under the Railroad Retirement Act of 1937 with respect to the death of an employee.

(l) *Form AC–1, Appeal from Initial Decision of Bureau of Retirement Claims.* This is a form prescribed for filing of an appeal from an initial decision of the Bureau of Retirement Claims with respect to a determination made by that Bureau in connection with an application for annuity or death benefits in accordance with § 260.2 of the Regulations of the Board (20 C. F. R. 260.2).

(m) *Form AC–2, Appeal from Decision of the Appeals Council.* This is the form prescribed for filing appeal from a decision of the Appeals Council with respect to a determination made in connection with an application for annuity or death benefits in accordance with §§ 260.3 and 260.4 of the Regulations (20 C. F. R. 260.3–.4; 20 C. F. R. Cum. Supp. 260.3–.4).

(n) *Form AC–6, Appeal from Initial Determination as to Service and Compensation Prior to January 1, 1937.* This form is prescribed for filing an appeal to the Appeals Council from the initial decision of Bureau of Retirement Claims with respect to an individual's record of service or compensation prior to January 1, 1937 as established, or failure to establish such record, in the absence of an application for benefits under the Railroad Retirement Act based on such service.

(o) *Form AC–8, Appeal from Decision of the Appeals Council (Record of Prior Service).* This is the form for an individual's final appeal to the Board from any decision of the Appeals Council which was made in response to filing of Form AC–6.

(p) *Form BA–3, Report of Compensation of Employees for 3 Months Ended.* This is to be used by employers in reporting the compensation paid to each employee in each month in a calendar quarter as required to be submitted under § 250.3 of the Regulations of the Board (20 C. F. R. Cum. Supp. 250.3).

(q) *Form BA–3a, Annual Report of Creditable Compensation.* This is a form for reporting, by an employer, the compensation paid to each employee in each month of the year required to be submitted under § 250.3 of the Regulations of the Board (20 C. F. R. Cum. Supp. 250.3). It is to be prepared by employers authorized by the Board to report on an annual basis.

(r) *Form BA–4, Report of Compensation Adjustments.* This form is to be prepared and submitted each month by employers who report compensation quarterly and is to be used for reporting any adjustment in compensation which has been made by the employer and which would affect the amount of the employee's annuity or unemployment insurance benefits.

(s) *Form BA–4a, Report of Compensation Adjustments.* This form serves the same purpose as Form BA–4 but is prepared and submitted by employers au-

thorized to report compensation on an annual basis.

(t) *Form BA–5, Summary Report of Compensation of Employees.* Employers reporting compensation quarterly are also required to prepare and submit with Form BA–3 a statement, on this Form BA–5, a summary of all compensation paid and any adjustments made during the quarter.

(u) *Form BA–5a, Summary Report of Monthly Compensation Adjustments.* This form serves the same purpose as Form BA–5 and is prepared and submitted by employers reporting compensation on an annual basis.

(v) *Form BA–12, Advice of Multiple Account Numbers, Name and Birth Date Corrections.* This form is for a notice to be submitted to the Board by an employer when it is found that an employee has more than one social security account number, or that a correction should be made in an employee's name or birth date.

(w) *Form C–30, Authorization for Disclosure of Information Relating to an Applicant's Physical Condition.* Each applicant for a disability annuity is required to sign this statement which authorizes an employer to furnish to the Board any information pertaining to the applicant's physical condition that it may have in its files.

(x) *Form C–63, Release of Claims When No Executor or Administrator Has Been or Will Be Appointed.* This is for a statement of release to be executed by the creditor of a deceased employee's or his survivor's estate, when no executor or administrator has been or will be appointed, releasing any claim to benefits payable under the Railroad Retirement Act because of the death of the employee.

(y) *Form C–64, Affidavit to Accompany LQ–4.* This form is of an affidavit by an employer as to the correctness of information regarding individuals on the employer's pension or gratuity roll.

(z) *Form C–66, Authorization of Payment and Release of All Claims to Death Benefits and Annuity Payments.* This form is for a statement to be executed in certain cases by an individual entitled to a share of death benefits payable under the Railroad Retirement Act but who wishes to direct payments to another individual or individuals.

(aa) *Form CER–1, Employee Registration.* This form must be executed by each individual entering, for the first time, employment covered by the Railroad Retirement and Railroad Unemployment Insurance Acts and is to be forwarded to the Board either directly or through the employer. The identifying information included on this form is for the purpose of enabling the Board to establish an individual account to which service and compensation under the Acts may be credited.

(bb) *Form DC–1, Employer's Quarterly Report of Contributions Under the Railroad Unemployment Insurance Act.* This is a form prescribed by § 345.5 of the Regulations of the Board to be filed by employer under the Railroad Unemployment Insurance Act (20 C. F. R. Cum. Supp. 345.5).

(cc) *Form DC–2, Employee Representatives Report of Compensation.* This form is used for reporting employee representative service and compensation and is to be filed annually by an individual serving as an employee representative under the Railroad Retirement Act.

(dd) *Form DC–2a, Employee Representative's Status Report.* This form provides for a statement to be made at the request of the Board by an individual claiming credit for service under the Railroad Retirement Act as an employee representative to enable the Board to determine if the service is creditable under those Acts.

(ee) *Form G–60, Application for Benefits Upon Death of Employee, Applicant, or Annuitant.* This form is to be executed by an individual who wishes to apply for death benefits payable under the 1935 Act. It contains information necessary to identify the deceased employee on the records of the Board and shows relationship, if any, of applicant to deceased. This form is also used by legal representative applying for death benefits under 1937 Act in accordance with § 236.2 of the Regulations.

(ff) *Form G–70, Protest of Record of Service Months and Wages.* This form is to be used by an employee in protesting the Board's record of his service months and wages, unless he is applying for unemployment insurance benefits. This form provides for showing the employee's claim of the amount of wages he earned in each month of the year or years, the name of the employer from which they were earned, and the place of employment.

(gg) *Form G–86, Affidavit In Support of Employer Service for Which No Records Are Available.* This form is to be used by an individual who claims to have personal knowledge of all or part of an applicant's service which cannot be verified because employer records are missing.

(hh) *Form G–87, Exhibit In Support of Affidavit.* Each period of service covered by Form G–86 must be shown in detail on Form G–87.

(ii) *Form G–88, Certificate of Termination of Service and Relinquishment of Rights.* This is for the certification by an applicant for annuity that he has ceased working for an employer and has relinquished all rights to return to service of his last employer, whether or not covered by the Railroad Retirement Act. This certificate or a similar one must be executed and submitted to the Board before any annuity payments may be made to the applicant.

(jj) *Form G–89, Authority for Change of Effective Dates.* This is the form to be used by applicant authorizing a change in or clarifying his annuity beginning date. Also if an applicant cancels his application for annuity he is requested to submit Form G–89 when he wishes to reinstate his application. The form must be signed before and by two witnesses.

(kk) *Form G–93, Statement and Report of Health In Connection With Joint and Survivor Election.* Each applicant for annuity who elects a joint and survivor option must furnish the Board a statement of his health on Form G–93. In addition to the applicant's statement this form provides also for an examining physician's report of the applicant's physical condition.

(ll) *Form G–108, Request for Supplemental Service Information.* This form is furnished an annuity applicant for his convenience in claiming service which has been reported by the employer but not previously claimed or to furnish additional information for service previously claimed but not verified by the employer. Detailed information such as exact name of carrier, exact pay-roll name, for each such period of service is to be shown.

(mm) *Form G–124, Statement of Common-Law Marriage by Widow.* This is a form to be used in connection with an application for death benefits by a woman claiming to be the common-law wife of an employee.

(nn) *Form G–124a, Statement Regarding Marriage.* This form is for a statement by disinterested persons regarding a claimed common-law marriage.

(oo) *Form G–164, Report of Physical Examination.* This form is to be used in making a medical examiner's report of the physical examination of an applicant for a disability annuity. It is used also to report the continuance of the disability of an annuitant previously awarded a disability annuity.

(pp) *Form G–253, Employee's Authorization for Employers to Exchange Information Concerning His Monthly Earnings in Employment Subject to Railroad Retirement Acts.* This form is for an employee's authorization for employers to exchange information concerning his earnings when the combined monthly earnings exceed $300.

(qq) *Form G–327a—Request for Additional Information Concerning Deceased Employee.* This form is used to secure information when the original notice of the death of an employee does not contain sufficient information to identify the deceased individual on the Board's records.

(rr) *Form 469—Certificate of Guardian-in-Fact or Person in Loco Parentis.* Form to be used by a guardian-in-fact or a person in loco parentis of a minor with regard to an application of the minor for benefits and certifying that the benefits received would be used solely for necessities of the minor.

(ss) *Form G–661—Appeal From Decision Concerning Creditability of Service.* This form is prescribed for filing an appeal from an initial decision of the bureau of retirement claims with respect to a determination by that bureau that service claimed in connection with an application for annuity is not creditable because the employer is not covered by the Railroad Retirement Act.

(tt) *Form G–662a—Confirmation of Non-Receipt of Annuity Check.* This form is for an annuitant's certification that since reporting the loss or non-receipt of his check he has not yet received the check or that it has been received or found.

(uu) *Form EL–1—Letter Referring Applicant to Employer for Job Interview.* This is the form given to an applicant for Unemployment Insurance benefits referring him to an employer for work

and which is to be completed to show whether or not instructions were complied with and, if so, the action taken with respect to the opening.

(vv) *Form EL–2—Letter Referring Claimant to United States Employment Service for Employment.* This is the notice mailed to a claimant to report to United States Employment Service for employment service, the reverse side of which is to be completed to indicate whether or not the claimant reported as notified and, if so, whether or not he accepted employment to which he was referred. The completed form is to be returned to the Board office from which it was received.

(ww) *Form ES–1—Application for Employment Service.* This form is to be used by unemployed persons in applying for placement by the employment service.

(xx) *Form ES–19b—Referral Card.* This referral card is given to an applicant for employment service who is not a claimant for unemployment insurance benefits. It tells the applicant to report to a designated hiring official for work. The notice is to be left with the hiring officer who is requested to complete the card to show whether or which the applicant was hired and to return it to a designated Board office.

(yy) *Form ES–20b—Referral Card.* This is a referral card given to a claimant for unemployment insurance benefits. It tells him to report to a designated hiring official for work. The notice is to be left with the hiring office which is requested to complete the card to show whether or not the applicant was hired and to return it to a designated Board office.

(zz) *Form ES–21b—Referral Card—Railroad Retirement Board to United States Employment Service.* This is a referral card given to an applicant for unemployment insurance benefits instructing him to report to the United States Employment Service for employment service. The United States Employment Service is requested to complete the card to show that the individual reported as instructed and to return it to the Board office designated.

(aaa) *Form ES–107a—In Card.* This is a notice to an applicant for employment service to appear in person at a designated Board office to discuss possibility of referral to a job. This notice specifically states penalties for failure to comply with the instructions thereon.

(bbb) *Form ES–107b—Return Card.* This form is for a statement by an applicant for employment service as to why he did not comply with instructions on ES–107a. It is to be completed and returned to designated Board office only if claimant does not report for interview.

(ccc) *Form ES–110, Referral List.* This is to list the individuals instructed to report to employer for an interview on job opening. The reverse side is to be completed by the employer to indicate whether the individuals were hired and date they are to begin work or reason they were not hired and is to be returned to a designated Board office.

(ddd) *Form ID–9a—Employer's Report of Compensation Not Previously Reported.* This form is to be used by an employer to report compensation not previously reported to the Bureau of Wage and Service Records. This information is required in determining the benefit rights of an applicant for unemployment insurance benefits whose base year wages were earned in the employment of the employer.

(eee) *Form LQ–4, Report of Pensioner by Employer.* This requires a statement by the employer to prove an employee's eligibility for pension benefits.

(fff) *Form LQ–10, Report of Payment for Time Lost.* The form is for a statement of payments by the employer to the employee for time lost to aid in determining whether such payment may be included in the employee's compensation.

(ggg) *Form OE–1a, Pay Roll Report.* The form is for quarter-annual pay roll reports by local lodges and divisions of organizations of employees, broken down by months and showing deductions for purposes of the Railroad Retirement Tax Act.

(hhh) *Form OE–1b, Pay Roll Report.* This form is similar to Form OE–1a and is for completion by system, general and district organizations of employees and state and national legislative committees of such organizations.

(iii) *Form OE–1c, Pay Roll Report.* This form is similar to Form OE–1a except that it is for monthly reports.

(jjj) *Form OE–1d, Pay Roll Report.* This form is similar to Form OE–1b except that it is for monthly reports.

(kkk) *Form OE–4, Employee's Statement of Labor Organization and Military Service.* This requires a report by the employee of his covered labor organization and military service.

(lll) *OE–5, Service and Compensation Report by Labor Organization.* This requires a report from covered labor organizations of the service and compensation of its covered employees.

(mmm) *Form RL–13e, Certification of Retirement.* This provides for a certification required of a person receiving an annuity on the basis of physical disability who reaches the age of 65 years, that he is not in the service of any employer under the Railroad Retirement Act or of the person or company by whom he was employed last before his annuity began to accrue and that he has relinquished all rights to return to the service of such an employer or person or company.

(nnn) *Form RL–125 ,Notice of Probable Denial of Disability Claim and of Opportunity to Supply Additional Evidence.* This form is to be used to notify a claimant that the evidence submitted does not permit a favorable decision on a claim for a disability annuity, and to notify him that he may submit further evidence.

(ooo) *Form RP–4–37, Record of Employee Representative Service and Compensation.* This form is to be used by an applicant establishing employee representative service and compensation.

(ppp) *Form RP–5–37, Record of Employee Representative Service and Compensation.* This form is similar in purpose to RP–4–37, but is to be executed by the organization employer.

(qqq) *Form RR–27, Claim for Credit for Military Service.* This form requires a statement under oath as to military service claimed for credit under the Railroad Retirement Act.

(rrr) *Form S–76, Authorization to Furnish Information.* This form is to be completed in authorizing the Board to furnish information from its records.

(sss) *Form UI–1, Application for Certificate of Benefit Rights.* This is a form for applying for a Certificate of Benefit Rights and provides for information in connection with employment service.

(ttt) *Form UI–3, Registration for Claim for Unemployment Insurance Benefits.* This is a form for registering for days of unemployment and claiming unemployment insurance benefits, for providing notice to the claimant of requirements upon him, and for statement to be certified to by the claimant.

(uuu) *Form UI–3a, Explanation of Exceptions to Certification for Day of Unemployment.* This form provides an opportunity for a full explanation of the reasons any statement to which a claimant has certified on Form UI–3 is not or may not be true for any particular day or days for which registration has been made.

(vvv) *Form UI–3b, Certification of Statements on Form UI–3.* This form accompanies Form UI–3 and specifically certifies for each day for which registration was made as to the statements required to be certified to for eligibility for unemployment insurance benefits.

(www) *Form UI–9, Applicant's Statement of Employment and Wages.* This is a form to be used in claiming service and compensation for unemployment benefits.

(xxx) *Form UI–84, Delayed Registration.* This is a form upon which to make a delayed registration for a day or days of unemployment.

(yyy) *Form UI–86, Appeal to Board From Initial Unemployment Insurance Decision.* This form provides for a statement of the case on appeal to the Board from a decision denying unemployment benefits and giving notice of any additional evidence to be submitted.

§ 200.8 *Substantive rules and statements of general policy or interpretations of the Board.* Substantive rules adopted by the Board as authorized by law and statements of general policy or interpretations formulated and adopted by the Board for the guidance of the public, other than rules addressed to and served upon persons in accordance with law are published in Chapter II of this title. (§§ 200.1 to 200.3, inclusive, issued under the authority contained in section 10, 50 Stat. 314, 45 U. S. C. 228j; section 12, 52 Stat. 1107, 45 U. S. C. 362 (i).)

§ 200.9 *Availability for public inspection of final opinions and orders.* All final opinions or orders of the Board in the adjudication of cases (except those required for good cause to be held confidential and not cited as precedents) and all rules of the Board will be available for public inspection, upon application to the Secretary of the Board, at the headquarters office of the Board, 844 Rush Street, Chicago 11, Illinois. The application of this rule shall be in ac-

cordance with the provisions of § 262.16 of this chapter.*

§ 200.10 *Availability for inspection of matters of official record.* All matters of official record, except information held confidential for good cause found, are available for inspection by persons properly and directly concerned, upon application to the Secretary of the Board, at the headquarters office of the Board, 844 Rush Street, Chicago 11, Illinois. The application of this rule shall be in accordance with the provisions of § 262.16 of this chapter.*

By Authority of the Board.

MARY B. LINKINS,
Secretary.

AUGUST 27, 1946.

[F. R. Doc. 46–15393; Filed, Aug. 28, 1946; 12:13 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Ch. II]

PART 200—ORGANIZATION OF COMMISSION; SUBMITTALS AND REQUESTS

Sec.

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§ 200.1 *General statement.* The Securities and Exchange Commission was created by act of Congress entitled the Securities Exchange Act of 1934. It is an independent agency of the United States Government. The Commission's central office is located at 18th and Locust Streets, Philadelphia 3, Pennsylvania. It has ten regional offices located in the principal cities of the country. The location of these offices is set forth in 17 CFR 200.14 (e).

The functions of the Commision are set forth in the following statutes which it administers: the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, and the Investment Advisers Act of 1940. In addition, the Commission has certain duties in connection with court proceedings under Chapter X of the National Bankruptcy Act.

The Securities Act of 1933 is designed to provide disclosure, chiefly through the mechanism of a registration statement and prospectus, of pertinent information concerning securities publicly offered and sold in interstate commerce or through the mails, and makes unlawful fraudulent practices in the sale of such securities.

The Securities Exchange Act of 1934 provides for registration of national securities exchanges, securities listed on such exchanges, brokers and dealers trading in the over-the-counter securities markets, and associations of such brokers and dealers. Market manipulations, deceptive devices, and other fraudulent practices in the purchase or sale of securities are made unlawful and dealings in equity securities by insiders must be reported. The Commission is empowered to regulate the solicitations of proxies or other authorizations from the holders of listed securities, the hypothecation of securities held by brokers or dealers for the account of customers, the business of specialists and odd-lot dealers, and such trading activities as short sales, stabilizing, and excessive dealings by members of national securities exchanges; and to exercise certain supervisory powers over the rules of national securities exchanges and national associations of brokers and dealers. The act authorizes the Commission if in its opinion the public interest so requires, with the approval of the President, summarily to suspend all trading on any national securities exchange for a period not exceeding ninety days.

The Public Utility Holding Company Act of 1935 requires the registration of companies in holding company systems engaged in the electric utility business or in the retail distribution of gas and their geographic integration and corporation simplification, provides for the regulation of security transactions, acquisitions and sales of assets, dividend payments, solicitation of proxies, intercompany loans, service, sales and construction contracts and accounting practices of such companies and makes unlawful political contributions by such companies.

The Trust Indenture Act of 1939 provides that issues of debt securities, with certain exceptions, may not be offered for sale to the public unless they are issued under a trust indenture which conforms to specific statutory standards designed to safeguard the interests of purchasers.

The Investment Company Act of 1940 requires the registration of investment companies and provides for their regulation. The act prescribes qualifications and affiliations of officers and directors, requires that certain matters receive stockholder approval and requires Commission approval of certain transactions such as dealings between affiliates and insiders.

The Investment Advisers Act of 1940 requires the registration of persons engaged in the business of advising others with respect to security transactions and outlaws fraudulent practices and certain specified transactions by them.

§ 200.2 *General organization.* The Commission is composed of five members, not more than three of whom may be members of the same political party. They are appointed by the President, with the advice and consent of the Senate, for five-year terms, one of which expires each year. One of the five commissioners is elected chairman annually. The Commission is assisted in the performance of its duties by a staff of professional employees, including lawyers, accountants, engineers, and corporation analysts, and by administrative and clerical employees. The staff has been organized into the following separate divisions and offices, which are directly responsible to the Commission and act pursuant to its directions and orders:

Office of the Secretary
Trial Examiners
Opinion Writing Office
Office of the Solicitor
Office of the Chief Accountant
Corporation Finance Division
Trading and Exchange Division
Public Utilities Division
Administrative Division
Personnel Office
Budget and Fiscal Office
Regional Offices

A description of the organization and functions of each of these divisions and offices appears below.

§ 200.3 *Office of the Secretary.* The Secretary (or his assistant) attends meetings of the Commission and is responsible for the preparation and maintenance of the official Minute Record of its actions. He is custodian of the Commission's official seal, with power to certify and authenticate documents reflecting official action of the Commission, and performs other and related duties.

The Office of the Secretary is the chief information center of the Commission to which inquiries of press representatives and general inquiries of the public should be directed.

§ 200.4 *Trial examiners.* The trial examiners preside at hearings, make rulings related thereto, and in certain cases issue recommended decisions. The trial examiners are assigned by the Commission to cases in rotation so far as practicable.

§ 200.5 *Opinion Writing Office.* This office assists the Commission in the preparation of its opinions and performs related functions and other special assignments. It functions independently of all other divisions of the Commission's staff.

This office is headed by the Executive Assistant to the Commission, assisted by a Special Assistant to the Commission, supervising attorneys, and staff attorneys.

§ 200.6 *Office of the Solicitor.* The Solicitor is the Commission's chief legal officer. He represents the Commission in appellate court proceedings and usually in cases in all courts in which the Commission participates as *amicus curiae.* The Solicitor serves as general legal adviser to the Commission and, insofar as legal policy is concerned, advises with the several divisions and the regional offices. The Solicitor is also responsible for the supervision of the preparation of all cases referred to the Department of Justice for criminal prosecution and for liaison activities with the Department of Justice and other interested authorities regarding such cases.

This office has a staff composed of the Solicitor, assistant solicitors, a special assistant, a special counsel (in charge of criminal reference activities) and staff attorneys.

Inquiries relating to the work of this office may be directed to the Solicitor or to an Assistant Solicitor in charge of a particular matter.

§ 200.7 *Office of the Chief Accountant.* The Chief Accountant is the Commission's chief adviser on all accounting matters. He has general supervision over the execution of Commission policy with respect to accounting and auditing principles or practices and over the procedures to be followed in audits or accounting investigations. He is responsible for the drafting and interpretation of rules and regulations governing the form and content of financial statements to be filed with the Commission, including uniform systems of accounts. He also prepares for publication releases on accounting questions of general interest and application.

This office is composed of the Chief Accountant, Assistant Chief Accountant, and a number of staff accountants. In addition, the Chief Accountant supervises the work of three Assistant Chief Accountants assigned to and directly responsible for the accounting work in the various divisions.

Questions of accounting and auditing procedure involving particular registrants may be presented to the Assistant Chief Accountant of the division involved, or may be presented directly to the Chief Accountant where controversial or novel issues are involved. Registrants or others interested may also request the Chief Accountant to review accounting interpretations made in the divisions. General questions should be presented to the Chief Accountant.

§ 200.8 *Corporation Finance Division.* (a) This Division has certain duties and responsibilities in connection with the Commission's administration and enforcement of the provisions of the Securities Act of 1933, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the registration, reporting, proxy and certain fraud provisions of the Securities Exchange Act of 1934 (exclusive of all provisions relating specifically to brokers and dealers and national securities exchanges and associations), and the provisions of the Public Utility Holding Company Act of 1935 relating to certain proxies, ownership reports and the prohibition against certain political contributions; and in connection with the Commission's advisory functions under Chapter X of the National Bankruptcy Act.

(b) *Office of the Director.* Supervision of all activities of the Division rests in the Director. His office includes an Associate Director, Special Advisers to the Director on certain phases of the Division's work such as reorganization matters under Chapter X of the National Bankruptcy Act and the promulgation of forms and regulations, and a Records and Statistics Section which assigns all incoming material for examination, maintains a central record system, collates and tabulates data for Commission publication, and furnishes statistical data to regional offices and other government agencies.

Directly under the Office of the Director are the Assistant Directors, the Office of Chief Counsel, and the Office of Assistant Chief Accountant.

(c) *Examining Staff:* This staff is responsible for the examination of and initial action upon registration statements, prospectuses, offering sheets, proxy statements, periodic and ownership reports, applications for qualification of indentures, requests for confidential treatment, and other documents filed with the Commission, and also the various documents filed, and plans and proposals arising, in court proceedings under Chapter X of the National Bankruptcy Act in which the Commission is interested. Members of this staff also represent the Division in administrative proceedings arising in connection with the work of the Division.

There are a number of Examining Sections, the work of which is under the supervision and review of the Assistant Directors. Each section consists of a Section Chief, accountants, attorneys and corporation analysts.

In addition, there are the following special sections which are charged with certain exclusive examining functions as well as duties in connection with the work of the Examining Sections: A Mines Section, headed by an engineer; an Oil and Gas Section, which is headed by a Petroleum Engineer and includes petroleum geologists and attorneys, and which receives and processes filings pursuant to Regulations B and B–T (17 CFR, 230.306 et seq. and 230.360 et seq.) promulgated under section 3 (b) of the Securities Act; and an Ownership Reports Section.

In addition, a Registration Unit, headed by a chief and including accountants, attorneys and corporation analysts, is maintained in the Commission's regional office at San Francisco.

Inquiries as to the required form and contents of registration statements, reports and other filings may be addressed to the Director of the Division, the Associate Director, or an Assistant Director if he has handled previous filings of the registrant or applicant.

(d) *Office of Chief Counsel.* To the extent that the functions of this Division are involved: The Chief Counsel is responsible for the investigation of complaints and alleged violations of law, has primary responsibility for trial court litigation, and assists the Solicitor in appellate and *amicus curiae* litigation and in criminal reference activities. He acts in a consulting capacity to other sections of the Division and to the Commission on legal problems such as matters of statutory interpretation and is responsible for the supervision of the investigatory activities of the regional offices, as well as for the review of the legal opinions expressed by those offices.

The Office of Chief Counsel is divided into a Litigation and Enforcement Section and an Interpretative Section. Each section is headed by a Special Counsel and includes attorneys, and the Litigation and Enforcement Section, in addition, has securities investigators. The Litigation and Enforcement Section contains a Securities Violation Unit which compiles data relating to violations of securities laws, aids Federal and state agencies in the identification and apprehension of violators, and issues to a carefully restricted list a monthly Securities Violation Bulletin. The Interpretative Section contains a special unit which reviews the material filed in the regional offices pursuant to Regulations A and A–M (17 CFR 230.220 et seq. and 17 CFR, 1945 Supp. 230.240) promulgated under section 3 (b) of the Securities Act of 1933.

The Chief Counsel renders advice to members of the public on inquiries relating to the interpretation and application of statutes which are under the cognizance of this Division. Inquiries on such matters, as well as complaints relating to alleged violations, should be directed to this office.

(e) *Office of Assistant Chief Accountant.* Under the supervision of the Chief Accountant, the Office of Assistant Chief Accountant is directly responsible for and supervises the accounting work of the examining staff and the Registration Unit in the San Francisco Regional Office. The Office of the Assistant Chief Accountant acts in a consulting capacity and renders assistance to other sections and officers of the Division.

Inquiries of an accounting nature relating to the work of the Division should be directed to this office.

§ 200.9 *Trading and Exchange Division.* (a) This Division has certain duties and responsibilities in connection with the Commission's administration and enforcement of the provisions of the Securities Exchange Act of 1934 relating to registration and regulation of national securities exchanges, including trading on these exchanges, and registration and regulation of over-the-counter brokers and dealers and national securities associations. This Division's duties and responsibilities extend also to the Investment Advisers Act of 1940.

(b) This Division is headed by a Director who has supervision over all activities of the Division. There are several Assistant Directors, each of whom is in charge of a number of sections, as well as the Office of Chief Counsel, and the Office of Assistant Chief Accountant.

(c) *Exchange Registration and Regulation Section.* This section, composed of analysts, is responsible for the examination of and initial action upon registration statements and amendments thereto filed by national securities exchanges and for the review of their rules.

(d) *Broker-Dealer and Investment Adviser Registration Section.* This section, composed of examiners, is responsible for the examination of and initial action upon applications for registration and periodic reports filed by brokers and dealers and investment advisers.

(e) *Over-the-Counter Enforcement Section.* This section, composed of attorneys and accountants, has general direction over all investigations of alleged violations by over-the-counter brokers and dealers and investment advisers. Members of this section, or of the regional offices, acting under this section's supervision, represent the division in admin-

istrative proceedings before the Commission relating to such violations.

(f) *Stabilization and Manipulation Section.* This section studies the market prices of securities and investigates market manipulations and possible violations of the Commission's stabilization regulations.

(g) *Market and Industry Analysis Section.* This section prepares a series of reports entitled "The Survey of American Listed Corporations," which sets forth financial data concerning corporations that file reports with the Commission and also conducts special statistical studies in securities transactions.

(h) *Research Section.* This section prepares statistics on new issues of securities and special studies in the field of capital markets.

(i) *Financial Analysis Section.* This section prepares quarterly data on the volume and composition of individual and corporate savings and the sources and uses of corporate funds, including an analysis of the working capital position and capital expenditures of corporations.

(j) One of the Assistant Directors, with the assistance of a special consultant, is responsible for the examination of and initial action upon registration statements and amendments thereto filed by national securities associations of over-the-counter brokers and dealers, the review of their rules, and the performance of other functions related to such associations.

Inquiries relating to the work of the aforementioned sections may be directed to the Director of the Division.

(k) *Office of Chief Counsel.* The Chief Counsel has primary responsibility for trial court litigation and assists the Solicitor in appellate and *amicus curiae* litigation and in criminal reference activities pertaining to the work of the Division. He also represents the Division in administrative proceedings and is responsible for the investigation of complaints and alleged violations of law, except those proceedings and investigations involving registered broker-dealers, investment advisers and national securities associations; in the latter proceedings and investigations, which are the direct responsibility of one of the Assistant Directors, the Chief Counsel acts in an advisory capacity. The Chief Counsel is responsible for the drafting of rules and regulations and advises the Commission, the Director and Assistant Directors of the Division, and other offices of the Commission on legal problems relating to the work of the Division. In that field he also reviews the legal opinions expressed by the regional offices.

This office is composed of the Chief Counsel, a Special Counsel, and staff attorneys.

The Office of the Chief Counsel renders advice to members of the public on inquiries relating to the interpretation and application of the statutes, rules and regulations which are under the jurisdiction of the Division. Inquiries on such matters should be directed to this office.

(l) *Office of Assistant Chief Accountant.* Under the supervision of the Chief Accountant, the Assistant Chief Accountant is directly responsible for and supervises the accounting work of the Division.

Inquiries of an accounting nature relating to the work of the Division should be directed to the Assistant Chief Accountant.

§ 200.10 *Public Utilities Division.* (a) This Division has certain duties and responsibilities in connection with the Commission's administration and enforcement of the provisions of the Public Utility Holding Company Act of 1935, except those provisions relating to certain proxies, ownership reports and political contributions.

(b) *Office of the Director.* The Director supervises all activities of the Division. His office includes an Associate Director.

Under the Office of the Director are the Assistant Directors in charge of the examining staff, the Office of Chief Counsel, the Office of Assistant Chief Accountant, and the Engineering and Special Studies Sections.

(c) *Examining staff.* This staff is responsible for the examination of and initial action upon registration statements, applications, declarations and other documents filed with the Commission pursuant to the Public Utility Holding Company Act of 1935. Members of the staff represent the Division in administrative proceedings before the Commission.

There are a number of examining sections, the work of which is under the direct supervision of the Assistant Directors. Each of these sections, which has assigned to it a number of holding company systems, is headed by a Section Chief and includes accountants, attorneys, and financial analysts.

Inquiries as to a holding company or its subsidiaries may be directed to the Director or the Assistant Director to whom the holding company system has been assigned.

(d) *Office of Chief Counsel.* To the extent that the functions of the divisions are involved, the Chief Counsel has primary responsibility for trial court litigation and assists the Solicitor in appellate and *amicus curiae* litigation. The Chief Counsel consults with and advises the Commission and also other officers and sections of the Division on legal problems. He is also responsible for the drafting of rules and regulations.

This office consists of the Chief Counsel, Special Counsel, and staff attorneys.

The Chief Counsel renders advice to members of the public on procedural and legal aspects of the Division's work. Inquiries on such subjects should be directed to this office.

(e) *Office of Assistant Chief Accountant.* Under the supervision of the Chief Accountant, the Assistant Chief Accountant is directly responsible for and supervises the accounting work in the examining sections of the Division. This office acts in a consulting capacity and renders assistance to the examining staff and officers of the Division. This office has an Original Cost Study Section.

Inquiries of an accounting nature relating to the work of the Division should be directed to this office.

(f) *Engineering and Special Studies.* There are an Engineering Section, composed of a staff of engineers and accountants, and a Special Studies Section, composed of accountants and analysts. These sections are assigned special problems of research relating to the work of the Division.

§ 200.11 *Administrative Division.* This Division, headed by a Director, is responsible for the administrative, clerical and other business management activities of the Commission and has custody of the dockets and files of the Commission.

§ 200.12 *Personnel Office.* This office, headed by the Director of Personnel, is responsible for all personnel administration and management functions.

§ 200.13 *Budget and Fiscal Office.* This office, headed by the Budget and Fiscal Officer, is responsible for the preparation and justification of the Commission's budget estimates and for all fiscal matters.

§ 200.14 *Regional Offices.* (a) The administration of the statutes over which the Commission has jurisdiction (with the exception of those provisions of the Public Utility Holding Company Act which are effectuated by the Public Utilities Division) is expedited through the maintenance of 10 regional offices located in the principal cities of the country. A list of these offices and the zones assigned to each is set forth in paragraph (e) below. The operation of the regional offices is directed, supervised and reviewed by the central office divisions.

(b) The regional offices advise on the requirements of the acts (with the exception noted above) and render interpretative opinions, except that where novel questions are presented they are referred directly to the central office. They conduct preliminary investigations of alleged statutory violations and investigations formally ordered by the Commission. They also conduct periodic inspections of the books and records and methods of doing business of all registered brokers and dealers and investment advisers within their respective region. Under the supervision of the appropriate legal officer of the central office the regional offices generally represent the Commission in connection with litigation pending in the trial courts, as well as in certain types of administrative proceedings, and follow closely reorganization proceedings under Chapter X of the Bankruptcy Act in which the Commission is interested, and with respect to such proceedings appear in court, participate in conferences and submit recommendations to the Corporation Finance Division.

(c) The regional offices receive and initially review certain conditional exemption filings, namely, filings under Regulation A (17 CFR, 230.220 et seq.) and under Regulation A–M (17 CFR, 1945 Supp., 230.240). As will be noted under "Submittals" (17 CFR 200.15 (b)), the regional offices in Cleveland and San Francisco are also authorized to accept the filing of certain registration statements under the Securities Act of 1933 and certain applications for qualification

of indentures under the Trust Indenture Act of 1939. The examination and processing of registration statements and applications for qualification of indentures filed in the San Francisco Regional Office are conducted by that office under the direction of the central office, whereas those filed in the Cleveland Regional Office are forwarded to the central office to be examined and processed.

(d) Each regional office is headed by a Regional Administrator, who is responsible to the Commission, and is staffed with such attorneys, accountants, and investigators as are required to execute the functions of the office. In addition, the regional offices at New York City and Chicago, each have an Assistant Regional Administrator, and the New York office has a Reorganization Unit headed by a Special Counsel.

(e) *Regional and Branch offices.*

(1) *Regional offices.*

Zone 1. New York, New Jersey, and Pennsylvania. Regional office—Room 2006, Equitable Building, 120 Broadway, New York 5, N. Y.

Zone 2. Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, and Maine. Regional office—Post Office Square Building, 79 Milk Street, Boston 9, Mass.

Zone 3. Tenessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida, and the portion of Louisiana east of the Atchafalaya River. Regional office—Room 415, Palmer Building, Forsyth and Marietta Streets, Atlanta 3, Ga.

Zone 4. Ohio, Michigan, Indiana, and Kentucky. Regional office—Room 1608, Standard Building, 1370 Ontario Street, Cleveland 13, Ohio.

Zone 5. Minnesota, Wisconsin, Iowa, Illinois, Missouri, and Kansas City, Kans. Regional office—Room 630, Bankers Building, 105 West Adams Street, Chicago 3, Ill.

Zone 6. Oklahoma, Arkansas, Texas, Kansas (with the exception of Kansas City), and the portion of Louisiana west of the Atchafalaya River. Regional office—Room 103, United States Courthouse, Tenth and Lamar Streets, Fort Worth 2, Tex.

Zone 7. Wyoming, Colorado, New Mexico, Nebraska, North Dakota, South Dakota, and Utah. Regional office—Room 822, Midland Savings Building, 444 Seventeenth Street, Denver 2, Colo.

Zone 8. California, Nevada, Arizona, and Hawaii. Regional office—Room 1301, 625 Market Street, San Francisco 5, Calif.

Zone 9. Washington, Oregon, Idaho, Montana, and Alaska. Regional office—Room 810, 1411 Fourth Avenue, Seattle 1, Wash.

Zone 10. Virginia, West Virginia, Maryland, Delaware, and District of Columbia. Regional office—Room 2410, O'Sullivan Building, Baltimore 2, Md.

Washington, D. C., Liaison Office. Twelfth floor, Tower Building, Fourteenth and K Streets NW., Washington 25, D. C.

(2) *Branch offices.*

In addition, the Commission maintains the branch offices set forth below, which are generally under the supervision of the regional office for the zone in which the branch office is located. These offices are maintained primarily to assist the Commission in its investigative activities. In addition, the Los Angeles office offers generally assistance similar to that afforded by the regional offices and the Tulsa office renders advice in connection with problems relating to oil and gas securities.

Room 1074, Federal Building, Detroit 26, Mich.

Room 1006, United States Courthouse and Customs House, 1114 Market Street, St. Louis 1, Mo.

Room 500, Pioneer Building, Fourth and Roberts Streets, St. Paul 1, Minn.

Room 1737, United States Post Office and Courthouse, 312 North Spring Street, Los Angeles 12, Calif.

Room 621, Wright Building, 115 West Third Street, Tulsa 3, Okla.

§ 306.15 *Information, requests, and submittals*—(a) *Information and requests.* The officers to whom inquiries should be directed have been noted above. In addition, a detailed description of the various methods that may be employed to secure advice and to consult with members of the staff on problems relating to the statutes and regulations administered by the Commission will be discussed in connection with available informal procedures described in the material published at 17 CFR, Part 202.

The Commission maintains public reference rooms at its central office and in its regional offices in New York City and Chicago.

Copies of all public information on file with the Commission, contained in registration statements, applications, reports, declarations, and other public documents, are available for inspection in the public reference room at Philadelphia.

In the Commission's New York Regional Office facilities are provided for the inspection of certain public information, including applications for registration of securities on all national securities exchanges, except the New York Stock Exchange and the New York Curb Exchange (which are available at the respective exchanges), together with copies of annual reports, supplemental reports and amendments thereto, and annual reports filed pursuant to the provisions of section 15 (d) of the Securities Exchange Act of 1934.

In the Chicago Regional Office copies of applications for registration of securities on the New York Stock Exchange and the New York Curb Exchange, together with copies of all annual reports, supplemental reports and amendments thereto, are available for public inspection.

In addition, there are available in each of the Commission's regional offices copies of all prospectuses used in public offerings of securities effectively registered under the Securities Act of 1933. Duplicate copies of applications for registration of brokers or dealers transacting business on over-the-counter markets, together with supplemental statements thereto, filed under the Securities Exchange Act of 1934, and duplicate copies of applications for registration of investment advisers and supplemental statements thereto filed under the Investment Advisers Act of 1940, are available for inspection in the regional office having jurisdiction over the zone in which the registrant's principal office is located. Also, copies of letters of notification under Regulation A (17 CFR 230.220 et seq.) are available for inspection at the particular regional office where filed. Copies of registration statements of national securities exchanges and supplemental amendments thereto are also available for inspection in the regional office for the zone in which the stock exchange is located.

In the Commission's San Francisco and Cleveland Regional Offices copies of registration statements and applications for qualifications of indentures filed at those offices are available for public inspection.

Copies of all applications for permanent registrations of securities on national securities exchanges are available for public inspection at the respective exchanges upon which the securities are registered.

Photocopies of registration statements, reports, and other public material filed with the Commission, or portions thereof, as well as transcripts of public hearings, may be obtained from the Administrative Division at the cost of photocopying.[1]

The Commission's decisions, reports, orders, rules and regulations are published initially in the form of releases and mailed to persons on the mailing lists to receive them. The decisions and reports thereafter are printed in bound volumes entitled "Securities and Exchange Commission Decisions and Reports"; these volumes may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, D. C. Other material is also released in mimeograph form, and interested persons may have their names placed on the Commission's mailing lists to receive any one or more of the several classes of these releases. A classification of releases appears below as Appendix A of this paragraph. In addition, copies of the statutes, rules and regulations, forms, and release compilations set forth in Appendix B of this paragraph may be procured from the Administrative Division.

The Commission also publishes its annual report to the Congress which sets forth the results of the Commission's operations during the past fiscal year under the various statutes committed to its charge. The Commission's report to

[1] Photocopies of any material filed with the Commission and available for public inspection will be sold to the public at the following rates per photocopy, except Registration Record Reference Cards, whether several copies of a single original page or one or more copies of several original pages are ordered: 10 cents per photocopy of each page, for all copies up to and including 100 in a single order; 7 cents per photocopy of each page, for all copies over 100 in a single order.

Estimates as to prices for copies and the time required for their preparation will be furnished upon request. Payment should accompany the order, if practicable. If an order is received and insufficient or no payment accompanies it, the party requesting the photocopies will be informed of the actual charge before preparation of the photocopies is started.

Photocopies of Registration Record Reference Cards, which comprise a daily summary of all the registration events occuring under the Securities Act of 1933 and the Trust Indenture Act of 1939 for a particular company, will be sold to the public at 25 cents per copy.

Payment must be made in cash, or by United States postal money order or certified bank check payable to the Securities and Exchange Commission, omitting the name or title of any official of the Commission. Postage stamps will not be accepted.

the Congress for the fiscal year ended June 30, 1944, surveyed the Commission's activities and operations during the first ten years of its existence. Printed copies of the annual reports may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D. C. Current reports not available in printed form at the Government Printing Office may be obtained from the Administrative Division.

The Commission has also prepared other reports, the titles of which are set out in Appendix C of this paragraph.

APPENDIX A

Mailing lists are maintained in the following classifications only:

1. Securities Act of 1933—Trust Indenture Act of 1939: Includes decisions, orders, rules, and all other announcements relating to these Acts, but excludes the Registration Record and any announcements (including rules) relating to oil and gas royalty securities and dealers.

2. The Registration Record: A daily summary of all the registration events occurring under the Securities Act of 1933 and the Trust Indenture Act of 1939.

3. Over-the-Counter Securities Business: Includes decisions, orders, rules, and all other announcements relating to over-the-counter brokers and dealers. (Does not include Directory described in Classification 15.)

4. Securities Exchange Act of 1934: Includes decisions, orders, rules, and all other announcements relating to this Act, but excludes any announcements (including rules) relating to the over-the-counter securities business.

5. Public Utility Holding Company Act of 1935: Includes decisions, orders, hearing notices, rules, and all other announcements relating to this Act—These may be obtained as follows:

A. GIST of Holding Company Act Releases; or

B. Holding Company Act opinions, plus GIST; or

C. ALL Holding Company Act Releases.

6. Rules: A special classification for those who wish to receive all general rules, and amendments to all general rules, adopted under all of the Acts administered by the Commission.

7. Corporate reorganizations: Includes announcements relating to the Commission's activities under Chapter X of the Bankruptcy Act, as amended; the reorganization proceedings to which the Commission has become a party; and advisory reports filed with Courts pursuant to Chapter X.

8. Accounting Releases: Includes statements by the Chief Accountant and other accounting material.

9. Statistical and Economic Material: Includes analyses of registrations under the Securities Act, analyses of trading on stock exchanges, data on trading by stock exchange members, data on odd-lot trading, and other statistical reports including Working Capital and Individual Savings releases referred to in Classes 18 and 19. This includes the Statistical Bulletin.

10. Oil and Gas Royalties Securities and Dealers: Includes all announcements and rules relating to oil and gas royalties securities and dealers.

11. Investment Advisers Act of 1940: Includes decisions, orders, rules, and all other announcements relating to this Act.

12. Investment Company Act of 1940: Includes decisions, orders, rules, and all other announcements relating to this Act.

13. Transaction Summary: A monthly summary of security transactions and holdings reported under the provisions of the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, and the Investment Company Act of 1940 by officers, directors, and certain other individuals.

14. Securities Traded on Exchanges: Annual directory and monthly supplements of securities traded on national securities exchanges.

15. Over-the-Counter Brokers' and Dealers' Directory and Supplements: Annual directory of over-the-counter brokers and dealers effectively registered under the Securities Exchange Act of 1934.

16. Table of Decisions and Reports: A periodic index to decisions and reports made public by the Commission and not currently available in bound volume.

17. Survey Series: Includes announcements and summary descriptions of studies under The Survey of American Listed Corporations. The Survey consists of compilations of financial and other statistical information, both for individual companies and industry groups, based on registration statements and annual reports filed with the Commission. The Survey is not available for distribution but copies are available for inspection at the central office in Philadelphia, Pa., in the regional offices, and in over 500 depository libraries. A list of such depository libraries will be furnished upon request. (These announcements are also sent to Class 4.)

18. Working Capital of Corporations: Announcements issued quarterly relating to Working Capital of Corporations. Also announcements relating to Plant and Equipment Expenditures of U. S. Business. (These announcements are also sent to Class 9.)

19. Individuals' Saving: Announcements issued quarterly relating to Volume and Composition of Individuals' Saving. (These announcements are also sent to Class 9.)

20. Working Capital, Registered Companies: Supplemental Schedules issued semi-annually showing detailed working capital figures for registered companies reporting to the Commission.

APPENDIX B

Copies of the material listed below may be procured from the Administrative Division.

Acts:
Securities Act of 1933, as amended.
Trust Indenture Act of 1939.
Securities Exchange Act of 1934, as amended.
Public Utility Holding Company Act of 1935.
National Bankruptcy Act, as amended June 22, 1938.
Investment Company Act of 1940.
Investment Advisers Act of 1940.

Rules, Regulations, and Forms:
General Rules and Regulations under the Securities Act of 1933 (17 CFR, Part 230).
Guide to Forms Adopted under the Securities Act of 1933.
General Rules and Regulations under the Trust Indenture Act of 1939 (17 CFR, Part 260).
General Rules and Regulations under the Securities Exchange Act of 1934 (17 CFR, Part 240).
Guide to Forms Adopted under the Securities Exchange Act of 1934.
Regulation S-X, under the Securities Act of 1933 and the Securities Exchange Act of 1934—Form and Content of Financial Statements (17 CFR, Part 210).
General Rules and Regulations under the Public Utility Holding Company Act of 1935 (17 CFR, Part 250).
General Rules and Regulations under the Investment Company Act of 1940 (17 CFR, Part 270).
Rules of Practice (17 CFR, Part 201).
Uniform System of Accounts for Mutual Service Companies and Subsidiary Service Companies (17 CFR, Part 256).
Uniform System of Accounts for Public Utility Holding Companies (17 CFR, Part 257).

Compilation of Releases:
Compilation of Releases under the Securities Act of 1933, to and including December 31, 1936.
Compilation of Releases under the Securities Exchange Act of 1934, to and including December 31, 1936.
Compilation of Releases under the Public Utility Holding Company Act of 1935, to and including December 31, 1936.
Compilation of Accounting Series Releases, to and including June 15, 1945.

APPENDIX C

Titles preceded by an asterisk may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D. C. Copies of all other titles may be procured from the Commission's Administrative Division.

Reports submitted by the Commission to the Congress:

Report on Trading in Unlisted Securities upon Exchanges, recommending amendments to the Securities Exchange Act of 1934 (1936).
Report on the Feasibility and Advisability of the Complete Segregation of the Functions of Dealer and Broker (1936).
*Report on the Study and Investigation of the Work, Activities, Personnel, and Functions of Protective and Reorganization Committees:
Part I. Strategy and Techniques of Protective and Reorganization Committees (1937).
Part II. Committees and Conflicts of Interest (1937).
Part III. Committees for the Holders of Real Estate Bonds (1936).
Part IV. Committees for Holders of Municipal and Quasi-Municipal Obligations (1936).
Part V. Protective Committees and Agencies for Holders of Defaulted Foreign Governmental Bonds (1937).
Part VI. Trustees Under Indentures (1936).
Part VII. Management Plans Without Aid of Committees (1938).
Part VIII. A Summary of the Law Pertaining to Equity and Bankruptcy Reorganizations and of the Commission's Conclusions and Recommendations (1940).
*Report on the Study of Investment Trusts and Investment Companies:
Part One. The Nature, Classifications, and Origins of Investment Trusts and Investment Companies (1938).
Part Two. Statistical Survey of Investment Trusts and Investment Companies (1939).
Part Three. Abuses and Deficiencies in the Organization and Operation of Investment Trusts and Investment Companies:
Chapters 1 and 2 (1939).
Chapters 3, 4, and 5 (1939).
Chapter 6 (1940).
Chapter 7 (1941).
Part Four. Control and Influence Over Industry and Economic Significance of Investment Companies:
Chapters 1 and 2 (1941).
Part Five. Conclusions and Recommendations (1941) (Parts Four and Five are included in one book).
*The following supplemental reports have been issued in connection with the Report on the Study of Investment Trusts and Investment Companies:
Investment Trusts in Great Britain (1939).
Investment Counsel, Investment Management, Investment, Supervisory, and Investment Advisory Services (1939). (Out of print, but may be examined at the Commission's central office).
Commingled or Common Trust Funds Administered by Banks and Trust Companies (1939).
Fixed and Semifixed Investment Trusts (1940).

Companies Sponsoring Installment Investment Plans (1939).
Companies Issuing Face Amount Installment Certificates (1940).
Report on Proposals for Amendments to the Securities Act of 1933 and the Securities Exchange Act of 1934 (1941).
Report on Protection of Clients' Securities and Funds in Custody of Investment Advisers, recommending amendments to the Investment Advisers Act of 1940 (1945).
A Proposal to Safeguard Investors in Unregistered Securities, recommending amendments to the Securities Exchange Act of 1934 (1946).
Reports submitted by the several divisions to the Commission:
Report on the Problem of Maintaining Arms-length Bargaining and Competitive Conditions in the Sale and Distribution of Securities of Registered Public Utility Holding Companies and Their Subsidiaries (1940).
Report on Secondary Distributions of Exchange Stocks (1942).
Report on Floor Trading, also supplemental report on Floor Trading on the New York Exchanges (1945).
Report on Financial Statements of Management Investment Companies (1946).
Statistical and other data:
Cost of Flotation for Small Issues—1925–1929 and 1935–1938.
Cost of Flotation for Registered Securities—1938–1939, 1940–1941.
Selected Statistics on Securities and Exchange Markets.
Official Summary of Holdings of Officers, Directors, and Principal Stockholders as of December 31, 1935.
Charts Showing Location of Operating Electric and/or Gas Subsidiaries of Registered Public Utility Holding Companies (1939). (Out of print but may be examined at the Commission's central office.)
Dividend Status of Preferred Stocks of Registered Public Utility Holding Companies and Their Electric and Gas Utility Subsidiaries as of December 31, 1938.
Annual Financial Statistics for Electric and Gas Subsidiaries of Registered Public-Utility Holding Companies (commencing with year 1941).
Annual Statistics on Security Issues of Electric and Gas Utilities (commencing with year 1935).
The Survy of American Listed Corporations—The Survey consists of compilations of financial and other statistical information, both for individual companies and industry groups, based on registration statements and annual reports filed with the Commission. The Survey is not available for distribution, but copies are available for inspection at the Commission's central office, in its regional offices, and in over 500 depository libraries; a list of such depository libraries will be furnished upon request. Photocopies of pages of the Survey may be procured at the regular cost of photocopying.
Work of the Securities and Exchange Commission. (This pamphlet describes briefly the duties and activities of the Commission.)

Reports of investigations:

*In the Matter of Richard Whitney et al:

Volume 1. Report of the Commission (1938).
Volume 2. Transcript of Hearing (1938).
Volume 3. Exhibits (1938).

*In the Matter of McKesson & Robbins, Inc.:

Volume 1. Testimony of Expert Witnesses (1939).
Volume 2. Report on Investigation (1940).

*Judicial decisions:

(Bound volumes comprising court decisions, reported and unreported, in civil and criminal cases involving statutes administered by the Securities and Exchange Commission.)

(b) *Submittals.* All required statements, reports, applications, etc., must be filed with the central office of the Commission, except that (1) letters of notification filed pursuant to Regulation A (17 CFR 230.220 et seq.) under the Securities Act of 1933, prospectuses, filed pursuant to Regulation A-M (17 CFR, 1945 supp. 230.240) under the Securities Act of 1933, and reports of financial condition by exchange members, brokers, and dealers required by Rule X–17A–5 (17 CFR 240.17a–15) under the Securities Exchange Act of 1934 must be filed with the appropriate regional office as provided in Rules 222 (b) (17 CFR 230.222 (b)) and 240 (f) (17 CFR 230.240 (f)) under the Securities Act of 1933 and Rule X–17A–5 (17 CFR 240.17a–5) under the Securities Exchange Act of 1934, respectively; and (2) registration statements under the Securities Act of 1933 and applications for qualification of trust indentures under the Trust Indenture Act of 1939 may be filed by certain registrants and applicants with the Regional Offices at Cleveland and San Francisco, as provided by Rule 921 (17 CFR 230.921) under the Securities Act of 1933 and Rule T–7A–3 (17 CFR 260.7a–3) under the Trust Indenture Act of 1939, respectively.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46–15641; Filed, Aug. 30, 1946; 12:50 p. m.]

PART 201—RULES OF PRACTICE[1]

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[1] As amended, effective September 11, 1946 and applicable to proceedings initiated after that date.

§ 201.1 *Business hours.* The principal office of the Commission at Philadelphia, Pennsylvania, is open on each business day, excepting Saturdays, from 9:00 a. m. to 5:30 p. m.

§ 201.2 *Appearance and practice before the Commission.* (a) An individual may appear in his own behalf, a member of a partnership may represent the partnership, a bona-fide officer of a corporation, trust or association may represent the corporation, trust or association, and an officer or employee of a State commission or of a department or political subdivision of a State may represent the State commission or the department or political subdivision of the State, in any proceeding.

(b) A person may be represented in any proceeding by an attorney at law admitted to practice before the Supreme Court of the United States, or the highest court of any State or Territory of the United States, or the Court of Appeals or the District Court of the United States for the District of Columbia.

(c) A person shall not be represented at any hearing before the Commission or a hearing officer except as stated in paragraphs (a) and (b) of this section.

(d) Any person appearing before or transacting business with the Commission in a representative capacity may be required to file a power of attorney with the Commission showing his authority to act in such capacity.

(e) The Commission may disqualify, and deny, temporarily or permanently, the privilege of appearing or practicing before it in any way to any person who is found by the Commission after hearing in the matter

(1) Not to possess the requisite qualifications to represent others; or

(2) To be lacking in character or integrity or to have engaged in unethical or improper professional conduct.

(f) Contemptuous conduct at any hearing before the Commission or a hearing officer shall be ground for exclusion from said hearing and for summary suspension without a hearing for the duration of the hearing.

(g) For the purposes of this rule, practicing before the Commission shall include the preparation of any statement, opinion or other paper by any attorney, accountant, engineer or other expert, filed with the Commission in any registration statement, application, report or other document with the consent of such attorney, accountant, engineer or other expert.

§ 201.3 *Notice of hearings and issues; specification of procedures.* (a) Whenever a hearing is ordered by the Commission in any proceeding, notice of such hearing shall be given by the Secretary or other duly designated officer of the Commission to each party to the proceeding, or to the person designated as being authorized to receive notices issued by the Commission. Such notice shall state the time, place and nature of the hearing and the legal authority and jurisdiction under which the hearing is to be held, and shall be accompanied by a short and simple statement of the mat-

ters of fact and law to be considered and determined. In proceedings pursuant to section 8 of the Securities Act of 1933 such notice of hearing shall include by number or name a statement of the items in the registration statement which appear to be incomplete or inaccurate in any material respect or to include any untrue statement of a material fact or to omit a statement of any material fact required to be stated therein or necessary to make the statement therein not misleading, and such notice shall be accompanied or followed by a short and simple statement concerning such items.

(b) The time and place for any such hearing shall be fixed with due regard for the convenience and necessity of the parties or their representatives. The notice of hearing shall be given to each party a reasonable time in advance of the hearing by personal service, by confirmed telegraphic notice or, in any proceedings other than those pursuant to section 8 of the Securities Act of 1933, by registered mail addressed to the last known business address of the party or his agent for service.

(c) Unless otherwise ordered by the Commission, notice of any such public hearing shall be given general circulation by publication in the Federal Register where authorized, by release to the public press, and by distribution to the applicable mailing lists on file with the Commission.

(d) In any proceeding parties other than the moving party shall give such notice of issues controverted in law or fact as is designated in the notice of hearing or special rules of this Commission. Parties claiming that facts have been admitted or issues have been conceded by failure of other parties adequately to controvert them shall make such claim at the opening of the hearing: *Provided, however,* That no inadequacy of responsive pleading shall operate to relieve a moving party from establishing facts required by statute to be found by the Commission as a basis for granting the action sought.

(e) In any proceeding the moving party shall, in the moving papers or the notice of hearing if that is practicable or, if not, as early as practicable in the course of the hearing, specify the procedures considered necessary or appropriate in the proceeding ,with particular reference to (1) whether there should be a recommended decision by a hearing officer, (2) whether there should be a recommended decision by any other responsible officer of the Commission, (3) whether the interested Division of the Commission's staff may assist in the preparation of the Commission's decision, and (4) whether there should be a 30-day waiting period between the issuance of the Commission's order and the date it is to become effective. Any other party may object promptly, or within such time as shall be designated by the hearing officer having due regard to the circumstances of the case, to the procedure so specified and may specify such additional procedure as he considers necessary or appropriate and, in the absence of such objection or specification of additional procedure, may be deemed to have waived objection to the specified procedure and to the omission of any procedure not specified (unless the Commission, for good cause shown taking into account any resulting prejudice to other parties, determines the contrary).

(f) The hearing officer on his own motion may, or at the request of any party shall, call a conference of the parties at the opening of the hearing or at any subsequent time for the purpose of specifying and agreeing on the procedural steps to be followed or omitted in the proceeding. Any proposal agreed upon by all the parties shall be read into the record and shall determine the procedure in that respect, except that the Commission may, for good cause shown taking into account any resulting prejudice to the parties, vary such procedure at the request of any party or, after notice, on its own motion.

§ 201.4 *Amendments.* (a) Whenever a hearing is ordered by the Commission in any proceeding pursuant to section 8 of the Securities Act of 1933, as amended, and items in the registration statement which appear to be incomplete or inaccurate in any material respect, or to include any untrue statement of a material fact, or to omit a statement of any material fact required to be stated therein or necessary to make the statements therein not misleading, are not particularly specified in the notice, such items shall be so specified by amendment to the notice prior to the taking of testimony in regard to such items. The hearing officer may grant or deny a motion for such amendment. Such motions shall be in writing, and may be filed with the hearing officer at any time prior to the termination of the hearing. On request of the registrant the hearing officer, after granting such motion, shall grant a reasonable time within which the registrant may familiarize himself with such matters before taking testimony in regard to such items.

(b) In any other proceeding instituted by the Commission, amendment may be allowed to the order, rule to show cause or other moving papers, by the Commission on application to it, or by it upon its own motion.

(c) When issues not raised by the pleading of a party or the Commission's statement of matters to be considered and determined are tried by express or implied consent of the parties, they may be treated in all respects as if they had been raised in the pleadings.

§ 201.5 *Hearings for the purpose of taking evidence.* (a) Hearings for the purpose of taking evidence shall be held as ordered by the Commission.

(b) All such hearings shall be held before a hearing officer, who shall be an officer duly designated by the Commission, one or more of the members of the Commission, or the Commission. The hearings shall be conducted by the hearing officer in an impartial and orderly manner. All such hearings, except hearings pursuant to the provisions of Clause 30 of Schedule A of the Securities Act of 1933, as amended, or section 24 (b) of the Securities Exchange Act of 1934, as amended, or section 22 (b) of the Public Utility Holding Company Act of 1935, or Rule N–45A–1 under the Investment Company Act of 1940 (17 CFR, 270.45a–1) shall be public unless otherwise ordered by the Commission.

(c) All witnesses at a hearing for the purpose of taking evidence shall testify under oath or affirmation, which shall be administered by the hearing officer. Hearings for the purpose of taking evidence shall be stenographically reported and a transcript thereof shall be made which shall be a part of the record of the proceeding. Transcripts of public hearings will be supplied by the official reporter at the prescribed rates. Transcripts of private hearings will be supplied at the prescribed rates to the parties.

(d) In any hearing for the purpose of taking evidence the hearing officer may withdraw from a case when he deems himself disqualified. In such event he shall immediately notify the Commission of his withdrawal and inform it of his reasons for such action. Any party or any person who has been granted leave to be heard pursuant to Rule XVII (17 CFR, 201.17) may in good faith request the hearing officer to withdraw on the grounds of personal bias or other disqualification. The person seeking disqualification shall file with the hearing officer a timely affidavit setting forth in detail the facts alleged to constitute grounds for disqualification, and the hearing officer may file a response thereto. If the hearing officer believes himself not disqualified he shall so rule and proceed with the hearing. If the person seeking disqualification excepts from the ruling of the hearing officer, the hearing officer shall certify the question together with the affidavit and any response filed in connection with it, to the Commission. The Commission may rule on the question without hearing or it may require testimony or argument on the issues raised. The affidavit and response, any testimony taken, and the decision thereon shall be part of the record in the case.

(e) In hearings for the purpose of taking evidence, every party shall have the right to present such oral or documentary evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts. The hearing officer shall regulate the course of the hearing, receive relevant and material evidence, rule upon offers of proof, and exclude all irrelevant, immaterial, or unduly repetitious evidence. During the course of any such hearing the hearing officer shall rule upon applications for issuance of subpoenas and issue such subpoenas in proper cases, shall rule upon applications for the taking of depositions pursuant to Rule VIII (17 CFR, 2018) and upon other procedural matters relating to the hearing and may hold conferences for the settlement or simplification of the issues by consent of the parties where time, the nature of the proceedings, and the public interest permit. Upon notice to all parties, the hearing officer may reopen any hearing prior to the filing of a recommended decision therein, or, if no recommended decision is to be filed, prior to the time for filing briefs with the Commission.

(f) Subpoenas requiring the attendance of witnesses from any place in the United States at any designated place of hearing may be issued by any member of the Commission, the hearing officer or any other officer designated by the Commission for that purpose in connection with any hearing ordered by the Commission, upon written application therefor. Subpoenas for the production of documentary evidence will issue only upon application in writing, which must specify, as nearly as may be, the documents desired and the facts to be proved by them, in sufficient detail to indicate the materiality, general relevance, and reasonable scope of the documents desired.

(g) Witnesses summoned before the Commission shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear.

(h) Except where these rules specify otherwise, all procedural applications, motions and objections during the course of the hearing shall be made to the hearing officer, who may on his own motion certify any matter directly to the Commission. Exception to any ruling thereon by the hearing officer must be noted in order to be urged before the Commission. Upon exception to a ruling of the hearing officer, he shall promptly certify the matter to the Commission for its consideration and disposition in any case where (1) all the parties request such reference, (2) his ruling, if reversed by the Commission at a later stage of the proceeding, would unduly delay or prolong the proceeding or cause undue inconvenience to the parties, or (3) the Commission so directs. Objections to the admission or exclusion of evidence shall be in short form, stating the grounds of objections relied upon, and the transcript shall not include argument or debate thereon except as ordered by the Commission or the hearing officer. Rulings by the Commission and the hearing officer on all procedural applications, motions, and objections shall be part of the record.

(i) Except where a different procedure is established by a particular rule or regulation of the Commission, an application or declaration filed by a party other than the Commission in which the facts alleged have been duly verified under oath may state that the applicant offers it in evidence pursuant to this rule in any hearing thereon. If such offer is made the application or declaration shall be received in evidence at the hearing as proof in support of the allegations therein without the necessity of the applicant appearing and introducing further evidence, unless any party or person having a bona fide interest in the proceeding gives notice of his objection to the admission of the application or declaration or of his intention to appear in opposition to the application or declaration. Such notice shall be filed with the Secretary or other duly designated officer of the Commission who shall promptly notify the applicant or declarant thereof. If the applicant or declarant fails to appear and support the application or declaration upon being notified of the objection, or intention to appear in opposition, the application or declaration shall be dismissed, unless the Commission directs otherwise. Where timely notification of such objection or intention to appear cannot be given applicant or declarant in advance of hearing, the hearing will be continued to permit the appearance of the applicant or declarant.

§ 201.6 *Motions and procedural applications.* (a) All motions and procedural applications not required to be made to the hearing officer pursuant to Rules IV (a) (17 CFR, 201.4(a)) and V (17 CFR, 201.5) shall be made to and ruled upon by the Commission.

(b) Motions or procedural applications calling for determination by the Commission shall be filed with the Secretary or other duly designated officer of the Commission in writing, provided that motions or procedural applications calling for determination by the Commission but made in the course of a hearing may be filed with the hearing officer in writing, who shall refer such motion or procedural application to the Commission. Any such motion or procedural application shall be accompanied by a written brief of the points and authorities relied upon in support of the same. Any party may file an answering brief within 5 days after service upon him of such motion or other application as provided in Rule XIV (17 CFR, 201.14), unless otherwise directed by the Commission. Motions and procedural applications will be considered on the briefs filed following the time for filing the answering brief, unless othewise directed by the Commission. No oral argument will be heard on such matters unless the Commission so directs.

§ 201.7 *Extensions of time, continuances, and adjournments.* Except as otherwise expressly provided by law, the Commission for cause shown may extend or shorten any time limits prescribed by these rules for filing any papers, and may continue or adjourn any hearing. A hearing before a hearing officer shall begin at the time and place ordered by the Commission, but thereafter may be successively adjourned to such time and place as may be ordered by the Commission or by the hearing officer.

§ 201.8 *Depositions.* (a) Any party desiring to take a deposition shall make application therefor in writing, setting forth the reasons why such deposition should be taken, the name and residence of the witness, the matters concerning which it is expected the witness will testify, and the time and place proposed for the taking of the deposition. Thereupon the hearing officer or Commission, as the case may be, may in his or its discretion, issue an order which will name the witness whose deposition is to be taken, state the scope of the testimony to be taken, and specify the time when, the place where, and the designated officer before whom the witness is to testify. Such order shall be served upon all parties by the Secretary, or other duly designated officer of the Commission, a reasonable time in advance of the time fixed for taking testimony.

(b) Witnesses whose testimony is taken by deposition shall be sworn or shall affirm before any questions are put to them. Each question propounded shall be recorded and the answers shall be taken down in the words of the witness.

(c) Objections to questions or evidence shall be in short form, stating the grounds of objection relied upon, but no transcript filed by the officer shall include argument or debate. Objections to questions or evidence shall be noted by the officer upon the deposition, but he shall not have power to decide on the competency or materiality or relevance of evidence. Objections to questions or evidence not made before the officer shall not be deemed waived unless the ground of the objection is one which might have been obviated or removed if presented at that time.

(d) The testimony shall be reduced to writing by the officer, or under his direction, after which the deposition shall be subscribed by the witness and certified in usual form by the officer. The original deposition and exhibits shall be forwarded under seal to the Secretary of the Commission with such number of copies as may be requested by the Secretary of the Commission. Upon receipt thereof the Secretary shall file the original in the proceedings and shall forward a copy to each party or his attorney of record.

(e) Such depositions shall conform to the specifications of Rule XV (17 CFR, 201.15).

(f) Any part of a deposition not received in evidence at a hearing before the Commission or a hearing officer shall not constitute a part of the record in such proceeding, unless the parties shall so agree or the Commission so orders.

(g) Depositions may also be taken and submitted on written interrogatories in substantially the same manner as depositions taken by oral examination. The interrogatories shall be filed with the application in triplicate, and copies thereof shall be served on all parties by the Secretary or other duly designated officer of the Commission. Within 5 days any party may file with the Secretary his objections, if any, to such interrogatories, and may file such cross-interrogatories as he desires to submit. Cross-interrogatories shall be filed in triplicate, and copies shall be served on all parties, who shall have 3 days thereafter to file their objections, if any, to such cross-interrogatories. Objections to interrogatories or cross-interrogatories shall be settled by the Commission or hearing officer. Objections to interrogatories shall be made before the order for taking the deposition issues and if not so made shall be deemed waived. When a deposition is taken upon written interrogatories and cross-interrogatories, no party shall be present or represented, and no person other than the witness, a stenographic reporter, and the officer shall be present at the examination of the witness, which

fact shall be certified by the officer, who shall propound the interrogatories and cross-interrogatories to the witness in their order and reduce the testimony to writing in the witness' own words.

§ 201.9 *Certification of record, proposed findings and conclusions, and intermediate decisions.* (a) In every proceeding in which the Commission has not presided at the reception of the evidence, the entire record shall be certified to the Commission for final decision. The record shall include the moving papers, notice of hearings, responsive pleadings, proofs of service, any motions or applications filed in the course of the proceeding and rulings thereon, the transcript of testimony, exhibits received at the hearing, any proposed findings and conclusions submitted by the parties, and any intermediate decision and exceptions thereto. Following any hearing before a hearing officer, except hearings in proceedings pursuant to the provisions of Clause 30 of Schedule A of the Securities Act of 1933, as amended, or section 24 (b) of the Securities Exchange Act of 1934, as amended, or section 22 (b) of the Public Utility Holding Company Act of 1935, or Rule N–45A–1 under the Investment Company Act of 1940 (17 CFR, 270.45a–1), the record shall forthwith be filed with the Secretary of the Commission. Following any hearing before a hearing officer in the excepted cases, the record shall forthwith be filed with the Chairman of the Commission.

(b) The hearing officer shall prepare a recommended decision in any proceeding in which a hearing officer's decision is required under the Administrative Procedure Act, unless such requirement is waived by all parties, and in any other proceeding in which the Commission directs him to prepare such decision.

(c) Except to the extent that the Commission directs otherwise, in any proceeding where a required intermediate decision may under the Administrative Procedure Act be in the form of a recommended decision prepared by any responsible officer of the Commission, such recommended decision shall be prepared by the staff of the interested Division, unless the requirement of an intermediate decision is waived by all parties.

(d) All recommended decisions shall be advisory only, and the findings, conclusions and other matters therein contained shall not be binding upon the Commission. The initial page of the recommended decision shall contain a statement to such effect. In any proceeding in which, under the provisions of Rule XIII (h) (17 CFR, 201.13 (h)) of these rules of practice, the recommended decision is first to be made available to the public on the opening date of public argument on the merits before the Commission, or in the event of submission to the Commission without argument, upon final determination of such proceeding, or pursuant to an order of the Commission, the initial page of the recommended decision shall also contain a statement to the effect that the recommended decision is confidential, shall not be made public, and is for the use only of the Commission, the parties and counsel, but copies of the recommended decision issued after it is made available to the public may omit such statement.

(e) Intermediate decisions shall be filed with the Secretary within 10 days after service upon the official charged with the responsibility for preparation thereof by the Secretary or other duly designated officer of the Commission of a copy of the record in the case, unless some other period is prescribed by the Commission. A copy of such intermediate decision shall be forthwith served on each party by the Secretary or other duly designated officer of the Commission.

(f) In any proceeding any party may submit a statement in writing setting forth proposed findings and conclusions, which may be accompanied by a brief in support thereof. Such statement and brief shall be filed with the Secretary or in the excepted cases listed in paragraph (a) of this section, upon the Chairman of the Commission, or other duly designated officer of the Commission within 5 days after the receipt by the party of a copy of the transcript of the testimony, if promptly at the conclusion of the hearing he has ordered a copy thereof, or if he has not ordered a copy, within 5 days after the filing of the transcript of the testimony with the Secretary or other duly designated officer of the Commission, or within such other time as the Commission may specify.

§ 201.10 *Exceptions.* (a) Within 5 days after receipt of a copy of an intermediate decision, any party may file exceptions thereto. A copy of such exceptions shall be forthwith served on each party by the Secretary or other duly designated officer of the Commission. Exceptions shall be argued only at the final hearing on the merits before the Commission.

(b) Objections to an intermediate decision not saved by exception filed pursuant to this rule will be deemed to have been abandoned and may be disregarded.

§ 201.11 *Briefs.* (a) In any proceeding any party may file a brief in support of his proposed findings and conclusions, and exceptions. Unless otherwise ordered by the Commission, briefs in support of exceptions to an intermediate decision shall be filed within 15 days from the date of service on the party filing the brief of a copy of the intermediate decision. In the absence of any intermediate decision, proposed findings and conclusions and a brief in support thereof may be filed in accordance with Rule IX (f). (17 CFR, 201.9 (f).)

(b) All briefs shall be confined to the particular matters in issue. Each exception or proposed finding or conclusion which is briefed shall be supported by a concise argument and by citation of such statutes, decisions and other authorities and by page references to such portions of the record, as may be relevant. If the exception relates to the admission or exclusion of evidence, the substance of the evidence admitted or excluded shall be set forth in the brief with appropriate references to the transcript. Reply briefs shall be confined to matters in original briefs of opposing parties. Any scandalous or impertinent matter contained in any brief may be stricken on order of the Commission.

(c) Exceptions and proposed findings and conclusions not briefed in accordance with this rule may be regarded by the Commission as waived.

(d) All briefs, including briefs filed pursuant to Rule VI (17 CFR, 201.6), containing more than 10 pages shall include an index and table of cases. The date of each brief must appear on its front cover or title page. If briefs are typewritten, 10 copies shall be filed; if printed or mimeographed, 20 copies, provided that only 7 copies of briefs in proceedings held pursuant to the provisions of Clause 30 of Schedule A of the Securities Act of 1933, as amended, or section 24 (b) of the Securities Exchange Act of 1934, as amended, or section 22 (b) of the Public Utility Holding Company Act of 1935, or Rule N–45A–1 under the Investment Company Act of 1940 (17 CFR, 270.45A–1) need be filed in any instance. No brief shall exceed 60 pages in length, except with the permission of the Commission.

(e) Copies of briefs shall be served by the Secretary or other duly designated officer of the Commission on the parties to the proceeding, and reply briefs may be filed within 5 days thereafter or within such other time as the Commission may specify.

(f) Briefs not filed on or before the time fixed in these rules or by Commission direction will be received only upon special permission of the Commission.

§ 201.12 *Hearing before the Commission.* (a) Except as to motions and procedural applications dealt with in Rule VI (b) (17 CFR, 201.6 (b)) upon written request of any party a matter to be decided by the Commission will be set down for oral argument before the Commission unless exceptional circumstances make oral argument impractical or inadvisable. Such request must be made within the time provided for filing the original briefs.

(b) The Commission shall determine the matter on the record, any briefs of the parties, and any oral argument before the Commission.

(c) The Commission, upon its own motion or upon application in writing by any party for leave to adduce additional evidence which application shall show to the satisfaction of the Commission that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence at the hearing before the Commission or the hearing officer, may hear such additional evidence or may refer the proceeding to the hearing officer for the taking of such additional evidence.

(d) Any petition for rehearing by the Commission shall be filed within 5 days after issuance of the order complained of and shall clearly state the specific grounds and the specific matters upon which rehearing is sought.

§ 201.13 *Filing papers; docket; computation of time; public information; confidential treatment.* (a) All reports, exceptions, briefs, and other papers required to be filed with the Commission in any proceeding shall be filed with the Secretary, except that all papers containing data as to which confidential treatment is sought pursuant to Rules 580 (17 CFR, 230.580), X–24B–2 (17 CFR,

240.24b-2) or U-104 (b) (17 CFR, 250.104 (b)) of the Rules and Regulations of the Commission, together with applications making objection to the disclosure thereof, and all papers and data relating to proceedings instituted by the Commission pursuant to Rule N-45A-1 (17 CFR, 270.45a-1) shall be filed with the Chairman. Any such papers may be sent by mail or express to the officer with whom they are directed to be filed, but must be received by such officer at the office of the Commission in Philadelphia, Pennsylvania, within the time limit, if any, for such filing.

(b) The Secretary shall maintain a docket of all proceedings, and each proceeding shall be assigned a number.

(c) Wherever under these rules, unless otherwise expressly provided, any limitation is made as to the time within which any recommended decisions, proposed findings and conclusions, exceptions, briefs, or other papers are required to be filed with the Commission in any proceeding, hearing officers and parties who are residents of the following states: Montana, Idaho, Wyoming, Colorado, New Mexico, Utah, Arizona, Nevada, Washington, Oregon, and California, shall have an additional period of 5 days; and hearing officers and parties who reside beyond the confines of the continental United States shall have an additional period of 20 days within which to file such recommended decisions, proposed findings and conclusions, exceptions, briefs, and other papers. For the purposes of this rule the person upon whom service is made by the Commission is the party whose residence shall determine whether the additional time provided herein shall be granted.

(d) In computing any period of time prescribed or allowed by these rules or by order of the Commission, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or a legal holiday in the District of Columbia, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. Intermediate Saturdays, Sundays and holidays shall be included in the computation. A half-holiday shall be considered as other days and not as a holiday.

(e) Unless otherwise specifically provided in these rules or by a particular rule, regulation or order of the Commission an original and 6 copies of all papers shall be filed, unless the same be printed or mimeographed, in which case 20 copies shall be filed.

(f) Unless otherwise provided by statute or rule or otherwise directed by the Commission, all information contained in any notification, statement, application, declaration, intermediate decision, or other document filed with the Commission pursuant to requirement of a statute or a rule or regulation or order of this Commission shall be available to the public.

(g) Confidential treatment of material listed in paragraph (f) hereof may be requested for good cause where authorized by statute. Request for confidential treatment pursuant to the provisions of Clause 30 of Schedule A of the Securities Act of 1933 as amended, section 24 (b) of the Securities Exchange Act of 1934 as amended, or section 22 (b) of the Public Utility Holding Company Act of 1935 shall be made, respectively, in accordance with Rule 580 (17 CFR, 230.580), X-24B-2 (17 CFR, 240.24b-2), or U-104 (17 CFR, 250.104) of the Rules and Regulations of the Commission. In any case where a hearing for the purpose of taking testimony relating to whether confidential treatment should be granted or continued is to be held, the Commission may in its discretion, prior to the hearing, require the person desiring the confidential treatment to furnish in writing additional information in respect of its grounds of objection to public disclosure. Failure to supply the information so requested within 15 days from the date of receipt by the registrant of a notice of the information required, shall be deemed a waiver of the objections to public disclosure of that portion of the information filed confidentially with respect to which the additional information required by the Commission relates, unless the Commission shall otherwise order for good cause shown at or before the expiration of such 15-day period.

(h) All papers containing data as to which confidential treatment is sought, together with any application making objection to the disclosure thereof, or other papers relating in any way to such application, shall be made available to the public only in accordance with the applicable provisions of Rules 580 (h) of the rules and regulations of the Commission (17 CFR, 230.580 (h)), X-24B-2 (i) (17 CFR, 240.24b-2 (i)) or U-104 (b) (17 CFR, 250.104 (b)). Papers in connection with proceedings instituted by the Commission pursuant to Rule N-45A-1 of the rules and regulations of the Commission (17 CFR, 270.45a-1) shall not be made public except by order of the Commission. An intermediate decision, exceptions thereto, proposed findings and conclusions, and briefs in support of such proposed findings and conclusions or in support of or in opposition to such exceptions, which are filed in connection with any hearing relating to a proceeding concerning confidential treatment shall, unless otherwise ordered by the Commission, first be made available to the public on the opening date of public argument on the merits before the Commission, or in the event of submission to the Commission without argument or with private argument, upon final determination of the proceedings by the Commission, and prior thereto shall be for the confidential use only of the Commission, the parties and counsel.

(i) Information or documents obtained by the Commission in the course of any examination or investigation shall, unless made a matter of public record, be deemed confidential. Officers and employees are hereby prohibited from making such confidential information or documents available to anyone other than a member, officer, or employee of the Commission, unless the Commission authorizes the disclosure of such information or the production of such documents as not being contrary to the public interest. Any officer or employee who is served with a subpoena requiring the disclosure of such information or the production of such documents shall appear in court and, unless the authorization described in the preceding sentence shall have been given, shall respectfully decline to disclose the information or produce the documents called for, basing his refusal upon this rule. Any officer or employee who is served with such a subpoena shall promptly advise the Commission of the service of such subpoena, the nature of the information or documents sought, and any circumstances which may bear upon the desirability of making available such information or documents.

(j) Matters of public record may be inspected in the Public Reference Room at the principal office of the Commission, and such material on file at regional offices of the Commission may be inspected at those offices, during regular office hours. Copies of matters of public record will be furnished to any person upon request and upon payment of the charges therefor as specified in Rule 121 under the Securities Act of 1933 (17 CFR, 230.121).

(k) All final opinions and orders entered by the Commission in the adjudication of cases, and all rules of the Commission shall be released for general publication, except where confidential treatment has for good cause been directed by the Commission. Copies of such published material shall be available for public inspection at the office of the Commission or may be obtained by mail on request. Bound volumes of past Decisions and Reports are obtainable from the Superintendent of Documents, U. S. Government Printing Office, Washington, D. C., at a prescribed charge.

§ 201.14 *Service of intermediate decisions, exceptions, briefs, and other papers.* (a) All intermediate decisions, exceptions, briefs, proposed findings and conclusions, or other documents or papers required by these rules to be served on any party to a proceeding shall be served by the Secretary or other duly designated officer of the Commission, provided that such papers relating to proceedings concerning confidential treatment pursuant to provisions of Clause 30 of Schedule A of the Securities Act of 1933, as amended, or section 24 (b) of the Securities Exchange Act of 1934, as amended, or section 22 (b) of the Public Utility Holding Company Act of 1935, or Rule N-45A-1 under the Investment Company Act of 1940 (17 CFR, 270.45a-1), shall be served by the Chairman.

(b) Subject to the provisions of Rule III (b) hereof (17 CFR, 201.3 (b)), such service, except on counsel to the interested Division of the Commission, shall be made by personal service on the party or his attorney of record or by registered mail addressed to the party or his attorney of record.

§ 201.15 *Formal requirements as to papers filed in proceedings.* (a) All papers filed under these rules shall be typewritten, mimeographed, or printed, shall be plainly legible, shall be on one grade of good unglazed white paper approximately 8 inches wide and 10½ inches long, with left-hand margin 1½

inches wide, and shall be bound at the upper left-hand corner. They shall be double-spaced, except that quotations shall be single-spaced and indented. If printed, they shall be in either 10- or 12-point type with double-leaded text and single-leaded quotations.

(b) All papers must be signed in ink by the party filing the same, or his duly authorized agent or attorney, and must show the address of the signer.

(c) All papers filed must include at the head thereof, or on a title page, the name of the Commission, the names of the parties, and the subject of the particular paper or pleading, and the docket number assigned to the proceeding.

§ 201.16 *Signature of Commission orders; service of Commission rulings.* (a) All orders of the Commission shall be signed by the Secretary or such other person as may be authorized by the Commission.

(b) Copies of all decisions, orders and rulings by the Commission on any written application shall be served on the applicant and, if made in connection with a pending proceeding, on all parties thereto.

§ 201.17 *Intervention, leave to be heard, informal participation.* (a) Any interested representative, agency, authority or instrumentality of the United States or any interested State, State commission, State securities commission, municipality or other political subdivision of a State shall become a party to any proceeding upon the filing of a written notice of appearance therein. Except to the extent that these rules provide otherwise, the interested Division of the Commission shall be deemed a party to all proceedings.

(b) Any person may, at the discretion of the hearing officer, be given leave to be heard in any proceeding as to any matter affecting his interests. Requests for leave to be heard shall be in writing, shall set forth the nature and extent of the applicant's interest in the proceeding, and shall be filed with the hearing officer or the Commission not later than 2 days prior to the date fixed for the commencement of the hearing, except that where a respondent is required to answer, requests for leave to be heard shall be filed within the time provided for the filing of the answer. The hearing officer or the Commission may direct any person requesting leave to be heard to submit himself to examination as to his interest in the proceeding.

(c) Leave to be heard pursuant to paragraph (b) hereof may include leave to call and examine witnesses, to offer documentary evidence, to cross-examine witnesses, to file briefs, to submit proposed findings and conclusions and to make oral argument. The hearing officer shall determine the time and extent of such participation except that oral argument may be permitted only by the Commission upon written request therefor. Persons granted leave to be heard shall be bound, except as may be otherwise determined by the hearing officer, by any stipulation between the parties to the proceeding with respect to procedure including submission of evidence, substitution of exhibits, corrections of the record, the time within which briefs or exceptions may be filed or proposed findings and conclusions may be submitted, the filing of intermediate decisions, the procedure to be followed in the preparation of decisions, and the effective date of the Commission's order in the case. Where the filing of briefs or exceptions or the submission of proposed findings and conclusions are waived by the parties to the proceeding, a person granted leave to be heard pursuant to paragraph (b) hereof shall not be permitted to file a brief or exception or submit proposed findings and conclusions except by leave of the hearing officer or of the Commission. Except as may otherwise be specifically directed by the hearing officer at the request of any person granted leave to be heard, such person shall be expected to inform himself by attendance at public hearings and by examination of the public files of the Commission as to the various steps taken in the proceeding, including continuances, the filing of amendments, answers, motions, or briefs by parties to the proceeding, or the fixing of time for any such action, and such person shall not be entitled as of right to other notice thereof, or to service of copies of documents.

(d) Except as provided in paragraph (a) hereof, no person shall be admitted as a party to a proceeding unless the Commission is satisfied on the basis of the written application of such person (and any evidence taken in connection therewith) that his participation as a party will be in the public interest, and (1) that leave to be heard pursuant to paragraphs (b) and (c) hereof would be inadequate for the protection of his interests or (2) in proceedings under the Securities Exchange Act of 1934, as amended, that he may be aggrieved by the Commission's order in the proceeding.

(e) Any person who has not complied with the requirements of paragraph (b) hereof may, in the discretion of the hearing officer, be permitted to file a memorandum or make an oral statement of his views, and the hearing officer may accept for the record written communications received from any such person. Unless offered and admitted as evidence of the truth of the statements therein made, the memoranda and oral or written communications submitted pursuant to the provisions of this paragraph will be considered by the Commission only to the extent that the statements therein made are otherwise supported by the record.

(f) The hearing officer is directed to grant leave to be heard under paragraph (b) or (e) hereof, whichever may be applicable, to any person to whom it is proposed to issue any security in exchange for one or more bona fide outstanding securities, claims or property interests, or partly in such exchange and partly for cash, where the Commission is authorized to approve the terms and conditions of such issuance and exchange after a hearing upon the fairness of such terms and conditions.

(g) Any ruling of the hearing officer as to matters within the scope of this rule shall be subject to review by the Commission at the close of the proceedings, or, at the Commission's discretion, in the course of the proceedings. The Commission may, by order in any case, modify the provisions of this rule which would otherwise be applicable, and may impose such terms and conditions on the participation of any person in any proceeding as it may deem necessary or appropriate in the public interest.

§ 201.18 *Consolidation.* By order of the Commission, or upon agreement between the parties, proceedings involving a common question of law or fact may be joined for hearing of any or all the matters in issue in such proceedings and such proceedings may be consolidated; and the Commission may make such orders concerning the conduct of such proceedings as may tend to avoid unnecessary costs or delay.

§ 201.19 *Rules of general application.* (a) Any person desiring the issuance, amendment or repeal of a rule may file a petition therefor with the Secretary of the Commission. Such petition shall include a statement setting forth the text of any proposed rule or amendment desired or specifying the rule the repeal of which is desired and stating the nature of his interest and his reasons for seeking the issuance, amendment or repeal of the rule. The Secretary shall acknowledge receipt of the petition and refer it to the Commission for such action as the Commission deems appropriate, and shall notify the petitioner of the action decided upon by the Commission.

(b) Except where the Commission finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, whenever the Commission proposes to issue, amend, or repeal any rule or regulation of general application other than an interpretative rule, general statement of policy, or a rule of agency organization, procedure, or practice, or any matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts, there shall first be published in the FEDERAL REGISTER a notice of the proposed action. Such notice shall include (1) a statement of the time, place, and nature of the rule making proceeding, with particular reference to the manner in which interested persons shall be afforded the opportunity to participate in such proceeding; (2) reference to the authority under which the rule is proposed; and (3) the terms or substance of the proposed rule or a description of the subjects and issues involved.

§ 201.20 *Nonapplicability of rules to investigations; transcripts in investigations.* (a) These rules of practice, other than Rule II (e) (17 CFR 201.2 (e)) and except to the extent to which these rules specifically refer to investigations, shall not be applicable to investigations conducted by the Commission pursuant to sections 8 (e), 19 (b) and 20 (a) of the Securities Act of 1933, as amended; section 21 (a) of the Securities Exchange Act of 1934, as amended; sections 11 (a), 13 (g), 18 (a), 18 (b) and 30 of the Public Utility Holding Company Act of 1935; section 321 (a) of the Trust Indenture Act of 1939; section 209 (a) of the Investment Advisers Act of 1940; or sec-

tions 14 (b) and 42 (a) of the Investment Company Act of 1940.

(b) A person who has been compelled to submit data or evidence in such investigations shall, upon written application to the Commission, be entitled to retain or procure a copy or transcript of his data or evidence submitted on payment of the prescribed fees; provided, however, that the Commission may, in any nonpublic investigatory proceeding, for good cause deny the application for such copy or transcript. In the latter event, such person shall have the right to inspect the official transcript of his testimony upon proper identification.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 46–15644; Filed, Aug. 30, 1946; 12: 48 p. m.]

PART 202—INFORMAL AND OTHER PROCEDURES

Sec.
202.1 General.
202.2 Prefiling assistance and interpretative advice.
202.3 Processing of filings and facilitating administrative hearings.
202.4 Enforcement activities.
202.5 Adoption, revision, and rescission of rules and regulations of general application.

§ 202.1 *General.*—(a) A summary of the statutes administered by the Commission and a description of the duties and responsibilities assigned to the various divisions and offices of the Commission's staff are set forth at 17 CFR Part 200. The statutes administered by the Commission provide generally (1) for the filing with it of certain statements, such as registration statements, periodic and ownership reports, and proxy solicitation material, and for the filing of certain applications and declarations seeking Commission approvals; (2) for Commission determination through formal procedures of matters initiated by private parties or by the Commission; (3) for the investigation and examination of persons and records where necessary to carry out the purposes of the statutes and for enforcement of statutory provisions; and (4) for the adoption of rules and regulations where necessary to effectuate the purposes of the statutes. The Commission's functions in regard to the foregoing matters are channeled on the basis of the organizational pattern referred to above (17 CFR, Part 200).

(b) In addition to the Commission's Rules of Practice heretofore set forth (17 CFR Part 201), the Commission has promulgated rules and regulations pursuant to the several statutes it administers (17 CFR Parts 230, 240, 250, 260, 270 and 275). These rules and regulations contain substantive provisions and include as well numerous provisions detailing the procedure for meeting specific standards embodied in the statutes. The Commission's rules and regulations under each of the statutes are available in pamphlet form upon request at the Commission's central office.

(c) The statutes and the published rules, regulations and forms thereunder prescribe the course and method of formal procedures to be followed in Commission proceedings. These are supplemented where feasible by certain informal procedures designed to aid the public and facilitate the execution of the Commission's functions. There follows a brief description of procedures generally followed by the Commission have not been formalized in rules.

(d) The informal procedures of the Commission are largely concerned with the rendering of advice and assistance by the Commission's staff to members of the public dealing with the Commission. While opinions expressed by members of the staff do not constitute an official expression of the Commission's views, they represent the views of persons who are continuously working with the provisions of the statute involved. And any statement by the director, associate director, assistant director, assistant chief accountant, or chief counsel of any division can be relied upon as representing the views of that division. In certain instances an informal statement of the views of the Commission may be obtained. The staff, upon request or on its own motion, will generally present questions to the Commission which involve matters of substantial importance and where the issues are novel or highly complex, although the granting of a request for an informal statement by the Commission is entirely within its discretion.

§ 202.2 *Pre-filing assistance and interpretative advice.* The staff of the Commission renders interpretative and advisory assistance to members of the general public, prospective registrants, applicants and declarants. For example, persons having a question regarding the availability of an exemption may secure informal administrative interpretations of the applicable statute or rule as they relate to the particular facts and circumstances presented. Similarly, persons contemplating filings with the Commission may receive advice in the preparation thereof, including information as to the forms to be used and the scope of the items contained in the forms. Inquiries may be directed to an appropriate officer of the Commission's staff.[1] In addition, informal discussions with members of the staff may be arranged whenever feasible, at the Commission's central office or, except in connection with matters under the Public Utility Holding Company Act of 1935 at one of its regional offices.

§ 202.3 *Processing of filings and facilitating administrative hearings.* (a) Registration statements, proxy statements, letters of notification, periodic reports, applications for qualification of indentures, and similar documents filed with the Commission are routed to the appropriate examining section, which passes initially on the adequacy of disclosure and recommends the initial action to be taken. If the filing appears to afford inadequate disclosure, as for example through omission of material information or through violation of accepted accounting principles and practices, the usual practice is to bring the deficiency to the attention of the person who filed the document by a letter from the Assistant Director assigned supervision over the particular filing, and to afford a reasonable opportunity to discuss the matter and make the necessary corrections. This informal procedure is not generally employed where the deficiencies appear to stem from a deliberate attempt to conceal or mislead or where for any other reason the Commission deems formal proceedings necessary in the public interest.

(b) Applications, declarations, and other requests involving formal Commission action are scrutinized by the appropriate section for conformance with applicable statutory standards and Commission rules and generally the filing party is advised of deficiencies. Prior to passing upon applications and declarations the Commission receives the views of all interested persons at public hearings whenever appropriate; hence, any applicant or declarant seeking Commission approval of proposed transactions by a particular time should file his application or declaration in time to allow for the presentation and consideration of such views.

(c) After the staff has had an opportunity to study an application or declaration, interested persons may informally discuss the problems therein raised to the extent that time and the nature of the case permit (e. g., consideration is usually given to whether the proceeding is contested and if so to the nature of the contest). In such event, the staff will, to the extent feasible, advise as to the nature of the issues raised by the filing, the type of evidence it believes should be presented at the hearing and, in some instances, the nature, form, and contents of documents to be submitted as formal exhibits. The staff will, in addition, generally advise as to Commission policy in past cases which dealt with the same subject matter as the filing under consideration.

(d) During the course of the hearings, the staff is generally available for informal discussions to reconcile bona fide divergent views not only between itself and other persons interested in the proceedings, but among all interested persons; and, when circumstances permit, the staff endeavors to narrow, if possible, the issues to be considered at the formal hearing.

(e) In some instances the Commission in the order accompanying its findings and opinion reserves jurisdiction over certain matters relating to the proceeding, such as payment of fees and expenses, accounting entries, terms and conditions relating to securities to be issued, and other matters. In such cases, upon receipt of satisfactory information and data the Commission considers whether further hearing is required before releasing jurisdiction.

§ 202.4 *Enforcement cativities.* (a) Where, from complaints received from members of the public, communications from federal or state agencies, examination of filings made with the Commission,

[1] The particular officers to whom such inquiries should be made may be ascertained from the description of the Commission's organization set forth in 17 CFR Part 200.

or otherwise, it appears that there may be violation of the acts administered by the Commission or the rules or regulations thereunder, a preliminary investigation is generally made. In such preliminary investigation no process is issued or testimony compelled. When it appears from information obtained either with or without a preliminary investigation that there is a likelihood that a violation has been or is about to be committed and that the issuance of process may be necessary, the matter is reported to the Commission, which may then order a formal investigation or examination if it is deemed necessary. Unless otherwise ordered by the Commission, the investigation or examination is nonpublic and the reports thereon are confidential.

(b) Where it appears after investigation that there has been a violation of any of the provisions of the acts administered by the Commission or the rules or regulations thereunder, the Commission may take one or more of the following actions: institution of administrative proceedings looking to the imposition of remedial sanctions, initiation of injunction proceedings in the courts, and, in the case of a willful violation, reference to the matter to the Department of Justice for criminal prosecution. The Commission may also on some occasions refer the matter to other federal agencies, state authorities or organizations such as the stock exchanges or the National Association of Securities Dealers, Inc.

§ 202.5 *Adoption, revision, and rescission of rules and regulations of general application.* (a) The procedure followed by the Commission in connection with the adoption, revision, and rescission of rules of general application necessarily varies in accordance with the nature of the rule, the extent of public interest therein, and the necessity for speed in its adoption. Rules relating to Commission organization, procedure and management, for example, are generally adopted by the Commission without affording public discussion thereof. On the other hand, in the adoption of substantive rules materially affecting an industry or a segment of the public, such as accounting rules, every feasible effort is made in advance of adoption to receive the views of persons to be affected. In such cases, proposals for the adoption, revision, or rescission of rules are initiated either by the Commission or by members of the public, and to the extent practicable, the following practice is observed:

(b) A preliminary draft of the proposed rule is considered by the Commission and sent to interested persons (e. g. other interested regulatory bodies, principal registrants or persons to be affected, stock exchanges, professional societies and leading authorities on the subject concerned, and other persons requesting such draft) for criticism and suggestions. Following analysis of suggestions received, a revised draft is prepared and, where appropriate, a public hearing may be announced for final consideration of the proposal. Any interested persons may appear at the hearing or may submit written comment for inclusion in the record in accordance with the Commission's notice of the rule-making procedure to be followed. The rule in the form in which it is adopted by the Commission is publicly released and is published in the Federal Register.

[SEAL] ORVAL L. DU BOIS,
Secretary.

[F. R. Doc. 46-15642; Filed, Aug. 30, 1946; 12:49 p. m.]

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933 [1]

SUBPART A—FOR REGISTRATION STATEMENTS

Sec.
239.1 Form A-1, general form.
239.2 Form A-2, for corporations.
239.3 Form C-1, for securities of unincorporated investment trusts.
239.4 Form C-2, for certain types of certificates of interest in securities.
239.5 Form C-3, for American certificates against foreign issues and for the underlying securities.
239.6 Form D-1, for certificates of deposit.
239.7 Form D-1A, for certificates of deposit issued by issuer of securities called for deposit.
239.8 Form E-1, for securities in reorganization.
239.9 Form F-1, for voting trust certificates
239.11 Form S-1, general form.
239.12 Form S-2, for securities of nonsuccessor corporations having no subsidiaries.
239.13 Form S-3, for shares of mining corporations in the promotional stage.
239.14 Form S-4, for closed-end management investment companies registered on form N-8B-1 (17 CFR, 274.11).
239.15 Form S-5, for open-end management investment companies registered on form N-8B-1 (17 CFR, 274.11).
239.16 Form S-6, for unit investment trusts registered on form N-8B-2 (17 CFR, 274.12).
239.17 Form S-10, for oil or gas interests or rights.
239.18 Form S-11, for shares of exploratory mining corporations.
239.19 Form S-12, for shares of corporations without subsidiaries and and not more advanced than the development stage.
239.20 Supplement S-T.

SUBPART B—FORMS PERTAINING TO EXEMPTIONS

239.100 Form S-3b-1, letter of notification.
239.101 Schedules and forms for offering sheets pertaining to oil or gas interests offered pursuant to Regulation B (17 CFR, 230.300-230.356).

SUBPART A—FOR REGISTRATION STATEMENTS

§ 239.1 *Form A-1, General form.*—(a) *General rule.* This form is to be used for registration under the Securities Act of 1933 of all securities for the registration of which no other form is specifically prescribed.

[1] The descriptions given are based upon the instructions as to the use of the forms, but in cases of doubt as to the proper form to be used, the instructions should be consulted. Copies of any of these forms and of instructions for their use may be obtained on request addressed to the Administrative Division of the Commission.

(b) *Special rule.* Notwithstanding the rules for the use of Form A-2 (see 17 CFR, § 239.2) for Corporations, Form A-1 may be used by any incorporated investment trust for registration under the Securities Act of 1933 of an additional block of securities of a class, part of which has previously been registered on Form A-1.

§ 239.2 *Form A-2, for corporations.*—(a) *General rule.* This form is to be used for registration statements, except such statements as to which a special form is specifically prescribed, under the Securities Act of 1933 by any corporation which files profit and loss statements for 3 years and which meets either one of the following conditions: (1) Such corporation has made annually available to its security holders, for at least 10 years, financial reports (which may be reports consolidating the reports of the corporation and its subsidiaries) including at least a balance sheet and a profit-and-loss or income statement, or (2) such corporation had a net income for any 2 fiscal years of the 5 fiscal years preceding the date of the latest balance sheet filed with the registration statement. If such corporation has subsidiaries, such income shall be determined on the basis of consolidated reports for such corporation and its subsidiaries. Notwithstanding the foregoing, however, this form shall not be used by any corporation organized within 10 years, if the majority of the capital stock thereof was issued to promoters of the corporation in consideration of property or services, or if more than one-half of the proceeds of the sale of securities of such corporation has been used to purchase property acquired by the corporation from the promoters of the corporation.

This form may also be used for registration statements (except such statements as to which a special form is specifically prescribed) by a corporation organized for the purpose of distributing to its stockholders only, water, electricity, or gas, and prohibited from paying any dividends to its stockholders except upon its dissolution or liquidation, *Provided*, That:

1. The corporation has been in existence at least 15 years prior to the date of the filing of the registration statement;

2. There has been no default by the corporation upon any of its funded indebtedness within the period of 15 years prior to the date of the filing of the registration statement;

3. The registrant will have a total indebtedness, upon the issuance of the securities registered, not exceeding 50 per cent of the amount, less valuation reserves, at which the total assets of the registrant are carried on the latest balance sheet of the registrant filed with the registration statement, giving effect to the proceeds of the securities registered; and

4. Within the period of 10 years preceding the date of the filing of the registration statement, the corporation shall not have failed to levy and collect assessments in amounts sufficient to meet all current charges.

(b) *Special rules.* (1) Notwithstanding that Form E–1 (17 CFR, 239.8) is specifically prescribed for use in cases involving an exchange of securities by the issuer thereof for others of its securities or a modification of the terms of securities by agreement between the issuer and its security holders, a registrant otherwise entitled to use Form A–2 may, at its option, use Form A–2 in any such case if the registrant is not in reorganization pursuant to section 77B of the Bankruptcy Act or in bankruptcy or receivership and if no default exists on any outstanding funded debt (other than a default in sinking fund payments which has been waived by the holders of at least 80 per cent in principal amount of the issue outstanding). If Form A–2 is used pursuant to this Rule, the fee payable for registration shall be calculated in accordance with Instruction 7 in Form E–1, and the table setting forth the calculation shall be prepared as prescribed in such Form.

(2) Form A–2 may be used by a registrant if all the following conditions exist:

(i) The registrant was organized as the successor to a single predecessor, or to a group of predecessors one of which, at the time of succession, directly or indirectly owned substantially all of the outstanding stock of all the other predecessors;

(ii) The registrant acquired all of the assets and assumed all of the liabilities of such predecessor or predecessors, and the capital structure of the registrant immediately following the successsion was substantially the same as the capital structure of the single predecessor, or as the consolidated capital structure of the group of predecessors, except for such changes as may have resulted from the substitution of issuers incident to the succession or from changes in capital stock liability per share; and

(iii) The single predecessor, or the parent company in a group of predecessors, could have used Form A–2 if the succession had not taken place.

In determining whether such single predecessor or such parent company in a group of predecessors could have used Form A–2, the record of the registrant in regard to income or annual reporting to security holders shall be considered a continuation of the record of such single predecessor or such parent company. In the case of a group of predecessor companies, the income of the parent company of the group shall be determined on the basis of consolidated reports for such parent company and its subsidiaries, the subsidiaries to be included in the consolidated reports whether or not they were combined with the parent company to form the registrant.

(3) Notwithstanding the provisions of the last sentence of the rule for the use of Form A–2 for Corporations, that form may be used by a corporation otherwise entitled to use the form, if the property acquired from promoters under the circumstances stated in such last sentence consisted principally of one or more going businesses, or of securities representing directly or indirectly more than 50 per cent of the voting power controlling such businesses.

(4) Notwithstanding the rules as to the use of Form E–1 (17 CFR, 239.8) or the rule as to the use of Form A–2 for Corporations, Form A–2 may be used in the situation described below for registration statements, except those for which a special form (other than Form E–1 (17 CFR, 239.8) is specifically prescribed, by corporations which file profit and loss statements of their own or of their predecessors for 3 years and which, or the predecessors of which, have in the past 15 years paid dividends upon any class of common stock for at least 2 consecutive years. The situation in which Form A–2 may thus be used is that of registration of securities issued or sold in the course of a "reorganization", as defined in Rule 5 (1) as to the use of Form E–1 (17 CFR, 239.8), where the only operation which brings the transaction within the definition is the acquisition of assets of a subsidiary by the registrant in consideration of securities of the registrant, or the exchange of securities of the registrant for outstanding securities of a subsidiary.

(5) Any corporation which was formed by the consolidation of two or more corporations may use Form A–2, if each of the constituent corporations which collectively brought in a majority of the assets, as shown by the books of the constituent corporations prior to the consolidation, could have used Form A–2 if the consolidation had not taken place. In determining whether any such constituent corporation could have used Form A–2, the record of the registrant in regard to income or annual reporting to security holders shall be considered a continuation of such constituent corporation's record. In this rule all the corporations consolidated to form the registrant are called the "constituent corporations."

(6) Form A–2 may be used by a registrant if all the following conditions exist:

(i) The registrant was a wholly owned subsidiary of a corporation which, either alone or with one or more of its other wholly owned subsidiaries, was merged into the registrant;

(ii) The registrant acquired all the assets and assumed all the liabilities of the corporations merged into it; and

(iii) The parent corporation could have used Form A–2 had the merger not taken place. In determining whether such parent corporation could have used Form A–2, the record of the registrant subsequent to the merger, in regard to income or annual reporting to security holders, shall be considered a continuation of the record of such parent corporation.

(7) Notwithstanding the provisions of clause (b) of the rule as to the use of Form A–2 for Corporations, this form may be used by a corporation which has had a net income for only 1 fiscal year of the 5 fiscal years preceding the date of the latest balance sheet filed with the registration statement, if—

(i) The corporation was organized at least 5 years prior to the date of filing;

(ii) Total assets of the registrant and its subsidiaries after deducting valuation and qualifying reserves, amount to not more than $5,000,000, as shown by the most recent balance sheets filed with the registration statement; and

(iii) The registrant is not an investment company, a bank holding company, or a small-loan or other finance company.

§ 239.3 *Form C–1, for securities of unincorporated investment trusts.* This form is to be used for registration under the Securities Act of 1933 of securities of unincorporated investment trusts of the fixed or restricted management type, having a depositor or sponsor but not having a board of directors or persons performing similar functions.

§ 239.4 *Form C–2, for certain types of certificates of interest in securities.* This form is to be used for registration under the Securities Act of 1933 of certificates of interest in securities of a single class of a single issuer, if the following conditions exist:

(a) The major part of the certificates are to be sold to the public for cash;

(b) Under the terms of the deposit agreement the depositor (as defined below) has no rights or duties as depositor, subsequent to the deposit of the securities with the depositary;

(c) Under the terms of the deposit agreement the power to vote or give a consent with respect to the deposited securities may be exercised only by, or pursuant to the instructions of, the holders of the certificates of interest, except a power, if any, to vote to effect a split-up of deposited stock in such manner as to cause no change in the aggregate capital stock liability of the issuer of the deposited securities;

(d) The securities deposited by the depositor are registered under the Securities Act of 1933 in connection with the sale of the certificates of interest.

§ 239.5 *Form C–3, for American certificates against foreign issues and for the underlying securities.* This form shall be used for registration under the Securities Act of 1933 of American certificates (for example, so-called American depositary receipts for foreign shares or American participation certificates in foreign bonds or notes) issued against securities of foreign issuers deposited or to be deposited with an American depositary (whether physically held by such depositary in America or abroad) and of the foreign securities so deposited.

§ 239.6 *Form D–1, for certificates of deposit.* In registering certificates of deposit issued in anticipation of or in connection with a plan of reorganization or readjustment, Form D–1 shall be used. If a plan of reorganization or readjustment is proposed at the time the call for deposits is to be made, parts I and II of Form D–1 should be filed at the same time. If no such plan is proposed at the time the call for deposits is to be made, part I may be filed alone, and part II must then be filed before the plan is submitted to the security holders or deposits are solicited under the plan. Part II is an amendment of part I and as such shall become effective on such date as the Commission may determine, having due regard to the public interest and the protection of investors.

In the event that a registrant is exempted from the necessity for filing Part I, he may nevertheless file Part II.

Before the issuance of the securities provided in the plan of readjustment or reorganization. Form E–1 (17 CFR 239.8) is to be filed by the issuer of such securities, unless exempted from the necessity of such filing by the act.

§ 239.7 *Form D–1A, for certificates of deposit issued by issuer of securities called for deposit.* This form is to be used only where the issuer of the certificates of deposit is the original issuer of the securities called for deposit, and only if the certificates of deposit are issued in connection with a plan of reorganization or readjustment which involves the issue of new securities to the holders of certificates of deposit.

§ 239.8 *Form E–1, for securities in reorganization.* This form is to be used to register securities (including contracts of guaranty but excepting voting trust certificates, certificates of deposit, and certificates of interest or shares in unincorporated investment trusts of the fixed or restricted management type not having a board of directors or a board of persons performing similar functions, but having a depositor or sponsor) sold or modified in the course of a reorganization.

The "Rules and Instructions Accompanying Form E–1" contain the following definition of the term "reorganization":

As used in these rules and the accompanying instructions:

(1) The term "reorganization" includes any transaction involving:

(a) A readjustment by modification of the terms of securities by agreement; or

(b) A readjustment by the exchange of securities by the issuer thereof for others of its securities; or

(c) The exchange of securities by the issuer thereof for securities of another issuer; or

(d) The acquisition of assets of a person, directly or indirectly, partly or wholly, in consideration of securities distributed or to be distributed as part of the same transaction directly or indirectly to holders of securities issued by such person or secured by assets of such person: or

(e) A merger or consolidation.

§ 239.9 *Form F–1, for voting trust certificates.* This form is to be used to register voting trust certificates issued in the course of a reorganization or otherwise.

§ 239.11 *Form S–1, general form.* This form may be used for registration under the Securities Act of 1933 of securities of any issuer which would otherwise be authorized or required to use Form A–1 (17 CFR, 239.1), A–2 (17 CFR, 239.2), or E–1 (17 CFR, 239.8); *Provided, however,* That this form shall not be used for securities of investment companies registered under the Investment Company Act of 1940.

§ 239.12 *Form S–2, for securities of nonsuccessor corporations having no subsidiaries.* This form may be used for registration of securities of any corporation which are to be sold to the public for cash, if all of the following conditions exist at the date of filing the registration statement:

(a) The registrant does not have and does not presently intend to have any subsidiaries, except inactive subsidiaries having no more than nominal assets;

(b) The registrant does not presently intend to succeed to any going business involving the acquisition of assets at an amount greater than 15 per cent of the registrant's total assets as shown by its most recent financial statements being filed and, if it has already succeeded to any such business, at least three fiscal years have elapsed since the date of the succession; mere succession to the ownership of, or the title to, property does not amount to a succession to a going business within the meaning of this paragraph;

(c) The registrant is not in insolvency proceedings and, if it has been in insolvency proceedings, at least three fiscal years have elapsed since such proceedings were terminated:

Provided, however, That this form shall not be used for securities of insurance or investment companies, securities to be issued under an indenture required to be qualified under the Trust Indenture Act of 1939, or securities of corporations for which form S–3 (17 CFR, 239.13) is authorized.

§ 239.13 *Form S–3, for shares of mining corporations in the promotional stage.* This form may be used for registration of shares of any mining corporation engaged or intending to engage primarily in the exploration, development or exploitation of mineral deposits other than oil or gas, if the securities being registered are to be sold to the public for cash and if all of the following conditions exist at the date of filing the registration statement:

(a) The registrant does not have and does not presently intend to have any subsidiaries, except inactive subsidiaries having no more than nominal assets;

(b) The registrant does not presently intend to succeed to any going business involving the acquisition of assets at an amount greater than 15 per cent of the registrant's total assets as shown by its most recent financial statements being filed and, if it has already succeeded to any such business, at least three fiscal years have elapsed since the date of the succession; mere succession to the ownership of, or the title to, property does not amount to a succession to a going business within the meaning of this paragraph;

(c) The registrant's aggregate gross receipts from the sale of its products for the period for which statements of cash receipts and disbursements would be required have not exceeded the aggregate amount of its operating and development expenses for that period. Expenditures and liabilities incurred for plants or major equipment shall not be deemed to be operating or development expenses within the meaning of this paragraph.

§ 239.14 *Form S–4, for closed-end management investment companies registered on Form N–8B–1 (17 CFR 274.11).* This form may be used for registration under the Securities Act of 1933 of securities of any closed-end management investment company registered under the Investment Company Act of 1940 on Form N–8B–1 (17 CFR 274.11).

§ 239.15 *Form S–5 for open-end management investment companies registered on Form N–8B–1 (17 CFR 274.11).* This form may be used for registration under the Securities Act of 1933 of securities of any open-end management investment company registered under the Investment Company Act of 1940 on Form N–8B–1 (17 CFR 274.11).

§ 239.16 *Form S–6, for unit investment trusts registered on Form N–8B–2 (17 CFR 274.12).* This form may be used for registration under the Securities Act of 1933 of securities of any unit investment trust registered under the Investment Company Act of 1940 on Form N–8B–2 (17 CFR 274.12).

§ 239.17 *Form S–10, for oil or gas interests or rights.* Form S–10 shall be used for registration of landowners' royalty interests, overriding royalty interests, participating interests, working interests, oil or gas payments, oil or gas fee interests, oil or gas leasehold interests, and other producing or non-producing oil or gas interests or rights.

§ 239.18 *Form S–11, for shares of exploratory mining corporations.* This form is designed primarily for the use of metalliferous mining corporations. When used by non-metallic mining corporations, appropriate mining technical terms shall apply in lieu of any inappropriate mining technical term used herein. The form may be used for the registration of shares of any mining corporation if the securities being registered are for the account of the registrant and are to be sold for cash, or for subscriptions to pay cash, and if all the following conditions exist at the date of filing of the registration statement.

(a) The property held is without material reserves of proven or probable ore;

(b) The registrants work at its property, if any, has been principally of exploratory character;

(c) The principal initial objective of the registrant is (1) the exploration for ore deposits of any type, or (2) the exploration for pay gravel beds and/or the testing of gravel beds to ascertain their commercial aspects;

(d) The registrant does not have and does not presently intend to have any subsidiaries, except inactive subsidiaries having no more than nominal assets;

(e) The registrant does not presently intend to succeed to any business and has not already succeeded to a business, unless the succession preceded the closing date of the last fiscal year by at least 3 years. (Mere succession to ownership of, or title to, property does not amount to succession within the meaning of this paragraph.)

§ 239.19 *Form S–12, for shares of corporations without subsidiaries and not more advanced than the development stage.* This form may be used for registration of shares of any corporation which are to be sold to the public for cash or subscriptions to pay cash, if all the following conditions exist at the date of filing the registration statement:

(a) The registrant has not advanced its business beyond the development stage, has had no material returns from the sale of products or from services, and has had no material net income in any fiscal year;

(b) The registrant does not have and does not presently intend to have any subsidiaries, except inactive subsidiaries having no more than nominal assets;

(c) The registrant does not presently intend to succeed to a business and has not already succeeded to a business, unless the succession preceded the closing date of the last fiscal year by at least 3 years. (Mere succession of ownership of, or title to, property does not amount to succession within the meaning of this paragraph);

(d) The registrant has no indebtedness having a maturity at the time of its creation of more than one year, other than indebtedness resulting from a loan from an agency of the United States. Mortgages on property required to be described in Item 2 are excluded for purposes of this paragraph.

Provided, however, That this form shall not be used for the securities of insurance, investment, or mining companies.

§ 239.20 *Supplement S–T.* The special items comprising Supplement S–T are applicable to issuers registering securities under the Securities Act of 1933 if any of the securities being registered are to be issued under an indenture required to be qualified under the Trust Indenture Act of 1939.

SUBPART B—FORMS PERTAINING TO EXEMPTIONS

§ 239.100 *Forms S–3b–1, Letter of Notification.* This form may be used for the letter of notification required by Rule 222 of Regulation A (17 CFR 230.222).

§239.101 *Schedules and forms for offering sheets pertaining to oil or gas interests offered pursuant to Regulation B (17 CFR 230.300–230.356).* Schedules and forms for offering sheets pertaining to oil or gas interests offered pursuant to Regulation B (17 CFR 230.300–230.356) and reports of the sale of such interests are as follows:

(a) *Schedule A.* For producing landowners' royalty interests.

(b) *Schedule B.* For non-producing landowners' royalty interests.

(c) *Schedule C.* For producing overriding interests, working interests or participating interests.

(d) *Schedule D.* For non-producing overriding interests, working interests or participating interests.

(e) *Schedule E.* For oil payments, gas payments, or oil and gas payments to be made from tracts represented to be producing at the time of the offering.

(f) *Schedule F.* For oil payments, gas payments, or oil and gas payments to be made from tracts represented to be non-producing at the time of the offering.

(g) *Form 1–G.* For reports pursuant to Rule 320 (17 CFR 230.320) of the sale of an oil or gas right.

(h) *Form 2–G.* For reports pursuant to Rule 322 (17 CFR 230.322) of the sale of an oil or gas right.

PART 249—FORMS PRESCRIBED UNDER THE SECURITIES EXCHANGE ACT OF 1934 [1]

SUBPART A—FORMS FOR REGISTRATION OR EXEMPTION OF EXCHANGES

Sec.
249.1 Form 1.
249.9 Form 9.
249.9a Form 9–A.

SUBPART B—FORMS FOR REPORTS TO BE FILED BY OFFICERS, DIRECTORS AND SECURITY HOLDERS

249.104 Form 4, for reporting changes in ownership of equity securities.
249.105 Form 5, for reporting ownership of equity securities.
249.106 Form 6, for reports by persons who have just become officers or directors or security holders of more than 10 per cent of any class of equity security.

SUBPART C—FORMS FOR APPLICATIONS FOR REGISTRATION OF SECURITIES ON NATIONAL SECURITIES EXCHANGES

249.207 Form 7, for provisional applications.
249.208 Form 8, for amendments to applications for registration or amendments to annual reports.
249.208a Form 8–A, for additional securities.
249.208b Form 8–B, for securities issued in certain cases upon the registrant's succession to an issuer or issuers of previously registered securities.
249.208c Form 8–C, for registration on an additional exchange.
249.210 Form 10, for corporations.
249.211 Form 11, for unincorporated issuers.
249.212 Form 12, for companies making annual reports under section 20 of the Interstate Commerce Act, as amended, or under section 219 of the Communications Act of 1934.

[1] The descriptions given herein are based upon the instructions as to the use of the forms, but in cases of doubt as to the proper form to be used, the instructions should be consulted. Copies of any of these forms and of instructions for their use may be obtained on request addressed to the Administrative Division of the Commission.

249.212a Form 12–A, for companies in receivership or bankruptcy and making annual reports under section 20 of the Interstate Commerce Act, as amended, or under section 219 of the Communications Act of 1934.
249.213 Form 13, for insurance companies other than life and title insurance companies.
249.214 Form 14, for certificates of deposit issued by a committee.
249.215 Form 15, for incorporated investment companies.
249.216 Form 16, voting trust certificates and underlying securities.
249.217 Form 17, for unincorporated issuers engaged primarily in the business of investing or trading in securities.
249.218 Form 18, for foreign governments and political subdivisions thereof.
249.219 Form 19, for American certificates against foreign issues and for the underlying securities.
249.220 Form 20, for securities other than bonds of foreign private issuers.
249.221 Form 21, for bonds of foreign private issuers.
249.222 Form 22, for issuers reorganized in insolvency proceedings or which have succeeded to a person in insolvency proceedings.
249.223 Form 23, for successor issuers.
249.224 Form 24, for bank holding companies.
249.231 Form 1–J, for registration of unissued warrants for "when issued" dealing.
249.232 Form 2–J, for registration of unissued securities, other than unissued warrants, for "when issued" dealing.
249.235 Form 15–AN, statements in respect of exemption of issued warrants.

SUBPART D—FORMS FOR ANNUAL AND OTHER REPORTS OF ISSUERS HAVING SECURITIES REGISTERED ON NATIONAL SECURITIES EXCHANGES

249.308 Form 8–K, for current reports.
249.310 Form 10–K, for corporations.
249.311 Forms 11–K, for unincorporated issuers.
249.312 Form 12–K, for companies making annual reports under Section 20 of the Interstate Commerce Act, as amended, or under Section 219 of the Communications Act of 1934.
249.312a Form 12 A–K, for companies in receivership or bankruptcy at close of fiscal year and making annual reports under Section 20 of the Interstate Commerce Act, as amended, or under Section 219 of the Communications Act of 1934.
249.313 Form 13–K, for insurance companies other than life and title insurance companies.
249.314 Form 14–K, for certificates of deposit issued by a committee.
249.316 Form 16–K, for voting trust certificates and underlying securities.
249.318 Form 18–K, for foreign governments and political subdivisions thereof.
249.319 Form 19–K, for issuers of American certificates against foreign issues and the underlying securities.
249.320 Form 20–K, for foreign private issuers registering securities other than bonds.
249.321 Form 21–K, for foreign private issuers registering bonds.
249.324 Form 24–K, for bank holding companies.
249.330 Form N–30A–1, for management investment companies.
249.331 Form N–30B–1. Quarterly report of management investment companies registered under the Investment Company Act of 1940.
249.350 Form U5–K, for public utility holding companies.

SUBPART E—FORMS FOR ANNUAL REPORTS OF REGISTRANTS UNDER THE SECURITIES ACT OF 1933

249.401 Form 1–MD, general form.
249.402 Form 2–MD, for investment trusts having securities registered on form C–1.
249.403 Form 3–MD, for voting trust certificates.
249.404 Form 4–MD, for certificates of deposits.
249.441 Form N–30A–1, for managment investment companies.
249.442 Form N–30A–2, for unit investment trusts currently issuing securities.
249.443 Form N–30A–3, for unincorporated management investment companies currently issuing periodic payment plan certificates.
249.446 Form N–30B–1, Quarterly report of management investment companies registered under the Investment Company Act of 1940.
249.450 Form U5–MD, for public utility holding companies.

SUBPART F—FORMS FOR REGISTRATION OF BROKERS AND DEALERS TRANSACTING BUSINESS ON OVER-THE-COUNTER MARKETS

249.503 Form 3–M for applications for registration of brokers and dealers, except applications for which form 4–M is authorized.

249.504 Form 4–M, for applications for registration of partnerships formed upon death, withdrawal, or admission of one or more partners in partnerships registered as brokers or dealers.
249.505 Form 5–M, for adoption of applications filed by predecessors.
249.506 Form 6–M, for supplemental statements to applications for registration of brokers and dealers.

SUBPART G—FORMS FOR REPORTS TO BE MADE BY CERTAIN EXCHANGE MEMBERS, BROKERS AND DEALERS

249.617 Form X–17A–5.

SUBPART H—FORMS FOR REPORTS AS TO STABILIZATION

249.709 Form X–9A6–1, for notice of intention to stabilize.
249.717 Form X–17A–1, for reports of stabilizing activities.

SUBPART I—FORMS FOR REGISTRATION OF AND REPORTING BY NATIONAL SECURITIES ASSOCIATIONS AND AFFILIATED SECURITIES ASSOCIATIONS

249.801 Form X–15AA–1.
249.802 Form X–15AJ–1.
249.803 Form X–15AJ–2.

SUBPART A—FORMS FOR REGISTRATION OR EXEMPTION OF EXCHANGES

§ 249.1 *Form 1.* Form 1 is prescribed for applications for registration or for exemption from registration as a national securities exchange.

§ 249.9 *Form 9.* This form is prescribed for amendatory and/or supplementary statements to registration statements of a national securities exchange.

§ 249.9a *Form 9–A.* This form is prescribed for amendatory and/or supplementary statements to applications for exemption from registration of a national securities exchange.

SUBPART B—FORMS FOR REPORTS TO BE FILED BY OFFICERS, DIRECTORS AND SECURITY HOLDERS

§ 249.104 *Form 4, for reporting changes in ownership of equity securities.* Every person who at any time during any month has been directly or indirectly the beneficial owner of more than 10 per cent of any class of any equity security (other than an exempted security) which is listed on a national securities exchange, or a director or an officer of the issuer of such security, shall, if there has been any change during such month in his ownership of any equity security of such issuer, whether registered or not, file with each exchange on which any equity security of the issuer is listed and registered a statement on Form 4 (and a single duplicate original thereof with the Commission) indicating his ownership at the close of the calendar month and such changes in his ownership as have occurred during such calendar month. Such statements must be received by the Commission and the exchange on or before the 10th day of the month following that which they cover.

§ 249.105 *Form 5, for reporting ownership of equity securities.* In the case of an equity security (other than an exempted security) which is listed subsequent to February 15, 1935, on a national securities exchange, every person who at the time such registration becomes effective is directly or indirectly the beneficial owner of more than 10 per cent of any class of such security or a director or an officer of the issuer of such security, shall file with each exchange on which any equity security of the issuer is listed and registered a statement on Form 5 (and a single duplicate original thereof with the Commission) of the amount of all equity securities of such issuer, whether registered or not, so beneficially owned by him at the time such registration became effective. Such statement must be received by the Commission and the exchange on or before the 10th day of the following calendar month. If such person files a statement on Form 4 (17 CFR 249.104) for the same calendar month in respect of the same securities, he need not file an additional statement pursuant to this paragraph.

§ 249.106 *Form 6, for reports by persons who have just become officers or directors or security holders of more than 10 per cent of any class of equity security.* Every person who becomes directly or indirectly the beneficial owner of more than 10 per cent of any class of any equity security (other than an exempted security), which is listed on a national securities exchange, or becomes a director or an officer of the issuer of such security, shall file with each exchange on which any equity security of the issuer is listed and registered a statement on Form 6 (and a single duplicate original thereof with the Commission) of the amount of all equity securities of such issuer, whether registered or not, so beneficially owned by him immediately after becoming such beneficial owner, director, or officer. Such statement must be received by the Commission and the exchange on or before the 10th day following the day on which such person became such beneficial owner, director, or officer. Such person need not file the statement required by this paragraph, if prior to such 10th day and during the calendar month in which he has become such beneficial owner, director, or officer, there has been a change in his beneficial ownership which will require him to file a statement on Form 4 (17 CFR 249.104) with respect to the same securities.

SUBPART C—FORMS FOR APPLICATIONS FOR REGISTRATION OF SECURITIES ON NATIONAL SECURITIES EXCHANGES

§ 249.207 *Form 7, for provisional application.* Where the form for permanent registration of any particular class of security has not yet been authorized, and for a period of 90 days after the filing of applications on such form is authorized, a provisional application for registration of a security of such class may be filed on Form 7 pursuant to Rule X–12B–2 (17 CFR 240.12b–2). (Rule X–12b–2 sets forth the requirements of an application filed on Form 7).

§ 249.208 *Form 8, for amendments to applications for registration or amendments to annual reports.* This form shall be used for amendments to applications for registration of securities pursuant to section 12 (b) and (c) of the Securities Exchange Act of 1934 or amendments to annual reports pursuant to section 13 of that act.

§ 249.208a *Form 8–A, for additional securities.* This form shall be used for registration under the Securities Exchange Act of 1934 of securities on an exchange on which any other securities of the registrant are listed and registered, if Form 10, 11, 13, 15, 22 or 23 (17 CFR 249.210, 249.211, 249.213, 249.215, 249.222, 249.223) would be the form appropriate for registration in case the registrant did not have securities so listed and registered: *Provided, however,* That if Form 22 or 23 (17 CFR 249.222, 249.223) would be appropriate for original registration this form shall be used only if securities of the registrant, issued pursuant to the plan of reorganization or succession by reason of which Form 22 or 23 would be appropriate for original registration, have been registered on the exchange pursuant to an application on Form 22 or 23 (17 CFR 249.222, 249.223), whichever was appropriate.

§ 249.208b *Form 8–B, for securities issued in certain cases upon the registrant's succession to an issuer or issuers of previously registered securities.* This form shall be issued by an issuer, not having securities previously registered, for applications filed on and after March 12, 1936, for the registration of securities, if the conditions set forth in the following paragraphs (a), (b), (c), and (d) exist:

(a) (1) The registrant, having no assets at the time other than nominal assets, succeeded to a single predecessor which had securities registered pursuant to section 12 (b) and (c) of the act on the exchange or exchanges on which registration is applied for on this form; or

(2) The registrant was organized as the successor to, or, having no assets at the time other than nominal assets, succeeded to, a group of predecessors consisting of a parent which had securities so registered and one or more wholly owned subsidiaries of such parent; or

(3) The registrant was a wholly owned subsidiary of a corporation having securities so registered, which corporation, either alone or with one or more of its other wholly owned subsidiaries, was merged into the registrant.

(b) Substantially all of the securities to be registered on this form were or are to be issued in exchange for or otherwise in respect of previously registered securities of one or more of the predecessors, or are securities which, having been previously registered, have become or are to become securities of the registrant by operation of law or otherwise upon the succession.

(c) Registrant acquired all the assets and assumed all the liabilities of its predecessor or predecessors.

(d) Except for such changes as may have resulted (1) from the substitution of issuers incident to the succession, or (2) from changes in capital stock liability per share, or (3) from the issuance of securities in satisfaction of dividends or interest in arrears on securities of predecessors, the capital structure of the registrant immediately following the succession was substantially the same as

the capital structure of the single predecessor or the combined capital structure of the predecessors, or in a case falling within paragraph (a) (3) above, the combined capital structure of all the constituent corporations.

The term "wholly owned subsidiary" as used in this rule refers to a subsidiary substantially all the outstanding stock of which is held, directly or indirectly, by a single parent.

§ 249.208c *Form 8–C, for registration on an additional exchange.* This form may be used for registration under the Securities Exchange Act of 1934 of securities on an exchange on which the registrant has no securities listed and registered if the securities are listed and registered or registered upon notice of issuance on another exchange.

§ 249.210 *Form 10, for corporations.* This form shall be used for applications for the permanent registration of securities of corporations, filed on and after February 13, 1935, except the following: Securities of companies making annual reports under section 20 of the Interstate Commerce Act, as amended, or under section 219 of the Communications Act of 1934; certificates of deposit; American certificates against foreign issues, either government or corporate; securities of insurance companies, other than companies engaged primarily in the title insurance business; securities of banks and bank holding companies; securities of investment trusts; securities issued by any corporation organized under the laws of any foreign country other than a North American country or Cuba; bonds issued by any corporation organized under the laws of a North American country or Cuba, which are guaranteed by any foreign government; securities issued by any corporation, foreign or domestic, which is directly or indirectly owned or controlled by any foreign government: *Provided, however,* That this form shall not be used for applications for the permanent registration of securities of any corporation for which, at the time the application is filed, Form 22 or 23 (17 CFR, 249.222, 249.223) is prescribed. *And provided further,* That this form shall not be used for applications for the permanent registration of securities of any corporation, if, at the time the application is filed, such corporation is in bankruptcy or receivership or in the process of reorganization pursuant to section 77 or 77B of the Bankruptcy Act, and (a) a trustee or receiver appointed in such proceedings has title to or possession of a substantial portion of the assets of such corporation, or (b) such corporation is in possession of a substantial portion of its assets pursuant to an order entered under subdivision (c), clause (2) of said section 77 or subdivision (c), clause (1) of said section 77B. Any foreign issuer which by this paragraph is to file on Form 10 as to any class of securities other than bonds may also file on such form for such bonds; and any issuer of bonds which is organized under the laws of any foreign country may at its option file on Form 10 until 90 days after the proper form applicable to such foreign issuer shall have been published.

§ 249.211 *Form 11, for unincorporated issuers.* This form shall be used for applications filed on or after March 30, 1935, for the permanent registration of securities of unincorporated issuers, except the following: Securities of companies making annual reports under section 20 of the Interstate Commerce Act, as amended, or under section 219 of the Communications Act of 1934; certificates of deposit; voting trust certificates; American certificates against foreign issues, either government or private; securities of insurance companies; securities of banks and bank holding companies; securities of investment trusts; securities issued by a national of a foreign country other than a North American country or Cuba; bonds issued by a national of a North American country or Cuba, which are guaranteed by any foreign government; securities of any issuer, foreign or domestic, which is directly or indirectly owned or controlled by any foreign government: *Provided, however,* That this form shall not be used for applications for the permanent registration of securities of any issuer for which, at the time the application is filed, Form 22 or 23 (17 CFR § 249.222, 249.223) is prescribed. And provided further, That this form shall not be used for applications for the permanent registration of securities of any issuer, if, at the time the application is filed, such issuer is in bankruptcy or receivership or in the process of reorganization pursuant to section 77 or 77B of the Bankruptcy Act, and (a) a trustee or receiver appointed in such proceedings has title to or possession of a substantial portion of the assets of such issuer, or (b) such corporation is in possession of a substantial portion of its assets pursuant to an order entered under subdivision (c), clause (2) of said section 77 or subdivision (c), clause (1) of said section 77B.

§ 249.212 *Form 12, for companies making annual reports under section 20 of the Interstate Commerce Act, as amended, or under section 219 of the Communications Act of 1934.* This form shall be used for applications filed on or after April 10, 1933, for the permanent registration of securities of companies making annual reports under section 20 of the Interstate Commerce Act, as amended, or section 220 of the Motor Carrier Act, 1935, or under section 219 of the Communications Act of 1934, except such companies in receivership or in process of reorganization pursuant to section 77 of the Bankruptcy Act.

§ 249.212a *Form 12–A, for companies in receivership or bankruptcy and making annual reports under section 20 of the Interstate Commerce Act, as amended, or under section 219 of the Communications Act of 1934.* This form shall be used for application filed on or after June 17, 1935, for the permanent registration of securities of companies making annual reports under section 20 of the Interstate Commerce Act, as amended, or section 220 of the Motor Carrier Act, 1935, or under section 219 of the Communications Act of 1934, and in receivership or in bankruptcy (including proceedings under sections 77 or 77B of the Bankruptcy Act).

§ 249.213 *Form 13, for insurance companies other than life and title insurance companies.* This form shall be used for applications filed on or after May 7, 1935, for permanent registration of securities of corporations engaged, directly or through subsidiaries, primarily in the insurance business, except corporations engaged primarily in the life or title insurance business. This form shall not be used by corporations engaged primarily in the business of guaranteeing mortgages or mortgage-participation certificates.

Pending the authorization of a form for registration of securities of corporations engaged primarily in the life-insurance business, and for a period of 30 days after the filing of applications on such form is authorized, such corporations may file application on Form 13 for Insurance Companies other than Life and Title Insurance Companies.

Insofar as Form 13 may be inappropriate to the life insurance business, a corporation engaged in the life insurance business filing on Form 13, pursuant to this rule, shall furnish information comparable to that required by Form 13; and, in lieu of financial statements required under the Instructions as to Financial Statements in the Instruction Book for Form 13, such corporation may file a copy of its last annual statement filed with its State regulatory authority.

§ 249.214 *Form 14, for certificates of deposit issued by a committee.* This form shall be used for applications on or after May 10, 1935, for the permanent registration of certificates of deposit issued by a committee.

§ 249.215 *Form 15, for incorporated investment companies.* This form shall be used for applications filed on or after May 15, 1935, for the permanent registration of securities of any corporation which is engaged, either directly or through subsidiaries, primarily in the business of investing and reinvesting, or trading in securities, for the purpose of revenue and for profit, and not in general for the purpose, or with the effect, of exercising control; except securities of such corporations in process of reorganization pursuant to section 77B of the Bankruptcy Act or securitiess of such corporations in bankruptcy or receivership.

§ 249.216 *Form 16, voting trust certificates and underlying securities.* This form shall be used for applications filed on or after May 18, 1935, for the permanent registration of voting trust certificates and underlying securities.

§ 249.217 *Form 17, for unincorporated issues engaged primarily in the business of investing or trading in securities.* This form shall be used for applications filed on or after May 31, 1935, for the permanent registration of securities of any unincoporated issuer which is engaged, either directly or through subsidiaries, primarily in the business of investing and reinvesting, or trading, in securities, for the purpose of revenue and for profit, and not in general for the purpose, or with the effect, of exercising control; except securities of such issuers in proc-

ess of reorganization pursuant to section 77B of the Bankruptcy Act or securities of such issuers in bankruptcy or receivership.

§ 249.218 *Form 18, for foreign governments and political subdivisions thereof.* This form shall be used for applications filed on or after July 1, 1935, for the permanent registration of securities of any foreign government or political subdivision thereof: *Provided, however,* That any public corporation or other autonomous entity in the nature of a political subdivision, except a State, province, county, or municipality or similar body politic, may, at its option, use Form 21 in lieu of this form.

§ 249.219 *Form 19, for American certificates against foreign issues and for the underlying securities.* This form shall be used for applications filed on or after July 15, 1935, for the permanent registration of American certificates (for example, so-called American depositary receipts for foreign shares or American participation certificates in foreign bonds or notes) issued against securities of foreign issuers deposited with an American depositary (whether physically held by such depositary in America or abroad) and of the foreign securities so deposited.

§ 249.220. *Form 20, for securities other than bonds of foreign private issuers.* This form shall be used for applications filed on or after July 15, 1935, for the permanent registration of securities other than bonds or other evidences of indebtedness (a) issued by a national of a foreign country other than a North American country or Cuba, or (b) issued by any corporation or unincorporated association, foreign or domestic, which is directly or indirectly owned or controlled by any foreign government.

§ 249.221 *Form 21, for bonds of foreign private issuers.* This form shall be used for applications filed on or after July 15, 1935, for the permanent registration of bonds or other evidences of indebtedness (a) issued by a national of a foreign country other than a North American country or Cuba; (b) issued by a national of a North American country or Cuba which are guaranteed by any foreign government; (c) issued by any corporation or unincorporated association, foreign or domestic, which is directly or indirectly owned or controlled by any foreign government; or (d) issued by any public corporation or other autonomous entity in the nature of a political subdivision which shall at its option elect to use this form in lieu of Form 18 (17 CFR 249.218), except that this form is not to be used by a State, province, county, or municipality or similar body politic.

§ 249.222 *Form 22, for issuers reorganized in insolvency proceedings or which have succeeded to a person in insolvency proceedings.* This form shall be used for applications for registration of securities of any issuer which, pursuant to a plan—

(a) Has been or is being reorganized in insolvency proceedings; or

(b) Has acquired or is to acquire, directly or indirectly, substantially all of its business and assets (other than cash) from a person in insolvency proceedings or from such person and one or more of its subsidiaries, and is continuing or is to continue the business so acquired; or

(c) Being a subsidiary of a person in insolvency proceedings, has acquired or is to acquire directly or indirectly substantially all of its assets (other than cash and other than assets owned by it prior to such acquisition) from such person or from such person and one or more of its subsidiaries;

if the securities are, or are to be, outstanding or issued pursuant to the plan, or were or are to be issued after the consummation of the plan: *Provided,* That this form shall not be used by issuers for which Form 8–A, 12, or 12–A (17 CFR 249.208a, 249.212, 249.212a) is prescribed, or for applications filed with the exchange after the expiration of a full fiscal year of the issuer commencing on or after the date on which the transfer or opening of accounts was made.

§ 249.223 *Form 23, for successor issuers.* This form shall be used for applications for registration of securities of any issuer which has acquired, or is presently to acquire, directly or indirectly (through the acquisition of securities or otherwise) the major portion of its business and assets (other than cash) by acquiring all or a part of the business and assets of one or more other persons, and is continuing or is to continue, the business so acquired: *Provided, however,* That this form shall not be used by issuers for which either Form 8–A, 8–B, 12, 12–A, 20, 21 or 22 (17 CFR 249.208a, 249.208b, 249.212, 249.212a, 249.220, 249.221, 249.222) is prescribed, or for applications filed with the exchange after the expiration of a full fiscal year of the issuer commencing on or after the date of succession.

§ 249.224 *Form 24, for bank holding companies.* This form shall be used for applications for the registration of securities of any person which is engaged, either directly or through subsidiaries, primarily in the business of owning securities of banks, for the purpose or with the effect of exercising control.

§ 249.231 *Form 1–J, for registration of unissued warrants for "when issued" dealing.* This form is to be used for applications for regisration of unissued warrants, pursuant to section 12 (d) of the Securities Exchange Act of 1934, for "when issued" dealing on a national securities exchange.

§ 249.232 *Form 2–J, for registration of unissued securities, other than unissued warrants, for "when issued" dealing.* This form is to be used for applications for registration of unissued securities, other than unissued warrants, pursuant to section 12 (d) of the Securities Exchange Act of 1934, for "when issued" dealing on a national securities exchange.

§ 249.235 *Form 15–AN, statements in respect of exemption of issued warrants.* This form is to be used for statements in respect of exemption of issued warrants, pursuant to section 3 (a) (12) of the Securities Exchange Act of 1934.

SUBPART D—FORMS FOR ANNUAL AND OTHER REPORTS OF ISSUERS HAVING SECURITIES REGISTERED ON NATIONAL SECURITIES EXCHANGES

§ 249.308 *Form 8–K for current reports.* This form is to be used for the current reports required by Rule X–13A–6 and Rule X–13A–6B (17 CFR 240.13 A–6, 13 A–6B).

§ 249.310 *Form 10–K for corporations.* This form is to be used for the annual reports of all corporations except those for which another form is specifically prescribed.

§ 249.311 *Form 11–K for unincorporated issuers.* This form is to be used for the annual reports of all unincorporated issuers except those for which another form is specifically prescribed.

§ 249.312 *Form 12–K for companies making annual reports under section 20 of the Interstate Commerce Act, as amended, or under section 219 of the Communications Act of 1934.* This form is to be used for the annual reports of companies making annual reports under section 20 of the Interstate Commerce Act, as amended, or section 220 of the Motor Carrier Act, 1935 and of carriers making annual reports under section 219 of the Communications Act of 1934, except such companies in receivership or in bankruptcy, including proceedings for reorganization pursuant to section 77 or 77B of the Bankruptcy Act, at the close of the fiscal year for which the report is made.

§ 249.312a *Form 12A–K for companies in receivership or bankruptcy at close of fiscal year and making annual reports under section 20 of the Interstate Commerce Act, as amended, or under section 219 of the Communications Act of 1934.* This form is to be used for the annual reports of companies making annual reports under section 20 of the Interstate Commerce Act, as amended, or section 220 of the Motor Carrier Act, 1935 and of carriers making annual reports under section 219 of the Communications Act of 1934, if such companies were in receivership or in bankruptcy, including proceedings for reorganization pursuant to section 77 or 77B of the Bankruptcy Act, at the close of the fiscal year for which the report is made.

§ 249.313 *Form 13–K, for insurance companies other than life and title insurance companies.* This form is to be used for the annual reports of corporations engaged, directly or through subsidiaries, primarily in the insurance business, except corporations engaged primarily in the life or title insurance business. This form is not to be used by corporations engaged primarily in the business of guaranteeing mortgages or mortgage-participation certificates.

§ 249.314 *Form 14–K, for certificates of deposit issued by a committee.* This form is to be used for the annual reports of issuers of certificates of deposit issued by a committee.

§ 249.316 *Form 16–K, for voting trust certificates and underlying securities.* This form is to be used for annual reports relating to securities evidencing a

participation in a voting trust agreement or a similar agreement for the holding of securities for voting purposes and to securities held subject to such agreements.

§ 249.318 *Form 18–K, for foreign governments and political subdivisions thereof.* This form is to be used for the annual reports of foreign governments or political subdivisions thereof, except any public corporation or other autonomous entity in the nature of a political subdivision, other than a State, province, county, or municipality or similar body politic which, at its option, has registered its securities on Form 21 (17 CFR, 249.221) in lieu of Form 18 (17 CFR 249.18).

§ 249.319 *Form 19–K, for issuers of American certificates against foreign issues and the underlying securities.* This form is to be used for the annual reports of issuers of American certificates (for example, so-called American depositary receipts for foreign shares or American participation certificates in foreign bonds or notes) issued against securities of foreign issuers deposited with an American depositary (whether physically held by such depositary in America or abroad) and of the foreign securities so deposited.

§ 249.320 *Form 20–K, for foreign private issuers registering securities other than bonds.* This form is to be used for the annual reports of the following issuers with respect to securities other than bonds or other evidences of indebtedness: (a) Nationals of a foreign country other than a North American country or Cuba, and (b) corporations or unincorporated associations, foreign or domestic, which are directly or indirectly owned or controlled by any foreign government.

§ 249.321 *Form 21–K, for foreign private issuers registering bonds.* This form is to be used for the annual reports of the following issuers with respect to bonds or other evidences of indebtedness: (a) Nationals of a foreign country other than a North American country or Cuba, (b) nationals of a North American country or Cuba if such bonds or other evidences of indebtedness are guaranteed by any foreign government, (c) corporations or unincorporated associations, foreign or domestic, which are directly or indirectly owned or controlled by any foreign government, and (d) public corporations or other autonomous entities in the nature of political subdivisions which, at their option, have registered securities on Form 21 (17 CFR 249.221) in lieu of Form 18 (17 CFR 249.218).

§ 249.324 *Form 24–K, for bank holding companies.* This form is to be used for the annual reports of any person which is engaged, either directly or through subsidiaries, primarily in the business of owning securities of banks, for the purpose or with the effect of exercising control.

§ 249.330 *Form N–30A–1, for management investment companies.* This form shall be used for anual reports of management investment companies registered under the Investment Company Act of 1940, except those which issue periodic payment plan certificates. (Same as 17 CFR 249.441 and 274.101.)

§ 249.331 *Form N–30B–1, quarterly report of management investment companies registered under the Investment Company Act of 1940.* This form shall be used for quarterly reports of management investment companies registered under the Investment Company Act of 1940, except those which issue periodic payment plan certificates. (Same as 17 CFR 249.446 and 274.106.)

§ 249.350 *Form U5–K, for public utility holding companies.* This form may be used for anual reports under section 13 of the Securities Exchange Act of 1934 of public utility holding companies registered under the Public Utility Holding Company Act of 1935.

SUBPART E—FORMS FOR ANNUAL REPORT OF REGISTRANTS UNDER THE SECURITIES ACT OF 1933

§ 249.401 *Form 1–MD, general form.* This form is to be used for the annual reports, pursuant to section 15 (d) of the Securities Exchange Act of 1934, of all issuers except those for which another form is specifically prescribed.

§ 249.402 *Form 2–MD, for investment trusts having securities registered on Form C–1.* This form is to be used for annual reports, pursuant to section 15 (d) of the Securities Exchange Act of 1934, relating to securities of unincorporated investment trusts of the fixed or restricted management type, having a depositor or sponsor but not having a board of directors or persons performing similar functions, except that this form shall not be used by any trust for which Form N–30A–1, N–30A–2 or N–30A–3 (17 CFR 249.441–3) is prescribed.

§ 249.403 *Form 3–MD, for voting trust certificates.* This form is to be used for annual reports, pursuant to section 15 (d) of the Securities Exchange Act of 1934, relating to voting trust certificates.

§ 249.404 *Form 4–MD, for certificates of deposit.* This form is to be used for annual reports, pursuant to section 15 (d) of the Securities Exchange Act of 1934, relating to certificates of deposit issued by a Committee.

§ 249.441 *Form N–30A–1, for management investment companies.* This form shall be used for annual reports pursuant to section 15 (d) of the Securities Exchange Act of 1934 of management investment companies registered under the Investment Company Act of 1940, except those which issue periodic payment plan certificates. (Same as 17 CFR 249.330 and 274.101.)

§ 249.442 *Form N–30A–2, for unit investment trusts currently issuing securities.* This form shall be used for annual reports pursuant to section 15 (d) of the Securities Exchange Act of 1934 of unit investment trusts, registered under the Investment Company Act of 1940, which are currently issuing securities, including unit investment trusts which are issuers of periodic payment plan certificates. (Same as 17 CFR 274.102.)

§ 249.443 *Form N–30A–3, for unincorporated management investment companies currently issuing periodic payment plan certificates.* This form shall be used for annual reports pursuant to section 15 (d) of the Securities Exchange Act of 1934 for unincorporated management investment companies, registered under the Investment Company Act of 1940, currently issuing periodic payment plan certificates. (Same as 17 CFR 274.103.)

§ 249.446 *Form N–30B–1, quarterly report of management investment companies registered under the Investment Company Act of 1940.* This form shall be used for quarterly reports of management companies registered under the Investment Company Act of 1940, except those which issue periodic payment plan certificates. (Same as 17 CFR, 249.33, and 274.106.)

§ 249.450 *Form U5–MD, for public utility holding companies.* This form may be used for annual reports under section 15 (d) of the Securities Exchange Act of 1934 of public utility holding companies registered under the Public Utility Holding Company Act of 1935.

SUBPART F—FORMS FOR REGISTRATION OF BROKERS AND DEALERS TRANSACTING BUSINESS ON OVER-THE-COUNTER MARKETS

§ 249.503 *Form 3–M, for applications for registration of brokers and dealers, except applications for which Form 4–M is authorized.* This form is to be used for applications filed on or after July 1, 1936, for the registration of brokers and dealers pursuant to section 15 (b) of the Securities Exchange Act of 1934, as amended, except applications for which Form 4–M (17 CFR 249.504) is authorized to be used.

§ 249.504 *Form 4–M, for applications for registration of partnerships formed upon death, withdrawal, or admission of one or more partners in partnerships registered as brokers or dealers.* This form is to be used (a) for applications filed by a registered partnership on or after July 1, 1936, pursuant to section 15 (b) of the Securities Exchange Act of 1934, as amended, for the registration of a partnership to be formed as the successor to the applicant by the withdrawal or admission of one or more partners in the applicant; and (b) for applications filed on or after October 10, 1936, pursuant to said section 15 (b) and Rule X–15B–4 (17 CFR 240.15b–4), for the registration of a partnership formed as the successor to a registered partnership which has been dissolved by the death, withdrawal, or admission of one or more partners: *Provided,* That the application is filed within 30 days after such dissolution.

§ 249.505 *Form 5–M, for adoption of applications filed by predecessors.* This form is to be used by a broker or dealer in adopting as its own an application for registration on Form 3-M or Form 4–M (17 CFR 249.503, 249.504) filed on its behalf by a predecessor.

§ 249.506 *Form 6–M, for supplemental statements to applications for registration of brokers and dealers.* This form is to be used for correcting inaccu-

racies and reporting changes in the information contained or incorporated in any application filed on Form 1-M, Form 3-M, or Form 4-M (17 CFR 249.503, 249.504) or in any adoption filed on Form 5–M (17 CFR 249.505) or in any supplemental statement filed on Form 2–M or Form 6–M.

SUBPART G—FORMS FOR REPORTS TO BE MADE BY CERTAIN EXCHANGE MEMBERS, BROKERS AND DEALERS

§ 249.617 *Form X–17–5.* This form is to be used by certain exchange members, brokers and dealers in filing the reports of financial condition required by Rule X-17A-5 (17 CFR 240.17a-5).

SUBPART H—FORMS FOR REPORTS AS TO STABILIZATION

§ 249.709 *Form X-9A6-1, for notice of intention to stabilize.* This form is to be used to give notice of intention to stabilize the price of a security pursuant to Rule X-9A6-3 (17 CFR 240.9a6-3).

§ 249.717 *Form X–17A–1, for reports of stabilizing activities.* This form is to be used in reporting certain stabilizing activities pursuant to Rules X–17A–2 (17 CFR 240.17a-2) and X-9A6-6 (17 CFR 240.9a6-6).

SUBPART I—FORMS FOR REGISTRATION OF AND REPORTING BY NATIONAL SECURITIES ASSOCIATIONS AND AFFILIATED SECURITIES ASSOCIATIONS

§ 249.801 *Form X–15AA–1.* This form is prescribed for applications for registration as a national securities association and affiliated securities association.

§ 249.802 Form *X–15AJ–1.* This form is prescribed for amendatory and/or supplementary statements to registration statement of a national securities association or an affiliated securities association.

§ 249.803 *Form X–15AJ–2.* This form is prescribed for annual consolidated supplement of a national securities association or an affiliated securities association.

PART 259—FORMS PRESCRIBED UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 [1]

SUBPART A—FORMS FOR REGISTRATION AND ANNUAL SUPPLEMENTS

Sec.
259.5a Form U5A.
259.5b Form U5B.
259.5s Form U5S.

SUBPART B—FORMS FOR APPLICATIONS AND DECLARATIONS

259.101 Form U–1.
259.111 Notice.
259.113 Form U–13–1.

SUBPART C—FORMS FOR STATEMENTS AND REPORTS

Sec.
259.206 Form U–6B–2.
259.212a Form U–12(I)–A.
259.212b Form U–12(I)–B.
259.213 Form U–13E–1.
259.217a Form U–17–1.
259.217b Form U–17–2.
259.221 Form U–R–1.

SUBPART D—FORMS FOR PERIODIC ACCOUNTING REPORTS

259.313 Form U–13–60.
259.314 Form U–14–3.

SUBPART E—FORMS FOR STATEMENTS AND REPORTS FROM NON-REGISTERED (EXEMPT) COMPANIES

259.402 Form U–3A–2.
259.403 Form U–3A3–1.

SUBPART F—FORMS FOR AMENDMENT

259.501 Form U–A.

SUBPART A—FORMS FOR REGISTRATION AND ANNUAL SUPPLEMENTS

§ 259.5a *Form U5A.* Form prescribed for notification of registration under section 5 (a) of the act.

§ 259.5b *Form U5B.* Form and requirements as to filing registration statement under section 5 (b) of the act.

§ 259.5s *Form U5S.* Form and requirements as to filing annual supplements to registration statements.

SUBPART B—FORMS FOR APPLICATIONS AND DECLARATIONS

§ 259.101 *Form U–1.* Form prescribed for certain applications and declarations pursuant to sections 6, 7, 10, 12 (b) (12 (c), 12 (d), 12 (f) of the act, and applicable rules thereunder (17 CFR, Part 250).

§ 259.111 *Notice.* Commission form of notice regarding filing subject to Rule U–23 (17 CFR, 250.23).

§ 259.113. *Form U–13–1.* Application for approval of service companies.

SUBPART C—FORMS FOR STATEMENTS AND REPORTS

§ 259.206 *Form U–6B–2.* Form prescribed for notification of security issues exempt under section 6 (b) of the act but not the subject of an order of the Commission.

§ 259.212 a *Form U–12 (I)–A.*

§ 259.212 b *Form U–12 (I)–B.* Forms prescribed for reports required under section 12 (i) of the act.

§ 259.213 *Form U–13E–1.* Report by affiliated service companies and independent service companies.

§ 259.17 a *Form U–17–1.*

§ 259.217 b *Form U–17–2.* Forms prescribed for reports under section 17 (a) of the act, by officers and directors of registered holding companies.

§ 259.221 *Form U–R–1.* Form prescribed for solicitation in connection with reorganizations of registered holding companies or subsidiaries subject to Rule U–62. (17 CFR 250.62)

SUBPART D—FORMS FOR PERIODIC ACCOUNTING REPORTS

§ 259.313 *Form U–13–60.* Annual report by mutual and subsidiary service companies. (See uniform system of accounts for mutual and subsidiary service companies.) (17 CFR Part 256)

§ 259.314 *Form U–14–3.* Form prescribed for filing annual accounting reports for companies subject to uniform system of accounts for public utility holding companies (17 CFR, Part 257).

SUBPART E—FORMS FOR STATEMENTS AND REPORTS FROM NONREGISTERED (EXEMPT) COMPANIES

§ 259.402 *Form U–3A–2.* Annual form prescribed for utility holding companies claiming exemption as intrastate or predominantly operating companies.

§ 259.403 *Form U–3A3–1.* Annual form prescribed for banks which are utility holding companies but claim exemption.

SUBPART F—FORMS FOR AMENDMENTS

§ 259.501 *Form U–A.* Form prescribed for filing amendments.

PART 269—FORMS PRESCRIBED UNDER THE TRUST INDENTURE ACT OF 1939 [1]

Sec.
269.1 Form T–1.
269.2 Form T–2.
269.3 Form T–3.
269.4 Form T–4.

§ 269.1 *Form T–1.* Form T–1 shall be used for statements of eligibility and qualification of corporations designated to act as trustees under trust indentures to be qualified pursuant to section 305 or 307 of the Trust Indenture Act of 1939.

§ 269.2 *Form T–2.* Form T–2 shall be used for statements of eligibility and qualification of individuals designated to act as trustees under trust indentures to be qualified pursuant to section 305 or 307 of the Trust Indenture Act of 1939.

§ 269.3 *Form T–3.* Form T–3 shall be used for applications for qualification of indentures pursuant to section 307 (a) of the Trust Indenture Act of 1939.

§ 269.4 *Form T–4.* Form T–4 shall be used for applications for exemption filed pursuant to section 304 (c) of the Trust Indenture Act of 1939.

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940 [1]

SUBPART A—REGISTRATION STATEMENTS

Sec.
274.10 Form N–8A, for notification of registration.

[1] The descriptions given herein are based upon the instructions as to the use of the forms, but in cases of doubt as to the proper form to be used, the instructions should be consulted. Copies of any of these forms and of instructions for their use may be obtained on request addressed to the Administrative Division of the Commission.

Sec.

274.11 Form N–8B–1, registration statement of management investment companies.
274.12 Form N–8B–2, registration statement of unit investment trusts which are currently issuing securities.
274.13 Form N–8B–3, registration statement of unincorporated management investment companies currently issuing periodic payment plan certificates.

SUBPART B—FORMS FOR REPORTS

274.101 Form N–30A–1, annual report of management investment companies registered under the Investment Company Act of 1940.
274.102 Form N–30A–2, annual report of unit investment trusts which are currently issuing securities.
274.103 Form N–30A–3, annual report of unincorporated management, investment companies currently issuing periodic payment plan certicates.
274.106 Form N–30B–1, quarterly report of management investment companies registered under the Investment Company Act of 1940.

SUBPART C—FORMS FOR OTHER STATEMENTS

274.201 Form N–23C–1, statement by registered closed-end investment company with respect to purchases of its own securities pursuant to Rule N–23C–1 during the last calendar month.
274.202 Form N–30F–1, initial statement of beneficial ownership of outstanding securities of closed-end investment companies registered under the Investment Company Act of 1940.
274.203 Form N–30F–2, statement with respect to changes during last calendar month in beneficial ownership of any outstanding securities issued by closed-end investment companies registered under the Investment Company Act of 1940.

SUBPART A—REGISTRATION STATEMENTS

§ 274.10 *Form N–8A, for notification of registration.* This form shall be used as the notification of registration filed with the Commission pursuant to section 8 (a) of the Investment Company Act of 1940.

§ 274.11 *Form N–8B–1, registration statement of management investment companies.* This form shall be used as the registration statement to be filed, pursuant to section 8 (b) of the Investment Company Act of 1940, by management investment companies other than companies which issue periodic payment plan certificates or which are sponsors or depositors of companies issuing such certificates.

In lieu of filing a registration statement on this form, companies registered under the Securities Act of 1933 or the Securities Exchange Act of 1934 may file the information required by Rule N–8C–1. (17 CFR, 270–8c–1.)

§ 274.12 *Form N–8B–2, registration statement of unit investment trusts which are currently issuing securities.* This form shall be used as the registration statement to be filed, pursuant to section 8 (b) of the Investment Company Act of 1940, by unit investment trusts which are currently issuing securities, including unit investment trusts which are issuers of periodic payment plan certificates.

In lieu of filing a registration statement on this form, companies registered under the Securities Act of 1933 or the Securities Exchange Act of 1934 may file the information required by Rule N–8C–2. (17 CFR, 274–8c–2.)

§ 274.13 *Form N–8B–3, registration statement of unincorporated management investment companies currently issuing periodic payment plan certificates.* This form shall be used as the form for registration statement to be filed, pursuant to section 8 (b) of the Investment Company Act of 1940, by unincorporated management investment companies currently issuing periodic payment plan certificates.

In lieu of filing registration statements on this form, companies having securities registered under the Securities Act of 1933 may file the information required by Rule N–8C–2. (17 CFR, 270.8c–3)

SUBPART B—FORMS FOR REPORTS

§ 274.101 *Form N–30A–1, annual report of management investment companies registered under the Investment Company Act of 1940.* This form shall be used for annual reports to be filed, pursuant to section 13 or 15 (d) of the Securities Exchange Act of 1934 and pursuant to section 30 (a) of the Investment Company Act of 1940, by all management investment companies registered under the latter act, except those which issue periodic payment plan certificates. (Same as 17 CFR, 249.330, 249.441)

§ 274.102 *Form N–30A–2, annual report of unit investment trusts which are currently issuing securities.* This form shall be used for annual reports to be filed, pursuant to section 15 (d) of the Securities Exchange Act of 1934 and pursuant to section 30 (a) of the Investment Company Act of 1940, by unit investment trusts which are currently issuing securities, including unit investment trusts which are issuers of periodic payment plan certificates. (Same as 17 CFR, 249.442)

§ 274.103 *Form N–30A–3, annual report of unincorporated management investment companies currently issuing periodic payment plan certificates.* This form shall be used for annual reports to be filed, pursuant to section 15 (d) of the Securities Exchange Act of 1934 and pursuant to section 30 (a) of the Investment Company Act of 1940, by unincorporated management investment companies currently issuing periodic payment plan certificates. (Same as 17 CFR 249.443)

§ 274.106 *Form N–30B–1, quarterly report of management investment companies registered under the Investment Company Act of 1940.* This form shall be used for quarterly reports to be filed, pursuant to section 13 or 15 (d) of the Securities Exchange Act of 1934 and pursuant to section 30 (b) (1) of the Investment Company Act of 1940, by all management investment companies registered under the latter act, except those which issue periodic payment plan certificates. (Same as 17 CFR 249.331, 249.446.)

SUBPART C—FORMS FOR OTHER STATEMENTS

§ 274.201 *Form N–23C–1, statement by registered closed-end investment company with respect to purchases of its own securities pursuant to Rule N–23C–1 during the last calendar month.* Form N–23C–1 is prescribed for use by registered closed-end investment companies in reporting purchases of securities of which they are the issuer, pursuant to section 23 (c) (3) of the Investment Company Act of 1940 and Rule N–23C–1 (17 CFR 270.23c–1) thereunder. A statement on this form must be filed for every month during which any such purchase is made. No statement need be filed for any month in which there have been no such purchases.

§ 274.202 *Form N–30F–1, initial statement of beneficial ownership of outstanding securities of closed-end investment companies registered under the Investment Company Act of 1940.* Form N–30F–1 is prescribed for initial statements of ownership required pursuant to the provisions of the Investment Company Act of 1940 to be filed with the Commission by every person who is directly or indirectly the beneficial owner of more than 10 per centum of any class of outstanding securities (other than short-term paper) of which a registered closed-end company is the issuer, or who is an officer, director, member of an advisory board, investment adviser, or affiliated person of an investment adviser of such company at the time when the company is registered under the act. It is also to be used by persons who assume any of the above specified relationships with such a company after the date when the company has registered.

Only beneficial ownership of securities need be reported; however, such ownership should be reported as to all classes of securities (other than short-term paper), whether or not equity securities. If an officer, director, member of an advisory board, investment adviser, or an affiliated person of an investment adviser of such a company owns no securities of the company, he should nevertheless file this form expressly stating that he has no such ownership.

A report on this form need be filed by an affiliated person of an investment adviser of a registered closed-end company only if such person is affiliated by reason of being an officer, director, partner, copartner, or a person directly or indirectly controlling, controlled by, or under common control with such investment adviser.

A person already reporting in one capacity need not file any additional statement upon appointment or election to another office in the same company, or upon assumption of any of the additional above specified relationships.

Statement of changes in ownership subsequent to the filing of this form should be made on Form N–30 F–2 (17 CFR, 274.203), as explained in the rules and instructions for that form. If the person reporting has had a change in

ownership after registration or the assumption of one of the above specified relationships and before the close of the calendar month in which such event occurred, a report on Form N–30 F–2 (17 CFR, 274.203) should be made; no statement on this form need be filed.

§ 274.203 *Form N–30 F–2, statement with respect to changes during last calendar month in beneficial ownership of any outstanding securities issued by closed-end investment companies registered under the Investment Company Act of 1940.* Form N–30 F–2 is prescribed pursuant to the provisions of the Investment Company Act of 1940 for statements of changes in beneficial ownership of securities issued by closed-end investment companies registered under the act, to be filed with the Commission by every person who is directly or indirectly the beneficial owner of more than 10 per centum of any class of outstanding securities (other than short-term paper) of which a registered closed-end company is the issuer, or who is an officer, director, member of an advisory board, investment adviser, or an affiliated person of an investment adviser of such company.

A report on this form need be filed by an affiliated person of an investment adviser of a registered closed-end company only if such person is affiliated by reason of being an officer, director, partner, copartner, or a person directly or indirectly controlling, controlled by, or under common control with such investment adviser.

A statement on this form must be filed for every month during which a person in any one of the above specified relationships with a registered closed-end company has any change in his beneficial ownership of any securities (other than short-term paper) issued by such company. No statement need be filed on this form for any month in which there has been no such change.

PART 279—FORMS PRESCRIBED UNDER THE INVESTMENT ADVISERS ACT OF 1940 [1]

Sec.
279.1 Form 1–R. Application for registration of investment advisers.
279.2 Form 2–R. Semiannual report of registered investment advisers.
279.3 Form 3–R. Application for registration of investment advisers formed as successor to a registered investment adviser.

[1] The descriptions given herein are based upon the instructions as to the use of the forms, but in cases of doubt as to the proper form to be used, the instructions should be consulted. Copies of any of these forms and of instructions for their use may be obtained on request addressed to the Administrative Division of the Commission.

§ 279.1 *Form 1–R, Application for registration of investment advisers.* This form is to be used for application for registration of investment advisers pursuant to section 203 of the Investment Advisers Act of 1940.

§ 279.2 *Form 2–R, Semiannual report of registered investment advisers.* This form is to be used to keep reasonably current the information contained in the registration application.

§ 279.3 *Form 3–R. Application for registration of investment adviser formed as successor to a registered investment adviser.* This form is to be used as the application for registration by a person who, as successor, takes over substantially all of the assets of a registered investment adviser and continues its business as an investment adviser.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46–15643; Filed, Aug. 30, 1946; 12:49 p. m.]

SELECTIVE SERVICE SYSTEM

NOTE: The material submitted by the Selective Service System appears in a later section of this issue.

SMITHSONIAN INSTITUTION

[44 CFR, Ch. IV]

PART 400—THE INSTITUTION

Sec. 400.1 Organization.
400.2 Availability of Information.

§ 400.1 *Organization.* The Establishment of the Institution has as its members the President of the United States, the Vice President of the United States, the Chief Justice of the United States, and the heads of the Executive Departments. The Institution is governed by a Board of Regents, consisting of the Vice President of the United States; the Chief Justice of the United States; three Members of the United States Senate, appointed by the presiding officer of the Senate; three Members of the House of Representatives, appointed by the Speaker; and six citizens of the United States, appointed by joint resolution of Congress. The Board of Regents elects one of its members as Chancellor of the Institution and also elects the Secretary of the Institution, who is its Executive Officer, the director of its activities and the Secretary of the Board. The following branches are administered under the direction of the Smithsonian Institution, United States National Museum, National Collection of Fine Arts, International Exchange Service, Bureau of American Ethnology, Astrophysical Observatory, National Zoological Park, Freer Gallery of Art, and the National Air Museum. The National Gallery of Art is a bureau of the Smithsonian Institution but is administered by its own Board of Trustees. (R. S. § 5579 et seq.; 20 U. S. C. 41, 50, 61; 31 U. S. C. 588; 44 U. S. C. 139a; 25 Stat. 640; 26 Stat. 963; Pub. Law 722, 79th Cong., approved August 12, 1946.)

§ 400.2 *Availability of information.* Information relating to the Smithsonian Institution, on the subjects investigated by it, or the activities for which it is responsible may be obtained by calling at, or directing inquires to, the Smthsonian Institution or any of the branches under its direction.

A. WETMORE,
Secretary.

[F. R. Doc. 46–15190; Filed Aug. 28, 1946; 9:06 a. m.]

NATIONAL GALLERY OF ART

[44 CFR, Ch. IV]

PART 401—ORGANIZATION

§ 401.1 Organization.
§ 401.2 Availability of information.

§ 401.1 *Organization.* The National Gallery of Art is a bureau of the Smithsonian Institution, directed by a board known as the Trustees of the National Gallery of Art. The board is composed of the Chief Justice of the United States, the Secretary of State, the Secretary of the Treasury, and the Secretary of the Smithsonian Institution, ex officio. There are also five general trustees, the qualifications, tenure, and manner of selection of whom are prescribed by section 2 of Public Resolution No. 14, 75th Congress, approved March 24, 1937. (Sec. 2, 50 Stat. 52; 20 U.S.C. 72.)

§ 401.2 *Availability of information.* The public may secure information and make requests at the Information Rooms in the National Gallery of Art, Washington, D. C., or by addressing a communication to the National Gallery of Art, Washington, D. C. A general Information Booklet, setting forth a summary of the Gallery's collections of art and its facilities, organization, and other data, is available to the public without charge at the Information Rooms or upon request addressed as just stated. (50 Stat. 51; 20 U.S.C. 71–75.)

[SEAL] EVERETT E. SMITH,
Acting Secretary.

[F. R. Doc. 46–15036; Filed, Aug. 26, 1946; 10:15 a. m.]

PART II
Section 4

FEDERAL REGISTER

VOLUME 11 NUMBER 177

Washington, Wednesday, September 11, 1946

TARIFF COMMISSION

[19 CFR, Ch. II]

NOTE: All previous regulations of the United States Tariff Commission (19 CFR and Supps., Chapter II) were revoked as of Sept. 11, 1946.

PART 200—ORGANIZATION AND FUNCTIONS

Sec.

200.1 Creation and authority.
200.2 Offices.
200.3 Organization.
200.4 Functions.
200.5 Availability of information.

§ 200.1 *Creation and authority.* The United States Tariff Commission was created by Act of Congress approved September 8, 1916 (39 Stat. 795) for the purpose of supplying the Congress and the President with information regarding the position of the United States industries in competition with imports, regarding the administration and operation of the United States customs laws, and regarding commercial policies of foreign countries. The Tariff Act of 1922 (42 Stat. 858) increased its functions by providing for investigation and report by the Tariff Commission before action by the President under the authority given him by that Act to change duties when found necessary to equalize differences in costs of production in the United States and foreign countries and also before action by him embargoing imports pursuant to the provision declaring unfair methods of competition in the import trade to be unlawful. Title III, Part II of the Tariff Act of 1930 (46 Stat. 696; 19 U. S. C. 1330) provided for a reorganization of the Tariff Commission and reenacted substantially all the previous provisions regarding its powers and duties. The Trade Agreements Act of June 12, 1934 (48 Stat. 943; 19 U. S. C. 1351–54) names the Commission as one of the advisory agencies in the negotiation of reciprocal trade agreements. The Agricultural Adjustment Act (of 1933), as amended (7 U. S. C. 624), designates the Tariff Commission as the agency to conduct investigations to determine whether imports are interfering with certain agricultural programs undertaken by the Government. The Philippine Trade Act of 1946 (Public Law 371, 79th Cong.) imposes upon the Tariff Commission the function of conducting investigations and reporting to the President in connection with the administration of the provisions of that act respecting quotas on imports of Philippine articles.

NOTICE

Part II of this issue contains organizational and procedural material submitted pursuant to section 3 (a) (1) and (2) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238). This material is presented by Departments in the order of their establishment, followed by independent agencies in alphabetical order. Placement within the Code of Federal Regulations is indicated by bold face brackets at the head of each unit and by appropriate part and section designations within the unit.

Due to the volume of material presented in Part II it has been necessary to bind the part in several sections and to place the table of contents at the end of the last section.

§ 200.2 *Offices.* The main offices of the United States Tariff Commission are located in the Tariff Commission Building, E Street between 7th and 8th Streets, N. W., Washington 25, D. C. Telephone: National 3947, Branch 2. The only field office of the Commission is located at Room 513, Customhouse, New York 4, N. Y. Telephone: Whitehall 4–4300.

§ 200.3 *Organization*—(a) *The Commission.* The full Commission consists of six members, appointed by the President and confirmed by the Senate for terms of 6 years each, one term expiring each year. The law provides that not more than three commissioners may be of the same political party. The Chairman and Vice Chairman are designated by the President annually from the membership of the Commission.

(b) *The Planning and Reviewing Committee.* The Planning and Reviewing Committee, composed of senior officers of the Commission's staff, under the active direction of the Commission, plans, supervises, and coordinates the work of the staff of the Commission. The permanent members of the Planning and Reviewing Committee are the Director of Investigation, who is Chairman of the Committee; the Chief of the Economics Division; the Chief Economist; the Chief of the Technical Service, who has general supervision over the work of the seven commodity divisions; and the General Counsel. In connection with special subjects in which they are particularly concerned, the Secretary or the Executive Officer, the chiefs of the commodity and other divisions, and the Adviser on International Trade Policies participate in the meetings of the Planning and Reviewing Committee.

(c) *Senior staff officers and subsidiary organizational units.* The senior officers of the Commission's staff, together with the subsidiary organizational units under their general supervision, are as follows:

Secretary:
- Executive Officer.
- Docket and Public Information Service.
- Finance Section.
- Personnel Section.
- Stenographic Section.
- Mails and Files Section.
- Graphic Section.
- Messengers.

Director of Investigation (also Chairman, Planning and Reviewing Committee).

Chief Economist.

Chief Economics Division:
- Economics Division (including Adviser on International Trade Policies).
- Statistical Division.
- Library.
- Editorial Section.

Chief Technical Service:
- Agricultural Division.
- Ceramics Division.
- Chemical Division.
- Lumber-Paper Division.
- Metals Division.
- Sundries Division.
- Textile Division.

Chief Technical Service—Continued
Accounting Division.
New York Office.
General Counsel:
Legal Division.
Adviser on International Trade Policies.

§ 200.4 *Functions*—(a) *Investigations and reports under general powers.* Under its general powers (section 332, Tariff Act of 1930; 46 Stat. 698; 19 U. S. C. 1332) the Commission, on its own initiative, investigates and makes reports on the following matters:

(1) The administration and operation of the customs laws of the United States and the fiscal and industrial effects of those laws.

(2) The forms of duty (ad valorem, specific, and compound) and the relations between the rates of duty on raw materials and on finished or partly finished products.

(3) Competition between United States and foreign industries in the United States markets, including such matters as the ratio of imports to domestic production and consumption, the comparability of imported and domestic products, and the differences in prices and in costs of production here and abroad.

(4) The trade and trade policies of foreign countries, the organization of the economies of foreign countries, their commercial treaties and agreements, and foreign trade controls.

(b) *Investigations requested by the President and Congress.* The Commission makes special investigations when requested by the President, by either or both Houses of Congress, or by Congressional Committees, particularly by the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives. These investigations are conducted under the Commission's general powers.

(c) *Investigations under the flexible tariff provision.* Under section 336 of the Tariff Act of 1930 (46 Stat. 701; 19 U. S. C. 1336), the Commission investigates the differences in costs of production of foreign articles and of like or similar articles produced in the United States; it reports its findings to the President, who is authorized by law to increase or decrease statutory rates of duty in accordance with the Commission's findings by not more than 50 per centum.

NOTE: The provisions of section 336 of the Tariff Act of 1930 may not be applied to any article with respect to the importation of which into the United States a foreign trade agreement has been concluded under the Trade Agreements Act of 1934, as amended. (Sec. 2 (a), 48 Stat. 944; 19 U. S. C. 1352 (a)).

(d) *Unfair practice in import trade.* Under section 337 of the Tariff Act of 1930 (46 Stat. 703; 54 Stat. 724; 19 U. S. C. 1337, 1337a) the Commission investigates allegations of unfair methods of competition and unfair acts in the importation into or in the sale of imported articles in the United States, and reports its findings to the President, who may order the exclusion of the articles from entry into the United States if the existence of unfair practices is established.

(e) *Discrimination by foreign countries against American commerce.* It is the duty of the Commission to ascertain, and at all times to be informed regarding discriminations by foreign countries against the commerce of the United States, and to bring such practices to the attention of the President, who may take specified actions in such cases (46 Stat. 704; 19 U. S. C. 1338).

(f) *Negotiation of foreign trade agreements.* The Trade Agreements Act of June 12, 1934 (Sec. 4, 48 Stat. 945; 19 U. S. C., Sup. 1354) designates the Tariff Commission as a source of information and advice to the President in the negotiation of foreign trade agreements made under that act. The Commission's special function with respect to these agreements is to supply the fullest possible information regarding articles with respect to which action by the United States is being considered in the course of negotiations. In order to perform its function effectively, the Commission is represented on the various committees of the trade agreements organization, including the Committee for Reciprocity Information. (See Chapter III of this title.)

(g) *Action to safeguard agricultural programs.* When directed by the President, the Commission investigates whether articles are being or are practically certain to be imported into the United States under such conditions and in such quantities as to render ineffective or to interfere materially with certain benefits provided by law for agriculture. If, after the Commission's investigation and report, the President finds the existence of such facts, he may impose, within certain restrictions, fees or quantitative limitations on the importation of articles under consideration (7 U. S. C. 624).

(h) *Import quotas on Philippine articles.* Section 504 of the Philippine Trade Act of 1946 (Pub. Law 371, 79th Cong.) designates the Tariff Commission as the agency to investigate the effect of competition between imports of Philippine articles (not subject to quota restriction under Part 2 of Title II of the Act) and like domestic articles; the Commission reports to the President regarding the necessity under the Act for the imposition by him of import quotas on such Philippine articles.

(i) *Cooperation with other government agencies.* Under section 334 of the Tariff Act of 1930 (46 Stat. 700; 19 U. S. C. 1334), the Commission is required to cooperate with other Government agencies. Under this provision assistance is rendered, insofar as practicable, to those Government agencies requesting it.

(j) *Analysis of import invoices.* To carry on properly its work of acquiring basic factual information on the import trade, the Commission makes extensive studies of invoices and other import records, and primarily in connection with this work maintains an office at the Customhouse in New York City.

§ 200.5 *Availability of information*—(a) *In general.* Information concerning the activities, reports, and publications of the Tariff Commission is available to the public upon application, in writing or in person, to the Secretary of the Commission, Washington 25, D. C. Similar information of current nature is available to the public at the Commission's New York office on application to the Officer in Charge, Room 513, Customhouse, New York City.

Printed reports, surveys, studies, and other publications of the Tariff Commission are available to the public on application to the Superintendent of Documents, Government Printing Office, Washington 25, D. C., or to the Secretary of the Commission.

Mimeographed, multilithed, and other publications produced within the office of the Tariff Commission are available to the public by application to the Secretary.

(b) *Mailing lists.* Mailing lists by various categories are maintained by the Commission for the purpose of sending notices to interested parties when new publications are ready for issue. Interested parties may apply to the Secretary for inclusion in such lists by a statement showing their interest and desire to receive such notices.

(c) *Public announcements.* Through the medium of statements to the public press the Commission announces new activities, formal investigations, and the issuance of reports, and other matters of official character of interest to the public. These appear generally in the publication Foreign Commerce Weekly of the United States Department of Commerce, as well as in various trade journals. Mailing lists are also maintained for such notices and interested persons may apply for inclusion in these lists by showing their interest and desire to receive such notices.

(t) *Formal notices.* In connection with various activities of the Commission, it issues formal notices. Copies of these notices are sent to persons known to the Commission to have an interest in the subject matter, and to individuals and organizations who have requested notification in connection with the subject matter of such notices. Formal notices are also posted on the bulletin boards of the Tariff Commission at its main office in Washington, D. C., and on those of its field office, Room 513, Courthouse, New York City. All formal notices of the Commission are printed in the FEDERAL REGISTER and in Treasury Decisions. Announcements thereof appear in Foreign Commerce Weekly. Formal notices are likewise made available to the public press and to governmental and trade publications.

PART 201—RULES OF GENERAL APPLICATION

Sec.
201.1 Applicability of general rules.
201.2 Exercise of powers.
201.3 Quorum.
201.4 Suspension of rules.
201.5 Matters of official record available to the public.
201.6 Confidential information.
207.7 Methods employed in obtaining information.
201.8 Applications for investigations, and complaints.
201.9 Scope of investigation.
201.10 Public notice of investigations.
201.11 Public hearings.

Sec.

201.12 Appearances.
201.13 Additional hearings, rehearings, postponements, continuances, and extensions of time.
201.14 Conduct of public hearings.
201.15 Witnesses and subpoenas.
201.16 Witness fees and mileage.
201.17 Depositions.
201.18 Oral argument.
201.19 Service of process.
201.20 Authority to make decisions not delegated.

§ 201.1 *Applicability of general rules.* The Tariff Commission rules of general application apply to investigations under the provisions of sections 332, 336, and 337 of the Tariff Act of 1930 (46 Stat. 698, 701, 703; 19 U. S. C. 1332, 1336, 1337), to investigations under section 22 of the Agricultural Adjustment Act (of 1933) as amended (sec. 31, 49 Stat. 773, sec. 5, 49 Stat. 1152, sec. 1, 50 Stat. 246, 54 Stat. 17; 7 U. S. C. 624), and to investigations under section 504 of the Philippine Trade Act of 1946 (Public Law 371, 79th Cong.). Rules having specific application to investigations under sections 336 and 337 of the Tariff Act of 1930, under section 22 of the Agricultural Adjustment Act, and under section 504 of the Philippine Trade Act, respectively, appear separately in parts 202 to 205, inclusive, of this chapter. In case of inconsistency between a rule of general application appearing in part 201 and a rule of special application in the other parts mentioned, the rule in parts 202 to 205 is controlling. No rules governing investigations under section 338 of the Tariff Act of 1930 (46 Stat. 704; 19 U. S. C. 1338) are issued because such investigations, which concern questions of possible discrimination by foreign countries against the commerce of the United States, are of a nature requiring their conduct under cover of secrecy.

§ 201.2 *Exercise of powers.* The Commission may meet and exercise all its powers at any place and may designate any of its members or any duly authorized agent or agents to prosecute any inquiry necessary to its duties.

§ 201.3 *Quorum.* A majority of the Commissioners in office shall constitute a quorum.

§ 201.4 *Suspension of rules.* In an emergency or when in the judgment of the Commission the public interest requires it, the Commission may modify or suspend any of its rules of practice and procedure except such details of procedure as are expressly required by law. Whenever feasible, public notice of such suspension will be given.

§ 201.5 *Matters of official record available to the public.* The following information and reports may be inspected by persons concerned, on request to the Secretary, either in the Tariff Commission Building, Washington 25, D. C., or if requested, in the New York office of the Tariff Commission, Room 513, Customhouse, New York City 4, N. Y.

(a) Applications for investigations; complaints of unfair practices in import trade; answers and other documents filed in opposition to such applications or complaints.

(b) Notices concerning investigations, including notices of institution of investigations, of hearings, and of disposition of investigations.

(c) Transcripts of testimony taken and exhibits (except exhibits accepted in confidence) submitted at hearings.

(d) Reports to the President on which the President has taken action.

(e) Reports made to either or both Houses of Congress or to Committees of Congress, after release by the body concerned.

(f) Reports and other documents issued for general distribution.

§ 201.6 *Confidential information.* (a) The following information and reports are held to be confidential for good cause found and are not available to public inspection:

(1) Reports to the President which have not been acted upon by the President.

(2) Reports made to either or both Houses of Congress or to Committees of Congress which have not been released by the body concerned.

(3) Reports containing confidential information, and reports prepared for the confidential use of other Government agencies.

(4) Trade secrets and processes within the meaning of section 335 of the Tariff Act of 1930 (46 Stat. 701; 19 U. S. C. 1335).

(5) Information accepted by the Commission in confidence and confidential information regarding the operations of individuals and of individual concerns.

(b) Acceptance of information in confidence. Much of the data obtained in Commission investigations is obtained with the understanding that it will not be used so as to disclose confidential information regarding the operation of individuals or of individual concerns. All information desired to be treated as confidential, when submitted to the Commission in connection with applications for investigations, or with complaints of unfair trade practices, or in the course of public hearings, should be submitted on separate pages clearly marked "Confidential." The determination regarding the confidential character of any information received or obtained by the Commission in connection with any matter under its jurisdiction, is within the discretion of the Commission.

§ 201.7 *Methods employed in obtaining information*—(a) *Questionnaires, correspondence, and field work.* In obtaining information necessary to carry out its functions and duties, the Commission may employ any means authorized by law. It is the practice of the Commission to obtain much of its information through the use of questionnaires and correspondence, and through field work by duly authorized members of the Commission's staff who interview such manufacturers, farmers, distributors, importers, representatives of labor, consumers, and others, as may be necessary to obtain the required information. Official requests for information required by the Commission are made either in writing or orally, and responses are received either in writing or orally, depending upon the nature of the information requested and the use to be made of it.

(b) *Informal conferences.* The Commission encourages informal conferences either with members of the Commission or its staff, in all matters concerning its activities. Such conferences can be arranged by addressing a request to the Secretary of the Commission at its office in the Tariff Commission Building, Washington 25, D. C., stating the subject matter of the proposed conference and the reasons for the request.

(c) *Formal hearings.* In formal proceedings, the Commission obtains information from the evidence presented at hearings as well as through independent investigation by the Commission and its staff of experts.

§ 201.8 *Applications for investigation under section 336, Tariff Act of 1930, and under section 504 of the Philippine Trade Act of 1946, and complaints under section 337, Tariff Act of 1930.* (a) All applications for investigations under sections 336 of the Tariff Act of 1930 or under section 504 of the Philippine Trade Act of 1946,[1] and complaints under section 337 of the Tariff Act of 1930, must be filed with the Secretary, United States Tariff Commission, Washington 25, D. C. However, requests for information concerning such matters may be filed with the New York office as well as with the Washington office.

(b) Receipt by the Commission of an application for investigation or of a complaint properly filed will be acknowledged by the Secretary of the Commission, and public notice of such receipt will be posted at the principal office of the Commission in Washington. D. C., and at its New York office, and published in the FEDERAL REGISTER, the weekly Treasury Decisions of the Treasury Department, and in the Foreign Commerce Weekly of the Department of Commerce. This public notice will set forth the name or description of the commodity concerned, the date of receipt, the purpose of the application or complaint, and the name of the applicant or complainant. Similar public notice will be given regarding the withdrawal or dismissal of applications or complaints. Copies of the notices referred to in this paragraph will be mailed to all persons named in the application or complaint concerned.

(c) From the time of posting notice of the receipt of an application or of a complaint, such application or complaint, except for confidential material, will be made available for public inspection at the office of the Commission in Washington, D. C., where it may be read and copied by persons interested.

(d) Applications and complaints may be withdrawn as a matter of course at any time before an investigation pursuant thereto has been ordered by the Commission, but, even if an application or complaint shall have been withdrawn, the Commission may order an investigation if in its judgment the public interest so requires. The Commission may also in special cases and for adequate cause allow the withdrawal of an

[1] Under Executive Order 7233 of November 23, 1935, applications for investigations under section 22 of the Agricultural Adjustment Act (of 1933) as amended, must be filed with the Secretary of Agriculture. See part 204 of this chapter.

application or complaint after an investigation has been ordered, but the investigation may be continued if deemed by the Commission to be in the public interest. Investigations may be terminated short of formal completion when, in the judgment of the Commission, the public interest so requires.

(e) The Commission will notify the applicant or complainant of its decision to order or not to order the investigation requested. In reaching its decision, the Commission will take into consideration the information furnished by the applicant or complainant, the information assembled by its staff, and the information furnished by other persons either in favor of or opposed to the institution of an investigation.

§ 201.9 *Scope of investigation.* In ordering an investigation, the Commission will not be confined to the subject matter of an application or a complaint but may broaden, limit, or modify the scope of the investigation.

§ 201.10 *Public notice of investigations.* Public notice will be given of every investigation ordered by the Commission under sections 336 and 337 of the Tariff Act of 1930, under section 22 of the Agricultural Adjustment Act (of 1933), as amended, and under section 504 of the Philippine Trade Act of 1946, by posting a copy of the notice at the principal office of the Commission at Washington, D. C., and at its office in New York City; by publishing a copy of the notice in Treasury Decisions and in the FEDERAL REGISTER; and by an announcement regarding the notice in "Foreign Commerce Weekly." Subsequent notices will be given in the same manner. Copies of notices will also be sent to press associations, trade and similar organizations of producers, and to importers known to the Commission to have an interest in the subject matter of the investigation.

§ 201.11 *Public hearings.* (a) Hearings are required by law only in the case of investigations under section 336 and 337 of the Tariff Act of 1930, under section 22 of the Agricultural Adjustment Act, and under section 504 of the Philippine Trade Act of 1946. No public hearing is required in general investigations under section 332 of the Tariff Act of 1930; however, when determined by the Commission to be appropriate and feasible, hearings will be held in such investigations.

(b) Public notice will be given of the time and place set for all hearings, in the same manner that notice is given of an order instituting an investigation. Announcement of hearing will ordinarily be made 30 days in advance of the date set.

(c) Hearings will be conducted in accordance with the rules set forth in § 201.14.

§ 201.12 *Appearances.* (a) Any person showing to the satisfaction of the Commission an interest in the subject matter of an investigation may enter an appearance in such investigation, either in person or by representative, at any time before the close of the public hearing relating to the matter involved. Persons participating as witnesses only are not expected to enter appearances.

(b) Requests to enter an appearance shall be filed in writing with the Secretary of the Commission at its office in Washington, D. C., or at any other place where a hearing is held. Attorneys or agents desiring to appear for any interested person or persons shall file written notice to that effect.

(c) No register of attorneys or agents who may practice before the Commission is maintained. No application for admission to practice is required. Any person desiring to appear as attorney or agent before the Commission may be required to show to the satisfaction of the Commission his acceptability in that capacity. Any attorney or agent practicing before the Commission, or desiring so to practice, may for good cause shown be suspended or disbarred from practicing before the Commission, but only after he has been accorded an opportunity to be heard in the matter.

(d) No former officer or employee of the Commission who has, as such officer or employee, given personal consideration to an investigation (including preliminary inquiries prior to the institution of an investigation) shall be eligible to appear as attorney or agent before the Commission in such investigation. No former officer or employee of the Commission shall be eligible to appear as attorney or agent before the Commission within 2 years after the termination of such employment unless he has first obtained written consent from the Commission.

§ 201.13 *Rehearings, additional hearings, postponements, continuances, and extensions of time.* The Commission may in its discretion for good cause shown grant rehearings, additional hearings, postponements, or continuances of hearings, or extend the time for doing any act required by or pursuant to these rules. Motions or requests for postponements or extensions of time must be filed at least 10 days in advance of the time previously prescribed. Motions for additional hearing or rehearing must be filed within a reasonable time after the Commission's decision in the particular matter. The Commission may on its own motion order such rehearings, additional hearings, postponements, or continuances of hearings as it may deem necessary for a full presentation of the facts in any investigation.

§ 201.14 *Conduct of public hearings.* (a) Hearings are conducted by one or more Commissioners, and the record shall be presented for the consideration of the Commission.

(b) Parties interested may appear at public hearings, either in person or by representative, and produce, under oath, evidence relevant and material to the subject matter of the investigation. Publications of the United States Government, particularly reports of the Tariff Commission, need not be offered in evidence because the Commission will take notice of them as public documents. Reference may be made to a public document by its title and particular page.

CROSS REFERENCE: For rule regarding submission of confidential information, see § 201.6 (b).

(c) After offering evidence, witnesses may be questioned under the direction of the Commission by any member of the Commission, or by any agent designated by the Commission, or by any person who has entered an appearance, for the purpose of assisting the Commission in obtaining the material facts with respect to the subject matter of the investigation.

(d) Evidence, oral or written, submitted at hearings, will upon the order of the Commission be subject to verification from the books, papers, and records of the parties submitting the same and from any other available sources.

(e) All hearings are stenographically reported. The Commission does not distribute transcripts of the records of such hearings. Parties interested may inspect them at the Commission's office in Washington, D. C., or purchase them from the official reporter.

§ 201.15 *Witnesses and subpenas.* (a) Unless otherwise ordered by the Commission, witnesses shall be examined orally.

(b) The attendance of witnesses and the production of documentary evidence may be required from any place in the United States at any designated place of hearing.

(c) Any member of the Commission may sign subpenas, and members and agents of the Commission, when authorized by the Commission, may administer oaths and affirmations, examine witnesses, take testimony, and receive evidence.

§ 201.16 *Witness fees and mileage.* (a) Witnesses summoned before the Commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking them, except employees of the Commission, shall severally be entitled to the same fees and mileage as are paid for like service in the courts of the United States.

(b) When witnesses are summoned or depositions are taken at the request of a party interested, such party shall bear all expenses involved.

§ 201.17 *Depositions.* (a) The Commission may order testimony to be taken by deposition at any stage of an investigation. Depositions may be taken before any person having power to administer oaths and designated by the Commission. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent and certified in the usual manner by the person taking the deposition. After the deposition has been so certified it shall, together with a copy thereof made by such person or under his direction, be forwarded under seal to the Secretary of the Commission, Washington 25, D. C., and shall constitute a part of the record in such investigation. A sufficient number of additional copies of depositions must be furnished so that testimony so pro-

duced will be available to parties interested.

(b) Briefs of the evidence given by deposition and arguments thereon may be filed in the same manner as briefs of testimony given at a public hearing.

(c) Any person may be compelled to appear and depose and to produce documentary evidence under this section in the same manner that witnesses may be compelled to appear and testify and produce documentary evidence before the Commission.

CROSS REFERENCE: For provision regarding expenses, see § 201.16 (b).

§ 201.18 *Oral argument.* Oral argument may, in the discretion of the Commission, be heard upon the conclusion of the testimony in a hearing. The Commission will determine in each instance the time to be allowed for argument and the allocation thereof to the parties interested.

§ 201.19 *Service of process.* (a) Except when service by other methods shall be specifically ordered by the Commission, processes of the Commission, service of which is required by law or by the Commission's rules, shall be served by the Secretary of the Commission by mailing a copy thereof, registered, to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served. Complaints and findings under section 337 of the Tariff Act of 1930 shall be similarly served.

(b) When service cannot be accomplished by registered mail or whenever the Commission shall so direct, processes of the Commission may be served by anyone duly authorized by a Commissioner (1) by delivering a copy of the document to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served; or (2) by leaving a copy thereof at the principal office of such person, partnership, or corporation.

(c) The return post office receipt for such processes, registered and mailed as aforesaid, or the verified return by the person serving such processes, setting forth the maner of said service, shall be proof of the service of the document.

§ 201.20 *Authority to make decisions not delegated.* (a) Authority to interpret the laws applying to the Tariff Commission and the rules adopted thereunder is retained in the Commission itself.

(b) Authority to make findings, recommendations, and reports authorized by law is retained in the Commission itself.

PART 202—RULES RESPECTING INVESTIGATIONS AS TO COSTS OF PRODUCTION UNDER SECTION 336

Sec.
202.1 Applicability of rules under section 336.
202.2 Applications.
202.3 Type of information to be developed at hearing.
202.4 Briefs.
202.5 Reports.

§ 202.1 *Applicability of rules under section 336.* The rules under part 202 of this chapter are specifically applicable to investigations for the purposes of section 336 of the Tariff Act of 1930 (46 Stat. 701; 19 U. S. C. 1336), and apply in addition to the pertinent rules of general application set forth in part 201 of this chapter.

§ 202.2 *Applications.* (a) Applications for an investigation for the purposes of section 336 may be made by any person, partnership, association, or corporation.

(b) Applications for investigation should be typewritten or printed and must be submitted in duplicate but need not be drawn in any particular form and need not be under oath. Applications must be signed by or on behalf of the applicant and should state the name, address, and nature of business of the applicant.

(c) Applications must clearly state that they are requests for investigations and must name or describe the commodity concerning which an investigation is sought. They should also refer to the tariff provision or provisions applicable to such commodity and should state whether an increase or a decrease in the rate of duty is sought.

(d) The applicant must file with his application such supporting information as may be in his possession. The filing of such information is required to aid the Commission in determining whether to order the investigation, and does not render unnecessary the investigation itself. As far as practicable, information of the character indicated below should be furnished:

(1) Comparability of the domestic and foreign articles and the degree of competition between them.

(2) Trend of domestic production and sales and trend of imports.

(3) Trend of cost of production and prices in recent years.

(4) Evidence of difference between domestic and foreign costs of production of the articles involved. (When considered with reference to section 336, the term "cost of production" includes transportation costs and other costs incident to the delivery of the articles to the principal market or markets of the United States.)

(5) Areas of greatest competition between the imported and domestic products and the principal market or markets in the United States.

(6) Other relevant factors that constitute, in the opinion of the applicant, an advantage or disadvantage in competition, and any other information which the applicant believes the Commission should consider.

CROSS REFERENCE: For rule regarding submission of confidential information, see § 201.6 (b).

§ 202.3 *Type of information to be developed at hearing.* (a) Without excluding other factors, but with a view to assisting parties interested to present information necessary for the formulation of findings required by the statute, the Commission will expect attention in the hearing to be concentrated upon facts relating to: (1) The competitive strength of the foreign and domestic articles in the markets of the United States.

(2) The degree of likeness or similarity between grades, classes, and price groups of the American product and the imported article.

(3) Costs of production and importation. Statements of average cost of production, domestic and, so far as known, foreign, may be submitted subject to verification and review in the Commission's investigation. Such statements should include not only the direct costs for materials and labor, commonly termed prime cost, but also indirect costs such as indirect labor, overhead factory expenses, fixed charges, the portion of general and administrative expense chargeable to manufacture, interest on investment equity, and transportation to markets. For the foreign product the expenses (other than duties) incident to importation are also important. Any information which may be available bearing on the general levels of domestic and foreign costs of production, the differentials between domestic and foreign producers as to particular elements of cost, and the extent to which invoice or wholesale prices are reliable evidence of foreign costs, will be pertinent.

(4) Other significent advantages or disadvantages in competition.

CROSS REFERENCE: For rule regarding submission of confidential information, see § 201.6 (b).

(b) The Commission also seeks information to determine: (1) Principal competing country. (2) Principal American market or markets. (3) Representative period of time for cost inquiry.

(c) Finally, parties interested appearing at public hearings are expected to present definite information rather than generalities and conjectures.

CROSS REFERENCE: For rules regarding public notice of investigation and hearings, see §§ 201.10, 201.11.

§ 202.4 *Briefs.* Briefs of the evidence produced at the hearing and arguments thereon may be presented to the Commission by parties interested who have entered an appearance. Unless otherwise ordered, 10 clear copies typed, mimeographed, multigraphed, or printed shall be filed with the Secretary of the Commission within 10 days after the close of the hearing.

CROSS REFERENCE: For rules regarding briefs of evidence given by deposition, see § 201.17 (b).

§ 202.5 *Reports.* After the completion of its investigation, the Commission will incorporate its findings in a report and the report will be transmitted to the President.

PART 203—RULES RESPECTING INVESTIGATIONS AS TO UNFAIR PRACTICES IN IMPORT TRADE UNDER SECTION 337

Sec.
203.1 Applicability of rules under section 337.
203.2 Complaints.
203.3 Preliminary inquiry.
203.4 Answers to complaints.
203.5 Briefs.
203.6 Record.
203.7 Findings.
203.8 Transmittal to President.

§ 203.1 *Applicability of rules under section 337.* The rules under part 203 of this chapter are specifically applicable to investigations for the purposes of section 337 of the Tariff Act of 1930 (46 Stat. 703; 19 U. S. C. 1337), and apply in addition to the pertinent rules of general application set forth in part 201 of this chapter.

§ 203.2 *Complaints.* (a) Complaint alleging violation of section 337 of the Tariff Act of 1930 may be made by any person, partnership, association, or corporation.

(b) Complaints must be made under oath but need not be drawn in any particular form. They must be signed by or on behalf of the complainant and must contain the name, address, and nature of business of the complainant and of the person or persons alleged to violate the law. The location of manufacturing plant or plants should also be stated. Complaints must contain a short and simple statement of the facts constituting the alleged unfair methods of competition or unfair acts. Specific instances of alleged unlawful importations or sales should be given.

(c) To the extent possible, complaints must also contain economic data concerning domestic production and distribution, imports and their distribution, and other pertinent facts such as will indicate: (1) That the domestic industry concerned is efficiently and economically operated and that it is being or is likely to be destroyed or substantially injured by the importations or sales in question; (2) that the alleged unlawful acts are preventing the establishment of an efficiently and economically operated domestic industry; or (3) that the alleged unlawful acts are having the effect or tendency to restrain or monopolize trade and commerce in the United States.

CROSS REFERENCE: For rule dealing with confidential information, see § 201.6.

(d) The complaint may be amended or further evidence submitted, in the discretion of the Commission, for good cause shown.

(e) Complainants must submit a clear copy of any complaint or amendment thereto for each person alleged to have violated the provisions of section 337 of the Tariff Act of 1930, and the Commission may require the supplying of additional copies to be served on persons whose alleged violation of section 337 is called to its attention subsequent to the filing of the complaint. In addition, three copies must be submitted for the official use of the Commission.

§ 203.3 *Preliminary inquiry.* The Commission will make such preliminary inquiry as it shall deem necessary to determine (a) whether the institution of an investigation is warranted and (b) whether the issuance of a temporary order of exclusion from entry (if requested) under section 337 (f) of the Tariff Act of 1930 is warranted.

§ 203.4 *Answers to complaints.* After an investigation shall have been ordered, and not before, a copy of the complaint will be served by the Commission upon any owner, importer, or consignee, or the agent of any of them, alleged to violate the provisions of section 337 of the Tariff Act of 1930, and such owner, importer, consignee, or agent, shall have 30 days, unless otherwise ordered, in which to make written answer under oath and to show cause, if any there be, why the provisions of section 337 of the Tariff Act of 1930 should not be applied in respect of the alleged unfair methods of competition and unfair acts set forth in the complaint.

Copies of all answers will be served by the Commission upon complainants or upon their attorneys.

The Commission reserves the right to determine whether to send copies of complaints to respondents in foreign countries.

CROSS REFERENCE: For rule regarding public notice of investigation and hearings, see §§ 201.10, 201.11.

§ 203.5 *Briefs* (a) The Commission will fix a date on or before which briefs may be submitted, which date will be announced at the close of the hearing. Unless otherwise ordered, 20 clear copies typed, mimeographed, multigraphed, or printed shall be filed with the Secretary of the Commission.

(b) Application for extension of time for submitting briefs shall be filed in writing with the Secretary of the Commission at least 10 days before the date set for submitting briefs and shall set forth fully the reasons for such application.

(c) Copies of all briefs shall be served by the Commission upon all interested parties who have entered appearances or upon their representatives of record.

§ 203.6 *Record.* (a) A transcript of the testimony in an investigation, together with the findings and recommendations of the Commission, shall be the official record of the proceedings and findings in the investigation.

(b) Confidential material accompanying a complaint or an answer and exhibits presented at a hearing, but accepted by the Commission as confidential and so marked, will not be considered a part of the record sent to the court in the case of an appeal.

CROSS REFERENCE: For rule regarding submission of confidential information, see § 201.6 (b).

§ 203.7 *Findings.* (a) Upon the conclusion of an investigation, the Commission will formulate findings based thereon. When the findings show a violation of the statute, a copy of the findings certified by the Secretary under the seal of the Commission will be delivered or sent by registered mail promptly to the owner, importer, or consignee or to the agent of any of them, found to be guilty of such violation.

(b) Attention is directed to the provision of section 337 (c) authorizing rehearings by the Commission on questions of either fact or law and appeals by the importer or consignee within 60 days to the United States Court of Customs and Patent Appeals upon a question or questions of law only. If no appeal is filed within the time prescribed and no rehearing granted, or if appeal is filed or hearing granted and the Commission's findings are ultimately affirmed, the findings are then considered final.

§ 203.8 *Transmittal to President.* The final findings of the Commission will be transmitted with the record to the President for consideration and for action under the statute.

PART 204—RULES RESPECTING INVESTIGATION OF EFFECTS OF IMPORTS ON AGRICULTURAL PROGRAMS

Sec.

204.1 Applicability of rules under Agricultural Adjustment Act.
204.2 Tariff Commission directed to make investigations.
204.3 Public notice of hearing.
204.4 Conduct of hearings.
204.5 Confidential information.
204.6 Reports.

§ 204.1 *Applicability of rules under Agricultural Adjustment Act.* The rules under part 204 of this chapter are specifically applicable to investigations under section 22 of the Agricultural Adjustment Act (of 1933) as amended, and apply in addition to the pertinent rules of general application set forth in part 201 of this chapter.

§ 204.2 *Tariff Commission directed to make investigations.* When so directed by the President, the United States Tariff Commission shall make an immediate investigation and shall give precedence thereto.[1] Such investigations shall be governed by the regulations in sections 204.3 to 204.6 of this chapter.

§ 204.3 *Public notice of hearing.* A public hearing is required by law in every such investigation. Notice of the hearing shall be given by posting a copy of the notice or announcement thereof at the principal office of the Commission in Washington, D. C., and at its office in New York City. A copy of the notice will also be sent to press associations, to trade and similar organizations of producers, and to importers known to the Commission to have an interest in the subject matter of the investigation.

§ 204.4 *Conduct of hearings.* (a) Hearings shall be conducted by one or more Commissioners or such member or members of the staff as the Commission shall designate. The Production and Marketing Administration[2] may have a representative or representatives at each hearing, who shall have the privilege of examining witnesses.

(b) Any interested person may appear at the hearing, either in person or by representative, and produce evidence relevant and material to the matter or matters involved in the investigation.

(c) Witnesses shall be sworn. No documentary evidence, except as is legally subject to judicial notice, shall be accepted unless verified under oath by

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[1] Applications for investigations for the purpose of sec. 22 of the Agricultural Adjustment Act, as amended, must be filed with the Secretary of Agriculture.

[2] Originally referred to in Executive Order 7233 as the Agricultural Adjustment Administrator. (See E. O. 9069, Feb. 23, 1942; E. O. 9280, Dec. 5, 1942; E. O. 9322, Mar. 26, 1943; and Memorandum No. 1118 of the Secretary of Agriculture, Aug. 18, 1945.)

the person offering it as a true statement of the facts contained therein.

(d) Evidence, oral or written, submitted in hearings, shall, upon the order of the Commission, be subject to verification from the books, papers, and records of the parties interested and from any other available sources.

(e) All hearings shall be stenographically reported. Copies of the transcript of the minutes of such hearings may be purchased from the official reporter.

(f) The Commission may continue any hearings or order such additional hearing or rehearing as it may deem necessary for a full presentation of the facts involved in any investigation.

§ 204.5 *Confidential information.* (a) If witnesses desire to submit confidential information which the Commission considers to be of that character, the Commission shall accept such submission and respect its confidential character.

(b) The Commission shall make such investigation in addition to the hearing as it deems to be necessary for a full disclosure and presentation of the facts. In such investigation the Commission may invoke all the powers granted to it under Part II, Title III, of the Tariff Act of 1930 (46 Stat. 696 et seq.; 19 U. S. C. 1330–1341).

§ 204.6 *Reports.* After the completion of its investigation the Tariff Commission shall make findings of fact, which shall include a statement of the steps taken in the investigation, and it shall transmit to the President a report of such findings, and its recommendations based thereon, together with a transcript of the evidence submitted at the hearing, and it shall also transmit a copy of such report to the Secretary of Agriculture.

PART 205—RULES RESPECTING INVESTIGATIONS AS TO QUOTAS ON PHILIPPINE ARTICLES UNDER SECTION 504 OF THE PHILIPPINE TRADE ACT OF 1946

Sec.

205.1 Applicability of rules under section 504, Philippine Trade Act of 1946.
205.2 Applications.
205.3 Type of information to be developed at hearing.
205.4 Reports.

§ 205.1 *Applicability of rules under section 504, Philippine Trade Act of 1946.* The rules under part 205 are specifically applicable to investigations for the purposes of section 504 of the Philippine Trade Act of 1946 (Pub. Law 371, 79th Cong.) and apply in addition to the pertinent rules of general application set forth in part 201 of this chapter. Section 504 of the Philippine Trade Act does not apply to sugar, cordage, rice, cigars, scrap tobacco, stemmed and unstemmed filler tobacco, coconut oil, and pearl or shell buttons, on which quotas are imposed by part 2 of title II of the Act.

§ 205.2 *Applications.* (a) Applications for an investigation for the purpose of section 504 of the Philippine Trade Act may be made by any person, partnership, association, or corporation.

(b) Applications for investigation should be typewritten or printed and must be submitted in duplicate but need not be drawn in any particular form and need not be under oath. Applications must be signed by or on behalf of the applicant and should state the name, address, and nature of business of the applicant.

(c) Applications must clearly state that they are requests for investigation and must name or describe the commodity concerning which the investigation is sought.

(d) The applicant must file with his application supporting information in his possession. The filing of such information is requested to aid the Commission in determining whether to order an investigation, and does not render unnecessary the investigation itself. As far as practicable, information of the character indicated below should be furnished.

(1) Comparability of the Philippine articles in question with products of the United States with which they are considered competitive, and the degree of competition between them.

(2) Trend of domestic production and sales and trend of imports of the particular Philippine articles.

(3) Areas of greatest competition between domestic products and the particular Philippine articles and the principal market or markets in the United States.

(4) Other relevant factors that constitute, in the opinion of the applicant, an advantage or disadvantage in competition, and any other information which the applicant believes the Commission should consider.

CROSS REFERENCES: For rule regarding the submission of confidential information, see § 201.6 (b).

For rules regarding public notice of investigation and of hearings, see §§ 201.10, 201.11.

§ 205.3 *Type of information to be developed at hearing.* (a) Without excluding other factors, but with a view to assisting parties interested to present information necessary for the formulation of findings required by the statute, the Commission will expect attention in the hearing to be concentrated upon facts relating to:

(1) The competitive strength in the markets of the United States of the Philippine articles as compared with the like domestic products.

(2) The degree of likeness or similarity between grades, classes, and price groups of the Philippine articles and the like domestic products.

(3) The point (in terms of quantity) at which imports of the Philippine articles come or are likely to come into substantial competition with like products of the United States.

(4) The amount of the Philippine articles which (during the 12 months ending on the last day of the month preceding the month in which occurs the date of the beginning of the investigation) was entered, or withdrawn from warehouse, in the United States for consumption.

(5) Other significant factors concerning conditions of competition between the Philippine article and the like domestic article.

(b) Finally, parties appearing at public hearings are expected to present definite information rather than generalities and conjectures.

§ 205.4 *Reports.* After the completion of its investigation, the Commission will incorporate its findings in a report and include in its report a statement of the steps taken in the investigation. The report will be transmitted to the President and copies will be sent to each House of the Congress.

[SEAL] OSCAR B. RYDER,
Chairman,
United States Tariff Commission.

AUGUST 28, 1946.

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TENNESSEE VALLEY AUTHORITY

[CFR 18, Ch. II]

PART 300—ORGANIZATION

Sec.

300.1 Basic organization.
300.2 Board of Directors.
300.3 Office of the General Manager.
300.4 Personnel Department.
300.5 Finance Department.
300.6 Legal Department.
300.7 Property and Supply Department.
300.8 Office of the Chief Engineer.
300.9 Water Control Planning Department.
300.10 Design Department.
300.11 Construction Department.
300.12 Office of the Manager of Power.
300.13 Power Utilization Department.
300.14 Power Engineering and Construction Department.
300.15 Power Operations Department.
300.16 Office of the Chief Conservation Engineer.
300.17 Agricultural Relations Department.
300.18 Forestry Relations Department.
300.19 Chemical Engineering Department.
300.20 Regional Studies Department.
300.21 Health and Safety Department.
300.22 Commerce Department.
300.23 Reservoir Properties Department.
300.24 Delegations of authority.
300.25 Presidential powers.
300.26 Information, submittals and requests.

§ 300.1 *Basic organization.* The Tennessee Valley Authority, created by the Tennessee Valley Authority Act (48 Stat. 58, 16 U. S. C. sec. 831 et seq.), is a corporate instrumentality of the Federal Government, operating primarily on a regional basis, and as such functions as a closely integrated entity. The basic organization is established by the Board of Directors. This basic organization, including a description of the functions and delegations, is as follows:

§ 300.2 *Board of Directors.* The Board of Directors is the governing body in which all powers are vested by statute. The Board establishes general policies and programs; reviews and appraises progress and results; approves individual actions and projects of major importance or which otherwise require Board approval, the annual program and budget, and actions involving important external relations; and establishes the basic organization through which programs and policies are executed. The

General Counsel is responsible for advising the Board on legal matters and serves as Secretary to the Corporation.

§ 300.3 *Office of the General Manager.* The Office of the General Manager is the principal administrative office. The General Manager is responsible for the direction, coordination, and execution of programs, policies, and decisions adopted by the Board subject to such controls as the Board may from time to time establish; for bringing before the Board matters requiring its consideration or approval; for submitting information and recommendations on TVA affairs to the Board; for directing and organizing TVA activities and approving delegations to the departments and major staff appointments; for assisting the Board in presenting the budget to the Bureau of the Budget and Congress; and for performing duties otherwise appropriate to the administration of TVA.

The Office of the General Manager includes the Budget Staff, Information Staff, and Washington Staff, which aid the General Manager in expediting, coordinating, and disposing of current business, with particular reference to preparation of the budget and official reports, public information, and liaison with Congress and federal agencies.

Assistance to the General Manager and the several departments in management services is provided by the Personnel, Finance, Legal, and Property and Supply Departments.

§ 300.4 *Personnel Department.* The Personnel Department advises and assists in the development, administration, and appraisal of policies and standards in the fields of employment, placement, compensation, and training of personnel; employee relations; organization; administrative relations; educational relations; and related aspects of personnel administration.

§ 300.5 *Finance Department.* The Finance Department advises and assists in the development, administration, and appraisal of policies relating to finances, accounting, and auditing.

§ 300.6 *Legal Department.* The Legal Department, under the supervision of the General Counsel, handles all legal problems which arise in connection with the business of TVA and advises and assists on legislative matters relating to TVA activities and on negotiations to which TVA is a party.

§ 300.7 *Property and Supply Department.* The Property and Supply Department advises and assists in the development, administration, and appraisal of policies relating to the acquisition, transfer, and disposal or real and personal property, and the provision of transportation and office services, and analysis of office methods.

§ 300.8 *Office of the Chief Engineer.* The Office of the Chief Engineer, including the Water Control Planning, Design, and Construction Departments, develops and executes an integrated plan of water control in the Tennessee River and its tributaries; plans, designs and constructs reservoirs, dams, locks, hydro and steam generating facilities and other structures required for TVA's water control program; directs the unified control of water operations of the reservoir system for all purposes; and provides other engineering and construction services as required.

§ 300.9 *Water Control Planning Department.* The Water Control Planning Department makes recommendations on the basis of engineering investigations and surveys concerning the feasibility of projects required in the Authority's integrated program of river control; prepares and issues instructions subject to review by the Chief Engineer regulating the impounding and release of water at the various dams to assure optimum use of the reservoir system in accordance with requirements of the TVA Act and Board policies; and makes available hydraulic, geologic, topographic, cadastral, and related data for the planning, construction, and operation of dams, locks, powerhouses, and other structures approved for the Authority's water control program.

§ 300.10 *Design Department.* The Design Department is responsible for the design of engineering structures and facilitities composing the physical plant of TVA, including single-purpose and multi-purpose dams, powerhouses, navigation locks and channels, flood-control works, steam power generating stations, switchyards and stepup substations adjacent to powerhouses, highway and railroad adjustments, relocations and bridges, access highways and railroads, waste and water treatment plants, public-use terminals, backwater protection and malarial control facilities, buildings and grounds, employee housing, recreational facilities; the design of major additions and alterations to the above structures; and the design of chemical and other industrial plants and facilities on the basis of requests of other departments.

§ 300.11 *Construction Department.* The Construction Department constructs dams, locks, reservoirs, hydro and steam generating facilities, and other structures and physical service facilities; prepares reservoirs for flooding by removal of trees, houses, and other material; analyzes construction costs; designs mechanical and electrical equipment for construction plants; and provides general alterations, repairs, and maintenance of TVA structures.

§ 300.12 *Office of the Manager of Power.* The Office of the Manager of Power, assisted by the Power Utilization, Power Engineering and Construction, and Power Operations Departments, formulates and recommends programs, engineering and other plans, and policies; executes approved programs, plans, and operations relating to the generation, transmission, and utilization of electric power which is developed incident to TVA's integrated water control program; and operates water control facilities at completed dams as directed by the Chief Engineer.

§ 300.13 *Power Utilization Department.* The Power Utilization Department is responsible for matters relating to the marketing of surplus power and the promotion of the most effective use of electricity for the social and economic development of the region and for purposes of national defense.

§ 300.14 *Power Engineering and Construction Department.* The Power Engineering and Construction Department is responsible for matters relating to the planning, design, and construction of transmission, substation, and other related structures and facilities required for the disposal of surplus power.

§ 300.15 *Power Operations Department.* The Power Operations Department is responsible for matters relating to the operation, improvement, and maintenance of the Authority's power system and of facilities for the impounding and release of water at the various dams.

§ 300.16 *The Office of the Chief Conservation Engineer.* The Office of the Chief Conservation Engineer, assisted by the Agricultural Relations, Forestry Relations, and Chemical Engineering Departments, formulates and recommends plans, policies, and programs, and executes or coordinates approved policies or programs relating to agriculture, forestry, and fish and wildlife development, and watershed protection; to design and operation of chemical plants for fertilizer production and national defense; to development, testing, and demonstration of new and improved forms of fertilizer; to research in chemistry, chemical engineering, and metallurgy related to utilization of resources for industrial development and national defense; and to reforestation and production and use of timber and forest products.

§ 300.17 *Agricultural Relations Department.* The Agricultural Relations Department is responsible for the supervision or coordination of all provisions of the Tennessee Valley Authority Act relating to agriculture and the policies established pursuant thereto.

§ 300.18 *Forestry Relations Department.* The Forestry Relations Department is responsible for matters relating to watershed protection and regional development in the fields of forestry, erosion control through reforestation, fisheries and wildlife.

§ 300.19 *Chemical Engineering Department.* The Chemical Engineering Department is responsible for the development and administration of TVA programs and policies involving research in the field of fertilizers and munitions, the production of such materials, and the technical direction and guidance of research activities, based upon the sciences of chemistry, chemical engineering, and metallurgy, and directed toward the development and utilization of the natural resources of the Tennessee Valley.

§ 300.20 *Regional Studies Department.* The Regional Studies Department makes studies and recommendations and provides advice and assistance concerning the administration and finances of State and local government as affected by the TVA program; formulates, coordinates, and appraises plans for recrea-

tional development; makes studies and provides advice and assistance to States and communities with respect to urban development as affected by the TVA program; and conducts studies and initiates and recommends architectural and site plans for TVA structures.

§ 300.21 *Health and Safety Department.* The Health and Safety Department formulates and recommends plans and policies and executes or coordinates plans and programs relating to health and safety of employees and of the public affected by TVA activities.

§ 300.22 *Commerce Department.* The Commerce Department formulates, recommends and executes or coordinates plans relating to improved utilization of agricultural, mineral, and forest resources through industrial research and development; to development and demonstrations of improved equipment and engineering practices for the farm and farm home; to development of effective navigation use of the river in relation to other forms of transportation, and studies of transportation policies, facilities, and rates to further the best development of the agricultural and industrial resources of the Valley region; and to the provision of information on general industrial growth of the region and economic possibilities of specific business enterprises.

§ 300.23 *Reservoir Properties Department.* The Reservoir Properties Department formulates, recommends and executes or coordinates plans for utilization and administration of reservoir and village properties, housing and other community facilities and makes its staffs and facilities available in connection with activities for furthering public understanding of and participation in regional resource development.

§ 300.24 *Delegations of authority.* The Tennessee Valley Authority is a corporation and exercises its powers in accordance with accepted corporate procedure and the provisions of the Tennessee Valley Authority Act (48 Stat. 58, 16 U. S. C., sec. 831 et seq.). TVA exercises no quasi-judicial or quasi-legislative functions, and no licensing functions other than as indicated by Substantive Rule II, § 302.3. The Board of Directors retains ultimate authority and authorizes or approves all activities and projects, the annual program and budget, and actions involving important external relations. No comprehensive delegations of final authority are made to subordinate units of the integrated organization; however, for the purpose of doing business with TVA, the nature of the operations for which the various departments are responsible is indicated in §§ 300.1 through 300.23.

§ 300.25 *Presidential powers.* The following powers vested by statute in the President are exercised or administered by TVA:

(a) *Powers exercised on behalf of the President or pursuant to delegation.* (1) By Executive Order No. 6161, dated June 8, 1933, the President, in accordance with the provisions of sections 22 and 23 of the Tennessee Valley Authority Act of 1933, authorized and directed the Board of Directors of the Tennessee Valley Authority to make such surveys, general plans, studies, experiments, and demonstrations as may be necessary and suitable to aid the proper use, conservation, and development of the natural resources of the Tennessee River drainage basin, and of such adjoining territory as may be related to or materially affected by the development consequent to said act, and to promote the general welfare of the citizens of said area; within the limits of appropriations made therefor by Congress.

(b) *Final action taken by TVA which is subject to Presidential approval.* (1) Section 4 (k) (c) of the Tennessee Valley Authority Act of 1933 provides that transfer of real property authorized by subsections (a) or (c) of section 4 (k), excepting leases for terms less than twenty years, must be approved by the President if the property to be conveyed exceeds $500 in value.

(2) Section 14 of the Tennessee Valley Authority Act of 1933 provides that the findings of the Board of Directors of the cost and book value of any dams, steam plants or other similar improvements constructed and turned over to the Board for control and management, and the allocation of that cost to flood control, navigation, fertilizer, national defense and development of power, shall become final when approved by the President.

§ 300.26 *Information, submittals and requests.* Inquiries for information, as well as submittals or requests, may be directed to the office or department concerned in the subject matter, as indicated in the description of the organization in §§ 300.1 through 300.23 above; or the inquiry, request or submittal may be directed in writing to "Tennessee Valley Authority, Knoxville, Tennessee." Requests for general information concerning the Authority should be directed to "Director of Information, Tennessee Valley Authority, Knoxville, Tennessee."

PART 301—PROCEDURE

Sec.
301.1 Channeling of functions.
301.2 General Manager.
301.3 Construction in the Tennessee River system.
301.4 Location of offices and field offices.

§ 301.1 *Channeling of functions.* The functions of the Tennessee Valley Authority as a regional instrumentality of the Federal Government, organized as a Corporation, are canalized in accordance with the description of the functions of the various offices and departments heretofore set out in Part 300—Organization, §§ 300.1 through 300.23. These descriptions indicate the office or department responsible for the various TVA functions exercised in accordance with accepted corporate procedure and the provisions of the Tennessee Valley Authority Act (48 Stat. 58, 16 U. S. C. sec. 831 et seq.), as amended.

§ 301.2 *General Manager.* The General Manager is the principal administrative officer of TVA. Under the direction of the Board of Directors the General Manager supervises the functions of the various offices and departments. All materials are channeled through him from the Board to the offices and departments and from such offices or departments to the Board, except that the General Council is directly responsible to the Board for advising it on legal matters.

§ 301.3 *Construction in the Tennessee River system.* Section 26a of the Tennessee Valley Authority Act provides that the unified development and regulation of the Tennessee River system requires that no dam, appurtenant works, or other obstruction affecting navigation, flood control, or public lands or reservations shall be constructed and thereafter operated or maintained across, along, or in the said river or any of its tributaries until plans for such construction, operation, and maintenance shall have been submitted to and approved by the Board of Directors. The procedure adopted by the Board for compliance with this section is published as a rule of TVA in part 302, § 302.3.

§ 301.4 *Location of offices and field offices.* Except as is otherwise indicated below, the central offices of the various departments of TVA are located in Knoxville, Tennessee. Field offices have been established at various locations for the administration of programs and for the convenience of the public in conducting business with TVA. The office of the Manager of Power (§ 300.12) has its central office in Chattanooga, Tennessee, and has five area divisions with offices located at Knoxville, Nashville, and Jackson, Tennessee; Wilson Dam, Alabama; and Tupelo, Mississippi. The Reservoir Properties Department (§300.-23) has five area divisions with offices located at Knoxville, Chattanooga, Paris, and Norris, Tennessee; and Wilson Dam and Guntersville, Alabama. The central office of the Chemical Engineering Department is located at Wilson Dam, Alabama; the central office of the Forestry Relations Department is located at Norris, Tennessee; and the central office of the Health and Safety Department is located at Chattanooga, Tennessee.

PART 302—RULES, POLICY AND INTERPRETATION

Sec.
302.1 Public records.
302.2 Obtaining of approval for construction in the Tennessee River system.
302.3 Publication.

§ 302.1 *Public records.* Matters of official record of TVA shall be made available to persons properly and directly concerned, excepting matters relating solely to the internal management of TVA and excepting information held confidential for good cause found.

(a) *Scope.* Subject to the limitations stated above, matters of official record of TVA include invitations for the procurement of material or for construction, bids, and awards; maps, plans and diagrams of reservoir areas and other real property held by TVA, including easements and rights of way; and final de-

cisions of the Board of Directors in regard to proceedings under section 26a of the Tennessee Valley Authority Act (48 Stat. 58, 16 U. S. C. sec. 831, et seq.).

(b) *Requests.* Requests for such information shall be made in writing to the "Director of Information, Tennessee Valley Authority, Knoxville, Tennessee," and shall contain sufficient information (1) to identify the matter of official record sought to be made available, and (2) the circumstances which make the person making the request one who is properly and directly concerned.

(c) *Action upon requests.* Upon receipt of such a request, TVA shall promptly determine whether the matter can be made available under the provisions of this Rule and shall notify the person making the request (1) where and when the matter can be made available, or (2) that the matter is not available, giving the reasons therefor.

(d) *Manner of making available.* TVA shall not be required to make and furnish copies of such matters, but shall fulfill its obligation by making the matter available for inspection; where, however, for reasons of convenience or necessity TVA determines that it is more practicable to fulfill its obligation by furnishing a copy of the matter, TVA may fulfill its obligation by furnishing a certified true copy thereof.

§ 302.2 *Obtaining of approval for construction in the Tennessee River system.* Under the provisions of section 26a of the Tennessee Valley Authority Act (48 Stat. 58, 16 U. S. C. sec. 831 et seq.), as amended, approval must be obtained from the Board of Directors of TVA prior to the construction, operation, or maintenance of any dam, appurtenant works, or other obstruction affecting navigation, flood control, or public lands or reservations along or in the Tennessee River or any of its tributaries. The Board of Directors established the following procedure to be followed in all cases where it is desired to obtain such approval.

(a) *Request.* Applicant shall make a formal request in writing, addressed to "Board of Directors, Tennessee Valley Authority, Knoxville, Tennessee."

(b) *Contents of request.* The request shall be accompanied by four complete sets of the detailed plans for the construction, operation and maintenance of the structure desired to be built, which shall include: (1) Accurate maps showing the exact location where the structure is sought to be built, (2) detailed plans, in scale, of the structure sought to be erected, (3) detailed statements of the plans formulated for the maintenance and operation of the structure when erected, and (4) sufficient information to describe adequately all of the persons, corporations, organizations, agencies, or others who propose to erect such obstruction.

(c) *Additional information.* The Board, prior to acting on such requests, may require that it be furnished such further, other and more detailed information as it shall find necessary to its determination. The Board shall receive any additional information which applicant may submit in writing prior to the determination of the Board.

(d) *Little Tennessee River; date of formal submission.* As regards structures on the Little Tennesseee River, the date of formal submission shall be that date upon which applicant has complied in good faith with all of the provisions of paragraphs (a) and (b) of this section.

(e) *Determination of request.* The Board has appointed a committee for the administration of section 26a which conducts preliminary investigations and is required by the Board to conduct hearings upon the request of the applicant. No hearing has yet been requested. If and when application for a hearing is filed, the Board will prescribe rules for the conduct of that hearing. Upon the completion of the investigation, and hearing if any, the committee recommends approval or disapproval of the project to the Board. The Board then makes a final determination based upon the application and supporting papers, the report of investigation, the transcript of the testimony at any hearing which may be held, and the recommendation of the committee.

(f) *Notification of final determination.* The Board shall, so soon as a final determination has been arrived at, notify in writing all interested parties of record of such decision.

§ 302.3 *Publication.* Determinations of the Board or of TVA of matters required to be determined under the published rules of TVA, or otherwise, shall not be published. Such determinations will, however, be made available to persons properly and directly concerned upon their request in writing directed to "Tennessee Valley Authority, Knoxville, Tennessee." Nothing in this section shall be interpreted, however, to require TVA to furnish information concerning matters relating solely to the internal management of TVA or information held confidential for good cause found.

The foregoing is issued by the Tennessee Valley Authority this 28th day of August 1946, in compliance with section 3, Administrative Procedure Act (Public Law 404, 79th Cong., 2d sess.).

[SEAL] TENNESSEE VALLEY AUTHORITY,
GORDON R. CLAPP,
General Manager.

Attest:
LEONA LEROY,
Assistant Secretary.

[F. R. Doc. 46–15580; Filed, Aug. 30, 1946; 10:58 a. m.]

VETERANS' ADMINISTRATION

NOTE: The material submitted by the Veterans' Administration appears in a later section of this issue.

WAR ASSETS ADMINISTRATION

[32 CFR, Ch. XXIII]

[Operations Notice 1]

PART 8401—ORGANIZATION OF THE WASHINGTON OFFICE OF WAR ASSETS ADMINISTRATION

Sec.

8401.1 Scope.
8401.2 Office of the Administrator.
8401.3 Office of Field Operations.
8401.4 Legislative and Liaison Division.
8401.5 Office of Plans and Policies.
8401.6 Office of Liaison with Owning Agencies.
8401.7 Office of General Counsel.
8401.8 Review boards.
8401.9 Office of Administrative Services.
8401.10 Office of Aircraft Disposal.
8401.11 Office of Acquisitions.
8401.12 Office of General Disposal.
8401.13 Office of Real Property Disposal.
8401.14 Office of Information and Advertising.
8401.15 Addresses.

§ 8401.1 *Scope.* The War Assets Administrator performs a dual function in the disposal of surplus property through the War Assets Administration. One of these functions is to determine policy for all disposal agencies designated pursuant to the Surplus Property Act of 1944, as amended; and the other is to perform the functions of a designated disposal agency. This part deals solely with the organization and functions of the Washington Office of the War Assets Administration as an agency designated for the disposal of surplus property located within the continental limits of the United States of America, its territories and possessions.

§ 8401.2 *Office of the Administrator.* The Administrator exercises general supervision and direction over the care and handling and disposition of surplus property and the transfer of surplus property between Government agencies in accordance with the provisions of the Surplus Property Act of 1944, as amended, and pursuant to Executive Order No. 9689 [1] dated February 1, 1946.

§ 8401.3 *Office of Field Operations*—(a) *Organization and functions.* The Office of Field Operations continuously reviews, analyzes, investigates, and evaluates the activities and accomplishments of the various field offices through personal contact with the operating staffs and recommends and institutes corrective action both in the Washington and field offices whenever such action is deemed necessary in order to more effectively achieve the objectives of the War Assets Administration.

(1) *Compliance Enforcement Division.* The Compliance Enforcement Division assures that all activities of the War Assets Administration are carried out with integrity and in compliance with the provisions of the Surplus Property Act and the regulations and directives issued thereunder.

[1] 11 F. R. 1265.

(2) *Survey Division.* The Survey Division maintains personal liaison with field activities; advises and consults with Zone Administrator and Regional Directors regarding their operating problems; investigates operations of field installations and institutes remedial action to correct faulty conditions.

(b) *Authority.* The authority to perform such functions is assigned to the Deputy Administrator for Field Operations, who is further authorized to redelegate to subordinate officials such part of that authority as he deems necessary.

§ 8401.4 *Legislative and Liaison Division.* The Legislative and Liaison Division acts as a clearing agency for the two way flow of information between the War Assets Administration, the legislative branch of the Government, and the Executive Office of the President, except with respect to budgetary and appropriation data, which are functions of the Budget Division. Authority to perform such functions is assigned to the Deputy Administrator for Legislative and Liaison Activities, who is further authorized to redelegate to subordinate officials such part of that authority as he deems necessary.

§ 8401.5 *Office of Plans and Policies*—(a) *Organization and functions.* The Office of Plans and Policies coordinates and directs all activities of the War Assets Administration as required in the review, coordination, initiation, and recommendation of basic policies, broad programs, and the organization and methods necessary to secure prompt and orderly disposal of surplus property in conformity with the economic and general welfare objective of the Surplus Property Act and analyzes operating results with respect thereto.

(1) *Disposal Policy Division.* The Disposal Policy Division initiates and reviews disposal policies and methods and changes thereto so as to achieve the disposal aims of the War Assets Administration with maximum speed and effectiveness.

(2) *Public Interest Division.* The Public Interest Division represents the interests of the public in obtaining surplus property in accordance with the priorities and preferences established by the Surplus Property Act, except for veterans.

(3) *Veterans Division.* The Veterans Division represents the interests of the veterans in obtaining surplus property in accordance with the provisions of the Surplus Property Act.

(4) *Organization and Methods Division.* The Organization and Methods Division plans, supervises, and controls the development, installation and operation of organizational techniques and operating procedures and develops management controls and measurement standards applicable to organization and procedure matters.

(5) *Progress Analysis Division.* The Progress Analysis Division compiles and disseminates statistical and related information as required for the effective management of the various surplus property disposal programs and to reflect the progress being made with respect thereto at periodic intervals.

(6) *Economic and Market Research Division.* The Economic and Market Research Division provides economic and marketing analysis and advice in connection with the initiation, review, and coordination of disposal policies and programs especially as they affect and are affected by economic and employment conditions and progress of reconversion.

(b) *Authority.* The authority to perform such functions is assigned to the Deputy Administrator for Plans and Policies, who is further authorized to redelegate to subordinate officials such part of that authority as he deems necessary.

§ 8401.6 *Office of Liaison with Owning Agencies.* The Office of Liaison with Owning Agencies represents War Assets Administration with owning agencies in matters of policy and major operations with reference to the acquisition of surplus property and obtains forecasts of anticipated declarations of surplus property. The authority to perform such functions is assigned to the Deputy Administrator for Liaison with Owning Agencies, who is further authorized to redelegate to subordinate officials such part of that authority as he deems necessary.

§ 8401.7 *Office of General Counsel.* The Office of the General Counsel advises the Administrator and the offices and divisions of the War Assets Administration on all legal and legislative matters arising out of the conduct of the work of the Administration and determines, prior to adoption, that all regulations, procedures, orders, and methods are legally sound and in accord with the legal intent of legislation and orders governing War Assets Administration operations. The authority to perform such functions is assigned to the General Counsel who is authorized to redelegate to subordinate officials such part of that authority as he deems necessary.

§ 8401.8 *Review Boards*—(a) *General Review Board.* The General Review Board prescribes the policies and procedures governing the operations of the subordinate boards, exercises technical supervision and control over their activities, reviews the actions recommended by them, and upon request passes upon those matters which require the approval of the Administrator prior to final disposition of the case.

(b) *Subordinate Review Boards.* Subordinate Review Boards under the supervision of the General Review Board are: (1) the Disposal Review Board, (2) the Aircraft Review Board, (3) the Real Property Review Board, (4) the Acquisition Review Board, and (5) the Regional Office Review Board.

(c) *Functions.* Upon request of the appropriate officials all such boards review and recommend action on matters involving contracts, loans, sales and all other matters about which the responsible officials feel the need for impartial and expert advice so as to insure that administrative decisions are in accordance with the Surplus Property Act and the regulations and orders issued pursuant thereto.

(d) *Authority.* The chairman of each board is authorized to perform such functions and is further authorized to redelegate to subordinate officials such part of that authority as he deems necessary.

§ 8401.9 *Office of Administrative Services*—(a) *Organization and functions.* The Office of Administrative Services determines whether essential auditing, accounting, budgetary, personnel, credit, insurance and office service programs and plans are in accordance with established policies and are executed so as to provide maximum effectiveness to the work of the War Assets Administration and directs corrective action where necessary.

(1) *Accounting Division.* The Accounting Division designs, installs and maintains the accounting system for the recording of transactions, the prevention of error, and the preparation of reports covering the acquisition, maintenance, disposal, and administrative activities of the War Assets Administration.

(2) *Audit Division.* The Audit Division audits all financial transactions of the War Assets Administration, including contractors' records, reviews the accounting and administrative fiscal procedures, supervises public accounting services and related auditing activities.

(3) *Budget Division.* The Budget Division formulates and administers a budgetary and personnel ceiling program for the War Assets Administration, including an estimate of expenditures and the defense of those estimates before the Bureau of the Budget and the Congressional Appropriation Committee.

(4) *Personnel Division.* The Personnel Division formulates and administers a comprehensive program of personnel management covering the recruitment, examination, qualification, appointment, training, assignment, promotion, reassignment, and transfer of all War Assets Administration personnel.

(5) *Credit Division.* The Credit Division establishes basic policies covering the extension of credit to purchasers of surplus property and the collection of delinquent accounts, approves specified applications for credit, and collaborates in the implementation of credit policies.

(6) *Insurance Division.* The Insurance Division establishes policies and procedures governing the insurance function in Washington and the field, gives counsel and advice on insurance problems, collects insured losses in connection with the disposal of surplus property, and performs all necessary services related to any commercial insurance in which the War Assets Administration may have an interest.

(7) *Office Services Division.* The Office Services Division coordinates and directs all functions pertaining to the furnishing of office services for the War Assets Administration, i. e. space, supplies, equipment, communications, mail messenger, records, library, travel, etc.

(8) *Correspondence Division.* The Correspondence Division serves as technical advisor and consultant to all offices of War Assets Administration in connection with the preparation and handling of

correspondence and makes recommendations for the improvement of same.

(b) *Authority.* The authority to perform such functions is assigned to the Deputy Administrator for Administrative Services, who is further authorized to redelegate to subordinate officials such part of that authoritly as he deems necessary. He is specifically authorized to award and execute contracts, documents, and other instruments necessary to carry out the functions of his office, to order or approve irregular or occasional overtime duty in excess of a 40-hour administrative workweek, to administer oaths of office, to process for and in the name of the Administrator all personnel actions, to appoint an Efficiency Rating Committee, to execute certificates covering the use of the telephone for long distance calls, and to approve all requests for field printing wherein the amount involved for a single item exceeds $1,000 as authorized by the Joint Committee on Printing.

§ 8401.10 *Office of Aircraft Disposal*—(a) *Organization and functions.* The Office of Aircraft Disposal plans, develops, and administers programs for the orderly disposal of surplus aircraft, aircraft components and parts, and electronic supplies and equipment.

(1) *Aircraft Sales Division.* The Aircraft Sales Division develops and directs programs for the disposal of surplus airplanes.

(2) *Aircraft Component Sales Division.* The Aircraft Component Sales Division develops and directs programs for the disposal of surplus aircraft components and parts.

(3) *Maintenance and Salvage Sales Division.* The Maintenance and Salvage Sales Division directs and supervises operations relating to salvage and maintenance of aircraft and formulates and administers plans for closing aircraft depots and for scrapping and salvaging unsalable aircraft.

(4) *Depot Clearance Division.* The Depot Clerance Division supervises and assists, through coordination and technical advice, in the clearance of surplus aircraft components and parts and other related items from designated Army, Navy, and War Assets Administration warehouses.

(5) *Educational Aircraft Disposal Division.* The Educational Aircraft Disposal Division initiates and directs programs for the disposal of surplus airplanes and aeronautical equipment for educational institutions, both profit and nonprofit, State, county, and municipal or any association desiring to utilize such aircraft or equipment for educational or memorial purposes.

(6) *Electronics Division.* The Electronics Division initiates and develops plans for the disposal of surplus electronic supplies and equipment.

(b) *Authority.* The authority to perform such functions is assigned to the Deputy Administrator for Aircraft Disposal, who is authorized to redelegate to subordinate officials such part of that authority as he deems necessary. He is specifically authorized to execute and award contracts, documents, and other instruments necessary to carry out the functions of his office.

§ 8401.11 *Office of Acquisitions*—(a) *Organization and functions.* The Office of Acquisitions coordinates and directs all activities of the War Assets Administration as required for the acquisition and protection of surplus property except with respect to aircraft, electronics, and real property.

(1) *Warehousing Division.* The Warehousing Division coordinates and directs all activities pertaining to the care, handling and storage of personal property declared as surplus to the War Assets Administration.

(2) *Inspection Division.* The Inspection Division coordinates and directs all activities of War Assets Administration which have to do with the inspection of surplus property for the purpose of determining quantity, condition and an accurate description.

(3) *Traffic Division.* The Traffic Division coordinates and directs all activities of the War Assets Administration pertaining to the movement of transportable surplus property.

(b) *Authority.* The authority to perform such functions is assigned to the Deputy Administrator for Acquisitions, who is further authorized to redelegate to subordinate officials such part of that authority as he deems necessary. He is specifically authorized to execute and award contracts, documents, and other instruments necessary to carry out the functions of his office.

§ 8401.12 *Office of General Disposal*—(a) *Organization and functions.* The Office of General Disposal initiates, reviews, recommends, approves and administers programs and plans for the prompt and orderly disposal of all surplus property classified as consumer, capital and producer goods as assigned to various sales divisions indicated below, in accordance with established policies and procedures.

(1) *Sales Plans and Analysis Division.* The Sales Plans and Analysis Division develops, reviews, and coordinates sales methods, plans, and programs, and collects and analyzes data required for the evaluation of sales methods and procedures and simplifies and improves procedures and routines required in the disposal of surplus property.

(2) *Sales Service Division.* The Sales Service Division provides assistance to the Commodity Divisions in the interpretation and observance of policies and regulations and the establishment of standards particularly with respect to pricing policies, contract administration, commodity classification and assignment, product research, claimant interests, export sales and advisory committees.

(3) *Commodity Sales Divisions.* The Commodity Sales Divisions within the Office of General Disposal are organized into two sales groups each of which is under the supervision of an Assistant Deputy Administrator.

(i) The Commodity Sales Divisions in Sales Group I are: (*a*) The Automotive and Machinery Sales Division, which has jurisdiction over heavy and light construction machinery, industrial, mining, and farm machinery, machinery parts, motor vehicles, tires and tubes, auto parts, accessories and assemblies, and automotive maintenance equipment. (*b*) The Hardware, Plumbing and General Products Sales Division, which has jurisdiction over mill supplies, heavy hardware, general hardware, hand tools, houseware, farm equipment and supplies, plumbing and heating, air conditioning, refrigeration, electrical supplies, photographic and optical goods, containers, safety equipment, recreational equipment, and miscellaneous products. (*c*) The Paper, Furniture and Office Machinery Sales Division, which has jurisdiction over office and industrial furniture, household furniture and miscellaneous furnishings, accounting and reproduction machinery, fine and coarse paper, paper products, office and engineering supplies. (*d*) The Drugs and Medical Sales Division, which has jurisdiction over drugs, medicines, toiletries, cosmetics, surgical, professional, scientific, hospital and laboratory supplies and equipment. (*e*) Textiles, Apparel and Footwear Sales Division, which has jurisdiction over textile fabrics and products, clothing and apparel, and all types of footwear.

(ii) The Commodity Sales Divisions in Sales Group II are: (*a*) The Industrial Machinery and Equipment Sales Division, which has jurisdiction over electrical, steam and hydraulic equipment, internal combustion engines, metals processing equipment, materials handling, chemical, heat treating, and special industrial equipment. (*b*) The Materials and Supplies Sales Division, which has jurisdiction over chemicals, construction materials, fuels and lubricants, leather, fibres, paints, varnishes, lacquers and miscellaneous service supplies and equipment. (*c*) The Metal Working Equipment Sales Division, which has jurisdiction over machine tools, metal forming, cutting, testing and measuring equipment, abrasives, bearings, and cutting tools. (*d*) The Metal Sales Division, which has jurisdiction over iron and steel, non-ferrous metals, valves and fittings.

(b) *Authority.* The authority to perform such functions is assigned to the Deputy Administrator for General Disposal, who is authorized to redelegate to subordinate officials such part of that authority as he deems necessary. He is specifically authorized to award and execute contracts, documents, and other instruments necessary to carry out the functions of his office and approve final settlement of such claims on sales memoranda or contracts as may be deemed appropriate under "equitable adjustment clauses" where contained in such instruments.

§ 8401.13 *Office of Real Property Disposal*—(a) *Organization and functions.* The Office of Real Property Disposal coordinates and directs all activities of the War Assets Administration as required for the assumption of custody, protection, maintenance, and disposal or real property declared as surplus to that agency.

(1) *Property Management Division.* The Property Management Division develops procedures, techniques, and standards for the assumption of custody, property maintenance and protection, demolition and decontamination, and property boundary surveys and exercises technical supervision with respect to such activities.

(2) *Appraisal Division.* The Appraisal Division establishes standards, methods and procedures for the appraising of surplus real property and exercises technical supervision with respect to such activities.

(3) *Classification Division.* The Classification Division develops techniques and criteria for the classification of surplus real property and assigns such property to the appropriate division for handling.

(4) *Legal Division.* The Legal Division furnishes legal opinions and services as required in connection with the surplus real property disposal programs.

(5) *Operations Division.* The Operations Division formulates and coordinates the activities of all divisions of the office on matters pertaining to organization, procedures, technical manuals, reports, and related subjects.

(6) *Other Divisions.* The Airports, Industrial, Institutional, and Urban and Rural Divisions develop programs procedures and techniques for the disposal of surplus real property as assigned to such divisions for such purposes and exercise technical supervision with respect to such activities.

(b) *Authority.* The authority to perform such functions outlined is assigned to the Deputy Administrator for Real Property Disposal who is further authorized to redelegate to subordinate officials such part of that authority as he deems necessary. He is specifically authorized (1) to execute, acknowledge and deliver any deed, lease, permit, contract, receipt, bill of sale, or other instruments in writing in connection with the care, handling, and disposal of surplus real property, or personal property assigned for disposition with real property, located within the United States, its territories and possessions, (2) to accept any notes, bonds, mortgages, deeds of trust, or other security instruments taken as consideration in whole or in part for the disposition of such surplus real or personal property, and (3) to do or perform any other act necessary to effect the transfer of title to any such surplus real or personal property located as above provided; all pursuant to the provisions of the Surplus Property Act 1944, as amended; Executive Order 9689; Part 8301[2] of this chapter; and Surplus Property Administration General Amendment of January 5, 1946.[3]

§ 8401.14 *Office of Information and Advertising*—(a) *Organization and functions.* The Office of Information and Advertising supervises, directs, and coordinates all information and advertising activities of the War Assets Administration.

(1) *Information Division.* The Information Division assures that complete information regarding the surplus property disposal program is made available to all concerned.

(2) *Advertising Division.* The Advertising Division develops and initiates advertising policies as required to stimulate buying and otherwise facilitate the prompt and economical disposal of surplus property consistent with statutory requirements for wide public notice and opportunity to buy.

(b) *Authority.* The authority to perform such functions is assigned to the Deputy Administrator for Information and Advertising who is authorized to redelegate to subordinate officials such part of that authority as he deems necessary. He is authorized to award and execute contracts, documents, and other instruments necessary to carry out the function of his office, to execute the certificate required by the act of March 3, 1905 (33 Stat. 1213; 44 U. S. C. 118) as to the necessity for the use of illustrations, engravings, or photographs in connection with the transaction of business; and to order, against contracts currently in force, the publication in newspapers of notices and proposals relating to the disposal of surplus property.

§ 8401.15 *Addresses*—(a) *The War Assets Administration, Railroad Retirement Building, Washington 25, D. C.* (1) Office of the Administrator, Room 5004; (2) Deputy Administrator for Field Operations, Room 4008; (3) Deputy Administrator for Legislative and Liaison, Room 5060; (4) Deputy Administrator for Plans and Policies, Room 5106; (5) Deputy Administrator for Liaison with Owning Agencies, Room 5034; (6) General Counsel, Room 5050; (7) Deputy Administrator for Administrative Services, Room 2038; (8) Deputy Administrator for Acquisitions, Room 5038; (9) Deputy Administrator for General Disposals, Room 4014; (10) Deputy Administrator for Information and Advertising, Room 5082.

(b) *The War Assets Administration, Annex No. 2 Building, 2nd and Indiana Avenue NW., Washington, D. C.* (1) Deputy Administrator for Aircraft Disposal, Room 349; (2) Deputy Administrator for Real Property Disposal, Room 269.

Issued this 28th day of August 1946.

ROBERT M. LITTLEJOHN,
Administrator.

[F. R. Doc. 46–15646; Filed, Aug. 30, 1946; 2:28 p. m.]

[Operations Notice 2]

PART 8402—FIELD ORGANIZATION OF THE WAR ASSETS ADMINISTRATION

Sec.

8402.1 Scope.
8402.2 Regional offices, personal property.
8402.3 Regional offices for real property disposal.
8402.4 District offices.
8402.5 Veteran certification offices.
8402.6 Site sales projects.
8402.7 Zone offices.

§ 8402.1 *Scope.* This part sets forth the field organization of the War Assets Administration, showing the cities in which regional, district, zone, and veterans certifying offices are located, and outlining the functions and authority of each of these types of field offices. There are two types of regional offices: The first type has jurisdiction over the disposal of personal property including capital and producer goods, consumer goods, aircraft and aircraft parts and components; the second of which has jurisdiction over the disposal of surplus real property.

§ 8402.2 *Regional offices, personal property*—(a) *Location.* The regional offices having jurisdiction over the disposal of personal property are located in the following cities: Atlanta, Ga.; Birmingham, Ala.; Boston, Mass.; Charlotte, N. C.; Chicago, Ill.; Cincinnati, O.; Cleveland, O.; Dallas, Tex.; Denver, Colo.; Detroit, Mich.; Fort Worth, Tex.; Helena, Montana; Houston, Tex.; Jacksonville, Fla.; Kansas City, Mo.; Little Rock, Ark.; Los Angeles, Calif.; Louisville, Ky.; Minneapolis, Minn.; Nashville, Tenn.; New Orleans, La.; New York, N. Y.; Tulsa, Okla.; Omaha, Neb.; Philadelphia, Pa.; Portland, Oregon; Richmond, Va.; St. Louis, Mo.; Salt Lake City, Utah; San Antonio, Tex.; San Francisco, Calif.; Seattle, Wash.; Spokane, Wash.

(b) *Functions.* These regional offices under the direction of a regional director, administer all activities of the War Assets Administration within the area of jurisdiction assigned to each, in accordance with the Surplus Property Act as amended, and regulations, directives and orders issued pursuant thereto in accordance with instructions and procedures issued by the Washington office. In general, the regional office organization and its assignment of functions follows the same basic pattern of that described for the Washington office in Part 8401 of this chapter.

(c) *Authority.* In general, regional directors are authorized to exercise wide authority and responsibility with respect to the administration of the War Assets Administration program within their assigned region without reference to the Washington office except as might be specifically provided for in the War Assets Administration regulations and procedures; and they are further authorized to redelegate to subordinate officials such part of that authority as they deem necessary for effective administration. They are specifically authorized to award and execute contracts, documents, and other instruments necessary to effectuate the disposal of surplus property in accordance with applicable instructions as issued by the Washington office; approve and make refunds and price adjustments without limitation as to amount in cases involving payment received in error, return of deposits to unsuccessful bidders, errors in computation and other overpayment not involving legal questions or controversial facts; approve and make adjustment of claims, up to $2,000 in the instance of any one sales contract, as may be authorized by and warranted under either express warranties or so called "equitable adjustment clauses" contained in conditions of sale in sales memoranda and contracts; administer and conduct all personnel actions with respect to officers, employees,

[2] Reg. 1 (11 F. R. 7970).
[3] 11 F. R. 408.

or applicants for employment within their respective regions involving positions below the level of division chief except those relating to suspensions from duty or separations from the service for cause; order or approve irregular or occasional overtime duty in excess of a 40 hour administrative work week; administer oaths as required by law in connection with employment; appoint Efficiency Rating Committees; execute the certificate as required by the Act of March 3, 1905 (33 Stat. 1213; 44 U. S. C. 118) as to the necessity for the use of illustrations, engravings, or photographs in connection with the transaction of revisions; to order against contracts currently in force at the time of issuance, the publication in newspapers or advertisements, notices and proposals relating to the disposal of surplus property pursuant to the provisions of section 3828 of the Revised Statutes (44 U. S. C. 324); execute the certificate covering the use of the telephone for official long distance telephone calls as required under section 4 of the act approved May 10, 1939. (53 Stat. 738; 31 U. S. C. 680a).

§ 8402.3 *Regional offices for real property disposal*—(a) *Location.* The regional offices having jurisdiction over real property disposal are located in the following cities: Birmingham, Ala.; Boston, Mass.; Chicago, Ill.; Cleveland, O.; Dallas, Tex.; Kansas City, Mo.; Los Angeles, Calif.; New York, N. Y.; Philadelphia, Pa.; Portland, Ore.; Richmond, Va.; San Francisco, Calif.; St. Louis, Mo.

(b) *Functions.* Under the supervision of the Deputy Regional Director for Real Property Disposal, these regional offices supervise, coordinate and direct all activities within the area of their jurisdiction in connection with the acquisition, management, and disposal of surplus real property and the acquisition of office and warehouse space required for War Assets Administration operations in accordance with the Surplus Property Act, as amended and orders, regulations, and directives issued thereunder, in accordance with the instructions and procedures prescribed by the Washington office.

(c) *Authority.* In general, the deputy regional directors for real property disposal are authorized to perform the functions as indicated above and are further authorized to redelegate to subordinate officials such part of that authority as they deem necessary. Specifically they are authorized to execute, acknowledge and deliver any deed, lease, permit, contract, receipt, bill of sale, or other instruments in writing in connection with the care, handling, and disposal of surplus real property, or personal property assigned for disposition with real property, located within their area of jurisdiction, to accept any notes, bonds, mortgages, deeds of trust, or other security instruments taken as consideration in whole or in part for the disposition of such surplus real or personal property; and to do or perform any other act necessary to effect the transfer of title to any such surplus real personal property located as above provided; all pursuant to the provisions of the Surplus Property Act of 1944, as amended, Executive Order 9689; Part 8301 of this Chapter;[1] and Surplus Property Administration General Amendment of January 5, 1946.[2] They are specifically authorized to administer and conduct all personnel actions with respect to officers, employees, or applicants for employment within their respective regions involving positions below the level of division chief except those relating to suspensions from duty or separations from the service for cause; order or approve irregular or occasional overtime duty in excess of a 40 hour administrative work week; administer oaths as required by law in connection with employment; appoint Efficiency Rating Committees; execute the certificate as required by the act of March 3, 1905 or photographs in connection with the transaction of revisions; to order against contracts currently in force at the time of issuance, the publication in newspapers or advertisements, notices and proposals relating to the disposal of surplus property pursuant to the provisions of section 3828 of the Revised Statutes; execute the certificate covering the use of the telephone for official long distance calls as required under section 4g of the act approved May 10, 1939; award and execute contracts, documents and other instruments necessary to effectuate the disposal of surplus property in accordance with applicable instructions as issued by the Washington office; approve and make refunds and price adjustments without limitations as to amount in cases involving payment received in error, return of deposits to unsuccessful bidders, errors in computation and other overpayment not involving legal questions or controversial facts; approve and make adjustment of claims, up to $2,000 in the instance of any one sales contract, as may be authorized by and warranted under either express warranties or so called "equitable adjustment clauses" contained in conditions of sale in sales memoranda and contracts.

§ 8402.4 *District offices*—(a) *Location.* The District Offices are located in the following cities: Portland, Maine; Montpelier, Vt.; Manchester, N. H.; Hartford, Conn.; Providence, R. I.; Newark, N. J.; Baltimore, Md.; Washington, D. C.; Charleston, W. Va.; Columbia, S. C.; Jackson, Miss.; Indianapolis, Ind.; Milwaukee, Wis.; Des Moines, Io.; Wichita, Kan.; Sioux Falls, S. D.; Fargo, N. D.; Cheyenne, Wy.; Albuquerque, N. M.; Phoenix, Ariz.; Boise, Idaho; Reno, Nev.; Wilmington, Del.

(b) *Functions.* In general, district offices, under the supervision of district directors, represent the War Assets Administration in all matters relating to the surplus property disposal program within their areas of jurisdiction, with particular respect to the dissemination of information, disposal of personal property, certification of veterans, liaison with owning agencies, and priority claimants, and other interested parties in accordance with instructions and procedures prescribed by the Washington office and the appropriate regional director.

[1] Reg. 1 (11 F. R. 7970).
[2] 11 F. R. 408.

(c) *Authority.* District directors are authorized to perform such functions as are assigned to them and to redelegate to subordinate officials that part of such authority as they deem necessary.

§ 8402.5 *Veterans certification offices*—(a) *Location.* Veterans certification offices are located in the following cities: Birmingham, Ala.; Phoenix, Ariz.; Fresno, Calif.; Redding, Calif.; Sacramento, Calif.; Salinas, Calif.; San Diego, Calif.; San Francisco, Calif.; Stockton, Calif.; Denver, Colo.; Hartford, Conn.; New Haven, Conn.; Wilmington, Del.; Washington, D. C.; Jacksonville, Fla.; Miami, Fla.; Orlando, Fla.; Pensacola, Fla.; Tallahassee, Fla.; Tampa, Fla.; Atlanta, Ga.; Boise, Idaho; Chicago, Ill.; Decatur, Ill.; Peoria, Ill.; Rockford, Ill.; Evansville, Ind.; Fort Wayne, Ind.; Indianapolis, Ind.; South Bend, Ind.; Davenport, Iowa; Des Moines, Iowa; Leavenworth, Kans.; Wichita, Kans.; Louisville, Ky.; New Orleans, La.; Portland, Me.; Baltimore, Md.; Boston, Mass,; Lowell, Mass.; Springfield, Mass.; Worcester, Mass.; Grand Rapids, Mich.; Jackson, Mich.; Pontiac, Mich.; Saginaw, Mich.; Duluth, Minn.; Minneapolis, Minn.; Jackson, Miss.; Kansas City, Mo.; Billings, Mont.; Butte, Mont.; Great Falls, Montana; Missoula, Montana; Sidney, Montana; Reno, Nev.; Manchester, N. H.; Newark, N. J.; Trenton, N. J.; Albuquerque, N. M.; Albany, N. Y.; Brooklyn, N. Y.; Buffalo, N. Y.; New York, N. Y.; Rochester, N. Y.; Syracuse, N. Y.; Utica, N. Y.; Charlotte, N. C.; Raleigh, N. C.; Fargo, N. D.; Akron, Ohio; Canton, Ohio; Cleveland, Ohio; Toledo, Ohio; Youngstown, Ohio; Cincinnati, Ohio; Columbus, Ohio; Dayton, Ohio; Oklahoma City, Okla.; Tulsa, Okla.; Portland, Ore.; Allentown, Pa.; Erie, Pa.; Harrisburg, Pa.; Philadelphia, Pa.; Pittsburgh, Pa.; Reading, Pa.; Scranton, Pa.; Providence, R. I.; Columbia, S. C.; Greenville, S. C.; Sioux Falls, S. D.; Chattanooga, Tenn.; Memphis, Tenn.; Nashville Tenn.; Dallas, Tex.; El Paso, Tex.; Ft. Worth, Tex.; Houston, Tex.; Texarkana, Tex.; Salt Lake City, Utah; Montpelier, Vt.; Norfolk, Va.; Richmond, Va.; Roanoke, Va.; Seattle, Wash.; Tacoma, Wash., Charleston, W. Va.; Eau Claire, Wis.; Green Bay, Wis.; Madison, Wis.; Milwaukee, Wis.; Wausauk, Wis.; Casper, Wyo.

(b) *Functions.* Under the supervision of an office manager, veterans certification offices consult and advise veterans regarding the availability of surplus property and other related material and issue veterans priority certificates in accordance with established War Assets Administration regulations, instructions, and procedures.

(c) *Authority.* Office managers are authorized to perform functions outlined herein and to redelegate to subordinate officials that part of such authority as they deem necessary.

§ 8402.6 *Site sales projects*—(a) *Location.* Approximately 500 site sales projects are either now in operation or are scheduled to be opened within the next twelve months at various locations throughout the continental United States. Notification as to the location of any specific site is given or will be

given through public advertising, newspaper advertising or other media at the time such project opens.

(b) *Functions.* Either under the direct supervision or control of War Assets Administration regional office personnel or under contractual arrangements with private merchandising agencies, the site sales organization disposes of all classes of surplus capital and producer goods and consumer goods to all types of purchasers, making sales from the site where the property is actually located, and providing at the site facilities for the pre-inspection of property, sales, collection of funds, extension of credit, servicing of priority claimants, and delivery of property to purchasers.

(c) *Authority.* Site sale project supervisors (field directors or site sales managers) are authorized to perform all functions necessary in connection with the site sale program and to redelegate to subordinate officials such part of that authority as they deem necessary.

§ 8402.7 *Zone offices*—(a) *Location and area of jurisdiction.* Zone offices, exercising supervision over the regional offices indicated for each are located in the following cities: (1) Philadelphia, Pa., supervising the Boston, Mass., New York, N. Y., Philadelphia, Pa., and Richmond, Va. regional offices; (2) Atlanta, Ga., supervising the Atlanta, Ga., Charlotte, N. C., Jacksonville, Fla., Nashville, Tenn., and Birmingham, Ala., regional offices; (3) Chicago, Ill., supervising the Cincinnati, O., Chicago, Ill., Cleveland, O., Detroit, Mich., Louisville, Ky., and Minneapolis, Minn. regional offices; (4) Kansas City, Mo., supervising the Kansas City, Mo., Denver, Colo., St. Louis, Mo., and Omaha, Nebr., regional offices; (5) Dallas, Tex., supervising the Ft. Worth, Tex., Dallas, Tex., Houston, Tex., San Antonio, Tex., New Orleans, La., Little Rock, Ark., and Oklahoma City, Okla. regional offices; (6) San Francisco, Calif., supervising the Los Angeles, Calif., San Francisco, Calif., Portland, Oreg., Seattle, Wash., Spokane, Wash., Helena, Mont., Salt Lake City, Utah regional offices.

(b) *Functions.* Under the supervision of a zone administrator, zone offices are responsible for administrative supervision of the regional offices within the territory assigned on matters which would ordinarily concern the Administrator; are responsible for the efficient management of the operations and activities within the zone and for the determination of the adequacy and suitability of personnel and facilities; serve as liaison in maintaining assistance from appropriate Washington disposal or staff offices in solving regional problems when efforts from the regional level to obtain this assistance have been ineffective; investigate complaints and conditions resulting in unfavorable public reaction to the activities of the War Assets Administration in their area and to initiate or recommend remedial action; advise the Administrator of conditions within the zone which warrant his personal attention; and facilitate inter-regional cooperation and resolve inter-regional differences. Zone administrators do not interfere with the direct selling and operating relationships between regional offices and the Washington disposal and staff offices. Reports called for by the Washington office are not channeled through zone offices.

(c) *Authority.* In general, zone administrators are authorized to represent and act for the Administrator in connection with the performance of the functions indicated herein.

Issued this 28th day of August 1946.

ROBERT M. LITTLEJOHN,
Administrator.

[F. R. Doc. 46-15647; Filed, Aug. 30, 1946; 2:28 p. m.]

[Operations Notice 3]

PART 8410—PERSONAL PROPERTY DISPOSAL

Sec.

8410.1 Scope.
8410.2 Types of property.
8410.3 Commercial levels of trade.
8410.4 Public notice of sales.
8410.5 Methods of sale.
8410.6 Special types of disposal.
8410.7 General price methods.
8410.8 Consultation with industry and business organizations.
8410.9 Terms and conditions of sale.
8410.10 Methods of payment.
8410.11 Credit.
8410.12 Insurance.
8410.13 Claims and adjustments.
8410.14 Forms.

§ 8410.1 *Scope.* This part states in general terms the procedures of the War Assets Administration for disposing of surplus personal property within the continental United States, its territories and possessions.

§ 8410.2 *Types of property.* Part 8301 [1] of this chapter states the types of personal property for which the War Assets Administration is designated as the disposal agency. In general, these types of personal property include capital and producers goods, consumer goods, aircraft and aircraft parts and components, and electronics and communications equipment.

§ 8410.3 *Commercial levels of trade.* Concurrent with or after suitable offering to priority claimants as hereinafter described in part 8412 of this chapter when property becomes available for commercial buyers, WAA ordinarily will offer such property for sale to the regular and normal channels of trade. Ultimate consumers, i. e., persons who buy for their own personal use, generally will not be permitted to participate in sales of surplus property. The following are included among those commercial purchasers who ordinarily may buy surplus property:

(a) *Wholesalers and distributors.* Buyers (including manufacturers) who normally perform functions of wholesalers or distributors, are permitted to purchase upon the making of certain certifications.

(b) *Retailers.* Buyers who normally sell to ultimate consumers are considered to be retailers. Manufacturers and wholesalers who own, operate, or control retail stores are required to buy as retailers for their own company—owned or controlled retail stores. Groups of stores operated on a chain system of buying must buy as retailers.

(c) *Exporters.* Commercial exporters and commercial purchasing representatives for foreign governments are permitted to buy surplus property not deemed to be in short supply as "wholesalers".

(d) *Industrial and commercial buyers.* In most cases industrial and commercial buyers may purchase surplus property. Industrial and commercial buyers are those engaged in or about to engage in a business or an industry in which it is a normal practice to purchase items similar to those on sale directly from manufacturers or wholesalers. The commercial or industrial buyer shall purchase as a retailer except when he purchases in wholesale quantities and at wholesale prices for incorporation in an end product. He shall certify that the purchase is for use and not for resale in its present form.

(e) *Buying agents.* Purchasing agents, resident buyers, commission men, and others who perform the purchasing functions for the principal they represent, are permitted to participate in sales: *Provided,* They present written authorization from the principal to act in such capacity and: *Provided,* They purchase in the name of the principal. These buyers shall be required to present written authorization from their principals to act in such capacity.

§ 8410.4 *Public notice of sales.* With due regard to the statutory requirements of public notice as hereinafter set forth in Part 8412 of this chapter, the Administrator gives such public notice as he deems necessary to advise priority claimants and commercial levels of trade of offerings of property for disposal. Newspapers and trade journals are common media used to give notice of prospective sales. Direct mailing of brochures, catalogues, and special listings are also used to disseminate information concerning proposed sales. Under certain circumstances radio may be used. Samples of surplus property may be displayed at War Assets Administration regional or district offices, at site-sales locations, warehouses, or other public places.

§ 8410.5 *Methods of sale.* Surplus property is offered for sale by the method most adaptable to the particular type of property being offered. The following methods of sale are utilized:

(a) *Fixed price offering.* This method of sale contemplates an offering at prices and terms established by the War Assets Administration prior to the offering. The fixed price method is preferred. Every effort is made to fill orders in such a manner as to provide equitable distribution among the groups ordering and in the areas solicited.

(b) *Sealed bid offering.* A sealed bid offering is an offering of surplus property under stated terms and conditions by which the prospective purchasers are required to submit a bid for a stated quantity at the highest price they wish to pay, by mail or telegram, prior to a specified time. The sale is made after a public opening of all written offers.

[1] Reg. 1 (11 F. R. 7970).

(c) *Spot sale.* This method contemplates an offering of commodities on the spot to the highest bidder, either at the location of the property or at any other suitable place where bidders after a reasonable opportunity of inspecting the property submit written offers to the salesman in charge. The spot sale method generally is used to dispose of residual merchandise after a fixed price sale to priority and nonpriority purchasers.

(d) *Public auction sale.* The auction sale contemplates the offer of commodities to the highest bidder, held at the location of the property, in which bidders make verbal offers to the auctioneer. It is used in lieu of a spot sale when deemed advisable.

(e) *Site sale.* This method of sale contemplates that the sale be conducted at a specified warehouse or site where surplus property is currently located. The sale may be made generally by the fixed price method but any method or combination of methods may be used in conformance with the requirements for each type of sale. It is used wherever possible, when large quantities of property in short supply are located at one site, or where there is a pressing need for warehousing space at a particular site. The site sale is usually conducted under the supervision and direction of the regional office in whose geographic sales area the activity is located. A field director, assisted when necessary by an assistant field director, is generally in charge of the sale at each site, and is the officer approving such sale. The field director's function is that of a subregional director. The regional director has the responsibility of appointing the field director.

(f) *Negotiated sale.* A negotiated sale is a sale of surplus property at prices and at terms arrived at by agreement between War Assets Administration and the purchaser. The negotiated sale of surplus property is, under ordinary circumstances, the only type of sale handled directly by the national office but is not reserved exclusively to the national office, *i. e.*, such sales may be effected by the regional offices. This method of sale may be used when other methods of sale are not feasible or have proven unsuccessful.

§ 8410.6 *Special types of disposal.* In certain instances because of the nature of the property or the quantities involved, special disposal methods are employed. These special methods of disposal are:

(a) *Industry agency agreements.* An industry agency agreement is an agreement between WAA and the manufacturer, distributor, or dealer who handles the property involved, whereby the manufacturer, distributor or dealer undertakes the disposal of the commodities covered by the agreement. This method is used when it has been determined that the class of property involved is of such a highly specialized or technical nature that proper disposal can be made only by qualified specialists in the industry or when a major portion of the property in question requires servicing, rehabilitation, or conversion and this service can best be performed by a manufacturer of the particular kind of property.

(b) *Approved dealer agreement.* This is an agreement between WAA and an "approved dealer" under which the dealer is authorized to solicit purchases of the property covered by the agreement and is paid a commission on sales developed by him and approved by WAA. This method is used only when the nature of the property in question renders it suitable for an approved dealer agreement.

(c) *Loan of property.* Property for which there is no commercial use or demand may be loaned by War Assets Administration to private individuals or companies, or Government entities to permit experimentation and research in order to develop new uses for the property.

(d) *Leases.* (1) Surplus personal property may be leased by War Assets Administration for monetary considerations to an individual or concern or a Government entity for specified periods of time. Leases of personal property are limited to property which will not be substantially damaged or altered by extended use and which will be useful in the production of goods for the civilian economy, such as machine tools, production equipment, railroad equipment and other property as determined by the Administrator.

(2) Types of property suitable for lease to commercial users are equally available to non-commercial users. Regional directors may negotiate leases with State governments, their political subdivisions and instrumentalities and with eligible nonprofit institutions or instrumentalities upon request by such entities. Leases to none-commercial users may be negotiated for any period of time not to exceed the estimated useful life of the property involved and may include provisions for an option to buy.

(e) *Donations.* Property having no commercial value or property for which the cost of care, handling, and disposition will exceed the proceeds, is available for donation to agencies or institutions supported by the Federal Government or agencies or institutions supported by any State or local government, or to nonprofit, educational or charitable institutions.

§ 8410.7 *General pricing methods—*(a) *Considerations on which price is based.* Prices are based on the widest range of price data available. Information may be obtained from market surveys, manufacturers' catalogues, OPA ceiling or formulas such as the Clayton Formula and from previous sales by the War Assets Administration. Prices generally are f. o. b. common carrier (cars or trucks) but delivered prices and freight differentials may be established. Where fixed prices are applied, consideration will be given to location, condition, demand, packaging and packing, and special treatment applied for military requirements and the fact that the War Assets Administration is not a continuous source of supply in any line of goods. Each of the above represents a factor in establishing prices.

(b) *Lot sizes.* Minimum lot sizes are established to conform to normal commercial practices. Consideration is primarily given to the needs of small business in establishing lot sizes. Minimum lot sizes are so established as to move the property in volume and yet achieve a reasonable distribution of the quantity available. Maximum sizes are established to achieve equitable distribution when an offering of property is likely to be over-ordered.

(c) *Price differentials.* In many cases, in the fixed price method of sale, prices are set for two levels of trade—wholesale and retail. The differential between these prices corresponds to that which is normal in the trade, and reflects the difference in the cost of the distributive functions performed. Large retailers who normally purchase in quantities far in excess of the small retailer and the small wholesaler, generally receive a discount of not more than five (5) per cent below the prices to small retailers. However, where it is the normal commercial practice, or where unusual circumstances exist, a uniform price may be established to all buyers regardless of the level of trade or quantity purchased. In the case of certain types of aircraft a discount is given for quantity purchases.

§ 8410.8 *Consultation with industry and business organizations.* The War Assets Administration avails itself of the experience and considers recommendations of business and industry through industry advisory committees. Industry advisory committees are usually composed of representatives of a particular trade of industry affected by the disposal program. Also, liaison is maintained by the national and regional offices of the War Assets Administration with business and veterans organizations, trade association and civic groups to disseminate information concerning surplus property disposal activities.

§ 8410.9 *Terms and conditions of sale.* In accordance with section 15 of the Surplus Property Act, as amended, War Assets Administration, as a disposal agency, is authorized to dispose of surplus property by sale, exchange, lease, or transfer for cash, credit or other property, with or without warranty, and upon such other terms and conditions as the agency deems proper: *Provided,* That in the case of raw materials, consumer goods and small tools, hardware, and non-assembled articles which may be used in the manufacture of more than one type of product, no extension of credit shall be for a period longer than three years.

(a) *Standard conditions of sale.* War Assets Administration generally offers surplus personal property subject to the following standard conditions of sale:

Standard conditions. The Sales Memorandum and these standard conditions of sale constitute the entire agreement between the parties with respect to the sale of the property specified in the Sales Memorandum. No variations from or modifications thereof, and no representations made or warranties given by any representative, agent or employee of seller in variance thereof shall be of any effect unless specified in writing and included in the Sales Memorandum. The standard conditions of sale are as follows:

(1) Unless credit is provided for in the Sales Memorandum, payment must be made

in U. S. coins and currency, money order, certified check, cashier's check, check issued by a recognized finance company, traveler's check, U. S. Government check, the purchaser's own check, or draft drawn under irrevocable letter of credit prior to shipment of the property or its removal by purchaser.

(2) Seller makes no warranty, either express or implied, with respect to the property covered by the Sales Memorandum, except (a) seller warrants it has the right to transfer title to the property; and (b) seller warrants the accuracy of the description of the property: *Provided, however,* That if the property is described as new, seller warrants only that it has not been used. Seller's liability under this paragraph shall not exceed amount of purchase price.

(3) Sales are subject to such adjustment upon the request of the purchaser as the War Assets Administrator, or his authorized representative, in his sole discretion, may determine to be equitable under the circumstances, and any such determination shall be final. Requests for such adjustment will be considered only if filed in writing in the office of War Assets Administration responsible for the sale within fifteen (15) days (or such additional period as may be allowed in writing by the Administrator or such representative) after removal of the property by purchaser or delivery by a common carrier at the original destination.

(4) In case of error in the extension of prices, the unit price will govern.

(5) Unless otherwise specifically stated in the Sales Memorandum, sales are made f. o. b. common carrier (cars or trucks) and shipping expenses will be paid by purchaser. Specific shipping instructions from purchaser must be received by the regional office of War Assets Administration responsible for the sale within ten (10) days from the date of the Sales Memorandum; or if prior to the expiration of said ten day period purchaser notified seller that he will remove the property such removal must be effected within fifteen (15) days of the Sales Memorandum. Seller will not ship the property to more than one destination except in cases where such separate shipments each constitutes a carload, truckload or a minimum if established by War Assets Administration.

(6) If the property covered by Sales Memorandum is lost, damaged, or destroyed otherwise than by the fault or negligence of purchaser prior to removal or shipment during the applicable period prescribed in paragraph (5) above for removal or the issuance of shipping instructions, seller's liability shall, at election of seller, be limited to the replacement of the property lost, damaged, or destroyed or refunding any amount paid by purchaser therefor.

(7) If purchaser fails to issue shipping instructions or to remove the property within the applicable period prescribed in paragraph (5) above the risk of loss, damage or destruction of the property shall be upon purchaser. In the event of such failure purchaser shall, upon demand, pay to seller reasonable storage charges if the property is stored on premises owned or controlled by the Government, or seller may store the property elsewhere for the account and at the expense of purchaser. Seller may also, upon failure or in the event of default on the part of purchaser in making payment or otherwise, upon giving ten (10) days written notice to purchaser, rescind the sale, or resell the property for the account of purchaser upon such terms and conditions as it deems proper, and purchaser shall, upon demand, pay to seller the amount of all losses and expenses incurred by reason of such failure or default. The exercise by seller of one or more of the rights herein specified will not preclude seller from exercising any other rights it may have against purchaser.

(8) Seller shall not be liable for delay in shipping or loading the property covered by the Sales Memorandum due to causes beyond its control and without its fault or negligence, including without limitation, acts of God or the public enemy, acts or requests of any State or local governmental officer or agent purporting to act under authority, floods, fires, epidemics, quarantine restrictions, riots, sabotage, freight embargoes or failures, strikes, lock-outs and disputes with workmen.

(9) Seller reserves the right to cancel the contract of sale without liability in cases where purchaser is an agent for an undisclosed principal if such action is determined by the War Assets Administration in the public interest.

(10) No Member of, or Delegate to, Congress, or Resident Commissioner of the United States of America shall be admitted to any benefit that may arise therefrom unless it be made with a corporation for its general benefit.

(b) *Qualified conditions of sale.* In some instances these conditions of sale are modified to meet the needs of a particular sale or to meet the needs in the sale of a particular class of property. In the case of the sale of aircraft, sales are sold on an "as is, where-is" basis.

(c) *Standard terms of sale.* War Assets Administration reserves the following rights in connection with the sale of surplus property: (1) to reject any and all bids and offers; (2) to withdraw all or any part of the property included in the sale at any time prior to a contract of sale; and (3) to reserve the right to require a deposit.

(d) *Submission to the Attorney General.* In the case of any proposed disposal to private interests of personal property which cost the Government one million dollars or more a statement of such proposed disposal is submitted to the Attorney General as required by Section 20 of the Surplus Property Act of 1944, as amended.

§ 8410.10 *Methods of payment.* Unless the property offered is salable on credit and the purchaser has made prior arrangements for the extension of credit, payment shall be made before the release of the property in U. S. coins and currency, money order, certified check, cashier's check, check issued by a recognized finance company, traveler's check, U. S. Government check, the purchaser's own check, or draft drawn under irrevocable letter of credit. Cashiers may accept uncertified checks of business enterprises in payment for merchandise purchased. Uncertified checks of individuals other than individuals operating a business, may be accepted for small amounts.

§ 8410.11 *Credit.* Credit may be granted to purchasers of surplus property: *Provided,* The property is to be used for business purposes including professional and agricultural enterprises and not for private use. The applicant for credit must provide credit information and references similar to those provided for any business credit transaction. The following credit terms have been extended:

(a) *Open accounts.* On open accounts, payment is generally required thirty (30) days after release of the goods by the War Assets Administration.

(b) *Installment plan.* Where purchase is of surplus property classified as durable, and the property is to be used in a business and not for resale, installment credit may be given. A down payment and periodic payments normally are required.

(c) *Special credit arrangements.* Special credit arrangements may be made if the purchaser's credit needs require such arrangements.

(d) *Credit for site and similar sales.* Credit arrangements, when desired, should be made prior to attendance of a special type of sale, such as site and spot sales.

(e) *Other credit terms.* Credit terms may be granted in the installment sales of aircraft and sales of machinery by dealers' agents.

§ 8410.12 *Insurance.* Insurance coverage satisfactory to the Administration is required upon all personal property leased or sold on a purchase money mortgage or installment basis. The cost of insurance is borne by the lessee or purchaser. Generally, open policies, which automatically attach at the time of sale and continue so long as the Government retains an unsatisfied interest in the property, are used. Insurance coverage varies depending upon the method of the disposal transaction and the type of property involved as indicated below:

(a) *Personal property other than motor vehicles or aircraft.* Personal property other than motor vehicles or aircraft is insured against the perils of fire, lightning, windstorm, hail, explosion (except steam boiler or machinery explosion losses), aircraft or motor vehicle damage, smoke, riot, strike or civil commotion, vandalism and malicious mischief, collision or derailment of conveyance while in transit, earthquake and flood or water. If the property involved includes power plants or certain types of machinery, such as turbines, large fly wheels, etc., where an internal explosion factor is present, boiler or machinery explosion insurance on the conventional policy form is required in addition to the open policy coverage.

(b) *Motor vehicles.* Motor vehicles are insured against the exposures of fire, lightning, transportation perils, theft, windstorm, explosion, hail, earthquake, flood, riot or civil commotion, aircraft, and collision or upset ($50.00 deductible).

(c) *Aircraft.* The purchaser of aircraft is required to provide aircraft full insurance covering airplanes sold on an installment basis for a period of time not less than one (1) year. Coverage written on a component parts basis is not acceptable, unless that form applies only to the purchaser. Two methods of coverage are acceptable: (1) single interest coverage of the Government's interest under open policies obtained by War Assets Administration; and (2) dual interest coverage of the Government's and purchaser's interests obtained by the purchaser from underwriters acceptable to the Government.

§ 8410.13 *Claims and adjustments.* War Assets Administration may settle such claims or make such adjustments as may be permitted by and warranted under either express warranties or the so-called "equitable adjustment clauses" contained in sales contracts. Such adjustments may be allowed in discharge of probable legal obligations and to satisfy equitable rights occasioned without fault of the buyer. All claims must be submitted in writing, by or on behalf of the original purchaser, to the regional office responsible for the sale, within the time specified in the sales contract.

§ 8410.14 *Forms.* Because of the variance in circumstances and conditions of each disposal, forms used for purchasing surplus personal property have not been standardized for all types of sales. Representative forms which have proved satisfactory in applicable cases, such as offers to purchase, priority certifications, and credit applications, as well as complete information on personal property disposal, may be obtained from any War Assets Administration office.

Issued this 28th day of August 1946.

ROBERT M. LITTLEJOHN,
Administrator.

[F. R. Doc. 46–15648; Filed, Aug. 30, 1946; 2:28 p. m.]

[Operations Notice 4]

PART 8411—REAL PROPERTY DISPOSAL

Sec.

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8411.8 Pricing.
8411.9 Terms and conditions of sale.
8411.10 Credit.
8411.11 Insurance.
8411.12 Forms.

§ 8411.1 *Scope.* In disposing of surplus real property, the War Assets Administration performs a dual function: one function relates to the policy jurisdiction assigned under the Surplus Property Act of 1944, as amended and Executive Order 9689 in classifying and assigning surplus real property to the appropriate disposal agencies; and the other function relates to the disposal responsibilities of War Assets Administration as a designated disposal agency. This part outlines the procedures of War Assets Administration solely as an agency designated for the disposal of surplus real property.

§ 8411.2 *Types of surplus real property for which War Assets Administration is the disposal agency.* Pursuant to the provisions of WAA Regulation 1, Part 8301[1] of this chapter, War Assets Administration is designated the disposal agency for the following types of surplus real property.

(a) All industrial real property (including buildings and fixtures and real property which is suitable and equipped for owning operations) and land which the Administrator shall determine is essential to the use of industrial plants, factories, and similar structures and facilities;

(b) Railroads, including land, trackage, rights of way, structures and equipment used or useful in connection therewith;

(c) Pipelines and facilities used for transporting petroleum products or gas;

(d) Airport property (including buildings and fixtures) and land which the Administrator shall determine is essential to the use of such property;

(e) Power plants and facilities, power transmission lines, and rights of way, and land which the Administrator shall determine is essential to the use of such property;

(f) All structures and improvements which are to be disposed of for removal off site by demolition or otherwise;

(g) Marine industrial real property, including buildings and fixtures, such as shipyards, ship repair yards and marine terminals; and

(h) Real property normally assigned to another disposal agency, when the Administrator shall determine that designation of War Assets Administration will facilitate the disposal of the property.

§ 8411.3 *Classification.* By the provisions of Part 8301[1] of this chapter and orders issued thereunder, all declarations of surplus real property are made to the Administrator. Each such declaration is screened and classified to determine the highest and best use of the property and the disposal agency or agencies to which the property is to be assigned.

§ 8411.4 *Priority claimants.* The Surplus Property Act of 1944, as amended, directs disposal agencies to grant a priority in the purchase of surplus real property to certain classes of purchasers. These classes of purchasers differ with the type of property being offered. The priority claimants and their status for each type of property under the disposal jurisdiction of War Assets Administration are as follows:

(a) *Industrial and marine industrial real property.* For industrial real property, including pipe-lines and facilities, railroads, and power plants and facilities and power transmission lines and rights of way, and marine industrial real property the sequence of priority is (1) Government agencies, (2) The Reconstruction Finance Corporation acquiring property for resale to purchasers which it considers to be small business under section 18 (e) of the Surplus Property Act of 1944, as amended, and (3) State or local governments.

(b) *Airport property.* For airport property the sequence of priority is (1) Government agencies, and (2) State and local governments.

(c) *Non-industrial real property.* When War Assets Administration is designated the disposal agency for any surplus non-industrial real property, it follows the sequence of priority set forth in section 23 of the Surplus Property Act of 1944, as amended, and Part 8305[2] of this chapter.

(d) *Emergency housing.* A special provision has been made to offer to Federal Public Housing Authority structures which may be suitable for emergency housing and which can be disposed of separately from the other realty.

§ 8411.5 *Period allowed for exercise of priorities.* The time allowed for the exercise of priorities varies for the different types of real property as follows:

(a) *Industrial and marine industrial real property.* A period of fifteen (15) days after the date on which priority notices are mailed, will be allowed for the exercise of a priority.

(b) *Airport property.* A period of thirty (30) days after the date on which priority notices are mailed will be allowed for the exercise of a priority.

(c) *Non-industrial real property.* The periods of time during which priority claimants wishing to acquire non-industrial real property may exercise their priority are set forth in Part 8305 of this chapter.

§ 8411.6 *Public notice*—(a) *General.* Public notice of the availability of surplus real property for sale is made by the use of legal publication advertising, newspaper, trade journal or other publication advertising, or through the mailing of letters, circulars, brochures, and such other media as may be deemed advisable. Such information usually includes a description of the property and its location and may include possible uses for which the property is adaptable.

(b) *Notification of priority claimants.* In addition to the public notice set forth in paragraph (a) of this section, Federal agencies, State and local governments, and former owners are notified by letter of the availability of surplus real property. Such letters may include a copy of the advertisement or the notice of availability.

§ 8411.7 *Methods of disposal.* Surplus real property is disposed of by the method which is deemed to be in the best interests of the United States. The following methods of disposal are generally used:

(a) *Sale and transfer.* The sale and transfer of surplus real property are preferred when such disposals will best meet the objectives of the Surplus Property Act of 1944, as amended.

(b) *Lease.* Surplus real property may be leased when it is determined that the best interests of the Government will be served by lease rather than by conveyance of the fee title of the particular property involved. In addition interim permits and revocable leases may be utilized to insure continuous utilization of a particular property pending final disposition. Where the property is of such size or where other factors intervene, portions of a particular property may be leased to different individuals under a multiple tenancy lease agreement or portions may be leased with other portions conveyed.

[1] Reg. 1 (11 F. R. 7970).

[2] Reg. 5 (11 F. R. 7611, 7969).

(c) *Donations.* Surplus real property is transferred without consideration only in those cases in which the property has no commercial value or the cost of care and handling and disposition would exceed the estimated proceeds of the sale thereof. Such transfers are only made to an agency of the Federal Government, any State or local government or to non-profit educational or charitable organizations.

(d) *Abandonment.* Surplus real property may be abandoned when it has been contaminated through military uses and the cost of reclamation would exceed the value recoverable by selling, lease or otherwise, or when utilization of such property would endanger life and health. In addition surplus real property may be abandoned when all other methods of disposal have been found to be impracticable.

§ 8411.8 *Pricing.* In general, surplus real property is sold at fixed prices to priority claimants and to non-priority purchasers at the highest bid or a negotiated price. Offers for the purchase or transfer of surplus real property are received in writing from prospective purchasers or priority claimants after notice of sale is first published. In the case of priority claimants, prices are determined in the following methods:

(a) *Industrial real property.* Prices at which surplus real property is sold or transferred to priority claimants are established at the fair value of such property. Fair value of the property is determined after impartial appraisal of the property by War Assets Administration or independent appraisers acting on behalf of War Assets Administration. Such appraisals are made on the basis of the highest and best use of the property at the time it is reported as surplus, regardless of its former character or use;

(b) *Non-industrial real property.* Government agencies may purchase non-industrial real property at the fair value as established in the same manner prescribed in paragraph (a) of this section. Prices for State and local governments, non-profit institutions and owner-operators are established at the current market value. Current market value is determined by appraisal of War Assets Administration or independent appraisers on behalf of War Assets Administration as the highest price the property will bring in terms of money if offered for sale in the open market with reasonable time to find a purchaser buying with knowledge of the uses and purposes to which the property is adapted and for which it is capable of being used. Prices for other classes of priority claimants are set forth in Part 8305 of this chapter.

(c) *Airports.* Airport property is sold to priority purchasers at a price which is substantially the same as the estimate of fair value except that a transfer without reimbursement to another Government agency may be made where authorized by law or disposal to any State or local Government may be made without a cash payment, in consideration of the acceptance by such State or local Government of the reservations, restrictions and conditions imposed by the Administrator.

§ 8411.9 *Terms and conditions of sale.*—(a) *General.* Because of the differing character of lots of surplus real property, terms of sale may vary according to the lots being offered. All surplus real property is offered subject to the right of War Assets Administration as a disposal agency to reject any or all bids or offers, to withdraw all or any part of the property prior to the completion of a sale and to require a deposit. Commercial buyers are required to show evidence of their financial responsibility and may be required to meet such conditions relating to the use of the property as the Administrator may deem necessary in the public interest.

(b) *Conditions relating to the resale or use of surplus industrial real property.* Each purchaser of surplus industrial real property must specify in writing that he is not buying the property for the purpose of reselling or leasing and that in no case will he resell or lease it within three years without first obtaining the written authorization of the Administrator. Purchasers buying on credit are required to agree that they will not resell or lease the property until final payment is made unless they obtain the prior written authorization of the Administrator. Upon the request of the owning agencies or any other interested Government agency, War Assets Administration requires the purchaser of a specific plant to enter an agreement to the effect that the facilities shall be continuously available for any future Government defense needs upon mutually acceptable terms. Such representation and agreements are contained in the instrument of transfer or lease.

(c) *Methods of payment.* Payment for surplus real property by commercial purchasers shall be made on a cash or credit basis. Unless prior arrangements for the extension of credit have been made, payment is required, before the release of the property, in currency or other negotiable instruments.

(d) *Submission to the Attorney General.* In the case of industrial real property or transportation property with a cost of one million dollars or more a complete statement of any proposed disposal to private interests is made available to the Attorney General as required by Section 20 of the Surplus Property Act of 1944, as amended.

§ 8411.10 *Credit.* Credit may be granted to purchasers of surplus real property when the property is to be used for business purposes and not for private use. The applicant for credit must provide credit information and references similar to those provided for any commercial credit transaction. When credit is extended, a down payment of twenty (20) percent of the full purchase price is required with the balance to be paid quarterly over a period not to exceed ten (10) years and with interest at an annual rate of four (4) percent on the unpaid balance.

§ 8411.11 *Insurance.* Insurance coverage satisfactory to the Administrator is required upon all real property leased or sold on a purchase money mortgage or installment basis. The cost of insurance is borne by the lessee or purchaser.

(a) *Leases.* All lessees are required to provide fire, and supplementary coverage for the full insurable value of all insurable property, and special public liability insurance coverage and boiler and machinery or automobile fire and theft (comprehensive) insurance if applicable. War Assets Administration as a disposal agency has made arrangements to continue the broad forms of fire and supplementary coverage and public liability insurance, with appropriate modifications which were made available by underwriters to the Defense Plant Corporation under its war time leasing program.

(b) *Purchase money mortgage or installment sales.* Fire and extended coverage insurance written in accordance with commercial practices is required covering all property and boiler and machinery coverage is required when applicable, such policies to bear appropriate loss payment clauses. War Assets Administration may also require that purchasers carry certain other insurance coverage, such as workmen's compensation and employees liability, public liability, use and occupancy, when failure to carry such coverage may otherwise jeopardize the purchasers financial responsibility.

§ 8411.12 *Forms.* Quit-claim deed forms have been prescribed by the Attorney General for the various jurisdictions. Standard forms prescribed by Title 41 of the U. S. Code, annotated, promulgated by the Procurement Division, U. S. Treasury Department, are used where applicable. In all other cases individual types of contracts are drafted for each specific type of case.

Issued this 28th day of August 1946.

ROBERT M. LITTLEJOHN,
Administrator.

[F. R. Doc. 46–15649; Filed, Aug. 30, 1946; 2:29 p. m.]

[Operations Notice 5]

PART 8412—DISPOSAL OF SURPLUS PERSONAL PROPERTY TO PRIORITY CLAIMANTS

Sec.

8412.1 Scope.
8412.2 Sequence of general priority.
8412.3 Special priority; set-asides for veterans.
8412.4 Over-riding priority.
8412.5 Circumstances under which property may be disposed of without regard to priority claimants.
8412.6 Reserves of property not on the set-aside list.
8412.7 Public notice and period during which property is held for priority claimants.
8412.8 Veterans.
8412.9 Pricing.

§ 8412.1 *Scope.* The Surplus Property Act of 1944, as amended, and regulations issued thereunder, Parts 8302 [1] and 8314 [2] of this chapter prescribe certain classes

[1] Reg. 2 issued Aug. 19, 1946.
[2] Reg. 14 (11 F. R. 8969).

of purchasers who are entitled to priority in their purchase of surplus property. This part outlines the procedures of War Assets Administration in effecting disposal of surplus personal property to priority claimants.

§ 8412.2 *Sequence of general priority.* The classes of purchasers entitled to priority in their purchase of surplus property and the sequence in which orders from each class will be filled are as follows:

(a) Federal agencies for their own use;

(b) Veterans for use in their own small business, professional or agricultural enterprise;

(c) The Reconstruction Finance Corporation buying for resale to small business;

(d) State and local governments, their political sub-divisions or instrumentalities for their legitimate needs; and,

(e) Eligible non-profit institutions, certified by the Federal Security Agency. This priority is prescribed by statute to the extent feasible and in the public interest and is subject to adjustment by the Administrator.

No priority status will be accorded claimants desiring to purchase in the status of a broker.

§ 8412.3 *Special priority; set-asides for veterans.* Pursuant to Pub. Law 635, 79th Congress, amending the Surplus Property Act, the Administrator is authorized to set aside or otherwise make available such quantities and types of any surplus personal property which he determines to be appropriate for the exclusive disposal to veterans for either their own personal use or to enable them to establish and maintain their own small business, professional, or agricultural enterprise. Items of surplus property both new and used are placed upon the "set-aside list" after consideration of the following factors:

(a) The item is in short supply;

(b) The foreseeable demand from veterans, based upon available data, exceeds the supply or supply likely to be available;

(c) The item is of such a character as to be readily adaptable to disposal in single units or quantities suitable for personal use; and

(d) Any other factors which make the selection advisable.

§ 8412.4 *Over-riding priority.* Orders from the following classes of buyers have precedence in the purchase of surplus property over all other priority claimants, set forth in §§ 8412.2 and 8412.3 of this part, in the order listed below:

(a) The Federal Public Housing Authority claiming property for use in the Veterans' Housing Program under authority of Public Law 292, 79th Congress, 1st session; [8]

(b) Holders of certificates or directives issued by the Civilian Production Administration under Priority Regulation 13 or holders of certificates issued by the National Housing Agency under Housing Expediter Priority Regulations 1, 2, and 3; and

(c) The armed forces.

§ 8412.5 *Circumstances under which property may be disposed of without regard to priority claimants.* Property may be disposed of without regard to priority claimants when:

(a) It must be disposed of immediately to prevent deterioration, spoilage, or to relieve critical storage requirements;

(b) When, upon a finding by the Secretary of Agriculture that farm production is impaired or threatened to be impaired, the Administrator shall, pursuant to the provisions of Part 8303 of this chapter, direct the disposal of trucks, machinery, or equipment (including farm supplies) to farmers or farmers' cooperatives;

(c) The cost of all similar items at one location is less than $300;

(d) The Administrator finds that disposal to priority claimants is impracticable or uneconomical;

(e) The property is not usable or safe for use by the consumer in its existing form without processing, reprocessing, reconditioning or repackaging; or,

(f) It has been determined that there is no demand from priority claimants.

§ 8412.6 *Reserves of property not on the "set-aside list."* Based upon estimates of the requirements of priority claimants, all or a portion of any type of surplus property may be reserved for sale specifically to such claimants during the period of time set forth in § 8412.7. Any portion of the surplus property not so reserved may be concurrently offered to non-priority purchasers.

§ 8412.7 *Public notice and period during which property is held for priority claimants*—(a) *Public notice.* Priority claimants will be notified of available surplus personal property by means of newspaper advertising, listings, special notices, brochures or other types of direct mail pieces, public advertisement, or by direct contact. Federal agencies will be notified in the manner prescribed before notification is made to any other class of priority claimants eligible to purchase the property.

(b) *Period of time during which priority may be exercised.* The Surplus Property Act of 1944 as amended and Part 8302 of this chapter prescribe the time requirements during which personal property will be offered to priority claimants and during which set-aside property shall be held for disposal to veterans. Within the time requirement so specified, the Administrator has determined that the following periods of time will be adequate to fulfill the requirements of specific priority claimants concerned: (1) types or quantities of property on the "set-aside list" will be available for exclusive sale to veterans during such time as they are on a "set-aside list"; (2) Federal agencies will be allowed ten (10) working days after notification to inspect and to purchase; (3) the minimum period for veterans purchasing non-set-aside items will be fifteen (15) days from the date of public notice of the availability of the property; (4) the Reconstruction Finance Corporation purchasing for small business will be allowed ten (10) working days after notification to inspect and to purchase, unless a shorter period of time is mutually agreed to by officials of War Assets Administration and Reconstruction Finance Corporation; (5) all other classes of priority claimants will be permitted a period of time which will normally not exceed five (5) days after public notice in which to place their orders.

§ 8412.8 *Veterans*—(a) *Certification.* A veteran desiring to acquire set-aside property, or to exercise his priority, shall apply to the nearest certifying office of WAA and shall furnish complete information regarding the property he desires. The veteran is required to furnish evidence of his status and to establish that the property applied for will be acquired for his own personal use, or to enable him to establish or maintain his own small business, professional or agricultural enterprise. The War Assets Administration issues an appropriate certificate to the veteran stating that he is entitled to purchase the types and quantities of property described in the certificate. The veteran is required to present the certificate to inspect and purchase the property for which he is certified.

(b) *Maximum and minimum quantities.* The WAA may establish maximum quantities of surplus property which may be acquired by veterans as a means of obtaining equitable distribution. When the supply of any type of surplus property offered exclusively for disposal to veterans is insufficient to meet the requirements of all eligible veterans, equitable distribution among such veterans will be made by filling orders in sequence of the dates of the certifications or by such other means as are deemed equitable.

§ 8412.9 *Pricing.* Prices at which surplus personal property is sold to priority claimants are generally established at the fair value of the property. Fair value shall not be greater than the lowest price at which the property is offered to any level of trade at the time of acquisition by the priority claimant.

(a) *Exceptions.* (1) Educational and public health institutions and instrumentalities are allowed a discount of forty (40) percent from fair value. (2) Buyers holding certificates issued by the Civilian Production Administration or the National Housing Agency will pay commercial prices.

Issued this 28th day of August 1946.

ROBERT M. LITTLEJOHN,
Administrator.

[F. R. Doc. 46–15650; Filed, Aug. 30, 1946; 2:29 p. m.]

[8] 59 Stat. 674; 42 U. S. C. Sup. V 1572.

WAR CONTRACTS PRICE ADJUSTMENT BOARD

NOTE: The material submitted by the War Contracts Price Adjustment Board appears in a later section of this issue.

WAR DEPARTMENT

[10 CFR, Subtitle A]

PART 1—DESCRIPTION OF CENTRAL AND FIELD AGENCIES

Sec.

1.1 Authority.
1.2 General.
1.3 Assignment of functions established by statute.
1.4 Organization of continental United States.
1.5 Army Air Forces Commands.
1.6 Chief of Staff.
1.7 Chief of Public Information.
1.8 War Department General Staff.
1.9 Director of Personnel and Administration.
1.10 Director of Intelligence.
1.11 Director of Organization and Training.
1.12 Director of Service, Supply and Procurement.
1.13 Director of Plans and Operations.
1.14 Director of Research and Development.
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1.16 Public Relations Division.
1.17 Legislative and Liaison Division.
1.18 Information and Education Division.
1.19 National Guard Bureau.
1.20 Office of the Executive for Reserve and ROTC Affairs.
1.21 Office of The Inspector General.
1.22 Historical Division.
1.23 War Department Manpower Board.
1.24 Budget Division.
1.25 Civil Affairs Division.
1.26 Administrative staffs and services.
1.27 Technical staffs and services.
1.28 Army Air Forces.
1.29 Army Ground Forces.
1.30 Army Areas.
1.31 Classification of installations.
1.32 Administrative procedure for addressing communications.

§ 1.1 *Authority.* Executive Order 9722, May 13, 1946, which amended Executive Order No. 9082, dated Feb. 28, 1942, authorized a reorganization of the War Department and the Army, effective June 11, 1946. The following summary description of the new organization, is furnished for the information of all concerned.

§ 1.2 *General.* (a) The War Department and the Army were reorganized effective 0001, e. s. t. June 11, 1946 to provide under the Chief of Staff a War Department General and Special Staff; a ground force under a Commanding General, Army Ground Forces; an air force under a Commanding General, Army Air Forces; and Administrative and Technical Staffs and Services under their respective heads; all the headquarters in Washington, D. C., with the exception of the Army Ground Forces, which will establish its headquarters at Fort Monroe, Virginia; and in addition thereto, six army areas, the Military District of Washington, and such overseas departments, task forces, base commands, defense commands in theaters of operations, and other commands as the Secretary of War may find necessary. Charts A, B, and C illustrate the organization of the War Department, the Army Air Forces, and the Army Ground Forces.

(b) The following principles were applied in designing the organization of the War Department as illustrated on Chart A and described herein:

(1) The Army Air Forces was provided with the maximum degree of autonomy permitted by law without permitting the creation of unwarranted duplication in the functions of service, supply and administration.

(2) A simple and flexible organization with clear-cut command channels, to satisfy the requirements of economy and efficiency.

(3) A top organization of the War Department capable of carrying out the Chief of Staff's orders quickly and effectively. At the peak of this top organization is the War Department General Staff which must be the agency to deal with matters of high policy and high-level planning and which must also direct and supervise, to the end that orders and directives are issued and supervised to the necessary degree in their execution.

(4) The structure of the staff organization supporting the Chief of Staff and the Deputy Chief of Staff was made as simple as possible with a minimum of individuals habitually reporting direct to the Chief of Staff or his Deputy.

(5) Adequate organizational means was provided for carrying on the best possible research and development program and intelligence and counterintelligence activities, and for the elimination of unnecessary overlapping of activities of the War Department.

(6) The necessary degree of efficiency and vitality in the top echelons of the War Department are attained through the aggressive application of the principle of decentralization. Thus, no functions are performed at the staff level of the War Department which can be decentralized to the major commands, the Army areas, or the administrative and technical services without loss of adequate control by the General and Special Staffs.

(7) There is a single continuous command channel from top to bottom of the War Department organization.

(8) Direct contact and mutual arrangements within approved policies between major commands, staff divisions, and administrative and technical staffs and services are authorized and encouraged.

§ 1.3 *Assignment of functions established by statute.* (a) The functions, duties, and powers of the chiefs of the following arms are assigned to the Commanding General, Army Ground Forces: Infantry, Cavalry, Field Artillery, and Coast Artillery Corps (except those relating to procurement, storage, and issue).

(b) The function, duties, and powers of the Commanding General, General Headquarters, Air Force (Air Force Combat Command) and of the Chief of the Air Corps are assigned to the Commanding General, Army Air Forces.

(c) The functions, duties, and powers of the Chief of Coast Artillery relating to procurement, storage, and issue are assigned to the Chief of Ordnance.

(d) The functions, duties, and powers of The Quartermaster General relating to water and commercial transportation are assigned to the Chief of Transportation. The functions, duties, and powers of The Quartermaster General relating to the procurement, supply, and 3d and 4th echelon maintenance of general and special motor vehicles are assigned to the Chief of Ordnance.

§ 1.4 *Organization of continental United States.* (a) For command of all activities except activities of the Army Air Forces and exempted installations, the continental United States is divided as shown on Chart D.

(b) All functions of command (except with respect to Army Air Forces activities and exempted installations) within these areas are assigned as follows:

To Commanding General, First Army—First Army Area.
To Commanding General, Second Army—Second Army Area.
To Commanding General, Seventh Army—Third Army Area.
To Commanding General, Fourth Army—Fourth Army Area.
To Commanding General, Fifth Army—Fifth Army Area.
To Commanding General, Sixth Army—Sixth Army Area.
To Commanding General, Military District of Washington—Military District of Washington.

(c) Army headquarters are located in the vicinity of the following cities:

Headquarters, First Army—New York City, N. Y.
Headquarters, Second Army—Baltimore, Md.
Headquarters, Seventh Army—Atlanta, Ga.
Headquarters, Fourth Army—San Antonio, Tex.
Headquarters, Fifth Army—Chicago, Ill.
Headquarters, Sixth Army—San Francisco, Calif.

§ 1.5 *Army Air Forces Commands.* For command of Army Air Forces activities, the Commanding General, Army Air Forces has established—

(a) A Tactical Air Command with headquarters at Langley Field, Va.

(b) A Strategic Air Command with headquarters at Andrews Field, Md.

(c) An Air Defense Command with headquarters at Mitchel Field, N. Y.

(d) Six Air Defense Areas (Air Forces) with headquarters located in the vicinity of the following:

First Air Force—Fort Slocum, N. Y.
Eleventh Air Force—Middletown, Pa.
Fourteenth Air Force—Orlando, Fla.
Tenth Air Force—San Antonio, Tex,
Second Air Force—Omaha, Nebr.
Fourth Air Force—Hamilton Field, Calif.

The Air Defense Areas and, the Army Area, insofar as practicable, are contiguous.

§ 1.6 *Chief of Staff.* The Chief of Staff is the principal military adviser to the President and to the Secretary of War on the conduct of war and the principal military adviser and executive to the Secretary of War on the activities of the Military Establishment. The Chief of Staff has command of all components of the Army of the United States and of the operating forces comprising the Army Ground Forces, the Army Air Forces, the army areas, oversea departments, task forces, base commands, defense commands, commands in theaters of operations, and all other commands, and the related supply and service establishments of the Army, and is re-

sponsible to the Secretary of War for their use in war and plans and preparations for their readiness for war. The Chief of Staff, under the direction of the Secretary of War, is responsible for the coordination and direction of the War Department General and Special Staffs and the administrative and technical services.

§ 1.7 *Chief of Public Information.* The Chief of Public Information advises the Secretary of War and the Chief of Staff on matters of policy relating to public relations and information and coordinates the operations of the Public Relations Division, the Legislative and Liaison Division, and the Information and Education Division, War Department Special Staff.

§ 1.8 *War Department General Staff.* The War Department General Staff, under the direction of the Chief of Staff, is responsible for the development of the Army and insures the existence of a well-balanced and efficient military team. It is specifically charged with the duty of providing such broad basic policies and plans as will enable the Commanding Generals of the Army Ground Forces, the Army Air Forces, task forces, theaters of operations, oversea commands, and such other commands as may be established, and the heads of the administrative and technical services, to prepare and execute detailed programs. In addition, the General Staff assists the Chief of Staff by issuing in the name of the Secretary of War and the Chief of Staff, necessary directives to implement such plans and policies and supervises the execution of these directives. In performing its duties the General Staff follows the principle of decentralization to the fullest degree. No function is performed at the general or special staff level of the War Department which can be decentralized to the major commands, the army areas, or the administrative and technical services without loss of adequate control of operations by the General and Special Staffs. The War Department General Staff includes six divisions each under the immediate control of a director. Each director plans, directs, and supervises the execution of operations within the confines of his sphere of action. In carrying out their duties, the Directors of the six General Staff Divisions are guided by the following general principles:

(a) They plan, direct, coordinate, and supervise. They assist the Chief of Staff in getting things done, in addition to coordinating, planning, and policy-making on an Army-wide level.

(b) By means of direct contact with troops, they determine that orders, instructions and directions are being carried out as the Chief of Staff intends.

(c) They follow the principle of decentralization to the fullest degree. The War Department General Staff concerns itself primarily only with matters which must be considered on a War Department or Army-wide level. All other matters are decentralized down to the proper echelons of command for action or decision. In order for this to be done properly, adequate authority is delegated to responsible commanders and the heads of the administrative and technical services. Each director takes necessary action to indoctrinate each officer of his division with a thorough understanding of the duties, functions, responsibility, and authority of the various echelons of command in the Army.

(d) They act to minimize duplication. While observing the principle of decentralization, all general staff directors take appropriate action to minimize duplication and overlapping between the commands and services.

The aim is to provide the Army Air Forces with the maximum degree of autonomy permitted by law without permitting the creation of unwarranted duplication in the functions of service, supply, and administration.

§ 1.9 *Director of Personnel and Administration.* The Director of Personnel and Administration, War Department General Staff, is the military personnel manager of the War Department. He has the primary general staff interest in manpower. He is the adviser to and assistant to the Chief of Staff for administrative matters and for matters relating to manpower as a whole and to military personnel as individuals throughout the Army. He has over-all War Department responsibility for the procurement, allocation, and reallocation of personnel in bulk in accordance with established requirements and priorities, and for the separation of individuals from the military service.

§ 1.10 *Director of Intelligence.* The Director of Intelligence, War Department General Staff, is the responsible War Department instrumentality for the collection and evaluation of information and for the dissemination of intelligence pertaining to foreign countries, their war potential and military forces. He is responsible for the procurement of information and intelligence relating to the activities of individuals or agencies potentially or actually dangerous to the preservation of the military establishment within the zone of interior; for executing counterintelligence measures: and for the collection within the zone of interior of foreign positive intelligence. He is responsible for meeting intelligence requirements of the Army Ground Forces, the Army Air Forces, continental and oversea commands, and the administrative and technical services. As intelligence is a vital function of command, the commanding generals of the major commands and their subordinate units must have intelligence agencies adequate to meet their intelligence requirements. Operating under general coordination of the War Department, all intelligence agencies must mutually support and collaborate with each other to form a team serving their own, subordinate, and higher echelons. The Director of Intelligence is responsible for representing the War Department on intelligence and counterintelligence matters with other departments of the Government and with foreign governments.

§ 1.11 *Director of Organization and Training.* The Director of Organization and Training, War Department General Staff, exercises General Staff direction of the organization, mobilization, demobilization, and training of all components of the Army of the United States. Except for individual training, he is primarily concerned with matters relating to units as distinguished from the primary interest of the Director of Personnel and Administration in matters relating to individuals.

§ 1.12 *Director of Service, Supply and Procurement.* The Director of Service, Supply and Procurement, War Department General Staff, exercises General Staff responsibility for all matters of service, supply, and procurement pertaining to the Army. The Director of Service, Supply, and Procurement reports to the Chief of Staff on matters pertaining to service and supply. On procurement and related matters, he is under the direction of the Under Secretary of War. The Director of Service, Supply, and Procurement is responsible for

Logistical planning:
- Operational and strategic planning in collaboration with the Director of Plans and Operations.

Service activities.

Supply control.

Distribution, storage and maintenance of supplies and equipment.
- As to development contracts, the determination of the contractor to be employed, the scope of the contract, and the main features as to price and other particulars, is a staff function of the Director of Research and Development. The drafting, execution, and administration of the contracts is a part of the procurement program.

Purchasing.

Production.

Disposal of surplus military and industrial property, including real estate, salvage, and scrap.

§ 1.13 *Director of Plans and Operations.* The Director of Plans and Operations, War Department General Staff, is responsible for the formulations, development, direction, supervision, and coordination of strategic and operational plans, current and future, for the Army. He exercises General Staff supervision and direction of strategic and operational matters relating to overseas and major commands, including activities concerning locations and armament of coast and land fortifications and of emergency plans and operations for the use of the Army Troops in domestic disturbances. Without vitiating the primary interests of other general staff directors in their respective fields of responsibility, he coordinates all policies and directives and changes thereto, including allocation of resources, affecting strategic, operational, and political matters relating to oversea and major commands. He estimates the current situation to determine military policy, objectives, and major elements of requirements and means. He provides representation on various boards and committees concerned with strategic and operational planning. As Senior Army Planner, he supervises and coordinates the war planning activities of the general staff directors and the major commands and furnished guidance on current and future plans and operations. He develops and keeps current the future and operational plans in-

volving the Army in conjunction with appropriate joint agencies. He reviews and recommends action to the Chief of Staff on joint and combined papers and initiates War Department execution of approved papers of joint and combined agencies, the State-War-Navy Coordinating Committee, the Air Coordinating Committee, and other similar agencies.

§ 1.14 *Director of Research and Development.* The Director of Research and Development, War Department General Staff, has primary War Department interest in the application of national scientific resources to the solution of military problems. He is the adviser to the Secretary of War and the Chief of Staff on all War Department matters relating to research and development. He has over-all War Department responsibility for the initiation, allocation, coordination, and progress of research and development programs. He is also charged with bringing about the expeditious demonstration of new or improved weapons, military equipment, and techniques of their employment to the using services. The Director is responsible that adequate provision is made for the mobilization of the scientific effort for carrying forward the research and development program of the War Department.

§ 1.15 *War Department Special Staff.* The following divisions, because of their fields of activity, report direct to the Deputy Chief of Staff and are designated as Special Staff Divisions:

Public Relations Division.
Legislative and Liaison Division.
Information and Education Division.
National Guard Bureau.
Executive for Reserve and ROTC Affairs.
Office of The Inspector General.
Historical Division.
War Department Manpower Board.
Budget Division.
Civil Affairs Division.

§ 1.16 *Public Relations Division.* The Chief, Public Relations Division, War Department Special Staff, coordinates, processes, and releases all War Department announcements of public interest, including photographs and motion pictures, to news-gathering agencies, radio stations and networks, film producers, and other public and private organizations in the field of public information; they supervise War Department contacts with these agencies; and assist outside writers by gathering material and arranging interviews with officials within and outside the War Department.

§ 1.17 *Legislative and Liaison Division.* The Chief, Legislative and Liaison Division, War Department Special Staff, formulates, coordinates, and accomplishes the War Department legislative program, except appropriations bills; participates in official War Department contacts with the Congress and its individual Members, except in matters pertaining to appropriations; and coordinates contacts of other War Department agencies with the Congress.

§ 1.18 *Information and Education Division.* The Chief, Information and Education Division, War Department Special Staff, is charged with developing basic plans and policies for information and education activities for military personnel. He supervises the execution of information and education programs, but in so doing does not engage in operations or administrative duties where an agency exists for that purpose.

§ 1.19 *National Guard Bureau.* The National Guard Bureau, War Department Special Staff, is the agency through which the War Department maintains relations with the National Guard in the 48 States, the District of Columbia, Hawaii, Alaska, and Puerto Rico, and is charged with the administration of approved War Department policies, other than those relative to training, for the National Guard not in the service of the United States, and the promulgation of War Department directives and regulations applicable to the National Guard, including those relating to training.

§ 1.20 *Office of the Executive for Reserve and ROTC Affairs.* The Executive for Reserve and ROTC Affairs, War Department Special Staff, advises and assists the Chief of Staff in the exercise of his supervision and control of the Organized Reserves and the Reserve Officers' Training Corps, including liaison therewith, and in keeping the Secretary of War informed on Reserve and ROTC affairs. He is responsible for maintaining close contact, mutual understanding, and effective cooperation between the War Department and the Reserve component and ROTC, and for necessary staff functions involved in this mission, except those functions assigned to other agencies of the War Department.

§ 1.21 *Office of The Inspector General.* The Office of The Inspector General, War Department Special Staff, is charged with inquiring into and reporting upon matters which affect the efficiency and economy of the Army of the United States, making such inspections, investigations, surveys, and studies as may be prescribed by law or regulations as may be directed by the Secretary of War, the Under Secretary of War, the Assistant Secretaries of War, or the Chief of Staff, or as may be requested by the Commanding Generals, Army Ground Forces or Army Air Forces.

§ 1.22 *Historical Division.* The Chief, Historical Division, War Department Special Staff, is responsible for preparing plans and policies for, and exercising supervision and direction over, War Department and Army historical activities other than current reports.

§ 1.23 *War Department Manpower Board.* The War Department Manpower Board, War Department Special Staff, is charged with continuous survey of the military and civilian personnel employed in operating the zone of interior installations, with the objective of recommending to the Chief of Staff measures for the most effective and economical use of such personnel.

§ 1.24 *Budget Division.* The Chief, Budget Division, War Department Special Staff, will be responsible for preparing plans and policies and exercising general supervision and control over all War Department and Army budgetary matters, and for formulating and coordinating basic fiscal policy for the War Department. The Chief is also Budget Officer for the War Department and Chairman of the Budget Advisory Committee.

§ 1.25 *Civil Affairs Division.* The Chief, Civil Affairs Division, War Department Special Staff, formulates policy, prepares plans, and takes action in coordination with other War Department Special Staff, formulates policy, prepares plans, and takes action in coordination with other War Department agencies, other agencies of the Government, and international or voluntary relief and welfare agencies on civil affairs/military government matters, including war crimes. He insures that the Secretary of War, the Chief of Staff, and interested staff divisions are properly advised on civil affairs/military government matters.

§ 1.26 *Administrative staffs and services.* (a) The administrative services are as follows:

Adjutant General's Department.
Judge Advocate General's Department.
Corps of Chaplains.
Office of the Provost Marshal General.
Special Services Division.

(b) The heads of the administrative services are also administrative staff officers of the War Department. The War Department General and Special Staffs decentralize appropriate functions to the administrative services to the maximum extent practicable.

(c) The administrative services are supervised and coordinated in their activities relating to personnel and administration by the Director of Personnel and Administration, except that with respect to courts-martial and certain legal matters The Judge Advocate General reports direct to the Secretary of War or the Under Secretary of War. Activities of the above services, other than those connected with personnel and administration with the exception mentioned above, are under the supervision and coordination of appropriate staff divisions, and direct communication for the purpose is authorized. These arrangements are not intended to preclude the furnishing of services and advice to other agencies of the War Department. Such procedure is authorized and encouraged.

§ 1.27 *Technical staffs and services.* (a) The technical services are as follows:

Ordnance Department.
Signal Corps.
Quartermaster Corps.
Corps of Engineers.
Transportation Corps.
Medical Department.
Chemical Warfare Service.
Finance Department.

(b) The heads of the technical services are also technical staff officers of the War Department. As such their general functions include—

(1) Technical and administrative advice and recommendations to the Secretary of War, the Chief of Staff, and the War Department General and Special Staffs.

(2) Preparation of plans, estimates, and orders in order to relieve these staffs of routine duties.

(3) Coordination with these staffs of their operational, administrative, and technical plans and activities. In their capacities as heads of technical services, they are commanders of troops or activities assigned to their control and heads of technical and supply services, and as such have the usual functions of command or control over troops, activities, or services. These two functions of staff and command, although vested in a single individual, are separate and distinct in that each involves different responsibilities and duties, and the exercise of one is not to be confused with nor permitted to interfere with the exercise of the other.

(c) The technical services are supervised and coordinated in their activities relating to service, supply, and procurement by the Director of Service, Supply, and Procurement. All other activities of the technical services are supervised and coordinated by the appropriate staff divisions.

(d) *Relations with subordinate commands of the major commands.* Directions or instructions are issued to subordinate commands of the major commands through appropriate channels of command and not directly from one technical staff officer to the corresponding staff officer in the subordinate command. However, the duties of the heads of the technical services, acting in their capacities as technical staff officers of the War Department, include such Army-wide technical supervision and inspections of activities as the Chief of Staff may prescribe.

§ 1.28 *Army Air Forces.* The Commanding General, Army Air Forces, is charged with the functions, responsibilities, and authorities of command authorized by law, Army Regulations, and custom over individuals and units assigned to the Army Air Forces. Specifically, the Commanding General, Army Air Forces,

(a) Directs the operations and training of the Air Commands within the continental United States.

(b) Exercises control over administrative matters bearing directly on operations and training and in such other matters as delegated by the War Department.

(c) Determines the organization, composition, equipment, and training of all air combat and service units assigned to the Army Air Forces.

(d) Is responsible for repair and utility functions at all Class III installations.

(e) Prepares estimates of funds necessary to operate the activities under Army Air Forces control for presentation to the Budget Officer for the War Department. The Army Air Forces is represented on the Budget Advisory Committee.

(f) Conducts those intelligence activities which pertain to his field of primary responsibility.

(g) Initiates requirements for the research and development of items of equipment in which the Army Air Forces has a primary interest.

(h) Determines, in conformance with the broad directives of the War Department, Army Air Forces matériel and personnel requirements, both quantitative and qualitative.

(i) Conducts the Army Air Forces part of the Universal Military Training Program under such directives as are issued by the War Department.

(j) Operates schools and replacement facilities as directed by War Department.

(k) Supervises and inspects the training of air components of the ROTC, the National Guard, and the Organized Reserves as instructed by the War Department. Direct and supervise National Guard inspections by inspectors general.

(l) Verifies that all Army Air Forces units and installations are supplied, equipped, housed, hospitalized, and furnished transportation for the performance of their missions and maintains logistical efficiency within the Army Air Forces.

(m) Conducts research, develops, procures, and distribute those items of equipment which are peculiar to the Air Force and such other items as may be prescribed by the Secretary of War.

(n) Cooperates with the Commanding General, Army Ground Forces, in the development and determinations of such special tactics as are necessary to support the Army Ground Forces and for the use of arms by the Army Air Forces, especially antiaircraft artillery.

(o) Cooperates with the Commanding General, Army Ground Forces, in the development and determination of the technique of fire at aerial targets, in prescribing military characteristics of weapons, and equipment, and in preparation of Tables of Organization and Equipment for units of antiaircraft artillery.

(p) Recommends to the War Department the means, including the necessary antiaircraft artillery units, required for air defense.

(q) The subordinate commands of the Army Air Forces are as follows:

Strategic Air Command.
Air Defense Command.
Tactical Air Command.
Air Matériel Command.
Air Training Command.
Air University.
Air Proving Ground Command.
Air Transport Command.

§ 1.29 *Army Ground Forces.* The Commanding General, Army Ground Forces, commands the six armies within the continental United States and is charged with the functions, responsibilities, and authorities of command authorized by law, Army Regulations, and custom over individuals and units assigned to the Army Ground Forces. Specifically, the Commanding General, Army Ground Forces,

(a) Under the general plans of the War Department and in conjunction with designated air and naval commanders, prepares for, and, on order or in imminent emergency, executes planned operations for the defense of the United States.

(b) Is prepared, on call of the civil powers and on order of the President, to assist the civil powers in the control of domestic emergencies.

(c) Directs the operations and training of the armies within the continental United States.

(d) Exercises control over administrative matters bearing direct on operations and training and in such other matters as delegated by the War Department.

(e) Determines the organization, composition, equipment, and training of all ground combat and service units assigned to the Army Ground Forces.

(f) Directs the training of all non-Army Ground Force type service units assigned or attached to the field armies, under training policies formulated by the War Department.

(g) Prepares estimates of funds necessary to operate the activities under Army Ground Forces control for presentation to the Budget Officer of the War Department.

(h) Conducts those intelligence activities which pertain to his field of primary responsibility.

(i) Initiates requirements for the research and development of items of equipment in which the combatant arms have a primary interest.

(j) Determines, in conformance with the broad directive of the War Department, Army Ground Forces materiel and personnel requirements, both quantitative and qualitative.

(k) Conducts the Universal Military Training Program under such directives as are issued by the War Department.

(l) Supervises and inspects the training of units of the ROTC, the National Guard, and the Organized Reserves, as instructed by the War Department.

(m) Operates schools and replacement facilities as directed by the War Department.

(n) Assures that all Army Ground Forces units and installations are supplied, equipped, housed, hospitalized, and furnished transportation for the performance of their missions and maintain logistical efficiency within Army Ground Forces.

§ 1.30 *Army Areas.* The commanding general of each of the armies and of the Military District of Washington will command all units, posts, camps, stations, and installations within the army areas or the Military District of Washington, except exempted installations and stations, and except units, posts, camps, stations, or installations commanded by the Army Air Forces. The commanding general of each of the armies is responsible for the operations, training, administration, services, and supply of all units, posts, camps, stations, and installations of his command. He is responsible for certain activities at exempted stations. He is responsible directly to the Commanding General, Army Ground Forces and to the War Department respectively in appropriate fields of activity.

§ 1.31 *Classification of installations.* (a) Installations are classified as follows:

(1) Class I installations are installations under the command of the commanding general of an army or of the Military District of Washington.

(2) Class II installations are installations under the command of the head of an administrative or technical service or other War Department official.

(3) Class III installations are installations under the command of the Commanding General, Army Air Forces.

§ 1.32 *Administrative procedure for addressing communications.* Communications and dispatches, including wire, radio, cable, and teletype, intended for the consideration of the War Department General or Special Staffs are addressed to the Chief of Staff, United States Army, Washington 25, D. C. All others, as well as all doubtful cases may be addressed to The Adjutant General, War Department, Washington 25, D. C. Direct communication, however, is encouraged.

PART 2—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF AGENCIES DEALING WITH THE PUBLIC

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SUBPART A—OFFICE OF THE SECRETARY OF WAR

SECRETARY OF WAR'S DISABILITY REVIEW BOARD

§ 2.1 *Secretary of War's Disability Review Board.* The Secretary of War's Disability Review Board is an administrative agency, created within the War Department under authority of section 302, Title I, act of June 22, 1944, Public Law 346, 78th Congress, as amended by section 4, December 28, 1945, Public Law 268, 79th Congress, to review at the request of any officer retired or released from active service without pay for physical disability, pursuant to the decision of a retiring board or disposition board, the findings and decisions of such board. The board is charged with the duty, in cases within its jurisdiction, of ascertaining whether an applicant, requesting review, who was separated from the service or released to inactive service without pay, for physical disability, incurred such physical disability in line of duty or as an incident of service. The Board transmits its proceedings and decision, affirming or reversing the decision of the previous retiring board or disposition board to The Adjutant General for final action of the President, as provided in the statute. Such remedial action is intended primarily to insure that no officer separated from the service or retired to inactive status without pay for physical disability shall be deprived unjustly of retirement pay benefits or retired status and retired pay, as the case may be, by reason of erroneous findings.

§ 2.2 *Information.* The public may secure information concerning the functions of this agency from The Adjutant General, War Department, The Pentagon, Washington, D. C., and may call at the Office of the Board, Room 5D–266, The Pentagon, Washington, D. C., for the purpose of conducting essential business.

§ 2.3 *Application for review.* Any person desiring a review of his case under the provisions of the act should request The Adjutant General to supply him with a blank form of request provided for this purpose. If the applicant is found to be entitled to a review under the provisions of the act, The Adjutant General assembles all pertinent records in the case and forwards them to the Board with the Applicant's request for review. A hearing date is set at least thirty days in advance of the date of the receipt by the Board of the application for review and the pertinent records, and the applicant notified by registered mail of the date, time and place for the hearing of his case. The applicant requesting review is permitted to appear before the Board in person and/or be represented by counsel, and may present testimony, either in person or by affidavit. The review is based upon all available pertinent records relating to the officer requesting such review and such other evidence as may be presented by such officer. In carrying out its duties, the Board has the same powers as exercised by or vested in the board whose findings and decisions are being reviewed and conducts its hearings in so far as practicable in accordance with the provisions of section 2, Army Regulation 420–5, May 20, 1940 (Boards of Officers for Conducting Investigations). The applicant is advised in writing by The Adjutant General of the final decision in his case.

§ 2.4 *Classes of persons whose cases are reviewable.* The class of persons

whose cases are reviewable include officers of the Army of the United States, other than officers of the Regular Army, who were discharged or released to inactive service under the conditions prescribed in § 2.1 above; and former officers of the Regular Army who were wholly retired under section 1252, Revised Statutes (ML—1939, section 324). The Board is authorized to review cases of officers separated from the service under the above conditions whether denial of retirement or retirement pay benefits, as the case may be, was pursuant to the adverse findings of a retiring or disposition board or was pursuant to administrative action in the case whereby there was favorable action by the retiring or disposition board.

SECRETARY OF WAR'S DISCHARGE REVIEW BOARD

§ 2.11 *Constitution, purpose, and jurisdiction of the Board.* (a) The Secretary of War's Discharge Review Board is an administrative agency created within the War Department, under authority of section 301, Title I, act of June 22, 1944, Public Law 346, 78th Congress (WD, Bull. No. 10, 29 June 1944), to review, upon its own motion or upon application by or on behalf of the individual concerned, the type and nature of the discharge certificate or other documentary evidence of discharge or dismissal of former members of the Military Establishment. The scope of the inquiry of the board shall be to determine whether the type of discharge received was equitably and properly given. When the board determines in an individual case that the type of discharge was not equitably and properly given, it is authorized, in the manner herein prescribed, to direct The Adjutant General to take appropriate action, that is, to change, correct, or modify any discharge or dismissal, and to issue a new discharge, such direction being subject to review and modification by the Secretary of War. Such remedial action is intended primarily to insure that no discharged or dimissed former member of the Military Establishment shall be deprived unjustly of any benefit provided by law for former members of the military service by reason of a type of discharge or dismissal inequitably or improperly given.

(b) The board shall not review a discharge or dismissal given by reason of the sentence of general court-martial.

(c) The board has no authority to revoke any discharge or dismissal, to reinstate any person in the military service subsequent to his discharge or dismissal, or to recall any person to active duty.

§ 2.12 *Application for review.* (a) The applicant for review will submit a written request for a review by the board, with the certificate of discharge or dismissal in question, if available, and such other statements or affidavits as he desires to present.

(b) The request should be made on WD AGO Form No. 94, which may be obtained from The Adjutant General, Washington 25, D. C. The request should state in brief: (1) the full name, army serial number, and rank and organization or assignment at date of discharge of the person whose discharge or dismissal is in question; (2) the date and place of discharge; (3) the type and nature of the discharge or dismissal; (4) the basis of the claim for review; (5) what corrective action is desired of the board; (6) whether the applicant desires to appear personally before the board; (7) whether the applicant desires to be represented by counsel before the board; and if so, the name and address of counsel so designated; (8) whether such appearance of applicant, or counsel, or both, is desired to be before the board in Washington, D. C., St. Louis, Missouri, or San Juan, Puerto Rico; and (9) the address to which all correspondence in connection with the review is to be sent.

(c) The request will be signed by the applicant or by a surviving next of kin, legal representative or guardian, in which case satisfactory evidence of the required relationship must be submitted.

(d) No application for review will be granted unless received by the War Department prior to 22 June 1959, or within fifteen years after the effective date of the discharge or dismissal of the former service man or woman concerned, whichever date is the later.

(e) The request for review will be forwarded either to:

The Adjutant General
Washington 25, D. C.
or
Personnel Records Center, A. G. O.
4300 Goodfellow Boulevard
St. Louis 20, Missouri.

If the applicant is a resident of Puerto Rico, the request should be forwarded to:

Secretary of War's Discharge Review Board
for the Antilles Dept.
APO 851, c/o Postmaster, Miami, Florida.

(f) Upon receipt of an application The Adjutant General will assemble the originals or certified copies of all available War Department records pertaining to the former service man or woman named in such application. Such records, together with the application and any supporting documents, will be transmitted to the president of the board.

§ 2.13 *Proceedings of Board*—(a) *Convening of board.* The board will be convened at the call of the president and will recess or adjourn at his order. In the event of the absence or incapacity of the president, the next senior member will serve as acting president for all purposes.

(1) Unless otherwise designated by the president, the board will convene in Washington, D. C., at the time and place indicated by him. Panels of the board currently convene in Washington, D. C., St. Louis, Mo., and San Juan, P. R.

(2) The board will assemble in open or closed session for the consideration and determination of cases presented to it. Cases in which no request for hearing is made by the applicant will be considered in closed session on the basis of all documentary evidence presented to it, any briefs submitted by or on behalf of the applicant.

(b) *Hearings.* An applicant for review, upon request, is entitled by law to appear before the board in open session either in person or by counsel of his own selection. As used in these regulations the term "counsel" shall be construed to include members of the Federal bar in good standing, the bar of any state in good standing, accredited representatives of veterans' organizations recognized by the Veterans' Administration under section 200 of the act of June 29, 1936 (Public Law 844, 74th Cong.), and such other persons who, in the opinion of the board, are considered to be competent to present equitably and comprehensively the claim of the applicant for review. In no case will the expenses or compensation of counsel for the applicant be paid by the Government.

(1) In every case in which a hearing is requested the secretary will transmit to the applicant and to designated counsel for the applicant, if any, a written notice stating the time and place of hearing. Such notice shall be mailed at least thirty days prior to the date of hearing. The applicant may waive such time limit and an earlier hearing date may be set by the secretary. The record shall contain the certificate of the secretary that written notice was given applicant and his counsel, if any, and the time and manner thereof.

(2) An applicant who requests a hearing and who, after being duly notified of the time and place of hearing, fails to appear at the appointed time, either in person or by counsel, thereby waives his right to be present.

(c) *Conduct of hearing.* (1) Conduct of hearing will be, insofar as practicable, as provided in Section II, AR 420–5, 20 May 1940, except that neither the applicant nor his counsel will have access to any classified reports of investigation or papers related thereto or any document received from the Federal Bureau of Investigation. When it is necessary to acquaint the applicant with the substance of a document, such as above described, the Assistant Chief of Staff, G–2, WDGS, on the request of the board, will prepare a summary of, or extract from, the document deleting all references to sources of information and other matter the disclosure of which, in his opinion, would be detrimental to the public interest. Such summary then may be made available without classification to the applicant of his counsel.

(2) In the conduct of its inquiries, the board shall not be limited by the restrictions of common law rules of evidence.

(3) *Witnesses.* The testimony of witnesses may be presented either in person or by affidavits. If a witness testifies in person he shall be subject to examination by members of the board.

(4) *Continuances.* The board may continue a hearing on its own motion. A request for continuance by or on behalf of the applicant may be granted, in the board's discretion, if a continuance appears necessary to insure a full and fair hearing.

(5) *Withdrawal.* The board may, at its discretion and for good cause shown, permit an applicant to withdraw his request for review without prejudice at any time before the board begins its deliberations.

(6) *Expenses.* Expenses incurred by the applicant, his witnesses or in the

procurement of their testimony, whether in person, by affidavit or by deposition, will not be paid by the Government.

§ 2.14 *Composition of Board*—(a) *Members.* The board will consist of five or more officers designated by the Secretary of War. The senior member shall be president of the board.

(1) The same five members of the board will sit throughout the open and closed hearing of each individual case.

(2) Upon request of the president, the Secretary of War will detail for service with the board such additional personnel as may be deemed necessary for the proper performance of the duties of the board, including personnel detailed to perform the duties prescribed herein.

(3) Such additional boards as may be required will be designated by the Secretary of War.

(b) *Secretary.* It will be the duty of the secretary to:

(1) Examine applications and, when necessary, obtain from the applicant or from War Department records such additional data as may be required to furnish complete information to the board.

(2) Maintain custody of all records of the board and all documents transmitted to and filed with it.

(3) Establish and maintain a docket of all cases to include docket number assigned to each case, date of receipt of application in the War Department, date and nature of all procedural action taken, and final disposition.

(4) Act as recorder within the meaning of Article of War 114.

(5) Perform such administrative duties as are required in connection with the proceedings of the board or as may be prescribed by the president.

(6) The Secretary will not collect evidence, present cases to the board, examine witnesses, or serve as counsel for the Government or the applicant. In no event will the secretary participate in the deliberations or discussions of the board in closed session, although he may be present for the purpose of performing his administrative duties.

(c) *Examiners.* It will be the duty of the examiners to examine all War Department records and all contentions and evidence submitted by the applicant and that revealed by the official War Department files pertaining to each case and prepare a written brief containing a complete and impartial summary of the pertinent facts disclosed by such examination. Such brief will be prepared before the board convenes in closed session to consider the case. Such brief shall be informational in character only. The following shall be set forth separately:

(1) Pertinent facts disclosed by War Department records;

(2) Propositions advanced by the applicant;

(3) Evidence presented in support of (2) above.

The restrictions of paragraph (6) above apply to examiners.

(d) *Reporter.* It will be the duty of the reporter to record the proceedings of the board in open session and the testimony taken before it. Shorthand may be used in the initial instance.

§ 2.15 *Findings, conclusions, and directions*—(a) *Findings.* The board will make written findings in closed session in each case. The findings will indicate the salient points on which the board bases its conclusions.

(b) *Conclusions.* On the basis of its findings in each case the board, in closed session, will prepare written conclusions as to whether corrective action should be taken by the War Department with respect to the discharge under consideration. No corrective action exceeds the jurisdiction of the board, as defined in paragraph 1 of these regulations, will be taken.

(c) The findings and conclusions of a majority of the board shall constitute the findings and conclusions of the board.

(d) *Minority reports.* Such reports will be in accordance with paragraph 27, AR 420–5, 20 May 1940.

(e) *Directive to The Adjutant General.* The president or acting president of the board will, in the name of the Secretary of War, issue a directive to The Adjutant General specifying the action to be taken.

§ 2.16 *Disposition of proceedings*—(a) *Record of proceedings.* (1) When the board has concluded its proceedings in any case, the secretary will prepare a complete record thereof. Such record shall include the application for review; a transcript of the hearing, if any; affidavits, papers and documents considered by the board; all briefs and written arguments filed in the case; the report of the examiner; the findings and conclusions of the board and the directive to The Adjutant General; any minority report prepared by dissenting members of the board; and all other papers and documents necessary to reflect a true and complete history of the proceedings. The record so prepared will be signed by the president and authenticated by the secretary as being true and complete. In the event of the absence or incapacity of the Secretary, the record may be authenticated by a second participating member of the board.

(2) All records of proceedings of the board shall be confidential but shall be open to perusal by the Administrator of Veterans' Affairs or his duly authorized representative.

(b) *Transmittal of records and action by The Adjutant General.* The record of proceedings in each case will be transmitted by the secretary to The Adjutant General for appropriate War Department action to be taken to carry out the directions of the board. The Adjutant General will perform such administrative acts as may be necessary, and thereafter will notify the applicant and his counsel, if any, of the action taken. Written notice specifying the action taken, and the date thereof, will be transmitted by The Adjutant General to the president of the board to be filed by the secretary as a part of the records of the board pertaining to each case.

§ 2.17 *Consideration on the Board's own motion.* The board may on its own motion consider and determine a case which appears on the face of the record likely to result in a decision favorable to the former soldier and does so result without the knowledge or presence of the former soldier. If such a case does not result in a decision favorable to the former soldier, it shall be returned to the files with no formal action recorded and will be considered without prejudice if and when an appeal is made by the former soldier in question. If, upon consideration by the board on its own motion, such a case results in a decision favorable to the former soldier, The Adjutant General will be directed to notify the former soldier at his last known address.

§ 2.18 *Reconsideration, revision of procedure, and Army-Navy coordination*—(a) *Reconsideration.* When the board has formally considered the case of an applicant for review and its decision has been approved in the name of the Secretary of War, it will not open the case for a reconsideration unless presented with additional material evidence likely to result in a decision of the case contrary to the decision at the original hearing and not available to the board at said hearing. If, upon receipt of such evidence, the board reconsiders the case, it will be governed by the same procedure as prescribed in paragraphs 3–16 above for original consideration.

(b) *Changes in procedure of board.* The board may initiate recommendation for such changes in procedures as established herein as may be deemed necessary for the proper functioning of the board. Such changes will be subject to the approval of the Secretary of War.

(c) *Army-Navy coordination.* Provision will be made by the board for close liaison between the Army and Navy to include periodic joint conferences to discuss common problems and to study results of actions taken. Where it is apparent that divergent action is being taken that cannot be reconciled by the respective Army and Navy boards, the Joint Army and Navy Personnel Board will be advised.

SUBPART B—OFFICE OF THE UNDER SECRETARY OF WAR

DELEGATION FROM THE SECRETARY OF WAR TO THE UNDER SECRETARY AND OTHERS

Memorandum for: The Under Secretary of War.

Subject: War Department Board of Contract Appeals.

(a) There is hereby constituted in the Office of the Under Secretary of War a board to be known as "War Department Board of Contract Appeals." The board shall consist of three members, one of whom shall be designated as president of the board. There will also be a recorder. The president of the board and the recorder shall be persons trained in the law. The Under Secretary of War shall recommend appointees for membership on the board and for recorder, and shall nominate the president of the board. Appointments will be made by the Secretary of War. If the Under Secretary of War at any time shall determine that additional members of the board are necessary in order to process appeals with reasonable dispatch, he may from time to time recommend for appointment such additional members of the board as he may deem necessary, and will make recommendations for the filling of any vacancies on the board and in the office of the recorder. Upon request of the Under Secretary of War, The Judge Advocate General is authorized to assign to the board one or more judge advocate as trial attorneys or examiners, and if and when deemed neces-

sary by the Under Secretary of War and upon his request, The Judge Advocate General may also assign a judge advocate as general counsel.

(b) Except in the case of an appeal under a contract which provides that the Secretary of War may designate a board as his duly authorized representative to determine appeals, the president of the War Department Board of Contract Appeals is hereby designated as the duly authorized representative of the Secretary of War to hear, consider and decide as fully and finally as the Secretary of War might do, appeals from the decisions of contracting officers or other authorities, including the chiefs of the supply services and the Commanding General, Matériel Command, Army Air Forces, under War Department contracts requiring the decision of appeals by the head of the War Department or his duly authorized representative.

(c) The board created by paragraph (a) of this memorandum is hereby designated as the duly authorized representative of the Secretary of War to hear, consider and decide as fully and finally as the Secretary of War might do, appeals to the Secretary of War under contracts which contain provisions authorizing the Secretary of War to designate a board as his duly authorized representative to determine appeals.

(d) In appeals from decisions of contracting officers or other authorities under contracts heretofore or hereafter entered into providing for appeals to the Secretary of War, but which do not provide that the Secretary of War may designate a board as his authorized representative to determine appeals, the board constituted by paragraph (a) hereof, shall nevertheless hear, consider and report its views on such appeals to the president of the War Department Board of Contract Appeals as the authorized representative of the Secretary of War. If, however, such representative shall not be in accord with the decision of the board, he will promptly submit the case for final determination upon the record, to the Under Secretary of War, who is hereby designated as the authorized representative of the Secretary of War for that purpose.

(e) The president of the board, from time to time, may divide the board into divisions of one or more members and assign members thereto. A majority of the members of the board or of a division thereof shall constitute a quorum for the transaction of the business of the board or of a division, respectively, and the decision of a majority of the members of the board or of a division shall be deemed to be the decision of the board or of a division, as the case may be. If a majority of the members of a division are unable to agree on a decision or if within 30 days after a decision by a division, the board or the president thereof directs that the decision of the division be reviewed by the board, the decision will be so reviewed, otherwise the decision of a majority of the members of a division shall become the decision of the board. If a majority of the members of the board is unable to agree upon a decision, the president of the board will promptly submit the appeal to the Under Secretary of War for his decision upon the record, who is hereby designated as the authorized representative of the Secretary of War for that purpose. A vacancy in the board or in any division thereof shall not impair the powers nor affect the duties of the board or division nor of the remaining members of the board or division, respectively. The authority and procedure provided in this paragraph shall apply, whether the board shall be acting as the designated representative of the Secretary of War under paragraph (c) above, or in an advisory capacity under paragraph (d) hereof.

(f) Any member of the board, or any examiner designated by the president of the board for that purpose, may hold hearings, examine witnesses, receive evidence and report the evidence to the board or to the appropriate division, if the case is pending before a division.

(g) The board shall have all powers necessary and incident to the proper performance of its duties, and with the approval of the Under Secretary of War, shall adopt its own methods of procedure and rules and regulations for its conduct and for the preparation and presentation of appeals.

(h) The office of the board shall be in the Office of the Under Secretary of War, but hearings may also be held in such other places as the board may determine to be expedient or necessary for the proper performance of its duties.

(i) The board shall have a seal bearing the following inscription:

"War Department Board of Contract Appeals"

This seal shall be affixed to all authentications of copies of records, and to such other instruments as the board may determine.

(j) The board shall fix the times when and the places where hearings will be held, and shall serve notice thereof, and the parties, or their representatives, shall be entitled to be heard and to introduce evidence: *Provided*, That if a transcript of the evidence taken at a hearing in the office of the chief of a supply service or in the office of the Commanding General, Matériel Command, Army Air Forces, accompanies the record, the board may limit the testimony before it to matters not disclosed by the transcript.

(k) All appeals pending before the Board of Contract Appeals and Adjustments now functioning in the Office of the Director, Purchases Division, Services of Supply, upon which hearings have not been held, will be transferred for appropriate action to the board herein constituted, and there will also be transferred thereto all books, records, and papers of the present Board of Contract Appeals and Adjustments.

(l) Appeals pending before the chiefs of the supply services, including the Commanding General, Matériel Command, Army Air Forces, which under the terms of the contracts authorizing the appeals, they are not authorized to decide either finally or subject to further appeal to the Secretary of War, shall be transferred for appropriate action to the board hereby constituted: *Provided*, That appeals which have been heard but not determined will be disposed of under existing instructions. Appeals to the Secretary of War from decision of chiefs of the supply services and the Commanding General, Matériel Command, Army Air Forces, under contracts providing therefor, will be forwarded to the War Department Board of Contract Appeals.

(m) All correspondence pertaining to contract appeals will be referred to and conducted by the board herein constituted.

(n) The board shall submit to the Secretary of War, on the first day of October of each year, a report containing a full and complete account of its transactions and proceedings for the preceding fiscal year.

(o) This memorandum will become effective August 24, 1942.

§ 2.30 *War Department Board of Contract Appeals.* The following procedure, rules and regulations for its conduct and for the preparation and presentation of appeals, are adopted by the War Department Board of Contract Appeals.

§ 2.31 *General matters*—(a) *Correspondence.* All correspondence with the Board shall be addressed "War Department Board of Contract Appeals, Office of the Under Secretary of War, The Pentagon, Washington, D. C."

(1) *Channels of communication.* The president, any member of the Board, and the recorder thereof are authorized to correspond directly, without regard to the usual channels of communication, with any officer or other person within or without the Army, the War Department, the Ground Forces, the Services of Supply, or the Army Air Forces, relative to any information desired by the Board, or in connection with any matters pertaining to the business of the Board. Any information obtained from such correspondence shall not be used as evidence at the hearing on any appeal without first having been submitted to the parties to the appeal.

(2) *Letters.* Letters advising the appellant or other party to an appeal of the final decision of the Board on any appeal and any further correspondence regarding the appeal, including letters to the Comptroller General, may be signed by the president or recorder of the Board.

(3) *Transmission of papers.* The president of the Board or the recorder thereof, by direction of the Board, is authorized to transmit directly to the chief of any supply service concerned, for appropriate action, any papers, documents, or other data pertaining to any appeal that may come to the Board, which the chief of such service is authorized under the terms of the contract finally to determine or to determine subject to appeal to the Secretary of War.

(4) *Routing of correspondence.* All papers pertaining to appeals to the Secretary of War under War Department contracts, received in the War Department or any agency thereof, or any supply service, shall be transmitted directly to the War Department Board of Contract Appeals, except as provided in § 2.32 hereof.

(b) *Form, size and number of papers filed.* Appeals, notices, motions, applications, stipulations, briefs, depositions, and other papers, if typewritten, filed with the Board shall be typewritten on one side of the papers only, with margin of 1½ inches on the left of the page, and, as far as practicable, shall be upon paper 8½ x 11 inches in size. The papers shall be fastened on the left side without covers or backs. Six copies of each of such papers, whether typewritten or not, except stipulations and depositions, shall be filed.

(c) *Number to be assigned to proceedings.* The recorder shall assign a number to each appeal coming before the Board, which number will be placed on all papers in the case.

(d) *Amendments.* The Board may, in its discretion, allow any paper to be amended or corrected or any omission therein to be supplied.

(e) *Service of papers.* Service of papers in all hearings, investigations,

and proceedings pending before the Board may be made personally, or by mailing the same in a sealed envelope, registered, return receipt requested, with postage prepaid, addressed to the party upon whom service shall be made, and the date of the registry receipt shall be the date of service. Waiver of the service of any paper may be noted thereon or on a copy thereof, or on a separate paper, signed by the parties or their attorneys and filed with the Board. When any party has appeared by attorney, service upon the attorney will be deemed proper service upon such party.

(f) *Substitution of parties.* In the event of the death of an appellant, or for other cause, including a change in the name of a corporation or other party or the succession of one party to the functions or interests of another, or in the event of a mistake in the name or title of a proper party, the Board may order substitution of the proper name or title.

(g) *Motions for substitution.* All motions for substitution shall be accompanied by pertinent documentary evidence, unless the parties by stipulation filed with the Board agree to the substitution.

(h) *Matériel Command, Army Air Forces.* The term "supply services," as used in these rules, includes the Matériel Command, Army Air Services; and the term "chiefs of the supply services" includes the Commanding General, Matériel Command, Army Air Forces.

§ 2.32 *Proceedings preliminary to hearings*—(a) *Appeals, how taken.* (1) An appeal from the decision of a contracting officer and an appeal from the decision of the chief of a supply service must be in writing, filed with the officer from whose decision the appeal is taken, within the time allowed by the contract, unless for good cause shown, the Board shall determine to consider the appeal on its merits, notwithstanding it was not field within the time allowed by the contract.

(2) *Form of appeals.* Each appeal shall state the particular provisions of the contract out of which the dispute arises; the exact nature of the dispute and the ruling of the contracting officer or other authority from which the appeal is taken, together with a statement of specific facts claimed by the appellant to sustain his position. If the appeal is insufficient in these respects it may be returned for appropriate amendment. The appeal should follow, substantially, the form annexed to these rules and must be signed and sworn to by the appellant. Six copies of the appeal should be filed.

(b) *Time of filing to be indorsed.* When the appeal has been received by the contracting officer or the chief of a supply service, as the case may be, he will indorse thereon the date of filing and forward the appeal, as hereinafter provided.

(c) *Findings of fact and decisions.* (1) In rendering a decision on any dispute involving a question of fact, the contracting officer or the chief of a supply service, as the case may be, shall prepare and sign findings of fact, a true copy of which with his written decision, shall be promptly furnished the contractor; and in case of appeal, the officer from whose decision the appeal is taken shall forward a true copy of such findings and of the decision, as hereinafter provided.

(2) *Forwarding by contracting officer.* When an appeal is taken from the decision of a contracting officer he shall promptly forward to the chief of service concerned, a true copy of his findings of fact and of his decision; the original written appeal and the required copies thereof; a transcript of any evidence taken by him; and all pertinent papers in the case.

(3) *Forwarding by Chiefs of Supply Services of appeals from decisions of Contracting Officer.* (i) If the appeal from the contracting officer's decision is to the Secretary of War, the chief of the supply service receiving the appeal will exercise the utmost care to see that the record is complete as required by these rules and regulations; will add to the file, if not already in it, an original duplicate or true copy of the contract, including the plans and specifications and all changes and supplemental agreements; and shall promptly forward the complete file to the War Department Board of Contract Appeals.

(ii) If for any reason the complete file cannot be so forwarded within five days from the date the appeal is received, the chief of the supply service will report to the War Department Board of Contract Appeals the date on which the appeal was received in his office and the reason for the delay in forwarding the file.

(iii) It will be unnecessary, hereafter, for the chiefs of the supply services to furnish the reports required by paragraph 7, of P & C General Directive No. 72, of November 7, 1941.

(d) *Forwarding appeals from Chiefs of Services.* The chief of a supply service, within five days after the receipt of a written appeal from his decision, will forward the original written appeal and the required copies thereof to the War Department Board of Contract Appeals, together with the following papers: A copy of his findings of fact and decision; the advisory report, if there be one, of the contract settlement board in his office; a transcript of any testimony taken during the course of the proceedings; a duplicate original or a certified copy of the contract, including the plans and specifications and all changes and supplemental agreements; the findings of fact and decision of the contracting officer; and all papers and correspondence pertaining to the contract, pertinent to the consideration of the appeal.

(e) *Appeals improperly filed.* If any officer or agency of the War Department should receive a written appeal which has not been filed as provided in paragraph (a) of this section, the recipient shall, after endorsing thereon the date of its receipt, immediately transmit the appeal to the chief of the supply service concerned:

(1) For appropriate action as provided in paragraph (d) of this section, if the appeal is from the decision of such chief; or

(2) If the appeal is from the decision of a contracting officer, then for transmission to the contracting officer for action as required by paragraphs (c) (1) and (c) (2) of this section.

(f) *Calls for papers, documents and information.* After an appeal has been filed, the Board, or any member thereof, or any person designated by the Board for that purpose, may call for the production of any papers, documents, or specific information in the possession of any of the parties, relevant to the dispute out of which the appeal arises.

§ 2.33 *Hearings*—(a) *Where held.* Hearings shall be held at the office of the Board unless otherwise directed by the Board.

(b) *Notice of hearings.*

(1) The appellant and the representative of the Government shall be given at least 10 days' notice of the time and place of hearing.

(2) Continuances will not be granted except upon written motion and for good cause shown.

(c) *Request for hearing at place other than office of the Board.* If the appellant shall desire that a hearing be held at a place other than the office of the Board, he shall at the time of taking his appeal, or within a reasonable time thereafter, but before service of notice of hearing, make a request therefor, showing the name of the place where he would prefer the hearing to be held, and stating fully the reason for such request. The representative of the Government may, within 10 days after an appeal has been filed in the office of the Board, file with the Board a request for hearing at a place other than the office of the Board and shall in such request state fully the reasons therefor. If neither the appellant nor the representative of the Government request a hearing at a place other than at the office of the Board, the Board may, nevertheless, on its own motion hold a hearing at another place.

(d) *Stipulating facts.* The appellant and the representative of the Government may, by stipulation in writing filed with the Board, agree upon the facts or any portion thereof involved in the appeal, which stipulation shall be regarded and used as evidence at the hearing. However, the Board may, in such case, require additional evidence.

(e) *Limiting testimony.* Where there is a transcript of testimony taken in the office of the chief of any supply service, the Board may, in its discretion, limit the testimony before it to testimony relative to matters not disclosed by the transcript. In all cases the Board may limit the amount of testimony, where merely cumulative.

(f) *Submission on the record to the Under Secretary of War.* Where a majority of the members of the Board are unable to agree upon a decision, and the matter is submitted on the record to the Under Secretary of War for final determination, ordinarily, no further testimony will be introduced. However, the Under Secretary of War may, in his discretion, direct that additional testimony be taken before the Board, a division thereof, or before such person as he may designate, or he may direct a rehearing

before the Board, or reconsideration by the Board.

(g) *Absence of parties or counsel.* The unexcused absence of a party or his council at the time and place set for the hearing of any proceeding will not be the occasion for delay, but the hearing will proceed and the case will be regarded as submitted on the part of the absent party or parties.

(h) *Limitation of argument.* Oral argument before the Board or any division thereof may be limited by the Board or by the division, respectively.

(i) *Briefs.* The parties may file briefs in lieu of personal appearances or in connection therewith. All briefs will be filed within 20 days after conclusion of the hearing unless otherwise directed by the Board or by the division before which the appeal is pending.

(j) *Oral examination of witnesses.* Witnesses before the Board or any division thereof or before any member or examiner will be examined orally under oath, unless the facts are stipulated or the Board or division thereof shall otherwise order.

§ 2.34 *Evidence*—(a) *Copies of papers.* When books, records, papers, or documents have been received in evidence, a true copy thereof or of such part thereof as may be material or relevant may, in the discretion of the Board or of the division holding the hearings, be substituted therefor.

(b) *Withdrawal of exhibits.* After a decision has become final, the Board may, upon motion, permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto, or may, on its own motion, make such other disposition thereof as it deems advisable.

(c) *Administration of oaths.* Any judge advocate or acting judge advocate, the president, any member, or the recorder of the Board, or any officer detailed to conduct an investigation, or hold a hearing, may administer oaths to witnesses.

(d) *Ex parte affidavits not evidence.* Statements in the petition, ex parte affidavits, and briefs, do not constitute evidence.

§ 2.35 *Depositions*—(a) *Before whom taken.* (1) Depositions to be read in evidence before the Board or any division thereof may be taken before and authenticated by, any officer, military or civil, authorized by the laws of the United States or by the laws of place where the deposition is taken, to administer oaths.

(2) *Form and return of deposition to Board.* Each deposition shall show the docket number and the caption of the proceeding, the place and date of taking, the name of the witness, and the party by whom called. The officer taking a deposition shall inclose the original deposition and exhibits, in a sealed packet, with postage or other transportation prepaid, and direct and forward the same to the War Department Board of Contract Appeals, Office of the Under Secretary of War, Washington, D. C.

(b) *Notice to take, or stipulation for taking.* When either party desires to take a deposition, unless the parties shall stipulate as to the time when and place where the deposition is to be taken and the name of the officer before whom it is to be taken and the name and address of the witness, such party shall give to the opposite party at least 10 days' notice of the time when and the place where such deposition will be taken and the name and address and official title of the officer before whom it is proposed to take the deposition, as well as the name of the witness. A deposition may be taken either upon written interrogatories or upon oral examination, as may be specified in the notice. If the deposition is to be taken upon written interrogatories, copies thereof shall accompany the notice to take depositions. If the opposite party desires to submit cross interrogatories, same must be served upon the party giving the notice within 5 days from the receipt of the notice to take the deposition, or within such further time as may be allowed by the Board. In order to avoid the taking of depositions or to avoid a continuance for the purpose of taking the testimony of any witness, the parties may stipulate what the testimony of the witness would be if present, and such stipulation shall be received in evidence by the Board.

(c) *Reason for taking.* A duly authenticated deposition may be read in evidence before the Board, if such deposition be taken when the witness resides, is found, or is about to go beyond the State, Territory, or District in which the Board or a division thereof is to hold a hearing, or beyond the distance of 100 miles from the place of hearing, or when it appears to the satisfaction of the Board or a division thereof, that the witness by reason of age, sickness, bodily infirmity, imprisonment, or other reasonable cause is unable to appear and testify in person at the place of hearing.

(d) *Deposition not considered until offered.* (1) Testimony taken by deposition will not be considered until offered and received in evidence.

(2) *Introduction of deposition by opposite party.* A deposition taken by one party may be introduced by the opposite party, but the whole deposition must be offered unless otherwise stipulated by the parties, or directed by the Board or by the division hearing the appeal.

§ 2.36 *Decisions and findings*—(a) *Copies to be served on parties.* Decisions and findings of the Board, including decisions of any division thereof which have become decisions of the Board, including findings on questions of fact, shall be certified under the seal of the Board and served upon the parties or their attorneys in the manner herein provided for the service of papers.

(b) *Divisional opinions.* A copy of each opinion of a division shall be promptly furnished by the division to each member of the Board, and if a majority of the members of the Board, including the president, shall at any time within 30 days after the date of the decision by the division file with the recorder a statement in writing to the effect that they do not desire a review of the decision by the Board, the recorder will make an entry in the records of the Board to that effect as of the date on which a majority of the members of the Board shall have filed such statements. Thereupon the decision of the division shall become the decision of the Board, and the recorder will promptly furnish copies of the decision to the parties concerned.

§ 2.37 *Representation*—(a) *Qualifications of attorneys.* Any appellant may be represented before the Board by an attorney at law who has been admitted to practice and who is in good standing, before the Supreme Court of the United States, or before the highest court of any State, Territory, possession or the District of Columbia. The Board may, in its discretion, require any person appearing as an attorney at law, to present to the Board evidence that he or she possesses the above qualifications. The statement of the attorney may be accepted as satisfying the requirement of this section.

(b) *Representation in lieu of counsel.* Any individual appellant may appear for himself. Any partnership appellant may be represented by one or more partners. Any corporate appellant may be represented by a bona fide officer of the corporation.

§ 2.38 *Transcript of proceedings.* (a) A full and complete record shall be kept of all hearings before the Board or any division thereof.

(b) *Testimony to be taken stenographically.* The testimony shall be stenographically reported, and transcripts thereof shall be made, if in the opinion of the Board or of the division holding the hearing, a permanent record of the testimony is deemed necessary. Transcripts shall be supplied to the parties and to the public by the official reporter at such rates as may be fixed by contract between the Board and the reporter.

§ 2.39 *Rehearings*—(a) *Applications for rehearings, etc.* Either party may apply to the Board for a rehearing, or reconsideration as to any matter determined by the Board, and to a division of the Board as to any matter determined by that division. Rehearing, further hearing or reconsideration of a decision, may be had, if in the judgment of the Board or of the members of the division in which the decision was rendered, as the case may be, sufficient reason therefor be made to appear.

(b) *Motions for.* All motions for rehearing, or reconsideration shall set forth specifically the ground or grounds relied upon to sustain the motion, and must be filed within 10 days from the date of the service of a copy of the decision of the Board or of a division, respectively, upon the party filing the motion. All such motions will be determined upon the record and briefs submitted and without oral argument or additional evidence.

§ 2.40 *Computation of time*—(a) *Sundays and legal holidays to be counted.* Whenever these rules or any order of the Board prescribe a time within which any act may be performed, Sundays and legal holidays in the District of Columbia shall count the same as other days, except that when the time prescribed for the performance of an act expires on a Sunday or a legal holiday in the District

of Columbia, such time shall extend to and include the next succeeding day that is not a Sunday or such a legal holiday: *Provided*, That when the time for performing any act is prescribed by statute, nothing in these rules shall be deemed to be a limitation or extension of the statutory time period.

§ 2.41 *Coordination with Price Adjustment Board*—(a) *Notice to Price Adjustment Board.* Upon the filing of an appeal with the Board, the recorder thereof will promptly advise the War Department Price Adjustment Board of the pendency of the appeal, giving the name of the contractor, the contract number, the name of the contracting officer or other authority from whose decision the appeal has been taken, together with a copy of the appeal or a brief statement of the issues involved.

(b) *Information regarding renegotiation.* Prior to any hearing, the Board will ascertain from the War Department Price Adjustment Board, whether any renegotiation agreement has been accomplished relating to the contract under which the appeal is pending or whether renegotiation proceedings relative to the contract are pending. If a renegotiation agreement has been entered into such agreement will be taken into consideration by the War Department Board of Contract Appeals in reaching its decision. If renegotiation proceedings are pending the Board may, in its discretion, suspend further proceedings on the appeal until the renegotiation proceedings have been concluded. A copy of each decision rendered by the Board will be furnished the War Department Price Adjustment Board.

§ 2.42 *Effective date.* This subpart shall become effective from the date of their approval by the Under Secretary of War, and from time to time may be amended by the Board with such approval [Approved by the Under Secretary of War September 25, 1942].

§ 2.43 *Forms*—(a) *Form of appeal.*

SUBPART C—WAR DEPARTMENT SPECIAL STAFF

§ 2.51 *Civil Affairs Division.* For statement of organization of the Civil Affairs Division, see Part 3 of this Title.

§ 2.52 *Royalty Adjustment Board.* (a) Pursuant to authority granted by memorandum for the Chief, Procurement Group from the Director of Service, Supply, and Procurement, dated June 10, 1946, the following named persons, in addition to their other duties, are designated, appointed and constituted a Board to be known as the War Department Royalty Adjustment Board:

Lieutenant Colonel James A. Travis, JAGD, Chairman
Major Garland E. Taylor, AC
Mr. Charles N. Fraser, Jr.
Mr. John M. Firestone

Any three members shall constitute a quorum. In the event of a tie vote, the vote of the Chairman shall be deciding.

(b) The following named persons, in addition to their other duties, are appointed Counsel to the Board:

Captain Gerrit P. Groen, AC
Mr. William Peters Blanc

(c) The powers, duties and authorities conferred upon the Secretary of War by the Act of October 31, 1942, Public Law 768, 77th Congress, 2nd Session as are now or hereafter set forth in subparagraph (a), (b) and (c) of § 821.1112–9 (See CFR Chap. VIII PR 3) of War Department Procurement Regulations are hereby delegated to the aforementioned Board of necessary action in matters properly before them, under such rules and regulations as may from time to time be prescribed by the Under Secretary of War.

(d) The delegations of authority herein contained are without prejudice to the authority of the Under Secretary of War and the Director of Service, Supply, and Procurement, WDCS, to make such other or further delegations, designations or appointments or to amend, modify or revoke any delegation, designation, or appointment herein made as they or either of them may from time to time deem proper under said act.

THE NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE AND OFFICE OF THE DIRECTOR OF CIVILIAN MARKSMANSHIP [1]

§ 2.53 *Authority and membership.* The National Board for the Promotion of Rifle Practice functions under authority of section 113 of the National Defense Act of 1916 as amended and cognate acts thereto. The Board is composed of twenty-one members appointed by the Secretary of War from representatives of the War and Navy Departments, the Army, Navy, Marine Corps, National Guard, Organized Reserves, National Rifle Association and the country at large. The Under Secretary of War is president of the Board.

§ 2.54 *Location.* The Offices of the Executive Officer of the Board and the Director of Civilian Marksmanship are located at 2145 "C" Street NW., Washington 25, D. C.

§ 2.55 *Function of the National Board.* (a) The Board is generally responsible for recommending to the Secretary of War resonable rules and regulations for (1) instruction of able-bodied male citizens of the United States in marksmanship; (2) the promotion of practice in the use of rifled arms, the maintenance and management of matches or competitions in the use of such arms, and the issuance in connection therewith, of the necessary ammunition and targets, and other supplies and appliances, and the awarding to competitors of trophies, prizes, and badges; (3) the conduct of the National Matches; and (4) conduct of rifle and pistol competitions in schools and colleges.

(b) Since 1903, the National Board has rendered valuable assistance in the development of ordnance material and ammunition. It has encouraged rifle practice throughout the United States, particularly in the direction of qualifying as finished marksmen and instructors countless individuals who are called upon to serve in wars in which the United States has participated since that time. It has encouraged and held national competitions in marksmanship between teams and individuals. Since the organization of the National Board thirty-two National Matches have been conducted.

§ 2.56 *Function of Director of Civilian Marksmanship.* (a) The Office of the Director of Civilian Marksmanship was established in 1916 for the purpose of carrying out the provisions of the National Defense Act which authorized the issue of certain War Department equipment to schools and civilian rifle clubs organized in accordance with regulations approved by the National Board for the Promotion of Rifle Practice.

(b) Three classes of applicants may receive assistance from the Director of Civilian Marksmanship: i. e., schools, senior rifle clubs, and junior rifle clubs organized for target practice.

(c) Schools, in order to receive the benefits, must maintain during the entire school year a uniformed corps of cadets, at least forty in number, above the age of fourteen years. They must have an adequate course in military training and must conduct target practice in accordance with the regulations prescribed by the National Board. One rifle, U. S. Caliber .30 Model 1903 per cadet, and one .22 caliber rifle per five cadets up to ten such rifles; 120 cartridges of caliber .30 per cadet above fourteen years of age firing (but not to exceed 12,000 rounds per school), and 150 cartridges caliber .22 long Rifle per cadet firing (but not to exceed 15,000 per school) are authorized for issue. Targets and other necessary accessories are likewise issued.

(d) Applications for assistance must be submitted to the Director of Civilian Marksmanship, War Department, Washington, D. C., by the President or Principal of the school through the Adjutant General of the State or Territory. This application must have the approval of the Adjutant General of the State or Territory, and that of the Superintendent of Schools or Chairman of the Board of Trustees or other governing body of the school.

(e) Senior rifle clubs, in order to receive benefits, must be enrolled with the Office of the Director of Civilian Marksmanship with a membership of at least ten physically fit male citizens above the age of eighteen years. These must be civilians who are not eligible to receive federal aid for this activity from any other source. Clubs must maintain affiliation with the National Rifle Association, and must carry on target practice as prescribed.

(f) Two rifles, U. S. Caliber .30 M1903, may be issued to such clubs whose members participating in rifle practice do not exceed twenty-five. If more than twenty-five members participate, one additional rifle may be issued for each additional ten (or fraction thereof) such members, not to exceed eight to any club. Two U. S. .22 rifles per club, and 120 cartridges caliber .30, per member firing (but not to exceed 12,000 per club)

[1] For regulations pertaining to the Promotion of Rifle Practice see CFR Part IV.

and 100 cartridges, caliber .22 Long Rifle per member firing (but not to exceed 10,000 per club) are authorized for issue in addition to targets and other necessary accessories.

(g) Junior rifle clubs, in order to receive benefits, must be enrolled with the Office of the D. C. M., must (1) maintain membership of at least ten physically fit male citizens, between fourteen and eighteen years of age who are not eligible to receive federal aid for this activity from any other source; (2) must be sponsored by a responsible male citizen above the age of twenty-one years, who will serve as chief supervisor and instructor; (3) must maintain affiliation with the National Rifle Association; (4) must conduct small-arms practice and fire the junior small-bore qualification course designed by the Director of Civilian Marksmanship. Two .22 caliber rifles may be issued to such clubs where the number of members who participate in target practice does not exceed ten. If more than ten members participate, one additional rifle may be issued for each additional five members, not to exceed ten to any club. Four hundred cartridges, caliber .22 Long Rifle, per member firing (not to exceed 40,000 per club) are authorized for issue to each junior club, in addition to targets and other accessories necessary for the conduct of target practice.

(h) In order to receive the issue of nonexpendable equipment schools and clubs must furnish a surety bond, provide for secure storage of the equipment, pay all transportation charges, and have suitable range facilities. They must submit, at the close of each calendar year, (1) an annual inventory of U. S. property, and (2) an annual report of firing.

(i) Qualification badges (or certificates in lieu thereof), Marksman, Sharpshooter, or Expert, are issued to all individual members of schools and clubs qualifying on the authorized course.

(j) The number of schools and clubs that may receive free issues is limited by annual appropriations.

(k) The Director of Civilian Marksmanship approves the sale of small arms equipment and supplies used in target practice to civilian riflemen, members of the National Rifle Association, as authorized by the National Defense Act and by the regulations of the National Board.

(l) The issue of Army qualification badges to civilians is a function of the Director of Civilian Marksmanship.

(m) It has been the practice since 1925 to appoint the same officer to serve both as Executive Officer of the National Board, the Director of Civilian Marksmanship. Colonel Emerald F. Sloan is presently assigned to these offices.

SUBPART D—ADMINISTRATIVE AND TECHNICAL SERVICES

THE ADJUTANT GENERAL'S DEPARTMENT

§ 2.61 *General.* Under the direction of the Secretary of War, The Adjutant General is charged with the responsibility for performing for the War Department and the Army such administrative functions of the nature indicated in § 2.62 as may be prescribed by law or delegated to him by the Secretary of War or the Chief of Staff, United States Army. The administrative activities of the Army Ground Forces and the Army Air Forces will be minimized to the maximum extent consistent with proper control of the performance of their functions by utilizing the services of The Adjutant General on matters pertaining to his functions.

§ 2.62 *Duties of The Adjutant General.* The Adjutant General is charged with—

(a) Recording, authenticating, and communicating to the various headquarters, organizations, and individuals in the military service of the United States such administrative orders, instructions, and regulations as may be directed by the Secretary of War, the Chief of Staff, and the Commanding General, Services of Supply.

(b) Receiving, recording, and conducting correspondence concerning the military service of the United States pertaining to those matters prescribed by law as a function of The Adjutant General or which may be delegated to The Adjutant General by the Secretary of War, the Chief of Staff, or referred to him by the Commanding General, Army Ground Forces or Army Air Forces.

(c) Establishing general policies and standards of records administration to coordinate and improve administrative practices with respect to current records of the War Department and the Army; issuing instructions for the preservation and disposition of all records wherever located, and conducting necessary negotiations pertaining thereto with the Archivist of the United States and other Federal agencies.

(d) Custody of all of the permanent noncurrent records of the War Department and the Army and of such other permanent records as may be prescribed by law or directed by the Secretary of War except permanent photographic records of the Army (see AR 105–255) and those records transferred to the legal custody of the Archivist of the United States.

(e) Administrative functions relating to the appointment and admission of cadets to the United States Military Academy, and their separation therefrom.

(f) Administering the Reserve Officers' Training Corps, including the detail, transfer, and relief of personnel on duty therewith and general control of supplies therefor, and such similar duties in connection with the administration of the Army Specialist Corps and the Women's Army Auxiliary Corps as may be prescribed by the Secretary of War.

(g) Compiling and issuing the Army Register and the Army Directory.

(h) Publishing and distributing Army Regulations, Mobilization Regulations, training publications, Tables of Organization, Tables of Basic Allowances, War Department orders (see AR 35–4890, relative to travel orders), bulletins, and circulars, and all miscellaneous publications issued by the War Department, except when otherwise specifically prescribed.

(i) Consolidating returns as to the strength and distribution of the personnel of the Army.

(j) Administrative functions relating to the award of decorations and service medals.

(k) Consideration of applications, in accordance with prescribed policies, for certificates of military service and for removal of charges of desertion, and the issue of discharge certificates to such enlisted men finally charged with desertion as are entitled to relief under the terms of existing law.

(l) Granting of certificates of authority, by order of the Secretary of War, to private individuals, firms, or corporations for the sale or the manufacture and sale of service medals, service ribbons, miniatures, miniature oak-leaf clusters, bronze stars, lapel buttons, badges, War Department General Staff identification, and similar articles, as authorized by the acts of Congress approved February 24, 1923 (42 Stat. 1286), and April 21, 1928 (45 Stat. 437; 10 U. S. C. 1425; M. L., 1939, sec. 925).

(m) Government and control of the United States Disciplinary Barracks and of all offenders sent thereto for confinement and detention. See act March 4, 1915 (38 Stat. 1085; 10 U. S. C. 1453; M. L., 1939, sec. 1057).

(n) Upon mobilization, the establishment, direction, and supervision of the Army Postal Service and Army Courier Service.

(o) Designation of a member of his office to act as liaison officer with the Federal Register for the Secretary of War.

(p) Serving as a member of the Board of Commissioners of the United States Soldiers' Home. See act May 11, 1926 (44 Stat. 499; 24 U. S. C. 41; M. L., 1939, sec. 1124).

(q) Administration and supervision of such activities concerning the initial procurement and assignment, in peace and war, of all personnel of the Army Specialist Corps, the Women's Army Auxiliary Corps, and of the Army of the United States as are not assigned to the Commanding General, Army Ground Forces or Army Air Forces.

(r) Classification of skills, abilities, and aptitudes of all personnel of the Army of the United States.

(s) Transfer of personnel between the following: War Department General Staff, Army Air Forces, Army Ground Forces, and Services of Supply.

(t) Maintenance and operation of such machine personnel records as are necessary for the performance of the functions assigned to The Adjutant General.

(u) Separations from the service of officers, warrant officers, enlisted men, and personnel of the Army Specialist Corps and Women's Army Auxiliary Corps.

(v) Administration in connection with the naming of posts and other installations.

§ 2.63 *Personnel Bureau.* (a) The Assistant The Adjutant General is Chief of the Personnel Bureau. Under the direction of The Adjutant General he has special supervision over those divisions of The Adjutant General's Office which comprise the Personnel Bureau. This bureau is charged by law, under such regulations as may be prescribed by the

Secretary of War, with the operating functions of procurement, classification, assignment, promotion, transfer, retirement, and discharge of all officers and enlisted men of the Army, including members of the Officers' Reserve Corps, National Guard of the United States, Regular Army Reserve, the Enlisted Reserve Corps, and all other military forces called to active Federal service in peace or war, including the Army Specialist Corps and the Women's Army Auxiliary Corps, with the proviso that the Commanding Generals, Army Ground Forces, Army Air Forces, and Services of Supply, will be charged with such of the above-described duties within their respective jurisdictions as may be prescribed by the Secretary of War.

(b) The Personnel Bureau is also charged with compiling and maintaining

(1) Detached Officers' List.

(2) Foreign Service roster for each arm and service (when required), showing the order in which officers are due for assignment to and the dates on which they are due for relief from foreign service.

§ 2.64 *Records, permanent.* (a) The Adjutant General in the Archivist of the War Department and the Army and, in collaboration with the Archivist of the United States, is responsible for the adequate preservation and administration of permanent records of the Military Establishment. So far as practicable The Adjutant General will arrange for centralized storage of all such records.

(b) The permanent records of the War Department of which The Adjutant General is custodian include

(1) Records of all organizations, officers, and enlisted men that have been in the military service of the United States.

(2) Records of the Regular Army, Regular Army Reserve, the National Guard when in the service of the United States, the National Guard of the United States, the Officer's Reserve Corps, the Organized Reserves, the Enlisted Reserve Corps, the Army Specialist Corps, the Women's Army Corps, and the Women's Army Auxiliary Corps; and the records of all personnel assigned thereto.

(3) Records of the movements and operations of troops.

(4) Records of demobilized or disbanded organizations, and discontinued or abandoned posts and installations.

(5) Military and other records of the Revolutionary and subsequent wars as may now be in the possession of the War Department or as may be required by law.

(6) Such other records, the custody of which may be authorized or required by law or directed by the Secretary of War.

(c) The Adjutant General takes such steps as are necessary to obtain records, wherever filed, to complete these properly in his custody.

§2.65 *Review of type and nature of discharge or dismissal, other than discharge or dismissal by court martial—*(a) *(Former officer and enlisted personnel.)*

REFERENCE: Sec. 301, Pub. Law 346, 78th Cong., approved June 22, 1944. (Servicemen's Readjustment Act of 1944). (Bulletin No. 10, W. D. 1944).

(1) *Officer.* Inquiries as to appropriate procedure for making application for review of type and nature of discharge involving former officers should be addressed to The Adjutant General, War Department, Washington 25, D. C. Such applications may be made by the former officer, his counsel, or other authorized representative.

(i) Upon receipt of application for review of type and nature of discharge (WDACO Form 94) determination is made as to the eligibility of applicant for such review pursuant to the provisions of sec. 301, Pub. Law 346, 78th Congress, and interpretations thereof as cited in WD Staff directives and opinions of The Judge Advocate General. Application is acknowledged and applicant advised as to date set for hearing of his case, and authority is granted for his appearance, or that of his counsel, if desired, before the board.

(ii) Necessary action is then taken to secure, assemble and rearrange pertinent War Department records relating to the applicant's record for use of the Secretary of War's Discharge Review Board in the hearing of the case.

(iii) At the request of the Board such additional records as may be required, after study of the case or upon consultation with the applicant and/or his counsel, are secured.

(iv) Upon receipt in this office of board proceedings indicating final action, the applicant, his counsel, (in any) interested congressmen, War Department agencies and interested civilian organizations are advised of the action. In those cases where action is favorable to the applicant a new discharge certificate is issued to him, copies of which are furnished to interested Government agencies who had been informed of original type and nature of discharge.

(v) Action indicated above, and all correspondence incident thereto, is taken by the Review Subsection, Separation Section, Officers' Branch, AGO.

(b) *Review of retirement board action, at request of officer concerned, who was retired or released to inactive service, without pay, for physical disability.*

REFERENCE: Sec. 302, Pub. Law 346, 78th Cong., approved June 22, 1944.

(1) Same procedure as followed under Section 301, except that all pertinent records are submitted to the Secretary of War's Disability Review Board. Application for such review is submitted on WD AGO Form 0258. If board action is favorable to the applicant, certification is made to the Veterans' Administration for payment of a specified amount of retirement pay benefit. Section 302, Pub. Law 346 applies to officer personnel only.

(2) Applications for review of type and nature of discharge or dismissal involving enlisted personnel should be addressed to The Adjutant General, War Department, Demobilized Personnel Records Branch, St. Louis, Mo., and not to Washington, D. C. When an enlisted man is discharged or dismissed from the service, all records pertaining to such enlisted man are forwarded to the Demobilized Personnel Records Branch, St. Louis, Mo., for file, while records of officers are retained on file in the Officers' Branch for a period of four (4) months after complete separation from the service.

(c) *Absence without leave and desertion, officers, warrant officers, and flight officers* (Ref AR 605–300). (1) The procedure governing action in connection with absence without leave and desertion of officers is quite similar to that governing enlisted personnel, except that there is no provision of law for payment to any civil officer or civilian of a reward or expense money for apprehension or return to military control in the case of an officer (Par. 10. c. AR 605–300.) See Part 306 § 306.30, page 3027, Code of Federal Regulations of the United States of America, Cumulative Supplement, Titles 10–17, Book 3, for procedure governing enlisted personnel.

(2) *Office procedure.* The initial action of The Adjutant General's Office (Officers' Branch, Disciplinary Section) on cases involving officers whose status has changed to absent without official leave is to check with files and status desk in the Personnel Information Section to insure that the information furnished by the organization from which the officer is supposedly AWOL. (WDAGO Form 45) is correct, insofar as the records of the War Department show. After this check has been made a "StopMemo" is placed in the 201 file jacket of the officer concerned, to the effect that any change reported in the status of the officer should be immediately reported to the Disciplinary Section.

(3) The Provost Marshal General is advised of the officer's status, and is requested to secure the assistance of the Federal Bureau of Investigation in returning the officer to military control.

(4) After an interval of thirty (30) days from the initial date of change in the officer's status to AWOL, the records in the field (WDAGO Forms 30, 44, 45, and 66–1, evidence bearing on the case, inventory of personal effects, and copy of notification of change in officer's status to the disbursing officer) are forwarded to The Adjutant General. These records, if found to be complete and correct, are forwarded to The Judge Advocate General for an administrative determination of the officer's official status.

(5) At such time as the officer is apprehended, WDAGO Form 46 is received from the field, and after determination has been made as to the Officer's immediate commanding officer in accordance with AR 605–300, the records which had been forwarded to this office during the period in which the officer was AWOL are forwarded to his commanding officer for such action as he deems appropriate.

(6) A weekly report is made on all AWOL cases to the Provost Marshal General (new cases, or change in status of cases previously reported).

§ 2.71 *Correction Branch, AGO—*(a) *General.* Establishment of United States Disciplinary Barracks, United States Code, annotated, Title 10, Army, Chapter 35—United States Disciplinary Barracks.

Section 1451: The United States Military Prison, Fort Leavenworth, Kansas, shall hereafter be known as the United States Disciplinary Barracks (Mar. 4, 1915, c. 143, sec. 2, 38 Stat. 1084).

Section 1 of act March 4, 1915, c. 143, 38 Stat. 1074, contains the further provisions: "The United States military prison at Fort Leavenworth, Kansas, shall hereafter be known as the United States Disciplinary Barracks and the branches of said prison as branches of said barracks."

Section 1453: The Government and control of the United States Disciplinary Barracks and of all offenders sent thereto for confinement and detention therein shall be vested in The Adjutant General of the Army under the direction of the Secretary of War, who shall from time to time make such regulations respecting the same as may be deemed necessary (Mar. 4, 1915, c. 142, sec. 2, 38 Stat. 1085; May 29, 1928, c. 901, sec. 1 (33), 45 Stat. 988).

Section 1457: Whenever he shall deem such action merited, the Secretary of War may remit the unexecuted portions of the sentences of offenders sent to the United States Disciplinary Barracks for confinement and detention therein, and in addition to such remission may grant those who have not been discharged from the Army an honorable restoration to the Army to complete their respective terms of enlistment, and such application and order of restoration shall be effective to revive the enlistment contract for a period equal to the one not served under said contract (Mar. 4, 1915, c. 143, sec. 2, 38 Stat. 1085).

Army Regulation 5–5, April 2, 1945, Paragraph 4a, delegates responsibility for supervision over military prisoners and action upon clemency cases in mitigation or remission of sentence by court-martial to the Under Secretary of War.

(b) *Functions.* The Correction Branch, AGO, supervises the operation of a penal and correctional system of the Army and is charged with the care, custody training and rehabilitation of general prisoners confined at United States disciplinary barracks.

Formulates minimum standards and outlines procedures for classification, discipline, military and vocational training, work and recreation of prisoners, and plant and equipment.

Coordinates administration and activities of disciplinary barracks and branches, post, camp and station guardhouses and stockades in the United States. Conducts regular inspections of these installations.

Handles applications for home parole, makes disposition of insane general prisoners and effects transfer of general prisoners from one institution to another.

Processes requests for Presidential pardon for members of the United States Army.

(c) *Procedures*—(1) *Clemency.* Under the provisions of paragraph 18a Army Regulations 600–375, May 17, 1943, the case of each general prisoner is considered by the War Department for clemency at sometime within the first six months and annually thereafter. Applications for clemency may be made in writing by or in behalf of a general prisoner. Such an application will set forth the grounds upon which the appeal is based, and will be forwarded through channels, with appropriate recommendations, to the commanding officer holding general court-martial jurisdiction over the prisoner. Good conduct cannot form a basis for clemency, but will aid in obtaining it. After the first application, applications by prisoners will be limited to one each year unless new and material matter is presented which justifies immediate consideration. The Adjutant General reviews files of general prisoners periodically for clemency, making recommendations to the Under Secretary of War as to action to be taken and notifies all concerned of results of clemency consideration.

(2) *Restoration.* Applications for restoration to duty or for enlistment are submitted by the general prisoners directly to the Commandant or Warden of the institution where confined. If favorably considered by the Commandant, recommendation is made to the War Department to assign general prisoner to a Military Training Company for the necessary training prior to restoration to duty.

(3) *Parole.* Under provisions of Army Regulation 600–415, a prisoner who is confined under military control within the continental limits of the United States pursuant to a sentence imposed by a general court-martial or other military tribunal, who has served one-third of the total of his term or aggregate terms of confinement, but in no case less than 6 months, or has served 10 years if sentenced for life, will be eligible for parole. Abatements for good conduct will be excluded in computing such minimum periods of confinement.

Each prisoner who makes application on the prescribed form will be considered for parole upon becoming eligible, and at least annually thereafter.

A prisoner who does not desire to make application for parole will execute a waiver or parole on the prescribed form. If at any time prior to release a prisoner wishes to withdraw his application for parole, he will execute a waiver or parole. A waiver of parole is no barrier to subsequent application for parole.

No prisoner will be released on parole until an officer of a recognized probation, parole, or other correctional organization or, if not available, some other suitable person residing in or near the place where the prospective parolee will live while on parole, has been approved by the commandant as a parole advisor.

Unless waived by The Adjutant General for physical disability or other cogent reasons, no prisoner will be released on parole until satisfactory evidence shall have been furnished that he will engage in a reputable occupation. The prospective employer will be required to execute the prescribed "Agreement of Employer" form.

In the above the following printed forms will be supplied by the parole officer at the institution where confined and filled in:

Application for Parole.
Waiver of Parole.
Statement of Parole Advisor.
Agreement of Employer.
Report of Arrival of Parolee.

Parole of general prisoners at Federal institutions. Policies and procedures governing that release on parole of general prisoners confined at Federal penal and correctional institutions are under the jurisdiction of the United States Board of Parole.

(4) *Pardon.* Application for Presidential pardon will be requested by letter to The Adjutant General who will supply the proper forms to be executed.

§ 2.72 *Decorations and Awards Branch—Authority.* (a) A Certificate of Authority to manufacture certain articles will be granted upon application to The Adjutant General's Office, Attention: Chief, Decorations and Awards Branch, Room 2B 852, The Pentagon, Washington 25, D. C., only upon agreement in writing by the applicant to abide by the following provisions:

(b) The Certificate of Authority will be valid for 3 years from date of issuance. Application for a renewal must be filed with The Adjutant General's Office, Attention: Chief, Decorations and Awards. Branch, Room 2B 852. The Pentagon, Washington 25, D. C., at least 60 days prior to expiration date of the existing certificate.

(c) Each application for a Certificate of Authority to manufacture Army insignia is investigated by the War Department through the various Army Commands. The background and business standing of each firm is checked through the various credit firms such as Dun and Bradstreet, the local Better Business Bureaus, Chambers of Commerce, and banks. Should the information so obtained indicate irregularities in the conduct of the business the application is disapproved and the applicant so advised.

In the event the information obtained indicates nothing of a derogatory nature the application is approved and the applicant furnished a Form of Agreement for completion and signature and return to The Adjutant General's Office, Attention: Chief, Decorations and Awards Branch, Room 2B 852, The Pentagon, Washington 25, D. C., upon receipt of which a Certificate of Authority is prepared and mailed to the applicant.

§ 2.73 *The Personal Affairs Program.* (a) Personnel Affairs Officer, in all major Army installations, provide a conveniently centralized counseling service to military personnel and their dependents on problems relating to the service of the military personnel. Discharged personnel, their dependents and dependents of deceased personnel may also receive assistance on problems which relate solely to Army administration.

(b) These offices are primarily information centers. They do not themselves administer governmental programs of assistance to servicemen, veterans or their dependents. If the operating agency for a specific program is known, inquiry should be addressed to that agency. If not, the Personal Affairs office at the nearest military installation will assist in channeling the request to the proper agency.

(c) They collect and disseminate information relating to rights and benefits accruing to military personnel by virtue of their service. They also maintain liaison with governmental and private agencies in order to expedite the solution of personal problems of military personnel and their dependents. This program is administered by The

Adjutant General through the Personal Affairs Offices under the policies of the War Department.

§ 2.74 *Enlisted Branch, AGO*—(a) *General.* The Enlisted Branch, Personnel Bureau, AGO administers all matters pertaining to notification to soldiers of a birth, death or serious illness in his family, the furnishing of certificates of service under the Soldiers and Sailors Civil Relief Act of 1940, and the discharge of enlisted men from the Army. The War Department has decentralized the control of discharge of enlisted men to local commanders in the field, who normally take the final action upon a request for discharge without reference to the War Department. Inquiries directed to the War Department by the public regarding the above subjects should be addressed to the Adjutant General, War Department, Washington 25, D. C.

(b) *Minority.* Section II, AR 615–362. (1) The act of Congress approved June 30, 1921 (42 Stat. 74; 10 U. S. C. 635; M. L. 1939, sec. 231) provides for the discharge of enlisted men under the age of eighteen on the application of either of their parents or legal guardian. If the enlisted man is in the United States the application by the parent or legal guardian should be submitted to the commanding officer of the station at which the soldier is serving. The application must be accompanied by a certified photostatic copy of the soldier's original birth certificate. If the soldier is serving overseas, the application and evidence of date of birth may be submitted to The Adjutant General.

(2) The Armed Forces Voluntary Recruitment Act of 1945, approved October 6, 1945 (Public Law 190, 79th Cong.) (Bulletin No. 19, WD, Oct. 22, 1945) provides that any enlisted man voluntarily enlisted in the Regular Army without the consent of his parents or guardian, who is 18 years of age but under 21 years of age, may be discharged from that portion of his enlistment contract as extends beyond the duration of the present war and six months thereafter, provided the application of parent or guardian is submitted within six months after enlistment. If the enlisted man should become 21 years of age prior to becoming eligible for discharge, he cannot be discharged because of minority, but must serve his full term of enlistment.

(3) A Regular Army enlisted man who is 17 years of age but has not reached his 18th birthday, may be discharged upon application of parent or guardian and presentation of satisfactory evidence of his age. However, a Regular Army enlisted man who has reached his 17th birthday and enlisted with the consent of his parents or guardian, cannot be discharged because of minority.

(4) Regular Army enlisted men under 17 years of age, and inductees under 18 years of age, may be discharged upon application of parent or guardian and presentation of satisfactory evidence as to age, regardless of whether consent was given to the enlistment.

(c) *Dependency or hardship.* Section III, AR 615–362. (1) *Dependency.* When by reason of death or disability of a member of the family of an enlisted or inducted person, occurring after his enlistment or induction, members of his family become principally dependent upon him for care or support, he may, in the discretion of the Secretary of War, be discharged.

(2) *Hardship.* When under circumstances not involving death or disability of a member of the family of an enlisted or inducted person, where his discharge will materially affect the care or support of his family by alleviating undue hardship, he may, in the discretion of the Secretary of War, be discharged.

(3) The application for discharge because of dependency or hardship, with supporting evidence, is normally submitted by the enlisted man to his immediate commanding officer, and final action is taken by the officer in the field exercising discharge authority, if the discharge is approved. If the application is disapproved by the discharge authority in the field, the above mentioned regulation requires that the application and supporting evidence be forwarded to The Adjutant General for review and final action. After a review of all the evidence submitted with the application, The Adjutant General directs either the discharge or retention in the service of the enlisted man.

(4) Families of enlisted or inducted personnel not physically in the United States may submit request for dependency or hardship discharge to The Adjutant General, accompanied by the evidence outlined in paragraph e below.

(5) Evidence required. An application submitted for the discharge of an enlisted man because of dependency or hardship must be accompanied by affidavits from the dependents and at least two disinterested agencies or individuals having first-hand knowledge of the circumstances involved, substantiating the dependency or hardship claim. If due to death of a member of the enlisted man's family occurring after his entrance into the service, a certificate or other valid proof of death should be furnished. If due to disability of a member of the enlisted man's family occurring after his entrance into the service a physician's certificate should be furnished showing specifically when such disability occurred and the nature thereof. There should also be furnished the names, ages, occupations, and monthly income of members of the enlisted man's family, if any, living in the home or vicinity and reasons why these members cannot provide the necessary care or support of the enlisted man's family. Enlisted personnel or their dependents may request American Red Cross local chapters or other agencies for help in obtaining necessary evidence to substantiate applications for discharge.

(d) *National health, safety, or interest.* AR 615–365 (Convenience of the Government). Discharges in order that a soldier may return to essential civilian employment or to engage in essential agriculture can be granted in especially deserving cases without regard to length of service. The application should be submitted by the soldier to his immediate commanding officer, if the soldier is stationed in the United States, and final action is taken by the officer in the field exercising discharge authority. Applications in behalf of enlisted men serving overseas may be submitted to The Adjutant General, who will take final action. The application should fully set forth all of the pertinent facts and should be accompanied by such supporting statements or data in affidavit form as may be appropriate. The War Department believes that mass releases under the demobilization plan will take care of the great bulk of the requirements of industry, agriculture and the professions. Therefore, discharges on the basis of the national interest are limited to unusual cases.

(e) *Demobilization plan.* AR 615–365 (Convenience of the Government) and Readjustment Regulation 1–1. (1) *Fathers.* All non-volunteer, enlisted fathers will be separated by September 30, 1946, regardless of length of service.

(2) All non-volunteer, enlisted men with 20 months of service as of September 30, 1946, will be separated by that date.

(3) Beginning October 1, 1946, all non-volunteer, enlisted men with 18 months of service as of November 30, 1946, will be eligible for separation and will be separated by November 30, 1946.

(4) All non-volunteer, enlisted men who accumulate 18 months of service in any month subsequent to November will be separated by the last day of the month in which they accumulate 18 months of service.

(5) Until September 30, 1946, the same discharge criteria will apply to enlisted women as to enlisted men.

(f) *Fraudulent entry into Army.* Section I, AR 615–366. Enlisted personnel are discharged because of fraudulent entry into the service for the following reasons only: (1) Concealment of desertion from the armed forces of the United States or an unauthorized absence from the Army of the United States.

(2) Concealment of separation from the armed forces of the United States with form of discharge certificate other than honorable.

(3) Concealment of a criminal record, as conviction once by a civil court of a heinous crime, or sentence to a period of confinement in excess of 1 year in a prison or penitentiary.

Final action on cases of this nature is taken by the commander in the field exercising discharge authority.

(g) *Notification to soldier of birth, illness, and death in family.* Such requests should be addressed to The Adjutant General's Office, Enlisted Branch, Washington 25, D. C. Families desiring to notify a soldier of the birth, illness or death in the family should submit the request to the above address by telegram or letter. The soldier concerned will be notified by most expeditious manner.

(h) *Requests for certificates of service under the Soldiers and Sailors Civil Relief Act.* Requests should be addressed to The Adjutant General's Office, Enlisted Branch, Washington 25, D. C., should contain sufficient information to make positive identification of the individual concerned and should be accompanied by a properly executed affidavit or court order. The Army serial num-

ber under which service was performed should be furnished if available.

§ 2.75 *The Army Postal Service.* (a) The Army Postal Service is an administrative service, which, under the jurisdiction of The Adjutant General, exercises staff supervision and coordinates mail operations throughout the military establishment. The headquarters is located in The Adjutant General's Office, War Department, Washington, D. C.

(b) The Director, Army Postal Service, is charged with responsibility for handling or coordinating all War Department matters connected with the operation of the Army Postal Service within policy and procedural limitations established by higher authority. He directs the following functions of the Army Postal Service:

(1) The organization and staff supervision of postal service for the Army in oversea areas (including Expeditionary Force and Senders Composition Message services); and assistance to the civil postal establishment in providing postal services for Army organizations in the zone of interior.

(2) Arrangement and coordination of transportation of mail for troops located overseas.

(3) Maintenance of an inspection branch which performs technical postal inspection duties throughout the Army.

(4) Operation of the Army Courier Service and the War Department Foreign Mail Room for the transmission of official, classified material.

(5) Liaison and coordination with the Post Office Department on all matters of general policy, planning, operations, and supply as they relate to the handling of mail and financial matters in Army postal installations.

(6) Assignment of Army Post Office numbers and issuance of military mailing address instructions.

(7) Administration of activities pertaining to postal inquiries and claims.

(8) Selection for the Secretary of War and designation by the Post Office Department of Army Mail Clerks and Assistant Army Mail Clerks.

(c) The Army Postal Service causes appropriate investigation to be made of all complaints and reports of irregularities pertaining to Army mails and initiates remedial action in connection therewith. Tracers regarding undelivered mail and claims for indemnity in case of registered and insured mail are processed by the Army Postal Service and the claims are transmitted to the Post Office Department or to the Claims Division of the War Department for settlement, depending upon responsibility in the matter. Applications for duplicate money orders, to replace originals purchased at Army Post Offices and subsequently lost or destroyed, are channeled through the Army Postal Service to the Post Office Department for issuance of new money orders.

(d) Inquiries, complaints, tracers, and claims involving operations of the Army mail service should be addressed to the Director, Army Postal Service, Washington 25, D. C. If attention of military commanders in the continental U. S. or overseas is necessary, subject matter is referred to them for appropriate action by the most expeditious means practicable. When action by postmasters is concerned, referral is made to the Post Office Department for issuance of appropriate instructions or other necessary attention.

§ 2.76 *United States Military Academy*—(a) *General.* The War Department will again provide special courses of instruction for those members of the military service who hold letters of appointment to the Military Academy issued by the War Department for admission on July 1, 1947 as principals, alternates or competitors. The following information on this subject is furnished:

(1) *Eligibility.* Each officer, flight officer, warrant officer and enlisted man on active duty in the Army, including those overseas, is eligible to receive the special training provided he holds a letter of appointment issued by the War Department with a view to admission to the United States Military Academy on July 1, 1947, and has been found qualified on preliminary physical examination for admission to the United States Military Academy.

(2) *Nature of training.* The training will be conducted in two courses at Stewart Field, New York, under direction of the Superintendent, United States Military Academy, as follows:

(i) *First course.* An academic course designed to prepare the trainee for the entrance examination will be divided into two terms as follows: September 9, to December 21, 1946, and January 2, to March 3, 1947. As much of this course as possible will be repeated from approximately March 17 to June 16, 1947 for those candidates who become eligible for the program after the March entrance examinations have been given.

(ii) *Second course.* From about March 17, to about June 1, 1947, instruction will consist of physical training, military training, and academic courses, as prescribed by the Superintendent, United States Military Academy. All trainees who participate in the first course and take the March entrance examination will be continued in this second course until about June 1, 1947, unless relieved for cause at an earlier date.

(iii) *Curriculum.* Academic instruction will follow a special curriculum prepared by the Academic Board, United States Military Academy. In order to maintain interest, avoid repetition of work previously covered, and to meet the admission requirements of candidates concerned, the commandant of the school may prescribe alternate courses of instruction where appropriate. In view of the thorough instruction which men of this group will receive at the Military Academy, military training in this course will be confined to routine formations such as reveille, mess, retreat, occasional drills, etc. Physical training will be given four hours weekly.

(iv) *Transfer to program.* Each candidate on active duty in the Army within continental United States, after receiving his letter of appointment issued by the War Department will immediately be given a preliminary physical examination at his station, the results of which will be forwarded to the War Department. If the applicant concerned is declared physically qualified by the War Department instructions will then be issued authorizing his transfer to the School. Those applicants who are found physically disqualified will not be transferred. Each candidate on active duty in the Army outside continental United States will be returned to undergo the preparatory training provided, in the discretion of the theater commander concerned, he is not obviously disqualified physically. A report of preliminary physical examination will not be furnished the War Department in such case. Final determination of physical qualifications of all candidates will be made as a result of the March 4, 1947, annual entrance examination. Officers, flight officers, warrant officers and enlisted men found eligible for the training will be transferred by The Adjutant General at the proper time in accordance with the following:

(*a*) Officers, flight officers, warrant officers and enlisted men, other than aviation cadets, will be transferred in grade.

(*b*) An aviation cadet will be transferred in the enlisted grade held prior to appointment as aviation cadet.

(v) *Retention of candidates.* A member of the Army holding a letter of appointment to the United States Military Academy addressed to him as a principal, alternate or competitor by the War Department will not be transferred to a station outside the continental limits of the United States until notice is received from The Adjutant General cancelling his appointment or advising him that as a result of the March 4, 1947, entrance examination he failed to qualify or failed to gain admission since no vacancy exists under the terms of his appointment.

(vi) *Separation from program.* A candidate who is assigned to the training program and who fails to maintain minimum academic standards, whose conduct is unsatisfactory, or who for any other reason gives indication that his retention in the program is not for the best interest of the Government, will be relieved from the training. A candidate who is relieved from the program for any reason other than discharge from the Army or for admission to the United States Military Academy will normally be returned to the arm or service from which he was assigned to the program.

(vii) *Personnel in other services.* Members of the other services holding appointments to the United States Military Academy who are discharged for the purpose of receiving special preparatory training will be enlisted in the Army of the United States in the grade of private at any United States Army recruiting station. When reporting at an Army reception center a physical examination should be requested. If found physically qualified transfer to the School will be authorized as outlined above.

(viii) *Candidates not on active duty in the Army.* Members of reserve components of the Army are not eligible for special preparatory training until called to active duty. Civilian candidates who are seventeen years of age may volun-

tarily enlist in the Army at any Army Recruiting station. When reporting at an Army reception center a physical examination should be requested. If found physically qualified transfer to the School will be authorized as outlined above.

(ix) *Army personnel appointed to other service academies.* Army personnel who hold letters of appointment to one of the other service academies and who meet the physical requirements for admission thereto will be discharged upon written request to their commanding officers for the purpose of applying for enlistment within fifteen days in the service maintaining the academy to which they hold appointments. Those candidates outside the continental United States will be returned for discharge to permit enlistment in the appropriate service.

(b) *Cadetships at the U. S. Military Academy allotted enlisted men of the Army of the United States.* The sources of admission to the United States Military Academy from among enlisted members of the National Guard and the Regular Army have been combined for the duration of the present war and opened to all enlisted men of the Army of the United States. The following information is furnished on this subject:

(1) *Application.* An enlisted man on active duty in the Army, who possesses all the qualifications listed below, may make application by letter, through military channels, to the commanding general of the command in which he is serving as follows:

(i) If serving in an oversea theater, to the commanding general thereof.

(ii) If serving in the Army Air Forces within continental United States, to the Commanding General, Army Air Forces, Washington 25, D. C.

(iii) If serving in the United States, but not in the Army Air Forces, to the commanding general of the numbered army who commands the army area concerned.

(iv) If serving in the Military District of Washington, to the commanding general thereof.

If selected, his name will be certified to the War Department not later than September 1, 1946 and a letter of appointment will be issued authorizing the enlisted man to undergo the competitive examination to be conducted March 4, 1947. The available vacancies at the Military Academy allotted to enlisted men will be filled by those physically qualified competitors making the highest proficient averages in the order of merit established at the above-mentioned examination without regard to the command from which designated.

(2) *Qualifications necessary.* The selection of candidates will be confined to enlisted men who possess all the following requirements.

(i) *Citizenship.* The candidate must be a citizen of the United States.

(ii) *Age.* By July 1, 1947, the date of admission to the United States Military Academy, the candidate must have reached his 19th but not his 22d birthday (24th birthday in the case of a candidate who has served honorably not less than 1 year in the armed forces of the United States during any of the present wars.)

(iii) *Marital status.* The candidate must be unmarried and must never have been married.

(iv) *Army General Classification Test.* The candidate must have attained an Army General Classification Test score of 135 or higher.

(v) *Previous education.* The candidate must have graduated from high school or achieved the equivalent education. It is desirable but not mandatory that the high school education or its equivalent include high school algebra and plane geometry.

(vi) *Character.* The candidate must have excellent character.

(vii) *Capacity for leadership.* The candidate must be considered to possess the capacity for leadership required for an officer of the Army. The record of the applicant's military training and any subsequent performance in campaign or battle will be carefully explored in judging his ability to lead others. Where opportunities for demonstration of such ability have been limited, consideration will be given to the judgment of the applicant's immediate superiors as to his latent capabilities and to his record as a student, and athlete or an employee prior to entering the military service.

(viii) *Service.* The candidate must have completed 1 full year of active enlisted service as of July 1, 1947, the date of admission to the United States Military Academy, and be in an active enlisted status on that date. Prior enlisted service may be considered in determining an applicant's eligibility.

(ix) *Desire for service.* The candidate must express a strong desire to participate in the United States Military Academy preparatory program, to enter the United States Military Academy, and to become a commissioned officer of the Regular Army.

(x) *Physical qualifications.* The candidate must meet the physical requirements for entrance to the United States Military Academy as outlined by current army regulations.

(3) *Preparatory training.* Candidates selected, including those overseas, will be transferred to undergo special preparatory training provided by the War Department at Stewart Field, New York. This special instruction is designed to prepare candidates to successfully undergo the March 1947 competitive examination.

(c) *United States Military Academy information.* Information concerning the appointment, qualification, and admission of cadets to the United States Military Academy at West Point, New York, may be obtained by requesting a copy of the catalog of information on this subject from the War Department, Adjutant General's Office, Washington 25, D. C.

(d) *Residents of the American Republics designated by the President of the United States for the U. S. Military Academy.* Residents of the American Republics not exceeding 20 persons are authorized upon designation of The President of the United States to receive instructions at the U. S. Military Academy at West Point, New York. Such persons shall, except as may be determined by the Secretary of War, be subject to the same rules and regulations governing admission, attendance, discipline, resignations, discharge, dismissal, and graduation as cadets at the U. S. Military Academy appointed from the United States, but they shall not be entitled to appointment to any office or position in the United States Army by reason of their graduation from the U. S. Military Academy provided that any persons permitted to receive instruction at the U. S. Military Academy under authority of Public Law 447, 79th Congress, dated June 26, 1946, shall not be subject to the provisions of sections 1320 and 1321 of the revised statutes. (Based on Public Law 447, June 26, 1946)

§ 2.77 *Administrative Services, AGO—*(a) *Civilian Personnel Service.* This service operates a recruiting program to obtain civilian personnel for the War Department for duty in continental United States and in overseas areas. Inquiries relating to civilian personnel recruiting may be addressed to The Adjutant General, War Department, Washington 25, D. C.

(b) *Operations Branch.* This branch conducts correspondence with the general public on subjects relating directly or indirectly to the military establishment, excluding matters relating to individuals in active service in the Army. This correspondence deals with requests for general information regarding the military establishment, such as matters relating to demobilization, travel of dependents, various types of complaints, status of military units, and a variety of other subjects. Inquiries so received are answered on a factual basis. In some instances they are referred to other agencies, that may be concerned, for direct reply. Such inquiries may be addressed to The Adjutant General, War Department, Washington 25, D. C.

(c) *War Department Records Branch.* The Old Records Section, War Department Records Branch, maintains records of military personnel from the early days of the Government up to November 1, 1912, and answers inquiries therefrom. Requests for information from such records may be addressed to The Adjutant General, War Department, Washington 25, D. C.

(d) *Records Administration Center, St. Louis, Missouri.* This unit administers activities pertaining to non-current records of discharged Army personnel from November 1, 1912 to date, non-current clinical records prepared in military hospitals, records of demobilized military units of World War II, certain records relating to contracts that have been closed, records relating to certain discontinued War Department projects, and records of former civilian employees of the War Department. The Records Administration Center provides information to the public from these records and furnishes material upon request in all cases, except with respect to matters that are considered to be confidential. Requests for information on the subject matters indicated may be addressed to Records Administration Center, AGO, 4300 Goodfellow Boulevard, St. Louis 20, Missouri.

§ 2.78 *Appointment in the Officers' Reserve Corps.* (a) At the time of issuance of orders for relief from active duty all officers in the Army of the United States except officers of the Regular Army, active or retired, will be offered appointments in the Officers' Reserve Corps for an initial period of 5 years in the highest grade held at the time of relief from active duty subject to the following provisions:

(1) All male commissioned officers of the Army of the United States except active or retired Regular Army officers, found physically qualified for general service, limited service, or general service with waiver, who have served honorably, and who have not been separated for unsatisfactory service, are eligible for appointment with the following exceptions:

(i) Commissioned officers of the National Guard of the United States who do not hold a higher temporary grade in the Army of the United States. See paragraph (e) (3).

(ii) Commissioned officers of the Officers' Reserve Corps who do not hold a higher temporary grade in the Army of the United States. See paragraph (e) (3).

(2) Officers who are found eligible for promotion to the next higher grade under the provisions of WD Circular 140, 1946, and who are promoted in the Army of the United States, are thereby removed from the above categories (paragraph (a) (1) (i) and (ii)) and are eligible for appointment in the higher grade.

(3) Officers eligible for appointment in the Officers' Reserve Corps under the provisions of these policies who do not desire such appointment until after expiration of terminal leave may apply to the Adjutant General for appointment after the expiration of terminal leave.

(4) Officers listed in (a) (1) (i) and (ii) above will be commissioned in the Officers' Reserve Corps upon termination of active duty, that is, at the completion of terminal leave, upon application to the Adjutant General, Washington 25, D. C., Attention: Reserve Branch, for such appointment.

(b) Appointments in the Officers' Reserve Corps under these provisions will be governed by the following:

(1) Officers who hold only a temporary appointment in the Army of the United States, or temporary officers who also hold an appointment in the Officers' Reserve Corps, may be appointed or reappointed and commissioned in the Officers' Reserve Corps for a period of 5 years without vacating their temporary appointments in the Army of the United States and without depriving such officers of their terminal leaves which they might otherwise be entitled to receive.

(2) The aceptance of an appointment in the Officers' Reserve Corps by an officer of the National Guard of the United States operates automatically to vacate his appointment in the latter component. However, if the officer of the National Guard of the United States also holds a temporary appointment in the Army of the United States, the acceptance of a commission in the Officers' Reserve Corps would not automatically vacate his temporary appointment in the Army of the United States without component, and such an officer should continue on active duty in his latter status (that of an AUS officer) for the purpose of receiving his terminal leave.

(3) In the instance where an officer commissioned in the National Guard of the United States or in the Officers' Reserve Corps does not hold a temporary appointment in the Army of the United States, acceptance of a new commission in the Officers' Reserve Corps prior to relief from active duty would vacate the commission in the National Guard of the United States or in the Officers' Reserve Corps and accrued leave might be lost by such appointment.

(c) The following statement of policy governing the section in which officers will be appointed under these provisions is furnished:

(1) Non-Regular Army general officers processed for separation will be informed that applications for appointment as general officer in the Officers' Reserve Corps will be made direct to The Adjutant General, Washington 25, D. C., Attention: Reserve Branch, and that the War Department will submit these names to the President of the United States for appointment in the Officers' Reserve Corps by and with the advice and consent of the Senate in the highest grade held on relief from active duty, provided the officers are declared eligible by the War Department General Officer Eligible List Board.

(2) Officers, other than general officers, will be appointed in the highest grade held on relief from active duty in a section of the Officers' Reserve Corps listed in subparagraph (3) below, under the following restrictions and conditions:

(i) Officers holding appointments in the—

(*a*) Adjutant General's Department,
(*b*) Chaplain's Corps,
(*c*) Finance Department,
(*d*) Judge Advocate General's Department,
(*e*) Medical Department,

sections will be appointed only in that section in which commission or appointment is held, except that officers holding commissions in the Adjutant General's Department Reserve, Finance Department Reserve, or Judge Advocate General's Department Reserve whose major duties have been in branch immaterial positions will be given the option of accepting appointment in the section in which they hold a commission or in the Staff and Administrative Reserve. Those who hold no appointment in any branch and whose only duty was in one of the services listed in this subparagraph will be appointed in the section with which they have served.

(ii) Officers not included in subparagraph (2) (i) above, who served with an arm or service, will be given the option of accepting appointment in the arm or service with which they had actual service or in the section, if any, in which they hold a commission in the Officers' Reserve Corps or the National Guard of the United States. Officers who have served with the Army Air Forces may elect Air Corps Reserve.

(iii) Officers not included in subparagraph (2) (i) above, holding appointment in a basic arm or service, who served in branch immaterial positions such as General Staff, Inspector General's Department, Information and Education Division, Special Services Division, or in similar assignments, may elect appointment in the Staff and Administrative Reserve; in an arm or service, if any, with which they had actual service; or in the section, if any, in which they hold appointments in the Officers' Reserve Corps or the National Guard of the United States.

(iv) Branch immaterial officers (without basic arm or service), who served in branch immaterial positions only, will be appointed in the Staff and Administrative Reserve.

(v) The exceptional cases will be decided by the commanding officer of the separation center.

(vi) It is contemplated that transfers between sections will be provided for by regulations in the postwar Officers' Reserve Corps.

(3) Officers will be appointed only in the appropriate section specified below:

(i) Adjutant General's Department Reserve, AG-Res.
(ii) Air Corps Reserve, Air-Res.
(iii) Armor Reserve, Arm-Res.
(iv) Cavalry Reserve, Cav-Res.
(v) Chaplain Reserve, Ch-Res.
(vi) Chemical Warfare Service Reserve, CW-Res.
(vii) Coast Artillery Corps Reserve, CA-Res.
(viii) Corps of Engineers Reserve, Engr-Res.
(ix) Corps of Military Police Reserve, MP-Res.
(x) Field Artillery Reserve, FA-Res.
(xi) Finance Department Reserve, Fin-Res.
(xii) Infantry Reserve, Inf-Res.
(xiii) Judge Advocate General's Department Reserve, JAG-Res.
(xiv) Medical Department Reserve:
(*a*) Dental Corps Reserve, Dent-Res.
(*b*) Medical Administrative Corps Reserve, MA-Res.
(*c*) Medical Corps Reserve (male officers only), Med-Res.
(*d*) Pharmacy Corps Reserve, Ph-Res.
(*e*) Sanitary Corps Reserve, Sn-Res.
(*f*) Veterinary Corps Reserve, Vet-Res.
(xv) Military Intelligence Reserve, MI-Res.
(xvi) Ordnance Department Reserve, Ord-Res.
(xvii) Quartermaster Corps Reserve, QM-Res.
(xviii) Signal Corps Reserve, Sig-Res.
(xix) Staff and Administrative Reserve, SA-Res.
(xx) Transportation Corps Reserve, TC-Res.

(d) Officers who have been relieved from active duty without accepting appointment in the Officers' Reserve Corps may apply for consideration for such appointment to The Adjutant General, Washington 25, D. C., Attention: Reserve Branch.

(e) All qualified flight officers of the Army of the United States who have been released from active duty and who have had actual honorable service in the AAF and are otherwise eligible, will be offered an appointment in the Officers' Reserve Corps for an initial period of five years

as second lieutenant, Air Corps Reserve, subject to the following provisions:

(1) All flight officers of the Army of the United States who have had actual service in the AAF, found physically qualified for general service, limited service, general service with waiver, who have served honorably, and who have not been separated for unsatisfactory service are eligible for appointment subject to the following requirements:

(i) Must have attained a minimum efficiency index of 40.

(ii) Be recommended to The Adjutant General by the Commanding General, AAF. Prior to recommendation for appointment a review will be made of the applicant's records as respects:

(*a*) Educational and/or experience background.

(*b*) Record of disciplinary action.

(*c*) Commendations.

(*d*) Decorations and awards.

(*e*) Age, minimum age limit 18—maximum age limit 35.

(2) Eligible flight officers may be commissioned in the Air Corps Reserve upon termination of active duty, that is, at the completion of terminal leave, upon application for consideration direct to The Adjutant General for such appointment. (See paragraph (f).)

(3) Flight officers who do not apply at time of relief from active duty will be considered eligible for consideration or for appointment as second lieutenant, Air Corps Reserve, subject to the provisions of *a* above, provided application is made prior to 1 July 1947, or prior to the termination of the war, whichever occurs first. (See paragraph (f).)

(f) Upon application to The Adjutant General, Washington 25, D. C., Attention: Reserve Branch, WD, AGO Form 170 (Application for Appointment and Statement of Preference for Reserve Officers) will be forwarded to the applicant for completion and return to The Adjutant General. In addition, the following records will be forwarded by the applicant to The Adjutant General with the completed WD, AGO Form 170 and allied papers:

(1) True extract (or photostat) of Item No. 38, "Chronological Record of Military Experience," WD, AGO Form 66–2 (AAF Officers Qualification Record). (Only if in the possession of the applicant.)

(2) True copy of or true extract of special orders relieving applicant from active duty and placing him on terminal leave.

(g) The copy of final type physical examination accomplished at time of separation and subsequently forwarded to The Adjutant General will be reviewed at the time of receipt of application by The Adjutant General for determination of the physical requirement specified in paragraph (e) (1).

THE JUDGE ADVOCATE GENERAL'S DEPARTMENT

§ 2.81 *Organization:* Office of The Judge Advocate General consists of The Judge Advocate General, three Assistants Judge Advocate General, the Administrative Group, the statutory Boards of Review, the Military Justice Group, the Military Affairs Group, the Claims and Litigation Group, the Patents Group and the Contracts and Military Reservation Group. The Office of the Judge Advocate General is located in the War Department, Pentagon Building, Washington 25, D. C. All inquiries or other correspondence relating to matters under the supervision of The Judge Advocate General should be forwarded to this office.

§ 2.82 *The Boards of Review.* Under Article of War 50½, conduct automatic appellate review of all records of trial by general courts-martial involving sentences to death, dismissal not suspended, dishonorable discharge not suspended or confinement in a penitentiary and of other records of trials found by the Military Justice Group to be legally insufficient to support the finding and sentences (unless adequate corrective action can be taken administratively); prepare opinions, holdings, reviews and correspondence relating to records on which its functions. Interested parties to any cases reviewed by the Boards of Review are authorized to present written or oral matter for the consideration of the Boards in reaching their findings, and such material should be forwarded to The Judge Advocate General at the address indicated in § 2.81.

§ 2.83 *The Military Justice Group.* Supervises military justice matters, the system of military justice throughout the Army; examines as to legal sufficiency records of trial by general courts-martial, boards of inquiry and military commissions, not examined by the Boards of Review, initiating corrective action when necessary; checks all general court-martial orders; making recommendations, answers correspondence, and renders opinions in regard to clemency, *habeas corpus* proceedings, etc.

§ 2.84 *The Military Affairs Group.* Preparse opinions on questions of law pertaining to administration of military and civilian personnel and the organization of the War Department and the Army; prepares opinions on questions of international law including the laws of war, prisoners of war, enemy aliens, relations with our allies, military government, local foreign law, martial law, military aid to the civil power, and exclusion of suspected subversives; maintains liaison with the Department of State and Department of Justice on matters of international law, and prepares or advises in the drafting of War Department publications on subjects within that field; supervises and directs the operation throughout the Army of the legal assistance plan established by War Department directives, and collaborates and maintains liaison with the American Bar Association and other bar organizations in connection therewith.

§ 2.85 *The Patents Group.* Supervises collection and preparation of evidence for use by the Department of Justice in defense of patent infringment suits filed against the United States; records in the Register of Government Interests in Patents all assignments, licenses and other instruments evidencing interest of the War Department in or under patents or application for patents, and acts as central repository for permanent filing of the original instrument.

§ 2.86 *The Claims and Litigation Group.* Consists of the Administrative Branch, the Military Claims Branch, the Legislative Branch, the Litigation Branch, the Military Claims Branch, and the Foreign Claims Branch.

(a) *The Military Claims Branch.* Considers and prepares opinions on claims, including appeals to the Under Secretary of War, not within the scope of other branches, arising under the various claims statutes; maintains liaison with other interested governmental agencies in all matters within the scope of the Branch's activities.

(b) *The Legislative Branch.* Prepares reports covering the facts as established by the evidence of record both as to the causation of the accident or incident, the physical findings, diagnosis and prognosis of all persons injured, the condition of the claimant as to dependencies and other matters proper for submission to Congress, together with a legal opinion as to Government liability.

(c) *The Litigation Branch.* Takes or prepares all action required of the Judge Advocate General by Army Regulations 410–5, August 17, 1944, with relation to litigation affecting the War Department, excepting litigation primarily involving tax questions and matters expressly assigned by The Judge Advocate General to other groups or offices.

(d) *The Personnel Claims Branch.* Examines claims against the United States by military personnel and civilian employees of the War Department and of the Army for property damaged, lost, destroyed, captured or abandoned in the service and prepares opinions and recommendations as to action thereon.

(e) *The Foreign Claims Branch.* Prepares legal opinions, and furnishes information relating to laws and regulations, affecting the settlement of claims in favor of and against the United States resulting from service-connected accidents and incidents in foreign countries.

§ 2.87 *The Contracts and Military Reservation Group.* Consists of the Contracts Branch, the Military Reservations Branch, the Tax Branch and the Contract Appeals Branch.

(a) *The Contracts Branch.* Consists of a Contracts Law Section and a Bonds Section.

(1) *The Contracts Law Section.* Prepares legal opinions as to the nature and extent of authority to contract.

(2) *The Bonds Section.* Examines all surety bonds required by the War Department (except bid bonds, other than annual bid bonds, blanket fidelity bonds, forgery bonds, and bonds required by Army regulations to be filed elsewhere than at the War Department).

(b) *The Military Reservations Branch.* Consists of a Titles Section, a Miscellaneous Section, a Publications Section, and a Records Section.

(1) *The Titles Section.* Prepares legal opinions on questions pertaining to the acquisition, title, possession, and disposition of real property under the control of the Secretary of War.

(2) *The Miscellaneous Section.* Prepares legal opinions relating to questions concerning state and Federal jurisdiction

over military reservations and other lands under the control of the Secretary of War.

(3) *The Publications Section.* Prepares all texts for the War Department publication entitled "Military Reservations" and conducts all research necessary to obtain information for inclusion therein.

(4) *The Records Section.* Classifies, indexes, files and preserves title records pertaining to military reservations and other lands under the control of the Secretary of War, including deeds, easements, leases, licences and permits.

(c) *The Tax Branch.* Handles all matters in which the principal question presented is one of Federal, state or local taxation.

(d) *The Contract Appeals Branch.* Represents the interests of the United States before the War Department Board of Contract Appeals and before the Appeal Board, Office of Contract Settlement.

Claims Procedure—U. S. Army

§ 2.101 *Claims procedure; statutes.* (a) The Federal Tort Claims Act (Title IV, Public Law 601, 79th Congress) confers authority on the Secretary of War, or his designee for the purpose, acting on behalf of the United States, to consider, ascertain, adjust, determine, and settle any claim against the United States for money only, accruing on and after January 1, 1945 on account of damage to or loss of property or on account of personal injury or death where the total amount of the claim does not exceed $1,000, caused by the negligent or wrongful act or omission of an officer or employee of the War Department, a member of the military forces of the United States, or a person acting on behalf of the War Department or of the Army in an official capacity, temporarily or permanently in the service of the United States, whether with or without compensation, while acting within the scope of his office or employment under circumstances where the United States as a private person would be liable to the claimant for such damage, loss, injury or death in accordance with the law of the place where the act or omission occurred. Any such award or determination shall be final and conclusive on all officers of the Government, except where procured by means of fraud, and subject to the right of the claimant to bring suit in the District Court for the district wherein the plaintiff is resident or wherein the act or omission complained of occurred. The acceptance by the claimant of any such award shall be final and conclusive on the claimant and shall constitute a complete release by the claimant of any claim against the United States and against the employee of the Government whose act or omission gave rise to the claim by reason of the same subject matter.

(b) The act of July 3, 1943 (57 Stat. 372; 31 U. S. C. 223b), as amended by the act of May 29, 1945 (59 Stat. 225), the act of June 28, 1946 (Public Law 466, 79th Congress), and the Federal Tort Claims Act, provides for the payment of claims, except those which fall within the purview of the Federal Tort Claims Act, arising on or after May 27, 1941, for damage to or loss or destruction to real or personal property and for reasonable medical or hospital or burial expenses actually incurred on account of personal injury or death caused by military personnel or civilian employees of the War Department or of the Army while acting in the scope of their employment or otherwise incident to noncombat activities of the War Department or of the Army, and including claims for damage to or loss or destruction of registered or insured mail while in the possession of military authorities even though resulting from criminal acts, claims for damage to or loss or destruction of personal property bailed to the Government and claims for damage to real property incident to the use and occupancy thereof under a lease, express or implied, or otherwise, and including claims of the foregoing categories arising out of civil works provided they do not exceed $1,000.

(c) Article of War 105 (sec. 1, Ch. II, act of June 4, 1920; 41 Stat. 808; 10 U. S. C. 1577; M. L. 1939, sec. 463) provides for the payment by the offender through stoppage of pay of certain claims for damage to or loss or destruction of property by persons subject to military law, provided such damage, loss or destruction is caused by riotous, violent, or disorderly conduct or acts of depredation, willful misconduct, or such reckless disregard of property rights as to carry an implication of guilty intent.

(d) The act of January 2, 1942 (55 Stat. 880; 31 U. S. C. 224d), as amended by the act of April 22, 1943 (57 Stat. 66), and the act of July 31, 1945 (59 Stat. 511) provides for the payment of claims for damage to or loss or destruction of real or personal property and for personal injury or death caused by Army forces or individual members (whether military personnel or civilian employees) thereof, or otherwise incident to noncombat activities of such forces in a foreign country, including the Philippine Islands, to public property located therein, or to privately owned property, or to the persons of inhabitants of such country.

(e) The act of May 29, 1945 (59 Stat. 225; 31 U. S. C. 222c) provides for the payment of claims arising on or after December 7, 1939 of military personnel and of civilian employees of the War Department or of the Army for damage to or loss, destruction, capture or abandonment of personal property occurring incident to their service, except such claims as come within the provisions of the Federal Tort Claims Act, *supra.*

§ 2.102 *Central and field organization.* The administration of claims activities by the War Department, under the statutes mentioned above, is the responsibility of The Judge Advocate General. The central organization is the Claims and Litigation Group of The Judge Advocate General's Office located at The Pentagon, Washington 25, D. C. In the field, administration of claims activities is the responsibility of the commanding generals of the armies and of the air matériel areas acting through their staff judge advocates with respect to personnel and installations under their respective jurisdictions. Immediate responsibility for the investigation of accidents or incidents and the processing of claims arising therefrom rests upon the commanding officer or that regiment or corresponding unit, or that higher echelon, or post, camp or station, which is most directly concerned, normally the commanding officer of the personnel involved or the post on which the accident or incident occurred. Each regiment or corresponding unit and each higher echelon or post, camp or station is required by regulation to have a claims officer appointed by order who, under the immediate direction of the judge advocate or of the commanding officer, is responsible for all claims activities of the command. The claims officer is authorized without further appointment to act as a board of one officer in any case within the provisions of AW 105, *supra.* The claims officer will likewise constitute the investigating officer or board of officers required by Army Regulations for the investigation of any accident or incident involving damage to or loss or destruction of property or personal injury or death, the immediate responsibility for the investigation of which rests upon the commanding officer by whom he is appointed.

§ 2.103 *Delegations of authority to approve or disapprove claims.* Subject to the right of appeal authority to approve or disapprove claims has been delegated by the Secretary of War, under the act of July 3, 1943, *supra,* to the commanding officers of the installations listed in § 2.107.

§ 2.104 *Information.* The public may secure information or submit claims or requests at the headquarters of any of the following officers:

(a) The commanding officer having immediate responsibility for the investigation of the accident or incident from which the claim arises.

(b) The commanding general of the army or air matériel area within which the accident or incident occured.

(c) The Chief of Claims and Litigation Group, Office of The Judge Advocate General.

(d) The commanding officer of any post, camp, station or unit in the United States, its territories or possessions.

(e) Any foreign claims commission.

§ 2.105 *General course and method for the processing of claims.* The investigation is conducted by a claim officer and the report of his investigation is made in triplicate, on War Department Form No. 30. (See § 201.8). If a claim has been submitted by any person or a partnership, association, corporation, or municipal or state governmental authority prior to the completion of the claims officer's report, the claim is studied in relation to the report and a recommendation is made as to whether or not the claim is allowable under the provisions of any of the statutes relating to claims. Public hearings are not required in connection with the investigation and preparation of the report which is normally based on affidavits and other written statements submitted by the claimant or secured by the claims officer. The claim is submitted on War Department Form No. 41, (Claim for Damages) in triplicate.

After completition of the report, it is submitted to the commanding officer by whom the claims officer has been appointed who notes thereon his approval or disapproval of the report. If he has delegated authority to do so, he takes administrative action to approve or disapprove the claim. If he does not have such delegated authority, the claim and claims officer's report are forwarded through military channels to the headquarters of the officer having authority to take final action on the claim. Should the claim be in excess of the sum of $1,000, except in claims coming within the provisions of the Federal Tort Claims Act, the claim and the related file are forwarded to the Office of the Judge Advocate General for consideration, and if the claim appears meritorious it may be reported by the Secretary of War to the Congress for consideration. Any settlement made by the Secretary of War or any officer having delegated authority is final and conclusive for all purposes, notwithstanding any other provision of law to the contrary, except that under the act of July 3, 1943, or the Federal Tort Claims Act, an appeal may be taken to the Secretary of War from the disapproval of a claim, in whole or in part, by a designee of the Secretary of War, which appeal shall be taken within thirty (30) days from notice of disapproval of such a claim by filing a written notice of intention to appeal with the officer from whose determination the appeal is taken.

§ 2.106 *Regulations.* The following regulations have been adopted by the Secretary of War for the guidance of the Army and of the public in the administration of claims: AR 25–20, 25–25, 25–80, 25–90, 25–100, 55–500 and 100–64. (See CFR, Parts 306, 307 and 502). Changes have been published in Circular 219 WD 1946. An amendment to the act of July 3, 1943, *supra*, was adopted by the act of June 28, 1946 (Public Law 466, 79th Cong.) and published in sec. 1, Bul. 19, WD 1946. No regulation has yet been adopted to implement the Federal Tort Claims Act. It should be noted that because of the adoption of the Federal Tort Claims Act the above cited regulations are in the process of revision. These new regulations will be printed in the FEDERAL REGISTER when they have been approved.

§ 2.107 *Delegations of authority to settle damage claims under the Domestic Claims Act (act of July 3, 1943, as amended) in effect on September 1, 1946.*

FIRST ARMY AREA

Installation	Limit	Date Effective
Hq., First Army, New York City, N. Y	$1,000	June 11, 1946
Fort Devens, Ayer, Mass	1,000	Nov. 23, 1943
Superintendent, U. S. Military Academy, West Point, N. Y	1,000	Jan. 18, 1944
New York Port of Embarkation, Brooklyn, N. Y. (Judge Advocate)	1,000	Oct. 26, 1944
Fort Dix, N. J	250	Nov. 23, 1943
Pine Camp, N. Y	250	Do.
Fort Monmouth, N. J	250	Do.

SECOND ARMY AREA

Installation	Limit	Date Effective
Hq., Second Army, Baltimore, Md	$1,000	June 11, 1946
Camp Atterbury, Ind	1,000	Nov. 25, 1943
Camp Breckenridge, Ky	1,000	Do.
Camp Campbell, Ky	1,000	Feb. 22, 1943
Fort Benjamin Harrison, Ind	1,000	Nov. 25, 1943
Fort Knox, Ky	1,000	Do.
Aberdeen Proving Ground, Md	250	Nov. 23, 1943
Edgewood Arsenal, Md	250	Do.
Camp Lee, Va	250	Do.
Fort George G. Meade, Md	250	Do.
Fort Eustis, Va	250	May 24, 1944

THIRD ARMY AREA

Installation	Limit	Date Effective
Hq., Seventh Army, Atlanta, Ga.	$1,000	June 11, 1946
Fort Jackson, S C	1,000	Aug. 14, 1944
Fort Benning, Ga	1,000	Do.
Fort Bragg, N. C	1,000	Do.
Huntsville Arsenal, Ala	1,000	Do.
Camp Campbell, Ky	1,000	Feb. 22, 1945
Fort McClellan, Ala	250	Feb. 8, 1944
Camp Shelby, Miss	250	Do.

FOURTH ARMY AREA

Installation	Limit	Date Effective
Hq., Fourth Army, San Antonio, Tex	$1,000	June 11, 1946
Fort Sam Houston, Tex	1,000	Nov. 23, 1943
Fort Sill, Okla	1,000	Do.
Camp Polk, La	1,000	Do.
Camp Hood, Tex	1,000	Do.
Fort Bliss, Tex	1,000	Jan. 6, 1944
Camp Swift, Tex	1,000	Do.
Camp Gruber, Okla	1,000	Do.
Camp Chaffee, Ark	1,000	Do.
Camp Robinson, Ark	1,000	Do.
San Antonio Army Service Forces Depot, Fort Sam Houston, Tex	1,000	Feb. 14, 1944
Fort Judge Advocate, New Orleans Port of Embarkation, New Orleans, La	1,000	June 3, 1944
Fort Crockett, Tex	1,000	Oct. 13, 1944

FIFTH ARMY AREA

Installation	Limit	Date Effective
Hq., Fifth Army, Chicago, Ill	$1,000	June 11, 1946
Camp McCoy, Wis	1,000	Nov. 16, 1943
Fort Sheridan, Ill	1,000	Do.
Percy Jones Hospital Center, Fort Custer, Mich	1,000	Apr. 27, 1945
Fort Snelling, Minn	250	Nov. 22, 1943
Fort Leavenworth, Kans	250	Do.
Fort Riley, Kans	250	Do.
Fort Francis E. Warren, Wyo	250	Do.
Fitzsimmons General Hospital, Denver, Colo	250	Jan. 24, 1944
Fort Omaha, Nebr	250	May 14, 1945

SIXTH ARMY AREA

Installation	Limit	Date Effective
Hq., Sixth Army, San Francisco, Calif	$1,000	June 11, 1946
Seattle Port of Embarkation, Seattle, Wash	1,000	Nov. 25, 1943
Presidio of San Francisco, Calif	1,000	Dec. 21, 1943
Fort MacArthur, Colo	1,000	June 2, 1946
Staff, J. A., San Francisco Port of Embarkation	1,000	Oct. 30, 1944
2d Infantry Division, Fort Lewis, Wash	1,000	June 28, 1946
Camp Beale, Calif	500	Dec. 21, 1943

MILITARY DISTRICT OF WASHINGTON

Installation	Limit	Date Effective
Hq., Military District of Washington	$1,000	July 3, 1943

MIDDLETOWN AMA

Installation	Limit	Date Effective
Hq. MAMA, Olmstead Field, Middletown, Pa	$1,000	July 2, 1946
Fort Dix AAB, Fort Dix, New Jersey	1,000	June 16, 1945
1378th AAF Base Unit, North Atlantic Division, ATC, Fort Totten, N. Y	1,000	June 16, 1945
Langley Field, Langley Field, Va	1,000	Do.

MIDDLETOWN AMA—Continued

Installation	Limit	Date Effective
Mitchel Field, Hempstead, Long Island, N. Y	1,000	June 16, 1945
Andrews Field, Washington 20, D. C	1,000	Do.
1st AAF Base Unit, Bolling Field, D. C	1,000	Do.
552nd AAF Base Unit, New Castle AAB, Wilmington 99, Del	1,000	Do.
Atlantic Overseas ATSC, Port of Newark, Newark 5, N. J	1,000	Do.
AAF Intransit Depot No. 5, Port of Newark, Newark 5, N. J	1,000	Do.
AAF Redistribution Station No. 1, Atlantic City, N. J	1,000	Do.
Army Air Forces Technical Base, Dayton, Ohio	500	June 4, 1946
Millville AAF, Millville, N. J	500	June 16, 1945
Dover, AAF, Dover, Del	500	Do.
Washington National Airport, AAB 503d AAF Base Unit, ATC, Washington 25, D. C	500	Do.
Bowman Field, Louisville, Ky	500	Jan. 10, 1946
Selfridge Field, Mount Clemens, Mich	500	Do.
Olmsted Field, Middletown, Pa	250	Dec. 8, 1943
Army Air Forces Service Unit Training Center, Tobyhanna, Pa	250	Dec. 28, 1943
Air Cargo Depot Detachment, 40–22 Lawrance St., Flushing, N. Y	250	Do.
Reading Air Field, Reading, Pa	250	Do.
Intransit Depot No. 12, AAF, Sewell's Point, Norfolk, Va	250	Jan. 10, 1944

MOBILE AMA

Installation	Limit	Date Effective
Hq, MAMA, Brookley Field, Mobile, Ala.	$1,000	July 2, 1946
Brookley Field, Mobile, Ala	500	Jan. 13, 1944
Eglin Field, Valparaiso, Fla	500	Do.
Keesler Field, Biloxi, Miss	500	Do.
Fourth Ferrying Group, Ferrying Division, ATC, Municipal Airport, Memphis, Tenn	500	Do.
Maxwell Field, Montgomery, Ala.	500	Do.
Craig Field, Selma, Ala	250	Do.
Tuskegee Army Air Field, Tuskegee, Ala.	250	Do.
Smyrna Army Air Field, Smyrna, Tenn.	250	Do.

OGDEN AMA

Installation	Limit	Date Effective
Hq., OAMA, Hill Field, Ogden, Utah.	$1,000	July 2, 1946
Lowry Field, Colo	250	Apr. 12, 1945
Camp Kearns, Utah	250	Feb. 15, 1944
Hq., OCAMA, Tinker AAF, Oklahoma City, Okla.	1,000	July 2, 1946
Kearney Army Air Field, Kearney, Nebr.	1,000	Jan. 10, 1944
Smoky Hill Army Air Field, Salina, Kans.	1,000	Do.
Tinker Army Air Field, Oklahoma City, Okla.	1,000	Do.
Amarillo, Tex	1,000	Do.

DALHART AMA

Installation	Limit	Date Effective
Dalhart Army Air Field, Dalhart, Tex	1,000	Jan. 10, 1944
Sheppard Army Air Field, Wichita Falls, Tex	1,000	Do.
Chanute Field, Ill	1,000	Jan. 14, 1944
Hq., Central District ATSC 211 E. North Water St., Chicago 11, Ill	1,000	Do.
Topeka Army Air Base, Topeka, Kans	500	Jan. 10, 1944
Army Air Base, Clovis, N. Mex	500	Apr. 1, 1944
Sedalia Army Air Field, Warrensburg, Mo	500	Feb. 20, 1946
Scott Field, Belleville, Ill	500	Do.

ROME AMA

Installation	Limit	Date Effective
Hq., RAMA, Rome AAF, Rome, N. Y	$1,000	July 2, 1946
Westover Field, Mass	500	Dec. 4, 1943
801st AAF Specialized Depot, Buffalo, N. Y	500	Do.
Grenier Field, N. H	250	Do.

SACRAMENTO AMA

Installation	Limit	Date Effective
Hq, SAMA, McClellan Field, Calif	$1,000	July 2, 1946
Fourth Air Force, 180 New Montgomery St., San Francisco, Calif	1,000	Dec. 28, 1943
Pacific Overseas ATSC, 1950 Broadway, Oakland 14, Calif	1,000	May 17, 1945
Chico Army Air Field, Chico, Calif	500	Dec. 28, 1943
Mather Field, Mather Field, Calif	500	Do.
Stockton Field, Stockton, Calif	500	Do.
Hamilton Field, Hamilton Field, Calif	500	Do.
Hammer Field, Hammer Field, Calif	500	Do.
Merced Army Air Field, Merced, Calif	500	Do.
Camp Pinedale, Fresno, Calif	500	Do.
Fairfield-Suisun Army Air Field, Fairfield, Calif	250	Do.

SAN ANTONIO AMA

Installation	Limit	Date Effective
Hq., SAAMA, Kelly Field, San Antonio, Tex	$1,000	July 2, 1946
Army Air Base, Biggs Field, El Paso, Tex	250	Dec. 9, 1943
Army Air Base, Alamogordo, N. Mex. (Alamogordo Army Air Field)	250	Do.
Army Air Base, Barksdale Field, La	250	Do.
Army Air Forces Central Instructors School	250	Do.
Army Air Forces Pilot School, Fort Worth Army Air Field, Tex	250	Do.
Army Air Forces Pilot School, Goodfellow Field, San Angelo, Tex	250	Do.
Army Air Forces Military Training Center, San Antonio, Tex	250	Apr. 9, 1946
555th AAF Base Unit, 5th Ferrying Group, Love Field, Tex	250	May 5, 1944
Roswell Army Air Field, Roswell, N. Mex	250	Mar. 31, 1945

SAN BERNARDINO AMA

Installation	Limit	Date Effective
Hq., SBAMA, San Bernardino, AAF, Calif	$1,000	July 2, 1946
Santa Ana Army Air Base, Santa Ana, Calif	500	July 17, 1945
March Field, Riverside, Calif	500	Do.
Long Beach, Army Air Field, Long Beach, Calif	500	Do.
822nd Specialized Depot, Maywood, Calif	500	Do.
Williams Field, Chandler, Ariz	500	Do.
Davis-Monthan Field, Tucson, Ariz	500	Do.
Las Vegas Army Air Field, Las Vegas, Nev	500	Do.
Luke Field, Phoenix, Ariz	250	Jan. 6, 1944

WARNER ROBINS AMA

Installation	Limit	Date Effective
Hq., WRAMA, Robins Field, Warner Robins, Ga	$1,000	July 2, 1946
Hq., Caribbean Wing, Atlantic Division, ATC	1,000	Dec. 19, 1945
Orlando Army Air Base, Orlando, Fla	1,000	Oct. 25, 1945
Miami Air Depot, Miami, Fla	500	July 8, 1946
Boca Raton AAF, Boca Raton, Fla	250	Jan. 20, 1945
1103d AAF Base Unit, Morrison Field, West Palm Beach, Fla	250	Do.
Moody Field, Valdosta, Ga	250	Dec. 21, 1943
Spence Field, Moultrie, Ga	250	Do.
Turner Field, Albany, Ga	250	Do.
Shaw Field, Sumter, S. C	250	Do.
Robins Field, Warner Robins, Ga	250	Do.
Atlanta Army Air Base, Atlanta, Ga	250	Do.
Venice Army Air Field, Venice, Fla	250	Do.
Sarasota Army Air Base, Sarasota, Fla	250	Do.
Drew Field, Tampa, Fla	250	Do.
MacDill Field, Tampa, Fla	250	Do.
Greenville, Army Air Base, Columbia, S. C	250	Do.
Columbia, Army Air Base, Columbia, S. C	250	Do.

WARNER ROBINS AMA—Continued

Installation	Limit	Date Effective
Chatham Army Air Field, Savannah, Ga	250	Dec. 21, 1943
Charleston Army Air Base, Charleston, S. C	250	Do.
Lawson Field, Fort Benning, Ga	250	Do.
Laurinburg-Maxton Army Air Base, Maxton, S. C	250	Aug. 17, 1944
Pope Field, Fort Bragg, N. C	250	Do.
Army Air Base, Seymour-Johnson Field, N. C	250	Nov. 18, 1944
AAF Overseas Replacement Depot, Greensboro, N. C	250	Feb. 12, 1946
3d Air Force Staging Wing, Hunter Field, Savannah, Ga	250	Oct. 29, 1945

HAWAII

Installation	Limit	Date Effective
CG, Central Pacific Base Command	$1,000	July 12, 1944

DIVISION AND DISTRICT ENGINEERS, U. S. ARMY

Installation	Limit	Date Effective
New England Division, 75 Federal St., Boston, Mass	$1,000	July 3, 1943
North Atlantic Division, 270 Broadway, New York, N. Y	1,000	Do.
Middle Atlantic Division, Baltimore, Md	1,000	Do.
South Atlantic Division, Atlanta, Ga	1,000	Do.
Ohio River Division, Columbus, Ohio	1,000	Do.
Great Lakes Division, Chicago, Ill	1,000	Do.
Upper Mississippi Valley Division, St. Louis, Mo	1,000	Do.
Lower Mississippi Valley Division, Vicksburg, Miss	1,000	Do.
Missouri River Division, Omaha, Nebr	1,000	Do.
South Western Division, Omaha, Nebr	1,000	Do.
North Pacific Division, San Francisco, Calif	1,000	Do.
South Pacific Division, San Francisco, Calif	1,000	Do.
Manhattan District, Oak Ridge, Tenn	1,000	Feb. 12, 1946
Deputy Division Engineer, Great Lakes Division, Edmonton, Alberta, Canada	1,000	June 20, 1946
The Chief, and Assistant Chief, Claims and Litigation Group, JAGO	1,000	July 3, 1943
Chief, Claims and Litigation Group, JAGO	1,000	Aug. 9, 1946

Delegation of authority to settle damage claim under the Federal Tort Claims Act (Title IV, Public Law 601, 79th Cong.) in effect on September 1, 1946.

§ 201.8 *Forms*—(a) *Report of Claims Officer.* WD Form No. 30 revised.

(b) *Claims for Damages.* WD Form 41.

FINANCE DEPARTMENT

§ 2.111 *Responsibilities.* The Chief of Finance will be responsible for preparing plans and policies and supervising the finance program of the War Department. The Finance Department will disburse all funds of the War Department, including pay, travel and transportation of the Army and the accounting therefor, and perform such other fiscal and accounting duties as may be required by law or assigned to him by the Secretary of War, formulate and coordinate, within assigned responsibilities, fiscal policy, methods, procedures, and operations; implement established basic principles, concepts, and plans relating to monetary and property matters of the War Department, and effect the administration thereof; and control and administer funds allocated to the Director of Service, Supply and Procurement.

§ 2.112 *Functions*—(a) *Special Assistants.* Coordinates relations with the General Accounting Office, coordinates relations with the Judge Advocate General and the Attorney General; maintains legal library and provides legal assistance, review and advice.

(b) *Budget and Fiscal Branch.* Prepares the estimates and the justifications for the appropriation "Finance Service, Army"; controls funds appropriated in the appropriation "Finance Service, Army"; maintains fiscal records pertaining to the appropriation "Finance Service, Army" and such other funds as may be assigned to the Chief of Finance for control and reporting purposes by other agencies; prepares drafts of legislation for the relief of accountable and responsible officers; and prepares estimates of cost of proposed legislation affecting pay and allowances of military personnel.

(c) *Military Personnel Branch.* Advises the Chief of Finance relative to all military personnel activities, including selection, appointment, classification and all changes of status of Officers, Warrant Officers and Enlisted Men. Maintains liaison with General Staff, Ground Forces, Air Forces and Chiefs of Services in respect to personnel matters. Interprets and carries out for the Chief of Finance military personnel policy received from higher authority and in appropriate cases initiates recommendations to the Chief of Finance for changes in existing policies or the establishment of new policies related to activities of military personnel. Initiates and follows up all necessary action in procuring military personnel required for fiscal and finance duties based on requirements supported by adequate justifications submitted by appropriate agencies. Coordinates with the appropriate staff agencies of the Office of the Chief of Finance requests received from higher echelons for estimates involving filling requirements for Finance personnel.

(d) *Administrative Management Division.* Determines requirements and submits justification for military and civilian personnel, office equipment, and space in relation to objectives of the Finance program; supervises training programs; conducts organizational, procedural and continuing work simplification studies, and supervises production standards; provides for research and statistical studies; prepares operating and activity reports; performs housekeeping and administrative services; administers personnel program, coordinates and reviews publications, blank forms and form letters.

(e) *Receipts and Disbursements Division.* Plans for and supervises receipts, disbursements, bonding, funding and other like services for the Military Establishment; determines policies, methods and procedures pertaining to foreign exchange and special currencies used in foreign occupied areas; processes remittances involved in the settlement of financial transactions between the War Department, other Government agencies, and foreign Governments; initiates action to establish or terminate working funds; processes certain claims;

initiates legislative relief for disbursing officers; and supervises the clearance of suspensions by the General Accounting Office in disbursing officers' accounts.

(f) *Special Financial Services Division.* Exercised staff supervision of: advance payments and guaranteed loans to war production contractors; the administration of the Assignment of Claims Act; the War Department's policy in regard to contractual liability for loss of life, personal injury, property damage, etc.; the administration of contract insurance and surety bonds; the promotion of the Savings Bond Program and Soldier's Savings Program throughout the War Department and of the War Department participation in the establishment and supervision of banking facilities at military installations; and such other special financial services as may from time to time be necessary.

Performs the necessary administrative functions relating to the recoupment of amounts due the United States under bilateral renegotiation agreements and unilateral determinations of excessive profits issued by the Secretary of War or his authorized representatives, in accordance with the authority delegated by the Director, Service, Supply and Procurement, WDGS, under date of June 11, 1946 to the Chief of Finance

Performs the functions relating to the recoupment of profits subject to recovery through other than statutory renegotiation proceedings which are the responsibility of the Office of Chief of Finance as provided in War Department Memorandum No. 35–45 dated June 25, 1945, "Principals to be Observed in Respect to Processing, Accounting for and Reporting Upon the Recoupment of Excessive Profits from War Department Contractors."

(g) *Accounts Division.* Initiates and supervises the policies, standards and procedures under which all War Department components will operate in respect to fiscal accounting matters. Maintains the basic general ledger and the subsidiary accounts of funds made available to the War Department. Advises the Chief of Finance as to fiscal accounting matters. Summarizes fiscal data furnished by the War Department in such form as will contain background information. Prepares statistical reports and analyses to indicate significant trends and conditions, as a means of controlling the fiscal operations of the War Department. Serves the Chief of Finance and other staff divisions by continuously providing fiscal information in summary and detail as to progress made in carrying out the Army Supply Program and other fiscal activities of all operating agencies. Maintains close contact with components of the Army and operating units of the Office of the Chief of Finance to ascertain what is being done for the purpose of obtaining and interpreting fiscal data. Performs statistical and accounting functions and maintains records pertaining to Lend-Lease.

(h) *Audit Division.* The Audit Division prescribes and supervises property accounting and auditing procedures; contract auditing procedures; procedures for the audit of certain nonappropriated funds; and, within the general policies established by the agencies responsible therefor, prescribes cost accounting principles for contracts; supervises relations with the General Accounting Office in respect to auditing of industrial contracts; develops accounting procedures for nonappropriated funds; reviews certificates of audit of property accounts; reviews reports of survey covering lost, damaged, or destroyed property; makes final review of charges against individuals in the military service for loss, damage, or destruction of property, and effects required collections; advises the Chief of Finance and collaborates with Civilian Personnel Division, Office of the Secretary of War, on all matters pertaining to civilian payroll administration; makes certain audits, including American National Red Cross, the Central Hospital Fund and the Central Prisoner of War Fund, accounts of Soldiers' Deposit Accounts Division, OSSA, and such other funds as may be designated by proper authority, supervises and directs, within the scope of authority of the Chief of Finance, the activities of fiscal agencies of the War Department with respect to the settlement of terminated government contracts, including the staff coordination of training of personnel in contract termination accounting and auditing.

(i) *Army Finance Center.* Settles claim of former military personnel of World War II for arrears of pay and allowances due for periods of service on or after January 1, 1944; collects overpayments made to former military personnel; administers the savings bond program; maintains record of civilian payments and assists in clearing exceptions thereto; maintains central retained accounts of accountable Finance Officers and assists in clearing exceptions taken thereto by the General Accounting Office; maintains a Finance Training Center for providing instructions in Finance operations and military doctrine. Receives and processes accounting documents pertaining to disbursements made and collections received by disbursing officers. Prepares detailed and summary register of such transactions for transmission to the Accounts Division, OCF, fiscal and disbursing components of the War Department and the General Accounting Office.

(j) *Office of Dependency Benefits.* Supervises and administers the Army Allotment System for the payment of insurance premiums and the support of dependents; processes final and gratuity payments; maintains fiscal records of missing persons; administers soldiers' deposit program and the accounting therefor.

(k) *Finance Offices, United States Army.* At various commercial centers provides finance service for adjacent military installations and contractors with the Army.

§ 2.113 *Missing Persons Act* — (a) *Section 4.*

SEC. 4. When circumstances are deemed to justify such action in the interest of a person entitled to receive or be credited with pay and allowances under section 2 of this act, in the interest of the dependents of such persons, or in the interest of the Government, the head of the department concerned, or such subordinates as he may designate, may direct the initiation, continuance, discontinuance, increase, decrease, suspension, or resumption of payments of allotments from the pay and allowances of such person, subject to the provisions of section 6 of this act. (WD Circular 305–44)

(1) Any questions arising pertaining to the above should be referred to the War Department and addressed to the Commanding Officer, Office of Dependency Benefits, Newark 2, New Jersey, who has been delegated the authority by the Secretary of War to administer this section.

(2) It is contemplated that the office cited above, on or about January 1, 1947, will be moved to St. Louis, Missouri, at which time the address will be Commanding Officer, Army Finance Center, 4300 Goodfellow Boulevard, St. Louis 20, Missouri.

The authority to administer this section was delegated to the Chief of Finance effective June 11, 1946 and on the same date the Chief of Finance redelegated such authority to the Commanding Officer, Office of Dependency Benefits.

(b) *Section 12.*

SEC. 12 (b) The dependents and household and personal effects of any person on active duty (without regard to pay grade) who is officially reported as injured, dead, missing as the result of military or naval operations, interned in a neutral country, or captured by the enemy, may be moved (including packing and unpacking of household effects) to the official residence of record for any such person, or, upon application by such dependents, to such other locations as may be determined by the head of the department concerned or by such person as he may designate, by the use of either commercial or Government transportation: *Provided,* That the cost of such transportation, including packing and unpacking, shall be charged against appropriations currently available. (WD Cir 305–44)

(1) Any questions arising pertaining to this section of the Missing Persons Act should be referred to the War Department, Office Chief of Transportation, The Pentagon, Washington 25, D. C., for appropriate action. The authority to administer this section was delegated to the Chief of Transportation by Section XIV, WD Circular 140, dated May 12, 1945.

§ 2.114 *Claims of discharged military personnel.* Pursuant to decision of the Comptroller of the United States, B–38066, November 16, 1943, certain claims resulting from military service of personnel of the Army of the United States discharged on or after January 1, 1944 are settled by the Army.

§ 2.115 *Classes of claims.* (a) Pay and allowances including items of additional pay.

(b) Travel allowances or mileage.

(c) Repayment of erroneous collections.

(d) Repayment to allotter of allotments and family allowances originally deducted in error.

The above claims are settled by the Army Finance Center, Office of the Chief of Finance, 4300 Goodfellow Boulevard, St. Louis 20, Missouri. Soldiers' Deposits and interest thereon are settled by the Office of Dependency Benefits, Office of the Chief of Finance, 213 Washington Street, Newark, New Jersey.

Claims of the foregoing classes are settled by the General Accounting Office, Claims Division, Washington 25, D. C., where claim is made:

(1) by or for a mental incompetent.

(2) by survivor of military personnel.

(3) by military personnel discharged other than honorably.

§ 2.116 *Delegation.* War Department Circular 348, November 17, 1945, authorized settlement of above claims by Army Finance Center, Office of the Chief of Finance, 4300 Goodfellow Boulevard, St. Louis 20, Missouri, and as to Soldiers' Deposits and interest by Office of Special Settlement Accounts, an element of the Office of Dependency Benefits.

CHEMICAL WARFARE SERVICE

§ 2.121 *Chemical Warfare Procurement Districts.* The following Chemical Warfare Procurement Districts have been and continue to be authorized to conduct surveys of facilities located within their respective districts which may be utilized by the Chemical Warfare Service for present or future procurement:

New York CW Procurement District.
San Francisco CW Procurement District.
Dallas CW Procurement District.
Pittsburgh CW Procurement District.
Chicago CW Procurement District.

§ 2.122 *Making and approval of awards of contracts, supplemental agreements and change orders.* (a) The authority to make awards of contracts, supplemental agreements and change orders and the authority to make contracts, supplemental agreements and change orders, which is conferred upon the Chemical Warfare Service by paragraphs 305 and 306 of the War Department Procurement Regulations (CFR Chapter VIII, PR3), has been and continues to be delegated to the following:

Commanding Officer, Boston CW Procurement District.
Commanding Officer, Chicago CW Procurement District.
Commanding Officer, Dallas CW Procurement District.
Commanding Officer, Pittsburgh CW Procurement District.
Commanding Officer, San Francisco CW Procurement District.
Commanding Officer, Vigo Plant, CWS.
Commanding Officer, Camp Detrick.
Commanding Officer, Dugway Proving Ground.
Commanding Officer, Deseret CW Depot.

Such authority may only be exercised in connection with procurement of services and supplies required for the operations conducted by the installation concerned.

(b) The authority to make awards of contracts, supplemental agreements and change orders and the authority to make contracts, supplemental agreements and change orders, which is conferred upon the Chemical Warfare Service by paragraphs 305 and 306 (CFR Chapter VIII, PR3), of the War Department Procurment Regulations, has been and continues to be delegated to the Commanding Officer of the New York CW Procurement District. Such authority may only be exercised in connection with the procurement of those services and supplies which are designated by the Chief, Chemical Warfare Service, for procurement by the New York CW Procurement District or which are required for the operations of the New York Chemical Warfare Procurement District.

(c) The authority to make awards of contracts, supplemental agreements and change orders and the authority to make contracts, supplemental agreements and change orders, which is conferred upon the Chemical Warfare Service by paragraphs 305 and 306 of the War Department Procurement Regulations, has been and continues to be delegated to the following:

Commanding General, Edgewood Arsenal.
Commanding Officer, Pine Bluff Arsenal.
Commanding Officer, Huntsville Arsenal.
Commanding Officer, Rocky Mountain Arsenal.

Such authority may only be exercised in connection with procurement of services and supplies required for the operations conducted by the arsenal concerned provided however that any procurement in excess of $500.00 per item shall be subject to the prior approval of the Chief, Chemical Warfare Service or his duly authorized representative.

MEDICAL DEPARTMENT

§ 2.125 *Office of The Surgeon General.* (a) The Office of The Surgeon General is located in The Pentagon, Washington 25, D. C. Persons desiring information, or having essential business to transact with the Office of The Surgeon General, should direct their inquiries to that address. The Surgeon General has administrative control of the Medical Department, which supervises all medical and sanitary affairs of the Army. The mission of The Surgeon General may be summarized as follows:

(1) To maintain the strength of the Army at the highest possible peak of efficiency by reducing health hazards and by applying appropriate disease-prevention measures.

(2) To provide the best medical, surgical, neuropsychiatric, and dental care, and suitable hospitalization and physical medicine for those who are sick or injured.

(3) To assure the proper medical selection of military personnel.

(4) To train and furnish specialized Medical Department troops.

(5) To assure proper physical selection and professional care of military animals.

(6) To develop and procure medical equipment and supplies for the Army as assigned, and to assure the provision of such equipment and supplies in the right amount and at the right time to meet the Army's Supply Program and other directives of higher authority.

(7) To assure efficiency and economy in Medical Department activities and to develop an administrative structure which facilitates the performance of the primary missions listed herein.

(8) To advise the Secretary of War, the Chief of Staff, and the War Department agencies on the care of the sick and wounded, the character of hospitalization in the Army, and on matters pertaining to the health of the Army.

(9) To furnish technical supervision of the medical services of the Army on a world-wide basis.

This mission is carried out by services and divisions within the Office of The Surgeon General with functions as follows:

§ 2.126 *Divisions*—(a) *Fiscal Division.* (1) To formulate and effectuate criteria for budget preparation and performance. (2) To prescribe and administer technical standards, fiscal methods, procedures and operations which will implement established basic principles, concepts and plans relating to monetary matters of the Medical Department.

(b) *Office Service Division.* (1) To insure adequate availability and proper distribution of office supplies, equipment, and services as required by all units in The Surgeon General's Office for the fulfillment of their missions and functions. (2) To insure proper custody and classification of all documents in The Surgeon General's Office and at Class II installations under the jurisdiction of The Surgeon General, and the regular retirement of documents that are no longer required.

(c) *Legal Division.* To act as general counsel for The Surgeon General, services and division within this office, and subordinate commands.

(d) *Preventive Medicine Division.* (1) To develop and supervise the health program for the Army and for areas under the control of the Army. (2) To develop, keep under review, and supervise all phases of the disease prevention program of the Army. (3) To collect, analyze, and disseminate information on medical and sanitary conditions affecting the Army at home and abroad. (4) To initiate and guide research in military preventive medicine. (5) To furnish material and advice for the training and indoctrination of military personnel in disease prevention methods. (6) To investigate disease outbreaks, health hazards, and sanitary defects in the Army and initiate measures for their elimination or control. (7) To advise on nutritional problems as they affect the health of the soldier and of civil populations under Army control.

(8) To develop plans pertaining to public health policy and practice in occupied territories. (9) To maintain liaison with appropriate civil and governmental agencies.

(e) *Army Medical Research and Development Board.* (e) To formulate and supervise a coordinated medical research and development program which will:

(1) Stimulate research of prospective benefit to the medical supply and medical practice aspects of Army health programs;

(2) Maintain surveillance over the medical science aspects of Army medical practice and Army medical supply, with a view to having them conform with the best current developments in medical science;

(3) Adapt to the needs of the military service the best techniques and devices developed by both the Medical Department and private medical research.

(f) *Historical Division.* (1) To organize and to write a series of volumes

relating the history of the Medical Department of the U. S. Army in World War II in accordance with the policy of, and for inclusion in, the official War Department History of World War II. (2) To plan and to coordinate the historical research and writing activities of the Services and Divisions of The Surgeon General's Office and to receive the contributions of other commands and members of the Medical Department. (3) To plan and to carry out such special research studies and monographs on selected historical aspects of Medical Department activities, as may be required.

(g) *Physical Standards Division.* (1) To assure the proper physical selection of Army personnel. (2) To assure the retention in the Army of only properly physically qualified personnel.

(h) *Medical Statistics Division.* (1) To devise and maintain a comprehensive program for the collection, compilation, and analysis of medical statistical data pertaining to the health of the Army. (2) To prepare such reports and analyses of Army health conditions as may be required by the Medical Department and by other officials and groups concerned with medical investigations and developments.

(i) *Medical Consultants Division.* To seek, develop, and adapt to the needs of the Army the best medical information and medical practice available for diagnosis and treatment in the field of internal medicine.

(j) *Surgical Consultants Division.* To seek out, to develop, and to adapt to the needs of the Army the best available surgical practice and information.

(k) *Neuropsychiatry Consultants Division.* (1) To maintain the mental health of military personnel at the highest possible level. (2) To ensure the highest standards of professional care for neuropsychiatric patients in the Army.

(l) *Physical Medicine Consultants Division.* To seek out, to develop and to formulate policies and procedures adapting to the needs of the Army the best available physical reconditioning, physical therapy and occupational therapy practices and information.

(m) *Dental Consultants Division.* To prepare plans and policies for the administration of the Dental Corps of the Army, including plans with respect to personnel, equipment and supplies; the professional procedures involved in the dental treatment and care of Army personnel; and the prevention of dento-oral diseases.

(n) *Veterinary Consultants Division.* (1) To protect the health of the Army by the sanitary inspection of food products of animal origin during preparation, processing, shipment, storage, and issue; by the sanitary inspection of all places in which such products are prepared, processed, shipped, stored, or issued; and by the inspection of such products to determine their general quality and compliance with purchase requirements. (2) To protect the health and preserve the physical efficiency of the animals of the Army.

(o) *Nursing Consultants Division.* To maintain general supervision of, and to recommend policies and procedures with respect to all matters concerning an adequate and effective nursing program.

(p) *Dietetic Consultants Division.* To develop policies, organization and staff to serve the dietary needs of patients in Army hospitals.

(q) *Technical Information Division.* (1) To act as sole representative of The Surgeon General and of all personnel under his jurisdiction in all matters of public relations, coordinating and controlling all informational activities of public interest. (2) To keep the public informed accurately of activities and functions of the Medical Department, protecting the Medical Department from unjust and inaccurate publicity.

§ 2.127 *Offices*—(a) *Office of Supply.* (1) To determine medical supplies and equipment required for the planned troop strength and medical programs of the Army. (2) To obtain and store an adequate supply of these items to meet anticipated needs. (3) To provide procedures for and to supervise the distribution of these items throughout the Army structure in accordance with Army medical supply program. (4) To plan for wartime medical supply activities. (5) To establish and supervise the maintenance program for Medical Department equipment. (6) To determine surplus medical supplies and equipment and report same to disposal agencies. (7) To provide procedures for and supervise Lend Lease and Civil Affairs supply matters of The Surgeon General's Office. (8) To provide procedures for and supervise any other medical supply matters of The Surgeon General's Office. (9) Supervise, for The Surgeon General, the operation of the Army-Navy Medical Procurement Office, insofar as the interests of the Medical Department are concerned.

(b) *Office of Personnel.* To insure the proper staffing of all Medical Department activities, in conformity with the needs of the Medical Department, the requirements of all applicable rules and regulations, and the principles of sound personnel administration.

(c) *Office of Plans and Operations.* (1) To evolve operational plans and policies as a guide for the Medical Department in accomplishing its mission in war and peace. (2) To plan commitments, foresee requirements, and assure availability of Medical Department facilities and personnel necessary for efficient Army medical service.

§2.128 *Installations and activities*—(a) *Installations and activities under the direct command of The Surgeon General.* (1) Army Medical Center, Georgia Ave. at Butternut St. NW., Washington 12, D. C.

(i) Hq. Army Medical Center.

(ii) Walter Reed Gen. Hosp.

(iii) Med. Dept. Professional Service Schools:

(*a*) Army Medical School.

(*b*) Army Dental School.

(*c*) Army Veterinary School.

(*d*) Central Dental Laboratory.

(iv) Army Prosthetics Laboratory.

(2) Brooke Army Medical Center, Fort Sam Houston, Tex.

(i) Hq. Brooke Army Medical Center.

(ii) Brooke General Hospital.

(iii) Medical Training Center.

(iv) Army Medical Department Schools:

(*a*) Army Medical School.

(*b*) Army Dental School.

(*c*) Army Veterinary School.

(v) Medical Department Enlisted Technicians School.

(vi) The Army Area Medical Laboratory.

(vii) Central Dental Laboratory.

(viii) Medical Training Center, Camp Polk, La.

(ix) Radiation Project, Oak Ridge, Tenn. (attached for morning report purposes only).

(x) Amputation and Prostheses Team, Philippine Islands. (Attached for morning report purposes only.)

(3) General hospitals. (i) Army and Navy Gen. Hosp., Hot Springs, Ark.

(ii) Bruns Gen. Hosp., Santa Fe, N. Mex.

(iii) Cushing Gen. Hosp., Framingham, Mass.

(iv) Fitzsimons Gen. Hosp. (Including Med. Dept. Enlisted Technicians School), Denver, Colo.

(v) Halloran Gen. Hosp., St. George, Staten Island, N. Y.

(vi) Letterman Gen. Hosp., San Francisco, Calif.

(vii) Madigan Gen. Hosp., Tacoma, Wash.

(viii) Mason Gen. Hosp., Brentwood, Long Island, N. Y.

(ix) Mayo Gen. Hosp., Galesburg, Ill.

(x) McCormack Gen. Hosp., Pasadena, Calif.

(xi) Moore Gen. Hosp., Swannanoa, N. C.

(xii) Murphy Gen. Hosp., Waltham, Mass.

(xiii) Oliver Gen. Hosp., Augusta, Ga.

(xiv) O'Reilly Gen. Hosp., Springfield, Mo.

(xv) Percy Jones Gen. Hosp., Fort Custer, Mich.

(xvi) Pratt Gen. Hosp., Coral Gables, Fla.

(xvii) Tilton Gen. Hosp., Fort Dix, N. J.

(xviii) Valley Forge Gen. Hosp., Phoenixville, Pa.

(xix) Wakeman Gen. Hosp. (Including Med. Dept. Technicians School), Camp Atterbury, Ind.

(xx) William Beaumont Gen. Hosp., El Paso, Tex.

(4) Old Farms Convalescent Hosp. (Special), Avon, Conn.

(5) Army Institute of Pathology (Army Med. Museum), Seventh Street and Independence Avenue SW., Washington 25, D. C.

(6) Army Medical Library, Seventh Street and Independence Avenue SW., Washington, D. C.

(i) History of Medicine Division (Cleveland Branch of Army Medical Library), 11000 Euclid Avenue, Cleveland, Ohio.

(7) Medical Depots. (i) Binghamton Medical Depot (Including Base Optical Repair Shop), Binghamton, N. Y.

(ii) Denver Medical Depot (including Medical Dept., 5th Echelon Repair Shop), Denver, Colo.

(iii) Louisville Medical Depot (including Medical Dept., 5th Echelon Repair Shop), Post Office Box 1979, Louisville, Ky.

(iv) St. Louis Medical Depot (including Medical Dept., 5th Echelon Repair Shop), Twelfth and Spruce Streets, St. Louis, Mo.

(v) San Francisco Medical Depot (including Base Optical Repair Shop), 1355 Folsom Street, San Francisco, Calif.

(b) *Army, Navy Technical Supervision.* The following activity is under the joint technical supervision of The Surgeons General of the Army and the Navy:

Army-Navy Medical Procurement Office, 52 Broadway, New York 4, N. Y.

(c) *Location of activities.* The following are Office of The Surgeon General Activities located at or attached to 52 Broadway, New York 4, New York (Army-Navy Medical Procurement Office) for administrative and operating convenience only. The Army-Navy Medical Procurement Office is the joint procurement agency for medical supplies for the Army and Navy. Purchase contracts are ordinarily entered into after receipt of bids from interested parties. An invitation to bid is extended to those on the Bidders List who are in a position to supply the required items. Persons desiring to have their names placed on the Bidders List, or desiring further information, should direct their correspondence to the above office.

(1) Deputy Chief of Supply (New York).

(i) Renegotiation and Contract Termination Division.

(ii) Requirements and Stock Control Division.

(2) Medical Department Regional Fiscal Office of Fiscal Division.

(3) Medical Department Printing Plant, Carlisle Barracks, Carlisle, Pa. (Attached for morning report purposes only).

(d) *Depots.* The following general depots have Medical Sections which are Class II activities under the technical supervision of, and have military personnel authorized by The Surgeon General:

(1) Atlanta General Depot, Atlanta, Georgia.

NOTE: Medical Section at Atlanta Gen. Depot has accountability for and technical supervision over surplus Med. Dept. property stored at the Savannah QM Depot.

(2) Columbus General Depot, Columbus, Ohio.

(3) Richmond General Depot, Richmond, Va.

NOTE: Subdepot of the Medical Section, Atlanta General Depot.

(4) San Antonio General Depot, Fort Sam Houston, Tex.

(5) Seattle General Depot, 4735 E. Marginal Way, Seattle, Wash.

NOTE: Subdepot of the San Francisco Medical Depot.

(6) Stockton General Depot, Stockton, Calif.

NOTE: Subdepot of the San Francisco Medical Depot.

(e) *Class I or II installations under other commands.* The following are Medical Department Class II Activities under the command and administrative supervision of The Surgeon General, but located at Class I or II installations under other commands:

(1) Army Industrial Hygiene Laboratory, Edgewood Arsenal, Md.

(2) Armored Medical Research Laboratory, Fort Knox, Ky.

(3) Medical Nutrition Laboratory, 1849 West Pershing Road, Chicago, Ill.

(4) Veterinary Research Laboratory, Quartermaster Depot (Remount), Fort Robinson, Nebr.

(5) Veterinary Technicians School, Fort Riley, Kans.

CORPS OF ENGINEERS

CROSS REFERENCE: For organization and procedures of the Corps of Engineers, see 33 CFR, Parts 209 and 210.

MANHATTAN PROJECT

§ 2.131 *The Manhattan Project*—(a) *Central Office.* The central offices of the Manhattan Project are located in Washington, D. C. In general, all communications should be addressed to the Commanding General, Manhattan Project, P. O. Box 2610, Washington, D. C.

(b) *Field office.* The principal field office is the Manhattan District Office located in Oak Ridge, Tennessee. Communications may be addressed to the District Engineer, Manhattan District, Oak Ridge, Tennessee.

(c) *Procedure.* The Manhattan Project operates in general under the standing operating procedures of the War Department.

(d) In view of the recent passage of the Atomic Energy Act of 1946 (Public Law 585, 79th Cong.) revisions of the above information are anticipated when the Atomic Energy Commission commences operations.

SIGNAL CORPS

§ 2.132 *The Signal Corps*—(a) Organization consists of the Chief Signal Officer and such Signal Corps commissioned officers, warrant officers, and enlisted personnel as are authorized by law. The Chief Signal Officer, as the Chief Signal Officer of the Army, is the technical staff adviser of the Secretary of War, Chief of Staff, and the War Department General and Special Staffs on all matters relating to signal communications and Signal Corps functions within the Army; his major responsibilities include: research, development, procurement, storage, issue, and maintenance of all items of Signal Corps equipment and supplies required by the Army, including equipment and supplies for communications, photography, radar, electronics, and meteorology; installation, operation and maintenance of communications equipment and facilities comprising the domestic and overseas military communications system known as the Army Command and Administrative Network; installation, operation, and maintenance of the Alaska Communication System; negotiation, execution, and administration of contracts for the procurement of commercial communications facilities and services used by the Army; procurement, production, distribution, storage, and issue of still pictures, motion pictures, and film strips in connection with photographic activities of the Signal Corps; custody of the permanent Signal Corps photographic records of the War Department; training of signal and communications specialists for the Army for which he is responsible and the training of units under his command; organization and operation of the Army Amateur Radio System; and the operation of facilities for the breeding and training of homing pigeons for the Army.

(b) The Signal Corps performs its responsibilities, as set forth above, through an organization which consists of:

(1) A headquarters office, which is designated as the Office of the Chief Signal Officer and is located at the Pentagon Building, Washington 25, D. C. The Office of the Chief Signal Officer is comprised of the Chief Signal Officer, the Assistant Chief Signal Officer and supporting staff divisions and operating services.

(2) Field installations and activities, which include a procurement office in Philadelphia, Pennsylvania, with branches in other cities; a photographic center in Long Island City, New York; the Alaska Communication System, with headquarters in Seattle, Washington; as well as Signal Corps depot, laboratories, schools, and other facilities and units as are required.

(c) The Chief, Information Branch, in the Office of the Chief Signal Officer (Republic 6700, Extension 3631), is designated to handle requests for information submitted by the public to the Chief Signal Officer and gathers and distributes generally all official information concerning the Signal Corps.

(d) Procurement of the items of Signal Corps equipment and services mentioned below is handled by the Signal Corps Procurement District and its branches at the following locations:

(1) *Signal Corps Procurement District, 1401 Arch Street, Philadelphia 2, Pa. (Telephone: RIttenhouse 6–1250).*

Radio equipment, test sets and meters, public address systems, meterological equipment, radar and associated equipment, telephone carrier equipment, head sets, microphones, telephone equipment, teletype equipment, power units, reel units, wire, cord sets, cable, batteries, transformers, switches, plugs, capacitors, resistors, wood, plastics, leathers, textiles, tools, metal fabricated products, and photographic equipment and supplies except film and photographic paper.

(2) *Laboratory Branch, Signal Corps Procurement District, Fort Monmouth, New Jersey (Telephone: Eatontown 1060).*

Contracts for basic research on Signal Corps equipments and for developmental items.

(3) *Photographic Branch, Signal Corps Procurement District, 35–11 35th Avenue, Long Island City 1, New York (Telephone: Atoria 8–3500).*

Photographic supplies and services incident to the production of motion pictures.

(e) The Signal Corps Procurement District and its branches maintain bidders' lists containing names and addresses of responsible producers and regular dealers in the items listed in paragraph (f). Applications by producers and dealers to have their names placed on such bidders' lists may be made in writing to the Chief, Production Branch, Signal

Corps Procurement District, 1401 Arch Street, Philadelphia 2, Pa., or, Chief, Laboratory Branch, Signal Corps Procurement District, Fort Monmouth, New Jersey; details should be furnished concerning the types of material produced or dealt in, plant capacity or quantities available and other facts showing capability to perform contracts which may be awarded. Invitations to bid are sent by contracting officers only to persons and companies listed on bidders' lists. Other interested parties may inspect copies of invitations which are posted on bulletin boards maintained in the procuring offices and in the Purchase Information Branch, Service, Supply and Procurement Division, WDGS, in The Pentagon Building, Washington, D. C. Drawings and specifications, if available, are supplied to bidders by contracting officers. Invitations to bid are issued in quadruplicate. Bids are required to be completed in acordance with instructions issued with the invitations. One copy of the bid should be retained by the bidder and three copies in a sealed envelope must be submitted to the contracting officer at the place and on or before the hour and date specified in the invitation. Ordinarily, the date of public opening of bids is thirty (30) days after the issuance of invitations. Bidders or their representatives may be present at the public opening of bids.

(f) The Signal Corps Still Picture Library, located in the Pentagon Building, Washington 25, D. C. (Telephone: Republic 6700, Extension 4996), contains a file of approximately 525,000 photographs of ground activities of the Army, both current and historical, which are open for inspection by the public and by interested Government agencies. Prints are available for publication and for commercial purposes upon authorization by the Bureau of Public Relations, War Department Special Staff, Pentagon Building (Telephone: Republic 6700, Extension 4347); prints for private use are also available. Orders for prints should be addressed to "Chief Signal Officer, Attention: Chief, Army Pictorial Service, Pentagon Building, Washington 25, D. C.," with remittance in the form of money orders or certified checks, payable to the Treasurer of the United States, at the following rates:

Size 8 x 10", glossy, 50¢ each.
Size 8 x 10", Matte, 55¢ each.
Size 4 x 5", glossy, 15¢ each.

(g) Central Film Libraries are maintained at the headquarters of each Army Area and the Military District of Washington, and have available and will furnish certain motion picture films to civilian organizations, educational institutions and veterans or veterans' organizations for public exhibition on a nonprofit basis, on loan for periods up to two weeks, without charge other than shipping costs. Available films may be obtained from the Central Film Library serving the area, upon requests addressed as follows:

For Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, New York, to: Commanding General, First Army, New York City. Attention: Signal Officer.

For Pennsylvania, Maryland, Virginia, Ohio, West Virginia, Indiana, Kentucky, to: Commanding General, Second Army, Baltimore, Md. Attention: Signal Officer.

For North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, to: Commanding General, Seventh Army, Atlanta, Ga. Attention: Signal Officer.

For Arkansas, Texas, Oklahoma, New Mexico, Louisiana, to: Commanding General, Fourth Army, San Antonio, Tex. Attention: Signal Officer.

For Illinois, Michigan, Wisconsin, Missouri, Kansas, Iowa, Nebraska, Minnesota, North Dakota, South Dakota, Wyoming, Colorado, to: Commanding General, Fifth Army, Chicago, Ill. Attention: Signal Officer.

For Washington, Oregon, Idaho, Montana, Utah, Nevada, Arizona, California, to: Commanding General, Sixth Army, San Francisco, Calif. Attention: Signal Officer.

For the District of Columbia, and such adjacent territory as may be prescribed from time to time, to: Commanding General, Military District of Washington, Washington 25, D. C. Attention: Signal Officer.

Requests for loan of motion pictures must be accompanied by certificates to the following effect:

(1) That suitable projection equipment and the services of a competent motion picture projector operator are available to the parties requesting the film and that the War Department is not called upon to furnish these facilities.

(2) That the borrower will defray the cost of shipment of the film and agrees to reimburse the Government for such damage to the film, while in its possession, as may necessitate the replacement of the print or any part thereof.

(3) That no admission fee of any sort will be charged for the viewing of the film lent; that the parties borrowing the film will not reproduce it, in whole or in part, and that no exhibition will be given by parties other than those to whom the film is originally entrusted.

(4) That in no event, except where specifically otherwise authorized in advance by the War Department, will a distribution fee or license fee for the film be charged to any party in any manner connected with the transaction.

(5) That the prints of the subject picture or similar films on the same subject are not available from any commercial source.

(6) That the loan will be made for not more than a two-weeks period.

(h) *The Alaska Communication System* is organized with headquarters at 517 Federal Building, Seattle 4, Washington, and communication operating centers at Seattle and in principal towns and cities in the Territory of Alaska.

(1) The Alaska Communication System provides point to point telephone, telegraph, and telephoto service between the United States and the Territory of Alaska and between certain cities and towns within the Territory of Alaska for the War Department, other departments and agencies of the U. S. Government, the Government of the Territory of Alaska, the general public, newspapers, and radio broadcasting stations in Alaska.

(2) The facilities of the Alaska Communication System interconnect or communicate with other communications facilities in the Territory of Alaska and with certain other communication facilities in the Dominion of Canada for the purpose of furnishing communication services through such other facilities. Radiotelephone facilities of the Alaska Communication System interconnect with commercial telephone facilities at Seattle, Washington, to provide telephone service between Alaska and all points in the United States and in foreign countries which are served through such commercial telephone facilities. Telegraph messages between points in Alaska and the United States and between points in Alaska and foreign countries (except points in Canada which are ordinarily served through interconnecting or direct facilities with the Alaska Communication System), are transferred between the Alaska Communication System and commercial telegraph facilities at Seattle, Washington.

(3) Information regarding telephone and telegraph services available between the United States and points in Alaska and rates and charges for such services may be obtained at the headquarters office of the System in Seattle, from commercial telephone and telegraph companies in the United States, and any communication center of the System in Alaska.

ORDNANCE DEPARTMENT

§ 2.141 *Function of Ordnance Department.* (a) The function of the Ordnance Department is to develop, design, manufacture, procure, store, maintain for and supply to the Army such equipment and supplies as are assigned to the Ordnance Department for procurement, in such quantities and at such times as are required to meet the directives of higher authority; and to train and furnish specialized Ordnance troops to Army Areas and units of the field forces. The major types of items procured by the Ordnance Department include tanks, self-propelled mounts, motor combat and transport vehicles, all general purpose motor vehicles and trailers, explosives (including materials and components thereof), artillery and its ammunition, fire-control instruments, small arms and their ammunition, aircraft armament and its ammunition, bombs of all types, grenades, pryotechnics, mine equipment, guided missiles, rockets and projectors therefor, and spare parts. In addition, it procures other Ordnance matériel and raw materials, ingredients and facilities, including machine tools and other tools and equipment necessary for their production and maintenance, and conducts research and development activities pertaining to the types of matériel assigned.

(b) *Responsibility of the Chief of Ordnance.* (1) Furnish technical and administrative advice and recommendations to the Secretary of War, the Under Secretary of War and the Chief of Staff.

(2) Prepare plans, estimates and orders affecting Ordnance Department matters.

(3) Compute for the War Department requirements for matériel and supplies in accordance with the mobilization schedule.

(4) Supervise procedures relating to standardization of Ordnance matériel

and equipment, and the coordination of these matters within the Army with the Navy and with friendly foreign powers.

(5) Formulate broad plans, policies, and programs for industrial mobilization of Ordnance matériel, supplies, resources, and facilities to support War Department plans for industrial mobilization.

(6) Make assignment of Ordnance personnel in bulk allotments.

(7) Exercise Army-wide technical supervision of Ordnance activities.

(8) Formulate and establish Ordnance procedures and standards concerning Ordnance service within the Army.

(9) Train and furnish specialized Ordnance troops to the Army.

(10) Command Ordnance Class II Installations.

(11) Mobilize and train Ordnance units until assigned to major commands; train all Ordnance officers; establish and operate schools, training centers, and facilities for the technical training of all Ordnance enlisted personnel.

(12) Prepare plant layouts and operate munitions plans assigned to the Ordnance Department.

(13) Develop, design, procure, store, dispose, maintain and supply to the Army such equipment and supplies as are assigned to the Ordnance Department in such quantities and at such times as are required.

(c) *Organization of Ordnance Department.* (1) The Ordnance Department is organized as follows:

(i) Office of the Chief of Ordnance, consisting of the:

(*a*) Executive Office (located in The Pentagon, Washington 25, D. C.).

(*b*) Advisory Staff.

(*c*) Five Staff Divisions, namely, the Legal, Budget and Fiscal, Civilian Personnel, Safety and Security, and Office Service Divisions (The Pentagon, Washington 25, D. C.).

(*d*) Military Service, to which is attached the Ordnance Department Board. Under the direction of the Chief, Military Service (The Pentagon, Washington 25, D. C.).

(*e*) Research and Development Service. Under the direction of the Chief, Research Service (The Pentagon, Washington 25, D. C.).

(*f*) Industrial Service. Under the direction of the Chief, Industrial Service (The Pentagon, Washington 25, D. C.).

(*g*) Field Service. Under the direction of the Chief, Field Service (The Pentagon, Washington 25, D. C.).

(ii) Ordnance Department field installations. These consist of Decentralized suboffices, Ordnance District offices, Arsenals, Depots, Proving Grounds et cetera.

DECENTRALIZED SUBOFFICES

Artillery Development Service Suboffice—ORDTP—Franklin Institute, Philadelphia, Pa.

Inspection Gage Suboffice—ORDIG—238 East Wyoming Ave., Philadelphia, Pa.

Office of the Field Director of Ammunition Plants—ORDLY—Joliet, Ill.

Research and Development Service Suboffice (Rocket)—ORDTF—Fort Bliss, Tex.

Research and Development Service Suboffice — (Executive) — ORDTE — 150 South Broad Street, Philadelphia 2, Pa.

Research and Development Service Suboffice (Ammunition)—ORDTI—Massachusetts Institute of Technology, Cambridge, Mass.

Research and Development Service Suboffice—(Rocket)—ORDTV—California Institute of Technology, Pasadena 4, Calif.

ORDNANCE DISTRICT OFFICES

First Army Area, Governors Island, New York 4, N. Y.

Second Army Area, U. S. Post Office and Courthouse, Baltimore 2, Md.

Third Army Area, Post Office Building, Atlanta 3, Ga.

Fourth Army Area, Fort Sam Houston, Tex.

Fifth Army Area, Civic Opera Building, 20 North Wacker Drive, Chicago 6, Ill.

Sixth Army Area, Presidio of San Francisco, Calif.

Philadelphia District: This district embraces the State of Delaware, the counties of Tioga, Lycoming, Union, Mifflin, Juniata, Perry, Cumberland, and Adams and the counties of Mercer, Burlington, Ocean, and all counties south thereof in the State of New Jersey; and the District of Columbia, the States of Virginia, North Carolina and South Carolina, and the State of Maryland, with the exception of Garrett and Allegheny counties. The city of Bristol, Va.-Tenn., is omitted from this district.

Pittsburgh District: This district embraces the State of West Virginia; the counties of Potter, Clinton, Center, Huntington, and Franklin, and all counties west thereof (except Erie, Crawford, and Mercer), in the State of Pennsylvania, the counties of Garrett and Allegheny in the State of Maryland; and the counties of Belmont and Jefferson in the State of Ohio.

Rochester District: This district embraces the counties of Rensselaer, Albany, Schoharie and Delaware, and all counties of north and west thereof in the State of New York.

St. Louis District: This district embraces the States of Colorado, Kansas, Nebraska, Missouri, Arkansas, Oklahoma, Texas and New Mexico, and the counties of Adams, Schuyler, Cass, Morgan, Macoupin, Montgomery, Christian, Shelby, Cumberland, Jasper and Crawford, and all counties south of these in the State of Illinois.

San Francisco District: This district embraces the States of Montana, Wyoming, Utah, Arizona, Idaho, Washington, Oregon, California, and Nevada.

Springfield District: This district embraces the State of Connecticut and the counties of Franklin, Hampshire, Hampdon and Berkshire in Massachusetts. The town of Orange, Mass., is included in this district.

ORDNANCE ESTABLISHMENTS

Aberdeen Proving Ground—ORDBG—Aberdeen Proving Ground, Md. Proof of equipment and ammunition.

Aberdeen Ordnance Depot—Aberdeen Proving Ground, Md. General supplies and ammunition storage.

Ordnance Training Center—Aberdeen Proving Ground, Md.

Ordnance Research and Development Center—Aberdeen Proving Ground, Md.

Ordnance School — Aberdeen Proving Ground, Md.

Alabama Ordnance Works — ORDBK—(Stand-by) Sylacauga, Ala. Smokeless Powder, DPA, DMA, tetryl, oleum, TNT, DNT, and sellite.

Anniston Ordnance Depot—ORDKB—Anniston, Ala. Ammunition and general supplies storage.

Arkansas Ordnance Plant—ORDCQ—(Surplus) Little Rock, Ark. Loading.

Atlanta Ordnance Depot—ORDMA—Atlanta, Ga. General supplies.

Ordnance Automotive School—Atlanta Ordnance Depot, Atlanta, Ga.

Ordnance Unit Training Center—Atlanta Ordnance Depot, Atlanta, Ga.

Augusta Arsenal—ORDJB—Augusta, Ga. General supplies.

Badger Ordnance Works—ORDBX—(Surplus) Baraboo, Wis. Smokeless powder.

Belle Meade General Depot, Ordnance Section—Belle Meade, N. J.

Benicia Arsenal—ORDJC—Benicia, Calif. General supplies and ammunition storage.

Stockton Sub-Depot, Benicia Arsenal, Stockton, Calif. General supplies.

Black Hills Ordnance Depot—ORDKC—Igloo, S. Dak. Ammunition and general supply storage.

Blue Grass Ordnance Depot—ORDKD—Richmond, Ky. Ammunition and general supplies storage.

Carteret Sub-Post, Raritan Arsenal—Carteret, N. J. (See Raritan Arsenal.)

Casad Ordnance Depot—ORDWA—New Haven, Ind. General supplies.

Charleston Ordnance Depot (Liberty Hall Backup Storage Area)—ORDWC—Charleston, S. C. Ammunition storage.

Cherokee Ordnance Works—ORDLB—(Stand-by) Danville, Pa. Formaldehyde, hexamine.

Columbus General Depot, Ordnance Section—Columbus 15, Ohio. General storage.

Cornhusker Ordnance Plant—ORDCS—Grand Island, Nebr. Loading.

Cressona Sub-Depot, Letterkenny Ordnance Depot—Cressona, Pa. (See Letterkenny Ordnance Depot).

Curtis Bay Ordnance Depot—ORDJF—South Baltimore 26, Md. Ammunition storage.

Dayton Powder Plant—ORDDG—(Stand-by) Dayton, Ohio. Manufacture of molded composite propellant, loading of jet propulsion units.

Delaware Ordnance Depot—ORDJG—Pedricktown, N. J. Ammunition storage.

Detroit Arsenal—ORDMX—Center Line, Mich. Combat and all general purpose vehicles and supplies.

Edgewood Arsenal Ordnance Assembly Plant—ORDDQ—Edgewood, Md. Chemical shell assembly.

Erie Ordnance Depot—ORDJH—Lacarne, Ohio. General supplies and artillery storage.

Fort Crook Ordnance Depot—ORDMQ—Fort Crook, Nebr. General supplies.

Fort Wayne Ordnance Depot—ORDMW—Fort Wayne, Detroit 32, Mich. General supplies.

Fort Worth QM Depot, Ordnance Section—Fort Worth, Tex.

Frankford Arsenal — ORDBA — Bridesburg Station, Philadelphia 37, Pa. Fire control instruments, small arms ammunition, and artillery ammunition.

Frankford Ordnance Depot—Philadelphia 37, Pa. Fire control instruments and parts, tools and accessories of fire control instruments and antiaircraft artillery.

Green River Ordnance Plant—ORDCU—(Surplus) Dixon, Ill. Loading.

Gulf Ordnance Plant—ORDLE—(Surplus) Aberdeen, Miss. Loading.

Holston Ordnance Works—ORDLA—(Stand-by) Kingsport, Tenn. RDX.

Illinois Ordnance Plant—ORDCV—Carbondale, Ill. Loading.

Indiana Arsenal — ORDBZ — (Stand-by), Charlestown, Ind. (Combining Hoosier Ordnance Plant and Indiana Ordnance Works). Smokeless powder, DMA, DPA.

Jefferson Proving Ground Sub-Post Indiana Arsenal—Madison, Ind. Proof of equipment and ammunition (Stand-by).

Iowa Ordnance Plant—ORDCW—(Stand-by), Burlington, Iowa. Loading.

Jefferson Proving Ground Sub-Post, Indiana Arsenal—Madison, Ind. (See Indiana Arsenal).

Joliet Arsenal — ORDCT — (Stand-by) — Joliet, Ill. (Combining Elwood Ordnance Plant and Kankakee Ordnance Works). Loading, DNT, TNT, tetryl, lead azide, oleum.

Kansas Ordnance Plant—ORDCX—(Stand-by) Parsons, Kans. Loading.

Keystone Ordnance Works—ORDBN—(Surplus) Meadville, Pa. TNT, oleum.

Kingsbury Ordnance Plant—ORDCY—(Stand-by) LaPorte, Ind. Loading.

Lake City Arsenal—ORDCM—Independence, Mo. (Stand-by). Small Arms ammunition.

Letterkenny Ordnance Depot—ORDKE—Chambersburg, Pa. Ammunition and general supplies storage.

Cressona Sub-Depot, Letterkenny Ordnance Depot—Cressona, Pa. General supplies.

Susquehanna Sub-Depot, Letterkenny Ordnance Depot—Williamsport 52, Pa. Ammunition storage.

Lima Ordnance Depot—ORDLT—Lima, Ohio. General Supplies.

Lincoln Ordnance Depot—ORDWF—Springfield, Ill. General supplies.

St. Louis Ordnance Sub-Depot, St. Louis, Mo.

Longhorn Ordnance Works—ORDBP—Marshall, Tex. (Stand-by). TNT.

Lordstown Ordnance Depot—ORDWB—Warren, Ohio. General supplies.

Louisiana Ordnance Plant—ORDDA—(Stand-by) Shreveport, La. Loading .

Maumelle Ordnance Works—ORDDS—(Stand-by) Little Rock, Ark. Ammonium picrate.

Milan Arsenal—ORDDH—(Stand-by) Milan, Tenn. (Combining Wolf Creek Ordnance Plant & Milan Ordnance Depot). Ammunition loading, renovation and storage.

Mississippi Ordnance Plant—ORDDK—(Surplus) Jackson, Miss. Bag Loading plant.

Morgantown Ordnance Works—ORDCF—(Stand-by) Morgantown, W. Va. Ammonia, hexamine, methanol.

Mount Rainier Ordnance Depot—ORDML—Tacoma, Wash. (Freight address: Mobase, Wash.) General supplies.

Ordnance Automotive School—(Stand-by)—Mt. Rainier Ordnance Depot, Tacoma, Wash.

Nansemond Ordnance Depot—ORDJK—Portsmouth, Va. Ammunition storage.

Navajo Ordnance Depot—ORDKG—Flagstaff, Ariz. Ammunition storage.

Nebraska Ordnance Plant—ORDDB—(Stand-by) Wahoo, Nebr. Loading plant.

New Cumberland General Depot, Ordnance Section—New Cumberland, Pa. Ammunition and general supplies.

New River Ordnance Plant—(Surplus) Radford, Va. (See Radford Arsenal. All mail sent to that establishment.)

Ogden Arsenal—ORDJM—Ogden, Utah. Ammunition and general supply storage.

Ohio River Ordnance Works—ORDCG—Henderson, Ky. Ammonia.

Ordnance Automotive School—Mt. Rainier Ordnance Depot, Tacoma, Wash. (See Mt. Rainier Ordnance Depot.)

Ordnance Research and Development Center, Aberdeen Proving Ground, Md. (See Aberdeen Proving Ground.)

Ordnance Automotive School—Atlanta Ordnance Depot, Atlanta, Ga. (See Atlanta Ordnance Depot.)

Ordnance School—Aberdeen Proving Ground, Md. (See Aberdeen Proving Ground.)

Ordnance Training Center—(See Aberdeen Proving Ground).

Ordnance Unit Training Center—Red River Arsenal, Texarkana, Tex. (See Red River Arsenal.)

Pantex Ordnance Plant—ORDDD—(Surplus) Amarillo, Tex. Loading.

Picatinny Arsenal—ORDBB—Dover, N. J. Smokeless powder, high explosives, and ammunition loading.

Plum Brook Ordnance Works—ORDBR—(Surplus) Sandusky, Ohio. DNT, TNT, pentolite.

Pueblo Ordnance Depot—ORDKI—Pueblo, Colo. General supplies and ammunition storage.

Radford Arsenal — ORDCS — (Stand-by) Radford, Va. Pentolite, D. B. powder, smokeless powder, and oleum.

Ordnance Unit Training Center—Atlanta Ordnance Depot, Atlanta, Ga. (See Atlanta Ordnance Depot.)

New River Ordnance Plant—Radford, Va. Bag Loading.

Raritan Arsenal—ORDJR—Metuchen, N. J. General supplies and ammunition storage.

Carteret Sub-Post, Raritan Arsenal, Carteret, N. J.

Ravenna Arsenal — ORDSB — (Stand-by) Apco, Ohio. (Combining Ravenna Ordnance Plant and Portage Ordnance Depot.) Loading and Storage.

Red River Arsenal—ORDKJ—Texarkana, Tex. General supplies and ammunition storage.

Ordnance Unit Training Center—Red River Arsenal, Texarkana, Tex.

Redstone Arsenal—ORDDW—(Stand-by)—Huntsville, Ala. Demolition blocks, bursters, chemical shells, grenades.

Rock Island Arsenal—ORDBC—Rock Island, Ill. Gun carriages and recoil mechanisms.

Rock Island Ordnance Depot—Rock Island, Ill. Gun carriage and combat vehicle storage.

Rossford Ordnance Depot—ORDWD—Toledo 1, Ohio. General supplies.

St. Louis Ordnance Sub-Depot, St. Louis, Mo. (See Lincoln Ordnance Depot.)

San Antonio Arsenal—ORDJT—San Antonio 6, Tex. Ammunition and general supplies storage.

Sangamon Ordnance Plant—ORDDF—(Surplus) Springfield, Ill. Loading Plant.

San Jacinto Ordnance Depot—ORDKK—Houston 1, Tex. Ammunition storage.

Savanna Ordnance Depot—ORDJU—Proving Ground, Ill. Ammunition, shell loading and general supplies.

Schenectady General Depot, Ordnance Section—Schenectady, N. Y. Ammunition and general supplies.

Seneca Ordnance Depot—ORDKL—Romulus, N. Y. General supplies and ammunition storage.

Sierra Ordnance Depot—ORDKM—Herlong, Calif. General supplies and ammunition storage.

Sioux Ordnance Depot—ORDKN—Sidney, Nebr. General supplies and ammunition storage.

Southwestern Proving Ground—ORDBJ—(Surplus) Hope, Ark. Proof of equipment and ammunition.

Springfield Armory—ORDBD—Springfield 1, Mass.

Springfield Ordnance Depot—Springfield, Mass. Small arms storage.

Stockton Sub-Depot Benicia Arsenal—ORDMB—Stockton, Calif. General supplies. (See Benicia Arsenal).

Submarine Mine Depot—ORDSM—Ft. Monroe, Va. Development and manufacture of submarine mines and supplies.

Sunflower Ordnance Works—ORDKT—(Stand-by) Lawrence, Kans. Smokeless powder and oleum.

Susquehanna Ordnance Sub-Depot, Letterkenny Ordnance Depot—Williamsport 52, Pa. (See Letterkenny Ordnance Depot).

Terre Haute Ordnance Depot—ORDWE—Terre Haute, Ind. General supplies.

Tooele Ordnance Depot—ORDKO—Tooele, Utah. General supplies and ammunition storage.

Twin Cities Arsenal—ORDCO—(Stand-by) Box 689, Minneapolis 1, Minn. Small arms ammunition.

Umatilla Ordnance Depot—ORDKP—Ordnance, Oreg. Ammunition storage.

Utah General Depot, Ordnance Section—Ogden 8, Utah.

Volunteer Ordnance Works—ORDBT—(Stand-by) Box 1748, Chattanooga 1, Tenn. TNT, oleum.

Wabash River Ordnance Works—ORDDY—(Stand-by) Newport, Ind. RDX and compositions B, C–2, and C–3.

Watertown Arsenal—ORDBE—Watertown 72, Mass. Gun carriages and forgings.

Watertown Ordnance Depot—Watertown, Mass. Gun carriage and forging storage.

Watervliet Arsenal — ORDBF—Watervliet, N. Y. Cannon.

Watervliet Ordnance Depot—Watervliet, N. Y. Cannon storage.

Weldon Spring Ordnance Works—ORDBU—(Surplus) Weldon Spring, Mo. TNT.

West Virginia Ordnance Works—ORDBV—(Surplus) Point Pleasant, W. Va.

White Sands Proving Ground—ORDBS—Las Cruces, N. Mex.

Wingate Ordnance Depot—ORDKA—Gallup, N. Mex.

GEOGRAPHICAL LOCATIONS

Albama: Albama Ordnance Works, Sylacauga. Anniston Ordnance Depot, Anniston. Birmingham Ordnance District, Birmingham Redstone Arsenal, Huntsville.

Arizona: Navajo Ordnance Depot, Flagstaff.

Arkansas: Arkansas Ordnance Plant, Little Rrock. Maumelle Ordnance Works, Little Rock. Southwestern Proving Ground, Hope.

California: Benicia Arsenal, Benicia. Los Angeles Regional Office, Los Angeles. San Francisco Ordnance District, San Francisco. San Francisco Port of Embarkation, Fort Mason. Sierra Ordnance Depot, Herlong. Stockton Sub-Depot, Benicia Arsenal, Stockton.

Colorado: Pueblo Ordnance Depot, Pueblo.

Georgia: Atlanta Ordnance Depot, Atlanta. Augusta Arsenal, Augusta.

Illinois: Chicago Ordnance District, Chicago. Green River Ordnance Plant, Dixon. Illinois Ordnance Plant, Carbondale; Joliet Arsenal, Joliet. Lincoln Ordnance Depot, Springfield. Rock Island Arsenal, Rock Island. Sangamon Ordnance Plant, Springfield. Savanna Ordnance Depot, Proving Ground.

Indiana: Casad Ordnance Depot, New Haven, Indiana Arsenal, Charlestown. Jefferson Proving Ground, Subpost, Indiana Arsenal, Madison. Kingsbury Ordnance Plant, LaPorte. Terre Haute Ordnance Depot, Terre Haute. Wabash River Ordnance Works, Newport.

Iowa: Iowa Ordnance Plant, Burlington.

Kansas: Kansas Ordnance Plant, Parsons. Sunflower Ordnance Works, Lawrence.

Kentucky: Blue Grass Ordnance Depot, Richmond. Ohio River Ordnance Works, Henderson.

Louisiana: Louisiana Ordnance Plant, Shreveport. New Orleans Port of Embarkation, New Orleans.

Maryland: Aberdeen Proving Ground, Aberdeen. Curtis Bay Ordnance Depot, South Baltimore. Edgewood Arsenal Ordnance Assembly Plant, Edgewood.

Massachusetts: Boston Ordnance District, Boston. Springfield Armory, Springfield. Springfield Ordnance District, Springfield, Watertown Arsenal, Watertown.

Michigan: Detroit Arsenal, Center Line. Detroit Ordnance District, Detroit. Fort Wayne Ordnance Depot, Detroit.

Minnesota: Twin Cities Arsenal, Minneapolis.

Mississippi: Gulf Ordnance Plant, Aberdeen. Mississippi Ordnance Plant, Jackson.

Missouri: Lake City Arsenal, Independence. St. Louis Ordnance District, St. Louis. St. Louis Ordnance Sub-Depot, St. Louis. Weldon Spring Ordnance Works, Weldon Spring.

Nebraska: Cornhusker Ordnance Plant, Grand Island. Fort Crook Ordnance Depot, Fort Crook. Nebraska Ordnance Plant, Wahoo. Sioux Ordnance Depot, Sidney.

New Jersey: Belle Meade General Depot, Ordnance Section, Belle Meade. Carteret Sub-Post, Raritan Arsenal, Carteret. Delaware Ordnance Depot, Pedricktown. Pica-

tinny Arsenal, Dover. Raritan Arsenal, Metuchen.

New Mexico: White Sands Proving Ground, Las Cruces. Wingate Ordnance Depot, Gallup.

New York: New York Ordnance District, New York. New York Port of Embarkation, Brooklyn. Rochester Ordnance District, Rochester. Schenectady General Depot, Ordnance Section, Schenectady. Seneca Ordnance Depot, Romulus. Watervliet Arsenal, Watervliet.

Ohio: Cincinnati Ordnance District, Cincinnati. Cleveland Ordnance District, Cleveland. Columbus General Depot, Ordnance Section, Columbus. Erie Ordnance Depot, Lacarne. Lima Ordnance Depot, Lima. Lordstown Ordnance Depot, Warren. Plum Brook Ordnance Works, Sandusky. Ravenna Arsenal, Apco. Rossford Ordnance Depot, Toledo.

Oregon: Umatilla Ordnance Depot, Ordnance.

Pennsylvania: Cherokee Ordnance Works, Danville. Cressona Subdepot, Letterkenny Ordnance Depot, Cressona. Frankford Arsenal, Philadelphia. Keystone Ordnance Works, Meadville. Letterkenny Ordnance Depot, Chambersburg. New Cumberland General Depot, Ordnance Section, New Cumberland. Philadelphia Ordnance District, Philadelphia. Pittsburgh Ordnance District, Pittsburgh. Susquehanna Sub-Depot, Letterkenny Ordnance Depot, Williamsport.

South Carolina: Charleston Ordnance Depot, Charleston.

South Dakota: Black Hills Ordnance Depot, Igloo.

Tennessee: Holston Ordnance Works, Kingsport. Milan Arsenal, Milan. Volunteer Ordnance Works, Chattanooga.

Texas: Fort Worth Q. M. Depot, Ordnance Section, Forth Worth. Longhorn Ordnance Works, Marshall. Pantex Ordnance Plant, Amarillo. Red River Arsenal, Texarkana. San Antonio Arsenal, San Antonio. San Jacinto Ordnance Depot, Houston.

Utah: Ogden Arsenal, Ogden. Tooele Ordnance Depot, Tooele. Utah General Depot, Ordnance Section, Ogden.

Virginia: Nansemond Ordnance Depot, Portsmouth. New River Ordnance Plant, Radford Arsenal, Radford. Radford Arsenal, Radford. Submarine Mine Depot, Fort Monroe.

Washington: Mount Rainier Ordnance Depot, Tacoma. Seattle Port of Embarkation, Seattle. Seattle Regional Office, Seattle.

West Virginia: Morgantown Ordnance Works, Morgantown. West Virginia Ordnance Works, Point Pleasant.

Wisconsin: Badger Ordnance Works, Baraboo.

Under the direction of the Chief of Ordnance.

(d) *Established places where public may secure information and at which is conducted business of ordnance department.* (See paragraph (c) (ii)).

(e) *Authority to contract.* The Ordnance Department is governed by the Army Regulations and the War Department rules with respect to the authority to contract, the execution of contracts and procedure with respect to procurement which appear in the Code of Federal Regulations, Title 10, Chapter VIII, "Supplies and Equipment", Subchapter A "Procurement". Copies of the Army Regulations, the War Department Procurement Regulations and the Ordnance Procurement Instructions may be viewed, upon application, at the Office, Chief of Ordnance, War Department, Washington, D. C., or at any ordnance Department establishment. (See paragraph (c) supra).

(f) *Delegations of authority, procurement activities.* (1) The Chief of Ordnance designates to contract on behalf of the United States and to make necessary purchases of Ordnance, Ordnance stores and supplies, and the procurement of services, under the direction of the Chief of Ordnance, the persons occupying the following positions:

(i) The Chief of Industrial Service, Office of Chief of Ordnance, Washington, D. C.

(ii) The Chief of Research and Development Service, OCO.

(iii) The Chief of Field Service, OCO.

(iv) The respective Chiefs of the Materiel Divisions of Industrial Service, OCO.

(v) The Chief of each Ordnance District.

(vi) The person in an Ordnance District Office designated by the District Chief as Assistant to the District Chief on procurement.

(vii) The Commanding Officer of all exempted Stations of the Ordnance Department.

(viii) The Commanding Officer of any Ordnance Plant, Works or Depot.

(ix) The Field Director of Ammunition Plants.

(x) The Executive Officer, Office of the Field Director of Ammunition Plants.

(xi) Such individuals as are specifically designated by name by The Chief of Ordnance in appropriate written orders.

The foregoing designation includes such officers or civilian officials of the Ordnance Department who may be temporarily detailed for such duty.

(2) No person not specifically authorized to sign contracts or purchase orders or who does not hold the office where the incumbent of the office has been authorized to sign contracts or purchase orders may sign instruments creating contractual obligations without specific authority of the Chief of Ordnance.

(3) The general dollar-value limitation on placing awards of contracts by subоffices, district offices, arsenals and depots without prior approval of higher authority are:

(i) Awards of less than $100,000 may be made by arsenals, districts, field Director of Ammunition Plants, Matériel Divisions of Office of Chief of Ordnance, Washington, D. C., et cetera.

(ii) Contracting Officers of all Field Service establishments may make awards when not in excess of $10,000. (Awards of $10,000 or more and less than $100,000 are subject to the approval of Chief, Field Service, Office of Chief of Ordnance, Washington, D. C.)

(4) Ordnance Department Order No. 8-46, dated January 23, 1946, as amended by Change 1, thereto, dated April 5, 1946, provides in pertinent part as follows:

(i) Except as otherwise herein provided, the Chief, Industrial Service, will be responsible for all Ordnance Department procurement. In discharging this responsibility he will utilize to the maximum extent possible the facilities of the District offices for maintaining liaison with industry, for developing lists of bidders and sources of supply, for providing inspection services, and for the administration of contracts. The arsenals and depots normally will be utilized to handle procurement up to and including the execution of contracts.

(ii) The Chief, Research and Development service, will be responsible for all procurement in connection with research and development projects, including those items required for service test, and wherever practicable will utilize the facilities of the Industrial Service.

(iii) The Chief, Field Service, will be responsible for local purchases within the meaning of, and as authorized by, War Department Circular Number 310 (1944) and War Department Circular Number 143 (1945), and subsequent publications effecting modifications thereof.

(iv) The Commanding Officer of each establishment under the jurisdiction of the Ordnance Department will be responsible for procurement of services, supplies and material necessary for the operation of his establishment except that, from time to time, the procurement of certain items may be centralized and made the responsibility of one or more establishment.

(g) *Contract appeals.* Where Ordnance Department contracts contain articles or clauses providing for appeals from decisions of contracting officers or other authorities such appeals are governed by the specific provisions of the contract and by the War Department rules and procedures relating to Contract Appeals (Procurement Regulations 318D to 318F) published in the Code of Federal Regulations, Title 10, ch. VIII, Subchapter A, Subpart F "Contract Appeals." The Ordnance Department does not have rules and procedures relating to contract appeals differing from those set forth in the Code of Federal Register to which reference has been made.

(h) *Termination of contracts.* Ordnance Department contracts are subject to termination for the convenience of the United States as provided for by the contract and under the general authority to make contracts and to amend them in the interests of the Government (See: Public Law 703, 76th Cong., as extended, and the First War Powers Act of 1941. See also: the Contract Settlement Act of 1944, i. e.: Public Law 395, 78th Cong.) The Ordnance Department is governed in this field by the Contract Settlement Act of 1944 and by the Joint Termination Regulations which appear in the Code of Federal Regulations, Title 10, Chapter VIII, Subchapter C "Termination of Contracts." Copies of the Joint Termination Regulations may be viewed, upon application, at the Office of the Chief of Ordnance, War Department, Washington, D. C., or at Ordnance Department establishments (see par. 4 supra).

(i) *Claims under section 17 of Contract Settlement Act of 1944.* The authority of the Ordnance Department to receive, process and pass upon claims filed under Section 17 of the Contract Settlement Act of 1944 (Public Law 395, 78th Cong.) is governed by that Act, by Regulation 12 of the Office of Contract Settlement (published in Code of Federal Regulations, PR3, sec. 803, 308h-4, and by the War Department Procurement Regulation 308-H.4.) The authority delegated by Procurement Regulation 308-H.4 has been redelegated (subject to the conditions of that PR) by the Chief of Ordnance to contracting

officers, provided, however, that prior approval of the Chief of Ordnance must be obtained in each case under PR 308–4.4 (1) (CRF sec. 803. 308h–4 (a)) involving payment to the contractor of more than $5,000 by reason of the supplemental agreement or contract to be executed; provided, further, that prior written approval of the Chief of Field Service must be obtained in each case under PR 308–H.4 (1) involving payment to the contractor of $5,000 or less and each case under PR 308–H.4 (3) (CRF sec. 803, 308h–4 (c)) regardless of amount when the action is to be taken by a Field Service establishment. Claims under Section 17 should be filed with the contracting officer at the Ordnance establishment to which was furnished the services, materials or facilities comprising the basis for such claim (see list of Ordnance Department establishments set forth in par. 4 supra). Should a person desiring to file a claim under section 17 of the Contract Settlement Act of 1944 be in doubt as to the proper Ordnance Department establishment at which such claim should be filed, the claim may be mailed to the Office of the Chief of Ordnance, War Department, The Pentagon, Washington 25, D. C., Attention: Legal Division. All claims presented to the Ordnance Department should set forth all pertinent facts clearly and should contain detailed references to dates, places, and persons essential to the establishment of the validity of the claim.

(j) *Claims pursuant to Ordnance Department Contracts.* Each Ordnance Department contract specifies the office to which billings or invoices are to be sent and such contractual provisions govern each case.

(k) *Claims against the United States.* Such claims are governed by War Department claims procedures appearing in the Code of Federal Regulations Title 10, Chapter III entitled "Claims Against the United States."

(l) *Filing.* Unless otherwise specifically provided by the pertinent contract, a statute or War Department rules (see Code of Federal Regulations, Title 10, Chapter VIII), all matters required to be filed with the Ordnance Department and correspondence relating thereto should be addressed and transmitted to the contracting officer of the Ordnance establishment responsible for the contract or activity involved. A list of all Ordnance Department offices and establishments is set forth in paragraph (c) hereof, which in addition to indicating the location of such offices also illustrates the organization of the Ordnance Department (see par. (c) and the general course by which the functions of the Ordnance Department are channeled. Information relative to the proper place at which papers are to be filed may be obtained upon a full disclosure of all of the pertinent facts from any Ordnance establishment listed in paragraph (d) or by addressing the Office of The Chief of Ordnance, War Department, The Pentagon, Washington 25, D. C. Ordnance Procurement Instructions are available for inspection during official business hours at any Ordnance establishment listed in paragraph (d) hereof.

TRANSPORTATION CORPS

§ 2.151 *The Transportation Corps.* The Transportation Corps of the Army has as its central agency the Office of the Chief of Transportation, War Department, Washington, D. C., and also functions through various field installations within the United States. The following information is supplied thereon.

(a) *Responsibility.* (1) The Chief of Transportation is head of the Transportation Corps and as such is chief transportation officer of the Army and traffic manager for the War Department and is responsible for directing, coordinating and supervising all transportation functions for the War Department and for operating such field activities pertaining to these functions as may be assigned to his command by the War Department.

(2) The Chief of Transportation is a technical staff officer of the War Department and commands the Transportation Corps and in these capacities will:

(i) Render technical and administrative advice and recommendations to the Secretary of War, Chief of Staff, and the War Department General and Special Staffs.

(ii) Prepare plans, estimates, and orders affecting transportation matters or the Transportation Corps, in order to relieve the War Department General and Special Staffs of such routine duties.

(iii) Coordinate with the War Department General and Special Staffs with regard to their operational, administrative, and technical plans and activities.

(iv) Exercise such Army-wide technical supervision of transportation activities and inspections in connection therewith as the Chief of Staff may prescribe.

(v) Command all troops and activities or services assigned to his command by the War Department and exercise the usual functions of command over such troops and activities or services.

(vi) Prepare plans for the transportation requirements of the War Department and advise the Director, Service, Supply and Procurement, WDGS, with respect to transportation problems.

(vii) Represent the War Department in obtaining allocations of shipping from the War Shipping Administration and from the Combined Shipping Adjustment Board, or such other similar organizations as may exist.

(viii) Direct the application of shipping available to the War Department to meet the requirements of the Army and of United States Military missions abroad.

(ix) Prepare and disseminate information regarding the status of troop and freight movements, location of ships, ship movements, and ship and cargo losses pertaining to the Army.

(x) Maintain liaison for the War Department and negotiate with surface commercial carriers, including the railway industry, the commercial motor transportation industry, the commercial shipping industry, including inland waterways and Great Lakes shipping industries, the Office of Defense Transportation, and other United States Government agencies on all matters of surface transportation, including rates, classifications, agreements, and conditions of handling all movements of War Department personnel, freight, and cargo.

(xi) Prepare the budgetary requirements for the movement of War Department freight and exercise staff supervision over the expenditure of these funds to insure the most efficient and economical use thereof.

(xii) Establish the policies and procedures for the operation of the Army ports of embarkation to include those pertaining to direction and coordination of shipping procedures and warehousing and storage functions.

(xiii) Exercise staff supervision and control over the assignment and maintenance of all War Department floating equipment, except stream-crossing equipment and that required for river, harbor, and fortification work under the Chief of Engineers, and rescue boats under the control of the Commanding General, Army Air Forces.

(xiv) Design, procure, and purchase (including inspection) floating equipment for the War Department, except: stream-crossing equipment, and vessels and floating equipment required for river, harbor, and fortification work under the Chief of Engineers, and the design of rescue boats of the Army Air Forces.

(xv) Design, procure, and purchase rail equipment for the War Department.

(xvi) Procure specialized pier and ship cargo handling equipment for the Transportation Corps.

(xvii) Exercise technical staff supervision over the operation of all utility railroads and over the allocation, maintenance, repair, and economical use of all railroad equipment of the War Department.

(xviii) Exercise staff coordination and control over movements of troops and other War Department passengers and all War Department owned and controlled freight and cargo within the Zone of the Interior by commercial motor, rail, water, and air (non-contractual) and to and from oversea theaters by water and by civil air (non-contractual).

(xix) Issues releases under a block system to regulate the movement to ports of Army cargo for export.

(xx) Route all War Department freight of one or more cars and/or the equivalent of one carload or more (as usually loaded) if moved by truck, and all inland movements of troops in groups of fifteen (15) or more.

(xxi) Compute freight rates for procurement officers in the field.

(xxii) Operate the War Department fleet of railroad tank cars.

(xxiii) Exercise staff control over the operation of Army Reservation Bureaus.

(xxiv) Make basic determinations of requirements for administrative and L of C cargo and personnel vehicles, Transportation Corps truck units and related equipment to meet the needs of the War Department.

(xxv) Exercise staff control over the allocation and utilization of administrative vehicles (as defined in War Department Circular 139, 1945) and first and second echelon maintenance thereof, except for the Army Air Forces.

(xxvi) Provide the War Department with traffic and transportation engineering service (except air), including the determination of foreign and domestic transportation capabilities and requirements.

(xxvii) Formulate plans, policies, and technical methods governing the training of personnel engaged in transportation activities, except air, and except those assigned by the War Department to other commands for supervision.

(xxviii) Command and operate ports of embarkation, the Transportation Corps Board, Transportation Corps Supply Depot, Transportation Corps Railroad Repair Shops, and the Transportation Training Center.

(3) The Chief of Transportation is Coordinator for the War Department with the Office of Commissioner of Customs on all matters of War Department interest.

(4) The Chief of Transportation is the delegated agent of the Secretary of War for the administration and supervision of all marine personnel affairs of the War Department.

(b) *Organization.* The subdivisions of the Office of the Chief of Transportation and their functions are listed as follows:

(1) *Assistant Chief of Transportation.* Assists the Chief of Transportation in formulating plans and policies, and directing their execution, with principal duties of general supervision of military training, military personnel, civilian personnel, staff services (legal, fiscal, and facilities), supply and procurement, research and development activities.

(2) *Assistant Chief of Transportation.* Assists the Chief of Transportation in formulating plans and policies and directing their execution, with principal duties of general supervision of planning, intelligence, and movements; commercial traffic; water, highway, and railway transportation activities.

(3) *Executive.* Acts on matters which in his judgment do not require the personal attention of the Chief of Transportation; coordinates matters involving two or more divisions; relieves the Chief of Transportation of administrative burdens; and supervises activities of the Historical, the Technical Information, and the Personnel Authorization Units.

(4) *Assistant Executive (Control).* Examines statistical and other reports from operating divisions, field agencies, and other services for the purpose of detecting deteriorating conditions or potential danger spots within the Transportation Corps, and comparing operating efficiency to that of other services; examines and recommends action to be taken on reports of Inspectors General and other similar officials; makes recommendations to the Chief of Transportation with a view to improving methods and performance of the Transportation Corps; supervises the Reports Control Program for the Transportation Corps; acts for the Chief of Transportation in coordinating control requirements of higher headquarters within the Office of the Chief of Transportation; prepares such statistical progress reports as may be required by higher authority; and reviews and coordinates all new or revised statements of missions and functions of all elements of the Transportation Corps.

(5) *Technical Information Officer.* Provides direct liaison between the Transportation Corps, the War Department Chief of Public Information, and the Public Relations Division, WDSS; in accordance with War Department policies and with the approval of the Public Relations Division, WDSS; formulates public relations plans, programs, and policies for the Transportation Corps, and performs staff functions of planning and recommending public relations activities of the Transportation Corps field installations; and collects and prepares information material pertaining to the activities of the Transportation Corps for dissemination to the public through the Public Relations Division, WDSS.

(6) *Military Training Division.* Formulates doctrines and programs for technical training; formulates plans for and exercises staff supervision over all training of Transportation Corps units, individuals, and schools, and provides facilities for all training for which the Chief of Transportation is assigned direct responsibility by the War Department; acts as liaison between Transportation Corps field installations and the technical services in the recommendation and procurement of training equipment; prepares and processes Tables of Organization, Equipment, and Allowances, and special lists of personnel and equipment for Transportation Corps units and installations; prepares and processes mobilization training programs for Transportation Corps type units; conducts authorized training inspections of Transportation Corps organizations to determine administrative and operational efficiency; plans, develops, and prepares that part of War Department "Troop Basis" pertaining to the Transportation Corps, and makes special studies and plans for the employment of Transportation Corps troops in theaters of operation; and provides staff action or liaison, as required, at technical service level, and gives appropriate assistance to the field on matters pertaining to information and education, special services, and personal affairs.

(7) *Military Personnel Division.* Formulates personnel plans and policies as they relate to all military personnel of the Transportation Corps, and performs all operations relating to the procurement, classification, reclassification, assignment, transfer, detail, retirement, separation, promotion, and demotion of all military personnel of the Transportation Corps, and maintains appropriate records therefor.

(8) *Industrial Personnel Division.* Formulates plans, policies, and programs for and supervises the administration of all civilian manpower affairs for the Transportation Corps; exercises responsibility for all phases of personnel management governing appointments, classification and wage administration, training, placement, employees' relations, welfare, health and safety of all civilian personnel; acts for the War Department in developing and directing plans, programs, and policies governing the administration of all civilian marine personnel engaged on vessels operated by the War Department, both within the continental limits of the United States and overseas, and in connection therewith develops regulations and procedures for and directs the administration of such personnel, including appointments, pay, marine allowances, insurance, bonus, uniforming for training and discipline, and determines the degree to which the War Department may adhere to the prevailing practices of the maritime industry; develops regulations and exercises staff supervision over ports of embarkation in their responsibility for the processing and finalizing of all civilians, both of the War Department and other agencies, en route to overseas stations and returning to the United States upon completion of their overseas employment; develops policies with respect to labor relations pertaining to national maritime unions, stevedore and longshore unions, and, in time of emergencies when the Transportation Corps is directed to operate transortaton facilities, develops labor relation policies in connection with the operation of such transportation facilities; develops, drafts, and proposes legislation to carry out improved procedures and policies with respect to civilian marine personnel; represents the War Department in conferences, meetings, institutes, etc., involving marine personnel serving on War Department vessels; and determines the necessity for and recommends the establishment, as may be required, of marine personnel schools for the training of officers, petty officers, and men who constitute the civilian marine personnel of the War Department developing and establishing therefor all administration regulations and procedures.

(9) *Research and Development Division.* Exercises staff control for the Chief of Transportation over the prosecution of research, development, and engineering projects relating to transportation equipment for which the Chief of Transportation is responsible.

(10) *Supply Division.* Exercises staff supervision over the Transportation Corps supply control system and compiles and prepares requirements of items of equipment and supply for the Transportation Corps, including that required for international and interservice use; exercises staff supervision at War Department level over the storage and issue of all Transportation Corps supplies and equipment (except wet storage items of floating equipment) and over all storage-maintenance activities of the Transportation Corps (except marine and rail repair shops); procures all Transportation Corps equipment and supplies and serves as the control agency for production of such equipment and supplies; exercises staff supervision over the termination and settlement of procurement contracts, the distribution and disposition of excess or surplus Transportation Corps property (except floating equipment), and over the salvage activities of the Transportation Corps; and renegotiates contracts assigned to the Transportation Corps by the War Contracts Price Adjustment Board in accordance with policies prescribed in the Renegotiation Act of 1942,

as amended by the Renegotiation Act of 1943.

(11) *Legal Division.* Provides legal advice and services to all divisions of the Office of the Chief of Transportation; supervises, controls, and coordinates the legal activities of Transportation Corps field installations; performs necessary liaison in all matters of legal or legislative nature; provides legal advice and services with respect to labor relations and laws; and exercises staff supervision over contracting procedures.

(12) *Fiscal Division.* Exercises staff supervision over all fiscal activities of the Transportation Corps, and established methods and procedures therefor; and coordinates and renders advice on all matters pertaining thereto.

(13) *Facilities and Security Division.* Coordinates and processes actions pertaining to the procurement and disposal of facilities for field activities of the Transportation Corps; supervises housekeeping activities and space utilization at such installations; coordinates and controls internal security, safety, fire prevention and protection activities at all Transportation Corps installations; and exercises staff supervision over and coordinates the Food Service Program aboard vessels under control of the Chief of Transportation.

(14) *Planning, Intelligence, and Movements Division.* Initiates, coordinates, and prepares long-range transportation plans; prepares estimates and forecasts of transportation resources and requirements, and evaluates operational plans in the light of such resources and requirements; compiles, evaluates, and disseminates positive intelligence on foreign and domestic surface transportation systems; provides representation for the Chief of Transportation and coordinates the work of other divisions of the Office of the Chief of Transportation on committees and subcommittees of agencies of the Combined and Joint Chiefs of Staff; maintains liaison with transportation planners of the Navy and with other Government transportation planners as required; acts as Top Secret Control Officer for the Office of the Chief of Transportation; exercises staff supervision over CIC activities at ports of embarkation; and exercises staff supervision and control over movements of troops and other War Department passengers and all War Department-owned and controlled freight and cargo, requiring coordination between various modes of transportation, to and from overseas theaters and within the Zone of the Interior.

(15) *Commercial Traffic Service.* (i) Directs, supervises, and administers all commercial traffic affairs of the War Department within the continental limits of the United States, as well as coastwise and intercoastal, including the routing of all War Department freight and all troop movements by commercial means of transport; and, in connection with the transportation of Army personnel and cargo by air, maintains direct liaison with civil airlines in arranging for air movements which do not involve the negotiation of a contract, obtains proper safety clearances from the Commanding General, Army Air Forces, prior to utilization of any civil air carriers, issues instructions to post, camp, base, and station transportation officers concerning policies and procedures to be followed in connection with the movement by air of fifteen (15) or more individuals and shipments of 1,000 pounds or more, and movements which involve contractual arrangements, and maintains direct liaison with the Commanding General, Army Air Forces on planned movements by air involving contractual arrangements; establishes freight classification and prepares freight billing guide for all War Department matériel.

(ii) Negotiate joint traffic agreements and investigates performance thereunder; prepares for publication War Department Commercial Traffic Bulletin No. 2 governing terminal routing to all Army installations, and List of Approved Freight Forwarders, processing matters regarding utilization of Freight Forwarders; arranges with toll bridge companies for reduced rates.

(iii) Prepares itineraries, furnishes rate and routing information for travel of individuals; prepares rate information for rate investigations; investigates all special service charges; furnishes advice pertaining to travel of dependents on permanent change of station, and approves dependent travel under the Missing Persons Act; acts on cases pertaining to adjustments in carriers' bills relative to loss of tickets and transportation requests; investigates service furnished and conduct of military personnel while travelling. Maintains close liaison with the Association of American Railroads in connection with routing and placing railroad equipment for troop movements; arranges for diversions and consolidations when and where necessary.

(iv) Furnishes routes for and distributes the movement of War Department freight shipments, via all commercial transportation means, except air; controls and regulates the flow of export traffic to ports of embarkation, and to all Zone of Interior installations; traces, reconsigns, expedites, holds in transit and diverts War Department shipments for all arms and services, and authorizes special train movements for such traffic as required.

(v) Conducts studies of rate adjustments and related matters affecting movement of War Department property, and negotiates with carriers, direct and through their committees, as to rates, rules, regulations, or accessorial charges; analyses, negotiates with the carriers' committees, and promulgates all changes in classification ratings, rules, descriptions and interprets officially the freight classification, both rail and motor.

(16) *Water Transport Service.* Develops and puts into effect plans required to insure that all necessary water transportation facilities and services are provided and that vessels are satisfactorily fitted for the movement to and from overseas of troops and cargo with which the War Department is concerned; coordinates and controls all vessels allocated to the War Department by the War Shipping Administration or other governmental agencies and all Army-owned and chartered transports, including the movement of military passengers and cargo thereby and by commercial vessels; procures, assigns, and exercises staff supervision over maintenance of all harbor vessels, except those under control of the Chief of Engineers, and except the assignment of mine-laying and mine-tending vessels; recommends measures to be taken in the procurement of used vessels, and the design of new vessels; exercises staff supervision over marine repair shops and over the disposition of excess and surplus floating equipment; and coordinates and supervises all matters pertaining to the movement overseas of dependents, their household goods, baggage, and automobiles, as well as all other War Department casual passengers, via both Army Transports and commercial vessels.

(17) *Highway Transport Service.* Makes basic determination of the requirements for administrative and L of C cargo and personnel vehicles, Transportation Corps truck units, and related equipment to meet the needs of the Transportation Corps; exercises staff supervision over the allocation, utilization, and first and second echelon maintenance of administrative vehicles (as defined in War Department regulations) at Class I and II installations; exercises staff supervision over the assignment of all bases to be used pursuant to Public Law No. 779, 77th Cong., as amended by Public Law No. 338, 79th Cong.; provides the War Department with highway transportation engineering services, including determination of foreign and domestic highway transportation capabilities and requirements; prepares and maintains current transportation studies of highway transportation systems throughout the world; initiates research projects on related subjects, and maintains liaison with appropriate agencies; and develops fundamental training doctrine and prepares technical instructions, manuals, and other publications pertaining to highway transportation.

(18) *Military Railway Service.* (i) Develops and effects plans for the War Department that involve the operation of railway services and facilities for the movement of troops and supplies; selects the officer personnel for and reviews organization and training doctrine of military railway service units; establishes equipment characteristics and requirements for War Department railway projects in all theaters; and exercises staff supervision over the operation and equipment maintenance of all War Department utility railways and over the operation of Transportation Corps railroad repair shops.

(ii) Negotiates contracts with railway operating and equipment companies for services pertaining to the technical training of units of the Military Railway Service; authorizes major repairs to be made to War Department railway equipment at common carrier railway or contract repair shops, and reviews all bills for interchange repair service.

(iii) Reviews and makes recommendations concerning applications for abandonment of lines of common carriers, and maintains a current map of all operating lines in the United States.

(c) *Field installations.* The following field installations operate under the

direct command and jurisdiction of the Chief of Transportation and have missions and responsibilities as outlined:

(1) *Ports of embarkation.*

(i) *Headquarters.* Set up, receive, prepare for shipment, and transport supplies, material, and equipment; supply, embark, debark, and transport military personnel, process for overseas movement and transport civilian personnel; and control military traffic between the port and overseas bases and commands.

(ii) *Separate commands and installations.*—(*a*) *Staging areas.* Receive, inspect, process, supply, train, and evacuate troops for the port commanders.

(*b*) *Overseas replacement depots.* Insure that Army replacements, filler, and casual personnel, moved overseas are organized and fully qualified and equipped for overseas service in accordance with War Department Directives.

(*c*) *Subports.* Perform functions similar to those of the headquarters port.

(2) *Transportation Corps supply depots and Transportation Corps sections of general depots.* Receive, store, maintain, and distribute Transportation Corps supplies.

(3) *Transportation Corps Board.* Plans, coordinates, and executes all assigned engineering work of research, development, experimentation, testing, standardization and preparation of plans and specifications necessary to produce improved transportation equipment or methods, to determine the value of equipment or methods submitted for examination from outside sources, and for the production of Transportation Corps equipment and its components.

(4) *Transportation Corps railroad repair shops.* Make all third, fourth, and fifth echelon repairs to War Department-owned railroad equipment, except at those installations where facilities for such echelons of repair exist; and performs first and second echelon maintenance for railroad equipment operated or domiciled at stations where they are located, in accordance with mutual agreements between the commanding officer of the Railroad Repair Shop and the commanding officer of the installation.

(5) *Transportation Training Center.* Conducts such training as may be required for officers and enlisted men for all components of the Army and for civilian personnel, instructs officers of all components of the Transportation Corps as well as officers from other arms and services in regulation and control of transportation; provides prescribed courses for officers including, but not limited to basic course, advanced officers' course, and ROTC instructor orientation; trains officer candidates for commissions in the Transportation Corps; provides courses for enlisted personnel, including, but not limited to basic course, noncommissioned officers' course, advanced enlisted technical course, which includes: cargo handling, harbor craft hull repair and maintenance, highway operations, marine engines, piloting and seamanship, rail maintenance, rail operating, and rail shop operation; provides necessary courses for civilian marine crews as required; prepares and administers Army extension courses; and prepares and revises field and technical manuals for the Transportation Corps.

(d) *Transportation officers.* Transportation officers of field installations, posts, camps and stations are members of the staffs of their respective commanding officers and perform their duties under the supervision of their immediate commanders. Generally, their responsibilities and staff position in relation to their commanders are comparable to those of the Chief of Transportation to the War Department.

(e) *Contracts*—(1) *Types of contracts.* It is the policy of the Transportation Corps to use fixed-price contracts. The use of cost-plus-a-fixed-fee contracts is discouraged, and no such contract is made without prior approval from the Office of the Chief of Transportation. Time-and-material or labor-hour contracts may be used only when no practical alternative exists; the making of such contracts is subject to approval by the Office of the Chief of Transportation, both as to the form of the contract and also as to the services to be procured. Wherever practicable, contracts for stevedoring and freight-handling services are entered into on a commodity basis rather than at a man-hour rate.

(2) *When formal advertising required.* Equipment and supplies are procured by formal advertising where an ample supply of the items and the ingredients thereof is available to meet civilian and military requirements, and there are sufficient producers of such items to assure reasonably the receipt of competitive bids. Services are procured without formal advertising, unless local circumstances indicate to the contracting officer that such method is likely to produce results as favorable as negotiation.

(3) *Invitation for bids.* The appropriate War Department Standard Procurement Form is used, generally accompanied by statement that Transportation Corps does not require bidders to furnish bid bonds or other security authorized by law, nor performance and payment bonds from the lowest responsible bidders, nor does it include liquidated damages provisions in the contracts with such bidders. The contracting officer will forward to the Chief, Legal Division, Office of the Chief of Transportation, any request by a bidder to modify or withdraw his bid after the time set for opening in the invitation, a full report in any case where he believes that the lowest bid as to price should be rejected for reasons not stated in applicable Procurement Regulations, and a full report in the event of mistakes in bids.

(4) *Designation of contracting officers.* (i) The Transportation officer, or acting transportation officer at each post, camp, or other installation, not under the command of the Chief of Transportation, at which it is necessary to obtain transportation by commercial means, is a contracting officer for that purpose.

(ii) All officers serving as commanding officers or transportation officers, or persons designated by them, at installations commanded by the Chief of Transportation, are contracting officers.

(iii) Certain officers in the office of the Chief of Transportation are contracting officers.

(5) *Designation of contracting officers' representatives.* (i) The Chief, Supply Division, Office of the Chief of Transportation, has authority to designate officers or civilian officials to act as representatives of all contracting officers under his jurisdiction.

(ii) The commanding officers of all installations under the command of the Chief of Transportation have like authority within their respective jurisdictions.

(iii) Contracting officers, and representatives of contracting officers, have authority to designate officers or civilian officials to act as their representatives, as stated in Procurement Regulations.

(6) *Authorized contract forms.* Contracting officers may use all standard contract forms approved for use by the War Department which are listed in applicable Procurement Regulations. In addition, certain Transportation Corps standard contract forms have been approved; these include Lease of Equipment, Master Ship Repair Contract, Freight Handling Agreement, Contract for Movement of Household Goods and Effects, and Government-Owned Facilities Lease Agreement. Departures and deviations from such standard forms are required to be submitted to the Chief, Legal Division, Office of the Chief of Transportation, accompanied by full statement of the circumstances.

(7) *Approval of contracts by the Chief of Transportation.* Manual approval of the contract instrument by the Chief of Transportation or his duly authorized representative is required for the following types of contracts:

(i) All contracts which provide for facilities expansion to be financed in whole or in part by the Government for the furnishing of Government-owned plant facilities to the contractor.

(ii) All contracts which contain a provision for upward price adjustment.

(iii) Any contract which is not entered into on a fixed-price basis.

(iv) Any contract which contains a provision making it expressly subject to the approval of the Chief of Transportation or his duly authorized representative.

(8) *Defective, informal and quasi contracts; claims under section 17 of the Contract Settlement Act of 1944.* (i) All such claims will be investigated promptly by the contracting officer of the contract involved, or if there is no contract, by a contracting officer designated by the commanding officer of the installation concerned. All claims for relief shall be submitted to the contracting officer in writing, and shall be under oath and verified by the claimant or by a principal executive officer of the claimant, and shall be accompanied by affidavits of the representatives of the claimant and other persons having knowledge of the relevant circumstances.

(ii) Upon receipt of the claim and the supporting information, the contracting officer will conduct such additional investigation as he may deem necessary and make a complete finding of fact and determination as to the relief to which claimant is entitled.

(iii) Final action on all claims involving less than $500.00 will be taken by the contracting officer, pursuant to applicable Procurement Regulations. All other claims, supporting papers and findings of the contracting officer will be forwarded to the Chief, Legal Division, Office of the Chief of Transportation; when determined to be in proper form, such cases are submitted to the Office of the Chief of Transportation Section 17 Review Board.

THE QUARTERMASTER GENERAL

§ 2.161 *General.* The Quartermaster Corps is governed by the Army Regulations and the War Department rules with respect to the authority to contract, the execution of contracts and procedure with respect to procurement which appear in 10 CFR, Supps., Chapter VIII, Subchapter A. Copies of the Army Regulations, the War Department Procurement Regulations and the Quartermaster Supplement to Procurement Regulations may be viewed, upon application, at the Office of The Quartermaster General, War Department, Washington, D. C., or at any Quartermaster Corps Installation.

§ 2.162 *Delegations of authority, procurement activities.* (a) The Quartermaster General designates to contract on behalf of the United States and to make necessary purchases of Quartermaster supplies, and the procurement of services, under the direction of The Quartermaster General, the persons occupying the following positions:

(1) Quartermaster Supply Officer at all General Depots and the Commanding Officers of all other installations under the command of The Quartermaster General.

(2) Commanding Officers of General Depots in connection with their administrative functions.

(3) Port Quartermaster; Air Quartermaster, Army Air Forces; Quartermaster of Task Force, Corps, Division; Department Quartermaster; any officer, not under the jurisdiction of any of the above designated officers, performing Quartermaster functions outside the continental limits of the United States.

(4) Contracting Officers appointed by Army Commanders for the purpose of carrying on procurement activities with funds made available to the Army Area by the Chief of Finance.

(5) Officers in Charge of the following: Field Headquarters, Quartermaster Market Center System, OQMG; Quartermaster Market Centers; Quartermaster Purchasing Office, New York.

(6) Quartermasters of installations and other activities which are not included in the designations made in subparagraphs (1), (2), (3), and (5) of this paragraph.

(7) Such officers stationed in the Office of The Quartermaster General as have been designated as contracting officers by OQMG Office Orders.

(b) The authority granted to the officers designated in subparagraphs (1), (2), (3), (5) and (6) of this paragraph may be redelegated by them, in the performance of their functions.

(c) No person not specifically authorized to sign contracts or purchase orders or who does not hold the office where the incumbent of the office has been authorized to sign contracts or purchase orders may sign instruments creating contractual obligations without specific authority of The Quartermaster General.

(d) Except as otherwise required by War Department Procurement Regulations, Contracting officers identified above may make awards of contracts of less than $100,000. Awards of $100,000.00 or more must be submitted through the Office of The Quartermaster General to the War Department General Staff for approval as required by War Department Procurement Regulations.

(e) *Contract appeals.* Where Quartermaster Corps contracts contain articles or clauses providing for appeals from decisions of contracting officers or other authorities such appeals are governed by the specific provisions of the contract and by the War Department rules and procedures relating to Contract Appeals (Procurement Regulations 318D to 318F) published in the Code of Federal Regulations, Title 10, Chapter VIII, Subchapter A, Subpart F "Contract Appeals".

(f) *Termination of contracts.* Quartermaster Corps contracts are subject to termination for the convenience of the United States as provided for by the contract and under the general authority to make contracts and to amend them in the interests of the Government (See: Public Law 703, 76th Cong., as extended, and the First War Powers Act of 1941. See also: The Contract Settlement Act of 1944, i. e., Public Law 395, 78th Cong.). The Quartermaster Corps is governed in this field by the Contract Settlement Act of 1944 and by the Joint Termination Regulations which appear in the Code of Federal Regulations, Title 10, Chapter VIII, Subchapter C "Termination of Contracts". Copies of the Joint Termination Regulations may be viewed, upon application, at the Office of The Quartermaster General, War Department, Washington, D. C., or at Quartermaster installations.

(g) *Claims under section 17 of Contract Settlement Act of 1944.* The authority of the Quartermaster Corps to pass upon claims filed under section 17 of the Contract Settlement Act of 1944 (Public Law 395, 78th Cong.) is governed by that Act, by Regulation 12 of the Office of Contract Settlement, and by War Department Procurement Regulation 308–H. Section 17 claims may be submitted by claimants to the Quartermaster installation concerned. The procedural regulations governing such claims are contained in paragraph 3–2–8 of the Quartermaster Supplement to the Procurement Regulations.

(h) *Claims pursuant to Quartermaster Corps contracts.* Each Quartermaster Corps contract specifies the office to which billings or invoices are to be sent and such contractual provisions govern each case.

(i) *Claims against the United States.* Such claims are governed by War Department claims procedures appearing in the Code of Federal Regulations, Title 10, Chapter III entitled "Claims Against the United States".

§ 2.163 *Responsibility.* The Quartermaster General is responsible for supplying the Army with equipment and supplies for which the Quartermaster Corps is responsible; for procuring, storing and distributing such equipment and supplies in quantities and at such times as may be required to meet the Army Supply Program and directives of higher authority; for procuring for the Technical and Administrative Services and agencies of the Government items normally stored and issued by the Quartermaster Corps and items similar thereto, for the administrative control of General Depots; for providing Quartermaster items required for civilian needs in occupied territories; for insuring proper training of technical, supply and service troops under the jurisdiction of The Quartermaster General; for providing trained Quartermaster technical specialists for the whole army; for advising with major commands on the training of technical organic troops performing Quartermaster functions; for prescribing methods of operation for installations providing Quartermaster services to troops; for insuring by inspections that prescribed methods are used; for maintaining supervision and adequate supply of spare parts; for developing Quartermaster supplies and equipment which will meet the most exacting requirements of combat and service conditions; for developing standards for the preparation, service and selection of food for the Army, and for insuring that these standards are adhered to; for supply and training horses, mules and dogs for military purposes; for providing for the proper disposition of deceased personnel of the War Department and overseas American dead of World War II, and for the handling and disposition of personnel effects.

(a) The Office of The Quartermaster General will perform the following staff functions for the War Department:

(1) Determine policies and procedures for the operation of the Quartermaster Corps within the limits prescribed by higher authority.

(2) Determine requirements of Quartermaster items of supply with respect to quantities needed and timing of delivery.

(3) Participate in the preparation of future war plans, readjustment plans and postwar plans with respect to activities of the Quartermaster Corps.

(4) Plan and supervise the purchase and inspection of clothing, equipage, general supplies, subsistence, fuels (liquid and solid), lubricants, materials handling equipment and other equipment and supplies assigned to the Quartermaster Corps; procure for the Technical and Administrative Services and agencies of the Government items normally stored and issued by the Quartermaster Corps and items similar thereto.

(5) Plan and supervise the storage and distribution of Quartermaster items of supply; develop and install standard storage operating procedures in depots; plan and supervise the classification of returns of excess Quartermaster supplies; develop and install standard classification procedures in depots; supervise the administration of the War Department Commercial Warehouse Storage Plan which provides commercial

storage space for the Technical and Administrative services; maintain technical control of the Utilization of refrigerated space for the storage of subsistence.

(6) Prescribe policies and procedures for the establishment of stock levels of Quartermaster items of supply at depots; review and approve stock levels of Quartermaster items of supply at depots for regional distribution established by depots; determine levels for filler stocks.

(7) Coordinates with the Military Government, the supply of Quartermaster items for civilian needs in occupied territories in accordance with direction of higher authority and coordinates with Military Government the development of Quartermaster issue requirements for civilian needs in occupied areas under Army responsibility.

(8) Prepare and recomend procedures for the use of the Army areas with respect to the storage, issue and maintenance of Quartermaster supplies and equipment, and by means of inspections, determine if established procedures are properly followed.

(9) Supervise the purchase, storage and issue of spare parts for Quartermaster equipment, the operations of shops for the repair of such equipment, and the development of maintenance manuals.

(10) Supervise the establishment and operation of installations for baking, laundering, dry cleaning, the repair of Quartermaster supplies and equipment, and other Quartermaster activities.

(11) Insure, by proper inspection, the operating efficiency of Quartermaster installations, General Depots, and of Quartermaster units under Army Areas.

(12) Conduct research on, design and develop new and improved Quartermaster items; arrange for field and laboratory tests of the suitability of such items; prepare specifications for Quartermaster items.

(13) Prepare tables of organization and equipment for units under the jurisdiction of The Quartermaster General; review and edit the Quartermaster section of all tables of organization and equipment and tables of allowances; prepare tables of allowances for Quartermaster items of supply and tables of organization and equipment when required.

(14) Develop plans for, and supervise the operation of the Army Food Service Program, including mess management and menu planning activities; prepare master menus for the Army.

(15) Represent the War Department on the Food Requirements and Allocations Committee and all Inter-Agency Committees concerned with procurement, cold storage, and other activities connected with food.

(16) Perform all staff functions necessary to the discharge of operating responsibilities for fuels (liquid and solid), lubricants and containers therefor within the Technical Services except for staff functions specifically assigned to the War Department General Staff or to other Technical Services.

(17) Maintain liaison for the War Department on all matters pertaining to fuels (liquid, solid and gaseous) and lubricants with other Government agencies; act for the Director of Service, Supply and Procurement, WDGS, in his capacity as member of the Army-Navy Petroleum Board; represent the War Department on Inter-Agency Committees concerned with solid fuels.

(18) Determine Quartermaster Corps personnel requirements and provide Quartermaster personnel under War Department plans.

(19) Plan and schedule quotas of Quartermaster Corps personnel to be trained, and supervise the training of military and civilian personnel within the Quartermaster Corps, and of specialists for the Army at large.

(20) Formulate training doctrine for Quartermaster schools and training installations; prepare curricula, training courses, technical instructions, manuals and other publications for the training of Quartermaster personnel, and supervise information and education activities at Class II installations under the jurisdiction of The Quartermaster General.

(21) Supervise remount activities, including the operation of the Army Horse Breeding Program, and the acquisition and training of dogs for military purposes.

(22) Plan and supervise the handling and disposition of personal effects, and the recovery and disposition of deceased personnel, the establishment, operation and maintenance of National Cemeteries in the United States and Territories and Temporary American Military Cemeteries overseas.

(23) Represent the Quartermaster Corps in securing funds necessary for Quartermaster activities.

(24) Interpret laws of Congress and regulations of Federal Agencies with respect to their effect upon Quartermaster activities.

(25) Storage of household effects as prescribed by War Department.

(26) Prepare plans for mobilization of industrial and supply facilities, in accordance with instructions from higher authority.

(27) Maintains control of materials required in supply of Quartermaster items including stocks for operation and reserve; establishes policy regarding administration of such stocks.

(28) Supervises conservation policies and practices throughout the Quartermaster Corps.

(29) Supervises disposal of surplus Quartermaster property in accordance with policies established by higher authority.

(b) The Office of The Quartermaster General will directly perform the following functions for the War Department General Staff:

(1) Allocate storage space in Quartermaster Depots, Quartermaster Sections of Army General Depots, and commercial storage space for Quartermaster supplies, equipment and parts, allocate commercial storage space used by all technical services.

(2) Procure grave sites, headstones and markers; maintain all grave registration and interment records of deceased personnel; provide for the disposition of deceased personnel of the War Department and World War II American dead; maintain all grave registration records.

(3) Formulate policies governing the Technical Services in the computation and compilation of requirements of petroleum products, fuels (liquid and solid), lubricants, and containers therefor (excluding requirements for Army Air Forces aircraft) and conduct necessary inspections as to adherence to such policies; supervise and standardize methods employed by Technical Services in reporting procurement and consumption, supervise computation of requirements of the U. S. Army, screen and adjust such requirements for inclusion in the Army Supply Program; formulate policies and procedures governing the computation of civilian requirements of these items in occupied areas for which the Army has responsibility, and assemble all such requirements for approval of the Civil Affairs Division of the Army Special Staff for inclusion in the Army Supply Program; consolidate above requirements for presentation to higher Army authority and to the Army-Navy Petroleum Board; and notify the Technical Services of approval of such requirements, or, if reductions have been made, make allocations between the Technical Services and notify them accordingly.

(4) Perform the detailed planning functions (including screening requirements and requisitions received from theaters of operation) and assume responsibility for supervision and coordination of planning by the Chiefs of Technical Services for the procurement, storage and distribution (including mode of movement) of all petroleum products with which The Quartermaster General is normally concerned; maintain close liaison and coordinate plans if necessary for the overseas reception, storage and movement of aviation petroleum products with Army Air Forces and the Technical Services concerned.

(c) The Office of The Quartermaster General will direct the operation of the following operating functions as applied to field activities and installations under its jurisdiction:

(1) Quartermaster Procurement Offices, which negotiate and award contracts for, and expedite the delivery of items purchased by The Quartermaster General, except for perishable subsistence.

(2) Quartermaster Market Centers, which negotiate and award contracts for perishable subsistence-fresh and frozen vegetables, fruits, meats, fish, and dairy products and operate cold storage facilities for the storage of perishable subsistence.

(3) Quartermaster Depots and Quartermaster Supply Sections and Headquarters, General Depots assigned to The Quartermaster General by the Director of Service, Supply and Procurement, WDGS, for the storage and issue of supplies and equipment.

(4) Quartermaster Laboratories, which test, review, and inspect materials and articles submitted to meet Quartermaster specifications and quality controls, and which conduct research and development work on Quartermaster items.

(5) Quartermaster Inspection Zones for the inspection and acceptance of items purchased by the Quartermaster Corps.

(6) Manufacturing facilities at depots for the purpose of producing experimental items and other requirements for clothing and equipage.

(7) Quartermaster Remount Depots for the care, training, and issue of horses and mules.

(8) Quartermaster Remount Areas, which purchase horses, mules, and stallions, and assign stallions to civilian agents for breeding purposes under the provisions of the Army Horse Breeding Plan.

(9) Quartermaster War Dog Reception and Training Centers for the training of dogs for military purposes and their handlers.

(10) Maintenance installations under the jurisdiction of The Quartermaster General for the repair of clothing and equipage, general supplies, and Quartermaster mechanical equipment items.

(11) Quartermaster Schools and Training Centers under the jurisdiction of The Quartermaster General for the training of officers and enlisted men in activities assigned to the Quartermaster Corps.

(12) The Quartermaster Board, which tests Quartermaster equipment under service conditions, and conducts studies towards the improvement of Quartermaster field activities.

(13) Price Adjustment District Offices which carry on negotiations and perform accounting functions in connection with the renegotiation of Quartermaster Corps contracts.

(14) American Graves Registration Service activities in the American Zone, Alaskan Department Zone, Caribbean Defense Command Zone, including the South Atlantic Zone, African Middle East Theater Zone and such other areas and zones as may be subsequently assigned to The Quartermaster General by the War Department.

§ 2.164 *Organization.* The divisions of the Office of The Quartermaster General and their functions are:

(a) *Organization Planning and Control Division.* Provides a management consulting service to the Office of The Quartermaster General and to Quartermaster field installations on questions of policy, organization, procedures and control in the Quartermaster Corps; develops programs for improvement of organization structure, office procedures and recurring reports; conducts investigations of Quartermaster Corps field activities, as directed, to appraise their efficiency of operation, recommends improvements, and follows up on progress made in effecting such improvements; develops research projects with regard to the performance of Quartermaster functions, as directed; collects, interprets, and supplies to The Quartermaster General and to the divisions of the Office of The Quartermaster General, statistical information which will assist the efficiency of operations within the Quartermaster Corps; coordinates development of information regarding Congressional inquiries, and prepares replies thereto.

(b) *General Administrative Services Division.* Distributes all mail and messages received within the OQMG; collects and dispatches all communications from the OQMG; maintains all correspondence files (except secret and personnel, which, however, are under its supervision) for all OQMG activities and renders service in connection therewith; is responsible for Records Administration in OQMG and in major QM field installations; serves as focal point for the clearance of all identical instructions and information addressed to two or more field installations, headquarters or agencies; reviews and edits proposed Quartermaster Corps publications (except office orders), and War Department publications initiated in the OQMG; authorizes reproduction of Quartermaster Corps publications within the limits prescribed by higher authority; reviews for justification, edits and approves OQMG requests for all types of material which is printed or otherwise reproduced; reviews and revises printed and duplicated forms used in the OQMG and supplied by the Quartermaster Corps, and authorizes their reproduction; supervises the procurement of printed matter and operation of field printing plants for which The Quartermaster General is responsible; distributes copies of regulations, circulars, and other published War Department material in the OQMG; requisitions, stores and issues office supplies and equipment for the OQMG; compiles historical data concerning Quartermaster Corps activities.

(c) *Memorial Division.* Provides for the recovery and disposition of remains of all deceased personnel of the War Department and of World War II overseas American Deceased Personnel; directs the establishment of, and prescribes policies for the operation and maintenance of, American Military Cemeteries overseas (excluding cemeteries under jurisdiction of American Battle Monuments Commission); National, post, and prisoner of war cemeteries, soldiers; and Confederate burial plots, and monuments and parks under the jurisdiction of the War Department; prescribes policies for mortuary procedures including preparation and shipment of remains of decedents, reimbursement of interment expenses, and award of, and administration, uniform burial contracts; procures and distributes headstones and grave markers; procures grave sites; prescribes policies for, and supervises, the recovery and disposition of personal effects; maintains graves registration records for deceased personel interred in cemeteries under jurisdiction of the War Department and for all recovered remains of World War II overseas American deceased; prescribes plans and policies for the American Graves Registration Service; directs, controls, supervises, and administers American Graves Registration Service activities in the American Zone, Alaskan Department Zone, Caribbean Defense Command Zone, including the South Atlantic Area Zone, African Middle East Theater Zone; maintains historical record of cemeteries under jurisdiction of the War Department.

(d) *Personnel Division.* Obtains authorizations and makes sub-authorizations of officers, warrant officers and enlisted men and civilian personnel under the jurisdiction of the Quartermaster General; requisitions, assigns transfers, and recommends promotion and separation of military personnel; selects military personnel for special training at Service Schools and civilian educational institutions in accordance with specialized needs; directs the inspection of T/O units at Class II installations under jurisdiction of the Quartermaster General, to correct organizational records, and any personnel deficiencies, both when activated and alerted; establishes and classifies civilian positions; recruits, appoints, tests, assigns, transfers, promotes, trains, prepares pay roll for, separates, provides essential employee relations assistance for the civilian employees of the Office of The Quartermaster General in accordance with applicable laws, rules and regulations; provides staff assistance on all phases of the civilian personnel program to field installations; evaluates the effectiveness of civilian personnel programs in Class II installations and recomends corrective action or suggests improvement when necessary, including follow-up of action taken by Class II installations; establishes plans for work measurement techniques; supervises the Work Measurement Program and analyzes work measurement data for purposes of controlling both military and civilian personnel authorizations.

(e) *Military Training Division.* Supervises military training and information and education activities at installations under the jurisdiction of the Quartermaster General; computes military training requirements; plans and schedules quotas of military personnel for training at Quartermaster Corps training installations; determines the availability of facilities, supplies, and equipment to carry out the training program; approves inclusion of training equipment in tables of allowances for Quartermaster Corps training installations; determines requirements and approves requests for training funds; supervises the operation of Quartermaster schools, training centers and other training activities under the jurisdiction of the Quartermaster General for the training of officers and enlisted men; formulates training doctrine, prepares curricula, training courses, technical instructions, manuals, and other publications and training media for the training of military personnel at Quartermaster schools and training installations; recommends the assignment and relief of staff and faculty personnel for Quartermaster schools and training centers; insures by proper inspection, the operating efficiency of Quartermaster training installations and of Quartermaster units in training under the jurisdiction of the Quartermaster General; assists the Army Area Commanders when required in reviewing the adequacy and effectiveness of training of Quartermaster units at installations under the jurisdiction of the Army Area Commanders, and recommends improvements when necessary; prepares and revises as required Quartermaster Corps training publications and training aids; reviews training publications of other arms and services, when requested, for correctness of doctrine pertaining to Quartermaster Corps subjects.

(f) *Fiscal Division.* Directs the compilation of all estimates for appropria-

tions for the Quartermaster Corps, and arranges for their justification before higher echelons; supervises the distribution and administration of funds appropriated and made available to the Quartermaster Corps; prepares and issues instructions relating to fiscal and property accounting policies and procedures within the Quatermaster Corps; supervises accounting procedures and audits fiscal records in field installations; supervises processing of commercial accounts for payments in field installations; supervises procedures relating to the sale and pricing of Quartermaster Corps property; maintains liaison with office, Chief of Finance, and other Government departments and agencies on all fiscal and property accounting matters; maintains fiscal accounts for all funds administered by the Quartermaster General; prepares fiscal reports required; processes reimbursement transctions for the Quartermaster Corps; analyzes and processes requests for advance payments to contractors; collects amounts due from contractors under renegotiation and royalty adjustment agreements.

(g) *Supply Division.* (1) Established purchase policies for the Quartermaster Corps, within the limits prescribed by Procurement Regulations and other directives of higher authority; directs the purchase of finished items and component materials of clothing, equipage, general supplies, and all equipment assigned subsistence, fuels and lubricants including solid fuels to the Quartermaster Corps; directs the purchase of supplies for other forces and services of the War Department, other war agencies, and war aid supplies, for which purchase responsibility is assigned to The Quartermaster General; supervises the inspection of supplies delivered to insure that they conform to the standards, quality, and specifications prescribed, except for headstones and markers; supervises the expediting of deliveries on contracts.

(2) Directs the administration of priorities policy, operation and procedure throughout the Quartermaster Corps and maintains liaison with the Army and Navy Munitions Board, Civilian Production Administration, and all other higher authorities on matters pertaining to priorities, including policy, interpretation of regulations and application of preference ratings; assists contractors holding Quartermaster contracts in obtaining allocations of critical materials; gathers financial information on contractors, conducts contract renegotiation, makes determinations of excessive profits, and arranges for their refunding; establishes forward pricing policy to be applied in placing contracts and supervises the performance of this activity in the procuring depot for all supplies procured by them; prescribes procedures to implement the policies for contract termination established by higher authority and supervises the performance of this activity in the procuring depots.

(3) Supervises the distribution and issue of clothing, equipage and general supplies items including graphic arts equipment, power operated kitchen equipment, materials handling equipment, special purpose vehicles, tools, spare and repair parts, laundry and dry cleaning equipment and supplies, storage, distribution and issue of subsistence items; supervises the translation of authorized stock levels in terms of days of supply in quantities of these supplies to be maintained at depots; supervises, through depots, the review and approval of station control levels; participates in the determination of supply needs for these items; initiate procurement requests for items not on Master Production Schedules; provides pertinent data for procurement of items covered by Master Production Schedules; directs the distribution of new production and redistribution of stocks of the above items between depots and stations; determines quantities of the above items in excess of the needs of the Quartermaster Corps, including appropriate disposition action at both depots and stations; determines items and quantities to be included in reserves.

(4) Develops supply policies and procedures for operations at Quartermaster Depots and Quartermaster Sections of General Depots; appraises the performance of stock control activities within the OQMG and depots, including establishment of stock levels, maintenance of stocks at prescribed levels, distribution and stock control practices, prescribing such corrective action as may be necessary; develops the formulae by which stock levels for Quartermaster items at depots and stations will be calculated; directs action to be taken when such levels appear to be inadequate or excessive; supervises depot liaison with stations, including the determination of related responsibilities; assures that the technical interest and responsibility of The Quartermaster General is carried out in all echelons of supply; reviews and concurs in Supply and Demand Studies and Master Production Schedules for all items of Quartermaster supply for the purpose of insuring that planned production is balanced to supply needs and stock levels; circularizes when necessary other agencies with regard to excess Quartermaster property; processes surplus declarations of Quartermaster property, and directs depots to report surplus Quartermaster property to Disposal agencies.

(5) Performs staff functions assigned to The Quartermaster General in connection with administration of the food service program; maintains technical control of the utilization of refrigerated space for the storage of subsistence; prepares master menus and special menus; formulates policies for mess supervision and mess management in the Army; collaborates with the Military Training Division in the preparation of training manuals and courses of instruction in baking, cooking, and mess management; formulates policies for, and directs the operations of the Market Center System; maintains liaison with War Department and other government agencies on subsistence matters, and represents the War Department on Inter-Agency committees concerned with food matters.

(6) Directs the storage, research, design and development, issue and distribution of all petroleum products, gaseous fuels, and containers therefor (for which Army has procurement responsibility), excluding fuels and lubricants for aircraft operated by Army Air Forces and petroleum products and containers for which procurement responsibility has been assigned to other Technical Services; performs all staff functions necessary to discharge operating responsibilities in connection with solid fuels; prescribes methods and procedures for and supervises the computation of, assembles and edits requirements for all fuels and lubricants and containers therefor, used by the Army, excluding those used in aircraft operated by Army Air Forces; formulates comprehensive programs for the General Staff and as may be assigned by higher authority on matters affecting research, supply, procurement, conservation and usage of all fuels and lubricants, and initiates technical plans for the development of petroleum and coal resources and facilities in Army occupied territories; assigns to the various Technical Services responsibility for the preparation and testing of specifications for petroleum products, and containers therefor, excluding those consumed by aircraft operated by Army Air Forces; maintains liaison with other Technical Services, Army Air Forces, and other military and civilian agencies on matters pertaining to fuels and lubricants; directs the purchase, inspection, storage, research, design and development, issue and distribution of all equipment especially designed for handling petroleum products; prepares specifications for such equipment; formulates plans and policies for the employment and operation of overseas can and drum plants by the Army, with the concurrence of the Director of Service, Supply and Procurement, WDGS.

(h) *Military Planning Division.* (1) Prepares general plans and coordinates activities within the OQMG relating to supply of occupation forces, overseas bases, maneuvers, units preparing for overseas movements, operational projects, and the military supply of civilians in liberated or occupied areas; prepares plans for mobilization of industrial and supply facilities in accordance with instructions from higher authority; maintains custody of, provides security measures for, and disseminates to the Corps information from all secret and top secret documents and from all documents pertaining to war planning and operations; coordinates and prepares basic plans and advises The Quartermaster General on logistics for supply planning, troop-basis planning, and organization and utilization of Quartermaster units and equipment; performs functions of the Secretariat to the Post-War and War-Planning Committee and Cable Secretary for the Quartermaster General; coordinates and supervises all intelligence activities and controls security measures and classification in the OQMG and Class IV installations under the control of The Quartermaster General.

(2) Devises methods and procedures for determination, review and revision, in accordance with current War Department strategic plans and supply policy, of requirements for all Quartermaster items, excepting spare parts for special

purpose vehicles, spare parts for materials-handling equipment, and solid and liquid fuels and lubricants, in Supply Control reports and the Procurement Program-ground, including stock level assets, and the establishment of reserves and stockpiles; represents The Quartermaster General before the War Department General Staff, other War Department agencies, and other Governmental departments on all matters pertaining to Quartermaster requirements; determines the Quartermaster items and quantities to be included in authorized reserves; plans and coordinates field studies and surveys to obtain factual data necessary for determination of net requirements; edits and reviews the Quartermaster Sections of all Tables of Organization and Equipment and Tables of Allowances with respect to proper technical use of Quartermaster equipment; prepares and revises Tables of Organization and Equipment and Tables of Allowances for all organizations and installations under the jurisdiction of The Quartermaster General; prepares and maintains Tables of Equipment for the issue of clothing and individual equipment for all military personnel, and Tables of Allowances of Quartermaster items for all technical services at Posts, camps and stations, and for training purposes in the continental United States; prepares supply bulletins and requirements tables of approved consumption and replacement factors for Quartermaster items for each major theater and area; develops, coordinates, and screens requirements for Quartermaster items for civilian needs in occupied areas.

(3) Conducts research on, and design and development of, new and improved Quartermaster items of supply and equipment; conducts laboratory and field tests in order to determine performance characteristics; operates the Food and Container Institute for the Armed Forces; prepares and approves specifications for Quartermaster items and components; maintains staff of observers in U. S. and in theaters of operation to investigate and report on performance of Quartermaster items of clothing, equipment, subsistence and fuels and lubricants; directs conservation policies and practices of the Corps; administers all matters pertaining to materials control for the Quartermaster Corps; prepares the Master Production Schedule and translates any item schedules into raw materials requirements; serves as the Executive Office of The Quartermaster Corps Technical Committee; and designs and approves coats-of-arms, distinctive insignia, medals and decorations for all elements of the military service.

(i) *Field Service Division.* Supervises the administration and operation of field installations for which The Quartermaster General has been charged with administrative control, except technical supervision of activities at such installations which are assigned to other OQMG Divisions; exercises technical supervision over field activities of the Quartermaster Corps at Class I, II, and III installations, except supply, food service and cemeterial activities; inspects installations for which The Quartermaster General has been charged with administrative control to insure proper adherence to existing policies and procedures; supervises the storage, maintenance, and handling of Quartermaster supplies in Quartermaster and General Depots, develops and installs programs and operating procedures for such storage operations; in collaboration with Personnel Division develops and installs technical storage training programs in Quartermaster and General Depots; provides necessary liaison service on Transportation matters for the office of The Quartermaster General; supervises the operation of Quartermaster laundries and dry cleaning plants, prescribes policies and procedures for the operation of such plants, and insures through inspections that such plants are operating according to established policies and procedures; supervises the operation of classification and maintenance facilities under the jurisdiction of The Quartermaster General, prescribes policies and operating procedures for such classification and maintenance facilities, and inspects such facilities to insure conformity to established policies and procedures; supervises Remount activities including the purchase, care, training, and issue of horses, mules, and war dogs, and the operation of Remount Depots and War Dog Reception and Training Centers.

SUBPART E—ARMY AIR FORCES

§ 2.171 *Organization.* (a) The Army Air Forces consists of its headquarters and its various field commands and activities, all under the direct control of the Commanding General, Army Air Forces. In general, the Commanding General, Army Air Forces is charged with the functions, responsibilities, and activities of command authorized by law, Army Regulations, and custom over individuals and units assigned to the Army Air Forces. Specifically, he is directed to:

(1) Direct the operations and training of the Air Commands within the continental United States.

(2) Exercise control over administrative matters bearing directly on operations and training and in such other matters as delegated by the War Department.

(3) Determine the organization, composition, equipment, and training of all air combat and service units assigned to the Army Air Forces.

(4) Be responsible for repair and utility functions at all Army Air Forces installations.

(5) Prepare estimates of funds necessary to operate the activities under Army Air Forces control for presentation to the Budget Officer for the War Department.

(6) Conduct those intelligence activities which pertain to his field of primary responsibility.

(7) Initiate requirements for the research and development of items of equipment in which the Army Air Forces has a primary interest.

(8) Determine, in conformance with the broad directives of the War Department, Army Air Forces matériel and personnel requirements, both quantitative and qualitative.

(9) Conduct the Army Air Forces part of the Universal Military Training Program under such directives as are issued by the War Department.

(10) Operate schools and replacement facilities as directed by War Department.

(11) Supervise and inspect the training of air components of the ROTC, the National Guard, and the Organized Reserves as instructed by the War Department. Direct and supervise National Guard inspections by inspectors general.

(12) Verify that all Army Air Forces units and installations are supplied, equipped, housed, hospitalized, and furnished transportation for the performance of their missions and maintain logistical efficiency within the Army Air Forces.

(13) Conduct research, develop, procure, and distribute those items of equipment which are peculiar to the Air Force and such other items as may be prescribed by the Secretary of War.

(14) Cooperate with the Commanding General, Army Ground Forces, in the development and determination of such special tactics as are necessary to support the Army Ground Forces and for the use of arms by the Army Air Forces, especially antiaircraft artillery.

(15) Cooperate with the Commanding General, Army Ground Forces, in the development and determination of the technique of fire at aerial targets, in prescribing military characteristics of weapons and equipment, and in preparation of Tables of Organization and Equipment for units of antiaircraft artillery.

(16) Recommend to the War Department the means, including the necessary antiaircraft artillery units, required for air defense. The Commanding General, Army Air Forces and the commanding officers of subordinate units are assisted in the discharge of their responsibilities by a staff of officers who advise and act for the commanding officer in matters relating to their specialization.

(b) Various activities of the Army Air Forces of interest to the public are herein set out.

(1) *Assistance to veterans and dependents.* Active personnel of the Army Air Forces and their dependents, dependents of deceased Army Air Forces personnel or veterans, honorably discharged Army Air Forces veterans and their dependents are eligible to receive assistance provided by the Army Air Forces Aid Society which is located in the Pentagon Building, Washington, D. C. Assistance is rendered in the form of non-interest bearing loans and in outright cash grants of funds to enable the recipients to surmount short term periods of emergencies. Other assistance and advice, where financial aid is not required, is also provided by the Society. All persons are eligible for membership in the Army Air Forces Aid Society, but membership itself does not carry any right to benefits. The functions of the Society in the field are administered by the "Personal Affairs Officers" at Air Forces installations under the direction of the local commanding officers, with the advice and help of the Army Air Forces Aid Society Branch in Washington. Inquiries to the Society should be addressed to "The Army Air Forces Aid Society, Washington 25, D. C."

(2) *Sale of photographs.* The War Department has authorized the sale of unclassified official Army Air Forces

photographic prints to the public. Requests for the purchase of Army Air Forces photographs should be addressed to the Commanding General, Army Air Forces, Washington 25, D. C. (Att: Photographic Branch, Air Information Division, AC/AS–2). These photographs are supplied in black and white, size 8" by 10", in either glossy single weight or matte double weight. Glossy prints will be furnished unless otherwise specified. The price for the single weight glossy finish is 50¢ and for the double weight matte finish is 55¢. These prices are subject to revision at any time. The order for prints should be accompanied by the payment therefor in cash or by a postal money order or certified check payable to the Treasurer of the United States. Stamps, foreign currency, or personal checks cannot be accepted. Since official War Department activities must be given precedence, some delay in filling orders may be anticipated. Army Air Forces photographs are not loaned, sent on approval or exchanged. All photographs are sold with the understanding that the War Department has no authority to waive the privacy rights of individuals shown in the official photographs and that no exclusive rights to any photographs may be claimed by an organization or individual. Catalogs or lists of photographs are not available for distribution; however, Army Air Forces photographs are available for inspection in Room 1E 400, Pentagon Building, Washington 25, D. C. Photographs must be requested by description of subject, tear sheets from publications, or by known negative numbers. Army Air Forces photographs may be reproduced or published providing all reproductions contain the credit line "U .S. ARMY AAF PHOTO" but official Army Air Forces photographs will not be used in connection with commercial advertising without specific authorization from the War Department Bureau of Public Relations.

(3) *Procurement.* The Commanding General, Army Air Forces, having been charged with the responsibility and delegated the authority to procure those items of equipment, supplies and services peculiar to the Army Air Forces and such other items as may be prescribed by the Secretary of War, has further delegated his authority to execute and approve contracts to the Commanding General, Air Matériel Command. He has also delegated limited authority to the commanding generals of the other major Army Air Forces commands with respect to local purchases. All major procurements for the Army Air Forces are made by the Air Matériel Command, which command executes all contracts for aircraft, spare parts, equipment, supplies and services peculiar to the Army Air Forces, except those supplies or services authorized for local purchase. Headquarters, Air Matériel Command, Wright Field, Dayton, Ohio, is the place where the public may secure information and conduct essential business. The addresses of the Air Matériel Command Area Offices are listed below:

Atlantic Overseas Air Matériel District: Port of Newark, Newark 5, N. J.

Pacific Overseas Air Matériel District: Port of Alameda, Alameda, Calif.

Middletown Air Matériel Area: Olmstead Field, Middletown, Pa.

Mobile Air Matériel Area: Brookley Field, Mobile, Ala.

Rome Air Matériel Area: Rome Army Air Field, Rome, N. Y.

Ogden Air Matériel Area: Hill Field, Wash.

Oklahoma City Air Matériel Area: Tinker Field, Oklahoma City, Okla.

Sacramento Air Matériel Area: McClellan Field, Sacramento, Calif.

San Antonio Air Matériel Area: Kelly Field, Tex.

San Bernardino Air Matériel Area: San Bernardino Army Air Field, Calif.

Spokane Air Matériel Area: Spokane Army Air Field, Spokane, Wash.

Warner Robins Air Matériel Area: Robins Field 1, Ga.

Procurements by the Army Air Forces are made in accordance with instructions set forth in the War Department Procurement Regulations. It is the policy of the Army Air Forces that whenever practicable procurement shall be by advertising. The advertising register, or list of potential bidders, for all major purchases by the Army Air Forces is maintained at the Headquarters, Air Matériel Command, Wright Field, Dayton, Ohio. Lists of potential bidders for local purchases at the base level are maintained by the purchasing and contracting officer at the activity concerned. Quantity procurement of certain selected items of acronautical equipment or accessories (policy items) are made only from an approved list of bidders. Army Air Forces Regulation 70–3, June 11, 1946, sets out this method of procurement. It defines "policy items", as used therein, as those selected items of aeronautical equipment or accessories, as to which a determination has been made by the Commanding General, Army Air Forces (and approved by the Under Secretary of War or his authorized representative) that such selected items have a direct relation to human safety and, therefore, of a nature which requires that every effort be made to ensure that the final product delivered to the Army Air Forces is of the highest quality; or those selected items which are determined to have special technical characteristics requiring the exercise of specialized skill and sound experience in their design and/or manufacture. Bidders on the approved list are those manufacturers who have previously produced in quantity, or have submitted sample articles of policy items that meet the requirements of Army Air Forces or Army-Navy specifications, and who satisfy the Army Air Forces Matériel Command as to their manufacturing and financial ability and technical skill. Listss of "policy items" and of "approved bidders", are maintained by the Commanding General, Air Matériel Command.

(4) *Use of Army Air Forces installations.* Limited use of certain Army Air Forces installations both within and without the United States are made available to private and commercial flying interests. Licenses or permits therefor are required. Applications or requests for information relative to the use of Army Air Forces installations should be addressed to the Commanding General, Army Air Forces, Washington 25, D. C. (Att: Air Installations Division, AC/AS–4.)

(5) *Furnishing miscellaneous information.* Specific requests for information received from private individuals and associations constitute a major portion of the public contacts of the Army Air Forces. In requesting information believed available in a particular headquarters, the communication should be addressed to the "Commanding Officer" thereof; on receipt, the communication will be routed within the headquarters to the appropriate staff agency. However, if the staff agency concerned is known, the communication may be further marked to the attention of such agency, as follows:

Commanding Officer,
Peterson Field,
Colorado Springs, Colorado.
Attention: Public Relations Officer.

§ 2.172 *Air Installations Division.* (a) Reviews and processes applications for licenses, permits and lease agreements from civil air carriers and operators (certificated or non-certificated, scheduled or non-scheduled, private or commercial foreign or domestic) for use of AAF installations, both within and outside the continental limits of the United States, coordinating such action with the State Department, Civil Aeronautics Board, War Department General Staff, and the theatre commanders where appropriate.

Furnishes information and prepares replies to correspondence emanating from members of Congress, civic organizations or individuals relative to the use, transfer or disposal of Army Air Forces installations.

Takes initial action toward obtaining agreements for landing rights on civil airports by Army aircraft.

PART 3—ORGANIZATION AND PROCEDURES OF CIVIL AFFAIRS DIVISION

Sec.

3.1 Civil Affairs Division; responsibility.
3.2 Subdivisions of the Civil Affairs Division and their functions.
3.3 Statement of the organization of Field Agencies for military government.
3.4 Military Government Ordnance No. 6.

§ 3.1 *Civil Affairs Division; responsibility.* The Chief, Civil Affairs Division, War Department Special Staff, formulates policy, prepares plans, and takes action in coordination with other War Department agencies, other agencies of the Government, and international or voluntary relief and welfare agencies on Civil Affairs/Military Government matters, including war crimes. He insures that the Secretary of War, the Chief of Staff, and interested staff divisions are properly advised on civil affairs/military government matters. The Civil Affairs Division will:

(a) Formulate policy and prepare plans in coordination with War Department agencies, other agencies of the Government, and international or voluntary relief and welfare agencies for the conduct of Civil Affairs/Military Government (CA/MG). (Note: See Attachment "B" for definition.)

(b) Insure that the Secretary of War, the Chief of Staff, and interested General and Special Staff Divisions are properly advised on CA/MG matters.

(c) Expedite handling, within War Department, of Theater CA/MG problems in occupied areas.

(d) Prepare statement of recommended action for the Assistant Secretary of War on State-War-Navy Coordinating Committee action papers related to CA/MG occupational matters in Japan, Korea, Germany, Austria and Italy after appropriate War Department coordination.

(e) Collect and distribute CA/MG information to appropriate government agencies.

(f) Have representation on the Joint and Combined Civil Affairs Committees and on the European and Far Eastern Subcommittees of the State-War-Navy Coordinating Committee.

(g) Provide CA/MG advice and assistance to the U. S. member of the Far Eastern Commission.

(h) Establish broad policies and procedures for training of CA/MG personnel (military and civilian). In coordination with appropriate Staff Divisions, prepares informational documents, manuals, etc., to be used in the instruction and training of military personnel on the subject of CA/MG policy and technique.

(i) Maintain close liaison with Department of State and State-War-Navy Coordinating Committee Directorate for coordination of State, War, CA/MG problems in occupied areas.

§ 3.2 *Subdivisions of the Civil Affairs Division and their functions*—(a) *Deputy for Europe.* Responsible for advising and assisting the Chief on CA/MG matters relating to Europe. Exercises overall supervision through the Branch Chiefs over European projects referred to or initiated by Civil Affairs Division. Acts as alternate for Chief on Combined Civil Affairs Committee, Joint Civil Affairs Committee, and Committee for Italian Relief. Acts as War Department Civil Affairs Division member on European Subcommittee of State-War-Navy Coordinating Committee.

(b) *Deputy for Far East.* Responsible for advising and assisting the Chief on CA/MG matters relating to Far Eastern affairs. Exercises overall supervision through the Branch Chiefs over Far East projects referred to or initiated by Civil Affairs Division. Acts as alternate for the Chief on Joint Civil Affairs Committee. Acts as War Department Civil Affairs Division member on Far East Subcommittee of State-War-Navy Coordinating Committee.

(c) *Executive.* Directs and coordinates function of Civil Affairs Division in accordance with policies and instructions of the Chief. Performs normal routine duties of an executive.

(d) *Administrative Section.* Handles security matters within Civil Affairs Division. Supervises administration within Civil Affairs Division. Normal administrative duties.

(e) *Secretariat.* Maintains liaison with other divisions of the War Department Staff; agencies of Combined Chiefs of Staff, Joint Chiefs of Staff, State-War-Navy Coordinating Committee, and Far Eastern Commission; other agencies of the Government. Coordinates CA/MG matters of combined interest with British Joint Staff Mission. Serves on Secretariat of Combined Civil Affairs Committee and Joint Civil Affairs Committee.

(f) *Planning Branch.* Responsible for timely initiation, coordination, steering and review of CA/MG planning for occupied areas. Provides alternate members on European and Far Eastern Subcommittees of State-War-Navy Coordinating Committee. Undertakes special assignments for the Chief of the Civil Affairs Division. Furnishes adviser to U. S. representative on Far Eastern Commission for CA/MG matters.

(g) *Government Branch.* Prepares plans, policies, directives and implementing instructions for governmental control of enemy countries occupied by U. S. Armed Forces and for relations with provisional and indigenous governments in respect to international law, the laws of war, domestic laws, military government and domestic courts, public safety, arts and monuments, and communications and censorship. Prepares civil affairs agreements and position and policy papers in connection with the work of State-War-Navy Coordinating Committee and its European and Far East Subcommittees, provides substitute members for the subcommittees and members for ad hoc committees and working groups of State-War-Navy Coordinating Committee, Combined Civil Affairs Committee, Joint Civil Affairs Committee and Far Eastern Commission. Advises Chief and Deputies of Civil Affairs Division and other departments and governmental agencies on matters relating to functions of Government Branch—coordinates such CA/MG matters with War, Navy, State, Justice Departments and other governmental and civilian agencies.

(1) *European Section and Far East Section.* With reference to matters concerning their respective theaters—responsible to Branch Chief for drafting studies, policies re CA/MG activities in connection with government, public safety, arts and monuments, communications and censorship.

(2) *Legal Section.* Responsible to the Branch Chief for performance of duties concerning international law, laws of war, domestic laws, military government courts and tribunals, prepares international agreements between the U. S. and foreign countries involving military and civil affairs matters, reviews similar papers prepared by other governmental agencies.

(h) *Economics and Supply Branch.* Is responsible, in conjunction and coordination with interested and operating War Department and other governmental and international agencies, for formulation and general direction of all aspects of CA/MG plans and policies covering economic and financial matters; and, for the formulation and general direction of broad CA/MG civilian supply plans and policies.

(1) *Economics Section.* Responsible to the Chief of the Branch for formulation, coordination and general direction of plans and policies governing the economy of occupied territories, including economic disarmament, reparations, restitution, dissolution of cartels, internal trade, price controls, rationing, production and distribution controls, labor relations, manpower utilization, and handling of displaced persons. Maintains liaison with appropriate government agencies on these matters.

(2) *Supply Section.* Responsible to the Branch Chief for the formulation, coordination, and general direction of CA/MG plans and policies covering broad aspects of civilian supply problems, including export-import trade, in occupied areas. Maintains liaison with appropriate government agencies on these matters.

(3) *Finance Section.* Responsible to the Branch Chief for the formulation, coordination and general direction of CA/MG financial plans and policies concerning Foreign Exchange, banking, Taxation, and other financial matters; and basic accounting directives, including cash accounting and accounting and billing for supplies furnished under U. S. or combined military authorities. Maintains liaison relative to abovementioned matters with interested U. S. Governmental agencies and as appropriate with United Kingdom authorities; also responsible for the coordination and preparation of CA/MG budgets and justification of the estimates contained therein.

(i) *Personnel and training branch.* Prepares plans for procurement and training policy concerning CA/MG personnel (military and civilian). Procures key civilian CA/MG personnel for overseas requirements. Initiates staff studies for training programs for CA/MG personnel and in coordination with appropriate General Staff Divisions, prepares informational documents, manuals, etc., to be used in the instruction and training of Military personnel on the subject of CA/MG policy and technique. Maintains staff supervision of CA/MG training programs at all service schools and liaison with the PMG. Maintains records of qualified and trained CA/MG personnel, military and civilian.

(1) *European Section and Far East Section.* With reference to matters concerning their respective theaters—responsible to Branch Chief for performance of such duties as he is charged with, concerning the procurement and training of CA/MG personnel.

(2) *Special Projects Section.* Responsible to Branch Chief for the conduct of routine correspondence and such special projects as he may assign.

(3) *Administrative Section.* Maintains records of qualified and trained CA/MG personnel, military and civilian, and control of requisitions received from all theaters for such personnel.

(j) *Information Branch.* Prepares plans, policies, directives, and implementing instructions concerning collection and handling of documents and material of interest to CA/MG in occupied countries. Inspects and distributes CA/MG information through the Information Management Group. Maintains library of CA/MG reports and materials. Plans and recommends Public Relations procedures pertaining to CA/MG to the Public Relations Division, War Department, and prepares material pertaining

thereto for release through that Division. Prepares history of CA/MG.

(1) *Information Management Section.* Responsible to Branch Chief for collection, analysis, distribution, and maintenance of reference library of CA/MG reports and materials; and the intragovernmental operation and servicing of the Information Management Group which embodies agencies of the War Department and other Federal Departments interested in receipt and dissemination of CA/MG informational materials from occupied areas.

(2) *Public Information Section.* Responsible to Branch Chief for planning public relations activities and for developing, collecting, and preparing informational material pertaining to CA/MG, for dissemination to the public through the Public Relations Division, War Department, except as otherwise directed in such case by that Division.

(3) *Historical Section.* Prepares history and critical analysis of CA/MG. Subsequent thereto, prepares recommendations re organization, personnel, operations, and policy for future conduct of CA/MG.

(k) *War Crimes Branch.* Prepares, formulates, and coordinates plans, directives, and basic policies on all matters connected with war crimes. Recommends to the Chief, Civil Affairs Division, with respect to his responsibility for policy, and operational duties connected with war crimes, and the Chief's obligation in keeping the Secretary of War informed on war crimes matters. Coordinates war crimes matters within the War Department and with the State, Navy, and Justice Departments, and with other governmental agencies. Provides necessary personnel for appropriate ad hoc or working subcommittees of Joint Chief of Staff, and recruits personnel for overseas war crimes work. Responsible to the Chief, Civil Affairs Division, for over-all servicing and staff supervision of war crimes operations.

(1) *Branch Executive Office; Administrative Section.* Responsible to the Chief, War Crimes, for recruitment and processing of personnel for overseas war crimes work. Responsible for administration of military and civilian personnel of the War Crimes Branch, Civil Affairs Division. Arranges for indoctrination and technical instruction of all newly employed personnel of the Branch.

(2) *Plans and Policy Section.* Responsible to the Chief, War Crimes Branch, for formulating and implementing war crimes policies, plans and programs on war crimes in all theaters. Arranges for clearance of all policy questions with appropriate Governmental departments or agencies. Serves as steering and coordinating section for war crimes within Branch.

(3) *Operation Section.* Responsible to the Chief, War Crimes Branch, for the collection and analysing of information regarding theater activities in the investigation and trial of war criminals. Evaluates progress of theater war crimes programs and prepares recommendations concerning war crimes operations in all theaters. Services all requests of the theaters for evidence and information obtainable in the United States. Obtains necessary witnesses for war crimes trials and arranges for their transportation to the Theaters. Prepares, edits and preserves pictorial evidence of war crimes and assembles and preserves the transcripts and summaries of records of the trials of war crimes cases. Disseminates war crimes information to the United War Crimes Commission and other agencies.

(l) *Reorientation Branch.* Prepares CA/MG plans, policies, and directives to bring about the reeducation and reorientation of peoples in occupied areas, dealing directly with any governmental or private person or agency to insure that reorientation requirements of the military authorities in occupied areas are processed and fulfilled. In accordance with established governmental policies encourages the development of democratic ideas, respect for fundamental individual human rights, particularly freedom of religion, assembly, speech and the press, and the development of individual political responsibility to the end that these peoples may in due course take their place among the free and peaceful peoples of the world. These objectives will be accomplished through the utilization and necessary control of following means: schools, churches, social organizations, youth movements, international exchange of persons, cultural materials and mass media (press and radio, books and periodicals, films, theaters, and music). Coordinates such plans and directives within the War Department and other concerned Government agencies. Reviews, follows up, and coordinates theater requests with respect to reorientation and reeducation. Collects, prepares, and issues news, news feature material, special articles, periodicals, and booklets. Produces, procures, edits, adapts, or rescores completed motion picture films (including newsreel), still pictures, film strips. Recommends the procurement of books, textbooks, library and religious material, music, art, radio program material, visual display material, rawstock, film equipment and other informational materials required to implement approved reorientation policies. Reviews and initiates or secures action, whichever is appropriate, on theater requests for above materials, Provides necessary personnel for appropriate ad hoc or working subcommittees of Joint Chiefs of Staff, State-War-Navy Coordinating Committee and Far Eastern Commission.

(1) *Occupied Areas Media Section.* Responsible to Branch Chief for preparation, collection and issuance, including arrangements for transmission and reception abroad, of news and news features materials for servicing to German and Japanese news agencies and editorial matter (special articles, editorials, and booklets) for U. S. published German magazines and for U. S. licensed books and periodicals. Maintains policy liaison with the State Department re content of short-wave radio programs heard or rebroadcast in the occupied areas; coordinates the flow of State Department radio scripts and program material for the occupied areas. Insure copyright clearance on all material furnished occupied areas through this Section.

(2) *Education and Religion Section.* Responsible to Branch Chief for initiating studies and policies re education, religion, social organizations, youth movements, and international exchange of persons. Recommends the procurement of books, text books, documents, library and religious material, music, art, and material for visual display. Plans the creation and presentation of exhibitions both photographic and three dimensional. Insures clearance of translation rights on books, textbooks, library, religious, and other cultural materials. Secures appropriate action on shipment of all materials.

(3) *Films and Theater Section.* Responsible to the Branch Chief for initiation, planning, development and coordination of motion picture projects designed to promote the objectives outlined above and then to produce, procure, adapt, edit, and rescore completed motion pictures film (including newsreel), still pictures, and film strips for educational or public informational showing in the occupied areas. Prepares pertinent utilization materials. Plans for the distribution of such films, equipment and material in the occupied areas. Responsible for making available to the occupied areas from the U. S. motion picture industry feature films, short subjects, and newsreel material deemed useful for reorientation and reeducation. Recommends the procurement of film rawstock and film equipment for occupied areas. Selects and makes available and insures necessary clearance of stage plays to occupied areas.

(4) *Special Projects Section.* Responsible to Branch Chief for provision of contract, budget and fiscal, legal and copyright advice on problems incident to reeducation and reorientation. Performs operational duties with regard to international exchange of students, cultural and scientific personnel. Performs research historical, and public liaison functions when necessary. Prepares analytical studies to determine the effectiveness of the reeducation program and to further the planning of more effective programs.

(5) *Administrative Section.* Engages in normal administrative duties, maintains accounting, fiscal and budgetary controls.

§ 3.3 *Statement of the organization of Field Agencies for military government*—(a) *Germany.* The United States Military Governor for Germany is the Commanding General, U. S. Forces, European Theater, with Headquarters at Frankfurt, Germany. He has delegated many of his functions as Military Governor to the Deputy Military Governor who is the Commanding General of the Office of Military Government for Germany—U. S. (OMGUS), with Headquarters at Berlin, Germany. The Deputy Military Governor is responsible for the administration of Military Government in the United States Zone, Germany, and, in the absence of the Military Governor, acts as United States Representative upon the Control Council for Germany, the quadripartite organization established by the four occupying Powers for the Government of Germany as a whole.

Within the limits of overall policies War, and Navy, and those agreed by all members of the Allied Control Council, established by the Departments of State, the Military Governor has final authority to determine questions arising in the course of operations in Germany.

The Deputy Military Governor is assisted by an Assistant Military Governor and a political advisor with the personal rank of Ambassador, who represents the Department of State. For administration, the Deputy Military Governor has an executive office with a Chief of Staff, a Secretary General, a Control Officer, a Personnel Officer, a Director of Administrative Services, and an Adjutant General.

The functional responsibilities of the Office of Military Government for Germany (U. S.) are divided among four Offices and nine Divisions.

The functional Offices and their general fields of responsibility are:

(1) *Intelligence Office.* Military Government information and intelligence.

(2) *Information Control.* Supervision and control of all media of information and cultural affairs, including reorientation.

(3) *Public Relations.* Relations with the U. S. press and other news agencies.

(4) *Political Affairs.* German political matters, U. S. passports and visas.

The functional Divisions and their general Fields of Responsibility are:

(i) *Armed Forces Division.* Demilitarization, demobilization of German armed services, disposition of Prisoners of War, and disposal of military installations.

(ii) *Economics Division.* Food, agricultural, property control, trade and industry, production control, rationing and price control, restitution and reparations.

(iii) *Finance Division.* Currency, fiscal policy, supervision of German Financial Institutions.

(iv) *Transportation Division.* Rail, water, and motor transportation.

(v) *Manpower Division.* Labor, labor relations, working conditions, social insurance, housing and construction, unions and employers associations.

(vi) *Civil Administration Division.* German Land (State) and local government. German Civil Service, Education and religious affairs, public health and welfare, decentralization of government, control of political parties and supervision of elections.

(vii) *Communications Division.* Postal, telephone and telegraph services.

(viii) *Legal Division.* Military Government Courts, German courts, legislation enacted or promulgated by the Control Council, Military Government, U. S. Zone, and German Governmental Agencies, and general counsel.

(ix) *Prisoners of War and Displaced Persons Division.* Care and repatriation of special categories of persons such as displaced persons, refugees and UN prisoners of war.

All of the above-mentioned Offices and Divisions act in their fields as advisor to the Deputy Military Governor, maintain liaison with Allied and United States Agencies, formulates policies and programs to meet the obligations of Military Government, handle negotiations concerning policies which require quadripartite agreement, and insure the issuance to and implementation by subordinate Offices of Military Government and German Agencies of the instructions required to place in effect Control Council and United States policy in the United States zone.

Under the direction of OMGUS are the Offices of Military Government of the Berlin District, Bremen Enclave, Bavaria, Greater Hesse, and Wurttemberg-Baden, respectively. Each of these offices immediately supervises the German Administration of the German Land or Territory for which it is named and conducts the operation of direct Military Government functions in the area which it controls.

The Office of Military Government, Berlin District, administers the U. S. sector of Berlin in accordance with U. S. Military Government policies. It also provides representation on the Berlin Kommandtura which is the quadripartite organization for the Government of the City of Berlin, which is responsible to the Coordinating Committee of the Allied Control Council.

The Regional Government Coordinating Office, established at Stuttgart, Germany, is the agency of OMGUS which is charged with supervision of the Laenderrat (Council of Minister Presidents of the Laender composing the U. S. Zone).

(b) *Austria.* The Commanding General, U. S. Forces, Austria, with Headquarters in Vienna, is the U. S. Commissioner accredited to the Allied Commission. This organization, established by the four Powers occupying Austria, acts through the Austrian Government in practically all matters. In his capacity as Commanding General, USFA, he is also Commander of the U. S. Zone, Austria and Military Governor with final authority in all operational matters. He is assisted by a Deputy U. S. Commissioner and by a political advisor with the rank of Ambassador. The fields of responsibility in which the Allied Commission has reserved the right to act directly through each of the four Commissioners as Commanders of their respective zones, are: Disarmament, the Protection and Security of Allied Forces in Austria, the Protection, care and Restitution of property belonging to the United Nations, the Disposal of German property, the Control and Evacuation of Prisoners of War and Displaced Persons, the Control of War Crimes Prosecutions and, temporarily, the Control of travel across Austrian borders.

There is an assistant to the Deputy U. S. Commissioner who has assigned to him advisers in the fields of economics and public administration.

An Executive Division is provided for the Assistant Deputy U. S. Commissioner with branches for Personnel, Reports, Operations, Supply, and Policy, and a joint Secretariat with the Secretary of Headquarters, U. S. Forces, Austria. This Division is responsible for the administration and operation of the U. S. element, Allied Commission for Austria.

The U. S. organization contains the following Divisions with functional responsibility:

(1) *Labor Division.* Labor supply, industrial relations, social insurance.

(2) *Finance Division.* Currency, fiscal policy, Austrian Financial Institutions.

(3) *Economics Division.* Food, agricultural, forestry, fuels, raw materials, public utilities, public works, industry, foreign trade, price control and rationing.

(4) *Civil Supply Division.* Supply of necessities to the civilian population, including displaced persons.

(5) *Transportation Division.* Water, rail, and road transportation.

(6) *Reparations and Restitutions Division.* Property control, reparations and restitutions, monuments, fine arts and archives.

(7) *Internal Affairs Division.* Public Safety, education, ecclesiastical affairs, local government and administration, public welfare, and public health.

(8) *Legal Division.* Military Government courts, Austrian courts, legislation and legal advice.

(9) *Displaced Persons Division.* Discharge of disarmed enemy personnel, care and repatriation of displaced persons.

(c) *Italy.* The administration of Military Government in the occupied areas of Italy, Venezia Giulia and Udine, is not a direct War Department responsibility. The Military Government of these areas, as well as the operation of the Allied Control Commission, is a combined operation in which this government participates with Great Britain. It is under the control of the Supreme Allied Commander, Mediterranean, who is President of the Allied Control Commission and Military Governor of the occupied zone. The Allied Commission is composed of British and U. S. elements, with French and Soviet representatives being limited to observation and liaison.

An Advisory Council, consisting of representatives of the United States, United Kingdom, Union of Soviet Socialist Republics, France, Yugoslavia and Greece, has been cleared to assume the functions of the Allied Commission when Anglo-American control is relinquished. At the present time, the Allied Commission deals exclusively with the Italian Government which governs throughout Italy with the exception of the occupied zones of Venezia Giulia and Udine.

(d) *Japan.* The occupation of Japan is a combined operation under the control of a Supreme Commander for the Allied Powers (SCAP) who is assisted by a U. S. political advisor appointed by the Department of State. Policies regarding the occupation of Japan can be established by the Far Eastern Commission. In the absence of such policies, the United States can issue interim directives. The Allied Council for Japan, composed of representatives appointed by the United States, the British Commonwealth, Union of Soviet Socialist Republics and the Republic of China, acts in an advisory capacity.

If, regarding the implementation of policy decisions of the Far Eastern Com-

mission on questions concerning a change in the regime of control, fundamental changes in the Japanese constitutional structure, or a change in the Japanese government as a whole, a member of the council disagrees with the Supreme Commander (or his deputy), the Supreme Commander will withhold the issuance of orders on these questions pending agreement thereon in the Far Eastern Commission.

SCAP exercises his control through the Imperial Japanese Government to which he issues his orders in the form of directives to the Central Liaison Office. His headquarters consists of a Chief of Staff, two Deputy Chiefs of Staff, and general Staff sections which function in a dual capacity, i. e. as the General Staff of the Supreme Commander for the Allied Powers and for the U. S. Army Forces in the Pacific. SCAP also maintains a special staff to assist him in his functions as Military Governor, which is composed of the following sections: (1) Adjutant General; (2) Economic and Scientific Section; (3) Legal Section; (4) International Prosecution Section; (5) Public Health and Welfare; (6) Natural Resources; (7) Diplomatic; (8) Civil Information and Education; (9) General Procurement Agent; (10) Government Section, including the Korean Branch; (11) Civil Property Custodian; (12) Statistics and Reports; (13) Civil Personnel; (14) General Accounting; (15) Civil Intelligence.

SCAP controls Military Government Detachments in the field which are attached to United States tactical units. These detachments, in turn, maintain liaison with Japanese Area Liaison Officers which are under the control of the Japanese Central Liaison Office.

(e) *Korea.* The Military Governor of Korea south of the 38th parallel is under the command of the Commanding General, U. S. Army Forces in Korea, who is assisted by a U. S. political adviser, appointed by the Department of State. The Commanding General, USAFIK, is subordinate to the Commander of the U. S. Army Forces in the Pacific. The area of southern Korea occupied by U. S. Forces is directly governed and controlled by the Military Governor whose headquarters is at Seoul, through the following Governmental Bureaus which are directed and staffed in part by United States personnel: (1) Foreign Affairs; (2) Korean Civil Service Commission; (3) Planning; (4) Administration; (5) Property Custodian; (6) Finance; (7) Agriculture; (8) Education; (9) Public Health; (10) Commerce; (11) Mining and Industry; (12) Police; (13) Justice; (14) Transportation; (15) National Defense; (16) Public Information.

The Military Governor also directs the operations of Military Government groups in the field. These groups maintain liaison, for administrative purposes, with the 24th Corps.

§ 3.4 *Military Government Ordnance No. 6.* (a) There is hereby established a court designated "Military Government Court for Civil Actions".

(b) The court shall ultimately be composed of three members of judges, each shall be a member of the bar in good standing in one of the States or Territories or the District of Columbia of the United States, well grounded in law and of outstanding integrity and ability. Members of the court shall be appointed by the Deputy Military Governor for Germany for a term of not less than one year.

(c) The official seat or headquarters of the court shall be at Stuttgart, but the court may sit at such times and places within the United States Zone, the United States Sector of Berlin or Bremen Enclave as it may determine.

(d) The Deputy Military Governor shall appoint a president of said court within thirty (30) days from the promulgation of this Ordinance. The court will thereupon be authorized and constituted to function as such. Other members of the court may be appointed by the Deputy Military Governor as the business of the court may require.

(e) Cases will ordinarily be heard by one judge, assigned by the president, but the full court or two members thereof shall sit in any case when the president directs. The member or members of the court sitting in a particular case shall render decision thereon. Other members of the court not participating in the hearing or trial shall not participate in the decision or judgment.

(f) The president of the court shall appoint a clerk, a marshal and a stenographer, who will be stationed at the offices of the court in Stuttgart. Members of the court and the clerk shall not be assigned to any other functions in Military Government and shall give their full time to the business of the court. Deputy clerks, deputy marshals, consultants, interpreters and other employees may be appointed by the president of the court as the business of the court may require from time to time. The clerk and the marshal and other employees shall serve at the pleasure of the court, no tenure for such services being hereby established.

(g) The jurisdiction of the court is limited to civil actions for damages arising out of the operation of motor vehicles not owned by the United States Government.

(h) The event giving rise to a cause of action must have occurred within the territorial limits of the United States Zone, the United States Sector of Berlin or Bremen Enclave.

(i) One or more parties to the action must belong to one of the following groups:

(1) Personnel of the United States Army.

(2) Civilian United States nationals subject to military law.

(3) Civilian United States nationals not subject to military law.

(4) Visiting nationals of United Nations.

(j) Nothing in this Ordinance shall affect the right of the categories of persons designated in paragraph (i) to bring suit as plaintiffs in German courts.

(k) The court shall have the same functions and powers generally exercised by trial courts in similar causes of action in the United States, except as limited or modified in this Ordinance. A public trial shall be held at which the parties may appear in person or by counsel and may examine and cross-examine witnesses and may introduce evidence including depositions as permitted by the court in its sound discretion. Decision shall be based on the record so developed. Ancillary and ex parte matters, including motions, may be informally heard in chambers.

(l) Military personnel and personnel of Military Government, as well as others subject to the jurisdiction of the court, shall recognize and obey all process and orders of the court.

(m) Military officers and officials of Military Government shall aid in making it possible for all litigants properly to present their cases. Such officers and officials shall freely permit the interviewing of witnesses and the inspection of pertinent records by proper parties and shall facilitate the availability of parties and witnesses in causes and their attendance in court when required. The court shall grant such reasonable postponements and enter such orders in aid of a full investigation of the facts of a case as may be necessary to meet the ends of justice.

(n) There shall be no jury trials.

(o) No suit may be filed in this court after the period of six months has elapsed from the accrual of the cause of action, except that the six-months period shall not run during the time any defendant is not present within the United States Zone, the United States Sector of Berlin, or Bremen Enclave. If service of summons is not made upon the defendant within six months after suit is filed, the court may dismiss the action unless plaintiff shows to the court that failure to serve was because the defendant cannot be found or is outside its jurisdiction.

(p) The court shall not be bound by technical rules of evidence. The admission or reception of evidence rather than its rejection shall be favored. Factual determinations shall be based on evidence of rational probative force. Stipulations of fact shall be admissible.

(q) Technical rules of pleading shall not be controlling. Short simple statements of fact, allegations, and grounds of defense shall be required. Pleadings may be amended at any time with the court's approval and upon such terms as the court may require. The responsive pleading shall specifically admit or deny or explain each of the facts alleged unless the pleader is without knowledge, in which event he shall so state, such statement operating as a denial. Any allegation in a complaint, cross complaint, or intervener's petition not denied, as herein provided, in the responsive pleading shall be deemed to be admitted to be true, and may be so found by the court.

(r) The court shall have power to punish for contempt.

(s) The traffic regulations and rules of the road with respect to the operation of motor vehicles and the conduct of pedestrians in relation thereto in effect within the U. S. Zone, Berlin Sector, or Bremen Enclave shall apply to the persons in paragraph (i) of this section, in the same manner that they apply to German nationals and others.

(t) The court shall determine liability by applying, in general, the law applicable to similar cases in the United

States. Liability shall be based on fault, negligent or intentional. Violation of the applicable rules of law, referred to in paragraph (s) above, shall be admissible as proof, but shall not be considered conclusive proof, of negligence. Contributory negligence may be pleaded and proved as a bar to recovery. In determining the application of the law as to liability, the court may be guided by the Restatement of the Law of Torts, as published by the American Law Institute.

(u) The following rules of procedure are hereby established:

(1) Any member of the bar in good standing of a State or Territory or the District of Columbia of the United States or any German lawyer presently qualified and authorized to practice within the United States Zone, the United States Sector of Berlin, or Bremen Enclave may represent clients in said court, although it is not required that a party be represented by counsel.

(2) There shall be one form of action to be known as a "Civil Action".

(3) A civil action is commended by filing a complaint in the office of the clerk of the court.

(4) The plaintiff, upon filing a complaint, shall deposit with the clerk of the court the sum of 250 marks, no part of which shall be in any event refunded. Upon a showing by the plaintiff that he is without means to pay fee, the court may waive all or part of it.

Witness fees, service fees, deposition fees and mileage shall be computed as prescribed by German law and, together with the sum paid as filing fee and other proper items, may be recovered as costs by the prevailing party. The clerk and marshal shall dispose of the official moneys coming into their hands as provided in section 5–309 et seq. of Military Government regulations.

(5) Upon the filing of a complaint the clerk shall issue a summons and deliver it for service to the marshal or his deputy or to a person specially appointed by the court. It shall be signed by the clerk under the authority of the court. The summons and a copy of the complaint shall be served together, in person, upon the defendant. If the defendant is not a natural person, service may be made in the manner and custom provided by German law except service by publication. Service must be obtained within the U. S. Zone, U. S. Sector of Berlin, or Bremen Enclave. Service may be accepted, waived or acknowledged in writing by filing with the clerk .

(6) The defendant's pleading, responsive to the complaint, shall be designated the answer and must be filed in the office of the clerk within twenty (20) days from the date of service of the summons. The plaintiff may file reply within twenty (20) days after service upon him of the answer.

(7) The marshal, his deputy or a person designated by the court to serve process, shall note his written certificate upon the original of the summons, subpoena or other process showing time and manner of service and file the same forthwith in the clerk's office. When a judgment becomes final the judgment creditor may file a praecipe for writ of execution with the clerk of the court. The clerk will thereupon issue such writ. The marshal shall service the same by calling upon the debtor for payment. If the debtor fails to pay the marshal shall seize and levy upon such of his property, personal or real, as he may be able to find within the jurisdiction of the court. He shall sell the same under directions of the court at public auction, making due return and accounting in the premises.

(8) Pleadings, orders and papers, other than the summons and complaint, required to be served upon an opposite party may be served by mailing in accordance with the German customs and laws. The attorney making such service by mail shall forthwith file in the clerk's office a certificate in the nature of proof of such service.

(9) In computing any period of time prescribed or allowed by these rules by order of court or by any applicable statute, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Sunday or a holiday observed by Military Government, in which event the period runs until the end of the next day which is neither a Sunday nor a holiday.

(10) All instruments, pleadings and orders of court shall be filed in the clerk's office and the same shall not become effective until such filings take place.

(11) Subpenas for the attendance of witnesses shall be issued by the clerk under the authority of the court upon the request of any party. Subpenas duces tecum shall be issued only upon order of court. Subpenas will be served on military personnel through the appropriate Commanding Officer.

(12) Depositions within the United States Zone, the United States Sector of Berlin, or Bremen Enclave shall be taken before a consul or consular agent of the United States or before some United States military or Military Government officer authorized to administer oaths who may be designated by the court.

(13) The court, upon the conclusion of a case, shall find the facts specially and separately state its conclusions of law in writing.

(14) Any member of the court may enter a judgment by default upon proper showing, or dispose of other ex parte matters.

(15) In any action in which any part of the relief sought is a judgment for a sum of money or the disposition of a sum of money or disposition of any other thing capable of delivery, a party may by leave of court deposit with the clerk of the court all or any part of such sum or thing.

(16) The clerk's and the marshal's offices with the clerk of deputy and marshal or deputy in attendance shall be open during ordinary office hours on all days except Sundays and holidays observed by Military Government. Deputy clerks and deputy marshals may be stationed in places other than in Stuttgart, as the business of the court requires.

(17) All evidence shall be taken stenographically if either party or the court requires. The party requesting a stenographer to take the testimony shall advance such fees for the stenographer as may be fixed by the court. If the court requests the services of a stenographer, each party may be required to advance one-half of the cost of such services. A typewritten transcript of the evidence and of the proceedings shall not be made unless ordered by either party or by the court. The costs of same shall be paid by the party ordering the transcript or by both parties, one-half each, if the court so orders.

(v) The court shall have broad discretion in the matter of procedure and may modify or supplement the rules contained in paragraph 21 from time to time. The Federal Rules of Civil Procedures may be followed as a guide in the premises.

(w) In the adjudication of claims of exemption from levy and sale underwrit of execution, and in attachment and garnishment proceedings, the law of the domicile of the judgement debtor shall control, provided that the allowance of claims of exemption by other than German nationals shall be subject to the sound discretion of the court.

(x) Judgments for damages shall be in German legal tender and shall have the same force and effect as valid judgments rendered by German courts of competent jurisdiction in the United States Zone.

(y) Equity jurisdiction in aid of the validity and enforcement of its judgments is hereby granted to said court.

(z) A judgment hereunder shall become final on the thirtieth day after rendition unless the aggrieved party, prior to that time, files a petition for review. In that event the court shall certify a complete record of the proceedings, including any transcript of testimony, to the Director of the Office of Military Government of the land or the Sector of Enclave in which the case was tried, who may affirm such judgment, which thereupon becomes final, or set the same aside and order a new trial.

By order of Military Government.
(Approved by Lieutenant General Lucius D. Clay, Deputy Military Governor, on May 21, 1946.)

[SEAL] B. M. FITCH,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 46—16031; Filed, Sept. 5, 1946; 4:09 p. m.]

CORPS OF ENGINEERS

[33 CFR, Ch. II]

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Pursuant to the provisions of section 3 of the Administrative Procedure Act of June 11, 1946 (Public Law 404—79th Congress), the following rules describing the organization of that part of the Corps of Engineers, War Department, concerned with the administration of laws for the protection and preservation of navigation and navigable waters of the United States, and rules of practice and procedure and substantive rules adopted in connection therewith, are hereby stated and published for the information of the public:

ORGANIZATION

§ 209.10 *Civil functions of the War Department.* In addition to its military duties, the War Department, acting through the Corps of Engineers performs extensive civil functions which include the execution, operation, maintenance, and control of river and harbor and flood control improvements authorized by law, and the administration of laws for the protection and preservation of navigation and navigable waters of the United States. Later paragraphs will describe the organization of the Corps, in Washington and in the field, and explain its jurisdiction and methods of operation.

§ 209.20 *The Corps of Engineers*—(a) *Central organization.* The civil functions of the War Department are carried out by the Corps of Engineers. The Chief of Engineers commands the Corps of Engineers and is responsible to the Secretary of War. On his staff in the Office of the Chief of Engineers, Washington 25, D. C., the Director of Civil Works is directly responsible for the civil functions described herein.

(b) *Field organization.* For administrative convenience and to permit decentralization of operations, the country is divided into thirteen "divisions" which are subdivided into fifty "districts". Each division is in charge of a division engineer, who supervises activities of the district engineers, who in turn are in charge of the district offices. All division and district engineers are commissioned army officers. The boundaries of districts and divisions are governed by the limits of the watersheds of principal rivers.

§ 209.30 *The Supervisor of New York Harbor.* The laws enacted for the preservation of the tidal waters of New York Harbor, its adjacent or tributary waters, and the waters of Long Island Sound are administered by the supervisor of New York Harbor, a line officer of the Navy, under the direction of the Secretary of War. The supervisor is charged under the laws with the duties of preventing any obstructive or injurious deposits in the waters under his jurisdiction and the prevention of any interference with safe navigation of the channels of the harbor by deep-draft vessels.

§ 209.40 *The California Debris Commission*—(a) *Organization and jurisdiction.* This Commission, consisting of three officers of the Corps of Engineers appointed by the President with the consent of the Senate, was created by the act of Congress approved March 1, 1893 (27 Stat. L., p. 507), was organized in San Francisco, Calif., on June 8, 1893, and has jurisdiction and duties extending over the drainage area of the Sacramento and San Joaquin Rivers, comprising the great central valley of California and extending from the crest of the Sierra Nevada on the east to that of the Coast Range on the west and from Mount Shasta and the Pit River Basin on the north to the Tehachapi Mountains on the south. These rivers empty into the head of Suisun Bay, ultimately discharging into the Pacific Ocean through the connecting bays and straits and the Golden Gate.

(b) *Duties.* The duties prescribed by the act creating the Commission include the regulation of hydraulic mining in such a way as to permit its resumption and continuance under such restrictions as to prevent the resulting debris from being carried into navigable waters or otherwise causing damage.

§ 209.50 *Jurisdiction of the Corps of Engineers.* These are the principal laws for the protection and preservation of navigation and navigable waters of the United States, administered by the Corps of Engineers:

(a) *Bridges and dams across waterways.* Location and plans of bridges, dams, dikes, and causeways across navigable waters must be approved by the Chief of Engineers and Secretary of War prior to construction. Section 9 of the River and Harbor Act of March 3, 1899 (30 Stat. 1151; 33 U. S. C. 401). General Bridge Act of March 23, 1906 (34 Stat. 84; 33 U. S. C. 491). General Bridge Act of 1946 (Public Law 601; 79th Congress).

(b) *Piers, dredging, etc., in waterways.* Plans for wharves, piers, dolphins, booms, weirs, breakwaters, bulkheads, jetties, or other structures, and excavation or fill in navigable waters must be recommended by the Chief of Engineers and approved by the Secretary of War. Section 10 of the River and Harbor Act of March 3, 1899 (30 Stat. 1151; 33 U. S. C. 403).

(c) *Harbor lines.* Authorizes the Secretary of War to establish harbor lines, beyond which no piers, wharves, bulkheads, or other works may be extended. Section 11 of the River and Harbor Act of March 3, 1899 (30 Stat. 1151; 33 U. S. C. 404).

(d) *Pollution control.* (1) Deposit of refuse matter in navigable waters forbidden. Section 13 of the River and Harbor Act of March 3, 1899 (30 Stat. 1152; 33 U. S. C. 407).

(2) Deposits in the tidal waters of the harbor of New York, adjacent or tributary waters, or Long Island Sound forbidden. Act of June 29, 1888 (25 Stat. 209), as amended by section 3 of the River and Harbor Act of August 18, 1894 (28 Stat. 360), by section 8 of the Act of May 28, 1908 (35 Stat. 426), and by the Act of February 16, 1909 (35 Stat. 623) (33 U. S. C. 441–451).

(3) Discharge of oil in coastal navigable waters from vessels forbidden. Oil Pollution Act of 1924 (43 Stat. 604; 33 U. S. C. 431).

(e) *Use of or injury to Government works.* Permission for the temporary occupation or use of public works, such as sea wall, jetty, levee, or other work

built for improvement of navigable waters or control of floods must be obtained from the Secretary of War; injury to such work is unlawful. Section 14 of the River and Harbor Act of March 3, 1899 (30 Stat. 1152; 33 U. S. C. 408).

(f) *Obstructive bridges.* (1) Bridges found to be unreasonable obstructions to navigation may be ordered altered by the Secretary of War at expense of bridge owner. Section 18 of the River and Harbor Act of March 3, 1899 (30 Stat. 1153; 33 U. S. C. 502).

(2) Bridges used and operated for the purpose of carrying railroad traffic, or both railroad and highway traffic, may be ordered altered by the Secretary of War and costs apportioned between the United States and the bridge owner. Act of June 21, 1940 (54 Stat. 497; 33 U. S. C. 511–523).

(g) *Removal of wrecks.* (1) Sunken craft or similar obstruction endangering navigation subject to removal at discretion of the Secretary of War without liability, if abandoned or in existence for longer than thirty days. Section 19 of the River and Harbor Act of March 3, 1899 (30 Stat. 1154; 33 U. S. C. 414).

(2) In emergency, Secretary of War may take immediate possession of and remove wrecks. Section 20 of the River and Harbor Act of March 3, 1899 (30 Stat. 1154; 33 U. S. C. 415).

(3) Owners of sunken vessels must mark the wreck until removed or abandoned. Section 15 of the River and Harbor Act of March 3, 1899 (30 Stat. 1152; 33 U. S. C. 409).

(h) *Navigation regulations.* It is the duty of the Secretary of War to prescribe regulations for the use, administration, and navigation of navigable waters required for the protection of life and property, or of operations of the United States in channel improvement, covering all matters not specifically delegated by law to some other executive department. Section 4 of the River and Harbor Act of August 18, 1894 (28 Stat. 362), as amended by Sections 6 and 11 of the Act of June 13, 1902 (32 Stat. 374), and by section 7 of the Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1).

(i) *Danger zone regulations.* The Secretary of War is authorized to prescribe regulations for the use and navigation of waters endangered or likely to be endangered by Coast Artillery fire, or by the proving operations of Government ordnance proving grounds, and of waters occupied by submarine mines, mine fields, submarine cables, or other material and accessories pertaining to seacoast fortifications, or by any plant or facility engaged in the execution of any public project of river and harbor improvement. Sections 1–4 of Chapter XIX of the Army Appropriation Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3).

(j) *Regulations for floating of logs and rafts.* The Secretary of War is authorized to prescribe rules and regulations to govern the floating of loose timber and logs, and sack rafts of timber and logs, and other methods of navigation on waterways whereon the floating of loose timber and logs and sack rafts is the principal method of navigation. Act of May 9, 1900 (31 Stat. 172; 33 U. S. C. 410).

(k) *Dumping regulations.* The Secretary of War is authorized to prescribe regulations to govern the transportation and dumping into any navigable water, or waters adjacent thereto, of refuse materials. Section 4 of the Act of March 3, 1905 (33 Stat. 1147; 33 U. S. C. 419).

(l) *Anchorage regulations.* The Secretary of War is authorized to define and establish anchorage grounds and to adopt rules and regulations in relation thereto. Section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471).

(m) *Drawbridge regulations.* It is the duty of bridge owners to operate drawbridges under such rules and regulations as the Secretary of War deems necessary for the passage of water craft. Section 5 of the Act of August 18, 1894 (28 Stat. 362), as amended by section 8 of the Act of June 13, 1902 (32 Stat. 374) (33 U. S. C. 499). Section 4 of the Bridge Act of March 23, 1906 (34 Stat. 85; 33 U. S. C. 494).

(n) *Bridge tolls.* Rates of toll for transit over certain toll bridges are subject to regulation by the Secretary of War. Section 4 of the Bridge Act of March 23, 1906 (34 Stat. 85; 33 U. S. C. 494). Section 17 of the Act of June 10, 1930 (46 Stat. 552; 33 U. S. C. 498a). Section 1 of the Act of June 27, 1930 (46 Stat. 821; 33 U. S. C. 498b). Act of August 21, 1935 (49 Stat. 670; 33 U. S. C. 503–507).

(o) *Flood control regulations.* (1) Section 3 of the Flood Control Act of June 22, 1936 (49 Stat. 1571; 33 U. S. C. 701c), as amended and supplemented, authorizes the Secretary of War to prescribe regulations to govern the maintenance and operation of completed flood control works by local interests.

(2) Section 7 of the Flood Control Act December 22, 1944 (58 Stat. 890; 33 U. S. C. 709), authorizes the Secretary of War to prescribe regulations for the use of storage allocated for flood control or navigation at reservoirs constructed wholly or in part with Federal funds provided on the basis of such purposes.

(3) Section 4 of the Flood Control Act December 22, 1944, as amended by Section 4 of the Flood Control Act of 1946, approved July 24, 1946 (Public Law 526; 79th Congress), authorizes the Secretary of War to prescribe rules and regulations to govern the public use of reservoir areas for recreational purposes.

§ 209.60 *Delegations of authority.* In the interests of efficient administration authority has been delegated by the Secretary of War and by the Chief of Engineers to subordinates to act in certain specific cases as described below.

(a) *The Chief of Engineers*—(1) *Piers, dredging, etc., in waterways.* The Secretary of War has authorized the issuance of War Department permits by local officers of the Engineer Department, at the option of the Chief of Engineers, for work and structures in or over navigable waters in cases which are entirely routine and which involve no difference of opinion on the part of engineer authorities, nor doubt as to the law, facts, or regulations, nor any opposition or other considerations which should be decided by higher authority.

A case is held to be entirely routine if the circumstances are such that approval of the plans would unquestionably be given were the matter presented to the Chief of Engineers and the Secretary of War. The mere fact that proposed work, such as dredging, for example, is extensive in scope does not necessarily remove it from the class of routine cases if no possible objection to the work can be foreseen.

Under the provisions of section 11 of the Act of March 3, 1899, the Secretary of War has authorized the Chief of Engineers to issue permits for works of a temporary or relatively non-obstructive character channelward of harbor lines approved by the Secretary of War.

(2) *Removal of wrecks.* The authority vested in the Secretary of War under sections 19 and 20 of the Act of March 3, 1899, concerning the removal of wrecks, has been delegated to the Chief of Engineers and also to the District Engineer in the case of emergency action under section 20.

(3) *Use of Government works.* The authority of the Secretary of War to grant permission for the temporary occupation or use of public works under section 14 of the Act of March 3, 1899 has been delegated to the Chief of Engineers.

(4) *Supervisor of New York Harbor.* The powers and duties of the Secretary of War with respect to the Supervisor of New York Harbor under the Act of June 29, 1888 are exercised through the Chief of Engineers.

(5) *Bridge repairs.* The Secretary of War has authorized offices of the Engineer Department to interpose no objection to the closing of bridges for limited periods to permit repairs. Periods in excess of 15 days must be acted upon by the Chief of Engineers; Division and District Engineers may act on lesser periods.

(b) *Division engineers*—(1) *Piers, dredging, etc., in waterways.* The Chief of Engineers has authorized Division Engineers to issue direct from their own offices, in the name of the Secretary of War, letters of authorization for dumping, and for the construction of wharves, piers, revetments and other forms of shore protection, and oil well and appurtenant structures in navigable waters of the United States within the limits of their divisions provided the work is clearly such as will not interfere with present or prospective commerce nor injuriously affect the regimen of the waterway nor extend channelward of the limits that may reasonably be expected to be adopted for harbor lines. Subject to the above restrictions they may authorize dumping and minor and readily removable structures such as fenders, false work for the construction of legally approved bridges, booms, dolphins, and piles, channelward of established harbor lines provided that in tidal waters the amount of tidewater displaced is of minor importance.

Division Engineers are authorized to include in permits issued under the above authority any connected work or structures for which District Engineers are herein authorized to issue permits separately.

Division Engineers are not empowered to authorize wharves, piers, revetments, or other forms of shore protection of permanent or semi-permanent character extending beyond the limitations fixed by established harbor lines, nor fishing structures, nor any structures connected with a bridge if the plans of the bridge have not been approved by the Chief of Engineers and the Secretary of War, nor structures at any bridge permanently altering the clear width of channel or other openings from those shown on the plans approved by the Chief of Engineers and the Secretary of War.

Division and District Engineers are authorized to approve plans for structures and work, of the class they are authorized to issue permits, when the application for approval is submitted after the commencement or completion of the structures or work, subject to certain conditions.

Division Engineers are authorized to revive and extend for successive periods not exceeding three years each the life of permits which have been issued by District Engineers of their division or by the Division Engineer, whether issued by general or special authority; provided that public notice is issued, that evidence satisfactory to the Division Engineer is furnished of the bona fide intention of the permittee to complete the work within a reasonable time, and that there has been no change in the attendant circumstances since the issuance of the permit sufficient to warrant the forwarding of the case to the Chief of Engineers for consideration.

Division and District Engineers are empowered to approve revised plans for works under permits issued by them.

(2) *Bridge repairs.* Division Engineers are authorized to interpose no objection to the closing of bridges to permit repairs for periods exceeding 48 hours but not exceeding 15 days.

(c) *District Engineers*—(1) *Piers, dredging, etc., in waterways.* District Engineers are authorized to issue direct from their own offices, in the name of the Secretary of War, letters of authorization for the following classes of work and structures in or over navigable waters of the United States within the limits of the district under their charge:

(i) Dredging.

(ii) Dredging and dumping combined, when possible interference or obstruction to navigation by the character and amount of material to be dumped is so small as to be negligible.

(iii) Dumping of material not easily transported by currents when the least low-water depth over the deposited material will be not less than 50 feet.

(iv) Minor and readily removable structures such as pipes, wires, cables, temporary false work for the construction of legally approved bridges, fenders, booms, dolphins, and piles channelward of Federal harbor lines or where no harbor lines exist, when the possible obstruction to navigation is so small as to be negligible.

This authorization shall not be construed to apply to submarine cables for which, under the provisions of act of Congress approved May 27, 1921, "Relating to the landing and operation of submarine cables in the United States," Presidential licenses are required (42 Stat. 8; 47 U. S. C. 34–39). Also this authorization shall not be construed as applying to transmission lines which form a part of a waterpower "project" as defined in section 3 (11) of the Federal Power Act.

District Engineers are not empowered under this paragraph to authorize fishing structures, nor any structures connected with a bridge if the plans of the bridge have not been approved by the Chief of Engineers and the Secretary of War, nor structures at any bridge altering the clear width of channel or other openings from those shown on the plans approved by the Chief of Engineers and the Secretary of War.

(2) *Bridge repairs.* District Engineers are authorized to interpose no objection to the closing of bridges to permit repairs for periods not exceeding 48 hours.

(3) *Removal of wrecks.* The Secretary of War has delegated authority to District Engineers under section 20 of the River and Harbor Act of March 3, 1899 (30 Stat. 1154; 33 U. S. C. 415), to take immediate action in the removal of sunken vessels under circumstances of emergency.

§ 209.70 *Office addresses.*

Office of the Chief of Engineers; War Department Building, Twenty-first and Virginia Avenue NW., Washington 25, D. C., Republic 6700.

Great Lakes Division: 20 North Wacker Drive, Chicago 6, Ill., Randolph 1311. Buffalo District: 960 Ellicott Square Building, Buffalo 3, N. Y., Cleveland 8157. Chicago District: 520 Merchandise Mart, 222 North Bank Drive, Chicago 54, Ill., Delaware 7620. Detroit District: Postoffice Box 2859, 800 Guardian Building, 500 Griswold Street, Detroit 31, Mich., Randolph 2721. Duluth District: Postoffice Box 248, Engineer Building, Canal Park, Duluth 1, Minn., Melrose 1451. Milwaukee District: Postoffice Box 744, 428 Federal Building, Milwaukee 1, Wis., Broadway 8600.

Lower Mississippi Valley Division: Postoffice Box 80, Mississippi River Commission Building, Vicksburg, Miss., Vicksburg 3200. Memphis District: Postoffice Box 97, Memphis 1, Tenn., Memphis 5-4671. New Orleans District: Foot of Prytania Street, New Orleans 9, La., Walnut 7580. Vicksburg District: Postoffice Box 60, United States Postoffice and Courthouse Building, Vicksburg, Miss., long distance 9997, local 1850.

Middle Atlantic Division: 907 Calvert Building, 101 East Fayette Street, Baltimore 2, Md., Plaza 8060. Baltimore District: 8th floor, Standard Oil Building, Baltimore 2, Md., Vernon 2600. Norfolk District: Postoffice Box 119, Fort Norfolk, Norfolk 1, Va., Norfolk 51411. Washington District: First and Douglas Streets NW., Washington 25, D. C., Hobart 8000.

Missouri River Division: Farm Credit Building, 206 South Nineteenth Street, Omaha 2, Nebr., Jackson 8308. Denver District: 909 Seventeenth Street, Denver, Colo., Tabor 5231. Fort Peck District: Administration Building, Fort Peck, Mont., Fort Peck 92. Garrison District: Fort Lincoln, Postoffice Box 300, Bismarck, N. Dak., Bismarck 1331. Kansas City District: Room 601, Davidson Building, 10 East Seventeenth Street, Kansas City 8, Mo., Harrison 4175. Omaha District: 1709 Jackson Street, Omaha 2, Nebr., Jackson 8308.

New England Division: 75 Federal Street, Boston 10, Mass., Hubbard 8100. Boston District: Park Square Building, 31 St. James Avenue, Boston 16, Mass., Hubbard 7400. Providence District: 819 Industrial Trust Building, 111 Westminister Street, Providence 2, R. I., Gaspee 5124.

North Atlantic Division: 111 East Sixteenth Street, New York 7, N. Y., Barclay 7–1616. New York District: Room 601, 120 Wall Street, New York 5, N. Y., Whitehall 4–5500. Philadelphia District: Post Office Box 8629, 1400 Penn Mutual Building, Sixth and Walnut Street, Philadelphia 1, Pa., Walnut 5270. Syracuse District: Chimes Building, Syracuse 2, N. Y., Syracuse 6–2161.

North Pacific Division: 500 Pittock Block, Portland 5, Oreg., Broadway 0621. Portland District: 628 Pittock Block SW., Tenth Avenue and Washington Street, Portland 5, Oreg., Broadway 0621. Seattle District: 1400 Textile Tower Building, Seventh and Olive Way, Seattle 1, Wash., Main 0861.

Ohio River Division: Post Office Box 1799, 243 North High Street, Columbus 16, Ohio, Main 6481. Cincinnati District: Post Office Box 1234, 526 United States Post Office and Courthouse Building, Cincinnati 1, Ohio, Cherry 5820. Huntington District: Post Office Box 2127, 1301 Chesapeake and Ohio Building, Huntington, W. Va., Huntington 8524. Louisville District: Post Office Box 59, 830 West Broadway, Louisville 3, Ky., Wabash 7571. Nashville District: Post Office Box 1070, 306 United States Courthouse, Seventh Avenue and Broadway, Nashville, Tenn., Nashville 5–4601. Pittsburgh District: 925 New Federal Building, Pittsburgh 19, Pa., Grant 0800.

South Atlantic Division: Post Office Box 4114, 50 Whitehall Street, Atlanta 2, Ga., Cypress 3661. Charleston District: Post Office Box 905, 33 Customhouse, Charleston 1, S. C., Charleston 3–5341. Jacksonville District: Post Office Box 4970, 575 Riverside Avenue, Jacksonville, Fla., Jacksonville 7–8671. Mobile District: Post Office Box 1169, 2301 Grant Street, Mobile 7, Ala., Mobile 6–4421. Savannah District: Second floor, Post Office Building, Savannah, Ga., Georgia 3–8822. Wilmington District: 308 Customhouse, Wilmington, N. C., Wilmington 2–0621.

South Pacific Division: 351 California Street, San Francisco, Calif., Garfield 6900. Los Angeles District: Post Office Box 5180, Metro Station, 751 South Figueroa Street., Los Angeles 55, Calif., Tucker 1311. Sacramento District: Post Office Box 1739, 1209 Eighth Street, Sacramento 8, Calif., Sacramento 3–8092. San Francisco District: Post Office Box 3050—Rincon Annex, 74 New Montgomery Street, San Francisco 19, Calif., Yukon 0667.

Southwestern Division: Santa Fe Building, 1114 Commerce Street, Dallas 2, Tex., Dallas LD 930. Albuquerque District: Post Office Box 1538, Fourth and Gold Avenue, Albuquerque, N. Mex., Albuquerque 2–5241. Galveston District: Post Office Box 1229, 606 Santa Fe Building, Galveston, Tex., Galveston 2–8621. Little Rock District: 300 Broadway, Little Rock, Ark., Little Rock 23431. San Antonio District: Post Office Box 155, Wilson and Division, Fort Sam Houston, Tex., Cathedral 8411. Tulsa District: Post Office Box 61, 416 Wright Building, Tulsa, Okla., Tulsa 2–9161.

Upper Mississippi Valley Division: Post Office Drawer D–18–Central Station, 1124 Syndicate Trust Building, 915 Olive Street, St. Louis 1, Mo., Central 4940. Rock Island District: Clock Tower Building, Rock Island, Ill., Rock Island 6440. St. Louis District: Post Office Drawer T—Plaza Station, 816 United States Courthouse and Customhouse, 1114 Market Street, St. Louis 1, Mo., Garfield 0360. St. Paul District: 1217 United States Post Office and Customhouse, 180 South Kellogg Road, St. Paul, Minn., Cedar 1813.

Western Ocean Division: Sausalito, Calif., Sausalito 1300. Honolulu District (Post Office Box 2240); Fort Armtsrong, Honolulu, T. H.

§ 209.80 *Inquiries and applications.* The public may secure full information on any matter coming under the jurisdiction of the Corps of Engineers or make submittals or requests by addressing the nearest District Engineer at the address listed above.

PRACTICE AND PROCEDURE

§ 209.110 *Purpose.* The following paragraphs state the general course and method by which the functions of the Corps of Engineers are channeled and determined, including the nature and requirements of all procedures as well as forms and instructions. They are intended to show what the department requires and how the Department acts in a given type of case.

§ 209.120 *Bridges and dams across waterways*—(a) *How to obtain approval of plans.* To obtain the approval of the Chief of Engineers and the Secretary of War the builder of a bridge must file an application on a prescribed form, copies of which may be obtained from the District Engineer. The application must show the name and address of the applicant; the waterway and location of the bridge; citation to the Act of Congress or the State legislature authorizing the bridge; and be accompanied by a map of the location and plans of the bridge showing these features which affect navigation; papers to establish the identity of the supplicant.

(1) *Prior authority necessary.* A bridge cannot lawfully be constructed across any navigable waterway of the United States until legislative authority has been obtained and the plans have been approved by the Chief of Engineers and the Secretary of War. (See Section 9, River and Harbor Act of March 3, 1899 (30 Stat. 1151; 33 U. S. C. 401), General Bridge Act of March 23, 1906 (34 Stat. 84; 33 U. S. C. 491), and General Bridge Act of 1946 (Public Law 601–79th Congress).)

(2) *Legislation required.* The legislative authority must be obtained from Congress if the bridge crosses an international waterway. If the navigable portions of the waterway are not within the limits of a single State, the General Bridge Act of 1946 grants authority of Congress and no special act is necessary. If the navigable portions of the waterway are within the limits of a single State, State authority is necessary.

(3) *Form.* The application for the approval of plans should be made on Form 92b. (See also Information Circular, Form 96a, copies of which may be obtained from the District Engineer.)

(4) *Signature.* In case of signature by an agent or by an official of a corporation, a duly authenticated copy of the authority for the action must accompany the application.

(5) *Identification to the Department.* If the applicant is a corporation, it must furnish for the information of the Department copies of the following papers, all properly authenticated: The charter or articles of incorporation; The minutes of organization; Extract from minutes showing the names of existing officers of the corporation.

(6) *Identification in cases of application by State or county officers.* Where State laws vest in State or county officers, such as boards of supervisors and county courts, the power to authorize the construction of bridges, they must furnish with their application certified extracts from their proceedings showing their action authorizing the proposed structure.

(7) *Plans.* One set of the plans furnished should be on tracing line. The location of the work and the essential features covered by the application will be outlined in red.

(8) *Size of sheets.* The drawings will be on sheets 8 by 10½ inches in size. The dimensions specified are to be measured in all cases from edge to edge of the sheet and include a margin of 1 inch along one of the 8-inch sides for binding purposes. As few sheets will be used as necessary to show clearly what is proposed.

(9) *Special instructions.* The scale will be shown graphically. The north and south line will be indicated by a meridian arrow. Soundings and elevations will be shown in feet and referred to the established Government datum plane at the locality.

The direction of currents will be indicated by an arrow, and the strength of currents, both ebb and flow, or low water and high water, will be shown close to the proposed location of the bridge, and at both ends of the waterway shown on the map of location.

The plans will show in figures the least clear height of the lowest part of the superstructure over navigation openings, with reference to the planes of mean high water and mean low water if the bridge is to cross tidal waters; if the waters are nontidal, to the planes of extreme high water, ordinary boating water, and low water; and, if records of river heights are available, to the plane above which flood waters have not remained at any time longer than five consecutive days.

If harbor lines have been established at the site of the bridge, their position will be shown on the plans. Each drawing will have a simple title, preferably in the lower right-hand corner.

(10) *Structural details.* Only those should be shown which are needed to illustrate the effect of the proposed structure on navigation. If the bridge is to be equipped with a draw, the latter will be shown in two positions: closed and open.

(11) *To whom application should be presented.* The application and the papers and plans accompanying it should be submitted to the U. S. District Engineer in charge of the waterway.

(b) *Action on application.* When an application is received for approval of plans for a bridge, the district engineer will verify the authority for construction of the bridge, review the application and plans as to sufficiency, ascertain the views of local authorities and other interested parties, and submit a report transmitting the application to the Chief of Engineers for departmental action, all as outlined in the following subparagraphs.

The procedure prescribed above will also be following for applications involving modification or replacement of existing bridges over navigable waters.

(1) *Verification of construction authorization.* District engineers will require applicants to establish their identity to insure that the applicant represents the individual, agency or corporation to whom Congress or the State has granted the authority for bridge construction. If the applicant is a corporation, there will be required a copy of its charter or articles of incorporation and of the minutes of organization; also extracts from the corporation minutes showing the names of the present officers and the acceptance by the corporation of the provisions of the act of Congress, all properly authenticated.

(2) *Preliminary review of application and plans.* If upon preliminary examination of the application the district engineer feels that it must inevitably be denied (as might be the case, for example, if a bridge with too little clearance were proposed to be built), he at once notifies the applicant that the desired permit cannot be granted and states his reasons. If, however, the applicant desires that his application receive the further consideration of the Chief of Engineers and the Secretary, and in all other cases in which the application is not defective on its face, the district engineer is required to give public notice that the application has been filed and proceed with the case.

(3) *Notice and hearing.* Public hearings are required unless the report of the district engineer convincingly demonstrates that from the circumstances no proper objection to the structure can exist. In any event a public notice must be issued to all interested parties.

The notice is a brief formal statement identifying the application, to which the hearing relates, indicates the place and time of hearing, customarily 30 days after notice) and indicates the particular issues to which the hearing will pertain. Notice is communicated to the applicant by letter and mailed to State, county, and municipal authorities and all other known interested parties. It is also posted at the post office nearest the site and public places in the vicinity.

Hearings are public and conducted in an informal manner. The district engineer, or another officer attached to his staff, presides. At the opening of the hearing the presiding officer announces (i) the purpose of the hearing, (ii) that the Department desires all interested parties to make full and frank statements of their views, (iii) that the Department will consider all evidence and arguments presented, and (iv) that later ex parte evidence and arguments are not desired unless the matter is new, material, and could not be presented at the hearing. The statutes bearing on the subject matter of the hearing and any other pertinent documents are read aloud and the discussion is then opened. The submission of written statements is invited and encouraged. Anyone desiring to do so may speak. Statements, written or oral, are not under oath, and cross-examination is not usually permitted. No fixed order has been established for the presentation of evidence or argument although proponents are generally heard

first, followed by opponents with full opportunity afforded for rebuttals.

(4) *District engineer's report.* When the minutes of the hearing have been transcribed and the district engineer's study has been completed, the district engineer prepares his report, which is a detailed statement of his findings, conclusions, and recommendations based on information obtained at the hearing and knowledge derived from his experience and office data. His report must include: (i) Comparison of proposed bridge with existing bridges over the waterway, (ii) attitude of local authorities, (iii) summary of objections offered at public hearing, with his comments thereon, (iv) nature and extent of navigation, (v) probable effect on navigation, present and prospective, with reasons, on harbor lines and on flood heights and drift, (vi) his remarks and recommendations with any recommended special conditions to be attached to the instrument if approved, (vii) a list of the parties notified, the record of hearing and all other pertinent papers to complete the record.

The district engineer's report must include description of the commerce on the waterway past the site of the proposed bridge, the number and type of vessels, the number of vessel trips, and the principal method of handling traffic, whether in single vessels or in tows. If tows are used, the manner in which they are made up shall be stated, whether in fleets or in single vessels arranged tandem. The probable maximum length and breadth of tows during the lifetime of the bridge shall be given and the manner in which they are likely to pass the navigation opening, whether directly ahead on a line approximately parallel to the channel axis, or by flanking movement. If flanking movement is likely, the report shall also give the width of waterway required for the passage of the maximum-sized tow in the most oblique position it will probably have with respect to the channel axis.

The district engineer must state specifically whether he recommends approval of the plans. If he finds them objectionable, a detailed statement of his objections must be submitted. If the clearances which he recommends are smaller than the corresponding clearances on that portion of the waterway bearing the larger or more important traffic between the proposed location and principal connecting waterways, he must state the names and locations of the bridges in which the larger clearances are found and give in detail the reasons for his recommendations. If he considers the plans do not afford reasonable passage of flood waters in and outside of the natural stream bed, the applicant will be so advised. If the applicant declines to submit plans with adequate water passages, the case is referred to the Chief of Engineers with full information and appropriate recommendation.

If approval is recommended, a draft must be furnished of all conditions to which the instrument should be subject with the exception that conditions found in the standard bridge-approval forms (ED 92c and ED 92d), may be designated by a reference to the proper form number and need not be written out in full.

(5) *Division Engineer's action.* The district engineer's report is attached to the application and transmitted to the division engineer with all other documents, including the minutes of the hearing. The division engineer considers the entire file and, if he believes the report to be adequate and he concurs in its recommendations, he indicates his approval by adding an indorsement, and by forwarding the whole file to the Department.

In case the division engineer disagrees with the district engineer, or believes that additional material should be obtained, he may return the file to the district engineer with appropriate instructions, which are added as an indorsement. The district engineer adds his indorsement showing compliance with the instructions and returns the file to the division engineer.

Regardless of whether the district engineer and he have agreed, the division engineer states his recommendations, supported by reasons when necessary, in an indorsement and forwards the entire file.

(6) *Final action.* The file is received in the office of the Director of Civil Works where it is again considered by engineers and, if necessary, by one or more attorneys. When the Director disagrees with the reporting officers as to a matter of substance, he may return the case for reconsideration, or, when he disagrees as to a matter of procedure, he may return the case with instructions to correct the procedural defect (such as the failure to give notice, or to hold a public hearing). When the application is favorably considered by the Director he prepares a draft of endorsement and instrument of approval for the signature of the Chief of Engineers. Approval of the Corps of Engineers is signified by his signature to the endorsement and instrument and the file is forwarded to the Secretary of War.

When favorable action is taken on an application, the instrument of approval, signed by the Secretary and the Chief of Engineers, is transmitted to the district engineer to be relayed to the applicant. When unfavorable action is taken, the reasons for rejection and the modifications of plans which would induce reconsideration are stated by the chief to the division engineer, who notifies the district engineer, who in turn informs the applicant.

(c) *Dams, dikes, and causeways.* The requirements as to primary authority and approval by the Chief of Engineers and the Secretary of War of the plans and location applicable to bridges are also applicable to dams, dikes, and causeways in navigable waters of the United States. Such structures may be biult under authority of the legislature of a State across waterways the navigable portions of which lie wholly within the limits of a single State, otherwise an Act of Congress is necesary. Applications for approval of plans and location should be in the form of a letter submitted to the District Engineer in charge of the waterway. Information similar to that required in the case of bridges, together with tracings showing plans and location, should be furnished. Applications for authority to construct water power dams are subject to the provisions of the Federal Power Act, revised to August 26, 1935. Inquiries concerning the required procedure in such cases should be addressed to the Federal Power Commission, Washington, D. C.

§ 209.130 *Piers, dredging, etc., in waterways.*—(a) *Laws relating to permits.* (1) Section 10 of the River and Harbor Act of March 3, 1899, prohibits the placing of any structures in or over any navigable waters of the United States, or excavating or depositing material therein, unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of War. Section 14 of the River and Harbor Act of March 3, 1899, provides that the Secretary of War on the recommendation of the Chief of Engineers, may grant permission for the temporary occupation or use of any sea wall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the United States. Such authorization or permission is ordinarily granted in the form of a permit.

(2) Section 1 of the River and Harbor Act of June 13, 1902, provides that any person or persons, corporations, municipal or private, desiring to improve any navigable river, or any part thereof, at their own expense and risk may do so upon the approval of the plans and specifications of said proposed improvement by the Secretary of War and the Chief of Engineers.

(3) Permits are not required for pipe, wire, or cable crossings when attached to the fixed parts of bridges if the pipe, wire, or cable does not reduce the headroom or clear width of boat passages under the bridge. Such attachments will be considered a part of the bridge, and the bridge owner will be responsible for them under his bridge franchise.

(4) Submarine cables connecting the United States with any foreign country, directly or indirectly, or connecting any portion of the United States with any other portion thereof, are subject to the provisions of an Act of Congress of May 27, 1921 (42 Stat. 8), prescribing that such cables shall not be laid or operated unless a written license therefor has been issued by the President. In every case where a cable lies in navigable water of the United States a War Department permit therefor is necessary. If, in addition, the case is one requiring a license from the President under the provisions of the Act of May 27, 1921, the War Department does not take action until the Presidential license is issued. Facilities for the transmission of electric energy between the United States and foreign countries and for the exportation and importation of natural gas to or from foreign countries are also subject to the provisions of the Federal Power Act of August 26, 1935 (49 Stat. 838), and the Natural Gas Act of June 21, 1938 (52 Stat. 821), and a Presidential permit is required (Executive Order 8202, July 13, 1939).

(5) Policies and procedures applicable to those operations in which the Corps of Engineers may be called upon to parti-

cipate under the Federal Power Act are stated in Section 209.140. Licensing activities of the California Debris Commission are stated in Section 209.160.

(b) *Application.* (1) The application and plans will be prepared in accordance with instructions in Information Circular, Form 96a, copies of which may be obtained from the District Engineer. District Engineers will furnish applicants all proper advice and assistance in the preparation of the application and plans.

(2) The application consists of a letter requesting the permit, accompanied by maps and plans of the proposed work. The letter of application should be addressed to the District Engineer in charge of the locality in which the work lies. Such officers have general authority to issue permits for certain classes of work, and will forward to proper authority applications for permits on which they cannot themselves take final action.

(3) There is no prescribed form. The letter of application should bear the address of the applicant and the date, contain the name of waterway, location of the work, description of work, and a statement whether the work is within corporate limits of a municipality.

(4) The letter should give any explanation of the plans necessary to enable the Department to determine exactly what is proposed and to show that the structure is not likely to fail and become a danger or obstruction to navigation, or injure the navigable capacity of any of the public navigable waters. If dredging or dumping is proposed, the application should give the exact location of the work, the depth to which the proposed dredging is to be carried, the approximate amount of the material to be removed, and the definite location of the deposit of the dredged material and the depth to be left over it. Where dredging or dumping is proposed in connection with other work, a separate application for dredging is not required, but the information above specified should be included in the application.

(5) The District Engineer is required to notify the municipal authorities of any application for work lying within the corporate limits of a municipality. To save time and correspondence, every application for a permit should state the city or town within which the work lies, or should definitely state that it lies outside of the limits of any city or incorporated town, unless such fact is clearly shown by the maps and description.

(6) The letter of application, attached papers, and maps should be complete, without reference to other correspondence not attached, and should include any special authorization for the work that is prerequisite to the action of the Department, as, for example, a copy of the State permit for the work, if the laws of the State in which it is situated require the obtaining of such instruments.

(7) The letter of application must be signed by the owner or proprietor of the proposed work, or by his duly authorized agent, and not by the contractor whom it is proposed to employ on the work, except in the case of applications for permits for dredging.

(8) A copy of the letter of application should be furnished for the convenience of the District Engineer, and all attached papers should be furnished in quadruplicate. Information Circular, Form 96a, contains two examples of letters of application.

(c) *Maps and plans.* (1) Maps and plans showing the location, extent, and character of the proposed work are an essential part of an application for a permit. Such drawings are attached to, and form a part of, the permit issued, and must be carefully prepared in the form prescribed.

(2) As the employment of a suitable engineer or draftsman will often be necessary for the preparation of the drawings, parties desiring to do work in navigable waters are advised to consult with the district engineer, by letter or in person, in order that they may avoid the unnecessary expense of preparing plans for works for which permission must be denied in the interests of navigation, or of preparing plans that do not meet the requirements.

(3) One set of plans on tracing linen, and three sets of blueprints, or other copies are required. An exception will be made to the rule requiring a set of plans on tracing linen, when the map or drawing is a part of a printed map or plan which is sufficiently clear to permit reproduction by the photographic process; and, in ordinary applications for dredging, all four copies of the map may be blueprints, which may often be secured from the district engineer at small cost. In all cases four complete sets must be furnished.

(4) The drawings will be on sheets 8 by 10½ inches in size, measured in all cases from edge to edge of the sheet, including a margin of 1 inch along one of the 8-inch sides for binding purposes. As few sheets will be used as necessary to show clearly what is proposed.

(5) All drawings must be drawn to scale and the scale shown graphically. All maps must have the usual meridian arrow showing the north. When two maps are shown on the same sheet they should be so drawn that their meridians are parallel. It is desired that where convenient the maps be so drawn that the north be at the top of the map.

(6) On all maps of rivers, or plans showing river areas, the direction of the current will be indicated by a suitable arrow.

(7) All soundings and elevations should be shown in feet, and referred to the established Government datum plane at the locality. This plane is usually—

On the Atlantic and Gulf coasts, mean low water.
On the Pacific coast, mean lower low water.
On the Great Lakes, low water datum or mean lake level.
On rivers, low water.

(8) Further information, including the location and description of any gauge or bench marks that may be available, may be secured from the district engineer. Plans for structures in tidal waterways should contain indication of the tidal range.

(9) The instructions below provide for showing in red ink the structures proposed. This should be neatly and carefully done, so as not to obscure any details of the drawing. If desired by the applicant, the colored lines will be drawn in at the district engineer's office. In the event modification of an existing structure is contemplated only the new work should be shown in red.

(10) Each drawing should have a simple title, preferably in the lower right-hand corner, telling what the map is.

(11) A map on a small scale showing the location of the proposed work is always required, unless the other plans submitted clearly show the general location. The location map may be on a separate sheet, or may be drawn as an inset map on a corner of the sheet showing the details of structure or work. It may be traced from a Coast Survey, Lake Survey, or Geological Survey, or other general map, and should bear a note showing the number or title of such map or chart, thus: "Traced from U. S. Coast Survey Chart 273." The name of the waterway and the names of towns and prominent points should be placed on this map, and any lines of latitude or longitude should be included in the tracing and correctly numbered. The location of the proposed work should be marked in red ink on all copies of this map.

(12) Plans of the proposed work should show:

(i) *For wharves, piers, bulkheads, etc.* The ground plan or layout of the proposed structure showing the shore line (both high and low water line) and any existing structures in the immediate vicinity. In rivers, the plan should usually show the high and low water lines on both banks of the stream. The depth of water in the vicinity of the proposed structure should be shown by soundings.

Where practicable, the proposed work should be referenced by distance and direction to some established monument of definite mark. If harbor lines have been established in the locality, these should be accurately shown on the drawing. The outer lines of the proposed structure should be drawn in red ink on all copies.

A typical cross section of the structure, showing the type of construction and showing in figures the elevation of the deck or top above the datum plane.

(ii) *For a pier, jetty, dike, etc.* A longitudinal section of the structure, together with a profile of the bottom extending at least 100 feet beyond the end of the structure. The outer lines of the proposed structure should be drawn in red ink on all copies. The elevation of the deck or top above the datum plane should be shown in figures.

(iii) *For pipes, cables, etc., under water.* A plan, showing the shore line (both high- and low-water lines), any existing structures, cables, etc., in the immediate vicinity and in red ink on all copies, the alignment of the proposed pipe or cable. The depths in the vicinity of the crossing should be shown by soundings.

A note on the plan should state the purpose of the pipe or cable and describe it sufficiently for its identification, as other installations of the kind may already exist or be placed in the same locality in the future.

A profile, showing the bottom from bank to bank, low- and high-water lines, and, in red ink on all copies, the proposed pipe or cable. The clear depth

below the datum plane to be afforded by the pipe or cable in the navigable channel should be shown in figures.

(iv) *For overhead cables of all descriptions.* A plan and profile as above, showing in figures the minimum clearance of the lowest part of the cable above high water and above low water and the heights at supports.

(v) *For dredging.* A map showing the area to be dredged, and, unless the material is to be placed on an established dumping ground, the exact locality for the disposal of the excavated material, both these areas being drawn in red ink on all copies and suitably designated by words. Present depths on and in the vicinity of both these areas should be indicated by soundings. The dumping ground may be shown on the inset map or on a separate map if necessary. If the deposit is to be behind a bulkhead, either in the waterway or on shore, the plans must be sufficiently detailed to show that the structure will be adequate to confine the material.

(vi) *For dolphins, piles, etc.* A map showing the location of the structures, the shore line, and existing structures in the vicinity, and soundings showing the depth of water. The proposed work will be outlined in red ink on all copies, and the elevation of the tops of the piles or dolphins with reference to high water will be shown in figures.

(13) Additional instructions covering the requirements, made necessary by special conditions in certain localities will be furnished the applicant on request addressed to the district engineer.

(14) Samples of drawings are shown in Information Circular, Form 96a. However, the form of lettering, conventional signs, etc., need not necessarily conform to these samples.

(d) *Notices.* (1) Unless the application is for the dredging of vessel berths and approach channels which cannot affect adversely any interests, the District Engineer will send notices thereof to all parties deemed likely to be interested, such as State or local harbor commissions, proper city authorities if the site of the proposed work is within corporate limits of any city, adjacent property owners, and owners or associations of owners of boat lines. Copies of the notice will be posted in the post offices or other public places in the vicinity of the site. The public notice is mandatory, and no permit or extension of time in which to complete work authorized by permit will be granted unless notice has been issued and a reasonable time afforded for protest, except as above provided.

(2) When application is made for a permit for new work in any way affecting air commerce, District Engineers will insure that four copies of all public notices issued are forwarded promptly to the Civil Aeronautics Administration. Copies of public notices relating to applications for permits for aerial transmission lines and approval of plans for bridges will also be sent to regional managers of the Civil Aeronautics Administration. Such notices will include a statement as to the elevation of the highest point of the towers or superstructure above the local water surface datum, and a copy of the plans of the proposed work if necessary to a clear understanding.

(3) Public notices shall be issued in connection with cableways for stream gaging purposes, gage installations, and other non-project structures constructed by the Corps of Engineers in or over navigable waters. Copies of such notices will be sent to all interested parties.

(4) Notices should state the name of the applicant, should give the location and a brief description of work for which application for approval is made, should state where the plans may be seen, and should fix a limiting date within which protests from the standpoint of navigation will be received. The period so fixed should be as brief as will afford to all having a legitimate objection a reasonable opportunity to be heard. If time is an essential element, interested parties will be given a minimum period of 3 days after their receipt of the notice in which to present protests. The period normally should not be less than 10 days after the actual mailing of the notice. A longer period will be afforded if necessary in exceptional or especially important cases. If the District Engineer deems a public hearing essential to public interests, he may hold one.

(5) Copies of the notices sent to interested parties, together with a list of parties to whom sent, will accompany all applications for permits submitted to the Chief of Engineers for approval, and will also accompany all copies of permits issued by District Engineers and Division Engineers forwarded for file.

(e) *Reports on permit applications.* (1) The Secretary of War has authorized the issuance of War Department permits by local offices of the Engineer Department, at the option of the Chief of Engineers, for work and structures in or over navigable waters in cases which are entirely routine and which involve no difference of opinion on the part of engineer authorities, nor doubt as to the law, facts, or regulations nor any opposition or other considerations which should be decided by higher authority.

(2) The report of a District Engineer on an application for a permit requiring action by a higher authority is indorsed upon the application to the higher authority.

(3) In cases of conflicting property rights the Department cannot undertake to adjudicate rival claims. In reporting such cases for the action of the Department, the District Engineer will state the attitude of adjacent or neighboring property owners whose interests may be affected by the work proposed, and will also state his views concerning any alleged adverse effects so far as regards the possible use of such property in connection with navigation.

(f) *Permits*—(1) *Forms.* A printed copy of Form 96, as amended to date of issue of permit, will be used ordinarily for the letter of authorization. Permits to Federal agencies will be executed on Form 96d. Subsequent approval of plans will be accomplished on Form 96c.

(2) *General conditions.* For the information of applicants, the general conditions of the Department standard form of permit are given below. Special conditions are added when necessary to protect navigation:

That the work shall be subject to the supervision and approval of the District Engineer, Engineer Department at Large, in charge of the locality, who may temporarily suspend the work at any time, if in his judgment, the interests of navigation so require.

That any material dredged in the prosecution of the work herein authorized shall be removed evenly, and no large refuse piles, ridges across bed of the waterway, or deep holes that may have a tendency to cause injury to navigable channels or to the banks of the waterway shall be left. If any pipe, wire, or cable hereby authorized is laid in a trench, the formation of permanent ridges across the bed of the waterway shall be avoided and the back filling shall be so done as not to increase the cost of future dredging for navigation. Any material to be deposited or dumped under this authorization, either in the waterway or on shore above high-water mark, shall be deposited or dumped at the locality shown on the drawing hereto attached, and, if so prescribed thereon, within or behind a good and substantial bulkhead or bulkheads, such as will prevent escape of the material into the waterway. If the material is to be deposited in the harbor of New York, or in its adjacent or tributary waters, or in Long Island Sound, a permit therefor must be previously obtained from the Supervisor of New York Harbor, Army Building, New York City.

That there shall be no unreasonable interference with navigation by the work herein authorized.

That if inspections or any other operations by the United States are necessary in the interests of navigation, all expenses connected therewith shall be borne by the permittee.

That no attempt shall be made by the permittee or the owner to forbid the full and free use by the public of all navigable waters at or adjacent to the work or structure.

That if future operations by the United States require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Secretary of War, it shall cause unreasonable obstruction to the free navigation of said water, the owner will be required, upon due notice from the Secretary of War, to remove or alter the structural work or obstructions caused thereby without expense to the United States, so as to render navigation reasonably free, easy, and unobstructed; and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners shall, without expense to the United States, and to such extent and in such time and manner as the Secretary of War may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable capacity of the watercourse. No claim shall be made against the United States on account of any such removal or alteration.

That the United States shall in no case be liable for any damage or injury to the

structure or work herein authorized which may be caused by or result from future operations undertaken by the Government for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

That if the display of lights and signals on any work hereby authorized is not otherwise provided for by law, such lights and signals as may be prescribed by the U. S. Coast Guard shall be installed and maintained by and at the expense of the owner.

That the permittee shall notify the said district engineer at what time the work will be commenced, and as far in advance of the time of commencement of work, suspension of work, if for a period of more than 1 week, resumption of work, and its completion.

That if the structure or work herein authorized is not completed on or before _____ day of _____, 19__, this permit, if not previously revoked or specifically extended, shall cease and be null and void. This condition will be completed by inserting a specific date, normally December 31 of the third year subsequent to the year of issuance. Thus the limiting date fixed in permits issued in 1946 should normally be December 31, 1949. District and Division Engineers are not authorized to fix a later date for completion, but if special reasons so require, a shorter period may be specified provided that the limit expires in all cases on the last day of a quarter, i. e., March 31, June 30, September 30, or December 31. Experience has, however, shown a tendency to prescribe insufficient time limits, thus subjecting the Department and the permittee to unnecessary annoyance and expense in accomplishing extensions. The full authorized time should usually be allowed. Work or operations of a temporary and obstructive character, however, should be limited to a period as short as is considered reasonable. This will be accomplished by including in the description on the first page of the permit for the work or operation, the restriction "to be removed (or completed) on or before the _____ day of _____," naming the last day of a quarter, and the time limit in addition (j) of the permit form will prescribe the same date.

District and Division Engineers are authorized to insert, in proper cases, the following additional clause: "That this permit is revocable at the will of the Secretary of War."

(3) *Special conditions.* If conditions other than those authorized, and additional to those expressed in the standard permit form, are regarded as necessary, or if any modification of conditions of the standard form is deemed essential, the application will be forwarded for the action of the Department, in which cases the exact wording of the recommended conditions will be given with explanatory statements showing why they are proposed, and whether they are acceptable to the applicant, or if not, the grounds for his objections.

When compensatory works or the removal of temporary structures should be required of the permittee, or in other unusual cases when there is reason to anticipate that the permittee may fail to carry out parts of the work that are against his interest, an additional condition should be submitted to the Department for approval, requiring the permittee to furnish a bond insuring compliance with the permit requirements. He should be fully advised concerning the proposed condition, including the amount and conditions of the proposed bond, and also be given an opportunity to present objections before the case is forwarded for consideration by the Department. Copies of all pertinent correspondence will accompany the application when forwarded.

General approval of special conditions for use in a District or Division may be given by the Chief of Engineers on proper presentation of the need therefor.

(4) *Number and disposition of copies.* In addition to the signed copies of the permit two initialed copies will be prepared. The drawings showing the work will be securely attached to each copy, care being taken that none of the information on the plans is obliterated or damaged. When a permit is issued for the erection of an aerial transmission line, or when the permittee is required to pay or deposit with the District Engineer any sum of money, an additional copy will be prepared.

One signed copy of the permit will be delivered to the applicant. District and Division Engineers in transmitting approved plans to applicants will caution them that if any material changes in the location or plans of the structure or work are found necessary on account of unforeseen or altered conditions or otherwise, revised plans should be submitted promptly to the District Engineer to the end that these revised plans, if found unobjectionable from the standpoint of navigation, may receive the approval required by law before construction thereon is begun.

The second signed copy, which must be clear and legible in all its details and be identical in every respect with that issued to the applicant without added notation of any description, will be sent directly to the Chief of Engineers to form the legal record of the authorization, together with a copy of the notice sent to interested parties. The letter of transmittal will contain a statement as to whether harbor lines have been established for the locality, and if the permit was issued under special authority will give the date and E. D. file number thereof.

Whenever the permittee is required to pay or deposit with the District Engineer any sum of money for any purpose, the permit will be signed in triplicate, the third signed copy, which must be clear and legible in all its details and be identical in every respect to that issued to the permittee without added notation of any description, will be transmitted to the Chief of Engineers for forwarding to the General Accounting Office. In such cases, permits will be assigned a contract symbol number which will be placed on all copies.

One of the initialed copies of the permit will be filed in the District Office and the other in the Division Office. If the permit was issued under special authority, both copies will show the date and file number thereof. If issued by the District Engineer, the copy furnished the Division Engineer will bear a notation showing the date of mailing the record copy to the Chief of Engineers. If issued by the Division Engineer, the copy furnished the District Engineer will bear a notation showing the date of mailing or other delivery to the permittee.

(g) *Work constructed without prior authority.* District and Division Engineers are authorized to approve plans for structures and work of the classes for which they are authorized to issue permits, when the application for approval is submitted after the commencement or completion of the structures or work, subject to the following rules:

(1) Approval will be limited to those cases where the necessary primary authority, State or Federal as the case may be, validly exists, when the work was innocently constructed, and where the work will not unreasonably interfere with navigation.

(2) The applicant will submit the plans in the prescribed form.

(3) Notices of the application will be duly issued.

(4) The approval will be issued in the prescribed form, Form 96c.

(5) The approval will be signed and recorded as prescribed for permits.

(6) Applications for the approval of plans for structures which have been commenced or completed requiring action of higher authority will be reported on in the form prescribed for permit applications.

(7) When forwarding approval the applicant will be informed that the law contemplates prior approval and that in the future plans must be submitted in ample time for their consideration by the Department before construction is begun.

(h) *Necessary primary authority.* For works constructed by State or municipal agencies, the primary authority will be presumed without proof. If the law of the State requires a license for or approval of the work from a constituted State agency, a copy of such license or approval will be required and may be accepted as evidence of the primary authority. If there be no State regulation of structures in navigable waters, the necessary primary authority may be that granted in the charter of a corporation, or the authority inherent in the ownership of the land on which the structure is placed. The applicant will in such cases be required to furnish an extract from the charter, or a statement of ownership. Especial care will be taken that Federal approval is not granted when there is doubt of the right of the builder to construct and utilize the work.

(i) *Aerial transmission lines.* (1) When applications are received for permits for transmission lines crossing navigable waters of the United States and for easements for rights-of-way for transmission lines across, over and upon

lands of the United States under the control and jurisdiction of the War Department, the District Engineer shall first determine whether the transmission line forms a part of a waterpower "project" as the term "project" is defined in section 3 (11) of the Federal Power Act. Where the proposed transmission line does not form a part of a waterpower "project" applications will be acted upon with a view to issuance of permit in accordance with the provisions of section 10 of the River and Harbor Act approved March 3, 1899, for transmission lines crossing the navigable waters of the United States, and the grant of easements under the act approved March 4, 1911, for rights-of-way for transmission lines over, across, and upon lands of the United States under the jurisdiction and control of the War Department. Where the proposed transmission line forms a part of a waterpower "project" the applicant should be advised of the law on the subject (Sec. 4 (e) Federal Power Act), and directed to present the application to the Federal Power Commission. In cases of doubt, the application should be forwarded to the Chief of Engineers with the views and recommendations of the District and Division Engineers.

(2) Whenever a permit is issued for the erection of an aerial transmission line across a navigable water of the United States, an additional copy, unsigned and uninitialed, will be prepared and forwarded to the Chief of Engineers with the signed copy.

(3) District and Division Engineers are authorized and directed to insert in letters of authorization for aerial transmission lines and similar installations over navigable waters the following condition:

That the permittee will promptly comply with any future regulations or instructions affecting the work hereby authorized if and when issued in accordance with law by any department of the Federal Government for the aid or protection of aerial navigation.

(j) *Extensions of time.* (1) Division Engineers are authorized to revive and extend for successive periods not exceeding three years each the life of permits which have been issued by District Engineers of their division or by the Division Engineer, whether issued by general or special authority; provided that public notice is issued, that evidence satisfactory to the Division Engineer is furnished of the bona fide intention of the permittee to complete the work within a reasonable time, and that there has been no change in the attendant circumstances since the issuance of the permit sufficient to warrant the forwarding of the case to the Chief of Engineers for consideration.

(2) The letter granting the extension will be substantially the following form:

In accordance with your written request dated _____, the authorization granted by the Secretary of War, in letter dated _____, from the District (Division) Engineer at _____, to (here follow the identical wording of the description of the work in the permit) is hereby specifically extended to (give date).

The conditions to which the authorization is made subject, excepting the time limit for completion, remain in full force and effect.

If the structure or work authorized is not completed on or before the date herein specified, the authorization, if not previously revoked or specifically further extended, will cease and become null and void.

By authority of the Secretary of War.

(If any condition of the standard permit form has been amended, the condition as amended will be added to the letter of extension where not contained in the original permit or prior extension or modification thereof.)

(3) The letter will be signed in duplicate, and copies will be distributed as prescribed for permits.

(4) All applications for extensions of time not falling within the provisions of subparagraph (1) of this paragraph will be forwarded for the consideration of the Chief of Engineers, with a full statement of circumstances, and with the recommendation of the District and Division Engineers.

(k) *Revision of plans.* (1) District and Division Engineers are empowered to approve revised plans for works under permits issued direct from their own offices.

(2) Notices of the revised plans will be sent to all parties of interest before action thereon, unless the revision is clearly such as to have no adverse effect on navigation or other interest.

(3) The approval will be in substantially the following form:

In accordance with your written request dated _____, the revised plans hereto attached are approved to supersede the plans for the works authorized by the Secretary of War, in letter dated _____, from the District (Division) Engineer at _____ to (here follow the identical wording of the description of the work in the permit).

The conditions to which the work is made subject remain in full force and effect.

By authority of the Secretary of War:

(4) The letter will be signed in duplicate and distributed as prescribed for permits.

(5) All applications for approval of revised plans not falling within the provisions of subparagraph (1) of this paragraph will be forwarded for the consideration of the Chief of Engineers, with a full statement of circumstances, and with the recommendation of the Division and District Engineers.

(l) *Cancellation and revocation of permits.* (1) District and Division Engineers are without authority to cancel or revoke permits but District Engineers are authorized to accept from the permittee a voluntary relinquishment of the permit. Such relinquishment should be reported through the Division Engineer to the Chief of Engineers.

(2) Whenever during the life of a permit it is found that operations or interests of the United States require an alteration in the position of the structure or work authorized by the permit, or that any operation or work thereunder causes unreasonable obstruction to free navigation, the District Engineer in charge of the locality will forward through the Division Engineer a full report on the subject, with recommendations appended as to action to be taken.

(m) *Supervision of work and report.* District Engineers will exercise close supervision, of all work authorized under permits and will require that the work be conducted and executed in conformity with the approved plans. Such inspections as are necessary for this purpose must be made on timely occasions before and during construction, and such notices and instructions will be given permittees to insure that they do not depart from the approved plans. District Engineers will promptly report at the expiration of the time limit of the permit or upon completion of the work if at an earlier date, whether the conditions have been observed and whether the structures or operations as completed are in accordance with the approved plans. If the work is in accordance with the approved plans, the report will be sent direct to the Chief of Engineers and a copy furnished the Division Engineer. If the work as executed is not in substantial compliance with the approved plans, report will be submitted through the Division Engineer.

(n) *Departure from permit plans.* If the final inspection shows a material departure from the authorized plans, the District Engineer will call upon the permittee to furnish a tracing showing the work as actually constructed and will forward it with his recommendation to the Chief of Engineers. If the departure is not sufficient to justify action by the Department a statement to that effect should be included. If the Chief of Engineers concurs, the papers will be filed and further correspondence with the permittee will not be necessary.

(o) *Expenses of inspection.* (1) The condition requiring that the grantee will bear all expenses for inspection, or any other operations by the United States in connection with permits granted under the provisions of Section 10 of the River and Harbor Act approved March 3, 1899, will be applied only to special or elaborate supervision deemed necessary to protect the interest of navigation and involving unusual expense.

(2) The cost of supervision of dumping of dredged material in navigable waters, requiring the exclusive time of one or more inspectors, will be collected from the permittee unless other action is specifically approved by the Chief of Engineers. General authority to collect during a fiscal year the expenses of inspection of other classes of work will be granted by the Chief of Engineers in proper cases if the usual number of permits of the class warrants such course. The initial request for such authority will show the justification for the collection, the nature of the expenses, the usual range of the amount to be collected, and the usual number of cases of the class handled during the year. Thereafter requests for the renewal of the authority should be included in the annual request for authorities.

(3) In cases not covered by general authority as provided above, specific authority will be secured in each instance before making any collection from a permittee. Division Engineers are authorized to grant such authority if the operations to be inspected will probably be completed within six months, and if no doubt or disagreement arises as to the propriety of the collection, otherwise the

authority of the Chief of Engineers must be obtained. Each request for special authority will show the character of the work, the necessity for the proposed collection, and the estimated amount to be collected.

(4) When general or special authority for the collection of expenses has been granted, the District Engineer is authorized to require, in proper cases, initial and subsequent advance deposits from the permittee in amounts generally not exceeding the estimated cost of inspection during the ensuing month. In cases where deposits are not promptly made or where an additional fraction of a month will probably finish the permit work, or in other cases regarded as exceptional, larger deposits may be required. If it appears advisable to require during the life of the permit advance deposits in excess of this limitation, the case will be presented to the Chief of Engineers for approval.

(5) On the completion of the work under a permit, and the payment of expenses by the permittee without protest, the account will be closed, outstanding deposits returned to the permittee, and a final statement of the account will be furnished the Chief of Engineers through the Division Engineer. If the account is protested by the permittee, it will be referred to the Chief of Engineers for approval before closing it and before returning any deposits to the permittee.

(6) The method of procedure will be as follows: The District Engineer will assign to the work of inspection one or more qualified inspectors for such time as may be necessary to insure compliance with the conditions of the permit and observance of the laws for the protection of navigable waters. These inspectors will be treated in all respects as regular employees of the United States and will be paid by the District Engineer from any available appropriation in his charge, on regular pay rolls or service vouchers. At the end of each month the amount chargeable for the cost of inspection pertaining to the permit will be collected from the permittee and will be taken up on the account current and deposited in a designated depositary to the credit of the Treasurer of the United States, on account of reimbursement of the appropriation from which the expenses of the inspection were paid.

(7) The District Engineer will take such measures as he may deem necessary to insure the United States against loss through possible failure of the grantee to supply the necessary funds to liquidate indebtedness for services paid for by the United States in connection with the inspection and supervision of his permit. This may be accomplished by requiring the permittee to keep on deposit with the District Engineer at all times an amount equal to the estimated cost of inspection and supervision for the ensuing month, such deposit being perferably in the form of a certified check, payable to the District Engineer. Certified checks so deposited will be carried in a special deposit account (guaranty for inspection expenses) and upon completion of the work under the permit the funds will be returned to the permittee provided he has paid the actual cost of inspection, or used to reimburse the United States for such cost in case of failure to pay the bills promptly when presented.

(8) The permittee will not be required or permitted to pay the United States inspector either directly or through the District Engineer, nor will the inspector be laid off or furloughed in order that he may be employed by the permittee to supervise the permit operations.

(p) *Permits for fishing structures.* (1) Special regulations for the issuance of permits for fish traps in specified localities are issued by the Chief of Engineers. Cases not covered by such regulations must be submitted to the Chief of Engineers for approval.

(2) Prior to action by the Department on an application for permission to construct a fish weir, trap, or similar contrivance in any navigable waters of the United States, the applicant will be required to furnish the Department with evidence that the proper license has been granted by the State or municipal authorities in cases where the laws prescribe such requirements, or to show that there is no State law or municipal regulations relating to the subject.

(q) *Lighting fishing structures.* (1) Fishing structures and appliances in navigable waters of the United States will be lighted for the safety of navigation as follows:

The lights will be displayed between sunset and sunrise. They will be placed at each end of the structure, excepting where the inner end terminates in such situation that there is no practicable navigation between it and the high-water line of the adjacent coast, in which case no inner light will be displayed. The outer light will be white, and the inner light will be red. The size, capacity, and manner of maintenance of the light will be such as may be specified in the War Department permit authorizing the erection of the structure or appliance. When several structures or appliances are placed on one line with no navigable passage between them, they will be considered for lighting purposes as one structure.

(2) By authority of the Secretary of War conditions in form as follows will be included in all permits for fishing structures and appliances in navigable waters of the United States, issued by the Chief of Engineers or by District Engineers specially authorized by him to issue such permits:

That the weir, trap, or pound will be lighted between sunset and sunrise, by and at the expense of the permittee, for the safety of navigation. The lights will be displayed at each end, the outer end of the structure, and at an elevation of not less than ------ feet above high water. The outer light will be white, the inner light will be red, and both will be equal to ------ with a capacity to burn ------ days untended. They will be subject to the inspection of the aforesaid District Engineer before use. (Additions may be made to this condition and superfluous words deleted as may be necessary to provide for lighting the particular structure.)

That there will be installed and maintained on the weir, trap, or pound, by and at the expense of the permittee, such additional lights and signals, if any, as may be prescribed by the U. S. Coast Guard, and that provision will be made for proper attendance by watchman or otherwise of all lights and signals, so that they will at all times be in effective condition.

§ 209.140 *Operations of the Corps of Engineers under the Federal Power Act*—(a) *General.* This section outlines policies and procedures applicable to those operations in which the Corps of Engineers may be called upon to participate under the Federal Power Act. Such operations include: Investigations and reports on applications for permits and licenses for development of power affecting navigable waters; supervision of investigations, construction, and operation of projects under such permits and licenses; preparation of special reports as required by the Federal Power Commission; and review of plans of dams or other structures affecting navigation. The foregoing functions are performed by the Engineer Department only upon request of the Federal Power Commission.

(b) *Authority of Division and District Engineers.* Section 2 of the revised Federal Power Act provides that the Federal Power Commission may request the President to detail an officer or officers from the Corps of Engineers, or other branches of the United States Army, to serve the Commission as Engineer officer or officers, or in any other capacity, in field work outside the seat of government, their duties to be prescribed by the Commission. By authority of the Secretary of War, and in accordance with the instructions issued by the President in a letter to the Secretary of War dated May 18, 1931, Division Engineers will be detailed to serve the Commission as engineer officers in field work outside the seat of government, their duties to be prescribed by the Commission, and to be performed under the supervision of the Chief of Engineers. District Engineers will be designated to carry out the field inspections and investigations under the supervision of the Division Engineers. When a Division Engineer is detailed by the Chief of Engineers to assist the Commission in either the investigation or supervision of a project he will be the accredited representative of the Commission. The actual field work will be done by the designated District Engineer who will make a report to the Division Engineer. All reports and such correspondence as would normally be forwarded to the Commission will be addressed to the Chief of Engineers.

(c) *Procedure for investigations and report on applications for permits and licenses.* (1) Upon assignment to the Division Engineer by the Chief of Engineers of an investigation under the Federal Power Act, the Division Engineer will submit to the Chief of Engineers an estimate of the cost and the approximate date when the investigation will be made and report submitted.

(2) If in the investigation of an application or a declaration of intention filed under the Federal Power Act the Division Engineer considers a public hearing desirable in the interests of navigation or flood control, the Chief of Engineers will be notified whereupon the matter will be brought to the attention of the Commission. No public hearing will be held unless specifically authorized by the Commission or by the Chief of Engi-

neers. If a hearing is authorized it will be limited strictly to consideration of the purpose for which approval is granted.

(3) The report will be confined to a discussion of the topics specified in the request of the Commission unless otherwise authorized by the Chief of Engineers. Descriptions and discussions will be limited to material facts having a definite bearing on the case.

(4) If the project is on a Federal reservation or contemplates the use of a dam under the jurisdiction of the War Department the report will state, giving reasons;

(i) Whether the project will interfere or be inconsistent with the purposes for which such reservation was created or acquired and what conditions if any, should be imposed for the adequate protection and utilization of the reservation.

(ii) Whether the dam may be advantageously used by the United States for public purposes in addition to navigation and whether it should be reserved for such use.

(iii) Whether the development should be undertaken by the United States.

(5) The reports will not be released or made public except by specific authority of the Chief of Engineers, nor will copies of a report, its findings, or recommendations be furnished to the applicant, to interested parties, or to the Commission until released by the Chief of Engineers.

(6) Periodic reports of progress or investigations will be made as required in paragraph (e).

(d) *Procedure for supervision of operations under permits and licenses.* (1) When supervision of the operations of an applicant under a permit or a license is requested by the Federal Power Commission, the Chief of Engineers will assign responsibility for supervision to the Division Engineer. The operations to be supervised, such as investigations being conducted by a permittee, construction of a project under a license or operation of completed projects, will be as specified by the Commission.

(2) Projects will be classified as major, minor, minor part or transmission line projects as indicated in the Federal Power Act and as specified in the instructions from the Commission.

(3) Inspection during the construction of a major project will be made monthly, or as often as may be necessary for the Division Engineer to assure himself that the terms of the license are being complied with and the work is of acceptable quality and in accordance with the approved plans. The frequency of inspections of minor, minor part, and transmission line projects is left to the discretion of the Division Engineer.

(4) Periodic reports will be made on operations under permits or licenses as prescribed in paragraph (e) of this section.

(5) After a project has been completed and placed in operation, semiannual inspections will be made of major projects, and annual inspections of minor, minor part, and transmission line projects. These inspections will be continued and reports made as prescribed in paragraph (e) until discontinuance is directed by the Chief of Engineers.

(e) *Periodic reports.* (1) All periodic reports on Federal Power Commission projects as outlined below will be submitted by the Division Engineer, in accordance with forms issued by the Commission, direct to the Chief of Engineers, a copy being furnished the District Engineer.

(2) *Monthly reports on investigations.* If the investigation and report on an application for a preliminary permit or license or on a declaration of intention are not completed within the calendar month of reference of the application to the Division Engineer, monthly reports showing the progress made on the investigation and report will be submitted.

(3) *Quarterly reports on supervision of investigation under permits.* Reports on supervision of the investigations made by the permittee will be rendered quarterly and, unless otherwise directed, will be continued until the Division Engineer is notified that the permit has expired or an application for license has been received for investigation.

(4) *Monthly reports on supervision of construction under a license.* Reports on the progress of construction made by a licensee will be submitted monthly and unless otherwise directed will be continued until the initial installation covered by the license has been completed and placed in operation when reports as called for in subparagraph on "Semiannual and annual operation reports" below will be submited.

(5) *Dormant projects.* Projects in which no change of status has occurred since the previous report will be listed on one sheet with a statement that, "no change has occurred in the status of the following project since the latest report was submitted."

(6) *Semiannual and annual operation reports.* After a project has been completed as required by the license, and placed in operation, inspections will be made as called for in paragraph (d). Reports on the operation and maintenance of the project will be submitted semiannually for major projects, and annually for minor, minor part and transmission line projects. A special report will be made in case of severe flood or of interruption in operation due to failure of material or accident.

(f) *Hydrometric reports.* When requested by the Commission and so directed by the Chief of Engineers, the Division Engineer will supervise the stream-gaging activities of the permittee or licensee and submit an annual report covering the water year as soon after September 30 as practicable. The scope and character of hydrometric reports required of the licensee will depend on the circumstances in the individual case. The Commission prescribes within certain limits what will be required, but considerable discretion in the matter is left to the Division Engineer, with the right of appeal to the Commission in case of controversy. Where, however, questions of benefits from headwater improvements are involved or where in a comprehensive project the run-off in tributary streams will play an important part in the design and operation of project works or in the modification of designs or of plans of operation it is important that the records be full and accurate and considerable expenditure therefor may be justifiable. In important cases the hydrometric reports of licensees will include the following:

(1) Mean daily discharge of stream or streams covered by the license.

(2) Daily records of intake and tailrace gages or plants under license.

(3) Daily record of reservoir gage height.

(4) Mean daily discharge from reservoir spillways.

(5) If the stream flow during the year has been affected by the headwater improvements of another licensee, reference should be made to the fact. If there are any unusual circumstances by which the stream flow of a project on the lower reaches of a stream will be affected by the headwater improvements above, an analysis of such circumstances should be submitted with the dydrometric data.

(g) *Conditions for insertion in permits and licenses.* Subparagraphs (1), (2), and (3) contain the standard conditions usually inserted in a preliminary permit for a project which affects navigation. Subparagraphs (1) to (6), inclusive, are the standard conditions usually inserted in a license for a project which affects navigation, while subparagraphs (7), (8), and (9) are special conditions which may be recommended for insertion in any license as required.

(1) That whenever the United States shall desire to construct, complete, or improve navigation facilities in connection with said project, the licensee shall convey to the United States, free of cost, such of its lands and its rights-of-way and such right of passage through its dam or other structures and permit such control of pools as may be required to complete, maintain, and operate such navigation facilities.

(2) That the licensee shall furnish free of cost to the United States, power for the operation of such navigation facilities, whether constructed by the licensee or by the United States.

(3) The operation of any navigation facilities which may be constructed as a part or in connection with any dam or diversion structure built under the provisions of this license shall at all times be controlled by such reasonable rules and regulations in the interest of navigation, including the control of the level of the pool caused by such dam or diversion structure, as may be made from time to time by the Secretary of War. Such rules and regulations may include the maintenance and operation by the licensee at its own expense of such lights and signals as may be directed by the Secretary of War, and such fishways as may be prescribed by the Secretary of the Interior.

(4) The United States specifically retains and safeguards the right to use water in such amount, to be determined by the Secretary of War, as may be necessary for the purposes of navigation and the operations of the licensee so far as they affect the use, storage, and discharge from storage of waters affected by this license, shall at all times be controlled by such reasonable rules and regula-

tions as the Secretary of War may prescribe in the interests of navigation.

(5) Insofar as any material is dredged or excavated in the prosecution of the work herein authorized, it shall be removed and deposited so it will not interfere with navigation and to the satisfaction of the District Engineer in charge of the locality.

(6) The licensee shall allow officers and employees of the United States free and unrestricted access in, through, and across the said project and project works in the performance of their official duties.

(7) The licensee shall permit the free use by the public for navigation or recreational purposes of the reservoir formed by said dam, and shall, when not inconsistent with the operation of said project, allow the construction of wharves or landings in the interest of navigation.

(8) The licensee shall cut and remove or destroy, to the satisfaction of the representative of the Commission, all brush and trees from that zone, within and adjacent to the area to be submerged, which is included between the contour of elevation ____ feet above mean sea level and a line ____ feet horizontally from the outside of the contour of elevation ____ feet above mean sea level for the initial development, and of the contour of elevation ____ feet above mean sea level for the ultimate development, and shall remove or destroy all floatable refuse or other material within said areas to be submerged. The licensee shall also cut in such manner or so remove or destroy brush or trees within said area to be submerged that no part of such brush or trees shall project above said elevation of ____ feet.

(9) The licensee, unless otherwise directed by the Secretary of War in accordance with the rights reserved to the United States in Article 5, shall so operate its project works that the discharge in the _____ River immediately below _____ dam site shall not be less than _____ acre-feet of water in each 24-hour period except that when the flow of the river available to the project is less than ____ acre-feet in 24 hours, the discharge required shall be equivalent to such lower flow. The distribution of said discharge over any 24-hour period shall be subject to such regulations as the Secretary of War may prescribe.

§ 209.150 *Harbor lines*—(a) *The harbor line system.* (1) Section 11 of the River and Harbor Act approved March 3, 1899, authorizes the Secretary of War to cause harbor lines to be established where it is made manifest to him that establishment is essential for the preservation and protection of a harbor, and provides that compensation may be required where the extension of structures beyond established harbor lines is permitted.

(2) If only a single type of construction is permissible, a single limiting line should be defined. It will be designated a pierhead line if the type of construction is to be open-pile work and a bulkhead line if the construction is to be solid fill. If either open or solid construction is permissible, the limiting line will be designated a pierhead and bulkhead line. If solid construction is permissible adjacent to the shore, and open-pile work may be extended farther toward the channel, both bulkhead and pierhead lines will be established.

(3) Applications for the shifting of harbor lines channelward will receive very careful consideration by District and Division Engineers. The movement of bulkhead lines channelward allows the creation of additional land which may be valuable for terminal or other uses, but it diminishes the tidal prism and reduces the length of piers unless the pierhead line is moved correspondingly. The movement of pierhead lines channelward in important harbors frequently sought as a means for accommodating longer ships leads to greater congestion of shipping, increased velocity of current and more serious danger of accident. Such encroachments should not be recommended where the results will be detrimental to navigation. Temporary extensions of piers are open to the objection that they usually lead to requests for continuance of the obstruction beyond the prescribed time. Accommodations for longer ships can generally be provided by a change of landing place to a wider section of the harbor, the construction of piers oblique to the shore line, or an extension landward of the slips between piers.

(4) The selection of the system will require consideration of the following questions:

(i) Whether open-pile construction or solid fill or both, or a combination of both will be permissible.

(ii) Whether the channel faces of wharves, bulkheads, and similar structures at the locality should be vertical or inclined.

(5) Experience has shown that the establishment of a bulkhead line has been frequently followed by solid filling to the limit and by requests thereafter from riparian owners to push the limit farther toward the channel. It has also been found in some cases where the pierhead line is about a ship's length channelward of the bulkhead line that deep-draft vessels lying in the slips cut off much of the water flow causing silt deposits under the piers and in the slips thus considerably reducing the benefits expected under the plan of establishing separate limits for solid and open work.

(6) Each case must be considered on its merits and the probable commercial developments at the particular locality should be carefully studied. If they cannot be clearly foreseen, it may be advisable to make use of some experimental features with the view of adopting a fixed plan where experience indicated more conclusively what it should be. For example, it may be specified on the harbor line map that no structure will be placed between the pierhead and bulkhead lines until the special permission of the Secretary of War has been obtained; or that applications for solid construction between the bulkhead and pierhead lines will be considered; or that if slips are required in the future they will be provided by excavating shoreward of the bulkhead line. The fixing of the limits as permanently as possible is much preferred but proper concessions for shore developments and for the adequate protection at the same time of the interests of navigation without unreasonably reducing wharf frontage, may occasionally require some temporary expedient.

(7) If the channel faces of wharves and bulkheads at the locality are to be vertical and the channelward limits of extension from shore will therefore be vertical planes the establishment of a single harbor line to define the position of each plane will be sufficient. If the channel faces are to be inclined the position of the sloping limiting plane may be defined either by the establishment of two lines lying in the plane and at specified elevations, as for instance approximately at high and low water mark, or by establishing a single line at a specified elevation and prescribing that the limiting plane will pass through the line with a specified ratio or degree of slope. When the channelward limiting plane is a slope the shoreward limit where vertical walls may be erected will be defined when necessary.

(8) Harbor lines will not be established across the mouths or entrances to navigable waterways. Care will be taken to see that the terminal points on either side of a waterway to be left open are selected with the view of a future extension of harbor lines along it.

(9) When an extension or modification of a project has been recommended to Congress which will involve conflict with established harbor lines, the District Engineer will submit a report, with recommendation and map, as to abrogation or modification of the harbor line or lines affected.

(b) *Establishment of harbor lines.* (1) Harbor lines will be so established and marked that their exact position at any point can be determined with reasonable convenience and accuracy. Reference monuments will be selected or established at convenient intervals and whenever possible convenient ranges on the lines should be selected or established on shore.

(2) Reference monuments should be of permanent character so marked and described that they may be readily and certainly identified. They should be situated on the same side of the channel as the angle points referred to them and as close to them as practicable. It is desirable to use for reference purposes monuments of important Federal, State, or municipal surveys, boundary monuments, or lines of record, and intersections of center or side lines of streets where streets are well defined or can be located with reasonable accuracy. Wherever practicable within reasonable limits of expense the harbor line system should be referenced to the plane coordinate system of the U. S. Coast and Geodetic Survey for the locality if such a system has been established, and connected with monuments of that Survey or the Lake Survey if such exist in the vicinity. Points on railroad tracks, wharves, or other structures likely to be shifted or changed in connection with work of reconstruction or repair will be used with caution. The bearing of reference lines should read from the reference point toward the harbor line point.

(3) All harbor lines will be straight lines unless exceptional circumstances require the use of curves. In such cases prior application for authority to use curves will be made accompanied by a statement of necessity therefor.

(4) All traverses formed by sections of the lines and reference lines will close within reasonable limits.

(5) The descriptive data will be given in such form that a surveyor can readily locate any section of the lines or any reference line with as little additional computation or investigation as practicable.

(c) *Harbor line maps.* (1) Each harbor line map shall be complete in itself, furnishing all description essential for the identification of monuments and reference points and for determining the position of the harbor lines on the ground. The measurements for locating the lines shall be made as direct as practicable. Where streets are well defined or where they can be located with reasonable accuracy, the distance to the harbor lines shall be given from the street intersections (centers of sides) measured along streets running toward the lines. The data shall be inscribed adjacent to the lines and monuments to which it relates and in a manner convenient for reference. The descriptive data shall be carefully checked and compared.

(2) Where the harbor line system is referenced to the U. S. Coast and Geodetic Survey plane coordinate grid system, the coordinates of every harbor line point, monument and reference point shall be given in tabular form on the map, and each map shall have two meridian arrows, one showing the grid north and the other the true north, with appropriate notation as to the difference in the meridians. Where the plane coordinate grid system is not used, the coordinates of every harbor line point, monument and reference point, based on true meridian, shall likewise be given in tabular form on the map and a true meridian shall be shown. Each section of the harbor line shall be described by its length and appropriate azimuth of bearing.

(3) Hydrographic data and shore facilities shall be shown in sufficient detail to present conditions clearly for the information of the Department in acting on the case.

(4) The map shall show whether the proposed lines are pierhead lines, bulkhead lines, combined pierhead and bulkhead lines, or otherwise, and shall also bear all or such portion of the following statement as may be appropriate to the particular case. The bulkhead line defines the limit of solid filling; the pierhead line the limit to which open-pile structures may be built.

(5) Harbor line tracing shall be brought up to date at sufficiently frequent intervals to protect properly the Federal investment in harbor line systems. District and Division Engineers shall take necessary measures to protect the property of the United States represented in field notes, monuments and maps relating to harbor lines in order that costly resurveys are not made necessary. In the reestablishment of any monuments careful selection of the stations will be made to insure permanency.

(d) *Notification to municipal authorities.* Whenever an application is received for the establishment of harbor lines or the erection of structures in or over navigable waters of the United States within the corporate limits of any city, the proper city authorities will be promptly notified in order that they may have full opportunity to be heard in case the contemplated work may interfere with any plans or works which the city has in view.

(e) *Public hearing.* Unless otherwise authorized harbor line applications will be made the subject of public hearings.

(f) *Report of the district engineer.* The report will state in detail why the establishment of harbor lines is essential to the preservation and protection of the harbor. It will also give the approximate commerce of the waterway affected, present and prospective, and such other matters as should be considered by the Department in passing upon the necessity and sufficiency of the proposed lines.

(g) *Modification of harbor lines.* When modification of an established harbor line becomes necessary the procedure will be as prescribed for the establishment of original lines. The report of the District Engineer on such modification will be accompanied by a copy of the approved map, showing clearly the original lines to remain in force, the portion to be superseded, and the new lines proposed. If it is not practicable to revise the approved map, the District Engineer will furnish a new map prepared in accordance with the instructions found in paragraph (c) but omitting all lines superseded.

§ 209.160 *The California Debris Commission.* Section 1 of the Act of Congress of March 1, 1893 (27 Stat. 507; 33 U. S. C. 661), created the California Debris Commission, consisting of three officers of the Corps of Engineers, to regulate under the supervision of the Chief of Engineers and direction of the Secretary of War, hydraulic mining in the territory drained by the Sacramento and San Joaquin River systems, California. Under section 9 of the Act (27 Stat. 508; 33 U. S. C. 669), the individual proprietor or proprietors, or in case of a corporation, its manager or agent appointed for that purpose, owning mining ground in this territory which it is desired to work by the hydraulic process, must file with the Commission a verified petition, setting forth such facts as will comply with law and the rules prescribed by the Commission. The law contains detailed instructions with regard to facts required to be shown by the petitioner and the procedure to be followed by the Commission in issuing an order directing the methods and specifying the manner in which operations shall proceed. Full information on law and procedure can be obtained from the Secretary, California Debris Commission, 1209 8th Street, Sacramento 8, California (P. O. Box 1739).

§ 209.170 *Violations of laws protecting navigable waters—*(a) *Illegal structures or other work.* (1) Section 9 of the River and Harbor Act of March 3, 1899, makes it unlawful to construct any bridge, dam, dike, or causeway over or in any navigable water of the United States until the proper local authority has been obtained and until the location and plans have been approved by the Chief of Engineers and the Secretary of War. When plans for any structure have been so approved, it is unlawful to deviate from such plans unless the modification thereof has received the approval of the Chief of Engineers and the Secretary of War.

(2) Section 10 of the River and Harbor Act of March 3, 1899, prohibits the creation of any obstruction not affirmatively authorized by Congress to the navigable capacity of any of the waters of the United States, and makes it unlawful to build any wharf, pier, dolphin, boom weir, breakwater, bulkhead, jetty, or other structures, outside established harbor lines or where no harbor lines have been established, or to excavate or fill, or in any manner to alter or modify the course, location, condition, or capacity of, any navigable water of te United States, unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of War.

(b) *Wrecks and similar obstructions.* Section 15 of the River and Harbor Act of March 3, 1899, makes it unlawful to tie up or anchor vessels or other craft in navigable channels in such a manner as to prevent or obstruct the passage of other vessels or craft, or to voluntarily or carelessly sink, or permit or cause to be sunk, vessels or other craft in navigable channels, or to float loose timber and logs or sack rafts of timber and logs in streams or channels actually navigated by steamboats in such manner as to obstruct, impede, or endanger navigation (an act of Congress approved May 9, 1900, authorizes the Secretary of War to prescribe regulations to govern the floating of loose timber and logs and sack rafts and other methods of navigation on any navigable river or waterway of the United States or any part thereof whereon the floating of loose timber and logs and sack rafts is the principal method of navigation). Whenever a vessel, raft, or other craft is wrecked and sunk in a navigable channel, accidentally or otherwise, it is the duty of the owner to immediately mark it with a buoy or beacon during the day and a lighted lantern at night, and to maintain such marks until the sunken craft is removed or abandoned.

(c) *Injuries to Government works.* Section 14 of the River and Harbor Act of March 3, 1899, makes it unlawful for any person or persons to take possession of or make use of for any purpose, or build upon, alter, deface, destroy, move, injure, obstruct by fastening vessels thereto or otherwise, or in any manner whatever impair the usefulness of any sea wall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the United States, or any piece of plant, floating or otherwise, used in the construction of such work under the control of the United States, in whole or in part, for the preservation and improvement of any of its navigable waters or to prevent floods, or as boundary marks, tide gauges, surveying stations, buoys, or

other established marks, nor remove for ballast or other purposes any stone or other material composing such works. (The Secretary of War may, on the recommendation of the Chief of Engineers, grant permission for the temporary occupation or use of any of the aforementioned public works when in his judgment such occupation or use will not be injurious to the public interest.

(d) *Injurious deposits.* (1) Section 13 of the River and Harbor Act of March 3, 1899, makes it unlawful to throw, discharge, or deposit, or cause, suffer, or procure to be thrown, discharged, or deposited either from or out of any ship, barge, or other floating craft, or from the shore, wharf, manufacturing establishment, or mill, any refuse matter of any kind or description whatever other than that flowing from streets and sewers and passing therefrom in a liquid state, into any navigable water of the United States, or into any tributary of any navigable water from which the same shall float or be washed into such navigable water, or to deposit, or cause, suffer, or procure to be deposited material of any kind in any place on the bank of any navigable water, or on the bank of any tributary of any navigable water, where the same shall be liable to be washed into such navigable water, either by ordinary or high tides, or by storms or floods, or otherwise, whereby navigation shall or may be impeded or obstructed. Section 13 does not apply to the operations in connection with the improvement of navigable waters or construction of public works considered necessary and proper by the United States officers supervising such improvement or public work.

(2) An act of Congress of June 29, 1888, forbids the placing, discharging, or depositing of refuse, dirt, ashes, cinders, mud, sand, dredgings, sludge, acid, or any other matter of any kind, other than that flowing from streets, sewers, and passing therefrom in a liquid state, in the tidal waters of the harbor of New York, or its adjacent or tributary waters, or in those of Long Island Sound, within the limits which shall be prescribed by the Supervisor of New York Harbor. The provisions of this act are enforced by the Supervisor under the direction of the Secretary of War.

(e) *Oil pollution.* (1) Section 3 of the Oil Pollution Act, 1924, approved June 7, 1924, provides that except in case of emergency imperiling life or property, or unavoidable accident, collision, or stranding, and except as otherwise permitted by regulations prescribed by the Secretary of War, it shall be unlawful for any person to discharge, or suffer, or permit the discharge of oil by any method, means, or manner into or upon the coastal navigable waters of the United States from any vessel using oil as fuel for the generation of propulsion power, or any vessel carrying or having oil thereon in excess of that necessary for its lubricating requirements and such as may be required under the laws of the United States and the rules and regulations prescribed thereunder.

(2) The following instructions relative to enforcement of the Oil Pollution Act have been issued by the Acting Commandant of the Coast Guard to all District Coast Guard Officers. Upon the detection by the Coast Guard Captain of the Port or other officer that oil is being or has been discharged into or upon the coastal or navigable waters of the United States by any vessel a complete investigation and report will be made of the incident, which will include the names of witnesses, samples, and all other pertinent details. This report will be forwarded immediately by the District Coast Guard Officer to the District Engineer (or to the Supervisor of New York Harbor) in all cases for his decision as to subsequent prosecution procedure. If the vessel involved is of American registry, a duplicate report will be forwarded to the Office of the Chief of Marine Inspection. If the report indicates that the spill resulted from the incompetence, negligence, inattention to duty, or misconduct of any licensed or certificated personnel, the Office of the Chief of Marine Inspection will take action under the provisions of R. S. 4450 (46 U. S. C. 239) for the revocation or suspension of the license or certificate. Any action taken in this connection is to be regarded as incidental to and independent of the statutory prosecution as decided upon by the District Engineer.

(f) *Penalties for Violations.* (1) Section 12 of the River and Harbor Act of March 3, 1899, as amended, provides that every person and every corporation that shall violate any of the provisions of sections 9 and 10 shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine, imprisonment, or both, in the discretion of the court. And further, the removal of any structures or parts of structures erected in violation of the provisions of the said Sections may be enforced by the injunction of any district court exercising jurisdiction in any district in which such structures may exist, and proper proceedings to this end may be instituted under the direction of the Attorney General.

(2) Section 16 of the River and Harbor Act of March 3, 1899, provides that every person and every corporation that shall violate, or that shall knowingly aid, abet, authorize, or instigate a violation of the provisions of sections 13, 14 and 15, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine, imprisonment, or both, in the discretion of the court, one-half of said fine to be paid to the person or persons giving information which shall lead to conviction. Any and every master, pilot, and engineer, or person or persons acting in such capacity, respectively, on board of any boat or vessel who shall knowingly engage in towing any scow, boat, or vessel loaded with any material specified in Section 13 to any point or place of deposit or discharge in any harbor or navigable water, elsewhere than within the limits defined and permitted by the Secretary of War, or who shall willfully injure or destroy any work of the United States contemplated in section 14, or who shall willfully obstruct the channel of any waterway in the manner contemplated in section 15, shall be deemed guilty of a violation of the act, and shall upon conviction be punished as hereinbefore provided in this Section, and shall also have his license revoked or suspended for a term to be fixed by the judge before whom tried and convicted. And any boat, vessel, scow, raft, or other craft used or employed in violating any of the provisions of sections 13, 14, and 15 shall be liable for the pecuniary penalties specified in this Section, and in addition thereto for the amount of the damages done by said boat, vessel, scow, raft, or other craft, which latter sum shall be placed to the credit of the appropriation for the improvement of the harbor or waterway in which the damage occurred, and said boat, vessel, scow, raft, or other craft may be proceeded against summarily by way of libel in any district court of the United States having jurisdiction thereof.

(3) Section 4 of the Oil Pollution Act provides that any person who violates section 3 is guilty of a misdemeanor, and upon conviction shall be punished by fine, imprisonment, or both. And any vessel (other than a vessel owned and operated by the United States) from which oil is discharged in violation of section 3 shall be liable for the pecuniary penalty specified, and clearance of such vessel from a port of the United States may be withheld until the penalty is paid, and said penalty shall constitute a lien on such vessel which may be recovered in proceedings by libel in rem in the district court of the United States for any district within which the vessel may be. Section 5 provides that a board of local inspectors of vessels may suspend or revoke a license issued by any such board to the master or other licensed officer of any vessel found violating the provisions of section 3.

(g) *Enforcement.* (1) Section 17 of the River and Harbor Act of March 3, 1899, provides that the Department of Justice shall conduct the legal proceedings necessary to enforce the provisions of sections 9 to 16, inclusive, of the act, and it shall be the duty of district attorneys of the United States to vigorously prosecute all offenders against the same whenever requested to do so by the Secretary of War or by any of the officials hereinafter designated, and it shall furthermore be the duty of said district attorneys to report to the Attorney General the action taken by him against offenders so reported, and a transcript of such reports shall be transmitted to the Secretary of War by the Attorney General.

(2) Section 17 further provides that for the better enforcement of the provisions of sections 9 to 16, inclusive, and to facilitate the detection and bringing to punishment of such offenders, the officers and agents of the United States in charge of river and harbor improvements, and the assistant engineers and inspectors employed under them by authority of the Secretary of War, and the United States collectors of customs and other revenue officers, shall have power and authority to swear out process and to arrest and take into custody, with or without process, any person or persons who may commit any of the acts or offenses prohibited by the aforesaid sections, or who may violate any of the provisions of the same. No person shall be arrested without process for any offense not committed in the presence of some one of the aforesaid officials. Whenever any

arrest is made under the provisions of the act, the person so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him, and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States. Similar provisions are contained in section 7 of the Oil Pollution Act, 1924, except that the words "officers of the Customs and Coast Guard of the United States" are substituted for the words "the United States collectors of customs and other revenue officers."

(3) It is the duty of each District Engineer to take notice of any violations of the laws for the protection of the navigable waters and the works of improvement therein that may occur in his district and to take the necessary steps to secure enforcement of the law. Whenever any violation of any of these provisions of law comes to his attention he will investigate carefully the circumstances of the case and will determine the amount of the damage for which the parties committing the violation are responsible under section 16 of the River and Harbor Act of March 3, 1899. He will then communicate directly with the parties responsible for the violation, giving them notice to remove the illegal structure or deposit or to repair the damage by their own labor and at their own expense within a reasonable time to be fixed in the notice. If they so request in writing and furnish a satisfactory bond or other guaranty he may cause the repairs to be made by employees of the United States and will then call upon the responsible parties to pay over to him the cost of the damages when finally ascertained. All sums so received will be deposited promptly to the credit of the Treasurer of the United States for recredit to the appropriation affected and will be accounted for in the District Engineer's money accounts by proper vouchers.

(4) If the parties at fault deny their responsibility, or if they refuse or neglect to remove any unlawful structure or deposit or to repair the damages within the time fixed by the notice, the matter will be reported promptly to the Chief of Engineers with such evidence as the District Engineer may be able to obtain and his recommended action under section 17 of the act of March 3, 1899. In an unusual situation requiring immediate action, the District Engineer may report the case direct to the United States Attorney for the district. The Chief of Engineers will be advised by wire of such action to be followed by a written report. If the unlawful structure or deposit is removed or the damage repaired by the parties responsible therefor in conformity with the notice, the District Engineer will report whether further action should be taken against them with a view to making them liable to the fine or imprisonment prescribed by the act as a punishment for violations of its provisions. Although the Corps of Engineers has certain police powers under this act it has been the long standing policy to secure compliance with its provisions short of legal proceedings. Accordingly every effort will be made to accomplish corrective measures prior to initiation of action leading to such proceedings. As a general rule, while minor and unintentional or accidental violations of the provisions of the act need not be reported to the Chief of Engineers, all willful or intentional violations and all cases in which the parties responsible refuse or neglect to remove the unlawful structure or deposit or to make good the damages suffered should be reported promptly to the Chief of Engineers in accordance with the above. Each report recommending prosecution should be accompanied by a full statement of the case and copies of correspondence relating thereto.

(5) The procedure in cases involving injurious deposits and oil pollution is similar to that described for other violations of law except that as the damage caused thereby cannot be readily repaired there will ordinarily be no reason for serving any notice on the parties responsible for the violations further than to bring to their attention the consequences thereof. In all cases in which a violation of law is clearly established the circumstances will be immediately reported to the District Attorney; however, it is the established policy of the Department not to recommend prosecution when the violation of law is trivial, apparently unpremeditated, and results in no material public injury. Violations of the Oil Pollution Act by vesels of American registry should be brought to the attention of the District Coast Guard Officer for possible action under the provisions of R. S. 4450.

§ 209.180 *Alteration of obstructive bridges*—(a) *Laws relating to alteration of bridges other than railroad and combined railroad and highway bridges.* (1) Section 18 of the River and Harbor Act of March 3, 1899, as amended, provides that whenever the Secretary of War shall have good reason to believe that any bridge (except a bridge used and operated for the purpose of carrying railroad traffic or both railroad and highway traffic) over any of the navigable waterways of the United States is an unreasonable obstruction to navigation, it shall be his duty, first giving the parties reasonable opportunity to be heard, to give notice to the persons or corporations owning or controlling such bridge so to alter the same as to render navigation through or under it reasonably free, easy, and unobstructed; and in giving such notice he shall specify the changes recommended by the Chief of Engineers that are required to be made, and shall prescribe in each case a reasonable time in which to make them. If at the end of such time the alteration has not been made, the Secretary of War shall forthwith notify the United States district attorney for the district in which such bridge is situated, to the end that the criminal proceedings hereinafter mentioned may be taken. If the persons, corporation, or association owning or controlling any bridge shall, after receiving notice to that effect, as hereinbefore required, from the Secretary of War, and within the time prescribed by him will fully fail or refuse to remove the same or to comply with any lawful order, such persons, corporation, or association shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding $5,000, and every month such persons, corporation, or association shall remain in default in respect to the removal or alteration of such bridge shall be deemed a new offense, and subject the persons, corporation, or association so offending to the penalties above prescribed.

(2) Section 4 of the General Bridge Act of March 23, 1906, as amended, provides that if any bridge erected in accordance with provisions of that act (except a bridge used and operated for the purpose of carrying railroad traffic or both railroad and highway traffic) shall, in the opinion of the Secretary of War, at any time unreasonably obstruct navigation, it shall be his duty, after giving the parties interested reasonable opportunity to be heard, to notify the persons owning or controlling such bridge to so alter the same as to render navigation through or under it reasonably free, easy, and unobstructed, stating in such notice the changes required to be made and prescribing in each case a reasonable time in which to make such changes, and if at the end of the time so specified the changes so required have not been made, the persons owning or controlling such bridge shall be deemed guilty of a violation of the act. Any persons who shall be guilty of a violation of the act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished in any court of competent jurisdiction by a fine not exceeding $5,000, and every month such person shall remain in default shall be deemed a new offense and subject such persons to additional penalties therefor; and in addition to the penalties above described the Secretary of War may, upon refusal of the persons owning or controlling any such bridge and accessory works to comply with any lawful order, cause the removal of such bridge and accessory works at the expense of the persons owning or controlling such bridge; and the removal of any structures maintained in violation of the provisions of the order may be enforced by summary process.

(b) *Law relating to alteration of railroad and combined railroad and highway bridges.* The Truman-Hobbs Act of June 21, 1940, provides that whenever any lawful bridge over navigable waters of the United States, used and operated for the purpose of carrying railroad traffic, or both railroad and highway traffic, shall, in the opinion of the Secretary of War, at any time unreasonably obstruct navigation it shall be his duty, after notice to interested parties, to hold a hearing at which the bridge owner, those interested in water navigation thereunder or therethrough, those interested in either railroad or highway traffic thereover, and any other party or parties in interest shall have full opportunity to offer evidence and be heard as to whether any alteration of such bridge is needed, and if so what alterations are needed, having due regard to the necessity of free and unobstructed water navigation and to the necessities of the rail or highway traffic. If, upon such hearing the Secretary

of War determines that any alterations of such bridge are necessary in order to render navigation through or under it reasonably free, easy, and unobstructed, having due regard also for the necessities of rail or highway traffic thereover, he shall so find and shall issue and cause to be served upon interested parties an order requiring such alterations of such bridge as he finds reasonably necessary for the purposes of navigation. The act further provides for the approval by the Secretary of War of general plans and specifications and contracts for the project and apportionment of the total cost thereof between the United States and the bridge owner. Any bridge owner who shall willfully fail or refuse to comply with any lawful order shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished in any court of competent jurisdiction by a fine not exceeding $5,000, and every month such bridge owner shall remain in default shall be deemed a new offense and subject such bridge owner to additional penalties therefor. In addition to the penalties above prescribed the Secretary of War may, upon the failure or refusal of any bridge owner to comply with any lawful order, cause the removal of any such bridge and accessory works at the expense of the bridge owner. Compliance with any order may be enforced by summary process.

(c) *Investigation of complaints of obstructive bridges.* (1) Upon receipt of a complaint that a designated bridge over a navigable waterway of the United States is an obstruction to navigation, the District Engineer will investigate to determine if in his opinion, the complaint is justified. If the District Engineer does not consider the bridge unreasonably obstructive to navigation he will so notify the complainant. If the District Engineer finds that the bridge is unreasonably obstructive or is unable to satisfy the complainant that the bridge is not obstructive, he will submit a report to the Chief of Engineers, through the Division Engineer, specifying the character of obstruction, the changes necessary to render navigation through or under the bridge reasonably free, easy and unobstructed, and his estimate of a reasonable period of time in which to make the required changes. In cases under the Truman-Hobbs Act, the estimate of time required need not be included but the best available preliminary estimate of total cost of the required changes and probable portion of cost to be borne by the United States will be stated.

(2) The Chief of Engineers will notify the reporting officers of the action desired after consideration of the report on the complaint.

(d) *Hearings to be held on obstructive bridges.* (1) Upon receipt of authority from the Chief of Engineers, the District Engineer will arrange for a hearing at which the owners and controllers of the bridge, the complainants, and all other known interested parties will be given reasonable opportunity to be heard.

(2) The notice of the hearing will include statements of the changes required and, except in cases under the Truman-Hobbs Act, the estimate of time considered reasonable for accomplishment of the changes.

(3) Upon conclusion of hearings, the District Engineer will submit to the Chief of Engineers, through the Division Engineer, a full report on the subject, including statements on:

(i) Whether the bridge unreasonably obstructs navigation.

(ii) Whether rafts, steamboats, or other water craft have difficulty in passing the draw opening or draw span.

(iii) The changes necessary to render navigation through or under the bridge reasonably free, easy, and unobstructed.

(iv) The reasonable time in which such changes should be made, except in the case of railroad or combined railroad and highway bridges.

(v) The character and the approximate amount of commerce affected by the obstructive features of the bridge.

(vi) Whether, in the judgment of the District Engineer, the commerce affected is sufficient to justify a requirement that the proposed changes in the bridge will be made.

(vii) An estimate of cost of alterations and proportionate share to be borne by the United States in actions relating to railroad or combined railroad and highway bridges.

(viii) A sketch on letter size paper showing the principal features of the bridge, the particular features against which complaint is made, and any other natural or artificial feature pertinent to consideration of the complaint.

(ix) A transcript of the proceedings of the hearing.

(4) The Chief of Engineers will notify the reporting officers of the action desired by the Secretary of War with respect to proposed alterations of the bridge.

(e) *Notice to alter obstructive bridges.* (1) Upon receipt of War Department notices directing any action by the owners or operators of a bridge, the District Engineer concerned will make prompt service of such notice on the proper parties and will submit to the Chief of Engineers through the Division Engineer a photostat copy of the notice as served together with an affidavit thereon executed by the person serving the notice and showing on whom, and when and where the service was made. Similar photostatic copies will be retained in the files of the Division and District Engineers.

(2) In cases under the Truman-Hobbs Act, the District Engineer will also quote to the bridge owner the requirements of the act of June 21, 1940, for submission of general plans and specifications. The District and Division Engineers will review the plans and specifications and will submit them with their views and recommendations to the Chief of Engineers for approval, including remarks on:

(i) Whether the plans and specifications provide for the minimum structure meeting the requirements of the notice to alter.

(ii) Whether they include items or features not necessary to meet the notice to alter but desired by the bridge owner.

(iii) Whether they provide for materials or workmanship of a higher grade than that of comparable items of features of the existing bridge, or where no counterpart, of a higher grade than provided in recommended practice of the Association of American Railroads.

(iv) Any indicated revision of the preliminary estimate of cost and apportionment.

(3) Upon receipt of approval of the plans and specifications, the District Engineer will notify the bridge owners of the approval and will invite the attention of the owners to the requirements of Sections 5 and 6 of the Act of June 21, 1940 with respect to submission of bids and guaranty of cost.

(f) *Approval of award and guaranty of cost under Truman-Hobbs Act.* (1) The District Engineer will forward the bids obtained by the bridge owners to the Chief of Engineers through the Division Engineer and will notify the bridge owner when award is approved. The District Engineer will then request the bridge owner to furnish guaranty of cost as required by section 6 of the act of June 21, 1940, and will submit the statement of guaranty of cost to the Chief of Engineers through the Division Engineer together with the statement of proportionate shares of cost to be borne by the United States and the owner in the following form:

Cost of alteration		$------
Cost attributable to bridge owner, viz:		
Direct and special benefits	$------	
Expectable savings in repair or maintenance costs	------	
Costs attributable to the requirements of railroad traffic	------	
Expenditure for increased carrying capacity	------	
Expired service life of old bridge	------	
Cost		------
Cost to be borne by the United States		------

(2) Direct and special benefits will ordinarily include such items as improved signal and fender system, prorata share of dismantling costs, any improvements included but not required in the interests of navigation. The foregoing statements will include or be accompanied by breakdown of the statements of total cost and proportionate shares and sufficient details of the features of construction to show how the apportionment was determined and to permit review and auditing of the statements by the Department.

(g) *Reports on completion of alterations.* District Engineers will advise the Chief of Engineers through the Division Engineer of any failure to comply with notices to alter obstructive bridges within time limits specified and will also report when alterations are satisfactorily completed.

§ 209.190 *Removal of wrecks and other obstructions*—(a) *Laws relative to removal of wrecks and obstructions.* The laws relating to removal of wrecks

are contained in sections 15, 19, and 20 of the River and Harbor Act of March 3, 1899, and section 1 of the act of August 16, 1937. Section 15 of the former act provides that it shall be the duty of the owner to mark the location of the wreck immediately and until removed or abandoned; sections 19 and 20 authorize removal under the direction of the Secretary of War if the owner does not take action; section 19 governs in cases where removal is not an urgent necessity; and section 20 applies to emergencies where the interests of navigation require immediate action. Section 1 of the latter act provides for action in case the owner fails to mark a wreck suitably.

(b) *Reports on accidents or obstructions affecting navigation.* When any major accident occurs, such as vessel collision, sinking, grounding, or bridge failure, District Engineers will keep the Chief of Engineers informed by wire of pertinent details and developments, particularly as to any interference or danger to navigation and estimated duration of obstruction.

(c) *General procedure on wrecks and obstructions.* (1) District Engineers receiving information of the existence of any wreck or similar obstruction in navigable waters of the United States within the limits of their districts will at once ascertain whether navigation is obstructed or endangered. If the obstruction is found to be of a character requiring removal thereof the District Engineer will promptly inform the owner of the provisions of law on the subject.

(2) Vessel owners, masters and others interested are encouraged to send to the District Engineer as prompt and accurate reports as possible of wrecks and their approximate location.

(3) If removal is commenced by the owner the District Engineer will keep himself informed of the progress of the work and will exercise sufficient supervision of the operations to insure that they cause no unreasonable interference with navigation and that the operations are diligently prosecuted as required by law. If removal by the United States is found necessary proceedings must be promptly instituted in accordance with the appropriate provisions of law. In such case if the owner has not marked the obstruction the District Engineer will immediately request the district commander of Coast Guard to see that marks are established.

(4) In the removal and disposal of sunken vessels the District Engineer will ascertain from the owner, if known, whether there is a Government interest in the vessel by way of mortgage or otherwise, and if such interest be found he will ascertain what disposition is desired by the Maritime Commission or other agency of the Government having such interest before offering the vessel for sale to the public.

(d) *Marking of wrecks by owners.* Whenever a vessel, raft, or other craft is wrecked and sunk in a navigable channel, accidentally or otherwise, it will be the duty of the owner of such sunken craft to mark it immediately with a buoy or beacon during the day and a lighted lantern at night, and to maintain such marks until the sunken craft is removed or abandoned, and the neglect or failure of the said owner so to do shall be unlawful (sec. 15, act of March 3, 1899, 33 U. S. C. 409).

(e) *Marking of wrecks by Coast Guard.* (1) District Commanders of the Coast Guard are required upon the request of District Engineers to maintain suitable warnings on abandoned wrecks until the wrecks are removed by the Engineer Department. Section 1 of the act of August 16, 1937, contains provision for the marking of any sunken vessel, boat, watercraft, raft, or similar obstruction, existing in any river, lake, harbor, sound, bay, or canal or other navigable water of the United States by the Lighthouse Service (Coast Guard), and for the distribution of cost for such marking. For regulations of the Coast Guard governing marking of wrecks see 33 CFR, 402.5.

(2) The District Engineer will notify the District Commander of the Coast Guard of the exact time when the United States assumes charge of a wreck or other menace to navigation in his district so as to enable the Coast Guard to allocate properly any expense that may be incurred by it in the marking of the wreck.

(f) *Information for Coast Guard.* Whenever any wreck, which has been buoyed by the Coast Guard has been so far removed or destroyed that buoys are no longer needed this fact will be reported at once by the District Engineer under whose direction the wreck was removed to the Coast Guard Commander of the district in which the wreck was located.

(g) *Cooperation with Coast Guard.* Regulations have been approved by the Chief of Engineers and the Secretary of War and by the Treasury Department with a view to cooperation between the Coast Guard and the Engineer Department in connection with the removal and destruction of derelicts, wrecks, and other obstructions to navigation.

(h) *Removal of obstructions under section 19 of the River and Harbor Act of March 3, 1899.* Action under this section for removal of an obstruction requires prior authority from the Chief of Engineers and may be undertaken only when navigation of navigable waters of the United States is obstructed or endangered, and if the obstruction has been in existence for a longer period than thirty days, or its abandonment by the owner can be legally established in a shorter period. The obstruction can be removed by any method deemed most advantageous.

(i) *Removal of obstructions under section 20 of the River and Harbor Act of March 3, 1899.* This section provides that action thereunder may be taken by any agent of the United States to whom the Secretary of War "may delegate proper authority." A delegation of such authority was made by an order issued by the Secretary of War, January 20, 1905, which as amended November 2, 1917, reads as follows:

Whenever any vessel, boat, water craft, or raft sinks, grounds or is unnecessarily delayed in any canal, lock, or other improvement controlled or owned by the United States, or in any of the navigable waters of the United States, under circumstances of emergency, the district engineer in charge of such lock, canal, improvement, or district will, under authority conferred by section 20 of the River and Harbor Act of March 3, 1899 (30 Stats. 1154–1155) take charge of such vessel, boat, water craft, raft, or other obstruction with a view to its immediate removal or destruction, using his best judgment, in all cases, to prevent any unnecessary injury. Any action taken under the above instructions will be reported forthwith to the Chief of Engineers for the information or action of the Secretary of War.

§ 209.200 *Regulations governing navigable waters*—(a) *Publication of regulations.* District Engineers will distribute mimeographed copies of all departmental regulations to all known interested parties as soon as their publication has been noted in the FEDERAL REGISTER. The following note will be included:

These rules and regulations, when published, have the force of law. They were published in the FEDERAL REGISTER _____; public notices of their approval were sent to all known interested parties on _____; they have been posted at _____

(P. O.'s, bridges, etc.)

(b) *Drawbridge operation.* (1) Section 5 of the River and Harbor Act of August 18, 1894, requires the opening of draws of all drawbridges across navigable waters of the United States under such rules and regulations as in the opinion of the Secretary of War the public interests require. Section 4 of the General Bridge Act approved March 23, 1906, requires that draws of bridges affected by that act will be opened promptly upon reasonable signal.

(2) Requests for establishment of closed periods, opening upon advance notice, and other special regulations to govern operation of drawbridges will be investigated by the District Engineer and all known interested parties given an opportunity to be heard. A report will then be made detailing the requirements of land and water traffic to include all available evidence of past use of the draw-span, particularly log of openings, and a draft of recommended regulations.

(c) *Anchorage grounds.* (1) Section 7 of the River and Harbor Act of March 4, 1915, authorizes the Secretary of War to establish anchorage grounds for vessels in navigable waters of the United States whenever it is manifest that the maritime or commercial interests of the United States require such anchorage grounds for safe navigation and the establishment of such anchorage grounds will have been recommended by the Chief of Engineers, and to adopt suitable rules and regulations in relation thereto. Such rules and regulations are enforced by the Coast Guard under the direction of the Secretary of the Treasury (or Navy when the Coast Guard is operating as a part of the Navy in time of war or when the President shall so direct), except where there is no Coast Guard vessel available in which case they may be enforced by the Chief of Engineers under the direction of the Secretary of War.

(2) District and Division Engineers will, whenever matters relating to the anchorage of vessels are under consideration, ascertain the views of the District Commander of the Coast Guard and or the proper representatives of all other departments likely to be interested, and when public hearings for the consideration of such matters are proposed, to send notice to the proper representatives of other departments likely to be interested, including the Commandant of the Naval District concerned and the medical officer in charge of the quarantine station at localities where quarantine anchorages are involved, in order that they may arrange for suitable representation at such hearings. The views of the medical officer in charge of the quarantine station relating to the proposed location and boundaries of the quarantine anchorage will be accepted insofar as practicable and consistent with the establishment of other anchorage areas. (An act of Congress approved March 3, 1901, as amended (42 U. S. C. 102), authorizes the Surgeon General, with the approval of the Federal Security Administrator, to designate and mark the boundaries of the quarantine grounds and quarantine anchorages for vessels which are reserved for use at each United States quarantine station.)

(3) Proceedings against a vessel violating the anchorage regulations are to be brought in the name of the officer of the Coast Guard assigned for the time being as Captain of the Port. When the vessel is at a port where there is no Coast Guard officer, proceedings will be instituted in the name of the District Engineer.

(d) *Special anchorage areas.* An act of Congress of April 22, 1940, provides that the Secretary of War may, after investigation, by rule, regulation, or order, designate such areas as he may deem proper as special anchorage areas wherein vessels not more than sixty-five feet in length, when at anchor, will not be required to carry or exhibit anchorage lights. Administrative procedure in investigating and reporting on special anchorage areas will be similar to that followed for anchorage grounds under section 7 of the River and Harbor Act of March 4, 1915. Investigations should show conclusively that the areas are well removed from the fairways and located where general navigation will not endanger or be endangered by unlighted anchored vessels.

(e) *Danger zones.* (1) The Secretary of War has authority to prescribe regulations for the use and navigation of any portion or area of the navigable waters of the United States or waters under the jurisdiction of the United States endangered or likely to be endangered by target practice, ordnance proving operations, bombing practice, etc., under the provisions of Chapter XIX of the Army Act of July 9, 1918, or of section 7 of the River and Harbor Act of August 8, 1917.

(2) Upon receipt of a request from any branch of the War Department or from the Navy Department for approval by the Secretary of War of regulations establishing bombing or gunnery practice areas under authority of either act, the District Engineer will act upon such a request in a manner similar to that followed in acting upon anchorage and navigation regulations. The authority to prescribe such regulations must be so exercised as not unreasonably to interfere with or restrict the food fishing industry, and whenever the establishment of a proposed restricted area may affect fishing operations the District Engineer will consult with the Area Coordinator, Office of the Coordinator of Fisheries, Department of the Interior.

(3) In the event that the use of such areas is desired only for temporary, occasional, or intermittent periods, applicants may be advised that formal approval of the Secretary of War is not required, and that proper notices for mariners should be forwarded to the United States Coast Guard, Washington, D. C., and the Hydrographic Office, Navy Department, Washington, D. C., and furnished all interested persons in such manner as the District Engineer may suggest.

(4) Two copies of all notices of applications for the establishment of danger zones and restricted areas will be forwarded to Headquarters, Army Air Forces. In addition notices of all applications relating to the establishment of aerial gunnery and bombing areas will be sent to local Army, Navy and Civil Aeronautics Administration representatives. Reports on such applications will include a specific statement of the names of such representatives to whom notice has been sent.

(f) *Navigation.* Section 7 of the River and Harbor Act of August 8, 1917, authorizes the Secretary of War to prescribe such regulations for the use, administration, and navigation of the navigable waters of the United States as in his judgment the public necessity may require for the protection of life and property, or for protection of operations of the United States in channel improvement, covering all matters not specifically delegated by law to some other executive department. Under this authority regulations have been prescribed to govern signals to be displayed on vessels, passing signals, speed and movement of vessels, aids to navigation, length of towlines, etc. (General Regulations), as well as the use, administration, and navigation of navigable waters in particular localities (Navigation Regulations). Whenever matters relating to the movement of vessels are under consideration, District and Division Engineers will take steps to ascertain the views of the District Commander of the Coast Guard and of the proper representatives of all other departments likely to be interested in the same manner as in the case of anchorage regulations.

(g) *Seaplane restricted areas.* District and Division Engineers will give appropriate consideration to applications for the establishment of restricted areas of the navigable waters of ports for use by seaplanes and their attendant craft. In connection with any application or question relating to anchorage areas or navigation regulations for the usual forms of water navigation, District and Division Engineers will consider fully the possibility of conflict with the use of the waters by seaplanes. Before action is taken in any instance in which it is likely that the interests of air commerce are involved, District Engineers will obtain the views of the Civil Aeronautics Authority and the United States Maritime Commission, through the Chief of Engineers.

(h) *Dumping grounds.* (1) Section 4 of the River and Harbor Act of March 3, 1905, authorizes the Secretary of War to prescribe regulations to govern the transportation and dumping into any navigable water, or waters adjacent thereto, of dredgings and other refuse materials whenever in his judgment such regulations are required in the interest of navigation. Under this authority dumping grounds have been established in certain localities and regulations relating thereto have been prescribed.

(2) Section 13 of the River and Harbor Act of March 3, 1899, contains a proviso authorizing the Secretary of War to permit the deposit of refuse matter in navigable waters, whenever in the judgment of the Chief of Engineers anchorage and navigation will not be injured thereby, within limits to be defined and under conditions to be prescribed by him, provided application is made to him prior to depositing such material. Although the Department has exercised this authority from time to time, it is considered preferable to act under section 4 of the River and Harbor Act of March 3, 1905.

(3) Under the authority contained in an act of Congress to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York City of June 29, 1888, the Supervisor of New York Harbor has established dumping areas in those waters and has prescribed regulations relating thereto. The provisions of the act are enforced by the Supervisor under the direction of the Secretary of War.

(4) In considering requests for the establishment of dumping grounds, District and Division Engineers will give careful consideration to the requirements of navigation and will take action to prevent unreasonable injury to fish and wild life.

(i) *Fishing and hunting structures.* Special regulations have been approved by the Secretary of War to govern the placing, under permits issued by District Engineers, of fishing and hunting structures in certain designated areas. Cases not covered by such regulations must be submitted to the Chief of Engineers for approval.

§ 209.210 *Regulation of bridge tolls.* (a) As a general rule the laws on the subject of tolls commit their regulation to the Secretary of War. The General Bridge Act of March 23, 1906, provides that the Secretary of War may at any time and from time to time prescribe the reasonable rates of toll for transit over any bridge constructed subject to the provisions of the act. Section 17 of an act of June 10, 1930 (46 Stat. 552; 33 U. S. C. 498a), and an act of June 27, 1930, extends this provision to bridges previously authorized by acts of Congress specifically reserving to Congress the right to regulate subsequently tolls on such bridges, and the right to alter, amend, or repeal such act, respectively.

In addition, some special Congressional bridge acts contain provisions concerning the regulation of tolls for the particular structure authorized.

(b) Complaints that existing charges are unreasonable are referred to the District Engineer for consideration and preliminary determination whether further Departmental action should be taken. If possible, complaints should be specific and state facts giving rise to an inference that existing rates are excessive. If the District Engineer's preliminary findings suggest that Departmental action may be justified, he will be instructed by the Chief of Engineers to issue a notice of hearing. The notice states simply that a hearing is to be held with respect to the reasonableness of the tolls charged on a designated bridge. At the conclusion of the hearing the District Engineer will prepare a report of the facts disclosed by the hearing and by his own investigation and, if existing rates are considered unreasonable, a schedule of rates which, in his opinion, will afford a reasonable return. If a change in existing rates is determined upon by the Chief of Engineers and the Secretary of War, the latter will issue an order to the owner of the bridge revising the rates accordingly.

(c) The act of August 21, 1935 (49 Stat. 670; 33 U. S. C. 503–507), authorizes the Secretary of War to regulate tolls on bridges over navigable waters of the United States which bridges are used for purposes of travel or transportation in interstate or foreign commerce, except (1) bridges subject to the provisions of the General Bridge Act of 1906, (2) bridges built under the authority of the legislature of the State across waterways the navigable portions of which lie wholly within the limits of a single State, and (3) bridges on which the tolls are prescribed by a contract entered into by or with any State or political subdivision thereof, or any municipality. The Act contains detailed information as to procedure.

§ 209.220 *Flood control regulations—*(a) *Local protection works.* On projects authorized subject to specified conditions of local cooperation, no construction is undertaken by the War Department until satisfactory assurances of the required local cooperation have been accepted by the Secretary of War and until any lands, easements, and rights-of-way required to be furnished by local interests have been made available for at least a complete unit of the project. The District Engineers notify local interests concerned of the requirements of local cooperation and request assurances by registered mail prior to the preparation of final plans and specifications. Regulations prescribed by the Secretary of War for the maintenance and operation of local flood protection works are published in 33 CFR, 208.10. When assurances satisfactory to the District Engineer are received, they are forwarded through the Division Engineer to the Chief of Engineers for consideration of the Secretary of War. The District Engineers advise local interests of the action taken by the Department. Completed projects or completed useful units thereof are normally turned over to local interests for maintenance and operation as soon as the construction and testing of equipment is completed and the project is in proper condition for the assumption of maintenance and operation by local interests. The transfer is accomplished by formal notice from the District Engineer to the local interests that the completed facilities are being turned over to them for maintenance and operation as of a specific date. During construction, District Engineers keep the local interests concerned advised as to the probable date of transfer.

(b) *Use of storage allocated for flood control or navigation at reservoirs constructed wholly or in part with Federal funds.* Regulations prescribed by the Secretary of War in accordance with section 7 of the Flood Control Act of December 22, 1944, are for the purpose of coordinating the operation of the flood control features of reservoirs constructed wholly or in part with Federal funds and other flood control improvements to obtain the maximum protection from floods which can reasonably be obtained with the proper operation of all flood control improvements. Proposed regulations are determined by the District Engineer in cooperation with the persons responsible for the maintenance and operation of the reservoir involved after a detailed study of the flood problems and the characteristics of the reservoir project. The proposed regulations are forwarded by the District Engineer through the Division Engineer to the Chief of Engineers for consideration of the Secretary of War. When approved by the Secretary of War, these regulations are published in 33 CFR, Part 208.

§ 209.230. *Use of reservoir areas for recreation.* The War Department in accordance with section 4 of the Flood Control Act of December 22, 1944, as amended by section 4 of the Flood Control Act of July 24, 1946, prepares and administers plans to obtain the maximum sustained public benefit from the use of reservoir areas under its control for recreation and other related purposes, when such use is consistent with the operation and maintenance of the reservoir project for the specific purposes of the reservoir project as authorized by law and when such use is determined not to be contrary to the public interest. The plans are prepared and administered by the District Engineers, subject to review and approval of the Division Engineers and the Chief of Engineers, in close cooperation with other Federal agencies and local interests. The views and desires of these agencies and local interests are obtained normally by conferences with the District Engineers. In many cases, public hearings are held by the District Engineers at appropriate times in the vicinity of the reservoir area at which time anyone can express his views relative to these plans for consideration of the War Department. Rules and regulations are prescribed by the Secretary of War to govern the public use of the reservoir areas in accordance with the law as a part of the general plan for recreational and related uses of the reservoir area. These rules and regulations are published in 36 CFR, Part 301. Licenses and leases are granted under the law containing conditions and provisions to govern the use of specific portions of the reservoir area. Full information concerning such matters may be obtained from the District Engineer in charge of the reservoir.

SUBSTANTIVE RULES, POLICY, AND INTERPRETATIONS

§ 209.260 *Navigable waters of the United States.* (a) In the administration of the laws enacted by Congress for the protection and preservation of the navigable waters of the United States, the War Department is frequently called upon to make determinations as to the navigability of waterways. It should be understood that such determinations merely represent the views of the Department since the jurisdiction of the United States can be conclusively determined only through judicial proceedings. As information, definitions as to what constitutes a navigable water of the United States based on decisions of the Supreme Court are as follows: Those rivers must be regarded as public navigable rivers in law which are navigable in fact. And they are navigable in fact when they are used, or are susceptible of being used, in their ordinary condition, as highways for commerce, over which trade and travel are or may be conducted in the customary modes of trade and travel on water. And they constitute navigable waters of the United States within the meaning of the acts of Congress, in contra-distinction from the navigable waters of the States, when they form in their ordinary condition by themselves, or by uniting with other waters, a continued highway over which commerce is or may be carried on with other States or foreign countries in the customary modes in which such commerce is conducted by water. The Daniel Ball, 10 Wall. 557.

(b) The capability of use by the public for purposes of transportation and commerce affords the true criterion of the navigability of a river, rather than the extent and manner of that use. If it be capable in its natural state of being used for purposes of commerce, no matter in what mode the commerce may be conducted, it is navigable in fact, and becomes in law a public river or highway. As Chief Justice Shaw said (21 Pickering 344), it is not every small creek in which a fishing skiff or gunning canoe can be made to float at high water which is deemed navigable, but, in order to give it the character of a navigable stream, it must be generally and commonly useful to some purpose of trade or agriculture. The Montello, 20 Wall. 430.

(c) Navigability, in the sense of the law, is not destroyed because the watercourse is interrupted by occasional natural obstructions or portages; nor need the navigation be open at all seasons of the year, or at all stages of the water. A river having actual navigable capacity in its natural state and capable of carrying commerce among the States, is within the power of Congress to preserve for purposes of future transportation, even though it be not at present used for such commerce, and be incapable of such

use according to present methods, either by reason of changed conditions or because of artificial obstructions. It is not difficult to believe that many streams require only the exertion of federal control to make them again important avenues of commerce among the States. If they are to be abandoned, it is for Congress, not the courts, so to declare. Economy Light and Power Co. v. U. S., 256 U. S. 113.

(d) It is obvious that the uses to which streams may be put vary from the carriage of ocean liners to the floating out of logs; that the density of traffic varies equally widely from the busy harbors of the seacoast to the sparsely settled regions of the Western mountain. The tests as to navigability must take these variations into consideration. To appraise the evidence of navigability on the natural condition only of the waterway is erroneous. Its availability for navigation must also be considered. "Natural and ordinary" condition refers to volume of water, the gradients and the regularity of flow. A waterway, otherwise suitable for navigation, is not barred from that classification merely because artificial aids must make the highway suitable for use before commercial navigation may be undertaken. There are obvious limits to such improvements as affecting navigability. These limits are necessarily a matter of degree. There must be a balance between cost and need at a time when the improvement would be useful. Nor is it necessary that the improvements should be actually completed or even authorized. The power of Congress over commerce is not to be hampered because of the necessity for reasonable improvements to make an interstate waterway available for traffic. Improvements that may be entirely reasonable in a thickly populated, highly developed, industrial region may have been entirely too costly for the same region in the days of the pioneers. The changes in engineering practices or the coming of new industries with varying classes of freight may affect the type of the improvement. Although navigability to fix ownership of the river bed or riparian rights is determined, as of the formation of the Union in the original states or the admission to statehood of those formed later, navigability, for the purpose of the regulation of commerce, may later arise. U. S. v. Appalachian Electric Power Co., 311 U. S. 377.

§ 209.265 *General regulations.* Rules and regulations to govern the display of signals on, and the operation of, all craft and accessories working on wrecks, engaged in dredging, surveying, or other work of improvement, and the use and navigation of the waters in the vicinity thereof, in all harbors, rivers, and inland waters of the United States, including the Great Lakes and their connecting and tributary waters, and to govern the length of towlines upon improved and connecting channels of the Great Lakes, are published in 33 CFR, Part 201.

§ 209.270 *Anchorage regulations.* (a) Descriptions of established anchorage grounds and special anchorage areas and rules and regulations relating thereto, are published in 33 CFR, Part 202.

(b) *Special anchorage areas.* Special anchorage areas are designated by the Secretary of War under authority of the act of April 22, 1940 (54 Stat. 150; 33 U. S. C. 180, 258, 319), only when investigation shows conclusively that they are well removed from the fairways and located where general navigation will not endanger or be endangered by unlighted anchored vessels.

§ 209.275 *Bridge regulations.* Regulations to govern the operation of drawbridges are published in 33 CFR, Part 203.

§ 209.280 *Danger zone regulations.* Regulations to govern the use and administration of waters endangered or likely to be endangered by military or naval operations in target practice or otherwise, are published in 33 CFR, Part 204.

§ 209.285 *Dumping grounds regulations.* Regulations to govern the transportation and dumping of refuse materials into navigable waters or waters adjacent thereto, are published in 33 CFR, Part 205. Section 13 of the River and Harbor Act of March 3, 1899 (30 Stat. 1152; 33 U. S. C. 407), contains a proviso that the Secretary of War, whenever in the judgment of the Chief of Engineers anchorage and navigation will not be injured thereby, may permit the deposit of refuse matter in navigable waters, within limits to be defined and under conditions to be prescribed by him, provided application is made to him prior to depositing such material. Although the Department has exercised this authority in the past, its present policy is to act only under the authority contained in section 4 of the act of March 3, 1905 (33 Stat. 1147; 33 U. S. C. 419).

§ 209.290 *Fishing and hunting regulations.* Regulations to govern the construction and maintenance in navigable waters of structures to be used for fishing and hunting, are published in 33 CFR, Part 206.

§ 209.295 *Navigation regulations.* Regulations to govern the use, administration, and navigation of navigable waters generally, are published in 33 CFR, Part 207.

§ 209.300 *Flood control regulations.* (a) Regulations for the operation and maintenance of local flood protection works approved by the Secretary of War under the authority contained in section 3 of the Flood Control Act of June 22, 1936, as amended and supplemented, are published in 33 CFR 208.100. These regulations cover conditions normally and regularly required. Whenever the regulations are not sufficiently broad to cover the specific maintenance and operation requirements of a particular project, District Engineers will submit through the Division Engineers recommended additional regulations needed for that particular project. Such supplemental regulations will require approval of the Secretary of War and will be made applicable only to the individual project concerned. Local interests will be advised of the approved regulations for operation and maintenance of local flood protection works at the time assurances of local cooperation are requested. District Engineers will keep informed as to the extent of compliance with approved regulations for operation and maintenance through regular, periodic inspection of the projects concerned and through careful analysis of the semi-annual reports which the operating and maintaining agencies are required to submit in accordance with the regulations. The District Engineer's views as to any measures required to conform to the approved regulations will be furnished to the agencies responsible. In any case where the District Engineer has been unable to arrange satisfactory compliance or where there is question or disagreement as to the measures required for compliance, a report of the circumstances, together with the recommendations of the District and Division Engineers, will be submitted to the Chief of Engineers for consideration.

(b) Regulations for the use of storage allocated for flood control or navigation at reservoirs constructed wholly or in part with Federal funds provided on the basis of such purposes, are published in 33 CFR 208.25 et seq.

(c) Rules and regulations to govern the public use of reservoir areas under the control of the War Department for recreational purposes, are published in 36 CFR, Part 301.

§ 209.305 *Regulations under the Oil Pollution Act, 1924.* Section 3 of the Oil Pollution Act, 1924, of June 7, 1924 (43 Stat. 605; 33 U. S. C. 433), authorizes the Secretary of War to prescribe regulations permitting the discharge of oil from vessels in such quantities, under such conditions, and at such times and places as in his opinion will not be deleterious to health or sea food, or a menace to navigation, or dangerous to persons or property engaged in commerce on such waters, and for the loading, handling, and unloading of oil. The only regulations that have been issued under this Act were prescribed July 20, 1943, to govern the discharge of water ballast under the direction of the Supervisor of New York Harbor or the Captain of the Port at other localities, and were in effect only for the duration of the war (33 CFR 207.1).

§ 209.310 *Operation of drawbridges in absence of regulations.* (a) Section 5 of the act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), provides that it shall be the duty of persons owning, operating, and tending drawbridges built across navigable waters of the United States, to open, or cause to be opened, the draws of such bridges under such rules and regulations as in the opinion of the Secretary of War the public interests require. Insofar as criminal liability on the part of the bridge owner is concerned, the Department is of the opinion that, in the absence of Federal regulations, there is no Federal authority requiring the opening of any drawbridge to which the General Bridge Act of March 23, 1906, does not apply. With reference to the civil liability of the bridge owner, however, it has been held that the duty to take proper care of a bridge includes the duty to make proper provision for the passage of vessels through the draw. In con-

structing a bridge with a draw, and in undertaking to open and manage the draw so as to allow vessels to pass, the owner has recognized the right of vessels to pass through without any appeal to the national authority to protect that right. Having thus recognized the rights of commerce, and undertaken to provide accommodations for the passage of vessels, the owner is bound that the custodians of the bridge shall use ordinary diligence to avoid accidents to vessels going through the draw at customary hours, and in the customary manner, as one of the incidents of the care, management, and control of the bridge itself. The owner is responsible, therefor, for the want of ordinary care and diligence in his servants, and for the consequent damage.

(b) The Attorney General has held (Jan. 28, 1899; 22 Opin. 314) that the first part of section 5 of the 1894 act is merely declaratory of the legal duty of the owners or operators which attaches to the maintenance and operation of a drawbridge across navigable waters. "It is the duty of all persons operating such drawbridges to open or cause them to be opened in a reasonable manner and at a reasonable time, consistent with the uses for which drawbridges are constructed, for the passage of vessels. The repair of such draws and of the bridges with which they are connected is also necessary for their maintenance. It is reasonable that a sufficient time should be allowed for such repairs, and if they cannot be prosecuted without closing the bridge for a number of successive days, such closing cannot be considered an unreasonable interference with navigation." "It is entirely competent for the Secretary of War to make rules and regulations governing this subject, but in the absence of such rules and regulations the law is as I have above stated it."

§ 209.315 *Bridge repairs.* Repairs to a bridge which do not alter the clearances, type of structure, or any integral part of the substructure or superstructure or navigation conditions, but which consist only in the replacement of worn or obsolete parts, may, if the bridge is a legally approved structure, be made as routine maintenance without approval of the War Department.

§ 209.320 *Assignment of bridge franchises.* Authority granted by an act of Congress to construct a bridge is a franchise which cannot be assigned without the permission of Congress. The Department has no authority to approve the plans of a bridge on an application made by a party or corporation to which the franchise has been transferred without authority of Congress. When plans have been approved and the bridge has been built the franchise is regarded as passing with the title to the property, and in such case plans for the renewal, reconstruction, or repair of the bridge may be accepted from the person or corporation in actual possession or control of the property. A similar rule applies to bridges authorized by State laws.

§ 209.325 *Sufficiency of State authority for bridges.* An opinion of the attorney general of the State as to the sufficiency of State authority for the construction of a bridge is acceptable to the Department in doubtful cases.

§ 209.330 *General policies on issuance of permits.* (a) The decision as to whether a permit will be issued must rest primarily upon the effect of the proposed work on navigation. However, in cases where the structure is unobjectionable from the standpoint of navigation but when State or local authorities decline to give their consent to the work, it is not usual for the Department actually to issue a permit. This is for the reason that while the instrument merely expresses assent so far as concerns the public rights of navigation, it practically becomes of no value in the event of opposition by State or local authority and may be regarded by such authority as an act of discourtesy. In such cases the applicant is informed that the structure is unobjectionable from the standpoint of navigation and that permit would be issued were the consent of the local authority also forthcoming.

(b) In cases of conflicting property rights the Department cannot undertake to adjudicate rival claims.

(c) Where it is found that the work for which a permit is desired may interfere with a proposed flood control project, the applicant and the party or parties responsible for fulfillment of the requirements of local cooperation apprised in writing of the fact and of the possibility that a flood control project which may be constructed in the vicinity of the proposed work will necessitate its removal or reconstruction. It is pointed out to the applicant and to local interests that the Department's function in approving plans for structures in navigable waters is only to insure that structures meet the requirements of navigation and that the application for a permit will be considered on that basis; and that the United States will in no case be liable for any damage or injury to the structures or work authorized which may be caused by or result from future operations undertaken by the Government for the conservation or improvement of navigation, or for other purposes, and no claims or right to compensation will accrue from any such damage.

§ 209.335 *Delegation of authority to issue permits.* The Secretary of War has authorized the issuance of War Department permits by local offices of the Engineer Department, at the option of the Chief of Engineers, for work and structures in or over navigable waters in cases which are entirely routine and which involve no difference of opinion on the part of engineer authorities, nor doubt as to the law, facts, or regulations nor any opposition or other considerations which should be decided by higher authority. A case is held to be entirely routine if the circumstances are such that approval of the plans would unquestionably be given were the matter presented to the Chief of Engineers and the Secretary of War. The mere fact that proposed work, such as dredging, for example, is extensive in scope does not necessarily remove it from the class of routine cases if no possible objection to the work can be foreseen. Under similar circumstances applications for permits for works in navigable waters which extend from or are connected with works constructed without the authorization of the Department but presumably in ignorance of the law will be considered routine. The authority above granted is not a delegation of discretionary powers, but is considered to constitute advance approval by the Secretary of War of a class of cases leaving to the Chief of Engineers or the local engineer officer the application of such approval to particular instances as they arise. Such permits will be signed by Division or District Engineers under the words "By authority of the Secretary of War."

§ 209.340 *Work constructed without prior authority.* The Department will approve plans for structures and issue permits authorizing structures and other work in or over navigable waters, in cases where the application therefor is submitted after the commencement or completion of the structures or work, subject to the following rules: Approval will be limited to those cases where the necessary primary authority, State or Federal as the case may be, validly exists, when the work was innocently constructed, and where the work will not unreasonably interfere with navigation. When forwarding approval the applicant will be informed that the law contemplates prior approval and that in the future plans must be submitted in ample time for their consideration by the Department before construction is begun.

§ 209.345 *Necessary primary authority.* For works constructed by State or municipal agencies, the primary authority will be presumed without proof. If the law of the State requires a license for or approval of the work from a constituted State agency, a copy of such license or approval will be required and may be accepted as evidence of the primary authority. If there be no State regulation of structures in navigable waters, the necessary primary authority may be that granted in the charter of a corporation, or the authority inherent in the ownership of the land on which the structure is placed. The applicant will in such cases be required to furnish an extract from the charter, or a statement of ownership. Especial care will be taken that Federal approval is not granted when there is doubt of the right of the builder to construct and utilize the work.

§ 209.350 *Limiting date in permits.* A specific limiting date will be inserted in all permits, normally December 31 of the third year subsequent to the year of issuance. Thus the limiting date fixed in permits issued in 1946 should normally be December 31, 1949. District and Division Engineers are not authorized to fix a later date for completion, but if special reasons so require, a shorter period may be specified provided that the limit expires in all cases on the last day of a quarter, i. e., March 31, June 30, September 30, or December 31. Experience has, however, shown a tendency to prescribe insufficient time limits, thus subjecting the Department and the permittee to unnecessary annoyance and ex-

pense in accomplishing extensions. The full authorized time should usually be allowed. Work or operations of a temporary and obstructive character, however, should be limited to a period as short as is considered reasonable.

§ 209.355 *Permit bonds.* When compensatory works or the removal of temporary structures should be required of the permittee, or in other unusual cases when there is reason to anticipate that the permittee may fail to carry out parts of the work that are against his interest, an additional condition will be included in the permit requiring the permittee to furnish a bond insuring compliance with the permit requirements.

§ 209.360 *Transfer of permits.* Permits express merely the assent of the Federal Government so far as concerns the public rights of navigation. Although issued to a specific party, the assent is not limited to execution of the work by that party and may be availed of by the assignees or purchasers of the property affected, provided the terms of the instrument are strictly complied with.

§ 209.365 *Departure from permit plans.* (a) If the final inspection shows a minor departure from the authorized plans which does not materially affect navigation, the permittee will be required to furnish a tracing showing the work as actually constructed but no further action will be taken by the Department.

(b) Acceptance of permit work. It is not the practice of the Department to issue letters certifying that completed work conforms to the Department authorization. That question is a matter of fact to be determined in case of controversy by the usual rules of court procedure.

§ 209.370 *Payment of expenses of inspection by permittees.* As a general policy, expenses incurred by the Engineer Department in all investigations, inspections, hearings, reports, service of notice, or other action incidental to examination of plans or sites of bridges or other structures built or proposed to be built in or over navigable waters, will be paid from Federal funds in accordance with section 6 of the River and Harbor Act of March 3, 1905 (33 Stat. 1148; 33 U. S. C. 417). A condition requiring that the grantee will bear all expenses for inspection, or any other operations by the United States in connection with permits granted by the Department will be applied only to special or elaborate supervision deemed necessary to protect the interest of navigation and involving unusual expense. The cost of supervision of dumping of dredged material in navigable waters, requiring the exclusive time of one or more inspectors, will as a general rule be collected from the permittee. In cases not covered by general authority granted by the Chief of Engineers, specific authority must be secured in each instance before making any collection from a permittee. Division Engineers may grant such authority if the operations to be inspected will probably be completed within six months, and if no doubt or disagreement arises as to the propriety of the collection, otherwise the authority of the Chief of Engineers must be obtained.

§ 209.375 *Revocation and relinquishment of permits.* (a) Permits may be revoked by the Secretary of War for failure on the part of the permittee to comply with any of the conditions therein, or where the structures or other work constitute an unreasonable obstruction to navigation or to operations of the United States in the interests of navigation or flood control.

(b) District Engineers may accept from the permittee a voluntary relinquishment of the permit.

§ 209.380 *Establishment of harbor lines.* Harbor lines should provide for the present and future needs of navigation so far as they can be foreseen. Questions of the development of water terminals, the location of existing fixed structures, and of sufficient cross section for the passage of floods will receive attention. The lines will be kept as near to the shore as the reasonable demands of navigation, present or prospective may require, since when the lines are once established and reclamation work and structures have been constructed in the rear, difficulties are likely to be encountered in moving the lines farther toward shore. Harbor lines will not be established across the mouths or entrances to navigable waterways. To avoid ambiguity and misunderstanding both by the public and in the Department the expressions "shoreward (or landward) of harbor lines" and "channelward (or riverward) of harbor lines" will be used in official correspondee to describe position relative to harbor lines and such terms as "inside" and "outside," which might be given opposite meanings, shall be avoided.

§ 209.385 *Expenditure of Federal funds for work shoreword of harbor lines.* (a) Section 5 of the River and Harbor Act of July 13, 1892 (27 Stat. 111; 33 U. S. C. 628), prohibits the expenditure of money appropriated for the improvement of rivers and harbors for dredging inside of harbor lines duly estabilshed.

(b) It is not the policy of the Department to expend Federal funds for the removal of wrecks or other obstructions shoreward of established harbor lines.

§ 209.390 *Operations shoreward of harbor lines.* The establishment of a harbor line implies consent to riparian owners to erect structures to the line without special authorization by the Secretary of War but does not imply consent to operations of every kind landward of the line. Such work as dredging for instance may seriously interfere with the regimen of the waterway and will ordinarily require the authorization of the Department to insure that operations are conducted under proper restrictions. District Engineers will therefore supervise operations landward of harbor lines sufficiently to assure themselves that all work proposed is either of the character authorized by the establishment of the line or has been properly authorized and that there is no encroachment channelward of approved limits. Where proposed structures are to touch or closely approach the harbor line the builder will be called upon to submit to the District Engineer in advance, plans of that portion of the proposed work which will be adjacent to the harbor line in order that the integrity of the line may be carefully watched and maintained. Every structure touching the harbor line or closely approaching it will be inspected on completion and its location will be recorded on an office copy of the harbor line map or note made on the map showing where such data may be found.

§ 209.395 *Deposit of refuse.* Section 13 of the River and Harbor Act of March 3, 1899 (30 Stat. 1152; 33 U. S. C. 407), prohibits the deposit in navigable waters generally of "refuse matter of any kind or description whatever other than that flowing from streets and sewers and passing therefrom in a liquid state". The jurisdiction of the War Department, derived from the Federal laws enacted for the protection and preservation of the navigable waters of the United States, is limited and directed to such control as may be necessary to protect the public right of navigation. Action under section 13 has therefore been directed by the Department principally against the discharge of those materials that are obstructive or injurious to navigation.

§ 209.400 *Violations of law.* Although the Corps of Engineers has certain police powers under the River and Harbor Act of March 3, 1899, and other laws for the protection and preservation of navigable waters, it has been the long standing policy to secure compliance with their provisions short of legal proceedings. Accordingly every effort is made to accomplish corrective measures prior to initiation of action leading to such proceedings. As a general rule, no action is taken when the violation is minor, unintentional, or accidental, and the party responsible makes good the damages suffered. It is the established policy of the Department not to recommend prosecution when the violation is trivial, apparently unpremeditated, and results in no material public injury. Prosecution is recommended in all cases of willful or intentional violations and all cases in which the parties responsible refuse or neglect to remove the unlawful structure or deposit or to make good the damages suffered.

§ 209.405 *Damages.* With reference to the method of ascertaining the amount of damages done to a public work by a vessel, for which the vessel is liable under Section 16 of the River and Harbor Act of March 3, 1899 (30 Stat. 1153; 33 U. S. C. 412), a distinction is made between cases involving property that should be repaired and those involving property that should be abandoned. In the former cases the amount of the damages should be the total cost of repairs, less any salvage value and any enhanced value. In the latter cases the amount of the damages should be the fair value of the property, less any salvage value. Whether or not there has been any enhanced value (i. e., whether the fair value of the structure immediately after the repairs is greater than its fair value immediately before the damage occur-

red) is a matter to be determined from an actual survey of the structure and knowledge of its age and condition. Where maintenance has equalled depreciation there would probably be no enhanced value.

§ 209.410 *Abandonment of wrecks.* By the maritime law the owner of a vessel which is sunk without fault on his part may abandon the wreck in which case he cannot be held responsible for removing it even though it obstructs navigation. That law has not been changed by sections 15, 19, and 20 of the River and Harbor Act of March 3, 1899 (30 Stat. 1152, 1154; 33 U. S. C. 409, 414, 415), which fully recognize the owner's right of abandonment. However, a person who willfully or negligently permits a vessel to sink in navigable waters of the United States may not relieve himself from all liability by merely abandoning the wreck. He may be found guilty of a misdemeanor and punished by fine, imprisonment, or both, and in addition may have his license revoked or suspended. He may also be compelled to remove the wreck as a public nuisance or to pay for its removal.

§ 209.415 *Removal of wrecks.* Usually removal by the United States is not undertaken if the obstruction simply affects the approaches to private wharves and is without influence upon general navigation.

§ 209.420 *Removal of sunken logs.* The United States acquires no property rights in sunken logs through the mere fact that they lie in navigable waters. It is permissible for the original owner to trace and reclaim them but he should do so within a reasonable time especially if they obstruct navigation. If they form obstructions to navigation and the owner fails to exercise his right to reclaim and remove them they may be removed by the Government. Logs thus removed by the Government may be sold or otherwise disposed of without liability to the original owner. When persons known to have no ownership therein or legal title thereto apply for permission to remove sunken logs it may be assumed that the privilege is desired as a matter of gainful speculation. Ordinarily they will be advised that the Department can grant them no property rights in the logs but will not object to their removing them provided removal operations are so conducted as not to injure or interfere with navigation. In cases, however, where the logs form serious obstructions to navigation and the conditions are such that the Department would be justified in removing them, there is no legal objection to permitting a private applicant to remove them under an agreement providing that they shall become the property of the applicant.

§ 209.425 *Acting Chief of Engineers and Acting Division and District Engineers.* When so designated, an Acting Chief of Engineers, Acting Division Engineer, or Acting District Engineer exercises all powers, duties, and responsibilities of the Chief of Engineers, Division Engineer, or District Engineer, respectively.

§ 209.430 *Representation of submarine cables and pipe lines on Government charts.* Joint Board Report No. 344, serial No. 213 as amended by serial No. 255, October 8, 1925, approved by the Secretary of War and the Secretary of the Navy, adopted the following policy with respect to showing the locations of submarine pipe lines and cables on charts published by the Government:

(a) Within protected waters (harbors, rivers, bays, estuaries, or other inland waterways). The location of submarine pipe lines and cables is to be indicated by shaded areas marked "Pipe-line area" or "Cable area" on Government charts issued for general use.

(b) Outside protected waters (offshore or in the open sea). As a general rule do not indicate the location of the offshore approaches of submarine pipe lines and cables on Government charts issued for general use.

(c) The Joint Board further recommends that the commandants of naval districts in cooperation with local Army commanders consider and report upon the submarine pipe line and cable situations within the waters of their districts with a view to determining these cases which will follow the policy and those for which exceptions must be made.

(d) Whenever a change is made in the position of any submarine cable or pipe line shown by shaded area on Government charts, or whenever a new cable or pipe line is laid in navigable waters at a depth where interference with navigation or fouling by anchors is probable, the District Engineer will have the changed or new location indicated on a copy of the Coast Survey Chart of the locality or on a drawing traced from such chart. Such chart or drawing will then be submitted to the local corps area and naval district commanders for their views as to whether the location should or should not be shown in accordance with the policy set forth in the Joint Board report or whether it should be excepted from the general rules laid down therein. The views of the local commanders will be forwarded to the Chief of Engineers and if they recommend publication will be accompanied by three copies of a chart or drawing showing the cable or pipe-line location by a shaded area which ordinarily should not extend more than 500 feet on each side of the location except on the very small scale charts where an area of that width would not be of sufficient prominence. The shaded area will be designated "Cable area" or "Pipe-line area," as the case may be, but no other information as to the character or ownership of the installation will appear on the chart. If it is recommended that the location be not shown on the published charts only one copy of the chart showing it need be furnished.

NOTE. Cables and pipe lines laid at sufficient depths below the beds of waterways to prevent interference with navigation or fouling by anchors need not be considered.

§ 209.435 *Public access to navigation works.* While the regulations prescribed by the Secretary of War for various navigation improvements usually strictly prohibit trespass on Government property, those regulations will not be construed as prohibiting access to navigation works of general public interest subject to the following criteria:

(a) The public will not be permitted in areas where their presence would subject themselves or Government operating personnel to serious accident hazards.

(b) The public will not be permitted in areas where their presence would interfere with any phases of navigation operations.

(c) The public will be given free access to all areas other than those specified under (a) and (b) above, subject only to the normal legal requirements with respect to property and personal rights.

§ 209.440 *Policy on release of commercial statistics.* The collection of commercial statistics pertaining to rivers, harbors, and waterways, and annual reports thereof to Congress, are required by the River and Harbor Act of June 23, 1866 (14 Stat. 70), the act of February 21, 1891 (26 Stat. 766), the River and Harbor Act of June 13, 1902 (32 Stat. 376), the River and Harbor Act of July 25, 1912 (37 Stat. 201), the River and Harbor Act of September 22, 1922 (42 Stat. 1043), and Public No. 16, February 10, 1932 (47 Stat. 42). It is the policy of the Department to hold in strict confidence any data or information which has been furnished by shippers and others upon the understanding that it will not be disclosed and will only be used in the compilation of port or waterway statistics. In case Federal or State agencies or local interests request other than general information made permissible hereunder, their attention will be called to the policy herein indicated.

§ 209.445 *Certified copies of public records.* It is the established policy of the Department not to furnish certified copies of the public records to private persons for use in controversies in which the United States has no real interest except upon the certificate of the tribunals before which such controversies are to be decided that such transcripts of the public records are deemed essential to the ends of justice.

§ 209.450 *Distribution of maps and charts.* Engineer Department maps and charts will be furnished to mariners or others not in the Government service at the cost of reproduction. Distribution of maps containing classified information is subject to the provisions of AR 380–5. Information as to maps and charts available and prices can be obtained from District and Division Engineers and the Chief of Engineers.

§ 209.455 *U. S. Lake Survey Office.* The U. S. Lake Survey Office performs the service of surveying and charting, for navigation purposes, the Great Lakes and connecting streams as far down the St. Lawrence River as the international boundary at St. Regis, 66 miles above Montreal. This work is confined to United States territory, except for the depiction of such Canadian waters and shores as may be essential to the integrity and usefulness of charts showing localities continguous to the boundary and those covering a whole lake or river.

Associated with its operations on the Great Lakes, the Lake Survey publishes charts of Lake Champlain and of the natural navigable waters of the New York State canal system. It is also charged with the preparation of charts of the Lake of the Woods and Rainy Lake. The charts undergo constant revision to show changes in aids to navigation and other important features. A catalogue of the charts, outlining areas covered, scales, prices, and conditions of sale, may be had by applying to the District Engineer, U. S. Lake Survey Office, 630 Federal Building, Detroit 26, Michigan. A bulletin revised annually to supplement the information given upon the charts may also be purchased at the Lake Survey Office.

AVAILABILITY OF OPINIONS AND ORDERS AND RULES

§ 209.480 *Statutory requirement.* Subsection 3 (b) of the Administrative Procedure Act of June 11, 1946, requires every agency to publish or, in accordance with published rule, make available to public inspection all final opinions or orders in the adjudication of cases (except those required for good cause to be held confidential and not cited as precedents) and all rules.

§ 209.490 *Final opinions and orders in adjudication of cases.* Final opinions and orders in the adjudication of cases will not be published. They will be served on the parties directly affected thereby and subject thereto. Copies of such opinions and orders will be made available to public inspection in the office of the District Engineer in whose district the case arose to which they apply, and in the Office of the Chief of Engineers. Full information regarding such opinions and orders and their availability may be obtained by communicating with either of these offices. This rule does not apply to those opinions and orders required for good cause to be held confidential and not cited as precedents.

§ 209.500 *Rules.* Section 3 of the Administrative Procedure Act requires publication of all rules except to the extent that there is involved (1) any function of the United States requiring secrecy in the public interest or (2) any matter relating solely to the internal management of an agency, in which cases rules are not published. Except to the extent that there is involved any function of the United States requiring secrecy in the public interest, all rules, whether published or unpublished, will be made available to public inspection in all offices of District Engineers, Division Engineers, and the Chief of Engineers.

PUBLIC RECORDS

§ 209.510 *Availability.* Pursuant to subsection 3 (c) of the Administrative Procedure Act, matters of official record, except information held confidential for good cause found and save as otherwise required by statute, will be made available to persons properly and directly concerned. If the matter is of local significance only, it will be made available in the office of the District Engineer concerned or the Office of the Chief of Engineers. If the matter is of general significance, it will be made available in all offices of District Engineers, Division Engineers, and the Chief of Engineers. Full information regarding the availability of any matter of official record may be obtained by communicating with the Office of the Chief of Engineers.

NOTICE OF PROPOSED RULE MAKING

§ 209.520 *Publication.* (a) Section 4 of the Administrative Procedure Act requires publication of general notice of proposed rule making in the FEDERAL REGISTER (unless all persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law), except to the extent that there is involved (1) any military, naval, or foreign affairs function of the United States or (2) any matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts. Except where notice or hearing is required by statute, this requirement does not apply to interpretative rules, general statements of policy, rules of agency organization, procedure, or practice, or in any situation in which the agency for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

(b) General notice of proposed rule making published in accordance with the above will include (1) a statement of the time, place, and nature of public rule making proceedings; (2) reference to the authority under which the rule is proposed; and (3) either the terms or substance of the proposed rule or a description of the subjects and issues involved.

B. M. FITCH,
Brigadier General,
Acting the Adjutant General.

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PART 210—PROCUREMENT ACTIVITIES OF THE CORPS OF ENGINEERS

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§ 210.1 *Offices from which to secure information relating to Corps of Engineers' activities.* Information not contained herein relating to Corps of Engineers' procurement methods and procedures and other activities may be obtained from the following offices:

Office of the Chief of Engineers, War Department Building, Twenty-first Street and Virginia Avenue NW., Washington 25, D. C.

The Division Engineer, Great Lakes Division, 20 North Wacker Drive, Chicago 6, Ill.

The Division Engineer, Lower Mississippi Valley Division, Post Office Box 80, Mississippi River Commission Building, Vicksburg, Miss.

The Division Engineer, Middle Atlantic Division, 907 Calvert Building, 101 East Fayette Street, Baltimore 2, Md.

The Division Engineer, Missouri River Division, Farm Credit Building,, 206 South Nineteenth Street, Omaha 2, Nebr.

The Division Engineer, New England Division, 75 Federal Street, Boston 10, Mass.

The Division Engineer, North Atlantic Division, Twenty-first Floor, 270 Broadway, New York 7, N. Y.

The Division Engineer, North Pacific Division, 500 Pittock Block, Portland 5, Oreg.

The Division Engineer, Ohio River Division, (Post Office Box 1799), 243 North High Street, Columbus 16, Ohio.

The Division Engineer, South Atlantic Division, (Post Office Box 4114) 50 Whitehall Street, Atlanta 2, Ga.

The Division Engineer, South Pacific Division, 351 California Street, San Francisco, Calif.

The Division Engineer, Southwestern Division, Santa Fe Building, 1114 Commerce Street, Dallas 2, Tex.

The Division Engineer, Upper Mississippi Valley Division, 1124 Syndicate Trust Building, 915 Olive Street, St. Louis 1, Mo.

The Division Engineer, Western Ocean Division, Sausalito, Calif.

§ 210.2 *Authority, delegations and restrictions* — (a) *Division Engineers.* Whenever in the following regulations delegations of authority are made to, or restrictions placed upon, "Division Engineers" where appropriate any such delegation or restriction shall be interpreted to apply to the President of the Mississippi River Commission, the President of The Engineer Board, the District Engineer, Manhattan District, and also the District Engineer, Philadelphia, Pa., with respect to all marine activities under the jurisdiction of that office.

(b) *District Engineers.* Whenever in the following regulations delegations of authority are made to, or restrictions are placed upon, "District Engineers" where appropriate any such delegation or restriction shall be interpreted to include the Commanding Officer of the Army Map Service, the Resident Engineer of the Beach Erosion Board, the Resident Engineer of the Board of Engineers for Rivers and Harbors, and the Senior Member of the California Debris Commission.

§ 210.3 *Designation of Contracting Officers*—(a) *Contracting Officers by virtue of position.* Division Engineers and District Engineers are contracting officers by virtue of their positions.

(b) *Redelegation of Contracting Officer authority.* Division Engineers and District Engineers are authorized to redelegate, without power of further redelegation, any part of their contracting officer authority. Except as otherwise specifically provided in these regulations such power of redelegation shall not include the redelegation of power to approve contracts, which must be done personally by the approving officer. Division Engineers will not redelegate contracting officer authority in excess of the limitations prescribed for District Engineers in the execution of contracts without approval of higher authority.

(c) *Letters of delegation.* Officers and employees designated as contracting officers by Division Engineers and District Engineers will be designated as such by letter, stating the period and the limit of authority granted, and such letter will be exhibited by the officer or employee, if required, as evidence of his authority. Such designations may be made for a limited or an unlimited period of time but will delineate the contracting officer's authority by stating the monetary limit on his authority, the types of contracts to be executed, etc. Such designations may be revoked by the issuing officer or his successor.

(d) *Contracts to be signed or approved in person.* Contracting officers will personally sign contracts entered into by them on behalf of the Government, and approving officers will personally approve contracts executed subject to their approval, unless otherwise specifically provided herein.

(e) *Designation of authorized representatives.* Authorized representatives of the contracting officers will be so designated in writing and a copy of each such designation will be immediately submitted to contractors concerned.

§ 210.4 *Method of contracting*—(a) *By advertisement.* Unless authority to negotiate has been obtained from the Chief of Engineers, or unless the procurement is excepted, all purchases and contracts will be awarded pursuant to formal advertisement.

(b) *By negotiation.* When it is determined by the contracting officer that the conditions prescribed for formal advertising do not exist, military procurement may be accomplished by negotiation pursuant to the authority granted by the First War Powers Act, 1941, and Executive Order 9001. Prior authorization from the Chief of Engineers to so negotiate is required.

§ 210.5 *Methods of inviting bids by formal advertising.* Invitations for bids by either of the following methods will constitute formal advertising:

(a) By advertising in newspapers when it is determined by the contracting officer that the quantity or value of the purchase or the character of the work or service will justify the expense.

(b) By invitations for bids forwarded to dealers or contractors, and posted in public places.

§ 210.6 *Method of inviting quotations where contract is to be negotiated.* In negotiating contracts ordinarily quotations will be solicited from the largest practicable number of responsible contractors and awards will be consistently made to the contractor submitting the lowest bid. The award, however, will be made pursuant to negotiation and the contracting officer will select the contractor whom he has determined to be in all respects the best qualified to perform the contract in a manner that will be in the best interests of the Government. In determining the largest practicable number of contractors from whom quotations should be solicited, or in special cases in determining that quotations should not be solicited, due consideration will be given to the need for immediate delivery or performance and directives of higher authority.

§ 210.7 *Invitation for bids*—(a) *Definitions.* The term invitation for bids refers literally to the applicable form prescribed for the solicitation of bids. In its broadest sense, however, that term is used to denote the collective papers, including instructions to bidders, the invitation, bid, contract form, specifications, etc., which are necessary to bidders in the preparation and submission of bids. To avoid confusion the term invitation for bids, as used in these regulations, will refer to the bid papers collectively. The term proposal will be used synonymously with the term bid; and the terms advertising or formal advertising will be used to denote the method by which the invitation for bids is brought to the attention of prospective bidders.

(b) *Time allowed.* Invitations for bids will as a rule allow 30 days to intervene between the date of issue and the date of opening bids. No period of less than 10 days will be designated, except in an emergency. The existence of such emergency will be determined by the contracting officer.

§ 210.8 *Bids and bidding*—(a) *General.* Generally bids will be submitted by bidders in duplicate. In order that full benefit may be secured from advertising, it is desirable that bidders should be made to feel reasonably sure that under ordinary conditions each opening of bids will mean that award will be made to the lowest responsible bidder.

(b) *Award to other than the lowest bidder.* Before making or recommending award to other than the lowest responsive bidder, the contracting officer will advise all bidders in writing who have submitted bids lower than the bid the contracting officer recommends accepting, of the grounds on which recommendation for the rejection of their bids is contemplated, and will further advise them that a reasonable period, not exceeding 5 days, will be allowed in which they may file with him a written statement showing cause why their bids should not be rejected. Before making award to other than the lowest bidder approval will be obtained from the Chief of Engineers. Such cases will be addressed to the attention of the Legal Division.

(c) *Excessive bids.* No bid for construction will be accepted if it is more than 25% in excess of the Government's estimate without prior submission to and approval by the Chief of Engineers. The lowest bidder will be informed immediately when any such action is taken. Unless the contracting officer is satisfied that the low bid received represents a fair and reasonable price, the award will not be made.

(d) *Waivers of irregularities in bids.* Minor irregularities in bids may be waived or corrected when in the best interests of the Government. A statement in justification of the waiver or correction of such minor irregularities will be included in the official record file. For rules on cases of failure to furnish bid bonds see 14 Comp. Gen. 559 and 16 Comp. Gen. 493. Doubtful cases will be submitted to the Chief of Engineers, Attention: Legal Division.

§ 210.9 *Awards*—(a) *How made.* The award will be made to the lowest responsible bidder provided his bid price is fair and reasonable and its acceptance is in the best interests of the Government.

(b) *Time for making.* Award should be made as promptly as the circumstances will permit, and in all cases within the period of time specified in the bids.

(c) *Notice of award.* The successful bidder will be notified in writing of the acceptance of its bid. This notice may accompany the contract papers which are forwarded to him for execution. To avoid error or confusing the notice of award with a notice to proceed, the notice of award will be in substantially the following form:

You are hereby notified that your bid dated_____in the sum of_____ covering_____is accepted provided that this acceptance shall not obligate the Government until you have furnished acceptable performance and payment bonds (when required) and the contract is fully executed. If approval of the contract is required, the contract is not fully executed until such approval is obtained.

§ 210.10 *Award of negotiated contracts*—(a) *Generally.* Where contracts are to be negotiated, the policies and procedures prescribed in this section will be followed and no such contract will be awarded without the specific approval of the Chief of Engineers unless:

(1) Bids have been solicited (as determined by the awarding officer) from all qualified bidders who could have been reasonably expected to bid on a job of the size, character and location concerned.

(2) Bids have been received from two or more independent and reasonably qualified bidders in actual competition with each other.

(3) The award is made to the lowest qualified bidder.

(4) The contract price is not in excess of the low bid received.

In the solicitation of bids, the requirements of condition (1), above, will be construed broadly. Any solicitation, direct or otherwise, that will result in such notice of the proposed work as will afford a reasonable opportunity to all bidders of the class described in subparagraph (1) to bid, whether or not each such bidder is solicited individually, is deemed to meet these requirements. In addition to such solicitation as is necessary to meet the requirements of subparagraph (1), a copy of the invitation or the Standard Procurement Form will be posted in a suitable public place in the office of the District Engineer. While the award must be to the lowest qualified bidder, negotiations can be, and in appropriate cases should be, had with such bidder as to in all cases reach an agreement which will assure sound pricing. In construction contracts the cost breakdown estimates must be prepared with particularity and carefully considered in this connection.

(b) *Special cases.* In special situations, as for example, classified projects, extremely urgent projects, projects involving complex construction, experimental or developmental items, etc., it may be undesirable to place contracts in accordance with the procedures prescribed in this section. Irrespective of other delegations of authority with regard to the making of or authorizing the making of awards of contracts, no contract placed without compliance with the provisions of this section will be awarded without first having obtained authority from the Chief of Engineers. Requests for such authority will contain the following:

(1) The reasons why it is impracticable to place the contract in accordance with the procedure contemplated by this section.

(2) The pertinent items of information required.

(c) *Modifications to construction contracts.* Nothing in this part will be construed so as to require compliance with the procedure set forth in this section in cases where it has been determined that a particular project is to be expanded after the contract therefor is already awarded and it is impracticable to accomplish construction of such additional work by other contractors. In such cases supplemental agreements will be negotiated with the contractor holding the original contract.

§ 210.11 *Authority to make awards in connection with civil works contracts.* Awards in connection with civil works contracts will be made as follows:

(a) District Engineers will authorize or make awards of $50,000 or less without the approval of higher authority where (1) no protest to the specifications or to the award has been made which cannot be satisfactorily adjusted by the District Engineer, and (2) the bid is unconditional, conforms to the requirements of the specifications in all material particulars, is guaranteed as required, is reasonable, and does not exceed by more than 25 per cent the Government estimate of cost.

(b) Division Engineers will authorize awards in excess of $50,000 where (1) no protest to the award has been made which has not been satisfactorily adjusted by the District Engineer or which cannot be satisfactorily adjusted by the Division Engineer, and (2) the bid is unconditional, conforms to the requirements of the specifications in all material particulars, is guaranteed as specified, is reasonable, and does not exceed by more than 25 per cent the Government estimate of cost.

(c) The Chief of Engineers will authorize awards or other appropriate action as follows:

(1) Where an appeal is made to the Chief of Engineers from decision of the District Engineer covering a protest to the specifications or to the award, or where a protest has otherwise been made which cannot be satisfactorily adjusted by the District and Division Engineers.

(2) Where the bid is in excess of 25 per cent of the Government estimate.

(3) Where the lowest reasonable bid responsive to the specifications in all material particulars, guaranteed as specified, is recommended for rejection because the bidder is not considered responsible due to insufficient financial backing or experience and award is recommended to a higher bidder.

(4) Where a mistake in bidding is alleged by the otherwise acceptable low bidder subsequent to the opening of bids and prior to award.

§ 210.12 *Approval of civil works contracts.* Civil works contracts which require the approval of higher authority must contain a provision to such effect in either the contract form or the specifications to be attached thereto. The approval of higher authority shall be required or not required as follows:

(a) *District engineers.* District engineers may sign or authorize the signing of contracts of $50,000 or less without the approval of higher authority where the prescribed standard forms are used without changes or alterations except as authorized herein. District Engineers may sign or authorize the signing of any contract regardless of amount when award has been approved by higher authority where required.

(b) *The Chief of Engineers.* All contracts entered into on other than the prescribed standard forms or containing provisions not previously approved by OCE, will be prepared and signed subject to the approval of the Chief of Engineers.

(c) *Emergency waiver of approval.* In those cases where approval of the specifications, award, or contract is required by higher authority and an emergency exists, as a result of which the interests of the United States will not permit the necessary time for such approval, District Engineers are authorized to approve the specifications, make the award, and enter into the contract without further reference to higher authority. When action is taken in accordance with this section a statement will be included under the "Alterations" article relating to such action. Any protest to the specifications or award, however, which cannot be satisfactorily settled by the contracting officer will be submitted by teletype or otherwise for the decision of the Chief of Engineers. The emergency authority will be referred to in forwarding final abstract of bids to OCE.

§ 210.13 *Award of military contracts, change orders and supplemental agreements.* Division and District Engineers are authorized to award military contracts, change orders, and supplemental agreements of less than $100,000, and to authorize contracting officers under their jurisdiction to award military contracts, change orders, and supplemental agreements in individual cases of less than $100,000. Award of military contracts, change orders, and supplemental agreements of $100,000 or more require the approval of the Director, Service, Supply and Procurement, War Department General Staff, or in lieu of the approval of the award, the approval of that officer is required on the contract. Subject to the foregoing requirements the following contracts will be subject to the approval of the Chief of Engineers:

(a) All contracts not executed on standard forms.

(b) All contracts executed on standard forms where material deviation has been made.

(c) All supplemental agreements and change orders affecting a material change in the provisions of the prime contracts to which they relate.

(d) All supplemental agreements executed under authority of section 17 of the Contract Settlement Act of 1944.

(e) All patent agreements.

§ 210.14 *Fixed fee construction contract negotiations*—(a) *Limitation on fee to contractor.* If the contract to be

negotiated is to be on a fixed fee basis, the amount of the fixed fee will not be greater than limitations established by the Under Secretary of War. The fixed fee in fixed fee contracts, includes all the contractor's profit, nonreimbursable services, and overhead, such as non-reimbursable services of the executives and general administrative expenses of central offices and necessary financing.

(b) *Subletting of work.* W. D. Contract Forms 3 and 12 (10 CFR, Supp., 81.1303 and 81.1312) provide that when in the opinion of the contracting officer it is to the best interest of the Government, he will authorize or order the contractor to subcontract any or all items or classifications of construction work required under the contract or subsequently added thereto. Such subcontracting of construction work, or the performance thereof with the contractor's own forces, regardless of the amount and/or extent of work performed or subcontracted, all with the prior written approval or order of the contracting officer, entails no adjustment in the fixed fee.

(c) *Restriction on use of fixed fee subcontract form.* In accordance with the general policy of limiting the use of the fixed fee form of subcontract, the lump sum form of subcontract will be used, except when the use of the fixed fee form is deemed essential in the interest of the National Defense.

§ 210.15 *Adjustment of fixed fee for subcontracting under prime fixed fee contract forms*—(a) *Approving subcontracting.* In the administration of fixed fee contracts executed on forms other than W. D. Contract Forms 3 and 12 (10 CFR, Supps., 81.1303 and 81.1312), which contract forms (used since 1942) provide that no adjustment in the fixed fee will be made irrespective of the amount of construction work subcontracted or the amount of construction work performed by the contractor's own forces, contracting officers will not approve the subcontracting of work by a fixed fee prime or subcontractor except in those instances where it is determined that such subcontracting is in the interest of the Government either from the standpoint of time, or money, or both.

(b) *Findings of fact relative to adjustment of fees because of subcontracting.* In accordance with the practice consistently followed, contracting officers will in all cases where they approve the subcontracting of work by a fixed fee prime or subcontractor, except in those instances where the contracts are executed on W. D. Contract Forms 3 or 12, make a written findings of fact in each case as to whether or not the circumstances warrant an adjustment in the contractor's or subcontractor's fixed fee. Since, as a matter of law, a contract supersedes prior negotiations, the entire agreement of the parties is found in the contract. Therefore, all findings of fact should deal with what the parties intended at the time the contract was executed as stipulated therein and not with what the record of negotiations may indicate. The following factors, among others, will be considered, and the findings of fact will so indicate, in determining whether an adjustment in the fixed fee should be made:

(1) Does the contract indicate that the parties did not intend that the work be subcontracted?

(2) Is it customary in the construction industry to subcontract work of the amount and character proposed to be sublet?

(3) Was the subcontracting in the interest of the Government from the standpoint of time, or money, or both?

(4) If the parties intended that the work should not be subcontracted, were the contractor's services decreased because of such subcontracting? (The amount of such decrease in services, if any, is the test as to the amount by which the fee should be reduced.)

(c) *Fee adjustment agreements.* Change orders will not be issued and supplemental agreements will not be executed solely for the purpose of dealing with the question of fee adjustment, except in those cases where a conclusion has been reached in the findings of fact that an adjustment in fixed fee is necessary. In such cases, it will be accomplished by a supplemental agreement, if agreement with the contractor can be reached.

§ 210.16 *The approval of the War Department Power Procurement Officer.* This approval is required to electric power contracts involving 1,000 or more kilowatts and all supplemental agreements thereto.

§ 210.17 *Contracts requiring approval of the Division Engineer.* The following contracts will be executed subject to the approval of the Division Engineer:

(a) Contracts executed on W. D. Contract Form 14, "Rental Agreement—Government-Owned Construction or Road Maintenance Equipment."

(b) Contracts executed on Eng Form 520, 1 Apr 46, "Contract for Reconditioning Construction and Maintenance Equipment."

(c) Leases executed on Eng Form 647, 1 Apr 46, "Lease of Government-Owned Machine Tools and Equipment".

The Division Engineer is authorized to designate an officer in his office empowered to approve such contracts. This approval will be "By Direction of the Division Engineer".

§ 210.18 *Notice to proceed*—(a) *General.* When the contract specifies the time when the contractor is to proceed with the work under the contract, a notice to proceed will not be required. However, in any case where the contract requires the issuance of a notice to proceed, the notice will be forwarded by registered mail, return receipt requested, and will fix the time for the commencement of the work and also, if appropriate, will fix the time for the completion of the work. The notice to proceed will be executed, in quadruplicate, and will bear the contract number in the upper right-hand corner of the notice.

(b) *Contractor's acknowledgement.* When a notice to proceed is issued the contractor will acknowledge receipt thereof by signing and dating the notice in triplicate and returning all three copies to the contracting officer.

(c) *Proceeding before approval of bonds.* It is not necessary to delay commencement under the contract pending approval of bonds by the Judge Advocate General. Such action will be at the discretion of the contracting officer. In the event exceptions are taken to the bonds by the Judge Advocate General the contractor will immediately take steps to remove such exceptions or submit new bonds.

(d) *Distribution.* If a notice to proceed is required by the contract, the original thereof will be attached to the original signed number of the contract and the duplicate and triplicate numbers thereof will be attached to the duplicate and triplicate copies of the contract.

(e) *Commencing performance.* Contractors in no case will be required to begin performance prior to the commencement date fixed in the contract or in a notice to proceed. If they voluntarily do so they act at their own risk, if the contract is ultimately not signed (and approved when required). Contractors will not be required to commence performance until (1) the contractor has furnished performance and payment bonds, when required, and (2) the contract is signed by the contractor and the contracting officer, and approved, when approval is required.

§ 210.19 *Change orders and supplemental agreements distinguished.* A change order is ordinarily the proper medium for requiring changes in work under a contract containing provisions permitting such changes under specified circumstances similar to Article 2 of WD Contract Form 1 (10 CFR, Supp. 81.1301). Such orders are confined to work within the scope of the contract and since the contractor has agreed thereto in advance, they may be issued, if necessary, without his consent or his acceptance. A supplemental agreement, on the other hand, is the proper medium for adding work to a contract which is not within the scope thereof, i. e., work which the contractor has not agreed in advance to perform and which cannot be required of him without his consent or acceptance. A supplemental agreement is, therefore, in effect a new contract which being with the same contractor and for performance under substantially the same terms and conditions is, for convenience, added as a supplement to an existing contract. Regardless of the form of contract employed, the distinction as to whether a supplemental agreement or a change order is required, therefore, rests upon whether the contractor is bound by the existing contract to perform the proposed change or additional work or whether such change or additional work cannot be required of him without his consent and acceptance.

§ 210.20 *Approval of change orders and supplemental agreements in connection with civil works contracts.* (a) District Engineers may sign and issue, or authorize the signing and issuance of, change orders under the "Changes" article and supplemental agreements involving not to exceed $2,500, as well as all change orders, extending time for performance under the "Delays-Damages" article, without the approval of higher authority.

(b) Division Engineers may approve the signing and issuance of change orders under the "Changes" article and supplemental agreements in excess of $2,500 and not in excess of $10,000.

(c) Change orders issued under the "Changes" article and supplemental agreements involving a sum in excess of $10,000, and *all* change orders issued under the "Changed Conditions" article will be subject to the approval of the Chief of Engineers.

§ 210.21 *Change orders to lump sum contracts*—(a) *Authority for.* Article 3 of W. D. Contract Form 2 (Construction Contract) and Article 2 of W. D. Contract Form 1 (Supply Contract) (10 CFR 81.1302 and 81.1301), and similar provisions in other standard forms of contract, provide that contracting officers may at any time, by a written order, and without notice to the sureties, make changes in the drawings and/or specifications of the contract and within the general scope thereof. All changes in the drawings and/or specifications, however minor, must be made by a written change order. A contractor should in no case be required to perform any work in accordance with changed drawings and/or specifications prior to the receipt of a written change order, approved by higher authority where necessary. The courts have held that where a contract provides that changes must be in writing and approved by a superior officer, the contractor's acceptance of the verbal assurance of an engineer in charge that increased compensation will be allowed will not bind the Government, even though it was benefited thereby, such assurance being wholly inoperative and void (96 U. S. 689; 28 Ct. Cl. 332; 36 Ct. Cl. 138; 61 Ct. Cl. 756). No changes in the printed provisions of the standard forms of contract are authorized by change order. A change order likewise may not be employed to change any of the essential obligations of the contract, such as the time of commencement, methods of payment, refund of retained percentages, etc.

(b) *Obligation of contractors under lump sum contracts.* The contractor and the surety have agreed under the terms of the contract to such changes in the drawings and/or specifications as are within the general scope thereof. A written order to the contractor making a change in the drawings and/or specifications which is within the scope of the contract, approved by higher authority, when required, is binding upon the contractor whether or not it contains an adjustment of price and time, and the contractor is obligated to proceed immediately with the work as provided therein.

(c) *Adjustments in price and time under lump sum contracts.* If a change causes an increase or decrease in the amount due under a contract or the time required for its performance, an equitable adjustment will be made and stated in the change order. Ordinarily the adjustment of price and time will be negotiated with the contractor in advance, the amount agreed upon incorporated in the change order and the change order will be signed by the contractor to denote his acceptance thereof. If the adjustment of time and price cannot be mutually agreed upon in advance of the change order and time requires the change to be immediately made, or the work must progress to some extent before the subsurface or other conditions are sufficiently known or disclosed to permit the determination of an equitable adjustment, the change order may be issued in two parts, the initial part setting forth the details of the change and the second part, which may consist of one or more supplements, containing the equitable adjustment of price and time. The initial change order will state that a supplemental order will be issued containing the price and time adjustment and that the 10-day period within which the contractor may protest will begin upon receipt by him of the supplemental change order. If the contractor refuses to sign the supplemental change order, it will be issued with the amounts determined by the contracting officer as fair and equitable, leaving the contractor to his right of appeal as provided in the contract. In cases where the changes involve a substantial sum and considerable time will be required to determine the equitable adjustment and the contractor's financial resources are insufficient to carry him through the period necessary for the determination thereof, the initial change order may contain an amount not exceeding the contracting officer's best estimate of the adjustment, with the express stipulation that such amount is tentative for the purpose of partial payments only, and that the final adjustment will be made in the supplemental change order. All change orders or the supplements thereto must provide for an adjustment of the contract time or a statement that no extension or decrease of the contract time is involved.

(d) *Claims for adjustment under change orders under lump sum contracts.* Articles 2 and 3, respectively, of the supply and construction forms of contract, and similar articles of other standard forms of contract, provide that any claim for adjustment of time or price under a change order must be asserted by the contractor within 10 days from the date the change is ordered. This provision affords a remedy to the contractor if he considers the proposed change outside of the scope of the contract or if the adjustment of time and/or price stated in the change order is not acceptable to him. If the contractor objects to the adjustment of time or price, he is required to proceed with the work and to submit a claim to the contracting officer for adjustment within 10 days from the date of receipt by him of the change order. If the contractor fails to protest the proposed change and to submit his claim within the required 10 days, he forfeits his right thereafter to submit a claim for adjustment. It will be noted, however, that the contracting officer may, in his discretion, receive and consider, with the approval of the District or Division Engineer, a claim submitted after the 10-day period and before final payment under the contract has been made. Such action, however, is discretionary, and is designed to afford administrative relief in cases where the facts and circumstances are such as to render impossible or to excuse submitting the claim within the prescribed 10-day period. It will not be taken in cases where the ability of the contracting officer to determine the adjustment has been jeopardized as a result of the delay by the contractor in submitting his claim. In such cases the claim will be denied by the contracting officer.

§ 210.22 *Changed conditions.* In all cases where changed conditions are encountered, the procedure provided in Article 4 of W. D. Contract Form 2 (10 CFR, Supps., 81.1302), or in any similar article of other standard forms of construction contracts, will be promptly complied with. Where the contracting officer finds that the conditions do differ materially as provided in that article, he will prepare a written modification of the contract providing for an increase or decrease in cost and/or in time resulting from such conditions. Such written modifications will be prepared and disposed of in the same form and under the same procedure as change orders for changes in the contract drawings and specifications, with the exception that all such orders require the approval of the Chief of Engineers, regardless of the amounts involved.

§ 210.23 *Appeals*—(a) *Provision for appeal.* The standard contract forms provide an orderly method of taking appeals from decisions of the contracting officer.

(b) *Obligation of the contractor.* It is the obligation of the contractor under the "Changes" article of the supply and construction contract forms, as well as similar articles of other standard forms, and under the "Changed Conditions" article of the lump sum construction contract form to assert any claims for adjustment under those articles promptly; for while the period specified in such provisions may be extended for asserting such claims for adjustment, it should not be, if the contractor's delay has prejudiced the Government's interests by substantially decreasing the contracting officer's ability to determine the facts pertinent to the claim, and in such cases the contracting officer would be warranted in refusing to receive and consider any such claim after the specified time has expired. It is also the obligation of the contractor to proceed diligently with the work notwithstanding any disputed claims.

(c) *Obligation of the contracting officer.* It is the obligation of the contracting officer, upon receipt of a claim for adjustment in price or time, which has not been covered by an appropriate change order, to decide such claim promptly. If he finds the claim warranted he will promptly issue an appropriate change order. If he finds the claim not warranted, he will promptly so advise the contractor, in writing, of his decision, and at the same time advise him of his right to appeal under the "Appeals" article of the contract within the time limitation of 30 days prescribed therein. The contractor should be advised that processing his appeal through the contracting officer will expedite action thereon.

(d) *Findings of fact.* If the contractor appeals, the contracting officer will

make thorough findings of fact and serve a copy thereof upon the contractor and invite his prompt response thereto.

(e) *Decisions of the contracting officer.* These must be based upon his own judgment without subordination of his judgment to that of his superior officers. Any such subordination of the contracting officer's judgment except insofar as he may be overruled by the appellate authority designated in the contract, is a breach of contract.

(f) *Processing appeals.* When the contractor's response to the contracting officer's findings of fact is received, the entire record, including the following documents, will be transmitted through channels to Office, Chief of Engineers, Attention: Legal Division:

(1) The contractor's request for adjustment,

(2) The contracting officer's decision,

(3) The contractor's appeal,

(4) The contracting officer's findings of fact,

(5) The contractor's response to the findings of fact, if any,

(6) In cases where the contract involved is not distributed to Office, Chief of Engineers: A complete copy of the contract record, including an authenticated copy of the contract, modifications thereto, specifications, and pertinent drawings,

(7) All intermediate correspondence pertinent to the appeal,

(8) The results of the conference, and if no such conference were held, the reasons therefor,

(9) A statement as to the funds available for payment, if appeal is sustained in whole or in part.

In any case where the contractor fails to respond within fifteen days, or such longer period as the contracting officer may grant, to the contracting officer's findings of fact, the record will be transmitted without such response.

(g) *Final settlement.* Final settlement under any contract will not be made pending the determination of disputes or appeals. Unless the retention of a substantial sum to make adjustments is required, only a nominal sum will be retained pending final decision.

(h) *Time for appeal.* The standard disputes article provides for appeal of contractor from adverse decisions of the contracting officer within thirty days from the mailing of any such decision. There is no authority for the extension of such thirty-day period. However, if the contracting officer changes his decision a new thirty-day period within which to appeal is created.

(i) *The Corps of Engineers Claims and Appeals Board.* There is quoted below in pertinent part memorandum of August 9, 1946, from the Chief of Engineers to the Chief, Legal Division, CCE, relating to the establishment and functions of The Corps of Engineers Claims and Appeals Board:

1. There is hereby constituted in the Legal Division of this office a board to be known as "The Corps of Engineers Claims and Appeals Board." The Board will consist of three members, one of whom will be chairman of the Board. The Chief of the Legal Division by virtue of his office will serve as chairman of the Board. There will also be a recorder. The chairman of the Board will recommend appointees for membership on the Board and for recorder. Appointments will be made by the Chief of Engineers. If the chairman of the Board at any time determines that additional members of the Board are necessary in order to process appeals with reasonable dispatch, he may from time to time recommend for appointment such additional members of the Board as he may deem necessary, and will make recommendations for the filling of any vacancies on the Board and in the office of the recorder.

2. The Board created by paragraph 1 of this memorandum is hereby designated as the duly authorized representative of the Chief of Engineers to hear, consider, and decide as fully and finally as the Chief of Engineers might do, appeals to the Chief of Engineers under contracts which contain provisions authorizing the Chief of Engineers to designate a board as his duly authorized representative to determine appeals.

3. Except in the case under paragraph 2 above, the chairman of the Corps of Engineers Claims and Appeals Board is hereby designated as the duly authorized representative of the Chief of Engineers to hear, consider, and decide as fully and finally as the Chief of Engineers might do, appeals from the decisions of contracting officers under contracts requiring the decision of appeals by the Chief of Engineers or his duly authorized representative.

4. In appeals under paragraph 3 above, the Board hereby constituted shall nevertheless hear, consider, and report its views on such appeals to the chairman of the Corps of Engineers Claims and Appeals Board as the authorized representative of the Chief of Engineers. If, however, such representative shall not be in accord with the views of the Board, he will promptly submit the case for final determination upon the record to the Chief of Engineers.

5. Should additional members be appointed to the Board, the chairman thereof, from time to time, may divide the Board into Divisions of two or more members and assign members to each Division. A majority of the members of the Board or of a Division thereof shall constitute a quorum for the transaction of the business of the Board or of a Division, respectively. The decision of the majority of the members of the Board or of a Division shall be deemed to be the decision of the Board or of a Division, as the case may be; provided, however, that in any appeal heard and considered by a Division, the decision of the Division shall become the decision of the Board, unless within ten days after such decision, the chairman of the Board directs that the decision of the Division be reviewed by the Board. If a majority of the members of a Division is unable to agree upon a decision, the proceedings shall be referred to the Board for a decision. In any appeal before the Board in which the chairman of the Board has not participated, the decision of the Board shall be reviewed by the chairman of the Board. If a majority of the members of the Board is unable to agree upon a decision, or the chairman of the Board, upon his review of a decision made by the Board in a case where he has not participated, is unable to agree therewith, the chairman of the Board will promptly submit the appeal to the Chief of Engineers for his decision upon the record. A vacancy in the Board or in any Division thereof shall not impair the powers nor affect the duties of the Board or Division nor of the remaining members of the Board or Division, respectively. The authority and procedure provided for herein shall apply whether the Board shall be acting as a designated representative of the Chief of Engineers under paragraph 2 above, or in an advisory capacity under paragraph 4 hereof.

6. The Board shall have all powers necessary and incident to the proper performance of its duties, and with the approval of the Chief of Engineers, shall adopt its own methods of procedure and rules and regulations for its conduct and for the preparation and presentation of appeals.

7. The office of the Board shall be in the Office of the Chief of Engineers, but hearings may also be held in such other places as the Board may determine to be expedient or necessary for the proper performance of its duties.

8. In the consideration and disposition of appeals to the Chief of Engineers pertaining to disputes arising under, out of, incident to, by virtue of, or as a result of any engineer contract it is desired that the Corps of Engineers Claims and Appeals Board and the chairman thereof, as the representative of the Chief of Engineers for the disposition of appeals observe the following additional instructions:

a. Exercise such delegable authority and discretion as the Chief of Engineers himself might exercise either through contractual power or otherwise in the consideration and disposition of appeals, to ratify or approve the acts of subordinates and to waive any contract requirement which the Chief of Engineers himself legally might waive, whenever in the discretion of the Board or the chairman thereof, as the case may be, such action is deemed necessary or desirable to arrive at a just and equitable adjustment or disposition of the dispute involved in the appeal.

b. Consider and administratively pass on appeals not specifically or impliedly authorized by the contract where the ruling appealed from is not thereby made final and conclusive, and the appeal is taken within the time fixed in the contract for appeals.

c. Find and administratively determine the facts out of which a claim by a contractor arises for damages against the Government for breach of contract, without expressing opinion on the question of the Government's liability for damages.

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(j) *Rules of the Corps of Engineers Claims and Appeals Board.* The following rules are promulgated by the Corps of Engineers Claims and Appeals Board, Office of the Chief of Engineers, for the guidance of contractors having contracts with the Corps of Engineers, and others concerned.

Rule 1: Appeals, how taken. An appeal from the decision of a contracting officer must be in writing, addressed to the appellate authority named in the contract and filed with the officer from whose decision the appeal is taken, within the time allowed by the contract. The contracting officer will thereupon prepare findings of fact, copy to be furnished to the contractor. The contractor will then be permitted to file a brief or submit comment on such findings.

Form, size and number of papers filed. Appeals, notices, motions, applications, stipulations, briefs, depositions, and other papers, if typewritten, filed with the Board shall be typewritten on one side of the paper only, with margin of 1½ inches on the left of the page, and, as far as practicable, shall be upon paper 8½ x 11 inches in size. The papers shall be fastened on the left side without covers or backs. Four copies of each of such papers, whether typewritten or not, except stipulations and depositions, shall be filed.

Number to be assigned to proceedings. The recorder shall assign a number to each appeal coming before the Board, which number will be placed on all papers in the case.

Rule 2: Form of appeals. Each appeal shall state the particular provisions of the contract out of which the dispute arises; the exact nature of the dispute and the ruling of the contracting officer or authorized representative from which the appeal is taken, together with a statement of specific facts claimed by the appellant to sustain his appeal.

Rule 3: Time of filing to be endorsed. When the appeal has been received by the contracting officer, he will endorse thereon the date of filing and forward the appeal through channels to the Corps of Engineers Claims and Appeals Board, Office, Chief of Engineers, Washington, D. C.

Rule 4: Notice of hearings. The appellant shall be given at least 10 days' notice of the time and place of hearing. Continuances will not be granted except upon written request and for good cause.

Rule 5: Place of hearing. Ordinarily the place of hearing will be in the Office, Chief of Engineers, Washington, D. C. If the appellant desires that a hearing be held at a place other than Washington, D. C., he shall, at the time of taking his appeal, or within a reasonable time thereafter, but before service of notice of hearing, make a written request therefor, stating the place preferred for the hearing, and stating fully the reason for such request. The representative of the Government handling the case may, within 10 days after an appeal has been filed in the office of the Board, file with the Board a written request for hearing at a place other than the office of the Board and shall in such request state fully the reasons therefor. If the appellant does not request a hearing at a place other than at the office of the Board, the Board may, nevertheless, on its own motion hold a hearing at another place.

Rule 6: Absence of parties or counsel. The unexcused absence of appellant or his counsel at the time and place set for the hearing of any proceeding will not be the occasion for delay, but the hearing will proceed and the case will be regarded as submitted on the part of the absent party.

Rule 7: Applications for rehearing. Rehearing, further hearing or reconsideration of a decision may be had, if in the judgment of the Board sufficient reason therefor appears.

(k) *Procedure to eliminate excessive number of claims and appeals.* Final payment and settlement of contracts in numerous cases have been and are being delayed because of claims or appeals by contractors from decisions of contracting officers. The number of such claims and appeals must be held to a minimum. This objective can be accomplished by contracting officers and the Legal Division giving careful consideration to such claims and appeals before forwarding them for determination by higher authority. Adherence to the procedure outlined in this section will reduce the number of appeals appreciably, particularly if the contracting officer upon receipt of the contractor's response to the contracting officer's findings of fact gives further consideration to the contractor's contentions, and the findings of fact are again reviewed in the light thereof.

To more effectively accomplish the objective stated above, the Chiefs of the Legal Branches in each Division (or if he is unable to do so, the Chief of the Legal Branch in the District Office, if he has not already done so) will carefully review the facts and circumstances involved in each such claim or appeal and will arrange a conference and fully discuss the claim or appeal personally with the contractor (preferably not with a representative of the contractor) prior to forwarding such claim or appeal to higher authority for decision.

Claims or appeals which are found to be meritorious after such conference will be referred back to the contracting officer for reconsideration pointing out the basis upon which it is deemed that such claim or appeal is meritorious. Claims or appeals which are determined to be clearly unfounded upon such discussion with the contractor will in most cases be withdrawn by the contractor, thereby saving both time and expense not only to the Government but to the contractor as well. Such claims or appeals should be withdrawn in writing by the contractor. Such discussions will eliminate any misunderstandings or personal differences between the contractor and the contracting officer and clearly define the issues involved. All claims or appeals thereafter forwarded for decision by higher authority will contain in the file a record of the results of such conference. The action required herein should not in any way be exercised to deprive claimants of their right to prosecute appeals which they feel are just and warranted.

§ 210.24 *Final payment.* Final payments will not be made until after all disputes, claims, and appeals have been finally disposed of and all administrative action is completed as required by the contract. Where a considerable amount is due the contractor and all items under the contract have been adjusted with the exception of certain claims or appeals, payment will be made to the contractor of substantially all of the amount due, retaining for final settlement only such amount as may be necessary to make any final adjustment and to keep the contract open pending the final disposition of such disputes, claims, or appeals.

§ 210.25 *Releases*—(a) *Final payment release.* No release will be required from a contractor upon final payment in the absence of mandatory provisions in the contract requiring such release. Standard forms of lump sum contracts, except contracts executed on W. D. Contract Form 16 (10 CFR, Supps., 81.1316), do not contain such mandatory provisions. Fixed fee contract forms contain a mandatory provision for a limited release and upon final payment thereunder such a release will be obtained.

(b) *Special release of fixed fee under fixed fee contracts.* Until final written agreement or release in full settlement of an architect-engineer's or construction contractor's fixed fee in connection with War Department contracts is obtained no subsequent negotiated lump sum or fixed fee contract for architect-engineer services or construction will be awarded to such architect-engineer or contractor.

(1) Such releases or authenticated copies thereof will be filed with all contracts to which they relate. A sufficient number of executed or authenticated copies will be prepared and forwarded to the Chief of Engineers to permit of the filing of one with each of the contracts affected. It is also the responsibility of the person negotiating the contract to forward an authenticated copy of the release to each contracting officer administering a contract affected thereby. In cases where a release relating to a contract of another technical service is obtained, a copy of the release will be transmitted thereto through the Chief of Engineers.

(2) If the subsequent work or services is initiated by a letter order, the release will be obtained before the letter order is tendered.

(3) The release is required of a joint venture contractor irrespective of the fact that the contractor entering into a subsequent negotiated lump sum or fixed fee architect-engineer or construction contract is only one of the joint ventures under an existing fixed fee architect-engineer or construction contract with the War Department.

(4) In the case of a joint venture contractor either a form releasing all the joint venturers constituting the joint venture, or a form, "Release of Claim for Additional Fee to Extent Only of Interest of A Joint Venturer", may be used, inserting in the latter the name and interest of the joint venturer. Whether the form of release used is the one which releases all the joint venturers or is the one limited to the interest of a joint venturer, it must nevertheless be executed by all the joint venturers who constitute the joint venture contractor.

§ 210.26 *Acceptance of work under construction and architect-engineer contracts*—(a) *Fixed fee.* If fixed fee contracts are completed, and not terminated for the convenience of the Government or terminated because of default, a final acceptance of the work will be made in writing, as required by the contract terms. In connection with construction contracts the notice will not be issued until all the work of the prime contractor and subcontractors has been completed and properly inspected. The same is true in connection with fixed fee architect-engineer contracts. It will be noted that the architect-engineer is required to prepare record drawings and correct drawings and specifications to show the construction as actually accomplished, as well as assist in the preparation of the completion report for the project.

(b) *Lump sum.* In the interest of good administration notice of final completion and acceptance, after proper inspection of the work under lump sum construction contract, should be expeditiously given in writing by the contracting officer to the contractor.

§ 210.27 *Liquidated damages*—(a) *Negotiated contracts.* Provisions for liquidated damages will not be included in negotiated supply, construction or other military contracts or in specifications made a part thereof. Parties negotiating for contracts shall be informed

that liquidated damages will not be provided for in such contracts.

(b) *Contracts awarded pursuant to formal advertising.* With respect to supply and construction contracts awarded pursuant to formal advertising where it is important to have the work or services performed or deliveries made on or before a certain date or as soon as possible, an appropriate liquidated damages provision may be incorporated in the specifications or in the contract. When liquidated damages are stipulated in connection with any such purchase or contract they shall be sufficiently high to protect the Government against all damage or loss which can reasonably be anticipated, but in no event shall they be fixed so high as to constitute a penalty.

§ 210.28 *Termination for default—*(a) *Notice of termination to contractor and surety.* In all cases where the contractor has defaulted in the performance of his contract or, in construction contracts where the contracting officer is satisfied that the contractor cannot complete the work within the time required, and he has determined that the delay is not due to any of the excusable causes set forth in the contract, and that it is in the best interest of the Government to terminate the contractor's right to proceed, he will promptly report the case to the Chief of Engineers, Attention: Legal Division, giving a brief description of the contract, the name of the contractor, and a statement of the reasons for placing the contractor in default, together with the contracting officer's recommendations. Upon approval by the Chief of Engineers of the proposed action to place the contractor in default, the contracting officer will promptly notify the contractor in writing that its right to proceed is terminated. Such notice will definitely state that the contractor's right to proceed is thereby terminated, with the reasons therefor, and that the Government will hold the contractor and the surety, if any, responsible for any excess costs or damages incurred in the completion of the contract. At the same time, written notice of the action taken will be given to surety, if any, with the request that it advise within a reasonable number of days whether it desires to take over and complete the work. [See U. S. v. American Surety Company (322 U. S. 96)]

(b) *Rights of sureties.* The surety may assist a failing contractor or be given the right to complete the contract either prior or subsequent to a formal termination of the contractor's right to proceed. If the surety takes over the work prior to the formal termination of the contractor's right to proceed, payments are required to be made to the contractor. If the surety takes over the work after the contractor's right to proceed has been formally terminated, it may do so without formality, in which event payments are required to be made in the name of the contractor. If the surety desires to receive payments as provided under the terms of the contract in its own name, a supplemental agreement must be entered into between the contractor, the contracting officer, and the surety, which may provide that the surety will take over and complete the work remaining to be performed under the contract in accordance with the provisions thereof, that the surety shall receive payment of earned estimates for the work performed by it and that, in the event the surety sustains a loss in the completion of the work, it shall receive payment to the extent thereof from retained amounts due the contractor, if any, after all claims of the Government against the contractor have been satisfied. In no event shall retained percentages be paid to the surety until the job is completed and accepted and it has been ascertained that the surety has sustained a loss. If the completion of the contract is delayed beyond the time fixed for completion in cases where the contractor's right to proceed has been formally terminated, the contractor and surety will be charged with the excess costs incurred by the Government resulting from such delay. Such excess costs may include such items as inspection, superintendence, etc., over and above what would have been incurred had the contract been completed on time.

(c) *Completion of defaulted contracts—*(1) *Supply contracts.* Where the contractor's right to proceed under a supply contract awarded pursuant to formal advertising has been terminated and the surety, if any, does not elect to proceed with the completion thereof, the contracting officer will proceed to complete the contract by purchase in the open market, by award to the next low bidder when the latter is willing to renew his bid, or by readvertisement, whichever procedure is most appropriate under the circumstances. Where a supply contract has been negotiated and the surety, if any, does not proceed with the completion thereof, the contracting officer will proceed to complete the contract by negotiating with other parties therefor.

(2) *Construction contracts.* Where the contractor's right to proceed under a construction contract awarded pursuant to formal advertising has been terminated and the surety declines to proceed with the work after the termination of the contractor's right to proceed, the contracting officer will proceed without delay to complete the contract by Government plant and hired labor or by readvertisement. In negotiated construction contracts, where the surety does not proceed with the work, the contracting officer will, subject to regulations relating to Government plant and hired labor, proceed without delay to complete the contract by Government plant and hired labor or by negotiation with another contractor.

(3) *Excess costs of completion of defaulted contracts.* The work or procurement of supplies, whether readvertised or negotiated, must be on the same terms, conditions and specifications as the original contract. After completion of the work or the procurement of supplies, whether by Government plant or hired labor, by negotiated contract, by open market purchase, or by contract awarded pursuant to formal advertising, the excess cost incurred, if any, will be deducted from any amounts due the contractor in the final payment under the contract, and if the amount due the contractor is insufficient therefor, demand will be made immediately upon both the contractor and the surety for the payment thereof. If payment is not made within a reasonable time, a complete report of all the facts and circumstances will be prepared and forwarded to the Chief of Engineers, Attention: Legal Division, for such further action as the interests of the Government may require. The correspondence transmitting the report will indicate the appropriate allotment symbol and the title involved.

(d) *Assessment of liquidated damages.* In contracts where liquidated damages are prescribed and the contracting officer elects to permit the contractor to complete his contract and pay liquidated damages, amounts will be deducted from payments as the work progresses for all delays except excusable delays for which extensions of time have been granted. In computing delivery time and delays in delivery for the assessment of liquidated damages, intervening Sundays and holidays should be counted except that delivery will not be required on a Sunday or a holiday.

§ 210.29 *Waiver or extension of time limitations affecting contractors.* Division and District Engineers are designated as authorized representatives of the Secretary of War for the purpose of approving requests for equitable adjustments received and considered by the contracting officer after the ten-day limitation contained in Article 2, W. D. Contract Form 1, and in Article 3, W. D. Contract Form 2; and for the purpose of taking corresponding action under similar provisions of other forms of contract, *Provided,* That no such approval shall be given after the final settlement date of the contract. (The final settlement date is to be distinguished from the date of completion of the work.) *Provided further,* That no officer designated above may act as the authorized representative of the Secretary of War under this authority in connection with any contract under which he is the contracting officer.

§ 210.30 *Contracts for public utilities services.* Except in cases where the Government's interests require that contracts for public utilities services, such as electricity, gas, and water, be limited to a specified term, contracts for furnishing public utilities services, including telephone services, will be entered into at stipulated rates "until further notice". (See 15 Comp. Gen. 920). All tariffs and schedules applicable to contracts for utility services will be frequently reviewed with a view to obtaining the most economical rate schedule.

§ 210.31 *Acceptance of matériel deviating from specifications.* All contracting officers are authorized to modify contracts when they deem it to be necessary to accomplish the acceptance of matériel which deviate from specifications where such deviation does not affect the serviceability of the matériel. Where matériel is accepted under these conditions, an appropriate reduction in price is to be made.

§ 210.32 *Guarantee provisions in contracts.* Provisions purporting to guarantee construction work generally or particular items of construction work will not be made part of construction contracts or specifications. Such prohibition will not apply to contracts, or portions thereof, for the procurement or installation of machinery and equipment for which guarantees are customarily furnished in the trade or for machinery and equipment of special design where the interest of the Government clearly requires such guarantees.

BID, PERFORMANCE AND PAYMENT BONDS

§ 210.51 *Bid Bonds*—(a) *When required.* Bid bonds will be furnished in connection with contracts to be placed as a result of formal advertising, when the invitation to bidders specifies that the contracts are to be supported by performance and/or payment bonds. Bid bonds will not be required in connection with any negotiated contract.

(b) *Securities in lieu of corporate or individual sureties.* United States bonds or notes may be accepted in lieu of corporate or individual sureties. Certified checks or currency may be accepted in lieu of corporate or individual sureties. Under decisions of the Comptroller General a certified check or currency may not be required exclusively, nor may a bid supported by adequate bid bond or other surety be disregarded because the form of surety was not then specifically required. A certified check or currency received from a bidder will be held at the bidder's risk. If the contract cannot be awarded within 48 hours after the bids are opened the check or currency will be turned over to a disbursing officer, who will receipt therefor and deposit the check or currency in a special deposit account. No check or currency of an unsuccessful bidder will be held by the contracting officer longer than 24 hours after award has been made.

(c) *Form, execution and disposal of bid bonds.* Bid bonds will be executed in duplicate on Standard Form 24 (U. S. Government Standard Form of Bid Bond—Construction or supply) (41 CFR, 12.24) in full compliance with the instructions thereon. The original number will be attached to the original number of the bid and the duplicate number thereof will be attached to the duplicate number of the bid.

(d) *Amount of penalty.* The amount of the penalty in a bid bond will be fixed by the contracting officer and ordinarily will be not less than one-fifth of the full amount of the bid nor more than the full amount thereof.

(e) *Annual bid bond for supplies.* In lieu of a bid bond to accompany each bid for the furnishing of *supplies* a bidder may file an annual bid bond (U. S. Government Standard Form 34) (41 CFR, 12.34) to cover all bids submitted to the Corps of Engineers during the fiscal year. This form of bond does not provide for a definite penal sum, it cannot be amended to provide for a limited penalty, and must be executed by a person having unlimited authority. In order that it may cover all bids submitted to all officers of the Corps of Engineers the second paragraph should be filled in as follows: "Officers of the Corps of Engineers, War Department." Annual bid bonds will be forwarded to the Legal Division, Office, Chief of Engineers. After approval by the Judge Advocate General the principal will be notified accordingly.

§ 210.52 *Performance and payment bonds*—(a) *Performance bonds.* Contracting officers are authorized in their discretion to require or waive performance bonds for supply contracts, and for construction contracts when the amount is $2,000 or less, with the exception that a performance bond will be required with every contract for the removal of a wreck (see sec. 19, act of 3 March 1899), and except that a bond may not be waived when it has been stated in an invitation for bids that a performance bond will be required. Care should be taken to require bonds whenever they are deemed necessary to protect the public interest. Ordinarily no bond will be required on supply contracts. A performance bond is required with all construction contracts in excess of $2,000. The penal sum of the performance bond will ordinarily be equal to the penal sum of the payment bond.

(b) *Payment bonds.* A payment bond is required with all construction contracts in excess of $2,000. The penal sum of payment bonds will be as follows:

(1) When the contract price is $1,000,000 or less, 50 percent of the contract price;

(2) When the contract price is in excess of $1,000,000 but not more than $5,000,000, 40 percent of the contract price;

(3) When the contract price is more than $5,000,000, $2,500,000.

(c) *Execution of performance and payment bonds.* Performance bonds with individual sureties or one corporate surety will be executed in duplicate on Standard Form No. 25 (Standard Government Form of Performance Bond—Construction or Supply) and payment bonds with similar sureties or surety will be executed in duplicate on Standard Form No. 25–A (Standard Government Form of Payment Bond—Construction) in full compliance with the instructions on the forms.

(d) *Performance bonds with two or more corporate sureties.* Performance bonds with two or more corporate sureties for construction contracts, where it is desired to limit the liability of the several corporate sureties, will be executed on Performance Bond Form No. 25–B.

(e) *Payment bonds under construction contracts with two or more corporate sureties.* Payment bonds under construction contracts with two or more corporate sureties, where it is desired to limit the liability of the several corporate sureties, will be executed on Payment Bond Form No. 25–C.

(f) *Payment and performance bonds securing change orders and supplemental agreements to contracts already bonded.* Additional performance or payment bonds will not be required in connection with change orders or supplemental agreements to contracts already bonded unless, in the opinion of the District or Division Engineer, the increase in the amount of the contract price by reason of such modification is of sufficient amount to warrant obtaining additional bonds under the circumstances. Ordinarily additional bonds will not be required. In instances where such additional bonds are required, the condition thereof shall describe the obligations secured thereby as being the original contract as well as any previous modification thereof and the change order or supplemental agreement involved.

(g) *Consents of surety to contract modifications.* The contracting officer will obtain consents of surety, where required. However, where the number of sureties involved or the difficulty in obtaining consent renders such action impracticable the Expediter Plan may be utilized; but in every such case the contracting officer will state, in the letter transmitting the contract modification for distribution, that the Expediter Plan is being used and the reason therefor. The consent of surety to supplemental agreements, regardless of amount, and to change orders over $25,000 will be obtained.

§ 210.53 *Bond penalty in definite sum.* Where surety bonds, either for performance or payment, are to be required on any contract, the penalty of the bond as stated on the face thereof will always be stated as a definite sum and there will be no reference in the bond to the percentage basis upon which it may have been computed, or will there be any reference therein to the requirements of the invitation, specification, contract, or other contract papers.

LABOR

§ 210.61 *State labor laws.* It is the policy of the War Department to require its contractors to comply with all State labor laws, even though they are operating a facility owned by the War Department and located on a military reservation. In cases where the State law requires the contractor to pay the costs of inspection, these charges will be considered to be proper elements of cost under fixed fee War Department contracts.

§ 210.62 Repatriation of employees. There are international agreements between the United States and some foreign countries to the effect that the United States will, at its expense, effect repatriation of all employees recruited in the United States for work in those countries upon termination of the employment of such persons or the completion of the projects. A like policy as to repatriation is desirable even in the absence of such agreements. In case of contractor's employees, the contractor is primarily responsible for effecting repatriation and the contracting officer will make certain that he carries out this responsibility. Proper procedures and control will be effected in order to assure that when employment is terminated, the employees actually returns to the United States, and the Government is not burdened with paying the transportation and traveling expenses twice. It may be found desirable for the transportation

tickets to be furnished to the employee in lieu of advancing funds to him for the purchase thereof. Also, it may be found desirable in appropriate cases for representatives of the contractor, or the contracting officer, to see personally that the employee boards the conveyance for the purpose of returning to the United States.

§ 210.63 *Leave accrued to employees of fixed fee contractors, lump sum payment at time of separation.*—(a) *Policy.* Paragraph 10, Appendix "C" to WD Contract Forms 3, 4, and 12, (10 CFR, Supps. 81.1303, 81.1304, 81.1312), was made a part of contract documents during the latter part of 1942 in accord with non-manual employees' leave practices and policies prescribed by the Chief of Engineers from the outset of the emergency. Those contract clauses provide that leave may be granted by the contractor with the approval of the contracting officer "at such time or times as may be deemed in the best interests of the Government", that such leave will accrue at the rate of two days per month in lieu of any sick or vacation allowance, and that it will be with pay on a reimbursable basis. Those contract clauses also provide that, "Leave may be granted during the course of employment or at the completion of employment", and that those employees "who resign, or are involuntarily separated for causes not due to their misconduct, shall be entitled to leave to and including date of separation". The procedures and the policies heretofore followed, and upon which the present contract provisions are based, rest upon the conclusions of the War Department that the granting of the right to the accrual of leave is necessary and proper in the performance of the work; and, moreover, that expenses incurred in connection therewith on a reimbursable basis by fixed fee contractors are in the interests of the Government. Likewise, granting the contracting officer the authority to control the time and extent of such leave during the prosecution of a project and to make lump sum payments at the termination or completion of employment is in the interests of the Government. The provisions quoted above provide for making lump sum payments to employees for accrued leave at the "completion of employment". To carry employees on the payroll after their services actually have ceased would not be consistent with "completion of employment" and was and is considered to be impractical in most cases.

(b) *Procedure.* Except where it would be impractical so to do or where, because of past practices of an architect-engineer, architect-engineer-manager, or construction contractor, hardship would result to it, payment in a lump sum will hereafter be made to all non-manual employees of fixed fee contractors for all accrued leave standing to their credit at the time their services are completed or terminated. (See MS. Comp. Gen., B-42474, 10 August 1944.) The same practice will be followed with respect to such a deceased employee with accrued leave remaining to his credit at the time of death. The lump sum representing accrued leave may be paid to the legal representative of the estate of the deceased or, if his estate is not being administered, such sum may be paid to his widow or other next of kin when the contractor, with the approval of the contracting officer, is satisfied that such action is appropriate. (See 20 Comp. Gen. 859.) Since the fixed fee employee leave practices and policies prescribed by using services to be followed by their "Operator" contractors who may also be performing construction work vary in some instances from those discussed herein because of peculiar contract provisions, this paragraph will not be considered as applicable to leave problems arising under such "operating" contracts crossigned by contracting officers of the Corps of Engineers.

§ 210.64 *Labor difficulties and work stoppages*—(a) *Action to be taken.* While the contractor has full responsibility for the handling of labor difficulties and work stoppages, the labor advisers of the Division and District Engineers may assist in settlement of disputes on lump sum contracts and must make every effort to prevent or settle labor difficulties and work stoppages on fixed-fee work. Establishment of close relations with the contractor and with labor and contractor organizations in the area and prompt action when labor difficulties first threaten will reduce stoppages to the minimum. However, great care must be exercised not to obligate the Government beyond what is compatible with law and regulations and not to intimidate either contractor or labor. In the attempt to prevent labor trouble, labor advisers should not permit any compromise of established principles and in all labor disputes should envisage future as well as immediate effects of decisions. Contractors may be advised to make use of all the facilities for conciliation and arbitration available in the industry or locality, including the U. S. Conciliation Service, the National Labor Relations Board, state and local labor services and arbitration machinery established by collective bargaining agreements or by contractor organizations. The Division Engineer may utilize the services of the Office of the Chief of Engineers in adjusting labor difficulties or work stoppages. In any case involving contact with the headquarters of other Government agencies and of contractor and labor organizations, the Division Engineer must channel his request through the Chief of Engineers.

(b) *Jurisdictional disputes.* Neither the contracting officer nor any labor adviser will take part in the adjustment of jurisdictional disputes between unions. In a dispute over work jurisdiction between unions within the Building and Construction Trades Department, AFL, the contractor should be advised to refer the question to the local Building Trades Council for settlement in accordance with Building Trades Department procedure, which usually results in a jurisdictional decision of the Department for th eparticular case and project. Attempt should be made to settle disputes over work jurisdiction or union representation between other organized labor groups by agreement of the local, regional or national union leaders concerned or by the facilities offered by the U. S. Conciliation Service and the National Labor Relations Board.

Labor activities—(a) *"Union" contractors.* The War Department's contracting policy requires award of lump sum contracts to the lowest responsible bidder, irrespective of his labor policies. If, however, a contractor or subcontractor has signed a labor agreement with any labor group, he will be expected to comply in full with its terms on War Department work, so long as they do not conflict with Federal law or regulation.

(b) *Representatives of labor organizations.* Accredited representatives of labor unions or other organizations may carry on legitimate and normal business dealings with the contractor or contracting officer and will not, because of their position, be denied access to a project or plant.

§ 210.65 *Labor supply*—(a) *Source of supply.* The contractor will be expected to exhaust every source of labor supply, including his own following, unions and Federal and State employment services, before the contracting officer will assist in manning a job.

(b) *Recruiting.* When acute labor shortage or the need of highly specialized personnel requires importation of workers from considerable distances, the contractor usually pays transportation and travel expenses of laborers and mechanics, which may or may not be collected back from the employees involved. Payroll deductions for the purpose of collecting back a contractor's advance to an employee for travel expense do not require approval of the Department of Labor under the Copeland Act.

§ 210.66 *Construction contracts, classes of employees.* Because of the differences in coverage of labor laws, construction employees are usually divided into two groups, "laborers and mechanics" and "non-manual employees."

(a) *Laborers and mechanics.* The Davis-Bacon Act applies only to construction laborers and trades craftsmen, including their helpers and apprentices, but not their craft supervisers, such as foremen and subforemen, or custodial employees, like watchmen, guards and janitors.

(b) *Non-manual employees.* Non-manual employees include all classifications not laborers and mechanics, that is, all supervisory, engineering, clerical, administrative and custodial personnel. Craft supervisors, such as subforemen, foremen, pushers, assistant general foremen and general foremen, are usually paid on the basis of an established differential over the rate of the craft they supervise and receive the same overtime conditions.

§ 210.67 *Wage predetermination of the Department of Labor*—(a) *Requests for determinations.* When construction is contemplated in an area for which no current determination is applicable, the District Engineer will forward a request for a determination to the Chief of Engineers through channels.

(b) *Review of current determinations.* In each locality where new work is authorized or contemplated, the District Engineer will review the latest determination for conformity with local prevailing rates and adjustments authorized by the Wage Stabilization Agency which in the case of construction is the Wage Adjustment Board. Any determination or modification more than 30 days old should be reviewed. Where it is found that an authorized wage adjustment has not been included in the latest determination, request for its inclusion will be teletyped to the Chief of Engineers. If classifications and rates in a determination are inaccurate or inadequate, the Division Engineer or his designated representative will submit a report indicating the need for correction.

§ 210.68 *Classification of mechanics, laborers and apprentices*—(a) *Apprentices.* An employee of the contractor classified as an "apprentice" shall be a person not less in age than the applicable legal limit, who, through a demonstrable arrangement with his employer, is employed, worked, and paid as a learner, and is given the opportunity while working to learn progressively each pertinent phase of the entire trade or occupation. The ratio of the number of apprentices to that of journeymen shall not exceed the recognized practice in the locality.

(b) *Misclassification of mechanics and laborers.* In the event a misclassification of mechanics or laborers is found on a project, the contractor will be notified immediately of the corrective measures required and funds will be withheld from the contractor in an amount equal to the estimated corrective payments required. Such funds shall be held until evidence satisfactory to the contracting officer is received showing that corrective payments have been made to the mechanics or laborers involved.

(c) *Classification disputes, reports.* In the event a dispute as to classification arises, including disputes over new classifications which cannot be equitably settled by the contracting officer, a complete report shall be made to the Chief of Engineers for further action.

§ 210.69 *Additional classifications.* Classifications and wage rates not established by the Department of Labor in a wage predetermination may be established by mutual agreement of the contractor and the organization of men involved and approved by the District Engineer in accordance with the following procedure:

(a) The authorized representatives of the contractor and of the labor involved will come to agreement on classification and rate and sign the appropriate form.

(b) The resident engineer will witness the request, thus indicating that the representatives of labor and the contractor are acceptable to him.

(c) The District Engineer in approving the classification and rate will make sure that the classification is really necessary and is not merely another term for a classification already in the contract, the classification and rate are actually used in the area, and the rate conforms to the wage schedule in the contract.

(d) The contractor will be required to post all additional classifications and rates authorized in a conspicuous place on the project site accessible to all employees in the same way as Davis-Bacon rates.

(e) Disputes over classifications and rates which cannot be settled by mutual agreement will be referred to the Chief of Engineers.

CLAIMS AND LITIGATION

§ 210.81 *Claims under fixed-fee contracts*—(a) *General.* All fixed-fee contractors and subcontractors shall be advised of the contents of the following paragraphs:

(1) Reimbursement to cover losses or expenses resulting from claims against them incident to the work will not be authorized without the written approval of the contracting officer, or his authorized representative.

(2) The contracting officer will not authorize reimbursement unless the contractor involved has promptly notified him in writing of said claim.

(3) It is important that claims covering state or local taxes against fixed fee contractors be handled before the contract work is completed or as soon thereafter as practicable. Timely inquiries should be made of the contractor relative to pending tax claims and to questions relating to reimbursement of the contractor. When doubt exists as to the validity of any such tax or as to whether the payment of such taxes would be reimbursable under the terms of the contract, the matter should be referred to the Office, Chief of Engineers, Attention, Legal Division, accompanied by a complete statement of facts, supporting documents, assessments, and such other evidence as may be necessary for the proper determination of the claim.

(b) *Claims procedure.* As to claims (except claims arising under the Fair Labor Standards Act) which have not gone to suit, the contracting officer may certify for payment any expenditures that are clearly reimbursable under the terms of the contract. However, when unusual legal questions are presented, a complete report covering the facts, and recommendations thereon, together with all related correspondence, documents, etc., will be forwarded promptly to the Chief of Engineers, Attention: Legal Division, in duplicate and action in connection therewith deferred pending receipt of instructions. Such report will include the following:

(1) The names and addresses of the parties involved.

(2) Identification and a brief description of the prime contract involved.

(3) Identification and a brief description of any subcontract, equipment rental agreement or collateral agreement between the parties involved, together with a copy of such agreement.

(4) A complete statement of facts upon which the claim is predicated.

(5) A complete statement of any facts or circumstances which might effect liability of the Government to the contractor, or which the Government might employ in defending litigation on behalf of the contractor.

(6) A list of the names and addresses of possible witnesses.

§ 210.82 *Assignment of claims.* Except as permitted by the "Assignment of Claims Act of 1940" all transfers and assignments made of any claim upon the United States, or of any part or share thereof, or any interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or any part or share thereof, are, under section 3477, Revised Statutes, as amended, null and void, unless freely made and executed in the presence of at least two attesting witnesses, after the issuance of a warrant for the payment thereof. However, transfers of claims by operation of law (i. e., as when a receiver is appointed for the claimant, or when a personal representative is appointed for a deceased claimant, or where there is a merger or change of name of a corporate claimant) do not come within the prohibition of section 3477, Revised Statutes. An attempt by a partnership or individual to authorize other parties or persons to receive or receipt for moneys due said partnership or individual, is an assignment prohibited by the statute; however, the legal designation, by an incorporated company, of an officer or agent to receive and receipt, in the name of said company, for moneys due the company is not an assignment of the claim but merely the proper method of covering payment to the company. Notwithstanding the restrictions contained in this paragraph, subrogation will be recognized in connection with those claims for damages to private property which are based upon negligence, but no others.

§ 210.83 *Information to war contractors.* Contracting officers and their authorized representatives are authorized and directed to advise, aid and assist war contractors, pursuant to section 20 (f) of the "Contract Settlement Act of 1944", the Act of 1 July 1944 (Public Law 395, 78th Congress).

§ 210.84 *Releases of claims in favor of the Government.* In claims in favor of the Government the approval of The Judge Advocate General for the execution of a general release need not be obtained in those cases where the proceeds of any collections in full for property damage are properly to be deposited to the credit of a civil appropriation, provided any such release does not contain an indemnity provision. No such general release will be executed in any such case involving payment of a sum in excess of $1,000 without the approval of the Chief of Engineers.

§ 210.85 *Litigation procedure under CPFF contracts*—(a) *General.* As to all lawsuits against fixed fee contractors the defendant will, immediately upon receiving suit papers in any action filed against him, furnish a copy of all such papers to the contracting officer; this procedure is in addition to the requirements of any insurance policy which may be in force. Immediate teletype, radiogram or telephone notification thereof, as indicated in subparagraph (3) below, will be given immediately by the contracting officer to the Litigation Division, Office of The Judge Advocate General, and a copy of

such report to Office, Chief of Engineers, Attention Legal Division, in order that a determination may be made as to whether the Government will intervene or defend the suit on behalf of the contractor.

(1) The Government will not undertake to represent every contractor involved in litigation, but will defend only in those cases where the Government appears to have an interest in the outcome of the litigation, such as when a judgment against the contractor may be a reimbursable item. Pending a determination of the Government's interest, the contractor should appear in person in court and request a continuance of the Action, unless there is clearly sufficient time for the local United States Attorney to be instructed and for him to file an answer to the action.

(2) Upon a determination that the Government does have an interest in the lawsuit, The Judge Advocate General will arrange for the protection of that interest by the local United States Attorney and will advise the contracting officer accordingly. If a determination is made that the United States does not have an interest in the outcome of the litigation, or that the local United States Attorney will not be authorized to handle the case, the contracting officer will be so advised and instructions given in order that the contractor may be informed accordingly. In cases where the services of a local United States Attorney are unavailable or, for some other reason, his appearance in the case is deemed inappropriate, retention of private counsel to defend the suit may be authorized by The Judge Advocate General.

(3) In order that the Government may have sufficient time in which to make necessary determinations as to defense of the suit and issue appropriate instructions, the notification by the defendant to the War Department representative of the existence of a suit should be given within twenty-four hours after the institution thereof. The report by the War Department representative will be made regardless of whether the contractor has given the above-required notice.

(4) The contracting officer will furnish the contractor with blank forms of the Agreement for Representation as the need arises. The contractor will be advised that if such agreement is executed in advance of authorization to the local United States Attorney to defend the action, it will not be effective and binding on the contractor until the Government has acted thereon and such authorization issued by the Attorney General.

(5) The Government will not undertake defense of any suit on behalf of the contractor until the Agreement for Representation is executed, and a copy thereof is received by the local United States Attorney. The contractor should be advised that the agreement does not require him to waive any rights he may have under his contract with the Government. One copy of the Agreement will be furnished direct to the U. S. Attorney; three copies will be forwarded to The Judge Advocate General, Litigation Division, through, Office, Chief of Engineers, Legal Division.

(6) Except where absolutely necessary, the filing of pleadings will await the action of the local United States Attorney, however, the contractor must assume the responsibility for procuring such orders for additional time to plead in the action as are necessary to prevent a default being entered against the contractor.

(7) Upon termination or proposed settlement of suits, a report thereof will be submitted to the Chief of Engineers, together with a recommendation as to reimbursement.

(b) *Litigation policy.* When the United States Attorney undertakes defense of the suit he will be, in the usual case, from that time on in full charge of such case; the contracting officer and the contractor will promptly consult the local United States Attorney upon notice from the office of the Chief of Engineers of the latter's instructions and will cooperate with him in all ways possible.

(1) If a private attorney, previously retained by the contractor, remains in the case, his activity will thereafter be governed by the wishes of the United States Attorney.

(2) The contractor should not retain private counsel as to law suits the Government undertakes to defend. Fees of attorneys retained before the Government is given an opportunity to defend, or retained in the contractor's employment after the United States Attorney undertakes defense, will not be reimbursable items.

(3) Whenever the employment of an attorney at a monthly salary on the contractor's regular pay roll is authorized, his salary will not be affected by his participation in such law suits, nor may it be increased by any fee for his services in the case insofar as reimbursement is concerned.

(4) Attorneys on the staffs of the District, or Division Engineers may, upon the request of a United States Attorney, cooperate with such officer in obtaining evidence or factual data for the defense of a suit. Such assistance will not extend to participation in the trial of the case.

(5) Contracting officers will not communicate with the local United States Attorney in connection with a suit filed against the contractor, nor will they advise the contractor to do so, until they have been so notified, as contemplated by these instructions.

(c) *Suits covered by insurance.* Whenever any leval action is fully covered by insurance and the insurance company agrees to accept full responsibility for the defense of the action and for the payment of any judgment that may be rendered against the defendant, neither notice nor report of such action will be made to the Judge Advocate General nor, in such cases, will any detailed report be made to the Chief of Engineers, the following information will be furnished to Office, Chief of Engineers, Attention: Legal Division, title of the action, name of the insurer, and a statement to the effect that the insurer has agreed to accept full responsibility for the defense of the action and the payment of any judgment against the defendant.

(d) *Settlement of lawsuits.* United States Attorneys have in the usual case, in suits they are authorized to defend, the authority to settle on behalf of the Government, but, as a matter of practice, such settlements are usually effected only after receiving the recommendations of the War Department. As to all claims which have gone to suit, no settlement is ordinarily consummated by United States Attorneys without the recommendation of the War Department through the Judge Advocate General. It is the practice of the Judge Advocate General to consult the chief of the technical service primarily concerned before making a recommendation on a question involving a proposed setlement. Requests for the consummation of settlements will be made by contracting officers through channels to the Chief of Engineers and will be accompanied by a full report containing the recommendations of the contracting officer.

(e) *Reimbursement of expenditures arising from litigation.* Authorization to settle does not imply that reimbursement in the full amount will be made; in some cases consent will be given with reservations as to reimbursement. Settlements will be considered for reimbursement under the paragraph of the contract which refers to "losses and expenses * * * (including settlements) * * * certified by the contracting officer to be just and reasonable." Settlement, as referred to in that paragraph does not contemplate that every agreement made will be considered just and reasonable. On the contrary, the line of demarcation in such cases is fairly clear; if the amount owing is definite, no reimbursement will be made for any amount in excess thereof which may be agreed to by the parties; reimbursement in full of a settlement will only be allowed when the full amount is clearly owing, or when a reasonable doubt exists as the amount owing and the amount of the settlement is found to be just and reasonable. The preceding sentence presupposes that the item in question is the proper subject of reimbursement under the contract. Expenses, attorney's fee, court costs, judgments, and settlements prior to judgments, or otherwise, will be considered by the Chief of Engineers, and if found to be appropriate, reimbursement will be authorized. Such expenses, incurred as to litigation the Government refuses to defend, will be considered for reimbursement only upon a definite showing that such reimbursement is proper.

(f) *Certificate of contracting officer relating to reimbursement for settlement of claims and litigation.* Upon approval of an amount paid under a settlement, and proof of payment by the contractor, reimbursement may be made, and the voucher therefor will be supported by a release from the claimant of all claims against the United States and the contractor in the matter involved. Such amount will be covered by a separate voucher, on which the appropriate officer will certify as follows:

I certify that the above amount represents a settlement made with the written consent of the contracting officer and represents a loss or expense actually sustained by the

contractor in connection with work under Contract No. _____, not compensated by insurance or otherwise, reimbursable under Article __, paragraph __, of said contract, and that the same is found to be just and reasonable. For the contracting officer.

By _____
(Name, grade, organization)
Authorized Representative.

(g) *Termination of contracts.* In connection with termination and final settlement of CPFF contracts, caution is to be exercised in the execution of any release or settlement agreement, in view of lawsuits against the contractor. The contractor's unliquidated liability as to any litigation arising in connection with his contract, pending at that time or which might be instituted in the future, should be reserved by a general exception for an unstated amount in any release he executes in favor of the government, and such liability should be excluded from that which the government might assume under a settlement agreement. Any other course of action is considered to be potentially detrimental to the government's interests in the conduct of the litigation, regardless of whether defense of same be handled by private counsel (such as when the Fair Labor Standards Act is involved) or by government counsel.

§ 210.86 *Investigation procedure involving litigated and unlitigated claims under the Fair Labor Standards Act*—(a) *Policy.* Any claim by present or former employees of fixed fee contractors for additional compensation alleged to be due under the Fair Labor Standards Act will be carefully investigated by the office of the Division or District Engineer. However, care will be exercised in the process of such investigation not to take any action which would convey any information or aid or assistance to the claimants or cause additional claims to be made against the Government. Furthermore, such claims not in litigation which appear to have been abandoned will not be investigated. Reports in triplicate covering such investigation will be submitted to the Chief of Engineers, Attention: Legal Division.

(b) *Change in duties of claimant.* A workweek will be the basis upon which claimant's activities are investigated. If his activities varied from week to week or if he was reclassified during the course of his employment, the pertinent information required above will be furnished with respect to each change in duties.

(c) *Investigation of claims.* In the preparation of the report, there should be an investigation of the records of the contractor and an interrogation of such of its supervisory or executive personnel as may be necessary. Interviewing claimants and fellow employees should not be necessary when the facts can otherwise be thoroughly developed; however, it may be necessary in some situations to interview claimants and their fellow employees; for example, if a question should arise concerning the amount of time devoted by the claimant to the performance of non-exempt work. It is imperative that accurate information be furnished as to the duties actually performed by a claimant, irrespective of his payroll title or the contractor's description of the claimant's duties under such payroll title.

(d) *Tax deductions.* (1) Upon settlement, by compromise or otherwise, of a claim (litigated or non-litigated) for overtime compensation under the Fair Labor Standards Act of 1938 an amount sufficient to defray Federal income and Social Security taxes, computed at current rates, will be withheld by the contractor from the amount of the settlement. Such deductions will be made, however, only from that portion of the settlement figure which represents compensation for wages earned; no deduction will be made from any portion of the settlement figure which represents payment of liquidated damages. The foregoing is in accordance with a ruling of The Bureau of Internal Revenue. (See I. T. 3742, Internal Revenue Bulletin No. 11, 1945, page 5.)

(2) The above deductions also will be made in cases where a claimant is claiming under assignments from one or more employees. In such event deductions will be calculated for each claim, taking into consideration the withholding exemptions, if any, filed with the contractor by the individual assignors.

(3) Claimants and their attorneys will be informed of the necessity of making the above deductions when settlement negotiations are commenced in order that such settlements will not be jeopardized through failure of the claimants or their attorneys, in the first instance, to understand that taxes must be withheld from the sums that have been agreed upon.

§ 210.87 *Litigation procedure involving the Fair Labor Standards Act*—(a) *Policy.* It is now the basic policy of the War Department not to provide Government counsel to fixed fee contractors for the defense of litigation involving the Fair Labor Standards Act of 1938. Subject to certain exceptions hereinafter mentioned, litigation of this type is to be defended by private counsel to be selected by the contractor. Reference is made to the Revised Interdepartmental Agreement entered into by the interested Government agencies under date 1 November 1945.

(b) *Action to be taken upon filing of suit.* Immediately upon notification by the contractor of the filing of a suit involving the Fair Labor Standards Act, the contracting officer, in every case, will instruct the contractor to employ private counsel and will furnish the contractor with a copy of the Revised Interdepartmental Agreement, calling the attention of the contractor to the restrictions upon the plenary control of the litigation by private counsel set forth in paragraph 4 of the Revised Agreement and to the right of the United States Attorney at any time to intervene or be substituted as attorney for the contractor in the suit in the event such action is determined to be in the best interests of the Government. The contracting officer will also give the Litigation Division, Office of The Judge Advocate General, notice of the filing of the suit by teletype and will forward a copy of such teletype to Office, Chief of Engineers, Attention: Legal Division. If available the name and address of private counsel selected to defend the litigation will be included in this teletype, otherwise such name and address will be forwarded to The Judge Advocate General by air mail (with copy to OCE) as promptly as possible.

(c) *Recommendation that the Government assume defense.* If, because of the uniqueness or complexity of the issues involved in the case, the inadequacy of counsel selected by the contractor or other justifiable reason, the contracting officer is of the opinion that the interests of the Government will not be adequately protected by private counsel, the contracting officer (subsequent to instructing the contractor to employ private counsel) shall forward his recommendations with respect thereto, through channels, to the Chief of Engineers, Attention: Legal Division. Consideration will thereupon be given to the advisability of requesting the Department of Justice to intervene in the case pursuant to paragraph 6 of the Revised Interdepartmental Agreement.

(d) *Cooperation with private counsel and United States Attorneys.* It is expected that close cooperation, to the fullest extent consistent with available personnel, will be extended by District Engineers to private counsel with respect to the investigation of these claims and the compilation of pay roll and other data which private counsel might request. Similar cooperation will be extended to United States Attorneys in connection with cases being defended by the Department of Justice.

(e) *Settlement of suits defended by private counsel.* Attention is directed to paragraph 4 of the Revised Interdepartmental Agreement. When a settlement offer is received or proposed by private counsel, the concurrence of the local United States Attorney first shall be secured by private counsel. Thereupon, the settlement offer shall be submitted by private counsel to the contracting officer with his recommendation with respect thereto. Request for the consummation of such settlement thereupon will be made through channels to the Chief of Engineers, Attention: Legal Division, and will be accompanied by a full report containing the recommendations of the contracting officer.

(f) *Attorneys' fees of private counsel.* Provided that fees of private counsel are otherwise reimbursable under the terms of the fixed fee contract, reimbursement will be made to the contractor for reasonable fees of private counsel, together with costs and other necessary incidental expenses incurred in defending litigation of this type. Upon submission to the contracting officer of a request for reimbursement of such fees, costs and incidental expenses, said request will be transmitted through channels to the Chief of Engineers, Attention: Legal Division, and will be accompanied by a full report containing the recommendations of the contracting officer; the local United States Attorney should be consulted with respect thereto prior to submission to the Chief of Engineers.

(g) *Agreement for Government representation.* It will not be necessary to

secure from the contractor a signed Agreement for Representation unless and until the Department of Justice should determine that it will intervene in the case.

§ 210.88 *Settlement of litigated and unlitigated claims under the Fair Labor Standards Act*—(a) *General.* Claims under the Fair Labor Standards Act not in litigation, when made by a present or former employee of a CPFF contractor or by the employee's attorney, that are submitted to the contractor or the contracting officer, will be fully investigated and promptly reported to the Chief of Engineers, Attention: Legal Division for consideration of payment. Such claims on which suit has been filed will be similarly reported so that consideration may be given to settlement before trial.

(b) The "Schulte" Case. (1) Attention is directed to the recent Supreme Court of the United States decision in the case of D. A. Schulte, Inc., vs. Salvatore Gangi et al., (14 Law Wk. 4339), decided 29 April 1946. In that decision the court ruled that a "bona fide settlement of a bona fide dispute over the coverage of the Act" may not be made for any amount less than the full sum specified in the Act; that is, the settlement figure must include the full wage payment plus the item of 100% liquidated damages. Bona fide disputes as to "coverage" will also include the question as to whether the employee is subject to the executive-administrative-professional exemption. The court infers that since these coverage questions involve an interpretation of the Act, they are questions of law, and that because of public policy there is no "consideration" to the employee for waiver of his legal right to receive full wages plus liquidated damages as to all back-pay owed him under the act. The fact that both employer and employee are honestly uncertain as to whether there has been a violation of the Act (as to whether he is "covered"), and the fact that any violation of the act by the employer was innocent and unintentional, are unimportant.

(2) From a practical standpoint, this means that in all future settlements with such claimants a full payment for liquidated damages must be made, and that as to past settlements where all of the wage item or liquidated damage item was not paid a suit will properly lie for the deficit.

(c) *Manner of investigation.* Because of the far-reaching effect of this decision, settlement of these claims and suits will be consummated with far more care than in the past, and more claimants than formerly will be forced to litigate their claims before payment will be made. Nevertheless, a strong effort will be made in every case to find a sound and legal basis for settlement, hence, these matters will be promptly reported.

(d) *Compromise settlements.* (1) Under the "Schulte" decision there are still several bases which appear to offer legally sound methods for compromise (payment of less than claimed); these would arise where any factual matter is honestly in dispute, such as: (i) Dispute as to the rate of pay (permitting compromise payment at the rate alleged by the contractor or at an intermediate rate). (ii) Dispute as to the number of hours of overtime actually worked (permitting compromise payment for the hours alleged by the contractor or for an intermediate number of hours). (iii) Dispute as to the character of work actually performed (permitting compromise payment to cover certain work-weeks but not others. (iv) Dispute as to facts which would bring an employee within the executive-administrative-professional exemption (permitting compromise payment to cover certain work-weeks but not others). (v) Dispute as to any other factual matter which would permit a compromise payment of less than is claimed.

(2) All payments of amounts due as wages (but not liquidated damages) under the act will be reduced in the normal manner for income and social security tax, etc.

(3) Though the wage payment item may vary in amount because of factual disputes as discussed above, once this item is fixed, the settlement payment must include an equal amount as liquidated damages. To preclude the reasserting of claims thus settled, it is imperative that the release obtained recite fully and specifically all points involved, including a detailed description of the employee's duties, any variance in such duties as to certain work-weeks, the facts admitted by both parties, the facts in dispute and the compromise agreement as to such dispute, the amount agreed upon as the wage payment, and the fact that an equal amount as liquidated damages is being paid. Under no circumstances will the release recite any dispute or doubt as to "coverage", or the applicability of the executive-administrative-professional exemption; as to disputes such as described in subparagraph (1) (iii) and (iv), of this paragraph, the release will recite that on the facts of the case as to certain job-duties both parties agree that there is "coverage" but as to other specified job-duties both parties agree that there is no "coverage". If the claimant is represented by an attorney, the release should be signed by both.

(4) For all cases involving an administrative claim where payment thereof is made, a release as outlined in subparagraph b above will be obtained. For all cases in litigation (whether upon examination at the institution of suit, or upon proposed settlement pending trial) where a settlement payment thereof is made, a stipulation of facts will be drawn and filed with the court, and will include full recitals in the manner described for releases in subparagraph b above. This stipulation of fact will form the basis for the judgment of the court. In both types of cases where the contracting officer recommends payment (or considers it likely that the Chief of Engineers will decide in favor of payment), on the basis of compromise settlement or otherwise, he will forward with his report a draft of the release or stipulation (as the case may be) proposed to be executed in the event of payment.

(5) Because no part of the liquidated damages may be refused the claimant under this decision of the court, and because attorney's fees are only required under the act to be paid in litigated cases, the following policy will be followed: (i) Under administrative claims, no amount will be paid in addition to the wage payment plus the liquidated damage payment. (ii) In litigated cases, an attorney fee will be paid, and when necessary to induce settlement, reasonable costs will be paid; the attorney fee should be small, preferably no more than 10 or 15 percent of the settlement figure, since the legal services rendered claimant are comparatively nominal before trial; such additional payments will be itemized in the stipulation and in the judgment.

(e) *Full payment of amount claimed.* In the case of claims where it is decided that there is full agreement on all material facts as between the contractor and the employee, that the employee was during all periods claimed-for "covered" by the act, and that therefore full payment of his claim as filed should be made, the release or stipulation obtained will nevertheless contain full recitals as outlined above, to preclude the future presentation of an enlarged claim.

(f) *Re-opening of past settlements.* Cases of past settlement on administrative claims that are reasserted for additional payment of liquidated damages require discreet handling on the part of the contracting officer and the contractor and their staffs, so that this type of claim will not be unduly encouraged, and the field offices will not thereby be unnecessarily "flooded" with such claims, many of which might be spurious. Nevertheless, the decision in the "Schulte" case is directed specifically at this type of matter, so that bona fide demands of this category must be honored, except as to those prior settlements which were actually consummated on the basis of a dispute of fact. Careful analysis will be made of such cases before reporting same to the Chief of Engineers so that it may be established what items made up the prior settlement payment; in other words, it must be determined what amount represented the wage payment, so that any additional amount that was paid to induce settlement can be taken as a credit against present payment of the 100% liquidated damages item. In such matters, the report will include a statement as to the local Statute of Limitations.

(g) *Clearance with U. S. Attorney.* As to claims in litigation, the propriety of settlement, the terms thereof, and the draft of the stipulation of facts, will be cleared with the local U. S. Attorney. Because each release or stipulation will have unique application to the claim it covers, the use of standardized forms therefor is discouraged.

B. M. FITCH,
Brigadier General,
Acting the Adjutant General.

[F. R. Doc. 46-16062; Filed Sept. 5, 1946; 4:58 p. m.]

PART 211—REAL ESTATE ACTIVITIES OF THE CORPS OF ENGINEERS

The transfer of the Construction Division from the Office of The Quartermaster General to the Office of the Chief

of Engineers (Public Law No. 326, 77th Congress, approved December 1, 1941, 55 Stat. 787; 10 U. S. C. 181b) resulted in the consolidation of the civil real estate activities of the Corps of Engineers and the military real estate activities formerly conducted by the Office of The Quartermaster General. Under the present form of organization, all War Department military and civil real estate activities are administered by the Real Estate Directorate, Office of the Chief of Engineers.

The functions, duties and responsibilities of the Real Estate Directorate and of the field personnel engaged in real estate activities of the War Department are set forth hereinafter under the following general headings:

Subpart A—Acquisition of title to lands and interests therein by purchase, condemnation, transfer from other Government agencies, and lease.
Subpart B—Real estate appraisals.
Subpart C—Temporary use by others of real estate under control of War Department.
Subpart D—Disposal of War Department real estate.
Subpart E—Real estate claims.
Subpart F—Federal jurisdiction over War Department real estate.

SUBPART A—ACQUISITION OF TITLE TO LANDS AND INTERESTS THEREIN BY PURCHASE, CONDEMNNATION, TRANSFER FROM OTHER GOVERNMENT AGENCIES AND LEASE

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SUBPART A—ACQUISITION OF TITLE TO LANDS AND INTERESTS THEREIN BY PURCHASE, CONDEMNATION, TRANSFER FROM OTHER GOVERNMENT AGENCIES AND LEASE

§ 211.1 *Authorization of project*—(a) *Civil works projects.* Generally, river and harbor improvements, and projects for flood control and allied purposes are initiated by an Act of Congress authorizing or directing the Secretary of War to cause preliminary examinations and surveys to be made at specified localities. On the basis of such preliminary examination of surveys, a particular plan of flood control or river and harbor improvement is prepared by the Corps of Engineers, and the plan is submitted to Congress in the form of a report. If Congress approves the plan, appropriate legislation is enacted, authorizing the prosecution of a particular project and authorizing the appropriation of funds therefor. Federal participation in the acquisition of land or interests therein required for authorized projects is governed by the general provisions contained in Flood Control or River and Harbor Acts or by specific provisions contained in the recommendations of the Department upon which the authorization of the project is based.

(1) *River and harbor projects.* As a general rule, local interests are required to furnish free of cost to the United States all lands, easements and rights-of-way required for navigation improvements, such as the widening and deepening of existing waterways, rock and soil removal, and the construction of dikes, bulkheads, jetties and revetment works. River and Harbor improvements also include construction of artificial waterways, the widening of such waterways and the construction of locks and dams. The United States acquires the necessary lands, easements and rights-of-way for these improvements at its expense.

(2) *Flood control projects.* For local flood protection projects, except channel improvement or channel rectification projects authorized by the Flood Control Acts of 1936, 1937 and 1938, local interests must provide without cost to the United States all lands, easements, and rights-of-way necessary for the construction of the project, hold and save the United States free from damages due to the construction works and maintain and operate all the works after completion in accordance with regulations prescribed by the Secretary of War. Channel improvements and channel rectification projects authorized by the Acts of 1936, 1937 and 1938, are built entirely at Federal expense and no local cooperation is required. Exceptions to these rules are provided by law in the case of certain specific projects. Dam and Reservoir projects are constructed entirely at the expense of the United States and are maintained and operated with the use of Federal funds. No local cooperation is required for dam and reservoir projects unless specifically prescribed by special provision of law.

(b) *Military projects.* Lands or interests therein required for military projects are acquired pursuant to authority contained in the Act of Congress approved 2 July 1917, as amended, (50 U. S. C. 171), or under authority contained in specific Acts of Congress. Funds are generally made available for the acquisition of such lands in the War Department Fiscal Year Appropriation Act. Upon selection of a particular site by the using service, the Division Engineer is directed to prepare a Real Estate Planning Report, setting forth briefly all pertinent facts and present market value of the land proposed for acquisition. The Real Estate Planning Report is submitted to the Chief of Engineers, Washington, D. C., for review and submission to higher echelons for determination of a military necessity to acquire the land or interests therein.

§ 211.2 *Approval of project*—(a) *Civil Works Projects.* Upon allocation of funds for the commencement of work at an authorized project, the Division Engineer concerned is directed to prepare a Real Estate Planning Report covering the required lands, which report is transmitted to the Chief of Engineers for review and approval. Upon such approval, the Division Engineer is authorized to proceed with the acquisition by negotiation and, in the event an option satisfactory to both the landowner and the Government cannot be secured, then to recommend the acquisition by the filing of condemnation proceedings.

(b) *Military projects.* When the Under Secretary of War determines that a military necessity exists for the acquisition of land, the Chief of Engineers is directed to proceed with the acquisition thereof. Upon issuance of the directive, the Chief of Engineers authorizes the Division Engineer concerned to proceed with the acquisition of the desired interests by negotiation and in the event an option satisfactory to both the landowner and the Government cannot be secured, then to recommend the acquisition by filing of condemnation proceedings.

§ 211.3 *Acquisition of land*—(a) *General.* Where it has been determined to acquire a property in fee or other interests therein, it is the policy of the War Department to secure title to the interest to be acquired by direct negotiations wherever possible. Circumstances frequently require, however, that acquisition be accomplished by the filing of condemnation proceedings. There are, in general, four classes of cases where condemnation should be recommended:

(1) Where possession is required for construction or other purposes before an option or lease can be negotiated and accepted, or a right of entry obtained, particularly where a necessity exists for immediate use of the land.

(2) Where an option or lease satisfactory to the Department cannot be negotiated.

(3) Where title defects, which render title unacceptable for purchase or lease, cannot be eliminated at a reasonable cost or within a reasonable period of time.

(4) Where an owner who has executed on option or lease fails or refuses to carry out the terms thereof.

(b) *Purchase.* As indicated in paragraph (a) of this section, it is the policy of the War Department to secure title to lands or the desired interest by direct negotiation; and also to protect the interest of both landowner and tenant insofar as possible. In negotiating for an option the tenant is considered a proper party to the transaction and every effort is made to obtain the consent of the landowner and the tenant to the price to be paid the tenant for his leasehold interest. Where this arrangement is made, payment for the tenant's interest can be made to him at the time of closing of the purchase transaction. As set forth herein each tract of land to be acquired by the War Department is appraised by qualified appraisers for the purpose of determining the present market value of the fee simple title or such interest to be acquired by the War Department. When authority is granted for the acquisition, the Division Engineer concerned is authorized to negotiate an option in an amount not to exceed the approved appraised value. Options will not be negotiated containing reservations or exceptions by landowners or subject to outstanding rights in third parties, which may interfere with the use of the land for the purpose for which it is being acquired. In no case will an option be negotiated in which a vendor excepts or reserves the right to repurchase the property, or undertakes to convey subject to such rights in a third party. Generally, landowners or tenants are authorized to reserve or except from the sale, crops, timber, buildings and improvements, with the right to remove same within a specified period, provided such buildings, etc., are not required for the use of the War Department and such reservations and exceptions meet the approval of the Division Engineer concerned. Land is acquired subject to public highways, roads, railroads, pipelines and other utilities, and if it be determined that they interfere with the Government's use of the property, will be relocated or extinguished by contract between the Government and State, county or utility company involved. When an option satisfactory to both the landowner and the Government is obtained, the option is accepted by the Division Engineer concerned and the landowner notified of such acceptance. In any case where the option deviates from the standard approved forms or contains unusual conditions or the consideration recited therein is in an amount in excess of the approved appraised value, the option must be transmitted to the Office of the Chief of Engineers for consideration prior to acceptance thereof by the Division Engineer. Upon acceptance of an option, title evidence in form approved by the Attorney General of the United States is procured by the Division Engineer, as the expense of the Government, and in all cases, with the exception of easements costing not in excess of $100, must be transmitted to the Attorney General of the United States for his title opinion in accordance with the provisions of section 355, Revised statutes of the United States (40 U. S. C. 255). In the event the Attorney General's opinion indicates that the landowner can convey a valid title to the United States, the Division Engineer concerned takes necessary action to perfect the title in accordance with the opinion of the Attorney General and thereafter records the executed deed from the landowner to the United States together with such other curative instruments deemed necessary. At the time of closing all liens and incumbrances must be satisfied of record by the landowner or the amount or amounts necessary to satisfy such liens or incumbrances be deducted from the purchase price check. The cost of recording the deed from the landowner to the United States is borne by the Government, however, any instrument releasing or discharging mortgages, deeds of trust, judgments, mechanics liens or similar instruments of record, must be paid by the vendor, unless the option or contract to purchase expressly provides to the contrary. The deed to the United States should be a general warranty deed, except in the case of conveyances by states, municipal corporations, fiduciaries, and other persons acting solely in a representative capacity. The deed should conform to the requirements of the "Regulations for the Preparation of Title Evidence in Land Acquisitions by the United States", issued by the Department of Justice on January 1, 1946. The deed to the United States should have affixed sufficient documentary revenue stamps and be paid for by the landowner and properly cancelled at the time of the recording of the deed. At the time of the execution of the option or subsequent thereto, the landowner will be required to sign Standard Form 1034 "Public Voucher for Purchase and Services other than Personal", in order that the Division Engineer may obtain the purchase price check in the amount of the consideration recited in the accepted option contract. When the title to the land is satisfactory in all respects and the deed from the landowner to the Government has been recorded, the closing attorney of the Office of the Division Engineer is authorized to deliver the purchase price check to the landowner and obtain receipt therefor. After recordation of the deed, the Division Engineer has the title evidence extended to a date subsequent to the recordation of the deed from the landowner to the United States indicating that title to the land is vested in the United States of record and thereafter transmits all title papers to the Attorney General of the United States for further review and rendition of a final title opinion indicating that a valid title to the land under consideration is vested in the United States. The final opinion of the Attorney General and related title papers are transmitted to the Secretary of War and permanently filed in the office of the Judge Advocate General. If at any time in the course of acquisition by direct purchase, it becomes apparent that acquisition by direct purchase will involve substantial delay or cannot be accomplished, action is taken to acquire the land by condemnation as outlined in paragraph (c) of this section.

(c) *Acquisition by condemnation*—(1) *Filing of a condemnation petition.* After funds have been allocated for the acquisition of land for a Civil Works project or where the Under Secretary of War has determined that a military necessity exists for the acquisition of land for a military project, and there is a need for obtaining possession of the Project area or certain segments thereof so that construction may not be delayed, condemnation proceedings must frequently be instituted for the purpose of obtaining legal possession of the lands before tract ownership data, tract surveys, and tract appraisals can be made and before it can be ascertained whether the owners are willing to sell or lease the lands to the United States. Under such circumstances, the Secretary of War requests the Attorney General to file a condemnation petition and procure an order from the Court granting to the United States the right of immediate possession. As soon as the condemnation petition is

filed with the Court, representatives of the Division Engineer make every effort to acquire the land by direct negotiations. Where a satisfactory option contract is obtained and accepted by the United States or where a satisfactory lease is obtained and approved by the War Department covering all or part of the land included in the condemnation proceeding, the War Department requests the Department of Justice to dismiss from the proceeding the tracts of land which are purchased or leased.

(2) *Applicability of declaration of taking act.* The Declaration of Taking Act (40 U. S. C. A. secs. 258a-d) makes provision for the filing of a declaration of taking in conjunction with condemnation proceedings and provides that title to the interest in the land included in the declaration of taking vests in the United States immediately upon the filing of the declaration of taking with the Court and the deposit of the Government's estimate of compensation named in the declaration of taking in the registry of the Court. Therefore, title to a tract of land or lesser interest therein will vest in the United States if the declaration of taking which describes the land is filed with the Court in conjunction with the condemnation proceeding and the Government's estimate of the value of the land is deposited with the Court. It is the policy of the War Department to promptly file declarations of taking on tracts of land included in the condemnation proceeding and deposit the Government's estimate of the value of the land with the Court where (i) an option or a lease satisfactory to the Government cannot be negotiated with the landowner (ii) where title defects, which render title unacceptable to the Government, cannot be eliminated at a reasonable cost or within a reasonable period of time and (iii) where a landowner has executed an option or lease and fails or refuses to carry out the terms thereof. The Government's estimate of compensation which is deposited in the registry of the Court at the time the declaration of taking is filed with the Court is commensurate with the value of the land as established by War Department appraisals.

(a) *Payment of money on deposit with court to landowner.* Under the provisions of the Declaration of Taking Act the Court may enter orders directing payment of the money on deposit with the Court or a part thereof to the former owner of the land or other persons having an interest therein. The local Department of Justice representative in the Federal Judicial District where the land is located will assist landowners in drawing up the necessary papers so that all or part of the money can be withdrawn from the Court, after he has examined the title evidence covering the land, and will assist in procuring a disbursement check from the Clerk of the Court after payment has been ordered by the Court. Such payment to a landowner is without prejudice to his right to seek a higher value for his land in the trial of the case before the Court.

(b) *Conduct of negotiations with landowners after filing of declarations of taking.* Since the prosecution of the condemnation proceeding is within the jurisdiction of the Department of Justice, negotiations for settlement of the price to be paid for the land and other matters in connection with the acquisition of the land is the responsibility of the local representative of the Department of Justice in the Federal Judicial District where the land is located. Therefore, when a landowner is notified by the Department of Justice that a declaration of taking has been filed with the Court which includes his land, he should communicate with the local representative of the Department of Justice in connection with settlement or trial of the case or other matters relating thereto. In many instances representatives of the Division Engineers negotiate for settlement or other matters relating to the proceeding under the direction of the Justice Department field representative. In the event a price to be paid for the land is agreed upon as a result of negotiations between a landowner and representatives of the Department of Justice and the Division Engineer, the settlement is presented to the Justice Department in Washington for approval. After obtaining the recommendation of the Chief of Engineers in Washington, the Department of Justice issues instructions to its local representative relative to his authority to settle the case. Other matters in regard to prosecution of the proceeding are handled in the same manner.

(d) *Transfer of land.* Frequently it is necessary for the War Department to utilize lands under the jurisdiction of other Government agencies. In such event the Under Secretary of War determines that a military necessity exists for the use of such land by obtaining a permanent transfer, or a use permit, under such conditions as may be agreed upon between the War Department and the controlling Government agency. When a directive has been issued for the transfer or use of such lands, the Secretary of War makes written request upon the head of the Government agency concerned requesting the use of the desired lands. Where a transfer is desired, such transfer is effected under applicable legislative authority or in the absence of such authority, a permit is obtained pending enactment of specific legislation by the Congress. In the case of public domain under the jurisdiction of the Department of the Interior, such land is generally withdrawn and set aside for the use of the War Department by Executive Order or a Public Land Order. In cases where only the temporary use of the land is desired, a use permit is usually obtained from the controlling Government agency.

(e) *Leases.* (1) Request for acquisition by lease will be initiated only by the Commander of the Army Ground Forces, Army Air Forces and such subordinate commands as he may designate; commander of an army area; commander of overseas department and commands; the chief of an administrative or technical service, and such other persons as the Chief of Engineers may designate.

(2) Except as hereinafter provided all leases and similar instruments must be approved by the Chief of Engineers or his authorized representative. The Chief of Engineers or his duly authorized representative, has authority to execute and approve all leases and similar instruments for the acquisition of temporary use for military purposes, of interest in real estate within the continental limits of the United States, except (i) any single lease or other instrument involving an estimated annual rental of more than $50,000, (ii) cases which are controversial, unusual, or which appear inconsistent with War Department policies, which leases must receive the approval of the Under Secretary of War.

(3) The following classes of leases are authorized to be made by local commanders without approval by higher authority, when funds are available and the rental consideration conforms to the prevailing rate in the locality concerned.

(i) Leases for hire of camp sites, buildings and grounds for troops; office and storage space for small detachments; garage space; and space for recruiting stations; provided the premises are to be occupied not longer than 3 months, and the rental for the entire period of occupancy is $500 or less; or

(ii) Commanding generals of defense commands within the continental limits of the United States, through their rents and claims boards or other units designated by them, are authorized to negotiate leases and agreements involving rentals not in excess of $500 per annum where immedate possession or expeditious action is necessary to acquire the use of premises for the activities of their commands, and are charged with the processing of all instruments, including renewals, terminations, and payments of all rentals thereunder. Leases and renewals will conform with applicable laws, regulations, and provisions of the Real Estate Manual of the Chief of Engineers.

(iii) The Division Engineer will appoint representatives of his real estate and repairs and utilities branches to serve with each rents and claims board or unit in cases where he deems such representation desirable. Monthly reports of all leases, renewals, and terminations, showing location, lessor, purpose, annual rental, and terms, will be furnished in duplicate to the division engineer, one copy of which will be forwarded to the Chief of Engineers. In all instances where requests involve an annual rental in excess of $500, such requests will be forwarded to the appropriate division engineer for consideration and necessary action.

SUBPART B—REAL ESTATE APPRAISALS

§ 211.11 *Policies and standards.* (a) The general policies and appraisal standards hereinafter outlined will govern all appraisal work undertaken in connection with all Real Estate transactions.

(b) In acquiring real estate, or any interest therein, it is the policy of the War Department impartially to protect the interest of all concerned. To pursue this policy, a detailed appraisal report (s) reflecting a sound estimate of the market value of each property will be made by competent appraisers selected because of

adequate experience and demonstrated good judgment in estimating market value of the particular property type involved. When appraisals have been made considerably in advance of the date of possession they will be carefully reviewed and brought up to date in order to reflect current market conditions. It is, however, incumbent upon the appraiser to recognize the general market value trends and carefully to consider the value of the property if offered for sale over a reasonable period of time.

(c) Where an entire ownership is being acquired the owner is entitled to the market value thereof at the time of taking. Where only a portion of an ownership is being acquired the owner is entitled to the market value thereof plus an amount equivalent to any diminution in market value of the remaining ownership directly resulting because of separate ownership and control of the severed parcels.

(d) It is the policy of the Corps of Engineers to engage the services of competent local appraisers and consultants to participate in the appraisal of lands to be acquired at the expense of the United States for Civil Works Projects. Reference is made to Chapter X, Orders and Regulations, wherein provisions are made for employment of such assistance.

(e) The appraiser must bear in mind that he may be called upon, in condemnation proceedings or otherwise, to establish the validity and competence of his estimates. He must therefore familiarize himself with and be guided by basic rules of trial evidence so that his testimony will be admissible and of probative value. Since, as a witness, he must be prepared to offer convincing testimony his report should contain an analysis of all factual data upon which his estimates are based.

(f) Local representatives of the Department of Justice are available for consultation in matters pertaining to acquisitions and their advice will be followed as to legal principles involved in valuation problems.

(g) Appraised valuations and the supporting appraisal reports are confidential departmental information and the appraiser must not divulge his findings and opinions to anyone except authorized officials of the Government.

(h) The material contained in this Section is not presented for the purpose of limiting the scope of appraisal investigations nor to bias the independent judgment or value estimates of appraisers engaged by the War Department, but rather to encourage uniformity of thought in approaching the solution of the many appraisal problems that are constantly arising in the field of real property valuation and to point out the necessity for the appraiser to include in his appraisal report adequate supporting data and other factual information used in the development of his market value estimate in order to permit an intelligent review of the appraisals which serve as the basis for compensation for the taking of private properties for public use.

§ 211.12 *Market value*—(a) *Considerations affecting market value.* The criterion for just compensation is the fair market value of the property at time of taking. "Fair Market Value" is defined as the amount in cash, or on terms reasonably equivalent to cash, for which in all probability the property would be sold by an owner willing but not obliged to sell to a purchaser who desires but is not obliged to buy. In ascertaining that figure, consideration should be given to all matters that might be brought forward and reasonably given substantial weight in bargaining by persons of ordinary prudence. (Department of Justice Circular No. 3534; Bulletin No. 14, June 23, 1942.)

(b) *Cost vs. value.* (1) Cost has been defined as the amount of money required to produce some commodity or structure such as an apartment house or office building. The value of such a property is the amount of money it may command in the open market in competition with other similar properties if exposed to sale. The two amounts may often be at wide variance. This market phenomenon exists because any well informed purchaser would not be likely to pay more for a property than the price at which he could either construct a similar one or acquire another equally as satisfying to his personal needs or investment requirement with equal safety to his capital outlay. Where a building is designed to produce a stream of income, matters for primary consideration are the measure of profit that can reasonably be expected over the estimated remaining useful life of the buildings, the measure of risk to capital investment and the present worth of the residual value of the site when the remaining useful life of the building has expired.

(2) The appraiser should bear in mind that his purpose is to estimate the market value of the property as a whole and that a summation of the depreciated replacement cost of the building and other elements on a cost basis are merely one method of approach to the appraisal problem and at best this cost study represents the maximum range of possible values.

(c) *The market value problem.* The proper approach to an appraisal problem is generally determined by the type, character, and most profitable use to which the property is adaptable, the purpose of the appraisal and the terms and conditions under which the proposed acquisition is to be made. These factors also tend to indicate the kind, type, and amount of data to be assembled, verified and analyzed before the appraiser is in position effectively to plan the appraisal process as a foundation to his market value estimate. It is from these considerations that the appraiser is enabled to adopt an orderly process of appraisal and it is essential that he be fully informed as the purpose of his appraisal and all terms and conditions of the proposed acquisition prior to undertaking the assignment.

§ 211.13 *Appraisal methods*—(a) *Importance of the function.* (1) The measure of success or failure in any real estate transaction is inseparably bound up in the matter of price. The heart of the real estate business is therefore the price estimate or appraisal and this is a function that tends to place the real estate transaction on a higher and more difficult plane than those concerned with dealing in expendable commodities where the field of exact duplication is practically unlimited and supply or production is fully capable of seasonal control to meet demand.

(2) The importance of sound appraisals for the War Department cannot be over-emphasized, not only because the Courts have established basic rules governing exercise of the power of eminent domain, but because of the governmental obligation to serve the general public and to protect the common welfare in such manner as to meet the acid test of severe criticism of methods employed in estimating compensation for the taking of private property for public use.

(b) *An appraisal is an "estimate."* The market value of a parcel of real estate is not a matter for exact determination and the appraiser does not "establish" the value. An appraisal is an "estimate" based upon and supported by a study of all factors, physical, economic and social, influencing the present and future benefits to be derived from the ownership of the property appraised.

(c) *The comparative method.* (1) The comparative method of appraisal is the most direct approach to the market value estimate. It contemplates a translation of market implications and in common with other appraisal processes is concerned with the Principle of Substitution which, when reduced to the term "monetary consideration" is simply a price at which an equally desirable similar property can be had.

(2) This method is preferred above all others. It is the simplest, most frequently used, and best understood of all valuation concepts. Under ideal circumstances, this method of appraisal comes nearest to reducing the appraisal problem to the point of least approximation.

(3) This process contemplates the compilation and analysis of all evidences of value with recent actual sales of similar properties a predominating comparative influence when all the terms, circumstances, and conditions under which such transfers were made are known to the appraiser.

(4) Obviously the comparative method of appraisal can be employed only when there is sufficient reasonably current market data available to serve as comparative basic evidence of the soundness of the reasoning developed from the market value implications drawn from the market prices of comparable properties.

(d) *The income method (economic approach).* (1) Many types of real property are designed primarily to produce a stream of income in the form of rent. Foremost in this investment field are retail shops, office buildings, hotels, apartment houses and various types of housing developments. The income method of appraisal is of particular significance in approaching the market value of all properties in the Rental Field.

(2) The market value of an income producing property is ordinarily gov-

erned by the profit it will produce the owner and a prospective purchaser is primarily concerned with: (i) the quantity and quality of net profit; (ii) the period of time over which that profit can be expected (remaining profitable life of the improvements); and (iii) the safety of his capital investment.

(3) The keynote of the income approach lies in the sound development of a proper capitalization rate, to apply to the income produced by the property. The principle weakness in this method of appraisal lies in the margin of error that is ever present in the rate selection after the income stream has been properly estimated and stabilized.

(4) The appraiser is first concerned with establishing a sound basis for stabilizing the expected earnings of the property over the estimated remaining life of the improvements and care must be exercised to discount rentals or other property income that may appear to be at temporary levels. Once the stream estimate is satisfactorily stabilized, the value of that income is estimated by employing a capitalization process which must be consistent with the hazards involved. The risk to the capital investment is commensurate with the liquidation possibilities or salability of the property, the probable ratio of vacancies, cost of maintenance, and all other charges payable by the land owner or any other factors having to do with depletion of capital investment. The capitalization process then becomes a comparative calculation based upon the relative merits of available competitive forms of investment. The capitalization rate employed must produce a result which is sufficiently attractive to induce a capital investment in the property by an informed prospective purchaser.

(e) *The cost data method.* (1) The cost approach to the market value estimate is based upon the theory that a parcel of improved real property will command a price on the open market equal to the summation of the market value of the site, assuming it to be vacant, plus the present depreciated cost to reproduce the improvements on the land. The process is often referred to in appraisal parlance as the summation method and the reproduction less depreciation method. The result is often referred to as "physical value."

(2) This method involves an estimate of the market value of the land, without reference to the buildings thereon, by the comparative or market data method followed by estimate of the cost to consruct identical improvements less the estimated depreciation. The result is then added to the land value to complete the process.

(3) The margin for error in the use of this method is aptly illustrated by comparison of actual costs to construct identical buildings on sites having different soil conditions where the difference in the cost of excavation and foundation footings may run into many thousands of dollars, with no appreciable difference at all in the cost of the usable building areas.

(4) It is therefore seen that the cost estimate approach to market value cannot be divorced entirely from other methods of appraisal, not only because the method contemplates the land estimate from the market data approach but because all cost estimates are ordinarily developed by comparison with the cost of other similar structures. This fact is further demonstrated by comparison with the variance of cost estimates made by competing contractors for the same construction job. These facts serve to emphasize the necessity for the competent appraiser to keep himself fully informed as to the trend of material and labor costs, architects fees, and current costs of financing the construction job during the period of construction.

(5) The cost method of appraisal tends to fix an upper limit on the market value estimate. The method is of real importance in those cases where the buildings on the lands appraised are ideally suited to the most profitable use of the land and the method is never more reliable than the appraiser's treatment of the depreciation problem.

(6) In estimating building costs it is necessary to reduce the building volume to an appropriate price unit or units. Acceptable results may be had in some instances of employing the square foot method, particularly in certain building types, where the ceiling heights are uniform. However, where the construction is more complicated, the cubic foot method should invariably be followed as it tends to reduce the margin of possible error in the estimate.

(7) The cost approach to market value plays a very important part in the appraisal of many types of property, but it can never be utilized independently of other methods except under the ideal condition where the buildings are 100% suited to the highest and best use to which the land is adaptable and there is no market data available indicating to the contrary.

(f) *Correlation of the methods.* (1) The above discussions relating to appraisal methods or processes merely serve to point out the necessity for the appraiser to consider the appraisal problem from all possible angles prior to formulating his final market value estimate and to suggest that the appraiser's function is not satisfactorily completed until he has carefully weighed the respective merits of the various value implications to be derived from comparisons with market prices and other data relating to similar property against the cost of replacement and against the capitalization value of the income possibilities of the property appraised.

(2) In those cases where there is a marked spread between values indicated by market data, income, and cost, the appraiser is cautioned to check his figures for accuracy and apply the acid test of reasonableness. The income method particularly suggests a recheck of the soundness of the capitalization rate, the cost method suggests a recheck of the depreciation factor, and the market data method suggests further verification and analysis of the basic data, particularly as to the terms and conditions under which key transactions have occurred.

(3) It is from these considerations that the appraiser's final estimate of market value becomes of real importance and if the appraisal report is prepared accordingly, it should serve as documentary evidence to satisfactorily fortify the actions of those who must act upon the appraiser's judgment.

§ 211.14 *Special considerations*—(a) *Depreciation*—(1) *General.* Depreciation is a broad term employed to express decline or loss based on cost or value of a tangible asset. The real estate appraiser, in his search for market value, is concerned with establishing a sound basis of depreciation treatment insofar as it affects the market value of a property as a whole and his concern with depreciated cost is merely incidental in arriving at his final estimate of market value. Depreciation is usually capable of expression in terms of money and its encroachment on the market value of real property may result from any one or all of its component factors.

(2) *Physical deterioration.* Physical deterioration is a form of depreciation which occurs within the property itself. It is a factor that is constantly at work on all man made structures. It occurs from wear and tear in use, decay, exposure to climatic elements and to structural defects. Most all recognized authorities are in full accord as to both cause and effect of this form of depreciation. Depreciation from this cause may be substantially cured or its encroachment indefinitely postponed by maintenance, repair or replacement.

(3) *Functional obsolescence.* Functional obsolenscence is also a form of depreciation occurring in the structure itself, due to antiquated design, appearance, poor arrangement of floor plan, room sizes, ceiling heights, and lack of operational desirability. A structure suffering from functional obsolescence is often classified as an under or over improvement. Since this form of depreciation occurs within the building itself, it may to some degree be cured by additional capital expenditure for modernization where the basic building plan and the structural condition permit.

(4) *Economic obsolescence.* Economic obsolescence is a basic factor for estimating market value which contemplates a downward price level adjustment that is not concerned with the physical condition of real property improvements. It has to do not only with the value of the particular property itself but with all unfavorable economic influences on the value of competing properties. It occurs primarily from a reduction in adaptability to a lower use. Among other causes it may arise from changes in legislation, the encroachment of noxious enterprises or inharmonious neighbors, shifting business centers and decline in opportunities for gainful employment, etc. Depreciation caused by legislation is aptly illustrated by the decline in value of property adapted to the liquor industry when the manufacture and sale of that commodity was prohibited, or what would probably happen to the market value of a profitably operated race track if the pari-mutuel betting system became outlawed.

(5) *Depreciation rates.* The appraisal function embraces estimates of the relative degree to which accrued depreciation

has affected the market value of comparable competing properties and also to estimate the remaining useful life of improvements or future rate of depreciation. Since both physical deterioration and functional obsolescence may be cured or offset by adoption of an adequate policy of maintenance, repair and modernization, it follows that age alone is a poor guide in estimating accrued depreciation or in providing a basis for the estimate of future profitable life.

Both accrued and remainder depreciation rates can be reliably estimated only from observation, past experience and the exercise of sound judgment resulting from an exhaustive survey of the premises with consideration to operating policies pertaining to maintenance, repair and replacements and other pertinent evidence. Straight line depreciation rates or useful life tables based upon average standards of construction and the passage of time are, at best, rule of thumb guides which are to be used with caution as they may lead to serious miscalculations. The Bureau of Internal Revenue of the United States Treasury has available for distribution a publication designated as Bulletin "F", which contains such valuable information on the subject of average depreciation rates and average useful lives of buildings and building equipment for practically all types of property in general use. This publication is suggested for consideration but not prescribed for use in any particular case.

(b) *Severance damage.* Severance damage occurs only when there is a taking of a part of a common ownership and as a direct result of that taking the market value of the portion of the ownership not taken is diminished. Severance damage can accrue only where there exists identity of ownership, unity of use and physical contiguity.

Severance damage is not properly a part of the market value of that portion of the ownership to be acquired; hence the necessity for reporting such damage as a separate item. The measure of that damage can be computed only after the fair market value of the entire ownership, the portion taken, and the remainder are estimated. In order to insure uniformity in reporting severance damage, the following example will be used for general guidance.

SEVERANCE DAMAGE

The parcel taken comprises 214 acres of a farm unit of 420 acres with buildings appropriate to the operation of the whole.

Value before taking 420 acres		$42,000
Value of portion taken, 214 acres	$16,000	
Value of remainder, 206 acres	22,000	
420 acres	38,000	38,000
The severance damage		4,000

Discussion. Adequate explanation of the damage is of paramount importance. Full details as to how the taking operates to lessen the market value of the remaining portion should be reported.

Where the appraiser cannot satisfactorily demonstrate the operation of the damage element, the probability of actual damage is questionable.

Some causes of severance damage are:

(1) Reduction in the highest and best use of remainder.

(2) Resulting insufficiency of remainder physically to support the normal operation.

(3) Distortion in plottage or shape which handicaps normal use.

(4) Loss of access to transportation facilities, roads, streets, rails, and water.

(5) Fencing the residual land along the taking line, if essential cost to owner.

Severance damage contemplates a physical, actual, and immediate interference with the normal highest and best use of that portion of the ownership not to be acquired.

The appraiser will indicate on the tract map submitted with each appraisal involving severance damage the actual boundary lines of the entire ownership. The map should also show the principal physical features which give rise to the severance damage.

(c) *Rental value.* Appraisals to establish fair rental values will be made in accordance with acceptable standards of appraisal applicable to the particular type of property and in accordance with general appraisal policies and procedure heretofore prescribed as relating to all appraisal work.

The fair rental value of a property is the amount which in a competitive market a well-informed and willing lessee would pay and which a well-informed and willing lessor would accept for the temporary use and enjoyment of the property.

Where temporary use of an entire building or other independent unit of an ownership is proposed, the appraisal will ordinarily report both the market value of the fee title and the fair annual rental value.

Where appraisals are required to establish rental value of a minor portion of a building, it will not be necessary to estimate the fee value of the entire property. A sound rental value can ordinarily be estimated by comparison with established rentals in subject property and in adjacent similar properties in the community. However, care should be exercised to insure the reasonableness of the reported rental value and the appraiser's report must include sufficient data as to current rentals adequately to support the rental estimate.

Where the premises to be acquired are occupied by tenants under leases which cannot be terminated at will by the landlord, the appraiser's report will set forth in detail the terms of the existing leases and will show the value of the tenants interest. The value of the tenant's interest is the fair rental value of the part of the property occupied by the tenant for the unexpired term of the lease, or for the term condemned, whichever is shorter, less the rent which the tenant is obligated to pay under the existing lease.

The appraisal report will contain adequate facts and discussions relating to the following:

Land description, showing street frontages and lot depths.

Adequate description of improvements and furnishings, including type of construction, total floor space, floor load for storage space, number of rentable rooms, or income-producing space, nonproductive or public space, total cubic content, and reproduction cost of improvements less depreciation.

Assessed valuation and lawful ratio to market value.

Analysis and discussions of current rentals of similar properties and rental history of the property appraised.

Discussion of the appraisal process and rental rates applicable to the terms of the proposed lease, particularly as to any differential in the rate of return applicable to customary long term rentals.

Statement showing distribution of appraised annual rental as allocated to fixed charges and fair rate of return on land, buildings, and any furnishings or equipment that are included in the proposed taking.

Appraisals to estimate the rental value of hotels, clubs, hospitals, and other highly specialized properties will include full information on the income capacity of the property under average competent management and under accepted standards of operation for the particular type of property involved. The appraisal reports will among other things, contain an analysis and discussion of the following items:

Financial history of property including indebtedness, the actual past income or earnings of the property based upon audit reports for past five years or longer, and any unaudited current months of the fiscal year. In the absence of audits, corporate statements may be furnished if properly certified.

Discussion of the past operation and management methods with comments relative to any excessive or insufficient charges appearing in the financial statements obtained.

Appraiser's estimate of the stabilized income of the property.

Appraiser's estimate of profits available for typical lessee-operator.

Recommendations of the appraiser as to the relative merits of acquiring fee title to the property as against acquiring a leasehold interest.

Appraisals to estimate the rental value of farms and other types of rural properties will report the present market value of the fee title, the fair annual rental value, and any direct damage to growing crops, standing timber, or improvements to be removed or destroyed. The damage will be reported separately from the rental value in order to permit the reflection of the damage in the primary rental term.

In the absence of any agreement of contract, a lessor is not bound to furnish any utilities or building services of any kind and such services may not be acquired under the power of eminent domain. It is therefore necessary for the appraiser to include in his report as separate items the estimated cost of all customary services that may be required to permit the suitable and convenient use and occupancy of the property.

The rental value will be estimated without regard to value of improvements to be removed or destroyed as compensation for these items are to be included in the rental for the primary term.

The salvage value of improvements to be removed or destroyed must be reported in order to permit deductions in that amount where the lessors elect and are permitted to reserve the right to salvage such improvements.

Prior to undertaking an assignment to estimate rental value the appraiser must be furnished complete information as to all required terms and conditions of the proposed lease.

(d) *Easements (general).* An easement is a property right of specified use and enjoyment falling short of fee ownership. It therefore follows that the value of an easement ordinarily is less than the market value of fee title to the property (exclusive of severance).

For the purpose of War Department easement appraisals, the measure of compensation for the taking of an easement is the amount by which the market value of the ownership is diminished by the imposition of the easement.

Where an easement is to be acquired at more than nominal cost a detailed appraisal of the market value of the easement will be prepared. When the easement materially affects the value of an entire ownership the appraisal will show the value of the entire ownership before and after the imposition of the easement.

(e) *Flowage easements.* The appraisal of flowage easements will not be undertaken until the flood frequency surveys have been completed and approved by proper authority. The flood frequency data will be made available to the appraisers with the definite understanding that they are to be accepted as one of the controlling factors in estimating the market value of the easements. The appraiser's certificate should be qualified to include the assumption that the frequency data is correct and that he has no responsibility therefor.

The market value of fee simple title to each property over which a flowage easement is required will first be appraised in the usual manner. This estimate will be followed by appraisal of the market value of the property after imposition of the easement. The market value of the easement is then computed on the basis of the amount the market value of fee title is reduced by imposition of the easement. The appraiser will give full consideration to all factors having a bearing on the reduction in value of the parcel on which the easement is to be imposed. Each appraisal report will include complete information as to estimated flood frequency pertaining to each parcel appraised.

A tract map showing each contour level of varying flood frequency will be made a part of each appraisal report. This map should facilitate review of the appraisals and serve as an aid to the negotiator in his contacts with the landowners.

(f) *Appraisal of minerals.* In all cases, the value of the subsurface will be included in the appraisal report in such manner that negotiations may be readily conducted to acquire or extinguish subsurface rights if they are outstanding in third parties or if it develops that the vendors desire to reserve them. Unless the person who is appraising the surface has had training and experience in appraising minerals, the subsurface appraisal should be made separately by an appraiser qualified to perform this service. Since the removal of certain minerals may destroy the usefulness of the surface, care should be exercised to avoid duplication of value.

(g) *Appraisal of growing crops.* Crop appraisals will not ordinarily be necessary except in those cases where the District Engineer has determined that possession of the crop land is necessary prior to the normal harvest period. Where the District Engineer has determined that the land owner or his tenant can not be permitted to harvest the crops they will be appraised as separate property items.

The crop appraisal will identify the crops by type, number of acres, estimated yield per acre, taking into account all hazards, the unit value, gross market value at maturity based upon current local prices for the commodities less cost of bringing to maturity, harvest and delivering to available markets. The expected harvest period will be reported together with other pertinent information in order to indicate an approximate date when the crop land may be available for construction purposes.

(h) *Appraisal of timber.* Where the land being appraised has only young trees or timber not of merchantable size, the value thereof will be included with the value of the land. If the timber is of merchantable size it will be appraised as such and classified in the appraisal according to: species, type, range of size, quantity, unit value, and total value. A discussion of logging, haulage, and market conditions should be given. The total value of timber should reflect the amount by which the timber enhances the market value of the naked land.

(i) *Photographs to accompany appraisal reports.* Photographs of important buildings and unusual land conditions are an integral part of each appraisal report. It is especially important to include interior views to show actual condition of the premises when deferred maintenance is notable or when considerable alterations are contemplated in temporary takings.

§ 211.15 *The appraisal report.* The appraisal report is an important document which serves as a material aid in negotiations and as an indispensable factor in justifying expenditure of large sums of public money. It is therefore essential that its contents reveal that the appraiser has made an adequate study and analysis of the appraisal problem and has considered all available, pertinent and reliable data and that he has used sound and logical reasoning in developing his value conclusions.

It is not practical to prescribe the use of a standardized appraisal report form that could be considered adequate to portray all of the factors having to do with the market value of the numerous and varied types of property that may be contemplated for acquisition. Appraisal Report, ENG Form 241, was designed merely as an outline to be used as a guide to encourage uniformity in presenting in logical sequence, minimum essential data necessary to identify the property, indicate the scope of the appraisal problem and disclose the principal reasoning processes and supporting data to sustain the appraiser's conclusions. The appraisal report, ENG Form 241, is not, in itself, considered adequate for general use. It should be supplemented to adequately cover the particular problem.

The report will be appropriately indexed and so arranged as to convince the reader that a thorough investigation has been made and that the value conclusion has been based upon sound interpretations of adequate and reliable market data.

As a minimum standard of acceptability, each appraisal report will contain adequate coverage of the following items:

Identity of property appraised.
Certificate of valuation.
Date of valuation.
Estate appraised.
All assumptions and limitations.
Statement of disinterest.
Personal inspection.
Detailed description of physical characteristics and conditions.
General history of the property and its environment.
Adaptability, including most profitable use.
Supporting data.
Comparable transactions and listings.
Income.
Trend of values.
Summary of controlling factors of value.
The reasoning process.
Maps, photographs, etc.

§ 211.16 *Appraisal review.* Prior to submission to the Chief of Engineers for final approval all appraisals will be carefully reviewed for compliance with the foregoing standards of appraisal and determination that the indicated valuations are acceptable to the Office of the Division Engineer. The comments of the reviewing official will be submitted with the appraisal reports.

Where the appraisal review brings to light any question concerning compensable items or other legal principles the advice and counsel of local representatives of the Department of Justice will be obtained and appropriate action taken thereon.

§ 211.17 *Expert appraisal service.* Appraisals will be made by experienced personnel qualified to support their conclusions in the event of investigation or court proceedings. Appraisals will not be made under conditions unfavorable to a complete inspection of the property and which may prevent or interfere with the procurement of all necessary factual data from which a complete analysis of all factors of value can be made. Care will be exercised to assign appraisers qualified to appraise in the particular area and familiar with the property involved.

Local appraisers may be engaged to act as consultants and to make independent tract appraisals of individual ownerships. In order, however, to operate as economically and efficiently as possible complete appraisal data will be obtained and tentative valuation levels set by appraisers regularly attached to the staff of the Division Engineer prior to actual work by the local appraisers. This data will be furnished to the local appraisers with request for detailed field reviews of each ownership. The local appraisers

will then prepare a special written review report disclosing their findings and opinions. Differences of opinion as to market value should be carefully considered by comparison with all available market data and the final figures should be established in the light of the advice and judgment of the local experts.

Any interest in a tract sought to be acquired or relation to the owner thereof will disqualify an appraiser as to that particular tract.

SUBPART C—TEMPORARY USE BY OTHERS OF REAL ESTATE UNDER CONTROL OF WAR DEPARTMENT

MILITARY INSTALLATIONS

§ 211.21 *Rights which may be granted by Secretary of War.* (a) The Secretary of War is authorized to provide for the operation and maintenance of certain plants, buildings, facilities, utilities, and appurtenances thereto and, when he deems it necessary in the interest of the National Defense, to lease, or otherwise dispose of any such plants, buildings, facilities, utilities, appurtenances thereto, and land, under such terms and conditions as he may deem advisable and without regard to the provisions of section 321 of the act of June 30, 1932 (47 Stat. 412), which requires the consideration to be in money only. (See secs. 1 and 5, act of July 2, 1940 (54 Stat. 712; M. L., 1939, Supp. I, sec. 2216), and sec. 13, act June 5, 1942 (56 Stat. 314).) These provisions are applicable to property acquired subsequent to the date of and for the purposes enumerated in the act July 2, 1940. The provisions remain in effect for the period of the present war and six months thereafter, or until such earlier time as the Congress by concurrent resolution or the President by proclamation may designate.

(b) *Leases.* The Secretary of War is authorized, when in his opinion it will be for the public good, to lease for a period not exceeding five years, and revocable at any time, such property of the United States under his control, exclusive of mineral and phosphate lands, as may not for the time be required for public use. (See act July 28, 1892 (27 Stat. 321), as amended by sec. 1 act of May 29, 1928 (45 Stat. 988; 40 U. S. C. 303; M. L., 1939, sec. 997).)

(c) *Roads across military reservations.* The Secretary of War may permit the extension of State, county, or territorial roads across military reservations. (See act 5 July 1884 (23 Stat. 104; 10 U. S. C. 1348; M. L., 1939, sec. 999).)

(d) *Poles and wires.* The Secretary of War may grant easements for rights-of-way, for periods not exceeding 50 years, for poles and lines for the transmission and distribution of electrical power, and for poles and lines for telephone and telegraph purposes, over lands under his jurisdiction, upon a finding that the same is not incompatible with the public interest. (See act 4 March 1911 (36 Stat. 1253; 43 U. S. C. 961; M. L., 1939, sec. 993).)

(e) *Pipe lines.* The Secretary of War may grant easements for rights-of-way for gas, water, and sewer pipe lines across lands under his control provided that such grants will be in the public interest and will not substantially injure the interest of the United States in the property affected thereby. (See act 17 May 1926 (44 Stat. 562; 10 U. S. C. 1351; M. L. 1939, sec. 994).)

(f) *Ferries, bridges, livestock.* The Secretary of War may permit the landing of ferries and erection of bridges on, and the driving of livestock across military reservations. (See act 5 July 1884 (23 Stat. 104; 10 U. S. C. 1348; M. L., 1939, sec. 999).)

(g) *Archaeological excavations.* The Secretary of War may grant permits for the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity upon War Department lands, to institutions which are deemed properly qualified to conduct such examination, excavation, or gathering, subject to prescribed rules and regulations. Such examinations, excavations, and gatherings must be undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and the gatherings shall be made for permanent preservation in public museums. (See act 8 June 1906 (34 Stat. 255; 16 U. S. C. 432; M. L., 1939, sec. 1041).)

(h) *American National Red Cross.* The Secretary of War may grant revocable licenses permitting the erection and maintenance on military reservations by the American National Red Cross of buildings suitable for the storage of supplies for the aid of the civilian population in case of serious national disaster, or the occupation for that purpose of buildings erected by the United States. (See sec. 127a, act 3 June 1916, as amended by act 4 June 1920 (41 Stat. 785; 10 U. S. C. 1347; M. L. 1939, sec. 1000).)

(i) *Young Men's Christian Association.* The Secretary of War may grant revocable licenses permitting the erection and maintenance on military reservations by the Young Men's Christian Association of such buildings as their work for the promotion of the social, physical, intellectual, and moral welfare of the garrisons may require. (See act 31 May 1902 (32 Stat. 282; 10 U. S. C. 1346; M. L., 1939, sec. 1001))

(j) *Temporary buildings.* The Secretary of War may grant, by revocable license or lease, permission to erect or construct temporary buildings, other than public, on military reservations. The conditions for occupancy will be clearly set forth in the lease or license. Exceptions may be made with respect to unimportant and temporary structures incident to the work of contractors on Government jobs.

§ 211.22 *Rights which may be granted by Secretary of the Interior.* (a) Subject to the approval of the Secretary of War, the Secretary of the Interior may grant rights-of-way through military reservations for:

(1) Electrical lines for telephone and telegraph purposes and for the transmission of current, other than that generated by water power, for power purposes.

(2) Canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits, for purposes other than the production of water power.

(3) Water plants, dams, and reservoirs used to promote irrigation, mining or quarrying; for the manufacturing or cutting of timber or lumber; or for the supplying of water for domestic, public, or other beneficial uses. (See act of February 15, 1901 (31 Stat. 790; 43 U. S. C. 959; M. L., 1939, sec. 998).)

(b) Subject to like approval, rights may also be similarly granted to canal or ditch companies to take material, earth, and stone necessary for the construction of a canal or ditch, for which a right-of-way has been granted, from public lands adjacent to the line of such canal or ditch. (See act of March 3, 1891 (26 Stat. 1101, as amended by the acts of March 4, 1917 (39 Stat. 1197), and May 28, 1926 (44 Stat. 668; 43 U. S. C. 946).)

§ 211.23 *Rights which may be granted by Secretary of Agriculture.* (a) National forests on certain military reservations were created by executive orders pursuant to the provisions of section 9 of the act approved June 7, 1924 (43 Stat. 655; 16 U. S. C. 471), which provides for administration by the Secretary of Agriculture under such rules and regulations and in accordance with such general plans as may be jointly approved by the Secretary of Agriculture and the Secretary of War, for the occupation and protection of such lands and for the sale of products therefrom, subject to the unhampered use by the War Department for purpose of national defense and without affecting or restricting the authority over such lands for such purposes now vested in the Secretary of War. (See sec. 9, act of June 7, 1924 (43 Stat. 655; 16 U. S. C. 471, 505; M. L., 1939, secs. 992 and 995).)

(b) The use of portions of reservations may be authorized for rights of way or sources of material for constructing and maintaining Federal-aid projects, if determined reasonably necessary by the Secretary of Agriculture (now Public Roads Administration, Federal Works Agency), and if not objected to by the Secretary of War. (See act of November 9, 1921 (42 Stat. 216; 23 U. S. C. 18; M. L., 1939, sec. 1013a).)

§ 211.24 *Rights which may be granted by Federal Power Commission.* The Federal Power Commission, subject to the approval of the Secretary of War, may grant licenses for waterpower projects upon, or partly upon, a military reservation, including dams, reservoirs, conduits, transmission lines, and other project works. (See act of June 10, 1920 (41 Stat. 1063), sec. 202, Title II, act of August 26, 1935 (49 Stat. 840; 16 U. S. C. 797; M. L. 1939, sec. 1866).)

§ 211.25 *Rights which may be granted by the Chief of Engineers.* (a) The Chief of Engineers is authorized to lease or otherwise provide for temporary use, in part or in whole, of standby industrial installations and of inactive command installations. A command installation is any unit of real estate under the administration and control of the War Department primarily used or useful for

activities of the Army other than the production of matériel, munitions, or supplies. Temporary use of such standby and inactive installations may be made provided:

(1) Such installation has been classified as inactive or standby;

(2) Such use will not interfere with the approved status;

(3) The using service concurs in such action. Provisions for such temporary use will be made in accordance with existing laws and regulations, provided the annual consideration involved in any one lease or other instrument is not in excess of $50,000 and that the lease or contract price is not less than the appraised rental value, established rate, or other prevailing standard of value: *Provided further,* That the lease or contract term shall not exceed a period of 5 years and shall be revocable at any time by the Secretary of War. In all other instances leases will not be executed without prior approval of the Under Secretary of War.

(b) *Temporary use of surplus installations.* The Chief of Engineers is authorized to lease or otherwise provide for temporary use, in whole or in part, of surplus installations in accordance with applicable regulations of and instructions from the War Assets Administration.

§ 211.26 *Rights which may be granted by division engineers.* (a) Authority has been delegated by the Secretary of War to division engineers to grant licenses for bus and taxicab service on military reservations upon the recommendation of commanding officers. In the case of an installation under the command of an army Commander, his approval will be obtained by the division engineer. In the case of an installation utilized by and under the direct command of the Army Air Forces, the written approval of the Commanding General of the specific Army air forces command or defense area having jurisdiction over the installation will be obtained by the division engineer. The following policies are published for guidance in granting such licenses:

(1) One or more revocable licenses for such operation may be granted by the division engineer, based upon the free competitive proposals of all reputable available companies or individuals.

(2) None but duly licensed agencies will be permitted to operate in or upon military reservations.

(3) No distinction will be drawn between taxicab and bus transportation.

(4) No taxicab or bus company will be operated as a concessionaire of an Army exchange.

(5) Unless strictly confined to military personnel or civilians employed or resident at a War Department installation as passengers, an exchange is not authorized to operate a taxicab transportation facility nor to compete in any manner with civilian enterprise in such activity.

(6) The operation of a bus transportation facility by an Army exchange will be in accordance with current War Department instructions governing the furnishing of local transportation.

(7) The revocable license will contain no reference to the Army exchange and will not obligate the exchange to any duties or liabilities. The Army exchange has no connection therewith, and the licensee may not obligate itself to the exchange in any manner under the license.

(b) Division engineers have been delegated authority to lease in whole or in part, in active or standby military real estate situated within the boundaries of their respective divisions, provided that:

(1) Such use will not interfere with the approved status, and the using service of the War Department concurs in such action.

(2) The annual consideration involved in any one lease is not in excess of $2,500.

(3) The lease price is not less than the appraised rental value.

(4) The lease will not exceed a period of five years, and will be revocable at will at any time by the Secretary of War.

(5) Form of lease ENG Form 1367 (RE 1108.12) is used without deviation.

(c) Division engineers have been delegated authority to lease military lands within the boundaries of their respective divisions for agricultural and grazing purposes, provided that:

(1) The using service of the War Department approves of such action.

(2) The lease price is substantially in accordance with the prevailing cash rental prices at the time for comparable land in the locality.

(3) Form of lease ENG Form 286 is used. It is the policy to lease to farmers with sufficient equipment, labor and resources to cultivate the acreage leased. When practicable, former owners from whom the Government acquired the property are afforded first opportunity to acquire such leases at a fair market rental. Otherwise, leases are granted under the competitive bid method.

(d) Division engineers have been delegated authority to grant leases to State, County, or Municipal Governments, and agencies thereof, for the use of facilities on active and inactive reservations, except industrial plants for temporary housing for itinerant farm laborers, *Provided* That:

(1) Applications clearly indicate that an emergency need exists for the facilities applied for to furnish temporary shelter for persons employed in food production.

(2) Necessary approval is obtained from the agency of the War Department having jurisdiction over the property.

(3) The facilities are not desired by the Federal Public Housing Authority for temporary housing of veterans.

(4) The consent of the Government's lessor is obtained when a lease involves land in which the United States has only a leasehold interest.

(5) The lease price is not less than the appraised rental rate.

(6) The annual consideration involved in any one lease is not in excess of $2,500.

(7) The term of the lease will not exceed a period of one year and the lease is revocable at will by the Chief of Engineers.

(e) Division engineers are authorized to grant revocable licenses to State or local governments to maintain and operate the landing area and airport facilities included within any surplus airport property. Also, to grant revocable licenses for the landing area and airport facilities to be used for the landing, take-off, servicing and operation of duly licensed aircraft. All applications for such purposes must be submitted to and approved by the War Assets Administration before any action is taken by the division engineer.

§ 211.27 *Rights which may be granted by commanding officers.* The following licenses and permits may be granted locally without reference to higher authority:

(a) Contracting officers, with the approval of post commanders, are authorized to permit the extension of public utilities upon military reservations as a part of the contract for furnishing to the Government, electricity, water, and gas, where such extension is necessary solely to serve the reservation and not in part to serve private consumers outside the reservation. The location for such extensions will be coordinated with the division engineer in order to conform with present and future post layouts. Contracts for the sale of surplus utilities as provided in AR 100–90 may include similar authority for the contractor to install and maintain such facilities on the reservation as are necessary in connection with the sale of such utilities. Applications for extension of commercial telephone installations on military reservations are governed by AR 105–30.

(b) Commanding officers are authorized to permit the erection of temporary buildings for use incident to a contract for construction work on military reservations, for the period of the contract and with provision for removal and restoration of the premises upon expiration of the contract; provided that, in the interest of the United States, any building suitable for military use may, in lieu of removal, be relinquished to the United States.

(c) Applications for emergency utilization of air navigation facilities such as landing fields, hangars, etc., by civil aircraft are governed by the provisions of AR 95–50, 95–55, and 210–10.

(d) Applications for exchange concessions are governed by the provisions of AR 210–65.

(e) Applications to hunt, trap, and fish on military reservations are governed by the provisions of AR 210–80.

(f) Licenses of a minor character which, in the absence of permission would amount to a trespass, may be granted orally or in writing by post commanders incident to post administration, as, for example, permits to merchants to enter the reservation to make deliveries.

§ 211.28 *Limitations on rights which may be granted*—(a) *Consideration.* (1) Unless otherwise provided by law, leases of buildings and properties of the United States shall be for a money consideration only, and there shall not be included in the lease, any provision for the alteration, repair, or improvement of such buildings or properties as a part of the consideration for the rental to be paid for the use and occupation of the same. See sec. 321, act June 30, 1932 (47 Stat. 412; 40 U. S. C. 303b). But leases made under

the authority contained in act July 2, 1940 (54 Stat. 712) are not subject to this restriction.

(2) The consideration provided for in leases must be adequate.

(b) *Competitive conditions.* It is the policy of the War Department to recommend the granting of leases to the highest responsible bidder, after advertising for bids, unless competition is impracticable.

(c) *Private use.* It is the policy of the War Department not to permit the use of public quarters by organizations or societies other than those of a purely military character, nor to permit private uses of military reservations or parts thereof to the exclusion of the general public, nor to grant licenses or other instruments for the establishment at military posts of activities, the revocation of which may prove embarrassing to the War Department.

§ 211.29 *Rights which cannot be granted without specific statutory authority.* Except when specifically authorized by Congress, the Secretary of War is without authority to grant an interest in real estate of the United States for any of the following purposes:

(a) Mining.

(b) Quarrying of rock, sand, or gravel, or sale thereof.

(c) Permanent rights-of-way for railroad purposes.

(d) Sinking of oil wells, or sale of oil or other minerals.

(e) Construction by private interests of permanent structures on military reservations. Temporary permission in exceptional cases may be granted for structures on military reservations pending the enactment of statutory authority therefor. (See 35 Op. Atty. Gen. 485)

§ 211.30 *Applications for leases, easements, licenses, and permits*—(a) *Determination of availability.* Applications for use of military property by lease, easement, license, or permit should be made to the division engineer of the division within the boundaries of which the real estate is located. The division engineer will then clear with the using agency of the War Department for determination as to whether the proposed use will interfere with military activities or with the status of the installation.

CIVIL WORKS PROJECTS

§ 211.41 *Rights which may be granted by the Secretary of War in River and Harbor and Flood Control property*—(a) *Leases.* (1) The Secretary of War is authorized, when in his discretion it will be for the public good, to lease, for a period not exceeding five years and revocable at any time, such property of the United States under his control, exclusive of mineral and phosphate lands, as may not for the time be required for public use. (Act of July 28, 1892, 27 Stat. 321, 40 U. S. C. 303).

(2) The Chief of Engineers, under the supervision of the Secretary of War, is authorized to construct, maintain, and operate public park and recreational facilities in reservoir areas under the control of the War Department and to permit the construction, maintenance, and operation of such facilities. The Secretary of War is authorized to grant leases of lands, including structures or facilities thereon, in reservoir areas for such periods and upon such terms as he may deem reasonable; *Provided,* That leases to nonprofit organizations may be granted at reduced or nominal rentals in recognition of the public service to be rendered in utilizing the leased premises: *Provided further,* That preference shall be given to Federal, State, or local governmental agencies, and licenses may be granted without monetary considerations to such agencies for the use of all or any portion of a reservoir area, when the Secretary of War determines such action to be in the public interest, and for such periods of time and upon such conditions as he may find advisable. The water areas of all such reservoirs shall be open to public use generally, without charge, for boating, swimming, bathing, fishing, and other recreational purposes, and ready access to and exit from such water areas along the shores of such reservoirs shall be maintained for general public use, when such use is determined by the Secretary of War not to be contrary to the public interest, all under such rules and regulations as the Secretary of War may deem necessary. No use of any area to which this section applies shall be permitted which is inconsistent with the laws for the protection of fish and game of the State in which such area is situated. All moneys received for leases or privileges shall be deposited in the Treasury of the United States as miscellaneous receipts. (Sec. 4 of the Act of December 22, 1944, 58 Stat. 337, 889, as amended by sec. 4 of the Act of 24 July 1946, Pub. Law 526, 79th Cong.)

(b) *Easements.* The Secretary of War is authorized to grant easements for rights of way across real estate acquired for civil purposes as follows:

(1) *Poles and wires.* The Secretary of War may grant easements for rights of way, for periods not exceeding 50 years, for poles and lines for the transmission and distribution of electrical power, and for poles and lines for telephone and telegraph purposes, over lands under his jurisdiction, upon a finding that the same is not incompatible with the public interest (See act 4 March 1911 (36 Stat. 1253; 43 U. S. C. 961)). Form of easement is ENG Form 1360.

(2) *Pipe lines.* The Secretary of War may grant easements for rights of way for gas, water, and sewer pipe lines across lands under his control provided that such grants will be in the public interest and will not substantially injure the interest of the United States in the property affected thereby (See act 17 May 1926 (44 Stat. 562; 10 U. S. C. 1351)). Form of easement is ENG Form 1361.

(3) *Roads and streets.* The Secretary of War is authorized and empowered, under such terms and conditions as are deemed advisable by him, to grant easements for rights of way for public roads and streets on and across lands acquired by the United States for river and harbor and flood control improvements including, whenever necessary, the privilege of occupying so much of said lands as may be necessary for the piers, abutments, and other portions of a bridge structure: *Provided,* That such rights of way shall be granted only upon a finding by the Secretary of War that the same will be in the public interest and will not substantially injure the interest of the United States in the property affected thereby (See sec. 10, act of 20 June 1938 (52 Stat. 808; 33 U. S. C. 558c)). Form of easement is ENG Form 1363.

(4) *Other easements.* The Secretary of War is authorized and empowered, under such terms and conditions as are deemed advisable by him, to grant easements for rights-of-way over, across, in, and upon acquired lands under his jurisdiction and control, and public lands permanently withdrawn or reserved for the use of the War Department, to any State, political subdivision thereof, or municipality, or to any individual, partnership, or corporation of any State, Territory, or possession of the United States, for:

(i) Railroad tracks;

(ii) Oil pipe lines;

(iii) Substations for electric power transmission lines, telephone lines, and telegraph lines, and pumping stations for gas, water, sewer, and oil pipe lines;

(iv) Canals;

(v) Ditches;

(vi) Flumes;

(vii) Tunnels;

(viii) Dams and reservoirs in connection with fish and wildlife programs, fish hatcheries, and other fish-cultural improvements;

(ix) Roads and streets;

(x) Any other purpose or purposes deemed advisable by the Secretary of War;

Provided, That:

(*a*) Such rights-of-way shall be granted only upon a finding by the Secretary of War that the same will not be incompatible with the public interest.

(*b*) Such rights-of-way shall not include any more land than is reasonably necessary for the purpose for which granted.

(*c*) All or any part of such rights-of-way may be annulled and forfeited by the Secretary of War for failure to comply with the terms and conditions of the grant or for nonuse for a period of two consecutive years or abandonment of rights granted.

(See Pub. Law 526 79th Cong. approved 24 July 1946)

§ 211.42 *Rights which may be granted by division engineers*—(a) *Authority of division engineers.* The President of the Mississippi River Commission and division engineers or their real estate officers are authorized to lease, in the name of and by authority of the Secretary of War, lands of the United States and improvements thereon, acquired or being acquired for reservoirs for navigation and flood control, upon the terms and conditions set forth in "Lease of United States Property in_____ Reservoir Area", ENG Form 1366, subject to the prior approval of the Chief of Engineers. By authority of the Under Secretary of War dated 8 September 1942, the authorities formerly granted to District Engineers to enter into and execute such leases were transferred to the Division Engineers and the President of the

Mississippi River Commission, or their Real Estate Officers. District Engineers are not authorized to enter into and execute such leases. Recommendations of District Engineers will be considered in making the leases and District Engineers will administer the provisions of the leases, including the collection and deposit of payments.

§ 211.43 *Limitations on rights which may be granted*—(a) *Advertising.* It is the policy to grant leases to the highest responsible bidders after advertising, where competition is practicable. Advertising shall consist of the circularization of notices among former owners of the land involving owners of adjacent lands, and others known to be interested, and by the posting of notices in public places, and publication of notices in newspapers where such publication is deemed advisable. Exceptions have been made to this policy in favor of former owners in granting leases for agricultural and grazing purposes in reservoir areas.

(b) *Money consideration in leases.* The leasing of buildings and properties of the United States shall be for a money consideration only, and there shall not be included in any lease granted pursuant to the authority of the act of 28 July 1892 any provision for the alteration, repair or improvement of such buildings or properties as a part of the consideration for the rental to be paid for the use and occupation of the same. (See sec. 321, act of 30 June 1932 (47 Stat. 412; 40 U. S. C. 303b)). The money consideration should be adequate, i. e., it should not be nominal but should be commensurate with the benefits to be derived by the lessee and it should compare favorably with other rentals in the locality.

(c) *Consideration in easements and licenses.* In order to fully protect the interests of the United States, the Secretary of War will not, without substantial compensation grant to non-governmental agencies, for the purpose or private property valuable rights in Government property. A fair charge will be made for such privileges, the amount to be determined by all the circumstances surrounding the case, including an estimate as to what private interest in the vicinity would charge for a similar privilege.

§ 211.44 *Applications for leases, easements, licenses, and permits.* Applications for use of Civil Works property should be made to the division engineer of the division within the boundaries of which the real estate is located. The division engineer or the President of the Mississippi River Commission shall then determine as to whether the property will be required for public use during the period of the contemplated grant and whether the requested grant will interfere with any operations of the United States.

SUBPART D—DISPOSAL OF WAR DEPARTMENT REAL ESTATE

DISPOSAL OF MILITARY REAL ESTATE, EXCEPT INDUSTRIAL INSTALLATIONS

§ 211.61 *General*—(a) *Scope.* The policies and procedures set forth herein are applicable to the disposition of real estate appertaining to military installations or portions thereof within the continental United States, except industrial installations. Policies and procedures governing the disposition of real estate appertaining to industrial installations are contained in §§ 211.71 and 211.72.

(b) *Authority.* The War Department has no power to dispose of real estate or other property of the United States unless authorized by Congress. (Constitution Art. 4, sec. 3, cl. 2 and 10 U. S. C. 1354); "Disposal" as used herein relates to permanent grants of real estate or components thereof, as distinguished from temporary grants. The authority of the Secretary of War under the acts stated below (with the exception of the authority conferred by Public Law 377, 79th Congress, 2nd Session) is limited by the Surplus Property Act of 1944 (58 Stat. 765; 50 U. S. C. App. Supp. 1611) as amended by Public Law 181, 79th Congress, 1st Session (59 Stat. 533) and Public Law 375, 79th Congress, 2nd Session.

(1) The Act of Congress approved July 2, 1940 (Public Law 703, 76th Congress) (54 Stat. 712) as amended by section 7, Act of June 30, 1941 (55 Stat. 366) and section 13, Act of July 5, 1942 (Public 580, 77th Congress), authorizes the Secretary of War, when he deems it necessary in the interest of national defense, to lease, sell, or otherwise dispose of plants, buildings, facilities, utilities, appurtenances thereto and land, constructed or acquired with funds appropriated in or subsequent to the fiscal year 1941, for the development, manufacture, maintenance and storage of military equipment, munitions and supplies, or for shelter. The provisions of this Act remain in force until six months after the termination of the war or until such earlier time as the Congress, by concurrent resolution, or the President, by proclamation, may designate.

(2) The Second War Powers Act of March 27, 1942 (Public Law 507, 77th Congress), as extended by the Act of December 20, 1944 (Public Law 509, 78th Congress, Second Session), authorizes the Secretary of War to acquire real property, temporary use thereof, or other interests therein, together with any personal property located thereon or used therewith, that shall be deemed necessary for military or other war purposes, and to dispose of such property or interests therein, by sale, lease, or otherwise, in accordance with section 1 (b) of the Act of July 2, 1940 (54 Stat. 712). Authority contained in this act, as extended, to dispose of such property or interests therein, by sale, lease or otherwise, was extended by Public Law 270, 79th Congress, until June 30, 1946, and by Public Law 475, 79th Congress, Second Session, until March 31, 1947, or until such earlier time as the Congress, by concurrent resolution, or the President, by proclamation, may designate.

(3) Pursuant to the authority contained in Revised Statutes 1241 (10 U. S. C. 1261; M. L., 1939, sec. 2017) and regulations issued pursuant to the Surplus Property Act of 1944, as amended, buildings or improvements (whether temporary or permanent) other than fortification elements, located on active or inactive installations, may be salvaged, relocated, dismantled, transferred, or sold by the Chief of Engineers or his duly authorized representative, provided the structures come within one of the following classifications:

(i) Buildings or improvements which are damaged or which are unsuitable for the public service.

(ii) Temporary buildings or improvements which cannot be kept in repair at a reasonable cost.

(iii) Buildings or improvements which are dangerous to life, or likely to damage adjoining structures, or have become hazards or nuisances.

(iv) Buildings or improvements which occupy or interfere with sites needed for new construction or for other military purposes.

(v) Buildings or improvements which interfere with the efficient operation of the installation.

(vi) Buildings or improvements which are needed for use at other sites or for salvage of materials for use by the War Department.

(vii) Buildings or improvements which are surplus to the requirements of the installation.

(4) Public Law 375, 79th Congress, Second Session (approved May 3, 1946), prohibits the transfer of any property under the control of the War Department to any other Government agency without reimbursement or transfer of funds under authority of any law approved prior to June 22, 1944. Existing authorities for transfer of real estate without reimbursement are as follows:

(i) "The Servicemen's Readjustment Act of 1944" (Public Law 346, 78th Congress, Second Session) authorizes the transfer, without reimbursement of appropriations, of facilities, supplies, equipment, or material necessary and proper for authorized care for veterans. The word "facilities", as used in this act, has been construed to include buildings and grounds.

(ii) Public Law 292 (79th Congress, First Session) approved December 31, 1945, authorizes the transfer of structures or facilities (including lands, improvements, equipment, materials, or furnishings) which are no longer required for use by the War Department and which, in the determination of the National Housing Administrator, can be utilized to provide temporary housing for distressed families of servicemen, for veterans and their families, or for single veterans attending educational institutions, without reimbursements, for such use.

(5) Upon determination by the Administrator of Civil Aeronautics that use of any lands owned or controlled by the United States is reasonably necessary to carry out a project under Public Law 377, 79th Congress, 2nd Session, followed by a request by the Administrator to the Secretary of War where lands under the control of the War Department are involved, that such property interest therein as he may deem necessary be conveyed to the public agency sponsoring the project or owning or controlling the airport, the Secretary of War, after determination that the requested conveyance is not inconsistent with the needs of the War

Department, is authorized and directed, with the approval of the President and the Attorney General of the United States to effect the conveyance on the condition that the property interest conveyed shall automatically revert to the United States in the event that the lands are not developed, or cease to be used, for airport purposes. (Public Law 377—79th Congress, 2nd Session.)

§ 211.62 *Salvage, relocation, dismantling, transfer, or sale of buildings and improvements.* (a) At installations which are not surplus to the needs of the War Department, buildings and improvements, except fortification elements, which are determined to be within one or more of the classifications set forth in § 211.61 (b) (3) above are reported by the responsible officer to the Division Engineer, through military channels. The Division Engineer determines the suitable method of disposition and proceeds with their disposal.

(b) Fortification elements constructed by the Corps of Engineers and carried on the records of The Chief of Engineers may not be disposed of without the express approval of The Chief of Staff.

(c) The disposal of buildings and improvements at installations properly classified as surplus is accomplished in accordance with applicable regulations issued pursuant to the Surplus Property Act of 1944 as amended. The Chief of Engineers, through his Division Engineers, disposes of buildings and improvements at surplus installations which are not required to be reported to the agency administering the Surplus Property Act of 1944. (See § 211.69).

§ 211.63 *Sale of crops.* (a) Crops belonging to the Government, grown on military reservations and which are ripe, defective, or from any other reason, must be removed to prevent waste, and cannot be utilized by the Government, may be sold by the division engineer or his representative.

§ 211.64 *Utilization and sale of timber*—(a) *Timber interfering with efficient operation of military reservation.* The Chief of Engineers or his duly authorized representative is authorized to cut, remove, or utilize timber from lands, fee title to which is vested in United States, after inspection and survey and a determination that the timber is in the way of new construction or interferes with the proper use and operation of the reservation, or sanitary conditions or fire hazard require such removal. The Chief of Engineers or his duly authorized representative is authorized to enter into contracts for the sale of such timber incident to such removal when the timber is not required for military use.

(b) *Timber required for Government use.* The Chief of Engineers or his duly authorized representative is authorized to harvest timber when required for Government use.

(c) *Sale of Timber.* Except as authorized in paragraph (a) of this section, timber may be disposed by sale only upon approval of the Chief of Engineers. Application for approval will be made by the division engineer within whose territorial limits the reservation lies. Authority for the sale of timber will be requested and such sales will be authorized when it is in the interest of national defense and when timber has reached maturity and good husbandry and forestry practices dictate that it should be harvested.

§ 211.65 *Custody of and Accountability for Surplus Installations.* (a) When an installation or a portion thereof, has been determined to be surplus in accordance with the procedures outlined in WD Cir 89, 1945, the Chief of Engineers under the direction of the Director of Service, Supply and Procurement, WDGS, will take over custody of and accountability for such property from the using service.

(b) The Chief of Engineers will through the appropriate division engineer assign a responsible representative to each surplus installation, or group of installations, to act under his staff supervision in performance of the following functions:

(1) Assumption of custody of and accountability for all transferred property.

(2) Performance of such demolition, dismantling, or other construction work as may be authorized.

(3) Administration, operation, and maintenance of the surplus installation until authorized to transfer to the appropriate disposal agency, other agency, or, in the case of leased installations, until authorized to return the premises to the owner, making every effort, by consolidation of activities and otherwise, to reduce the cost, consistent with the economic management of the installation.

(4) Transfer custody of and accountability for surplus real estate to other agencies of the Government or to disposal agencies in accordance with procedure prescribed by the Chief of Engineers.

§ 211.66 *Cancellation of leases, disposal of improvements and restoration of premises.* Leases, licenses and other evidence of authority, express or implied, for the use and occupancy of privately-owned real estate for military purposes will, when real estate obtained thereby is determined to be surplus to the requirements of the War Department in accordance with the procedure outlined in WD Cir 89, 1945, and if not required by other departments or agencies of the Government to which such leases or licenses may be transferred, be cancelled by the Chief of Engineers or his duly authorized representatives in accordance with the terms thereof. Prior to the effective date of termination or expiration of leases or licenses, Government-owned improvements placed in or upon real estate used and occupied under authority thereof and not required for continuance in service at other installations, will be disposed of in accordance with procedure prescribed by the Chief of Engineers in conformity with applicable regulations issued pursuant to the Surplus Property Act of 1944, as amended. Liability for restoration will be discharged in accordance with contractual commitments therefor and in conformity with procedure prescribed by the Chief of Engineers.

§ 211.67 *Return of lands to Government agencies.* Surplus real estate obtained by the War Department by transfer from other governmental departments or agencies on a temporary basis or set aside from the public domain for use of the War Department will be returned to the jurisdiction of the proper governmental department or agency, unless the lands so acquired have been substantially improved by the War Department, in which case action will be taken in accordance with § 211.69. The Chief of Engineers, or his duly authorized representative, is authorized to execute and deliver necessary papers effecting the relinquishment of permits from, and the re-transfer of real estate to, other Government departments or agencies.

§ 211.68 *Transfer of real estate to other Government agencies.* Real estate or components thereof properly classified as surplus, may be transferred to other departments or agencies of the Government in accordance with the authorities and limitations thereon cited in § 211.61.

The transfer will be accomplished by the Chief of Engineers, or his duly authorized representative, in accordance with applicable laws and in conformity with procedure prescribed by the Chief of Engineers.

§ 211.69 *Declaration of surplus real estate pursuant to Surplus Property Act of 1944, as amended.* (a) Real estate consisting of one or more of the following categories, which has been determined to be surplus to the requirements of the War Department will be declared surplus by the Chief of Engineers to the agency administering the Surplus Property Act of 1944, as amended, in accordance with regulations issued pursuant thereto:

(1) Real Estate acquired in fee by the War Department for military purposes.

(2) Easements having commercial value.

(3) Easements appurtenant to Government-owned real estate classified as surplus.

(4) Government-owned real estate made available to the War Department by other Government agencies for military purposes, where such real estate has been substantially improved by the War Department.

(5) All airport property, whether leased or Government-owned or both.

(6) Any real estate which, in the determination of the Chief of Engineers, should, in conformity with the Surplus Property Act of 1944, as amended be declared surplus.

DISPOSAL OF INDUSTRIAL INSTALLATIONS

§ 211.71 *Surplus installations.* Policies governing the disposal of surplus industrial installations and action taken by the Corps of Engineers are set out in 10 CFR, Supps., Part 830.

§ 211.72 *Facilities under Emergency Plant Facilities contracts.* Policies governing the disposal of facilities acquired under Emergency Plant Facilities contracts wherein the Government has no right to acquire any interest in real

property, and action taken by the Corps of Engineers, are set out in 10 CFR, Supps., Part 848, subpart F.

DISPOSAL OF REAL ESTATE ACQUIRED FOR CIVIL WORKS PURPOSES

§ 211.81 *Lands.* (a) Acts authorizing the Secretary of War to dispose of land acquired for the improvement of canals, rivers and harbors, or for flood control purposes are as follows:

(1) Section 7 of the act of Congress approved August 30, 1935 (49 Stat. 1048; 33 U. S. C. A. 558) as extended by the act approved August 18, 1941 (Public Law 228, 77th Congress) authorizing sale of lands no longer needed for the purpose for which acquired.

(b) The Judge Advocate General has held that any real property, military or civil, which is surplus or no longer needed for the purpose for which acquired, is subject to the regulations issued by the agency administering the Surplus Property Act of 1944, unless specifically excepted by that agency. That agency generally excepts property acquired for civil works purposes, under authority contained in section 34 (a) of the Surplus Property Act of 1944. In such cases the sale is conducted by the Corps of Engineers under the statutory authority set out in paragraph (a) of this section.

(c) *Acceptance of bids or offers.* The highest bid or offer equal to or greater than the appraised value may be accepted by the Division Engineer. Where the high bid is less than the appraised value, the Division Engineer will report the facts to the Chief of Engineers, with his recommendations as to acceptance or rejection of the bids. In either event, an abstract of bids will accompany the Division Engineer's report to the Chief of Engineers.

§ 211.82 *Sale or salvage of buildings, improvements, or crops*—(a) *Authority of law.* When any property (except land) which has been heretofore or may be hereafter purchased or acquired for the improvement of rivers and harbors is no longer needed, or is no longer serviceable, it may be sold in such manner as the Secretary of War may direct and the proceeds credited to the appropriation for the work for which it was purchased or acquired. (Section 5, act of June 13, 1902 (32 Stat. 373).)

(b) Sales are conducted by the Division Engineers.

(c) Removal of Buildings, Improvements, or Crops other than by Sale:

If the buildings, improvements, or crops cannot be sold, they may be salvaged or razed as a part of the work under the project if they are in the way of new construction or interfere with the efficient operation of the project.

EXCHANGE OF LANDS

§ 211.85 *Military.* The Secretary of War is authorized under the Acts cited in § 211.61 (b) (1) and (2), to exchange lands acquired under those acts for privately-owned lands required for military purposes.

§ 211.86 *Civil.* The Secretary of War is authorized to exchange lands acquired for river and harbor and flood control projects for privately-owned lands required for such purposes (sec. 2 of the Act of June 20, 1938 (52 Stat. 804, 33 U. S. C. A. 558b) as extended by sec. 3 of the Act of August 11, 1939 (53 Stat. 1414, 33 U. S. C. A. b–1).

§ 211.87 *Approval by the Office of the Chief of Engineers.* In any case in which it may be necessary or advisable in the execution of an authorized project to exchange real property of the Government to real property required for such project, the Chief of Engineers receives a directive from the Secretary of War, and effects the exchange through his Division Engineers.

SUBPART E—REAL ESTATE CLAIMS

§ 211.91 *Definition*: The term "real estate claims" refers to those demands for payment submitted by individuals, partnerships, associations or corporations, including states, territories, and political subdivisions thereof, for rent, damages, utilities, out-of-pocket expenses and other payments, arising under the terms and conditions, whether express or implied, of leases or other contracts for the use and occupancy of real estate by the War Department or the Army, including right of entry permits, options to purchase, and other instruments sufficient to support a contractual relationship between the United States and the property owner, or arising from the use and occupancy of real estate by the War Department or the Army with the express or implied consent of the owner thereof in the absence of any formal lease or other contract therefor.

§ 211.92 *Statutory provisions:* (a) All claims and demands whatever against the Government, unless there is some special authority for the settlement thereof by the department concerned, shall be settled and adjusted in the General Accounting Office (see R. S., sec. 236, as amended by Act of 10 June 1921; 42 Stat. 24; 31 U. S. C. 71).

(b) *Meritorious Claims Act.* When there is filed in the General Accounting Office a claim or demand against the United States that may not lawfully be adjusted by the use of an appropriation theretofore made, but which claim or demand in the judgment of the Comptroller General of the United States contains such elements of legal liability or equity as to be deserving of the consideration of the Congress, he shall submit the same to the Congress by a special report containing the material facts and his recommendations thereon. (Act of 10 April 1928; c. 334, 45 Stat. 413; 31 U. S. C. 236).

(c) *Domestic Claims Act.* The Act of 3 July 1943 (57 Stat. 372; 31 U. S. C. 223b, 223c) provides for the payment of claims arising on or after 27 May 1941, for damage to or loss or destruction of property, real or personal, caused by military personnel or civilian employees of the War Department or of the Army while acting within the scope of their employment or otherwise incident to non-combat activities of the War Department or of the Army, including claims for damages to real property incident to the use and occupation thereof, whether under a lease, express or implied, or otherwise, and including claims of the foregoing categories arising out of civil works, provided they do not exceed $1000. The act further provides that the damage to or loss or destruction of property shall not have been caused in whole or in part by any negligence or wrongful act on the part of the claimant, his agent or employee; that no claim shall be settled under the Act unless presented in writing within one year after the incident out of which such claim arises shall have occurred except that if the incident occurs in time of war, or if war intervenes within one year after its occurrence, any claim may, on good cause shown, be presented within one year after peace is established. The Secretary of War is authorized to report such claims as exceed $1,000 to Congress for its consideration.

§ 211.93 *Scope and application of Army Regulations.* (a) AR (Army Regulations) 25–25 has been issued in furtherance of the Act of 3 July 1943. These regulations, in keeping with the terms of the Act, apply to claims for damages only. Par. 7 of AR 25–25 provides that claims for damages to real property incident to the use and occupancy thereof by the Government under a lease express or implied, or otherwise, are payable under these regulations even though legally enforceable against the Government as contract claims. However if deemed preferable in the best interest of the Government claims payable under paragraph 7 may be processed to the General Accounting Office for direct settlement under sec. 236, Revised Statutes. Claims for rent of real property are not payable under AR 25–25.

(b) Ar 100–64 has been issued in furtherance of Section 236, Revised Statutes, as amended by the Act of 10 June 1921; 42 Stat. 24, 31 U. S. C. 71. These regulations provide exclusive authority for the consideration and settlement of claims for rent and other payments of an express or implied contractual nature, and optional authority with AR 25–25 for settlement of damages, in excess of $1,000,000 arising out of the use and occupancy of real estate by the War Department or the Army under an agreement expressed or implied. AR 100–64 applies to all claims for rent regardless of amount and for other payments of a contractual nature, for example, claims for electricity, heat, light, water, and other out-of-pocket expenses, repairs, etc., where such expenses are not included in the lease as a part of the rental consideration.

§ 211.94 *Authority of Division Engineers to settle claims.* (a) The Under Secretary of War has delegated authority to Division Engineers, within the geographical limits of their respective jurisidictions, to approve or disapprove, in amounts not exceeding $1,000.00, any claim within the purview of the Act of 3 July 1943, as amended. Insofar as Real Estate Claims are concerned this delegation of authority applies only to claims for damages incident to the use and occupancy of real property by the War Department or the Army.

(b) The Division Engineers have no authority to settle and make payment

for claims subject to the provisions of AR 100–64. For the disposition of claims under these regulations see below under "Procedure."

§ 211.95 *Action by claimant; claimant.* Real Estate Claims may be presented by the owner of the property or his duly authorized agent or legal representative. The word "owner," as so used, includes lessees, mortgagors, and conditional vendees, but does not include mortgagees, conditional vendors, and others having title for purposes of security only. The claim, if filed by an agent or legal representative, should show the title of the person signing and be accompanied by evidence of the appointment of such person as agent, executor, administrator, guardian, or other fiduciary.

§ 211.96 *Place of filing claim.* All real estate claims should be submitted to the United States Division Engineer in whose jurisdiction the claim arises. See § 210.1 of this chapter for a list of the United States Division Engineer offices.

§ 211.97 *Form of claim.* Claims should be submitted by presenting in triplicate a signed statement, giving the claimant's address, setting forth the amount of the claim, and, so far as possible, the detailed facts and circumstances giving rise to the claim, indicating and describing the property involved, the date or dates, and the nature and extent of the damage, loss or destruction claimed, and the agency or branch of the War Department or Army using the property. Upon receipt of such a claim the Division Engineer will, where practicable or necessary, furnish the claimant with War Department forms for a more formal presentation of his claim including instructions as to their use.

§ 211.98 *Evidence to be submitted by claimant.* (a) All claims must be substantiated by competent evidence. If the claim is for rent or other payment the claimant should furnish evidence as to the value of the property, income from the property if previously rented, or rental value of similar property in the vicinity. If the property is under a formal lease to the Government, the claimant should identify the lease and state the covenants of the lease upon which he predicates his claim. Where the claim is for damage to the property which has been or can be economically repaired the claimant should submit in triplicate an itemized signed statement or estimate of the cost of repairs and copies of itemized receipts, evidencing payment for any expenditures made in relation to the property for which reimbursement is claimed.

(b) In support of claims for damage to crops the claimant should submit a statement showing the number of acres, or other unit measure, of the crops damaged, the normal yield per unit, the gross amount which would have been realized from normal yield, and an estimate of the further cost of cultivation, harvesting and marketing; if the crop is one which need not be planted each year, the diminution in value of the land beyond the damage to the current year's crop should also be stated. All such statements or estimates should, if possible, be by disinterested competent witnesses, preferably responsible dealers of the type of property damaged.

§ 211.99 *Real estate claims officers.* In each Division Office the Division Engineer has appointed a Claims Officer or Assistant Claims Officers who have the duty and responsibility under the direction of the Division Real Estate Officer, to investigate all real estate claims. The activities and responsibilities of these Claims Officers are described more fully below under "Procedure."

§ 211.100 *Procedure.* Upon the receipt of any real estate claim it is submitted to a Claims Officer who investigates the matter and secures all evidence necessary for a full consideration of the claim and upon which a determination can be made as to the liability of the Government. For this purpose the Claims Officer is authorized and charged with the duty of securing sufficient evidence to establish with certainty the following general points:

(a) The nature of the claim.

(b) The interest of the claimant in the property and the interest that others may have in the property.

(c) Date and circumstances under which occupation of premises occurred and date of vacation. If under a lease, the lease number and date of lease.

(d) Inspection of the premises and determination of the amount of damages.

(e) If claim is for rental without formal lease or agreement, data as to the market and rental value of the property.

(f) Any other pertinent evidence the particular facts of the case require.

The above obligations of the Claims Officer does not relieve the claimant from the burden of proving his claim and it is the duty and obligation of the claimant to furnish such evidence within his particular knowledge as the Claims Officer may require.

Upon completion of his investigation the Claims Officer prepares a report setting forth completely but briefly the nature and amount of the claim, all pertinent facts necessary to determine the rights and liabilities of the claimant and the Government, and the Claims Officer's conclusions and recommendations as to allowance or disallowance of the claim in whole or in part and reasons therefor, including citations to any laws, statutes or other decisions which it is believed will substantiate his recommendation.

§ 211.101 *Disposition of claims.* (a) Real Estate claims for damages not exceeding $1000.00 may be settled by the Division Engineer. If the Division Engineer allows the claim in toto it is transmitted to the local Disbursing Officer who transmits a check to claimant in payment of the claim. Where the claim is disallowed by the Division Engineer in whole or in part, the claimant is so advised and in the event that he is unwilling to accept the decision of the Division Engineer, he may appeal within 30 days after receipt of such notice, through the Division Engineer's office, to the Secretary of War. This appeal should state in full reasons for not accepting the Division Engineer's award.

(b) Claims for rent, utilities and other payments and for damages in excess of $1000.00 are transmitted by the Division Engineer, with his recommendations, to the Office, Chief of Engineers, Washington D. C. Prior to this transmittal the claimant is advised of the award recommended by the Division Engineer, and that such award is subject to approval or disapproval by higher authorities. If the amount so recommended is less than the amount claimed, the Division Engineer obtains, if possible, a statement from the claimant as to whether he will accept the award, if approved by higher authority, in full satisfaction and final payment of his claim, and, if not, his reasons for not accepting. Upon receipt of these claims in the Office, Chief of Engineers, the entire assembly is reviewed by the Real Estate Claims Board. Upon completion of this review, the claim, together with the Real Estate Board's report and recommendations, is transmitted to the Claims Division, General Accounting Office, in accordance with the provisions of section 236 Revised Statutes, as amended, for final administrative consideration and settlement.

Subpart F—Federal Jurisdiction Over War Department Real Estate

§ 211.111 *General considerations in the acquiring of Federal jurisdiction—*(a) *Authority.* By directive dated 29 October 1941 the Secretary of War authorized the securing of jurisdiction (preferably exclusive) over all military reservations and industrial facilities acquired by the United States by purchase or lease. However, the policy has been adopted that the using service of such reservation or facility shall determine whether it shall be placed under Federal jurisdiction.

(b) *Laws Governing the Acquisition of Federal Jurisdiction—*(1) *Constitution of the United States.* By Article 1, Section 8, Clause 17, of the Constitution, Congress has the power to exercise exclusive legislation in all cases in the District of Columbia and to exercise like authority over all land acquired by the United States with the consent of the legislature of the state in which the land is located for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.

(2) *Section 355, Revised Statutes of the United States.* Under this section as amended by the Acts of Congress approved 1 February 1940 (54 Stat. 19) and 9 October 1940 (54 Stat. 1083; 40 U. S. C. 255), jurisdiction over lands acquired by the War Department does not vest until the Secretary of War has indicated acceptance of such jurisdiction by filing a notice of acceptance with the governor of the state or in such other manner as may be prescribed by the laws of the state where the land is situated.

(3) *State laws.* The laws of the various states indicate the type of jurisdiction ceded or to be ceded, and prescribe the requirements, if any, to be complied with prior to the vesting of jurisdiction in the United States.

§ 211.112 *Functions in acquiring Federal jurisdiction*—(a) *The division engineer.* Upon receipt of the recommendation of the using service that Federal jurisdiction be acquired over a military reservation or industrial facility, the Office of The Division Engineer concerned shall prepare such maps and descriptions of the lands involved as may be required and forward them to the Office of The Chief of Engineers with any further information called for by the laws of the state where the lands are located.

(b) *Chief of Engineers.* All letters and other papers required to procure cessions of jurisdiction and all notices of acceptance shall be prepared in the Office of The Chief of Engineers.

§ 211.113 *Method of acquiring Federal jurisdiction.* Jurisdiction is acquired in accordance with the laws of the various states.

(a) *The general laws of thirty-five states contain cessions of jurisdiction* to the United States over lands within such states acquired for military and certain other purposes. The laws of the states listed immediately below cede jurisdiction to the Federal Government without requiring the submission of information regarding the lands involved.

(1) Arizona
(2) Arkansas
(3) Colorado
(4) Connecticut
(5) Delaware (less than 100 acres)
(6) Georgia
(7) Idaho
(8) Illinois
(9) Iowa
(10) Kansas
(11) Kentucky
(12) Louisiana
(13) Maine
(14) Michigan
(15) Mississippi
(16) Nebraska
(17) New Jersey
(18) New Mexico
(19) North Carolina
(20) North Dakota
(21) Ohio
(22) Oklahoma
(23) Oregon
(24) Rhode Island
(25) South Carolina
(26) Washington
(27) West Virginia
(28) Wyoming

However, the laws of other states, listed immediately below, contain provisions which must be complied with.

(i) In California and Montana a map and metes and bounds description shall be filed in the office of the county clerk and recorder of the county in which the land is situated.

(ii) In Indiana a map and metes and bounds description shall be filed with the governor.

(iii) In New Hampshire a map and metes and bounds description shall be filed with the New Hampshire Secretary of State.

(iv) In South Dakota a map of the land shall be filed in the office of the South Dakota Secretary of State.

(v) In Vermont a map and metes and bounds description shall be filed in the town clerk's office of the town where the land is located.

(vi) In Wisconsin a map, metes and bounds description and proof of recordation in the proper county of all title papers to the land involved shall be furnished the Governor.

(b) In the remaining states, it is necessary to procure a cession of jurisdiction:

(1) *By deed of cession to be executed by the proper state officials.* This procedure is required to be followed by the laws of Alabama, Florida, Minnesota, New York, Texas, Utah and Virginia. The laws of some of these states require the furnishing of certain papers and information regarding the land over which a cession of jurisdiction is desired.

(i) In Alabama and Minnesota, evidence of title in the United States shall be furnished.

(ii) In Florida and Texas, a metes and bounds description with evidence of recordation in the proper county of all title papers shall be furnished.

(iii) In New York, an agent authorized under the hand and seal of the Secretary of War shall file in the office of the Secretary of State of New York a map of the land drawn with pen and India ink upon tracing cloth, a metes and bounds description, and a certificate of the United States Attorney General as to the possession of and title to the

(2) *By the enactment of special legislation.* Since there are no general laws pertaining to Federal jurisdiction in the States of Maryland, Massachusetts, Missouri, Nevada, Pennsylvania and Tennessee and as to reservations comprising more than one hundred acres in the State of Delaware, the enactment of special legislation by such states is required to obtain a cession of jurisdiction to the United States.

(c) *Acceptance of jurisdiction.* The jurisdiction ceded by the state laws, by deeds of cession and by the enactment of special legislation shall be accepted in accordance with section 355, Revised Statutes, as amended, in order to establish Federal jurisdiction. This is accomplished by a letter from the Secretary of War addressed to the governor of the state concerned or by an indorsement on the deed of cession giving notice of such acceptance.

§ 211.114 *Retrocession of jurisdiction.* The jurisdiction of the United States over lands does not revert to the state so long as the land continues to be owned and held by the United States for any of the purposes authorized in the state act of cession. However, where the United States completely and permanently terminates the use of the land for military purposes, such as by transferring it from the War Department to another department of the Government to be used permanently for a purpose not covered by the state act ceding jurisdiction, it is considered that the military reservation has been abandoned for the purpose for which acquired and that the jurisdiction of the United States ceases and revests in the state (Op. JAG SPJGR 1944/13247, December 20, 1944).

B. M. FITCH,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 46—16066; Filed, Sept. 6, 1946; 9:30 a. m.]

NATIONAL CAPITAL PARK AND PLANNING COMMISSION

[36 CFR, Ch. V]

PART 501—ORGANIZATION

Sec.
501.1 Official headquarters.
501.2 Creation and authority.
501.3 Organization.
501.4 Funds.
501.5 Powers and duties.
501.6 Committees.
501.7 Meetings.
501.8 Administration.

§ 501.1 *Official headquarters.* 7013 Interior Building; C Street between 18th and 19th Streets NW. Telephone Republic 1820, branches 2101–2104. (The Commission operates only in Washington and "environs" and therefore has no field offices.)

§ 501.2 *Creation and authority.* The Commission, by the act of April 30, 1926 (44 Stat. 374; 40 U. S. C. 71), became the successor to the National Capital Park Commission which had been created previously by the act of June 6, 1924 (43 Stat. 463; 40 U. S. C. 71). The Commission is also the successor to the Highway Commission of the District of Columbia.

§ 501.3 *Organization.* The Commission is an independent agency of the Federal Government, composed of 10 persons—6 ex officio members and 4 appointed members. The ex officio members are: Chief of Engineers of the Army, Engineer Commissioner of the District of Columbia, Chief of the Forest Service, Director of National Park Service, Chairman of District of Columbia Committee of the United States Senate, and Chairman of District of Columbia Committee of the House of Representatives. In addition, four eminent citizens, well qualified and experienced in city planning, one of whom must be a bona fide resident of the District of Columbia, are appointed for a term of 6 years each by the President of the United States. The Director of the National Park Service is executive officer of the Commisison. The Commission elects its own chairman. The Commission has a small skeleton organization of specialists.

§ 501.4 *Funds.* Appropriations for the staff and other operating expenses are included in the annual appropriation for the District of Columbia. Appropriations for land acquisition are made by the Federal Government which is reimbursed by the District of Columbia at the minimum rate of $300,000 a year.

§ 501.5 *Powers and duties.* The functions of the Commission are: (a) To prepare, develop, and maintain a comprehensive, consistent, and coordinated plan for the National Capital and its environs, including recommendations to the proper executive authorities as to traffic and transportation; plats and subdivision; highways, parks, and parkways; school and library sites; playgrounds; drainage, sewers, and water supply; housing, building and zoning regulations; public and private buildings; bridges and waterfronts; commerce and industry; and other proper elements of city and regional planning. (b) To administer, in conjunction with the Commissioners of the District of Columbia, laws concerning the permanent system of highways plan, providing for changes in the existing highways plan that may be initiated by the Commissioners and submitted to the Park and Planning Commission for approval. In this capacity it took over all the functions of the former Highway Commission, which it

succeeded in 1926. (c) To provide for the comprehensive, systematic, and continuous development of the park, parkway, and playground system of the National Capital. (d) To acquire such lands as are necessary and desirable for the suitable development of the National Capital's park, parkway, and playground system, including acquisition, establishment, and development of the George Washington Memorial Parkway along both sides of the Potomac from Mount Vernon and Fort Washington to Great Falls, and additional lands for extension of the District park system into nearby Maryland and Virginia under such financial arrangements as agreed upon with the proper authorities of those States and as authorized by Congress.

§ 501.6 *Committees.* One of the purposes of the act setting up the Park and Planning Commission was to obtain the maximum amount of cooperation and correlation of effort between the departments, bureaus, and commissions of the Federal and District Governments. The Commission also is authorized to act in conjunction and cooperation with authorities of the States of Maryland and Virginia who may be designated for this purpose. To carry out this responsibility, the Commission has appointed a number of committees. These committees are strictly advisory to the Commission and their functions do not entail public hearings or promulgation of rules or regulations.

§ 501.7 *Meetings.* The Commission holds regular monthly meetings, usually of two days duration, the 3rd Thursday and Friday of the month and such special meetings as the Commission agree upon or upon call of the chairman.

§ 501.8 *Administration.* All authority is vested by law in the Commission of 10 members. The officials and committees exercise only such authority as are delegated to them by the Commission as a whole. Administrative and operational functions of the Commission are vested in the Chairman and its Executive Officer. Proposals for consideration by the Commission are channeled to the Chairman or its Executive Officer, and are brought before the full Commission for final consideration at its regular or specially called meetings. No special rules or regulations with respect thereto are promulgated. Information regarding considered proposals and matters is channeled to the public through the Chairman, Executive Officer or administrative staff employees of the Commission. Hearings or appearances before the Commission are granted to persons or their representatives desiring such privileges, and no special rules or requirements regarding such appearances are promulgated other than that the proposal falls within the provinces and functions of the Commission. Such appearances are informal with the party appearing having the right to submit his proposal in full detail and be represented by counsel or experts to emphasize the merits of the proposals. The Commission has adopted no substantive rules for the administration of its authorized functions and has promulgated no statements of general policy, its deliberations and conclusions being arrived at after full consideration of all factors of city planning having a bearing on the proposal under consideration. The Commission is vested with final determination with respect to the acquisition of lands to be acquired for park, parkway and playground purposes for the National Capital and its environs. Acquisition of land by direct negotiations is performed according to the usual practices for the acquisition of real property by direct negotiations with the parties in interest or their legal representatives. No special rules of procedure prevail with respect thereto. The power of eminent domain is exercised in accordance with provisions of law regulating such proceedings. The Commission itself issues no rules, services, etc., with respect thereto, these functions being performed by the Department of Justice. The Commission exercises or administers no powers vested by statute in the President of the United States, nor does it exercise on behalf of the President any administrative power or function. In the acquisition of land for park, parkway and playground purposes, and the designation of lands for condemnation proceedings, the action of the Commission with respect thereto is subject to the approval of the President. This requirement, however, does not entail the issuance of any rules, regulations or orders.

The Commission exercises no judicial functions.

U. S. GRANT, 3d.,
Major General, U. S. A., Ret.,
Chairman.

[F. R. Doc. 46–16186; Filed, Sept. 6, 1946; 3:09 p. m.]

NATIONAL HOUSING AGENCY

[24 CFR, Ch. VII]

PART 751—ORGANIZATION DESCRIPTION, INCLUDING DELEGATIONS OF FINAL AUTHORITY

Pursuant to Executive Order 9070, February 24, 1942, 7 F. R. 1529, the President created the National Housing Agency under the general direction and supervision of an administrator and consisting of three main constituent units, namely, the Federal Housing Administration, (see Chapter V, Part 500); the Federal Public Housing Authority, (see Chapter VI, Parts 600, 601, 602, 603, 605, 610, 611, 620, 621, 630, 631, 640, 641, 650, 651, 660, 661, 670, and 671); and the Federal Home Loan Bank Administration, (see Chapter I, Parts 01 to 199 inclusive, Chapter II, Parts 200 to 299, inclusive, Chapter III, Parts 300 to 399, inclusive, and Chapter IV, Parts 400 to 499 inclusive). Pursuant to section 2 (a) Public Law 388, 79th Congress, the Office of the Housing Expediter was created. (This part covers the organization of the combined offices of the Housing Expediter and Administrator, National Housing Agency).

SUBPART A—CENTRAL OFFICE

Sec.
751.1 Administrator-Expediter.
751.2 General Deputy Expediter.
751.3 Office of the General Counsel.
751.4 Information Service.
751.5 Special Adviser on financial aids to production.
751.6 Office of Program.
751.7 Office of Production and Supply.
751.8 Office of Operations.
751.9 Office of Administration.

SUBPART B—REGIONAL OFFICES

751.10 Regional Expediter.
751.11 Deputy Regional Expediter.
751.12 Regional Counsel.
751.13 Information Service.
751.14 Racial Relations Adviser.
751.15 Assistant Regional Expediter for Community Assistance.
751.16 Assistant Regional Expediter for Production Expediting.

SUBPART C—LOCALITY EXPEDITERS

SUBPART D—DELEGATIONS OF AUTHORITY

751.17 NHA General Order 21–30.
751.18 NHA General Order 21–31A.
751.19 NHA General Order 21–32.
751.20 NHA General Order 21–33B.
751.21 NHA General Order 21–34.
751.22 NHA General Order 21–13G.
751.23 NHA General Order 21–29A.
751.24 Purposes.
751.25 Determination of housing which is of a temporary character.
751.26 Delegation of authority to Federal Public Housing Commissioner.
751.27 NHA General Order 21–35.
751.28 Purpose.
751.29 Establishment of the Office of General Deputy Expediter and delegation of certain powers.
751.30 Designation of Acting National Housing Administrator and Acting Housing Expediter.
751.31 Delegations of authority contained in directives issued by the Housing Expediter.

SUBPART A—CENTRAL OFFICE

§ 751.1 *Administrator-Expediter.* Directs and supervises the permanent housing programs of the constituent agencies and the Veterans' Emergency Housing Program.

§ 751.2 *General Deputy Expediter.* Power has been delegated to the General Deputy Expediter to carry out all the functions of the Administrator-Expediter except those duties required by law to be performed by the Administrator-Expediter.

§ 751.3 *Office of the General Counsel.* The General Counsel is responsible to the Administrator-Expediter and is the main legal officer within the Agency. The Office of the General Counsel is responsible in general for providing all legal counsel and assistance involved in the formulation and development of the Agency's policy and program and in the performance of the responsibilities assigned to the Central Office Staff; for formulating and recommending to the Administrator-Expediter a program and procedures to assure compliance with the public regulations and directives involved in the execution of the Agency's program; and the interpretation of all public regulations, orders and directions of the Agency and of the legislation under which the Agency operates. The Office of the General Counsel is also responsible for establishing policies, standards, and procedures to guide the legal activities in the Regional Offices and to assure uniformity of legal interpreta-

tions, practices, and procedures in the Regional Offices; and for representing the Agency on legislation, public regulations, litigation, and other legal matters.

§ 751.4 *Information Service.* The information Director is responsible to the Administrator-Expediter. The Information Service is responsible for conducting for the entire Agency an information program on the housing program via press, radio, advertising, and other media, and for coordinating agency relationships with citizens, producers, labor, and other groups so as to promote understanding of housing activities.

§ 751.5 *Special Adviser on financial aids to production.* The Special Adviser is responsible to the General Deputy Expediter. The Special Adviser is responsible in general for the development and uniform application of financial policies and procedures for stimulating production of building materials and equipment and of prefabricated houses and components through the use of premium payments, market guarantees, RFC financing, and surplus war plants.

§ 751.6 *Office of Program.* The Assistant Administrator for Program is responsible to the General Deputy Expediter in formulating recommendations as to basic program plans, policies, and methods to reach established goals, and in the revision of goals to reflect changed circumstances; develops and justifies the Agency's estimates of need for critical items of building materials and equipment, labor, and land, develops specific control mechanisms to protect the program, and represents the Agency in negotiations with the CPA to secure allocation to housing of short items to the extent necessary to realize program goals; develops improved methods for financing house development and ownership, and analyzes developments in capital markets, municipal finance and taxation, monetary and fiscal controls, public housing and urban redevelopment, and constituent agency financial operations; secures, interprets, and disseminates data and other technical information required for the formulation of program policy and plans and for the evaluation of program progress;

§ 751.7 *Office of Production and Supply.* The Deputy Expediter for Production and Supply is responsible to the General Deputy Expediter for identifying, and developing solutions to, the technical problems relating to the design and construction of houses; for encouraging the fullest possible use of satisfactory new and substitute materials as a means of achieving the objectives of the Veterans' Emergency Housing Program; for developing plans and to assure an adequate supply of qualified workers in the production of building materials and in the construction of houses under the Veterans' Emergency Housing Program, and for aiding in avoiding and in adjusting disputes between employers and employees, frictions due to jurisdictions of various unions, and other obstacles to full utilization of labor supply; formulates production expansion programs with the CPA and other federal agencies considering price increases where possible and using financial incentives where necessary, assists CPA in developing controls for the channeling and utilization of materials and equipment, works with other federal agencies to cure specific bottlenecks and local shortages and to secure aid for specific manufacturers; developing and executing programs for increasing the production of prefabricated houses, sections, and panels and of house trailers to the extent necessary to accomplish the objective of the Veterans' Emergency Housing Program; organizing and executing a program to encourage and stimulate large-scale builders' operations and to encourage the increased use of prefabricated components, new and substitute materials, and improved designs and construction methods by builders, to develop procedures to provide information to builders relative to obtaining necessary financial assistance for working capital and capital equipment, and to provide central office services to handle specific problems of builders as needed.

§ 751.8 *Office of Operations.* The Deputy Expediter For Operations is responsible to the General Deputy Expediter for securing consideration of community viewpoints in central office policy and operating decisions, and for planning and directing a program for securing the participation and assistance of the communities in the solution of local obstacles to the emergency program; directing and appraising regional office execution of programs developed by the central office, securing coordinated handling of regional office problems by the central office, and coordinating the work of the regional offices; for the development of program plans and policies to facilitate the acquisition by local public or private agencies of sufficient suitable land for the emergency program and to facilitate the provisions of adequate utilities, community facilities and municipal services for housing.

§ 751.9 *Office of Administration.* The Assistant Administrator for Administration is responsible to the General Deputy Expediter for the preparation of budgets for the Office of the Administrator-Expediter, supervises the preparation of budgets by the constituent agencies, supervises the estimates, and presents requests to the Budget Bureau and Congress, reviews and recommends procedures for budgetary administration, accounting and fiscal control, and maintains budgetary and fiscal controls; plans Agency organizational and procedural relationships, develops administrative practices, develops Agency personnel policy and practices, and develops staff training programs; performs budget, personnel, accounting, procurement and office services functions for the Office of the Administrator.

SUBPART B—REGIONAL OFFICES

§ 751.10 *Regional Expediter.* The Regional Expediter is responsible to the Administrator-Expediter, through the Director of the central office Field Operations Branch. The Regional Expediter directs the execution of the Agency's program in the region, secures cooperation of CPA, OPA, and other agencies closely related to the achievement of regional goals, and integrates the activities of FHA, FPHA and FHLBA in carrying out the emergency program.

§ 751.11 *Deputy Regional Expediter.* The Deputy Regional Expediter assists the Regional Expediter in administering the activities of the regional office.

§ 751.12 *Regional Counsel.* The Regional Counsel is responsible to the Regional Expediter. The Regional Counsel serves as legal adviser to the Regional Expediter and is responsible for providing all legal counsel and assistance involved in the performance of the responsibility assigned to the regional office staff, for providing liaison with the field legal staffs of constituent agencies, and the field staffs of CPA, OPA, and other agencies on legal problems affecting the housing program, and assists state and local legislative bodies in the development of legislation affecting the housing program.

§ 751.13 *Information Service.* The Information Service is responsible to the Regional Expediter. It conducts regional information programs, analyzes comments and attitudes of news media within the region and compiles reports based on analysis with respect to the Agency's program.

§ 751.14 *Racial Relations Adviser.* The Racial Relations Adviser is responsible to the Regional Expediter. The Racial Relations Adviser assists and advises the regional office staff and the field offices of the constituent agencies on matters affecting minority groups.

§ 751.15 *Assistant Regional Expediter for Community Assistance.* The Assistant Regional Expediter for Community Assistance is responsible to the Deputy Regional Expediter for data and technical information required by Locality Expediters in formulation and adjustment of local goals, reviews adequacy of local goals under national standards, secures and processes reports on materials, labor and other resources required by Washington offices, assists in the application of market analysis techniques to localities, and analyzes local supply of credit and assists in solutions of local deficiencies through FHA and FHLBA; procuring suitable sites and providing public services and utilities; secures the cooperation of constituent and other federal and state agencies in the provision of sites, services, and utilities; and advises central office of local progress and problems and securing and servicing sites; securing local organization for community action, and aids Locality Expediters to improve performance of community action organizations.

§ 751.16 *Assistant Regional Expediter for Production Expediting.* The Assistant Regional Expediter for Production Expediting is responsible to the Deputy Regional Expediter for reviewing the progress of local materials producers, and the flow of supplies into the communities, and assists in breaking bottlenecks, assists communities in maintaining inventories of scarce materials, recommends to CPA reallocations of materials where shortages arise, maintains liaison

with CPA and OPA and interprets results of materials aids research of central office on regional materials needs; secures cooperation of State labor organizations in executing plans to assure an adequate supply of labor for the regions, advises Locality Expediters on securing similar cooperation locally, secures assistance of State employment service offices, State vocational education and apprentice training services, assists Locality Expediters in solving local labor supply problems, and assists Locality Expediters in eliminating restrictive trade practices; in cooperation with FHA field offices and other agencies to aid builders in the solution of bottlenecks and shortage problems; encourage expansion of low cost and rental housing construction, promote increased use of prefabricated components, improved methods of construction, and new materials; assist builders in establishing dealer-builder relationships with prefabricators and working out the problem of getting prefabricated houses on sites; and draw commercial and industrial contractors into the housing building field.

SUBPART C—LOCALITY EXPEDITERS

The Locality Expediters are responsible to the Regional Expediter and assists the locality to which he is assigned in determining its housing goal and in overcoming obstacles to the realization of the goal. He organizes and aids local Emergency Housing Committees to stimulate rapid organization of private builders, stimulate cooperation between local governmental bodies and private interests to secure an ample supply of sites, mobilize community support of enforcement of price and occupancy controls, secure cooperation of builders, labor, and schools in increasing labor supply, assists in eliminating building code and other barriers to production, organizing local referral centers, and other homefinding activities for veterans and the organization of dealer-builders for prefabricators. He secures regional office technical assistance for local governmental agencies, local builders, and other local builders when requested.

Location of NHA–OA Regional Offices.
Region I—Boston, Mass.
Region II—New York, N. Y.
Region III—Chicago, Ill.
Region IV—Atlanta, Ga.
Region V—Dallas, Tex.
Region VI—San Francisco, Calif.
Region VII—Seattle, Wash.
Region VIII—Cleveland, Ohio.

SUBPART D—DELEGATIONS OF AUTHORITY

§ 751.17 *NHA General Order 21–30.* Delegating to the Commissioner of the Federal Public Housing Authority all the Functions, Powers and Duties Contained in the Contract Settlement Act of 1944, Public Law No. 395, 78th Congress, Second Session, or Contained in Applicable Orders and Regulations Issued Thereunder by the Director of Contract Settlement. 9 F. R. 11463, September 19, 1944.

§ 751.18 *NHA General Order 21–31A.* Delegation of Authority to Federal Public Housing Commissioner to Execute Conveyances in Connection With the Disposition of Public War Housing and Surplus Housing Property, 11 F. R. 2587, March 13, 1946.

§ 751.19 *NHA General Order 21–32.* Delegation of authority to FPHA to Make Surplus Property Available for Veterans Pursuant to Surplus Property Administration Special Order 25. 10 F. R. 15336, December 27, 1945.

§ 751.20 *NHA General Order 21–33B.* Delegations of Authority Pursuant to CPA Directive 42 Relating to Priorities Assistance and Authorization for Construction Under the Veterans' Emergency Housing Program. 11 F. R. 6073, June 5, 1946.

§ 751.21 *NHA General Order 21–34.* Priorities Assistance and Authorization for Construction of Houses for Experimental or Testing Purposes, 11 F. R. 5015, May 8, 1946.

In addition to the above the following delegations of authority have been made by the Administrator-Expediter:

§ 751.22 *NHA General Order 21–13G.* Approved April 16, 1946, effective April 16, 1946. The Director of Field Operations, and in his absence or inability to act, the Assistant Director of Field Operations have been authorized to exercise the authority of the Administrator to approve and sign housing programming documents.

§ 751.23 *NHA General Order 21–29A.* Approved February 27, 1946, effective February 27, 1946. Determination of housing which is of a temporary character within the meaning of section 313 of the Lanham Act, as amended, and Surplus Property Administration Regulation 5, Order 6, dated December 18, 1945; Delegation of Authority to Federal Public Housing Commissioner to Make Certain Factual Findings, as set forth in §§ 751.24–751.26.

§ 751.24 *Purposes.* (a) Section 313 of the Lanham Act, as amended, provides, among other things, as follows: "The Administrator shall, as promptly as may be practicable and in the public interest, remove all housing under his jurisdiction which is of a temporary character, as determined by him, and constructed under the provisions of this act, Public Law 781, Seventy-sixth Congress, and Public Laws 9, 73, and 353, Seventy-seventh Congress. * * *"

(b) SPA Regulation 5, Order 6, dated December 18, 1945 stipulates in part as follows: "The Administrator of the National Housing Agency is hereby authorized * * * to remove from real property which passes under the jurisdiction of the National Housing Agency * * * all housing which is of temporary character, as determined by him * * *"

The purposes of this order are:

(1) To discharge the duty placed upon the National Housing Administrator by the above-quoted provisions of section 313 of the Lanham Act, as amended, and of SPA Regulation 5, Order 6, to determine housing under his jurisdiction which is of a temporary character; and

(2) To delegate to the Federal Public Housing Commissioner, and to authorize the redelegation by him of authority to make the necessary factual findings with respect to housing of the class and types as pursuant to § 751.25, has been determined by the National Housing Administrator to be housing which is of a temporary character.

§ 751.25 *Determination of housing which is of a temporary character.* (a) As used in these §§ 751.24 to 751.30 inclusive, the term "housing" shall include only residential structures located on the site of a project, and shall not include community, administration, commercial or utility buildings, or site improvements.

(b) The following housing is hereby determined to be housing which is of a temporary character within the meaning of the provisions of section 313 of the Lanham Act, as amended, or SPA Regulation 5, Order 6, as the case may be, quoted in § 751.24:

(1) Housing, under the jurisdiction of the National Housing Administrator and constructed under the provisions of the Lanham Act, as amended, Public Law 781, Seventy-sixth Congress, as amended, and Public Laws 9, 73, and 353, Seventy-seventh Congress, and housing which passes under the jurisdiction of the National Housing Agency as a disposal agency of surplus property, of the following types:

(i) Family or dormitory trailers;

(ii) Portable family shelters;

(iii) Hutments and similar residential structures;

(iv) Dormitories, except as provided in § 751.25 (c).

(v) Family dwellings (whether of frame or masonry construction) built in accordance with the WA–1, WA–2, TDU–1, TDU–2, TDU–3, WDU–10, WDU–15, or WA–20, PFD or PFD–2 standard plans of the Federal Public Housing Authority, and family dwellings of substantially similar character; and

(vi) Such other dwelling units as, on the basis of an analysis of the physical character of the residential structure, rather than the nature of the site plan, the location of the housing within the community, or the present or future housing needs of the community, are found to be of a temporary character.

(c) Dormitories provided by the conversion of existing permanent structures, and the few dormitories constructed of masonry, with concrete flooring, are hereby excepted from the provisions of § 751.25 (b) (1) (iv).

§ 751.26 *Delegation of authority to Federal Public Housing Commissioner.* (a) The Federal Public Housing Commissioner, or any officer or employee of the Federal Public Housing Authority designated by him, are hereby authorized to make the necessary factual findings as to which housing is of the class and types as, pursuant to § 751.25, has been determined by the National Housing Administrator to be housing which is of a temporary character, and to announce such factual findings.

§ 751.27 *NHA General Order 21–35.* Establishing the Office of General Deputy Expediter, Delegating Power to the General Deputy Expediter and Designating an Acting National Housing Administrator and Acting Housing Expediter, ap-

proved May 7, 1946, effective May 7, 1946, as set forth in §§ 751.28—751.30.

§ 751.28 *Purpose.* (a) The purpose of § 751.27 is to establish the Office of General Deputy Expediter, to set forth the powers of the General Deputy Expediter and to designate him as Acting National Housing Administrator and Acting Housing Expediter.

§ 751.29 *Establishment of the Office of General Deputy Expediter and delegation of certain powers.* (a) The Office of General Deputy Expediter is hereby established.

(b) There is hereby delegated to the General Deputy Expediter the power to carry out any and all functions of the National Housing Administrator and the Housing Expediter, except duties required by law to be performed by the National Housing Administrator and the Housing Expediter.

§ 751.30 *Designation of Acting National Housing Administrator and Acting Housing Expediter.* (a) The General Deputy Expediter is hereby designated to act as National Housing Administrator and Housing Expediter during the absence of the National Housing Administrator and Housing Expediter.

§ 751.31 *Delegations of authority contained in directives issued by the Housing Expediter.* The Housing Expediter has issued the following directives to the Civilian Production Administration whereby that Agency has been delegated authority to perform certain functions on behalf of the Housing Expediter in connection with premium payment plans involved in Housing Expediter Premium Payment Regulations 1, 2, 3 and 5:

DIRECTIVE TO THE CIVILIAN PRODUCTION ADMINISTRATION ON PREMIUM PAYMENTS REGULATION 1 [1]

(Supersedes Directive Issued July 12, 1946)

STRUCTURAL CLAY PRODUCTS

Pursuant to the authority vested in me by the Veterans' Emergency Housing Act of 1946, the Civilian Production Administration is hereby authorized and directed to act as my representative in performing the following functions in accordance with the regulation.

1. With respect to applications for special quotas, including seasonal quotas, required to be filed with CPA pursuant to paragraph (d) (4) of Regulation 1:

(a) On the basis of the facts set forth in the application and on any additional information available to it, CPA will recommend to the Office of the Housing Expediter a figure to be used as the quota to be assigned the applicant. Such applications, with the recommended quotas, shall be submitted by CPA to OHE for approval. CPA will forward the approved quota to the applicant, with copy to the Reconstruction Finance Corporation.

2. With respect to applications for quotas and claims for payment filed with the RFC pursuant to Regulation 1 (paragraph (d) (3) as to applications for quotas, and paragraph (f) (3) as to claims for payment), copies of which will be forwarded to CPA, review each application and claim on the basis of the facts submitted therein together with any additional information which may be available to CPA.

(a) Where it appears to CPA that immediate investigation or audit of any such application or claim is required CPA will take such action and will, where it appears necessary, notify RFC at the time that further payments should be withheld by RFC pending the result of such investigation or audit. In all cases in which CPA concludes that the quota should be changed or the amount of the claim modified, CPA shall make such change in the quota or in the amount of the claim and shall notify the RFC and the OHE of any such modification of a quota or of a claim.

(b) Where the CPA finds no basis for immediate investigation or withholding of payment, CPA shall notify RFC of the findings and send a copy of such notification to OHE.

3. With respect to all applications for quota and claims for payment:

(a) Perform such investigations and post-audits in the field as may appear to be feasible and necessary with respect to all producers of structural clay products who participate in the premium payments plan, modifying previous determinations on quotas and claims or, in the case of special quotas, recommending modification to the OHE, where such determinations are inconsistent with the findings of investigations and post-audits. Such investigations and post-audits shall follow procedures approved by the OHE, shall include questionable cases prior to approval or invalidation, and shall cover approximately ten percent of the participating producers each month. A copy of each audit report shall be sent to the OHE, and the RFC and the OHE shall be notified of actions taken as a result of the findings of investigations and post-audits.

(b) Make such special investigations or audits as may be requested by the OHE.

(c) Consider complaints by applicants, hold hearings whenever necessary and notify the RFC of the decisions, sending copies thereof to the OHE. In the event the applicant is still dissatisfied with such decisions, he may appeal to the OHE Appeals Board.

4. With respect to a multiple plant producer:

(a) Establish a combined quota upon determination by the CPA, in accordance with the regulation, that production has been shifted among plants of such producer so as to increase the producer's total claims without a corresponding increase in total output.

5. Prepare and transmit to the OHE such regular and special reports of operations under the regulation and this directive as may be requested by the OHE.

6. Take all other steps necessary to carry out the responsibilities of CPA under the regulation.

Issued this 5th day of August, 1946.

DIRECTIVE TO THE CIVILIAN PRODUCTION ADMINISTRATION ON PREMIUM PAYMENTS REGULATION 2 [1]

SOFTWOOD PLYWOOD

Pursuant to the authority vested in me by the Veterans' Emergency Housing Act of 1946, the Civilian Production Administration is hereby authorized and directed to act as my representative in performing the following functions in accordance with the regulation:

(1) With respect to applications for quotas required to be filed pursuant to paragraph (c) of Regulation 2:

(a) On the basis of the facts set forth in the application and on any additional information available to it, CPA will recommend to the Office of the Housing Expediter a figure to be used as the quota to be assigned the applicant. Such applications, with the recommended quotas, shall be submitted by CPA to OHE for approval.

(2) With respect to claims for payment filed pursuant to Regulation 2, Paragraph (f), review each claim on the basis of the facts submitted therein together with any additional information which may be available to CPA.

(a) Where it appears to CPA that immediate investigation or audit of any such claim is required, CPA will take such action and will, where it appears necessary, notify the Reconstruction Finance Corporation, in triplicate, at the time that further payments should be withheld by RFC pending the result of such investigation or audit. In all cases in which CPA concludes that the amount of the claim should be modified, CPA shall make such change in the amount of the claim and shall notify the RFC, in triplicate, and the OHE of any such modification.

(b) Where the CPA finds no basis for immediate investigation or withholding of payment, CPA shall notify RFC, in triplicate, of the findings within 30 days of the date that the claim was received by CPA.

(3) With respect to all claims for payment and applications for quota:

(a) Perform such investigations and post-audits in the field as may appear to be feasible and necessary with respect to all producers of softwood plywood who participate in the premium payments plan, modifying previous determinations on quotas and claims or, in the case of special quotas, recommending modification to the OHE, where such determinations are inconsistent with the findings of investigations and post-audits. Such investigations and post-audits shall follow procedures approved by the OHE, shall include questionable cases prior to approval or invalidation, and shall cover each participating producer at least once within the first six months of the plan. A copy of each audit report shall be sent to the OHE. The CPA shall notify the RFC, in triplicate, and the OHE of actions taken as a result of the findings of investigations and post-audits.

(b) Consider complaints by applicants, hold hearings whenever necessary and notify the RFC in triplicate, of the decisions, sending copies thereof to the OHE. In the event the applicant is still dissatisfied with such decisions, he may appeal to the OHE Appeals Board.

(c) Make such special investigations or audits as may be requested by the OHE.

(4) In cases where a company represents that its production during a claim period was interrupted due to unusual circumstances beyond the control of the company and desires adjustment of its quota for such claim period, the CPA shall determine whether the interruption was due to circumstances beyond the control of the company. Where it deems appropriate, CPA shall recommend to the OHE for approval a basis for an adjustment of a quota for such claim period. CPA will forward the OHE approval or disapproval to the applicant and send three signed copies to the RFC.

(5) With respect to applications from plywood companies for authorization to appoint agents, and applications from veneer mills for authorization to pay premiums to their log suppliers, required to be filed with the Expediter, care of CPA, pursuant to Regulation 2 as amended August 5, 1946:

(a) On the basis of the facts set forth in the application, together with any other information available, approve or disapprove such applications, in whole or in part, pursuant to a delegation of authority issued by the Expediter to a specified official or officials of the CPA.

(b) Notify the RFC, in triplicate, and the OHE of the decision of CPA.

(6) Where a company has failed to maintain production of peeler logs from its own holdings at the level which obtained during the period on the basis of which the quota was established or the corresponding quarter of 1945, whichever is higher CPA shall in its best judgment determine whether a claim of any company should be invalidated in whole or in part, and shall, in those cases,

[1] 11 F. R. 6905.

[1] 11 F. R. 6971.

recommend appropriate action to the Housing Expediter.

(7) Prepare and transmit to the OHE such regular and special reports of operations under the regulation and this letter as may be requested by the OHE.

(8) Take all other steps necessary to carry out the responsibilities of CPA under the regulation.

Issued this 17th day of August 1946.

WILSON W. WYATT,
Housing Expediter-Administrator.

DIRECTIVE TO THE CIVILIAN PRODUCTION ADMINISTRATION ON PREMIUM PAYMENTS REGULATION 3 [1]

MERCHANT GYPSUM LINER

Pursuant to the authority vested in me by the Veterans' Emergency Housing Act of 1946, the Civilian Production Administration is hereby authorized and directed to act as my representative in performing the following functions in accordance with the regulation:

(1) Determine the total tonnage required to meet the capacity of the gypsum board industry to absorb merchant gypsum liner.

(2) In accordance with the provisions and standards set forth in the regulation:

(a) Recommend to the OHE a production goal to be assigned to each company.

(b) Receive applications from companies not assigned production goals or desiring larger goals and, on the basis of facts submitted, together with any additional information available, approve or disapprove such applications in whole or in part. Where there are unusual circumstances, CPA may, in its judgment, recommend action on such cases to the Housing Expediter.

(c) Subsequent to the distribution of production goals, where it appears that a company will be unable to meet its goal, determine whether its inability is due to circumstances beyond its control, and, where such a determination is made, the CPA may cancel or modify and may reassign such production goal in whole or in part. Where there are unusual circumstances, CPA may, in its judgment, recommend action on such cases to the Housing Expediter.

(d) Receive copies of agreements transferring assigned production goals between companies and notify the RFC, in triplicate, and the OHE of the parties to such agreements.

(e) Receive applications for permission to make up deficits during the next succeeding month and, on the basis of facts submitted, together with any additional information available, approve or deny such applications.

(3) With respect to claims for payment filed with the Reconstruction Finance Corporation pursuant to Regulation 3, Paragraph (h) (i), copies of which will be forwarded to CPA, review each claim on the basis of the facts submitted therein, together with any additional information which may be available to CPA:

(a) Where it appears to CPA that immediate investigation or audit of any such claim is required, CPA will take such action and will, where it appears necessary, notify RFC, in triplicate, at the time that further payments should be withheld by RFC pending the result of such investigation or audit. In all cases in which CPA concludes that the amount of the claim should be modified, CPA shall make such change in the amount of the claim and shall notify the RFC, in triplicate, and the OHE of any such modification.

(b) Where the CPA finds no basis for immediate investigation or withholding payment, CPA shall notify RFC, in triplicate, of the findings within 30 days of the date that the claim was received by CPA.

[1] 11 F. R. 7262.

(4) With respect to all goals assigned and claims for payment:

(a) Perform such investigations and post-audits in the field as may appear to be feasible and necessary with respect to all producers of merchant gypsum liner who participate in the premium payments plan, modifying previous determinations on goals and claims where such determinations are inconsistent with the findings of investigations and post-audits. Such investigations and post-audits shall follow procedures approved by the OHE, shall include questionable cases prior to approval or invalidation, and shall cover each participating producer in the first six months of the plan. A copy of each audit report shall be sent to the OHE. The CPA shall notify the RFC, in triplicate, and the OHE of actions taken as a result of the findings of investigations and post-audits.

(b) Consider complaints by applicants, hold hearings whenever necessary and notify the RFC, in triplicate, of the decisions, sending copies thereof to the OHE. In the event the applicant is still dissatisfied with such decisions, he may appeal to the OHE Appeals Board.

(c) Make such special investigations or audits as may be requested by OHE.

(5) Notify the RFC, in triplicate, and the OHE of all actions taken in accordance with Paragraphs (1) and (2) above.

(6) Prepare and transmit to the OHE such regular and special reports of operations under the Regulations and this Directive as may be requested by the OHE.

(7) Take all other steps necessary to carry out the responsibilities of the CPA under the Regulation.

Issued this 20th day of August 1946.

WILSON W. WYATT,
Housing Expediter-Administrator.

DIRECTIVE TO THE CIVILIAN PRODUCTION ADMINISTRATION ON PREMIUM PAYMENTS REGULATION 5 [1]

CONVECTORS

Pursuant to the authority vested in me by the Veterans' Emergency Housing Act of 1946, the Civilian Production Administration is hereby authorized and directed to act as my representative in performing the following functions in accordance with the regulation:

(1) With respect to applications for quotas filed with CPA pursuant to paragraph (c) (1) (iii) of the regulation, on the basis of the facts set forth in the application and on any additional information available to it, CPA will recommend to the Office of the Housing Expediter a figure to be used as the quota to be assigned the applicant. Such applications, with the recommended quotas, shall be submitted by CPA to OHE for approval. CPA will forward the approved quota to the applicant and send three signed copies to the Reconstruction Finance Corporation.

(2) With respect to applications for quota and claims for payment filed pursuant to regulation 5, (paragraph (c) (1) (i), (ii) and (iv) as to applications for quota, and paragraph (f) as to claims for payment), review each application and claim on the basis of the facts submitted therein, together with any additional information which may be available to CPA:

(a) Assign a quota to each producer, sending a copy of the completed quota form to the applicant, a copy to the OHE, and three completed copies to RFC.

(b) Where it appears to CPA that immediate investigation or audit of any such application or claim is required, CPA will take such action and will notify RFC, in triplicate, where it appears necessary, that further payments should be withheld by RFC pending the result of such investigation or audit. In all cases in which CPA concludes that the quota should be changed or the amount of the claim modified, CPA shall make such change in the quota or in the amount of the claim and shall notify the RFC (in triplicate) and the OHE of any such modification of a quota or of a claim. CPA shall notify the producer direct of any change in a quota.

(c) Where the CPA finds no basis for immediate investigation or withholding of payment, CPA shall notify RFC, in triplicate of the findings within 30 days of the date that the application or claim was received by CPA, and send a copy of such notification to OHE.

(3) With respect to applications for waiver of the requirement to carry over to the succeeding production period any deficit in production under an established quota (paragraph (c) (3) of the regulation) review and, on the basis of facts submitted together with any other additional information available, approve or disapprove such applications in whole or in part, notifying the applicant and the RFC (in triplicate) of the determinations of the CPA, and sending copies of such determinations to OHE.

(4) With respect to all applications for quota and claims for payment:

(a) Perform such investigations and post-audits in the field as may appear to be feasible and necessary with respect to all producers of convectors who participate in the premium payments plan, modifying previous determinations on quotas and claims or, in the case of special quotas, recommending modification to the OHE, where such determinations are inconsistent with the findings of investigations and post-audits. Such investigations and post-audits shall follow procedures approved by the OHE, shall include questionable cases prior to approval or invalidation, and shall be so scheduled as to cover all participating producers by the end of the sixth month of the plan. A copy of each audit report shall be sent to the OHE. The CPA shall notify the RFC (in triplicate) and the OHE of actions taken as a result of the findings of investigations and post-audits.

(b) Consider complaints by applicants, hold hearings whenever necessary, and notify the RFC (in triplicate) of the decisions, sending copies thereof to the OHE. In the event the applicant is still dissatisfied with such decisions, he may appeal to the OHE Appeals Board.

(c) Make such special investigations or audits as may be requested by the OHE.

(5) With respect to a multiple-plant producer:

(a) Establish a combined quota upon determination by the CPA, in accordance with paragraph (c) (2) of the regulation, that shipments have been shifted among such plants of a producer so as to increase the producer's total claims without a corresponding increase in total output.

(b) Notify the RFC (in triplicate), the OHE, and the producer of the determination made by CPA and the company quota established.

(6) Prepare and transmit to the OHE such regular and special reports of operations under the regulation and this directive as may be requested by the OHE.

(7) Take all other steps necessary to carry out the responsibilities of CPA under the regulation.

Issued this 27th day of August 1946.

WILSON W. WYATT,
Housing Expediter-Administrator.

Issued this 6th day of September 1946.

WILSON W. WYATT,
Housing Expediter.

[1] 11 F. R. 8348.

[F. R. Doc. 46–16195; Filed, Sept. 6, 1946; 4:32 p. m.]

PART 753—RULES OF PRACTICE AND PROCEDURE, INCLUDING FORMS AND INSTRUCTIONS

Pursuant to Executive Order 9070, February 24, 1942, 7 F. R. 1529, the President created the National Housing Agency under the general direction and supervision of an Administrator and consisting of three main constituent units, namely, the Federal Housing Administration (see Chapter V, Part 500); the Federal Public Housing Authority (see Chapter VI, Parts 600, 601, 602, 603, 605, 610, 611, 620, 621, 630, 631, 640, 641, 650, 651, 660, 661, 670, and 671); and the Federal Home Loan Bank Administration (see Chapter I, Parts .01 to 199 inclusive, Chapter II, Parts 200 to 299 inclusive, Chapter III, Parts 300 to 399 inclusive, and Chapter IV, Parts 400 to 499 inclusive).

Pursuant to section 2 (a) Public Law 388, 79th Congress the Office of Housing Expediter was created. (This part covers the functions of the combined offices of the Housing Expediter and Administrator, National Housing Agency.)

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§ 753.1 *Delegation to National Housing Agency.* Pursuant to Civilian Production Administration, Directive 42, as amended, 11 F. R. 672, the National Housing Agency has been delegated authority to approve applications for priorities assistance under Priorities Regulation 33 (HH ratings and the right to place certified orders, generally referred to as "HH ratings") or for authorization under Veterans' Housing Program Order 1, 11 F. R. 3190, March 27, 1946.

§ 753.2 *Federal Housing Administration.* In accordance with NHA General Order 21–33B, 11 F. R. 6073, June 5, 1946, the Federal Housing Administration (through the Federal Housing Commissioner or his designated representatives) is authorized to exercise all of the powers and duties delegated to the National Housing Agency by Directive 42 of the Civilian Production Administration, as amended, 11 F. R. 672, with respect to applications and appeals authorized under Priorities Regulation 33, as amended, 11 F. R. 601, to be filed with appropriate State and District offices of the Federal Housing Administration.

§ 753.3 *Federal Public Housing Authority.* The Federal Public Housing Authority (through the Federal Public Housing Commissioner or his designated representatives) is authorized to exercise all the powers and duties delegated to the National Housing Agency by Directive 42 of the Civilian Production Administration with respect to applications and appeals authorized under Priorities Regulation 33 to be filed with appropriate Regional Offices of the Federal Public Housing Authority.

§ 753.4 *The Department of Agriculture.* The Department of Agriculture (through the Director of the Materials and Equipment Branch, Production and Marketing Administration or his designated representatives), is authorized to exercise all the powers and duties delegated to the National Housing Agency by Directive 42 of the Civilian Production Administration with respect to applications and appeals authorized under Priorities Regulation 33 to be filed with appropriate County Agricultural Conservation Committees.

§ 753.5 *Prefabrication Production Branch.* The Director and Associate Director of the Prefabrication Production Branch of the Office of the Administrator (NHA) are authorized to exercise all the powers and duties delegated to the National Housing Agency by Directive 42 of the Civilian Production Administration with respect to applications and appeals authorized under Direction 8 to Priorities Regulation 33, as amended, to be filed with or mailed to the National Housing Agency.

§ 753.6 *General instructions and operating procedures.* All general instructions and operating procedures to be issued under the delegations provided for in NHA General Order 21–33B shall be submitted to the Office of the Administrator of the National Housing Agency for prior approval.

§ 753.7 *Technical Research Branch, NHA.* Pursuant to General Order 21–34, 11 F. R. 5015, applications for authorization under Veterans' Housing Program Order 1 or for priorities assistance under CPA Priorities Regulation 33, or both, may be made to the Director or Acting Director of the Technical Research Branch of the Office of the Administrator (NHA) by a person who applies to construct or erect for experimental or testing purposes any housing accommodations otherwise covered by CPA Priorities Regulation 33. The Director or Acting Director of the Technical Research Branch shall consider the essentiality of the proposed work and the materials to be used in relation to the Veterans' Emergency Housing Program. If he determines the proposed work to be essential and the application otherwise qualifies, he shall approve the application subject to the provisions of CPA Priorities Regulation 33, except that paragraph (g) (h) and (i) of that regulation shall not be applicable unless the accommodations constructed or erected are sold or rented for housing purposes.

§ 753.8 *Powers and duties: Director Technical Branch.* With respect to such housing accommodations for experimental or testing purposes the Director or Acting Director of the Technical Research Branch of the Offiffice of the Administrator is authorized to exercise all of the powers and duties delegated to the National Housing Agency by CPA Directive 42.

§ 753.9 *CPA Directive 44.* Pursuant to Civilian Production Administration Directive 44, 11 F. R. 8936, the Housing Expediter is authorized to perform the functions and exercise the power, authority and discretion conferred on the President by section 2 (a) of the act of June 28, 1940 (Public Law 67, 76th Congress, 54 Stat. 676), as amended by the Acts of May 31, 1941 (Public Law 89, 77th Congress, 55 Stat. 236), of March 27, 1942 (Public Law 567, 77th Congress, 56 Stat. 176), of December 20, 1944 (Public Law 509, 79th Congress, 58 Stat. 827), of December 28, 1945 (Public Law 270, 79th Congress, 59 Stat. 653) and by the act of June 29, 1946 (Public Law 475, 79th Congress — Stat. —), with respect to the allocation of, or establishment of priorities for the delivery of, surplus property held by the War Assets Administration, or other Disposal Agencies as designated under the Surplus Property Act of 1944, in those cases where the Expediter determines that such surplus property is required for the Veterans' Emergency Housing Program or is required to maintain or increase production of materials

or products required in the Veterans' Emergency Housing Program.

§ 753.10 *NHA General Order 13–1A.* Scheduling HH Priority Authorizations and Channeling Materials to Low and Moderately Priced Rental and Sales Housing, approved June 26, 1946, effective July 1, 1946, §§ 753.10–753.21.

§ 753.11 *Purpose.* The purpose of these §§ 753.11 to 753.21, inclusive, is to schedule the issuance of priority authorizations for the construction of new conventional dwelling units and conversions and the erection of prefabricated houses in conformance with the total goal of the Veterans' Emergency Housing Program and the anticipated supply of building materials for such construction and to channel the maximum amount of materials to the lowest rental and lowest sales price privately constructed housing consistent with sound standards of construction, design and livability and with necessary current replacement costs. The provisions of these §§ 753.11 to 753.21, inclusive, do not apply to temporary dwelling units, trailers and public housing projects, the production and distribution of which are controlled through other regulations or to farm housing.

§ 753.12 *Establishment and distribution of monthly authorization quotas.* (a) Monthly authorization quotas will be established by the National Housing Agency for each FHA State or District office and transmitted to them at the beginning of each month for four months in advance through the Washington office of the FHA. These monthly authorization quotas will be derived from a national production schedule calculated on the basis of current materials availability to meet the total goal within the two-year period of the Veterans' Emergency Housing Program and will be allocated on the basis of relative housing needs of each FHA office area.

Monthly authorization quotas will be adjusted by the National Housing Agency to provide the scheduled number of housing starts each month by allowing for time lag between authorizations and starts and for the number of authorizations which will not result in housing starts (attrition). Seasonal differences in the nationwide construction pattern will be accounted for in calculating the monthly authorization quota.

(b) Each FHA Director shall distribute his monthly authorization quota to the various localities within his office area with the advice and assistance of the Regional Expediter, giving due consideration to local goals established by Mayor's Emergency Housing Committees and reported to the FHA Director by the Regional Expediter.

§ 753.13 *Limitation of priority authorizations.* (a) No FHA Director may issue priority authorizations for new permanent dwelling units together with conversions during a particular month in excess of the current monthly authorization quota (and supplementary authorization quota, if any) for his State or District office.

(b) On the first day of each month each FHA Director shall report to the Washington office of the FHA the number of dwelling units authorized in the previous month together with the number of dwelling units included in outstanding acceptable applications for priority authorizations as of the end of the month. The Washington office of the FHA shall tabulate the number of priority authorizations available from areas which failed to exhaust their authorization quota for the previous month. Any such unused portions of monthly authorization quotas shall be distributed by the Washington office of the FHA as supplementary authorization quotas to those State and District offices having unfilled applications for authorization.

(c) Supplementary authorization quotas will be valid only for the month during which they are issued. They shall be initially divided into four sub-quotas in accordance with the provisions of § 753.15 (a) and added to the current monthly sub-quotas.

§ 753.14 *Establishment of "dividing lines".* (a) Based on the "HH Minimum Property Requirements" of Regulation 80–3, and local current cost data, the FHA shall calculate for each State or District area the cost of producing a minimum acceptable two-bedroom house taking into account reasonable allowance for builders' overhead, profit and land costs, and shall establish such cost as the "dividing line" for the purpose of priorities authorizations for houses for sale.

(b) Based on the "HH Minimum Property Requirements" of Regulation 80–3 and local current cost data, the FHA shall calculate for each State or District area the rental necessary to provide minimum acceptable two-bedroom rental units and shall establish such rental as the "dividing line" for the purpose of priorities authorizations for rental units.

(c) Where substantial variations in construction costs exist within an FHA office area, the FHA shall establish separate "dividing lines" for individual localities. Where construction costs are relatively uniform over the FHA office area, the FHA may calculate a single "dividing line" applicable to the entire area.

(d) "Dividing lines" shall be established for each FHA office area prior to the beginning of the third quarter of 1946. After being initially established they shall be reviewed bi-monthly and revised in accordance with changes in district and locality construction costs.

(e) "Dividing lines" and revisions thereof shall be reported immediately by the FHA to the National Housing Administrator.

§ 753.15 *Division of monthly authorization quotas into sub-quotas.* (a) The monthly authorization quota for each FHA State or District office shall be initially divided into four sub-quotas as follows:

(1) 12½ percent of the dwelling units in the monthly authorization quota is to be allocated to a sub-quota for rental housing priced at or below the "dividing line."

(2) 37½ percent of the dwelling units in the monthly authorization quota is to be allocated to a sub-quota for sales housing priced at or below the "dividing line."

(3) 12½ percent of the dwelling units in the monthly authorization quota is to be allocated to a sub-quota for rental housing priced above the "dividing line." This sub-quota represents the maximum number of rental units priced above the "dividing line" which may be authorized, except as dwelling units are subtracted from any unused portion of sales housing priced above the "dividing line" in accordance with § 753.15 (b) (3).

(4) 37½ percent of the dwelling units in the monthly authorization quota is to be allocated to a sub-quota for sales housing above the "dividing line." This sub-quota represents the maximum number of sales units priced above the "dividing line" which may be authorized.

(b) Subject to the provisions of § 753.13 (a) authorizations shall be issued and charges made against the sub-quotas as follows:

(1) Once the sub-quota for rental housing priced at or below the "dividing line" has been exhausted, the FHA Director shall continue to issue authorizations for such dwelling units and for each such authorization shall subtract an equal number of units from one of the other three sub-quotas which has not been fully committed, subtracting first from the sales sub-quota priced above the "dividing line," then from the rental sub-quota priced above the "dividing line" and finally from the sales sub-quota priced at or below the "dividing line."

(2) Once the sub-quota for sales housing priced at or below the "dividing line" has been exhausted, the FHA Director shall continue to issue authorizations for such dwelling units and for each such authorization shall subtract an equal number of units from the sub-quota of sales housing priced above the "dividing line" or the sub-quota of rental housing priced above the "dividing line" in that order.

(3) Once the sub-quota for rental housing priced above the "dividing line" has been exhausted, the FHA Director shall continue to issue authorizations for such dwelling units and for each such authorization shall subtract an equal number of units from the sub-quota of sales housing priced above the "dividing line".

(c) Any priorities authorizations issued under this order must also be issued in accordance with the priorities criteria and price provisions of Priorities Regulation 33 and NHA General Orders. A maximum shelter rent in excess of $80 per month or a maximum sales price in excess of $10,000 may not be authorized except in accordance with those regulations and orders.

§ 753.16 *Preference processing of applications.* (a) Applications received in excess of authorizations which may be issued under available quotas shall be accumulated and may be processed but not authorized.

(b) Applications so accumulated and processed shall be authorized at the beginning of the following month in the following order of preference:

(1) Applications submitted by veterans for construction of homes for their

own occupancy (such authorizations shall be charged as sales units to the appropriate sub-quota according to the proposed sales price established in accordance with NHA Regulation 80–1).

(2) Applications for rental housing priced at or below the "dividing line".

(3) Applications for sales housing priced at or below the "dividing line."

(4) Applications for rental housing priced above the "dividing line".

(5) Applications for sales housing priced above the "dividing line".

(c) These authorizations shall be charged to the quota according to the provisions of § 753.15, and the total authorizations shall not exceed the established monthly quota. Authorizations against supplementary quotas shall be made in accordance with the above scale of preference from any remaining accumulated applications.

§ 753.17 *Advance commitments to authorize priorities assistance.* (a) Where a proposed housing project is of such magnitude as to require a schedule of starts extending over a period greater than 90 days, the FHA Director may make commitments to issue authorizations for priorities assistance from subsequent monthly authorization quotas. No such commitments shall be made for dwelling units priced above the rental or sales "dividing line" as established in § 753.14.

(b) In making such commitments the FHA Director shall consider the application for the entire housing project on its merits according to the regular criteria for priorities authorization. The application must be accompanied by a proposed monthly production schedule, showing the number of units the applicant intends to start during each month the project will be under construction. Commitments to authorize priorities assistance may be made in accordance with the proposed production schedule, but commitments to authorize out of future quotas may not be made against authorization quotas for more than four months in advance, and the total advance commitments against the quota for any one month may not exceed 50 percent of the total quota for that month.

(c) Such commitments shall be fulfilled by the issuance of priorities authorizations at the beginning of the month to which they apply provided the applicant demonstrates at that time that he is substantially maintaining in terms of actual housing starts the monthly production schedule originally agreed upon.

(d) Such commitments may be granted only for housing projects which are determined by the FHA Director to constitute single integrated building operations in terms of site, financing and construction scheduling.

(e) Commitments to authorize out of any future monthly quota shall be recorded as a charge against that month's quota. At the beginning of that month such priorities may be authorized without reference to the scale of preference in § 753.16.

§ 753.18 *Public announcement of monthly authorization quotas and "dividing lines".* (a) On the first day of each month each FHA Director shall announce publicly the amount of the monthly authorization quota for that month. If a later supplementary quota is received, its amount shall be immediately announced to the public. Initial "dividing lines" and all changes shall be announced publicly. Such announcements shall be made in a manner designed to secure the widest possible circulation of the information.

(b) Public records of monthly authorization quotas and "dividing lines" shall be maintained in the State or District office and made available for public inspection during regular working hours. Each State or District FHA office shall also keep a list of approved applications for priorities assistance and authorization, showing the names of the applicants, the number of dwelling units and the approved sales prices and rentals where applicable, which shall be made available for public inspection during regular working hours. Upon request, copies of each monthly authorization quota, supplementary monthly authorization quota, and "dividing lines" shall be furnished to the local Mayor's Emergency Housing Committees.

§ 753.19 *Encouragement of housing construction for veterans of minority racial groups.* (a) FHA Directors shall encourage local builders to construct home both for sale and for rent to veterans of minority racial groups giving consideration to the proportionate population of such groups and to their economic ability to purchase or rent.

§ 753.20 *Assistance by Locality Housing Expediters.* (a) Locality Housing Expediters shall render every possible assistance to FHA Directors and to local committees in carrying out the provisions of this order.

§ 753.21 *Effective date.* (a) This order supersedes NHA General Order 13–1, dated April 18, 1946, and NHA General Order 13–11, dated June 1, 1946.

SUBPART A—APPEALS

§ 753.27 *CPA Priorities Regulation 33.* Priorities Regulation 33, as amended, 11 F.R. 601 provides in § 944.54 (k) as follows:

Any person affected by this regulation or a direction to it who considers that compliance with its provisions would result in an exceptional and unreasonable hardship on him may appeal for relief. An appeal from any provision of this regulation except paragraph (d) should be filed with the appropriate local office of the Federal Housing Administration or other agency with which applications may be filed under this regulation and the appeal shall be forwarded to the Washington Office of that agency for consideration together with any recommendations made by the local office. An appeal from paragraph (d) of this regulation or a direction to this regulation, unless the direction expressly states otherwise, should be filed by letter in duplicate addressed to the Civilian Production Administration, Washington 25, D. C., Ref: Direction to PR 33.

§ 753.28 *Direction 8 to PR 33.* Direction 8 to PR 33, as amended, 11 F. R. 9186, August 23, 1946, provides in paragraph (o) thereof as follows:

Communications and appeals. Communications regarding the provisions of this direction, and appeals from these provisions, should be sent to the National Housing Agency, Washington 25, D. C., Ref: Dir. 8 to PR 33. An appeal should be made by letter, in triplicate, stating the particular provision appealed from and the full grounds for the appeal.

§ 753.29 *Priorities Regulation 1, Housing Expediter.* Priorities Regulation 1, Office of the Housing Expediter (HEPR 1), Surplus Building Materials and Equipment, 11 F. R. 9013, August 20, 1946, provides in § 803.1 (m) of this title:

Any person who considers that compliance with any provisions in this section would result in an exceptional and unreasonable hardship on him may appeal for relief. An appeal shall be in the form of a letter in triplicate addressed to the Housing Expediter, Washington 25, D. C., clearly stating the specific provision in the section appealed from and the grounds of claiming an exceptional and unreasonable hardship.

§ 753.30 *Priorities Regulation 2, Housing Expediter.* Priorities Regulation 2, Office of the Housing Expediter, (HEPR 2) Surplus Materials and Equipment, 11 F. R. 9015, August 20, 1946 provides in § 803.2 (l) of this title as follows:

Any person who considers that compliance with any provision in this section would result in an exceptional and unreasonable hardship on him may appeal for relief. An appeal shall be in the form of a letter in triplicate, addressed to the Housing Expediter, Washington 25, D. C., clearly stating the specific provision of the section appealed from and the grounds for claiming an exceptional and unreasonable hardship.

SUBPART B—WAR HOUSING: OCCUPANCY AND DISPOSITION

§ 753.31 *NHA Regulation 60–5F.* Exclusive Reservation of Public War Housing for Distressed Veterans and Servicemen. 11 F. R. 2111, March 1, 1946.

§ 753.32 *NHA Regulation 60–13B.* Disposition of Federally-Owned War Housing Projects Developed Under Public Laws 849 (Lanham Act) and 781 (76th Congress) and Public Laws 9, 73, and 353 (77th Congress). 11 F. R. 6584, June 15, 1946.

(a) Pursuant to the above NHA Regulation 60–13B, the Office of the Administrator (NHA) will determine when projects or parts thereof are no longer needed in the interest of the orderly demobilization of the war effort and will then terminate such projects and parts thereof: (1) Make temporary war housing available to the Federal Public Housing Authority for reuse for purposes of Title V of the Lanham Act, as amended, or, if not reused, for disposition; and (2) make permanent war housing available to the Federal Public Housing Authority, a constituent unit of the National Housing Agency, for disposition.

§ 753.33 *Responsibility, FPHA.* The Federal Public Housing Authority is responsible for the reuse or disposition of war housing projects or parts thereof upon their termination. The FPHA will establish policies and procedures for disposition, obtain the recommendations of local governments and execute the disposition program, all in accordance with applicable laws and NHA Regulation 60–13B.

SUBPART C—PRIORITIES ASSISTANCE FOR PREFABRICATORS

§ 753.34 *Information required.* Information regarding Direction 8 to PR 33 can be secured at the NHA central office; the NHA regional offices; CPA central office; CPA district office.

(a) Information can be secured by mail, telegraph, telephone, or personal interview.

§ 753.35 *Forms.* Forms to be submitted by Public under Direction 8 to PR 33:

(a) *Form NHA 14–53* Prefabricator's application for priorities assistance.

(1) *Function.* A prefabricator makes quarterly and interim application on NHA 14–53 for priorities assistance in getting "authorized materials for his approved production requirements."

(2) *Contents.* (i) Shipment schedule.

(*a*) Number and value of house equivalents, sections, and panels.

(*b*) For 2nd Quarter, 1946, est. 3rd Quarter 1946, scheduled 4th Quarter 1946, scheduled 1st Quarter 1947, unfilled HH rated orders.

(ii) Requirements for material.

(*a*) 4th Quarter 1946, 1st Quarter 1947.

(iii) Requirements for construction plywood.

(b) *Form NHA 14–54.* Prefabrication and special methods of construction—technical details.

(1) *Function.* This outine of instructions is designed to assist prefabricators of houses and proponents of special methods of construction in presenting material for review in connection with their application for priorities assistance under Direction 8 to PR 33.

(2) Contents.

(i) Section I.

(*a*) Statement indicating the area and states in which the houses are to be erected.

(*b*) Special construction details (items which depart materially from FHA Minimum Property Requirements).

(*c*) Outline specifications for factory fabricated parts and for field assembly or field prefabricated parts.

(*d*) Plans.

(*e*) Heat loss.

(*f*) Condensation control.

(*g*) Outline mechanical specifications.

(*h*) Engineering data.

(*i*) New materials.

(*j*) Approvals.

(*k*) Materials check list and cost estimate.

(ii) § 753.35 Materials check list and cost estimate.

§ 753.36 *Reports.* Prefabricators are required to submit to the Prefabrication Production Branch:

(a) Weekly reports of shipments of prefabricated houses, sections and panels by manufacturers. This report includes information on:

(1) Type and size of unit.

(2) Number of units.

(i) Shipped to date.

(ii) Shipped this week.

(iii) Scheduled shipment for next week.

(iv) Unfilled HH rated orders on hand.

§ 753.37 *Determinations.* Divisions within Prefabrication Production Branch which make final determinations with regard to priorities assistance under Direction 8 to PR 33, subject to approval of Director of Branch:

(a) *Qualifications Division.* Reviews applications for priorities assistance under Direction 8 to PR 33.

(b) *Materials Division.* Grants priorities assistance in the form of authority to place HH rated or certified orders for approved quantities of "authorized materials."

SUBPART D—MARKET GUARANTEE PROCEDURES

§ 753.38 *Guarantee market instructions, NHA Form 14–47.* NHA Form 14–47 "Market Guarantee Instructions" which, when filled out and submitted to NHA, constitutes an application for a market guarantee, may be obtained by members of the public by written request to the Office of the Special Adviser on Financial Aids to Production, National Housing Agency, Washington 25, D. C.

§ 753.39 *Purpose.* The function of Form 14–47 is to obtain information upon which the Housing Expediter, through the Special Adviser, can determine whether or not to enter into a market guarantee with a prefabricator or manufacturer of a new type building material. Form 14–47 calls for the submission of technical data and information as to the production ability and financial status of the applicant.

§ 753.40 *Additional information required.* Form 14–47 advises applicants to submit their answers to the questions in triplicate. With respect to applicants who are prefabricators, the form requests the submission of various types of drawings, plans, specifications and related technical data. With respect to applicants who are manufacturers of new type building materials, the form calls for description of the material, its proposed uses, the advantages claimed for it, the nature of its composition, various test data and, where available, small samples. With respect to both types of applicants, the form asks for balance sheets, profit and loss statements and other information on financial history and standing; it also asks for information as to methods of production, plant and equipment facilities, system of distribution, and cost and price data.

§ 753.41 *Final determination.* The Housing Expediter, acting upon the recommendation of the Special Adviser on Financial Aids to Production, makes the final determination as to whether an application for a market guarantee is to be granted or denied.

(a) After receipt of an application by NHA, the following Branches pass upon it: Technical, Program Requirements, Prefabrication Production, Construction, and Materials Supply Branches and the Office of the Special Adviser.

(b) After the Special Adviser has negotiated with a manufacturer the basic terms of a market guarantee contract, as indicated above, the RFC, pursuant to a directive from the Housing Expediter, actually consummates the contract with the manufacturer. Before doing so, RFC may negotiate with the manufacturer other terms of the contract, e. g. termination and storage provisions, etc.

SUBPART E—EXPERIMENTAL HOUSING GUIDE

§ 753.42 *Purpose.* The Technical Branch, National Housing Agency, desires to encourage the development of new materials and new methods of construction that will be of real value to the Veterans' Emergency Housing Program. This guide is to assist persons, who have new materials or new methods that in the opinion of the Technical Branch show promise of value to VEHP, to construct housing of an experimental nature which is restricted by CPA Order VHP–1 and Priorities Regulation 33, as amended, 11 F. R. 601. It defines the term "Experimental Housing" and explains where permission for construction is required, the criteria and experimental tests to be considered, the restrictions on use of materials, and the application procedure.

§ 753.43 *Definition.* For the purpose of this guide, the term "Experimental Housing" means any full size model of a house or of any major assembly of the structural, mechanical or electrical parts of a dwelling which must be constructed for the purpose of conducting tests to determine (a) Construction methods including shop assembly and field erection, or (b) Physical properties of parts, sections or assemblies.

Experimental housing does not include Sample Houses, Demonstration Houses or assemblies, the purpose of which is solely to promote sales or create consumer demand.

§ 753.44 *When permission is required.* Due to CPA Conservation Order VHP–1 as amended, 11 F. R. 3190, permission is required. Due to CPA Conservation Order VHP–1 as amended, 11 F. R. 3190 permission must be obtained before starting construction of experimental housing, if the cost of the unit to be started in any calendar or fiscal year exceeds (a) $400 for a house or other structure on residential property designed for occupancy by five families or less. Any residence for 5 or less families is considered a house (see CPA Order VHP–1, paragraph (d) (2) on how to figure cost.

§ 753.45 *Criteria.* In order to receive favorable consideration as "Experimental Housing" the application must show clearly that: (a) A substantial part of the project consists of one or more of the following departures from conventional construction:

(1) A new method or manner of using available material or equipment. (This may involve the adaptation to housing of materials or methods which are new to dwelling construction even though they may be used frequently for other types of construction or for other purposes).

(2) The use of new materials or of new equipment.

(3) A new method of dwelling construction designed to conserve the use of materials or substantially reduce cost of living to the occupant.

(b) It is necessary to make tests under house conditions to obtain necessary information on construction methods, or physical properties.

(c) Not more than one house or assembly is to be built.

(d) The applicant agrees that if the project is approved and constructed:

(1) The house or assembly will not be sold until after it has served the experimental purposes for which it was built.

(2) The house or assembly will not be sold except under the terms provided in Priorities Regulation 33.

(3) Should the house be occupied by a member of the builders' staff for the purpose of carrying on thermal conductivity, vapor resistance, or other observations, copies of the reports of such observations shall be sent to the Technical Branch, NHA.

§ 753.46 *Tests.* Since permission to construct "Experimental Housing" can be given only when it is necessary to make tests under housing conditions (see criteria paragraph 4b above) a general statement of justification for the needs of constructing the Experimental House must be attached to each copy of the application. For each test, this statement should set forth the purpose, scope, method and proposed time schedule. It should include (but need not be limited to) any of the following information which applies to the project.

(a) *Construction methods.* A description of the principal problems of construction on which information is required, an explanation of the information to be obtained, how it is to be obtained, when, by whom, and how it will be used, and the reason(s) why it cannot be obtained without constructing the project.

NOTE: Tests of construction methods in experimental housing are those made to determine the type and amount of labor, materials, equipment, machinery and tools, required to fabricate and erect the house or its parts according to the engineering design in the hope of devising better methods than those used for the typical housing with which the experimental housing will compete when reproduced on a commercial basis.

(b) *Physical properties.* A list of the physical properties that are to be determined by the experiment showing for each, what tests are to be made, by whom, and when. The following list indicates the type of properties which may not be readily determined by the usual methods of analysis or by experience records under similar conditions and which might require tests to obtain accurate information:

(1) *Strength.* Resistance to live and dead loads including compressive, transverse, racking, impact, and abrasive effects of forces encountered in dwellings.

(2) *Weather resistance.* Resistance to penetration and absorption of water and to decay, corrosion, abrasion, change of appearance or other damage upon exposure to rain, snow, ice, wind, sunlight or other atmospheric conditions.

(3) *Durability.* Resistance to damage or change of appearance when exposed to water and other liquids, gases, heat, cold, burns, light, cleaning agents, and dirt encountered in residential use and occupancy.

(4) *Vapor resistance.* Resistance to absorption, transmission and condensation of water vapor and to damage resulting therefrom, when exposed to the temperature and vapor pressure differentials encountered in dwellings.

(5) *Heat transfer.* Resistance to or capacity for transmission, absorption, reflection and emissivity of heat.

(6) Infiltration and ventilation.

(7) Fire resistance.

(8) Vermin resistance.

(9) Light transmission.

(10) Sound transmission.

§ 753.47 *General note.* Authorization to construct "Experimental Housing" will not be granted for the purpose of running tests solely on Consumer Acceptance. However, where the experiment is justified by demonstrating the need for tests on (1) construction methods, or (2) physical properties, further tests on consumer acceptance may be made.

§ 753.48 *Restrictions on use of materials.* Unless exceptions are granted by the National Housing Agency, authorization to construct experimental housing is limited by the restrictions on use of materials of Priorities Regulation 33 and VHP–1, which provide cost and other limitations.

If it is necessary to depart from these restrictions, the applicant should address a separate letter (original and four copies) to the National Housing Agency, Technical Branch, Washington 25, D. C. The original and two copies should accompany (not attached) the application, and one copy should be attached to each of the copies of the application. Each exception should be fully described and justified.

In special cases where the extent of departure from material restrictions of PR 33 and VHP 1 cannot be determined at the time of forwarding the original application, consideration will be given to a subsequent request by letter (original and four copies) addressed to the National Housing Agency, Technical Branch, NHA, Washington 25, D. C. The applicant should understand that authorization to construct experimental housing does not imply that exceptions to the restrictions on the use of materials will always be granted.

§ 753.49 *Application procedure*—(a) *Form.* Application for permission to construct experimental housing (See § 753.44. When Permission is Required), should be made on Form CPA 4386 "Application for Residential Construction under Priorities Regulation 33 as Amended" as enclosed herewith. This Form shall be used whether the experimental house is to be prefabricated, or built on the site.

(b) *Filing.* Submit original and two copies of the application direct to the Technical Branch, National Housing Agency, Washington 25, D. C. Do not file copies with the Civilion Production Administration since instructions on Form CPA 4386 concerning filing do not apply to "Experimental Housing."

(c) *Instructions.* Complete sections I and V only of the Application Form CPA 4386 and omit sections II, III, and IV. Follow the instructions given on the form with these exceptions: Under Item 5 section I:

Insert "Experimental Housing" in street address block. If request is made for departure from the restrictions on use of materials as described in Item 6 of this Guide, also insert "See attached letter requesting exceptions from VHP–1 and PR 33" in same block.

NOTE: If construction grades of plywood such as: ¼" Wallboard, ⅜" Wallboard, ¼" SOIS, 5/16" Sheathing, ⅜" Sheathing, ½" Sheathing and ⅝" Sheathing all of moisture resistant grade; and ¼" SOIS and ⅜" SOIS of waterproof grade are required, these are to be listed in amount and location in structure on a sheet attached to Form 4386.

(d) *Project description.* Insert description of project on attached sheets. A complete set of the sheets should be attached to each copy of the application. In the attachments show clearly by drawings, outline specifications or descriptions, sufficient information to define clearly the method or use of materials, or equipment that constitute departure from conventional construction and detail all the information indicated by Items 4 and 5 of this Guide concerning Criteria and Tests.

§ 753.50 *Approval.* Approval of the application on Form 4386 by the NHA Technical Branch constitutes permission for construction in accordance with Order VHP–1 and PR 33. It covers only the buildings, structures, roads, installations, parts, sections or units specifically approved.

Departure from the requirements of PR 33 cannot be made unless specifically approved by letter to the applicant from the National Housing Agency following the procedure set forth in Item 6 of this Guide regarding Restrictions on Use of Materials.

§ 753.51 *Additional information.* For additional information write to the Technical Branch, Office of the Administrator, National Housing Agency, Washington 25, D. C.

SUBPART F—PREMIUM PAYMENTS

§ 753.52 *Veterans' Emergency Housing Act of 1946.* Veterans' Emergency Housing Act of 1946 authorizes the payment of premiums where temporarily necessary to stimulate the production of materials for the veterans' emergency housing program and for the construction, maintenance and repair essential to the national well being. The Act permits payment of premiums only on additional production not otherwise attainable.

§ 753.53 *Regulations.* A separate regulation is issued under the Act for each material for which the Housing Expediter determined that a premium payment plan is necessary to increase the supply of the material and to stimulate additional production with greater rapidity, economy and certainty than other available methods.

§ 753.54 *Quotas.* Each individual regulation describes how quotas are established (production not in excess of quota is deemed attainable without payment of premiums) and the methods, procedures and conditions under which such payments may be obtained. In

conformity with the Act each regulation is designed to avoid either economic dislocations or adverse effects upon established business.

§ 753.53 *Information.* The places at which the public may secure information or make submittals or requests are as follows:

(a) Application forms and information may be received from any reconstruction Finance Corporation loan agency or Office of the Housing Expediter as indicated in paragraphs (c) and (d) of this section.

(b) General information and regulations may be obtained from the following sources:

(1) Office of the Housing Expediter, Information Service, Washington, D. C.

(2) Any regional office of the Office of the Administrator-Expediter, National Housing Agency.

(3) Civilian Production Administration, Washington, D. C.

(4) Requests for interpretations of regulations may be filed in writing with the Housing Expediter or the General Counsel, Office of the Housing Expediter, Washington, D. C.

(5) Submission of applications for quotas may be accomplished as follows:

(c) Application forms for quotas, production goals, and authorizations to pay premium prices; filing of such forms:

Regulations	Forms	Where obtained	Where filed
EPPR1—Structural clay products: General quotas	NHA 14-42	Any RFC Loan Agency	RFC Loan Agency for District in which plant is located. If producer has more than one plant application for each plant filed simultaneously at Loan Agency for District where producer's main office is located.
Special quotas	NHA 14-42	do	Civilian Production Administration, Washington, D. C.
EPPR2—Softwood plywood: General quotas	OHE 2-1	Office Housing Expediter	Office Housing Expediter, c/o CPA, 708 Bedell Bldg., Portland 4, Oreg.
Veneer mill authorizations to pay premium price for peeler logs.	OHE 2-3	Office Housing Expediter, c/o CPA, Portland, Oreg.	Do.
EPPR3—Merchant gypsum liner application for establishment or modification of production goal.	NHA 14-36	Any RFC Loan Agency	Office Housing Expediter, c/o Civilian Production Administration, Forest Products Division, Washington 25, D. C.
EPPR4—Standing timber on State-owned land. No application for quotas individual contracts are negotiated with the Housing Expediter.			
EPPR5—Convectors	NHA 14-50	Loan Agency, RFC, Federal Reserve Bank Bldg., Cleveland 1, Ohio.	Office Housing Expediter, c/o Building Materials Division, CPA, Washington 25, D. C.
EPPR 6—Hardwood flooring southern area	NHA 14-67	Any RFC Loan Agency	Office Housing Expediter, c/o Forest Products Division, CPA, Washington 25, D. C.
EPPR 7—Hardwood flooring northern area	NHA 14-70	do	Do.
EPPR 8—Cast iron soil pipe	NHA 14-64	do	Office Housing Expediter (originally required to be filed at Loan Agency for District in which plant is located).

(d) Claims for payment.

EPPR 1—Structural clay products	NHA 14-43	Any RFC Loan Agency	RFC Loan Agency for District in which plant is located. If producer has more than one plant claim for each plant filed simultaneously at Loan Agency for District where producer's main office is located.
EPPR 2—Softwood plywood: Plywood company claim	OHE 2-2	Loan Agency, RFC, Portland, Oreg.	Manager, Loan Agency, Reconstruction Finance Corporation, Pittock Block, Portland 5, Oreg.
Veneer mill company claim	OHE 2-4	do	Do
EPPR 3—Merchant gypsum liner	NHA 14-37	Any RFC Loan Agency	RFC Loan Agency for District in which main office is located.
EPPR 4—Standing timber on State owned land	NHA 14-62	Office Housing Expediter	Office Housing Expediter.
EPPR 5—Convectors	NHA 14-51	Loan Agency, RFC Cleveland 1, Ohio.	Manager Loan Agency, RFC, Federal Reserve Bldg., Cleveland 1, Ohio.
EPPR 6—Hardwood flooring southern area	NHA 14-68	Any RFC Loan Agency	RFC Loan Agency for District in which company's main office is located.
EPPR 7—Hardwood flooring northern area	NHA 14-70	do	RFC Loan Agency for District in which company's main office is located.
EPPR 8—Cast iron soil pipe	NHA 14-65	do	RFC Loan Agency for District in which plant is located. If producer has more than one plant in loan agency for District in which main office is located

Issued this 6th day of September 1946.

WILSON W. WYATT, *Housing Expediter.*

[F. R. Doc. 46-16196; Filed, Sept. 6, 1946; 4:32 p. m.]

FEDERAL HOME LOAN BANK ADMINISTRATION

[24 CFR, Ch. I]

PART 01—ORGANIZATION, PROCEDURE AND SUBSTANTIVE RULES AND REGULATIONS; FEDERAL HOME LOAN BANK ADMINISTRATION

[Bull. No. 69]

Sec.
01.1 Central organization.
01.2 Procedures.
01.3 Substantive rules and relations, policy and interpretation.

§ 01.1 *Central organization.* (a) The Federal Home Loan Bank Administration, administered by a Commissioner, pursuant to Executive Order No. 9070 of February 24, 1942 (3 CFR & Supps.), embraces the functions, powers and duties of the Federal Home Loan Bank Board and its members, the Federal Savings and Loan Insurance Corporation and its Board of Trustees, the Home Owners' Loan Corporation and its Board of Directors, and the United States Housing Corporation and its Administrator. The Chairman of the Federal Home Loan Bank Board serves as the Federal Home Loan Bank Commissioner.

(b) *Deputy Federal Home Loan Bank Commissioner.* The Deputy Federal Home Loan Bank Commissioner is authorized to perform all functions, powers and duties of the Federal Home Loan Bank Commissioner, as set forth in 11 F. R., No. 169, and Chs. I, II, III and IV of Title 24, CFR & Supps.

(c) *Executive Assistant to the Commissioner.* Any Executive Assistant to the Commissioner is authorized to perform functions, powers and duties as prescribed by the Federal Home Loan Bank Commissioner in the manner and to the extent provided in 11 F. R., No. 169.

(d) *Assistant to the Commissioner.* The Assistant to the Commissioner serves in planning and coordinating budget matters and performs such other duties as the Federal Home Loan Bank Commissioner may from time to time direct.

(e) *Governor.* The Federal Home Loan Bank System and the Federal Savings and Loan System are under the direction of a Governor who performs functions, powers and duties as prescribed by the Federal Home Loan Bank Commissioner in the manner and to the extent provided in 11 F. R., No. 169, and provisions of Chs. I, II, III and IV of Title 24, CFR & Supps. A Deputy Governor is authorized to perform those functions, powers and duties of the Governor and those prescribed by the Federal Home Loan Bank Commissioner in the manner and to the extent provided in 11 F. R., No. 169, and the provisions of Chs. I, II, III and IV of Title 24, CFR & Supps.

(f) *General Manager, Federal Savings and Loan Insurance Corporation.* The Federal Savings and Loan Insurance Corporation is under the direction of a General Manager who performs functions, powers and duties as prescribed by the Federal Home Loan Bank Commissioned in the manner and to the ex-

tent provided in 11 F. R., No. 169, and the provisions of Chs. I, II, III and IV of Title 24, CFR & Supps. A Deputy General Manager is authorized to perform these functions, powers and duties of the General Manager and those prescribed by the Federal Home Loan Bank Commissioner in the manner and to the extent provided in 11 F. R., No. 169, and the provisions of Chs. I, II, III and IV of Title 24, CFR & Supps.

(g) *General Manager, Home Owners' Loan Corporation.* The Home Owners' Loan Corporation is under the direction of a General Manager who performs functions, powers and duties as prescribed by the Federal Home Loan Bank Commissioner in the manner and to the extent provided in 11 F. R., No. 169, and the provisions of Chs. I, II, III and IV of Title 24, CFR & Supps. A Deputy General Manager is authorized to perform those functions, powers and duties of the General Manager and those prescribed by the Federal Home Loan Bank Commissioner in the manner and to the extent provided in 11 F. R., No. 169, and the provisions of Chs. I, II, III and IV of Title 24, CFR & Supps.

(h) *General Counsel.* The General Counsel is responsible for all legal matters for the Federal Home Loan Bank Administration, Federal Home Loan Bank System, Federal Savings and Loan System, Federal Savings and Loan Insurance Corporation, Home Owners' Loan Corporation and United States Housing Corporation. He is also authorized to perform those functions, powers and duties prescribed by the Federal Home Loan Bank Commissioner in the manner and to the extent provided in 11 F. R., No. 169, and the provisions of Chs. I, II, III and IV of Title 24, CFR & Supps. An Associate or Assistant General Counsel is authorized to perform those functions, powers and duties of the General Counsel and those prescribed by the Federal Home Loan Bank Commissioner in the manner and to the extent provided in 11 F. R., No. 169, and the provisions of Chs. I, II, III and IV of Title 24, CFR & Supps.

(i) *Secretary.* The Secretary serves as Secretary to the Federal Home Loan Bank Administration, Federal Savings and Loan Insurance Corporation and Home Owners' Loan Corporation. He is authorized to perform functions, powers and duties as prescribed by the Federal Home Loan Bank Commissioner in the manner and to the extent provided in 11 F. R., No. 169, and the provisions of Chs. I, II, III and IV of Title 24, CFR & Supps. Assistant Secretaries may exercise those functions, powers and duties of the Secretary and in the manner and to the extent provided in 11 F. R., No. 169, and the provisions of Chs. I, II, III and IV of Title 24, CFR & Supps.

(j) *Director of Personnel.* The Director of Personnel directs a program of personnel administration for the Federal Home Loan Bank Administration, Federal Home Loan Bank System, Federal Savings and Loan Insurance Corporation and Home Owners' Loan Corporation.

(k) *Central location.* The central office of the Federal Home Loan Bank Administration is located in the Federal Home Loan Bank Board Building, 101 Indiana Avenue, Washington, D. C.

(l) *Reference.* For further detail as to Organization of the Federal Home Loan Bank Administration see provisions of this Ch. and Chs. II, III and IV of Title 24, CFR & Supps.

§ 01.2 *Procedures.* The procedures of the Bank Administration are set forth separately in Chapters I, II, III and IV of Title 24 of the Code of Federal Regulations, as amended.

§ 01.3 *Substantive rules and regulations; policy and interpretation.* The substantive rules and regulations, policy and interpretation relating to the activities of the Federal Home Loan Bank Administration are set forth separately in Chapters I, II, III and IV of Title 24 of the Code of Federal Regulations, as amended.

[SEAL] HAROLD LEE,
Deputy Federal Home Loan Bank Commissioner.

[F. R. Doc. 46–15437; Filed, Aug. 28, 1946; 4:35 p. m.]

PART 06—ORGANIZATION, PROCEDURE, AND SUBSTANTIVE RULES AND REGULATIONS; FEDERAL HOME LOAN BANK SYSTEM

[Bull. No. 70]

SUBPART A—ORGANIZATION

Sec.
06.1 The Bank System.
06.2 Central organization.
06.3 Field organization.
06.4 Delegations of final authority.
06.5 Public information, submittals and requests.

SUBPART B—PROCEDURE

06.20 Formal procedures.
06.21 Informal procedures.
06.22 Forms.

SUBPART C—SUBSTANTIVE RULES, POLICY AND INTERPRETATION

06.50 Published rules and regulations.
06.51 Statements of general policy or interpretation.

SUBPART A—ORGANIZATION

§ 06.1 *The Bank System.* The Federal Home Loan Bank System constitutes a reserve credit system for member thrift and home financing institutions such as building and loan associations, savings and loan associations, cooperative banks, homestead associations, insurance companies and savings banks. The basic provisions of law applicable to the Federal Home Loan Bank System are contained in the Federal Home Loan Bank Act, as amended (12 U. S. C. 1421 et seq., & Supps.). The System is administered in accordance with the provisions of this act and the opinions, orders, rules and regulations issued pursuant thereto. (24 CFR Ch. I, & Supps.)

§ 06.2 *Central organization.* The Federal Home Loan Bank System operates under an administrative staff in Washington, D. C., the principal components of which are described in 24 CFR Ch. I, and Supps., and 11 F. R., No. 169. A Deputy Governor is authorized to perform those functions, powers and duties of the Governor and those prescribed by the Federal Home Loan Bank Commissioner in the manner and to the extent provided in 11 F. R., No. 169 and the provisions of Chapters I, II, III and IV of Title 24 CFR and Supps.

§ 06.3 *Field organization*—(a) *Federal Home Loan Banks.* The eleven Federal Home Loan Banks, located in Boston, New York, Pittsburgh, Winston-Salem, Cincinnati, Indianapolis, Chicago, Des Moines, Little Rock, Topeka and San Francisco, are incorporated institutions and do not constitute field offices of a Government agency in the customary sense. Management of each Bank is vested in a board of twelve directors, eight of whom are elected by the members and four appointed by the Federal Home Loan Bank Administration. (24 CFR Ch. I, & Supps.)

These Banks make advances to member institutions and, under certain conditions, to non-member borrowers. The Banks also are authorized to accept deposits from their member institutions and render advisory and other services to their members consistent with the purposes of the Act. (24 CFR Ch. I, & Supps.)

The powers of the directors and officers of a Federal Home Loan Bank are exercised and enjoyed subject to the provisions of 12 U. S. C. 1421 *et seq.*, & Supps.; 24 CFR Ch. I, & Supps.; 11 F.R., No. 169.

(b) *Bank Presidents as supervisory agents.* The President of each Federal Home Loan Bank, or, when designated by the Governor, some officer or employee other than or in addition to the President, serves as agent of and represents the Federal Home Loan Bank Administration and the Federal Savings and Loan Insurance Corporation in the supervision of Federal savings and loan associations and insured institutions within the Bank's district. (24 CFR Ch. I, & Supps., 11 F. R. No, 169.)

(c) *Bank officers and employees as agents.* The officers of each Federal Home Loan Bank and any of its employees so designated by the Governor, serve as agents of the Federal Home Loan Bank Administration, the Federal Savings and Loan Insurance Corporation and the Home Owners' Loan Corporation in receiving, processing and making recommendations upon applications for Federal savings and loan charters, insurance of accounts by the Federal Savings and Loan Insurance Corporation, and investments in savings and loan associations by the Home Owners' Loan Corporation. (24 CFR Ch. I, & Supps., 11 F.R., No. 169)

(d) *District Examiners.* A District Examiner, in charge of a staff of field examiners and office personnel, is stationed in each of the eleven Federal Home Loan Bank Districts. Under direction of the Chief Examiner in Washington, each District Examiner is responsible within his district (1) for the examination and audit of Federal savings and loan associations and other institutions, the accounts of which are insured by the Federal Savings and Loan Insurance Corporation, and (2) for such eligibility examinations as may be re-

quired in the case of applicants for membership in the System, applicants for charters for Federal savings and loan associations and for insurance of accounts by the Federal Savings and Loan Insurance Corporation. The office of each District Examiner is at the same location as that of the district Federal Home Loan Bank.

§ 06.4 *Delegations of final authority*—(a) *To the Federal Home Loan Bank Commissioner.* (See 3 CFR & Supps.)

(b) *To the Governor of the Federal Home Loan Bank System.* (See 24 CFR Chs. I, II, III, IV, & Supps., and 11 F. R. No. 169.)

(c) Other delegations of authority and responsibility are contained in the Rules and Regulations for the Federal Home Loan Bank System (24 CFR Ch. I, & Supps.) except that, in addition, the Chief Examiner has authority (1) to approve auditors engaged by insured institutions under the provisions of § 301.14 of the Rules and Regulations for Insurance of Accounts (24 CFR Chs. I and III, & Supps.) and (2) to approve independent fee appraisers engaged by institutions in connection with examinations made by the Examining Division. (11 F. R., No. 169.)

§ 06.5 *Public information, submittals and requests.* All requests for information, interpretation, decision or other action relating to a particular Federal Home Loan Bank or its members, and all submittals in connection therewith should be made to the President of the Federal Home Loan Bank in the area. (24 CFR Ch. I, & Supps.) With respect to matters pertaining to the Federal Home Loan Bank System as a whole, the public should deal directly with the Governor, Federal Home Loan Bank Board Building, 101 Indiana Avenue, Washington, D. C. (24 CFR Ch. I, & Supps.)

SUBPART B—PROCEDURE

§ 06.20 *Formal procedures.* (a) All formalized procedures relating to the Federal Home Loan Bank System and its membership are governed by the provisions of the Federal Home Loan Bank Act, as amended (12 U. S. C. 1421 & Supps.), and the Rules and Regulations for the Federal Home Loan Bank System as now or hereafter amended. (24 CFR Ch. I, & Supps.)

(b) *Membership in the Bank System.* The rules and regulations relative to eligibility for membership in the System, the procedure for filing applications for membership and the processing thereof, required subscription to Federal Home Loan Bank stock, periodic reports and examinations of member institutions, authorized insignia and procedure with respect to withdrawal or removal from membership in the System are set forth in 24 CFR Ch. I, & Supps.

(c) *Election of Bank Directors.* The rules and regulations with respect to the appointment and election of Federal Home Loan Bank directors are set forth in 24 CFR Ch. I, & Supps.

(d) *Advances to and Acceptance of Deposits from Members.* Applications for advances are made to the appropriate district Federal Home Loan Bank in writing on forms approved by the Administration. The procedure governing the handling of such applications is set forth in the rules and regulations for the Bank System (24 CFR Ch. I, & Supps.). The acceptance of deposits by the Banks from their member institutions likewise is governed by the provisions of such rules and regulations. (24 CFR Ch. I, & Supps.)

(e) *Amendments to rules and regulations.* The procedure for amendment of the Rules and Regulations for the Federal Home Loan Bank System, including provisions for and conduct of hearings on existing regulations, or proposed amendments thereto, is set forth in 24 CFR Ch. I, & Supps.

§ 06.21 *Informal procedures.* The officers of the Federal Home Loan Banks encourage informal discussions and conferences with representatives of member or applicant institutions or other interested individuals concerning matters pertaining to the System and its membership. Fixed procedures or requirements relative to such informal conferences are not established.

§ 06.22 *Forms*—(a) *Application for membership.* A standard approved form of application for membership and subscription to stock in the Federal Home Loan Banks is in use in all districts. This form incorporates a subscription for a specified number of shares of Bank stock, states the agreed terms upon which the application will be considered, includes detailed instructions for its completion and is available upon request at each district Federal Home Loan Bank. (24 CFR Ch. I, & Supps.)

(b) *Annual report.* Each member of the Federal Home Loan Bank System is required to submit an annual report of its affairs on prescribed forms. The approved form of annual report contains an itemized statement of assets and liabilities, an operating statement for the period covered and miscellaneous supplementary schedules. Such form is available, together with applicable instruction, at each Federal Home Loan Bank. (24 CFR Ch. I, & Supps.)

(c) *Bank forms.* Each Federal Home Loan Bank uses a variety of forms, especially adapted to the methods of operation and legal requirements applicable to member institutions within its district, pertaining to business normally transacted between the Banks and their member institutions. All such forms used in each Bank district, together with instructions for their execution, are available at the office of the district Federal Home Loan Bank. (24 CFR Ch. I, & Supps.)

(d) *Election of Bank Directors.* In connection with the election of Federal Home Loan Bank Directors, the forms are sent from the central office of the Federal Home Loan Bank Administration to the member institutions and individuals concerned at the time of each regular and special election as required by the rules and regulations. (24 CFR Ch. I, & Supps., 11 F. R., No. 169.)

SUBPART C—SUBSTANTIVE RULES, POLICY AND INTERPRETATION

§ 06.50 *Published rules and regulations.* Under authority contained in the Federal Home Loan Bank Act, as amended (12 U. S. C. 1421 *et seq.*, & Supps.), Rules and Regulations for the Federal Home Loan Bank System designed to implement the provisions of the statutes have been issued and published. (24 CFR Ch. I, & Supps.)

§ 06.51 *Statements of general policy or interpretation.* Determinations of general policy or interpretations formulated for the guidance of the public are embodied in the Rules and Regulations for the Federal Home Loan Bank System. (24 CFR Ch. I, & Supps.)

[SEAL] HAROLD LEE,
Deputy Federal Home Loan Bank Commissioner.

[F. R. Doc. 46-15436; Filed, Aug. 28, 1946; 4:35 p. m.]

HOME OWNERS' LOAN CORPORATION

[24 CFR, Ch. IV]

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This compilation of the organization and procedures of the Home Owners' Loan Corporation reflects such organization and procedures as of September 11, 1946, based on the material published in the Code of Federal Regulations, Title 24, Housing Credit, Chapter IV, Home Owners' Loan Corporation, and the supplements thereto. Citations to authority other than to Title 24, Chapter IV of the Code of Federal Regulations are specifically mentioned. References to sections otherwise unidentified are to the Code of Federal Regulations, Title 24, Chapter IV, Parts 400 to 500, and the sectional and subdivisional parts thereof. It is important that the cumulative and annual supplements of the code be checked to determine with respect to any section, subsection, or subdivision that the material filed originally has not been amended, revised, supplemented, revoked or otherwise superseded.

SUBPART A—ORGANIZATION

§ 400.01 *Creation and purpose of the Corporation.* The Home Owners' Loan Corporation was created pursuant to and is charged with the responsibility of carrying out the provisions of the Home Owners' Loan Act (Public No. 43, 73d Cong., H. R. 5240, approved June 13, 1933), the main purpose of which was the refinancing of distressed home mortgages during a period of three years terminating on June 12, 1936. Since that date the usual functions of the Corporation have been to service its loans, to acquire security properties where necessary, and to dispose of such properties. See also: "An Act to Guarantee the Bonds of the Home Owners' Loan Corporation, to amend the Home Owners' Loan Act of 1933, and for other purposes" (Public No. 178, 73d Cong., S. 2999, approved April 27, 1934); Title V, section 506 (a) and (b), section 508 (a) and (b) of the National Housing Act (Public No. 479, 73d Cong., H. R. 9620, approved June 27, 1934). An Act to provide Additional Home Mortgages Relief, to amend the Federal Home Loan Bank Act, the Home Owners' Loan Act of 1933, and the National Housing Act, and for other purposes. (Public No. 76, 74th Cong., H. R. 6021, approved May 28, 1935); section 7 (a) Title IV of the First Deficiency Appropriation Act, fiscal year 1936. (Public No. 739, 74th Cong., approved June 22, 1936); and (Public No. 381, 76th Cong., S. 628 approved August 11, 1939).

Prior to February 24, 1942, the members of the Federal Home Loan Bank Board constituted the Board of Directors of the Home Owners' Loan Corporation. Executive Order 9070, dated February 24, 1942, provided for the consolidation of certain agencies including the Federal Home Loan Bank Board, into a National Housing Agency. The unit of the National Housing Agency administering the functions, powers and duties of the Federal Home Loan Bank Board and its subsidiary agencies is now known as the Federal Home Loan Bank Administration, and the Chairman of the Federal Home Loan Bank Board was made Federal Home Loan Bank Commissioner. The Commissioner, in lieu of the former Board of Directors, now administers the functions of the Home Owners' Loan Corporation. The operations of the Corporation are carried on by the Commissioner and the General Manager and certain department heads, all of whom report directly to the Commissioner. (See CFR Title 24 Housing Credit Chapter 1, Federal Home Loan Bank Administration Part 01.1 Organization, Procedures, and Substantive Rules and Regulations).

HOME OFFICE

§ 400.02 *Central organization, Home Office.* The Home Office of the Corporation is now located at 2 Park Avenue, New York City, New York. The General Manager and department heads responsible to the Commissioner are in charge of operations.

§ 400.03 *Administrative section.* The Administrative section consists of the General Manager, who is in charge. He is assisted by Deputy General Managers and an Assistant or Assistants to the General Manager. Regional Field Office operations are carried on under the supervision of Regional Managers who report to the General Manager. (See CFR Title 24, Chapter IV and Supps, § 401.-04–05).

(a) *Functions.* The Administrative Section provides all necessary Home Office functions in the general supervision of all Regional Offices. The General Manager and his staff furnish directly the administrative supervision of the New York Regional Office.

(b) *The section includes also the following*—(1) *Forms and Regulations Section.* This section provides for the promulgation of Corporation regulations and procedures and all standard, semi-standard and non-standard forms and instructions.

(2) *Purchase and Supply Section.* This section provides for the purchase, rental, exchange, custody, sale or other disposition of Corporation-owned equipment; the processing of requisitions and the maintenance of records of equipment and supplies; the procurement of supplies; execution of contracts; maintenance of a general supply room and the handling of freight traffic operations. (CFR Title 24, Chapter IV and Supps. §§ 401.12–1; 401.12–5a; 401.12–7; 401.12–8; 401.11; 401.12–12).

(3) *Telephone Section.* The Telephone Section maintains switchboard telephone service for the convenience of the public and such intra-office service as the needs of the Corporation require.

§ 400.04 *Loans and properties division.* The functions of the Loans and Properties Division are carried on under the supervision of the Deputy General Manager in charge who reports directly to the General Manager.

(a) *Functions.* The functions of this division embrace all matters affecting the liquidation of the Corporation's interest in its loans and its properties. Those consist principally of servicing all loan accounts, collection of indebtedness due the Corporation, payment of taxes, maintenance of insurance coverage, appraisal, inspection, repair and reconditioning of properties, authorization of foreclosures or the acceptance of deeds in lieu thereof, military indulgence, conversions, extensions and tax and insurance accounts, analysis of properties acquired to determine current value, establishment of proper minimum sales or rental prices, and the management and sale of such properties.

(b) *Detailed functions.* Many duties of a more detailed nature are performed, involving the handling of changes of names and addresses, property transfers, deaths of borrowers and probates of estates, conversion f installment contracts, partial releases, substitutions or division of security, and indebtedness, waivers, subordinations, consents to alterations and improvements, advances for necessary repairs and reconditioning, insurance losses, inspection of properties which are vacant or abandoned, obtaining possession of premises acquired by the Corporation, preparation of sales listings and maintenance of sales promotion, negotiation of sales and preparation of sales agreements, preparation of sales closings, the obtaining of possession of properties for the purchasers, the careful analysis of brokers' activities. (CFR Title 24, Chapter IV and Supps.,

§§ 402.01–1 et seq., to and including § 402.31-2).

§ 400.05 *Comptroller's Division.* The Comptroller is in charge of this Division. He reports directly to the General Manager.

(a) *Functions.* This Division is charged with the responsibility of maintaining all of the records of assets and liabilities of the Corporation; the preparation and interpretation of all financial and statistical reports, and forecasts of operating results and conditions; the preparation of all payrolls, and the classification of all expenditures.

(b) *Supervision over Comptroller's Division, Regional Office.* The Comptroller's Division, Home Office, exercises direct supervision over the operating functions of the Comptroller's Division in each Regional Office; prepares and promulgates accounting procedure relative to the maintenance of all accounts including original borrowers, vendees, property and tenant accounts, and tax and insurance accounts. (CFR, Title 24, Chapter IV and Supps., Part 403).

§ 400.06 *Treasurer's Division.* The Treasurer reports to the General Manager. He is responsible for the safekeeping and proper disbursement of all funds of the Corporation, the safekeeping of bonds, investment securities, borrower's notes, bonds, mortgages, and other security instruments as well as agreements and other valuable papers and instruments entrusted to his care. This Division issues instructions to the Regional Offices governing the deposit of Regional Office receipts and the detail in connection with the maintenance of Regional Office cash funds and disbursing accounts maintained with the United States Treasury. (CFR Title 24, Chapter IV and Supps., Part 404).

§ 400.07 *Auditing Department.* The Auditing Department is under the direction of the Auditor who reports directly to the Commissioner.

(a) *Functions.* The Auditor has direct responsibility for verification of all of the Corporation's accounts and records wherever located, together with responsibility for reports of deviation from compliances with Corporation financial policies or rules and other applicable general or specific Governmental standards and statutes.

(b) *Categories.* Audit functions fall into two broad Categories;

(1) Preaudit examination and certification of all vouchers and claims precedent to disbursement, and

(2) Postaudit, examination, or investigation of operations, books of account, records, ledgers and other authenticated transaction sources of original entry.

§ 400.08 *Personnel Department.* The Personnel Department operates under the supervision of the Director of Personnel, who reports directly to the Commissioner. The Department serves all the agencies which constitute the Federal Home Loan Bank Administration, including the Home Owners' Loan Corporation.

(a) *Home Owners' Loan Corporation Personnel Department.* The Home Office Personnel Department of the Home Owners' Loan Corporation serves the Home Office of the Corporation and all Regional Offices.

(b) *Functions.* The functions of this Department are to organize and direct in conformance with Corporation policies, executive orders, laws and other rules having legal effect, all personnel matters, both in the Home Office and in the field, and through established channels to exercise staff supervision of the personnel activities of the Corporation.

§ 400.09 *Legal Department.* (CFR Title 24, Chapter IV and Supps., Part 406). The Federal Home Loan Bank Administration has one Legal Department, at the head of which is the General Counsel. All legal functions of the Home Owners' Loan Corporation are the responsibility of the Associate General Counsel, who is under the general administrative direction of the General Counsel of the Federal Home Loan Bank Administration. The operations of the Legal Department are separated into two divisions, the Litigation Division and the Advisory Division.

(a) *Functions, Litigation Division.* The Home Office Litigation Division serves the Home Office and the New York Regional Office. This Division is responsible for handling or supervising the handling by fee or foreclosure attorneys of all litigation brought by or against the Corporation, including foreclosures. All Claims by or against the Corporation arising through personal injury, compensation matters, property damage, landlord and tenant liability, as well as all other tort claims, surety, casualty, fidelity, and other losses are handled by the Litigation Division.

(b) *Functions, Advisory Division.* This Division renders legal advice on Property Management and Loan Service operations. More specifically the Division handles all the Home Office and New York Regional Office functions associated with the Corporation's legal activity in connection with Loan Servicing, Property Management, Tax, Insurance, Accounting, Auditing, and Purchase and Supply operations. It is responsible for the closing of sales of Corporation-owned properties and for the conversion of installment contracts into deeds and mortgages. When necessary the Division originates forms and legal instruments. Regulations, bulletins, administrative orders, general instructions and procedures are prepared, or reviewed in this Division as occasion and circumstances require. The Division determines which regulations must be published in the Federal Register.

(c) *Delegation of authority.* The authority vested in the General Counsel may be exercised by an Associate General Counsel or an Assistant General Counsel. The authority vested in the Regional Counsel may be exercised by the Assistant Regional Counsel. The authority vested in the General Counsel and the Regional Counsel may be exercised also by an attorney designated in writing, respectively, by such counsel. (See CFR Title 24, Chapter IV and Supps., § 406.01c).

(d) *Authorization of substitute counsel.* The General Counsel may designate any attorney to act in the place and stead of any official in the Legal Department of the Home or any Regional Office and such appointee shall have full authority to perform all the duties and functions to be performed by such official under the regulations. The Regional Counsel may exercise like authority within his region when expressly so directed by the General Counsel. (See CFR Title 24, Chapter IV and Supps., § 406.01–d). Under the same section, the General Counsel, an Associate General Counsel, or an Assistant General Counsel may exercise the duties and functions of a Regional Counsel whose Regional Office Legal Department has been consolidated with the Home Office Legal Department.

(e) *Approved attorneys and title companies.* Any work of the Legal Department may be conducted in the discretion of the General Counsel either by salaried personnel or on a fee basis. He may approve attorneys and title companies available for service on a fee basis. Approved attorneys are prohibited from writing insurance on risks covered by loans of the Corporation which have not been heretofore written by them, and from making memoranda or notes of insurance expirations of any kind for future solicitation. (See CFR Title 24, Chapter IV and Supps., §§ 402.15–30 and 400.17–16).

§ 400.10 *Secretary.* The Office of the Secretary is an administrative and general service department of the Federal Home Loan Bank Administration serving the needs of the constituent members of that Administration including the Home Owners' Loan Corporation.

(a) *Functions.* The Office performs and renders the usual services of a corporate secretarial organization, keeping such records and reports as the operations of the Corporation require. The Secretary certifies such records, reports, resolutions and other paper and documents as from time to time require official corporate certification and prepares for official distribution and dissemination of such reports, records, papers and literature as may be required, or may be of interest to the public, or to employees, and submits to the FEDERAL REGISTER such regulations as require publication in that organ.

(b) *Duplicating Section.* This section is a compact duplicating unit in which reproductions are made by processes such as mimeographing, multigraphing, multilithing, addressographing and a photographic laboratory. The section performs work for the several member agencies of the Federal Home Loan Bank Administration on a reimbursable basis and, when time permits, renders similar services on a reimbursable basis to other Federal agencies not equipped with facilities for such duplicating work.

(c) *Building Maintenance Section.* A building superintendent, under the supervision of the Secretary supervises over the maintenance, cleaning, alterations and repairs, guard service, operation of elevators and machinery, of, to or in the office building owned by the Home Owners' Loan Corporation and located at 101 Indiana Avenue NW.,

Washington, D. C. The Building Superintendent has general supervision over employees of the Public Building Administration assigned to the general maintenance of the Corporation's building.

§ 400.11 *Home Office Property Committee; functions.* The Home Office Property Committee is appointed by the General Manager and shall consist of not less that three and not more than five members. The General Manager is a member of this Property Committee.

The organization and functions of the Home Office Property Committee are set forth in CFR Title 24, Chapter IV and Supps., § 402.21–3. Its authority, in cases within its jurisdiction, is superior to that of the Regional Manager and the Regional Property Committee, and in cases which require submission to the General Manager, its decisions are subject to the final action of that officer. Its functions generally are to review and make or render recommendations or decisions in cases involving Corporation-owned property, particularly specified in the Corporation's regulations and in such other cases and matters which the General Manager deems advisable to submit or to be submitted to such committee, and in other cases wherein either the Regional Manager or Regional Property Committee deems it advisable to submit particular cases to the Committee for review and recommendation, or determination.

REGIONAL OFFICES

§ 400.12 *Field Organization, Regional Offices.* (CFR Title 24, Chapter IV and Supps., § 401.01–1). The Corporation maintains a Regional Office in each of the following cities:

City, State and street address

Chicago, Ill., 336 North Wells Street.
Dallas, Tex., St. Paul and San Jacinto Streets.
Memphis, Tenn., 8 Third Street.
New York, N. Y., 2 Park Avenue.
San Francisco, Calif., 821 Market Street.

(a) *Territorial Jurisdiction.* Loans and properties, and the accounts and records pertinent thereto, are maintained under the jurisdiction of the Regional Office within which each loan is supervised, and within the territorial confines of which the security or Corporation-owned property is located. The territorial jurisdiction of each of the foregoing Regional Offices is as follows:

Regional Office and States supervised

Chicago: Illinois, Wisconsin, Indiana and Michigan, Colorado, Iowa, Kansas, Minnesota, Nebraska, North Dakota, and South Dakota.
Dallas: New Mexico, Oklahoma, and Texas.
Memphis: Arkansas, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee.
New York: Connecticut, New Jersey, New York, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, Alabama, Florida, Georgia, North Carolina, South Carolina, Ohio, West Virginia, and the Territory of Puerto Rico.
San Francisco: Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, and the Territories of Alaska, and Hawaii.

(b) *Regional offices, organization.* There is maintained in each Regional Office adequate administrative, clerical, and stenographic personnel to handle all of the administrative needs of the office and the proper servicing of loans and the management of Corporation-owned properties, and the maintenance of accounts, including such field personnel as the nature of the work being performed requires. Each office is under the supervision of a Regional Manager, who reports and is responsible to the General Manager and who exercises the authority vested in him by express delegation from the General Manager or by the Corporation's Manual of Rules and Regulations. (CFR and Supplements Title 24, Chapter IV and supps. Parts 401, 402, 403, 404, 405, 406, 407.)

(c) *Regional Offices; operations and functions.* The Administrative operations and functions of the Regional Office, of the Loans and Properties Division, and of the Comptroller's Division, are under the direction of the Regional Manager. The Regional Office functions of the Legal Department are under the direction of the Regional Counsel. The Regional Office functions of the Auditing Department are under the direction of a Supervising Auditor. Within the territorial jurisdiction of each Regional Office, subject to the general supervision of comparable Home Office Department and Division heads and limited to Manual Authority (CFR Title 24, Chapter IV and Supps., Parts 401, 402, 403, 404, and 406), each Regional Department or Division head exercises with respect to his Department all authority necessary to the competent and efficient performance or handling of all work or matters arising in the Regional Office (CFR Title 24, Chapter IV, §§ 400.01 to 400.11, both inclusive).

(d) *Regional Office Property Committee.* The Regional Office Property Committee consists of the Regional Manager, Chairman; the Manager of Loans and Properties, Vice Chairman; and the Real Estate Supervisor or other member designated by the General Manager. The Committee has limited authority to fix minimum sales prices for Corporation-owned properties in certain cases prescribed by the regulations. The Committee also renders decisions with regard to demolition of improvements, granting of easements, rights of way, release or waiver of rights on owned properties and any other matters which are required by the regulations to be submitted to it.

(e) *Regional Offices; Field Stations.* Subsidiary field stations, without administrative jurisdiction, where borrowers may call and where indicated below, make payments, are located for the convenience of the Corporation's borrowers and efficient servicing of its outstanding loan accounts in each of the following cities at the addresses indicated:

City and State:	Street addresses
Boston, Mass	40 Broad St.
Cleveland,* Ohio	Federal Bldg.
Detroit,* Mich	632 Griswold St.
Milwaukee,* Wis	Federal Bldg.
San Juan,* P. R.	Federal Bldg.

* Payment Office.

(f) *Services rendered on a fee basis.* A substantial and important part of the Corporation's field activity is carried on under the supervision of corporations, firms, partnerships, or individuals who, as independent contractors, perform work or render services in matters assigned or referred to them by Regional or Home Office Department or Division heads having general supervision over the work being performed or the services being rendered. Many of the Corporation's legal activities are carried on and performed by approved attorneys or title companies under the supervision of the Legal Department. The Loans and Properties Division has approved contract management brokers to handle much of the field activity associated with the management and rental of Corporation-owned properties and security properties in foreclosure or otherwise in process of acquisition. Sales of Corporation-owned properties are effected by approved contract sales brokers and approved sales brokers. The Loans and Properties Division has also approved fee appraisers for the purpose of rendering valuation of security and Corporation-owned properties, and has also approved inspectors, architects, and engineers to render services in connection with the reconditioning or demolition of both security properties and Corporation-owned properties. The actual construction work is invariably performed by approved general or trade contractors with respect to Corporation-owned properties. In connection with security properties such contractors are sometimes engaged for the performance of such work. Independent contractors engaged in other arts, skills, or professions are approved as the nature of services to be rendered or performed require.

(1) *Fee attorneys and title companies.* Refer to CFR Title 24, Chapter IV and Supps., § 400.09e.

(2) *Brokers.* Much of the Corporation's field activity in connection with the sale, rental and management of its owned properties is carried on by approved contract sales and approved contract management brokers. Corporation procedure authorizing and controlling such broker selections are recorded in CFR Title 24, Chapter IV and Supps., §§ 402.22–1; 402.22–3; 402.22–4; 402.22–5; 402.22–5a; for property listing procedure see §§ 402.22–5b; 402.22–6; 402.22–7. Compensation of brokers, see § 402.23–1; Sales brokers commission, § 402.23–2, Compensation of contract management broker, § 402.23–3; Surety bonds of Sales and Management broker, § 402.23–4; cancellation of such bonds § 402.23–4a; claims against the surety § 402.23–4b; collections and remittances by contract management brokers §§ 402.27–1, 402.27–2.

(3) *Approved inspectors, approved architects, approved engineers and approved reconditioning contractors.* Approved reconditioning inspectors, architects, engineers and contractors, whether an individual, partnership, or corporation, shall be appointed or their services terminated upon the approval of the Regional Manager, subject to the veto of the General Manager. Each applicant for fee assignments must execute an approved application form (CFR Title 24, Chapter IV and Supps., § 402.17–3.) See also § 402.17–4, fees for reconditioning, architectural and engineering serv-

ices; special reconditioning assignments, mechanical tests of plumbing, heating, lighting, etc., § 402.17–7; and securing bids for reconditioning § 402.17–9; award of reconditioning, § 402.17–10; reconditioning extras and credits; partial payments to contractors, § 402.17–12; contractor's and materialmen's lien releases, § 402.17–14; public liability, and workmen's compensation insurance, § 402.-17–16.

(4) *Approved appraisers.* Property appraisals are required under many Corporation procedures and for many purposes. When required, such appraisals are made by staff employees or by approved fee appraisers. Appraisal fees to be paid fee appraisers are fixed by the General Manager under CFR Title 24, Chapter IV, § 402.16–4.

(5) *Brokers as approved fee appraisers.* Approved property appraisers, who are contract sales or management brokers, are ineligible to receive assignments for appraisals of Corporation-owned properties. Approved property appraisers who are approved sales brokers may submit appraisal reports under the authority and procedure set forth in CFR Title 24, Chapter IV and supps, Section 402.16–6.

(6) *Corporation organization or representative citizen as broker.* Under CFR Title 24, Chapter IV, Section 402.23–5, the General Manager may set up a Corporation organization in any area or locality to perform the functions of contract sales and management brokers, and in areas where the services of a satisfactory broker are not available, the Regional Manager may arrange for a representative citizen of the community to perform the duties and functions usually performed by contract management and sales brokers.

§ 400.13 *Public information, submittals and requests.* Submittals and requests for public information of a general nature should be made to the General Manager, Home Owners' Loan Corporation, 2 Park Avenue, New York, 16, N. Y. Requests for information concerning a particular case or the operations of the Home Owners' Loan Corporation in a particular State or Territory should be addressed to the appropriate Regional Manager or to the General Manager if the inquiry relates to a case or to operations in a State or Territory under his immediate direction. It is preferred that such submittals and requests be made by correspondence.

While certain matters require the filing of applications and other forms to expedite their completion, the original submittals and requests may be initiated by letter. Submittals and requests for information relative to the purchase or rental of a Corporation-owned property may be directed to the Contract Sales Broker or to the Contract Management Broker with whom the property has been listed. Such requests may be made personally, by telephone, or by letter.

Requests for information of a strictly legal nature should be submitted to the appropriate Regional Counsel, to the Associate General Counsel, 2 Park Avenue, New York 16, N. Y., or to the General Counsel, Washington 25, D. C.

(a) *Availability of final opinions, orders and rules.* The Home Owners' Loan Corporation does not issue any opinions or orders in the adjudication of cases in the judicial or quasi-judicial manner contemplated under Section 3 (b) of the Administrative Procedure Act.

(b) *Availability of official records.* The types of official records of the Home Owners' Loan Corporation are:

(1) Bonds, investment securities, mortgagors' notes and bonds, mortgages, and other security instruments.

(2) General Administrative correspondence, reports and records.

(3) Case files containing detailed information with respect to the individual loans and sales made by the Corporation, and to properties acquired by the Corporation.

The appropriate records of any case will be divulged only to persons properly and directly concerned and having a legitimate interest therein. If necessary and proper photostatic or typed copies may be furnished at cost.

Records relating solely to the internal management of the Home Owners' Loan Corporation, and such other records as may be held confidential for good cause, will not be divulged.

§ 400.14 *Delegations of final authority.* All delegations of final authority are contained: (a) In the following orders issued by the Federal Home Loan Bank Commissioner; (1) Order No. 1 dated February 27, 1942; (2) Order No. 2 dated February 27, 1942; and (3) Order No. 1249 dated July 29, 1946 (See CFR, Title 24, Chapter 1, Federal Home Loan Bank Administration Part 01.1, Organization, Procedures, and Substantive Rules and Regulations). (b) In delegations by persons authorized in the aforesaid orders. (c) In the Consolidated Manual of Rules and Regulations of the Home Owners' Loan Corporation (CFR, Title 24, Chapter IV, Parts 401, 402, 403, 404 and 406). (d) Material filed in 11 F. R. No. 169. For the delegation of authority by the General Counsel, see CFR, Title 24, Chapter IV and Supps., §§ 400.08–1 and 400.08–2 *supra*.

SUBPART B—GENERAL AND MISCELLANEOUS PROCEDURES AND STATEMENTS OF POLICY

NOTE: All References are to sections of the Code of Federal Regulations, Title 24, Chapter IV and supplements thereof.

§ 400.101 *Field Offices.* Jurisdiction, § 401.01–1; Authority to establish and close § 401.01–2.

§ 400.102 *Office space and utilities.* Authority to approve, §401.02–1; cancellation, § 401.02–3; telephone service, § 401.02–4a; repairs and alterations, § 401.02–5; electric service, § 401.02–6.

§ 400.104 *Deputations.* For Regional Offices, § 401.104; authority to approve, § 401.04–2; revocations, § 401.04–3; effect on deputations by discontinuance of forms, § 401.04–4; appointment of deputies by the General Manager, § 401.04–5.

§ 400.105 *Credit reports.* Who may order; cost limits; § 401.05–1; additional costs, § 401.05–2; special service, § 401.-05–3. Authority to order credit reports and pay cost thereof, § 401.05–4.

§ 400.107 *Fee assignments to salaried employees.* To salaried employees of the U. S. etc., § 401.07–1; to W. A. E. employees of the U. S., etc., § 401.07–2.

§ 400.108 *Travel and per diem.* Policy, § 401.08–a; authorization for travel, § 401.08–2.

§ 400.109 *Transportation.* Basis of reimbursement, § 401.09–1; transportation defined, § 401.09–3; authorization, §401.-09–4.

§ 400.110 *Government requests for transportation.* Charges how paid, § 401.10–20.

§ 400.112 *Purchase and supply.* Authority, § 401.12–1; variations in quantity, § 401.12–4; non expendable property, § 401.12–5a; sale of property, § 401.12–7; Government bills of lading, § 401.12–8; purchases not exceeding $25.00, § 401.11; expenditures in excess of $100.00; bids, § 401.12–12.

SUBPART B–1—LOAN SERVICE PROCEDURES AND INSURANCE

§ 400.202 *Procedures governing loan accounts, security properties and Corporation-owned properties.* The operations, functions, and activities of the Corporation are broadly classified into two categories; the one, covering the work associated with the servicing of loan accounts; the other, with the management of Corporation-owned properties. The first category covers the more important and most frequently used loan service procedures; the second subdivision includes the more prominent property management procedures.

§ 400.202a *Procedures governing servicing treatment of loan accounts and security properties.* Many of the loan service operations, functions and activities of the Corporation have been reduced to well defined, simplified procedures. All of these loan service operations, functions and activities are so controlled that even in unusual cases or circumstances, persons dealing with the Corporation are able to receive speedy, efficient and complete service from the proper Regional Office.

(a) *Loan service policies and objectives of Corporation.* The objectives of the Corporation's servicing program are to protect the Corporation's investments in the securities it holds in its portfolio; to maintain the maximum possible number of loan accounts in good standing; to deal speedily, effectively and sympathetically with those who are, or become, in default; to secure the facts in each case and promptly take such action as the circumstances may warrant. This policy of the Corporation is set forth in greater detail in §§ 402.01; 402.01–2; 402.01–3; 402.01–5; 402.01–6; 402.02–1 and 402.02.20 of this chapter. The procedures and Corporation policies governing the following enumerated operations will be found in the parts of the Code of Federal Regulations referred to after each titled procedure.

(b) *Need for and requirements of procedures.* It would be impossible to enumerate every action that might be taken by the Corporation with respect to the loan accounts carried in its portfolio and equally impossible to adopt a procedure controlling the processing of every such action. Planned procedures have been

designed for the processing of actions where either the nature of the transaction or the quantity of particular actions being processed have suggested a need for routine channelling and centralized determination. These procedures lack severe formality and technical requirements and are extended as need, circumstance or occasion require to cover almost every possible type or kind of loan account action. No home owner need suffer even inconvenience because of the lack of an established designated procedure to cover a particular action, for through the medium of a simple communication, officers of the Corporation, within their vested authority, are able to direct any kind of action respecting a loan account, so long as the best interests of the Corporation are neither jeopardized or sacrificed. Some loan service activities have an effect only on the loan account, such as extensions and amortizations, and the maintenance of tax and insurance accounts, while others have a mixed effect both on the loan account and on the security property, such as partial releases and division of security and indebtedness.

§ 400.204 *Extensions and amortizations.* The Home Owners' Loan Act (Public Law 43, 73rd Congress, H. R. 5240; approved June 13, 1933) was amended to allow the Home Owners' Loan Corporation to extend the period of amortization of home loans from fifteen to twenty-five years (Public Law 381, 76th Congress, S. 628, approved August 11, 1939). The Corporation, through its respective Regional Managers, with the advice of the Regional Counsel, pursuant to the authority granted under the foregoing amendment to the original act, where the circumstances of the home owner, condition of the security, and best interests of the Corporation justify it, may grant extensions for the payment of any amount, including principal, interest and advances, or the unpaid balance of the account, and change the payment plan contained in the loan or sales instrument, whether the account is delinquent or not, and in connection with any such transaction, may accept an extension or other agreement, or new obligation and security instrument and execute any such instrument or cause the same to be executed by a duly authorized officer of the Corporation as provided for under 24 CFR, and Supps., 402.04–2. The procedure and Corporation policy applicable to the processing of such extensions and amortizations are recorded in 24 CFR, and Supps., 402.04–1; 402.04–2; 402.04–3; 402.04–6; 402.04–7; 402.04–11; 402.13–1.

(a) *Legal procedure and policy applicable to extension agreements.* Extension agreements shall be executed under the control and general supervision of the General Counsel, who is authorized to issue all necessary instructions relating thereto and to permit or approve such deviations in and from approved forms or procedure promulgated hereunder as he may deem proper with respect to specific cases or particular localities. (See 24 CFR, and Supps., 406.08.)

§ 400.205 *Tax and insurance accounts; procedure and purpose.* In some instances, tax and insurance accounts are established through the provisions of the note, bond, mortgage, deed of trust, mortgage deed, or other security or sales instrument. In other cases, the account is established by separate and distinct agreement entered into between the Corporation and the home owner either at the time of the execution of the security or sale instrument or subsequent thereto, either as a separate transaction or in connection with some other loan service operation, such as the negotiation and execution of an extension agreement, wherein the establishment of such an account, if not in existence is required. (See 24 CFR, and Supps., 402.04–2.) For the procedure controlling this Corporation operation, expression of Corporation policy concerning the same and the tenor and intent of the agreements establishing such tax and insurance accounts, see 24 CFR and Supps., 402.51–1; 402.05–4; 402.05–7; 402.05–9. The procedure is designed to place within the control of the Corporation the payment of taxes as they become payable, or at other times deemed by the Corporation to be in the best interest of the home owner and the Corporation and to procure such insurance as the Corporation requires at such times as will assure constant and adequate insurance coverage within the requirements of Corporation regulations and the home owners' obligation under the provisions of the security instruments. Where such accounts are maintained the home owner is required to pay to the Corporation each month at the same time as the regular monthly payment of principal and interest is made, an amount calculated by the Corporation to be equivalent to one-twelfth of the estimated annual tax and usually one thirty-sixth of a three-year insurance premium. This monthly payment is subject to adjustments as annual taxes increase or decrease and as the insurance rates change. In most cases, if payments are made regularly by the home owner, the account will contain sufficient funds to enable the Corporation to make all required tax and insurance disbursements with money accumulated by the home owner. Should the amount accumulated be insufficient to pay a tax item or items or to purchase required insurance, the Corporation may advance the necessary funds and bill the account accordingly. Balances thus accumulated in excess of actual requirements may, in the discretion of the Corporation, be applied to the loan account. The monthly billing notice sent to the home owner contains the current and unpaid accrual for taxes and insurance and sets forth the credit balance or deficit in the account.

(a) *Establishing tax and insurance account for insurance.* The procedure followed in establishing and adjusting the monthly accrual for insurance is set forth under 24 CFR, and Supps., 402.15–100.

(1) *Insurance expiration notices.* Expiration Notice Form 536 is forwarded to the home owner under the circumstances set forth in 24 CFR, and supps., 402.15–11.

(2) *Direct insurance coverage furnished by home owner in tax and insurance account cases.* Direct coverage submitted by home owners having a tax and insurance account must be acceptable to the Corporation as required under 24 CFR, and Supps., 402.15–12f. (See also § 400.17–1.) For suspension or adjustment of tax and insurance accruals in such cases see § 402.15–12g. For procedure reestablishing insurance accruals, see § 402.15–15–14b. No funds accumulated in the tax and insurance accounts shall be disbursed to pay any agent or insurance company for policies ordered by the home owner direct unless approved by the General Manager. (See § 402.15–18.) For procedure governing financed premium on direct policies, see § 402.15–12e.

(3) *Insurance ordered by Corporation on security properties.* The Corporation's procedure relative to the ordering of insurance in cases where a tax and insurance account is being maintained, may be found in 24 CFR, and Supps., 402.15–14. See also §§ 402.15–18 and 402.15–14a, covering minimum premium cases.

(b) *Establishment of tax and insurance accounts in sales on terms of Corporation-owned properties.* Tax and insurance accounts are provided for under the terms of the agreement for sale used in sales on terms. The procedure followed is designed to start the account with a sufficient sum to enable the Corporation to pay taxes and insurance as they become payable with the home owners's deposited funds rather than with Corporation advances. What is called a "lump sum" payment may be required at closing to start the account with an adequate amount for the accomplishment of that purpose. The pertinent procedure is set forth in 24 CFR, and Supps., 402.48–7c.

§ 400.206 *Foreclosure affecting security properties.* After all efforts to collect the debt owing the Corporation have been made, as is provided by the rules and regulations, and all efforts to assist the home owner have been exhausted and it becomes necessary to protect the taxpayers, the Regional Manager may authorize foreclosure or the acceptance of a deed in lieu thereof. When deeds in lieu of foreclosure are accepted from home owners in settlement of the indebtedness owing to the Corporation, no sum shall be paid to the owner of the property but as a part of the consideration for such deed, an owner may be permitted to continue in possession of the premises for a limited time within the discretion of the Regional Manager under advice of the Regional Counsel. A foreclosure may be suspended or withdrawn, the loan may be extended or reamortized or new security instruments may be accepted, under the authority of applicable regulations. The Corporation's foreclosure procedure may be found in 24 CFR, and Supps. 402.06–1; 402.06–4; 402.06–6; 402.06–7; 402.06–9; 402.06–12; 402.06–13. The Corporation's foreclosure procedure is necessarily supplemented by the actual foreclosure suit, or sale, usually conducted by approved foreclosure attorneys, all of which such proceedings are conducted under the

terms of the mortgage contract or other security instrument and within the legal authority of the jurisdiction wherein the property is located.

(a) *Legal procedure in foreclosure cases.* Legal proceedings seeking the liquidation of a loan account by foreclosure, or the acceptance of a deed in lieu thereof, are conducted under the supervision and control of the General Counsel by staff or approved fee attorneys. The purpose of foreclosure proceedings conducted by the Corporation is not only to effect a sale of the security property but also to liquidate, if possible, the outstanding unpaid indebtedness due the Corporation. In all foreclosure proceedings determination is made by the Corporation whether any action is to be taken to obtain a deficiency judgment against persons liable to the Corporation on the notes, bonds or other obligations. Determination is also made by the Corporation whether a deficiency judgment is to be collected in full or settled, adjusted, compromised, or charged off in whole or in part as a bad debt. The legal procedure and pertinent portions of Corporation policy relative to foreclosures, deficiency judgments and related matter will be found in 24 CFR, and Supps., 406.05a to 406.05d, both inclusive; 406.05i, 406.05j, 406.05l, 406.05–6. For the treatment of claims arising in connection with foreclosure cases which affect oil burners, refrigerators, kitchen ranges, or similar chattels, and the authority of the Regional Counsel, with the approval of the Regional Manager to settle, adjust, or compromise such claims, see § 402.20–8.

(1) *Deeds in lieu of foreclosure.* Deeds in lieu of foreclosure may be accepted from owners of mortgaged properties in settlement of the indebtedness owing to the Corporation. In connection with such acceptance, each Regional Manager is authorized, in his discretion and with the approval of the Regional Counsel, to expend funds to satisfy, remove, release, or acquire intervening liens or rights. The procedure and policy governing the acquisition of title by deed in lieu of foreclosure, as well as the settlement, purchase or other disposition of intervening liens or rights and related matters, will be found in 24 CFR, and Supps., 406.05j, 406.05l; 406.05–9; 406.05–11.

(b) *Insurance in foreclosure cases.* The pendency of foreclosure proceedings necessitates an examination of the sufficiency of the insurance existing in each case. The procedure governing such review or examination and authorizing the Corporation to take such action as will provide required protection to the Corporation, will be found in 24 CFR and Supps., 402.15–14c; 402.15–15; 402.15–16; 402.15–17; 402.15–23; 402.15–25.

(1) *Insured losses on properties under foreclosure.* Insured losses on properties in process of foreclosure shall be handled as the Regional Manager, with the advice of the Regional Counsel, may direct. The Corporation may participate in this loss adjustment and the Regional Counsel shall advise with respect to the Corporation's right to make entry on the premises. (See 24 CFR and Supps., 402.15–40).

(c) *Continuation of tax and insurance account during foreclosure or acquisition proceedings.* During foreclosure or acquisition, however accomplished, regular monthly accruals will be continued subject to the direction of the Regional Counsel or the Loans and Properties Division. (See 24 CFR and Supps., 402.05–9.)

(d) *Inspection of property during foreclosure or other acquisition proceeding; emergency repairs.* Authority for the making of emergency repairs for the protection of the property against vandalism and the elements, will be found in 24 CFR and Supps., 402.07–3. After listing with the broker the responsibility for the protection of the property and the making of such repairs is the responsibility of the Contract Management Broker (§ 402.18–1); for his authority and limitations thereon see § 402.18–2; Legal Department approval must be obtained under § 402.18–3; to the extent applicable the procedure for repairing Corporation-owned properties must be followed (See § 402.18–4 and for repair and reconditioning of acquired properties see §§ 402.17–3; 402.17–4; 402.17–7; 402.17–9; 402.17–10 to 12 both inclusive; 402.17–16; 402.17–17; 402.21–4; 402.24–2; 402.24–3; 402.24–3a; 402.24–4; 402.24–5); for repairs during receivership whether requested by the Corporation or the Receiver see §§ 402.18–5; 402.18–6.

§ 400.207 *Inspection of security properties.* The Corporation's procedures permit the periodic inspection of security properties and in the event any property is determined to be vacant, unoccupied or abandoned, the concerned Regional Manager may take reasonable action to protect the property from vandalism and the elements. The pertinent procedure relative to this loan servicing activity may be found in 24 CFR 402.07–3.

(a) *Vacancy or increased hazard endorsements to be affixed to insurance policies.* Necessary or appropriate endorsements of insurance policies shall be obtained upon receipt by the Corporation of notification of vacancy, unoccupancy, tenancy occupancy, change of owenrship or other changes and such further action taken as is required under 24 CFR and Supps., 402.15–24 and 402.15–26.

(b) *Inspection and repair of properties during foreclosure or other method of acquisition.* During the period of acquisition and after listing the property with the Contract Management Broker it is his responsibility to protect the property against vandalism and the elements. For the procedure to be followed during such acquisition proceeding see 24 CFR and Supps., 402.18–1; 402.18–2; 402.18–3; 402.18–4.

§ 400.208. *Repairs and reconditioning of security properties.* The Regional Manager may authorize advances for the account of home owners to accomplish reconditioning of any nature whatsoever, including advances for reconditioning which has been partially or fully performed by home owners, not in conformity with established regulations, *Provided*, Such reconditioning is determined to be in the best interests of the Corporation in order to protect its security, to facilitate the collection of the indebtedness owing to the Corporation, or to promote the orderly liquidation of the assets of the Corporation; and may incur and approve the amount and payment of fees and expenses in connection with such advances, provided that the prior approval of the General Manager shall be obtained:

(a) When advances are made to protect the orderly liquidation of the assets of the Corporation; or

(b) The amount to be authorized, exclusive of legal and inspection fees, exceeds $1,000.00.

Generally, such reconditioning advances require the execution of a new security instrument, sometimes supplemental to the original security instrument and other times in the form of a new mortgage. The many ramifications of this operation require a complementary adequate procedure, which procedure is recorded in 24 CFR, 402.08–1 to 402.08–9, both inclusive; and 402.08–11.

(1) *Repair, reconditioning or restoration of property after fire or other insured casualty.* Under 24 CFR and Supps., 402.15–38 insurance loss proceeds may be applied by the Corporation to the payment of the repair or reconditioning of the property or the restoration thereof and the necessary work may be performed by the home owner or under his supervision, or it may be performed under the Corporation's procedure set forth in § 400.15–7 to the extent the same is applicable. If the loss proceeds are insufficient to pay for the full cost of restoration a reconditioning advance may be made to supplement insurance loss proceeds. (See 24 CFR, and Supps., 402.15–39).

(2) *Emergency or necessary repairs to protect property after damage by fire or other casualty during acquisition proceedings.* Emergency or necessary repairs to restore damage caused by fire or other insured casualty may be undertaken during acquisition proceedings, but the Corporation's right to collect the loss under such policies as may exist should not be impaired. (See 24 CFR, and Supps., 402.18–2 and for the procedure in making such repairs § 402.18–1 to 402.18–6 both inclusive.

§ 400.209 *Changes in ownership of security properties.* Where an officer or employee of the Corporation desires to purchase any property on which the Corporation holds a sales or loan instrument, the Corporation regards its interest therein of sufficient importance to inquire into the transaction to determine that the sale is voluntary on the part of the home owner. The Corporation's procedure concerning such sales will be found in 24 CFR, and Supps., 402.09–3 and function of Home Office Property Committee, § 402.21–3. In cases where the home owner or other obligor has died the Regional Manager may direct that a claim be filed against the estate of the deceased. The procedure covering this Corporation operation will be found in 24 CFR, and Supps., 402.09–06. All changes in the ownership of security properties should be reported to the concerned Regional Manager of the Corporation by either the former or new home owner. Such reports may

be in letter form and should include a copy of the deed of conveyance or an abstract thereof. Transfers in ownership of security properties should be reported to the Corporation immediately after such transfer takes place primarily because in many States under the provisions of the loan instruments the Corporation may require the new owner to execute a collateral bond or other evidence of the assumption of the indebtedness by the transferee, in default of which the Corporation may declare the debt or the balance thereof due immediately.

(a) *Continuation of tax and insurance account after transfer.* Tax and insurance accounts will continue in effect after the transfer of ownership unless the Regional Manager with the advice of the Regional Counsel directs otherwise. (See § 402.05–09.)

(b) *Filing of claims against estate of deceased borrowers.* In cases where the home owner or other obligor has died, the Regional Manager may direct that a claim be filed against the estate. Such claim shall be filed where the Regional Counsel advises that it is necessary to protect the Corporation. (For the foregoing procedure and procedure governing the treatment of loan accounts where the borrower or other obligor has died, see § 402.09–06.)

§ 400.210 *Changes in liens or properties securing indebtedness.* The Corporation's policies and procedures are sufficiently flexible to permit the Corporation to take any action with respect to changes in liens or properties securing indebtedness not inconsistent with the Corporation's best interests and not in conflict with the terms of the loan instruments or the law of the jurisdiction wherein the property is located and to permit the use of any funds coming into the Corporation's possession for purposes other than application to the loan account, as set forth under 24 CFR and Supps., §§ 402.11–1 and 403.08–8 and § 400.211. Specific illustration of procedures covering particular transactions are herein enumerated, but the procedures available are appropriate for use in most other types of changes in liens or properties securing indebtedness. All of the following references are located under Title 24, Chapter IV of the Code of Federal Regulations and the Supplements thereto:

(a) Partial releases: Sections 402.10–3; 402.10–4; 402.10–5.

(b) Waivers, or subordination on consent to easement: Section 402.10–7.

(c) Division of Security and Indebtedness: Sections 402.10–9; 402.10–11.

(d) Substitution of Security: Sections 402.10–12; 402.10–13; 402.10–14.

(e) Consents to alterations, improvements, removal or demolition of security property: Sections 402.10–15; bond required, 402.10–16.

(f) Consents to improvements by other Federal Agencies: Sections 402.10–17.

(g) Conversion of instalment contracts into mortgage accounts: Section 402.10–18.

§ 400.211 *Miscellaneous credits.* Within well-defined limitations as set forth in 24 CFR and Supps., 402.11–1 and 403.08–8, to which reference is here made the Regional Manager sometimes with the advice of the Regional Counsel is authorized to permit the payment of taxes, assessments, other governmental levies and charges, ground rents, attorney's fees, insurance adjuster's fees, appraisal fees and the cost of reconditioning from, or make such other disposition as he deems proper of, funds received by the home owner, or by the Corporation as mortgagee or assignee, in connection with any of the transactions discussed or contemplated under § 400.210 of this procedural resume or any other transaction which otherwise reduces or diminishes the security held by the Corporation or the property sold by it, except repayments, before directing that the net amount received by the Corporation be applied to the appropriate account, as provided in 24 CFR, and Supps., Part 403.

§ 400.213 *Junior liens.* When the interest of the Corporation is affected by the claims of a junior lienholder, the Regional Manager may authorize (a) the suspension of servicing for a reasonable period of time; (b) the granting of an extension for payment of the Corporation's indebtedness, and (c) the foreclosure of the Corporation's mortgage or other security instrument within the authority prescribed and under the limitations imposed under 24 CFR, and Supps. 402.13–1.

§ 400.214 *Tax-procedure.* The Corporation's tax records are maintained and tax payments are prepared by the Tax Section of the Loans and Properties Division. In cases where a tax and insurance account is being maintained in connection with a loan account, taxes are vouchered for payment by the Tax Section. In other cases the Section maintains an adequate record of taxes and for the purpose of maintaining such records on a current basis may obtain tax receipts from home owners, or obtain evidence of payment from tax officials, or such other independent sources of information as have been approved for use by the General Manager, or within his authority, by the Regional Manager. Whether the actual payment of taxes is accomplished by the Corporation through the medium of a tax and insurance account or paid directly by the home owner, or by a tax advance made by the Corporation, the obligation of keeping the property free and clear from liens or sales resulting from default in making such tax payment is that of the home owner.

(a) *Obtaining tax information; tax searches.* Information regarding the payment of taxes, assessments or other governmental levies or charges, as may be necessary to maintain approved records and to protect the Corporation from loss, shall be obtained annually unless otherwise directed by the General Manager, by search of the public records, information received from tax collectors, examination of tax receipts, or other evidence of payment furnished by home owners or other persons paying such items, or by such other method as the General Manager may determine. The foregoing authority and the procedure under which Regional Managers are authorized and directed to make the same effective may be found in 24 CFR and Supps. 402.14–3.

(b) *Authority of Regional Manager to direct payment of taxes.* The Regional Manager is authorized to direct the payment of any taxes, assessment, ground rents, or other levies or charges, or the repayment to effect redemption or recovery from any levy, sale, loss or forfeiture resulting from the non-payment thereof. Under prescribed circumstances the Regional Manager, with the approval of the General Manager, and the advice of the General Counsel, may direct the purchase of bonds or other evidence of indebtedness and to direct the transfer or surrender of same in payment of taxes, assessments, or other levies or charges. (See 24 CFR and Supps., 402.14–4.)

(c) *Payment of taxes in partial release transactions.* The Regional Manager has the authority in partial release transactions to direct the payment of taxes prorated to the portion of the property retained under the Corporation's security, as a tax advance. (See 24 CFR, and Supps., 402.10–5.)

(d) *Tax and insurance accounts.* For details concerning such accounts, see this digest Section 400.214 (d) et seq. and reference therein to 24 CFR and Supps., chapter IV.

(e) *Repayment of tax advances.* If any tax or other advance is made under the provisions of 24 CFR and Supps. 402.14–4 (see § 400.214 (b)), the same shall be payable to the Corporation on demand, otherwise directed. The procedure covering such advances and their repayment either on demand or over an amortized period will be found in 24 CFR and Supps., 402.14–7.

(f) *Advances for stock or rights in improvement companies.* Under the procedure set forth in 24 CFR and Supps., 402.14–8, the Regional Manager, with the advice of the Regional Counsel, may make advances for stock on rights in ditch, water, artesian well or local improvement companies.

(g) *Consents to moratoria or assessments.* The Regional Manager, with the advice of the Regional Counsel, may grant consents to home owners to enable them to comply with the necessary requirements to obtain the benefit of moratoria established or declared by proper legislative authority or legal action, relating to taxes, assessments, or other governmental levies or charges. (See 24 CFR. and Supps., 402.14–12.)

§ 400.215 *Insurance covering security properties and corporation-owned properties.* All properties owned by the Corporation or securing indebtedness to the Corporation, must be insured against loss by fire and, in certain localities, against loss by windstorm or other hazards as provided in the Consolidated Manual of Rules and Regulations of the Home Owners' Loan Corporation and published in part under 24 CFR and Supps., §§ 402.15–1; 402.15–3 to 402.15–7, both inclusive; 402.15–10 to 402.15–18, both inclusive; 402.15–20; 402.15–23 to 402.15–26, both inclusive; 402.15–28; 402.15–30 to 402.15–32, both inclusive; 402.15–34; 402.15–35; 402.15–37 to 402.15–41, both inclusive; 402.15–43; and 402.15–44. While substantiad portions of the Corporation's policies and procedures have equal application to security prop-

erties and to Corporation-owned properties, many of the policies and procedures are limited in their application to security properties alone. All matters concerning insurance are administered, however, by the Loans and Properties Division of the Corporation under the authority and procedures prescribed in the Consolidated Manual of the Corporation. Certain insurance procedures having particular application to other Corporation operations have been referred to under the procedures provided for such operations.

(a) *Acceptable and not acceptable policies.* The Regional Manager may accept insurance policies furnished by home owners on properties securing indebtedness to the Corporation or sold by the Corporation on sales contract when home owners comply with the provisions of 24 CFR and Supps., § 402.15–3. (See also §§ 402.15–12 and 402.15–12a.) Policies having a three-fourths value clause, or other restrictive clause limiting the amount of the collectible insurance to an amount less than Corporation requirements, are not acceptable (§ 402.15–12c). For Corporation procedure when less than acceptable insurance is furnished, see § 402.15–12d. For disposition of renewal policies, see § 402.15–12i.

(b) *Insurance required by the Corporation.* The amount and kinds of insurance required differs according to the hazards that exist in particular localities throughout the area of the Corporation's operations. These insurance requirements, with respect to Corporation-owned properties, properties sold on sales contract and properties securing liens, are recorded under 24 CFR, 402.15–4; as to windstorm and other insurance requirements, including hail insurance and explosion insurance (§ 401.15–5); as to extended coverage insurance (§§ 402.15–5 and 402.15–6).

(c) *Mortgagee clause required.* The Corporation's policy and procedure covering the attachment of an acceptable mortgagee clause to all policies securing mortgages or other security instruments and affecting properties sold under contract of sale, or set forth under 24 CFR and Supps., 402.15–7.

(d) *Insurance expiration notices.* Expiration Notice, Form 536, is forwarded to the home owner under the circumstances set forth in 24 CFR and Supps., 402.15–11.

(e) *Financed premium on direct policies.* For the Corporation's procedure governing the handling of policies submitted by a company financing the premium, see 24 CFR and Supps., 402.15–12e.

(f) *Disposition of renewal policies.* See 24 CFR and Supps., 402.12i.

(g) *Insurance on properties owned.* The procedure designed to provide the insurance coverage on Corporation-owned properties, is set forth under 24 CFR and Supps., 402.15–13.

(h) *Insurance ordered by Corporation on security properties.* The Corporation will undertake the ordering of insurance acceptable to the Corporation under the circumstances and procedure set forth in 24 CFR and Supps., 402.15–14. The same section applies to cases wherein a tax and insurance account is being maintained. (See § 400.205 (b).)

(i) *Minimum premium cases.* When the minimum premium imposed by insurance regualtions will purchase more insurance than the Corporation requires, insurance in an amount or term sufficient to absorb the minimum premium will be procured provided the value of the improvements so warrants. (See 24 CFR and Supps., 402.15–14a.)

(j) *Insurance in foreclosure cases.* The pendency of proceedings seeking the liquidation of an indebtedness due the Corporation by foreclosure or otherwise, necessitates an examination of the sufficiency of the insurance existing in each case. The procedure governing such review or examination and authorizing the Corporation to take such action as will provide required protection to the Corporation, will be found in 24 CFR and Supps., 402.15–14c; 402.15–16; 402.15–23; 402.15–25. (See also § 400.206 (b); idem).

(k) *Cancelling insurance order.* Orders for insurance placed by the Corporation on security property may be cancelled under the circumstances and procedure set forth in 24 CFR and Supps., 402.15–15.

(l) *Routing of certificate and notice of insurance placed.* The disposition of the certificate or policy of insurance issued as the result of an order therefor placed by the Corporation, shall be made and notice of such insurance procured shall be procesed according to the procedure set forth under 24 CFR and Supps., 402.15–17.

(m) *Vacancy or increased hazard endorsement.* Under the provisions of 24 CFR and Supps., 402.15–24, the Corporation shall, whenever the property situation changes by vacancy, partial release or other changes, or by increased hazard, notice of such change shall be given the insurance carrier and such endorsements, as required, shall be obtained and attached to the insurance policy, and such other action shall be taken as the procedure requires. The cost of any endorsements shall be charged to the proper account under § 402.15–25. (See § 402.207.)

(n) *Lost or misplaced policies.* Replacing policies shall be obtained under the requirements of 24 CFR and Supps., 402.15–26, and under the same section, if the original policy is found, it shall be returned to the issuing agent.

(o) *Disposition of insurance when loan is paid in full.* Upon receipt of notice that a home owner intends to pay the loan in full, determination shall be made as to what must be done with respect to the Corporation's interest in existing insurance, and upon payment in full of the loan, the policies shall be disposed of and such other action taken as is required by 24 CFR, and Supps., 402.15–28.

(p) *Fee attorneys and appraisers acting as insurance agents.* Under 24 CFR and Supps., 402.15–30, fee attorneys and appraisers are allowed to rewrite policies of insurance which they have previously written on risks which are covered by loans from the Corporation. They are, under the same section, prohibited from writing insurance on risks covered by loans of the Corporation which have not been heretofore written by them and from making memoranda or notes of expiration of any kind for future solicitation.

(q) *Authority of Regional Manager to adjust insurance losses; proofs of loss.* The Regional Manager is authorized to adjust and settle all insurance losses sustained on any property owned by the Corporation or securing indebtedness held by the Corporation, except that, in the event an amicable settlement cannot be reached, the matter shall be referred to the General Manager for appropriate action. (See 24 CFR and Supps., 402.15–31). The Regional Manager may direct the disposition of insurance loss funds, may execute proof of loss and any other forms in security property and Corporation-owned cases (§ 402.15–31); "Loss" and "amount of loss" mean the amount paid by the carrier for the damage (§ 402.15–32); owner must make emergency repairs to avoid further loss, but if home owner cannot do so, Regional Manager may give immediate approval to the performance of such work (§ 402.15–34); in home owner cases the making of adjustment with the insurance carrier is the owner's obligation but the Regional Manager may cooperate or order cooperation; adjusters and attorneys fees may not be paid from loss proceeds except where permitted under § 402.11–1, (See § 402.15–34); for Corporation's interest and procedure in loss proceeds of $100 or less in security property cases see § 402.15–37; where loss proceeds in such cases are over $100, see § 402.15–38; for procedure in losses or properties owned or under foreclosure, see §§ 400.15–6; 402.15–40.

(r) *Supplementing insurance loss proceeds; security properties.* If the cost of restoration exceeds the loss proceeds, the excess should be deposited in escrow with the Corporation; but a reconditioning advance may be authorized. (See 24 CFR and Supps., 402.15–39).

(s) *Subrogation agreements.* The General Manager, with the advice of the General Counsel, shall determine whether or not subrogation agreements may be executed and if so, on what terms; and in accordance with the provisions of 24 CFR and Supps., 402.15–41.

(t) *Reinstatement of insurance after loss.* Reinstatement of insurance after loss is required under the circumstances set forth in 24 CFR and Supps., 402.15–43.

(u) *Insurance purchased by Corporation or former borrower, cancelled at time of sale of insured property.* After the settlement of any pending loss, the Corporation effects the cancellation of insurance purchased by it or the former borrower, when the insured property is sold in accordance with the procedure set forth in 24 CFR and Supps., 402.15–44.

(v) *Insurance furnished at time of sale of owned property.* Acceptable insurance must be furnished to the Corporation at the time of sale closing. If insurance furnished is not acceptable, Corporation may proceed to obtain same as set forth under 24 CFR and Supps., 402.15–12h.

(w) *Establishing tax and insurance accounts for insurance.* The procedure followed by the Corporation in establishing a tax and insurance account for insurance is set forth in 24 CFR and Supps.,

402.15–10; the home owner may provide direct insurance coverage when such accounts are maintained within the provisions and under the limitations of § 402.15–12f; tax and insurance accruals may be suspended if direct coverage is acceptable to the Corporation under § 402.15–12g, and such accruals may be reestablished under § 402.15–14b; but home owner must pay premium if direct coverage is obtained, unless the General Manager approves payment of such premium by the Corporation. (See § 402.15–18); such advances for insurance premiums will be charged to the loan account and billed on demand unless otherwise directed that they be amortized (§ 402.–1520).

§ 400.231 *Assignment of indebtedness.* The Regional Manager, with the advice of the Regional Counsel, is authorized under the authority of and subject to the limitations imposed by 24 CFR and Supps., 402.31–1 and 402.31–2, to make certain assignments of indebtedness. Cases beyond the authority of the Regional Manager must be submitted, under the same regulations, to the General Manager for direction.

§ 400.232 *Payment in full of loan balance.* A home owner may pay a loan balance in full at any time. Such payment in full should be made on the basis of a statement of the account prepared by the Corporation for that purpose. Statements will be furnished upon the request of the home owner, or some person on his behalf, directed to the Regional Manager, and payment may be made by certified check, cashier's check, money order or in cash.

When a loan has been paid in full within Corporation regulations and procedure, an appropriate satisfaction, release or other instrument may be executed as provided in 24 CFR and Supps., 403.01–9, for disposition of insurance when loan is paid in full (See § 402.15–28); for handling of remittances identified as paid in full refer to § 403.16–1; for procedure when amount paid is more or less than amount required (See § § 403.16–4; 403.16–5); settlement may be handled through an escrow agent, acceptable to the Corporation if debtor does not desire to transmit payment before receipt of discharge, satisfaction or release (See § 403.16–11); paid in full, remittances are processed as regular payments under § 403.06–48.

(a) *Payment by Home Owners' Loan Corporation bonds.* Home Owners' Loan Corporation bonds may be tendered as payment of all or part of the indebtedness due the Corporation and they will be accepted, processed and credited as provided in § § 403.06–63 and 404.04–4.

SUBPART B—PROPERTY MANAGEMENT PROCEDURES

§ 400.216 *Scope of Corporation's property management procedure.* The procedures governing the Corporation's Loan Service activity are so coordinated with the procedure established for its property management operations that conflict between them is avoided and at the same time each security property is maintained at all times within the control and operation of either the loan service procedures or the Corporation's property management activity and its applicable procedures. When determination is made that the best interests of the Corporation may be served by foreclosure or other means of liquidating the indebtedness due the Corporation, the security property passes from the loan service status to property management supervision. This property management supervision is carried on simultaneous with the legal action by foreclosure, by suit or publication or the acceptance of a deed in lieu of foreclosure, which action or actions are conducted independently by the Regional Counsel or by approved attorneys under his supervision. Dependent upon the Corporation's contractual or statutory right ,the Regional Counsel, upon the recommendation of the Regional Manager, undertakes all necessary legal actions to secure for the Corporation the full and complete enjoyment of its legal rights, such as compelling the attornment or vacation of recalcitrant tenants or owners in possession, the payment of rent and kindred actions. While the Corporation has discontinued its servicing activity, it stands available for the further servicing of the loan account at the request of the home owner, and is prepared during the period of acquisition to consider, through its Regional Managers, any reasonable plan of rehabilitation that will save the home for the owner and at the same time not jeopardize the best interests of the Corporation.

As in the Corporation's loan service activities, procedures have not and cannot be designed to control every action taken, so it is true with respect to the Corporation's property management activities. The simple expedient of a letter addressed to the Regional Manager will initiate action in any matter. The Contract Management Broker is a valuable source of information or action concerning usual management and tenancy matters and resort to his office is suggested. Sales of Corporation-owned properties are initiated in the office of the Contract Sales Broker, who is often the same individual or organization; who or which is the Contract Management Broker. Offers to purchase may be submitted or information concerning the purchase of a particular Corporation-owned property can be obtained from the Contract Sales Broker or an approved sales broker rather than from the Corporation directly.

§ 400.218 *Inspection and care of foreclosed properties prior to acquisition.* The primary interest of the Corporation, with respect to the repair of security properties during acquisition, is limited to the repair of the damage caused by vandals or the elements. The responsibility for the avoiding of such damage or for keeping it at a minimum, and the Regional Managers and brokers limited authority to order the making of such repairs, and the procedure to be followed in making them, will be found under 24 CFR, 402.18–1; 402.18–2; 402.18–3; 402.18–4; 402.18–5; 402.18–6.

§ 400.220 *Analysis of properties owned; miscellaneous procedures.* Based on a complete review and study of appraisals, inspections, Legal Department advices and recommendations, brokers reports, reconditioning reports and recommendations and other pertinent data, Corporation determinations are made, after acquisition, concerning the best manner in which the property can be used or employed to serve the best interests of the Corporation. The authority vested in the Regional Manager and/or the General Manager, sometimes with the approval and frequently with the advice of the Regional Counsel and/or General Counsel, is co-extensive with the problems of property ownership and the need to dispose of such problems in the Corporation's best interests. The Corporation, through this vested authority, can accomplish any requirement or need of the property, whether the problem be one of management, rental, sale, reconditioning, rehabilitation, conversion, demolition, alteration, removal of legal impediments or any other kind. No formal procedure can be designed to cover the proceeding of these numerous miscellaneous actions, resort in most instances being had to the mechanical routing of inter-office procedures, the ultimate result of which, after the obtaining of all requisite departmental rulings, advices and opinions, is the determination of the Regional or General Manager or other proper officer to take a definite action or to refrain from consummating a proposed action. Some miscellaneous procedures of the types herein discussed are the following:

(a) *Settlement of claims for items of equipment.* The Regional Counsel, with the approval of the Regional Manager, may settle, compromise or acquire, any lien or interest in an oil burner, refrigerator, kitchen range, or other similar chattel when he determines that such settlement, compromise or adjustment is in the Corporation's best interest as prescribed under 24 CFR 402.20–8.

(b) *Granting easements, rights of way and other property interests on owned property.* The Regional Property Committee shall review, and with the advice of the Regional Counsel, determine what action should be taken by the Corporation with respect to any request for the dedication, grant or consent to the use of any portion of a Corporation-owned property to a public use; for the release of restrictions, reservation, easement, condition, right or right of way or for the release, relinquishment or waiver of any present or prospective action, cause or demand arising out of the use of or ownership by the Corporation of any such property. The authority of the Regional Property Committee is limited as prescribed in the pertinent procedure which may be found in 24 CFR 402.20–9.

(c) *Consent to public improvements.* The Regional Manager, with the advice of the Regional Counsel, may consent to the making of public improvements and may bind the Corporation to pay its proper portion or part of the cost of sidewalks, street improvements, or other local improvements benefitting property in foreclosure or owned by the Corporation, or for neighborhood improvement, and may, on behalf of the Corporation, join in and sign petitions for such improvements. See 24 CFR and Supps. 402.20–11.

(d) *Acquisition of parcels of real property.* The Regional Manager, subject to the approval of the General Manager, and with the advice of the Regional Counsel, may do all things necessary to the acquisition of parcels of real property, adjacent, contiguous or related to properties owned by the Corporation, when such acquisition is in the best interests of the Corporation in the liquidation of its owned properties under the procedure set forth in 24 CFR and Supps., 402.20–12.

§ 400.224 *Reconditioning and maintenance of owned properties.* The Regional Manager, may authorize repairs, reconditioning, rehabilitation, modernization and maintenance repairs on properties owned by the Corporation, and may incur and approve charges or expenses therefor, under the authority of and subject to the limitations of 24 CFR and Supps., 402.24–2; 402.24–3; 402.24–3a; 402.24–4; 402.24–5; 402.24–6; 402.24–7; 402.24–9; 402.24–10.

(a) *Authority of contract management broker.* When property has been listed with a contract management broker, he is responsible for the proper maintenance and preservation thereof and for the purpose of satisfying this responsibility, he is authorized, under the authority and subject to the limitations of 24 CFR and Supps., 402.24–3; 402.24–3a; 402.24–4; 402.24–5; 402.24–7; 402.24–9; 402.24–10; to order reconditioning, maintenance, repairs, purchase supplies and equipment and to incur charges or expenses and to make payment thereof.

§ 400.226 *Management and rental of properties owned.* Under the authority and subject to the limitations of 24 CFR and Supps., 402.26–2; 402.26–3; 402.26–4; 402.26–10; 402.26–11; 402.26–16; 402.26–18; the Home Office Property Committee must review and authorize certain term leases (§ 402.26–3); the Regional Manager, when authorized by the General Manager, may effect and execute certain leases for terms not exceeding two years (§ 402.26–3); the Regional Manager and the Contract Management Broker may effect and execute month-to-month tenancies and leases for not more than one year, subject to cancellation upon one month's notice in event of the sale of the leased property (§ 402.26–3); the Regional Manager may direct the cancellation of rental agreements (§ 402.26–3).

(a) *Rental procedure; broker's authority.* Applications for the rental of Corporation-owned properties or properties in certain states of which the Corporation is otherwise in possession, may be made to the contract management broker by letter or personal visitation. The broker has the authority to negotiate month-to-month tenancies and to execute on behalf of the Corporation, rental agreements therefor. Tenancies for a longer term are processed according to the requirements, authority and limitations of 24 CFR and Supps. 402.26–2; 402.26–3; referred to under this section.

(b) *Terms on which properties are rented.* See 24 CFR and Supps., 402.26–4.

(c) *Authority to contract for property service and compromise of charges for such services.* Under the limitations set forth in 24 CFR and Supps., 402.26–10, the Regional Manager is authorized to contract with public bodies or private companies for water, gas, electricity and other property services, and to compromise charges for such services; and to direct the payment of the charges for such services (§ 402.26–11).

(d) *Payment of fuel, water, gas, electricity and janitor service by broker.* The contract management broker, under the authority vested in him and under the limitations set forth under 24 CFR, Part 402, is authorized to contract for fuel, water, gas, electricity and janitor services and to pay the charges therefor. (See § 402.26–16)

(e) *Authority to execute waivers of liens to remove fixtures.* 24 CFR, and Supps., 402.26–18, specifically authorizes the Regional Manager to execute waivers of lien or consents to the removal of any fixtures which tenants may be purchasing on a deferred payment plan and specifically prohibits the execution of such waivers or consents by contract management brokers.

§ 400.228 *Sales of Corporation-owned properties.* The Regional Manager has the authority to effect sales of the Corporation's real properties and of any leasehold or other interests therein at or above the Corporation's minimum sales price, and with the approval of the General Manager and advice of the Regional Counsel may effect the sale of real property and of any leasehold or other interests therein by public auction. (See 24 CFR and Supps., 402.28–2; 402.28–3; 402.28–5.) Under existing procedures, Corporation-owned properties are usually sold (Plan A) for cash; and (Plan B) on terms. In Plan B Sales, the Corporation may accept (a) a bond or note and mortgage or other security instrument, or (b) enter into an instalment contract within cetrain jurisdictions with the purchaser. (See 24 CFR and Supps., 402.28–5; 402.28–7; 402.28–7a; 402.28–7b; 402.28–7c; 402.28–10; 402.28–16; 402.28–22.)

(a) *Sales closing.* The actual closing of sales is a function of the Legal Department. Closings are effected under the control and supervision of the General Counsel or Regional Counsel by staff or approved fee attorneys. The Corporation procedure governing sales closings and the removal of any objections, defects, or liens prior to sale closing, will be found in 24 CFR and Supps., 406.09–7; 406.09–8. For the Corporation's authority to give assurances against liens, defects, or other impediments to closing, see § 406.04–2.

(b) *Preparation and execution of agreement for sale of real estate.* The Corporation's approved form of agreement for the sale of real estate may be prepared in the Regional Office or by the contract sales broker may cause such agreement to be prepared. The procedure covering the preparation, execution and processing of such agreements is located under 24 CFR 402.28–9.

(c) *Exchange of real estate.* The Corporation is authorized to engage in a transaction involving the exchange of real estate only under the circumstances and authority prescribed under 24 CFR and Supps., 402.28–15.

(d) *Sales to former borrowers.* The Corporation may consider requests from former borrowers or persons on their behalf for the sale to them of a Corporation-owned property and may effect such sales under the authority, circumstances, limitations and requirements of 24 CFR and Supps., 402.28–17.

(e) *Options to purchase Corporation property.* Options to purchase Corporation-owned property, on terms consistent with approved plans of sale and terms of payment, may only be considered, by the Corporation, under the procedure set forth in 24 CFR and Supps., 402.28–18.

(f) *Reconditioning by Corporation in connection with sales.* Under the authority set forth in 24 CFR and Supps., 402.28–26, the Regional Manager, in connection with the sale of a Corporation-owned property may bind the Corporation to perform, at its expense, reconditioning of a property being sold.

(g) *Insurance furnished at time of sale of owned property.* The procedure followed by the Corporation in determining the acceptability of insurance furnished at sales closing and obtaining acceptable insurance, where necessary, is set forth in 24 CFR and Supps., 402.15–12h.

(h) *Insurance purchased by Corporation or former mortgagor cancelled at time of sale of owned property.* For the procedure followed by the Corporation in effecting cancellation of insurance purchased by the Corporation or the former borrower upon a sale of the insured property, see 24 CFR and Supps., 402.15–44.

Subpart B–3—Comptroller

§ 400.301 *Organization and authority.* (a) Authority to sign checks, § 403.01–7; authority to affix corporate seal to statements, § 403.01–8; authority to execute satisfactions, § 403.01–9; claims of deceased or incompetent creditor against the Corporation, § 403.01–10;

(b) *Lost checks.* Procedure where a check drawn payable jointly to Home Owners' Loan Corporation and a named individual or individuals has been lost or destroyed before payment by the drawee bank, see § 403.01–12;

(c) *Government bonds, other than Home Owners' Loan Corporation.* For procedure where Government bonds other than Home Owners' Loan Corporation are proffered in payment of Home Owners' Loan Corporation loans see § 403.01–13; shipment of valuables, § 403.01–15; losses in shipment, § 403.01–16.

§ 400.305 *Accrual and billing.* For method of computing interest and rate thereof see § 403.05–1; interest convenience period, § 403.05–2;

§ 400.306 *Returned checks; collections and payments.* (a) For procedure followed by the Corporation where a check paid on a loan account has been returned by the depositary as uncollectible see § 403.06–26; and for an uncollectible check where change was given, see § 403.06–27; for same procedure and reports from collection offices see § 403.06–29;

(b) *Lost checks.* Where a check paid on a loan account has been lost after deposit such loss is processed the same as an uncollectible item under §§ 403.06–26; 403.06–27; 403.06–29. (See § 403.06–30.) Receipting for payments, see § 403.06–38; making change, see § 403.06–42; cashing of checks is prohibited under § 403.06–43; receipt of counterfeit money, § 403.06–44; payment in excess of regular payment will be applied as specifically requested, § 403.06–47; paid-in-full remittances, § 403.06–48; for procedure where amount received by Corporation is less than receipt issued see § 403.06–53; field collectors cannot give change, § 403.06–62; payment in Home Owners' Loan Corporation Bonds §§ 403.06–63, 403.06–65. (See also this digest, Paid-in-full procedure § 400.223.)

§ 400.307 *Stopping payment on Home Owners' Loan Corporation checks.* For procedure to be followed when it is desired to stop payment on a check of the Corporation drawn on the Treasurer of the United States, see § 403.01–19.

§ 400.308 *Application of credits.* Payments claimed by borrowers to have been made but not credited to the loan account may be so credited within the procedure set forth under § 403.08–6; posting regular collections, § 403.08–7; miscellaneous credits, § 403.08–8. (See also "Miscellaneous credits" this digest, § 400.-211); curtailment of principal; for application of certain excess payments to curtailment of principal see § 403.08–9; prepayment of principal may be made under the provisions of § 403.08–12.

§ 400.309 *Application of advances to home owner accounts.* Any amounts chargeable to the account of the home owner in addition to his primary obligation is known as an advance and shall be posted as provided in § 403.09–1.

§ 400.316 *Paid in full accounts.* (See "Payment of loan balance in full" this digest, § 400.232.) Remittances identified as intended paid-in-full. See § 403.-16–1; insufficiencies and over-payments, § 403.16–4; small balances, incorrect remittances, § 403.16–5; escrow agents, § 403.16–11.

§ 400.328 *Mortgage documents.* Requests to review abstracts and other documents, § 403.28–12; transmittal of abstracts, § 403.28.13.

SUBPART B–4—TREASURY

§ 400.402 *Receipts and disbursements.* Signatories and counter signatories, § 404.02–2; employee death and other claims, § 404.02–6.

§ 400.404 *Home Owners' Loan Corporation bonds.* Lost or stolen bonds, § 404.04–3; bonds received as repayments § 404.04–4).

SUBPART B–5—LEGAL PROCEDURES

§ 400.601 *Legal department authority and procedure.* The General Counsel is vested with full and complete authority to administer the affairs of the Legal Department and to perform or have performed all its functions. (24 CFR, 1.01). To a great extent, professional nature of the work performed does not permit the adoption of mechanical or routine procedures, except such as are intra-office within the Corporation and inter-office between the Department and its approved fee attorneys.

The broad field of the Corporation's activity necessitates legal appearances and frequently contest before Federal tribunals and practically all of the civil courts and many Boards, Bodies and Commissions throughout the several states. Where the work to be performed can be undertaken more expeditiously and otherwise in the best interests of the Corporation the services of approved attorneys may be engaged. The work of the Legal Department associated with the Corporation's loan service and property management activities, such as title examinations and certification, foreclosures, evictions, ejectments, deficiency judgment, rent suits, sales and similar legal actions, is to a large extent performed by approved attorneys maintaining offices in the vicinity of the property affected, under the general supervision of the Regional Counsel. Some litigation work, including claims, torts (involving person and property), eminent domain, contract actions and similar matters are handled by staff personnel. All of the Corporation's administrative legal work is performed by staff personnel under the supervision of the General Counsel, the Associate General Counsel or an Assistant General Counsel.

Many of the Corporation's legal procedures are designed, fundamentally, to carry into legal effect the recommendations, determinations and decisions made pursuant to proper authority under operations and procedures of the Loans and Properties Division. In such cases, the Legal Department procedures are integral parts of the procedures applicable to the treatment of loan service and property management matters, and where such affinity exists, the Legal Department procedure has, for the purposes of this digest, been given consideration under the appropriate loan service or property management procedure. Legal Department procedures discussed in succeeding paragraphs, are either sufficiently broad to apply to all or many Corporation procedures, or they are of such legal significance and application that they should not be treated in connection with any other procedure.

(a) *Legal department expense.* The General Counsel, and with limited authority, the Regional Counsel, is authorized to incur any fees or expenses incident to the performance of any duty or function of the Legal Department and approve the amount and payment thereof. (See 24 CFR, and Supps., 406.01c; 406.01d; 406.02a; 406.02–1; 406.02–3; 406.01–4a; 406.02–4b; 406.02–4d.)

§ 400.603 *Claims and litigation.* The General Counsel is vested with authority to institute or defend suits (24 CFR and Supps., 406.03a) to settle or adjust any claim or matter affecting the Corporation, with the approval of the General Manager (§ 406.03); to settle or adjust any claim or defend any suit against an employee appointed by a court to act as a fiduciary (§ 406.03d); to enforce judgments held by the Corporation pursuant to determinations made by the General Manager relative to such enforcement (§ 406.03c). Similar but limited authority may be exercised by the Regional Manager, with the advice of the Regional Counsel (§ 406.03e). The Regional Counsel may prosecute suits for eviction or collection of rents; and settle, adjust or compromise such claims with the concurrence of the Regional Manager. Under limitations, the Regional Counsel may institute or cause to be instituted suits or proceedings involving the reduction of taxes or levies, or the assessed valuation of properties under the supervision of the Loans and Properties Division (§ 406.03–3). For Regional Counsel's authority to take emergency action in certain cases see § 406.03–4. Regional Counsel may take necessary action to correct errors or defects in security; and with the approval of the General Counsel may institute suits for such purposes (§ 406.03–5). With limited authority the Regional Counsel may take necessary action to clear liens and objections affecting Corporation-owned property, including liens or claims affecting chattels used in connection with any Corporation-owned property (§ 406.03–6). Subject to limitations the Regional Counsel, with the approval of the Regional Manager, may settle claims other than claims based upon personal injury and defalcation (§ 406.03–6a). The Regional Manager, with the approval of Regioal Counsel, may permit the appointment of qualified employees of the Corporation, as receivers, administrators, guardians or in other fiduciary capacities (§ 406.03–9).

§ 400.604 *Bonds, pleadings, or other instruments in legal proceedings.* The General Counsel, or the Regional Counsel within his jurisdiction may direct the execution of an appropriate bond, or any pleading, or other instrument, by the Corporation in the course of any statutory or judicial proceeding or other matter affecting the Corporation. (See 24 CFR and Supps., 406.04a.)

(a) *Execution of instruments of indemnity or assurance to third parties.* The General Manager with the approval of the General Counsel, may execute any agreement, bond of indemnity, letter of assurance or other writing incident to the consummation of a sale of Corporation-owned property or any other matter affecting the Corporation. Like authority with limitations may be exercised by the Regional Manager with the approval of the Regional Counsel. (24 CFR and Supps., 406.04b).

(b) *Indemnity to the Corporation.* Bonds and other instruments of indemnification may be accepted and cancelled by the Corporation. (See 24 CFR and Supps. 406.04c).

(c) *Surety bonds.* Surety bonds payable to the Corporation may be accepted by the Corporation in accordance with the provisions of 24 CFR and Supps., 406.04–1.

(d) *Indemnity to purchaser, abstract or title company or other third party in sales transactions.* Letters of assurance, bonds of indemnity, or other instrument may be delivered in sales transactions in order to consummate the sale where the title is imperfect or irregular under the provisions of 24 CFR and Supps., 406.04–2.

§ 400.606 *Eminent domain.* The General Counsel with the approval of the

General Manager, is authorized to accept or decline any offer of award or settlement made in condemnation cases affecting security properties or Corporation-owned properties and to direct the distribution or application of the proceeds of such proceedings. Like authority with limitations may be exercised also by the Regional Counsel with the approval of the Regional Manager (24 CFR and Supps., 406.06 and 406.06–3).

§ 400.606–1 *Extensions and amortizations.* See Extension and amortization procedure in the digest (§ 400.204).

§ 400.609 *Sales of Corporation-owned properties.* See this digest, Sales of Corporation-owned properties. 24 CFR and Supps. 400.228.

§ 400.610 *Law books and law libraries.* Law books may be purchased, sold or exchanged and law libraries maintained under the provisions of 24 CFR and Supps., 406.10.

SUBPART C—SUBSTANTIVE RULES, POLICY AND INTERPRETATIONS

§ 400.605 *Substantive rules, policy and interpretations.* The substantive rules and regulations of the Home Owners' Loan Corporation adopted as authorized by law and statements of Corporation policy and interpretations formulated and adopted by the Corporation for the guidance of the public will be found in 24 CFR, and Supps., Chapter IV Home Owners' Loan Corporation, Part 401, General; Part 402, Loans and Properties; Part 403, Comptroller, Part 404, Treasury, Home Office; Part 406, Legal Department and Part 407, Auditing Department. The foregoing rules, statements of Corporation-policy and interpretations are operative and in effect on September 11, 1946 and will continue in operation and effect thereafter until revoked, revised, amended, supplemented, or otherwise superseded.

This bulletin will be effective September 11, 1946.

[SEAL] CHARLES F. COTTER,
General Manager.
KENNETH G. HEISLER,
General Counsel.
ORMOND E. LOOMIS,
Executive Assistant to the Commissioner.

[F. R. Doc. 46–15521; Filed, Aug. 29, 1946; 4:32 p. m.]

FEDERAL HOUSING ADMINISTRATION

[24 CFR, Ch. V]

PART 500—GENERAL

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SUBPART A—POWERS

§ 500.1 *Powers.* The Federal Housing Administration exercises those powers conferred upon it by the National Housing Act, as amended. Under the provisions of the National Housing Act all powers of the Federal Housing Administration are exercised by the Federal Housing Administrator. Under the provisions of Executive Order 9070, February 24, 1942, and for the period such Executive Order is in effect, all powers of the Federal Housing Administration are exercised by the Federal Housing Commissioner.

SUBPART B—DELEGATIONS OF AUTHORITY AND ASSIGNMENT OF DUTIES

§ 500.11 *Citation of authority.* Section 1 of Title I of the National Housing Act provides in part as follows:

* * * In order to carry out the provisions of this title and titles II, III and VI, the Administrator may establish such agencies, accept and utilize such voluntary and uncompensated services, utilize such federal officers and employees, and, with the consent of the State, such State and local officers and employees, and appoint such other officers and employees as he may find necessary, and may prescribe their authorities, duties, responsibilities, and tenure and fix their compensation, without regard to the provisions of other laws applicable to the employment or compensation of officers or employees of the United States. The Administrator may delegate any of the functions and powers conferred upon him under this title and titles II, III, and VI to such officers, agents, and employees as he may designate or appoint * * *.

Section 12 of Executive Order 9070,[1] approved by the President on February 24, 1942, provides in part as follows:

* * * and the Commissioners hereunder may delegate their respective functions, powers, and duties to such agencies, officials, or personnel as they may designate, respectively. * * *

§ 500.12 *Designation of Acting Commissioner.* (a) Pursuant to the foregoing provisions of the National Housing Act, and Executive Order 9070, I hereby designate the officials of the Federal Housing Administration hereinafter named and in the order in which they are named to act in my place and stead with the title of "Acting Commissioner" with all the powers, duties, and rights conferred upon me by said National Housing Act, by any other act of Congress or by any Executive Order, in the event of my absence, illness, or inability to act, and all such powers, duties, and rights are hereby delegated to such officials in such order and for such period as I may be absent from Washington, D. C., or unable to perform my official functions.

(b) The following named officials, and designated in the following order, shall have authority to act as "Acting Commissioner" but no official shall have authority to act as "Acting Commissioner" unless all those whose names apear before his are absent from their official post and unable to act:

(1) Franklin D. Richards, Assistant Commissioner, Field Operations
(2) Burton C. Bovard, General Counsel
(3) Curt C. Mack, Assistant Commissioner, Underwriting
(4) Clyde L. Powell, Assistant Commissioner, Rental Housing and Property Management
(5) R. Winton Elliott, Assistant Commissioner, Administrative Services
(6) Arthur J. Frentz, Assistant Commissioner, Title I

§ 500.13 *Specific delegations to named positions.* In pursuance of the provisions of section I of Title I of the National Housing Act, and Executive Order 9070, the following assignment of duties and delegations of functions and powers are hereby made:

(a) *Assistant Commissioner, Field Operations.* To the position of Assistant Commissioner, Field Operations, and under his general supervision (except with respect to the authority contained in subdivisions 10 and 11 hereunder) to the position of Assistant to such Assistant Commissioner:

(1) To approve or cancel the approval of financial institutions to act as mortgagees.

(2) To approve or cancel the approval of financial institutions as insured institutions under the provisions of Title I.

(3) To issue commitments for insurance of mortgages and to execute insurance contracts by endorsement of credit instruments pursuant to such commitments.

(4) To approve a change in amount, a change of the term, or any other modification of commitments for insurance or of insurance contracts.

(5) To consent to the release of mortgagors.

(6) To consent to the release of portions of the mortgaged property from the lien of the mortgage.

(7) To approve the insurance of mortgages taken as security in connection with the sale of all properties conveyed to the Federal Housing Commissioner, including the authority to determine the value of such properties and facts relating to the eligibility of such mortgages for insurance,

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[1] On February 24, 1942, the President issued an Executive Order (No. 9070) consolidating the Housing Agencies and functions of the Government into the National Housing Agency. Section 3 of this order provides:

3. There shall be three main constituent units in the National Housing Agency. Each such unit shall be administered by a commissioner acting under the direction and supervision of the National Housing Administrator. The unit administering the Federal Housing Administration and its functions, powers, and duties shall be known as the Federal Housing Administration, and the Federal Housing Administrator shall serve as the Federal Housing Commissioner. * * *

(8) To execute Certificates of Claim and requisitions to the Treasury Department for the issuance of debentures.

(9) To execute assignments, releases or satisfactions of mortgages taken by the Commissioner as security in connection with the sale of acquired properties.

(10) In connection with the sale of properties conveyed to the Commissioner to execute in my official name, as my agent, all deeds or other documents or instruments in connection with the conveyance of title thereto and deeds of release, assignments, or satisfactions of mortgages, deeds of trust, or other liens taken as security in connection therewith.

(11) To execute the power and authority vested in the Commissioner under section IV of the Regulations governing property and obligations held by the Federal Housing Commissioner and approved by the Secretary of the Treasury.

(12) To direct the administration of Field Offices and to initiate and recommend to the Commissioner policies and procedures with respect thereto.

(13) To issue Property Eligibility Statements or Commitments or any similar forms which may be provided in connection with Class 3 loans under the regulations issued pursuant to Title I, section 2, of the National Housing Act. (24 CFR, Part. 502).

(14) To reject or accept for insurance loans or advances of credit made under the provisions of section 2 of Title I that require the prior approval of the Federal Housing Commissioner.

(b) *Assistant Commissioner, Underwriting.* To the position of Assistant Commissioner, Underwriting, and in his absence or inability to act (except with respect to the authority contained in subdivisions 3 and 4 hereunder) to the Assistant to such Assistant Commissioner:

(1) To be directly responsible to the Commissioner for all mortgage underwriting activities, including valuation of realty, land planning, architecture and credit analyses, analyses of locations, subdivisions and areas and construction cost determination.

(2) To plan, supervise, instruct in and review the work of the technical programs and procedures, including: the establishment of eligibility requirements as to property standards, minimum construction requirements and new methods of dwelling construction for projects insured by the Federal Housing Administration; cooperation with industry and governmental agencies in the development of engineering methods, materials, mechanical equipment and architectural planning and design. Dissemination to the field offices and to the public of technical material on planning and construction; preparation of estimates and other studies on the use of materials.

(3) To execute the power and authority vested in the Commissioner under section IV of the regulations governing property and obligations held by the Federal Housing Commissioner and approved by the Secretary of the Treasury.

(4) In connection with the sale of properties conveyed to the Commissioner to execute in my official name as my agent, all deeds or other documents or instruments in connection with the conveyance of title thereto and deeds of release, assignments, or satisfactions of mortgages, deeds of trust or other liens taken as security in connection therewith.

(c) *Assistant Commissioner, Rental Housing and Property Management.* To the position of Assistant Commissioner, Rental Housing and Property Management, and (except with respect to the authority contained in subdivisions 8 and 9 hereunder) under his general supervision to the position of Assistant to such Assistant Commissioner:

(1) To issue commitments for insurance and to execute insurance contracts under sections 207 and 608.

(2) To approve the increase in amount, the extension of term, or any other modification of commitments for insurance or of insurance contracts under sections 207, 210 and 608.

(3) To approve or disapprove "change orders" during construction under sections 207 and 608.

(4) To approve or cancel the approval of financial institutions to act as mortgagees under sections 207 and 608.

(5) To consent to the release of mortgagors and to the release of portions of the mortgaged property from the lien of the mortgage, with respect to mortgages insured under sections 207, 210 and 608.

(6) To approve or disapprove for insurance advances of mortgage money during construction under sections 207 and 608 and to execute such instruments as may be necessary in connection therewith.

(7) To operate and manage all properties conveyed to the Federal Housing Commissioner, including authority with respect to such properties, to:

(i) approve all offers to rent or purchase, except that offers to purchase properties acquired under sections 207 or 608, or offers to buy a group of 10 or more properties acquired under other sections of the act, shall be subject to the approval of the Commissioner and shall be accompanied by the recommendations of the Property Sales Committee,

(ii) execute such contracts, leases, assignments and other instruments as may be necessary in the rental or sale of such properties,

(iii) employ brokers or managers,

(iv) make repairs, alterations, and improvements,

(v) authorize expenditures.

(8) In connection with the sale of properties conveyed to the Commissioner, to execute in my official name, as my agent, all deeds or other documents or instruments in connection with the conveyance of title thereto, and deeds of release, assignments or satisfactions of mortgages, deeds of trust, or other liens taken as security in connection therewith.

(9) To execute the power and authority vested in the Commissioner under section IV of the regulations governing property and obligations held by the Federal Housing Commissioner and approved by the Secretary of the Treasury.

(10) To execute Certificates of Claim and requisitions to the Treasury Department for the issuance of debentures.

(11) To approve the insurance of mortgages taken as security in connection with the sale of all properties conveyed to the Federal Housing Commissioner, including the authority to determine the value of such properties and facts relating to the eligibility of such mortgages for insurance.

(12) To approve the sale, assignment, or modification in the terms of, and authorize the foreclosure of, mortgages assigned to the Federal Housing Commissioner in exchange for debentures, and the sale and terms of sale of all mortgages taken as security in connection with the sale of properties conveyed to the Federal Housing Commissioner, except that offers to purchase mortgages acquired under sections 207, 210 or 608 shall be subject to the approval of the Commissioner and shall be accompanied by the recommendation of the Property Sales Committee.

(d) *Assistant Commissioner, Administrative Services.* To the position of Assistant Commissioner, Administrative Services, and in his absence or inability to act (except with respect to the authority contained in subdivisions 12 and 13 hereunder), to the Assistant to such Assistant Commissioner:

(1) To have supervision and direction over the Personnel Division, the Washington Office Management Division, and the Budget Division.

(2) To maintain an administrative planning program, including the recommendation to the Commissioner of organizational changes within divisions and offices and the study of improvements in organization, space requirements, procedure and forms.

(3) With respect to personnel, to make appointments, promotions, transfers, demotions, separations, and classifications; to fix the administrative work week, to order or approve overtime in excess of any that may be included in the regularly scheduled administrative work week, and to prescribe rules and regulations regarding overtime.

(4) To approve telephone contracts.

(5) To execute leases of property for FHA use.

(6) To issue orders for travel in accordance with the Standardized Government Travel Regulations, as amended, and the Independent Offices Appropriation Act, including authorization for travel by air and extra fare train in accordance with Circular No. 355, Executive Office of the President, dated April 16, 1940, and amendments thereto, and for travel incident to permanent change of station in accordance with the Treasury and Post Office Departments Appropriation Act; to approve travel performed and expense incurred on account of an emergency or without prior authority in accordance with paragraph 7 of the Standardized Government Travel Regulations, as amended, and to approve and authorize the transportation of household goods and personal effects at government expense in accordance with Executive Order 8588 and amendments thereto.

(7) To issue purchase orders, including printing and binding requisitions to the Government Printing Office. (See sec. 3828, Rev. Stat.)

(8) To incur obligations and authorize expenditures for services and for the

purchase of equipment, materials, and supplies other than in connection with acquired properties.

(9) To approve all agreements involving reimbursements, including agreements with others for the performance of any function by or on behalf of the Federal Housing Administration, after first obtaining the recommendation of any division affected.

(10) To issue orders for publications of notices and advertisements in newspapers, magazines, and periodicals. (See sec. 3828, Rev. Stat.)

(11) To execute contracts for services and for the purchase of equipment, materials, and supplies, including contracts for materials, equipment, supplies and services, for the maintenance and operation of acquired properties.

(12) To execute the power and authority vested in the Commissioner under section IV of the Regulations governing property and obligations held by the Federal Housing Commissioner and approved by the Secretary of the Treasury.

(13) In connection with the sale of properties conveyed to the Commissioner to execute in my official name, as my agent, all deeds or other documents or instruments in connection with the conveyance of title thereto and deeds of release, assignments, or satisfaction of mortgages, deeds of trust, or other liens taken as security in connection therewith.

(14) To certify that official long-distance telephone calls made were necessary in the interest of the Government, pursuant to section 4 of the act approved May 10, 1939 (53 Stat. 738).

(e) *Assistant Commissioner, Title I.* To the position of Assistant Commissioner, Title I, and in his absence or inability to act (except as specified in subdivisions 5 and 6 hereunder) to the Assistant to such Assistant Commissioner with respect to the insurance of loans or advances of credit made under the provisions of section 2 of Title I of the National Housing Act:

(1) To approve or cancel the approval of financial institutions as insured institutions under the provisions of Title I.

(2) To approve or cancel the approval of financial institutions to act as mortgagees under Titles II and VI.

(3) To issue and cancel Contracts of Insurance under Title I and to transfer such contracts and the rights and benefits accruing thereunder between lending institutions.

(4) To exercise the authority of the Commissioner under the Regulations governing Title I loans (24 CFR, Parts 501 and 502) in any instance which is subject to the approval of the Commissioner.

(5) To execute the power and authority vested in the Commissioner under the regulations governing property and obligations held by the Federal Housing Commissioner and approved by the Secretary of the Treasury, except that the authority to execute the power and authority under section IV of such Regulations may be exercised only by the Assistant Commissioner, Title I.

(6) In connection with the sale of properties conveyed to the Commissioner to execute in my official name, as my agent, all deeds or other documents or instruments in connection with the conveyance of title thereto and deeds of release, assignments, or satisfactions of mortgages, deeds of trust, or other liens taken as security in connection therewith. The authority in this subdivision may be exercised only by the Assistant Commissioner, Title I.

(7) To reject or accept for insurance loans or advances of credit made under the provisions of section 2 of Title I, that require the prior approval of the Federal Housing Commissioner. To execute in my name such documents as are necessary to transfer title in and to any debt, contract, claim, property or security. To execute in my name proofs of claim against bankrupt, insolvent or decedent estates and to execute releases of obligations to the Federal Housing Administration, including but not limited to notes, judgments, and other evidences of indebtedness, and to release liens of any sort held as security for such obligations, in those cases where the obliger has paid the full amount due thereon to the Federal Housing Administration.

(f) *General Counsel; to the position of General Counsel.* (1) On behalf of the Commissioner to receive and accept service of all summons, subpoenas, and other court process directed to the Commissioner.

(2) To sign, acknowledge and verify on behalf of and in the name of the Federal Housing Commissioner, all declarations, bills, pleas, answers, and all other pleadings in any court proceeding which are brought in the name of or against the Federal Housing Commissioner, or in which he is named as a party.

(3) To advise and consult with the Commissioner and with heads of the several divisions concerning the legal aspects of the policies of the Federal Housing Administration.

(4) To interpret the provisions of the National Housing Act and of the Rules and Regulations promulgated thereunder; revise the Rules and Regulations.

(5) To collaborate with the General Counsel of the National Housing Agency in directing legislation before Congress pertaining to the Federal Housing Administration program, recommending changes by way of amendments.

(6) To administer all matters pertaining to the preparation of legal forms necessary to the work of the Administration; the submission of cases to the Attorney General for legal action; investigation of fraud; or violations of the National Housing Act; and the determination of acceptability of title.

(g) *Assistant to the Commissioner (Informational activities).* To the position of Assistant to the Commissioner (Informational Activities):

(1) To act as staff advisor to the Commissioner on information activities and perform such other duties as the Commissioner may require.

(h) *Zone Commissioners and Directors.* To the positions of Zone Commissioner and to each of them, and under their supervision to their respective Assistant Zone Commissioners, State Directors, District Directors, Territorial Directors, Assistant State Directors, Assistant District Directors, Assistant Territorial Directors, and Executive Assistants:

(1) To issue commitments for insurance of mortgages and to execute insurance contracts by endorsement of credit instruments pursuant to such commitments.

(2) To approve a change in amount, a change of the term, or any other modification of commitments for insurance or of insurance contracts.

(3) To consent to the release of mortgagors.

(4) To consent to the release of portions of the mortgaged property from the lien of the mortgage.

(5) To approve or disapprove for insurance advances of mortgage money during construction, and to execute such instruments as may be necessary in connection therewith.

(6) To approve or disapprove "change orders" during construction.

(7) To issue Property Eligibility Statements or Commitments or any similar forms which may be provided in connection with Class 3 loans under the Regulations issued pursuant to Title I, Section 2, of the National Housing Act. (24 CFR, Part 502)

(8) In connection with Class 3 Loans under the Regulations issued pursuant to Title I, section 2, of the National Housing Act, to approve the sale by insured institutions of acquired property where the insured institution exercises its option to sell the property in the open market in lieu of a conveyance to the Commissioner.

(9) To reject or accept for insurance loans or advances of credit made under the provisions of section 2 of Title I that require the prior approval of the Federal Housing Commissioner.

(10) To approve the insurance of mortgages taken as security in connection with the sale of all properties conveyed to the Federal Housing Commissioner, including the authority to determine the value of such properties and facts relating to the eligibility of such mortgages for insurance.

(11) To execute applications or other documents in connection with any functions which the Federal Housing Administration may perform for any other agency or agencies of the United States.

(12) To certify that official long-distance telephone calls made were necessary in the interest of the Government, pursuant to section 4 of the act approved May 10, 1939 (53 Stat. 738).

(i) *Comptroller.* To the positions of Comptroller, of Assistant Comptroller, and of Assistant to the Comptroller (in the order named):

(1) To requisition the advance of funds.

(2) To approve all expenditures and receipt vouchers necessary to carry out the provisions of the National Housing Act.

(3) To endorse checks for deposit or collection.

(4) To certify financial statements.

(5) To certify the findings of the Compliance Committee in regard to the waiver of the Regulations under the provisions of section 2 (c) of the National Housing Act, as amended.

(6) To certify as to delegations of authority by the Commissioner and as to the truth or accuracy of copies of original papers or documents in the possession of the Administration.

(7) To devise accounting procedures and to administer the fiscal policies of the Administration.

(8) To execute vouchers or applications and receipt for any payments received representing refunds of taxes or other payments made by the Commissioner in connection with property acquired under the provisions of the National Housing Act.

(9) To certify that official long-distance telephone calls made were necessary in the interest of the Government, pursuant to section 4 of the Act approved May 10, 1939 (53 Stat. 738).

(j) *Director of Research and Statistics.* To the position of Director of Research and Statistics:

(1) To advise the Commissioner on the economic aspects of mortgage insurance activities. Plan and administer the activities of the Research and Statistics Division. Consult with the representatives of other divisions and other agencies on problems of housing and economic research.

(2) To initiate, and to undertake on request of other officers, actuarial studies regarding insurance operations under Titles I, II, and VI, including, in collaboration with the Comptroller, studies of the distribution of expenses and income; and to prepare studies of the adequacy of premiums and reserves and such other matters as are required by the Commissioner for the formulation of sound actuarial policy.

(k) *Director of Personnel.* To the position of Director of Personnel, and in his absence or inability to act, to the Assistant Director of Personnel; acting under the supervision and direction of the Assistant Commissioner, Administrative Services:

(1) To be responsible for the development and maintenance of a personnel program.

(2) To have charge of the appointment, promotion, demotion, separation, classification and transfer of personnel; the development and maintenance of a performance rating system; training and employee relations program; and of other personnel functions.

(3) To serve as liaison representative between the Federal Housing Administration and the Civil Service Commission and other Government agencies with respect to personnel matters.

(4) To make recommendations to the Budget Officer with respect to estimates for personnel services.

(l) *Budget Officer.* To the position of Budget Officer, acting under the supervision and direction of the Assistant Commissioner, Administrative Services:

(1) To be responsible for the preparation of budget estimates, personnel ceiling requests, and quarterly apportionments, together with the justifications therefor, and the fixing of budget allotments.

(2) To develop sound workload measures and unit costs and to analyze operations for the purpose of determining whether such workload and unit costs are justified, including the check of rate of expenditures against allocations in order to avoid overexpenditure.

(m) *Office Manager.* To the position of Office Manager, and in his absence or inability to act, to the Assistant Office Manager, acting under the supervision and direction of the Assistant Commissioner, Administrative Services:

(1) To be responsible for the administration of the Washington Office Management Division.

(2) To incur obligations, authorize expenditures, and execute contracts for services and for the purchase of equipment, materials, and supplies other than in connection with acquired properties.

(3) To approve telephone contracts.

(4) To execute leases of property for Federal Housing Administration use.

(5) To issue orders for travel in accordance with the Standardized Government Travel Regulations, as amended, and the Independent Offices Appropriation Act, including authorization for travel by air and extra fare train in accordance with Circular No. 355, Executive Office of the President, dated April 16, 1940, and amendments thereto, and for travel incident to permanent change of station in accordance with the Treasury and Post Office Departments Appropriation Act; to approve travel performed and expense incurred on account of an emergency or without prior authority in accordance with paragraph 7 of the Standardized Government Travel Regulations, as amended, and to approve and authorize the transportation of household goods and personal effects at government expense in accordance with Executive Order 8588 and amendments thereto.

(6) To issue purchase orders, including printing and binding requisitions to the Government Printing Office.

(7) To issue orders for publications of notices and advertisements in newspapers, magazines, and periodicals. (See sec. 3828, Rev. Stat.)

(8) To execute contracts for purchase of equipment and supplies, including contracts for materials, equipment, supplies and services for the maintenance and operation of acquired properties.

(9) To certify that official long-distance telephone calls made were necessary in the interest of the Government, pursuant to Section 4 of the Act approved May 10, 1939 (53 Stat. 738).

§ 500.14 *Delegations to Committees*—(a) *Executive Board.* To a Committee to be known as the "Executive Board", consisting of the Commissioner, as Chairman; the Assistant Commissioner, Field Operations, as Vice Chairman; the Assistant Commissioner, Rental Housing and Property Management; the Assistant Commissioner, Underwriting; the Assistant Commissioner, Title I; the Assistant Commissioner, Administrative Services; the Assistant to the Commissioner, Informational Activities; the General Counsel; the Comptroller; the Budget Officer; the Director of Personnel; and the Director of Research and Statistics:

(1) To consider and discuss matters of general policy and to assist in coordinating the activities of the various divisions of the Federal Housing Administration.

(2) The Executive Board shall meet regularly each Monday at 2:30 P. M. and at such other times as may be directed by the Chairman or Vice Chairman. In the absence of the Chairman, the Vice Chairman shall preside and in the absence of any member of the Board the principal assistant of such absent member shall attend the meeting and serve in the place of such member. Regular minutes of all meetings shall be prepared by someone designated by the Chairman and shall be kept in the custody of the Vice Chairman.

(b) *Property Sales Committee.* To a Committee to be known as the "Property Sales Committee", Consisting of the Assistant Commissioner, Rental Housing and Property Management, Chairman; Assistant Commissioner, Field Operations; Assistant Commissioner, Underwriting; and Chief Counsel, Rental Housing:

(1) To consider and recommend to the Commissioner the approval or disapproval of any offer to purchase a property or mortgage acquired by the Commissioner under the provisions of sections 207 or 608, and any offer to purchase a group of ten (10) or more properties acquired by the Commissioner in connection with any other section of the act.

(c) *Property Management Expenditures Committee.* To a Committee to be known as the "Property Management Expenditures Committee", consisting of the following: Assistant Commissioner, Rental Housing and Property Management, as Chairman, Assistant Commissioner, Field Operations; General Counsel; Assistant Commissioner, Administrative Services; Comptroller; and the Zone Commissioners:

(1) To consider and determine whether or not an expenditure is "necessary to carry out the provisions" of Titles I, II, and VI, as such term is used in section 1 of the National Housing Act, whenever such a determination is, in the opinion of the General Counsel, necessary to support the legal authority of the Commissioner to make such expenditure. A quorum shall consist of five members, one of which shall be the Legal Division representative. Minutes of each meeting which include a determination by the Committee shall be forwarded to the Commissioner prior to action being concluded in connection with such determination. In the absence of any member, the principal Assistant of such absent member shall attend meetings and serve in place of such member. In absence of the Chairman, the members of the Committee shall choose a temporary Chairman.

(d) *Compliance Committee.* To a Committee to be known as the "Compliance Committee", consisting of the Assistant Commissioner, Title I; the Counsel for Title I; the Assistant Commissioner, Administrative Services; the Assistant Commissioner, Field Opera-

tions; and the Comptroller; any three of which shall constitute a quorum:

(1) To waive compliance with regulations heretofore or hereafter prescribed with respect to the interest and maturity of, and the terms, conditions, and restrictions under which loans, advances of credit, and purchases may be insured under section 2 and section 6 of Title I, if in the judgment of the Committee the enforcement of such regulations would impose an injustice upon an insured institution which has substantially complied with such regulations in good faith and refunded or credited any excess charge made, and if such waiver does not involve an increase of the obligation of the Commissioner beyond the obligation which would have been involved if the regulations had been fully complied with. In the absence of any member the principal Assistant of such absent member shall attend meetings and serve in place of such member.

SUBPART C—ORGANIZATION AND FUNCTIONS

The Federal Housing Administration maintains its central office in Washington, D. C., and has established one or more field offices in each state, Hawaii, Alaska and Puerto Rico. (See § 500.22 (b) (5) for locations and jurisdictions of such offices.)

§ 500.21 *Central office.* The central office is divided into the following divisions which exercise functions described respectively below:

(a) *Field Operations Division.* Establish and administer policies and procedures with respect to mortgage insurance under Sections 203 and 603 of the National Housing Act. Approve financial institutions to act as mortgagees under Titles II and VI. Directs administration of field offices. Requests for information and submittals covering these functions should be directed to the insuring office having jurisdiction.

(b) *Legal Division.* Provides legal counsel to the Commissioner and other officials of the Administration. Administers the legal phases of all activities of the Administration under the National Housing Act. Prepares rules and regulations. Determines legal sufficiency of contracts and contract documents. Investigates Fraud and other Violations of the penal provisions of the National Housing Act.

(c) *Underwriting Division.* Develops and directs mortgage underwriting activities, including valuation of realty, land planning, architecture, credit analysis, determination of acceptability of locations and subdivisions, determination of construction costs and establishment of Minimum Property Requirements. Requests for information and submittals covering these functions should be directed to the insuring office having jurisdiction.

(d) *Rental Housing and Property Management Division.* Establish and administer policies and procedures with respect to mortgage insurance under Sections 207, 210 and 608 of the National Housing Act. Administers the functions of property management, mortgage servicing, and the sale of Commissioner-held property and obligations under Titles II and VI and Class 3 of Title I of the National Housing Act. Requests for information and submittals covering these functions should be directed to the insuring office having jurisdiction.

(e) *Administrative Services.* (1) Personnel Division develops and administers the personnel program, including appointments, promotions, demotions, separations, classification, and transfer of personnel. Administers efficiency rating program, training and employee relations programs, and other related functions. Maintains an administrative planning program, including the recommendation to the Commissioner of organizational changes within divisions and offices and the study of improvement in organization, space requirements, procedures, and forms.

(2) Washington Office Management Division provides all office management services, including procurement of equipment and supplies, telephone, duplicating, travel, central files, first aid, mail and messenger, maintenance, stenographic and library.

(3) Budget Division prepares budget estimates and justifications for submission to the Bureau of the Budget and the Congress. Determines personnel ceilings. Fixes budget allotments and certifies to the availability of funds for expenditure. Develops and maintains workload measures and unit costs.

(f) *Title I Division.* Establishes and administers policies and procedures with respect to loan insurance under Title I of the National Housing Act. Approves financial institutions to act as lenders under Title I of the National Housing Act. Directs collection and liquidation of defaulted Title I loans. Requests for information and submittals covering their functions should be directed to the insuring office having jurisdiction.

(g) *Comptroller's Division.* Approves all expenditures and receipt vouchers necessary to carry out the provisions of the National Housing Act and devises accounting procedures and administers the fiscal policies of the Administration.

(h) *Research and Statistics Division.* Advises the Commissioner on the economic aspects of mortgage insurance programs. Initiates, and undertakes on request of other officers, actuarial studies regarding insurance operations under Title I, II, and VI. Prepares studies of the adequacy of premiums and reserves for the formulation of sound actuarial policy. Compiles statistics of insuring operations and conducts economic studies and analyses pertinent to FHA responsibilities.

(i) *Finance and Industry Division.* Initiates and conducts marketing activities so as to assist financial institutions and members of the building and allied industries in utilizing FHA facilities for the purpose of improving practices in construction, planning, financing and related housing activities. Requests for information and submittals concerning these functions should be directed to the insuring office having jurisdiction or to the central office.

§ 500.22 *Field organization*—(a) *Zones.* For administrative purposes the United States, Alaska, Hawaii and Puerto Rico have been divided into four zones, each under the general supervision of a Zone Commissioner responsible for the administration, control, and co-ordination of activities within his zone. These Zone Commissioners are located in the central office.

The geographical areas comprising the four zones are, respectively, as follows:

Zone I: Maine, Vermont, New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Maryland, West Virginia, Delaware, Rhode Island, and the District of Columbia (including the City of Alexandria, and Fairfax and Arlington Counties in Virginia).

Zone II: Virginia (except Fairfax and Arlington Counties and the City of Alexandria), Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Texas, and Puerto Rico.

Zone III: Ohio, Indiana, Michigan, Illinois, Wisconsin, Missouri, Kansas, Iowa, Nebraska, Minnesota, North Dakota, and South Dakota.

Zone IV: New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Oregon, Washington, Alaska, and Hawaii.

(b) *Field Offices.* Offices in the field are classified into four types: Insuring Offices, Underwriting Offices, Service Offices, and Valuation Stations. Insuring Offices, Underwriting Offices and Service Offices are public contact offices. Requests for information and submittals concerning any activity of the Federal Housing Administration should be directed to the Insuring Office with jurisdiction, or to the Underwriting Office, or Service Station, if any, serving the area.

(1) Insuring Offices receive applications for mortgage insurance from approved mortgagees. Applications are completely processed, commitments issued, and, upon presentation of the properly executed credit instruments, the closing and endorsement of credit instruments for mortgage insurance are accomplished.

(2) Underwriting Offices receive applications for mortgage insurance from approved mortgagees. Applications are completely processed, and commitments for insurance are issued. At present there are no offices of this type.

(3) Service Offices receive applications for mortgage insurance from approved mortgagees, and prepare Architectural Reports and Valuation Reports which are transmitted to the Insuring Office or Underwriting Office to which they report. These offices service adjacent areas.

(4) Valuation Stations are points at which a Valuator and any other necessary staff personnel are located. Valuation Stations are authorized to receive applications for mortgage insurance from Insuring Offices or Underwriting Offices only. Valuation Stations perform only specific assignments and prepare specified underwriting reports. These are not public contact offices.

(5) *Locations.* All offices listed below are insuring offices except where otherwise indicated.

State	City	Address	Jurisdiction
Alabama	Birmingham	Comer Bldg	Entire State except Jackson and DeKalb Counties. (*See* Memphis.)
Alaska	Juneau	Federal and Territorial Bldg	Entire Territory.
Arizona	Phoenix	Industrial Bldg	Entire State.
Arkansas	Little Rock	Old Post Office Bldg	Do.
California	Los Angeles	Rives Strong Bldg	Counties south of Monterey, Kings and Tulare, north of San Diego and Imperial, and including the counties of Mono and Inyo.
	San Diego	Broadway Bldg	Counties of San Diego and Imperial.
	San Francisco	315 Montgomery St	Counties north of San Luis Obispo, Kern, west of Inyo, Mono, Alpine, Modoc, Lassen, Plumas, Sierra, El Dorado, and the western halves of Nevada and Placer Counties. (*See* Reno.)
Colorado	Denver	Boston Bldg	Entire State.
Connecticut	Hartford	125 Trumbull	Do.
Delaware	Wilmington [1]	Industrial Trust Bldg	(*See* Philadelphia.)
District of Columbia	Washington	Walker Bldg	District of Columbia, and the counties of Calvert, Charles, Prince Georges, St. Marys, and Montgomery in Maryland, and the counties of Fairfax and Arlington and the city of Alexandria in Virginia.
Florida	Jacksonville	Greenleaf Bldg	Counties north of Charlotte, Glades, and east of Okeechobee, Indian River, and Brevard.
	Miami	Coral Gables, city hall	Counties south of Sarasota, De Soto, south and east of Highlands, and east of Osceola, Orange, Seminole, and Volusia.
	Tampa [1]	Fonte Bldg	(*See* Jacksonville.)
Georgia	Atlanta	101 Marietta Bldg	Entire State except Dade, Walker, and Catoosa Counties. (*See* Memphis.)
Hawaii	Honolulu	Federal Bldg	Entire Territory.
Idaho	Boise	Capitol Securities Bldg	Entire State and the counties of Wallowa, Union, Baker, and Malheur in Oregon.
Illinois	Chicago	Merchandise Mart	Counties north of Mercer, Henry, Bureau, La Salle, Livingston, Ford, and Iroquois.
	Springfield	Illinois Bldg	Counties south of Rock Island, Whiteside, Lee, DeKalb, Grundy, Kendall, and Kankakee.
Indiana	Indianapolis	Guaranty Bldg	Entire State.
Iowa	Des Moines	Insurance Exchange Bldg	Do.
Kansas	Topeka	National Bank of Topeka Bldg	Do.
Kentucky	Louisville	Post Office Bldg	Do.
Louisiana	New Orleans	Richards Bldg	Do.
Maine	Bangor	Exchange Bldg	Do.
Maryland	Baltimore	Fidelity Bldg	Entire State except Calvert, Charles, Prince Georges, St. Marys, and Montgomery Counties (*see* District of Columbia), but including the counties of Accomac and Northampton in Virginia.
Massachusetts	Boston	40 Broad St	Entire State.
	Springfield [1]	Security Bldg	(*See* Boston.)
Michigan	Detroit	Penobscot Bldg	Entire State.
	Grand Rapids [1]	Grand Rapids National Bank Bldg	(*See* Detroit.)
Minnesota	Minneapolis	New Post Office Bldg	Entire State except Clay and Polk Counties (*see* Sioux Falls, S. Dak.).
Mississippi	Jackson	Lamar Life Bldg	Entire State except counties of Alcorn, Benton, De Soto, Marshall, Prentiss, Tate, Tippah, Tishomingo, and Tunica. (*See* Memphis.)
Missouri	Kansas City	Land Bank Bldg	Counties west of Putman, Sullivan, Macon, Randolph, Boone, Cole, Miller, Pulaski, Texas, Shannon, and Oregon.
	St. Louis	Franklin American Trust Bldg	Counties east of Mercer, Grundy, Linn, Chariton, Howard, Cooper, Moniteau, Morgan, Camden, Laclede, Wright, Douglas, and Howell.
Montana	Helena	Federal Bldg	Entire State.
Nebraska	Omaha	Woodmen of the World Bldg	Do.
Nevada	Reno	Lunsford Bldg	Entire State, and the counties of Alpine, Lassen, Modoc, Plumas, Sierra, and El Dorado, and the eastern half of Nevada, and Placer Counties in California.
New Hampshire	Manchester	70 Market St	Entire State.
New Jersey	Camden	Post Office Bldg	Counties south of Mercer and Monmouth.
	Newark	Raymond-Commerce Bldg	Counties north of Ocean and Burlington.
New Mexico	Albuquerque	401 North 2d St	Entire State and the counties of El Paso, Hudspeth, Culberson, Jeff Davis, Presidio, Brewster, Loving, and Reeves in Texas.
New York	Albany	City & County Savings Bank Bldg	Counties north of Sullivan, Ulster, Dutchess, and east of Wayne, Seneca, Tompkins, and Broome.
	Buffalo	Main Post Office Bldg	Counties west of Cayuga, Cortland, Chenango, and Delaware.
	New York City	2 Park Ave	Counties south of Delaware, Greene, and Columbia.
North Carolina	Greensboro	Guilford Bldg	Entire State.
North Dakota			(*See* Sioux Falls, S. Dak.)
Ohio	Cincinnati [1]	Schmidt Bldg	(*See* Columbus.)
	Cleveland	Federal Bldg	Counties north of Van Wert, Allen, Hardin, Marion, Morrow, Knox, Coshocton, Guernsey, and Belmont.
	Columbus	Old Post Office Bldg	Counties south of Paulding, Putnam, Hancock, Wyandot, Crawford, Richland, Holmes, Ashland, Tuscarawas, Harrison, and Jefferson.
	Toledo [1]	U. S. Courthouse and Customs Bldg.	(*See* Cleveland.)
Oklahoma	Oklahoma City	Cotton Exchange Bldg	Counties west of Osage, Pawnee, Creek, Okfuskee, McIntosh, Pittsburg, Latimer, and Le Flore.
	Tulsa	Richard Bldg	Counties east of Kay, Noble, Payne, Lincoln, Seminole, Hughes, Coal, and north of Atoka, Pushmataha, and McCurtain.
Oregon	Portland	Platt Bldg	Entire State except counties of Malheur, Baker, Union, and Wallowa (*see* Boise, Idaho), but including the counties of Clark, Skamania, and Klickitat in Washington.
Pennsylvania	Philadelphia	Public Ledger Bldg	Counties east of Potter, Cameron, Clearfield, Huntingdon, and Fulton and the entire State of Delaware.
	Pittsburgh	Henry W. Oliver Bldg	Counties west of Tioga, Clinton, Centre, Mifflin, Juniata, Perry, and Franklin.
Puerto Rico	San Juan	Banco Popular Bldg	Entire island.
Rhode Island	Providence	Old Colony Bank Bldg	Entire State.
South Carolina	Columbia	Federal Land Bank Bldg	Do.
South Dakota	Sioux Falls	New City Hall	Entire State including entire State of North Dakota and Clay and Polk Counties in Minnesota.
Tennessee	Memphis	Federal Bldg	Entire State and Tunica, De Soto, Tate, Marshall, Benton, Tippah, Alcorn, Prentiss, and Tishomingo Counties in Mississippi, and Jackson and De Kalb Counties in Alabama, and Walker, Dade, and Catoosa Counties in Georgia.
Texas	Dallas	Cotton Exchange Bldg	Counties east of Montague, Wise, Tarrant, Johnson, Bosque, Hamilton, Lampasas, north of Williamson, Milam, Robertson, Leon, Houston, Angelina, Nacogdoches, and Shelby.
	Fort Worth	Electric Bldg	Counties west of Cooke, Denton, Dallas, Ellis, Hill, McLennan, Coryell and north of Burnet, Llano, Mason, Menard, Schleicher, Crockett, and Terrell, except Loving, Reeves, Jeff Davis, Brewster, Presidio, Culberson, Hudspeth and El Paso Counties. (*See* Albuquerque, New Mexico.)
	Houston	Rusk Bldg	Counties east of Calhoun, Victoria, De Witt, Gonzales, Caldwell, Bastrop, Lee, Burleson, Milan, and south of Falls, Limestone, Freestone, Anderson, Cherokee, Rusk, and Panola.
	San Antonio	Alamo National Bank Bldg	Counties south of Pecos, Upton, Reagan, Irion, Tom Green, Concho, McCulloch, San Saba, Lampasas, Bell, Falls, and west of Robertson, Brazos, Washington, Fayette, Lavaca, and Jackson.
Utah	Salt Lake City	Dooly Bldg	Entire State.
Vermont	Burlington	Parkhill Bldg	Do.
Virginia	Richmond	Parcel Post Bldg	Entire State except city of Alexandria, Arlington and Fairfax Counties (*see* District of Columbia), and Accomac and Northampton Counties (*see* Baltimore).
Washington	Seattle	Dexter-Horton Bldg	Entire State except counties of Clark, Skamania, and Klickitat. (*See* Portland, Oreg.)
	Spokane [1]	Columbia Bldg	(*See* Seattle.)
West Virginia	Charleston	Chamber of Commerce Bldg	Entire State.
Wisconsin	Milwaukee	Wisconsin Broadway Bldg	Do.
Wyoming	Cheyenne	Post Office Bldg	Do.

[1] Indicates a service office servicing adjacent areas but reporting to an insuring office as indicated.

§ 500.30 *Official records.* (a) Except to the extent that there is involved any function of the United States requiring secrecy in the public interest or any matter relating solely to the internal management of the Federal Housing Administration, matters of official record of the Federal Housing Administration, not held confidential for good cause, shall be available for the inspection of persons properly and directly concerned upon application by such persons to the insuring office having jurisdiction or to the central office, Washington, D. C.

(b) The following are identified as official records:

Title I Loan Report.
Title I Refinancing Report.
Title I Reconcilement Statement.
Title I Transfer of Note Report.
The Borrower's Application for a Title I Loan, the original note, Completion Certificate, and other exhibits furnished to the lending institution by the borrower, become a part of the official records of the Federal Housing Administration only in the event a claim is filed for payment under the contract of insurance.
Mortgagee's Application for Insurance, together with the exhibits attached thereto.
Commitment for Insurance.
Contract of Insurance (Section 207).
Compliance Inspection Reports.
Mortgagee's Assurance of Completion.
Consent to Substitution of Mortgagors.
Notice of Transfer by Transferor and Transferee.
Report of Prepayment.
Notice of Default.
Application for Debentures and Certificate of Claim.

These records pertain to contracts of insurance between the lending institution and the Federal Housing Administration and are confidential as to all persons other than the contracting parties.

SUBPART D—FEDERAL HOUSING ADMINISTRATION PROCEDURE

The procedures outlined in this subpart D, are to be read in connection with and as supplemental to the procedures required by the substantive Administrative Rules and Regulations issued by the Commissioner under Titles I and II of the National Housing Act. Administrative Regulations under Title I are found in Parts 501 and 502, Chapter V; Administrative Rules and Regulations under section 203 of Title II, in Parts 521 and 522, Chapter V; and Administrative Rules and Regulations under section 207 of Title II, in Parts 532 and 533, Chapter V, Code of Federal Regulations.

§ 500.31 *Approval of financial institutions.* To obtain approval as a lending institution under Title I or as a mortgagee under Titles II and VI of the National Housing Act, the following procedures are to be observed:

(a) *Approval of lending institutions* (Title I, National Housing Act). (1) Any lending institution may submit its application for determination of its qualifications to the satisfaction of the Commissioner.

(2) The applicant will use Form FH 21, Title I "Contract of Insurance Application", obtained from the nearest FHA insuring office and when completely executed, one copy should be submitted to the insuring office for transmission to the FHA, Washington, D. C. The application is designed to identify the particular lending institution; its legal existence; supervision, if any, by acceptable Federal or State regulatory or supervisory departments; indicate the geographical or trading area of the applicant contemplated for the handling of Title I loans, and the existence or proposed establishment of adequate facilities and ability properly to conduct its credit and collection aspects in that territory; a statement of the type and nature of Title I business applicant proposes to follow; an analysis of loans made in the past fiscal year, as to type, volume, maturity, rate of interest and nature of underlying security; banking references and established bank credit facilities.

(3) The application must be accompanied by:

(i) Copy of applicant's latest financial statement as furnished under requirements of a governmental supervisory agency having jurisdiction or if not under acceptable governmental supervision an independent detailed audit of its books made by an accountant satisfactory to the Commissioner.

(ii) A detailed statement of existing credit and collection procedures in use by applicant together with a statement of the method and scope of its proposed Title I lending activities.

(4) *Commissioner determination.* The completed application and exhibits are passed upon at FHA, Washington, D. C., by the Assistant Commissioner, Title I. Determination is based on a showing to the satisfaction of the Commissioner of acceptable qualifications as to legal permanency of the organization; sound and adequate financial conditions (in cases of limited net worth available lines of credit for specific financing of Title I loans); acceptability of supervision, principal activity being vested in lending funds or investing in mortgages, consumer instalment notes, or similar advances of credit; experience and integrity of management; ability to pass on borrower's credit and to effect collections; ability to make dealer investigations and spot checks on improvements effected with Title I property improvement loans.

(5) *Evidence of approval.* A letter of approval and general instructions are mailed direct from Washington, accompanied by the Contract of Insurance, in duplicate, authorizing applicant to operate under Title I and insuring its loans which are made in accordance with the regulations. The duplicate is executed by an authorized official of the applicant, returned direct to Washington and constitutes acceptance of the contract. If the application is rejected, a letter of rejection is mailed directly from Washington to the applicant.

(6) *Appeals and reconsideration.* Appeal from a rejection or request for the Commissioner's reconsideration is submitted by letter to the local FHA office for transmission to Washington Headquarters, stating in detail the facts on which appeal or reconsideration request is based. Result of the appeal or reconsideration is communicated directly to applicant from Washington headquarters.

(b) *Approval of Mortgagee* (section 203, section 603, National Housing Act). (1) Any type of lending institution not specifically designated in the Administrative Rules as an approved mortgagee may submit its application on the prescribed form for determination of its qualifications to the satisfaction of the Commissioner.

(2) *FHA forms.* The applicant will use the FHA forms prescribed as follows:

(i) If under acceptable governmental supervision, FHA Forms 2001, 2001a and 2001b.

(ii) If not under such supervision and with a minimum net worth of $100,000, FHA Forms 2001c and 2001b.

(iii) These forms may be obtained in duplicate from the nearest FHA insuring office or from the FHA Central Office in Washington, D. C., and when fully executed, the originals submitted to the nearest insuring office for transmittal to FHA, Washington, D. C. The application is designed to identify the particular lending institution, its corporate existence, supervision, if any, locations of branches, character of business, affiliations with other government agencies, resume of past mortgage business transacted and proposed FHA business, the method by which FHA loans will be serviced and certain other conditions for continued approval.

(3) The application must be accompanied by:

(i) If applicant is under acceptable governmental supervision, a copy of the latest published financial statement, or,

(ii) If not under supervision, an independent detailed audit made by a certified public accountant or other accountant not in the employ of the applicant who is satisfactory to the Commissioner

(iii) Letter or letters from banks giving lines of credit available for mortgage origination

(iv) A short statement from the applicant indicating the experience of the principals in the mortgage origination and servicing fields.

(4) *Commissioner determination.* The completed application and exhibits are reviewed at FHA, Washington, D. C., by the Assistant Commissioner, Field Operations. Eligibility is based on satisfactory qualifications as to legal permanency of the organization; sound and adequate financial conditions (in cases of limited net worth, available lines of credit for specific financing of Title II loans); acceptability of supervision; principal activity being lending funds or investing in mortgages; experience and integrity of management.

(5) *Evidence of approval.* A letter of approval and general instructions are mailed direct from Washington. A certificate of approval will be mailed in due course. If the applicant is rejected, a letter of rejection is mailed direct from Washington to the applicant.

(6) *Appeals and reconsideration.* Appeal from a rejection or request for the Commissioner's reconsideration is submitted by letter to the local FHA office for transmission to Washington Headquarters, stating in detail the facts on which appeal or reconsideration request is based. Result of the appeal or reconsideration is communicated direct to applicant from Washington headquarters.

(c) *Approval of mortgagee as a loan correspondent.* (1) Any approved mortgagee which lends on, or invests in, mortgages on a national scale and is subject to the inspection and supervision of a governmental agency may request the Commissioner's approval as a loan correspondent mortgagee of any institution or other permanent organization. FHA Forms 2001c, 2001b and 2001d are used. These forms may be obtained in duplicate from the nearest FHA insuring office or from the FHA, Washington, D. C. When fully executed, the originals should be submitted to the nearest insuring office for transmittal to FHA, Washington, D. C. The application is designed to identify the particular lending institution, its corporate existence, supervision, if any, locations of branches, character of business, affiliations with other government agencies, resume of past mortgage business transacted and proposed FHA business, the method by which FHA loans will be serviced and certain other conditions for continued approval.

(2) The application must be accompanied by:

(i) If applicant is under acceptable governmental supervision, a copy of the latest published financial statement, or,

(ii) If not under such supervision, an independent detailed audit made by a Certified Public Accountant or other accountant not in the employ of the applicant who is satisfactory to the Commissioner

(iii) Letter or letters from banks giving lines of credit available for mortgage origination

(iv) A short statement from the applicant indicating the experience of the principals in the mortgage origination and servicing fields.

(3) *Commissioner determination.* The completed application and exhibits are reviewed at FHA, Washington, D. C., by the Assistant Commissioner, Field Operations. Eligibility is based on satisfactory qualifications as to legal permanency of the organization; sound and adequate financial conditions (in cases of limited net worth, available lines of credit for specific financing of Title II loans); acceptability of supervision; principal activity being vested in lending funds or investing in mortgages, experience and integrity of management.

(4) *Evidence of approval.* A letter of approval and general instructions are mailed direct from Washington. A certificate of approval will be mailed in due course. This certificate is suitable for framing and display. If the applicant is rejected, a letter of rejection is mailed direct from Washington to the applicant.

(5) *Appeals and reconsideration.* Appeal from a rejection or request for the Commissioner's reconsideration is submitted by letter to the local FHA office for transmission to Washington headquarters, stating in detail the facts on which appeal or reconsideration request is based. Result of the appeal or reconsideration is communicated direct to applicant from Washington headquarters.

(d) *Approval of mortgagees under sections 207 and 608 of the National Housing Act.* (1) Any institution approved under sections 203 or 603 of the National Housing Act may submit applications under sections 207 and 608 of the act. Other institutions, organizations, agencies, or entities may become the mortgagee under a mortgage insured under sections 207 or 608 of the National Housing Act for a particular transaction, provided they can demonstrate to the satisfaction of the Commissioner their ability to make and service the mortgage loan. Requests for approval as mortgagee for particular transactions may be made by letter to the Insuring Office having jurisdiction.

§ 500.32 *Title I Insurance*—(a) *General.* (1) Under section 2 of Title I of the National Housing Act, the Commissioner is authorized to insure qualified lending institutions against losses on account of loans or purchases made for eligible purposes as specified in the act. Such loans are classified by regulation as Class 1, Class 2 and Class 3 loans. In the case of Class 1 and Class 2 loans (covering modernization and improvements of existing structures, and new structures for commercial and agricultural use) the entire transaction is the responsibility of the lending institution holding a contract of insurance. The applicant-borrower submits an application on Form FH1 to the lending institution. This form provides for submission of facts as to the nature of improvements or repairs, status of ownership of the property to be improved and credit data. The determination as to the eligibility of such loan for insurance, the approval of the borrower's credit and all other details of the transaction are handled by the lending institution, without prior examination or approval of the transaction by the Federal Housing Administration, except as specifically required by the regulations.

(2) In the case of Class 3 loans, which are limited to loans made for the purpose of financing new residential construction under the provisions of Title I of the Act, the application to the lending institution is submitted on Form FH51, and a certificate of property eligibility must be obtained from the local FHA office before the loan is made. Such certificate is furnished on Form FH54 (Property Eligibility Statement), based upon information as to the location of the land and proposed construction furnished by the lending institution on Form FH52 (Application for Property Approval), and Form FH53 (Property Description), which forms are accompanied by the institution's estimate of the value of the property, and its check in the amount required by the Regulations in effect. Class 3 transactions are otherwise handled in a manner similar to Class 1 and Class 2 loans, the approval of the borrower's credit and other details of the transaction being handled by the lending institution.

(3) Prospective borrowers may obtain a list of the qualified lending institutions in the particular area by writing to the Federal Housing Administration insuring office in the locality, or to the central office in Washington, D. C. Application forms and other forms prescribed for use in connection with Title I loans are available at the lending institutions, whose supplies of such forms are replenished upon request to the insuring office in the locality, or the central office in Washington, D. C.

(b) *Disbursements.* Disbursement of the proceeds of Class 1 and 2 loans may be made by the lending institution either (1) direct to the borrower or (2) to one other than the borrower or the borrower and another jointly, in which event a "Borrower's Completion Certificate" (FH–2) and a "Dealer's Completion Certificate" (FH–3) properly executed are required.

(c) *Reports by the lending institution.* After the loan is made, or the note is purchased from a dealer, the lending institution submits individual reports, setting forth the details including (name of borrower, location of property, amount of loan advanced, finance charges, date of note and terms of payment) of each transaction to the Federal Housing Administration, Washington, D. C., on Form FH–4. On the basis of the information contained in such report, the Federal Housing Administration computes the insurance premium which will be due and payable by the lending institution, and records the transaction on its official records.

(d) *Refinancing.* Loans reported for insurance may be refinanced and the refinancing loans are reported for insurance, provided they meet the requirements of the applicable regulations, and do not exceed the maximum amounts and maturity prescribed by the regulations and act. The details of the refinancing transaction are handled by the lending institution in the same manner as the making of a new loan, and is similarly reported for insurance on Form FH–5.

(e) *Insurance reserve.* For each institution holding a contract of insurance, there is established by the Federal Housing Administration a general insurance reserve equal to the percentage prescribed by the National Housing Act and applicable regulations of the aggregate amount advanced on all eligible loans reported for insurance. The transfer of the insurance reserve between such institutions is permissible as prescribed in the regulations and involves the transfer of the notes to the purchasing institution. Each institution involved submits a report of the transaction to the Federal Housing Administration, Washingon, D. C., on Form FH–6, identifying the loan, the transferee and reserve transferred.

(f) *Claim for payment under insurance contract.* Claims for reimbursement for loss on an eligible Class 1 or Class 2 loan may be made by the lending institution after the borrower's default, provided demand has been made for the full unpaid balance of the note. Such claim is submitted to the Federal Housing Administration, Washington, D. C., on Form FHE7, which must be accompanied by (1) the lending institution's complete credit and collection file pertaining to the transaction; and (2) the note and any security held/or judgment taken, duly assigned to the United States of America, as provided by the regulations. Claims for reimbursement for loss on Class 3 transactions are made after foreclosure of the mortgage held by the lending institution and conveyance of title to the property to the

Commissioner, or, with the Commissioner's approval of the sale of the property by the lending institution, the property may be sold and claim filed for the deficiency, if any. An audit of each claim is made by the Federal Housing Administration for the purpose of determining compliance with the provisions of the National Housing Act and the applicable regulations. Payment of the loss sustained is then made by United States Treasury check. If the claim is disapproved the lending institution is notified of the basis of such disapproval, with return to it of all related papers and documents. The lender may obtain reconsideration of disapproval of a claim by making written request addressed to the Comptroller, Federal Housing Administration, Washington, D. C.

§ 500.33 *Mortgage insurance under section 203*—(a) *Application.* Any financial institution approved by the Commissioner as mortgagee may apply for mutual mortgage insurance under section 203 of the National Housing Act. The application for insurance must be submitted on FHA Form 2004 to the Federal Housing Administration Insuring Office having jurisdiction over the area in which the property offered as security is located. The application Form No. 2004 entitled "Mortgagee's Application for Mortgage Insurance" is divided into four parts, namely:

(1) *Mortgagee's application.* This part sets forth, among other things, the principal amount of the loan to be insured, the interest rate, the term of amortization.

(2) *Mortgagor's statement.* This part sets forth the purpose of the mortgage loan, estimated settlement requirements, indebtedness against the property offered as security, the mortgagor's employment status, as well as his financial position including the amount of life insurance carried, his annual income, number of dependents and all real estate owned.

(3) *Mortgagor's property description.* This part sets forth the address and legal description of the property offered as security as well as a description of the land, street improvements, utilities, building improvements, the amount of taxes and insurance, and occupancy, if any, of the property offered as security.

(4) *Instructions.* This part sets forth the exhibits required with the application; the financial requirements for closing; and the allowable charges by the mortgagee.

(5) *Exhibits.* The following exhibits are required with each application:

(i) *New construction.* (*a*) Plot plan, in duplicate.

(*b*) Complete drawings.

(*c*) Outline specifications on FHA Form 2005, Description of Materials, completely filled out, in duplicate.

(*d*) If an individual water-supply and/or sewage-disposal system is proposed, separate exhibits, as required by the local FHA office, must be submitted.

(ii) *Existing construction.* (*a*) Dated photographs (approximately 3'' x 5'') of front view and street view (showing existing street improvements) of the subject house and the house adjoining on side, two prints each.

(*b*) A single signed or certified copy of the purchase agreement, if loan is to finance the purchase of the property or refinance the balance due under contract for deed.

(*c*) If proposed improvements involve major additions or alterations affecting the structure or design of the building, attach complete drawings and specifications in duplicate, indicating the work to be done and its relation to the existing structure, and contrator's bid, or mortgagor's estimate of cost of the proposed improvements (a single copy). Minor improvements may be supported by a description of the work to be done, illustrated by a sketch if necessary.

(6) The mortgagor is required to show financial ability to pay all proper charges in connection with the construction or purchase and the closing of the loan.

(7) *Application fee.* Each application must be accompanied by an examination fee in the amount referred by the Administrative Rules in effect on the date application is filed.

(8) *Mortgage insurance premium.* The mortgagee is required to pay to the Commissioner an annual mortgage insurance premium. The initial premium is payable when the loan is endorsed for insurance. The amount of the initial premium, as well as renewal premiums, is computed in accordance with the Administrative Regulations.

(9) *Refinancing certificate of mortgagor.* The mortgagee's application for mortgage insurance, in addition to the above provisions, provides a refinancing certificate that is required in all applications for section 203 which involves the refinancing, in whole or in part of an existing mortgage, where the proposed mortgage loan is to be made by a mortgagee other than the holder of the existing mortgage.

(b) *Commissioner's determination*—(1) *Underwriting analysis.* Upon the receipt of the mortgagee's application for insurance at the FHA insuring office, an underwriting analysis of the proposed loan is made by the technical staff. This includes all procedures and analyses after the recordation of the application until a rating is given to the proposed mortgage transaction and underwriting recommendation is made to the Director. Underwriting processing includes architectural analysis, cost estimation, valuation and mortgage credit analysis, rating the risks involved and the making of compliance inspections. Requirements and standards pertaining to real estate, are published in separate publications covering the following subjects. Subdivision Standards including Minimum Street Improvement Requirements; Minimum Property Requirements for Properties of One or Two Living Units; Minimum Property Requirements for Properties of Three or more Living Units; Minimum Requirements for Individual Water Supply and Sewage Disposal Systems, and may be obtained from any FHA insuring office or from the Central Office, Washington, D. C.

(2) *Commitment for insurance.* Upon determination that the mortgagor and the property offered as security conforms with the standards and requirements prescribed by the Commissioner, a commitment for insurance is issued to the applicant mortgagee setting forth the terms and conditions under which the loan will be endorsed for insurance.

In those cases in which the commitment requires compliance inspections, the mortgagee will submit, at the proper time, Request for Compliance Inspection, FHA Form 2289. These forms may be obtained from the insuring office which issues the commitment. Compliance inspections are made for the benefit of the FHA to determine the acceptability of the construction under the FHA standards and requirements.

(3) *Amendment after commitment.* Request for the amendment of an outstanding commitment as to any of the terms thereof of the parties hereto, except as to increase in amount, may be filed with the insuring office having jurisdiction. Request for increase in amount may be filed with the insuring office having jurisdiction, but will require the issuance of a new commitment.

(4) *Endorsement for insurance.* Upon the return of the original commitment properly executed, together with the documents specified therein, the original credit instrument is endorsed for insurance by the execution of the endorsement panel, in the name of the Commissioner by an authorized agent. The original credit instrument is then returned to the mortgagee.

(5) *Amendment after insurance*—(i) *Consent to substitution of mortgagor.* A mortgagee desiring to release the present mortgagor from liability and accept a new mortgagor may request the Commissioner's consent. The request is made on FHA Form 2210 and is filed with the FHA insuring office having jurisdiction and accompnaied by Mortgagor's Statement on FHA Form 2004. After analysis and if acceptable the Commissioner gives his consent by executing and returning Form 2210 to the mortgagee.

(ii) *Extension of term.* Subject to legal maximum maturity limitation, the Commissioner may consent to increase of term upon written request by mortgagee to insuring office having jurisdiction.

(iii) *Decrease of term.* Commissioner's consent required if higher monthly payment results. Approval obtained by mortgagee making written request to insuring office having jurisdiction.

(iv) *Release of part of mortgage property.* Commissioner's consent required and may be obtained by making written request to insuring office having jurisdiction.

(v) *Reduction in interest rate.* Commissioner's consent not required and no notice to FHA necessary.

(vi) *Appeals.* In the event the underwriting analysis determines that the Application for Mortgage Insurance should be rejected as not complying with the standards prescribed by the Commissioner, the applicant is notified on FHA Form 2026 "Report on Application" which sets forth the reasons for rejection. The mortgagee may request a reconsideration of the findings or resubmit the application for insurance when it considers that the conditions which caused the rejection have been remedied or changed.

(c) *Prepayment in full prior to maturity.* Notice to FHA required within thirty days from date of prepayment on FHA Form 2344, together with fees required by Administrative Regulations, if any. This form should be sent to FHA Central Office, Washington, D. C. Copies can be obtained from any insuring office or the central office.

(d) *Assignment of insured mortgage.* Insured mortgages may be assigned or transferred only to a mortgagee approved by the Commissioner. Notice of the transfer, executed by the transferor and transferee, must be filed with the central office on Form 2080, copies of which can be obtained from any insuring office or the central office.

(e) *Procedures after default.* Notification of default must be filed with the central FHA office, Washington, D. C., in accordance with the requirements of the insurance contract. FHA Form 2068, Notice of Default Status, is used for this purpose and may be procured from any insuring office or from the central office in Washington, D. C.

(f) *Claim for payment under insurance contract.* Upon default and completion of foreclosure, the mortgagee notifies the Commissioner by letter addressed to the General Counsel, Washington, D. C., of its intention to tender title and possession of the property to the Commissioner in exchange for debentures. Application for debentures is then filed on FHA Form 2205, copies of which are sent to the mortgagee from the office of the General Counsel, Washington, D. C., accompanied by full instructions. This form provides for submission of data required by the Act and Regulations in order to compute the amount of payment under the insurance contract.

Upon approval of title and conveyance of title and delivery of possession of the property to the Commissioner, the amount to which the mortgagee is entitled is paid in debentures and a Certificate of Claim as provided in the Act and Regulations.

(g) *Insured note lost or destroyed.* When an insured note has been lost or destroyed, the Commissioner will endorse for insurance an identical substitute note upon the mortgagee-holder giving an indemnity bond in the full face amount of the original note. A standard indemnity bond form is furnished for this purpose and is procurable from all FHA insuring offices.

(h) *War Housing Insurance under section 603.* The application procedure for this type of insurance is the same as the application procedure under section 203 as described above except that in case of refinancing of a section 603 mortgage, the certificate of refinancing is not required. FHA Form 2004 "Mortgagee's Application for Mortgage Insurance" is used in applying for War Housing Insurance.

§ 500.34 *Rental housing mortgage insurance, under section 207*—(a) *Application for mortgage insurance, Form 2013.* This form is used by an approved mortgagee in applying for mortgage insurance covering a rental housing project and must be signed by the mortgagee and by the mortgagor. The purpose of this form is to permit the mortagee to specify the amount and terms of a mortgage loan it is willing to make and provides for the mortgagor to set forth, in a preliminary manner, financial structure and a brief description of the project to be built.

The application for mortgage insurance is divided into six (6) sections. Section I is the mortgagee's application where the mortgagee specifies the amount of loan which it is willing to make at a specified interest payable over a specified period of time. The mortgagee also indicates whether it is desired to repay the loan by level annuity payments or declining annuity payments. This section of the application is signed by the mortgagee. Section II is the mortgagor's application stating the amount of the mortgage which he wishes to insure and disclosing the names and addresses of the proposed mortgagors as well as the architect and attorney. Section III of the application consists of "Explanatory Notes" which describe the exhibits which are required to be submitted along with the application as well as the proper information to be supplied in completing the application. Section IV of the application provides for supplementary schedules concerning information with regard to sources of equity, information concerning land, information concerning cost of new utilities and extra foundations, information on cost of landscape construction, estimate of annual operating expenses. Section V sets forth the proposed financial set-up disclosing the necessary resources, estimated requirements for all improvements to the property including carrying charges, etc., estimated annual operating statement, and provides for space to list the accompanied exhibits. Section VI provides for the scheduling of the various unit rents and is signed by the sponsor of the proposed project.

(1) *Who may apply.* Any mortgagee, approved by the Commissioner under the National Housing Act, may submit an application for mortgage insurance for a rental housing project under section 207.

(2) *Who may be a sponsor or mortgagor.* A private corporation, association, cooperative society which is a legal agent of the owner occupants, or trust, formed or created with the approval of the Commissioner. A model form of certificate of Incorporation is furnished to sponsors for their use in preparing a certificate of incorporation. This model form of certificate of incorporation is self-explanatory and is based on Maryland law and may be altered only so as to comply with the corporate law of the jurisdiction in which the project is to be located or so as to be converted into a Trust Agreement.

(3) *On what form.* Application for mortgage insurance must be submitted on FHA Form 2013 as described above. This form may be obtained from any FHA insuring office.

(4) *Where filed.* The Application for Mortgage Insurance is filed with the insuring office having jurisdiction over the territory in which the proposed project is to be located.

(5) *What supporting documents are required.* The required exhibits, which are to be submitted along with the Application for Mortgage Insurance, include a legal description of the site by which it can be identified; a statement of ownership which shows that the site is either owned by the sponsors or that they have valid option to buy the site; photographs of the proposed site and its surrounding neighborhood, together with sufficient descriptive matter typed on the photographs to indicate from which point and direction the photographs were taken; a city map marked to indicate the proposed site, schools, churches, shopping and business districts—industrial and commercial, and recreational centers, main traffic arteries showing available means of transportation to and from the proposed site to such centers; if a zoning map and zoning ordinances are available, they must be furnished. If they are not available, such information shall be indicated on the topographical survey of the proposed site. In either event the sponsors must submit definite assurance that the proposal will not violate existing zoning restrictions; Form FH–21a which is to be submitted to the Labor Department for determination of prevailing wages to be paid in the construction of the proposed project; detailed personal financial statements of each sponsor submitted on FHA Form 2417; architectural exhibits including a topographical survey of the site and preliminary drawings and outline specifications sufficient to show design planning, material and construction in sufficient detail for an accurate cost estimate.

(b) *Commissioner determination.* After submission of FHA Form 2013, application for mortgage insurance, the application and supporting exhibits are processed in order to determine that the project is economically sound, whether or not the architectural planning and specifications meet with the requirements established by the Commissioner for the construction of a rental housing project, whether the site for the proposed project is desirable from the standpoint of need for housing and in line with the present residential developments within the particular area. The proposed project must also meet the requirements set forth in the National Housing Act and the Administrative Rules and Regulations.

(1) *Approval of application for mortgage insurance.* Upon approval of the application for mortgage insurance a commitment is issued to the mortgagee in accordance with the mortgagee's desire that this commitment will be in one of two forms, either on FHA Form 2432, commitment for insurance, which provides for the insurance of construction advances or on FHA Form 2453, commitment to insure upon completion, which does not provide for construction advances, but provides that the FHA will insure the loan upon completion in the event the mortgagor complies with the terms of the commitment.

(2) *Disapproval of application for mortgage insurance.* In the event the application for mortgage insurance is rejected, the applicant will be advised, together with the reason therefor. A re-

jected application may be reconsidered upon written request to the Insuring Office which rejected the application.

(c) *Commitment for insurance, Form 2432.* This is the commitment form which is used after favorable underwriting determinations have been made and the commitment for insurance is issued to the mortgagee, specifying that the Administration will insure construction advances provided the mortgagee agrees to the terms and conditions of the commitment. The commitment is self-explanatory and is signed by an authorized agent.

(1) In case the mortgagee desire to assign the commitment, such assignment must be to an approved mortgagee, the assignor will be required to release its rights in writing and the assignee to state the acceptance in writing.

(d) *Closing the mortgage and execution of the insurance contract.* In accordance with the Regulations, transfer or pledge of the mortgage will not be permitted except with the prior written approval of the Commissioner and not until full disbursements of the mortgage proceeds.

(1) *Commencement of construction.* Construction may not commence prior to formal closing of the transaction and recordation of the insured mortgage. Commencement of construction is defined as the commencing of excavation.

(2) *The credit instrument.* The credit instrument will be on Federal Housing Administration printed form.

(3) *The mortgage form.* The mortgage will be on Federal Housing Administration printed form and must not be altered except to provide for such additional charges as may be agreed upon between the mortgagor and mortgagee in the event of prepayment in excess of 15% of the original principal amount of the mortgage in any one calendar year.

(4) *Title evidence.* Marketable title must be vested in the mortgagor as of the date the mortgage is filed for record, and the mortgagee must furnish a policy of title insurance. In the event the mortgagee is unable to furnish such policy for reasons satisfactory to the Commissioner, evidence of title may be in the form of (a) abstract of title, and legal opinion from an attorney experienced in the examination of titles or, (b) Torrens certificate, or (c) evidence of title conforming to the standards of a supervising branch of the Federal government or of any State or Territory.

(5) *Survey instructions and certificate, Form 2457.* This form must be furnished at closing and a lot-line of the survey of the property to be covered by the insured mortgage. This form will be required to be submitted with surveys made during the course of construction. This form is self-explanatory and is prepared by a civil engineer or surveyor.

(6) *Minutes of meetings of stockholders and directors of mortgagor.* The mortgagor is required to submit at closing copies of the Minutes of all meetings of its corporate bodies, particularly of its organization meeting and the meeting authorizing the insured mortgage transaction, held prior to closing.

(7) *By-laws of the mortgagor corporation.* The form of by-laws is not prescribed but must contain provisions that the mortgagor may not alter the By-Laws subsequent to their adoption, except with the consent of the holders of preferred stock and that must contain no provision which is in conflict with the certificate of incorporation, the rights of the Commissioner, or any of the closing instruments.

(8) *Stock subscription agreements.* The mortgagor must present at closing certified copies of stock subscription agreements.

(9) *Evidence of commissioner's beneficial interest in mortgagor.* The Commissioner's control over the mortgagor corporation will be exercised by preferred stock, or other special form of stock, or in the case of a Trust, other evidence of beneficial interest. Upon receipt thereof the proper representative of the mortgagor will execute Standard Form 1034, Public Voucher for Purchases and Services other Than Personal. The price to be paid for such stock or beneficial interest will be $100.

(10) *Building loan agreement, Form 2441.* Building Loan Agreement shall be entered into between the "borrower" "lender" setting forth the terms and conditions under which the mortgage proceeds will be advanced and insured during the course of construction. To this agreement there must be attached a legal description of land to be covered by the insured mortgage and a copy of the Trade Payment Breakdown.

(11) *Construction contract.* The owner and contractor will be required to execute Form 2442, Construction Contract—"Lump Sum", which transaction covers scope of work, time of completion, contract, sum, schedule of payments, cessation of work, contract documents, waiver of liens, receipt and release of liens and assurance of completion. The construction contract must have attached to it a copy of the Trade Payment Breakdown.

(12) *Architect's contract.* There is no Federal Housing Administration printed form for the architect's contract. However, the owner and the architect are required to enter into a contract using the standard American Institute of Architects form. The architect's total cash fee shall not exceed the cash available for such fee.

(13) *Assurance of completion.* Assurance of completion of the project shall be either (i) standard American Institute of Architect's construction bond; or (ii) Contract Bond-Dual Obligee, Form 2452; or (iii) escrow of cash or securities. These bonds are performance bonds and guarantee performance of the construction contract as written only to the extent of damages not in excess of the penal sum stated in the bonds. The bonds carry direct liability not only to the obligee named but also to the contractors and materialmen subject to the priority of the named obligees.

(a) The American Institute of Architect's bond must be in a penal sum not less than 10% of the construction contract and must include the mortgagee as a co-obligee.

(b) The Contract Bond—Dual Obligee, Form 2452 must be in a penal sum not less than 10% of the construction contract and must include the mortgagee as co-obligee.

(c) The Completion Assurance Agreement, Form 2450, is in the form of an escrow deposit and such escrow must be an amount not less than 10% of the construction contract, and the escrow must consist of cash or securities of or fully guaranteed as to principal and interest by the United States of America. This agreement must be executed by the mortgagee, the mortgagor and the contractor. The form requires that there be retained in the escrow account for a period of at least one year subsequent to completion of project an amount equal to not less than 2½% of the total amount of the construction contract as a guarantee against latent defects, faulty workmanship and material.

(14) *Zoning map and ordinance.* The mortgagor must submit at closing copy of zoning map, zoning ordinances or other appropriate evidence, if any, that zoning laws and regulations will not be violated by the proposed project.

(15) *Building permits.* The mortgagor must submit at closing satisfactory evidence that the public authorities with jurisdiction have granted the necessary building permit.

(16) *Assurance of installation and completion of offsite facilities.* The Commissioner may require an escrow deposit with the mortgagee or with an acceptable trustee or an escrow agent designated by the mortgagee of such cash as may be necessary for the completion of offsite facilities, such as public utilities, streets, sidewalks, curbs, gutters and landscaping offsite. In lieu of the requirements of a cash escrow, other forms of assurance of installation and completion of offsite facilities, will be acceptable.

(i) Assurance from public authorities or public utility companies that the required offsite facilities will be installed and completed at the time of completion of the project and without cost to the mortgagor.

(ii) A contract by the principal sponsor or sponsors collectively and individually, and a contractor satisfactory to the Administration assuring the completion and installation of offsite facilities without cost to the mortgagor.

(iii) A cash escrow in an amount equal to the Federal Housing Administration's estimate of cost of such offsite facilities and such escrow will be deposited with the mortgagee or under the control of the mortgagee with a depository satisfactory to the Administration and the mortgagee. Such escrow agreement will be prepared on Form 2446, Escrow Agreement for Offsite Facilities.

(iv) Regardless of the form of assurance of completion it must require installation and completion of offsite facilities in accordance with satisfactory drawings and specifications, if necessary, and without cost to or assessment against the mortgagor.

(17) *Drawings and specifications.* At closing, drawings and specifications must be completed in all respects. The master set shall be retained in the Field Office during the course of construction and for one year thereafter, must be identified on the title sheet and initialed on the reverse side of each sheet by the proper repre-

sentatives of the mortgagee, the mortgagor, the contractor, the architect, the bonding company, if any, and the Commissioner. The specifications must include and incorporate the specifications of the standard form, current edition, of the American Institute of Architects "General Conditions of the Contract" and any "Supplementary General Conditions."

(18) *Working capital deposit.* At closing the mortgagor must deposit with the mortgagee the working capital required by the terms of the commitment.

(19) *Funds necessary to complete the project above the amount of the insured mortgage.* The mortgagor must deposit with the mortgagee such sum as may be necessary over and above the amount of the insured mortgage to complete the project.

(20) *Hazard insurance requirements.* The mortgagee must be advised at the time of the endorsement of the credit instrument of the requirement for hazard insurance. The Commissioner's requirement for types and amounts of hazard insurance to be maintained upon the project will be as set forth in FHA Form 2447 and the accompanying Form 2445, which forms will be furnished by the Commissioner. The Administrative Regulations provide for maintenance of such insurance by the mortgagee in the event of failure of the mortgagor to maintain such insurance. Simultaneously with the initial endorsement of the credit instrument, in cases where mortgage proceeds are to be advanced during the course of construction, the Commissioner will notify the mortgagee of hazard insurance requirements by completing Form 2447, Hazard Insurance Requirements, and delivering it to the mortgagee.

(21) *Mortgagee's certificate, Form 2434.* The mortgagee will be required to submit the Form 2434, Mortgagee's Certificate, at time of closing. This form is self-explanatory and is an acknowledgment by the mortgagee of its obligations under the Rules and Regulations and contract instruments.

(22) *Mortgagor's certificate, Form 2433.* At the time of closing, the mortgagor must execute Form 2433, Mortgagor's Certificate, which is an acknowledgment by the mortgagor of its obligations under the Rules and Regulations and contract instruments, and also constitutes an acknowledgment by the mortgagor of the contents of the mortgagor's certificate.

(23) *Collateral agreement.* At the time of closing, all conditions of the commitment must have been complied with fully and executed duplicate copies of any documents in connection therewith must be submitted by the mortgagor.

(24) *Comprehensive attorney's opinion.* At the time of closing the mortgagor's attorney must submit to the mortgagee and the Federal Housing Administration his comprehensive opinion of the legality of the entire transaction and the adequacy of contractual instruments.

(25) *Endorsement of credit instrument.* Upon consummating the closing, the credit instruments shall be initially endorsed and the first mortgage insurance premium will be collected.

(26) *Revision of instruments without approval.* Subsequent to closing and initial endorsement of the credit instrument no revision of the terms or conditions of the insured mortgage will be permitted which will result in any change in its principal amount, interest rate or amortization provisions without the prior approval of the Commissioner.

(e) *Construction period.* During the course of construction the Commissioner will require compliance with the following instructions:

(1) *Construction fund of mortgagor held by mortgagee.* In accordance with the terms of the commitment the mortgagor may have been required at closing to deposit with the mortgagee funds necessary to defray the cash cost of construction in excess of the mortgage proceeds. The mortgagee is required to certify that it will advance to the mortgagor for construction purposes such funds prior to making any advance of mortgage proceeds.

(2) *Application for insurance of advance of mortgage proceeds, Form 2403.* This form must be completed and executed by the mortgagor, the mortgagee, the architect and the contractor when requesting insurance of advancement on account of construction cost.

(3) *Requests for changes in the drawings and specifications.* Such requests must be in writing, signed by the mortgagee and the mortgagor and shall be conditioned upon the approval of the Commissioner, which approval may be subject to such conditions and qualifications as the Commissioner, at his discretion may prescribe, it being understood that the Commissioner at all times has the right to require compliance with the original drawings and specifications.

(4) *Working capital deposit required at closing.* This deposit is primarily for the purpose of assuring monthly accruals with the mortgagee during the construction period for the second mortgage insurance premium, real estate taxes due in the year following completion of construction, and the total premiums for permanent hazard insurance for one year in order that all such items may be paid by the mortgagee when due, all as required by the terms of the mortgage. The balance of such deposit is for the purpose of defraying opening expenses of the project for occupancy.

(5) *Disbursements for carrying charges, etc.* The building loan agreement provides for advances of mortgage funds from the mortgagee to the mortgagor to cover carrying charges, financing expenses, etc. The amount allocated to each item shall be as set forth during processing. The mortgagee will not be permitted to re-allocate these items without consent of the Commissioner.

(6) *Notification regarding chattels.* In accordance with the provisions of the mortgagee's certificate, the mortgagee will require a chattel mortgage or similar instrument, if necessary, upon any property purchased with mortgage proceeds not clearly subject to the lien of the insured mortgage under the laws of the jurisdiction. This chattel mortgage will include a list of the movable property, such as stoves, refrigerators, water heaters, and furniture and fixtures in the nature of venetian blinds, etc., purchased with mortgage proceeds.

(7) *Permission to occupy.* The mortgagor's certificate specifies that occupancy will not be permitted prior to consent thereto by the Commissioner. Prior to granting such approval the mortgagor will be required to submit satisfactory evidence that the public authorities with jurisdiction have granted such occupancy permits as may be necessary.

(8) *Rental schedule.* So long as the maximum rents are regulated throughout the United States and its possessions by any agency of the United States Government expressly established for purposes of controlling maximum rents, other than the Federal Housing Commissioner, the approval of rent schedules by this Administration will not be required. Maximum rentals established by such agency or agencies of the United States will be accepted by this Administration as the approved rental schedule. Upon the expiration of the authority of any such agency of the United States to regulate and fix maximum rentals, the then existing schedule in force with respect to the project, shall be the approved rental schedule. Upon the expiration of such authority, provision with regard to the approval of the rental schedule is included in the Model Form of Certificate of Incorporation.

(9) *Management.* In accordance with the terms of the Certificate of Incorporation of the Mortgagor, no compensation shall be paid by the corporation except at such rate as is fair and reasonable in the locality for similar services, and except with the prior written approval of the holders of the preferred stock no compensation shall be paid to any officers, directors, or stockholders or to any person or corporation for supervisory or managerial services.

(f) *Commitment to insure upon completion, Form 2453.* The procedure which follows the issuance of this type of commitment involves no change whatever in the procedure in receiving the Application for Mortgage Insurance. However, prior to the issuance of a commitment to insure upon completion, it will be necessary to submit final drawings and specifications whereas in the case where a commitment is issued to insure construction advances, that commitment is issued on preliminary drawings and specifications. Where it is desired to insure the mortgage upon completion of construction a formal closing does not occur as the drawings and specifications are approved prior to the issuance of commitment and the insurance contract is not executed until the completion of construction.

(1) *Assignment of construction inspector.* Where the construction advances are not insured a construction inspector is assigned during the construction period and the sponsor is required to submit an inspection fee, which will be an amount equal to ½ of 1% of the mortgage to be insured. This fee is not required where the construction advances are insured although an inspector is also assigned in that instance.

(2) *Reduced procedure under Form 2453.* Commitment to Insure Upon Completion. Since the mortgage will not be insured until completion of construction,

the necessity for a construction contract, building loan agreement and architect's contract will be eliminated so far as this Administration is concerned. It will not be necessary to examine the mortgage and security instrument prior to the beginning of construction. The mortgagor's certificate and the mortgagee's certificate have been eliminated as such and combined into Form 2455. Request for Endorsement of the Credit Instrument, Certificate of Mortgagor and Mortgagee.

(g) *Financial records.* The mortgagor corporation is required to maintain its books and accounts in accordance with a uniform system of accounts prescribed by the Commissioner.

(1) The mortgagor corporation will be required to submit annual statements prepared by a certified public accountant within 60 days after the end of each fiscal year.

(2) Semi-annual Statement. The mortgagor corporation will be required to submit semi-annual financial reports in the event semi-annual dividends are declared.

(h) *Default procedure.* In the event the mortgage, which has been insured by the Commissioner, goes into default under the meaning of the Act the following procedure will be effected. The mortgagee will notify the Commissioner of such default within 30 days from the date which the mortgage is considered in default. No form of notice of default has been prescribed.

(i) *Claim for payment under insurance contract.* In the event the default is not cured, the mortgagee obtains payment by either assigning the mortgage to the Commissioner or instituting and completing foreclosure and conveying title to the property to the Commissioner. The requirements in specific cases would be for determination under Part 533 of this chapter.

(1) Where the mortgagee has elected to assign the mortgage it shall file Forms 29590, Application for Debentures and Certificate of Claim, and 29588, Assignment. The assignment must take place within 60 days from date of default or at such later date as agreed upon by the Commissioner. Subsequent to audit by the Commissioner, debentures will be issued in an amount determined in accordance with the insurance contract.

(2) Where the mortgagee has elected to foreclose the mortgage and convey title to the Commissioner, it shall file Forms 29383. Application for Debentures and Certificate of Claim, and 29367, Assignment of Claim. Within 30 days from the date the mortgagee acquires title it must convey title and possession of the property to the Commissioner. Subsequent to audit by the Commissioner, debentures will be issued in an amount determined in accordance with the insurance contract.

(3) Upon receipt of notice of intention to foreclose or acquire title by means other than foreclosure, or to assign the mortgage to the Commissioner, the Commissioner will supply the mortgagee with the necessary forms and instructions as to their use.

§ 500.35 *Property management*—(a) *Appointment of brokers.* Wherever practicable the management, sale and rental of acquired properties is handled by a broker, selected by the Commissioner upon the recommendation of the Director of the insuring office having jurisdiction of the area in which the property is located. If the total compensation to be paid will exceed $1,000.00 the contract is entered into only after formal bid procedure in accordance with the Section 3709 of the Revised Statutes of the United States.

(b) *Sale and rental of acquired properties.* All offers to purchase Commissioner owned properties should be made to the appointed broker, if any, or to the Director of the insuring office of the area in which the property is located. All rentals of such property are likewise handled by the appointed broker or the Director. Information as to property held for sale or rent may be obtained from the insuring office having jurisdiction of the area in which the property or prospective purchaser or tenant is located.

(1) *Bulk sales.* Certain groups of properties, usually of the rental housing type, may be offered for sale in bulk. Prices and terms are determined by the Assistant Commissioner, Rental Housing and Property Management and the public notified by press notices placed in newspapers in general circulation in the community in which the property is located. Any interested purchaser may negotiate for the purchase by contacting the FHA insuring office or the central office, Washington, D. C.

§ 500.36 *Special underwriting determinations*—(a) *Shop fabricated or special methods of construction.* Shop fabricated or special methods of construction proposed for use in houses offered as security for mortgages to be insured under provisions of the National Housing Act are analyzed and investigated to determine whether the method will provide a structurally sound finished dwelling which will be durable over a long term of years. Since most methods of prefabrication make visual field inspection of the structural elements difficult, it is necessary to pre-determine whether the method will provide a structurally sound and durable structure. Factors considered include qualifications of the proponent, method of distribution, facilities for shop fabrication, control over erection and assembly operations at the site and the likelihood of the need for unusual maintenance of the completed construction. Based on these investigations, rulings defining the conditions of acceptability of such methods for mortgage insurance purposes are issued by the Underwriting Division, Washington, D. C.

It is emphasized that rulings are issued to FHA field offices primarily as guides concerning the special structural elements involved in proposed methods of construction. Final determination of acceptability for mortgage insurance purposes is made by the local Insuring Office on the basis of each proposed property as a whole. This determination includes other important considerations such as architectural design, location, valuation, thermal characteristics and sustained market acceptance.

Conventional methods of construction and any portion of shop fabricated or special methods which are considered conventional are not covered by rulings but are governed by applicable Minimum Construction Requirements established for the locality where such construction is to be erected. Compliance with local planning requirements is also required. These requirements include such items as: room arrangement and size, natural light and ventilation, storage and closets, etc.

(1) *Data to be submitted*—(i) *Organization.* Comprehensive information concerning the proposed method of marketing, extent of intended distribution, shop facilities and qualifications of the organization sponsoring the product, and proposed controls over field erection.

(ii) *Drawings and description.* Drawings should be drawn to scale and fully dimensioned. Together with the description, they shall indicate accurately, clearly and completely the materials and methods of construction. Drawings should indicate clearly the distinction between portions of the structure covered by the shop fabricated or special method and those portions which are conventional, and should include the following:

(*a*) If method is prefabricated, complete framing of all typical units, details of field assembly including all joints between contiguous or connecting members and details of all special features.

(*b*) Detail drawings providing the type of information following:

(*1*) Vertical section through exterior wall from footing to roof both at eaves and gable.

(*2*) Horizontal section through exterior wall.

(*3*) Sections through floor, ceiling, roof and partitions selected to show all special features.

(*4*) Connections at all junctions of separate parts.

(*5*) Details of all joints exposed to the weather.

(*6*) Details of head, sill and jambs of door and window openings.

(iii) *Technical data.* (*a*) Laboratory test reports when available which demonstrate structural properties, and any characteristics considered significant of the shop fabricated or special method.

(*b*) Computations covering structural properties which are subject to formula analysis.

(2) Submission of Data. Data may be submitted in either of two ways as follows:

(i) *To a Local Federal Housing Administration Insuring Office.* This procedure is preferred and whenever possible proponents are urged to consult the local Federal Housing Administration office regarding compliance with their Minimum Property Requirements, architectural appeal and sustained market acceptance, especially to the extent that these considerations may be affected by the special methods of materials.

The local office will transmit all data to the Underwriting Division, Washington, D. C., together with an opinion of the qualifications and fabricating facilities of the proponent, and pertinent comments on any features of the method

which may affect acceptability of properties offered as security for insured mortgages within the jurisdiction of the office.

(ii) *To the Underwriting Division, Federal Housing Administration, Washington 25, D. C.* Data submitted to Washington should be as complete as possible, covering all items mentioned in Section A of this circular and so facilitate determination of acceptability and obviate unnecessary correspondence.

Since the proponent and the Underwriting Division in this instance are both deprived of the benefit of comments by the local Federal Housing Administration office, greater care in the preparation of data is necessary to adequately convey the desired information.

(3) *Investigation and analysis.* Investigation of the proposed method includes consideration of structural soundness and durability; rigidity; resistance to normal use; resistance to the elements; thermal conductivity; expansion and contraction; protection against corrosion, decay and insect attack.

Other factors considered are qualifications of the proponent, method of distribution, facilities for shop fabrication, control over erection operations at the site and maintenance of the completed house. If the proposed method is to be used for multi-family dwellings, fire resistance and sound insulation are also investigated.

If analysis of drawings, description and technical data indicates a satisfactory structural design, the proponent usually is requested to erect a complete demonstration house without benefit of mortgage insurance. Observation of shop fabrication and erection and assembly of a demonstration house provides essential information for determining acceptability of the proposed method for mortgage insurance purposes. Experience indicates that such demonstration may reveal need for minor corrections and often suggests modifications to be effected before going into extensive production.

(4) *Determination of acceptability.* Based upon analysis of the structural design and final determination of its acceptability for mortgage insurance purposes, a ruling is issued to FHA field offices for their guidance. The ruling is intended to facilitate processing of cases involving the subject method, and remains in force until revoked or superseded by a revised or new ruling. A revised ruling is required in all cases where changes or revisions from an existing ruling are desired by the proponent.

(b) *Acceptability of individual materials.* Rulings are not issued to manufacturers of individual materials or products. Acceptance is determined by the Federal Housing Administration field offices on the basis of contemplated use, appropriateness and performance of such materials or products. In determining the acceptability of materials or products, the Federal Housing Administration field offices are guided by applicable standards such as Federal Specifications; Specifications of the American Society for Testing Materials; Commercial and Trade Standards which have been approved by the Division of Trade Standards of the Bureau of Standards, U. S. Department of Commerce; Standards of the American Standards Association; Specifications of the American Institute of Steel Construction; Building Regulations for Reinforced Concrete of the American Concrete Institute; Requirements of the Underwriters' Laboratories, Inc.

The use of materials in connection with conventional construction is conditional upon compliance with the Minimum Construction Requirements established for the particular Insuring Office and by general considerations of sustained marketability in relation to each particular property. In instances where the use of a material or product is not covered by Federal Housing Administration requirements, experience records, test data and other pertinent information, should be made available to assist in determining acceptability. The Federal Housing Administration does not maintain a list of "approved" materials nor does it endorse any.

Manufacturers of materials are encouraged to furnish complete information concerning their products, with particular regard to the specific uses recommended by them and proper methods of installation.

Based upon information furnished by manufacturers and upon relevant technical reports and test data available from various governmental and other research agencies, advice is given to local insuring offices requesting the information as an aid to them in their determination of acceptability for use in the area under their jurisdiction and particularly with regard to compliance with Federal Housing Administration Minimum Construction Requirements and standards such as the above.

SUBPART E—STATEMENTS OF POLICY AND INTERPRETATION

§ 500.100 *Title I Insurance*—(a) *Periodic payment dates.* The date fixed by the insured institution for the first and subsequent payments should be made agreeable to the borrower and correspond whenever possible with the date on which he receives his income.

(b) *Financing charges.* The maximum financing charge allowed by the Regulations is intended to cover all expenses that may be incurred by the institution in placing the transaction on its books, except the following expenses that may be incurred in taking security for the loan: recording or filing fees, documentary stamp taxes, title examination charges and hazard insurance premiums. These costs may not be included in the face amount of the note nor paid out of the proceeds of the loan but they may be paid by the borrower as a separate item.

Although the standard formula for determining the charge to the borrower contemplates a monthly instalment note, it is intended that the same resulting ratio shall apply in the case of a note on which there is only one payment (or any number more or less than 12) per year, as in the case of a farmer or a producer of livestock who is making payments in accordance with the dates on which his income is received. An interest-bearing note, at the lowest rate compatible with the locality and credit conditions, should be used where a note calls for seasonal payments.

(c) *Late charges.* Late charges represent a penalty for not paying an instalment on its due date and is reimbursement to the institution for work involved in following the borrower for delinquent payments. They have no connection with the financing charge, which is determined at the time the loan is granted, on the basis that the note will be paid in accordance with its terms. The collection of late charges shall not be considered in computing the maximum amount which the insured institution may charge the borrower for discount, interest or fees.

If the borrower makes a payment to be applied to his regular instalment it is not permissible for the institution to deduct late charges that have been billed unless the borrower specifies such deduction. However, if in the absence of specific instructions from the borrower the institution advises the borrower in writing that a portion of his payment will be applied to late charges and the borrower expresses no objection, such application shall be considered permissible insofar as the FHA Regulations are concerned. Evidence supporting the application of late charges collected must be included in the file when a claim for loss is made. The Federal Housing Administration does not reimburse the institution for uncollected late charges.

It is not intended that late charges shall take the place of interest on the principal after the maturity of the whole obligation. Thus, a provision for such interest after maturity will not conflict with the limitation set forth in the Regulations which refers only to interest or late charges taken on a specific instalment for failure to make that payment on its due date.

(d) *Credit investigation and analysis.* The lending institution in considering the credit of the applicant should bear in mind that available insurance coverage does not relieve it of the responsibility of exercising the care that a reasonable and prudent lender would pursue if the loan were not being offered for insurance.

The applicant must furnish the lending institution with an executed Credit Application on a form approved or provided by the Commissioner. The lending institution should obtain sufficient supplementary information to satisfy itself that the applicant represents a reasonable credit risk. If in the judgment of the lending institution it is deemed necessary, an individual credit report from a reputable credit reporting agency should be obtained plus such other information as is considered desirable. On the basis of all information before the lending institution it must then pass upon the reasonableness of the credit risk.

Consideration should be given to the applicant's ability to pay, as determined by the assurance of a steady and sufficient income that will allow, after the payment of ordinary living and operating expenses plus other obligations, sufficient overage to make payments on his Title I loan. The applicant must further demonstrate that he has a repu-

tation for meeting promptly his obligations and that he is capable of managing his own personal and business affairs.

(e) *Eligible improvements.* The following statement of basic policy may be supplemented by a specific ruling as to any item about which there may be doubt on the part of the lending institution, upon application to the Federal Housing Administration, Washington, D. C. Requests for rulings should be supported, if possible, by descriptive or illustrated literature.

(1) *Existing structures; Class I loans.* The structure to be improved must exist as a completed building that is occupied or used, was formerly occupied or used or has been made ready for occupancy or use.

No part of a loan may be used to finance the cost of completing an unfinished structure. This does not exclude a loan for the repair of a previously complete structure which has been damaged but not substantially destroyed by deterioration, flood, fire, or other casualty; nor the construction of an attached garage, or other attached building in connection with a completed house or other existing buildings, such as homes, apartment houses, hotels, office buildings, hospitals, orphanages, colleges, churches, and manufacturing and industrial plants.

Eligible expenditures include those for structural alterations, repairs, or additions upon the structure itself, or in connection therewith.

The enlargement of the size of the structure, a new stairway, new flooring, roof, etc., including plumbing, wiring, and heating systems, which in themselves are alterations and improvements, are eligible expenditures.

Improvements in connection with the existing structure may also include such changes in the status of the ground on which the building stands as grading and landscaping, private sidewalks, private curbs, fences, or driveways. Likewise the installation of a septic tank or cesspool, the drilling of a well together with necessary pumping equipment and piping, although removed from the structure but in connection with the structure, are eligible.

A loan to convert one type of building into a different type will be eligible provided a substantial part of the original building is left standing. For instance, a loan for the conversion of a single-family dwelling into an apartment would be eligible if the walls and other main structural elements are left standing. A new stairway, new windows, rooms, porch, etc., may be added, and partitions changed.

A loan to demolish a structure or to move a structure off the premises would not be eligible except where such demolition or moving is for the purpose of improving an existing structure remaining on the property.

Loans to finance the cost of insulating an existing structure, putting on a new roof, installing a new bathroom, adding closets, repairing the floors, walls, or ceiling are eligible.

Heating systems, including stokers, oil burners, coal, gas, and electric furnaces, and plumbing and wiring when a permanent part of the realty are eligible. Equipment and machinery, including refrigerators, washing machines, ironers, stoves, dish washers, and similar items used in the home, and presses, drills, lathes and other similar items of machinery and equipment used in a commercial or industrial establishment and not a part of the realty are not eligible.

The purchase and installation of an elevator, or a built-in air conditioning system, which becomes a structural part of the building, is eligible.

Bearing in mind that loans for eligible repairs, alterations and improvements must be upon existing structures or in connection therewith, the following principles are applicable:

(i) The repair, improvement, or addition must be physically attached to and a part of the structure or in connection therewith.

(ii) Improvements and additions which are removable or by their character necessarily temporary, are not eligible. Items which are of a nature generally considered as trade fixtures or equipment for commercial or industrial use are not eligible.

(iii) A loan for the improvement of a structure to make such structure adaptable to the installation of ineligible equipment and machinery is insurable but a loan for the purchase of such ineligible equipment and machinery is not insurable. For example, a loan to strengthen the foundation walls and the floors of a structure to hold safely heavy machinery that may be installed would be eligible but a loan for the purchase of the machinery would not be eligible.

(iv) An ineligible item does not become eligible merely because it is attached to the realty.

(2) *New structures;* Class 2 loans. Examples of new structures eligible for a Class 2 loan which may be erected on improved or unimproved real property are barns, garages, service buildings, wayside stands, gasoline stations, tourist cabins, and industrial or commercial buildings.

A Class 2 loan may not include the cost of trade equipment used in the operation of the business that will occupy the structure. The loan may include the cost of heating or lighting systems and similar items which are eligible for Class 1 improvement loans. For example, a loan not in excess of $3,000 may be used to erect a commercial building, including a heating system, but no portion of the proceeds may be used to buy and equip the structure with trade fixtures.

The proceeds of a Class 2 loan must be used to finance the building of a new structure that will be ready for occupancy or use upon completion. It is not permissible to purchase an existing structure nor to apply the proceeds to complete a structure that is partially built.

More than one new structure may be built on a single piece of property but the principal amount of any one loan may not exceed the maximum of $3,000 for any one piece of property. For example, if a borrower wishes to erect a new barn to cost $1,500 and three separate service buildings to cost $500 each, a loan for the full $3,000 would be eligible.

No portion of a Class 2 loan may be used for demolishing existing structures to make room for a new structure. However, the erection of a new structure on an old foundation would be eligible.

(f) *Dealer relationship*—(1) *Dealer review.* The dealer's background and previous record should be thoroughly investigated through financial and trade channels, local Better Business Bureaus, competitors and credit reporting agencies. If the dealer has been doing business with another institution, inquiry should be made as to the reason for changing his connection. Also thorough consideration should be given to the dealer's ability to perform the work satisfactorily.

The regulations require that the institution shall establish to its satisfaction that the dealer is reliable, financially responsible and qualified to perform satisfactorily the work to be financed. If the dealer has had previous relationship with the institution, a brief analysis of such experience may be sufficient to establish an opinion. If the institution has had no previous experience with the dealer it is suggested that the dealer submit a statement setting forth such information as the following: (i) Length of time in present business, (ii) names of officers or principals, (iii) sales area, (iv) products sold with descriptive literature and price lists, (v) method of selling, (vi) service guarantee, if any, (vii) names of financial institutions that have financed the dealer's paper in the past.

It should be clearly understood by the dealer that he will be held responsible for the acts of his salesmen. He should be cautioned in the hiring of new salesmen. Oftentimes unethical salesmen traveling from city to city will attach themselves to a dealer and develop sales by misrepresentation and false promises. Dealers should be encouraged to obtain a personal history from each salesman and make a thorough check of his antecedents.

(2) *Inspection of work.* A direct and constant control should be maintained by adhering strictly to a policy of verifying periodically the transactions originated by each dealer. Such verifications, sometimes called "spot checkings" or "commodity checks" are made by the lending institution, by a telephone call or preferably by a personal call. A number of questions may be asked the borrower to determine whether the work stated on the borrower's Credit Application was completed satisfactorily, whether the borrower was promised or given any cash, whether any unreasonable guarantees were given as to the workmanship or the product, whether the borrower was told that his house would be a "Model" and he would receive a commission on all sales generated in the neighborhood, and whether there was a clear understanding as to the cost of the job and the terms of financing. If a personal call is made, the representative should formulate an opinion as to the workmanship on the job, look for ineligible items, and estimate whether the cost of the improvement was in keeping with the value of the property.

(3) *Dealer record.* The financial institution should maintain a separate record of each dealer. Not only will this record contain the original investigation by the

lender as well as his approval, but will also show the number of credit applications submitted by the dealer, the number approved and rejected, the number of claims and a summary of spot checks, service complaints and items of special interest.

(g) *Collections.* An insured lending institution is expected to pursue an aggressive policy in handling the collections of Title I loans. This policy may include the mailing of form notices, dictated correspondence, telephone calls and personal contact. Lending institutions should consider the advisability of instituting legal action in the case of recalcitrant borrowers who have the ability to pay and the facts and circumstances warrant such action.

In furtherance of a collection program, lending institutions should consider refinancing loans over a longer term with smaller monthly payments where borrowers due to illness, unemployment or other legitimate reasons are unable to meet the schedule of payments called for by their note. If refinancing is not practicable, lending institutions may request an extension of the six-months' allowable claim period for the purpose of carrying the account delinquent for a longer time, in order to work out a satisfactory plan of liquidation.

§ 500.101 *Mortgage insurance, section 2030*—(a) *Approval as a mortgagee under section 203 of the National Housing Act* (§§ 521.1 to 521.8, of this chapter).

(1) *Sound capital funds.* "Sound capital funds" as used in § 521.4 (e) of this chapter, has been interpreted to mean net worth. The acceptability of the assets constituting net worth will be determined by the Commissioner.

(2) *"Trading area".* The Commissioner reserves the right to determine the extent of the area in which an institution could properly originate and service insured loans.

(3) Sponsorship of a loan correspondent mortgagee is limited to two principals.

(4) To qualify as a loan correspondent under § 521.4 (e) (2) of this chapter, an institution must have a minimum net worth of $5,000 comprised of assets determined by the Commissioner to be sound.

(b) *Interpretations of specific terms as used in the act and administrative rules.* (1) "Occupant", as used in § 521.15 (a) of this chapter means one who has acquired property primarily for use as a home and not primarily for sale or rent and who has evidenced the carrying out of such purpose by appropriate physical acts of possession.

(2) "Occupied", as contained in § 521.15 (a) (2) of this chapter, means actual possession for residential purposes by the owner, tenant or any other person.

(3) *"Approved for mortgage insurance".* The term "approved for insurance" as used in § 521.15 (a) (1) (2) of this chapter, means the issuance of either a conditional or a firm commitment.

(4) *"Accepted for insurance".* The term "accepted for insurance", as used in § 521.15 (a) (1) (2) of this chapter, means the issuance of a firm commitment.

(5) *"Sold", interpretation of, as used in § 521.15 (a) (2) of this chapter.* A property has been "sold" within the meaning of this section if a deed has been executed and delivered to the purchaser, or if there is in force any binding contract of sale other than a contract conditioned upon the obtaining of an insured loan in the amount applied for. Thus, if the contract by its terms is dependent upon the obtaining of the insured loan, the property will not be regarded as "sold" until such condition has been fulfilled or until the deed has been delivered to the purchaser. If, in connection with such conditional contracts, a deed is executed and placed in escrow, care should be taken to see that the date of such deed is subsequent to the issuance of the final firm commitment. Otherwise, it may be necessary to furnish proof of the date of actual delivery to rebut any presumption from the recorded deed that sale took place before acceptance for insurance.

(6) "Beginning of construction", as used in § 521.15 (a) (1) of this chapter, means the pouring of footings or any work beyond the stage of excavation.

Under the meaning and interpretation of these subsections, land preparation, land clearance, grading, filling, excavation for basement, footings, piers or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, the installation of sewer, gas and water pipes, electric or other service lines from the street to the dwelling, the existence on the property of accessory buildings such as garage or sheds which are not occupied or designed as dwelling units, and which are not a part of the main structure, are not included within the meaning of this term.

(c) *Limitations on maximum insurable mortgage amounts under Title II, section 203*—(1) *Refinancing transactions.* When a proposed mortgage loan involves a property already owned by the mortgagor, the maximum insurable mortgage is the amount required to cover any existing indebtedness in connection with the property plus the cost of repairs, alterations, additions to the property, and the costs of obtaining the loan, or 70% of the FHA valuation of the property, whichever is the greater.

(2) *Loans to finance single-family properties to be sold by the mortgagor.* In instances where operative builders are not able to obtain adequate and economical construction financing of single-family dwellings on the basis of FHA conditional commitments, or where it is apparent that economies would result in lowering the costs at which properties could be made available to the purchasers, firm commitments may be recommended subject to the limitations and controls described below. They will be permitted only in connection with sound, readily salable properties, sponsored by builders of ability and sound financial standing. They will be in amounts which will leave the builder with sufficient investment in the properties to assure his active interest in finding acceptable purchasers so that all or almost all of the cases, when closed for insurance, may be expected to be acceptable owner-occupancy mortgagors. One upper limit is the operative builder's estimate of any allowance for general overhead and profit. The amount of each firm commitment recommended, in any event, shall not exceed $7,200, and shall be limited to 80% of the FHA valuation up to and including the value of $6,000 plus 60% of that portion of the FHA valuation, if any, in excess of $6,000 up to and including the value of $10,000.

If a substantial proportion of cases involving any particular operative builder are closed for insurance without the prior substitution of purchasers who are approved as mortgagors, no additional firm commitments involving that builder will be recommended until there is a satisfactory market absorption of his properties by purchasers who are substituted as mortgagors on the insured mortgage. It is not intended that firm commitments will be recommended if it is anticipated that the builder will use his credit primarily for the purpose of selling properties on an equity accumulation plan.

(3) *Loans to finance properties to be rented.* In cases involving ownership of property of this type, the mortgage amount, and amortization period, shall be such that the debt service (mortgage principal, interest, and mortgage insurance premium) does not exceed 83% of the estimated net income from the property. An additional upper limit on the loan amount is the mortgagor's estimate of the necessary cost of producing the completed property (exclusive of any allowance for general overhead and profit).

(4) *Loans secured by leasehold estates.* In cases involving loans secured by leasehold estates the maximum amount of insurable loan is calculated by multiplying the valuation of the property in fee simple by the maximum ratio of loan to value (80% or 90% as the case may be) and then deducting the valuation of the leased fee. By administrative policy the leases must contain an option to the lessee, his successors or assigns, to purchase the fee simple title, but the parties may by agreement provide for the deferment of the right to exercise such option for a period of 5 years from the date of the mortgage. Certain exceptions are permitted upon approval of the Commissioner.

(5) *Mortgage pattern limitations, Title II, section 203.* The ratio of the term of the mortgage to the economic life of the building is limited to 75% of the estimated remaining economic life of the building.

The maximum ratio of total payment to rental value in dwellings typically marketable to purchasers for owner-occupancy is 110% and in dwellings typically marketable to purchasers seeking rental income, the maximum ratio of monthly debt service to monthly net income is 83%.

§ 500.102 *Mortgage insurance, section 207*—(a) *Incomplete onsite items.* It is desrable, prior to approval of a final ad-

vance of mortgage proceeds, that all construction onsite be 100% complete. However, circumstances may make it desirable that approval of a final advance be given prior to 100% completion of onsite construction.

It is the policy of the Commissioner where only minor items of onsite construction are incomplete to approve the final advance when the aggregate estimate of cost of completion of such items does not exceed 1% of the principal amount of the mortgage. With respect to all such items, except landscaping, the amount held in escrow for completion must equal twice the estimated cost of completion.

(b) *Assurance of installation of offsite facilities.* The Commissioner may require an escrow deposit with the mortgagee of such cash as may be required for the completion of offsite public utilities and streets. As a matter of policy, the Commissioner has determined that in lieu of the cash escrow the following forms of assurances will be acceptable.

(1) Assurances from public authorities or public utility companies that the required offsite facilities will be installed and completed without cost to the mortgagor.

(2) A contract between the principal sponsor or sponsors and a contractor for installation and completion of offsite facilities without cost to the mortgagor.

(c) *Date of completion of construction.* The date of completion of construction has been interpreted as the date upon which the mortgagor makes final payment to the contractor. The interpretation of the date of completion is important in that it has a bearing on the guarantee against latent defects, faulty workmanship, and material which runs one year from the date of completion.

(d) *Compensation.* The prior written approval of the Commissioner is required on all compensation paid to (1) officers, directors or stockholders, and (2) any person or corporation for supervisory or managerial, and (3) any employee of the corporation, if the compensation exceeds $2,000 per annum.

(1) Compensation to any employee in excess of $2,000 per annum must be for necessary services and at such rate as is fair and reasonable in the locality for similar services.

(e) *Inspections.* After the completion of construction of a rental housing project, inspections of properties will be made only upon the specific request of the Commissioner, except that special inspections may be made in connection with substantial hazard insurance losses.

(f) *Amortization rate.* The mortgage provides for monthly payments on the first day of each month by the mortgagor to the mortgagee on account of interest and principal. Such monthly payments may be on a level annuity or declining annuity basis. Where the payments are on a level annuity basis, the Commissioner has determined that the payment to principal shall be 2% per annum of the outstanding balance. Whereas, in the case of declining annuity, principal payments must be at a constant rate of not less than 3% per annum of the original face amount of the mortgage.

(g) *Room count.* For purposes of uniformity, the Commissioner has established the following method of interpreting the count of rooms in a living unit.

(1) Living and bedrooms shall count as one whole room each.

(2) Kitchens, the area of which is not less than 60 square feet, shall count as one room each, provided they are separated from all other rooms by a complete partition with a door.

(3) Kitchens less than 60 square feet, but not less than 50 square feet in area, which are separated from other rooms by a complete partition with a door, shall count as one-half room.

(4) Strip kitchens, located in a room, a recess off the room, or in a closet space with door shall not be assigned any room count.

(5) Dining alcoves, not less than 45 square feet in area, separated from the kitchen by a partition and a door and having outside light and ventilation shall count as one-half room.

(6) Dining rooms not less than 110 square feet in area shall count as one room each.

(7) Bathrooms shall not be included in the room count, nor interior foyers whether intended for dining or not.

(h) *Expiration of commitment.* In case a commitment to insure construction advances is issued the mortgagee will have 120 days within which to accept the commitment. If the commitment has not been accepted within that time, it will expire. Where a commitment to insure upon completion has been issued, construction must start within 30 days; and the number of months in which the commitment will expire is 12 months in case the mortgage does not exceed $200,000 and 24 months when the mortgage is in excess of $200,000.

(i) *No revision in the commitment to insure upon completion without prior approval.* Where a commitment to insure upon completion has been issued and executed by the mortgagee and mortgagor, no revision of the terms and conditions of the commitment and no increase in the principal amount of the mortgage to be insured will be permitted without prior approval of the Commissioner.

(j) *Establishment of rental rates for new construction.* In establishing the monthly rental rate for new construction, it will be as agreed upon between the Office of Price Administration and the Commissioner.

(k) *Beginning of construction.* The Commissioner will not issue a commitment to insure where construction has commenced prior to issuance of a commitment. Beginning of construction is interpreted as that period prior to pouring of footings.

Issued at Washington, D. C., April 9, 1946.

[SEAL] RAYMOND M. FOLEY,
Commissioner.

[F. R. Doc. 46–15515; Filed, Aug. 29, 1946; 3:09 p. m.]

FEDERAL PUBLIC HOUSING AUTHORITY

[24 CFR, Ch. VI]

PART 600—DESCRIPTION OF AGENCY AND PROGRAMS

§ 600.1 *Description of agency and program*—(a) *Functions of FPHA.* The Federal Public Housing Authority (hereinafter referred to as the FPHA) is an agency of the United States created under the Second War Powers Act by Executive Order 9070, dated February 24, 1942 (7 F. R. 1529). As so established, FPHA is one of the main constituent units of the National Housing Agency. It is headed by the Federal Public Housing Authority Commissioner (hereinafter referred to as the Commissioner). In general, it is the responsibility of the FPHA to administer those housing programs of the Federal Government which involve either the direct expenditure of Federal funds or the loan of such funds to public bodies to provide housing. In addition it has certain other responsibilities such as acting as Disposal Agency for surplus real property under the Surplus Property Act of 1944.

(b) *Programs administered.* The programs administered by the Federal Public Housing Authority are as follows:

(1) *Low rent housing and slum clearance program.* This program is based on the United States Housing Act of 1937, as amended, (50 Stat. 88, 42 U. S. C. 1401). That statute created the United States Housing Authority, a corporate agency of the United States, which was authorized to make loans to local public agencies, created by state laws, in amounts not to exceed the development cost of permanent urban and rural housing designed to provide decent, safe and sanitary housing for families of low income. It also provided for the elimination of slum dwellings in numbers substantially equal to the numbers of new dwellings provided. The Act also permits the payment of annual contributions, when the amount of the FPHA loan involved does not exceed 90% of the development cost, in order to reduce the rents which families of low income pay in projects financed thereunder. Included in the low-rent program are certain housing assets and projects of the Public Works Administration which were transferred to the U. S. Housing Authority under the U. S. Housing Act of 1937. These projects are Federally owned and directly operated or leased by the FPHA to local authorities for management. This program, formerly administered by the United States Housing Authority, is now administered by the FPHA under Executive Order 9070.

(2) *Rural rehabilitation program.* Executive Order 9070 of February 24, 1945 transferred the functions of the Farm Security Administration relating to such housing projects for families not deriving their principal income from operating or working on a farm to the National Housing Agency which assigned the administration of them to FPHA. These included the greenbelt towns and certain of the subsistence homestead projects. The purposes of projects built

under this program were (i) to rehabilitate families in distress by providing them with a homestead on which they could supplement income received by seasonal industrial work, (ii) to demonstrate a method of redistributing what was considered an over-balance of population in industrial centers by constructing small suburban communities insulated from encroachment by a belt of farms and forests, and (iii) to provide work relief and to increase employment by providing useful projects.

(3) *Public war housing program.* The responsibilities of the FPHA under this program originally involved the construction and management of public war housing facilities for persons engaged in national defense activities, including enlisted men in the naval or military services, civilian employees of the War and Navy Departments and of private industries engaged in war contracts and officers of the Army, Navy and Marine Corps up to specified ranks. The basic statutes under which this program is carried out are the following: Title II of Public Law 671, approved August 25, 1937; Public Law 781, approved September 9, 1940; Public Law 849, approved October 14, 1940; Public Law 9, approved March 1, 1941; Public Law 73, approved May 24, 1941; Public Law 353, approved December 17, 1941; Public Law 140, approved July 12, 1943. It included the following types of housing: (i) stopgap shelter, provided mainly by trailers; (ii) temporary housing (provided under several laws, principal of which was the Lanham Act, as amended, (54 Stat. 1125); and (iii) permanent housing. The post-war responsibility of the FPHA is to use such housing temporarily for distressed families of veterans and servicemen and dispose of it as rapidly as conditions permit. Removal of temporary housing is mandatory not later than two years after the end of the emergency, declared by the President of the United States, or within such additional time as the Administrator deems necessary in the interest of orderly demobilization. Some permanent projects were developed under Public Law 671, approved June 28, 1940, with funds of the United States Housing Authority, under an authorization requiring the conversion of those projects to low-rent housing and slum clearance purposes after the war. These projects are now being converted as rapidly as possible. Other permanent projects are to be sold to occupants, or other private purchasers, or transferred or sold to Federal, State or local agencies, or, if approved by Congress, to local housing authorities for low-rent use.

(4) *Veterans emergency housing program.* The Veterans Emergency Housing Program was authorized by Public Laws 292 and 336 (79th Congress) which amended Title V of the Lanham Act. This legislation directed the National Housing Agency to alleviate the housing difficulties of distressed families of servicemen and veterans and their families and single veterans attending educational institutions by the movement and re-erection of temporary public housing facilities and by conversion and movement where necessary of temporary dormitories, barracks, and other adaptable structures, materials, equipment, and facilities. Federal agencies having jurisdiction or control of any structure or facilities (including land, equipment or material) which are surplus to its needs were authorized to transfer without reimbursement such structures or facilities to the Administrator of the National Housing Agency (upon his request) for use under this title. Provision is also made for reimbursement of those applicants choosing to perform the demounting and re-erection work themselves for the cost of relocation and conversion of temporary housing facilities. The responsibility for providing this housing has been delegated to the Federal Public Housing Authority concept that the Office of the Administrator of the National Housing Agency will determine the maximum allowable number of units that may be provided in an area and the regional quotas.

(5) *Conversion management program.* This program was initiated by the Home Owners' Loan Corporation in 1942 under the Lanham Act, to house war workers and was accomplished by remodeling existing dwellings, large mansions no longer suitable for single family occupancy, unused but sturdy warehouses, vacant stores, closed filling stations, abandoned lodge halls, or any type of building which possessed a sound structure. On August 1, 1944 responsibility for management supervision was transferred to the Federal Public Housing Authority. Development responsibility was transferred to FPHA on July 1, 1945.

(6) *Disposal program.* The FPHA has been designated by the National Housing Agency as the disposal agency for certain war housing and real property declared surplus by other agencies and assigned to the National Housing Agency by the War Assets Administration, or by other Federal agencies, for disposal; also for Government-owned surplus land classified as residential. This program is governed by War Assets Administration regulations and the Surplus Property Act of 1944.

D. S. MYER,
Commissioner.

[F. R. Doc 46-15360; Filed, Aug. 28, 1946; 4:20 p. m.]

PART 601—CENTRAL OFFICE ORGANIZATION

§ 601.1 *Central Office organization*—(a) *Functions of the Commissioner.* The Administrator of the United States Housing Authority serves as the Commissioner and is appointed for a term of five years by the President of the United States with the advice and consent of the Senate. He is primarily responsible for the administration of all of the programs of the Authority. He usually serves as President of the Defense Homes Corporation, and the divisions and offices of the Central Office of FPHA assist and advise Defense Homes Corporation as directed by the Commissioner. The following are the major organizational units of the FPHA Central Office with their respective functions:

(b) *Operating units*—(1) *Development and Reutilization Branch.* This Branch of the Authority is headed by an Assistant Commissioner who plans, directs and supervises FPHA development and reutilization programs, including the design and construction of all public housing, and the demounting, transporting, and re-erection of housing for the veterans' emergency housing program, and establishes standards for housing accommodations.

(2) *Real Estate and Disposition Branch.* This Branch of the Authority is headed by an Assistant Commissioner who is responsible for the disposition of war housing, surplus real property assigned by War Assets Administration or other Federal agencies, appraisal and advice on acquisition of real property; management of converted housing accommodations assigned to contract management brokers; initiates standards and policies for the financing and pricing of housing to be disposed of, and develops markets and negotiates sale of surplus real property.

(3) *Project Management Branch.* This Branch is headed by an Assistant Commissioner who is responsible for the operation and management of Federally owned public housing and the administration of contract relationships with local housing authorities on Federal Public Housing Authority aided and leased projects and with local communities and educational institutions. The Branch formulates policies and standards and establishes procedures governing the operation and management of public housing.

(4) *Office of the Comptroller.* This Branch is headed by a Comptroller who is responsible for the formulation and execution of fiscal policies and procedures; for accounting, auditing, statistical, procurement, property control, and administrative services functions of the Authority, and for liaison with Federal Government agencies concerned with these activities.

(c) *Staff units*—(1) *Legal branch.* Headed by a General Counsel who acts as legal adviser to the Commissioner and the Assistant Commissioners.

(2) *Chief economist.* Acts as an adviser to the Commissioner with respect to economic and social policies.

(3) *Administrative Planning Division.* Headed by a Director who assists the Commissioner with respect to administrative management activities.

(4) *Budget Division.* Headed by a Director who assists the Commissioner with respect to budget activities.

(5) *Personnel Division.* Headed by a Director who assists the Commissioner with respect to personnel activities.

(d) *Central Office address.* The address of the Central Office is Federal Public Housing Authority, Longfellow Building, Washington 25, D. C.

D. S. MYER,
Commissioner.

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PART 602—FIELD ORGANIZATION

§ 602.1 *Field organization*—(a) *Organization of field offices.* The Commissioner in administering the FPHA has

established a highly decentralized organization, vesting primary responsibility over all possible operating phases of the program in field offices. Primary field responsibility is vested in Regional Offices and a General Field Office located at the addresses, and having geographical jurisdiction as shown in paragraph (b) of this section. Two subregional, or area offices, and numerous project and rental offices, and contact managers operate under the direct control of Regional Offices. The organizational pattern of the Regional Offices, in general, follows that of the Central Office. Each office is headed by a Regional Director who is responsible to the Commissioner. Divisions (headed by Assistant Regional Directors) and Sections (headed by a Budget Officer, Personnel Officer, etc.) have functions within the Regional Offices similar to the functions of the Central Office Branches and Divisions, of which they are counterparts. The same organization of operating and staff functions obtains in the Regional Offices as in the Central Office. The General Field Office, in addition to its geographical jurisdiction as shown below, has jurisdiction over the administration of the Greenbelt, subsistence Homestead and Rural Housing programs, irrespective of their geographical location. Powers, duties, and functions delegated to regional officials also apply to the officials of the General Field Office, unless specifically excepted.

(b) *Addresses and areas of regional offices.* Because of the large number of project engineers', housing managers', contract managers' offices and other subregional FPHA offices located throughout the country, it is impractical to list them here. Any request for information concerning them should be addressed to the appropriate Regional Office as listed below:

Region areas and headquarters

I. Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut: 24 School Street, Boston 8, Mass.

II. New York, Pennsylvania, New Jersey, Delaware, Maryland: 270 Broadway, New York 7, N. Y.

III. Indiana, Illinois, Wisconsin, Iowa, Minnesota, South Dakota, North Dakota, Missouri, Nebraska: 201 North Wells Street, Chicago 6, Ill.

IV. North Carolina, South Carolina, Florida, Tennessee, Mississippi, Alabama, Georgia, Virginia: Georgia Savings Bank Building, Peachtree and Broad Streets, Atlanta 3, Ga.

V. Louisiana, Arkansas, Oklahoma, Texas, New Mexico, Kansas, Colorado: 1411 Electric Building, Seventh and Taylor Streets, Fort Worth 2, Tex.

VI. California, Nevada, Arizona, Utah, Hawaii: 760 Market Street, San Francisco 2, Calif.

VII. Idaho, Montana, Oregon, Washington, Alaska, Wyoming: Skinner Building, Fifth Avenue, Union Street, Seattle 1, Wash.

VIII. Kentucky, West Virginia, Ohio, Michigan: 2073 East Ninth Street, Cleveland 15, Ohio.

General Field Office—District of Columbia; in Virginia, Fairfax County, Arlington County and the City of Alexandria; in Maryland, Montgomery County, Prince George's County and the war housing localities of Cedar Point, Indian Head and Meadedale; Puerto Rico, the Virgin Islands, Cuba and the Canal Zone; and Special Projects not assigned to the regional offices: Longfellow Building, Connecticut Avenue at M Street NW.

In addition to the foregoing there are also Area Offices located at the following addresses:

Detroit Area Office (Region VIII—Subregional Office) Cadillac and Bates Streets, Barlum Tower Building, Detroit, Mich.

Puerto Rico Area Office (General Field Office—Suboffice) Post Office Box 1546, San Juan 7, P. R.

D. S. MYER,
Commissioner.

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PART 603—FINAL DELEGATIONS OF AUTHORITY

Sec.

603.1 Delegations to Central Office Officials.
603.2 Delegations to Regional Office Officials.
603.3 Delegations to General Field Office Officials with respect to Greenbelt Towns, Subsistence Homestead, Limited Dividend and Rural Housing Projects.
603.4 Delegations to field project personnel.

§ 603.1 *Delegations to Central Office officials.*—(a) *Assistant Commissioner and Deputy Assistant Commissioner for Development and Reutilization.* The Assistant Commissioner and the Deputy Assistant Commissioner for Development and Reutilization are delegated the power:

(1) With respect to any matters pertaining to the development of projects undertaken by FPHA:

(i) To execute contracts.

(ii) To execute contract changes and to act as the representative of the head of the department for the purpose of approving such contract changes when the contract documents require the approval of such contract changes in excess of $500 by the head of the department or his duly authorized representative.

(2) To act as representative of the head of the department for the purpose of approving the consideration of contractor's requests for extension of time when contracts permit waiver by the head of the department, or his duly authorized representative, of the contractor's failure to notify the Government of the delay within the period of time stated in the contracts.

(3) To execute development fund agreements on behalf of the FPHA with respect to the development of rural housing projects.

(4) Pursuant and subject to the provisions of the First War Powers Act, Executive Orders 9001, and 9116, and 9686 and the National Housing Administrator's General Order FPHA–7:

(i) To make advance payments to contractors in connection with Veterans' emergency housing.

(ii) To waive requirements of advertising and competitive bidding to the extent permitted or required in connection with veterans' emergency housing.

(iii) To amend contracts in connection with veterans' emergency housing without receipt of consideration by the Government.

(iv) To redelegate to regional directors and assistant regional directors for development and reutilization the powers stated in paragraphs (a), (b) and (c) of this section.

(b) *Assistant Commissioner for Development and Reutilization.* The Assistant Commissioner for Development and Reutilization is delegated the power to hear, consider, and decide, as the duly authorized representative of the Commissioner, all appeals arising out of contracts made by or for the Federal Public Housing Authority in connection with the development of projects where contract provisions state substantially that: "All disputes concerning questions of fact arising under this contract shall be decided by the contracting officer subject to appeal by the contractor within 30 days to the head of the department concerned or his duly authorized representative, whose decision shall be final and conclusive upon the parties thereto."

(c) *Director of Program Division.* The Director of the Program Division is delegated the power to make such findings as are required under the provisions of the Lanham Act (Public 849, 76th Congress), as amended with respect to the installation of movable equipment.

(d) *Director of Labor Relations Division.* The Director of the Labor Relations Division is delegated the power to make determinations of prevailing wages or fees under the provisions of section 16 (2) of the United States Housing Act of 1937, as amended, and to make determinations of the applicable job titles, weekly hours of work and annual wage rates for all manual maintenance employees on public housing projects operated by a local housing authority.

(e) *Assistant Commissioner and Deputy Assistant Commissioner for Project Management.* The Assistant Commissioner and the Deputy Assistant Commissioner for Project Management are delegated the power:

(1) To execute contracts with respect to the management of projects owned and operated by the FPHA, including the execution of contracts for utility services.

(2) To execute contract changes with respect to the management of projects and to act as the representative of the head of the department for the purpose of approving such contract changes when the documents require the approval of such contract changes in excess of $500 by the head of the department or his duly authorized representative.

(3) To approve management programs with respect to any project under the jurisdiction of the FPHA.

(4) To act as representative of the head of the department for the purpose of approving the consideration of contractor's requests for extension of time, when contracts permit the waiver by the head of the department or his duly authorized representative of the contractor's failure to notify the Government of the delay within the period of time stated in the contracts.

(5) To execute administration fund agreements on behalf of the FPHA with respect to the management of rural housing projects.

(6) To execute contracts or agreements with respect to all types of insurance coverage.

(f) *Chief of Insurance Section and Insurance Claims Examiner.* The Chief of the Insurance Section and the Insurance Claims Examiner are delegated the authority:

(1) To act as the authorized representative of the Contracting Officer for the purpose of approving contractor's insurance advisers and insurance advisers' contracts, insurance carriers and insurance policies or amendments thereto in connection with veterans' emergency housing.

(2) To execute amendments to the insurance provisions contained in cost-plus-a-fixed-fee construction contracts in connection with veterans' emergency housing.

(g) *Designation of Attesting Officer.* The Comptroller is designated as the Attesting Officer for the Federal Public Housing Authority in the Central Office. The Attesting Officer shall affix the seal to such documents as may require its application and is authorized to certify that copies of documents, leases, contracts, and other papers duly approved are identical with the originals on file in the Central Office. The Director of the Administrative Services Division and the Legal Administrative Assistant are designated as alternate Attesting Officers in the Central Office and shall have the same duties, functions and authority vested in the Attesting Officer.

(h) *Comptroller and Deputy Comptroller.* The Comptroller and Deputy Comptroller are delegated the power:

(1) To execute contracts and leases for supplies, equipment, space, and services (other than personal services).

(2) To the extent allowable by appropriation acts, to execute contracts relating to the employment of persons or organizations for special services up to $100.

(3) To approve banks proposed or selected by local authorities as depositaries or fiscal agents in compliance with the local authorities' contracts for loans and annual contributions and approve fees payable to the fiscal agents, approve the use of banks as depositaries for FPHA directly operated projects, and approve banks as depositaries for leased or conversion projects.

(4) To accept the service of process pursuant to attachment of garnishment proceedings served upon FPHA with regard to any debtor-employee. To execute all necessary and proper documents required in connection therewith and appear to testify for the FPHA when so ordered by a court of competent jurisdiction and upon proper legal notice being given.

(5) In accordance with the provisions of GAO Reg. 66, 7 Comp. Gen. 861 and Supplement 1 thereto, 7 Comp. Gen. 870, to order the publication of advertisements required by law or permissible under the policies and procedures of the FPHA.

(6) Pursuant and subject to the provisions of the First War Powers Act, Executive Orders 9001, 9116, and 9686 and the National Housing Administrator's General Order FPHA–7, to make advance payments to contractors (other than CPFF contractors) in connection with veterans' emergency housing.

(7) Pursuant and subject to the provisions of the First War Powers Act, Executive Orders 9001, 9116, and 9686 and the National Housing Administrator's General Order FPHA–7, to waive requirements of advertising and competitive bidding to the extent permitted or required in connection with veterans' emergency housing.

(i) *Director of Personal Property Division.* The Director of the Personal Property Division is delegated the power to exercise the powers delegated to the Comptroller in paragraphs H1 (for the execution of contracts for services other than personal and for equipment and supplies other than administrative), H5 and H7.

(j) *Director of Administrative Services Division.* The Director of the Administrative Services Division is delegated the power to exercise the powers delegated to the Comptroller in paragraphs H1 (for the execution of leases for space, and contracts for administrative equipment and supplies, and services other than personal services) and H2.

(k) *Director of Finance and Accounts Division.* The Director of the Finance and Accounts Division is delegated the power:

(1) To execute Requisition Agreements, pursuant to the United States Housing Act of 1937, as amended, and Public No. 671, approved June 28, 1940.

(2) To exercise the powers delegated to the Comptroller as described in paragraph H3.

(3) To exercise the powers delegated to the Comptroller as described in paragraph H4.

(l) *Chief of Securities Payment Section.* The Chief of the Securities Payment Section of Finance and Accounts Division is delegated:

(1) The power to exercise the powers delegated in paragraphs K1 and K2 to the Director of Finance and Accounts Division.

(2) The authority to act as Bond Approving Officer for the FPHA within the meaning of and for the purposes stated in a Circular No. 154 (revised February 6, 1935), of the Treasury Department, which deals with acceptance of securities in lieu of penal bonds.

(m) *Assistant to the Director of the Finance and Accounts Division.* The Assistant to the Director of the Finance and Accounts Division is delegated the power to exercise the powers delegated in paragraph K3 to the Director of the Finance and Accounts Division.

(n) *Supervising auditors.* Supervising auditors are delegated the power to appoint persons to approved positions up to and including CAF–8 for their respective staffs by Contract of Employment, Form FPHA–35, in the field.

(o) *Assistant Commissioner and Deputy Assistant Commissioner for Real Estate and Disposition.* The Assistant Commissioner and the Deputy Assistant Commissioner for Real Estate and Disposition are delegated the power:

(1) With respect to any matters pertaining to the disposition of projects undertaken pursuant to the provisions of the Lanham Act, as amended, PL–781 (76th Congress), or PL–9, 73, or 353 (77th Congress):

(i) To execute contracts.

(ii) To execute contracts of sale, deeds, leases, transfer documents, notes and mortgages, and other instruments in connection with the disposition of surplus property, other than those transfers of jurisdiction to other Federal agencies which require execution by the Administrator.

(iii) To order advertisements in connection with disposition actions.

(2) With respect to any matters pertaining to the disposition of property assigned to the National Housing Agency under provisions of the Surplus Property Act of 1944:

(i) To execute contracts.

(ii) To execute sale, lease, and transfer documents for surplus property, other than transfers of jurisdiction to other Federal agencies which require execution by the Administrator.

(iii) To order advertisements in connection with the disposition of surplus property.

(3) With respect to land, to accept options or the terms and conditions in leases on behalf of the FPHA where the use of land is to be acquired by eminent domain proceedings.

(4) With respect to conversion management:

(i) To exercise all rights and privileges of the United States under leases for conversion projects, including the power to modify or extend leases for converted properties and to sell, cancel or dispose of leases.

(ii) To execute and terminate management service contracts with contract managers.

(iii) To establish, adjust, or revise rentals for dwelling units in conversion projects: *Provided*, That no rentals shall be increased above the rentals specified in the program assignment by the Office of the Administrator.

(iv) To execute or approve contracts and contract changes with respect to the operation, maintenance, repair, alteration, or betterment of public conversion projects.

(p) *Director of Analysis and Control Division.* The Director of the Analysis and Control Division is delegated the power to exercise the powers delegated in paragraphs 01 and 02 to the Assistant Commissioner for Real Estate and Disposition.

(q) *Director of the Appraisal and Land Division.* The Director of the Appraisal and Land Division is delegated the power to exercise the powers delegated in paragraphs 01a and 03 to the Assistant Commissioner for Real Estate and Disposition.

(r) *Director of the Conversion Management Division.* The Director of the Conversion Management Division is delegated the power to exercise the powers delegated in paragraph 15d to the Assistant Commissioner for Real Estate and Disposition, with the exception of the power delegated in paragraph 04d.

§ 603.2 *Delegations to Regional Office officials*—(a) *Delegations of authority to Regional Directors.* (1) Pursuant to the provisions of Public Law 67 (73rd Congress) as implemented by Public Law 412 (75th Congress), as to PWA projects

only; Public Laws 671, 781 and 849 (excluding Title V thereof), (76th Congress); and Public Laws 9, 73 and 354 (77th Congress); all as amended and supplemented, regional directors are delegated, in connection with the development, management and administration of projects and in the administration of the regional office, the power:

(i) To execute or approve contracts in any amount within the limits of available or allotted funds with respect to the development and operation, maintenance, repair, alteration or betterment of projects.

(ii) To execute or approve contract changes in any amount within the limit of available or allotted funds with respect to the development and operation, maintenance, repair, alteration, or betterment of such projects and to act as the representative of the head of the department for the purpose of approving such contract changes when the contract documents require the approval of contract changes in excess of $500 by the head of the department or his duly authorized representative and to execute and approve documents involving any extensions of the contract completion date which may be approvable under the terms of the contract irrespective of whether extra work is involved.

(iii) To act as representative of the head of the department for the purpose of approving the consideration of contractors' requests for extension of time, when contracts permit the waiver by the head of the department or his duly authorized representative of the contractors' failure to notify the Government of the delay within the period of time stated within the contract.

(iv) To act as representative of the head of the department for the purposes of waiving the 10 day limitation (stipulated in Article 3 of the Construction Contract) for receiving, considering, and adjusting claims, in connection with changes in the contract work, for which claim was made by the contractor (*a*) prior to or (*b*) in his executed Certificate and Release. (This does not constitute such authority with regard to any claims made by the contractor subsequent to the execution of a Certificate and Release by him.)

(v) To make such findings of need as are required by the provisions of the Lanham Act (Public 849, 76th Congress) with respect to the installation of movable equipment for family dwellings.

(vi) Pursuant and subject to the provisions of the First War Powers Act, Executive Orders 9001, 9116 and 9686 and the National Housing Administrator's General Order FPHA–7:

(*a*) To make advance payments to contractors.

(*b*) To waive requirements of advertising and competitive bidding to the extent permitted or required by established FPHA policies and procedures.

(vii) To select or approve sites.

(viii) To grant revocable licenses, permits and easements, and execute appropriate instruments therefor, to facilitate the provisions of adequate utility services.

(ix) To execute appropriate deeds of conveyance or other instruments for the dedication of land acquired for permanent projects only, for necessary streets, alleys, walks, or other means of ingress and egress and utilities.

(x) To effectuate, wherever possible, the annexation of project property by political subdivision if necessary to facilitate the extension of adequate public facilities or services, including utilities, to such property.

(xi) In executing and administering construction contracts on war housing projects:

(*a*) To utilize the services of a local authority, acting as contracting officer under a development contract (referred to also as an agency agreement); or

(b) To utilize the services of a local authority, acting under a modified development contract; whereby the regional director (or an authorized assistant director) is the contracting officer for the direct development of a project, in which case the local authority acts in the advisory capacity only, and is relieved of all responsibility in connection with the execution of contracts, notices to proceed, change orders, and other contractual documents.

(xii) To execute a lease on behalf of the United States of America for the site of any project which is to be erected on a number of non-contiguous parcels.

(xiii) To execute contracts granting compensation for and to purchase the results of any services (such as architectural, surveyors and appraisers) which were rendered in good faith, and were informally authorized by a regional official who had authority to do so, to expedite the development of extremely urgent projects on the basis of an assignment which was later cancelled, suspended or reduced, prior to the execution of a formal contract for the services, provided funds to pay for such work are covered in an approved Form FPHA–501. If necessary, regional directors are authorized to enter into such contract settlements pursuant and subject to the First War Powers Act and Executive Orders 9001, 9116 and 9686 and section 17 of the Contract Settlement Act of 1944.

(xiv) To modify existing war housing leases without receipt of consideration by the Government to permit:

(*a*) Making advance payments for working capital or extraordinary expenses approved by the FPHA;

(*b*) Payment of losses incurred by a local housing authority as lessee in the operation, administration or management of projects covered by such lease, which result from compliance by the local housing authority with the requirements established by the FPHA for operation under the lease; and

(*c*) Payment of such part of a local authority's miscellaneous overhead expense as is allocable to the leased project after September 30, 1943, and is in accordance with the FPHA approved budget for the then fiscal year.

(xv) Pursuant and subject to the provisions of the Contract Settlement Act of 1944, to take such actions as are authorized by that Act and are appropriate to accomplish its objectives, including the establishment of a Regional Settlement Review Board.

(xvi) To execute leases, Forms FPHA 1118A and 1118B, for management of such projects to local public housing authorities.

(xvii) In connection with the provisions of sections 3A and 3B of the Administration Fund Agreement, Form FPHA 875–2, with respect to leased war housing projects:

(*a*) To determine when an event of default has occurred under a lease of a war housing project to a local housing authority.

(*b*) After the determination that an event of default has occurred, to sign and transmit notices to banks pursuant to section 3A of any agreement and to draw checks and execute certificates and to transmit the same to banks pursuant to section 3B of such agreements.

(xviii) To approve management program resolutions, budgets, rents, income limits and conditions of eligibility for such project. (This shall also apply to the projects developed pursuant to the provisions of the United States Housing Act of 1937, as amended.)

(ixx) To execute amendments to outstanding war housing project leases, Forms FPHA–1118–A or 1118–B, authorizing local housing authorities to make payments in lieu of taxes.

(xx) To approve in writing the compromise of rent claims against tenants or former tenants where such compromise has been recommended by the United States Attorney or his representatives.

(xxi) To approve the payment of court costs in connection with any claim against tenants or former tenants where the payment of such costs is recommended by any Government attorney.

(xxii) To renew, upon expiration, leases for land made with the Farm Security Administration on projects transferred to the FPHA by Executive Order 9070.

(xxiii) To execute agreements for payments in lieu of taxes.

(xxiv) To authorize the housing of persons employed directly by the FPHA, local authorities, or other agencies engaged in the operation of public war housing projects when adequate housing is not available to such persons within practicable commuting distance or where their presence on the site at other than normal working hours is necessary to the proper operation of the project.

(xxv) To execute contracts for additional fire protection, police protection, and other necessary services not covered by agreements for payments in lieu of taxes. These contracts may be executed with the same taxing districts to which payments in lieu of taxes are made on Lanham Act projects. Such contracts shall be made when they are necessary either for the protection of the projects or for their effective utilization.

(xxvi) To execute contracts and leases for supplies, equipment, space, and services (other than personal services).

(xxvii) In accordance with the provisions of GAO Reg. No. 66, 7 Comp. Gen. 861 and Supplement 1 thereto, 7 Comp. Gen. 870, to order the publication of advertisements required by law or

permissible under the policies and procedures of the FPHA.

(xxviii) In connection with the management of public conversion projects:

(*a*) To execute and terminate management service contracts, Form FPHA–1320, with contract managers after consideration of the recommendations of the regional conversion management supervisor.

(*b*) To establish, adjust, or revise rentals for dwelling units in conversion projects provided that no rentals shall be increased above the rentals specified in the program assignment by the Office of the Administrator.

(*c*) To modify or extend leases for converted properties.

(*d*) To approve in writing the settlement or compromise of claims of tenants or former tenants.

(*e*) To approve the incurring of court costs and counsel fees by contract managers in connection with any claim against tenants.

(*f*) To exercise all rights and privileges of the United States under leases for conversion projects other than the termination of leases.

(*g*) Pursuant and subject to the First War Powers Act, Executive Orders 9001, 9116, and 9686 and National Housing Administrator's General Order FPHA–7, to amend and modify management service contracts, Form FPHA–1320:

(*1*) By revising Article 2 in accordance with the schedule of compensation provided in the Contract Manager's Manual. This authority should be exercised only where management service contracts are amended or modified without regard to the provisions of law relating to the amendment and modification of contracts. Wherever a consideration in the form of a benefit to the Government can be shown in connection with any amendment or modification, such amendment or modification may be made without invoking the authority herein set forth.

(2) To modify by amendment without the receipt of consideration all leases of public conversion properties which require the lessor to maintain the premises in good repair and tenantable condition during the continuance of the lease wherever the regional director determines such leases erroneously provide for maintenance to be performed by the lessor because (*i*) it is found that the original intent of the persons negotiating the lease on behalf of the Government and the lessor was to have such maintenance performed by the Government, and (*ii*) the records pertaining to the negotiation of such leases indicate unequivocally that the computation of rents to be paid by the Government was based on the performance of such maintenance by the Government. Where necessary, such amendments shall modify and settle any claim the Government may have acquired against a lessor by a lessor's failure to perform maintenance work in the past and provide for the ratification of payment for, and for the acceptance by, the lessor of all maintenance work performed by the Government between the date of the lease and the date of the amendment. This delegation is made to cover all situations where an amendment of the leases, except for the authority hereby delegated, would violate the provisions of law that employees of the Government are without authority to modify contracts to the detriment of the Government or to remit a claim of the Government.

(3) To amend or clarify existing leases entered into between the several property owners and the United States of America acting through the National Housing Agency on Form US–NHA–30–2 by deleting from paragraph 7 (paragraph 8 in revision of January 1943) of said lease the form language beginning at the top of page 3 of said lease as follows: "When any obligation scheduled in paragraph 7 (8) of this lease, which is payable in substantially equal installments * * *" and ending with the end of said paragraph 7 (8) and inserting in lieu thereof the following language: "The payments required to be made under this paragraph are additional payments on account of rent and should the necessity for the making of any such payments on account of any obligation of the lessor as listed above cease because of the extinguishment of the debt, such payments shall nevertheless continue to be made by the Government at the same rate as heretofore as though said indebtedness had not been extinguished: *Provided,* That such further payments shall be made directly to the lessor: *And provided,* That the Government may, if it so elects, accumulate one or more installments and make payment on the same date as the next payment is made on account of the rent provided in paragraph 3 (4) of this lease: *And provided further,* That such payment and subsequent payments shall include all amounts due for the period for which payments are made on account of rent. The Government may require the submission of proof acceptable to it that the indebtedness has been released of record before making any payment directly to the Lessor." Authority is also delegated to the regional directors to modify the foregoing language to fit specific cases provided always that such modification shall express the intent of the Government to continue making payments to the owners of the property of the total amounts required to be paid as rent, whether said rent be paid in the form of a cash payment made directly to the owner or in the form of payments on account of the owner against any mortgage indebtedness.

(2) In any matters pertaining to the disposition of projects undertaken pursuant to the provisions of the Lanham Act, as amended, PL–781 (76th Congress), or PL–9, 72, 353 (77th Congress), regional directors are delegated the power:

(i) To execute contracts for removal, demolition, or disposition of projects pursuant to approved disposition plans.

(ii) To execute contracts of sale, transfer documents, and other instruments in connection with the disposition of surplus housing property, other than transfers of jurisdiction to other Federal agencies.

(iii) To order advertisements in connection with disposition of surplus housing property.

(iv) To execute contracts with brokers granting compensation for the disposition of surplus housing property, or for disposition of surplus housing property, or for disposition of conversion leaseholds.

(3) In any matters pertaining to the disposition of property assigned to the National Housing Agency under provisions of the Surplus Property Act of 1944 or Executive Order 9425, February 18, 1944, regional directors are delegated the power: (i) To execute sale or transfer documents for surplus property, other than transfers of jurisdiction to other Federal agencies.

(ii) To order advertisements in connection with the disposition of surplus property.

(iii) To execute contracts granting compensation for and to purchase the results of the services of surveyors or appraisers when the obtaining of such services or results has been previously authorized by the Assistant Commissioner for Real Estate and Disposition.

(iv) Pursuant to section 313 of the Lanham Act as amended, SPA Regulation 5, Order 6, and NHA General Order 21–29A, to make and announce the necessary factual findings as to which housing, assigned to the National Housing Agency by the War Assets Administration for disposal, is of the class and types determined by the National Housing Agency to be of a temporary character.

(4) Pursuant to the U. S. Housing Act of 1937, as amended, and Title II of Public 671, 76th Congress, approved June 28, 1940, regional directors are delegated the power:

(i) To execute waivers of the following provisions of the loan and annual contributions contracts relating to such projects, and such other provisions as may be designated from time to time by the Commissioner:

(*a*) The provision which requires that no member of the local housing authority shall participate in any decision affecting his direct or indirect personal interests and that no member, officer, agent, servant, or employee of the local housing authority shall have any interest, direct or indirect, in any contract for property, materials, or services to be acquired by the local housing authority.

(*b*) The provision which requires that the local housing authority involved shall not enter into any contract for property, materials, or services with any former member of the local housing authority within one year after he shall have ceased to be a member.

(*c*) The provision that requires that all work in connection with demolition on the site of the project, site improvements, and the construction and equipping of the projects to be done under fixed price contracts awarded after open and competitive bidding.

(*d*) The provision that the local housing authority involved will not, during the life of the contract, or while any of the bonds are outstanding, transfer, convey, assign, or in any way encumber the project, provided that this shall be waived only to permit local housing authorities to grant easements in and over the project sites.

(e) The provisions of section 4.02 (c) of Form FPHA–500, and applicable provisions of the Administration Fund Agreement relating to the withdrawal of moneys from the administration fund, only to the extent necessary to permit the transfer of moneys from that fund (not in excess of the amount that would otherwise be available at the close of the then current fiscal year for transfer to the debt service fund) to the development fund for payment of approved development costs when it is not possible to defer such payment until the maturity date or scheduled refunding of outstanding temporary loan notes issued for the project.

(f) The provisions of section 4.04 of the General Covenants and Conditions, Form FPHA–500, April 15, 1942, and section 2 of the Debt Service Fund Agreement, only to the extent necessary to permit the transfer of moneys from the debt service fund to the development fund in an amount not to exceed that portion of the proceeds of the sale of any temporary loan notes which is obtained for the payment of additional approved development costs and which, with the consent of the FPHA, is applied to the payment of interest and/or principal of any outstanding temporary loan notes.

(ii) To approve land purchases by a local housing authority for the site of a housing project.

(iii) To approve the dedication to the public by local housing authorities, of land for the laying out, construction, maintenance, or widening of streets or alleys within the area of the project.

(iv) To execute Development Fund Agreements on behalf of FPHA.

(v) To execute Administration Fund Agreements on behalf of FPHA.

(vi) To execute Debt Service Fund Agreements on behalf of FPHA.

(vii) To execute and issue Contract Award Notices.

(viii) To execute and issue Development Progress Certificate and Exhibit B attached thereto, Form FPHA–876.

(ix) To execute and issue Occupancy Notices.

(x) To execute and issue Equivalent Elimination Notices.

(xi) To execute and issue Physical Completion Notices.

(a) To authorize the award and to approve the execution of construction contracts and any modification thereof (including change orders) executed by local authorities.

(xii) To approve the deferment of the elimination of unsafe and insanitary dwellings with respect to projects developed by the local housing authorities under PL–671 for a period of one year after the termination of the war housing period as defined in the Contract for Financial Assistance.

(xiii) To approve the deferment of the elimination of unsafe or insanitary dwellings with respect to projects developed by local housing authorities under PL–412 for a period of one year from the date the deferment is granted: *Provided,* That the regional director shall find and determine that in the locality the ratio of vacant to total dwellings is 3% or less which results in a shortage of decent, safe, or sanitary housing available to families of low income so acute as to force dangerous overcrowding of such families.

(5) Pursuant to the provisions of the Surplus Property Act of 1944 and Regulations 1 and 9 of the Surplus Property Board, the following powers are delegated to the regional directors:

(i) To execute contracts covering the sale of small lots, salvage, and scrap, as defined by the War Assets Administration.

(ii) To execute contracts covering the sale, at a price which is fair and reasonable under the circumstances, of any personal property, the immediate sale of which in his judgment is desirable because of emergency circumstances, such as danger of deterioration or consideration of health, safety, or security. He shall obtain advance clearance of the appropriate disposal agency, if practicable.

(6) Pursuant to Title V of the Lanham Act as amended, regional directors are delegated the power:

(i) To execute contracts for the Commissioner between the United States and local bodies for the provision of housing under Title V of the Lanham Act.

(ii) To negotiate and execute cost-plus-a-fixed-fee contracts for the construction of Title V housing projects on Form FPHA–1482, including schedules of prices for finished dwelling units, and any amendments to these forms (and additional schedules of prices for finished dwelling units) subsequently approved by the Assistant Commissioner for Development and Reutilization.

(iii) To execute or approve changes in the contract in any amount within the limit of available or allotted funds, and to execute and approve documents involving any extensions of the contract completion date which may be approvable under the terms of the contract irrespective of whether extra work is involved. Any changes approved by any region shall apply only to Notices to Proceed with projects to be erected in that region (without regard to the original location of the building being moved).

(iv) To make such findings of need as are required by the provisions of the Lanham Act with respect to installation of movable equipment for family dwellings.

(v) Pursuant and subject to the provisions of the First War Powers Act, Executive Orders 9001, 9116, and 9686 and the National Housing Administrator's General Order FPHA–7:

(a) To approve advance payments to contractors in connection with contracts executed under any cost-plus-a-fixed-fee contract executed in the Central Office or the regional office and to local bodies for use in payment of development costs under PL–336.

(b) To waive requirements of advertising and competitive bidding to the extent permitted or required by established FPHA policies and procedures.

(c) To waive the requirement of performance and payment bonds in connection with lump-sum contracts relating to the development of Title V housing projects where the FPHA contracts with a local public body for the erection and repair of trailers to be done by the local body.

(vi) Pursuant and subject to the provisions of the Contract Settlement Act of 1944, to take such actions as are authorized by that Act and are appropriated to accomplish its objectives, including the establishment of a Regional Settlement Review Board.

(vii) To execute Notices to Proceed.

(viii) To grant revocable licenses, permits, and easements, and execute appropriate instruments therefor, to facilitate the provisions of necessary streets, alleys, walks, or other means of ingress and egress and utilities.

(ix) Pursuant to the terms of CPA Directive 42 as amended, NHA General Order 21–33A, Priority Regulation 33 as amended, and in consideration of CPA Order VHP–1:

(a) To process and approve application for HH preference ratings, and to begin construction for projects within the terms of PR–33, when such requests are submitted on Form CPA–4386.

(b) To process supplemental applications when submitted on Form CPA–4387.

(c) To exercise such other powers and assume such responsibilities as are set forth in Directive 42 and PR–33, except in connection with appeals.

(d) To redelegate to one specific person within the Development and Reutilization Division in each region authority to exercise the above functions in his behalf; such person, whose name shall be registered with the Central Office Priorities Section, to act as Liaison Officer with the Central Office in priority matters. (All such actions shall be in conformity with the applicable CPA and NHA regulations.)

(x) Pursuant to the authority under the First War Powers Act, and Executive Orders 9001, 9116, and 9686, to waive the requirement of performance and payment bonds, in connection with lump-sum contracts relating to the development of veterans' emergency housing projects, in those cases where the FPHA contracts with a local public body (such as municipalities and educational institutions), for the erection and repair of trailers to be done by the local body, subject to a legally sufficient determination that such action will facilitate or expedite the veterans' housing program.

Such bonds, however, may be required from the subcontractors of the local body, at the option of the above-mentioned FPHA officials, when such action is deemed necessary and in the best interest of the Government.

(xi) Pursuant to Title V of the Lanham Act, as amended, to execute contracts or other documents conveying surplus personal property available to FPHA to local bodies (educational institutions, States or political subdivisions thereof, local public agencies, and nonprofit organizations) for use in connection with veterans' emergency housing.

(b) *Delegations of authority to the Regional Director and Assistant Regional Directors of Region IV.* In connection with the decentralization of FPHA re-

lationship with TVA pertaining to the operation of FPHA-owned housing projects, the Regional Director and Assistant Regional Directors of Region IV are delegated the power to execute agreements and revise or amend existing agreements.

(c) *Delegations to Deputy Regional Directors.* (1) The deputy regional directors are delegated the power:

(i) To exercise the same authority delegated heretofore or hereafter to the regional director.

(ii) To exercise the same authority delegated heretofore or hereafter to the assistant regional directors.

(iii) To exercise the same authority delegated heretofore or hereafter to other regional officials.

(2) The power delegated to the deputy regional director shall be subject to:

(i) The limitations imposed by the regional director.

(ii) The limitations imposed by the nature of delegations, such as a delegation made by name rather than by title or position.

(iii) The limitations imposed by formal requirements, such as filing of a bond or signature card, in which case the deputy regional director shall not exercise such powers without complying with the formal requirements.

(d) *Delegations of authority to Assistant Regional Directors for Development and Reutilization.* (1) Pursuant to the provisions of Public Laws 671, 781 and 849 (excluding Title V thereof), 76th Congress, and Public Laws 9, 73 and 353, 77th Congress; all as amended and supplemented, assistant regional directors for development and reutilization are authorized in connection with the development of projects:

(i) To execute or approve contracts in any amount (within the limits of available or allotted funds) with respect to the development of projects.

(ii) To execute or approve contract changes in any amount (within the limits of available or allotted funds) with respect to the development of projects, and to act as the representative of the head of the department for the purpose of approving such contract changes when the contract documents require the approval of contract changes in excess of $500 by the head of the department or his duly authorized representative; and to execute documents involving any extensions of the contract completion date which may be approvable under the terms of the contract irrespective of whether extra work is involved.

(iii) To select or approve sites.

(iv) To effectuate, wherever possible, the annexation of project properties by political subdivision if necessary to facilitate the extension of adequate public facilities or services including utilities to such property.

(v) Pursuant to the terms of CPA Directive 42 as amended, NHA General Order 21–33A, Priority Regulation 33 as amended, and in consideration of CPA Order VHP–1:

(*a*) To process and approve application for HH preference ratings, and to begin construction for projects within the terms of PR–33, when such requests are submitted on Form CPA–4386;

(*b*) To exercise such other powers and assume such responsibilities as are set forth in Directive 42 and PR–33, except in connection with appeals;

(*c*) To redelegate to one specific person within the Development and Reutilization Branch in each region authority to exercise the above functions in their behalf; such appointee, whose name shall be registered with the Central Office Priorities Section, to act as liaison officer with the Central Office in all priority matters.

(All such actions shall be in conformity with the applicable CPA and NHA regulations.)

(2) Pursuant to the U. S. Housing Act of 1937, as amended and Title II of Public 671, 76th Congress, approved June 28, 1940, assistant regional directors for development and reutilization are authorized to execute agreements and waivers and give approval in connection with FPHA aided projects as set forth in regional director's delegation in paragraph A4 above.

(3) Pursuant to Title V of the Lanham Act as amended, assistant regional directors or development and reutilization are authorized:

(i) To negotiate and execute cost-plus-a-fixed-fee contracts Form FPHA–1482, including schedules of prices for finished dwelling units for the construction of veterans' emergency housing projects and any amendments to this contract and additional schedules of prices for finished dwelling units subsequently approved by the Assistant Commissioner for Development and Reutilization.

(ii) To execute or approve changes in the contract in any amount within the limit of available or allotted funds, and to execute and approve documents involving any extensions of the contract completion date which may be approvable under the terms of the contract irrespective of whether extra work is involved. Any changes approved by any region shall apply only to Notices to Proceed with projects to be erected in that region (without regard to the original location of the buildings).

(iii) To execute Notices to Proceed.

(iv) Pursuant to the authority under the First War Powers Act, and Executive Orders 9001, 9116, and 9686, to waive the requirement of performance and payment bonds, in connection with lump-sum contracts relating to the development of veterans' emergency housing projects, in those cases where the FPHA contracts with a local public body (such as municipalities and educational institutions) for the erection and repair of trailers to be done by the local body, subject to a legally sufficient determination that such action will facilitate or expedite the veterans' housing program. Such bonds, however, may be required from the subcontractors of the local body, at the option of FPHA when such action is deemed necessary and in the best interest of the Government.

(v) Pursuant to the terms of CPA Directive 42 as amended, NHA General Order 21–33A, Priority Regulation 33 as amended, and in consideration of CPA Order VHP–1:

(*a*) To process and approve application for HH preference ratings, and to begin construction for projects within the terms of PR–33, when such requests are submitted on Form CPA–4386;

(*b*) To exercise such other powers and assume such responsibilities as are set forth in Directive 42 and PR–33, except in connection with appeals;

(*c*) To redelegate to one specific person within the Development and Reutilization Division in each region authority to exercise the above functions in his behalf; such appointee, whose name shall be registered with the Central Office Priorities Section, to act as liaison officer with the Central Office in all priority matters. (All such actions shall be in conformity with the applicable CPA and NHA regulations.)

(4) Pursuant to section 313 of the Lanham Act as amended, SPA Regulation 5, Order 6, and NHA General Order 21–29–A, to make the necessary factual findings as to which housing, assigned to the National Housing Agency by the War Assets Administration for disposal, is of the class and types determined by the National Housing Agency to be of a temporary character.

(e) *Delegations of authority to Regional Construction Advisers.* Pursuant to the provisions of Public Laws 671, 781, and 849, 76th Congress, and Public Laws 9, 73, and 353, 77th Congress, all as amended and supplemented, regional construction advisers are delegated in connection with the development of projects, the power:

(1) To approve contract changes for $2,500 or less, which do *not* involve any extension of the contract time for completion, and to act as representative of the head of the department for the purpose of approving contract changes for $2,500 or less, when the contract requires approval of such changes by the head of the department or his duly authorized representative.

(2) To execute contract changes in any amount, which do *not* involve any extension of the contract time for completion, subject to the approval of all contract changes in excess of $2,500, by the regional director or assistant regional director for development and reutilization.

(f) *Delegations of Authority to Assistant Regional Directors for Management.* (1) Pursuant to the provisions of Public Law 67, 73rd Congress, Public Laws 671, 781, and 849, 76th Congress, and Public Laws 9, 73, and 353, 77th Congress, all as amended and supplemented, assistant regional directors for management are delegated, in connection with the management of projects, the power:

(i) To execute contracts of agency and leases and amendments thereto for management of such projects by local housing authorities.

(ii) In connection with the provisions of section 3A and 3B of the Administration Fund Agreement, with respect to leased war housing projects:

(*a*) To determine when an event of default has occurred under a lease of a war housing project to a local housing authority.

(b) After the determination that an event of default has occurred, to sign and transmit notices to banks pursuant to any such agreement and to draw checks and execute certificates and to transmit the same to banks pursuant to such agreements.

(iii) To approve management program resolutions, rents, income limits, and conditions of eligibility for such projects.

(iv) To execute or approve contracts and contract changes in any amount within the limits of available or allotted funds with respect to the operation, maintenance, repair, alteration, or betterment of such projects and to act as the representative of the head of the department for the purpose of approving such contract changes when the contract documents require the approval of such contract changes in excess of $500 by the head of the department or his duly authorized representative.

(v) To act as representative of the head of the department for the purpose of approving the consideration of contractor's request for extension of time when contracts permit the waiver by the head of the department or his duly authorized representative of the contractor's failure to notify the Government of the delay within the period of time stated within the contract.

(vi) To execute amendments to outstanding war housing project leases authorizing local housing authorities to make payments in lieu of taxes directly.

(vii) To renew, upon expiration, leases for land made by the Farm Security Administration on projects transferred to the FPHA by Executive Order 9070.

(viii) To execute agreements for payments in lieu of taxes.

(2) Pursuant to the U. S. Housing Act of 1937, as amended, and Title II of Public 671, 76th Congress, approved June 28, 1940, to execute agreements and waivers and give approval in connection with FPHA aided projects as set forth in regional directors' delegations in paragraph A4 above.

(g) *Delegations of authority to Regional Comptrollers.* (1) Pursuant to the provisions of Public Laws 671, 781, and 849, 76th Congress, Public Laws 9, 73, and 353, 77th Congress, all as amended and supplemented, regional comptrollers are delegated, with respect to the administration of projects and of the regional office, the power:

(i) To execute contracts and leases for supplies, equipment, space, and services (excluding personal services).

(ii) In accordance with the provisions of GAO Reg. No. 66, 7 Comp. Gen. 861 and Supplement 1 thereto, 7 Comp. Gen. 870, to order the publication of advertisements required by law or permissible under the policies and procedures of the FPHA.

(iii) In connection with the provisions of sections 3A and 3B of the Administration Fund Agreement, Form FPHA-875-2 with respect to leased war housing projects:

(a) To determine when an event of default has occurred under a lease of war housing project to a local housing authority.

(b) After the determination that an event of default has occurred, to sign and transmit notices to banks pursuant to any such agreement and to draw checks and execute certificates and to transmit the same to banks pursuant to such agreements.

(iv) Pursuant and subject to the provisions of the First War Powers Act, Executive Orders 9001, 9116, and 9686 and the National Housing Administrator's General Order FPHA-7:

(a) To make advance payments to contractors (other than CPFF contractors) in connection with veterans' emergency housing.

(b) To waive requirements of advertising and competitive bidding to the extent permitted or required by established FPHA policies and procedures in connection with veterans' emergency housing.

(2) Pursuant to the United States Housing Act of 1937, Public Law 412, 75th Congress, as amended, and Title II of Public Law 671, 76th Congress, approved June 28, 1940, regional comptrollers are authorized to execute agreements and waivers and give approval in connection with FPHA aided projects as set forth in regional directors' delegation in paragraph A4 above.

(3) Pursuant to the provisions of the Surplus Property Act of 1944 and Regulations 1 and 9 of the War Assets Administration, the following powers are delegated to the regional comptrollers:

(i) To make final determination that personal property under his jurisdiction at any one place at any one time which costs under $25,000 is salvage or scrap.

(ii) To execute contracts covering the sale, at the best price obtainable, of small lots, salvage, and scrap as defined by War Assets Administration.

(iii) To execute contracts covering the sale, at a price which is fair and reasonable under the circumstances, of any personal property, the immediate sale of which in his judgment is desirable because of emergency circumstances, such as danger of deterioration or consideration of health, safety, or security.

(iv) In accordance with War Assets Administration Regulation 1, to declare as surplus and to turn over to the appropriate disposal agency any personal property other than small lots, salvage, and scrap.

(4) Pursuant to Title V of the Lanham Act, as amended, the power to execute contracts or other documents conveying surplus personal property available to FPHA to local bodies (educational institutions, States or political subdivision thereof, local public agencies, and nonprofit organizations) for use in connection with the veterans' emergency housing program.

(h) *Delegations of authority to Regional Property and Procurement Officers.* (1) Pursuant to the provisions of Public Laws 671, 781, 849, 76th Congress, and Public Laws 9, 73, and 353, 77th Congress, all as amended, in connection with administration of the regional office, powers are delegated as follows:

(i) To execute contracts for supplies, equipment, space, and services (excluding personal services).

(ii) Pursuant to the provisions of the Surplus Property Act of 1944 and Regulations 1 and 9 of the War Assets Administration:

(a) To make final determinations that personal property under his jurisdiction at any one place at any one time which cost under $25,000 is salvage or scrap.

(b) To execute contracts covering the sale, at the best price obtainable of small lots, salvage and scrap as defined by War Assets Administration.

(c) To execute contracts covering the sale, at a price which is fair and reasonable under the circumstances, of any personal property, the immediate sale of which in his judgment is desirable because of emergency circumstances, such as danger of deterioration or consideration of health, safety, or security.

(d) To destroy or abandon property when such destruction or abandonment is determined by the regional director or regional comptroller to be required by considerations of health, safety, or security.

(e) In accordance with War Assets Administration Regulation 1, to declare as surplus and to turn over to the appropriate disposal agency any personal property other than small lots, salvage, and scrap.

(iii) In accordance with the provisions of GAO Reg. 66, 7 Comp. Gen. 861, and Supplement 1 thereto, 7 Compt. Gen. 870, to order the publication of advertisements required by law or permissible under the policies and procedures of the FPHA.

(iv) Pursuant and subject to the provisions of the First War Powers Act, Executive Orders 9001, 9116, and 9686 and the National Housing Administrator's General Order FPHA-7, to waive requirements of advertising and competitive bidding to the extent permitted or required in connection with veterans' emergency housing.

(v) Pursuant to Title V of the Lanham Act, as amended, to execute contracts or other documents conveying surplus personal property available to FPHA to local bodies (educational institutions, State or political subdivisions thereof, local public agencies, and non-profit organizations) for use in connection with the veterans' emergency housing program.

(i) *Delegation of authority to Assistant Regional Directors for Real Estate and Disposition.* (1) In any matters pertaining to the disposition of projects undertaken pursuant to the provisions of the Lanham Act, as amended, PL-781, 76th Congress, or PL-9, 73, and 353, 77th Congress, assistant regional directors for real estate and disposition are delegated the power:

(i) To execute contracts of sale, transfer documents, and other instruments in connection with the disposition of surplus property, other than transfers of jurisdiction to other Federal agencies.

(ii) To order advertisements in connection with disposition of surplus housing property.

(iii) To execute contracts granting compensation for and to purchase the

results of the services of surveyors and appraisers.

(iv) To execute contracts with brokers for the disposition of surplus housing property or the disposition of conversion leaseholds.

(2) In any matters pertaining to the disposition of property assigned to the National Housing Agency under provisions of the Surplus Property Act of 1944, or Executive Order 9425, February 19, 1944, the assistant regional directors for real estate and dispostion are delegated the power:

(i) To execute sale or other transfer documents for surplus property, other than transfers of jurisdiction to other Federal agencies.

(ii) To order advertisements in connection with the disposition of such property.

(iii) To execute contracts granting compensation for and to purchase the result of the services of surveyors or appraisers when the obtaining of services or results has been previously authorized by the Assistant Commissioner for Real Estate and Disposition.

(3) In any matters pertaining to the management of public conversion projects pursuant to the provisions of Public Law 849, 76th Congress, assistant regional directors for real estate and disposition are hereby delegated authority to exercise all powers delegated to regional conversion management supervisors in paragraph J1 below.

(4) To grant revocable licenses, easements, and permits to other than Federal agencies and to execute the appropriate instruments therefor, to facilitate provision of adequate utility services.

(5) Any instrument executed by the assistant regional director for real estate and disposition under the authority of NHA General Order 21–31 and this delegation, purporting to transfer title to a bona fide purchaser for value, shall be conclusive evidence (i) of the authority of said assistant regional director to execute such instrument and (ii) that any conditions attached to said authority have been satisfied.

(6) In connection with projects developed under the provisions of Public Laws 671, 781, and 849 (except Title V thereof), 76th Congress and Public Laws 9, 73, and 353, 77th Congress:

(i) To execute deeds of conveyance or other instruments for the dedication of land acquired for permanent projects only, for necessary streets, alleys, walks or other means of ingress and egress and utilities.

(ii) To execute a lease on behalf of the United States of America for the site of any project which is to be erected on a number of noncontiguous parcels.

(j) *Delegations of authority to Regional Conversion Management Supervisors, Assistant Regional and Area Conversion Management Supervisors, and Field Representatives.* Pursuant to the provisions of Public Law 849, 79th Congress, in connection with the management of public conversion projects, powers are delegated as follows:

(1) To regional conversion management supervisors the power:

(i) To establish, adjust, or revise rentals for dwelling units in conversion projects provided that no rentals shall be increased above the rentals specified in the program assignment by the Office of the Administrator.

(ii) To modify or extend leases for converted properties and, where the Office of the Administrator has approved termination of conversion projects, to sell, cancel, or dispose of leases when approved by the Commissioner.

(iii) To exercise all rights and privileges of the United States under leases for conversion projects other than the termination of leases.

(iv) To execute or approve contracts and contract changes with respect to the operation, maintenance, repair, alteration, or betterment of public conversion projects, and to act as the representative of the head of the department for the purpose of approving such contract changes when the contract documents require the approval of such contract changes by the head of the department or his duly authorized representative.

(v) To act as representative of the head of the department for the purposes of approving the consideration of contractors' requests for extension of time when contracts permit the waiver by the head of the department or his duly authorized representative of the contractor's failure to notify the Government of the delay within the period of time stated in the contract.

(2) To assistant regional and area conversion management supervisors the power: (i) To approve expenditures in connection with the operation, maintenance, repair, alteration, or betterment of public conversion projects in amounts not exceeding $500 for any one transaction.

(ii) To approve in writing the settlement or compromise of claims of tenants or former tenants.

(iii) To approve the incurring of court costs and consul fees by contract managers in connection with any claim against tenants provided such counsel fees conform to the FPHA established schedule.

(3) To field representatives the power: (i) To approve expenditures in connection with the operation, maintenance, repair, alteration, or betterment of public conversion projects in amounts not exceeding $100 for any one transaction.

(ii) To approve the incurring of court costs and counsel fees by contract managers in connection with any claim against tenants provided such counsel fees conform to the FPHA established schedule.

(k) *Exercise of war powers in connection with payments under the Homes Conversion Program.* (1) Pursuant to the authority vested in the Commissioner by virtue of the First War Powers Act of 1941, Executive Orders 9001 and 9116, and General Order FPHA–7 of the Administrator of the National Housing Agency, authority is delegated to all persons charged with the responsibility for certifying any payments of rents or amounts paid in lieu of rents under the terms of the leases made in connection with the homes conversion program to certify and cause to be paid any installments of rent or other payments in lieu or rent as required by such leases, whether such payments are required by the lease to be made in advance of the period or term for which such payment is made, and whether or not such payment would, except for the authority hereby delegated, violate the requirements of section 3648 of the Revised Statutes of the United States of America and all such contracts which require payments in advance of the term for which such payments are made are hereby ratified and confirmed. The Commissioner has made a finding that unless such contracts are continued in full force and effect and payments of rent due thereunder are made promptly by the Government, the rights of the Government in and to the possession of said premises for the purpose of housing war workers therein, as provided for by the Lanham Act, may be seriously impaired, further, that the war effort will be facilitated if the housing now provided for war workers is maintained.

§603.3 *Delegations to General Field Office officials with respect to Greenbelt Towns, Subsistence Homestead, Limited Dividend and Rural Housing Projects.* (a) The Director and Deputy Director of the General Field Office are authorized with respect to Greenbelt Towns, Subsistence Homestead Projects, Limited Dividend, and Rural Housing Projects:

(1) To approve management budgets, rents, income limits, and conditions of eligibility for such projects.

(2) To execute sales contracts between the Government and individual occupants of projects and between the Government and associations or corporations.

(3) To execute leases and rental contracts for premises occupied by managers.

(4) To execute leases of Government owned commercial and industrial facilities, and agreements for use of and lease for land and buildings to be used for educational and religious purposes.

(5) To execute contracts for utility services.

(6) To execute appropriate deeds of conveyance or other instruments for the dedication of land for necessary streets, alleys, walks or other means of ingress and egress and utilities; to grant revocable licenses, permits and easements, and to execute appropriate instruments therefor.

(7) To execute leases for land on partially developed projects.

(8) To execute payments in lieu of taxes.

(9) To execute contracts and contract changes involving expenditure of revenues derived from operation of these projects in any amount whatsoever with respect to the operation, maintenance, repair, alteration, or betterment of such projects and to act as the representative of the Commissioner for the purpose of approving such contract changes when the contract documents require the approval of such contract changes by the Commissioner or his duly authorized representative.

(10) To act as representative of the Commissioner for the purpose of approving the consideration of a contractor's request for extension of time when contracts permit the waiver by the Com-

missioner or his duly authorized representative of the contractor's failure to notify the Government of the delay within the period of time stated within the contract.

(11) To approve on behalf of the Government such actions as require approval under agreements with homestead and cooperative associations.

(12) To execute Administration Fund Agreements.

(13) To execute Requisition Agreements.

(14) To countersign checks drawn on "Principal" bank accounts of cooperative associations.

(15) To countersign and designate other officials to countersign checks drawn on "Local" bank accounts of cooperative associations.

(16) To execute releases of Governmental liens on personal properties of cooperative associations.

(b) With particular reference to Rural Housing Projects, the Director and Deputy Director of the General Field Office are hereby authorized:

(1) To execute Development Fund Agreements.

(2) To execute certificates of completion.

(c) The Assistant Director for Administration of the General Field Office is authorized with respect to Greenbelt Towns, Subsistence Homestead, Limited Dividend, and Rural Housing Projects:

(1) To execute contracts up to and including $5,000 and to execute contract changes for amounts up to and including $5,000 in any one contract, with respect to the operation, maintenance, repair, alteration, or betterment of such projects, and to act as the representative of the head of the department for the purpose of approving such contract changes when the contract documents require the approval of such contract changes by the head of the department or his duly authorized representative.

(2) To act as representative of the head of the department for the purpose of approving the consideration of contractor's request for extension of time, when contracts permit the waiver by the head of the department or his duly authorized representative of the contractor's failure to notify the Government of the delay within the period of time stated in the contract.

§ 603.4 *Delegations to field project personnel*—(a) *Delegations of authority to Project Engineers on other than Veterans' Emergency Housing Projects.* (1) Pursuant to the provisions of Public Laws 671, 781, and 849, 76th Congress, and Public Laws 9, 73, and 353, 77th Congress, all as amended, and supplemented, project engineers (except in connection with the development of veterans' emergency housing projects) are delegated in connection with the development and administration of projects the power:

(i) To execute contract changes in any amount, which do not involve any extension of contract time for completion, subject, however, to the approval of all contract changes in excess of $500 by the regional director, assistant regional director for development and reutilization, or the regional construction adviser: *Provided, however,* That the regional construction adviser is not authorized to approve contract changes in excess of $2,500.

(ii) To execute contract changes which do not involve any extension of contract time for completion in the aggregate of $5,000 on any one project if the contract change involves only latent soil or other conditions covered by Article 4 of the lump-sum contract, and to act as representative of the head of the department for the purpose of approving such changes in excess of $500.

(iii) To approve subcontractors having lump-sum subcontracts up to and including $500.

(b) *Delegation of authority to Project Engineers, Veterans' Emergency Housing Projects.* (1) *Provisions of Cost-Plus-A-Fixed-Fee Construction Contract, Form FPHA–1482.* Article 2b of the General Conditions of the Cost-Plus-A-Fixed-Fee Construction Contract states that "the project engineer is the authorized representative of the contracting officer for the purposes specified in . . ." certain listed paragraphs of the Contract. Project engineers are therefore delegated authority to exercise those functions listed in paragraphs 2 and 3 below, subject to the limitations set forth herein.

(2) *Delegations Limited Only by Considerations Set Forth in the Cost-Plus-A-Fixed-Fee Contract.* The project engineer shall act as the representative of the contracting officer for the purposes set forth in Articles 3, 5, 6, 10, 14, 15, 19, 25, 26, 28, 29, 31, 32, 33, 34, 35, 36, and 45 of the General Conditions of the Cost-Plus-A-Fixed-Fee Construction Contract.

(3) *Delegations subject to additional administrative limitations.* The project engineer shall act as representative of the contracting officer for the purposes set forth in Articles 8 and 18 of the General Conditions, subject to the limitations set forth below.

(i) *Article 8, Construction Subcontract Work and Payments Therefor.*

(*a*) The project engineer is empowered to approve subcontractors and subcontracts, subject to the following limitations:

(*1*) Cost-plus-fixed-fee subcontracts must have the prior approval of the assistant regional director for development and reutilization, or his authorized representative.

(2) The project engineer is the authorized representative of the contracting officer for the purpose of approving any lump-sum subcontract, which does not involve an amount in excess of $500, and subject to this limitation, modifications of such subcontracts. Regional construction advisers are authorized to give prior approval to subcontracts in excess of $500, but not in excess of $2500. The assistant regional director for development and reutilization may give prior approval to subcontracts in excess of $500 without limitation as to the amount.

(*b*) The project engineer is the authorized representative of the contracting officer, for the purpose of accepting delivery, by the contractor, of two fully executed copies of each approved subcontract, together with the original proposal.

(*c*) The project engineer is the authorized representative of the contracting officer, for the purpose of making determinations with regard to specialty work and specialty subcontractors, subject to the limitations of subparagraph (*a*) above.

(*d*) The project engineer's powers, with regard to approval of the form, substance, and amount of changes in lump-sum subcontracts, are limited to those which involve an amount not in excess of $500.

(c) *Delegations of authority to General Housing Managers, Housing Managers and their Assistants, and Management Aides.* (1) Pursuant to the provisions of Public Law 67, 73rd Congress, as implemented by Public Law 412, 75th Congress, (as to PWA projects only); Public Laws 671, 781 and 849, 76th Congress; and Public Laws 9, 73 and 353, 77th Congress; all as amended and supplemented, general housing managers, housing managers and their assistants, and management aides are delegated, in connection with the management and administration of projects, the power:

(i) To execute contracts for supplies and services (other than personal services) necessary in connection with the maintenance and repair of projects within approved budgets as follows:

(*a*) In amounts less than $100 in the open market without advertising for proposals; and

(*b*) In amounts between $100 and $2000 after advertising for proposals. This requirement of advertising proposals for contracts involving more than $100 need not be observed when immediate delivery and performance is required by the public exigency, except that such contracts must be approved by the assistant regional director for management if they involve amounts over $300.

(ii) To purchase fuel necessary for the operation of projects, such purchase to be made pursuant to Treasury Department Procurement Division regulations.

(iii) To execute and cancel leases and rental contracts for occupancy of the respective projects.

(iv) To approve in writing the compromise of rent claims against tenants or former tenants where such compromise has been recommended by the United States Attorney or his representatives.

(v) To approve the payment of court costs in connection with any claim against tenants or former tenants where the payment of such costs is recommended by any Government attorney.

(vi) To approve for payment but not to certify pay rolls for all those employed under their jurisdiction and all other vouchers covering expenses for their respective projects.

(vii) In accordance with the provisions of GAO Reg. 66, 7 Comp. Gen. 861, and Supplement 1 thereto, 7 Comp. Gen. 870, to order the publication of advertisements required by law or permissible under the policies and procedures of the FPHA,

(viii) To act as field appointing officer.

(*a*) To appoint persons to positions up to and including CAF–5, CPC–8, P–1, and SP–6 for their respective projects and offices.

(*b*) To appoint persons to positions at CAF–6, CPC–9, P–2, SP–7, and above, for their respective projects and offices only after prior approval of the regional director. (The above includes federally operated Lanham Act projects formerly under Division of Defense Housing and Mutual Ownership Defense Housing Division of the Federal Works Agency, and temporary shelter projects formerly under Farm Security Administration.)

(2) Pursuant to the provisions of the Surplus Property Act of 1944 and Regulations 1 and 9 of the Surplus Property Board, the following powers are delegated to general housing managers and housing managers:

(i) To execute contracts covering the sale, at the best price obtainable of small lots, salvage and scrap as defined by War Assets Administration. In cases where the regional property and procurement officer or his authorized representative has set a minimum price on salvage or scrap, the general housing manager or housing manager shall not sell below that figure.

(ii) To execute contracts covering the sale, at a price which is fair and reasonable under the circumstances, any personal property, the immediate sale of which in his judgment is desirable because of emergency circumstances, such as danger of deterioration or consideration of health, safety, or security.

(d) *Housing Managers, Community Managers, and others acting in such capacities, with respect to Greenbelt Towns, Subsistence Homestead, Limited Dividend, and Rural Housing Projects.* Housing managers, community managers, and others acting in such capacities with respect to Greenbelt Towns, Subsistence Homestead, Limited Dividend and Rural Housing Projects are authorized:

(1) To approve applicants for occupancy in accordance with eligibility requirements.

(2) To execute and cancel lease and rental contracts for occupancy of their respective projects, except for occupancy by themselves.

(3) To execute sales contracts with tenants for furniture and farm equipment purchased by the Government under the Farm Security Administration program.

(4) To execute releases of mortgaged furniture and farm equipment.

(5) To accept and receipt for in the name of the Authority all rentals and other revenues derived from the operation of the projects and to deposit such revenues.

(6) To execute contracts for supplies and services (other than for personal services) necessary in connection with the maintenance and repair of projects within approved budgets as follows:

(i) In amounts less than $100 in the open market without advertising for proposals.

(ii) In amounts between $100 and $2000 after advertising for proposals. (This requirement of advertising for proposals for contracts involving more than $100 need not be observed when immediate delivery and performance is required by the public exigency, except that such contracts must be approved by the Director of the General Field Office if they involve amounts over $300).

(iii) For purchase of fuel necessary for the operation of assigned projects pursuant to Treasury Department Procurement Division regulations.

(7) To approve in writing, the compromise of rent claims against tenants or former tenants where such compromise has been recommended by a United States Attorney or his representative. If there is any dispute as to the amount of a settlement or compromise, the matter shall be referred to the General Field Office.

(8) To pay or approve the payment of court costs in connection with any claim against tenants or former tenants where the payment of such costs is recommended by any Government attorney.

(9) To appoint persons to positions up to and including CAF–5, CPC–8, P–1, and SP–6 for their respective projects and offices.

(10) Pursuant to the provisions of the Surplus Property Act of 1944 and Regulations 1 and 9 of the Surplus Property Administration:

(i) To execute contracts covering the sale, at the best price obtainable, of small lots, salvage, and scrap, as defined by War Assets Administration.

(ii) To execute contracts covering the sale, at a price which is fair and reasonable under the circumstances, any personal property, the immediate sale of which in his judgment is desirable because of emergency circumstances, such as danger of deterioration or consideration of health, safety, or security.

(11) In accordance with the provisions of GAO Reg. 66, 7 Comp. Gen. 861, and Supplement 1 thereto, 7 Comp. Gen. 870, to order the publication of advertisements required by law or permissible under the policies and procedures of the FPHA.

D. S. MYER,
Commissioner.

[F. R. Doc. 46–15363; Filed, Aug. 28, 1946; 4:21 p. m.]

PART 605—GENERAL PROCEDURAL PROVISIONS

Sec.
605.1 FPHA records.
605.2 Final FPHA actions.

§ 605.1 *FPHA records*—(a) *Availability of records.* Section 3 (c) of the Administrative Precedure Act, approved June 11, 1946, requires that the FPHA make its official records available to persons properly and directly concerned. The responsibility for compliance with this provision is vested in Regional Directors and the Director of the General Field Office. Persons desiring to consult such records should apply, in writing, to the Regional Director or to the Director of the General Field Office having jurisdiction over the matter as shown by the organization statement herein. Such applications shall identify as precisely as possible the official records which the applicant desires to consult. The Regional Director shall advise the applicant, in writing, either (1) of the time and place at which the records will be available to him; or (2) that the records are not available to the applicant, in which case the reasons for such action shall be briefly stated.

(b) *Definition of official records.* The term "official records" as used herein means those documents which embody the official acts of the FPHA. It does not include internal memoranda and other reports prepared by employees of the FPHA for use within the FPHA as they merely reflect research and analysis prior to official action. The term includes copies of:

(1) All contracts entered into by the United States Housing Authority or the FPHA under the United States Housing Act of 1937, as amended, and all formal papers, reports, and documents required by these contracts to be filed with the FPHA.

(2) All contracts to which the FPHA is a party for the construction, operation, sale, or other disposition of permanent, or temporary war, or veterans housing facilities and all formal papers, reports, and documents required by those contracts to be filed with the FPHA.

(3) All contracts, exclusive of those covered by paragraphs 1 and 2 above, heretofore or hereafter administered by the FPHA under Executive Order 9070 and all formal papers, reports, and documents required by those contracts to be filed with the FPHA.

(4) All formal papers, forms, bids, contracts, and reports incident to the disposal of properties made available to the FPHA by the War Assets Administration for disposal.

(5) Such other documents as the Regional Director in his sound discretion determines to be "official records".

§ 605.2 *Final FPHA action*—(a) *Availability of final FPHA actions.* Section 3 (b) of the Administrative Procedure Act, approved June 11, 1946, requires that the FPHA make available to the public all final opinions or orders in the adjudication of cases and all rules. Except as hereinafter provided, the required information will be available at the Regional Office or at the General Field Office having jurisdiction, as shown by the organization statement herein, over the project covered by the particular action. It is the responsibility of the Regional Director to assemble the actions in a form in which they may be readily consulted by members of the public. The only exceptions to the foregoing are the following:

(1) *Actions on applications for tenancy.* Informaton on final action on applications for tenancy shall be kept at the project office and made available to the public by the project manager.

(2) *Project management procurement.* Information as to final action of project managers in the procurement of supplies and materials for which such managers, as shown by the delegations herein contained, are authorized to contract, shall be kept at the project office and made available to the public by the project manager.

(b) Statements of procedure which may have been inadvertently omitted from this publication may be obtained from the Regional Office or the General Field Office having jurisdiction of the subject matter involved.

(c) Whenever forms are specified in the procedures, copies thereof may be obtained from the Regional Office, General Field Office, or Project Office, as indicated in the text.

D. S. MYER,
Commissioner.

[F. R. Doc. 46-15364; Filed, August 28, 1946; 4:21 p. m.]

PART 610—LOW-RENT HOUSING AND SLUM CLEARANCE PROGRAM: PROCEDURES

Sec.
610.1 FPHA requirements for urban low-rent housing and slum clearance.
610.2 General statement of administration.

§ 610.1 *FPHA requirements for urban low-rent housing and slum clearance.* The procedures for the making of loans and annual contributions for projects undertaken subsequent to May 1, 1945 are governed by the FPHA Requirements for Urban Low-Rent Housing and Slum Clearance, dated May 1, 1945, as amended, and heretofore published in the FEDERAL REGISTER under Part 601, of this chapter. These requirements are hereby incorporated by reference at this point.

§610.2 *General statement of administration.* (a) The administration and completion of those low-rent housing and slum clearance projects (other than those Federally owned and directed operated) which are now part of the FPHA program are governed entirely by contracts with particular local housing authorities. These contracts are available for inspection at the regional offices.

(b) Persons seeking occupancy in low-rent housing and slum clearance projects should apply to the local housing authority or, in the event that the project concerning is one directly managed by FPHA, to the housing manager located at the particular project. The local housing authority or the housing manager, as the case may be, is responsible for selecting tenants.

D. S. MEYER,
Commissioner.

[F. D. Doc. 46-15365; Filed, Aug. 28, 1946; 4:22 p. m.]

PART 611—LOW-RENT HOUSING AND SLUM CLEARANCE PROGRAM: POLICY

Sec.
611.1 Definitions of terms.
611.2 Leasing of PWA Housing Projects.
611.3 Determination of net annual income for families of servicemen.
611.4 Citizenship.
611.5 Removal of high income tenants from low-rent housing projects (including "PL 671" Projects insofar as the latter have been converted to low-rent housing).
611.6 Payments in lieu of taxes on PWA Projects.
611.7 Determination of property damage claims under $1,000 against the FPHA.

§ 611.1 *Definitions of terms.* Definitions as used in this statement of policy and in contracts of the FPHA are as follows:

(a) *Contract rent.* The term "contract rent" means the rent charged a tenant for use of the dwelling accommodation, equipment, services and utilities provided by the project. "Contract rent" does not include charges for a utility or fuel which may be purchased by the project and sold to tenants as a transaction separate from the payment of rent, charges for an excess utility consumption, or charges for dwelling furniture. This term is used in connection with Federally owned and FPHA-aided projects.

(b) *Gross rent.* The term "gross rent" means "contract rent" plus the estimated average monthly (or weekly, if rent is on a weekly basis) cost to the tenant of utilities not provided by the project. This term is used in connection with Federally owned and FPHA-aided projects.

(c) *Shelter rent.* The term "shelter rent," unless otherwise qualified, means the portion of contract rent, exclusive of the charges or estimated charges for utilities, furnished by the project. When properly qualified, however, the term may have other meanings; for example, "economic shelter rent" refers to that portion of economic rent exclusive of the cost to the project of utilities furnished by the project. This term is used in connection with Federally owned or FPHA-aided projects.

(d) *Statutory rental value.* The term "statutory rental value" means contract rent plus the value or cost to the tenant of heat, light, water, and cooking fuel, when these items are not included in contract rent. It should be noted that refrigeration energy (gas or electricity) or ice, is included in statutory rental value when furnished by the project and included in contract rent; however, when it is not furnished by the project the value or cost to the tenant of refrigeration energy or ice is not added to the contract rent in computing statutory rental value. This term is applicable to FPHA-aided and PWA projects and has the same meaning as the term "rental" in section 2 (1) of the United States Housing Act, as amended.

§ 611.2 *Leasing of PWA housing projects.* The FPHA uses the service of qualified housing authorities in the management and operation of federally owned PWA housing within the jurisdictional area of such local authority provided that a lease arrangement can be made. Such local housing authority shall be considered qualified when in the judgment of the regional director there is assurance that it will manage and operate the PWA project in accordance with the agreement made with FPHA and policies and procedures established by FPHA, consistent with such agreement.

§ 611.3 *Determination of net annual income for families of servicemen—(a) Determination of net family income when servicemen is living with his family.* All of the income received by the serviceman, including his base pay, all extra pay, subsistence and rental allowance, if any, and that portion of the family dependency allowance contributed by the Government, is included with income received by all family members from all sources. Deductions will be allowed in accordance with section 403 of the FPHA Requirements.

(b) *Determination of family status and income of family of absent serviceman.—(1) Determination of serviceman's relation to family.* A family head, e.g., a husband, will be considered as a member of the family temporarily absent from home. An adult son or daughter, not a family head prior to service in the armed forces, will be considered as having severed ties with the family. Other questions of relationship to the family will be determined on an individual basis.

(2) *Determination of income of family with absent serviceman.—(i) Serviceman considered not a family member.* In such cases, only such portion of the serviceman's income as is contributed regularly to the family will be included in the aggregate family income, with no deductions allowed.

(ii) *Serviceman considered a family member.* In such cases, the entire income of the serviceman (including extra pay for sea, overseas duty, submarine or field duty, longevity and other special but regular additions to pay for honor and merit awards plus full allowances for subsistence and rental, if any), that portion of the family dependency allowance contributed by the Government and income to the family from all other sources wil be included in computing the aggregate income of the family. In respect to such income, deductions specified in Section 403 of the FPHA Requirements will be allowed, plus the following deductions for special occupational expenses of the serviceman incurred by reason of his living away from home; such deduction may not be more than (*a*) the first $50 of base pay or so much thereof as remains after the serviceman's mandatory contribution to the family dependency allowance, plus (*b*) 25% of his base pay over $50 per month. For officers, who have no deductions from their pay for family allowance but who have extra living expenses, the deductions will be $50 per month plus 25% of his base pay over $50 per month.

(iii) *Cases involving exceptional circumstances.* In exceptional cases deviations from the above stated policy will be allowed where the tenant shows to the satisfaction of the local management that extraordinary expenses of the serviceman justify additional allowances.

§ 611.4 *Citizenship.* With respect to all low-rent projects for which contracts were entered into after April 18, 1940, and with respect to all leases for dwellings in PWA projects entered into after June 23, 1944, only citizens of the United States may be admitted as tenants. Noncitizens admitted prior to such dates may continue occupancy, if otherwise eligible.

§ 611.5 *Removal of high-income tenants from low-rent housing projects (including "PL 671" Projects insofar as the latter have been converted to low-rent housing.)* (a) Families in low-rent housing projects, whose net annual in-

comes at the time of reexamination exceed the maximum limits established for continued occupancy, shall not be eligible for continued occupancy. Such families, if otherwise eligible, may be permitted to remain in these projects if suitable housing appropriate to their use and at rents within their incomes are not available from private enterprise. Such families will, however, be notified of their ineligibility for continued occupancy, and will be required to move when other accommodations are available.

(b) Tenants with incomes over the maximum allowable will be charged increased rentals appropriate to their incomes, provided, however, that in no event will a rent be charged for any dwelling which exceeds the rent prevailing in the locality for comparable accommodations provided by private enterprise.

(c) Satisfactory evidence shall be presented by housing managers, in the case of directly operated projects, or by local housing authorities in the case of leased projects, to the FPHA, showing that adequate accommodations, as described above, are not available for such families.

§ 611.6 *Payments in lieu of taxes on PWA Projects.* Local housing authorities are authorized to make payments in lieu of taxes on PWA Housing Projects leased to them, and the FPHA will make payments in lieu of taxes on such projects operated directly by it. The payments (together with any payments in lieu of taxes heretofore agreed upon), provided funds are available therefor from current project revenues, will equal 10 percent of actual shelter rents, but will not exceed the amount of full real property taxes. The term "actual shelter rent," as used herein, is defined as the total of all charges to all tenants for dwelling rents and nondwelling rents (excluding furniture rentals, and all other income), *less* the cost of all utilities (including commercial utilities).

§ 611.7 *Determination of property damage claims under $1,000 against the FPHA.* (a) Each FPHA regional office has a committee of three persons responsible for investigating and recommending disposition of all claims arising in this category. Claims must be presented by the owner of the damaged property, his legal subrogee, or his authorized agent within one year from the date of the occurrence of the damage. They must be addressed to the particular regional office in which the employee whose alleged negligence caused the damage is employed. The claim must be supported by the following papers: (1) A statement over the claimant's signature and address setting forth all facts of the alleged damage, including date, circumstances, extent of damage, parties involved, etc.; (2) Evidence of the amount of damage in the form of either a receipted bill for the repair, or a notarized estimate of the cost; (3) If a subrogee or agent is submitting the claim, a notarized statement proving such relationship; and (4) If the claim involves damage to a motor vehicle, Standard Form No. 28, Claim for Damage—Accident, Motor Transportation.

(b) If the damage occurs on an FPHA housing project, the claim must be prepared by the party claiming damage and submitted to the appropriate project engineer of housing manager, who will forward it to the regional office. The regional office will notify the claimant of the action taken in each case.

D. S. MYER,
Commissioner.

[F. R. Doc. 46-15366; Filed, Aug. 28, 1946; 4:22 p. m.]

PART 620—RESETTLEMENT PROGRAM; PROCEDURES

§ 620.1 *Tenant relationships.* Application for occupancy in greenbelt towns and subsistence homestead projects must be filed with the manager of the particular project to which admission is sought. Requests for application forms should be addressed to the project office. The selection and approval of tenants is the responsibility of the project manager. Upon selection and before taking possession, prospective tenants are required to enter into a tenancy agreement specifically defining the term of their occupancy.

D. S. MYER,
Commissioner.

[F. R. Doc. 46-15367; Filed, Aug. 28, 1946; 4:22 p. m.]

PART 621—RESETTLEMENT PROGRAM: POLICY

Sec.
621.1 Eligibility for tenancy.
621.2 Pasturage and use of equipment.
621.3 Payments in lieu of taxes.
621.4 Disposition of resettlement projects.

§ 621.1 *Eligibility for tenancy.* Eligibility requirements for admission to greenbelt towns and subsistence homestead projects have been established for each separate project and are based on the economic factors prevalent in the area in which the project is located, and on the income, financial condition, employment prospects, and composition and size of the family. The requirements for any project are available from the project manager. Subsistence homestead tenants who have had one or more years of satisfactory tenure as renters are eligible to apply for a purchase contract. Occupancy preference will be given to former residents of subsistence homesteads and greenbelt towns who have been honorably discharged from the armed services. This preference consists of priority over the outside waiting list, but not over the waiting list of resident transfers within the project, provided that they meet current eligibility requirements, and provided further that such former tenants moved from the project not more than 60 days prior to the actual date of entry on duty, and applications for readmission are filed within one year of the actual date of separation from the armed forces. Reexamination of the status of all tenant families in greenbelt towns projects will be made at least annually to determine the eligibility of the family for continued occupancy in the project, but may be made more frequently in the case of an individual tenant at the request of and upon representation by him that there has been a sufficient reduction in his family's net income to warrant a decrease. Due to the present housing shortage and OPA restrictions on eviction of tenants, removal of tenants who are ineligible because of increased income or a change in family composition is not always practical. Under such circumstance adjustments following reexamination will be made to the greatest extent possible with respect to both dwelling space within the project and rents.

§ 621.2 *Pasturage and use of equipment.* Pasturage rights to common lands located within subsistence homestead project boundaries may be granted to resident livestock owners. Where all pasturage needs of project occupants are being met satisfactorily, pasturage privileges may be extended to non-residents. Government-owned machinery and equipment located on subsistence homestead projects may be rented or loaned to individual tenants, groups of tenants, or cooperative associations for general agricultural operations, maintenance and repairs of structures, and other similar activities for which tenants do not have the proper tools or equipment.

§ 621.3 *Payments in lieu of taxes.* All payments in lieu of taxes under the Bankhead-Black Act are made on a real property taxation basis and will not be in excess of that computed by using the established valuation of the project properties and the tax rate established by the local taxing body for the period covered by the agreement. Such payments will be made pursuant to a contract or agreement entered into between the taxing unit and the United States. Payments in lieu of taxes will not be made in advance by the Government, but at the expiration of the agreement period after the services have been rendered. Usually payments are made annually. In justifiable cases, however, installment payments may be made at definite installment dates on the basis of the ratio of the service period which has elapsed.

§ 621.4 *Disposition of resettlement projects*—(a) *Greenbelt towns projects.* (1) The FPHA will continue to operate the greenbelt towns projects as rental properties and will undertake to sell undeveloped lands essential to completion of the projects in such manner as to enable each community to carry a reasonable tax structure and to form a substantial community in line with that contemplated when the projects were initiated. Lands suitable for commercial developments may be leased instead of sold outright.

(2) Subject to funds being available, certain development may be undertaken where necessary to the sale of vacant lands and the completion of the plan for the disposition of these projects.

(b) *Subsistence homestead projects.* (1) *Housing units.* Units in these projects will continue to be sold by the FPHA as rapidly as possible. Sales will be made

to families who will occupy the houses, or to homestead associations, depending upon whether the continued maintenance and operation of community facilities and services are involved.

(i) *Determination of sales prices.* Sales prices will be determined in conformity with commitments made by any agency of the Federal Government which had jurisdiction over these projects. In the absence of such commitments, sales prices will be established by FPHA in an amount equal to the fair market value based upon competent appraisal.

(ii) *Terms of sale.* The terms of sale will provide for payment of the purchase price over a period not exceeding forty years, with interest at 3 percent.

(iii) *Eligible purchasers.* The FPHA and the homestead associations to whom property may hereafter be sold by FPHA, will give preference in the sale of individual units, first, to occupants, and then to prospective occupants, with veterans having preference as among prospective occupants. Families (other than present occupants) purchasing from either FPHA or a homestead association, must meet established eligibility requirements and income limits to be set in view of current local economic conditions at the time of sale.

(iv) *Resale by grantees.* Except on those projects where sales have been made previously, each deed hereafter given by the FPHA within less than two years after the date of the contract will contain a provision that, in the event of resale within two years from the date of the purchase contract, (*a*) the selling price will not exceed the purchase price paid by the grantee named in such contract, plus certain allowable fees, and costs of improvements added to the property, and (*b*) the property will be offered for sale exclusively to veterans, servicemen or their families for a period of thirty days before sale to a non-veteran.

(2) *Industrial, commercial and community facilities.* Streets and other public ways will, where necessary, be dedicated. Schools, utility installations, and community, commercial, and service facilities necessary to the operation of the project, and now owned by the Government, will be disposed of by FPHA in such manner as to continue these facilities in operation. Government-owned industrial and commercial facilities, other than those needed to provide service to the residents of the community, will be disposed of under the provisions of the Surplus Property Act. Where title to leased facilities is vested outside the Government, the obligations held by the Government on account of such facilities will continue to be serviced where no default has occurred. Where defaults have occurred, the FPHA will either commence foreclosure proceedings or will require the proper disposition of the collateral security by those holding title to the property, or will follow some other suitable form of liquidation. The proceeds of such disposition, in all instances, will be credited against the indebtedness to the Government. In disposing of such assets, it will be the policy of FPHA to secure the greatest financial return to the Government consistent with the maintenance, if possible, of the property as a going business in the interest of the economic life of the community.

(3) *Lands and other properties.* Lands and other properties held in connection with this program, and not being administered in any of the ways outlined hereinbefore, will be declared surplus to the War Assets Administration as rapidly as possible.

D. S. MYER,
Commissioner.

[F. R. Doc. 46-15368; Filed, Aug. 28, 1946; 4:22 p. m.]

PART 630—WAR HOUSING PROGRAM: PROCEDURES

Sec.
630.1 Present status of program.
630.2 Occupancy.
630.3 Disposition of war housing.

§ 630.1 *Present status of program.* The public war housing program was initiated to provide housing for persons engaged in national defense activities, including enlisted men in the naval or military services, civilian employees of the War and Navy Departments and of private industries engaged in war contracts, and officers of the Army, Navy and Marine Corps up to specified ranks. Inasmuch as hostilities have ceased, no new projects are contemplated under this program and therefore no procedure is included with respect to the acquisition or development of war housing projects.

§ 630.2 *Occupancy.* The projects were initially occupied by the persons specified in A above. However, in the absence of in-migrant war workers and others originally eligible, the projects, pending their disposition, are now being devoted to housing distressed families of servicemen and veterans and their families. Tenants now in the premises are permitted to remain. Inquiries as to vacancies should be made to the project manager or the local authorities or the regional office having jurisdiction of the project.

§ 630.3 *Disposition of war housing.* Disposition of war housing is administered by the regional office. All inquiries as to the time, manner and conditions of disposition should be addressed to the Regional Office having jurisdiction of the project. Due notice of the sale of any project will be given to the public in accordance with the policies of the FPHA as set forth in Part 631 of this chapter.

D. S. MYER,
Commissioner.

[F. R. Doc. 46-15369; Filed, Aug. 28, 1946; 4.22 p. m.]

PART 631—WAR HOUSING PROGRAM: POLICY

Sec.
631.1 Status of program.
631.2 Rental and occupancy.
631.3 Payments in lieu of taxes.
631.4 Disposition of federally owned war housing projects developed under the Lanham Act, Public Laws 781 and 9.

§ 631.1 *Status of program.* War housing projects were originally constructed for the purpose of housing persons engaged in national defense activities including enlisted men in the naval or military services and officers of the Army, Navy and Marine Corps up to ranks as specified in the Lanham Act. With the cessation of hostilities projects are no longer needed for such purposes and are now being devoted primarily to the housing of distressed families of veterans and servicemen, residents in such war housing being permitted to remain. Where the need for veterans housing does not require a continued ownership in the government and where the orderly progress of demobilization and reconversion permits, the properties are being disposed of as rapidly as possible and in accordance with the policies of FPHA as set forth elsewhere. In projects which are determined to be of a temporary character and must under the terms of the Lanham Act be removed within not more than two years after the termination of the national emergency, the FPHA at any time it determines the need for a continued operation of the projects no longer exists, may require tenants to vacate the premises at a time specified in the notice to the tenant. Upon failure of the tenant to vacate by the time specified in such notice, application will be made with the OPA Rent Director for an eviction certificate.

§ 631.2 *Rental and occupancy.* Persons seeking admission to vacant units in these projects should make application to the project manager, to the local housing authority, or to the regional office having jurisdiction over the project. All projects are subject to the OPA maximum rent regulations. Generally, such rents shall be fair rentals based on value. The national rent schedules established by the War and Navy Departments will be applicable to military personnel. Where rents charged to families constitute an excessive proportion of family income such rents will, upon application of the tenant, be adjusted to the net anticipated family income, subject, however, to the provision that the adjusted rent to be charged will not be less than the minimum rent established for the project.

§ 631.3 *Payments in lieu of taxes.*—(A) *Payments in lieu of taxes on projects.* The FPHA will make or authorize local housing authorities to make payments in lieu of taxes on projects under its jurisdiction in accordance with the following policies:

(1) *Federally owned projects.* Payments in lieu of taxes in respect to any federally owned war housing project under the jurisdiction of FPHA will be made in an amount which will approximate real property taxes, which would be paid upon such project if it were not exempt from taxation, with appropriate allowances for expenditures by the Federal Government or local housing authority for streets, utilities, or other public services to serve such project. Such payments will be made to the appropriate taxing jurisdiction, not later than the date on which taxes are normally due, and will date from January 21, 1942. The

amount of all such payments will be determined by the FPHA.

(2) *Locally owned projects.* Local housing authorities are authorized in respect to any war housing project in active status under Public Law 671 approved June 28, 1940 to make payments in lieu of taxes which (together with any payments in lieu of taxes contracted for) will equal either (i) net revenue before payments in lieu of taxes, or (ii) 10 percent of actual shelter rents, whichever amount is the greater, but not in excess of the amount of full real property taxes less appropriate allowances, if any. In respect to any fiscal year or period for which an FPHA annual contribution is to be made after the end thereof, no payments in lieu of taxes (whether contracted for or not) may be made in an amount which would reduce the total local contributions for said year or period to less than 20 percent of such FPHA annual contributions.

(b) *Payments for, or in lieu of, taxes on land held under lease.* Policies governing payment of taxes or payments in lieu of taxes on land held by FPHA under a lease or under a court order, providing for the exclusive use of the land for a term are as follows:

(1) *Land owned by private parties.* The standard form of lease of land from private parties (Form FPHA-994), and the court judgment, where land is obtained by condemnation for a term of years, provide that the Government shall pay the taxes on the land or reimburse the owner for such taxes paid by him. As any structures, alterations, or improvements placed on the land by the Government are treated separately, the land owner will not pay any taxes for them. Land owners are not authorized to pay the taxes based on valuations exceeding those in effect at the time the Government acquired use of the land. Normal increases in valuation of the land only, which might have occurrred in the normal course of events and regardless of the construction of the project on that land, may be approved. Increases in valuation based upon the construction of utilities and improvements on the land by the Government cannot be approved.

(2) *Land owned by public bodies.* Where land is acquired from public bodies by lease (Form FPHA-993) or by condemnation of exclusive use for a term, the land, being owned by the public body, is tax exempt. The standard form of lease of land from the public body contains provision for payments in lieu of taxes with respect to the land, and a judgment of the court where an exclusive use for a term is acquired by condemnation may provide for such payments. In such cases, payments in lieu of taxes will be made in respect to both the land and the improvements in the same manner as payments for projects erected upon land owned by the Government.

§ 631.4 *Disposition of federally owned war housing projects developed under the Lanham Act, Public Laws 781 and 9.* The FPHA is responsible for the disposition of war housing projects, or parts thereof, upon their termination by the Administrator of the National Housing Agency.

(a) *Definitions.* (1) "Government agency" means any executive department, board, bureau, commission, or other agency in the Executive Branch of the Federal Government, or any corporation wholly owned (either directly or through one or more corporations) by the United States. (This includes the priority awarded Smaller War Plants Corporation for sale to veterans and owner-operators of small businesses.)

(2) "State and local governments" means any state, territory, or possession of the United States, the District of Columbia, and any political subdivision or instrumentality thereof.

(3) "Non-profit institution" means any scientific, literary, educational, public health, public welfare, charitable, or eleemosynary institution, or hospital or similar institution, or any volunteer fire company (i) which is supported in whole or in part through the use of funds derived from taxation by the United States, its territories or possessions, or by any State or political subdivision thereof, or (ii) which is exempt from taxation under section 101 (6) of the Internal Revenue Code.

(4) "Veteran" means any person who served in the active military or naval service of the United States during World War II, or any person who served in the active military or naval service of the United States on or after September 16, 1940, and prior to the termination of World War II, and who has been discharged or released therefrom under conditions other than dishonorable. This includes those on terminal leave or final furlough and those whose status has been changed from "active" to "inactive". "Serviceman" means any person who is serving in the military or naval forces of the United States.

(5) "Temporary dwelling structures" means any dwelling structures determined to be of a temporary character pursuant to section 313 of the Lanham Act, exclusive of trailers and portable shelter structures.

(6) "Portable shelter structures" is a temporary dwelling structure of a panelized character designed so as to be readily movable as a whole and built under a standard FPHA portable shelter unit plan (PFD and PSU or mobile house plan).

(7) "Permanent dwelling structures" means any dwelling structures not determined "to be of a temporary character pursuant to section 313 of the Lanham Act" which are fixed in their present locations.

(8) "Demountable dwelling structures" means any dwelling structures not determined "to be of temporary character pursuant to section 313 of the Lanham Act" which can be demounted and re-erected elsewhere.

(9) "Suitable for individual ownership" applies to any permanent project which consists predominantly of detached single family houses, semi-detached family houses (twin houses, with the units side by side), or group houses where each unit has its own land and where sales of the separate units in group house units are considered feasible in the locality. However, sales shall be deemed to result in "individual ownership" only if the purchaser buys the dwelling occupied or to be occupied by him, and as a maximum buys an adjoining unit of a semi-detached house, since in larger sales the investment interest predominates.

(b) *Local consultations*—(1) *Responsibility for local consultations.* Without awaiting termination of projects, the FPHA Regional Director will initiate consultations with representatives of the local governments in those localities where war housing projects exist. The purpose of such consultations is to acquaint the local community with an opportunity to study disposition problems, reach agreements within the community, and make recommendations concerning disposition within the framework of disposition policies.

(2) *Invitation to consultation.* The elected head of the local government having jurisdiction over the area in which the housing is located will be requested to designate representatives with whom government representatives may discuss disposition problems. Whenever a local housing authority is managing any of the housing involved, the Regional Director will invite the local authority as an agent of the FPHA to participate in the conference.

(3) *Local recommendations.* The recommendations of the designated local representatives should be approved and transmitted by the elected head of the local government to the FPHA Regional Director within not more than 90 days from the date local consultations are initiated. Such 90-day period may be extended by the FPHA Regional Director upon request of the community, where additional time is required to consummate local public action.

(4) *Review of local plans.* If the Regional Director believes that the local recommendations should be modified or rejected, he will advise the Regional Representative and consult with the local representatives to endeavor to reach a mutually satisfactory conclusion. However, the final determination is, of necessity, the responsibility of the Federal Government acting through the FPHA. If no recommendations are submitted by the local government, the FPHA will prepare a tentative disposition plan and send a copy to the elected head of the local government for his information.

(c) *Disposition of temporary projects not used for Veterans' Emergency Housing*—(1) *Demolition and removal of temporary dwelling structures.* Where temporary dwelling structures are not to be used for veterans' emergency housing, such dwelling structures will be sold for demolition and removal as promptly as possible after termination through contracts awarded after the taking of competitive bids. If transfer or sale is requested, however, by Government agencies, state or local governments, or non-profit institutions prior to the advertisement for competitive bids for demolition such transaction may be effected as provided in subparagraphs (3), (4), and (6) below. Demolition, as used in this part, means reduction of structures to component parts no greater than flat panels.

(2) *Disposition of non-dwelling structures.* Non-dwelling structures including

community, administration, commercial or utility buildings financed by or transferred to the National Housing Agency and located on sites of projects with temporary dwelling structures may be sold or transferred for use on or off the present project site. "Sold" as used in this paragraph includes transfers of structures (in connection with lease settlements) to owners of land leased by the FPHA.

(3) *Sale or transfer of temporary dwelling structures to Government Agencies, State and local governments, and non-profit institutions.* The following conditions will apply in the sale or transfer of terminated temporary dwelling structures which are not sold for demolition as provided in subparagraph c. (1) above.

(i) *Federal agencies.* (*a*) Dwelling structures may be transferred to a Government agency for its use on or off the present project site, provided that where the use is to be on site and transferee Government agency will carry out the provisions of the Lanham Act and National Housing Agency regulations concerning the removal of temporary housing.

(*b*) Provisions of this Section apply to projects on owned, leased, or temporary use sites. If the structures are on other than owned sites and are to remain on such sites, any transfer will be subject to any conditions underlying the lease or use of the site.

(ii) *State and local governments and non-profit institutions.* Temporary dwelling structures may be sold to state or local governments or non-profit institutions for any use off the present site. They shall be demolished as defined in subparagraph (1) above unless they are to be removed for non-residential use.

(4) *Priorities.* In the disposition of temporary war housing projects, the following order of preference will govern: (i) Government agencies; (ii) state and local governments; and (iii) non-profit institutions. The priorities set forth herein will be effective only if the priority holder purchases the project for its own use and not for resale, and purchases at the market value as established by the FPHA. They will be effective only if exercised before the first advertisement for competitive bids for demolition is published. No priorities will be recognized in the sale of temporary dwelling for demolition.

(*a*) *Temporary dwelling structures.* In the case of temporary dwelling structures, the FPHA will use only a public announcement (made not less than 30 days prior to advertisement for bids) and community consultation to bring the availability of temporary dwellings to the attention of priority holders set forth in subparagraph (4) above, and will advertise them for sale by competitive bid only after such measures have brought no expressions of interest from priority holders.

(*b*) *Non-Dwelling buildings sold separately from the dwellings.* In the sale of community, commercial, administration or utility buildings on owned land, in addition to the priorities set forth above, veterans will have next priority for owner-operated small business or commercial purposes. The priority of a veteran hereunder may be exercised in connection with only a single purchase. Such buildings will first be offered by published advertisement to priority holders at the current market value as established by FPHA, and if no priority holder accepts the offer within 30 days of advertisement the buildings will then be advertised for competitive bids in the open market for a period of 30 days. Priority holders may bid, but will have no priority. If no acceptable offer is received from competitive bidding, sales through negotiation, auction, or other means should be made. Where non-dwelling structures are on leased land, any which are not transferred to the landowner in connection with settlements will be sold as provided above.

(*c*) *Priorities on portable shelter structures.* Portable shelter structures may be sold under priorities set forth in the first sub-paragraph of this paragraph, unless it is determined that substantially the entire group of portable shelter structures are salable as individual units. In the latter case individual consumers will have fourth priority, with veterans and servicemen, or their families having preference as among consumers.

(5) *Portable shelter structures.* Portable shelter structures are of temporary construction, are not considered suitable for long-term residential use, and must be removed under the terms of the Lanham Act. Furthermore, portable shelter structures do not generally comply with existing urban building regulations. They may, however, be adaptable for use as vacation-type summer housing, tourist cabins, migratory seasonal farm labor, and non-dwelling use. Accordingly, portable shelter structures are to be treated in the same manner as temporary dwelling structures, except for the priorities differences set forth in subparagraph (4) (c) above, and except that these units may be sold for removal off the site without the requirement that they be reduced to flat panels. Portable shelter structures are not considered suitable for long-term residential use and do not generally comply with urban building regulations. They are suitable for vacation housing, tourist cabins, migratory seasonal farm labor, and non-dwelling uses. Portable shelter structures are to be advertised for a thirty-day period for sale to priority holders for removal from the site. Unless priority holders pay the market price as fixed by FPHA they have no priority. If not sold to priority holders, portable shelter structures will be advertised for a thirty-day period for sale for removal from the site to the general public on a competitive sealed bid basis. If not sold as outlined above, sales may be made for off-site removal at the best obtainable price, by re-advertisement for bids, by auction, negotiation, by sale for demolition, or any other method which will bring the best financial return to the Government.

(6) *Sales prices.* All sales or transfers other than those on a competitive bid basis will be made at a price established by the FPHA based on the current market value unless, in transfers to other Government agencies, transfers without reimbursement are authorized by law. In sales by competitive bidding the highest eligible bid will be accepted unless it is determined to be in the best interest of the Government to reject all bids. Sales will be for cash unless a sale on terms is approved by the Commissioner, except that transfers may be made to landowners in effecting settlements. When the FPHA finds that the cost of the care, handling, and demolition of structures would equal or exceed the estimated proceeds, or otherwise determines that structures have no commercial value, the FPHA may then without receiving monetary payment make a transfer to Government agencies, state and local governments, or non-profit institutions; but only under the conditions set forth in subparagraph (3) above.

(7) *Trailers.* Trailers no longer needed in the public housing program will be declared surplus to the appropriate disposal agency designated by the War Assets Administration for disposal pursuant to the Surplus Property Act of 1944.

(d) *Disposition of permanent and demountable federally owned war housing projects.* The following subparagraphs set forth the policy of the FPHA for the disposition of permanent and demountable federally owned war housing projects developed or acquired under the Lanham Act, PA-781, or the Temporary Shelter Acts.

(1) *General policy.* Terminated permanent projects will be sold by FPHA for private residential purposes unless transferred to other Government agencies for residential use or unless sold to a local housing authority under authorization of Congress.

(2) *Occupancy, rent, and sale restrictions.* The disposition of terminated permanent projects or parts of projects to be used for private residential purposes requires the agreement of all purchasers, their successors, or assigns to the following:

(i) Until 12-31-47, or the date of termination of rent control under Federal regulation (whichever date is the later):

(*a*) They shall not evict the present occupant of any unit except for causes recognized by courts of law as justifying an eviction because of breach of contract of tenancy;

(*b*) They shall not raise the rent of any tenant occupying the project at the time of sale above the scheduled rent in existence at the date of sale; except that prior to December 31, 1947, the rent of any tenant who is paying an adjusted rent less than the scheduled rent because of distressed circumstances may be increased upward at any time in accordance with any increased ability to pay but not to exceed the scheduled rent, and provided that such increase is approved by FPHA.

(*c*) Resale prices of units originally sold to individual owner occupants shall be subject to FPHA approval.

(ii) Prior to December 31, 1947, first preference on resale, rental, or sub-lease of individual units shall be given to veterans, servicemen, or their families. Such preferences will not be deemed to be compiled with if the unit is sold or rented within thirty days of the unit's availability to other than a veteran, service-

man, or his family who is available and qualified.

(3) *Sales to occupants, prospective occupants, or private investors.* The plan of sale for private residential properties will be based on the following:

(i) *Occupants or prospective occupants.* Preference will be given to actual occupants and prospective occupants—that is, those who are actually using or will themselves use the premises for residential purposes. Actual occupants will have priority over prospective occupants. As among prospective occupants, veterans, servicemen, or their families will have priority over nonveterans. Occupants and prospective occupants include individuals or mutual ownership corporations whose membership is comprised of occupants or prospective occupants. These preferences are subject to the following conditions:

(*a*) In case of sales to individuals, the project must be suitable for individual ownership; it should be found that substantially all the dwellings in the project can be disposed of in this manner within a reasonable time; and it should be determined that a substantial majority of present occupants are willing to purchase.

(*b*) No sale will be made to a mutual ownership corporation unless there is a financially sound plan of purchase and its membership meets FPHA requirements.

(*c*) In case a sale is possible either to individuals or to a mutual ownership corporation, preference may be given to the plan which is in the best financial interest of the Government, taking into account the probability of ultimate collection of principal and the possibility of houses remaining unsold.

(ii) *Private investors.* In the event it is not possible or feasible to dispose of a project to occupants and prospective occupants, projects or portions thereof may be sold to private investors. Projects which are suitable for disposition in separate portions will be offered for sale in such portions as well as in their entirety. Sales will be consummated which will result in the disposition of the project at the best price and under the best terms available to the Government.

(iii) *Sales prices.* (*a*) In case of sales to occupants or prospective occupants, including mutual ownership corporations, sales prices will be established by FPHA in an amount equal to the fair market value as established by competent appraisal in order that advantage will not be taken of scarcity in the market to obtain inflated prices. Prices so established will be publicly announced and thereafter sales consummated with purchasers at such prices.

(*b*) In case of sales to private investors, properties will be advertised requesting the submission of sealed bids within a ninety-day period from the date of the first advertisement. Bids will be opened publicly at the expiration of the ninety-day period. The highest eligible bid will be accepted, subject to the right of the Government to reject all bids if none is satisfactory, and subject to the right of the Commissioner to accept a lower offer if he determines such action to be in the public interest.

(4) *Sales to local housing authorities.* Consideration will be given to sale of a permanent housing project to a local housing authority only if the governing body of the community and the local housing authority in whose jurisdiction such a project is located determine, by apppropriate resolution or other act, that it is in the best interest of the community for such a housing project or a part thereof to be conveyed to the local housing authority to fulfill its legitimate needs for public low-rent housing. If FPHA concurs in the determination of the local governing body and the local housing authority as to the need for such project or part thereof to provide low-rent housing in the community, recommendations will be made that the Administrator submit to Congress the requested authorization to sell such housing projects to the local housing authority, pursuant to a plan of sale which will enable the project to be utilized for the sole purpose of providing decent, safe and sanitary low-rent housing for families of low income whom private enterprise cannot adequately serve. The plan to be submitted to Congress for achieving such purpose will be the following, unless the local housing authority propose an alternative plan which will accomplish this purpose and be acceptable to the FPHA:

(i) *Terms and conditions of sale.* Any such project will be conveyed to a local housing authority in consideration of any agreement by the local housing authority (*a*) to pay as the purchase price all net income to FPHA over a fixed period of years, which fixed period of years shall be determined on the basis of the estimated useful life of the project for decent, safe and sanitary low-rent housing purposes; (*b*) to utilize the project during the aforesaid fixed period of years for the sole purpose of providing decent, safe and sanitary low-rent housing; and (*c*) not to dispose of the project throughout the aforesaid fixed period of years. In addition and as a local contribution the property and assets of the local housing authority must be exempt from state and local taxation; however, local authorities may be permitted to make payment in lieu o ftaxes from available project revenues to the same extent as permitted under FPHA policy with respect to the PWA Housing Division Projects.

(5) *Disposition of demountable dwelling Structures.* When sold for on-site use, demountable dwelling structures will be disposed of as permanent projects as outlined in preceding paragraphs. The community may recommend the removal of demountable family dwellings if there is no physical need for such structures in the community or if not appropriate to the sites on which they are located. Community recommendations for the removal of demountable family dwellings will be given every consideration by the FPHA, consistent with Broad Federal policy and the protection of the Federal interest. It is recognized that there may be some misunderstanding concerning the retention of demountable family dwellings in some communities. The FPHA will carefully examine any commitments as to removal, either formal or implied, and will faithfully carry out any obligations. When sold for off-site use, appropriate terminated demountables will be sold to meet veterans' needs in the following order of preference: (i) Federal agencies; (ii) educational institutions or local public bodies or their representatives; (iii) individual veterans, servicemen, or their families and (iv) others who will purchase the housing in marketable quantities and remove and resell or rent the housing to veterans, servicemen, or their families. Sales will require that purchasers, successors, and assigns shall agree that until December 31, 1947, they will give first preference to veterans, servicemen, or their families among qualified tenants or purchasers, in the rental of dwellings or their sale for owner occupancy as the case may be and at sales prices approved by the FPHA.

D. S. MYER,
Commissioner.

[F. R. Doc. 46–15370; Filed, Aug. 28, 1946; 4:23 p. m.]

PART 640—VETERANS' EMERGENCY HOUSING PROGRAM: PROCEDURES

C.c.

640.1 Administration of projects.
640.2 Construction and management.
640.3 Authorization for construction and priorities assistance for materials and equipment.

§ 640.1 *Administration of projects.* The Veterans' Emergency Housing Program is designed to provide housing for distressed families of servicemen and veterans and for single veterans attending educational institutions, through the use of existing facilities either in their present location or by moving and relocating them. This program is administered through contracts with local bodies, i. e., educational institutions, state or political subdivisions thereof, local public agencies, or non-profit organizations. These projects may be developed with or without the aid of Federal funds, the properties of the government not otherwise needed for its own use being available for transfer to or used by the local bodies in the carrying out of the program. The initiation of a project may be undertaken by application to the regional director in the areas in which the contemplated project is to be located. The projects are managed and operated by the local bodies, and applications for tenancy in the projects should be filed with these bodies.

§ 640.2 *Construction and management.* In order to assure the use of the housing facilities in accordance with the policies of FPHA, the contracts between the local bodies and the FPHA specify the conditions of construction and management. Inasmuch as conditions in different communities vary, the contracts do not follow a standard pattern but are adjusted according to prevailing situations.

§ 640.3 *Authorization for construction and priorities assistance for materials and equipment.* In connection with this program, under the limited priorities control system currently prescribed by the Civilian Production Administration and the National Housing

Agency, the FPHA has been delegated the authority to approve applications for authorization of construction under VHP-1 and for priorities assistance under CPA Priorities Regulation 33 for educational institutions and public organizations applications as well as for Federally financed housing. Materials and equipment for housing construction are controlled by CPA regulations and preference ratings established by that agency. The following procedures will be applied by the FPHA in carrying out its responsibilities.

(a) *Applications and amendments.* Applications for authorization of construction under Order VHP-1 and for priorities assistance under CPA Piorities Regulation 33 must be filed with FPHA on Form CPA-4386, the original of which will be returned to the applicant, after approval or rejection. An applicant may apply for an amendment to his application as follows:

(1) Changes in the plans or specifications, the proposed sales price or rent, the construction cost, or the construction schedule may be requested by letter, in triplicate.

(2) Requests for additional building or dwelling units not included in the original application may be made by a new application on Form CPA-4386, covering the new units.

(3) If the ratings granted are not to be used within 90 days of the approval of construction authorization, a supplemental application Form CPA-4387 must be submitted.

(b) *Appeal.* Appeals for relief from any provision of CPA Priorities Regulation 33 or any direction to the Regulation may be made to the regional office with which the application was filed, when the provisions result in exceptional and unreasonable hardships.

(1) *Form of submittal.* Each appeal must be in letter or memorandum form, original and two copies; accompanied by the original and three copies of the Form CPA-4386 on which the appeal is made, together with a set of plans, specifications, and all other pertinent documents. The letter or memorandum shall state the justification for the appeal, the precise nature of the appeal, and all pertinent conditions related thereto.

(2) *Transmittal.* Each such appeal shall be transmitted by the regional office, the Secretary, Priorities Appeals Committee, c/o The Priorities and Materials Survey Division, Longfellow Building, 1201 Connecticut Avenue, Washington 25, D. C. Each appeal which originates outside of the regional office shall be numbered and reviewed by the regional priorities liaison officer, who will prepare a transmittal memorandum setting forth regional comments and recommendations.

(c) *Supplementary personal property.* The FPHA will also assist in the securing of supplementary personal property required by the local bodies or contractors in connection with the provision of emergency housing for veterans.

D. S. MYER,
Commissioner.

[F. R. Doc. 46-15371; Filed, Aug. 28, 1946; 4:23 p. m.]

PART 641—VETERANS' EMERGENCY HOUSING PROGRAM: POLICY

Sec.
641.1 Eligibility of local bodies.
641.2 Standards for selection of tenants.

§ 641.1 *Eligibility of local bodies*—(a) *Submission of applications.* Applications for participation in this program may be filed by any local body, i. e., a non-profit educational institution, state or political subdivision thereof, local public agency, or a non-profit organization, that meets the following conditions:

(1) The applicant has sufficient financial resources or the legal ability to obtain funds to meet its financial obligations under the contract.

(2) In the case of an educational institution, the applicant and its students are entitled to benefits under the Servicemen's Readjustment Act of 1944, as amended (58 Stat. 284).

(3) In the case of any state, local public agency, or non-profit organization (except an educational institution) the application is endorsed by the local governing body.

(b) *Availability of housing facilities.* Conformity with the eligibility requirements by local bodies will not assure their receiving the units requested. The amount of housing facilities that can be made available to an applicant is restricted by the limitations of available supply and appropriations, most of which have been allocated on the basis of applications on file with FPHA.

§ 641.2 *Standards for selection of tenants.* In order to assure that the housing facilities made available under this program will be utilized for the benefit of distressed veterans, servicemen, and their families, the FPHA requires that all contracts obligate local bodies to adopt the following standards for occupancy.

(a) *Definition of eligible groups.* Eligibility for admission shall be determined in accordance with the following definitions:

(1) *Serviceman, veteran, and single veterans attending educational institutions*—(i) *Serviceman.* A serviceman means a person of any rank (enlisted or officer) who is now serving in the military or naval forces (Army, Navy, Marine Corps, or Coast Guard) of the United States.

(ii) *Veteran.* A veteran means a person who has served in the military or naval forces of the United States in World War II and who has been discharged or released therefrom under conditions other than dishonorable.

(2) *Families of servicemen or veterans.* A "family" shall mean a natural family consisting of a family head and one or more persons related to the head by blood, marriage or adoption. It does not mean a group of unrelated persons living together, lodgers or persons living alone. Such related groups shall be considered the families of servicemen or veterans under the following circumstances:

(i) The veteran or serviceman is living with the family.

(ii) The veteran or serviceman is the natural family head or principal wage earner, but is temporarily absent from home by reason of a duty assignment, employment, school attendance in another locality, or hospitalization.

(iii) The veteran or serviceman, a natural family head, is permanently absent from his family by reason of death (during or subsequent to military or naval service), divorce, separation, desertion or permanent hospitalization. (The remarriage of a widow, widower or divorced spouse of a veteran or serviceman shall terminate that person's status as his family.)

(3) *Distressed families of servicemen and veterans.* (i) Families of servicemen and veterans are "distressed" if they are in need of housing for any one of the reasons set forth below and they are unable to find in the area adequate housing within their financial reach:

(*a*) They are actually without housing of any kind for themselves and their families in the locality;

(*b*) They are living in quarters not designed for family occupancy (for instance, no cooking facilities provided);

(*c*) They have been evicted or are to be evicted;

(*d*) They have lived doubled up with another family while a member was in the armed forces and wish to establish their own household upon that member's return;

(*e*) They have a dwelling which is totally unsatisfactory for their use because of some unusual hardship affecting the family—such as a health condition aggravated by the housing and a doctor has ordered removal; or

(*f*) They are student veterans temporarily housed (pending availability of accommodations in a project operated by an educational institution) but paying a rent beyond their ability to continue paying. The educational institution must, however, assure that the dwelling vacated will be reoccupied by the family of a veteran or serviceman. (Eviction proceedings need not have been started against student veterans in such cases.)

(ii) Families of servicemen and veterans are not "distressed" within the meaning of these regulations if they are in need of housing because:

(*a*) They live in a substandard house and simply wish to find a better place to live; or

(*b*) They are paying more rent than would be charged in the project and they want to move in order to reduce it. (A family which cannot continue to pay the rent for its present quarters and is being or is about to be legally evicted for nonpayment of rent will qualify under (*c*) above, while student veterans may qualify under (*f*) above.)

(4) *Distressed single veterans attending educational institutions.* This includes veterans who do not have and cannot find a place to live and who desire housing accommodations for themselves only while they are attending an educational or training institution. They shall be admitted only to accommodations designed for single person occupancy. They may or may not be receiving educational or training benefits under the Servicemen's Readjustment Act of 1944, as amended.

(5) *Non-veteran faculty members.* This includes non-veteran faculty mem-

bers necessary for the program of teaching at educational institutions furnishing education and training to veterans under Title II of the Servicemen's Readjustment Act of 1944, as amended.

(b) *Eligibility for admission*—(1) *Family dwellings.* Admission shall be limited strictly to the following:

(i) Distressed families of veterans.

(ii) Distressed families of servicemen.

(iii) Families of non-veteran faculty members, not in excess of 5 percent of the units furnished under the contract, operated by an educational institution or 5 percent of the units occupied by student veterans in projects operated by other local bodies.

(2) *Dormitories.* Admission shall be limited strictly to the following:

(i) Single veterans attending educational institutions.

(ii) Single non-veteran faculty members but not in excess of 5 percent of the project units.

(c) *Statements and verification of eligibility.* A written statement shall be obtained from each family applying for admission or for an adjustment of rent, setting forth the facts which relate to its eligibility for admission or rent adjustment. These statements shall be verified and certified as to accuracy for each family applying.

D. S. MYER,
Commissioner.

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PART 650—CONVERSION MANAGEMENT PROGRAM: PROCEDURE

Sec.
650.1 Acquisition and development of new program.
650.2 Selection of contract managers.
650.3 Renting.

§ 650.1 *Acquisition and development of new program.* No new projects are contemplated under this program. Therefore no procedure is included herein with respect to the acquisition or development of such projects.

§ 650.2 *Selection of contract managers.* (a) The regional director is responsible for the selection, replacement, and supervision of contract managers who actually operate and manage the homes conversion projects. Contracts with contract managers may be negotiated and do not require advertising for competitive bids. The selected contract manager and the regional director execute a Management Service Contract, Form FPHA–1320 (available at regional offices).

(b) Operations are conducted in accordance with the contract and a Contract Managers Manual which is incorporated in the contract and separately published for the convenience of the contract managers. This Manual is delivered to all contract managers at the time that the contract is entered into and is available at regional offices.

§ 650.3 *Renting.* Applicants for housing provided under this program should apply to the nearest contract manager. His name and address can be secured from the appropriate regional office. If there is a vacancy available, the tenant will be required to sign an agreement with the contract manager stipulating the facilities, services, and equipment to be furnished to the tenant.

D. S. MYER,
Commissioner.

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PART 651—CONVERSION MANAGEMENT PROGRAM: POLICY

Sec.
651.1 Principles of management.
651.2 Eligibility for tenancy.
651.3 Rents.
651.4 Disposition of projects and equipment.

§ 651.1 *Principles of management.* Due to the scattered nature of the program and the fact that the projects are frequently very small in size, it is the policy of FPHA to utilize the services of competent real estate management firms in the supervision, maintenance, and operation of the Homes' Conversion Program.

§ 651.2 *Eligibility for tenancy.* Eligibility for occupancy in public conversion properties is without restriction except that in selection of tenants, preference is given to distressed families of servicemen and veterans, families of in-migrant civilian employees of the War and Navy Departments, and of private industries engaged in the completion of war contracts.

§ 651.3 *Rents.* (a) *Dwelling units.* The rent control laws administered by the OPA are applicable to housing units provided under this program. In addition to OPA controls, rentals may be increased only subject to the following limitations: (1) The shelter rent for any unit rented to a warworker will not exceed $50 a month. Non-warworkers remaining as tenants after conversion are not affected by this limitation but may be charged rents up to the generally prevailing rent for comparable accommodations. (2) Charges for additional appliances, services, and equipment may be added to the shelter rent. The maximum charges for such appliances, equipment, and services exclusive of utilities will be $3 per month per room. Any additional charges for utilities will not exceed the pro-rata cost for gas and electricity.

(b) *Furniture charges.* Charges for furniture in rental units including furniture provided by the Government approximate $3.50 for zero-bedroom, $4 for one-bedroom, $6 for two-bedroom and $8 for three-bedroom units. A breakdown between basic rent and furniture charges is not made in the rental agreement.

§ 651.4 *Disposition of projects and equipment.* As war housing need has diminished with the end of the war, termination of conversion leaseholds may henceforth be considered on a straight financial basis. In order to allow private enterprise to serve the largest possible segment of the housing market, the opportunity will be given to lessors to regain control of the converted premises through termination prior to the expiration dates set by Contract upon payment of a consideration based on the fair value of the leasehold and the unrecovered leasehold investment. It is anticipated that the consideration will in all cases at least equal the Government's potential recovery through continued operation for the balance of the lease term. Government-owned movable dwelling equipment, furniture, and furnishings may be sold to conversion property owners in connection with the termination of the Government's leasehold interest in such properties.

D. S. MYER,
Commissioner.

[F. R. Doc. 46–15374; Filed, Aug. 28, 1946; 4:24 p. m.]

PART 660—PROCUREMENT AND DISPOSAL PROGRAM: PROCEDURES

§ 660.1 *Procurement of supplies and services*—(a) *Procurement procedure.* The FPHA uses Federal sources of supply whenever possible. When outside sources must be resorted to, it proceeds in accordance with Title 41 of the United States Code. In the case of procurement required by law to be on the basis of formal competitive bids due publicity as required by law will be given.

(b) *Disposal of surplus property assigned by War Assets Administration.* Surplus property assigned to the FPHA for disposal by the War Assets Administration will be sold in accordance with regulations of the War Assets Administration. All inquiries as to the time, manner and conditions of disposition should be addressed to the Regional Office having jurisdiction of the property.

D. S. MYER,
Commissioner.

[F. R. Doc. 46–15375; Filed, Aug. 28, 1946; 4:24 p. m.]

PART 670—DEFENSE HOMES CORPORATION: ORGANIZATION

Sec.
670.1 Agency organization.
670.2 Description of program.
670.3 Final delegations of authority.

§ 670.1 *Agency organization.*—Defense Homes Corporation (hereinafter called the Corporation) is a Government-owned Corporation organized under the laws of Maryland on October 23, 1940, under a Presidential directive dated October 18, 1940, issued under the authority of the Military Appropriation Act, approved June 13, 1940, and the Naval Appropriation Act, approved June 11, 1940, "for the construction and financing of housing deemed necessary for national defense." The Certificate of Incorporation is recorded in Vol. 6, No. 119, Federal Register 2973, June 19, 1941.

§ 670.2 *Description of program.*—With 10,000,000.00 received from the purchase of its capital stock by the Government and with some $600,000,000.00 borrowed from the Reconstruction Finance Corporation on its notes, the Corporation has constructed twenty-five housing projects in the District of Columbia and in thirteen states. Each of these projects was constructed in localities as directed by the Office of the Defense Hous-

ing Coordinator on the basis of Presidential findings of need, for occupancy by persons engaged in national defense activities. After the cessation of hostilities, tenant eligibility was extended to veterans of World War II. On February 24, 1942, the Corporation was placed under the Federal Public Housing Commissioner, National Housing Agency, by the Executive Order 9070. The Corporation is required by the provisions of the Government Corporation Control Act (Public Law 248, 79th Congress, approved December 6, 1945) to cease functioning as a Government agency and to dissolve on or before June 30, 1948. It is now in the process of liquidation.

§ 670.3 *Final delegations of authority.*—The Corporation has no delegations of power in effect.

WILLIAM A. ZIEGLER,
General Manager,
Defense Homes Corporation.

[F. R. Doc. 46-15376; Filed, Aug. 28, 1946; 4:24 p. m.]

PART 671—DEFENSE HOMES CORPORATION: PROCEDURES

Sec.
671.1 Procedures.
671.2 Project administration.

§ 671.1 *Procedures.*—The principal office of the Corporation is in Washington, D. C. (Longfellow Building, 1201 Conecticut Avenue, N. W.). Its only other office is located in Baltimore, Maryland, the State of its incorporation, solely for statutory purposes. The Corporation has no branch or field offices. Its affairs are conducted by its Board of Directors, of which both the National Housing Administrator and the Federal Public Housing Commissioner are members, the latter usually serves as President and Executive Head. The facilities of the Federal Public Housing Authority are available to the Corporation for employment of personnel, purchasing and other necessary services.

§ 671.2 *Project administration.*—Each of the housing projects constructed by the Corporation is operated by a resident manager under a cost-plus-fixed-fee management contract which constitutes him an independent contractor using his own facilities and personnel on a reimbursable basis. All rules and procedures for the operation of each project by the manager are contained in his management contract. The public may secure information with respect to projects or activities of the Corporation, and make submittals or request at the office of the Corporation or at any project office. In addition interested persons may examine the official records of the Corporation at the office of the Corporation upon written application addressed to the Secretary at the principal office.

WILLIAM A. ZIEGLER,
General Manager,
Defense Homes Corporation.

[F. R. Doc. 46-15377; Filed, Aug. 28, 1946; 4:24 p. m.]

PART 672—DEFENSE HOMES CORPORATION: POLICIES

§ 672.1 *Management policies.*—The Defense Homes Corporation employs as its sole device for the management of its projects independent contractor arrangement under which a contract is entered into with a private operator or private individual prescribing the method in which the project shall be administered. All management policies are embodied in the particular management contracts.

(a) *Eligible tenants.*—During the war tenant eligibility was restricted through management contracts to persons engaged in national defense activities. This policy has been changed so that now veterans and servicemen and their families are eligible.

(b) *Liquidation.*—The Corporation is now in the process of liquidation. It is selling its individual houses and projects. The sales of individual houses are for cash; however, financing through the local renting institution with Federal Housing Administration insurance can be obtained for them. Projects are sold through the procedures prescribed under the Surplus Property Act of 1944. In all sales of projects the rights of present tenants to fill the vacancies are protected under the sales contract.

WILLIAM A. ZIEGLER,
General Manager,
Defense Homes Corporation.

[F. R. Doc. 46-15378; Filed, Aug. 28, 1946; 4:24 p. m.]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[24 CFR, Ch. III]

[Bulletin 31]

PART 0300—ORGANIZATION, PROCEDURE, AND SUBSTANTIVE RULES AND REGULATIONS

SUBPART A—ORGANIZATION

Sec.
0300.1 Central organization.
0300.2 Field organization.
0300.3 Public information submittals and requests.
0300.4 Delegation of final authority.

SUBPART B—PROCEDURE

0300.5 Formal procedures.
0300.6 Informal procedures.
0300.7 Forms and instructions.

SUBPART C—SUBSTANTIVE RULES

0300.8 Rules and regulations.
0300.9 Statements of general policy or interpretation.

SUBPART A—ORGANIZATION

§ 0300.1 (a) *Central organization.* The Federal Savings and Loan Insurance Corporation was created by Ttitle IV of the National Housing Act, as amended (12 U. S. C. 1724, et seq.), with its principal office at the Federal Home Loan Bank Board Building, 101 Indiana Avenue, N. W., Washington, D. C. The functions, powers and duties of the Corporation are conducted under authorities set forth in Executive Order 9070 at 3 CFR, and Supps., 24 CFR, and Supps., Chs. I, II, III and IV; 12 U. S. C. 1724, et seq. and 11 F. R. 9495.

(b) *General Manager.* The General Manager, under authority indicated in 24 CFR, and Supps., 01.1(f) conducts the operations of the Corporation through the following administrative divisions:

(1) *Underwriting and Rehabilitation Division.* This Division develops programs for insurance, including rehabilitations, and makes recommendations on applications for insurance and operations of insured institutions requiring approval.

(2) *Claims and Adjustments Division.* This Division is charged with the responsibility of administering payment of insurance to insured members of institutions in liquidation.

(3) *Liquidation and Recoveries Division.* This Division is charged with the responsibility of administering liquidation of institutions for which the Corporation is receiver and of assets acquired by it. The Division also administers activities to prevent default of insured institutions and compliance by rehabilitated institutions with recovery agreements.

(4) *Comptroller's Division.* This Division develops and maintains financial and accounting records and reports of the Corporation, disburses funds, bills insured institutions and collects admission fees and premiums, audits all claims against the Corporation and prescribes and supervises accounting records for insured institutions in receivership. The Division makes due payment of insurance to insured members of institutions in liquidation.

(5) *Operating Analysis Division.* This Division complies and analyses financial and operational data pertaining to the administration of the Corporation and the Federal Home Loan Bank System and to the operations and trends of insured institutions and members of the Federal Home Loan Bank System.

(c) *General counsel.* The General Associate General Counsel and Assistant General Counsel of the Corporation exercise the functions, powers and duties indicated at 24 CFR, and Supps., 01.1.

(d) *Secretary.* The Secretary and Assistant Secretary of the Corporation exercise the functions, powers and duties indicated at 24 CFR, and Supps., 01.1.

(e) *Federal Home Loan Bank System Staff.* The staff of the Federal Home Loan Bank System performs certain other functions, powers and duties of the Corporation as set forth in 24 CFR, and Supps., Chs. I, II, III and IV.

§ 0300.2 (a) *Field organization.* Officers and employees of the Federal Home Loan Banks who have been designated by the Governor of the Federal Home Loan Bank System act as agents of the Corporation in connection with underwriting and other phases of the Corporation's activities pursuant to instructions from the Corporation (24 CFR, and Supps., Ch. I). For the location of the Federal Home Loan Banks and the areas they service see 24 CFR, and Supps., 2.1.

(b) *Field representatives.* The Corporation maintains field representatives in connection with the operations of the Underwriting and Rehabilitation Division. See 0300.1 (a) (1).

(c) *Claim agents and special representatives.* In connection with the liquidation of insured institutions, Claim Agents and Special Representatives of the Corporation in the field make payment of insurance and supervise the liquidation of receivership assets, pursuant to instructions from the Corporation.

§ 0300.3 *Public information submittals and requests.* (a) All submittals and requests for information relative to the insurance program by insured associations or uninsured institutions of the savings and loan association type should be directed to the Federal Home Loan Bank of the District in which the institution is located. (See 24 CFR Supps. 2.1.)

(b) Requests for information from individuals may be addressed either to the District Federal Home Loan Banks (see 24 CFR, and Supps. 2.1, or to the General Manager, Federal Savings and Loan Insurance Corporation, 101 Indiana Avenue NW., Washington, D. C.

(c) Matters in connection with the liquidation of an insured institution in default, including the payment of creditor obligations, should be submitted to the Special Representative of the Corporation in charge of the liquidation in the association's offices. Matters relative to the payment of insurance to the institution's investors should be submitted to the Claim Agent of the Corporation in the association's offices. Upon termination of the liquidation, all matters concerning either payment of insurance or the liquidation should be directed to the General Manager, Federal Savings and Loan Insurance Corporation, 101 Indiana Avenue, NW., Washington, D. C.

§ 0300.4 *Delegation of final authority.* (a) The functions, powers and duties of the Federal Savings and Loan Insurance Corporation are administered in the Federal Home Loan Bank Administration by the Federal Home Loan Bank Commissioner under authorities set forth in 24 CFR, and Supps., Chs. I, II, III and IV, 11 F.R. No. 169.

(b) Duties and functions of the Corporation with respect to supervision of operating insured institutions, including routine and special examinations and audits, are lodged in the Office of the Governor of the Federal Home Loan Bank System and the District Federal Home Loan Banks (24 CFR, and Supps., Chs. I and II).

(c) All matters between insured institutions and the Corporation are to be referred by the institutions to the District Federal Home Loan Bank for review, analysis, and submission with Bank recommendations to the General Manager of the Federal Savings and Loan Insurance Corporation.

(d) When a receiver has been appointed for an insured institution for the purpose of liquidation, Claim Agents are designated by the Corporation to perform all necessary work in the field incident to the settlement of the insured accounts of the institution. Claim Agents have authority to receive, review, and approve claims for insurance; to carry out details incident to the issuance of new insured accounts by other institutions; and to effect payment of insurance to the insured members of the institution in liquidation.

(e) When the Corporation is appointed receiver for an insured institution for the purpose of liquidation, a Special Representative of the Corporation is designated to conduct the liquidation of the association in the field. He collects payments on installment obligations, disposes of property at or above minimum sales prices established by the Corporation, employs and supervises field staffs, and carries out other functions specifically delegated by the Corporation.

SUBPART B—PROCEDURE

§ 0300.5 *Formal procedures.* Procedures for which definite channels, lines of authority and rules and regulations have been provided are outlined below:

(a) *Obtaining insurance.* (1) An eligible institution may obtain insurance by filing an application form with the Federal Home Loan Bank of the District in which it is located (see 24 CFR, and Supps., 2.1). Forms are obtainable from the Bank.

(2) The application procedure is set forth in detail in 24 CFR, and Supps., 301.2, 301.3, 301.4, 301.5, 301.6, 301.7, 301.8. The applicant association may obtain advice regarding the application procedure and additional information from the District Federal Home Loan Bank.

(3) If a hearing is desired under 24 CFR, and Supps., 301.20, the association or any interested person may submit a request as therein provided.

(4) Following approval of an association's application, the association will pay the admission fee (24 CFR, 301.6 and Supps.) and half of the first year's premium (24 CFR and Supps., 301.13) directly to the Comptroller, Federal Savings and Loan Insurance Corporation, 101 Indiana Avenue NW., Washington, D. C. (after billing by the Corporation) and an insurance certificate will be issued.

(b) *Payment of premium.* (1) Each insured institution is billed by the Corporation for annual premiums; premiums are payable in two installments directly to the Comptroller, Federal Savings and Loan Insurance Corporation, 101 Indiana Avenue NW., Washington, D. C., the first payment at the beginning of each insurance year and the second six months later (24 CFR 301.13 and Supps.).

(2) Notice of merger, consolidation or purchase of bulk assets must be made to the District Federal Home Loan Bank (see 24 CFR, and supps. 2.1) in order that adjustment by the Corporation in the premium payments of the association may be made. (24 CFR, and Supps., 301.13 (c).)

(c) *Approval of operating policies of insured institutions.* In connection with the approval by the Corporation of certain phases of the operation of insured institutions, any matters covered in 24 CFR and Supps., 301.5 (c) 7, 8, 9, 10, 11, 12, 16, 17 and 18 should be taken up with the Federal Home Loan Bank of the District in which the institution is located (24 CFR, and Supps., 2.1) and statements of basic policies of institutions, contemplated revisions thereto or other data required for approval by, or information of, the Corporation, should be forwarded to the District Federal Home Loan Bank.

(d) *Examinations.* All matters concerning the examinations and audits of insured associations required by 24 CFR 301.14 and Supps., should be referred to the Federal Home Loan Bank of the District in which the association is located. (See 24 CFR, and Supps., 2.1.)

(e) *Prevention of default.* In order to enable the Corporation to take preventive or restorative action under 12 U. S. C. 1729 (f), a state, district or territorial supervisor of savings and loan institutions may notify the General Manager of the Corporation, 101 Indiana Avenue NW., Washington, D. C., of any contemplated or completed action on his part in declaring an insured institution to be in default.

(f) *Payment of insurance.* Following the placing of an insured institution in liquidation, the Corporation will communicate with each holder of an insured account by mail relative to the payment of insurance (24 CFR, and Supps., 301.19); each insured member will be supplied with a Proof of Claim and Subrogation of Share Interest form, which he must execute and submit directly to the Claim Agent of the Corporation in the association's offices.

(g) *Liquidation of insured institutions.* All necessary dealings on the part of individuals with respect to loan payments, payment of creditor obligations, purchase of assets and other phases of the liquidation of an insured institution for which the Corporation has been appointed receiver shall be made with the Special Representative of the Corporation in charge of the liquidation or with members of his staff, in the local office of the Special Representative.

(h) *Termination of insurance.* (1) An insured institution wishing to voluntarily terminate its insured status or corporate existence may follow the procedure set forth in 24 CFR, and Supps., 301.21. Requests for voluntary termination may be forwarded to the Federal Home Loan Bank of the District in which the association is located (see 24 CFR, and Supps., 2.1).

(2) Request for a hearing as authorized by 24 CFR, and Supps., 301.21 in connection with the termination of the insured status of an institution by the Corporation may be made as provided in 24 CFR, and Supps., 301.20.

(i) *Rule making.* The formal procedure followed in the promulgation of Rules and Regulations for Insurance of Accounts (24 CFR, and Supps., 301, 302) and in amendments thereto is described in detail in 24 CFR, and Supps., 301.22, 301.23.

§ 0300.6 *Informal procedures.* The Corporation encourages informal conferences and discussions between its representatives and interested individuals regarding policies and operations of the Corporation and the savings and loan industry. The District Federal Home Loan Banks are equipped and located for such meetings. Requests for such meetings should be directed to the General Manager, Federal Savings and Loan Insurance Corporation, 101 Indiana Avenue, N. W., Washington, D. C.,

or to the District Federal Home Loan Banks (See CFR, and Supps., 2.1).

§ 0300.7 *Forms and instructions.* The following forms are currently in use by the Federal Savings and Loan Insurance Corporation in its dealings with the public.

(a) *Application for insurance of accounts.* Includes (1) the form on which to record the formal application of an institution for insurance, (2) a statement of agreement of the applicant association to certain conditions regarding operation, examination, etc., required by 12 U. S. C. 1724, et seq. and 24 CFR, and Supps., 301, and (3) detailed instructions for use of the form and submission of supporting data.

(b) *Certificate of insurance.* Contains a certification signed by the Commissioner of the Federal Home Loan Bank Administration and attested to by the Secretary of the Administration as to the insured status of an institution and a quotation of 12 U. S. C. 1728 (a), (b).

(c) *Premium bills.* Include statements of the annual premium of an insured institution and the amount currently due.

(d) *Financial report forms.* Monthly and annual report forms include statements of condition, statements of operation and other data regarding the affairs of the insured institution, required for the use of the boards of directors of the institution, the Corporation and the supervisory authorities (24 CFR, and Supps., 301.15).

(e) *Proof of claim and subrogation of share interest.* Includes a statement by a member of an insured institution in liquidation as to the amount of his insured account in the association and the assignment of the insured amount of his account to the Corporation in return for payment of insurance (24 CFR, and Supps., 301.19).

(f) *Order for issuance of insured account.* Includes the Corporation's request to an operating insured association to issue an insured account in a specified amount to an insured member of an insured association in liquidation, an acknowledgment of receipt and release of claim signed by the insured member, and a certification of an officer of the issuing association to the effect that delivery of the account has been effected (12 U. S. C. 1728, 1729 (a); 24 CFR, and Supps., 301.19).

(g) *Interim receipt.* Includes the receipt of the Corporation for an insured account of an insured member in an institution in liquidation, pending issuance of cash and debentures to the member (24 CFR, and Supps., 301.19, 302).

(h) *Debentures.* For use in connection with payment of insurance under 12 U. S. C. 1728(b), forms of debentures, approved by the Federal Savings and Loan Insurance Corporation and the Department of the Treasury, are available in denominations of $1,000, $500, $100, $50, $25 and amounts under $25.

(i) *Creditor's proof of claim.* A certification by a creditor as to the amount and nature of an indebtedness of the Corporation as Receiver due and payable to the claimant.

(j) *Participation certificate.* Issued by the Corporation as Receiver as evidence of an insured member's ownership of the uninsured amount of his account and of his right to participate pro rata in the proceeds from the liquidation of the assets of an insured association. Also includes a form for assignment and transfer of claim and a record of liquidating dividends paid.

SUBPART C—SUBSTANTIVE RULES

§ 0300.8 *Rules and regulations.* The Rules and Regulations for Insurance of Accounts adopted by the Federal Savings and Loan Insurance Corporation for the purpose of implementing 12 U. S. C. 1724, et seq., are embodied in 24 CFR, and Supps., Ch. III. Rules and regulations relating to the appointment of the Federal Savings and Loan Insurance Corporation as receiver for a Federal savings and loan association are found in the Rules and Regulations for the Federal Savings and Loan System (24 CFR, and Supp., Ch. II).

§ 0300.9 *Statements of general policy or interpretation.* Determinations of general policy and interpretations formulated for the guidance of the public are embodied in the Rules and Regulations for Insurance of Accounts (24 CFR, Ch. III and Supp., 11 F. R. 9495).

Dated: August 28, 1946.

[SEAL] W. H. HUSBAND,
General Manager.
KENNETH G. HEISLER,
General Counsel.
ORMOND E. LOOMIS,
Executive Assistant to the Commissioner.

[F. R. Doc. 46-15434; Filed Aug. 28, 1946; 4:35 p. m.]

FEDERAL SAVINGS AND LOAN SYSTEM

[24 CFR, Ch. II]

[Bulletin 71]

PART 200—ORGANIZATION, PROCEDURE, AND SUBSTANTIVE RULES AND REGULATIONS OF FEDERAL SAVINGS AND LOAN SYSTEM

SUBPART A—ORGANIZATION

Sec.
200.1 The Federal Savings and Loan System
200.2 Central organization.
200.3 Field organization.
200.4 Delegation of final authority.
200.5 Public information, submittals and requests.

SUBPART B—PROCEDURES

200.20 Formal procedures.
200.21 Informal procedures.
200.22 Forms.

SUBPART C—SUBSTANTIVE RULES, POLICY AND INTERPRETATION

200.50 Published rules and regulations.
200.51 Statements of general policy or interpretation.

SUBPART A—ORGANIZATION

§ 200.1 *The Federal Savings and Loan System.* Federal savings and loan associations are chartered and supervised by the Federal Home Loan Bank Administration pursuant to the provisions of the Home Owners' Loan Act of 1933, as amended (12 U. S. C. and Sup., 1461 *et seq.*, & Supps.). Each such association is required to be a member of the Federal Home Loan Bank System and have its accounts insured by the Federal Savings and Loan Insurance Corporation (24 CFR and Supps., Ch. III). In the discharge of its statutory responsibility and authority with respect to these associations, there have been issued, and published in the FEDERAL REGISTER, Rules and Regulations for the Federal Savings and Loan System (24 CFR and Supps., Ch. II).

§ 200.2 *Central organization*—(a) *Governor.* Examination and supervision of all Federal savings and loan associations is under the direction of the Governor of the Federal Home Loan Bank System and is administered by him through a staff of employees in Washington and the agents of the Federal Home Loan Bank Administration in the field. (24 CFR and Supps., Chs. I and II).

(b) *Deputy Governor.* A Deputy Governor of the Federal Home Loan Bank System may also exercise certain of the powers, duties and functions with respect to savings and loan associations vested in or exercised by the Governor. (24 CFR and Supps., Ch. II, 11 F. R. 9476 et seq.)

(c) *Assistant Governors.* The Assistant Governors of the Federal Home Loan Bank System cooperate with and assist the Governor in directing the examination and supervision of Federal savings and loan associations. (24 CFR and Supps., Chs. I and II.)

(d) *Chief Supervisor.* Under direction of the Governor, the Chief Supervisor of the Federal Home Loan Bank Administration is responsible for appropriate supervision over all member institutions, including Federal savings and loan associations. (24 CFR and Supps., Chs. I and II.)

(e) *Chief Examiner.* Under direction of the Governor, the Chief Examiner of the Federal Home Loan Bank Administration is responsible for the examination and audit of Federal savings and loan associations. (24 CFR and Supps., Chs. I and II.)

(f) *General Counsel.* The General Counsel of the Federal Home Loan Bank Administration is responsible for the legal matters for the Federal Savings and Loan System. (24 CFR and Supps., Chs. I and II, 11 F. R. 9476 et seq.)

§ 200.3 *Field Organization*—(a) *Federal Home Loan Bank Presidents as supervisory agents.* The President of each Federal Home Loan Bank, or, when designated by the Governor of the Federal Home Loan Bank System, such officers or employees other than, or in addition to, the President, serve as agent of, and represent, the Federal Home Loan Bank Administration and the Federal Savings and Loan Insurance Corporation in the supervision of Federal savings and loan associations within the Bank's district. (24 CFR and Supps., Chs. I and II, 11 F. R. 9476 et seq.)

(b) *Federal Home Loan Bank officers and employees as agents.* The officers of

each Federal Home Loan Bank, and any of its employees, when designated by the Governor of the Federal Home Loan Bank System, serve as agents of the Federal Home Loan Bank Administration, the Federal Savings and Loan Insurance Corporation and the Home Owners' Loan Corporation in receiving, processing and making recommendations upon applications for Federal Savings and Loan Charters, conversions of State-chartered institutions to Federal savings and loan associations, insurance of Federal savings and loan association accounts by the Federal Savings and Loan Insurance Corporation and investments in such associations by the Home Owners' Loan Corporation. (24 CFR and Supps., Chs. I and II, 11 F. R. 9476, et seq.)

(c) *District examiners.* Under direction of the Chief Examiner in Washington, a District Examiner, in charge of a staff of field examiners and office personnel, is stationed in each Federal Home Loan Bank District and is responsible for the examination and audit of Federal savings and loan associations within his district. (24 CFR and Supps., Ch. II.)

§ 200.4 *Delegation of final authority.* Delegations of final authority or responsibility affecting the Administration of the Federal Savings and Loan System, other than as set forth in the rules and regulations (24 CFR, and Supps., Chs. I and II), are described in 11 F. R. 9476, et seq., except as follows:

(a) The Secretary to the Federal Home Loan Bank Administration holds power of attorney authorizing him to make formal requests upon all Federal savings and loan associations whose shares are held by the Secretary of the Treasury for repurchase of such shares pursuant to the provisions of section 5 of the Home Owners' Loan Act of 1933, as amended (12 U. S. C. 1461 et seq.).

(b) The Governor or the Chief Supervisor, pursuant to written delegation of authority from the Governor, may approve, substitute or alternate accounting forms for particular Federal savings and loan associations. (24 CFR and Supps., Ch. II).

(c) The Governor, a Deputy Governor, an Assistant Governor or the Chief Supervisor may reaffirm in writing or otherwise the approval of the Federal Home Loan Bank Administration of the proposal by the board of directors of any Federal association operating under Charter K to adopt any of the standard amendments to Charter K set forth and approved in § 202.9 (d) of this chapter. (24 CFR, and Supps., Ch. II, 9 F. R. 436, 11 F. R. 9476, et seq.).

§ 200.5 *Public information, submittals and requests.* All requests for information, interpretation, decision or other action relating to a Federal savings and loan association, and all submittals in connection therewith should be made to the President of the Federal Home Loan Bank in the area. Location of the Federal Home Loan Banks, together with the territory served by each, is set forth in 24 CFR and Supps., Ch. I. With respect to matters pertaining to the Federal Savings and Loan System as a whole, the public should deal directly with the Governor of the Federal Home Loan Bank System, 101 Indiana Avenue, N. W., Washington, D. C.

SUBPART B—PROCEDURES

§ 200.20 *Formal procedures.* All formalized procedures relating to the Federal Home Loan Bank Administration's responsibilities with respect to Federal savings and loan associations are governed by the provisions of the Home Owner's Loan Act of 1933, as amended (12 U. S. C. 1461 *et seq.*) and the Rules and Regulations for the Federal Savings and Loan System. (24 CFR and Supps., Ch. II.)

(a) *Organization, incorporation and conversion.* Procedures with respect to the organization and incorporation of Federal savings and loan associations and the conversion of an existing State-chartered institution into a Federal savings and loan association are set forth in 24 CFR and Supps., Ch. II.

(b) *Operation.* Formal procedural reqirements relating to the operation of Federal savings and loan associations are set forth in 24 CFR and Supps., Ch. II.

(c) *Merger, reorganization and dissolution.* Procedures established with respect to the merger, reorganization or dissolution of Federal savings and loan associations are set forth in 24 CFR and Supps., Ch. II.

(d) *Hearings.* The procedures adopted and followed by the Federal Home Loan Bank Administration with respect to the holding of hearings in matters affecting Federal savings and loan associations are set forth in 24 CFR and Supps., Ch. II.

(e) *Conservator or receiver.* Procedures with respect to the appointment and powers of a conservator or receiver for Federal savings and loan associations and the conduct of such conservatorships and receiverships are set forth in 24 CFR and Supps., Ch. II.

(f) *Changes in regulations.* Procedures relating to the promulgation, amendment and repeal of the Rules and Regulations for the Federal Savings and Loan System are set forth in 24 CFR and Supps., Ch. II.

§ 200.21 *Informal procedures.* The officers of each of the Federal Home Loan Banks, acting as agents of the Federal Home Loan Bank Administration (24 CFR and Supps., Ch. II.), encourage informal discussions or conferences with the directors or officers of Federal savings and loan associations or other members of the public interested therein concerning matters pertaining to such associations. Officials of the Federal Savings and Loan System in Washington likewise are available for such informal conferences or discussions. Fixed procedures or requirements are not established with respect to such informal discussions or conferences.

§ 200.22 *Forms.* Statement of the nature and content of forms required to be used in connection with the organization, incorporation, conversion, operation, merger, reorganization and dissolution of Federal savings and loans associations appear under appropriate captions in the Rules and Regulations for the Federal Savings and Loan System. (24 CFR and Supps., Ch. II). All such forms with instructions for their execution are obtainable through the district Federal Home Loan Banks. (24 CFR and Supps., Ch. II).

SUBPART C—SUBSTANTIVE RULES, POLICY AND INTERPRETATION

§ 200.50 *Published rules and regulations.* Pursuant to authority contained in Home Owners' Loan Act of 1933, as amended (12 U. S. C. and Sups., 1461 et seq.), the Federal Home Loan Bank Administration has issued and published Rules and Regulations for the Federal Savings and Loan System. (24 CFR and Supps., Ch. II).

§ 200.51 *Statements of general policy or interpretation.* Determinations of general policy and interpretations formulated for the guidance of the public are embodied in the Rules and Regulations for the Federal Savings and Loan System. (24 CFR and Supps., Ch. II, 11 F. R. 9476, et sec.).

Dated: AUGUST 28, 1946.

[SEAL] HAROLD LEE,
Deputy Federal Home Loan, Bank Commissioner.

[F. R. Doc. 46—15435; Filed, Aug. 28, 1946; 4:35 p. m.]

OFFICE OF HOUSING EXPEDITER

[24 CFR, Ch. VIII]

PART 851—ORGANIZATION DESCRIPTION, INCLUDING DELEGATIONS OF FINAL AUTHORITY

PART 853—RULES OF PRACTICE AND PROCEDURE, INCLUDING FORMS AND INSTRUCTIONS

CROSS REFERENCES: For organization description, including delegations of final authority see Chapter VII, Part 751 and Chapter VIII, Part 801, of this title.

For rules of practice and procedure, see Chapter VII, Part 753, of this title.

See substantive rules required to be published by the Administrative Procedure Act, Public Law 404, 79th Congress, issued by the Housing Expediter. See Parts 801–803 and 805 of this chapter.

Issued this 6th day of September 1946.

WILSON W. WYATT,
Housing Expediter.

[F. R. Doc. 46-16221; Filed, Sept. 6, 1946; 5:06 p. m.]

NATIONAL MEDIATION BOARD

[29 CFR, Ch. XI]

PART 1201—ORGANIZATION

Sec.
1201.1 Composition of Board.
1201.2 Headquarters.
1201.3 Assignment of functions.
1201.4 Administration and information.
1201.5 Report of activities.

§ 1201.1 *Composition of Board.* The National Mediation Board is an independent agency in the Executive branch of the Federal government created under the Railway Labor Act of May 20, 1926, as amended June 21, 1934. It is composed of three members appointed by the

President, by and with the consent of the Senate, not more than two of whom shall be members of the same political party. The terms of office of the members are for three years, one term expiring on February 1st of each year. The Board annually designates a member to act as Chairman, such designation being made as of July 1st of each year. Each member of the Board has the power to administer oaths and affirmations. The Board does not possess the power of subpena.

§ 1201.2 *Headquarters.* The National Mediation Board maintains its principal office in the Federal Works Agency Building, 18th and F Streets, N. W., Washington, D. C. It has no branch or field offices. However, the Board may meet at any other place whenever it deems it necessary to do so.

§ 1201.3 *Assignment of functions.* Under the Railway Labor Act as amended the Board is authorized to assign or refer any portion of its work, business, or functions to an individual member or to an employee or employees of the Board. When so assigned, such individual member of the Board or employee designated shall have power and authority to act as to any of the Board's work, business or functions so assigned or referred to him for action by the Board. Under this authority the Board has assigned certain of its powers and authority with respect to mediation and the investigation of representation disputes to its mediators, who operate almost exclusively in the field, under the Board's direction.

§ 1201.4 *Administration and information.* Subject to the Board's direction, its business is administered by the Secretary of the Board, and all requests for information concerning the Board's activities, as well as applications for its mediation services, and for the investigation of representation disputes, should be addressed to the Secretary, at the Board's principal office, as shown in § 1201.2.

§ 1201.5 *Report of activities.* A report of the Board's activities is made annually to the Congress. This annual report is usually issued on or about January 1st of each year for the preceding fiscal year ending June 30th.

PART 1202—DEFINITIONS

Sec.

1202.1 Carrier.
1202.2 Exceptions.
1202.3 Determination as to electric lines.
1202.4 Employee.
1202.5 Exceptions.
1202.6 Representatives.

§ 1202.1 *Carrier.* The term "carrier" includes any express company, sleeping car company, carrier by railroad, subject to the Interstate Commerce Act, and any company which is directly or indirectly owned or controlled by or under common control with any carrier by railroad and which operates any equipment or facilities or performs any service (other than trucking service) in connection with the transportation, receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, and handling of property transported by railroad, and any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the business of any such "carrier."

§ 1202.2 *Exceptions.* The term "carrier" shall not include any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power.

The term "carrier" shall not include any company by reason of its being engaged in the mining of coal, the supplying of coal to carrier where delivery is not beyond the tipple, and the operation of equipment or facilities therefor, or any of such activities.

§ 1202.3 *Determination as to electric lines.* The Interstate Commerce Commission is hereby authorized and directed upon request of the Mediation Board or upon complaint of any party interested to determine after hearing whether any line operated by electric power falls within the terms of this proviso.

§ 1202.4 *Employee.* The term "employee" as used herein includes every person in the service of a carrier (subject to its continuing authority to supervise and direct the manner of rendition of his service) who performs any work defined as that of an employee or subordinate official in the orders of the Interstate Commerce Commission now in effect, and as the same may be amended or interpreted by orders hereafter entered by the Commission pursuant to the authority which is hereby conferred upon it to enter orders amending or interpreting such existing orders: *Provided, however,* That no occupational classification made by order of the Interstate Commerce Commission shall be construed to define the crafts according to which railway employees may be organized by their voluntary action, nor shall the jurisdiction or powers of such employee organizations be regarded as in any way limited or defined by the provisions of this Act or by the orders of the Commission.

§ 1202.5 *Exceptions.* The term "employee" shall not include any individual while such individual is engaged in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard locomotives) of coal not beyond the mine tipple, or the loading of coal at the tipple.

§ 1202.6 *Representatives.* The term "representative" means any person or persons, labor union, organization, or corporation designated either by a carrier or group of carriers or by its or their employees, to act for it or them

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PART 1203—FUNCTIONS

Sec.

1203.1 Mediation.
1203.2 Interpretation of mediation agreements.
1203.3 Representation disputes.
1203.4 Secret ballot.
1203.5 Rules to govern elections.
1203.6 Access to carrier records.
1203.7 Who may participate in elections.
1203.8 Hearings on craft or class.
1203.9 Appointment of aribtrators.
1203.10 Appointment of referees.
1203.11 Emergency boards.
1203.12 National Air Transport Adjustment Board.
1203.13 Air carriers.
1203.14 Labor members of Adjustment Board.

§ 1203.1 *Mediation.* The mediation services of the Board may be invoked by the parties, or either party, to a dispute between an employee or group of employees and a carrier concerning changes in rates of pay, rules, or working conditions not adjusted by the parties in conference; also, concerning a dispute not referable to the National Railroad Adjustment Board or appropriate airline adjustment board, when not adjusted in conference between the parties, or where conferences are refused. The National Mediation Board may proffer its services in case any labor emergency is found by it to exist at any time.

§ 1203.2 *Interpretation of mediation agreements.* Under section 5, Second, of Title I of the Railway Labor Act, in any case in which a controversy arises over the meaning or application of any agreement reached through mediation, either party to said agreement, or both, may apply to the National Mediation Board for an interpretation of the meaning or application of such agreement. Upon receipt of such request, the Board shall, after a hearing of both sides, give its interpretation within thirty days.

§ 1203.3 *Representation disputes.* If any dispute shall arise among a carrier's employees as to who are the representatives of such employees designated and authorized in accordance with the requirements of the Railway Labor Act, it is the duty of the Board, upon request of either party to the dispute, to investigate such dispute and certify to both parties, in writing, the name or names of individuals or organizations that have been designated and authorized to represent the employees involved in the dispute, and to certify the same to the carrier.

§ 1203.4 *Secret ballot.* In conducting such investigation, the Board is authorized to take a secret ballot of the employees involved, or to utilize any other appropriate method of ascertaining the names of their duly designated and authorized representatives in such manner as shall insure the choice of representatives by the employees without interference, influence, or coercion exercised by the carrier.

§ 1203.5 *Rules to govern elections.* In the conduct of a representation election, the Board shall designate who may participate in the election, which may include a public hearing on craft or class, and establish the rules to govern the election, or may appoint a committee of three neutral persons who after hearing shall within ten days designate the employees who may participate in the election.

§ 1203.6 *Access to carrier records.* Under the Railway Labor Act the Board has access to and has power to make copies of the books and records of the carriers to obtain and utilize such information as may be necessary to fulfill its duties with respect to representative of carrier employees.

§ 1203.7 *Who may participate in elections.* As mentioned above, when disputes arise between parties to a representation dispute, the National Mediation Board is authorized by the Act to determine who may participate in the selection of employees representatives.

§ 1203.8 *Hearings on craft or class.* In the event the contesting parties or organizations are unable to agree on the employees eligible to participate in the selection of representatives, and either party makes application by letter for a formal hearing before the Board to determine the dispute, the Board may in its discretion hold a public hearing, at which all parties interested may present their contentions and argument, and at which the carrier concerned is usually invited to present factual information. At the conclusion of such hearings the Board customarily invites all interested parties to submit briefs supporting their views, and after considering the evidence and briefs, the Board makes a determination or finding, specifying the craft or class of employees eligible to participate in the designation of representatives.

§ 1203.9 *Appointment of arbitrators.* Section 5, third (a) of the Railway Labor Act provides in the event mediation of a dispute is unsuccessful, the Board endeavors to induce the parties to submit their controversy to arbitration. If the parties so agree, and the arbitrators named by the parties are unable to agree upon the neutral arbitrator or arbitrators, as provided in Section 7 of the Railway Labor Act, it becomes the duty of the Board to name such neutral arbitrators and fix the compensation for such service. In performing this duty, the Board is required to appoint only those whom it deems wholly disinterested in the controversy, and to be impartial and without bias as between the parties thereto.

§ 1203.10 *Appointment of referees.* Section 3, Third, (e) Title I of the act makes it the duty of the National Mediation Board to appoint and fix the compensation for service of a neutral person known as a "referee" in any case where a division of the National Railroad Adjustment Board becomes deadlocked on an award, such referee to sit with the division and make an award. The National Mediation Board in appointing referees is bound by the same requirements that apply in the appointment of neutral arbitrators as outlined above.

§ 1203.11 *Emergency boards.* Under the terms of section 10 of the Railway Labor Act, if a dispute between a carrier and its employees is not adjusted through mediation or the other procedures prescribed by the Act, and should, in the judgment of the National Mediation Board, threaten to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service, the Board shall notify the President, who may thereupon, in his discretion, create an emergency board to investigate and report to him respecting such dispute. An emergency board may be composed of such number of persons as the President designates, and persons so designated shall not be pecuniarily or otherwise interested in any organization of employees or any carrier. The compensation of emergency board members is fixed by the President. An emergency board is created separately in each instance, and is required to investigate the facts as to the dispute and report thereon to the President within thirty days from the date of its creation.

§ 1203.12 *National Air Transport Adjustment Board.* Under section 205, Title II, of the Railway Labor Act, when in the judgment of the National Mediation Board it becomes necessary to establish a permanent national board of adjustment for the air carriers subject to the act to provide for the prompt and orderly settlement of disputes between the employees and the carriers growing out of grievances, or out of the application or interpretation of working agreements, the Board is empowered by its order made, published, and served, to direct the air carriers and labor organizations, national in scope, to select and designate four representatives to constitute a Board known as the National Air Transport Adjustment Board. Two members each shall be selected by the air carriers and the labor organizations of their employees. Up to the present time, it has not been considered necessary to establish the National Air Transport Adjustment Board.

§ 1203.13 *Air carriers.* By the terms of Title II of the Railway Labor Act, which was approved April 10, 1936, all of Title I, except section 3, which relates to the National Railroad Adjustment Board, was extended to cover every common carrier by air engaged in interstate or foreign commerce, and every carrier by air transporting mail for or under contract with the United States Government, and to all employees or subordinate officials of such air carriers.

§ 1203.14 *Labor members of Adjustment Board.* Section 3, First, (f) of Title I of the Railway Labor Act relating to the settlement of disputes among labor organizations as to the qualification of any such organization to participate in the selection of labor members of the Adjustment Board, places certain duties upon the National Mediation Board. This section of act is quoted below:

(f) In the event a dispute arises as to the right of any national labor organization to participate as per paragraph (c) of this section in the selection and designation of the labor members of the Adjustment Board, the Secretary of Labor shall investigate the claim of such labor organization to participate, and if such claim in the judgment of the Secretary of Labor has merit, the Secretary shall notify the Mediation Board accordingly, and within ten days after receipt of such advice the Mediation Board shall request those national labor organizations duly qualified as per paragraph (c) of this section to participate in the selection and designation of the labor members of the Adjustment Board to select a representative. Such representatives, together with a representative likewise designated by the claimant, and a third or neutral party designated by the Mediation Board, constituting a board of three, shall within thirty days after the appointment of the neutral member investigate the claims of the labor organization desiring participation and decide whether or not it was organized in accordance with section 2, hereof, and is otherwise properly qualified to participate in the selection of the labor members of the Adjustment Board, and the findings of such boards of three shall be final and binding.

PART 1204—APPLICATIONS FOR SERVICE

Sec.

1204.1 Mediation services.
1204.2 Investigation of representation disputes.
1204.3 Interpretation of mediation agreements.

§ 1204.1 *Mediation services.* Applications for the mediation services of the National Mediation Board under section 5, First, of the Railway Labor Act, may be made on printed forms N. M. B. 2, copies of which may be secured from the Board's Secretary. Such applications and all correspondence connected therewith should be submitted in duplicate. The application should show the exact nature of the dispute, the number of employees involved, name of the carrier and name of the labor organization, date of agreement between the parties, if any, date and copy of notice served by the invoking party to the other, and date of final conference between the parties. Application should be signed by the highest officer of the carrier who has been designated to handle disputes under the Railway Labor Act, or by the chief executive of the labor organization, whichever party files the application. These applications, after preliminary investigation in the Board's office, are given docket numbers in series "A" and the cases are assigned for mediation to Board members or to mediators on the Board's staff.

§ 1204.2 *Investigation of representation disputes.* Applications for the services of the National Mediation Board under section 2, Ninth, of the Railway Labor Act to investigate representation disputes among carriers employees may be made on printed forms N. M. B. 3 copies of which may be secured from the Board's Secretary. Such applications and all correspondence connected therewith should be filed in duplicate and the applications should be accompanied by signed authorization cards from at least a majority of the employees composing the craft or class involved in the dispute. The applications should show specifically the name or description of the craft or class of employees involved, the name of the invoking organization, the name of the organization currently representing the employees, if any, the estimated number of employees in each craft or class involved, and the number of signed authorizations submitted from employees in each craft or class. The applications should be signed by the chief executive of the invoking organization, or other authorized officer of the organization. These disputes are given docket numbers in series "R".

§ 1204.3 *Interpretation of mediation agreements.* Applications may be filed with the Board's Secretary under section 5, Second, of the Railway Labor Act, for the interpretation of agreements reached in mediation under section 5, First. Such applications may be made by letter from either party to the mediation agreement stating the specific question on which an interpretation is desired.

This function of the National Mediation Board is not intended to conflict with the provisions of section 3 of the Railway Labor Act, providing for interpretation of agreements by the National Railroad Adjustment Board. Many complete working agreements are revised with the aid of the Board's mediating services, and it has been the Board's policy that disputes involving the interpretation or application of such agreements should be handled by the Adjustment Board. Under this section of the law, the Board when called upon may only consider and render an interpretation on the specific terms of an agreement actually signed in mediation, and not for matters incident or corollary thereto.

PART 1205—LABOR CONTRACTS

Sec.
1205.1 Making and maintaining contracts.
1205.2 Arbitrary changing of contracts.
1205.3 Filing of contracts.

§ 1205.1 *Making and maintaining contracts.* It is the duty of all carriers, their officers, agents, and employees to exert every reasonable effort to make and maintain contracts covering rates of pay, rules, and working conditions.

§ 1205.2 *Arbitrary changing of contracts.* No carrier, its officers, or agents shall change the rates of pay, rules, or working conditions of its employees, as a class as embodied in agreements except in the manner prescribed in such agreements or in section 6 of the Railway Labor Act.

§ 1205.3 *Filing of contracts.* Section 5, Third, (e) of the Railway Labor Act requires all carriers to file with the National Mediation Board copies of all contracts in effect with organizations representing their employees, covering rates of pay, rules, and working conditions. Several thousand of such contracts are on file in the Board's Washington office and are available for inspection by interested parties.

PART 1206—NOTICES IN RE RAILWAY LABOR ACT

Sec.
1206.1 Handling of disputes.
1206.2 Employees' Bill of Rights.
1206.3 General Order No. 1.
1206.4 Substantive rules.

§ 1206.1 *Handling of disputes.* Section 2, Eighth, provides that every carrier shall notify its employees by printed notices in such form and posted at such times and places as shall be specified by order of the Mediation Board and requires that all disputes between a carrier and its employees will be handled in accordance with the requirements of the Act. In such notices there must be printed verbatim, in large type, the third, fourth, and fifth paragraphs of this section.

§ 1206.2 *Employees' Bill of Rights.* The provisions of the third, fourth, and fifth paragraphs of section 2 are by law made a part of the contract of employment between the carrier and each employee and shall be binding upon the parties regardless of any other express or implied agreements between them. Under these provisions the employees are guaranteed the right to organize without interference of management, the right to determine who shall represent them, and the right to bargain collectively through such representatives. This section makes it unlawful for any carrier to require any person seeking employment to sign any contract promising to join or not to join a labor organization. Violation of the foregoing provisions is a misdemeanor under the law and subjects the offender to punishment.

§ 1206.3 *General Order No. 1.* General Order No. 1, issued August 14, 1934, is the only order the Board has issued since its creation in 1934. This order sent to the President of each carrier coming under the act transmitted a sample copy of the Mediation Board's Form MB–1 known as "Notice in re Railway Labor Act." The order prescribes that such notices are to be standard as to contents, dimensions of sheet, and size of type and that they shall be posted promptly and maintained continuously in readable condition on all the usual and customary bulletin boards giving information to employees and at such other places as may be necessary to make them accessible to all employees. Such notices must not be hidden by other papers or otherwise obscured from view.

§ 1206.4 *Substantive rules.* The National Mediation Board is not a rule-making agency, as that term is customarily used, and it makes no substantive rules to implement the operation of the Railway Labor Act.

PART 1207—AVAILABILITY OF BOARD'S RECORDS

Sec.
1207.1 Orders, certifications, and findings.
1207.2 Case files.

§ 1207.1 *Orders, certifications, and findings.* Copies of General Order No. 1, all certifications made in representation cases, and all determinations or findings on the subject of craft or class including labor contracts filed by the carriers are available in the Board's Washington office for public inspection. The certifications and findings have not been published in book form.

§ 1207.2 *Case files.* The Board's case files, containing correspondence, and the reports made by its members and mediators, as well as signed authorization cards and ballots cast by employees in representation elections, are considered as confidential records of the National Mediation Board.

ROBERT F. COLE,
Secretary.

[F. R. Doc. 46–16095; Filed, Sept. 6, 1946; 10:57 a. m.]

OFFICE OF WAR MOBILIZATION AND RECONVERSION

[32 CFR, Ch. XXI]

PART 8103—ADMINISTRATIVE PROCEDURE ACT REQUIREMENTS

§ 8103.1 *Description of organization—*(a) *The Office of War Mobilization and Reconversion.* The Office of War Mobilization and Reconversion was established by the War Mobilization and Reconversion Act of 1944. Its central organization is composed of the following units:

(1) Office of the Director.

(2) Office of the Deputy Director for Production, Stabilization and War Liquidation.

(3) Office of the Deputy Director for Fiscal Policy, Employment and Social Security.

(4) Office of the Deputy Director for Information and Reports.

(5) Office of the General Counsel.

(6) Office of the Executive Assistant.

(7) Advisory Board (established pursuant to section 102 of the War Mobilization and Reconversion Act of 1944).

(8) Review Committee on Deferment of Government Employees (established by Executive Order 9309).

(b) *Office of Economic Stabilization.* Pursuant to Executive Order 9762 the Office of Economic Stabilization was transferred to the Office of War Mobilization and Reconversion. The Director of War Mobilization and Reconversion also serves as Economic Stabilization Director. The Economic Stabilization Board advises and consults with the Economic Stabilization Director with respect to the functions of the Office of Economic Stabilization.

(c) *Established places of business.* (1) The central offices of the Office of War Mobilization and Reconversion and the Office of Economic Stabilization are located in the East Wing, White House, Washington, D. C. There is no field organization.

(2) Persons seeking information or copies of reports issued by the Office of War Mobilization and Reconversion and the Office of Economic Stabilization may obtain them from the Office of the Deputy Director for Information and Reports, Lafayette Building, Washington, D. C.

JOHN R. STEELMAN,
Director.

SEPTEMBER 6, 1946.

[F. R. Doc. 46–16200; Filed, Sept. 6, 1946; 5:03 p. m.]

WAR CONTRACTS PRICE ADJUSTMENT BOARD

[32 CFR, Ch. XIV]

CROSS REFERENCE: For the organization and rules of procedure of the War Contracts Price Adjustment Board see 32 CFR, Supps., Parts 1601–1608.

MAURICE HIRSCH,
Brigadier General, GSC, Chairman.

SEPTEMBER 6, 1946.

[F. R. Doc. 46–16193; Filed, Sept. 6, 1946; 3:39 p. m.]

PRICE DECONTROL BOARD

[32 CFR, Ch. XVI]

PART 1851—ORGANIZATION

Sec.
1851.1 Price Decontrol Board.
1851.2 Offices of the Board.
1851.3 Location of offices.
1851.4 Functions of Office of Secretary.
1851.5 Functions of Office of General Counsel.
1851.6 Functions of Office of Economic Advisor.
1851.7 Functions of Office of Public Information.
1851.8 Delegation of final authority.

§ 1851.1 *Price Decontrol Board.* The Price Decontrol Board was established by section 3 of the Price Control Extension Act of 1946 as an independent agency in the executive branch of the government. The Board is composed of three members appointed by the President with the advice and consent of the Senate. Two members constitute a quorum and a vacancy in the membership of the Board shall not impair the power of the remaining members to exercise the Board's functions.

§ 1851.2 *Offices of the Board.* The offices of the Board consist of an Office of the Secretary, of the General Counsel, of the Economic Advisor, and an Office of Public Information.

§ 1851.3 *Location of offices.* The offices of the Board are located in the Federal Reserve Building between 20th and 21st Streets on Constitution Avenue NW., Washington 25, D. C. The offices of the Board shall be open for business from 9 a. m. to 5 p. m., EST., Monday through Friday, except holidays.

§ 1851.4 *Functions of Office of Secretary.* The Secretary for the Board shall be in charge of the Office of the Secretary. The Secretary shall receive petitions, motions, and other papers filed with the Board, and shall have custody of the original of all such papers and documents, and shall maintain in connection therewith the official dockets and files of the Board. The Secretary shall make service of documents and papers as provided in the rules of procedure of the Board. The Secretary shall authenticate orders and official actions of the board and shall certify the signature of Board members. The Secretary shall be in charge of the general administration of the offices of the Board. The Board may appoint an Assistant Secretary who shall be authorized to sign the name of the Secretary to any official act required by the Board to be performed by the Secretary.

§ 1851.5 *Functions of Office of General Counsel.* The General Counsel shall be in charge of the Office of the General Counsel. The General Counsel shall interpret the directives, orders, rules, and regulations of the board and shall advise persons appearing before the board with respect to their rights under the Rules and Regulations of the Board. The General Counsel shall supply the Board with legal advice.

§ 1851.6 *Functions of Office of Economic Advisor.* The Economic Advisor shall be in charge of the Office of Economic Advisor. The Economic Advisor shall collect and analyze economic data for use of the Board and shall supply the Board with economic advice.

§ 1851.7 *Functions of Office of Public Information.* The Director of Information shall be in charge of the Public Information Office. The Director of Information shall maintain, available for public inspection, such files and records of the Board as are required by the Rules of the Board to be made public. The Director of Information shall keep the press informed on the Board's activities.

§ 1851.8 *Delegation of final authority.* The Board has made no delegations of final authority.

Issued and effective this 6th day of September 1946.

ROY L. THOMPSON,
Chairman.
GEORGE H. MEAD,
DANIEL W. BELL.

[F. R. Doc. 46-16161; Filed, Sept. 6, 1946; 12:15 p. m.]

PART 1852—RULES OF PROCEDURE

Sec.
1852.0 Scope of rules.

CONTENTS OF PETITION

1852.1 Identification.
1852.2 Jurisdiction of Board.
1852.3 Statement of facts.
1852.4 Statement of argument.
1852.5 Statement of relief requested.

TIME FOR FILING PETITION

1852.6 Time for filing.

FORM OF PETITION

1852.7 Caption.
1852.8 Signature.
1852.9 Legibility.
1852.10 Number of copies.

FILING, APPEARANCES, SERVICE

1852.11 Place of filing and recording.
1852.12 Docket number.
1852.13 Appearances.
1852.14 Service.

CONDUCT OF PROCEEDINGS

1852.15 Notice of hearing.
1852.16 Respondent's transcript.
1852.17 Motion to dismiss.
1852.18 Objection to admittance of evidence.
1852.19 Application to introduce additional evidence.
1852.20 Briefs and rebuttal briefs.
1852.21 Oral argument.
1852.22 Hearing commissioners.
1852.23 Consolidation of petitions.

ACTION OF BOARD

1852.24 Final orders.
1852.25 Interlocutory orders.

MISCELLANEOUS RULES

1852.26 Representative of Industry Advisory Committee.
1852.27 Extension of time.
1852.28 Board employees not to practice before Board.
1852.29 Availability of record to public.

§ 1852.0 *Scope of rules.* These rules of procedure govern the presentation, consideration and disposition of Industry Advisory Committee petitions made to the Price Decontrol Board pursuant to sections 1A (g) (3) and 1A (h) (3) of the Emergency Price Control Act of 1942, as amended, hereinafter called the act.

CONTENTS OF PETITION

NOTE: The petition shall contain in separately numbered paragraphs each of the items of information specified in §§ 1852.1 through 1852.5. In the event that any of the information called for is not contained in the petition, the petition shall contain an explanation of the reasons for not including the information.

§ 1852.1 *Identification.* Each petition shall contain (a) the name and address of one person to receive notices and correspondence on behalf of the Industry Advisory Committee, hereinafter called the petitioner, in respect to the petition; and (b) a description of each commodity involved in such a way that the commodity can be identified and distinguished from other commodities with absolute certainty.

§ 1852.2 *Jurisdiction of Board.* (a) Each petition shall identify the order of the Price Administrator or Secretary of Agriculture, as the case may be, hereinafter called the respondent, for which the petition requests review. The petition shall state the date of issue of such order. However, if the petition arises out of failure of the respondent to act within the time prescribed by section 1A (g) (2) of the act, the petition shall describe such failure specifying the dates upon which the petitioner relies to establish such failure.

(b) The petition must show that it is filed in accordance with a majority vote of the petitioner held subsequent to the action of the respondent for which the petition requests review and in accordance with the provisions of Revised Procedural Regulation 13, issued by the Office of Price Administration. However, if the petition is filed on account of failure to act, the petition need show only that the decontrol petition on which the respondent has failed to act was filed with respondent in accordance with a duly adopted resolution of the petitioner and in accordance with the provisions of the act.

(c) The petition shall state that no order of the Board with respect to any commodity involved in the petition has been issued within a period of three months immediately preceding the date of filing the petition.

§ 1852.3 *Statement of facts.* The petition shall describe or otherwise identify all affidavits and other written evidence introduced into the proceedings before the respondent upon which the petitioner at the time of filing the petition intends to rely. The petition shall not contain or describe any affidavits or other written evidence which had not been presented to the respondent in the proceedings before the respondent. However, the petition may include an application to introduce additional evidence in accordance with § 1852.19, below.

§ 1852.4 *Statement of argument.* The petition shall contain the petitioner's argument or brief in support of the petition.

§ 1852.5 *Statement of relief requested.* The petition shall set forth the relief requested and shall specify the maximum prices sought to be removed and the regulation or regulations which prescribe such maximum prices.

TIME FOR FILING PETITION

§ 1852.6 *Time for filing.* A petition must be filed within thirty (30) days after the issue date of the order for which the petitioner seeks review or, in the case of a petition arising out of a failure to act, within thirty (30) days after the expiration of the time prescribed for action by section 1A (g) (2) of the act, and by the rules thereunder of the Office of Price Administration or the Department of Agriculture, as the case may be. For the computation of the 30-day period under this rule, time shall commence to run at midnight at the close of the day of issue of the order or the day of expiration of the time prescribed and shall cease to run at midnight at the close of the thirtieth day thereafter, except that if the thirtieth day is a Saturday, Sunday or a national holiday the time shall run to midnight at the close of the next business day.

FORM OF PETITION

NOTE: The petition, briefs and other original papers filed with the Price Decontrol Board shall conform to §§ 1852.7 through 1852.10, below, as to form and number of copies. Any deviation from the requirements of these rules must be approved by the Secretary of the Board, hereinafter called the Secretary, in advance of filing.

§ 1852.7 *Caption.* The caption shall contain the following: (a) the name of the Board, (b) the name of the petitioner, (c) the name of the respondent, (d) the docket number, and (e) the designation of the commodity involved. The arrangement of this caption shall be:

Price Decontrol Board
Docket No. 001
Widget Industry Committee
v.
Paul Porter, Price Administrator
Atomic Widgets

§ 1852.8 *Signature.* Each paper shall be signed by a representative of the petitioner, respondent, or intervenor, as the case may be, whose appearance in connection with the petition is recorded as provided in § 1852.13.

§ 1852.9 *Legibility.* Papers shall be legible and shall be printed, typewritten, or prepared by means of a conventional duplicating process such as mimeographing, multilithing, or photostating.

§ 1852.10 *Number of copies.* An original and nine (9) conformed copies of all papers shall be filed. Three (3) of the copies shall be for service upon the parties in the proceeding.

FILING, APPEARANCES, SERVICE

§ 1852.11 *Place of filing and recording.* Petitions, papers and other documents shall be filed, and appearances recorded, at the office of the Secretary, Room 1212 Federal Reserve Building, 20th Street and Constitution Avenue NW., Washington 25, D. C.

§ 1852.12 *Docket number.* Upon the filing of a petition, the Secretary shall enter the matter upon the docket in his office and shall assign a docket number to it. The docket number shall be specified in the caption of the petition and on all papers or other documents subsequently filed in the matter.

§ 1852.13 *Appearances.* The representative of the petitioner shall enter his appearance at the time that the petition is filed and such appearance shall be recorded by the Secretary. The representative of the respondent or any intervenor shall enter his appearance at or before the time he files his first paper in the proceeding. The appearance of either party or an intervenor may be entered by mail.

§ 1852.14 *Service.* Service of all papers shall be made by the Secretary. Service shall be made only upon the petitioner and respondent. The Secretary shall record in his docket the date of service of each paper upon the parties.

CONDUCT OF PROCEEDINGS

§ 1852.15 *Notice of hearing.* Promptly following the filing of a petition, the Secretary shall serve upon the petitioner and the respondent, and shall announce to the public a notice of hearing. The notice of hearing shall name the petitioner and respondent and the commodity involved, and shall specify the date, time and place for oral hearing on the petition, and the dates for filing with the Board (1) respondent's transcript, (2) any motion to dismiss, (3) any objection to the admittance of evidence or application to introduce additional evidence, and (4) briefs.

The Secretary, having due regard for the scope of the petition and the sessions of the Board, shall schedule these dates to conform as nearly as practicable to the following time allowances:

(a) The oral hearing shall be held approximately fifteen (15) days after the filing of the petition.

(b) The respondent's transcript or a motion to dismiss shall be filed not later than five (5) days following the service of the petition upon the respondent.

(c) The respondent's and intervenor's briefs, any objection to the admittance of evidence, and any application to introduce additional evidence shall be filed not later than three (3) days in advance of the oral hearing.

(d) Rebuttal briefs shall be filed not later than two (2) days after the oral hearing.

§ 1852.16 *Respondent's transcript.* The respondent shall certify and file with the Board ten (10) copies of a transcript of such portions of the proceedings before him as are material to the Board's decision and shall include in such transcript all affidavits and other written evidence described in the petition in accordance with § 1852.3. Such transcript shall include the statement of the respondent's reasons for the action he has taken or his failure to act, as the case may be, and a statement of any economic data or other facts of which he has taken official notice in connection with such action.

§ 1852.17 *Notion to dismiss.* The respondent may file, in lieu of the transcript, a motion to dismiss the petition in whole or in part on the ground that the Board lacks jurisdiction over the matter involved. In the event such a motion is filed, the Secretary shall arrange at once for oral or written argument on the motion. An order denying such a motion shall specify the time for filing the respondent's transcript and may extend, if necessary, the dates in the notice of hearing. A failure to file a motion to dismiss shall not be deemed a waiver of the right to object to the Board's jurisdiction.

§ 1852.18 *Objection to admittance of evidence.* Either the respondent or the petitioner may file an objection to the admittance of evidence on the ground that such evidence was not introduced into the proceedings before the respondent. In the event such an objection is filed, the Secretary shall arrange for oral or written argument on the objection in advance of or concurrently with the hearing on the petition.

§ 1852.19 *Application to introduce additional evidence.* Either the respondent or the petitioner may file an application to introduce additional evidence. Such application shall contain: (a) an offer of proof with respect to the evidence sought to be introduced, setting forth the character and form of such evidence and a summary of what such evidence would show if admitted; (b) a statement showing that such evidence could not reasonably have been offered to the respondent or included in the proceedings before the respondent; (c) a statement showing that such evidence is necessary to a proper disposition of the case. In the event such an application is made the Secretary shall arrange an opportunity for all parties to present written or oral objections thereto either in advance of or concurrently with the hearing on the petition. If the application is granted in whole or in part, the order disposing of the application shall prescribe the manner, form and time of submitting the evidence and any objections thereto or rebuttal evidence.

§ 1852.20 *Briefs and rebuttal briefs.* Briefs containing written argument may be filed by the respondent, any minority member or members of the petitioner who by recorded vote opposed filing the petition with the Board, the Labor and Consumers Advisory Committees and any Industry Advisory Committee of the Office of Price Administration, and any United States Federal or State Government agency. Rebuttal briefs may be filed by the petitioner and any person who has filed a brief or presented oral argument in the proceeding.

§ 1852.21 *Oral argument.* The Board, or a hearing commissioner appointed by the Board, shall conduct an oral hearing upon the petition. The petitioner and respondent, and in the discretion of the Board, any intervenor who has filed a brief in the proceeding, shall be given an opportunity to present their views orally. Requests to present views orally at the hearing shall be filed with the Secretary in advance of, or concurrently with, the filing of a written brief, and

shall designate the person who will make the oral presentation. The Secretary shall schedule the time of appearances and, in advance of the hearing, shall notify each person of the time allowed him. The petitioner shall be entitled to open and conclude the oral argument.

§ 1852.22 *Hearing commissioners.* If the number of petitions filed with the Board should at any time become so great as to prevent the Board from promptly disposing of them, it may, by order in connection with any petition, designate one or more hearing commissioners, or it may designate a member of the Board as a hearing commissioner. The hearing commissioner shall conduct the proceedings in accordance with the Board's rules and, as soon as practicable after the completion of such proceedings, shall submit a report and recommendation to the Board. If the Board, after reviewing the record, approves such recommendation, it will issue an order in conformity therewith; otherwise, it will issue such orders as it deems appropriate upon the record and may conduct a new hearing upon the petition before the Board.

§ 1852.23 *Consolidation of petitions.* Whenever necessary or appropriate for the full and expeditious determination of common questions raised by two (2) or more petitions, the Board may consolidate such petitions.

ACTION OF BOARD

§ 1852.24 *Final orders.* At the earliest practicable time after the hearing on a petition, the Board shall issue an order either denying the petition, or granting it in whole or in part. An order granting the petition shall specify the maximum prices to be removed. Such an order shall not be subject to modification or review by any other department or agency of the Government or by any court.

§ 1852.25 *Interlocutory orders.* The Chairman of the Board, or, in his absence from the District of Columbia, any other member of the Board, may make all necessary orders of a procedural nature relating to any petition or procedure pending in the Board preparatory to a hearing or decision thereof.

MISCELLANEOUS RULES

§ 1852.26 *Representative of Industry Advisory Committee.* Any person may be authorized by vote of an industry advisory committee to represent the committee in respect to a petition filed with the Board. Moreover, the person authorized by the petitioner to represent it in respect to its decontrol petition before the respondent will be deemed to be authorized to represent the petitioner in respect to its petition filed with the Board, unless the petitioner has authorized a different person to represent it in respect to the petition before the Board.

§ 1852.27 *Extension of time.* When by these rules or by order of the Board, or by notification of the Secretary, an act is required to be done within a specified time, the Board or a member of the Board, upon a motion filed before the expiration of the specified time, may for good cause shown order an extension of time.

§ 1852.28 *Board employees not to practice before Board.* No employee of the Price Decontrol Board shall, after separating from that position, practice as an attorney or representative in connection with any matter pending in the Board during his term of service, or permit his name to appear on a brief filed in connection with any such matter.

§ 1852.29 *Availability of record to public.* A copy of any petition, and of any brief, transcript, or other paper filed with the Board in the proceedings on a petition, and of any transcript of oral hearing or other portion of the record on any petition before the Board, shall be available for inspection by the public in the Information Office of the Board—except such portions of the transcript or other papers as were granted confidential treatment by the respondent during proceedings before him.

Issued and effective this 6th day of September 1946.

ROY L. THOMPSON,
Chairman.
GEORGE H. MEAD.
DANIEL F. BELL.

[F. R. Doc. 46-16160; Filed, Sept. 6, 1946; 12:15 p. m.]

SELECTIVE SERVICE SYSTEM

[32 CFR, Ch. VI]

PART 670—ORGANIZATION AND PROCEDURE

SUBPART A—ORGANIZATION

Sec.
670.1 Powers vested in the President.
670.2 Local Boards; one or more in each county.
670.3 Establishment of system, authority for appointment of director, officers, etc.
670.4 Delegation and re-delegation of authority.
670.5 Appointment of director, delegation of authority to him.
670.6 Organizational elements of the Selective Service System.
670.7 National Headquarters; delegation of authority in.
670.8 Function of National Headquarters.
670.9 Divisional organization of National Headquarters.
670.10 Divisional functions of National Headquarters.
670.11 Statutory provisions affecting organization.
670.12 State headquarters.
670.13 Local Boards.
670.14 Boards of Appeal.
670.15 Advisory Boards.

SUBPART B—PROCEDURE

670.50 Determination of policy and procedure.

SUBPART A—ORGANIZATION

§ 670.1 *Powers vested in the President.* The Selective Training and Service Act of 1940 invested power in the President to induct men for training and service in the Armed Forces. The act enumerated men who were liable for such training and service, men who were not required to register or who having registered are exempt from training and service, and provided for the deferment of men whose employment in industry or agriculture is found necessary to national health, safety, or interest under rules and regulations to be prescribed by the President. Section 5 (g) of the act deals with persons who by reason of religious training and belief are conscientiously opposed to war in any form, also those persons who are conscientiously opposed to war but who will participate in noncombatant service. Provision was made for the assignment of persons found to be conscientiously opposed to participation in such noncombatant service, to work of national importance under civilian direction.

§ 670.2 *Local boards; one or more in each county.* One or more local boards were provided for each county, consisting of three or more members to be appointed by the President upon recommendation of the Governor or comparable executive official. The local boards have power within their respective jurisdictions to hear and determine, subject to right of appeal to Boards of Appeal, all claims in respect to inclusion for or exemption from, or deferment from training and service.

§ 670.3 *Establishment of system, authority for appointment of director, officers, etc.* The President was authorized to create and establish a Selective Service System and more specifically to appoint a Director of Selective Service who shall be directly responsible to him, and to appoint and fix the compensation of such other officers, agents and employees as he may deem necessary to carry out the provisions of the act.

§ 670.4 *Delegation and re-delegation of authority.* The President was authorized to delegate and provide for the delegation of any authority vested in him to such officers, agents or persons as he may designate or appoint for such purpose, or as may be appointed pursuant to such rules and regulations as he may establish.

§ 670.5 *Appointment of director, delegation of authority to him.* In accordance with the power vested in the President, he appointed a Director of Selective Service and delegated all necessary power to him, such as prescribing amendments to the regulations, issuing public notices, orders and instructions, obligating funds appropriated for the administration of the law, appointing officers, employees and assistants whose salary was less than $5,000 per annum, and delegating any of his functions and powers.

§ 670.6 *Organizational elements of the Selective Service System.* The Selective Service System, as broadly outlined in the law, consists of the following elements:

(a) National Headquarters.
(b) State Headquarters.
(c) Local Boards.
(d) Boards of Appeal.

§ 670.7 *National Headquarters; delegation of authority in.* National Headquarters is composed of a staff who work under the general supervision of the Director, the Deputy Director, the Assistant Deputy Director, and an Assistant Di-

rector. Since all of the work of the National Headquarters is carried on in the name of the Director, broad delegation of authority to members of the staff has not been made.

(a) The Deputy Director is authorized to act for the Director in his absence and may also obligate funds at any time.

(b) The Assistant Director is authorized to take action in respect to the assignment of conscientious objectors to camps, their transfer from one camp to another, and their discharge.

(c) Authority in respect to internal administration matters such as the approval of travel orders, the obligation of funds for printing and binding, the accountability for property, has been delegated to other members of the staff.

§ 670.8 *Function of National Headquarters.* The function of National Headquarters is primarily to develop plans and procedures under which the men required by the Armed Forces may be secured by induction under the general provisions of the act. Another function is to develop a program and to assist veterans in asserting their rights to reinstatement, as provided in the Selective Training and Service Act. It prepares and issues regulations and instructions to local boards, the latter being known as Local Board Memoranda. It also carries on correspondence with State Directors touching upon all phases of the operations.

§ 670.9 *Divisional organization of National Headquarters.* The staff of National Headquarters is arranged in organizational units known as Groups, Divisions, and Sections. A group consists of two or more divisions, each division being concerned with certain specified functions. The Chief of a group supervises and coordinates the activities of the divisions within his group, while the Chief of the division develops plans and programs relating to the activities of his particular division. Sections are the smaller units of which a division is composed. The groups and divisions are as follows:

(a) Fiscal and Personnel Group:

1. Headquarters Division.
2. Finance and Supply Division.
3. Appointments and Personnel Division.

(b) Mobilization and Demobilization Group:

1. Manpower Division.
2. Field Division.
3. Veterans Personnel.

(c) Records and Statistics Group:

1. Communications and Records Division.
2. Research and Statistics Division.

§ 670.10 *Divisional functions of National Headquarters.* (a) *Fiscal and Personnel Group.* The three divisions in this Group have functions as follows:

(1) The Headquarters Division arranges for the appointment, training, and assignment of civilian personnel at National Headquarters and maintains necessary facilities for rendering administrative services, such as mail, telephone, stenographic pool and transportation, and also maintains liaison with the public buildings administration.

(2) The Finance and Supply Division handles all fiscal and accounting matters for National Headquarters, and exercises supervision of State Procurement Officers through the State Directors.

(3) The Appointments and Personnel Division maintains records and controls for compensated and uncompensated personnel throughout the System (except at National Headquarters) and maintains liaison with the Civil Service Commission.

(b) *Mobilization and Demobilization Group.* The three divisions in this Group have functions as follows:

(1) The Manpower Division plans programs for the registration, classification, selection for, or deferment from military service, and delivery for induction of persons liable for training and service in the Armed Forces; apportions quotas and calls to the States and Territories; and interprets policies and renders assistance to the several State Headquarters with respect thereto.

(2) The Field Division maintains liaison with State Directors and assists in the application of policies announced by National Headquarters; advises the Director and various divisions in regard to problems as they relate to field operations and personnel.

(3) The Veterans Personnel Division develops plans and programs for rendering aid in obtaining employment or reinstatement for persons discharged from military service, and maintains liaison with other agencies of the Government having employment functions.

(c) *Records and Statistics Group.* The two divisions in this Group have functions as follows:

(1) The Communications and Records Division arranges for the publication and distribution of printed matter of all descriptions required in the operation of the System; maintains official files for National Headquarters; studies the use, and evaluates all records of the Selective Service System and provides the Director with recommendations relating to their disposition. Upon request provides information to the general public.

(2) The Research and Statistics Division maintains a record reporting system for the purpose of providing manpower and reemployment statistics; gathers and compiles data and prepares reports of the Director, and conducts special research incident to the operations of the System.

(d) *Camp operations.* Camp operations, under an Assistant Director, locates, equips, and maintains civilian public service camps established for conscientious objectors engaged in work of national importance, and maintains liaison with appropriate Federal, State, and other agencies in connection with specific projects; reviews cases of conscientious objectors, recommending action to the Director; and reviews cases of religious organizations and theological schools in connection with their placement on a list of recognized organizations.

§ 670.11 *Statutory provisions affecting organization*—(a) *Disbursing and accounting.* The Chief of Finance, United States Army, is designated by section 10 (d) of the act, to act as the fiscal, disbursing, and accounting agent of the Director of Selective Service in carrying out the provisions of the act.

(b) *Veterans reemployment.* Section 8 (g) of the act provided for the establishment of a Personnel Division by the Director of Selective Service, with adequate facilities for rendering aid to persons who hace completed any period of active duty; in securing reemployment in their former positions, or in securing new positions; reinstatement in a position (other than temporary) being a right conferred upon persons who leave such a position in order to perform training and service, and who satisfactorily complete such training and service and apply for reinstatement within the specified time after release.

§ 670.12 *State headquarters.* The Governor of each State is responsible for the administration of the Selective Service Law within his State, and, by regulation, the office by means of which this function is performed is designated as "State Headquarters for Selective Service." Each State Governor may recommend for appointment, by the President, a State Director for Selective Service, a State Procurement Officer, and one or more State Medical Officers.

One or more officers of the land or naval forces may be assigned to each State Headquarters to act as occupational advisers and to furnish information with respect to occupational deferment and labor supply.

One or more representatives of labor, industry, and agriculture, where applicable, shall be appointed by the Governor in each appeal board area, as established by the State Director, to assist the occupational advisor in securing information with respect to occupational deferments.

Additional officers of the land and naval forces have also been assigned to assist the State Director in carrying out his functions in respect to the administration of the Selective Service Law.

§ 670.13 *Local Boards.* The Local Boards are the chief point of contact with the public, and except for appeal procedure, which is provided for by the regulations, their decisions are final. Persons residing in the United States who come within the provisions of the Selective and Training Act of 1940, as amended, are subject to the jurisdiction of the local board for the area in which they reside. Information as to the location of a local board office for a particular area may be obtained from the respective State Headquarters. State Headquarters are located in the capital of each state, with the exception of:

State:	City.
Delaware	Wilmington.
Florida	St. Augustine.
Kentucky	Louisville.
Louisiana	New Orleans.
Maryland	Baltimore.
South Dakota	Rapid City.
Washington	Fort Lewis.

For purposes of Selective Service administration, the District of Columbia is regarded as a State, and has an office equivalent to a State Headquarters. New York City is also a separate jurisdiction. The territories have offices as follows:

Alaska	Juneau.
Hawaii	Honolulu.
Puerto Rico	San Juan.
Virgin Islands	St. Thomas.

Persons residing outside the continental United States, Alaska, Hawaii and Puerto Rico are covered, so far as registration is concerned, by Part 618 of the Selective Service Regulations.

§ 670.14 *Boards of Appeal.* One or more Boards of Appeal were required to be established in each State. The Board of Appeal consisted, normally, of five members appointed by the President upon the recommendation of the Governor. The Boards consisted of one member from labor, a lawyer, a physician, a member from industry and, where applicable, a member from agriculture. The functions of the Board of Appeal were to review cases appealed to it, and affirm or change a decision of the Local Board.

§ 670.15 *Advisory Boards.* While not provided for in the law, certain Advisory Boards were established to assist the State Directors of the registrants. Medical Advisory Boards, consisting of medical specialists of various kinds, were appointed in each State. The Medical Advisory Boards examined registrants who had been rejected for, or separated from, military service or work of national importance, and submitted a report concerning their physical or mental fitness to the State Director. Advisory Boards for registrants were provided in each State by appointment by the Governor of three lawyers or other reputable persons. The registrants' advisory boards were charged with the duty of giving advice and assistance to registrants in the preparation of questionnaires, claims, or other papers serving as the basis for the classification.

SUBPART B—PROCEDURE

§ 670.50 *Determination of policy and procedure.* Matters of policy and procedure pertaining to all functions of the Selective Service System emanate from the Director of Selective Service. Their determination and development are in accordance with the following general pattern. For example: If a definite change takes place in the requirements of the armed forces for men which cannot readily be met under existing regulations, the Director of Selective Service would immediately determine that a new regulation is required. It then becomes the task for members of his staff to prepare a regulation which will make it possible to meet the new or changed requirements. This task is accomplished by the staff members normally concerned with the subject matter involved, in cooperation with the staff of the General Counsel. Several rewritings of the proposed change in the regulations may be required before it is finally acceptable from the standpoint of accomplishing the desired result, being satisfactory from an operating standpoint and at the same time answer all legal requirements. Upon approval of the new or revised regulation by the Director of Selective Service, it is forwarded to the Federal Register for filing and publication and at the same time disseminated to State Directors, local boards, and other elements of the system concerned with its application.

The same general procedure is followed if it is determined that due to changing conditions it is necessary to place special emphasis upon the procurement of men or perhaps the deferment of men in certain occupations under a regulation which is already in existence. In such a case the directive providing the special emphasis is prepared by the staff, examined and concurred in by the General Counsel and upon approval by the Director of Selective Service is distributed to the various elements of the system as a "Local Board Memorandum."

LEWIS B. HERSHEY,
Director.

[F. R. Doc. 46-16194; Filed Sept. 6, 1946; 4:16 p. m.]

VETERANS' ADMINISTRATION

[38 CFR, Ch. I]

PART 01—ORGANIZATION

SUBPART A—CENTRAL OFFICE

Sec.

01.1 Organization of the Veterans' Administration.
01.2 Organization of Office of Director, Coordination and Planning.
01.3 Organization of Office of Director of Public Relations.
01.4 Organization of Office of Solicitor.
01.5 Organization of Board of Veterans' Appeals.
01.6 Organization of Office of Assistant Administrator for Claims.
01.7 Organization of Office of Chief Medical Director.
01.8 Organization of Office of Assistant Administrator for Insurance.
01.9 Organization of Office of Assistant Administrator for Vocational Rehabilitation and Education.
01.10 Organization of Office of Assistant Administrator for Personnel.
01.11 Organization of Office of the Assistant Administrator for Construction, Supply and Real Estate.
01.12 Organization of Office of Assistant Administrator for Contact and Administrative Services.
01.13 Organization of Office of Assistant Administrator for Finance.
01.14 Organization of Office of Director of Special Services.
01.15 Organization of Office of Insular and Foreign Relations.
01.16 Organization of Office of Assistant Administrator for Legislation.

SUBPART B—BRANCH OFFICES

01.30 Organization of Branch Offices of Central Office.
01.31 Branch Office Organization of the Coordination and Planning Service.
01.32 Branch Office Organization of the Public Relations Service.
01.33 Branch Office Organization of the Office of Chief Attorney.
01.34 Branch Office Organization of the Claims Service.
01.35 Organization of the Office of Branch Medical Director.
01.36 Branch Office Organization of the Insurance Service.
01.37 Branch Office Organization of the Vocational Rehabilitation and Education Service.
01.38 Branch Office Organization of the Personnel Service.
01.39 Branch Office Organization of the Construction, Supply, and Real Estate Service.
01.40 Branch Office Organization of Contact and Administrative Service.
01.41 Branch Office Organization of the Finance Service.
01.42 Branch Office Organization of Special Services.
01.50 Alphabetical list of stations by location.

ADDRESSES OF VETERANS ADMINISTRATION REGIONAL OFFICES, SUBREGIONAL OFFICES, CONTACT OFFICES AND HOSPITALS

01.60 In Branch Office No. 1 Area.
01.61 In Branch Office No. 2 Area.
01.62 In Branch Office No. 3 Area.
01.63 In Branch Office No. 4 Area.
01.64 In Branch Office No. 5 Area.
01.65 In Branch Office No. 6 Area.
01.66 In Branch Office No. 7 Area.
01.67 In Branch Office No. 8 Area.
01.68 In Branch Office No. 9 Area.
01.69 In Branch Office No. 10 Area.
01.70 In Branch Office No. 11 Area.
01.71 In Branch Office No. 12 Area.
01.72 In Branch Office No. 13 Area.

SUBPART A—CENTRAL OFFICE

§ 01.1 *Organization of the Veterans Administration.* (a) The Veterans Administration is under the charge of the Administrator of Veterans Affairs, who is responsible for the administration of all laws governing the Veterans Administration.

(b) In the Office of Administrator of Veterans Affairs will be an Executive Assistant Administrator who will be responsible to and assist the Administrator, and who will act for the Administrator on all matters not requiring personal action by him.

(c) The Veterans Administration organization consists of the following Offices and Board, the heads of which are directly responsible to the Administrator of Veterans Affairs for the proper performance of all the functions assigned to them:

Office of Director of Coordination and Planning.
Office of Director of Public Relations.
Office of Director of Insular and Foreign Relations.
Office of Solicitor.
Board of Veterans Appeals under a chairman.
Office of Assistant Administrator For Claims.
Office of Chief Medical Director.
Office of Assistant Administrator for Insurance.
Office of Assistant Administrator for Vocational Rehabilitation and Education.
Office of Assistant Administrator for Personnel.
Office of Assistant Administrator for Construction, Supplies, and Real Estate.
Office of Assistant Administrator for Contact and Administrative Services.
Office of Assistant Administrator for Finance.
Office of Director of Special Services.
Office of Assistant Administrator for Legislation.

(d) The functions and jurisdiction of the above Offices and Board are set forth in §§ 01.2 to 01.16 covering the activities under the charge of the respective officials and in addition, these officials perform such other matters as are assigned to them by the Administrator.

(e) Branch Offices of Central Office are established under the charge of Deputy Administrators who are directly responsible to the Administrator for the proper conduct of the Offices. Their functions and jurisdiction are set forth in §§ 01.30 to 01.42.

(f) The Hospitals, Homes, and Regional Offices, with their Sub-regional Offices, are under the charge of Managers who presently are responsible to the Deputy Administrators for the proper conduct of field stations. The Sub-regional Offices are under the jurisdiction of the Managers of Regional Offices in whose regional territory they are located. The functions and jurisdiction of Hospitals, Homes, and Regional Offices are set forth in current charts of organization and are governed by regulations and procedure and other Veterans Administration issues.

§ 01.2 *Organization of Office of Director of Coordination and Planning*—(a) *The Director of Coordination and Planning.* The Director of Coordination and Planning will have jurisdiction over and be responsible for the property conduct of the activities set forth herein to the Administrator. These activities are:

(1) Compilation, analysis and evaluation of data relative to the efficiency of the operations of all elements of the Veterans Administration;

(2) Recommendations as to changes in policy, organization, procedure and methods in situations requiring corrective action;

(3) Formulation of current operating and long range program plans, based on current and future objectives and assumptions and converting such objectives into operating plans;

(4) Establishment of programs for the examination, review, simplification and standardization of all administrative practices and procedures to insure a maximum of economy and efficiency throughout the entire Administration;

(5) Administration of work simplification and work measurement programs to improve and compare performance of all elements of the Veterans Administration;

(6) Formulation of policies and procedures relative to, and the preparation of, budget estimates, justifications, etc., for submission of the budget and hearings thereon with the Bureau of the Budget and the Appropriations Committees of Congress; and

(7) Operation of an employees' suggestion program throughout all Veterans Administration offices and hospitals;

(8) Operation of a statistical and research program designed to gather, analyze and evaluate data which can be measured quantitively, to evaluate the efficiency of the existing operations in all elements of the Veterans Administration;

(9) Development and operation of a system of recurring reports designed to keep the Administrator and the various organization elements advised of the progress of existing operations as a basis for improved management and service;

(10) Review and analysis of the organization structure to insure proper functional relationship within all organization elements of the Veterans Administration, and where appropriate, initiation of action to institute organizational changes and improvements;

(11) Improvement of all Veterans Administration forms and publications and the establishment of standards for their essentiality, design, specification, reproduction and distribution;

(12) Compilation of historical data and the annual report to Congress;

(13) Continuous research with new management practices and the initiation of programs and dissemination of information to improve the over-all management within the Veterans Administration;

(14) Inspection and investigation of operations and activities of the Veterans Administration to insure that established policies, procedure and practices are effectively administered throughout the entire Administration and institution of steps to insure corrective action as required.

(b) *The Office of Director of Coordination and Planning.* The Office of Director of Coordination and Planning will consist of the Research Service, the Administrative Management Service, the Budget and Planning Service, the Inspection and Investigation Service, and the Field Coordination Service, the heads of which will be responsible to the Director of Coordination and Planning.

(c) *Research Service.* The Research Service, under a Director, will conduct the following functions:

(1) Supervises the statistical reporting system of the Veterans Administration for the purpose of efficiently maintaining essential statistical controls; reviews and approves recurring reports flowing between major organizational units, and reviews and clears with Bureau of the Budget all reports requested of non-governmental agencies or individuals in accordance with Federal Reporting Act;

(2) Directs the development and publication of a comprehensive monthly progress report for the Administrator and his staff; prepares summary reports and analyses from the monthly progress report and related data evaluating accomplishment against objectives;

(3) Directs special studies and surveys of the effectiveness of existing or projected programs and operations to provide a basis for improved management and services;

(4) Acts in an advisory capacity with reference to statistical and research methods and maintains liaison with external organizations carrying on research activities related to the Veterans' Administration;

(5) Coordinates the release of statistical information in all forms to agencies outside the Veterans Administration.

(d) *Administrative Management Service.* The Administrative Management Service, under a Director, will conduct the following functions:

(1) Develops comprehensive programs for the improvement of the organizational structure of the Veterans Administration and all administrative and operating procedures;

(2) Studies the organization and operations of the Central Office, Branch Offices, and field stations, and evaluates the efficiency of operations and the effectiveness of organization, operations and procedures; prepares and maintains charts of organizations of the Veterans' Administration;

(3) Analyzes current policies, regulations, procedures, practices, forms and records; prepares charts and analyses reflecting work flows and performance, distribution of forms, and maintenance of records and specific action taken on such forms and records; ascertains essentiality of existing activities and determines necessary improvements to simplify and reduce clerical and administrative work and processing time;

(4) Studies functional relationships between the Central, Branch, and regional offices, hospitals and other stations to determine proper degree of decentralization of authority for final action; evaluates the effectiveness of the organizational structure of all operating units and recommends appropriate changes as required;

(5) Develops or assists in the development of uniform plans of operation and detailed operating procedures in all major Veterans' Administration activities and secures appropriate concurrences thereto; prepares for publication regulations, procedure, and other formal issues, submissions to the Federal Register, and maintains history files and indices thereof; exercises technical supervision over the staff divisions and Branch Offices in the development of procedures and reviews procedure prepared by such agencies prior to publication;

(6) Assists the Central Office, Branch Offices and field stations in the installation of detailed operating procedures; evaluates the effectiveness of such procedures by actual field test and makes necessary improvements prior to extending such procedures to other stations;

(7) Maintains a continuous follow-up within the Central Office, Branch Offices and field stations to insure that procedures are promptly installed; evaluates the performance under such procedures and makes revisions as required;

(8) Maintains close working relationship with the Central Office and Branch Offices in assigned fields in the development of Veterans Administration procedures; maintains liaison with agencies outside the Veterans Administration which are affected by such procedures;

(9) Develops and maintains on a current basis a program for work simplification and work measurement;

(10) Handles such additional functions as may be assigned by the Director, Coordination and Planning.

(11) Establishes and operates an Employees' Suggestion program throughout all offices and hospitals for the purpose of improving the performance, efficiency of operations, welfare, or other activities of the Veterans Administration; reviews, refers to the appropriate staff agency for comment or concurrence and evaluates all suggestions; acts as secretary to the Employees' Suggestion Committee which passes on all suggestions and determines awards, and arranges for presentation of awards.

(e) *Budget and Planning Service.* The Budget and Planning Service, under a

Director (who is the Budget Officer for the Veterans Administration) will conduct the following functions:

(1) Formulates policies and procedures relative to preparation of the budget estimates for the Veterans Administration, develops and prepares estimates including justifications and supporting data for submission to the Bureau of the Budget and Appropriations Committees of Congress, participates in hearings thereon and maintains liaison with them; assists in the formulation of the fiscal program of the Veterans Administration; allocates and controls appropriated funds; establishes cost accounting and budgetary procedure;

(2) Reviews all budget requests and justifications for consistency with over-all plans and objectives; develops and evaluates reports of progress of the budgetary activities of the Veterans Administration; prepares certain data for the Administrator's annual report to Congress;

(3) Analyses of budget control and expenditure of appropriated funds; makes general and special surveys as may be required; maintains field supervision over all activities of this Service;

(4) Within the broad policies and basic plans established by statute and the Administrator, formulates over-all plans and programs to accomplish the Veterans Administration responsibilities for handling of claims, insurance, vocational training, rehabilitation and education, hospitalization and medical service, supply and construction, and other services to the veteran;

(5) Formulates current operating and long range program plans based on current and future objectives and assumptions and converts such objectives into plans of operation stated in quantitive terms with schedules of performance; sees that all major plans and objectives are clearly stated and published for use as practicable guides by all organizational elements of the Veterans Administration;

(6) Assists the various elements of the Veterans Administration in the formation of their plans and reviews such plans to assure adequacy and coordination with related plans and over-all objectives;

(7) Maintains continuous reviews of all plans and objectives and makes appropriate revisions as required;

(8) Estimates anticipated work loads and determines the adequacy of field stations to carry out the responsibilities of the Veterans Administration;

(9) Maintains continuous liaison with the Service Departments and other agencies to insure the receipt of timely information as to demobilization and other operations which affect the activities of the Veterans Administration;

(10) Plans, coordinates and reviews space and facility requirements of the Veterans Administration; determines space requirements and allocates space within the Central Office;

(11) Handles matters of location of regional offices and the assignment of territories;

(12) Reviews pending legislation and formulates advance plans relative thereto as is considered desirable and reviews and submits estimated costs.

(f) *Inspection and Investigation Service.* The Inspection and Investigation Service, under a Director, will conduct the following functions:

(1) Administers, directs, supervises and coordinates inspection and investigation activities of central office and the field through personal contact, together with the promulgation, maintenance and revision of all policies and procedures governing inspections and investigations by the central office and branch office Inspection and Investigation Services with the issuance of appropriate instructions, manuals and compendia.

(2) Maintains and operates the inspection activities in central office and supervises technically the inspection activities of the branch offices comprehending a complete self-sustaining service operative in and out of central office, involving complete and detailed inspection of all activities in the central office, branch offices, and field stations whereever located, within or without the continental limits of the United States, with authority vested in the central office inspectorate to cover the entire field of Veterans Administration activities, including medical, hospital management, legal, adjudicative (claims), utility, engineering (plant management and construction), administration and business management, personnel, supply, finance, loans, vocational training, rehabilitation and education, etc.

(3) Maintains and operates the investigation activities in central office and supervises technically the investigation activities of the branch offices comprehending the conduct of investigations in and out of central office, involving complete and detailed investigations, when authorized, of any activity or person in the central office, branch offices, or field stations wherever located, within or without the continental limits of the United States, with authority vested in the central office Investigation Service to cover the entire scope of Veterans Administration activities involving irregularities in connection with administration, hospital or plant management, medical examination, construction, personnel, finance, supply, adjudication, guardianship, vocational training, rehabilitation and education, and any activity involving members of homes, patients, claimants or beneficiaries of the Veterans Administration.

(4) Inspects or investigates any public, quasi-public, private institution, agency, individual or group of individuals rendering or seeking to render services, either gratuitously or for hire, to the Veterans Administration or its beneficiaries.

(5) Compiles detailed, comprehensive reports upon all matters inspected or investigated for submission to the Administrator, assistant administrators, deputy administrators or directors of services of branch offices concerned.

(6) Establishes a follow-up system on the findings of inspection or investigation to insure effective implementation of the conclusions upon which recommendations of the services involved are predicated.

(7) Reviews and evaluates reports of inspection and investigation with respect to the over-all administration of veterans' activities, as applied to the central office and the branch office activities, disseminating essential findings to assistant administrators and deputy administrators for their information and use in studying the administration and supervision of their respective activities looking toward elimination of potential deficiencies, and adoption of measures for improvement of the service.

(8) Selects and trains inspector-investigators for assignment in central office.

(9) Maintains an Identification and Detection Service for the examination of handwriting, typewriting, questioned documents, together with examination, comparison, and classification of fingerprints and photographic work.

(10) Maintains contact and liaison with U. S. Secret Service, Federal Bureau of Investigation, Interdepartmental Committee on Employee Investigations, Military and Naval Intelligence, War and Navy Departments, and other governmental agencies on investigative matters of all kinds.

§ 01.3 *Organization of Office of Director of Public Relations*—(a) *The Director of Public Relations.* The Director of Public Relations will have jurisdiction over and be responsible for the proper conduct of the activities set forth herein to the Administrator. These activities include:

(1) Advising the Administrator on all public relations problems;

(2) The planning, development and execution of public relations programs and policies for the Veterans Administration;

(3) Coordination with all education, promotional and information programs of the Veterans Administration which have a bearing on public relations;

(4) Contacts with veterans' organizations, other governmental departments and all others on public relations problems.

(b) The Office of Director of Public Relations will consist of the Development Service, the News Service, the Radio Service, and the Visual Aids Service, the heads of which will be responsible to the Director.

(c) *Development Service.* The Development Service, under a Director, will conduct the following functions:

(1) Organizes and collaborates with the operating services in developing full public relations programs to meet specific needs of the Veterans Administration;

(2) Formulates procedures and policies for the operation of the Veterans Administration public relations;

(3) Analyzes and digests public opinion toward the Veterans Administration as reflected in all information media and makes recommendations to the Director for corrective or remedial measures;

(4) Plans, outlines and works out with the operating services such brochures and pamphlets as are necessary for the accomplishment of public relations programs:

(5) Does research necessary for the development of all public relations material to be presented by the operating services.

(d) *News Service.* The News Service, under a Director, will conduct the following functions:

(1) Collects, prepares and disseminates information about the Veterans Administration for newspapers, periodicals and trade papers;

(2) Develops and adapts original and revised techniques for the presentation of such material;

(3) Maintains contact with editors and correspondents of newspapers and periodicals both to place previously prepared material in these publications and to asist correspondents in gathering information about the Veterans Administration.

(e) *Radio Service.* The Radio Service, under a Director, will conduct the following functions:

(1) Develops and maintains contact with radio networks for the presentation of information about the Veterans Administration through the medium of radio;

(2) Develops methods and techniques for the most effective presentation of information through the various types of radio programs;

(3) Develops material for presentation of special veterans' radio programs;

(4) Advises and assists networks with veterans' material on other programs;

(5) Places Veterans Administration personalities on radio programs;

(6) Develops material for presentation of veterans' material on regional and local stations through the Field Service;

(7) Writes speeches for Veterans Administration personnel;

(8) Maintains and operates a speakers' bureau for the presentation of information to small groups through individual contacts.

(When television becomes a broad medium it will be handled on the same lines by this service.)

(f) *Visual Aids Service.*. The Visual Aids Service, under a Director, will conduct the following functions:

(1) Plans, develops and disseminates visual presentations of information about the Veterans Administration through still pictures, moving pictures, exhibits and the graphic arts;

(2) Maintains files of still and moving pictures and film strips;

(3) Plans, develops and produces or supervises the production of moving pictures and sound film strips on professional activities of the Veterans Administration;

(4) Operates a mat service for the dissemination of visual information to small publications;

(5) Plans, designs and supervises the construction and placement of exhibits of specific phases of Veterans Administration activities for conventions and large gatherings;

(6) Plans and develops posters, pictographs and other types of graphic arts in conjunction with public relations programs;

(7) Develops such visual aids as are necessary concerning activities within the Veterans Administration.

§ 01.4 *Organization of Office of Solicitor.* (a) The Solicitor is the adviser to the Administrator, staff members, and heads of operative agencies on all legal matters, and is responsible for the conduct of the activities set forth herein.

(b) The Office of Solicitor will consist of the Executive Office, the Legal Service, and the Guardianship Service, the heads of which will be responsible to the Solicitor, and will include a Deputy Solicitor and legal representatives detailed to the operative services.

(c) The Executive Secretary will conduct the following functions:

(1) Executive and administrative functions of the Office of Solicitor;

(2) Supervision of Law Library, including legal precedent files, digest of precedent decisions, and other files in the Office of Solicitor;

(3) Personnel, travel and budget matters, Office of Solicitor, and budget matters involved in the purchase and maintenance of law libraries in the Solicitor's office and the field offices.

(d) The Deputy Solicitor will act for the Solicitor on matters assigned.

(e) The legal representatives will serve as liaison with the operative services.

(f) The Legal Service, under an Associate Solicitor, will conduct the following functions:

(1) Rendering opinions on all legal matters presented to the Solicitor;

(2) Preparation or approval of submissions to the Attorney General and Comptroller General;

(3) Final disposition of claims for damages, and other claims, arising through the operation of Veterans' Administration activities;

(4) Cooperation with the Department of Justice in civil litigation involving either the Veterans' Administration, or its officials in their official capacity, and in criminal actions arising under veterans' laws;

(5) Recognition, suspension or disbarment of attorneys or agents practicing before the Veterans Administration;

(6) Technical supervision of legal work of Assistant Solicitors in the branch office, and through them, the legal and litigation—other than guardianship — responsibilities of the field offices.

(g) The Guardianship Service, under an Associate Solicitor, will conduct the following functions:

(1) General policy and technical direction of all guardianship affairs of the Veterans Administration, including litigation in the State Courts, guardianship matters in the foreign countries and the insular and territorial possessions of the United States, and cooperation with the Department of Justice in claims arising in guardianship cases;

(2) Technical supervision of guardianship supervisory functions of Assistant Solicitor's offices;

(3) Through the Assistant Solicitors:

(i) Technical supervision and training of field examiners;

(ii) (b) Technical supervision of all guardianship functions of Offices of Chief Attorneys;

(4) Correlation of State legislation affecting Veterans Administration.

§ 01.5 *Organization of Board of Veterans' Appeals*—(a) *The Chairman, Board of Veterans' Appeals.* The Chairman, Board of Veterans' Appeals, will have jurisdiction over and be responsible to the Administrator for the proper conduct of the activities set forth herein.

(b) *Office of Chairman.* The Office of Chairman will be responsible for the general conduct of the activities of the Board of Veterans' Appeals and will consist of Vice Chairman, Associate Members, Consultant Service, Appeals Operations Service, and Assistant to Chairman, the heads of which will be responsible to the Chairman, Board of Veterans' Appeals.

(c) *Vice Chairman.* The Vice Chairman will be responsible to the Chairman for the coordination and general supervision of activities of the Board of Veterans' Appeals and the performance of such other duties as may assigned.

(d) *Associate members.* (*Divided into sections.*) Responsible for determinations and decisions of all questions and motions involving claims in appeal status properly before the Board of Veterans' Appeals.

(e) *Consultant Service.* The Consultant Service, under a Director, will conduct the following functions: The efficient operation of the Medical and Legal Consultants, whose duty it is to engage in research and make recommendations in problems involving rating policy and practice, and the appropriate disposition of individual claims before the Board of Veterans' Appeals.

(f) *Appeals Operations Service.* The Appeals Operations Service, under a Director, will conduct the following functions: The efficient operation and conduct of the activities of the professional, clerical and stenographic personnel assigned to the Service, the arrangement of appeal hearings conducted by sections of the Board visiting field offices, the maintenance of an appeal docket, and such other duties as may be assigned.

(g) *Assistant to Chairman.* Responsible for the maintenance of a personal hearing docket and arrangements for appeal hearings held in the central office, for the contact work in the immediate office of the Chairman, and the performance of such other duties as may be assigned.

§ 01.6 *Organization of Office of Assistant Administrator for Claims*—(a) *The Assistant Administrator for Claims.* The Assistant Administrator for Claims will have jurisdiction over and be responsible for the proper conduct of the activities set forth herein to the Administrator.

(b) *The Office of Assistant Administrator for Claims.* The Office of Assistant Administrator for Claims will consist of the Veterans Claims Service, Dependents and Beneficiaries Claims Service, the Central Committee on Waivers and Forfeitures, and the Claims Statistics Service, the heads of which will be responsible to the Assistant Administrator.

(c) *Veterans Claims Service.* The Veterans Claims Service, under a Director, will conduct the following functions:

(1) Initiating and preparing proposed Administration issues affecting activities of the Service;

(2) The preparation and adjudication of disability claims for compensation, pension, and emergency officers retirement; the awarding of subsistence allowance and retirement pay under section 5, Public, No. 18, 76th Congress; the preparation of disability rating schedules or additions or amendments thereto as may from time to time be found necessary;

(3) The development, certification, and submission to the appellate agency of appeals from decisions rendered by the several agencies of the Veterans Claims Service.

(d) *Dependents and Beneficiaries Claims Service.* The Dependents and Beneficiaries Claims Service, under a Director, will conduct the following functions:

(1) Initiating and preparing proposed Administration issues affecting activities of the Service:

(2) Adjudicating all claims for compensation, pension, insurance, and adjusted compensation filed by dependents and beneficiaries of deceased veterans;

(3) Adjudicating claims for reimbursement for burial, funeral, and transportation expenses of deceased veterans;

(4) Adjudicating claims for accrued compensation, pension, retirement pay, subsistence allowance, and readjustment allowance.

(e) *Central Committee on Waivers and Forfeitures.* The Central Committee on Waivers and Forfeitures, under a Chairman, will conduct the following functions:

(1) Having original jurisdiction to consider and adjudicate all overpayment cases arising in central office and all similar cases arising in branch and regional offices wherein the overpayment involved is more than $300;

(2) Having jurisdiction over all cases involving overpayments in which there is requested an administrative review of the decisions of the Committees on Waivers in branch and regional offices;

(3) Having jurisdiction to determine questions of forfeiture of rights and benefits under various Acts wherein forfeiture of rights and benefits is prescribed as a penalty for fraud, misrepresentation, mutiny, treason, sabotage, or rendering assistance to an enemy of the United States or of its allies;

(4) Reviewing and modifying its decision upon submission of any evidence;

(5) Establishing and maintaining such uniform system of procedure as will best effectuate the purposes of Title 38, sections 33 and 453, U. S. Code; also section 609 of Public No. 801 and section 1 of Public No. 866, 76th Congress.

(f) *Claims Statistics Service.* The Claims Statistics Service, under a Director, will conduct the following functions:

(1) Planning, directing and conducting the statistical activities dealing with disability and death compensation, pension, insurance death claims, retirement, etc.;

(2) Developing and analyzing claims statistical data relative to present and future benefits to veterans, their dependents and beneficiaries.

§ 01.7 *Organization of the Office of Chief Medical Director.* Public Law 293, 79th Congress, authorized and established in the Veterans' Administration a Department of Medicine and Surgery under a Chief Medical Director. The law provides what the Department of Medicine and Surgery shall include, and also what the Office of the Chief Medical Director shall consist of.

The organization and functions of the Office of the Chief Medical Director have not been established but will be included in this part when finally approved.

§ 01.8 *Organization of Office of Assistant Administrator for Insurance*—(a) *The Assistant Administrator for Insurance.* The Assistant Administrator for Insurance will have jurisdiction over and be responsible for the proper conduct of the activities set forth herein to the Administrator. The activities will include:

(1) The general direction of the administration of all laws relating to insurance granted under the War Risk Insurance Act, as amended; the World War Veterans' Act, 1924, as amended; the National Service Life Insurance Act of 1940, as amended; Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, and the amendments thereto, and those provisions of the World War Adjusted Compensation Act applicable to the Veterans Administration excluding the loan provisions. Excepted from the foregoing functions is the adjudication of death claims and awarding or disallowing of death benefits.

(b) *The Office of Assistant Administrator for Insurance.* The Office of Assistant Administrator for Insurance will consist of the Executive Assistant, the Underwriting Service, the Disability Insurance Claims Service, the Actuarial Service, the Insurance Accounts Service, and the Conservation Service, the heads of which will be responsible to the Assistant Administrator.

(c) *Executive Assistant.* The Executive Assistant will act as general assistant and be responsible to the Assistant Administrator for the coordination and general supervision of insurance activities, including planning and research to develop the necessity and advisability of changes in laws, policies, procedures and organization. He will act as Assistant Administrator in the latter's absence.

(d) *Underwriting Service.* The Underwriting Service, under a Director, will conduct the following functions:

(1) Granting contracts of life and disability insurance under the authority of the War Risk Insurance Act, as amended, the World War Veterans' Act, 1924, as amended, laws pertaining to Naval Aviation Cadets, and the National Service Life Insurance Act of 1940, as amended;

(2) Determining the acceptability and sufficiency of all medical evidence submitted in connection with: (i) applications for new insurance under sections 310 and 311, World War Veterans' Act, as amended, and section 602, National Service Life Insurance Act of 1940, as amended; (ii) applications for reinstatement and change in plan of insurance ordering physical and mental examinations whenever deemed necessary in connection with any such application; selecting and designating qualified physicians to examine such applicants;

(3) Approving conversions and contract changes under insurance contracts such as changes in plan, effective date, age at issue, and requests for changes of beneficiary, optional settlement, reduction in amount of insurance, and reestablishing records after termination of total and permanent disability award;

(4) Authorizing adjustments and refunds in effecting issues, disapprovals, and contract changes;

(5) Making decisions and authorizing for payment vouchers payable from the Military and Naval Insurance Appropriation, the National Service Life Insurance Appropriation and from the United States Government Life Insurance Fund and National Service Life Insurance Fund, covering adjustments and refunds;

(6) Establishing records of War Risk (yearly renewable) term insurance, and maintaining premium records thereof;

(7) Issuing original and duplicate Adjusted Service Certificates under the World War Adjusted Compensation Act;

(8) Authorizing payment of Adjusted Service Credit to the veteran if amount due is $50 or less;

(9) Approving requests for change of beneficiary under Adjusted Service Certificates;

(10) Handling all matters relating to Marine and Seamen Insurance.

(e) *Disability Insurance Claims Service.* The Disability Insurance Claims Service, under a Director, will conduct the following functions:

(1) Making determinations of total or total permanent disability for insurance purposes and adjudicating all claims for disability benefits including waiver of premiums under contracts or policies of insurance issued or granted under laws administered by the Veterans Administration; awarding or disallowing benefits in such cases; issuing denials in disallowed cases;

(2) Reviewing cases in which such benefits including waiver of premiums have been allowed and determining the right to continuance thereof; terminating awards in cases wherein insured is found no longer totally or totally permanently disabled;

(3) Determining the question of mental competency or incompetency for the purpose of establishing insured's rights to waiver of payment of premiums on due date under subparagraph (c) of section 306, World War Veterans' Act, and making decisions thereon; determining from time to time upon basis of evidence received subsequent to granting of such waiver, the right of insured to continuance thereof;

(4) Determining if there was fraud in procurement or reinstatement of a contract of insurance or if a contract of insurance is contestable either before maturity of said contract or after maturity as a claim;

(5) Ordering physical and mental examinations whenever found necessary in connection with the functions of the Service;

(6) Making final decisions and authorizing for payment vouchers payable from

Military and Naval Insurance Appropriation and from United States Government Life Insurance Fund covering awards of total and permanent disability or total disability benefits under Yearly Renewable Term Insurance and United States Government Life Insurance;

(7) Conducting a review of the record and preparing recommendations on appeals taken from the original decision;

(8) Determining the liability of the United States and the United States Government Life Insurance Fund under contracts of United States Government Life Insurance that mature as total and permanent liability or death claims; determining the liability of the United States and the National Service Life Insurance Fund under contracts of National Service Life Insurance that mature as death claims, or where a waiver of premiums is granted by reason of the total disability of the insured; issuing certificates of liability and otherwise performing the duties under the provisions of section 302 of the World War Veterans' Act, 1924, and under section 607 of the National Service Life Insurance Act of 1940.

(f) *Actuarial Service.* The Actuarial Service, under a Director, will conduct the following functions:

(1) Making valuations, estimates and studies of the condition of the United States Government Life Insurance Fund and the National Service Life Insurance Fund, and of the appropriations and for other insurance purposes;

(2) Furnishing technical advice and instructions on all technical actuarial matters, calculating and preparing tables of values, dividends, interest factors, premium rates, etc., and making such special calculations in individual cases as may be required;

(3) Maintaining records and preparing reports and exhibits covering insurance in force, issues, terminations, claims, maturities, changes and such other records as are necessary for actuarial purposes;

(4) Preparing estimates relative to dividends on insurance and scheduling same for payment, deposit or credit to account, and maintaining record of dividends paid or deposited;

(5) Handling all matters relating to Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940;

(6) Making decisions and authorizing for payment vouchers payable from the United States Government Life Insurance Fund and National Service Life Insurance Fund covering dividends;

(7) Establishing and maintaining records for statistical purposes in those cases where a waiver of premiums is granted under National Service Life Insurance;

(8) Maintaining books on the United States Government Life Insurance Fund and the National Service Life Insurance Fund on accrual basis involving premium receipts, investments, cash surrenders, dividends, death claims, etc., and records showing investments on account of such trust funds;

(9) Punching cards on individual insurance accounts and tabulating same for control of such accounts.

(g) *Insurance Accounts Service.* The Insurance Accounts Service, under a Director, will conduct the following functions:

(1) Maintaining premium records on insurance accounts;

(2) Authorizing disposition of insurance premiums;

(3) Preparing annual inventory of premiums and total disability accounting records;

(4) Authorizing settlement on cash surrenders, matured endowments and refunds of premiums;

(5) Furnishing premium, loan and lien status on death and total or total permanent disability cases;

(6) Reporting lapsed insurance, effecting reinstatements, etc.;

(7) Authorizing policy loans and maintaining loan records;

(8) Issuance of premium notices and receipts, loan-interest notices, etc.;

(9) Furnishing data for authorizing dividends;

(10) Maintaining records of dividend deposits and authorizing dividend withdrawals;

(11) Maintaining addressograph plate file for all policies;

(12) Making calculations in individual cases as required;

(13) Receiving, accounting for and disposing of all moneys received in Central Office and the Branches thereof for the credit of the United States Government Life Insurance Fund and the National Service Life Insurance Fund.

(h) *Conservation Service.* The Conservation Service, under a Director, will conduct the following functions:

(1) Formulating policies, plans and procedures for and exercising general supervision over all activities of an insurance conservation program designed to encourage and assist veterans to retain National Service Life Insurance now in effect or to reinstate lapsed policies where possible.

(2) Establishing and maintaining contact with government activities, commercial insurance agencies and private organizations in connection with the Insurance Conservation Program.

(3) Analyzing and interpreting reports from field activities to determine the effectiveness of the Insurance Conservation Program and making any adjustments necessary to accomplish program objectives.

(4) Coordinating and cooperating with the Office of the Director of Public Relations, the Office of the Assistant Administrator for Contact and Services and the Office of the Director of Coordination and Planning in the preparation of informational and instructional material for field activities and dissemination to the public.

§ 01.9 *Organization of Office of Assistant Administrator for Vocational Rehabilitation and Education*—(a) *The Assistant Administrator for Vocational Rehabilitation and Education.* The Assistant Administrator for Vocational Rehabilitation and Education will have jurisdiction over and be responsible for the proper conduct of the activities set forth herein to the Administrator. These activities are:

(1) Administering and executing the provisions of Part VII, Veterans Regulation Numbered 1 (a), as amended (Public No. 16, 78th Congress, approved March 24, 1943), relating to determining the need for courses of vocational rehabilitation, vocational advisement and training into employment of disabled veterans of World War II to restore employability lost by reason of a service-incurred disability;

(2) Administering and executing the provisions of Part VIII, Veterans Regulation Numbered 1 (a), as amended (Public No. 346, 78th Congress, approved June 22, 1944), relating to determining eligibility for education or training and arranging for educational and vocational guidance of veterans declared eligible who desire such guidance;

(3) Administering and executing the provisions of Part VII and Part VIII, Veterans Regulation Numbered 1 (a), as amended, relating to the use of public or private institutions as vocational rehabilitation, educational or training facilities.

(b) *The office of Assistant Administrator for Vocational Rehabilitation and Education.* The Office of Assistant Administrator for Vocational Rehabilitation and Education will consist of the Executive Assistant, the Registration and Research Service, the Training Facilities Service, the Advisement and Guidance Service, and the Education and Training Service, the heads of which will be responsible to the Assistant Administrator.

(c) *Executive Assistant.* The Executive Assistant shall act as general assistant and shall be responsible to the Assistant Administrator for the coordination and general supervision of vocational rehabilitation and education activities. He shall act as the Assistant Administrator in the latter's absence.

(d) *Registration and Research Service.* The Registration and Research Service, under a Director, will conduct the following functions:

(1) Determining eligibility and the extent of entitlement to education or training benefits under Part VIII, including determinations of entitlement to subsistence allowance; conducting all activities pertaining to the registration by proper status of all veterans who make application for or pursue courses of vocational rehabilitation, education or training under Part VII and Part VIII; making studies, investigations, evaluations, analyses and reports inquiring into the rehabilitation of disabled persons and in respect to the need for general education and for trained personnel in the various crafts, trades and professions and maintaining liaison with other governmental agencies concerning matters of this nature. In discharging this responsibility this service will perform the following:

(i) Develop policies, prepare plans and standard practices and registration and research instructions and bulletins;

(ii) Analyze reports submitted by Branch Offices of central office and others and issue appropriate instructions for the purpose of improving registration and research service;

(iii) Initiate and carry out such other actions as may be deemed necessary to

insure that the responsibilities assigned to this service are carried out to the fullest extent;

(iv) Approve the designation of key personnel in the Registration and Research Divisions of the Branch Offices of central office and other designated key personnel; and

(v) Supervise the activities of the Registration and Research Divisions of the Branch Offices of Central Office.

(e) *Training Facilities Service.* The Training Facilities Service, under a Director, will conduct the following functions:

(1) Developing an adequate reservoir of training facilities consisting of schools, colleges, universities and training-on-the-job establishments from which the training officer may select a satisfactory training facility or training facilities for each individual disabled veteran who is in need of a course of vocational rehabilitation in order that there may be no delay on the part of a training officer in inducting a disabled veteran into training; securing from the appropriate agency of each State lists of the educational and training institutions which have been determined by the appropriate agency of the State as qualified and equipped to furnish education or training under Part VIII; approving additional educational and training institutions when necessary and in accordance with the approved policies of the Veterans Administration; making contracts and agreements with educational or training institutions under Part VII and when necessary under Part VIII. In discharging this responsibility this Service shall perform the following functions:

(i) Develop policies, prepare plans and standard practices and instructions and bulletins;

(ii) Analyze reports submitted by Branch Offices of Central Office and others and issue appropriate instructions for the purpose of improving relationship with educational and training institutions, including training-on-the-job establishments;

(iii) Initiate and carry out such other actions as may be necessary to insure that as many as possible of the best training facilities are obtained for training purposes under Part VII and so far as the law permits under Part VIII;

(iv) Approve the designation of key personnel in the Training Facilities Divisions of the Branch Offices of Central Office and other designated personnel; and

(v) Supervise the activities of the Training Facilities Divisions of the Branch Offices of Central Office.

(f) *Advisement and Guidance Service.* The Advisement and Guidance Service, under a Director, will conduct the following functions:

(1) Determining need for a course of vocational rehabilitation to restore the employability lost by reason of a service-incurred disability; aiding and guiding the disabled veteran eligible under Part VII in the election of a course of vocational rehabilitation to restore employability, and arranging for educational and vocational guidance to veterans eligible for education or training under Part VIII who desire such guidance. In discharging this responsibility this Service shall perform the following functions:

(i) Develop policies, prepare plans and standard practices and advisement and guidance instructions and bulletins;

(ii) Analyze reports submitted by Branch Offices of Central Office and others and issue appropriate instructions for the purpose of improving and expanding advisement and guidance service;

(iii) Initiate and carry out such other actions as may be deemed necessary to insure that the best aid and guidance is given to each veteran entitled to benefits under Part VII and Part VIII;

(iv) Approve the designation of key personnel in the Advisement and Guidance Divisions of the Branch Offices of Central Office and other designated key personnel; and

(v) Supervise the activities of the Advisement and Guidance Divisions of the Branch Offices of Central Office.

(g) *Education and Training Service.* The Education and Training Service, under a Director, will conduct the following functions:

(1) Prescribing the course of vocational rehabilitation to restore employability lost by reason of a service-incurred disability and preparation of training program; supervising the veteran while in training and determining when he has been rehabilitated; supervising the trainee who elects a course of education or training under Part VIII and approving changes of courses. In discharging this responsibility this Service shall perform the following functions:

(i) Develop policies, prepare plans and standard practices and education and training instructions and bulletins;

(ii) Analyze reports submitted by Branch Offices of Central Office and others and issue appropriate instructions for the purpose of improving education and training service;

(iii) Prepare rules and regulations as may be deemed necessary in order to promote good conduct and cooperation on the part of the trainee; prepare rules and regulations as may be deemed necessary for the granting of leave of absence of trainees and enrollees;

(iv) Initiate and carry out such other actions as may be deemed necessary to insure that the best course of training is provided for each disabled veteran entitled to or pursuing vocational rehabilitation and that the provisions of Part VIII concerning education or training are being complied with;

(v) Approve the designation of key personnel in the Education and Training Divisions of the Branch Office of Central Office and other designated key personnel; and

(vi) Supervise the activities of the Education and Training Divisions of the Branch Offices of Central Office.

§ 01.10 *Organization of Office of Assistant Administrator for Personnel.* (a) The Assistant Administrator for Personnel will have jurisdiction over and be responsible for the proper conduct of the activities set forth herein to the Administrator.

(b) The Office of Assistant Administrator for Personnel will consist of the Classification Service, Departmental Personnel Service, the Personnel Management and Planning Service, the Personnel Operations Service and the Personnel Relations and Training Service, the heads of which will be responsible to the Assistant Administrator.

The functions of the Services in the Office of the Assistant Administrator for Personnel will be included in this part when finally approved.

§ 01.11 *Organization of the Office of the Assistant Administrator for Construction, Supply and Real Estate*—(a) *Mission.* To effect formulation of and to assure efficient execution of the Construction, Supply and Real Estate programs of the VA.

(b) *Major functions.* The Office of the Assistant Administrator for Construction, Supply and Real Estate performs the following major functions:

(1) Develops and recommends plans, policies, and procedures relating to:

(i) Acquisition, construction, utilization, operation, maintenance, and disposition of all real property;

(ii) Acquisition, storage, distribution, maintenance and disposition of all supplies and equipment.

NOTE: Function 1 (i) and 1 (ii) cover custodial, janitorial, protective and labor pool services, including liaison with Public Buildings Administration concerning such services; the following are not included in 1 (i) and 1 (ii): operation of vehicle dispatch systems and performance of vehicle maintenance and repair normally performed by the operator of the vehicle; administrative operation of telephone and teletype systems, or liaison with commercial companies and other agencies on all matters of maintenance, installation and repair of telephone and teletype systems. These latter functions have been delegated to the office of the Assistant Administrator for Contact and Administrative Services.

(2) Takes such action as is necessary to assure that the VA construction, supply and real-estate programs are executed in accordance with established policies, procedures, and objectives.

(3) Exercises staff supervision over and provides technical staff assistance relative to execution of all activities of the Office of the Assistant Administrator for Construction, Supply and Real Estate which are assigned to branch offices.

(c) *Organization.* The Office of the Assistant Administrator for Construction, Supply and Real Estate consists of the Construction Service, the Supply Service and the Real Estate Service.

(1) *Construction service.* (i) Develops and recommends standards, policies and procedures for all activities relating to:

(*a*) The design and construction of hospitals, homes, administrative offices, and other structures;

(*b*) The maintenance and repair of all real property (including hospitals, homes, administrative offices, grounds, roadways and cemeteries), the administration of all janitorial, custodial, protective and labor pool activities when not supplied by Public Buildings Administration or other agencies, and liaison with

such agencies concerning these functions and the maintenance and repair of motor-transportation equipment.

(c) The maintenance, repair and engineering operation of utility systems (including water supply, sewage disposal, electrical, radio, heating, ventilating, air-conditioning, gas, refrigeration, irrigation and drainage systems and VA-owned telephone systems), elevators, laundries, railroad equipment, heavy-duty equipment (mechanical), fire-fighting equipment, farms and dairies at hospitals, homes and administrative offices. This does not include administrative operation of telephone and teletype systems nor liaison with commercial companies and other agencies on matters of maintenance, installation and repair of telephone and teletype systems.

(ii) Initiates necessary action to assure that the VA construction program is executed in accordance with established policies, procedures, and objectives.

(iii) Serves as point of contact with the Washington level of concerned Government departments and agencies relative to activities of the Construction Service.

(iv) Exercises staff supervision over and provides assistance relative to execution of all activities of the Construction Service which are assigned to branch offices.

(2) *Supply service.* (i) Develops and recommends standards, policies, and procedures for all activities relating to:

(a) The compilation and analysis of supply and equipment requirements; the processing of supply, equipment and service requisitions; the maintenance of stock control and property records; the distribution of supplies and equipment;

(b) The purchase of services, supplies, and equipment; the standardization of items of supply and equipment; the making and termination of service and purchase contracts; the use of common carrier for transportation of supplies, equipment and household goods; the acquisition of required supplies and equipment from available surplus stocks outside the VA; the disposition of all supplies and equipment declared surplus to VA needs, mortuary operations; and

(c) The storage and materials handling program; preservation and/or maintenance of equipment and suppplies procured with funds allocated to the Supply Service and all other supplies and equipment which are stored by the VA.

(ii) Effects procurement of all standard stock items.

(iii) Operates the VA Supply Depots.

(iv) Effects procurement, storage, and issue of supplies and equipment, and the repair and fabrication of office furniture and equipment for the central office.

(v) Initiates necessary action to assure that the VA supply program is executed in accordance with established policies, procedures, and objectives.

(vi) Serves as point of contact with the Washington level of concerned Government departments and agencies relative to activities of the Supply Service.

(vii) Exercises staff supervision over and provides technical staff assistance relative to execution of all activities of the Supply Service which are assigned to branch offices.

(3) *Real estate service.* (i) Develops and recommends standards, policies and procedures for all activities relating to the acquisition, utilization and disposition of real property.

(ii) Approves all acquisition of fee interest in real property by purchase, condemnation, donation, exchange or transfer, including condemnation of leasehold interests, and disposition of such property.

(iii) Maintains official consolidated real property record of the VA.

(iv) Initiates necessary action to assure that the VA real estate program is executed in accordance with established policies, procedures, and objectives.

(v) Serves as point of contact with the Washington level of concerned Government departments and agencies relative to activities of the Real Estate Service.

(vi) Exercises staff supervision over and provides technical staff assistance relative to the execution of all activities of the Real Estate Service which are assigned to the branch offices.

§ 01.12 *Organization of Office of Assistant Administrator for Contact and Administrative Services*—(a) *Mission.* To furnish advice and assistance to veterans in preparing claims under the jurisdiction of the VA and to provide necessary administrative services for the organizational elements of the VA.

(b) *Major functions.* (1) Formulates, recommends and executes general policies and procedures in the Central Office, for:

(i) All contact activities;

(ii) Records management program;

(iii) Procurement, fabrication and distribution of all duplicated and printed matter for VA;

(iv) Communications;

(v) Travel.

(2) Administers, controls and supervises all general administrative activities for the VA in Central Office, such as: motor transportation, both truck and passenger; dictograph; telephone (including leased wire); teletype, etc.

(3) Maintains central master files not specifically assigned to operating services.

(4) Within the limits and in the manner prescribed by the Administrator supervises in a staff capacity the functions enumerated in (1), (2) and (3) above, in the branch offices and field stations.

(c) *Organization.* The Office of the Assistant Administrator for Contact and Administrative Services consists of the Contact Service and the Administrative Service.

(1) *Contact service.* (i) Administers and controls the contact program and activities in the Central Office pertaining to furnishing assistance and advice to veterans, their dependents and beneficiaries, and their recognized representatives, in the preparation, development and presentation of claims under the laws administered by the VA;

(ii) Provides general information concerning activities of all Government departments pertaining to veterans;

(iii) Develops and recommends policies applicable to all Contact activities; prepares procedures to implement approved policies;

(iv) Supervises the Central Office contact personnel operating at Army Separation Centers and comparable Navy installations;

(v) Maintains liaison with the War and Navy Departments, and other Government agencies pertaining to matters involving contact activities; maintains liaison with the American Red Cross and veterans' and civic organizations on matters pertinent to rights and benefits of veterans under laws administered by the VA.

(vi) In collaboration with the Office of the Assistant Administrator for Personnel, supervises the training program for employees performing the functions of Contact Service in Central Office.

(2) *Administrative service.* (i) In collaboration with the assistant administrator or comparable official concerned, develops, coordinates and recommends broad records management policies and programs for the entire VA, and in connection therewith:

(a) Prepares general directives on basic records management principles for observance of all concerned.

(b) Inventories, analyzes and evaluates all centralized records of the VA to ascertain usefulness and current value, historical interest and permanent value.

(c) Recommends policies and programs for the retirement and disposal of all records. Prepares schedules, supervises and maintains records on this disposal program by the following methods:

(*i*) Micro-photography;

(*ii*) Retention indefinitely in active files;

(*iii*) Transfer to Records Depository or Records Center for operation as inactive files;

(*iv*) Transfer to storage;

(*v*) Transfer to National Archives;

(*vi*) Destruction.

(d) Operates and maintains all centralized records and files of the VA, including all veterans' numbered files and indices, un-numbered veterans' files, and all general administrative, policy and procedure, investigation, commercial and inactive personnel files; but excluding those specifically designated for maintenance by operating services.

(e) Maintains liaison with the War Department (including maintenance of representatives at the War Department Records Center, St. Louis, Missouri), the Navy Department, Marine Corps, Coast Guard, Selective Service System and other agencies, Federal and State, to develop joint interdepartmental records programs, policies and procedures as required by joint use or need for records. Has responsibility for transfer of all official records from these organizations to the VA.

(f) Maintains liaison with National Archives on records disposal and destruction policies, transfer of all VA records to and from the National Archives and all matters pertaining to National Archives Council, except those relating to the Federal Register.

(ii) Develops and recommends printing and binding policies and procedures

for the VA and in connection therewith:

(*a*) Manages, controls and supervises the program for the procurement, storage, fabrication and distribution of all printed and duplicated matter for the VA in the Central Office.

(*b*) Prepares individual printing specifications, approves make up, illustrations, and typography of all Central Office VA publications, except press releases.

(*c*) Maintains liaison with the Government Printing Office (the Public Printer), and with the Joint Committee on Printing of the Congress, for the purpose of assuring the faithful execution of the laws and policies affecting the printing and duplicating activities of governmental establishments, and for the purpose of maintaining good working relationships with the Government Printing Office with reference to production problems to assure that deliveries on orders will be integrated with administrative deadlines for distribution of printed matter, and proper and timely flow of printed matter be assured to enable compliance by the VA with Acts of Congress.

(*d*) Maintains liaison with the Interdepartmental Committee on Printing and Processing, and with other agencies on matters relating to the printing, processing and distribution functions of the VA.

(*e*) Advises all Central Office services and divisions and branch offices on technical printing matters.

(iii) Develops and recommends communications poilicies and programs for the VA in the Central Office, and in connection therewith, performs the following functions:

(*a*) Receives and dispatches all communications (including regular mail, registered and insured mail, special delivery, telegram, parcel post, etc.) to and from Central Office, including responsibility for the handling of monies received; has administrative control of special and Congressional mail; operates the inter-office mail collection and delivery service for all divisions and services of Central Office, and handles all translation work of the VA.

(*b*) Directs and supervises administrative activities in Central Office in connection with telephone service, switchboards, dictographs, leased wire service, teletype service, etc., including liaison with commercial companies and other agencies outside the VA on all matters of maintenance, installation and repair of such equipment.

(*c*) Develops and recommends plans for extension of special telecommunication services between field installations and to and from Central Office, and insures that the most economical means of wire communication are utilized.

(*d*) Prepares and issues the VA telephone directory and operates the telephone information service.

(*e*) Makes special studies and reports and establishes standards for all communication services throughout the VA.

(iv) Develops and recommends policies, prepares procedures and exercises general supervision at the Central Office over all activities which involve use of commercial transportation facilities by VA employees who are traveling on official business; and in connection therewith:

(*a*) Administers all applicable regulations pertaining to employee and beneficiary travel.

(*b*) Obtains ship, rail, bus and air reservations and tickets, including passports and visas for Central Office employees traveling on official business.

(*c*) Establishes and maintains liaison with other departments and agencies such as the Interstate Commerce Commission, Federal Traffic Board, General Accounting Office, etc., relative to passenger rates, routes, travel conditions, or other information necessary to insure utilization of the most efficient commercial passenger transportation service; and with the State Department reative to the handling of passports, visas, military permits, or other documents, and information on travel conditions and requirements (such as inoculations, etc.) for employees who are to travel in insular possessions or foreign countries.

(*d*) Performs important liaison and developmental work in establishing contacts with and friendly working relationships between the VA and railroads, airlines, ship lines, etc., to facilitate obtaining accommodations for VA employees traveling on official business.

(*e*) Secures, maintains accountability for, and issues or effects distribution of transportation requests for official travel of VA employees at the Central Office.

(*f*) Provides register service for personnel of the VA arriving in or departing from Washington on official business.

(v) Performs general administrative service functions for all activities of Central Office and thereby:

(*a*) Exercises authority and discretion as to proper application of the VA Seal to official papers which meet legal and regulatory requirements.

(b) Controls and directs Central Office motor transportation service, including such maintenance of vehicles as is normally performed by the operator, both passenger car service and the scheduling and management of the truck collection and delivery service, and maintains cost analysis records therefor.

(*c*) Directs and supervises activities in connection with the issuance of and accountability for car tokens.

(*d*) Prepares budget estimates and authorizations obligating funds allocated for postage, telegraph service, telephone service, printing and binding, and beneficiary travel; maintains records of expenditures, furnishes individual estimates as to allotments needed for the service to be rendered (telegraphic, telephone, teletype, parcel post, etc.); prepares and/or recommends any necessary vouchers covering payment for such services.

(*e*) In collaboration with the Office of the Assistant Administrator for Personnel, handles the employee on-the-job training program for employees engaged in performing the functions of the Administrative Service.

(vi) Exercises staff supervision for the Administrator in branch offices over all auxiliary administrative services (as outlined above) which are performed in branch offices.

§ 01.13 *Organization of Office of Assistant Administrator for Finance*—(a) *The Assistant Administrator for Finance.* The Assistant Administrator for Finance will have jurisdiction over and be responsible for the proper conduct of the activities set forth herein to the Administrator.

(b) *The Office of Assistant Administrator for Finance.* The Office of Assistant Administrator for Finance will consist of the Payees Accounts Service, the Control Accounts, Finance Field Operations Service, the Loan Guarantee Service, and the Readjustment Allowance Service, the heads of which will be responsible to the Assistant Administrator. There will be on the staff of the Assistant Administrator an Executive Assistant who will assist the Assistant Administrator and in his absence serve as Acting Assistant Administrator.

(c) *Payees Accounts Service.* The Payees Accounts Service, under a Director, will conduct the following functions:

(1) Examining and certifying or approving miscellaneous vouchers payable in Central Office;

(2) Preparing and certifying vouchers and maintaining individual payees accounts covering compensation, pension, insurance, subsistence allowance and miscellaneous benefits;

(3) Maintaining alphabetical index of payees receiving pension, compensation, insurance, subsistence allowance, and miscellaneous benefits;

(4) Maintaining chronological index of payees as a control for future changes of rates or discontinuances;

(5) Maintaining statistical records as to number of pensioners and rates paid;

(6) Maintaining individual salary records of and preparing pay rolls for Central Office employees;

(7) Preparing pay rolls and developing claims for accrued salary and retirement deductions; maintaining employees' records showing fiscal year retirement deductions; preparing and submitting to Civil Service Commission reports of retirement and fund transactions;

(8) Examining and certifying for payment claims for life insurance premiums and interest guaranteed under the Soldiers' and Sailors' Civil Relief Act of 1940, as amended;

(9) Submitting overpaid cases to Central Committee on Waivers and Forfeitures and effecting settlements in accordance with decisions rendered;

(10) Maintaining records of amounts due the Veterans Administration for other than insurance purposes and effecting collection thereof;

(11) Reporting uncollectible indebtedness to the General Accounting Office;

(12) Disposing of personal funds of patients discharged without guardians and of personal funds and effects left at field stations by patients and members;

(13) Developing evidence in connection with claims on asset checks under section 12, Public No. 144, 78th Congress;

(14) Examining and transmitting contracts to General Accounting Office;

(15) Reconciling accounts of former Veterans Administration Disbursing Officers; assembling and transmitting data

on suspended or disallowed items of accounts of Disbursing Officers, except for Adjusted Compensation;

(16) Advising Finance Officers at field stations concerning procedure and disposing of individual vouchers or claims referred to Central Office by such officers.

(d) *Control Accounts Service.* The Control Accounts Service, under a Director, will conduct the following functions:

(1) Maintaining control accounts, showing condition of the various appropriations and trust funds;

(2) Preparing requisitions for advances of funds to Chief Disbursing Officer, Treasury Department;

(3) Administering payment provisions of the Adjusted Compensation Act, and the Adjusted Compensation Payment Act, 1936; certifying payments effected pursuant to the Acts cited and maintaining related individual veterans' accounts; maintaining custody of notes and certificates;

(4) Preparing reports covering financial activities of the Veterans Administration;

(5) Advising Central Office organization units and field stations as to expense distribution and classification of accounts;

(6) Analyzing and coding voucher payments and preparing statements of disbursements according to purposes for Central Office and each field station;

(7) Administrative examination of Disbursing Officers' accounts;

(8) Maintaining accounts under the budget accounting plan;

(9) Drafting and installation of procedures covering the maintenance of appropriation and budget control accounts;

(10) Approving and recording surety bonds of employees;

(11) Maintaining control accounts reflecting all benefits received by, or paid for individual veterans pursuant to the provisions of the Servicemen's Readjustment Act of 1944;

(12) Certifying amounts available for guaranty of loans for homes, farms and business properties; reporting contingent liabilities.

(e) *Finance Field Operations Service.* The Finance Field Operations Service, under a Director, will conduct the following functions:

(1) Administration of a field operations program to assure that finance activities of the Branch Offices are conducted in a uniform manner and in compliance with prescribed policies and procedures;

(2) Conducting surveys and audits as required for supervision purposes and initiating indicated remedial action;

(3) Developing and formulating instructions prescribing finance policies, methods and procedures and effecting any necessary coordination with other Services and the Division of Disbursement, Treasury Department;

(4) Processing reassignments of finance officers and assistants in transfers between Branch Offices, when necessary;

(5) Preparing reports and recommendations regarding proposed regulations, instructions and other V. A. issues originated by other officers of Central Office;

(6) Reviewing proposed legnslation, obtaining reports from other Services, when needed, and preparing reports and recommendations for the Assistant Administrator.

(f) *Loan Guarantee Service.* The Loan Guarantee Service, under a Director, will conduct the following functions:

(1) Initiating and developing such rules, regulations, procedures, and policies as may be necessary to carry into effect the provisions of Title III of the Servicemen's Readjustment Act of 1944;

(2) Coordinating the Loan Guarantee activities conducted throughout the country in the Regional Offices of the Administration with the leading agencies, other designated Government agencies, Federal, State or County, and the Central Office;

(3) Maintenance of control records and such reports as are from time to time required of the Regional Offices;

(4) Advising field stations, lenders and veterans as to procedures and the application of regulations;

(5) Developing and maintaining for use of all offices lists of approved appraisers, credit agencies, title companies, abstract attorneys, etc.;

(6) Issuing instructions to field stations on controversial or questionable points submitted for advice or decision;

(7) Review of and determination as to action to be taken in connection with cases which are contested or appealed by veteran or lender.

(g) *Readjustment Allowance Service.* The Readjustment Allowance Service, under a Director, will conduct the following functions:

(1) Initiating and developing such rules, regulations, procedures, and policies as may be necessary to carry into effect the provisions of Title V of the Servicemen's Readjustment Act of 1944;

(2) Coordinating the readjustment allowance activities conducted throughout the United States by State Unemployment Compensation Agencies, including Alaska, Hawaii, and the District of Columbia;

(3) Supervising the activities of the Readjustment Allowance Agents located at each central office of State Agencies;

(4) Supervising the activities of the Readjustment Allowance Offices establisted for the purpose of direct administration of Title V of the act on a comparable basis to State unemployment compensation administration;

(5) Reviewing all appeals from decisions of Appeals Referees or tribunals at State levels, and decisions of Readjustment Allowance Agents on second appeal and preparing interpretative materials, based upon such decisions, for the uniform guildance of Readjustment Allowance Agents;

(6) Maintaining interpretative services on highly technical operating problems in the application of the law and regulations in order that interpretations may be uniformly applied by all cooperating Unemployment Compensation and Readjustment Allowance Agencies;

(7) Maintaining control records and reports from State Agencies;

(8) Compiling reports to currently reflect trends in load by States for administrative purposes;

(9) Issuing instructions to State Agencies and Readjustment Allowance Agents on controversial or questionable points submitted for decision;

(10) Reviewing appeals made from decisions of the Readjustment Allowance Agents.

§ 01.14 *Organization of Office of Director of Special Services*—(a) *The Director of Special Services.* The Director of Special Services has jurisdiction over and is responsible to the Administrator for the proper conduct of the activities set forth herein.

(b) *Major functions.* The Office of the Director of Special Services performs the following functions:

(1) Assists the Administrator of Veterans Affairs, the Deputy Administrators of branch offices, and managers of field stations in developing and maintaining the well-being of hospital patients, home members, employees and other persons through the medium of Special Services. In carrying out his mission, the Director of Special Services will work in coordination with the medical staff.

(2) Formulates and recommends polices and procedures for and directs the operations of the Conteen, Recreation and Entertainment, Athletic, Fiscal and Administrative, Chaplaincy and Library Services.

(3) Develops and conducts recreation, entertainment and athletic activities for employees at central office, branch offices, regional offices, hospitals and homes. The extent of recreation, entertainment and athletic activities for employees at hospitals and homes will be determined by, and the programs will be conducted by, Special Services. In collaboration with the Office of Personnel, determination will be reached of the need for and the extent of recreation, entertainment and athletic programs for employees at central office, branch offices and regional offices. The recreation, entertainment and athletic programs for employees at central office, branch offices and regional offices will be conducted by Special Services.

(4) Formulates and issues directives to effectuate plans, policies, and procedures covering all Special Services.

(5) Maintains liaison with welfare organizations, such as the American Red Cross and the United Service Organization, in matters pertaining to Special Services and develops policy in regard to maintenance of such liaison.

(6) Promulgates policy for the operation of transient lodging for veterans and others at field stations.

(7) Develops policy, directs and operates programs in collaboration with Assistant Adminitrator for Personnel, for the orientation and training of Special Services personnel.

(8) Allocates to branch offices nonappropriated funds for Special Services activities on the basis of developed needs.

(c) *Organization.* The Office of the Director of Special Services consists of the Canteen, Recreation and Entertainment, Athletic, Fiscal and Ad-

ministrative, Chaplaincy and Library Services.

(d) *Canteen Service.* The Canteen Service, under a Director, will conduct the following functions:

(1) Determines and supervises policies and procedures for the efficient operation of the canteen services.

(2) Determines and promulgates regulations to effectuate policies, plans, and procedures and directs and supervises all matters pertaining to canteens.

(3) Establishes standardized plans and procedures for the organization and operation of the Canteen Service.

(4) Prepares budget estimates and arranges with Fiscal and Administrative Service, Special Services, for the procurement and allocation of equipment necessary to carry out the canteen program.

(5) Maintains over-all supervision of the Canteen Service and develops and operates, in collaboration with Assistant Administrator for Personnel, training programs for Canteen Service personnel.

(e) *Recreation and Entertainment Service.* The Recreation and Entertainment Service, under a Director, will conduct the following functions:

(1) Determines policies, procedures, and plans for recreation and entertainment activities and supervises the activities of the service.

(2) Develops the program for entertainment and recreation for hospital patients, home members, employees and other persons through the media of music and stage shows, professional and amateur, including veteran participation, social activities, motion picture shows, and other recreation and entertainment programs.

(3) Develops and conducts recreation and entertainment activities for employees at central office, branch offices, regional offices, hospitals and homes. The extent of recreation and entertainment activities for employees at hospitals and homes will be determined by, and the programs will be conducted by, Special Services. In collaboration with the Office of Personnel, determination will be reached of the need for and the extent of recreation and entertainment programs for employees at central office, branch offices and regional offices. The recreation and entertainment programs for employees at central office, branch offices and regional offices will be conducted by Special Services.

(4) Provides a secretariat for the Board of Motion Picture Review; arranges for the procurement of films, entertainers, and shows.

(5) Prepares policies, procedures, and plans for over-all supervision and develops and operates training programs for Recreation and Entertainment personnel in collaboration with the Assistant Administrator for Personnel.

(6) Prepares a budget estimate and arranges with Fiscal and Administrative Service, Special Services, for the procurement and allocation of material and equipment necessary to carry out the entertainment and recreation programs.

(7) Develops policy for the utilization of recreation areas including recreation and entertainment activities in wards and day rooms in connection with the activities of the service.

(8) Maintains liaison with professional, social, and civic organizations in its field of activity.

(9) Promulgates policies and plans for the operation of handicraft activities. (Medical Service operates handicraft activities in hospitals and will incorporate leisure time activities within its program. Special Services operates handicraft program in homes.)

(f) *Athletic Service.* The Athletic Service, under a Director, will conduct the following functions:

(1) Determines policies and procedures governing patient participation in the athletic programs.

(2) Develops appropriate athletic programs for hospital patients, home members, and employees.

(3) Develops and conducts athletic activities for employees at central office, branch offices, regional offices, hospitals and homes. The extent of athletic activities for employees at hospitals and homes will be determined by, and the programs will be conducted by, Special Services. In collaboration with the Office of Personnel, determination will be reached of the need for and the extent of athletic programs for employees at central office, branch offices and regional offices. The athletic programs for employees at central office, branch offices and regional offices will be conducted by Special Services.

(4) Prepares budget estimates and arranges with Fiscal and Administrative Service, Special Services, for the procurement and allocation of material and equipment necessary to carry out the athletic program.

(5) Prepares policies, procedures, and plans for over-all supervision and develops and operates training programs for Athletic personnel, in collaboration with the Assistant Administrator for Personnel.

(6) Maintains liaison with athletic and physical education organizations and athletic directors, coaches, and physical educators for the purpose of advising and consulting on new methods and procedures.

(g) *Fiscal and Administrative Service.* The Fiscal and Administrative Service, under a Director, will conduct the following functions:

(1) Maintains suitable coordination for fiscal activities, for the selection of personnel, and for the purchase and distribution of supplies for the Director of Special Services.

(2) Consolidates, coordinates, and justifies the appropriated budget requests, and assists in the suballocation of the allotment; supervises the expenditures of the appropriation, programming and procurement with the Supply Service, Construction and Supply.

(3) Analyzes expenditures of welfare monies authorized for Special Services activities.

(4) Coordinates the supply requirements of Special Services and arranges for the delivery of the prescribed quantities of equipment and material.

(5) Maintains inspection and over-all supervision of activities of the Fiscal and Administrative Service.

(6) Provides general office service to the Office of Special Services.

(h) *Chaplaincy Service.* The Chaplaincy Service, under a Director, will conduct the following functions:

(1) Develops policies, procedures, and plans relating to the Chaplaincy Service throughout the VA.

(2) Develops a program for chaplaincy service including all ministerial functions relating to the spiritual welfare and religious guidance of hospital patients, home members, and employees.

(3) Procures, trains, and in cooperation with branch chaplains, places all chaplains; maintains over-all supervision of chaplaincy activities.

(4) Prepares budget estimates and arranges with Fiscal and Administrative Service, Special Services, for the procurement and allocation of ecclesiastical equipment and supplies necessary to carry out the chaplaincy program.

(5) Maintains liaison with all denominational endorsing agencies to assist in the procurement of chaplains and for other purposes; and with ecclesiastical, civic, and patriotic organizations in its field of activity.

(i) *Library Service.* The Library Service, under a Director, will conduct the following functions:

(1) Provides an adequate library service, in hospitals and homes, for the medical staff, patients, domiciliary members and employees; provides a Medical Library in the central office and in each branch office.

(2) Determines and administers policies and methods governing the organization of and formulates operating plans for, all libraries under this Service.

(3) Assists in the procurement and training of library personnel; maintains inspection and over-all supervision of the library activities.

(4) Prepares budget requests and supervises Library Service expenditures; maintains liaison at all levels of VA with medical staff for the purpose of arranging for the selection and purchase of desirable publications; arranges for the procurement and distribution of all types of acceptable books, magazines, and periodicals.

(5) Reviews books, magazines and periodicals on various subjects and prepares lists of acceptable books, magazines, and periodicals for specialized use in VA libraries.

(6) Maintains liaison with other library services and libraries.

§ 01.15 *Organization of Office of Insular and Foreign Relations.* (a) The Director of Insular and Foreign Relations will have jurisdiction over and be responsible to the Administrator for the proper conduct of the activities set forth herein. These activities include:

(1) Supervision of the activities of the Veterans Administration program in the Philippine Islands and in foreign countries.

(2) Coordination with the Assistant Administrators and comparable officials of all matters pertaining to the administration of Veterans Administration benefits in the Philippine Islands and in foreign countries.

(3) Maintenance of liaison with the State Department on all matters relating

to Veterans Administration activities in foreign countries.

(4) Establishment and supervision in cooperation with the State Department of such liaison offices or representatives in foreign countries as may be necessary to carry out efficiently the Veterans Administration program.

(5) Maintenance of liaison between the Veterans Administration office in the Philippine Islands and all offices and activities of central office and responsibility to the Administrator for the general supervision and effective performance of the Veterans Administration office in the Philippine Islands.

(b) The office of the Director will consist of the Director, the Assistant Director and such other personnel as may be necessary to perform effectively the duties prescribed herein. The Assistant Director acts as general assistant to the Director and is responsible to the Director for the coordination and general supervision of the activities of the Office of Insular and Foreign Relations. He acts as Director in the latter's absence.

§ 01.16 *Organization of Office of Assistant Administrator for Legislation*—(a) *The Assistant Administrator for Legislation.* The Assistant Administrator for Legislation will have jurisdiction over and be responsible to the Administrator for the proper conduct of the activities set forth herein.

(1) General supervision over, and coordination of, all matters pertaining to proposed legislation and Executive Orders affecting the Veterans Administration;

(2) Represent the Administrator in Congressional Committee and other hearings, and in interdepartmental conferences on legislative matters;

(3) Preparation of compilations of Federal laws pertaining to veterans, annotated, indexed, and cross-referenced, now provided for under Public Res. 117, 74th Congress, June 20, 1936 (49 Stat. 1569) or otherwise authorized, and preparation of pamphlets, resumes, releases and documents pertaining to veterans' legislation;

(4) Maintain liaison with Senate and House Committees and contact activities in both houses of Congress;

(5) Maintain legislative historical records and service therefrom.

(b) *The Office of Assistant Administrator for Legislation.* The Office of Assistant Administrator for Legislation will consist of the Office of the Executive Assistant, Legislative Projects Services and the Congressional Liaison Service.

(c) *Executive Assistant.* Under the general direction of the Assistant Administrator for Legislation. The Executive Assistant shall collaborate and participate with the Assistant Administrator in effectuating and administering all the services and projects of the office of the Assistant Administrator for Legislation. As the full operating assistant, he shall be responsible for the discharge of all responsibilities and functions lodged in the position of Assistant Administrator for Legislation.

(d) *Legislative Projects Services.* The Legislative Projects Services under Directors (not exceeding three) will conduct the following functions:

(1) Prepare and coordinate reports to Committees of Congress, the President, Bureau of the Budget, and other executive agencies;

(2) Draft proposed legislation, executive orders and prepare justifications therefor;

(3) Prepare testimony and supporting data;

(4) Conduct studies on proposed legislation;

(5) Prepare publications described generally in this order;

(6) When directed will attend Congressional hearings and meetings and Congressional or interdepartmental conferences on proposed legislation.

(e) *Congressional Liaison Service.* The Congressional Liaison Service under a Director will conduct the following functions:

(1) Administration, control, and supervision of Congressional liaison activities in the United States Senate and House of Representatives, pertaining to furnishing assistance and advice to Members of the Congress and their secretarial staffs, veterans, their dependents, and beneficiaries referred to the Congressional Contact officers by Members of the Congress, development and representation of claims under the laws administered by the Veterans Administration;

(2) Maintain liaison at the Capitol and Senate and House Office Buildings as directed by the Administrator and Assistant Administrator for Legislation, to keep the Administrator and his principal assistants informed of matters of importance to the Veterans Administration;

(3) Perform special assignments for the Administrator or Assistant Administrator involving related functions.

Subpart B—Branch Offices

§ 01.30 *Branch Offices of Central Office.* Branch offices of Ceneral Office, under the charge of Deputy Administrators who are directly responsible to the Administrator for the proper conduct of the offices have been established as follows:

No. 1. Boston, Mass.
No. 2. New York, N. Y.
No. 3. Philadelphia, Pa.
No. 4. Richmond, Va.
No. 5. Atlanta, Ga.
No. 6. Columbus, Ohio.
No. 7. Chicago, Ill.
No. 8. St. Paul, Minn.
No. 9. St. Louis, Mo.
No. 10. Dallas, Tex.
No. 11. Seattle, Wash.
No. 12. San Francisco, Calif.
No. 13. Denver, Colo.

§ 01.31 *Branch office organization of the Coordination and Planning Service*—(a) *General.* (1) This establishes the branch office functions and organization of the Coordination and Planning Service.

(2) This Service is under a Director who is responsible to the Deputy Administrator for the proper conduct of all activities under his charge.

(3) An Assistant Director acts as general assistant and is responsible to the Director for the coordination and general supervision of the activities of the Service. He acts as the Director in the latter's absence.

(4) A chief of each division in the Service is responsible to the Director for the performance of the functions assigned to his division.

(b) *Mission.* (1) To carry out the coordination and planning program of the Veterans Administration in the area under the jurisdiction of the branch office.

(2) To recommend changes in policy, organization, procedure, and methods in situations requiring corrective action.

(3) To formulate current operating and long-range program plans based on current and future objectives and assumptions and to convert such objectives into operating plans.

(c) *Major functions.* The Coordination and Planning Service performs the following functions:

(1) Establishes programs for the examination, review, simplification, and standardization of all administrative practices and procedures to insure a maximum of economy and efficiency throughout.

(2) Administers work simplification and work measurement programs to improve and compare performance of all elements of the organization.

(3) Formulates local policies and procedures relative to preparation of budget estimates.

(4) Operates an employees' suggestion program.

(5) Operates a statistical and research program designed to gather, analyze, and evaluate data which can be measured quantatively, to evaluate the efficiency of the existing operations of the organization.

(6) Develops and operates a system of recurring reports designed to keep the Deputy Administrator and the heads of the various organizational elements advised of the progress of existing operations as a basis for improved management and service.

(7) Reviews and analyzes the organization structure to insure proper functional relationship within all organization elements, and, where appropriate, initiates action to institute organizational changes and improvements.

(8) Improves all forms and publications and establishes standards for their essentiality, design, specification, reproduction, and distribution.

(9) Compiles historical data.

(10) Maintains continuous research in new management practices and initiates programs and disseminates information to improve the over-all management within the organization.

(11) Inspects and investigates operations and activities to insure that established policies, procedures, and practices are effectively administered throughout, and institutes steps to insure corrective action as required.

(d) *Organization.* The Office of the Director of Coordination and Planning Service consists of the Research Division, the Administrative Management Division, the Budget and Planning Division, and the Inspection and Investigation Division.

(1) *Research Division.* (i) Initiates, plans, and accomplishes programs of research and statistical reporting and coordinates these programs with corresponding programs initiated by the central office.

(ii) Develops, maintains, and improves a comprehensive statistical reporting system in the branch office and extending into the basic records of the regional offices, sub-regional offices and field installations.

(iii) Prepares the monthly progress report of the branch office. Analyzes and evaluates the monthly progress report of the central office.

(iv) Prepares special studies from data supplied through the system of recurring reports, through field surveys, and from other sources for the pupose of providing factual information and quantitative measures which will aid the Deputy Administrator and staff in policy making and management.

(v) Conducts audits of reported data to test accuracy and significance and proposes recommendations for revisions in standard procedures or takes direct corrective action.

(vi) Conducts field experiments and pilot runs of proposed surveys and reports and otherwise participates in the developmental field work of the Research Division.

(vii) Designs and installs reporting systems to meet special situations and in accordance with direction from the central office.

(viii) Establishes a register of recurring reports and enforces conformance with established rules for reports review and clearance.

(2) *Administrative Management Division.* (i) Develops a comprehensive program for the improvement of the organizational structure and the operating procedures of all elements of the branch office and field stations.

(ii) Studies the organization and operations of the branch office, hospitals and field stations, and evaluates the efficiency of operations and the effectiveness of the organization, operations, and procedures.

(iii) Analyzes current policies, regulations, procedures, practices, forms, and records; prepares charts and analyses reflecting work flows and performance, distribution of forms, and maintenance of records, and specific action taken on such forms and records; ascertains essentiality of existing activities and determines necessary improvements to simplify and reduce clerical and administrative work and processing time.

(iv) Studies functional relationship between the central, branch, regional, and sug-regional offices and hospitals to determine proper degree of decentralization of authority and makes appropriate recommendations as required.

(v) Develops or assists in the development of uniform plans of operation and detailed operating procedures covering all branch office activities pursuant to policies established by the central office.

(vi) Assists the branch office and field stations in the installation of operating procedures. Evaluates the effectiveness of such procedures and maintains a continuous follow-up to insure effective performance.

(vii) Maintains a close working relationship with all directors within the branch office and keeps the Office of Coordination and Planning in the central office advised of all major programs and projects.

(viii) Operates programs covering work measurement and work simplification and similar programs for the improvement of the administration of the branch office and field stations.

(ix) In accordance with central office policies:

(*a*) Establishes standards and acts as reviewing authority for determining the justification for publications.

(*b*) Determines the extent of local reproduction facilities in the branch and field stations.

(x) Reviews all directives, manuals, bulletins, and other publications to insure:

(*a*) That the publication of such matter is justified within established policies.

(*b*) That the proposed publication is editorially in condition for reproduction.

(*c*) That there are no conflicts with current policy and procedure.

(*d*) That necessary coordination has been effected.

(xi) Compiles historical data relative to the activities of the branch office.

(xii) In accordance with policies established by the central office, develops management techniques and prepares necessary literature for dissemination of such information throughout all elements of the branch office.

(xiii) In cooperation with the central office, maintains liaison and research in the field of office equipment to insure that new developments and methods of work simplification are utilized as appropriate, and establishes standards of performance for use as operating guides in connection with the utilization of office equipment and other activities.

(xiv) Arranges for and coordinates management conferences to be attended by field station managers and prepares such materials as may be necessary.

(xv) Develops and maintains a program for the consolidation, elimination, standardization, and improvement of all printed and duplicated forms (other than V. A. forms) used by the branch office and field stations.

(xvi) Maintains a close working relationship with and makes recommendations to the Forms Control and Standardization Division in the central office relative to the improvement in forms having agency-wide application.

(xvii) Determines the essentiality of all local forms used by the branch office.

(xviii) Conducts necessary training in the techniques of form design and furnishes operating agencies and field stations with technical assistance.

(xix) Maintains a control on the establishment of new forms.

(xx) Establishes and operates an Employees' Suggestion program throughout the branch office and field stations for the purpose of improving the performance, efficiency of operation, welfare, or other activities.

(xxi) Reviews, refers to the appropriate staff agency for comment or concurrence, and evaluates all suggestions.

(xxii) Acts as secretary to the Employees' Suggestion Committee which passes on all suggestions and determines awards, and arranges for presentation of awards.

(3) *Budget and Planning Division.* (i) Formulates policies and procedures relative to preparation of the budget estimates.

(ii) Reviews all budget estimates for consistency with over-all plans and objectives and justification of estimates.

(iii) Within the broad policies and basic plans established by statute and by the Administrator, formulates over-all plans and programs to accomplish the branch office responsibilities for handling of claims, insurance, vocational training, rehabilitation and education, hospitalization and medical service, supply and construction, and other services to veterans.

(iv) Formulates current operating and long-range pogram plans based on current and future objectives and assumptions and converts such objectives into plans of operation stated in quantitive terms with schedules of performance; sees that all major plans and objectives are clearly stated and published for use as practicable guides by all organizational elements.

(v) Assists the various organizational elements in the formation of their plans and reviews such plans to assure adequacy and coordination with related plans and over-all objectives.

(vi) Maintains continuous reviews of all plans and objectives and makes appropriate revisions as required.

(vii) Estimates anticipated work loads and determines the adequacy of field stations to carry out their responsibilities.

(viii) Maintains continuous liasion with the War and Navy Departments and other agencies to insure the receipt of timely information as to demobilization and other operations which affect the activities of the branch office.

(ix) Plans, coordinates and reviews space and facility requirements and allocates space within the branch office.

(4) *Inspection and Investigation Division.*—(i) Administers, directs, supervises, and coordinates inspection and investigation activities of the branch office through personal contact or visitation of any field activity of the Veterans' Administration under the jurisdiction of the branch office.

(ii) Maintains and operates the inspection activities in the branch office, supervising generally the inspection activities comprehending a complete sustaining service operative in and out of the branch office, involving complete and detailed inspection of all activities under the jurisdiction of the branch office, with authority vested in the inspection division to cover the entire field of Veterans' Administration activities, including medical, hospital management, legal, adjudication (claims), utility, engineering (plant management and construction), administration and business management, personnel, supply, finance, loans,

vocational training, rehabilitation and education, etc.

(iii) Maintains and operates the investigation activities in the branch office and supervises generally the investigation activities of the branch office comprehending the conduct of investigations in and out of the branch office, involving complete and detailed investigations when authorized of any activity under the jurisdiction of such branch office with authority vested in the investigation division to cover the entire scope of Veterans Administration activities therein, involving irregularities in connection with administration, hospital or plant management, medical examination, construction, personnel, finance, supply, adjudication, guardianship, vocational training, rehabilitation and education, and any activity involving members of homes, patients, claimants or beneficiaries of the Veterans Administration.

(iv) When specifically authorized will inspect or investigate any public, quasi-public, private institution, agency, individual or group of individuals in the branch office area rendering or seeking to render services, either gratuitously or for hire, to the Veterans Administration or its beneficiaries.

(v) Compiles detailed, comprehensive reports upon all matters inspected or investigated for submission to the operating services involved.

(vi) Maintains a follow-up system on the findings of inspection or investigation to insure effective implementation of the conclusions upon which recommendations of the services involved are predicated.

(vii) Reviews and evaluates reports of inspection and investigation with respect to the over-all administration of veterans' activities under the jurisdiction of the branch office, disseminating essential findings to the deputy administrators, assistant deputy administrators and directors of services of the branch offices for their information and use in studying the administration and supervision of the respective activities looking towards elimination of potential deficiencies and adoption of measures for improvement of the service.

(viii) Selects and trains inspector-investigators for assignment in the branch office.

§ 01.32 *Branch office organization of the Public Relations Service.*—(a) *General.* (1) This section establishes the branch office functions and organization of the Public Relations Service.

(2) This Service is under a Director who is responsible to the Deputy Administrator for the proper conduct of all activities under his charge.

(3) An Assistant Director acts as general assistant and is responsible to the Director for the coordination and general supervision of the activities of the Service. He acts as the Director in the latter's absence.

(4) A chief of each division in the Service is responsible to the Director for the performance of the functions assigned to his division.

(b) *Mission.* To carry out the public relations program of the Veterans' Administration in the area under the jurisdiction of the branch office.

(c) *Major functions.* The Public Relations Service performs the following functions:

(1) Coordinates all educational, promotional, and information programs which have a bearing on public relations.

(2) Contacts veterans' organizations, other than governmental departments, and all others on public relations problems.

(d) *Organization.* The Office of the Director of Public Relations Service consists of the News Division, the Radio Division, the Pictorial Division, and the Field Division.

(1) *News Division.* (i) Collects, prepares and disseminates information about the Veterans' Administration for newspapers, periodicals and trade papers.

(ii) Develops and adapts original and revised techniques for the presentation of such material.

(iii) Maintains contact with editors and correspondents of newspapers and periodicals both to place previously prepared material in these publications and to assistant correspondents in gathering information about the Veterans' Administration.

(iv) Analyzes and digests public opinion toward the Veterans' Administration as reflected in all information media and makes recommendations for corrective or remedial measures.

(v) Does research necessary for the development of all public relations material to be presented by the operating divisions.

(2) *Radio Division.* (i) Develops and maintains contact with radio stations for the presentation of information about the Veterans Administration through the medium of radio.

(ii) Develops methods and techniques for the most effective presentation of information through the various types of radio programs.

(iii) Develops material for presentation of special veterans' radio programs.

(iv) Advises and assists radio stations with veterans' material on other programs.

(v) Places Veterans Administration personalities on radio programs.

(vi) Develops the presentation of veterans' material on regional and local stations through the field service.

(vii) Writes speeches for branch office personnel.

(3) *Pictorial Division* (i) Plans, develops, and disseminates visual presentations of information about the Veterans Administraiton through still pictures; maintains files of still pictures.

(ii) Develops such visual aids as are necessary concerning activities within the branch office.

(iii) Distributes in the branch office area such moving pictures, exhibits, and graphics as are produced in the central office.

(4) *Field Division.* (i) Within policies laid down by the central office, conducts public relations programs in branch and regional offices, hospitals and homes.

§ 01.33 *Branch office organization of the Office of Chief Attorney*—(a) *General.* (1) This section establishes the branch office functions and organization of the Office of the Chief Attorney.

(2) This Office is under a Chief Attorney who is responsible to the Deputy Administrator for the proper conduct of all activities under his charge.

(3) An Assistant to the Chief Attorney acts as general assistant and is responsible to the Chief Attorney for performance of the duties assigned. He acts as Chief Attorney in the latter's absence.

(b) *Mission.* To carry out the legal, guardianship and field examination program of the Veterans Administration in the area under the jurisdiction of the branch office.

(c) *Major functions.* The Office of the Chief Attorney performs the following functions.

(i) Supervises operations of the offices of Chief Attorneys in the field stations under the jurisdiction of the branch office for the purpose of determining that the prescribed duties of those offices are performed effectively.

(ii) Affords advice on questions presented by the Chief Attorneys in accordance with the laws, approved precedents, controlling interpretations and existing policies and procedures; refers doubtful matters to the Solicitor for consideration and ruling.

(iii) Furnishes legal advice to the Deputy Administrator and staff, based on existing precedents.

(iv) Passes upon contracts, leases and fiscal matters pertaining to the branch office activities and, in an advisory capacity, as to those arising in the field stations.

(v) Participates, when necessary, in court actions involving matters in which the Veterans Administration is concerned.

(vi) Supervises and assists in the instruction and training of field examination personnel.

(vii) Makes studies and reports on legal, criminal prosecution and tort matters and guardianship and field examination programs.

(viii) Makes recommendations to the central office of the need for new plans of operations or changes in existing plans.

(d) *Organization.* The Office of the Chief Attorney consists of an Assistant and such other personnel as may be necessary to efficiently perform the duties prescribed herein.

§ 01.34 *Branch office organization of the Claims Service.*—(a) *General.* (1) This section establishes the branch office functions and organization of the Claims Service.

(2) This Service is under a Director who is responsible to the Deputy Administrator for the proper conduct of all activities under his charge.

(3) An Assistant Director acts as general assistant and is responsible to the Director for the coordination and general supervision of the activities of the Service. He acts as the Director in the latter's absence.

(4) A chief of each division in the Service is responsible to the Director for the performance of the functions assigned to his division.

(b) *Mission.* To carry out the claims program of the Veterans Administration in the area under the jurisdiction of the branch office.

(c) *Major functions.* The Claims Service performs the following functions:

(1) Supervises adjudication activities in the regional and area offices in the territory assigned.

(2) Adjudicates all claims for compensation, pension, and insurance filed by dependents and beneficiaries of deceased veterans.

(3) Adjudicates all claims for reimbursement for burial, funeral, and transportation expenses of deceased veterans.

(4) Adjudicates all claims for accrued compensation, pension, retirement pay, subsistence allowance, and readjustment allowance.

(d) *Organization.* The office of Director of Claims Service consists of Veterans Claims Division and the Dependents and Beneficiaries Claims Division.

(1) *Veterans Claims Division.* (i) Supervises by personal visits and correspondence adjudication activities of the regional and area offices in the territory assigned.

(2) *Dependents and Beneficiaries Claims Division.* (i) Adjudicates all claims for compensation and pension filed by dependents of deceased veterans.

(ii) Adjudicates all claims for accrued compensation, pension, retirement pay, subsistence allowance, and readjustment allowance.

(iii) Adjudicates all claims for reimbursement for burial, funeral, and transportation expenses of deceased veterans.

(iv) Makes awards, amended awards, stop-payment and resumption of payment notices, and disallowances incident to (a), (b), and (c).

(v) Adjudicates all claims for insurance in all cases in which the insured is deceased.

(vi) Makes necessary awards and disallowances incident to (e) and issues denial of claims for death benefits under insurance contracts and gives notice thereof under section 19, World War Veterans' Act, 1924, as amended, and section 617, National Service Life Insurance Act of 1940, in all cases in which the insured is deceased.

(vii) Determines if there was fraud in procurement or reinstatement of a contract of insurance, or if contract is otherwise contestable in all claims for death benefits.

(viii) Decides questions of assignment involved in claims for insurance in all cases in which the insured is deceased.

(ix) Makes all determinations under Public No. 591, 77th Congress, and section 610, National Service Life Insurance Act of 1940, and makes awards, disallowances, and certifications for payment incident thereto.

(x) Makes original decisions in all simultaneonsly contested claims for insurance.

(xi) Reviews and renders decisions on questions of a medical and legal character concerning dependents, and beneficiaries, claims involving service connection, line of duty, evaluation of disability, cause of death, or other basis of entitlement, and decides other questions of medical and legal character when necessary for rating purposes such as those relating to incapacity to earn a livelihood, helplessness of children, competency, and insanity.

(xii) Maintains continuous study and research on matters under its jurisdiction as an aid in development of rating policy, principles, or procedure; recommends or advises on proposals for improvement of rating policy and practice or for improvement of service from a rating standpoint; decides or advises on any matter of medical and legal character where necessary for rating, adjudication, or administrative purposes.

§ 01.35 *Organization of the Office of Branch Medical Director.* This office is under a Branch Medical Director who is responsible to the Deputy Administrator for the proper conduct of all activities under his charge. The office of the Branch Medical Director consists of a Professional Service, a Medical Administration Service and a Special Prosthetic Representative. The functions of these services and representative in the office of the Branch Medical Director will be included in this part when finally approved.

§ 0136 *Branch office organization of the Insurance Service*—(a) *General.* (1) This section establishes the branch office functions and organization of the Insurance Service.

(2) This Service is under a Director, who is responsible to the Deputy Administrator for the proper conduct of all activities under his charge.

(3) An Assistant Director acts as general assistant and is responsible to the Director for the coordination and general supervision of the activities of the Service. He acts as the Director in the latter's absence.

(4) A chief of each division in the Service is responsible to the Director for the performance of the functions assigned to his division.

(b) *Mission.* To coordinate the insurance activitihies within the area under the jurisdiction of the branch office:

(c) *Major functions.* The office of the Director of Insurance Service performs the following functions:

(1) Grants contracts of insurance under the laws administered by the Veterans Administration to applicants separated from active military service; handles reinstatements, conversions, and changes affecting insurance policies.

(2) Receives, accounts for, and disposes of insurance remittances and payments received in the branch office; maintains premium records on U. S. Government life insurance and National Service Life Insurance accounts.

(c) Makes determinations and awards benefits in disability insurance claims.

(d) *Organization.* The office of the Director of Insurance Service consists of the Underwriting and Insurance Accounts Division, the Disability Insurance Claims Division, the Insurance Medical Division, and an Insurance Conservation officer.

(1) *Underwriting and Insurance Accounts Division.* (i) Grants contracts of insurance under the laws administered by the Veterans' Administration to applicants separated from active military service.

(ii) Approves conversions and contract changes under insurance contracts, such as changes in plan, effective date, age at issue, and requests for changes of beneficiary, optional settlement, reduction in amount of insurance; reestablishes records after termination of total and permanent disability award.

(iii) Authorizes adjustments and refunds in effecting issues, disapprovals, and contract changes.

(iv) Makes decisions and authorizes for payment vouchers payable from the military and naval insurance appropriation, the National Service Service Life Insurance appropriation, and from the United States Government Life Insurance Fund and National Service Life Insurance Fund, covering adjustments and refunds.

(v) Maintains premium records on U. S. Government life insurance and National Service Life Insurance accounts.

(vi) Authorizes disposition of insurance premiums; prepares annual inventory of premiums and total disability accounting records.

(vii) Furnishes premium, loan and lien status on death and total disability cases; reports lapsed insurance, effecting reinstatement when required; authorizes policy loans and maintains loan accounts.

(viii) Issues premium notices, receipts, lapse notices, loan notices and receipts; authorizes dividend withdrawals and maintains record of dividend deposits.

(ix) Establishes and maintains files of addressograph plates for all direct pay accounts; authorizes all refund payments due insured or their beneficiaries; receives, classifies, deposits and reports monies received as payments on insurance premiums, insurance loans and interest payments.

(x) Authorizes settlement on cash surrenders and matured endowments.

(2) *Disability Insurance Claims Division.* (i) Makes determinations, in cases where veterans have been discharged from the service, of total or total permanent disability for insurance purposes on all claims for disability benefits, including waiver of premiums under contracts or policies of insurance issued or granted under laws administered by the Veterans Administration, (except claims for gratuitous disability insurance under the National Service Life Insurance Act).

(ii) Reviews cases in which such benefits, including waiver of premiums, have been allowed and determines the right of continuance thereof.

(iii) Determines the question of mental competency or incompetency for the purpose of establishing insured's rights to waiver of payment of premiums on due date under sub-paragraph (c) of section 306, World War Veterans' Act, and makes decisions thereon; determines from time to time upon basis of evidence received subsequent to granting of such waiver, the right of insured to continuance thereof.

(iv) Conducts a review of the record and prepares recommendations on appeals taken from the original decision,

awarding or disallowing benefits in such cases; issues denials in disallowed cases.

(v) Terminates awards in cases wherein insured is found no longer totally or totally permanently disabled.

(vi) Makes determines under section 302, World War Veterans' Act, and section 607, National Service Life Insurance Act, as to whether disability or death of an insured is traceable to the extra hazards of military or naval service.

(vii) Determines if there were fraud in procurement or reinstatement of a contract of insurance or if a contract of insurance is contestable either before maturity of said contract or after maturity as a claim.

(3) *Insurance Medical Division.* (i) Determines the acceptability and sufficiency of medical evidence submitted in connection with applications for new insurance under section 311, World War Veterans' Act, 1924, as amended, and applications for reinstatement and change in plan of insurance; orders physical and mental examinations whenever deemed necessary in connection with any such application; selects and approves qualified physicians to examine such applicants.

(4) *The Insurance Conservation Officer.* The insurance conservation officer will:

(i) Under the supervision of the Director and Assistant Director of Insurance Service and in accordance with policies, plans and procedures received from higher authority, coordinate and assist in the activities of Regional Office Insurance Officers in implementing and executing the Insurance Conservation Program within the branch area.

(ii) Establish and maintain contact with government field activities, commercial insurance agencies and private organizations within the branch area as necessary to accomplish the objectives of the Insurance Conservation Program.

(iii) Analyze and interpret reports from field activities within the branch area to determine the effectiveness of the Insurance Conservation Program and make any adjustment necessary to accomplish program objectives.

(iv) Coordinate and cooperate with the Director of Public Relations Service, Director of Coordination and Planning Service, and Director of Contact and Administrative Service in the publication or dissemination of informational or instructional material received from higher authority. With respect to the dissemination of informational material to the public, the provisions of Circular 26, section V, January 31, 1946, will apply.

§ 01.37 *Branch office organization of the Vocational Rehabilitation and Education Service*—(a) *General.* (1) This section establishes the branch office functions and organization of the Vocational Rehabilitation and Education Service.

(2) This Service is under a Director who is responsible to the Deputy Administrator for the proper conduct of all activities under his charge.

(3) An Assistant Director acts as general assistant and is responsible to the Director for the coordination and general supervision of the activities of the Service. He acts for the Director in the latter's absence.

(4) A chief of each division in the Service is responsible to the Director for the performance of the functions assigned to his division.

(b) *Mission.* To supervise the vocational rehabilitation and education program of the Veterans Administration in the area under the jurisdiction of the branch office.

(c) *Major functions.* The Vocational Rehabilitation and Education Service performs the following functions:

(1) Supervises all operations of the organization for vocational rehabilitation and education located in the regional offices in the territory assigned to the branch office for the purpose of determining that the policies, plans and standard practices issued by the central office are being applied and are effective.

(2) Receives correspondence from the regional offices and replies to such correspondence in accordance with the laws, approved policies, plans, and procedures of the Veterans Administration.

(3) Makes studies and reports on the vocational rehabilitation and education program.

(4) Interviews educational and training leaders.

(5) Trains new personnel to be assigned to regional offices and subregional offices.

(6) Reports to the central office the need for new plans or changes in existing plans, together with appropriate recommendations.

(d) *Organization.* The Office of the Director of Vocational Rehabilitation and Education Service consists of the Registration and Research Division, the Training Facilities Division, the Advisement and Guidance Division and the Education and Training Division.

(1) *Registration and Research Division.* (i) Supervises the following activities:

(*a*) Determinations of eligibility and the extent of entitlement to education or training benefits under Part VIII, including determinations of entitlement to subsistence allowance and the making of authorizations to finance activities for the payment of subsistence allowance.

(*b*) Activities pertaining to the registration by proper status of all veterans who make application for, or pursue courses of vocational rehabilitation, education, or training under Part VII and Part VIII.

(*c*) The making of studies, investigations, evaluations, analyses and reports inquiring into the rehabilitation of disabled persons and in respect to the need for general education and for trained personnel in the various crafts, trades, and professions, and the maintaining of liaison with other governmental agencies concerning matters of this nature.

(2) *Training Facilities Division.* The Training Facilities Division supervises the following activities:

(i) The developing of an adequate reservoir of training facilities consisting of schools, colleges, universities, and training-on-the-job establishments from which the training officer may select a satisfactory training facility or training facilties for each disabled veteran who is in need of a course of vocational rehabilitation in order that there may be no delay on the part of a training officer in inducting a disabled veteran into training.

(ii) The securing from the appropriate agency of each State lists of the educational and training institutions which have been determined by the appropriate agency of the State as qualified and equipped to furnish education or training under Part VIII.

(iii) Approval of additional educational and training institutions when necessary and in accordance with the approved policies of the Veterans Administration.

(iv) The making of contracts and agreements with educational or training institutions under Part VII, and when necessary under Part VIII.

(3) *Advisement and Guidance Division.* The Advisement and Guidance Division supervises the following activities:

(i) Determination of the need for a course of vocational rehabilitation to restore the employability lost by reason of a service-incurred disability.

(ii) The aiding and guiding of the disabled veteran eligible under Part VII in the election of a course of vocational rehabilitation to restore employability and the arranging for educational and vocational guidance to veterans eligible for education or training under Part VIII who desire such guidance.

(4) *Education and Training Division.* The Education and Training Division supervises the following activities:

(i) The prescribing of courses of vocational rehabilitation to restore employability lost by reason of a service-incurred disability and the preparation of a training program.

(ii) The supervision of the veteran while in training and the determination as to when he has been rehabilitated.

(iii) The supervision of the trainee who elects a course of education or training under Part VIII and the approval of changes of courses.

§ 01.38 *Branch office organization of the Personnel Service*—(a) *General.* (1) This section establishes the branch office functions and organization of the Personnel Service.

(2 This Service is under a Director who is responsible to the Deputy Administrator for the proper conduct of all activities under his charge.

(3) An Assistant Director acts as general assistant and is responsible to the Director for the coordination and general supervision of the activities of the Service. He acts for the Director in the latter's absence.

(4) A chief of each division in the Service is responsible to the Director for the performance of the functions assigned to his division.

(b) *Mission.* To carry out the personnel program of the Veterans' Administration in the area under the jurisdiction of the branch office.

(c) *Major functions.* The Personnel Service performs the following functions:

(1) Maintains current knowledge of personnel needs and problems peculiar to the branch area.

(2) Inspects and evaluates technical and administrative results of the program.

(3) Prosecutes and/or clears difficult or important transactions originating in regional offices, hospitals, and homes in the area.

(4) Acts as representative of the office of the Assistant Administrator for Personnel in special investigations, studies, and otherwise, as director.

(5) Consults and collaborates with other officials; maintains effective liaison with the Civil Service Commission, and other Government agencies.

(6) Performs the dual function of providing service to the branch office and supervision over the personnel activities within the area under the jurisdiction of the branch.

(d) *Organization.* (1) The office of the Director of Personnel Service consists of the Operations Division, the Classification Division and the Management Division.

(2) *Operations Division.* (i) Develops, inaugurates, and maintains effective and practical operational procedures for personnel functions at the branch office and for field stations.

(ii) Interprets and coordinates this program with over-all personnel policies as formulated and disseminated by the central office.

(iii) Plans, supervises and regulates all activities concerning personnel operations, application of methods, techniques, and the maintenance of personnel records.

(iv) Evaluates current and proposed methods affecting personnel operations at the branch office and as conducted by personnel officers at the installation level and effects or recommends through proper channels, as required, such action in relation thereto as is consistent with regulations and policies.

(v) Suggests such changes in methods as are consistent with existing needs and modern and generally accepted business practices.

(vi) Plans, supervises, and conducts periodic surveys of operational procedures to determine conformance with policy, uniformity of application, and adherence to legal and other requirements.

(vii) Maintains liaison with regional directors of the Civil Service Commission and collaborates with the Commission relative to providing for current and prospective needs.

(viii) Advises and coordinates all activities concerning recruitment, placement, utilization of handicapped and maladjusted employees, leave, and separation.

(ix) Superintends uniform application of disciplinary measures and reviews and approves reduction in force lists.

(x) Develops and establishes techniques to facilitate interviewing, testing, job adjustment, and placement activities.

(3) *Classification Division.* (i) Prepares or collaborates in the proper preparation of classification sheets by classification analysts and operating officials.

(ii) Studies functions of organizational units; supervises the conducting of organizational analyses and on-the-job surveys of individual positions; reviews job descriptions and applies the principles of the Classification Act of 1923, as amended, in accordance with Civil Service and Veterans Administration standards and in formance with delegated authority.

(iii) Plans, supervises, coordinates, and conducts periodic surveys of classification procedure as effected at installations to determine conformance with policy, uniformity of application, and adherence to established requirements.

(iv) Allocates positions and furnishes advisory allocations, as required, within the established authority.

(v) Serves as technical adviser on efficiency rating matters, including supervision of training courses on this subject.

(4) *Management Division.* (i) Develops, installs, integrates, and maintains a comprehensive and positive program of effective and practical personnel administration in conformance with authority delegated to the branch office.

(ii) Plans, supervises, coordinates, and regulates activities concerning promotion, demotion, separation, retirement, transfer, and reductions in force.

(iii) Analyzes requests for new or additional positions and takes such action as is consistent with existing policies and regulations.

(iv) Administers and advises on matters concerning the U. S. Employees' Compensation Act.

(v) Studies the need for and presents recommendations for training programs based upon the needs of individual installations.

(vi) Plans and initiates a program designed to provide staff supervision of and staff assistance to individual activities in regard to utilization, training, employee relations, promotion, demotion, separation, reduction in force, retirement, and personnel services.

(vii) Plans, supervises, and conducts periodic and detailed surveys of personnel management activities to evaluate adequacy of staff adherence to policies, procedures, regulations, and utilization, and as a result, makes specific recommendations for corrective action.

(viii) Develops schedules of performance.

§ 01.39 *Branch office organization of the Construction, Supply, and Real Estate Service.* (a) This section establishes the branch office functions and organization of the Construction, Supply, and Real Estate Service.

(b) *Mission.* To insure effective execution of that part of the VA construction, supply, and real estate programs assigned to the branch office and to the field stations under its jurisdiction.

(c) *Major functions.* The Construction, Supply, and Real Estate Service performs the following major functions:

(1) Implements plans, policies, and procedures established by the Administrator relating to:

(i) Construction, alteration, maintenance, and repair of all real property; maintenance, repair, and operation of utility systems, elevators, laundries, heavy-duty mechanical equipment, Government-owned transportation equipment, fire-fighting equipment, farms and dairies.

(ii) Acquisition, storage, issue, maintenance, and disposition of supplies and equipment, execution of service contracts, mortuary operations, and transportation of supplies, equipment, and household goods.

(iii) Acquisition, utilization, and disposition of real property.

NOTE: Functions (i), (ii), and (iii) cover custodial, janitorial, guard and labor pool services including liaison with Public Buildings Administration concerning such services but do not include the following: operation of vehicle dispatch systems and performance of vehicle maintenance and repair normally performed by the operator of the vehicle; administrative operation of telephone and teletype systems; or liaison with commercial companies and other agencies on matters of maintenance, installation and repair of telephone and teletype systems.

(2) Conducts those activities of the construction, supply, and real estate programs assigned to the branch office.

(3) Initiates such action as is necessary to insure that the VA construction, supply, and real estate programs are executed within the branch area in accordance with established policies, procedures, and objectives.

(4) Exercises staff supervision over, and provides assistance relative to, the execution of that part of the VA Construction, Supply, and Real Estate programs assigned to the field stations.

(d) *Organization.* The Construction, Supply, and Real Estate Service consists of the Office of the Director, Construction Division, Supply Division, and Real Estate Division.

(i) Office of the Director. Directs performance of the assigned mission and is responsible to the Deputy Administrator for the proper conduct of all activities under his charge. Coordinates and supervises activities of the component divisions.

(2) *Construction Division.* (i) Implements established standards, policies, and procedures relating to the VA construction program within the branch office area.

(ii) Prepares or obtains plans and specifications for non-bed-producing construction projects (and bed-producing projects as assigned); awards contracts for all assigned projects or, upon approval by central office arranges for accomplishment of non-bed-producing projects by purchase of material and hire of labor.

(iii) Directs the construction of projects accomplished by contract and/or by purchase of material and hire of labor to insure conformance with requirements.

(iv) Prepares cost estimates and justifications for assigned maintenance, operation, and construction activities planned for the branch office area, and forwards them to the central office for consolidation in the annual budget estimates.

(v) Operates at the branch office a program for building maintenance and repair, janitorial, custodial, protective and labor pool activities, including liai-

son with Public Buildings Administration and other agencies, and exercises staff supervision over such activities at field stations.

(vi) Conducts periodic inspection of field stations located within the branch office area and initiates necessary action to insure that real property, related utility systems, elevators, laundries, heavy-duty mechanical equipment, fire-fighting equipment, farms and dairies are operated, repaired, and maintained in accordance with VA standards, and that Government-owned transportation is repaired and maintained according to VA standards. The above function does not include administrative operation of telephone and teletype systems, liaison with commercial companies and other agencies on matters of maintenance, installation and repair of such systems nor operation of vehicle dispatch systems.

(vii) Exercises staff supervision over, and provides assistance relative to, execution of that part of the VA construction (engineering) program assigned to field stations.

(3) *Supply Division.* (i) Implements established standards, policies, and procedures relating to the VA supply program within the branch office area.

(ii) Assists, as representative of the central office supply service, in effecting proper and orderly transfer of surplus stocks from other Federal agencies.

(iii) Performs all supply functions for the branch office, under regulations prescribed for field stations, including the procurement of services, supplies and equipment, the storage and issue of supplies and equipment, the repair and fabrication of office equipment and furniture, and the furnishing of common-carrier transportation for other than passenger travel.

(iv) Approves and executes service contracts in accordance with established policy and procedure.

(v) Approves the procurement of nonstandard items of supply by field stations in the branch area.

(vi) Conducts periodic inspections of supply activities at field stations located within the branch office area and initiates necessary corrective action to insure compliance with policy and procedure prescribed by the Administrator.

(vii) Exercises staff supervision over, and provides assistance relative to, that part of the VA supply program assigned to field stations, including:

(*a*) The manner in which supply activities are executed at field stations within the branch office area, with the exception of activities relating to forms and publications.

(*b*) Execution of policies and procedures prescribed for field supply operations by the Administrator. The supervision so exercised extends to procedures relating to formulation of supply and equipment requirements, maintenance of stock control levels, maintenance of property records, stock adjustments and redistribution of supplies and equipment between field stations within the branch office area.

(*c*) Processing of service contracts initiated at field stations, and procurement of nonstandard items.

(*d*) Salvage operations at field stations within the branch office area.

(*e*) Disposition of field station excesses and VA surpluses within the branch office area according to policies and procedures prescribed by the Administrator.

(*f*) Common-carrier transportation activities at field stations for other than passenger travel.

NOTE: The term "field stations," as used in this order with reference to supply activities, does not include supply depots, which are under jurisdiction of the central office.

(4) *Real Estate Division.* (i) Implements established standards, policies, and procedures relating to the VA real estate program within the branch office area.

(ii) Performs surveys and investigations to locate (a) suitable buildings to be acquired by lease, (b) buildings to be acquired in fee, and (c) sites upon which to construct hospitals or buildings for quartering administrative activities.

(iii) Prepares or procures appraisals of real property to be acquired in fee or by lease.

(iv) Conducts negotiations for acquisition of real estate in fee or by lease.

(v) Acquires real property in fee upon approval of the central office.

(vi) Acquires leasehold interest in real estate, upon approval of the central office if required.

(vii) Prepares or procures title evidence and performs curative work, when required.

(viii) Conducts necessary negotiations and prepares legal instruments in connection with sale or removal of buildings, improvements, and crops, and relocation, abandonment, or vacation of highways, roads, utilities, and cemeteries necessitated by construction, operation, and maintenance of VA stations.

(ix) Prepares inventories and condition surveys upon entrance into leased premises.

(x) Coordinates preparation of plans, specifications, and cost estimates for acquiring real property, with Engineering Division.

(xi) Negotiates, prepares, and processes leases, licenses and permits for use and occupation of real property under control of VA.

(xii) Reviews and approves requests for alterations, improvements, and repairs of leased property as to conformance with terms of leases.

(xiii) Conducts inspections of VA real estate to determine compliance with the terms of leases, licenses, easements, and permits granted by VA, and initiates recommendations as to corrective measures.

(xiv) Investigates and processes claims arising from use and occupancy of real estate by VA.

(xv) Disposes of surplus real estate or interests therein, upon approval of the central office.

(xvi) Effects cancelation of leases under terms thereof when real property is to be released.

(xvii) Arranges for the restoration of real property and disposal of improvements upon cancelation of leases, in accordance with the terms of leases, or makes cash settlements with lessors in lieu of restoration.

(xviii) Prepares estimate of funds for inclusion in annual VA budgets for acquisition, alteration, restoration, and disposal of real estate.

(xix) Establishes terms of leases and annual rental, in accordance with prescribed procedures and regulations, for VA real estate leased to employees.

(xx) Conducts inspections of real estate owned or controlled by VA to determine that maximum economic utilization is being effected, and initiates recommendations as to corrective measures.

§ 01.40 *Branch office organization of Contact and Administrative Service*—(a) *General.* (1) This section establishes the branch office functions and organization of Contact and Administrative Service.

(2) Contact and Administrative Service is under a Director who is responsible to the Deputy Administrator for the proper conduct of all activities under his charge.

(3) An Assistant Director acts as general assistant and is responsible to the Director for the coordination and general supervision of the activities of Contact and Administrative Service. He acts as the Director in the latter's absence.

(4) The Chief in each Division in Contact and Administrative Service is responsible to the Director for the performance of the functions assigned to his division.

CONTACT AND ADMINISTRATIVE SERVICE

(b) *Mission.* Within the area under the jurisdiction of the Branch Office, to furnish advice and assistance to veterans in preparing claims under the regulations of the Veterans' Administration and to provide necessary administrative services for the various organizational elements.

(c) *Major functions.* In accordance with the policies and procedures established by the Administrator, exercises staff supervision over the following within the branch area for the Deputy Administrator:

(1) All contact activities.

(2) All records management, travel, communications and publications programs.

(3) All other general administrative services, such as: telecommunications, receipt and dispatch of all mail, maintenance of all files and general records not specifically assigned to other services and dispatch of motor vehicles including maintenance normally performed by operators of vehicles.

(d) *Organization.* The Office of the Director of Contact and Administrative Service consists of the Contact Division and the Administrative Division.

(1) *Contact Division.* (i) Administers the contact program and activities in the branch office pertaining to furnishing assistance and advice to veterans and their dependents and beneficiaries, and to their recognized representatives, in the preparation, development, and presentation of claims under the laws administered by the Veterans' Administration.

(ii) Provides general information and assistance concerning activities of all government departments, federal and state, which pertain to veterans.

(iii) Makes studies, investigations and recommendations regarding the establishment of additional contact offices or the relocation of existing contact offices throughout the territory of the branch office.

(iv) Exercises staff supervision (by personal visits or correspondence) over all contact activities in field installations within the branch office area and makes recommendations for changes in policies or procedures to effect improvement of the service rendered.

(v) Maintains liaison with Army and Navy installations and with other government agencies, federal and state, pertaining to matters involving contact activities, and maintains liaison with the American Red Cross and with veterans' and civic organizations on matters pertinent to the rights and benefit of veterans or their dependents and beneficiaries under laws administered by the Veterans' Administration.

(vi) Conducts in cooperation with the Personnel Service a training program for employees engaged in performing the functions of the Contact Division in the branch office and in the branch office area.

(2) *Administrative Division.* (i) In accordance with established policies develops, coordinates and exercises staff supervision over the records management program in the branch offices and field stations, and in connection therewith:

(*a*) Inventories, evaluates and recommends disposition of all records under its jurisdiction.

(*b*) Maintains at the branch office centralized files for those records which are not specifically assigned for maintenance by the operating services, and in a staff capacity supervises the maintenance of such records at the field stations.

(*c*) Coordinates the procurement of service records and medical records required by the field installations within the branch office area for adjudication of all types of claims for benefits; procures such records required by the branch office.

(ii) In accordance with established policies is responsible for all printing and duplicating activities, manages and controls the fabrication, storage, and distribution of all duplicated and printed matter, including publications and forms, for the branch office; advises all services and field stations on technical printing matters.

(iii) In accordance with established policies, formulates, develops and executes the communications management program for the branch office involving telephone, telegrams, radiograms, teletypes, telautographs, inter-office communication systems, operation of the inter-office messenger service, the receipt and dispatch of all mail, including registered mail, parcel post, etc.; is responsible for all monies handled; directs and supervises in a staff capacity the execution of such program at the field installations within the branch office area; secures and/or establishes translating services as required. Has direct responsibility at the branch office and staff responsibility at field stations in the branch area for administrative activities in connection with telephone service, switchboards, dictographs, leased wire service, teletype service, etc., including liaison with commercial companies and other agencies outside the VA on all matters of maintenance, installation and repair of such equipment. Insures that the most economical means of wire communications are utilized. Prepares and issues branch office telephone directory and operates the telephone information service.

(iv) Within the limits and in the manner prescribed by the Deputy Administrator operates the passenger travel service at the branch office and has staff responsibility for similar activities at field stations within the branch area involving the use of commercial transportation facilities by employees and beneficaries of the VA who are traveling on official business; and in connection therewith:

(*a*) Obtains ship, rail, bus and air reservations and tickets and secures, maintains accountability for, and issues or effects distribution of transportation requests for official travel.

(*b*) Performs important liaison and developmental work in establishing contacts with and friendly working relationships, between the VA and railroads, airlines, ship lines, etc., to facilitate travel on official business.

(*c*) Furnishes general travel information.

(v) Performs all general administrative service activities of the branch office and thereby:

a. Responsible for the opertion of all motor transportation, both passenger car and truck service, including maintenance of vehicles normally performed by the operator, in the branch office, and, has staff responsibility for the operation of motor transportation units where established in field installations within the branch office area.

b. Prepares budget estimates and authorizations obligating funds allocated for postage, printing and binding, tele-communications and beneficiary travel; maintains records of expenditures furnishes individual estimates as to appropriations and as to allotments needed for the services to be rendered (telecommunications, parcel post, motor transportation, carfare, printing and binding); prepares and/or recommends any necessary vouchers covering payment for such services.

c. Performs auxiliary administrative services for the branch office, such as: issuance of and accountability for car tokens; operations of lost and found desk when not operated by P. B. A.

d. In cooperation with Personnel Service, conducts an on-the-job training program for employees engaged in performing the functions of the Administrative Division in the branch office, and in the branch office area.

(vi) Within the limits and in the manner prescribed by the Deputy Administrator, exercises staff supervision over all auxiliary administrative services which are performed in the branch area field stations.

§ 01.41 *Branch Office Organization of the Finance Service.* (a) This Organization Order establishes the Branch Office functions and organization of the Finance Service.

(b) This Service is under a Director who is responsible to the Deputy Administrator for carrying out the Finance program of the Veterans' Administration in the area under the jurisdiction of the Branch Office.

(c) An Assistant Director acts as general assistant and is responsible to the Director for the coordination and general supervision of the activities of the Service. He acts as the Director in the latter's absence.

(d) On the staff of the Director there will be a Supervising Loan Guarantee Officer and a Supervising Accountant-Auditor.

(e) A chief of each division in the Service is responsible to the Director for the performance of the functions assigned to his division.

(f) The Finance Service consists of the Office of the Director, the Administrative Accounts Division and the Beneficiaries Accounts Division.

§ 01.42 *Branch office organization of Special Services.* (a) Special Services is under a Director who is responsible to the Deputy Administrator for the proper conduct of all activities under his charge.

(b) An Assistant Director acts as general assistant and is responsible to the Director for the coordination and general supervision of the activities of the Service. He acts for the Director in the latter's absence.

(c) A chief of each division in the Service is responsible to the Director for the performance of the functions assigned to his division.

SPECIAL SERVICES

(a) *Mission.* To assist the Deputy Administrators of branch offices and the managers of field stations in developing and maintaining the well being of hospital patients, home members, employees and other persons through the medium of Special Services. In carrying out his mission, the Director of Special Services will work in coordination with the medical staff.

(b) *Major functions.* Special Services at each branch office performs the following functions:

(1) Establishes the policies and procedures for the branch area and supervises the operations of the Canteen, Recreation and Entertainment, Athletic, Fiscal and Administrative, Chaplaincy and Library Services.

(2) Supervises and conducts recreation, entertainment and athletic activities for employees at branch offices, regional offices, hospitals and homes. The extent of recreation, entertainment and athletic activities for employees at hospitals and homes will be determined by, and the programs will be conducted by, Special Services. In collaboration with the Office of Personnel, determination will be reached of the need for and the extent of recreation, entertainment and athletic programs for employees at branch offices and regional offices. The recreation, entertainment and athletic programs for employees at branch offices and regional offices will be conducted by Special Services.

(3) Formulates and issues directives to effectuate plans, policies, and procedures covering all special services.

(4) Maintains liaison with local offices of welfare organizations, such as the American Red Cross and the United Service Organization, in matters pertaining to Special Services.

(5) Supervises the operation of transient lodging accommodations for veterans and others at field stations.

(6) Orients and trains Special Services personnel in accordance with policy determined by central office.

(7) Allocates to hospitals and homes non-appropriated funds for Special Services activities on the basis of developed needs.

(c) *Organization.* (1) The Special Services organization at each branch office consists of the Canteen, Recreation and Entertainment, Athletic, Fiscal and Administrative, Chaplaincy and Library Divisions.

(2) *Canteen Division.* (i) Supervises policies and procedures for the efficient operation of canteens.

(ii) Determines and promulgates regulations to effectuate policies, plans, and procedures and directs and supervises all matters pertaining to canteens.

(iii) Effectuates established plans and procedures for the organization and operation of canteen activities at hospitals and homes.

(iv) Assists in the preparation of budget estimates; coordinates requests for the procurement of equipment and allocates available equipment to the field stations.

(v) Maintains over-all supervision of canteen activities at hospitals and homes.

(3) *Recreation and Entertainment Division.* (i) Supervises policies, procedures, and plans for the branch area for recreation and entertainment activities and supervises these activities.

(ii) Supervises the program of entertainment and recreation for hospital patients, home members, employees and other persons through the media of music and stage shows, professional and amateur, including veteran participation, social activities, motion picture shows, and other recreation and entertainment programs.

(iii) Supervises and conducts recreation and entertainment activities for employees at branch offices, regional offices, hospitals and homes. The extent of recreation and entertainment activities for employees at hospitals and homes will be determined by, and the programs will be conducted by, Special Services. In collaboration with the Office of Personnel, determination will be reached of the need for and the extent of recreation and entertainment programs for employees at branch offices and regional offices. The recreation and entertainment programs for employees at branch offices and regional offices will be conducted by Special Services.

(iv) Supervises the showing of motion pictures and the staging of entertainments and theatricals.

(v) Orients and trains Recreation and Entertainment personnel in accordance with policy determined by central office and maintains over-all supervision.

(vi) Consolidates station requirements for money, equipment, supplies, and personnel necessary to carry out the programs.

(vii) Prepares and supervises procedures and plans for the utilization of recreation areas, including recreation and entertainment activities in wards and day-rooms.

(viii) Maintains liaison locally with professional, social and civic organizations in its field of activity.

(ix) Supervises the operation of handicraft activities. (Medical Service operates handicraft activities in hospitals and will incorporate leisure time activities within its program. Special Services operates handicraft program in homes.)

(4) *Athletic Division.* (i) Supervises policies and procedures governing patient participation in athletic programs.

(ii) Supervises appropriate athletic programs for hospital patients, home members, and employees.

(iii) Supervises and conducts athletic activities for employees at branch offices, regional offices, hospitals and homes. The extent of athletic activities for employees at hospitals and homes will be determined by, and the programs will be conducted by, Special Services. In collaboration with the Office of Personnel, determination will be reached of the need for and the extent of athletic programs for employees at branch offices and regional offices. The athletic programs for employees at branch offices and regional offices will be conducted by Special Services.

(iv) Assists in the preparation of budget estimates; coordinates procurement requests and allocates material and equipment to the field stations.

(v) Orients and trains athletic personnel in accordance with policy determined by central office and maintains over-all supervision.

(vi) Maintains liaison locally with athletic and physical education organizations and athletic directors, coaches, and physical educators for the purpose of advising and consulting on new methods and procedures.

(5) *Fiscal and Administrative Division.* (i) Maintains suitable coordination for fiscal activities, for the selection of personnel (except chaplains) and for the purchase and distribution of supplies for the activities of the service.

(ii) Coordinates the appropriated budget requests; suballocates and supervises the expenditures of the appropriations.

(iii) Analyzes expenditures of appropriated and non-appropriated funds authorized for each field station and allocates money made available for recreation and entertainment, athletic, chaplaincy and library purposes.

(iv) Coordinates the supply requirements of Special Services within the branch area.

(v) Maintains over-all supervision of administrative and fiscal activities.

(vi) Provides general office service to Special Services.

(6) *Chaplaincy Division.* (i) Supervises policies, procedures, and plans relating to the chaplaincy program throughout the branch area.

(ii) Supervises the chaplaincy program, including ministerial functions relating to the spiritual welfare and religious guidance of hospital patients, home members, and employees and assists in providing suitable places of worship.

(iii) Assists in training and placing of chaplains; maintains inspection and over-all supervision of chaplaincy activities.

(iv) Assists in the preparation of budget estimates and coordinates procurement requests for ecclesiastical equipment and supplies necessary to carry out the chaplaincy program.

(v) Maintains liaison locally with ecclesiastical, civic and patriotic organizations in its field of activity.

(7) *Library Division.* (i) Administers library activities in hospitals, homes, and branch offices for the medical staff, patients, domiciliary members and employees.

(ii) Assists in the selection and training of library personnel; maintains inspection and over-all supervision of library activities.

(iii) Assists in the preparation of budget estimates and supervises expenditures of this activity; maintains liaison with the branch office medical staff for the purpose of arranging for the selection and purchase of desirable publications; arranges for the procurement and distribution of all types of acceptable books, magazines, and periodicals.

(iv) Reviews books, magazines and periodicals on various subjects and prepares lists of acceptable books, magazines, and periodicals for specialized use in VA libraries.

(v) Maintains liaison locally with other library services and libraries.

§ 01.50 *Alphabetical list of stations by location.*

Address and type of station

Albany 7, N. Y., Watervliet Arsenal: Regional office.
Albuquerque, N. Mex.: Hospital.
Albuquerque, N. Mex., 115 South Third Street: Regional office.
Alexandria, La.: Hospital.
Amarillo, Tex.: Hospital.
American Lake, Wash.: Hospital.
Aspinwall 15, Pa.: Hospital.
Atlanta, Ga., 5998 Peachtree Road NE.: Hospital.
Atlanta 3, Ga., 105 Pryor Street NE.: Regional office.
Atlanta 3, Ga.: Branch No. 5.
Augusta, Ga.: Hospital.
Baltimore 2, Md., 1315 St. Paul Street: Regional office.
Batavia, N. Y.: Hospital.
Bath, N. Y.: Center (hospital and home).
Bay Pines, Fla.: Center (hospital and home).
Bedford, Mass.: Hospital.
Biloxi, Miss.: Center (hospital and home).
Boise, Idaho: Center (hospital and home).
Boise, Idaho, national: Center (hospital and home).
Boston 8, Mass., 17 Court Street: Regional office.
Boston 8, Mass., 55 Tremont Street: Branch No. 1.
Brecksville, Ohio: Hospital.
Bronx 63, N. Y., 130 West Kingsbridge Road: Hospital.
Buffalo 1, N. Y., 151 West Mohawk Street: Regional office.
Butler, Pa.: Hospital (opening for patients indefinite).

Canandaigua, N. Y.: Hospital.
Castle Point, N. Y.: Hospital.
Cheyenne, Wyo.: Center (hospital and regional office).
Chicago 6, Ill., 366 West Adams Street: Regional office.
Chicago 6, Ill., 226 West Jackson Boulevard: Branch No. 7.
Chillicothe, Ohio: Hospital.
Cincinnati 2, Ohio, 230 East Ninth Street: Regional office.
Cleveland 9, Ohio, 7300 York Road: Hospital.
Cleveland 14, Ohio, Cuyahoga Building: Regional office.
Coatesville, Pa.: Hospital.
Columbia, S. C.: Center (hospital and regional office).
Columbus 8, Ohio, 52 South Starling Street: Branch No. 6.
Dallas 2, Tex.: Hospital.
Dallas 9, Tex., Love Field: Regional office.
Dallas 2, Tex., 1114 Commerce Street: Branch No. 10.
Danville, Ill.: Hospital.
Dayton, Ohio: Center (hospital and home).
Dearborn, Mich.: Hospital.
Denver, Colo.: Hospital (opening for patients indefinite).
Denver 2, Colo., 1108 Fifteenth Street: Regional office.
Denver 1, Colo., % Branch office 13: Supply depot (temporary).
Denver 1, Colo., Post Office Box 1260, Denver Federal Center: Branch No. 13.
Des Moines 10, Iowa: Center (hospital and regional office).
Detroit 26, Mich., Guardian Building: Regional office.
Downey, Ill.: Hospital.
Dwight, Ill.: Hospital.
Excelsior Springs, Mo.: Hospital.
Fargo, N. Dak.: Center (hospital and regional office).
Fayetteville, Ark.: Hospital.
Fayetteville, N. C.: Hospital.
Fort Bayard, N. Mex.: Hospital.
Fort Benjamin Harrison, Ind.: Hospital (opening for patients indefinite).
Fort Custer, Mich.: Hospital.
Fort Harrison, Mont.: Hospital.
Fort Harrison, Mont.: Regional office.
Fort Howard, Md.: Hospital.
Fort Lyon, Colo.: Hospital.
Fort Meade, S. Dak.: Hospital.
Fort Washington, Md.: Center (hospital and home).
Gulfport, Miss.: Hospital.
Hartford 4, Conn., 95 Pearl Street: Regional office.
Hines, Ill.: Hospital.
Hines, Ill.: Supply depot.
Honolulu 1, Hawaii, P. O. Box 3198. (All mail to be sent Air Mail; C–files, by registered regular mail; radios to be sent to Patten Building): Regional office.
Horseheads, N. Y., % A. S. F. Depot: Supply depot.
Hot Springs, S. Dak.: Center (hospital and home).
Houston 2, Tex., Federal Office Building: Regional office.
Huntington 1, W. Va., 1540 Spring Valley Drive: Hospital.
Huntington 1, W. Va., 824 Fifth Avenue: Regional office.
Indianapolis 44, Ind.: Hospital.
Indianapolis 4, Ind., 36 South Pennsylvania Street: Regional office.
Jackson, Miss.: Hospital.
Jackson, Miss.: Regional office.
Jefferson Barracks 23, Mo.: Hospital.
Juneau, Alaska, Goldstein Building: Regional office.
Kansas City 6, Mo., 1009 Wyandotte Street: Regional office.
Kecoughtan, Va.: Center (hospital and home).
Knoxville, Iowa: Hospital.
Lake City, Fla.: Hospital.
Legion, Tex.: Hospital.
Lexington, Ky.: Hospital.
Lexington, Ky.: Regional office.
Lincoln 1, Nebr.: Hospital.
Lincoln 8, Nebr., Sharp Building: Regional office.
Little Rock, Ark., Federal Building: Regional office.
Livermore, Calif.; Hospital.
Louisville, Ky.: Hospital.
Los Angeles 25, Calif., Sawtelle and Wilshire Boulevards: Center (hospital and home).
Los Angeles 25, Calif., 1380 Sepulveda Boulevard: Regional office.
Lubbock, Tex., Army Air Field: Regional office.
Lyons, N. J.: Hospital.
Manchester, N. H., Federal Building: Regional office.
Manila, P. I.—A. P. O. 75, % P. M., San Francisco, Calif. (all mail to be sent Air Mail; C–files by registered regular mail. Radios only—Send to: T. V. T. Building, Manila, P. I.): Regional office.
Marion, Ill.: Hospital.
Marion, Ind.: Hospital.
McKinney, Tex.: Hospital.
Memphis 4, Tenn., 1025 La Mar Avenue: Hospital.
Memphis 15, Tenn.: Hospital.
Mendota, Wis.: Hospital.
Miami, Fla., Dinner Key: Regional office.
Miami Beach 40, Fla.: Hospital.
Milwaukee 2, Wis., 342 North Water Street: Regional office.
Minneapolis 6, Minn.: Hospital.
Minneapolis 8, Minn., 1006 West Lake Street: Regional office.
Montgomery 10, Ala.: Center (hospital and regional office).
Montgomery, Ala., c/o A. S. F. Depot: Supply depot.
Mountain Home, Tenn.: Center (hosptal and home).
Murfreesboro, Tenn: Hospital.
Muskogee, Okla.: Center (hospital and regional office).
Nashville 5, Tenn., White Bridge Road: Hospital.
Nashville 5, Tenn., White Bridge Road: Regional office.
Newark 2, N. J., 20 Washington Place: Regional office.
New Castle, Del.: Hospital.
Newington 11, Conn.: Hospital.
New Orleans 12, La.: Hospital.
New Orleans 19, La., 7267 West End Boulevard: Regional office.
Newport, Ky.: Hospital (opening for patients, indefinite).
New York 1, N. Y., 252 Seventh Avenue, Regional office.
New York 13, N. Y., 346 Broadway: Branch of C. O.
New York 7, N. Y., 299 Broadway: Branch No. 2.
Northampton, Mass.: Hospital.
North Little Rock, Ark.: Hospital.
Northport, Long Island, N. Y.: Hospital.
Oakland, Calif.: Hospital.
Oklahoma City, Okla.: Hospital.
Oteen, N. C.: Hospital.
Outwood, Ky.: Hospital.
Palo Alto, Calif.: Hospital.
Pass-A-Grille Beach, Fla.: Regional office.
Perry Point, Md.: Hospital.
Perry Point, Md.: Supply depot.
Philadelphia 6, Pa., New Customhouse: Regional office.
Philadelphia 2, Pa., 128 North Broad Street: Branch No. 3.
Phoenix, Ariz.: Hospital.
Phoenix, Ariz., Ellis Building: Regional office.
Phoenixville, Pa.: Hospital (opening for patients, indefinite).
Pittsburgh 22, Pa., 107 Sixth Street: Regional office.
Portland 7, Oreg.: Hospital.
Portland 5, Oreg.: 1019 Southwest Tenth Avenue: Regional office.
Providence 3, R. I., 100 Fountain Street: Regional office.
Reno, Nev.: Center (Hospital and regional office).
Richmond, Va.: Hospital.
Richmond 20, Va., 900 North Lombardy Street: Branch No. 4.
Roanoke 17, Va.: Hospital.
Roanoke 17, Va.: Regional office.
Roseburg, Oreg.: Hospital.
Rutland Heights, Mass.: Hospital.
Salt Lake City 3, Utah: Hospital.
Salt Lake City 4, Utah, 1710 South Redwood Road: Regional office.
San Antonio 5, Tex., 102 West Crockett Street: Regional office.
San Diego 12, Calif., Post Office Box 1111 (for mail): Regional office.
San Fernando, Calif.: Hospital.
San Francisco 21, Calif.: Hospital (9–1–46).
San Francisco 3, Calif., 49 Fouth Street: Regional office (9–1–46).
San Francisco 5, Calif., 180 New Montgomery Street: Branch No. 12.
San Juan, P. R. Asilo de Indigentes. (All mail to be sent Air Mail; C–files by registered regular mail): Regional office.
Saratoga Springs, N. Y.: Hospital.
Seattle 4, Wash., Federal Office Building: Regional office.
Seattle 4, Wash., 821 Second Avenue: Branch No. 11.
Sheridan, Wyo.: Hospital.
Shreveport 63, La.: Regional office (9–3–46).
Sioux Falls, S. Dak.: Regional office.
St. Cloud, Minn.: Hospital.
St. Louis 1, Mo., 707 Market Street: Regional office.
St. Louis 2, Mo., Boatmen's Bank Building, 314 North Broadway: Branch No. 9.
St. Paul 11, Minn., Fort Snelling: Branch No. 8.
Sunmount, N. Y.: Hospital.
Temple, Tex.: Hospital.
Thomasville, Ga.: Hospital.
Togus, Maine: Center (hospital and regional office).
Tomah, Wis.: Hospital (opening for patients indefinite).
Topeka, Kans.: Hospital.
Tucson, Ariz.: Hospital.
Tuscaloosa, Ala.: Hospital.
Tuskegee, Ala.: Hospital.
Van Nuys, Calif.: Hospital.
Waco, Tex.: Center (hospital and regional office).
Wadsworth, Kans.: Hospital.
Walla Walla, Wash.: Hospital.
Washington 7, D. C., 2650 Wisconsin Avenue NW.: Hospital.
Washington 25, D. C., 300 Indiana Avenue NW.: Regional office.
Waukesha, Wis.: Hospital.
West Roxbury 32, Mass.: Hospital.
Whipple, Ariz.: Hospital.
White River Junction, Vt.: Center (hospital and regional office).
Wichita 8, Kans.: Hospital.
Wichita 15, Kans., 3801 South Oliver Street: Regional office.
Wilkes-Barre, Pa., 18 South Franklin Street: Regional office.
Wilmington, Calif., Post Office Box 385: Supply depot.
Wilmington, Del., Dravo Building: Regional office.
Winston-Salem, N. C., 310 West Fourth Street: Regional office.
Wood, Wis.: Center (hospital and home).

§ 01.60 *Branch No. 1 Area.*

[List of addresses (approx. 3 pp.) for this section to be furnished.]

§ 01.61 *Addresses of Veterans' Administration regional offices, subregional offices, contact offices, and hospitals in branch No. 2 area.*

NEW YORK STATE—PUERTO RICO

Address of Branch Office No. 2: Deputy Administrator, Veterans' Administration Branch Office No. 2, 299 Broadway, New York 7, N. Y.

This is a guide to the location of all VA Regional Offices and Hospitals, the Subregional Offices and Contact Offices thereunder, in Branch No. 2 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries.

NEW YORK STATE

Type of Activity, Location, and Address

Regional Office, Albany 7, Watervliet Arsenal.
Contact Office, Albany, 112 State Street.
Contact Office, Amsterdam, 20 Market Street.
Contact Office, Glens Falls, 35 Ridge Street.
Contact Office, Gloversville, 13 East Fulton Street.
Contact Office, Saratoga Springs, 374 Broadway.
Contact Office, Schenectady, 9-11 Yates Street.
Contact Office, Troy, 297 River Street.
Subregional Office, Plattsburg, Post Office Building.
Subregional Office, Poughkeepsie, 13 Washington Street.
Contact Office, Kingston, 243 Fair Street.
Regional Office, Buffalo 1, 151 West Mohawk Street.
Contact Office, Auburn, 22 North Street.
Contact Office, Buffalo, Ellicott Square Building.
Contact Office, Jamestown, 101 West Third Street.
Contact Office, Niagara Falls, 42 Falls Street.
Contact Office, North Tonawanda, City Hall Building.
Subregional Office, Binghamton, 64 Henry Street.
Contact Office, Elmira, 170 Lake Street.
Subregional Office, Rochester, 19 West Main Street.
Subregional Office, Syracuse, 428 South Warren Street.
Contact Office, Utica 2, 110 Genessee Street.
Subregional Office, Watertown, Post Office, 163 Arsenal Street.
Regional Office, New York City 1, 252 Seventh Avenue.
Contact Office, Harlem District, 271 West 125th Street, New York 27.
Contact Office, Jamaica, L. I., 92-32 Union Hall Street.
Contact Office, Middletown, 16 Mulberry Street.
Contact Office, Mineola, L. I., Old Nassau County Court House.
Contact Office, Newburgh, Post Office Building.
Contact Office, New Rochelle, 130 Hugenot Street.
Contact Office, Patchogue, L. I., Brookhaven Town Hall.
Contact Office, Peekskill, City Hall, 840 Main Street.
Contact Office, St. George, S. I. 1, 25 Hyatt Street.
Contact Office, White Plains, County Office Building.
Contact Office, Yonkers, 20 South Broadway.
Subregional Office, Brooklyn 17, 1 Hanson Place.
Hospital, Batavia, VA Hospital.
Hospital, Bronx 63, 130 West Kingsbridge Road.
Hospital, Castle Point, VA Hospital.
Hospital, Northport, L. I., VA Hospital.
Hospital, Saratoga Springs, VA Hospital.
Hospital, Sunmount, VA Hospital.
Hospital and Home, Bath, VA Hospital or Home.
Supply Depot, Horseheads, care A. S. F. Depot.
Branch of Central Office, New York 13, 346 Broadway.

PUERTO RICO

(Including the Virgin Islands)

Regional Office, San Juan, Asilo de Indigentes. (All letter mail to be sent air mail; records by registered regular mail.)
Contact Office, Arecibo, 8 Nicolas Frese Street.
Contact Office, Caguas, Aldrich Building.
Contact Office, Guayama, 4 Luis Venegas Norte.
Contact Office, Humacao, 6 Isidro A. Vidal Street.
Contact Office, Mayaguez, 200 Mendez Vigo Street.
Contact Office, Ponce, 106 Commercio Street.
Contact Office, St. Thomas, Virgin Islands, Charlotte Amalie.

§ 01.62 *Addresses of Veterans Administration Regional Offices, Subregional Offices, Contact Offices and Hospitals in Branch No. 3 Area.*

DELAWARE—NEW JERSEY—PENNSYLVANIA

Address of Branch Office No. 3: Deputy Administrator, Veterans Administration Branch Office No. 3, 128 N. Broad Street, Philadelphia 2, Pa.

This is a guide to the location of all Veterans Administration Region Offices, the Subregional Offices and Contact Offices thereunder, and Hospitals, in Branch No. 3 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries. Some offices are in process of expansion.

DELAWARE

Type of Activity, Location, and Address

Regional Office, Wilmington, Dravo Building.
Contact Office, Dover, State Armory Building.

NEW JERSEY

Regional Office, Newark 2, 20 Washington Place.
Contact Office, Dover, 45 East Blackwell Street.
Contact Office, Elizabeth, 15 Union Street.
Contact Office, Jersey City 6, 26 Journal Square.
Contact Office, Morristown, Old Sheriff's House, Washington Street.
Contact Office, New Brunswick, 90 Bayard Street.
Contact Office, Phillipsburg, 78 South Main Street.
Contact Office, Perth Amboy, 214 Smith Street.
Contact Office, Somerville, Armory, 22 Grove Street.
Subregional Office, Camden, 300 Broadway.
Contact Office, Atlantic City, Post Office Building.
Contact Office, Bridgeton, City Hall, Commerce Street.
Contact Office, Burlington, State Armory, South High Street.
Contact Office, Salem, Armory, New Market Street.
Subregional Office, Paterson, 45 Church Street.
Contact Office, Hackensack, County Court House.
Subregional Office, Trenton, War Memorial Building.
Contact Office, Red Bank, State Armory, Chestnut and West Streets.
Hospital, Lyons, Veterans' Administration Hospital.

PENNSYLVANIA

Regional Office, Philadelphia 6; New Custom House.
Contact Office, Doylestown, 40 East Court Street.
Contact Office, Frankford, 1537 Orthodox Street, Philadelphia 24.
Contact Office, Germantown, 115 West Chelton Avenue, Philadelphia 44.
Contact Office, North Philadelphia, Grange Building, Philadelphia 41.
Contact Office, Philadelphia 7, 1127 Walnut Street.
Contact Office, South Philadelphia, 510 South Broad Street, Philadelphia 46.
Contact Office, West Philadelphia, 137 South 52nd Street, Philadelphia 39.
Subregional Office, Upper Darby, 17 Brief Avenue.
(Overflow of Philadelphia R. O.)
Contact Office, Chester, Fifth and Market Streets.
Contact Office, Norristown, 319 DeKalb Street.
Subregional Office, Reading, 230 North Fifth Street.
Contact Office, Allentown, 1124 Turner Street.
Contact Office, Bethlehem, 2 West Broad Street.
Contact Office, Easton, First National Bank Building.
Regional Office, Pittsburgh 22, 107 Sixth Street.
Contact Office, Beaver Falls, 1025 Seventh Ave.
Contact Office, Butler, Butler County National Bank Building.
Contact Office, Greensburg, 227 South Main Street.
Contact Office, Kittanning, 133 North Jefferson.
Contact Office, McKeesport, Post Office Building, Eighth and Walnut Streets.
Contact Office, New Castle, 223 East Washington Street.
Contact Office, New Kensington, Post Office Building.
Contact Office, Uniontown, 37 Main Street.
Subregional Office, Erie, 1005 State Street.
Contact Office, Bradford, 119 Main Street.
Contact Office, Farrell, 741 Broadway Avenue.
Contact Office, Meadville, 213 Chestnut Street.
Contact Office, Oil City, 15 Seneca Street.
Contact Office, Ridgway, 10-14 Court Street.
Contact Office, Sharon, Bastress Building.
Contract Office, Warren, Warren Bank & Trust Co., Building.
Subregional Office, Johnstown, Old Post Office Building.
Contact Office, Altoona, 1216 Eleventh Avenue.
Contact Office, Bedford, Post Office, City Square.
Contact Office, Clearfield, County National Bank Building.
Contact Office, Du Bois, Deposit National Bank Building.
Contact Office, Indiana, Indiana Theater Building.
Contact Office, Punxsutawney, 105 North Findley Street.
Contact Office, Somerset, 118 West Main Street.
Subregional Office, Wheeling, W. Va., Fidelity Building.
Contact Office, Charleroi, Pa., 334 Fallowfield Avenue.
Contact Office, Hollidays Cove, 3230 Main Street.
Contact Office, Washington, Pa., 1 South College Street.
Contact Office, Waynesburg, Pa., 59 East High Streets.
Regional Office, Wilkes-Barre, Pa., 18 South Franklin Street.
Contact Office, Hazleton, Hazleton National Bank Building.
Contact Office, Mauch Chunk, Navigation Building.
Contact Office, Pottsville, 23-27 North Centre Street.
Subregional Office, Scranton 3, 116 North Washington Avenue.
(Overflow of Wilkes-Barre, R. O.)

Contact Office, Carbondale, 41 North Main Street.
Contact Office, Stroudsburg, 553 Main Street.
Contact Office, Towanda, 605 Main Street.
Subregional Office, Harrisburg, 205 South Office Building, State Capitol.
Contact Office, Chambersburg, Pennsylvania Railroad Building, Lincoln Way East.
Contact Office, Lancaster, 28 East Orange Street.
Contact Office, Lebanon, United States Employment Service Office.
Contact Office, York, 25 South Duke Street.
Subregional Office, Williamsport, 120 West Fourth Street.
Contact Office, Lock Haven, 146 East Water Street.
Contact Office, Shamokin, 24 South Market Street.
Contact Office, State College, 118 West College Avenue.
Contact Office, Sunbury, 40 South Fourth Street.
Hospital, Aspinwall 15, Veterans' Administration Hospital.
Hospital, Coatesville, Veterans' Administration Hospital.

§ 01.63 *Addresses of Veterans Administration Regional Offices, Sub-Regional Offices, Contact Offices and Hospitals in Branch No. 4 Area.*

DISTRICT OF COLUMBIA—MARYLAND—NORTH CAROLINA—VIRGINIA—WEST VIRGINIA

Address of Branch Office No. 4: Deputy Administrator, Veterans Administration Branch Office No. 4, 900 North Lombardy Street, Richmond 20, Va.

This is a guide to the location of all VA Offices, the Sub-Regional Offices and Contact Offices thereunder, and hospitals in Branch No. 4 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries. Some offices are in process of expansion.

DISTRICT OF COLUMBIA

Type of activity, location, address

Regional Office, Washington 25, 300 Indiana Avenue, NW.
Contact Office, Alexandria, Va., 815 King Street.
Contact Office, Silver Spring, Jessup-Blair House.
Contact Office, Rockville, Post Office Building.
Hospital, Washington 7, 2650 Wisconsin Avenue, NW.

MARYLAND

Regional Office, Baltimore 2, 1315 St. Paul Street.
Contact Office, Annapolis, Post Office Building.
Contact Office, Elkton, 129 East Main Street.
Subregional Office, Cambridge, Seminary Building.
Contact Office, Salisbury, Post Office Building.
Subregional Office, Hagerstown, City Hall.
Contact Office, Cumberland, 111 Union Street.
Contact Office, Frederick, Winchester Hall.
Hospital, Fort Howard (near Baltimore), Veterans' Administration Hospital.
Hospital and Home, Fort Washington (near Clinton), Veterans' Administration Hospital and Home.
Hospital, Perry Point (near Havre de Grace), Veterans' Administration Hospital.
Supply Depot, Perry Point, Veterans' Administration Supply Depot.

NORTH CAROLINA

Regional Office, Winston-Salem, 310 West Fourth Street.
Contact Office, Greensboro, 218 South Greene Street.
Contact Office, High Point, Post Office Building.
Contact Office, North Wilkesboro, Bank of North Wilkesboro Building.
Contact Office, Salisbury, Hedrick Administration Building.
Subregional Office, Asheville, City Hall Building.
Contact Office, Andrews, Andrews Library Building.
Subregional Office, Charlotte, 127 West Seventh Street.
Contact Office, Gastonia, 214 South Street.
Contact Office, Hickory, 1355 Union Square.
Contact Office, Morgantown, County Court House.
Subregional Office, Durham, 331 West Main Street.
Contact Office, Raleigh, 20 East Main Street.
Contact Office, Roxboro, 117½ Abbitt Avenue.
Subregional Office, Fayetteville, % Veterans' Administration Hospital.
Contact Office, Goldsboro, County Court House.
Contact Office, Lumberton, 309 McLean Building.
Contact Office, Wilmington, 126 Princess Street.
Subregional Office, New Bern, Post Office Building.
Contact Office, Edenton, Citizens Bank Building.
Contact Office, Elizabeth City, Post Office Building.
Contact Office, Rocky Mount, Municipal Building.
Hospital, Fayetteville, Veterans' Administration Hospital.
Hospital, Oteen (near Asheville), Veterans' Administration Hospital.

VIRGINIA

Regional Office, Roanoke 17, Veterans' Administration Regional Office.
Contact Office, Bristol, Reynolds Arcade Building.
Contact Office, Danville, Post Office Building.
Contact Office, Lynchburg, 719 Church Street.
Contact Office, Marion, Marion Drug Co. Buiding.
Contact Office, Norton, 624 Park Avenue.
Contact Office, Roanoke, 102 West Campbe Avenue.
Contact Office, Tazewell, Ward Building, Main Street.
Subregional Office, Richmond, Mosque Building.
Contact Office, Exmore, USES Office.
Contact Office, Farmville, 114 North Street.
Contact Office, Fredericksburg, Bradford Building.
Contact Office, Lawrenceville, County Court House.
Contact Office, Norfolk, 236 Granby Street.
Contact Office, Petersburg, 34 Franklin Street.
Contact Office, Suffolk, 147½ East Washington Street.
Subregional Office, Staunton, 302 West Beverly Street.
Contact Office, Charlottesville, 123 East Main Street.
Contact Office, Covington, County Courthouse.
Contact Office, Harrisonburg, 2 South Main Street.
Contact Office, Winchester, 201 North Loudoun Street.
Hospital and Home, Kecoughtan (near Hampton), Veterans' Administration Hospital or Home.
Hospital, Richmond, Veterans' Administration Hospital.
Hospital, Roanoke 17, Veterans' Administration Hospital.

WEST VIRGINIA

Regional Office, Huntington 1, 704 Fourth avenue.
Contact Office, Beckley, 114 Main Street.
Contact Office, Bluefield, 318 Federal Street.
Contact Office, Charleston 1, 2 Capitol Street.
Contact Office, Logan, Elks Club Building.
Contact Office, Hinton, Memorial Building.
Contact Office, Parkersburg, 217 Fourth Street.
Contact Office, Welch, Consolidated Bus Terminal.
Contact Office, Williamson, Mingo County Courthouse.
Contact Office, Richwood, Ford Garage Building.
Subregional Office, Clarksburg, 209 West Pike Street.
Contact Office, Elkins, 401 Davis Avenue.
Contact Office, Grafton, 201 West Main Street.
Contact Office, Fairmont, 223 Monroe Street.
Contact Office, Keyser, 125 Armstrong Street.
Contact Office, Martinsburg, 109 West King Street.
Contact Office, Morgantown, 265 High Street.
Contact Office, Weston, 238 East Second Street.
Hospital, Huntington 1, 1540 Spring Valley Drive.

§ 01.64 *Addresses of Veterans' Administration Regional Offices, Subregional Offices, Contact Offices, Centers, and Hospitals in Branch No. 5 Area.*

ALABAMA—FLORIDA—GEORGIA—SOUTH CAROLINA—TENNESSEE

Address of Branch Office No. 5: Deputy Administrator, Veterans' Administration Branch Office No. 5, Atlanta 3, Ga.

This is a guide to the location of all VA Regional Offices and Centers, the Sub-Regional Offices and Contact Offices thereunder, and Hospitals, in Branch No. 5 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries. Some offices are in process of expansion.

ALABAMA

Type of activity, location, and address

Center (Regional Office and Hospital), Montgomery 10, Veterans' Administration Center.
Contact Office, Montgomery, 300 Dexter Avenue.
Contact Office, Andalusia, 1 East Three Notch Street.
Contact Office, Demopolis, Masonic Temple Building.
Contact Office, Dothan, 200 North Foster Street.
Contact Office, Eufaula, 131 Randolph Street.
Contact Office, Greenville, 104 West Commerce Street.
Contact Office, Opelika, 213 South Eighth Street.
Contact Office, Selma, 113 Broad Street.
Subregional Office, Birmingham 3, 706 North Twenty-first Street.
Contact Office, Anniston, Boozer Building, Thirteenth and Moore Avenue.
Contact Office, Cullman, New Leath Building.
Contact Office, Gadsden, 116 South Fifth Street.
Contact Office, Sylacauga, Post Office Building.
Contact Office, Winfield, Community Center.
Subregional Office, Mobile, Court House.
Contact Office, Brewton, City Hall.
Contact Office, Jackson, Jackson Bank & Trust Co.

Subregional Office, Decatur, 1006 Ferry Street.
Contact Office, Florence, 212 South Court Street.
Contact Office, Huntsville, 102 West Clinton Street.
Hospital, Tuscaloosa, Veterans' Administration Hospital.
Hospital, Tuskegee, Veterans' Administration Hospital.
Supply Depot, Montgomery, % A. S. F. Depot.

FLORIDA

Regional Office, Miami, Dinner Key.
Contact Office, Fort Lauderdale, County Courthouse.
Contact Office, Key West, Post Office Building.
Contact Office, West Palm Beach, 712 Comeau Building.
Regional Office, Pass-a-Grille Beach, VA Regional Office.
Contact Office, Fort Myers, 2237 Hendry Street.
Contact Office, Lakeland, 318 East Main Street.
Contact Office, Sarasota, 225 Central Avenue.
Contact Office, St. Petersburg, 300 Central Avenue.
Contact Office, Tampa, 608 Tampa Street.
Subregional Office, Jacksonville 1, 314 West Monroe Street.
Contact Office, Daytona Beach, 120 Volusia Avenue.
Contact Office, Gainesville, Seagle Building.
Contact Office, Ocala, 1 North Main Street.
Subregional Office, Orlando, 138 North Orange Avenue.
Subregional Office, Tallahassee, City Administration Building.
Contact Office, Marianna, 101½ North Caledonia.
Contact Office, Panama City, 224 East Fourth Street.
Contact Office, Pensacola, 114 East Gregory Street.
Hospital and Home, Bay Pines, Veterans' Administration Hospital or Home.
Hospital, Lake City, Veterans' Administration Hospital.
Hospital, Miami Beach 40, Veterans' Administration Hospital.

GEORGIA

Regional Office, Atlanta 3, 105 Pryor Street NE.
Contact Office, Athens, 144 North Jackson Street.
Contact Office, Canton, Galt Building, Main and East Marietta Streets.
Contact Office, Dalton, City Hall.
Contact Office, Gainesville, 311 South Green Street.
Contact Office, Griffin, 265 Meriwether Street.
Contact Office, La Grange, La Grange Banking & Trust Co.
Contact Office, Lawrenceville, County Courthouse Square.
Contact Office, Madison, 117½ Jefferson Street.
Contact Office, Rome, West Building.
Contact Office, Washington, Green Building, Main and Spring Streets.
Subregional Office, Macon, 612 Mulberry Street.
Contact Office, Americus, 104 Forsyth Street.
Contact Office, Columbus, First National Bank Building.
Contact Office, Cuthbert, 442 Plum Street.
Contact Office, Dublin, 200 South Jefferson Street.
Contact Office, Milledgeville, 75 Hancock Street.
Subregional Office, Savannah, Blun Building, 35 Bull Street.
Contact Office, Augusta, 712 Telfair Street.
Contact Office, Baxley, Dr. Holt's Office Building.
Contact Office, Brunswick, Post Office Box 262, Post Office Building.
Contact Office, Louisville, 112½ West Broad Street.
Contact Office, Statesboro, 21½ East Main Street.
Subregional Office, Valdosta, 405 East Hill Avenue.
Contact Office, Albany, 135 Flint Avenue.
Contact Office, Fitzgerald, Grant and Pine Streets.
Contact Office, Moultrie, County Courthouse.
Contact Office, Thomasville, 137 East Jackson Street.
Contact Office, Waycross, 509 Elizabeth Street.
Hospital, Atlanta, 5998 Peachtree Road NE.
Hospital, Augusta, Veterans' Administration Hospital.
Hospital, Thomasville, Veterans' Administration Hospital.

SOUTH CAROLINA

Center (Regional office and hospital), Columbia, Veterans' Administration Center.
Contact Office, Aiken, Bank of Aiken Building.
Contact Office, Charleston 10, 295 Meeting Street.
Contact Office, Greenwood, Post Office Building.
Contact Office, Orangeburg, No. 2 Church Street.
Contact Office, Rock Hill, 203-206 Phillips Building.
Contact Office, Beaufort, County Courthouse.
Contact Office, Newberry, 113 Boyce Street.
Contact Office, Sumter, Post Office Building.
Subregional Office, Greenville, Post Office Building.
Contact Office, Anderson, 209 North Main Street.
Contact Office, Spartanburg, 187 North Church Street.
Subregional Office, Florence, 115 South Irby Street.
Contact Office, Conway, Courthouse Building.
Contact Office, Georgetown, Post Office Building.

TENNESSEE

Regional office, Nashville 5, White Bridge Road.
Contact Office, Clarksville, City Hall.
Contact Office, Cookeville, Terry Brothers Building.
Contact Office, Lawrenceburg, City Hall, East Gaines Street.
Contact Office, Murfreesboro, 9 Public Square.
Contact Office, Nashville, Cotton States Life Building.
Subregional Office, Jackson, 408 East Main Street.
Contact Office, Dyersburg, County Courthouse.
Contact Office, Paris, 209½ West Washington Street.
Subregional office, Memphis, 8 North Third Street.
Subregional Office, Chattanooga, 832 Georgia Avenue.
Subregional Office, Knoxville, 307 Commerce Avenue.
Contact Office, Morristown, Old City National Bank Building.
Hospital, Memphis 4, 1025 La Mar Avenue.
Hospital, Memphis 15, Veterans' Administration Hospital.
Hospital, Murfreesboro, Veterans' Administration Hospital.
Hospital and Home, Mountain Home, Veterans' Administration Hospital or Home.
Hospital, Nashville 5, White Bridge Road.

§ 01.65 *Branch No. 6 Area.*[1]

[1] Text of section absent in original document.

§ 01.66 *Addresses of Veterans Administration Regional Offices, Subregional Offices, Contact Offices, Centers, and Hospitals in Branch No. 7 Area.*

ILLINOIS—INDIANA—WISCONSIN

Address of Branch Office No. 7: Deputy Administrator, Veterans Administration Branch Office No. 7, 226 West Jackson Boulevard, Chicago 6, Ill.

This is a guide to the location of all VA Regional Offices and Centers, Subregional Offices and Contact Offices thereunder, and Hospitals, in Branch No. 7 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries. Some offices are in process of expansion.

ILLINOIS

Type of Activity, Location, Address

Regional Office, Chicago 6, 366 West Adams Street.
Contact Office, Aurora, 44½ Downer Place.
Contact Office, Elgin, 11 South Spring Street.
Contact Office, Joliet, 58 Chicago Street.
Contact Office, Kankakee, Arcade Building.
Contact Office, Waukegan, 325 Washington Street.
Subregional Office, Centralia, 137 North Locust Street.
Contact Office, Effingham, National Hotel Building.
Contact Office, Harrisburg, 1 North Vine Street.
Contact Office, Mount Vernon, Grigg Building.
Contact Office, Olney, 108 York Street.
Subregional Office, Danville, 6 West Seminary Street.
Contact Office, Matoon, 1521 Charleston Avenue.
Contact Office, Urbana, 135 West Main Street.
Subregional Office, East St. Louis, 435 Missouri Avenue.
Contact Office, Cairo, Post Office Building.
Contact Office, Carbondale, 205½ West Main Street.
Contact Office, Litchfield, 108 East Kirkham Street.
Subregional Office, Gary, Indiana, City Hall Building.
Contact Office, Gary, Ind., Post Office Building.
Contact Office, Hammond, Ind., County Courthouse.
Contact Office, LaPorte, Ind., First National Bank Building.
Subregional Office, Moline, 1630 Fifth Avenue.
Subregional Office, Peoria, 517 Fulton Street.
Contact Office, Bloomington, 427 North Main Street.
Contact Office, Galesburg, 311 East Main Street.
Subregional Office, Quincy, 510 Maine Street.
Contact Office, Macomb, 232 East Jackson Street.
Subregional Office, Rockford, 301 South Main Street.
Contact Office, Dixon, 119 Hennepin Avenue.
Contact Office, Freeport, 2–4–6 East Stephenson Street.
Contact Office, La Salle, 206 Marquette Street.
Subregional Office, Springfield, 410 East Monroe Street.
Contact Office, Decatur, 132 South Water Street.
Contact Office, Jacksonville, 205 East Morgan Street.
Hospital, Danville, Veterans Administration Hospital.
Hospital, Downey (near Waukegan), Veterans Administration Hospital.

Hospital, Dwight, Veterans Administration Hospital.
Hospital, Hines (near Maywood), Veterans Administration Hospital.
Hospital, Marion, Veterans Administration Hospital.
Supply Depot, Hines, Veterans Administration Supply Depot.

INDIANA

Regional Office, Indianapolis 4, 36 South Pennsylvania Street.
Contact Office, Anderson, 27 West Twelfth Street.
Contact Office, Bloomington, 114 East Fourth Street.
Contact Office, Greensburg, 105 East Main Street.
Subregional Office, Evansville, Post Office Building.
Contact Office, Jasper, County Court House.
Contact Office, Vincennes, City Hall Building.
Subregional Office, Fort Wayne, 116 East Wayne Street.
Subregional Office, La Fayette, Post Office Building.
Subregional Office, Muncie, 1128 South Mulberry Street.
Contact Office, Richmond, Morton Center.
Subregional Office, South Bend 2, 224 West Jefferson Street.
Subregional Office, Terre Haute, 601 Ohio Street.
Hospital, Indianapolis 44, Veterans Administration Hospital.
Hospital, Marion, Veterans Administration Hospital.

WISCONSIN

Regional Office, Milwaukee 2, 342 North Water Street.
Contact Office, Kenosha, 520 Fifty-eighth Street.
Contact Office, Milwaukee, 901 North Ninth Street.
Contact Office, Racine, Post Office Building.
Subregional Office, Eau Claire, 112–118 Mappa Street.
Contact Office, Rice Lake, 102½ Main Street.
Subregional Office, Green Bay, 401 East Walnut Street.
Contact Office, Appleton, Court House Building.
Contact Office, Fond du Lac, City Hall, 76 East Second Street.
Contact Office, Marinette, 1825½ Hall Avenue.
Contact Office, Oshkosh, 80 Washington Boulevard.
Contact Office, Sheboygan, 601 North Eighth Street.
Subregional Office, La Crosse, Post Office Building.
Subregional Office, Madison 5, 901 University Avenue.
Contact Office, Platteville, City Hall.
Subregional Office, Superior, Post Office Building.
Contact Office, Ashland, 209 Vaughn Avenue.
Subregional Office, Wausau, Courthouse Annex.
Contact Office, Rhinelander 8–A S. Brown St.
Contact Office, Stevens Point, 610 Clark St.
Hospital, Mendota, Veterans' Administration Hospital (near Madison).
Center, Wood, Veterans' Administration Center
Hospital, Waukesha, Veterans' Administration Hospital.

§ 01.67 *Addresses of Veterans' Administration regional offices, subregional offices, contact offices, centers, and hospitals in branch No. 8 area.*

IOWA—MINNESOTA—NEBRASKA—NORTH DAKOTA—SOUTH DAKOTA

Address of Branch Office No. 8: Deputy Administrator, Veterans Administration Branch Office No. 8, Fort Snelling, Saint Paul 11, Minn.

This is a guide to the location of all VA Regional Offices and Centers, Sub-Regional Offices and Contact Offices thereunder, and Hospitals, in Branch No. 8 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries. Some offices are in process of expansion.

IOWA

Type of activity, location, and address

Center (Regional Office and Hospital), Des Moines 10, Veterans' Administration Center.
Contact Office, Algona, McEnroe Building.
Contact Office, Ames, 131 Main Street.
Contact Office, Atlantic, 15–17 East Sixth Street.
Contact Office, Centerville, 100 West Van Buren Street.
Contact Office, Chariton, 107½ North Main Street.
Contact Office, Charles City, Post Office Building.
Contact Office, Creston, 114 North Maple Street.
Contact Office, Fort Dodge, 803 Central Avenue.
Contact Office, Grinnell, 830 Commercial Street.
Contact Office, Iowa Falls, 511½ Washington Avenue.
Contact Office, Jefferson, 202½ East State Street.
Contact Office, Marshalltown, 102½ West Main Street.
Contact Office, Mason City, 101 East State Street.
Contact Office, Oskaloosa, 204½ First Avenue E.
Contact Office, Ottumwa, 106 North Market Street.
Contact Office, Shenandoah, 812 West Sheridan Street.
Contact Office, Webster City, 544½ Second Street.
Subregional Office, Cedar Rapids, Paramount Theatre Building.
Contact Office, Burlington, Farmers & Merchants Bank Building.
Contact Office, Clinton, 419 South Second Street.
Contact Office, Davenport, 229 Brady Street.
Contact Office, Decorah, Utilities Building.
Contact Office, Dubuque, Bank & Insurance Building.
Contact Office, Iowa City, 104 South Clinton Street.
Contact Office, Keokuk, 402 Blondeau Street.
Contact Office, Muscatine, 324 Sycamore Street.
Contact Office, Oelwein, 36½ South Frederick Avenue.
Contact Office, Waterloo, 625 Lafayette Street.
Subregional Office, Sioux City 9, 632 Fourth Street,
Contact Office, Cherokee, 219 West Main Street.
Contact Office, Council Bluffs, Savings Bank Building.
Contact Office, Denison, 1312 Broadway.
Contact Office, Sheldon, 416 Ninth Street.
Contact Office, Spencer, 13 West Sixth Street.
Hospital, Knoxville, Veterans' Administration Hospital.

MINNESOTA

Regional Office, Minneapolis 8, 1006 West Lake Street.
Contact Office, Albert Lea, 243 South Broadway.
Contact Office, Austin, 100 West Oakland.
Contact Office, Bemidji, 302 Third Street.
Contact Office, Brainerd, 623 Laurel Street.
Contact Office, Detroit Lakes, 112½ Front Street.
Contact Office, Faribault, 229 Central Avenue.
Contact Office, Fergus Falls, 104 South Court Street.
Contact Office, Mankato, 203 South Second Street.
Contact Office, Montevideo, 304 First Street.
Contact Office, Rochester, 404 South Broadway.
Contact Office, Thief River Falls, 114 North La Bree Avenue.
Contact Office, Tracy, City Hall.
Contact Office, Willmar, 512 Benson Avenue West.
Contact Office, Winona, 51 East Third Street.
Contact Office, Worthington, 906 Third Avenue.
Subregional Office, Duluth 2, 120 North Fourth Avenue W.
Contact Office, Hibbing, 1937 Fifth Avenue E.
Contact Office, International Falls, 345 Third Street.
Contact Office, Virginia, 302 Chestnut Street.
Subregional Office, St. Paul 7, Commerce Building.
Contact Office, South St. Paul, 210 Third Avenue N.
Hospital, Minneapolis 6, Veterans' Administration Hospital.
Hospital, St. Cloud, Veterans' Administration Hospital.

NEBRASKA

Regional Office, Lincoln 8, Sharp Building.
Contact Office, Ainsworth, 155 Main Street.
Contact Office, Alliance, 114 East Fourth Street.
Contact Office, Beatrice, Post Office Building.
Contact Office, Falls City, 1711½ Stone Street.
Contact Office, Grand Island, 314½ North Locust Street.
Contact Office, Hastings, Post Office Building.
Contact Office, Kearney, City Hall Building.
Contact Office, McCook, 322½ Main Avenue.
Contact Office, Nebraska City, 801 First Corso.
Contact Office, North Platte, 522½ Dewey Street.
Contact Office, Scottsbluff, 1604 Broadway.
Contact Office, Sidney, Western Drug Co. Building.
Subregional office, Omaha, 1817 Douglas Street.
Contact Office, Columbus, 2522 Fourteenth Street.
Contact Office, Fremont, Auditorium Building.
Contact Office, Hartington, City Auditorium.
Contact Office, Norfolk, 111 South First Street.
Hospital, Lincoln 1, Veterans' Administration Hospital.

NORTH DAKOTA

Center (regional office and hospital), Fargo, Veterans' Administration Center.
Contact Office, Bismarck, 318 Main Street.
Contact Office, Devils Lake, Fourth Avenue and Fourth Street.
Contact Office, Fargo, 114½ Roberts Street.
Contact Office, Grand Forks, 102 North Fourth Street.
Contact Office, Jamestown, 222½ First Avenue S.
Contact Office, Minot, 104 First Avenue SW.

SOUTH DAKOTA

Regional Office, Sioux Falls, Veterans' Administration Regional Office.

Contact Office, Aberdeen, 115 South Main Street.
Contact Office, Rapid City, 521 South Eighth Avenue.
Hospital, Fort Meade (near Sturgis, Meade County), Veterans' Administration Hospital.
Center, Hot Springs, Veterans' Administration Center.

§ 01.68 *Branch No. 9 Area.*[1]

§ 01.69 *Branch No. 10 Area.*[1]

§ 01.70 *Addresses of Veterans' Administration Regional Offices, Subregional Offices, Contact Offices, Centers, and Hospitals in Branch No. 11 Area.*

ALASKA—IDAHO—MONTANA—WASHINGTON

Address of Branch Office No. 11: Deputy Administrator, Veterans' Administration Branch Office No. 11, 821 Second Avenue, Seattle 4, Wash.

This is a guide to the location of all VA Regional Offices and Centers, Subregional Offices and Contact Offices thereunder, and Hospitals, in Branch No. 11 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries. Some offices are in process of expansion.

ALASKA

Type of activity, location, and address

Regional Office, Juneau, Goldstein Building.
Contact Office, Ketchikan, Commercial Building.
Subregional Office, Anchorage, P. O. Box 1399, Federal Building.
Contact Office, Fairbanks, Veterans' Administration.

IDAHO

Regional Office, Boise, National Guard Barracks Building.
Contact Office, Blackfoot, 202 West Bridge Street.
Contact Office, Burley, Albion and Third Streets.
Contact Office, Idaho Falls, Post Office Building.
Contact Office, Nampa, Post Office Building.
Contact Office, Pocatello, Post Office Building.
Contact Office, Twin Falls, 102 Main Avenue, South.
Contact Office, Weiser, Post Office Building.
Subregional Office, Moscow, Post Office Building.
Contact Office, Coeur d'Alene, Post Office Building.
Contact Office, Grangeville, 210 Main Street.
Contact Office, Kellogg, Hutton Building.
Contact Office, Lewiston, Post Office Building.
Contact Office, Sandpoint, Post Office Building.
Center, Boise, Veterans' Administration Center.

MONTANA

Regional Office, Fort Harrison, Veterans' Administration Regional Office.
Contact Office, Anaconda, U. S. E. S. Office.
Contact Office, Bozeman, 2 West Main Street.
Contact Office, Butte, Park and Main Streets.
Contact Office, Glasgow, 501 First Avenue South.
Contact Office, Great Falls, 300 Central Avenue.
Contact Office, Havre, U. S. E. S. Office.
Contact Office, Kalispell, Whipps Block, Main and Third.
Contact Office, Missoula, 240 North Higgins Avenue.
Subregional Office, Billings, Post Office Building.
Contact Office, Glendive, U. S. E. S. Office.
Contact Office, Lewistown, U. S. E. S. Office.
Contact Office, Miles City, 10 North Sixth Street.
Hospital, Fort Harrison, Veterans' Administration Hospital.

OREGON

Regional Office, Portland 5, 1019 Southwest Tenth Street.
Contact Office, Astoria, Federal Building.
Contact Office, Baker, 1812 Washington Avenue.
Contact Office, Bend, 1010 Wall Street.
Contact Office, Corvallis, 306 North Madison Street.
Contact Office, Eugene, 41 West Eighth Street.
Contact Office, La Grande, 1013 Adams Avenue.
Contact Office, Pendleton, 157 South Main Street.
Contact Office, Salem, 167 South High Street.
Contact Office, The Dalles, 300 East Second Street.
Subregional Office, Medford, 107 East Main Street.
Contact Office, Klamath Falls, Court House Building.
Contact Office, Marshfield (Coos Bay), Hall Building.
Hospital, Portland, Veterans' Administration Hospital.

WASHINGTON

Regional Office, Seattle 4, Federal Office Building.
Contact Office, Aberdeen, Finch Building.
Contact Office, Bellingham, 314 East Holly Street.
Contact Office, Bremerton, 211 Second Avenue.
Contact Office, Centralia, Post Office Building.
Contact Office, Everett, 2829 Rockefeller.
Contact Office, Longview, Post Office Building.
Contact Office, Mount Vernon, Hayton Building.
Contact Office, Olympia, County Court House.
Contact Office, Port Angeles, 124 South Lincoln Street.
Contact Office, Tacoma, 909 Broadway.
Contact Office, Vancouver, 301 East Seventh Street.
Contact Office, Wenatchee, Chelan County Court House.
Contact Office, Yakima, 32 North Third Street.
Subregional Office, Spokane, Hutton Building.
Contact Office, Colfax, Court House Building.
Contact Office, Pullman, Services Building, State College.
Contact Office, Richland, P. O. Box 1101.
Hospital, American Lake (near Ft. Lewis), Veterans' Administration Hospital.
Hospital, Walla Walla, Veterans' Administration Hospital.

§ 01.71 *Addresses of Veterans Administration Regional Offices, Sub-Regional Offices, Contact Offices, Centers, and Hospitals in Branch No. 12 Area.*

ARIZONA-CALIFORNIA-NEVADA-TERRITORY OF HAWAII

Address of Branch Office No. 12: Deputy Administrator, Veterans Administration Branch Office No. 12, 180 New Montgomery St., San Francisco 5, Calif.

This is a guide to the location of all VA Regional Offices and Centers, the Sub-Regional Offices and Contact Offices thereunder, and Hospitals, in Branch No. 12 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries. Some offices are in process of expansion.

ARIZONA

Type of Activity, Location and Address

Regional Office, Phoenix, Ellis Building.
Contact Office, Flagstaff, Arizona State College.
Contact Office, Tucson, Greenway Station.
Contact Office, Yuma, 198 Main Street.
Hospital, Phoenix, Veterans' Administration Hospital.
Hospital, Tucson, Veterans' Administration Hospital.
Hospital, Whipple, Veterans' Administration Hospital.

CALIFORNIA

Regional Office, Los Angeles 25, 1380 Sepulveda Boulevard.
Contact Office, Pasadena, 137 North Marengo Avenue.
Contact Office, Pomona, 440 South Thomas Street.
Subregional Office, Bakersfield, 3801 North Chester Avenue.
Subregional Office, Long Breach, 110 West Ocean Boulevard.
Contact Office, Santa Ana, 104 West Fourth Street.
Subregional Office, San Bernardino, 1120 E Street.
Contact Office, Las Vegas, Nevada, United States Employment Service, 115 West Fourth Street.
Contact Office, Riverside, Post Office Building.
Subregional Office, Santa Barbara, 735 State Street.
Contact Office, San Luis Obispo, California Polytechnic School.
Contact Office, Santa Maria, 125 West Church Street.
Regional Office, San Diego, Post Office Box 1111.
Contact Office, El Centro, Sixth and Main Streets.
Contact Office, San Diego, 1017 First Avenue.
Subregional Office, Eureka, 507 F. Street.
Subregional Office, Fresno 1, T. W. Patterson Building.
Subregional Office, Oakland, 1305 Franklin Street.
Contact Office, Berkeley 4, 2168 Shattuck Avenue.
Contact Office, Richmond, 629 MacDonald Avenue.
Subregional Office, Redding, 526 Market Street.
Subregional Office, Sacramento, 1107 Ninth Street.
Subregional Office, San Jose, 246 South First Street.
Contact Office, Salinas, 6 West Gabilan Street.
Subregional Office, Santa Rosa, Rosenberg Building.
Subregional Office, Stockton, 313 East Main Street.
Hospital, Livermore, Veterans' Administration Hospital.
Center, Los Angeles 25, Sawtelle and Wilshire Boulevards.
Hospital, Palo Alto, Veterans' Administration Hospital.
Hospital, San Fernando, Veterans' Administration Hospital.
Hospital, San Francisco 21, Veterans' Administration Hospital.
Hospital, Van Nuys, Veterans' Administration Hospital.
Supply Depot, Wilmington, General Delivery.

NEVADA

Center (Regional Office and Hospital), Reno, Veterans' Administration Center.
Contact Office, Elko, 470 Commercial Street.
Contact Office, Ely, 612 Aultman Street.
Contact Office, Susanville, Calif., 822 Lassen Street.
Contact Office, Winnemucca, 845 Bridge Street.

[1] Text of section absent in original document.

TERRITORY OF HAWAII

Regional Office, Honolulu 1, Post Office Box 3198 (all Veterans' Administration mail to be sent air mail; C-files by registered regular mail; Radios: Patten Building).

Contact Office, Hilo, Island of Hawaii, Post Office Building.

Contact Office, Lihue, Island of Kauai, National Guard Armory.

Contact Office, Wailuku, Island of Maui, National Guard Armory.

§ 01.72 *Addresses of Veterans' Administration regional offices, subregional offices, contact offices, centers and hospitals in branch No. 13 area.*

COLORADO-NEW MEXICO-UTAH-WYOMING

Address of Branch Office No. 13: Deputy Administrator, Veterans' Administration Branch Office No. 13, Denver Federal Center (P. O. Box 1260), Denver 1, Colo.

This is a guide to the location of all VA regional offices and Centers, the Subregional Offices and Contact Offices thereunder, and Hospitals, in Branch No. 13 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries. Some offices are in process of expansion.

COLORADO

Type of Activity, Location, and Address

Regional Office, Denver 2, 1108 Fifteenth Street.

Contact Office, Boulder, 1424 Pearl Street.

Contact Office, Colorado Springs, 121 East Pikes Peak Avenue.

Contact Office, Fort Collins, 141 South College Avenue.

Contact Office, Glenwood Springs, 205 Eighth Street.

Contact Office, Grand Junction, 115 North Fifth Street.

Contact Office, Greeley, Twelfth Street and Eleventh Avenue.

Contact Office, Sterling, Post Office Building.

Subregional Office, Pueblo, 120 North Main Street.

Contact Office, Alamosa, County Courthouse.

Contact Office, Durango, 1078 Main Avenue.

Contact Office, Trinidad, 108 South Commercial Street.

Hospital, Ft. Lyon (near Las Animas, Bent County), Veterans' Administration Hospital.

Supply Depot, Denver 1 (temporary), c/o VA Branch Office No. 13.

NEW MEXICO

Center (Regional Office and Hospital), Albuquerque, Veterans' Administration Center.

Contact Office, Albuquerque, 424 West Central Avenue.

Contact Office, Carlsbad, County Courthouse.

Contact Office, Clovis, County Courthouse.

Contact Office, Gallup, 300 West Hill Street.

Contact Office, Las Cruces, Post Office Building.

Contact Office, Las Vegas, Post Office Building.

Contact Office, Raton, Post Offices Building.

Contact Office, Roswell, City Hall.

Contact Office, Santa Fe, State Supreme Court Building.

Hospital, Ft. Bayard (near Silver City, Grant County), Veterans' Administration Hospital.

UTAH

Regional Office, Salt Lake City 4, 1710 South Redwood Road.

Contact Office, Beaver, Tolton Building.

Contact Office, Logan, 29 Thatcher Building.

Contact Office, Manti, Manti Grocery Building.

Contact Office, Ogden, 2411 Kiesel Avenue.

Contact Office, Price, Post Office Building.

Contact Office, Provo, 287 East First North Street.

Contact Office, Richfield, 112 North Main Street.

Contact Office, Roosevelt, Shurtleff Hotel.

Contact Office, Salt Lake City 1, 212 South West Temple Street.

Hospital, Salt Lake City 3, Veterans' Administration Hospital.

WYOMING

Center (Regional Office and Hospital), Cheyenne, Veterans' Administration Center.

Contact Office, Laramie, Merica Hall, University of Wyoming.

Contact Office, Rock Springs, 307 C Street.

Contact Office, Torrington, County Courthouse.

Contact Office, Worland, County Courthouse.

Subregional Office, Caspter, 124 West Second Street.

Contact Office, Newcastle, Newcastle Furniture Company Building.

Contact Office, Sheridan, City Hall.

Hospital, Sheridan, Veterans' Administration Hospital.

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§ 02.22 *Precedent opinions.* Precedent opinions, published as Administrator's Decisions in a numbered series, are on file in the Central Office, Branch Offices, and regional offices of the Veterans' Administration and may be inspected at any of these offices. A copy of a specific Administrator's Decision will be furnished upon request addressed to the Publications Division, Central Office. These decisions will appear in bound volumes as soon as publication is completed.

OMAR N. BRADLEY,
General, U. S. Army,
Administrator.

[F. R. Doc. 46–16197; Filed, Sept. 6, 1946; 4:40 p. m.]

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